



## **Civano Neighbors Neighborhood Association Position Statement on Civano Master PAD Formal Submittal**

**February 11, 2005**

On December 7, 2004, the Civano Neighbors neighborhood association submitted a position statement on outstanding issues to be resolved prior to finalizing the amended *Civano Master Plan* and new PADs—now called the *Civano Master PAD*. **This current position statement responds directly to the recent formal submittal of the *Civano Master PAD*, and carries forward many of the same, unresolved concerns previously submitted. It also brings to light new concerns.**

**These general areas of concern are supplemented by specific, line-by-line comments provided in the attached *Civano Master PAD MS Word 'tracked changes' document*.**

### **Overview: The Role of Civano Neighbors and the Goal of Civano**

Civano Neighbors represents a growing constituency for the neighborhoods south of Irvington Road, west of the Pantano Wash, north of Bilby Road, and east of the Harrison Road alignment/Davis Monthan Air Force Base border. Currently, there are over 450 homes and 900 neighbors, with up to another 2,000 homes and 5,000 neighbors and a predominantly commercial town center area possible. Given the visibility of the Civano project locally and nationwide, and the unique consensus model the neighborhood association uses to fully represent neighbors, it is imperative that City staff, Mayor and City Council, Pulte Homes, and other Civano stakeholders respect and act upon these remaining, significant concerns.

No matter how the *Civano Master PAD* is amended, the goal of Civano—defined in the *Civano IMPACT System Memorandum of Understanding* to which all City and developing parties have agreed—remains the same: "The goal of the Civano project is to create a mixed-use community that attains the highest feasible standards of sustainability, resource conservation and development of Arizona's most abundant energy resource—solar—so that it becomes an international model for sustainable growth."

Therefore, the *Civano Master PAD* must clearly embody and demonstrate this goal. If it does not, or if there are additions that undermine this goal, then the overall *Civano Master PAD* fails, and cannot be approved. **Civano Neighbors believes strongly that until the following concerns are favorably resolved, the *Civano Master PAD* is in violation of the *MOU* goal for Civano, and therefore must not be approved.**

### **Unresolved Issues**

Most of these unresolved issues were presented in Civano Neighbors' previous position statement, yet remain unaddressed. It is important to note that Civano Neighbors is presenting concerns based on actions or designs that simply would not be allowed in current Civano documentation, including the revised Civano guiding documents approved by Mayor and City Council on December 8, 2003. Our position remains consistent with our initial support—support upon which amendment of the original guiding documents and approval of

Pulte Homes' Civano II plat was contingent.

Five unresolved issues remain:

### 1. Public Involvement for Tentative Plat Submittal

By design, the *Civano Master PAD* is a high-level document that provides little detail about how Neighborhoods 2 and 3 (*Sierra Morado PAD District*) and the commercial town center (*Pavilions PAD District*) will actually look, feel, and function. Critical items such as individual streets, lots, streetscapes, parks and amenities, and actual pedestrian linkages are predominantly set forth in the tentative and final plats.

Early in the process, Pulte Homes committed to a collaborative discourse with Civano Neighbors and other stakeholders. However, that discourse has eroded with development of the draft *Civano Master PAD* and new Pulte Tucson Division management team that is unwilling to continue a true collaborative discourse with neighbors. Knowing this, City of Tucson Department of Urban Planning & Design staff and Civano Neighbors have discussed an additional public involvement process codified in the *Civano Master PAD* to ensure neighbors have reasonable input at the critical tentative plat and final plat submittal phases.

Therefore, **the *Civano Master PAD* must provide a mandatory public involvement process—including notification, presentation, and opportunity for feedback—for each tentative plat submittal.** The language for the public involvement process would logically occur as a new *Section G.4.c., page 127*. Civano Neighbors commits to meeting the City's required review period for feedback. Given the breakdown of the collaborative planning discourse, this is the only way to ensure neighbors have a participatory role in the buildout of the remainder of Civano. Simply adding Civano Neighbors to the notification list for Mayor and City Council reviews/approvals on final plats is not adequate.

### 2. Garage Treatment

In a February 10, 2003 memorandum from Pulte Homes Tucson Division president Bruce Stokes to Civano Neighbors association spokesperson Simmons Buntin, Pulte Homes committed that only 33% of homes in Neighborhoods 2 and 3 (*Sierra Morado*) will be front-loaded, providing for 67% of the homes to be:

- Side-loaded, defined as garage in back with side driveway; *or*
- On alleys in the rear of the home.

If the garage is in front, whether it is side or front load, it will count towards the 33%, Pulte agreed.

Section D-3.d. of the *Sierra Morado PAD District (page 84)* states that at least 67 percent of the homes will incorporate the garage treatment techniques indicated in Figure 22: Garage Treatment Examples (*page 86*). However, the "Typical Lots" classification, with its "Side-load Garage" and "Recessed Garage," is in clear violation of the agreement.

Therefore, **the "Typical Lots" can only be used in 33% of homes in the Sierra Morado PAD.** Only the "Auto Court Lots"—assuming the front door is on the

opposite side of the house from the garage—and the “Alley/Private Drive” garage treatment examples from Figure 22 qualify for use within the 67% commitment. Note that on the “Auto Court Lots” design, Civano Neighbors is also very concerned about streetscapes, and feels that this is a flawed design that will significantly decrease pedestrian orientation.

### 3. Private Streets with Gated Entries

Section C-7.a. of the *Civano Master PAD* (page 70) states, “Some areas of the project may restrict vehicular access through the use of gates.” Section D-6.a.3 of the *Sierra Morado PAD District* (page 100) specifically states that:

Any of the local street cross sections defined above may be public streets to be dedicated to the City or private streets with gated entries owned and maintained by the Sierra Morado Homeowners Association. Any gated entry private streets will be developed to public street standards based on the cross sections provided as part of the Master Plan. Neighborhoods with gated entry features will not restrict pedestrian or bicycle circulation into or through the neighborhood, but will only restrict vehicular access for added security and to minimize non-residential cut-through traffic. Adequate vehicle turn-around facilities will be provided for all gated entries.

Gated entries—no matter the reason, ownership of the roads, or contention that pedestrian and bicycle circulation will not be prevented—are antithetical to the principles, goal, and vision of Civano, and would only result in exclusive enclaves where neighbors are figuratively and literally unwelcome. Two fundamental premises of the neotraditional design upon which Civano is founded are that 1) streets are places of shared use, and 2) the design of streets should reinforce safe environments, but not at the expense of accessibility and openness. Gated entries contradict both of these principles.

**Language permitting gated entries, regardless of street type, must be removed throughout the *Civano Master PAD* and *Sierra Morado PAD District*.**

Failure to remove this language will result in a segregated community based on the principle of *exclusion by design*, a fragment of neighborhood enclaves in which true physical and social integration is not possible. While this segregation may be a goal of Pulte Homes, it cannot be a goal of or allowance by the City of Tucson.

### 4. Maintenance of Alleys and Shared Driveways

Section D-6.e.3 of the *Sierra Morado PAD District* (page 101) states: “As these are private drives, they will be recorded as joint benefit use easements and maintained by the designated homeowners association.” Given the long-term, multiple and common use of alleys and carriage lanes, and alternatively the individual use of shared driveways, ownership and maintenance should not fall to the general homeowners association, which may place a tremendous and unnecessary liability on homeowners overall.

**Rather, alleys should be maintained by the City, as are alleys in Civano Neighborhood 1. Shared driveways in the auto-court clusters and other ‘products’ like the 2-pack homes, on the other hand, should be maintained as private driveways by the respective homeowners who are served by those driveways.**

## 5. Open Space Set-Aside

Section D-6.e. (page 113) of the *Sierra Morado PAD District* (Native Plant Preservation, pages 112-113) states that the Sierra Morado PAD will comply with *Division 8: Native Plan Preservation* requirements of the *City of Tucson Land Use Code* with two exceptions:

- Including natural surface earthen pedestrian or earthen multi-use trails in the 30% natural undisturbed open space calculations
- Including Overhead Utility Easements areas that “are deemed desirable for enhancing natural undisturbed open spaces areas” and/or have a high density and variety of vegetative communities

*Division 8: Native Plan Preservation* of the *LUC*, however, states:

“The preservation and mitigation requirements of this Division shall be satisfied by the set aside of an area of the site as Natural Undisturbed Open Space (NUOS).”  
Additionally, it states: “Mitigation Requirements. A minimum of thirty (30) percent of the site shall be set aside in perpetuity as NUOS area.”

According to the open space estimates in the *Civano Master PAD*, the required 30% open space is not being met. The *Sierra Morado PAD District* includes disturbed lands—power line easements and existing trails—as open space in its calculations. However, previously disturbed lands *are not* allowed in determining NUOS, according to *Division 8* of the *LUC*. The *Civano Master PAD* also includes disturbed open spaces in Neighborhood 1 as part of the 30% set-aside open space calculation. Most washes within Neighborhood 1, though, have been disturbed and replanted with additional vegetation, which means they also do not qualify for the 30% set-aside.

Furthermore, the calculations of (redefined) open space in Table 4 (page 61) are not consistent with other parts of the document and *do not show* the 30% open space. Specifically, the total acreage is shown in Table 4 as 769, not the 818 acres described on page 9 and generally agreed to be the total size of Civano. When the full 818 acres are taken into consideration, the *Civano Master PAD* and *PAD Districts* do not “meet or exceed 30% natural open space” as claimed in C-4.c; the natural open space is actually 29.85%.

**The “30% Set-A-Side method” referred to in the *Civano Master PAD* is not an acceptable method for plant preservation in Sierra Morado’s Units 2, 3 and 4.** Thirty (30) percent Natural Undisturbed Open Space (NUOS) is not available in order to meet the requirement of using that method of plant preservation. The “Full-Inventory method”, employed in Sierra Morado’s Development Unit 1, resulted in the salvaging of usable plant material and the establishment of the temporary holding nursery. The future transplanting of all high viability and medium viability plants from within Unit 1 will be the result of this action. The 30% Set-A Side method would result in *no* plants other than protected native plants, saguaros and ironwoods, being salvaged and transplanted. Since the *Sierra Morado PAD District* itself does not contain 30% Natural Undisturbed Open Space, however, it is a moot point. A superior salvage operation was carried out in Unit 1. **Therefore, the salvage and plant storage operation that occurred in Sierra Morado’s Unit 1 must be continued in Sierra Units 2, 3 and 4 in order for the 30% open**

### **space preservation requirements to be met.**

Language stating that Units 2, 3 and 4 will utilize the Full-Inventory method employed for Development Unit 1 must be included. Additionally, this section must add: "This plan will maximize the number of plants to be salvaged, transplanted on site, and/or preserved in place." Finally, the two exceptions in D-6.e. (last bullets on *page 113*, reference above) must be removed.

## **Conclusion**

The City of Tucson has an obligation to ensure that the *Civano Master PAD* and its respective *PAD Districts* meet the fundamental goal of Civano, as defined in the *MOU*, as well as the requirements of Civano's other guiding documents, including the *Civano IMPACT System* and *Civano Development Agreement*. Additionally, the City has an obligation to other stakeholders, including the Arizona State Land Board, the Tucson-Pima County Metropolitan Energy Commission, and the Civano Neighbors neighborhood association.

Since Pulte Homes became master developer, and is developer of a major portion of Civano, it, too, has an obligation to meet the Civano goal. This obligation supercedes the corporate goal of maximizing profits, a point further emphasized by the dual support of the City and Civano Neighbors for removal of the 10% profit donation requirement of the original *Civano Development Agreement*.

The continuing significant concerns—outlined in this document—are cause for alarm. Because the *Civano Master PAD* fully replaces the existing *Civano Master Development Plan*, it serves as the fundamental visioning and planning document for the buildout of Civano. By discounting public involvement; violating an agreement of garage placement previously reached between Pulte Homes and Civano Neighbors; providing for exclusionary, segregated neighborhoods through the use of gated entries; increasing the liability of future homeowners associations; and not meeting stated open space requirements, the *Civano Master PAD* in its current form fails to meet either the visionary or planning objectives of a master plan for the Community of Civano.

Fortunately, the outstanding issues are resolvable. Indeed, the City of Tucson has an absolute obligation to resolve these concerns before allowing the *Civano Master PAD* to move forward to the Zoning Examiner. Pulte Homes, as master developer, has that obligation, as well.

We look forward to receiving an appropriately revised *Civano Master PAD*.

### **For further information, please contact:**

Rick Hanson  
Association Spokesperson  
Civano Neighbors Neighborhood Association  
520.546.2928  
[rickandlinda@cox.net](mailto:rickandlinda@cox.net)

Robin Steel  
Chair, Pulte Working Group  
Civano Neighbors Neighborhood Association  
520.393.3775  
[robinsteel@cox.net](mailto:robinsteel@cox.net)