

## Duncan Miller

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**Subject:** FW: Town of Paradise Valley - Hillside Code Update

**From:** Jon Bernhard <

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**Date:** April 24, 2018 at 3:45:42 PM MST

**To:** "[mcollins@paradisevalleyaz.gov](mailto:mcollins@paradisevalleyaz.gov)" <[mcollins@paradisevalleyaz.gov](mailto:mcollins@paradisevalleyaz.gov)>, "[jbienwillner@paradisevalleyaz.gov](mailto:jbienwillner@paradisevalleyaz.gov)" <[jbienwillner@paradisevalleyaz.gov](mailto:jbienwillner@paradisevalleyaz.gov)>, "[pdembow@paradisevalleyaz.gov](mailto:pdembow@paradisevalleyaz.gov)" <[pdembow@paradisevalleyaz.gov](mailto:pdembow@paradisevalleyaz.gov)>, "[smoore@paradisevalleyaz.gov](mailto:smoore@paradisevalleyaz.gov)" <[smoore@paradisevalleyaz.gov](mailto:smoore@paradisevalleyaz.gov)>, "[jpace@paradisevalleyaz.gov](mailto:jpace@paradisevalleyaz.gov)" <[jpace@paradisevalleyaz.gov](mailto:jpace@paradisevalleyaz.gov)>, "[dshef@paradisevalleyaz.gov](mailto:dshef@paradisevalleyaz.gov)" <[dshef@paradisevalleyaz.gov](mailto:dshef@paradisevalleyaz.gov)>, "[mstanton@paradisevalleyaz.gov](mailto:mstanton@paradisevalleyaz.gov)" <[mstanton@paradisevalleyaz.gov](mailto:mstanton@paradisevalleyaz.gov)>

Mayor Collins and Honorable Council Members:

My name was included on a letter prepared collectively by the members of Arizona Residential Architects organization (ARA). This letter was prepared following several discussions between ARA members and Engineers familiar with the Town that were invited to participate in the discussion. These Architects and Engineers are among the limited number of professionals that are directly impacted by the proposed changes. As indicated in the letter, we are all *"...dedicated to the pursuit of helping the public achieve the best in luxury living through best practices in both design and construction of custom homes. As such we share the Town Council's desire to preserve the natural beauty of our mountains for all residents to enjoy..."*

Consistent with the ARA letter and additionally on behalf of SWABACK, I am again highlighting two specific items from the proposed Hillside Code update that I believe have the unfortunate and unintended effect of placing restrictions on creative, desert sensitive design, dictating a more mundane, formulaic design solution that may not result in the desired outcome for The Town of Paradise Valley, the Homeowners, neighbors, or the design community.

### **Maximum 4' cantilever:**

Deep cantilevers permit dynamic design; while minimizing site disturbance at installations that are located above natural grades.

I believe this proposed change is intended to be applied to cantilevered terraces above grade. If so, this does not appear to be clearly specified, and could be applied to cantilevered roofs...I sincerely hope that is not the intent...

If that is the intention, in addition to the compromises already stated, cantilevers limited to 4' have the risk of limiting shade and solar protection appropriate to desert design and inseparable from comfortable, outdoor living.

Whether a cantilevered terrace or roof, this design element is common and inherently found with good, desert sensitive design.

The home in the images attached, was constructed on a steep Mummy Mountain hillside slope. The cantilevers represent a significant design feature, and would not be allowed with the proposed changes. It is unlikely that the proposed restrictions and limitations would result in a more favorable design solution.

This provision genuinely appears to be counter-productive to sensible and sensitive design...I can only assume I'm missing something here, and if that is the case, please consider an alternate solution that does not have the adverse impact illustrated in the proposed language.

***Ideally the cantilever language remains as currently written.***

### **Driveway disturbance limits:**

Creating restrictions that encourage short, straight-shot driveways does not necessarily improve design, disturbance or drainage.

Locating the home close to street may not be best location for the home or the site. Longer, meandering driveways - avoiding site features and working with grades - are not necessarily a bad thing.

Contrary to the Town's objectives, these restrictions could prevent locating the home in the RIGHT place.

In evaluating the impact that these changes would have had on prior home designs in Paradise Valley, the compromises from these changes would have prevented creative, well received design solutions from occurring, with no perceived upside....

***Ideally the driveway disturbance language remains as currently written.***

**Additional concerns with the proposed revisions...**

- There appear to be ambiguities and a potential for subjective interpretation of proposed requirements and approvals (i.e. what determines when a natural feature becomes a “significant” natural feature, and what’s to prevent this lack of definition from becoming an abusive moving target)
- The changes to the review process will inevitably create additional complexities, burdens, and additional lapsed time to process approvals. This has the risk of devaluing personal property values.

Every Hillside property has unique opportunities and challenges. One-size-fits-all solutions restrictions for addressing one condition may have a detrimental to another condition. Please consider both the intended improvement and the potential adverse impact that occurs with these proposed changes.

Thank you for your open minded consideration of these concerns.

Looking Forward...

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