

Catalina Foothills Association

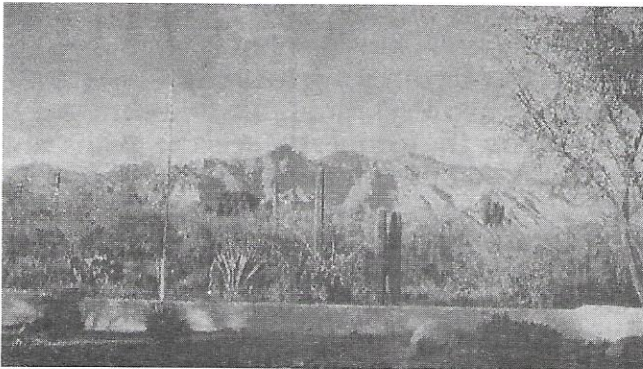
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www.catalinafoothillsassociation.org

Devoted to the preservation of the unique residential character of the Catalina Foothills for over 47 years

President's Message: Why Do We Have Restrictive Covenants?

In recent years, the Catalina Foothills Association ("C.F.A.") has been trying to have CC&Rs reinstated in those areas of the Catalina Foothills Estates where they are no longer in effect. These areas are Catalina Foothills Estates #1, #2, and #4. A majority of the homeowners of Area number 3 has opted to sign on to a new, simple set of restrictive covenants.

Our efforts of late have been focused on Catalina Foothills Estates #1, but we have been met with a very lukewarm response; not more than 5% (!) of the area's 191 homeowners were willing to sign even an elementary, not-very-restrictive set of restrictive covenants. Most people either just don't care, or they are worried that they will forfeit some of their rights as property owners. "After all," they say, "What could *possibly* happen to my property if I *don't* protect it in this way?"



Before



After

The photographs (reprinted by permission from the *Tucson Citizen*) above illustrate exactly "what could *possibly* happen." In fact, it is happening right now along Camino Luz. The new owner of a property on Camino Luz put up an 8-foot-high wall just four feet from the property line of her neighbors to the south, completely obstructing said neighbors' views of the Santa Catalina Mountains. This wall would not have been allowed to be built in areas of the Catalina Foothills Estates which have retained their protective covenants (Areas 5, 6, 7, 8 and 9).

This is the reason for covenant and restrictions. This is our opportunity to make the beautiful Foothills a place where we all want to live.

A basic set of proposed restrictive covenants was sent to all area 1 owners with the last newsletter. If you have put your copy of covenants in some stack of paper to be dealt with later, now is the time to give it your attention. Please take some time to look it over and call Sue Brinkmeyer at 577-6208 or Jane Hoffmann at 327-9693 if you have any questions. A notarized signature is necessary to complete your commitment. Mail your signed copy to the Catalina Foothill Association; the address is at the bottom of the CC&Rs recitals. If you do not have a copy contact Jane Hoffmann. If you would like to help in this effort, or if you know of anyone who would like to help, please call Sue Brinkmeyer or Jane Hoffmann.

New Concerns at Corner

by Katherine Jacobson

With the negotiated settlement announced last month, *The Desert Leaf* reported on the size and design of the proposed Westcor development on the northwest corner of Skyline and Campbell. Attention now is drawn to the two vacant parcels on the southeast and southwest corners of the intersection.

Peter Aronoff reports that Scotia Group Ltd. purchased the southeast corner and is currently in the process of selecting an architect to design its project.

On the CB1 portion of that property, he envisions a restaurant, offices, and a few retail shops for neighborhood use. Several banks have also contacted him to place a branch at the corner.

He anticipates that an inn-style hotel will be located on the TR portion, which is the eastern-most and sloped side of the property.

Sketches, general site plans, and elevations should be available for view and comment before the end of the year. He is optimistic that construction will start by the fall of 2002 with occupancy to follow before Christmas of 2003.

Aronoff's work may be familiar to Foothills residents. He is the president of A.F. Sterling, the homebuilder with numerous projects completed or underway from Orange Grove to Pontatoc. His companies are also the owners

of the last blocks of undeveloped residential land in La Paloma.

An ownership change is likely for the southwest corner where El Cortijo has had an option to buy, but had not proceeded with development plans. A group headed up Mike Hanson, owner of NCH Corporation, now has this land in escrow. He is well underway in designing another mixed use center that will include offices, retail space, and restaurants.

Preliminary drawings by architect Kevin Howard show buildings in a Spanish colonial style clustered around the wash that runs through the center of the property. The wash itself will remain undeveloped with its natural vegetation undisturbed. Howard is currently waiting for more detailed technical data such as native plant counts and floodplain analysis and then will prepare elevations and scale models of the buildings.

Howard plans a public meeting around the end of October with neighbors and the larger community. People would be invited to come onto the property, see the plans and drawings, compare elevations to existing views, and offer suggestions for changes.

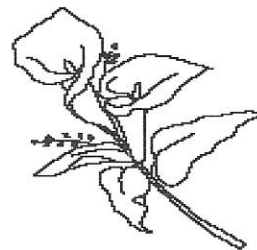
Mike Hanson has recently completed an office complex at 6850 North Oracle Road. He has another project under construction directly across the street from that office center.

Thank You!

David Elwood

We thank Dave Elwood for more than 18 years of energetic and faithful service to the C.F.A. David has almost singlehandedly managed our Architectural Review process for all of those years. Fortunately for its residents, David still serves as a member of the Board of Directors of Catalina Foothills Estates #7.

Thank You!



George Kiersch

It is with deep sadness that we report the death of George Kiersch. George was an informative and influential member of the C.F.A. for more than 20 years! He will be greatly missed.

Westcor Shopping Center — Update

For those of you who were away this summer or who missed news of the final agreement between the Skyline/Campbell Community Coalition (“SCCC”), Pima County, Westcor and the Catalina Foothills Estates Partnership #2 (Murphey Investment Trust), we print below a summary of agreements as stated in a letter from Pima County Administrator Chuck Huckleberry to Geoff Swett, President of the SCCC:

“I know that you and other members of the Coalition leadership have, at numerous times, been frustrated by this process and have expressed concerns during these negotiations. I respect your concerns, however, I believe that you should also understand that, without your intervention and persistence, many of the critical and substantive concessions made by Westcor would never have occurred. Below are listed a few of the major points that I believe are significant concessions by Westcor that were effectuated by the Coalition:

- A total amount of building area that is approximately one-half of that which could be achieved on this site under normal CB-1 allowances.
- The prohibition of all noisy, obnoxious, or high-intensity uses that are normally permitted by Code under CB-1, including movie theaters, game arcades, and all auto-related activities.
- Building setbacks that are up to ten times larger than those required under CB-1, with the majority of the project having building setbacks in excess of 200 feet.
- Building height limitations that are significantly more restrictive than those stipulated in the former Mamana agreement, and a resultant overall visual impact that is appreciably less than that which could have occurred under it.
- A network of perimeter landscape buffers that far exceed those required by the County’s landscape and screening ordinance. The largest required buffer under this existing ordinance is 40 feet. This reflects the effective minimum buffer on the La Encantada project, with many landscape buffer areas exceeding 150 feet in width.
- The preservation of a full two-thirds of the project’s Skyline Drive frontage as natural or landscaped area. The preservation of 100 percent of the project’s Avenida de Posada frontage as untouched natural area.
- The complete preservation of the western wash (and its tributary) along Avenida de Posada as a delineated ‘undisturbed natural area,’ as well as the prohibition of any developer activity within it.
- The establishment of a formal Architectural Review Committee (ARC) that shall have the charge of ensuring the overall architectural and design quality of the project.
- The implementation of an intensive monitoring program during the entire construction process, so as to ensure that the built project is in full conformance with all terms and conditions of the Agreement.
- The assurance that all necessary traffic improvements to Skyline Drive and Campbell Avenue are physically constructed and essentially complete prior to the issuance of the project’s final Certificate of Occupancy.

In my 25 years of dealing with neighborhood and development disputes, I have never experienced a similar commercial project where so many significant concessions were made by a developer to the neighborhood. In fact, I know of no commercial development, anywhere in Pima County, that has over 34 percent of the commercially zoned property remaining in a natural state. I know that you will have members of the Coalition who will not be satisfied with this agreement, however, I believe that you and the leadership of the Coalition have done an outstanding job in representing the interests of Coalition members. I commend your efforts.”

The Settlement agreement was unanimously approved by the Board of Supervisors on August 20. The complete letter and text of the agreement is available through Supervisor Ann Day’s office (740-8126).

[*ed. note:* All documents of the Agreement were to be signed by October 22, 2001; at Westcor’s request, the judge extended the deadline to November 15, 2001.]

The CFA Web Site

Over 50% of America now uses the Internet. The CFA realizes that we need to make available current and archived Foothills information electronically.

At present we have the following material available on our web site: www.catalinafoothillsassociation.org.

- E-mail addresses for all the CFA board members. You may email them with your concerns and issues.
- A brief history of the Foothills written by two long-term residents.
- Our latest newsletter and last year's issues, so you can catch up with what's happening.
- Coming soon will be an assortment of links to Tucson and Pima County sites.

Well, that's a start. But, this was conceived as a community site and we need your input. What are the things you would like to see? Do you have something about the community we can post? Should we have a Foothills message board where you and your neighbors can discuss issues directly? We look forward to your suggestions.

Please send me your input at webmaster@catalinafoothillsassociation.org.

Who Is the C.F.A.?

The Catalina Foothills Association is a homeowners' organization which was begun in 1952, when this area of the Catalina foothills was in its relative youth. The goal of the Catalina Foothills Association ("CFA") remains the same to this day: maintaining the highest possible standard for quality of life for the people who live in our neighborhood (the Catalina Foothills). That is our *only* goal; we have no political or social agendas. We are unpaid volunteers who happen to live in the Catalina Foothills and we want to preserve and protect the unique qualities that this area of the Sonoran Desert affords its residents.

The C.F.A. and Catalina Foothills Estates #5 and #6

John W. Murphey, Founder and President, developed the and controlled the original Catalina Foothills Estates subdivisions, enforcing their Covenants (Deed Restrictions, AKA "CC&Rs") from 1930 to 1979. As of January, 1979, the Catalina Foothills Association ("CFA") entered into a signed, notarized, and recorded agreement with Catalina Foothills Estates for the transfer of the authority (referred to as the Reversionary Rights) to enforce all Covenants in Catalina Foothills Estates ("CFE") 1 through 6. CFE 7, 8 and 9, developed later, were given their own associations with the authority to enforce *their* Covenants.

The Covenants for CFE areas 1, 2, 3, and 4 became invalid as of 1980, due to legal difficulties. Not long thereafter, a vigorous attempt to have these Covenants re-instated failed. However, area 3 reinstated a basic set of CC&Rs.

The Covenants of Catalina Foothills Estates 3, 5 and 6 legally continue indefinitely, and are enforced by the Catalina Foothills As-

sociation.

Because the C.F.A. is the only homeowners' association for Catalina Foothills Estates Areas 3, 5 and 6, we are including in this newsletter a summary of deed restrictions for those two areas for your review. Area 3 has more basic CC&Rs, which include many restrictions held by areas 5 and 6.

If you are a new resident in Area 5 or 6 and you would like a complete list of the deed restrictions, or if you are just interested in how you can help maintain the quality of our neighborhood, please call your title company for a copy.

These limitations are stated in a document entitled *Declaration of Protective Covenants*. They are officially filed as binding, a condition of property ownership, and stay with the property for succeeding owners. For your convenience, a partial summary of important provisions is listed below.

Summary of Deed Restrictions: Catalina Foothills Estates Areas 5 and 6

(Note: This list has been generalized. For specific information, please see the original documents, mentioned above.)

1. Building sites are limited to a single-family dwelling, for private residential use only. (A second house is permitted only if the lot consists of 8 acres or more, and then only upon application.)
2. All original building or remodeling plans, including swimming pools, fences, walls, driveways, or any other structures (e.g., satellite dishes) must obtain prior approval from the C.F.A.†
3. No stable or corral may be erected upon any lot until and unless permission has been granted and the plans for, and location of, such structures have been approved.†
4. No dwelling, swimming pool or garage may be erected closer to the property line than is permitted for that area. No fence, wall or hedge may exceed 6 feet in height, and none may exceed 4 feet if closer than 30 feet to the property line.
5. All heating and cooling equipment must be concealed and not located on the roof or a wall. (This has been changed to permit cooling equipment *if applied for in advance, screened from view in all directions, and approved by the Architectural Review Committee.*)†
6. All clotheslines, wood-piles, trash cans and mechanical equipment must be concealed from view.
7. No temporary house, house trailer or commercial equipment may be placed on the property. Boats, campers, trailers and motor homes must be stored in an enclosed structure or screened from view.
8. No lot shall be used for storage or dumping of rubbish (This includes the dumping of plant cuttings into arroyos or down hillsides.)
9. No billboards or advertising signs of any kind shall be permitted, except a nameplate of the occupant, identifying lot markers, or, during construction, the name of the building contractor.
10. Exterior lights may not be directed toward surrounding properties.
11. Native growth, including cacti and Palo Verde trees must be maintained.
12. Tanks for gas, oil, etc. must be buried or walled-in.
13. No business of any nature may be conducted on the premises.
14. No animals or fowl, except domestic pets, may be kept.
15. Television and radio antennae shall not exceed 10 feet above the roofline.

†The process of submitting plans to the Architectural Review Committee of the CFA is:

Architectural Review Submittal Requirements

1. Drawings describing the nature and extent of the proposed improvements, necessarily including:
 - **Floor Plan** or **Plan** of the improvements.
 - **Site Plan** showing the location of the proposed improvements on the property, existing structures, and other improvements, and the 30-foot setback line.
 - **Elevations** showing heights above grade, finish materials, and location of any architectural features.
2. Color samples or descriptions of the materials if they are a natural material, i.e., burnt adobe or clay tile.
3. Contact for questions and submittal location:



Kent Bogott, Architect
Catalina Foothills Association
Architectural Review Committee
(520) 299-1480

Catalina Foothills Association

2001 Board of Directors

Here's who we are:

NAME	AREA	TELEPHONE
Sterling Torrance, President	7	299-9026
Lera Gates, Vice-President	2	299-6266
Dr. Jerry Leroy, Vice-President	5	299-2620
T.S. Edison, Sec./Treasurer	5	299-2712
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