

**Melissa Whitney**

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**From:** Tony Cas [REDACTED]  
**Sent:** Monday, May 11, 2020 12:51 PM  
**To:** COB\_mail  
**Subject:** P19RZ00012, N La Cholla Boulevard Rezoning  
**Attachments:** Viewshed Elim Compiled Corresp Apr\_May 2020.pdf

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This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

\*\*\*\*\*

Dear Clerk of the Board,

I believe the Board of Supervisors may have been copied with a portion of the correspondence related to the elimination of our viewshed and substantial visual impact which would occur as a result the proposed rezoning, but I wanted to make sure all related correspondence was received. In this regard, please find that I have compiled the correspondence to the single document attached.

Please do not hesitate to contact me if any problems are experienced with this submittal. Thank you.

Best regards,

Tony Casagrande  
Consulting Engineer

2222 W La Cresta Road  
Tucson, AZ 85742  
[REDACTED]

PHX11720MCP43FCCLKU-BD  
ALW

**Re: Rezoning at NWC of La Cholla Boulevard @ Overton Road; Viewshed Elimination**

JIM PORTNER &lt;jportner@projectsintl.com&gt;

Thu 5/7/2020 11:07 AM

To: Tony Casagrande [REDACTED]

Cc: Terri Tillman &lt;Terri.Tillman@pima.gov&gt;; Chris Poirier &lt;chris.poirier@pima.gov&gt;; Tom Drzazgowski &lt;thomas.drzazgowski@pima.gov&gt;

 1 attachments (1 MB)

Project Intl\_J Portner Letter 4May20 response.pdf;

Hi Tony:

Your write a good letter and your most recent effort (attached) is no exception. I've contemplated it a good deal.

In the end, Tony, this to me is one of those things on which we'll have to agree to disagree. Your continued efforts on the topic of views seem to be premised upon the notion that we are somehow obliged to assist in your continued analysis of them, or otherwise obligated to ensure view protection or preservation to your satisfaction. As I've explained before, we bear no such obligation, legal or otherwise.

All of the information you're now formally requesting from us, via your letter, to assist in your analysis is not brought to final form until much later in the development process, specifically during the subdivision platting, engineering, and building-permit phases. We will not accelerate all of that work to the present.

I maintain once more that, in conjunction with this rezoning, we have already given significant, material and more than sufficient consideration to the views of those property owners adjacent to the west of us (you included) by way of our 100' buffer/setback and our voluntary commitment to the one-story limitation of our westernmost bank of lots.

To the extent that you find those measures insufficient, you can continue your analyses to whatever extent you see fit.

At this point, I stand on the voluminous information already comprising the public record of this rezoning application. It far exceeds that which is normally provided at the rezoning stage, and I will not commit to now providing even more additional detail and information (whether related to view analyses or anything else) as may be defined or requested by others.

I'm copying Chris Poirier (County Planning Official) and Tom Drzazgowski (Chief Zoning Inspector) on this simply because they'll be representing staff at the Board of Sups hearing and so it's appropriate for them to be apprised of my response to your letter.

Regards,

jp

*P.S. — As a point of note from your letter, please understand that the purpose and focus of Section II.F.4 (p. 60) of our Site Analysis falls directly out of the County's Site Analysis guidelines and checklist. The purpose and focus of this section is not the protection or preservation of views enjoyed by adjacent residents. It is to discuss whatever methods are being employed to mitigate the visual impacts of the proposed project. Our Site Analysis mentions the views enjoyed by our neighbors simply because we always attempt to voluntarily give some consideration to same. Regarding your concern as to the plantings within our buffer, these will be transplanted specimens salvaged from our property, together with additional materials exclusively from the County's approved plant list and, no, there will not be a height limit imposed on landscape plantings.*

Jim Portner, Principal  
Projects International Inc.  
**Street/Mail/Delivery Address:**  
10836 E. Armada Lane  
Tucson, AZ 85749-9460  
[REDACTED]  
**Office Fax** 520.760.1950  
**Website** [www.projectsintl.com](http://www.projectsintl.com)

On May 4, 2020, at 4:13 PM, Tony Cas [REDACTED] wrote:

Hi Jim,

Please find the attached response and request for data.

Best regards,

Tony Casagrande

2222 W La Cresta Road  
Tucson, AZ 85742  
[REDACTED]

4 Mar 2020

Jim Portner, Principal  
Projects International Inc.  
10836 E Armada Lane  
Tucson, AZ 85749-9460

REF: P19RZ00012

Good afternoon Jim,

Many thanks for your response dated 27 Apr 2020. In review of this, I must disagree that my photo simulations *“considerably exaggerate the rooftop peak heights of our future one-story homes and, in doing so, portray a monolithic extent of viewshed impact that is far worse than will prove out in reality”*. I contend the impact would effectively be the same as illustrated my photo simulations.

While my photo simulations are somewhat simplified at this point based on the scant data which is available to me, the black horizontal lines I have added are not slope corrected (moving from the east to the northwest) to reflect the approx. 3% grade in topography for the row of homes along the western property line of the proposed project. In this respect I would further contend that the impact would be even more significant than portrayed.

Per our previous correspondence where you mentioned that you needed to understand *“the existing verticality out there”*, I tend to think of this in simple terms in that the base elevation of my home is lower than approx. 93% of the lots in the proposed project (~129 of 139) based on elevation of natural ground as it exists. Given grading and fill *“to accommodate drainage”* and FEMA related considerations, project subgrade and home elevations will ultimately increase significantly above natural ground.

With respect to the portrayal of a *“monolithic extent of viewshed impact”*, I would note that as my home is oriented NE – SW, other than for a small handful of proposed homes to the SE/E, the viewshed impact will largely manifest as being monolithic given that the ridgelines of these homes would be viewed at an angle of approx. 45°, and as zero-lot-line spacing will almost certainly be employed. This would be typical to the Montaretto Estates which you have referred to numerous times, where the lot sizes are the same as those proposed in this project and the homes are about 10' apart. While the topography at Montaretto is essentially level rather than 3%, a couple of indicative photos of the nearly monolithic extent of similar views there are illustrated below:



Additional to grading/terracing and overall height/elevation, the setback from the rear of the lot will be a controlling factor, and I believe this to be accurate as you made no mention and it is similar to Montaretto. I also have concerns that the next row of homes to the east might be tall enough to be even more impactful than single-story if they were to be two-story homes.

While the commitment to restrict the 27 western lots to single-story is appreciated, unfortunately I don't consider this to be an equitable solution as the impact I have portrayed is based on single-story. As the burden of proof related to this issue appears to rest with me, I have decided to initiate a Visual Impact Study and as such, please find this formal request for the following data related to the proposed project:

- Simple closure drawings with general dimensions (plan & sections) for the single-story models which would be offered in the proposed project, and as will be located for the lots labelled Lot #72 thru 98 and Lot #23 thru 27 (Lot numbers from Bogardus 118003 2/24/2020 Preliminary Perimeter Drainage Exhibit Keymap).
- Whether "Build to Order" marketing will be employed including the option for increased ceiling height (similar to Montaretto Estates and other kb Home subdivisions), and if so the Lot #s where this will be exercised along with any dimensional changes related to the closure drawings.
- Lot layout (plan) with dimensions for the designated model showing home position within the lots labelled Lot #72 thru 98 and Lot #23 thru 27
- Grading & terracing plan with final elevations (i.e. inclusive of any fill required or necessary above the BFE)
- Grading plan along the west project boundary/property line (please note that the typic Bogardus section would be applicable and grading would be required from your property line to accept sheet flow from west, except in the limited areas where my ground is higher than yours), the type of vegetation/trees that will be planted/transplanted and whether any height restrictions on these would be imposed on the prospective HOA, how this would be enforced and by whom, etc.

NOTE: The data list requested above should not be considered exhaustive as additional data may be required related to 2-story homes for Lots #51 thru 71.

Receipt of this data at the earliest convenience will be appreciated. With respect to the last bullet, please understand that my primary concern here does necessarily not rest with whether we see *"new homes in the foreground, partially visible through the 50' of natural vegetation we're preserving along our western boundary"*, but with unmaintained trees allowed to grow to heights which would even further impact what little of our viewshed might remain.

In regard to the P.S.S., thank you for this information. I will review the OCL/Dark Sky Ordinance to see if it might address my concern regarding outdoor wall mounted flood lights similar to Montaretto Estates, illuminating back yards and/or patios. As virtually all of the proposed homes are at a higher elevation than us, they might shine directly to our patio/great room/bed rooms/etc.

While a Visual Impact Study may seem excessive, we feel the severity of impact which is far in excess of what would result with current zoning and on-site NOS, warrants completion. It is ironic that the name of the proposed project is "Vista del Oro" or View of Gold, when our viewshed would be eliminated.

Per the protocol, this letter is also copied to Terri Tillman for distribution and the files. Thanking you in advance.

Sincerely,

Tony Casagrande

cc: Terri Tillman, Pima Co Development Services



**Re: Rezoning at NWC of La Cholla Boulevard @ Overton Road; Viewshed Elimination**

JIM PORTNER &lt;jportner@projectsintl.com&gt;

Mon 4/27/2020 4:10 PM

To: Tony Casagrande [REDACTED]

Cc: Terri Tillman &lt;terri.tillman@pima.gov&gt;; Andrew Gasparro &lt;apgasparro@kbhome.com&gt;; Kelly Lee &lt;KeLee@kbhome.com&gt;

 1 attachments (1 MB)

Project Intl\_J Portner Letter 13Apr20.pdf;

Good afternoon, Tony:

I've studied your letter (attached below), discussed same with my client, and also did a good deal of additional fieldwork and on-site measurements to further assess our anticipated view impacts as argued in your letter.

As a result, I've concluded that your photo simulations have considerably exaggerated the rooftop peak heights of our future one-story homes and, in doing so, portray a monolithic extent of viewshed impact that is far worse than will prove out in reality. While you will definitely see new homes in the foreground, partially visible through the 50' of natural vegetation we're preserving along our western boundary, you will still have ample long-range mountain views over their rooftops. Despite your photo-simulations to the contrary, the roof peaks of our new one-story homes will not even visually eclipse the new TEP monopole towers now in place along La Cholla Boulevard. This statement takes into account the 18'-4" height (to peak) of our one-story homes, together with an overly conservative estimate of the degree of fill that may be necessary, in final design, to accommodate drainage and FEMA considerations.

I am also copying this email to Terri Tillman at Pima County and to my clients, just to put your letter and my reply on the record with everyone. As a premise to this entire viewshed discussion, I remind all concerned that case law has established that views across another's private property are a privilege and not a right. Simply because someone has enjoyed an unobstructed view for a long period of time across someone else's land in no way means that they have therefore procured some sort of prescriptive legal right to possess it in perpetuity.

Nonetheless this being the case, whenever we are introducing new higher density development next to existing lower-density residences, we strive to make reasonable accommodations in consideration of the viewshed issue. In this case, we have already provided a 100' setback along our entire western boundary (the first 50' of which to be left natural\*) which is far in excess of applicable Code requirements. Further, in recent consultation with my client, we are willing to voluntarily restrict all of the proposed twenty-seven (27) lots along our western boundary to single-story only. We see this as an accommodation that is consistent with other recent rezoning cases where new development is abutting existing residences.

With my copy of this email to Terri, I am informing her that we are willing to formalize the above as an additional condition of rezoning.

Tony, I recognize and respect that it's unlikely you will find this satisfactory or sufficient, but from our perspective it strikes a fair and reasonable balance between our development objectives and the need



to give due consideration to our neighbors.

Regards,

jp

\* P.S. — Your letter asserts, on p. 6, that the Bogardus cross-section contained in the appendices shows that "little to no" natural area will be provided along our western boundary and that this illustration is in direct conflict with the cross-section illustration provided on p. 62 of our Site Analysis. The Bogardus illustration is schematic only and simply did not illustrate any natural vegetation. While it shows no renderings of trees, it clearly labels the western half of the 100' setback as, "50' Natural Area/Bufferyard".

P.P.S. — Your letter also asserts your concerns with light pollution. This project will proceed under the County's Outdoor Lighting Code (OLC), also known as the "Dark Sky Ordinance". This will be reviewed and verified at the time of final permitting. Light pollution is carefully controlled by the OLC, which is one of the most rigorous light codes in all of southern Arizona in order to protect our many observatories located here.

Jim Portner, Principal  
Projects International Inc.  
**Street/Mail/Delivery Address:**  
10836 E. Armada Lane  
Tucson, AZ 85749-9460  
[REDACTED]  
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**Website** [www.projectsintl.com](http://www.projectsintl.com)

On Apr 13, 2020, at 5:06 PM, Tony Cas [REDACTED] wrote:

Hi Jim,

Please find attached.

Best regards,

Tony Casagrande

2222 W La Cresta Road  
Tucson, AZ 85742  
[REDACTED]

**Re: Rezoning at NWC of La Cholla Boulevard @ Overton Road; Viewshed Elimination**

Jim Portner <jportner@projectsintl.com>

Mon 4/13/2020 8:10 PM

To: Tony Cas [REDACTED]

Hi Tony.

Hope you're well.

Thank you for the letter. I'm sending it off to my client and will have a sit-down with them to discuss.

Give me a little time. Everything seems to take longer with this corona stuff, people working at home, etc.

Fortunately, it's still more than a month before this goes to Board of Sups.

To be frank, I do question some of your photo sims. Your methodology as described is sound, but the projected height of the future homes in the photo sim, versus the existing verticality out there, seems off. That's just my gut perception.

I'll discuss everything with my client and be in touch with you afterward and well before the Board meeting.

jp

Jim Portner, Principal  
Projects International, Inc.  
10836 E. Armada Lane  
Tucson, AZ 85749-9460  
jportner@projectsintl.com  
www.projectsintl.com

On Apr 13, 2020, at 5:07 PM, Tony Cas [REDACTED] wrote:

Hi Jim,

Please find attached.

Best regards,

Tony Casagrande

2222 W La Cresta Road  
Tucson, AZ 85742

[REDACTED]

---

**From:** JIM PORTNER <jportner@projectsintl.com>  
**Sent:** Thursday, March 12, 2020 10:02 AM  
**To:** Tony Casagrande [REDACTED]  
**Cc:** Maggie Shaw [REDACTED]; Carol Hickey [REDACTED]; John Lakey [REDACTED]; Mel Melvin [REDACTED]; Norman Johnson [REDACTED]; Bill & Betsy Wilkening [REDACTED]; Edna Nehrmeyer [REDACTED]; Dave Humphrey [REDACTED]; Dave Humphrey [REDACTED]; Rashid Khan [REDACTED] >  
**Subject:** Re: Site Analysis Document -- Rezoning at NWC of La Cholla Boulevard @ Overton Road

Hi, Tony.

Yes. I don't know that I have a choice, in that there's no way to notice all the invitees on such short notice. I'll be there and we'll see how it goes.

jp

Jim Portner, Principal  
Projects International Inc.  
**Street/Mail/Delivery Address:**  
10836 E. Armada Lane  
Tucson, AZ 85749-9460  
[REDACTED]  
**Office Fax** 520.760.1950  
**Website** [www.projectsintl.com](http://www.projectsintl.com)

On Mar 12, 2020, at 9:05 AM, Tony Cas [REDACTED] wrote:

Jim,

Given the Coronavirus concerns, do you plan on holding the neighborhood meeting this evening as scheduled?

Regards, Tony

<Project Intl\_J Portner Letter 13Apr20.pdf>

13 April 2020

Projects International Inc  
Mr. J Portner  
10836 E Armada Lane  
Tucson, AZ 85701

RE: Viewshed Elimination - P19RZ00012 NWC La Cholla Boulevard @ Overton Road Rezoning Application

Mr. Portner,

As the owners of the property (Parcel #225-04-003E) immediately adjacent to the proposed rezoning and project, and more particularly the 22.5 acre Harbour parcel which forms a portion of the 51 acres in the request, please find that as detailed in our letter dated 18 March 2020 to the Pima County Development Services Dept, the Planning & Zoning Commission and Board of Supervisors, we have determined that our viewshed will be eliminated by this development.

As stated in the letter, rezoning to CR-5 and the proposed development will effectively eliminate our entire view shed. The mountain views were one of the major selling points (original sales flyer attached) and primary reasons we purchased our home. Single story KB Homes in two of their subdivisions in the area were measured from grade at approx. 19' at the ridge. The proposed project is located within the 1:100 year FEMA flood plain and will require a 2' to 4' increase in the elevation of natural ground to achieve grade above the BFE plus freeboard, resulting a single-story height of approx 22' from current conditions. A permitted max height for a CR-5 zoning is 34', which together with a 3' increase in elevation above natural ground results in a total of 37'. The westernmost "wall" of houses on our eastern property line will effectively obscure our entire view shed.

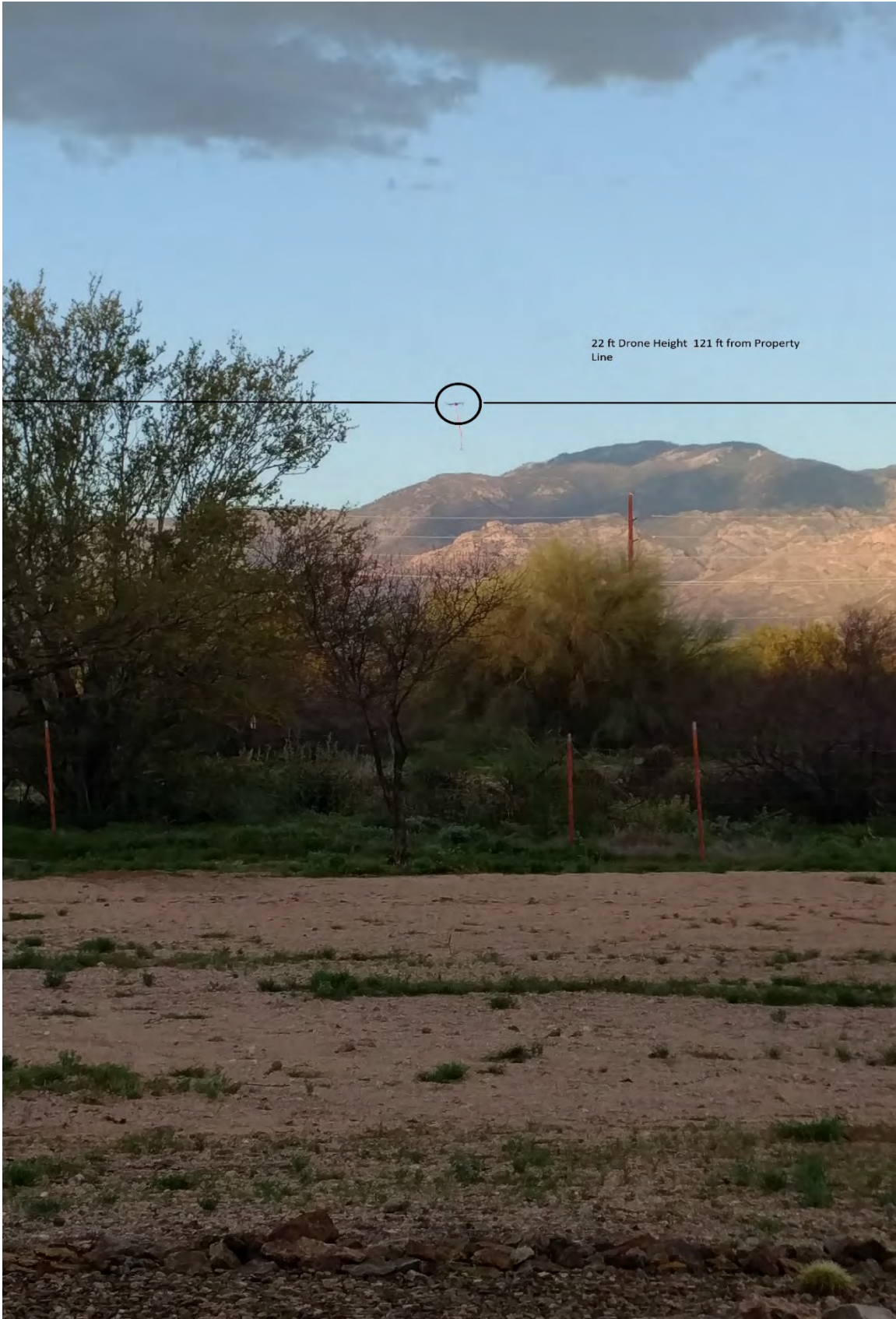
A high quality, state of the art drone was used to illustrate the magnitude of this impact. Following documented distance-elevation calibrations and given a typical setback point of approx 125' from applicant's property line to the east where the rear of the proposed homes would be located, the typical views from the patio in the approx center of our home demonstrate the impact which would occur in relation to proposed homes limited to a single-story:

Panorama View:





View to the North East:

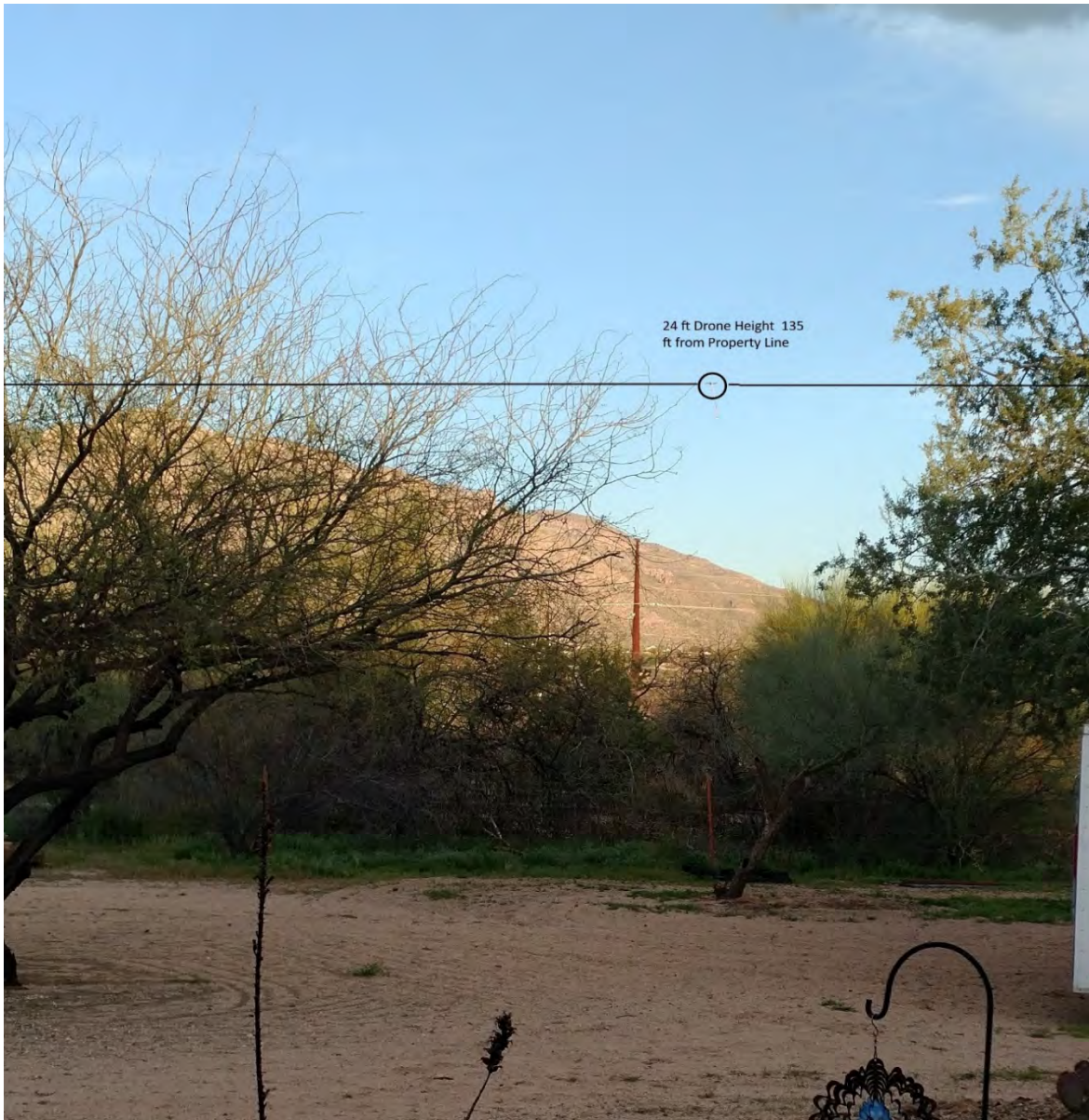


View to the East:





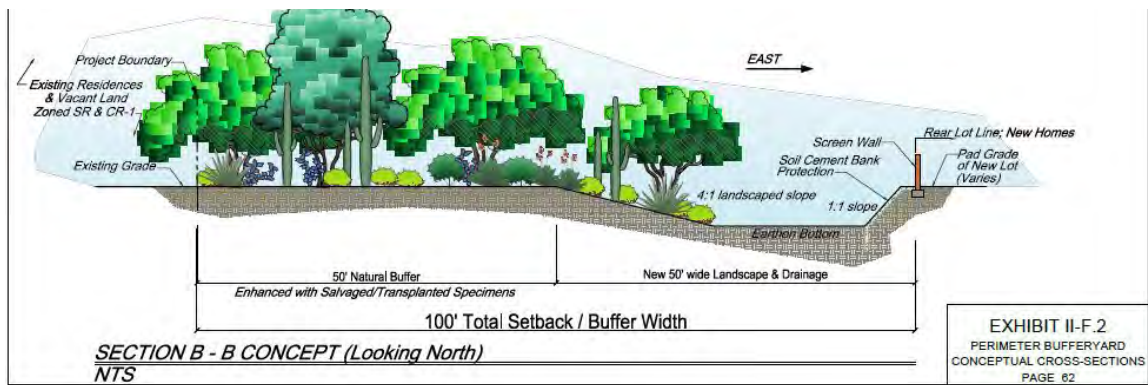
View to the South East:



The setback in these photos represents the distance to the rear of the westernmost row of some 27 proposed single-story homes that run north-south along the entire 417' eastern boundary length of our property. The impact on our viewshed is greater at points on the southeast edge of our patio.

The Site Inventory & Land Use Proposal document which you submitted to Pima County states:

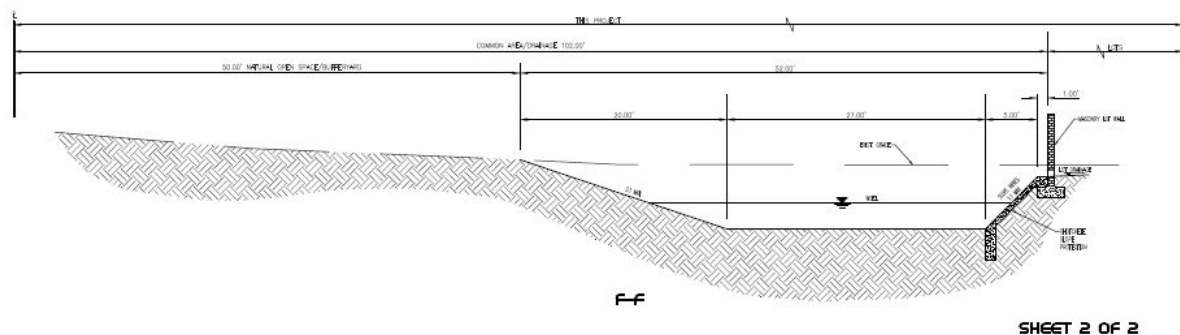
"The primary viewshed is of the Santa Catalina Mountains to the east. Setbacks and a natural buffer, both well in excess of Code requirements, have been incorporated into the project's PDP along the site's western boundary. An additional landscaped area, to be supplemented with salvaged/transplanted specimens and nursery stock, has also been provided beyond this natural border (also see Exhibit II-F.2)."



“These elements provide a significant, material PDP response for the expressed purpose of mitigating view impacts to existing residents to the west. Discussions are also underway with the developer to limit a portion of the proposed subdivision in this immediate area to single-story lots so as to further enhance view protection.”

A limitation to single-story lots/homes results in the near total elimination of our viewshed. We find this impact and elimination of our viewshed unacceptable, and contend that compared to current zoning at SR where a total of 10 – 12 homes would be constructed in the entire 51 acre parcel area if and when developed, our viewshed would be minimally affected, if at all.

Additionally, we are concerned that we would be further impacted with the introduction of light pollution, and by a “50’ Natural Buffer” or a landscaped area (following regrading) supplemented with salvaged/transplanted specimens and nursery stock. Noting that per the Bogardus appendices and conflicting typical cross section F-F, little to no NOS will occur along our eastern property line and regrading will be required, and in either case with the planting of salvaged/transplanted specimens they would in themselves represent an additional impact due to their closer proximity and in that they will grow tall enough to impact and eliminate our viewshed.



We would further contend that any vote affirming rezoning by the Board of Supervisors would significantly reduce the value and equity of our home, and effectively cede our viewshed to the

developer and allow them to repackage it, then sell it at a premium to the north-south row of some 25 proposed homes on the east side of the proposed project along La Cholla Blvd.

Please advise what, if anything, could and might be done to alleviate this impact and elimination of our viewshed. Thanking you in advance for your consideration.

Sincerely,

Tony and Kristie Casagrande  
2222 W La Cresta Road  
Tucson, AZ 85742

cc: Pima County Board of Supervisors





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