

Civano Neighbors Neighborhood Association *Updated* Position Statement in Response to Proposed Changes to Civano Guiding Documents

November 20, 2003

Over the last two years, a number of discussions have been held regarding Civano's guiding documents—the Development Agreement, Indemnity Agreement, Memorandum of Understanding, and Civano IMPACT System—triggered by the Community of Civano, LLC's series of proposed changes to these documents. The Civano Neighbors neighborhood association is providing this *updated* position statement to respond to the latest proposed changes (submitted August 29, 2003) and subsequent discussions with the Community of Civano, City of Tucson, Pulte Homes, and David Case.

Reiterating the Definition of Success at Civano

In our June 10, 2003 response to the first set of proposed changes, we emphasized the need for appropriate marketing—reaching homebuyers and businesses who are seeking more in a community and in a different way of living. Today, with this updated position statement, we reiterate that success at Civano is not defined in the terms of traditional home sales based on traditional marketing, but rather in terms of sustainable development, which includes adopting more sustainable living patterns and lifestyles.

Civano as One Community

Moreover, success at Civano is most probable when the entire community—all three neighborhoods and the commercial core (or town center) along Houghton and Drexel—are planned and developed holistically. The Civano Master Plan sets the stage for an integrated, sustainable community. There has never been a better opportunity for building from the lessons learned in Neighborhood 1 and crafting a plan for the successful development of Neighborhoods 2 and 3 and the Civano town center.

Community Points of Confirmation and Support

Civano Neighbors commends the Community of Civano, LLC and the City of Tucson for supporting open discussions with Civano Neighbors and other stakeholders. While there are still areas where we need confirmation, it is clear that a collaborative discourse has made this process flow smoothly. This process has allowed the full community to explore what we can accomplish at Civano through these guiding documents, presenting a unique opportunity to revise the documents in a way that strengthens community vision while providing real opportunities for

Civano's long-term success.

Civano Neighbors has four remaining points of confirmation. Once these points are confirmed, Civano Neighbors supports changes to Civano's guiding documents and the development of Neighborhoods 2 and 3 by Pulte Homes, including the condition of rezoning for the Civano II plat.

1. Master Developer

In the revisions to the Development Agreement, and in discussions with the City of Tucson, it is clear that the role of the master developer has been uncertain moving forward.

Civano Neighbors would like to confirm that there will be one master developer for Civano's three neighborhoods and commercial area along Houghton, an entity that ensures integrated planning and development across the neighborhoods and in relation to the commercial area along Houghton. Our understanding is that the master developer for Civano will be Pulte Homes, assuming the sale of Neighborhoods 2 and 3 to Pulte is completed.

2. Planning for Neighborhoods 2 and 3 and the Town Center

Civano's fundamental vision is simple: to create a mixed-use, resource-efficient, architecturally indigenous community where lessons can be learned and applied in future development across Tucson and beyond. While technologies, markets, and other conditions change, there must be a mechanism for ensuring integrated planning, development, and marketing that sustains this vision. That mechanism under current City of Tucson planning guidelines is the planned area development (PAD).

Civano Neighbors believes that a PAD, specific plan, or similar, comprehensive planning document that includes all of Neighborhoods 2 and 3 and is based in part on Civano community involvement should be created. Because of requirements in the City of Tucson Land Use Code, it is not possible for the PAD to include areas owned by more than one entity—in this case, the commercial area along Houghton. It is our understanding that Pulte has committed to creating a PAD or specific plan for Civano Neighborhoods 2 and 3, beyond its initial Civano II 50-acre plat, and included the PAD or specific plan provision as a part of the rezoning condition for this plat. **Civano Neighbors supports this approach, with the following understanding:**

- a. Construction of the row of houses on the north edge of the Civano II plat will be set aside to coordinate with planning and development of the commercial area to the north. These lots could include live/work units, and any houses would recognize and, as much as possible,

integrate with and be included in the planning of the commercial development to the north.

- b. Architectural elevation changes will be made to the Civano II Park Pointe homes (a.k.a., Seranata style homes along Houghton), with opportunity for community review prior to final determination of the elevations.
- c. Street trees will be planted between the curb and sidewalk on all Civano II streets.

3. Monitoring and Reporting

Ensuring Civano meets its sustainability goals, as detailed in the Civano IMPACT System, is accomplished in part through monitoring and reporting.

Civano Neighbors supports the provision that the master developer will provide for monitoring and reporting on the Civano IMPACT System until 75% buildout, with a final report at 95% buildout, subject to any requirements of the applicable CC&Rs. Monitoring and reporting covers Civano Neighborhoods 1, 2, and 3, as well as the commercial area along Houghton.

4. 10% Non-Profit Requirement

Proposed language in the Development Agreement (section 3.1.7) is attempting to combine the 10% profit requirement with the sewer credit. The original wording and intent of the Development Agreement and its 1997 amendment provides that both 10% of the developer's profits and a required reimbursement for sewer credits be paid to a non-for-profit organization to carry out a continuing program of research and promotion of sustainable development. Both payments to the not-for-profit are important because they cover reimbursement for the sewer credits and a payment in lieu of potential future profits to compensate for permanently removing the 10% profit-sharing provision.

We believe that the developer should make a one-time contribution in the amount of \$264,XXX within 90 days of the adoption of the revised Development Agreement to an escrow account to be paid to an entity to be specified by the Mayor and Council, to fully satisfy the prior commitments to fund further promotion of sustainable development. We urge Mayor and Council, in making this determination, to encourage the entity to provide opportunities for feedback to the general public, including reporting on its activities related to the one-time contribution. The entity should also be charged with carrying out a continuing program of research and promotion of sustainable development in the spirit and purpose of the original Development Agreement and its 1997

amendment.

Additional Modifications to the Civano IMPACT System

Additionally, Civano Neighbors supports the following proposed changes and/or additions to the Civano IMPACT System:

- Street layout will not be based on solar orientation.
- All structures shall comply with the Sustainable Energy Standard as adopted and as it may be amended.
- All structures shall be constructed so that there is minimal obstruction of solar light for adjacent properties at the level of a roof of a single story building constructed at the established set back.
- Some recycled construction materials shall be used in each structure, and programs shall be established for construction waste to be recycled, to the greatest extent feasible.
- Reclaimed water will not be available to any individual residential lots in Neighborhoods 2 and 3, and remaining residential lots in Neighborhood 1 that are not yet built. Reclaimed water will still be used in common areas in all neighborhoods.

Community Consensus

Members of the Civano Neighbors neighborhood association reached consensus in support of this *updated* position statement at the November 20, 2003 Civano Neighbors general meeting. **Once these points are confirmed, Civano Neighbors supports the proposed changes to Civano's guiding documents and the development of Neighborhoods 2 and 3 by Pulte Homes, including the condition of rezoning for the Civano II plat.**