

Executive Summary

Background

The City of Tucson (“the City”) began a process in late 2005 to identify and remove potential barriers to mixed-use and infill development, address neighborhood concerns specific to mixed-use and infill projects, and to examine the role of the City’s Design Guidelines Manual relative to mixed-use and other development. These types of issues have become more and more prevalent as the City and its suburbs have continued to expand outward at dramatic rates, while the price of land, commute times, and interest in the Central Core of the community have all increased. This effort was spurred by several distinct, but interrelated factors, each of which is described in more detail in the body of this report:

- Recent development activity and availability of potential infill sites;
- Growing community interest in infill development issues; and
- Planned transit improvements in the Central Core.

Midway through the process, the City requested that the project be used as an opportunity to conduct a broader initial review or “diagnosis” of the Land Use Code (LUC) and Development Regulations to evaluate their effectiveness in implementing the City’s General Plan policies relating to growth management and development design. The purpose of the diagnosis is to flag issues to be addressed as part of future updates, as well as those “quick fixes” that can and should be undertaken in the short term, especially to facilitate infill and mixed-use development. The diagnosis is *not* intended to represent a comprehensive list of issues posed by the City’s land use regulations, but rather is focused on major themes identified as part of the stakeholder outreach process, outlined below. Prior to undertaking a process to conduct a major reorganization or substantive revisions to the LUC, a detailed, section-by-section diagnosis of the entire code would need to be prepared.

As a result of the need for a more detailed evaluation of the code and the evolving nature of many of these issues (e.g., some issues are already in the process of being addressed by staff while the significance of others may have been amplified or reduced in terms of their urgency or scope); recommended actions contained within the diagnosis should be viewed as a starting point for discussion and to guide the formulation of future policy, as opposed to a rigid set of prescriptions.

Process

The consultant team, in conjunction with City staff, toured a number of recent development projects in November 2005 that highlighted controversial land use issues and followed up with a series of stakeholder group interviews in February 2006. Interviews focused on the identification of elements and aspects of the City’s Land Use Code that were perceived to create direct or indirect barriers or disincentives to infill or mixed-use development by those who use them on a daily basis. They also focused on the potential impacts of infill development on existing neighborhoods as perceived by their residents. Participants were also asked to comment on the Land Use Code at a broader level, providing feedback on those elements and aspects they perceived as ineffective as well as those they felt worked well in their current form.

In addition to discussions with City staff and other stakeholder groups, the consultant team conducted a general review of the Land Use Code, Development Standards, Design Guidelines, draft ordinances under consideration by the City, and other relevant documents provided by the City and various stakeholder groups.

Key Themes

Five overarching themes emerged out of the interview process and discussions with City staff and stakeholders.

1. FOSTER MIXED-USE AND INFILL DEVELOPMENT

Many participants in the interview process felt that mixed-use and infill development, especially in mature areas of Tucson, represented an opportunity to strengthen the city's economy and established neighborhoods IF steps were taken to ensure that new development was compatible with existing adjacent residential areas. While the City is witnessing an increasing amount of well-designed mixed-use and infill development, successes often seem to be in spite of and not because of existing land use code procedures and standards. Development and design standards are often viewed as vague, contradictory, or inflexible and thus roadblocks to infill, particularly those relating to parking landscape buffers, and the development designators. Current development review processes used for mixed-use and infill development were criticized as uncertain and often lengthy, creating another disincentive for infill and mixed-use. In contrast to many communities, Tucson doesn't have a mixed-use zoning district that is tailored specifically to address its infill development strategy, thus leading developers to rely on tools such as the Residential Cluster Project and Planned Area Developments that are not tailored for these types of projects in many instances.

2. TAKE STEPS TO PROTECT NEIGHBORHOODS FROM INCOMPATIBLE DEVELOPMENT

While most of the recent mixed-use and infill developments we reviewed were ultimately approved, City staff indicated that some development proposals had been met with substantial neighborhood opposition or concern. Neighborhood concern is common in other cities (e.g., Denver's East Colfax Corridor and Reno's multiple TOD Corridors) trying to encourage infill development. Based on the experiences of these communities, controversies with neighborhood residents will continue to arise until clear transitional standards are put into place that give them comfort that infill development will be compatible with the established neighborhood. For example, the City of Denver recently adopted a form-based overlay district to implement its plan for the intensification of the East Colfax Corridor, providing adjacent neighborhoods with assurance that infill development will be required to provide transitions in bulk and mass, "step-down" or gradually reduce the height of higher intensity buildings where they adjoin stable neighborhoods, and address similar issues prior to being approved. Better notice provisions, clearer design and operational standards, and targeted revisions to accessory housing and residential zone district regulations may go a long way towards addressing such concerns in Tucson.

3. CLARIFY THE ROLE OF THE DESIGN GUIDELINES MANUAL

Tucson has a unique and rather complicated set of land use regulatory documents (at least to outsiders and occasional code users). These documents include a Land Use Code (that contains a substantial number of development standards), Development Standards (that include some overlay districts typically found in a land use code), and a Design Guidelines Manual. The Design Guidelines are particularly problematic. While never formally adopted, they are applied sporadically as regulations in some discretionary review processes such as rezonings, special exceptions, plan amendments, PADs, and RCPs. Some of the guidelines are very vague and general. Others are quite specific (e.g., connectivity) and are very typical of regulations that other similar communities include in their mandatory development standards. Application of the guidelines is reportedly uneven, depending on the process and City staff involved. Until the purpose, applicability, and content of the Design Guidelines are sorted out, their benefits may be outweighed by the uncertainty they inject in to the review process for mixed-use and infill developments. The City is already taking steps to address many of these issues and has established a design focus group (consisting of a group of targeted stakeholders) to help identify key design principles that will serve as a foundation for future design-related activities. Although the

specific means of implementing the design principles has yet to be determined, it is anticipated that it may include targeted development standards, supplemental design guidelines, in combination with the hiring of expert design staff and the creation of an in-house staff design committee.

4. REEXAMINE THE ROLES OF THE RESIDENTIAL CLUSTER PROJECT AND PLANNED AREA DEVELOPMENT PROCESSES

Because of the perceived inflexibility of the Land Use Code and Development Standards and the lack of any tailored mixed-use development zone districts, many developers use the Residential Cluster Project (RCP) for infill residential projects and the Planned Area Development (PAD) process for mixed-use developments. These processes can be lengthy and involve a great deal of uncertainty for neighbors and developers alike as they involve a substantial amount of negotiation over development details. They are also time-consuming for the staff to administer. With refinements, both the RCPs and PADs can remain useful tools while reducing uncertainty and adding neighborhood protections. The City has been exploring various alternatives to address RCP specific issues identified as part of this process—ranging from the incorporation of additional standards within the existing RCP to the creation of several distinct RCP districts tailored to address specific issues identified below (e.g., tailored RCPs could include: a conservation based RCP, an infill-targeted RCP, and a density-bonus focused RCP design to be applied in areas where addition density might be appropriate—such as along a major transit corridor.) Provided issues identified through this process are addressed—either alternative could be feasible as an interim approach. However, it should be noted that these issues may need to be revisited as part of ongoing discussions related to the overall usability and functionality of the LUC to ensure they were consistent with any future reorganization efforts or substantive revisions.

5. DEVELOP A COMPREHENSIVE STRATEGY TO STREAMLINE AND SIMPLIFY THE LUC OVER TIME

As mentioned above, Tucson has an unusually complex set of land use regulatory documents. In spite of this complexity and the multiple problems identified as part of this process, many experienced planners and developers, City staff, and other participants who were interviewed felt that the LUC and Development Standards were relatively comprehensive in their breadth and superior to the codes in place in most other southern Arizona cities. On the other hand, it was also pointed out that a great deal of staff time and resources have been focused in recent years on developing “band-aids” to address specific issues within the LUC, in the form of new zoning districts, LUC amendments, among others. While this approach can be an effective and often necessary means of solving targeted issues as they arise—many issues are symptomatic of larger problems within the system—which will, at some point, need to be addressed in a more comprehensive manner. In addition, the continual creation of new “layers” to the LUC simply adds to the complexity of an already cumbersome land use regulation system.

Summary of Key Issues and Recommended Actions

A detailed discussion of issues related to the above key themes is provided within the body of this document under the following headings: 1) Procedural Issues, 2) Substantive Issues: Zone Districts and Development Standards, and 3) General State of the Land Use Code. Following is a brief summary of key issues and recommended actions identified within each heading, which can be categorized as either “Quick Fixes”—which could be implemented within a relatively short timeframe (12 to 18 months) or “Mid/Long-Range Actions”—which could take several years or more to implement and may require additional staff and/or outside resources to accomplish. In several instances, City staff is already in the process of developing solutions to one of more of the issues identified. Where applicable, an overview of staff efforts underway and a discussion of proposed solutions are provided. As mentioned above, recommended actions—as well as the anticipated timing of these actions may vary depending upon the overall process the City decides to pursue in response to these

recommendations. Therefore, they should be viewed as starting point for discussion, as opposed to a rigid set of prescriptions.

PROCEDURAL ISSUES

This section provides a more detailed discussion of procedural issues related to the LUC and the City's development processes. Key issues include:

- Clarifying the role of the Design Review Board (DRB);
- Clarifying the role of Design Guidelines Manual;
- Addressing neighborhood protection concerns; and
- Providing more certainty in the development review process.

Recommended Actions:

ISSUE: CLARIFY ROLE OF THE DESIGN REVIEW BOARD

Quick Fixes

- Approve proposed LUC Amendments creating Staff Design Committee (SDC) to apply design standards instead of the Design Review Board. The proposed SDC would be comprised of a specialized group of staff design professionals (possibly supplemented with an outside consultant) and would be responsible for the review of proposed buildings, structures, landscaping, architectural features, development plans, and sites plans within the NOZ, MI, and RPC.
- Approve proposed LUC Amendments related to the DRB's membership composition and scope of review authority, if proposed amendments related to the SDC are not approved.
- Revise DRB Rules of Procedure to provide agendas at least 7 days prior to any scheduled meeting).
- Establish an e-mail distribution list for those interested in receiving DRB agendas on a regular basis.

ISSUE: CLARIFY ROLE OF THE DESIGN GUIDELINES MANUAL

Quick Fixes

- Incorporate key design manual guidelines into a proposed Neighborhood Overlay Zone (NOZ), Mixed-Use Infill Zone (MI), and Residential Cluster Project Zone (RCP) as standards to begin to build predictability into those processes and to begin to clarify those types of guidelines that should be codified as prescriptive citywide standards.

Mid/Long-Term Actions

- Identify the key site planning and design guidelines, such as connectivity, that are typically included in most modern zoning codes as development standards. Clarify and incorporate into Development Standards as regulations that are enforceable.
- See discussion of overarching LUC issues at end of this diagnosis. A critical issue facing the City is reconciling and integrating the development standards (landscaping, environmental, pedestrian, etc.) that are now scattered randomly in the LUC, the Development Standards, and the Design Guidelines Manual, and in various plans.

ISSUE: NEIGHBORHOOD PROTECTION**Quick Fixes**

- Expand neighborhood meeting requirements to include a section on the content of the mailed notice, as consistent with more detailed public notice requirements contained in Section 5.4.5.7 of the LUC.
- Consider developing a standard form for neighborhood meeting notices that contains all relevant data to be included to ensure consistency and completeness.

Mid/Long-Term

- Continue to review issues arising from the neighborhood planning prototype experience with the Drachman Institute to better establish policies, processes, and regulatory tools to advance neighborhood conservation in a way that most efficiently addresses the large number of neighborhoods in need of updated general and special land use policies.

ISSUE: CERTAINTY AND FLEXIBILITY IN THE DEVELOPMENT REVIEW PROCESS**Quick Fixes**

- Consider allowing mixed-use by right for smaller projects (e.g., less than 2 acres). However, this would only be feasible if clear transitional standards were in place to ensure neighborhood protection (see also, Neighborhood Protection recommendations.)
- Refine General Requirements in MI zone draft to add specificity and clarify vague statements (e.g., Development within the district shall not *adversely* affect adjacent land uses or the surrounding neighborhood).
- Adopt administrative modification provisions allowing staff to grant minor modifications of dimensional standards.

Mid/Long-Term Actions

- Undertake planning process to identify the most appropriate mixed-use development sites based on market demand, neighborhood compatibility, and similar considerations. Target mixed-use development in these locations.

SUBSTANTIVE ISSUES: ZONE DISTRICTS AND DEVELOPMENT STANDARDS

This section provides a more detailed discussion of issues related to substantive regulations in the LUC and Development Standards. Key issues identified include the need to:

- Remove regulatory barriers to mixed-use development;
- Adopt transitional design standards to ensure neighborhood protection;
- Adjust the role and use of the Residential Cluster Project and Planned Area Development tools; and
- Tailor residential district regulations to meet housing market demand.

Recommended Actions

ISSUE: REMOVE REGULATORY BARRIERS TO MIXED-USE DEVELOPMENT

Quick Fixes

- Adopt the administrative modification provisions allowing staff to grant minor modifications of dimensional standards, as discussed above.
- As an incentive, consider allowing the less demanding development designator standard to apply in a mixed-use project.
- Adjust the street setback standards for mixed-use developments as part of the proposed MI zone. Although it may need to vary in different contexts, disconnect setback standards from traffic counts on adjacent streets, which is a suburban approach that requires greater setbacks from busy streets. This may not be desirable in an urban mixed-use context. (See: LUC, Article III (Development Regulations, Division 2 (Development Criteria), Section 3.2.6, Subsection 3.2.6.5 (Street Perimeter Yard.))
- Allow mixed-use and infill projects to build-to the property line adjacent to public streets and provide an urban streetscape character (e.g., hardscaped pedestrian zone and street trees in tree wells).
- Adopt the administrative modification provisions discussed above.
- Eliminate ADT limitation on projects with alley access to avoid requiring bollards to dead-end alleys as a means of reducing through traffic.
- Consider allowing a portion of a project's off-street resident or guest parking to be met using on-street spaces adjacent to a development. This is a common approach in many jurisdictions. Additionally, allow a reduction of greater than 10% now granted for mixed-use projects based on a parking study submitted by the developer.

Mid/Long-Term Actions

- Consider modifying the development designator system for mixed-use projects so that commercial standard apply to the commercial portions of projects and residential to residential.
- Allow alley access to residential development with standards requiring alley to be upgraded to private street standards or consider not applying direct physical vehicle access requirement if a mixed-use/infill development has on-street parking and direct pedestrian access to adjacent public street (LUC, Article III (Development Regulations), Division 2 (Development Criteria), Section 3.2.8 (Access Provisions)).
- Coordinate on-going planning efforts related to mixed-use and infill development with the RTA corridor planning process. Transportation enhancements planned for RTA corridors will enhance future infill and redevelopment opportunities and should be coordinated with potential land use changes to the extent possible.

ISSUE: NEIGHBORHOOD PROTECTION

Quick Fixes

- Proceed with Neighborhood Plan Project and the implementation of Neighborhood Overlay Zones (NOZs) for the Jefferson Park and Miramonte neighborhoods.

- Adopt proposed LUC amendments to remove accessory dwelling “loophole.” Consider, for example, limiting the size of accessory dwellings (650 square feet is a common number) and requiring primary residence to have access from the primary street frontage, not an alley.

Mid/Long-Term Actions

- Adopt design and operational compatibility regulations as part of the city’s development standards. These standards should provide a range of design compatibility options (not just landscaped buffers) including stepbacks, building materials, building massing, colors, architectural details, etc. Additionally, they should address operational issues such as noise, hours of operation, odors, placement of drive-in windows and service facilities, etc.

ISSUE: CLARIFY ROLE OF RESIDENTIAL CLUSTER PROJECT (RCP) PROVISIONS AND REQUIREMENTS

Quick Fixes

- Adopt proposed design standards contained in RCP staff draft to improve the quality of open space and recreational areas within RCPs as an interim solution.
- Consider amending proposed language regarding architectural diversity within subdivisions to require a minimum number of distinct housing models within a subdivision (typically, the larger the subdivision, the more models would be required).

Mid/Long-Term Actions

- Establish a minimum size threshold for RCP developments to reduce use for projects that are too small to provide compensating community benefits such as significant open space (e.g., 40 acres is used for PAD) or allow compensating community benefits to be provided in an alternative manner, such as through the use of a fee-in-lieu program if a public park is located within a reasonable walk distance (typically ¼ mile).
- Explore the potential incorporation of a conservation subdivision ordinance as an alternative to the RCP. This would provide a means of addressing suburban edge conditions where traditional cluster subdivisions designed with an emphasis on the preservation of significant tracts of open space would be particularly appropriate.
- Explore the applicability of open space and recreational area guidelines contained in the May 1, 2006 draft, of the RCP at a citywide level as part of broader discussions related to the role of design standards. Consider incorporating relevant guidelines as citywide standards within the city’s land use regulations;
- Amend existing residential zone districts to allow by-right a wider range of single-family and multifamily housing products in designated locations (e.g., patio homes, courtyard small-lot single family houses, townhouses, mansion homes, etc.) Given concerns regarding neighborhood protection, these locations would need to be clearly defined and could potentially be appropriate along or close to major corridors (in between mixed-use activity centers).

ISSUE: REFINE PLANNED AREA DEVELOPMENT (PAD) REQUIREMENTS

Quick Fixes

- Standardize the format of PAD documents, standards, and related agreements to facilitate administration and enforcement after development.

Mid/Long-Term Actions

- Adopt new mixed-use zone districts and administrative modification provisions tailored to infill development, as proposed by City staff, to help reduce the need to use the PAD process, especially for smaller projects.
- Adopt neighborhood notification procedures discussed above to ensure early neighborhood involvement in PAD projects, especially larger ones.

GENERAL STATE OF THE LAND USE CODE

This section provides feedback and recommendations to improve the overall usability and functionality of the LUC and provides suggestions regarding future updates. Key issues include:

- The City's multi-layered approach to Land Use Regulation (e.g., LUC, Development Regulations, and Design Guidelines Manual); and
- Over reliance on "band-aid" approaches to addressing perceived problems.

Recommended Actions:**"Quick Fixes"**

- Add definitions of key terms such as alleys, new residential housing types, etc. to promote familiarity of new concepts and assist with interpretation when issues arise.
- Make targeted revisions described in this diagnosis, but do not undertake full-scale code revision at this time.
- Rewrite and adopt basic design standards related to pedestrian connectivity, four-sided design (i.e., major buildings should have a similar level of design and detail on all sides, not just the front), and limitations on parking around big-box retail stores that are either included in the Design Guidelines Manual or are recommended by staff as standards.

Mid/Long-Term Actions

- Consider complete LUC revision, but recognize it will take 2-3 years and likely be controversial. Will likely need a more coherent community vision to guide any code revisions than is now provided by the City's General Plan.
- Prior to undertaking a process to conduct a major reorganization and/or substantive revisions to the LUC, prepare a detailed, section-by-section diagnosis of the entire Land Use Code and Development Standards.

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Introduction

Background

The City of Tucson (“the City”) began a process in late 2005 to identify and remove potential barriers to mixed-use and infill development, address neighborhood concerns specific to mixed-use and infill projects, and to examine the role of the City’s Design Guidelines Manual relative to mixed-use and other development. These types of issues have become more and more prevalent as the City and its suburbs have continued to expand outward at dramatic rates, while the price of land, commute times, and interest in the Central Core of the community have all increased. This effort was spurred by several distinct, but interrelated factors:

- **Recent development activity and availability of potential infill sites**—the City has seen recently numerous proposals for mixed-use and infill projects. While most were ultimately successful and relatively well-received, several were subject to lengthy review and approval processes and in some cases spurred extensive neighborhood opposition. Given the availability of many other potential sites for infill and mixed-use development (e.g., Tucson’s ample supply of strip commercial centers along major transportation corridors, many which have potential for redevelopment), this trend is likely to continue and even intensify—leading to increased development pressures.
- **Growing community interest in infill development issues**—In late 2004, in response to community concerns regarding infill development within established neighborhoods, the University of Arizona’s Drachman Institute and the Neighborhood Infill Coalition teamed together to facilitate several Neighborhood Infill Forums. The Forums brought together neighborhood residents, City staff, and development community representatives and explored the challenges posed by infill development as well as a set of recommended actions for consideration by the City and other affected entities. The result of this effort was the January 2005 report entitled, *Development and Tucson’s Future: A Community Generated Report*. Several of the key recommendations of the report were directly linked to the need for increased clarity in the Land Use Code’s (LUC) provisions related to infill development, as well as the need for uniform and consistent application.
- **Planned transit improvements in the Central Core**—a ballot measure proposed by the Regional Transportation Authority (RTA) to implement its 20-year plan recently passed by a 3-to-2 margin. The ballot measure has also helped to raise awareness of infill issues, as one of the key elements it is intended to address the need to enhance mobility and reduce congestion within the urban core. It should be noted, too, that in this case, the definition of the urban core is much broader than just Downtown—encompassing many of the City’s older neighborhoods and major arterial roadway corridors. Planned transit improvements to be funded by the nearly \$2.1 billion ballot measure will greatly enhance the potential for future infill and redevelopment along the City’s major arterial roadway corridors, many of which are lined with sites that have a potential for redevelopment.

Midway through the process, the City requested that the project be used as an opportunity to conduct a broader initial review or “diagnosis” of the Land Use Code (LUC) and Development Regulations to evaluate their effectiveness in implementing the City’s General Plan policies relating to growth management and development design. The purpose of the diagnosis is to flag issues to be undertaken as part of future updates, as well as those “quick fixes” that can and should be addressed in the short term, especially to facilitate infill and mixed-use development. The diagnosis is *not* intended to represent a comprehensive list of issues posed by the City’s land use regulations, but rather is focused on major themes identified as part of the stakeholder outreach process, outlined below. Prior to undertaking a process to conduct a major reorganization or substantive revisions to the LUC, a detailed, section-by-section diagnosis of the entire code would need to be

prepared. As a result of the need for a more detailed evaluation of the code and the evolving nature of many of these issues (e.g., some issues are already in the process of being addressed by staff while the significance of others may have been amplified or reduced in terms of their urgency or scope); recommended actions contained within the diagnosis should be viewed as a starting point for discussion and to guide the formulation of future policy, as opposed as a rigid set of prescriptions.

Process

The consultant team, in conjunction with City staff, toured a number of recent development projects in November 2005 that highlighted controversial land use issues and followed up with a series of stakeholder group interviews in February 2006. Interviews focused on the identification of elements and aspects of the City's Land Use Code that were perceived to create direct or indirect barriers or disincentives to infill or mixed-use development by those who use them on a daily basis. They also focused on the potential impacts of infill development on existing neighborhoods as perceived by their residents. Participants were also asked to comment on the Land Use Code at a broader level, providing feedback on those elements and aspects they perceived as ineffective as well as those they felt worked well in their current form.

Group stakeholder interviews were held with public and private sector representatives from the following entities:

- Southern Arizona Home Builders Association (SAHBA);
- Neighborhood Infill Coalition (NIC);
- Urban Planning and Design Department staff;
- Development Services Department staff; and
- Local American Planning Association (APA) representatives

In addition to discussions with City staff and other stakeholder groups, the consultant team conducted a general review of the Land Use Code, Development Standards, Design Guidelines, draft ordinances under consideration by the City, and other relevant documents provided by the City and various stakeholder groups.

Organization of this Document

This diagnosis begins with a brief overview of key themes that emerged during the interview process and is followed by a detailed discussion of issues that is divided into three sections: 1) Procedural Issues, 2) Issues Related to Substantive Standards, and 3) the General State of the Land Use Code. Each of the three sections provides an overview of key issues identified and provides a set of recommended actions—both “quick fixes” and mid/long-range actions. In several instances, City staff is already in the process of developing solutions to one of more of the issues identified in each section. Where applicable, an overview of efforts underway and a discussion of proposed solutions are provided.

As mentioned above, recommended actions—as well as the anticipated timing of these actions may vary depending upon the overall process the City decides to pursue in response to these recommendations. Therefore, they should be viewed as starting point for discussion, as opposed to a rigid set of prescriptions. The key themes and issues can be summarized as follows:

KEY THEMES

- Foster mixed-use development and infill by clarifying design standards, streamlining development review, and ensuring neighborhood protection;

- Take steps to protect neighborhoods from potential adverse impacts of mixed-use and infill development by improving notice provisions, adopting transitional design standards, and making targeted zone district amendments;
- Clarify the role of the Design Guidelines Manual;
- Reexamine the roles of the Residential Cluster Project (RPC) and Planned Area Development (PAD) procedures; and
- Develop a strategy to streamline and simplify the LUC over time—focusing resources on long-term solutions and away from temporary “band-aid” approaches.

PROCEDURAL ISSUES

This section provides a more detailed discussion of procedural issues related to the LUC and the City’s development processes. Key issues identified include the need to:

- Clarify the role of the Design Review Board (DRB);
- Clarify the role of the Design Guidelines Manual;
- Addressing neighborhood protection concerns; and
- Providing more certainty in the development review process.

ISSUES RELATED TO SUBSTANTIVE STANDARDS

This section provides a more detailed discussion of issues related to substantive regulations in the LUC and Development Standards. Key issues identified include the need to:

- Remove regulatory barriers to mixed-use development;
- Adopt transitional design standards to ensure neighborhood protection;
- Adjust the role and use of the Residential Cluster Project and Planned Area Development tools; and
- Tailor residential district regulations to meet housing market demand.

GENERAL STATE OF THE LAND USE CODE

This section provides feedback and recommendations to improve the overall usability and functionality of the LUC and provides suggestions regarding future updates. Key issues include:

- The City’s multi-layered approach to Land Use Regulation (e.g., LUC, Development Regulations, and Design Guidelines Manual); and
- Over reliance on “band-aid” approaches to addressing perceived problems.

Key Themes

Five overarching themes emerged out of the interview process and discussions with City staff and stakeholders.

1. Foster Mixed-Use and Infill Development

Many participants in the interview process felt that mixed-use and infill development, especially in mature areas of Tucson, represented an opportunity to strengthen the city’s economy and established neighborhoods IF steps were taken to ensure that new development was compatible with existing adjacent residential areas. While the City is witnessing an increasing amount of well-designed mixed-use and infill development, successes often seem to be in spite of and not because of existing land use code procedures and standards. Development and design standards are often viewed as vague, contradictory, or inflexible and thus roadblocks

to infill, particularly those relating to parking landscape buffers, and the development designators. Current development review processes used for mixed-use and infill development were criticized as uncertain and often lengthy, creating another disincentive for infill and mixed-use. In contrast to many communities, Tucson doesn't have a mixed-use zoning district that is tailored specifically to address its infill development strategy, thus leading developers to rely on tools such as the Residential Cluster Project and Planned Area Developments that are not tailored for these types of projects in many instances.

2. Take Steps to Protect Neighborhoods from Incompatible Development

While most of the recent mixed-use and infill developments we reviewed were ultimately approved, City staff indicated that some development proposals had been met with substantial neighborhood opposition or concern. Neighborhood concern is common in other cities (e.g., Denver's East Colfax Corridor and Reno's multiple TOD Corridors) trying to encourage infill development. Based on the experiences of these communities, controversies with neighborhood residents will continue to arise until clear transitional standards are put into place that give them comfort that infill development will be compatible with the established neighborhood. For example, the City of Denver recently adopted a form-based overlay district to implement its plan for the intensification of the East Colfax Corridor, providing adjacent neighborhoods with assurance that infill development will be required to provide transitions in bulk and mass, "step-down" or gradually reduce the height of higher intensity buildings where they adjoin stable neighborhoods, and address similar issues prior to being approved. Better notice provisions, clearer design and operational standards, and targeted revisions to accessory housing and residential zone district regulations may go a long way towards addressing such concerns in Tucson.

3. Clarify the Role of the Design Guidelines Manual

Tucson has a unique and rather complicated set of land use regulatory documents (at least to outsiders and occasional code users). These documents include a Land Use Code (that contains a substantial number of development standards), Development Standards (that include some overlay districts typically found in a land use code), and a Design Guidelines Manual. The Design Guidelines are particularly problematic. While never formally adopted, they are applied sporadically as regulations in some discretionary review processes such as rezonings, special exceptions, plan amendments, PADs, and RCPs. Some of the guidelines are very vague and general. Others are quite specific (e.g., connectivity) and are very typical of regulations that other similar communities include in their mandatory development standards. Application of the guidelines is reportedly uneven, depending on the process and City staff involved. Until the purpose, applicability, and content of the Design Guidelines are sorted out, their benefits may be outweighed by the uncertainty they inject in to the review process for mixed-use and infill developments. The City is already taking steps to address many of these issues and has established a design focus group (consisting of a group of targeted stakeholders) to help identify key design principles that will serve as a foundation for future design-related activities. Although the specific means of implementing the design principles has yet to be determined, it is anticipated that it may include targeted development standards, supplemental design guidelines, in combination with the hiring of expert design staff and the creation of an in-house staff design committee.

4. Re-examine the Roles of the Residential Cluster Project and Planned Area Development Processes

Because of the perceived inflexibility of the Land Use Code and Development Standards and the lack of any tailored mixed-use development zone districts, many developers use the Residential Cluster Project (RCP) for infill residential projects and the Planned Area Development (PAD) process for mixed-use developments. These processes can be lengthy and involve a great deal of uncertainty for neighbors and developers alike as they involve a substantial amount of negotiation over development details. They are also time-consuming for

the staff to administer. With refinements, both the RCPs and PADs can remain useful tools while reducing uncertainty and adding neighborhood protections. The City has been exploring various alternatives to address RCP specific issues identified as part of this process—ranging from the incorporation of additional standards within the existing RCP to the creation of several distinct RCP districts tailored to address specific issues identified below (e.g., tailored RCPs could include: a conservation based RCP, an infill-targeted RCP, and a density-bonus focused RCP design to be applied in areas where addition density might be appropriate—such as along a major transit corridor.) Provided issues identified through this process are addressed—either alternative could be feasible as an interim approach. However, it should be noted that these issues may need to be revisited as part of ongoing discussions related to the overall usability and functionality of the LUC to ensure they were consistent with any future reorganization efforts or substantive revisions.

5. Develop a Comprehensive Strategy to Streamline and Simplify the LUC over Time

As mentioned above, Tucson has an unusually complex set of land use regulatory documents. In spite of this complexity and the multiple problems identified as part of this process, many experienced planners and developers, City staff, and other participants who were interviewed felt that the LUC and Development Standards were relatively comprehensive in their breadth and superior to the codes in place in most other southern Arizona cities. On the other hand, it was also pointed out that a great deal of staff time and resources have been focused in recent years on developing “band-aids” to address specific issues within the LUC, in the form of new zoning districts and other LUC amendments. While this approach can be an effective and relatively quick means of solving targeted issues as they arise—they are often symptomatic of larger problems within the system—which will, at some point, need to be addressed in a more comprehensive manner. In addition, the continual creation of new “layers” to the LUC simply adds to the complexity of an already cumbersome land use regulation system.

The following sections divide the overarching themes into procedural and substantive issues to provide a framework for a discussion of specific issues and recommended actions to address each. Recommended actions are organized into two categories: 1) Quick Fixes—which could be implemented with a relatively short timeframe (12 to 18 months) by existing staff; and 2) Mid/Long-Term Actions—which could take several years or more to implement and may require additional staff and/or outside resources to accomplish.

Procedural Issues

The major procedural issues fall into four categories: 1) role of the Design Guidelines Manual, 2) role and composition of the Design Review Board, 3) neighborhood protection 4) certainty in the development review process.

Clarify Role of Design Guidelines Manual

In 1999, the City published a Design Guidelines Manual to offer insight and clarification to the Land Use and Community Character and Design policies contained in its General Plan. The Manual contains a range of general guidelines intended to be applicable to all development, along with specific guidelines for residential development, office/commercial/park industrial development, and large retail/wholesale development. In addition, it provides guidelines related to a handful of special design options that include: neighborhood conservation/infill project, urban villages/master planned communities, pedestrian district, transportation corridor/node, redevelopment/revitalization district, and sensitive lands cluster option.

The Manual was not formally adopted by the City and specifically states that the guidelines are "...not regulations or standards." However, the guidelines have been used in a regulatory capacity by City staff and the development community as part of the development review process, notably in discretionary reviews such as rezonings and RCPs.

ISSUES:

Issues related to the manual were primarily focused on the need for the clarification of its role in the development process—both in terms of its consistent use and application, and on the types of guidelines it should contain. These issues are not new to the City, as staff have been conducting updates to the manual and working to resolve these issues over the past year or more. However, given the relationship of the Manual to the LUC and Development Standards, both of which are officially adopted and have the force of law, they have been flagged for discussion as part of this effort as well. Each of these issues is discussed below:

Consistency in Use/Application

One of the biggest complaints heard from participants was the perception of inconsistency in the use and application of the manual. Although it can be used to provide a second tier of guidance in the application of specific General Plan policies during the development process, City staff, the development community, and community advocates have all struggled with the fact that, at least theoretically, it has no regulatory "teeth," and is advisory only.

When questioned on how the manual is used in the development review process, responses from Development Services staff varied from "not at all" to "extensively." Those who were *not* using it pointed to the difficulties in requiring developers to comply since the guidelines have never been officially adopted. On the other hand, others indicated they often used it to address issues of flexibility not inherent in the LUC (although it was also acknowledged that efforts made were often reversed later in the process as a more strict application of the LUC was made). Members of the development community expressed frustration at being asked to do one thing by one staff person and told they do not need to do it by another.

Descriptive Guidelines vs. Prescriptive Standards

Many of the guidelines contained in the manual provide generalized, qualitative guidance that tends to work well at a policy level, but is very difficult to quantify and apply at a development review level or to translate into more prescriptive standards. Current efforts by the City to update the manual have focused on the clarification of types of guidelines provided and their overall organization (e.g., all applicable guidelines relative to a particular type of development are incorporated as stand-alone manuals). Recent drafts included guidelines for: Single-Family Residential; Multi-Family Residential; and Commercial/Mixed-Use development. Although the draft guidelines have increased the level of specificity in some instances, much of the wording remains the same and is still quite vague and imprecise. For example, one implementation method listed under the Site Layout for Visibility and Security heading in a draft of the Single Family Residential Design Guidelines Manual states: Discourage the use of screening (landscaping, fences, and screen walls) that blocks visibility and makes two-way surveillance of common areas difficult.) Notably, several guidelines have been incorporated as requirements in the draft Neighborhood Overlay Zone (NOZ), Mixed-Use Infill Zone (MI), and Residential Cluster Project Zone (RCP) districts.

The effort has been temporarily placed on hold to allow time to reevaluate the role and future application of the manual within the context of the LUC and development standards.

RECOMMENDED ACTIONS:

Quick Fixes

- Incorporate key design manual guidelines into proposed NOZ, MI, and RCP Zones as standards to begin to build predictability into those processes and to begin to clarify those types of guidelines that should be codified as prescriptive citywide standards. It should be noted that this approach should ultimately be followed by the more comprehensive Mid/Long-Term Actions outlined below to avoid unnecessary duplication of general standards and to support efforts to streamline the process.

Mid/Long-Term Actions

- Identify the key site planning and design guidelines, such as connectivity, that are typically included in most modern zoning codes as development standards. Rewrite to be clearer and more specific and incorporate into Development Standards as regulations that are enforceable. Do not use any of the remaining guidelines in the development review process.
- See discussion of overarching LUC issues at end of this diagnosis. A critical issue facing the City is reconciling and integrating the development standards (landscaping, environmental, pedestrian, etc.) that are now scattered randomly in the LUC, the Development Standards, and the Design Guidelines Manual, and in various plans.

Clarify Role and Composition of Design Review Board

The Design Review Board is comprised of 7 members, 5 regular and 2 alternate. Representatives are appointed by Mayor and Council and must be comprised of at least 1 registered architect, 1 contractor, and 2 registered landscape architects. The DRB plays an important role in several processes, but its scope and powers are fragmented:

- Scenic Corridor Zone (SCZ) Variances and Development Review (at the request of DSD director or applicant).
- Lot Development Option (LDO), Appeals;
- Project Design Options (PDO), Development Review;
- Environmental Resource Zone (ERZ) Mitigation Plan, Appeals, and Variances;
- Landscaping and Screening Regulations, Variances;
- Gateway Corridor Zone, Variances;
- Native Plant Preservation, Variances;
- Neighborhood Commercial (NC) Zone, Development Review;
- Office (O-1) Zone, Development Review;
- Communications Land Use, Development Review (cellular communication towers);
- Home Occupation: Travelers' Accommodation, Lodging, Development Review;
- Historic Preservation Zone (HPZ), Appeals;
- Rio Nuevo and Downtown (RND) Zone, Development Review; and
- Other functions as may be required by the LUC.

According to staff, the DRB has done a credible job in reviewing development applications for the Rio Nuevo Zone, although it is only given a week to conduct its reviews.

ISSUES:

A number of participants suggested that the role and composition of the DRB needs to be clarified and could be improved with some relatively modest changes. Specific issues identified were as follows:

Scope of DRB Authority

Development Services staff suggested that DRB review would be one way to help streamline the review process for infill and mixed-use development by providing an alternative to projects being automatically subjected to a public hearing at the Board of Adjustment level. The DRB is generally viewed as having more applicable expertise to review these often complicated projects. As with the DRB membership issue discussed below, this issue is in the process of being addressed as part of a series of Draft LUC Amendments (dated 3.13.06). As currently drafted, the proposed LUC Amendments would add Neighborhood Overlay Zone (NOZ) Development Review, Mixed Use Infill Zone (MI) Development Review, and Residential Cluster Project (RCP) Review (limited to projects 5 acres or less in size) to the DRB's list of duties.

As an alternative means of addressing this issue, staff has prepared a proposed amendment to the LUC (Draft May 1, 2006) that would establish a Staff Design Committee responsible for the review of proposed buildings, structures, landscaping, architectural features, development plans, and sites plans within the NOZ, MI, and RPC. The review team is proposed to include five staff members, including: an architect, an engineer, an urban planner/landscape architect/urban designer, on permitting specialist, and a representative of the City Manager. The SDC would serve as a substitute for the DRB only for the areas mentioned above. Based on our experience working with communities across the country on these types of issues, this staff review approach represents a positive step in the right direction. Not only is it reflective of modern practice in the administration of more complex zoning districts and design standards—communities such as Marana, Arizona; Sacramento, California; and Fort Collins, Colorado already use this type of system—but it can also result in a review process that is less time intensive than that which is in place today. The effectiveness of this type of staff design review team, however, is contingent upon two primary factors—1) the composition of the team (e.g., it must be comprised of experienced professionals) and 2) the presence of clear design standards that the team may apply during their review.

DRB Membership

Neighborhood representatives expressed concern regarding the lack of neighborhood representation on the DRB. This issue is in the process of being addressed as part of a series of Draft LUC Amendments (dated 3.13.06) proposed for Section 5.1.8, in which one neighborhood representative would be added to the list of required members.

Meeting Notification

Neighborhood representatives also expressed concern that current DRB Rules of Procedure make it difficult for neighborhoods to stay abreast of DRB activities that affect neighborhoods. Although meeting times are regularly scheduled, representatives pointed out that current procedures require agendas to be posted outside of City Hall only 48 hours prior to the scheduled meeting date. This makes it difficult to assess in advance whether neighborhood representatives would need to attend the meeting and if so, which representative(s) would be most appropriate.

If staff's proposal to establish a Staff Design Committee (SDC), as discussed above, moves forward, the SDC would become the main review body for the RND zone and for all infill development—which would eliminate the need for several of the recommended actions listed below related to the DRB's composition and scope of review authority. This connection has been flagged below, as applicable. Should the SDC recommendation not carry forward, recommended actions related to the DRB would need to be revisited and implemented.

Recommended actions related to DRB Rules of Procedure and distribution lists would remain relevant issues despite the creation of a SDC.

RECOMMENDED ACTIONS:

Quick Fixes

- Approve proposed LUC Amendments related to the Staff Design Committee (SDC).
- Approve proposed LUC Amendments related to the DRB's membership composition and scope of review authority if proposed amendments related to the SDC are not approved.
- Revise DRB Rules of Procedure to provide agendas at least 7 days prior to any scheduled meeting.
- Establish an e-mail distribution list for those interested in receiving DRB agendas on a regular basis.

Neighborhood Protection

ISSUES:

A number of issues related to neighborhood protection were identified during the interviews. Specific procedural issues are discussed below, and related substantive issues are discussed in the next section.

Generally, neighbors felt that they were not getting enough early information about development projects and that decisions are set in stone before any meaningful input from the community-at-large. On the other hand, some members of the development community felt that processes involving public hearings such as rezonings and variances were inordinately slow, highly subjective, and political. The resulting uncertainty can make infill and mixed-use projects, which often require discretionary reviews, less attractive and more expensive than greenfield projects.

Notification Procedures for Neighborhood Meetings

Existing notification procedures for neighborhood meetings contained within the LUC (Article V. (Administration), Division 4 (Procedures), Section 5.4.5 (Components of Procedures), Subsection 7 (Public Notice)) are viewed as inadequate by the NIC in terms of the level of neighborhood protection they provide. The primary source of concern from the NIC's perspective is the lack of detail related to the proposed project that must be provided early in the review process. As written, the procedures require applicants to offer to meet and discuss certain proposed project (e.g., PADS, RCPs) with adjacent property owners and the neighborhood associations that are on record with the City for the area in which the project is proposed at a specified time and place. However, no details regarding the type of project proposed, specific location of the project, or other relevant information must be provided. NIC provided several sample proposed project notices from previous neighborhood meetings and identified some specific problems:

- Difficulty in gathering neighborhood responses in time for meetings with advertised on short notice (particularly for neighborhoods without a formal neighborhood association);
- Poor timing of meetings, which the neighborhood has no control over (e.g., one meeting was scheduled 2 days before Thanksgiving);
- Notification in English only—despite the large number of Spanish-speaking residents in the City; and
- A lack of critical information regarding the project and its potential effect on the neighborhood (e.g., no address, no explanation of what is being proposed).

Enforcement of Existing Regulations

The NIC described several scenarios in which neighborhood property owners had constructed additions or accessory dwellings that were not in compliance with the LUC without a building permit. Although the issue was raised with building inspectors, property owners were, in several instances, granted retroactive permits—seemingly reinforcing this as a viable approach to getting around the LUC. In addition, neighborhood residents indicated that complaints to the City regarding LUC violations were often met with the suggestion that the neighbors work it out amongst themselves—which most residents thought was unworkable in many instances.

Implementation of Neighborhood Plans

The City has been working with the Neighborhood Infill Coalition for the past year on the development of a Neighborhood Overlay Zone (NOZ) that will provide a vehicle for more tailored neighborhood development policies and standards. As proposed, the NOZ would serve as a framework for implementation of more detailed recommendations set out in each neighborhood plan. Specific development review criteria would be incorporated into the NOZ adopted for that neighborhood. While this approach will allow the nuances of each neighborhood to be addressed more specifically and add some certainty for developers attempting infill and mixed-use projects, it also relies on updates to existing neighborhood plans (which are numerous) or, in some cases, the development of a new neighborhood plan altogether.

As a first step, the City's Urban Planning & Design Department is sponsoring a Neighborhood Plan Pilot Project in partnership with the Drachman Institute at the University of Arizona. The pilot project is focusing on two neighborhoods: Jefferson Park and Miramonte. The process is anticipated to take 6-months and will include a neighborhood inventory, a steering committee, and a series of public meetings to provide an opportunity for residents, businesses, and institutions within each neighborhood to identify its unique characteristics. Following the completion of the two pilot plans, the process will be evaluated to determine whether similar processes could be effective for subsequent neighborhood planning efforts.

In spite of recent efforts, the NIC is concerned that the potential benefits of the NOZ concept will be limited due to the length of time it will take for plan updates and writing tailored development review criteria for each neighborhood in the Central Core area.

RECOMMENDED ACTIONS:

Quick Fixes

- Expand neighborhood meeting requirements to include a section on the content of the mailed notice, as consistent with more detailed public notice requirements contained in the LUC, as referenced above.
- Consider developing a standard form for neighborhood meeting notices that contains all relevant data to be included to ensure consistency and completeness.

Mid/Long-Term

- Continue to review issues arising from the neighborhood planning prototype experience with the Drachman Institute to better establish policies, processes, and regulatory tools to advance neighborhood conservation in a way that most efficiently addresses the large number of neighborhoods in need of updated general and special land use policies.

Certainty and Flexibility in the Development Review Process

ISSUES:

The development community raised two important procedural issues during our discussions. First, they lamented the degree of uncertainty they often face in undertaking mixed-use and infill projects because of the lack of any appropriate mixed-use or tailored infill zone districts in the Land Use Code. Consequently, it is no surprise that RCP and PAD processes have been used frequently. However, these two processes can create a good deal of uncertainty because uses, densities, and standards are often negotiated from the ground up. Second, and in contrast, they pointed to the inflexibility of many of the specific regulations in the Land Use Code and Development Standards (e.g. landscaping, drainage, etc.). If a standard cannot be met on a typically constrained infill site, the options are limited to seeking a variance or going the route of the RCP or PAD processes.

While the countervailing issues of certainty and flexibility are perennial ones in any development review process, there are some relatively modest steps the city should consider to alleviate some of the most significant problems.

Lack of Tools for Mixed-Use Projects

Although the city's LUC does currently allow for mixed-use development in the OC-3 and MU zones, or through the use of the PAD Zone, feedback from city staff and the development community indicate that a more tailored approach is needed for infill projects. Many communities have adopted new zone districts with tailored development standards that specifically allow and encourage mixed-use developments in infill areas, including a range of residential housing types. These districts allow mixed-use developments by-right, thus reducing the use of planned area developments and similar "flexible" processes. City staff is in the process of drafting a new Mixed Use Infill Zone (MI) to fill this role. Recommended actions below that refer to the MI zone are based upon a November 21, 2005, staff draft.

RECOMMENDED ACTIONS:

Move forward with efforts to development the MI zone, with some additional considerations:

Quick Fixes

- Consider allowing mixed-use by right for smaller projects (e.g., less than 2 acres). However, this would only be feasible if clear transitional standards were in place to ensure neighborhood protection (see also, Neighborhood Protection recommendations.)
- Refine General Requirements in MI zone draft to add specificity and clarify vague statements (e.g., Development within the district shall not *adversely* affect adjacent land uses or the surrounding neighborhood). This also relates back to the need for improved transitional standards at a citywide level to provide clear guidance on these types of neighborhood protection issues.

Mid/Long-Term Actions

- Undertake planning process to identify the most appropriate mixed-use development sites based on market demand, neighborhood compatibility, and similar considerations. Target mixed-use development in these areas versus spreading out along corridors and dispersing critical mass for transit and lively retail precincts. Both the cities of Reno, Nevada (Virginia Street) and Denver, Colorado (East Colfax Avenue) are in the midst of grappling with similar corridor-based infill issues and may be able to provide valuable insight and lessons learned as Tucson begins to plan for a more transit-oriented pattern of development along its corridors in the future. To this end, on-going planning efforts related

to mixed-use and infill development should be closely coordinated with the RTA corridor planning process.

Provide Flexible Procedure to Modify Dimensional Standards (e.g., setbacks) for Mixed-Use and Infill Projects

In many cities, the standard dimensional regulations for setbacks, parking, and similar provisions are geared to suburban developments on large greenfield sites. Tucson's regulations are not exception. As a result, mixed-use and infill projects often run aground or are delayed as developers are forced to seek multiple minor variances or proceed through flexible planned area development type processes. Many communities are addressing this inflexibility problem by adopting an administrative modification process that allows staff to grant minor modifications of dimensional standards. Thus, for example, in some jurisdictions, such as Fort Collins, Colorado, staff is able to modify a setback requirement of 20 feet by 20% (4 feet) to accommodate an infill development on a constrained site. Tucson already has a similar process for Development Standards that has proven very useful.

RECOMMENDED ACTIONS:

Quick Fixes

- Adopt an administrative modification process for dimensional standards contained within the Land Use Code. Pattern this process after the successful internal staff review committee (Development Services Review Board) that has been granted authority to grant modest modifications of the Development Standards.

Substantive Issues: Zone Districts and Development Standards

As an alternative to a major overhaul of the LUC (or prior to), there are a number of targeted issues that should be addressed in the short-term. Although many of these issues are related specifically to infill and mixed-use development, others are tied to organizational or procedural aspects of the LUC or to more general issues. Each issue is discussed below, along with recommended actions to address the issue. Several of these issues, such as those related to the Residential Cluster Projects and neighborhood protection, are already in the process of being addressed by the City; however, additional recommendations are provided as appropriate.

Remove Land Use Regulatory Barriers to Mixed-Use Development

As mentioned above, the City has seen increased interest in recent years in mixed-use projects from the development community. As a result, there are a growing number of built examples in the City today. While these projects are generally viewed favorably by the community now that they are built, approval processes were in most cases lengthy and challenging for City staff, the developer, and neighbors. This is largely due to the suburban orientation of most of the substantive regulations in the LUC and Development Standards (in addition to the lack of tailored zone districts discussed above), which forces developers to try to "pound" their more urban mixed-use projects to fit the "square holes" of the land use codes. Adding to the difficulties of recent mixed-use developments was a significant level of neighborhood opposition. Specific barriers embedded within the LUC today are discussed in detail below, along with a set of recommended actions or interim revisions to the LUC.

In addition to identifying barriers to mixed-use and infill development within the existing codes, the discussion below also highlights potential opportunities to encourage such development using a range of available incentives.

ISSUES:***Development Designator System***

The LUC currently employs a unique and somewhat complex Development Designator System (DDS) to address how different types of uses will relate to one another in terms of dimensional standards. The DDS system assigns different setbacks, building heights, density, lot coverage, and other development requirements according to the type of principal use. Where more than two uses with different Development Designators are proposed on the same site, applicable development requirements are based on the floor area ratio (FAR) or residential density (RAC) and the lot coverage requirements calculated separately for each uses. Height and setback requirements for each use are required to be in accordance with the requirements of the Development Designator assigned to each use.

When reviewed as development requirements for a stand-alone use, the requirements and results are not unlike of what would be found in most traditional zoning codes that list such requirements on a district-by-district basis. However, the application of this approach to a vertically mixed-use development becomes tricky from a standpoint of which development requirements to use. In the case of some of the recent mixed-use developments, the development requirements applicable to the most predominant use on the site have been applied. While this allows the applicant some clarity on which development requirements to apply, the requirements themselves are still problematic given the more suburban pattern of development they are designed to create. Moreover, if the residential portion of a project is the predominant one, then those typically more restrictive regulations will apply to the commercial portion, making the entire development potentially problematic.

RECOMMENDED ACTIONS:***Quick Fixes***

- Adopt the administrative modification provisions discussed above.
- As an incentive, consider allowing the less demanding development designator standard to apply in a mixed—use project.
- Adjust the street setback standards for mixed-use developments as part of the proposed MI zone. Although it may need to vary in different contexts, disconnect setback standards from traffic counts on adjacent streets, which is a suburban approach that requires greater setbacks from busy streets. This may not be desirable in an urban mixed-use context. (See: LUC, Article III (Development Regulations, Division 2 (Development Criteria), Section 3.2.6, Subsection 3.2.6.5 (Street Perimeter Yard.))

Mid/Long-Term Actions

- Consider modifying the development designator system for mixed-use projects so that commercial standard apply to the commercial portions of projects and residential to residential.

Suburban Development Requirements

Like many communities whose development codes have not been overhauled recently, Tucson's development and dimensional standards are geared towards suburban greenfield sites. For example, they feature expansive landscape buffer requirements and require large parking lots for any development. Not surprisingly, these types of standards do not work well on more constrained infill sites nor do they make sense when applied to mixed-use developments in many instances.

RECOMMENDED ACTIONS:

Quick Fixes

- Allow mixed-use and infill projects to build-to the property line adjacent to a public right-of-way and provide an urban streetscape character (e.g., hardscaped pedestrian zone and street trees in tree wells). However, some flexibility will need to be allowed if right-of-way not available or utility placement precludes.
- Adopt the administrative modification provisions discussed above.
- Eliminate ADT limitation on projects with alley access to avoid requiring bollards to dead-end alleys as a means of reducing through traffic.
- Consider allowing a portion of a project's off-street resident or guest parking to be met using on-street spaces adjacent to a development. This is a common approach in many jurisdictions. Additionally, allow a reduction of greater than 10% now granted for mixed-use projects contingent on a parking study submitted by the developer.

Mid/Long-Term Actions

- Allow alley access to residential development with standards requiring alley to be upgraded to private street standards or consider not applying direct physical vehicle access requirement if a mixed-use/infill development has on-street parking and direct pedestrian access to adjacent public street(LUC, Article III (Development Regulations), Division 2 (Development Criteria), Section 3.2.8 (Access Provisions)).

Neighborhood Protection

In addition to the procedural issues identified above, a number of concerns with specific substantive standards in the LUC were raised as issues related to neighborhood protection.

ISSUES:

A wide range of issues were discussed relative to neighborhood protection, however, neighborhood representatives cited particular concern in the following areas:

Lack of Transitional and Operational Standards to Protect Adjacent Uses

Experience in other communities that have attempted to encourage infill and mixed-use developments demonstrates that one of the key success factors is adopting standards to help assure neighbors that development next door—especially commercial—will be compatible not only in terms of design and appearance but also operations (noise, odors, traffic, etc.). Currently, the LUC and development standards do not supply an adequate level of comfort in this regard and some potentially helpful provisions in the Design Guidelines Manual are advisory only.

Mismatch between Existing Zoning and Existing Neighborhood Conditions

Existing development patterns in many of the City's Central Core neighborhoods are not consistent with the underlying zoning (e.g., a neighborhood consisting of single-family detached homes consistent with the R-1 zoning district, may actually be zoned for R-2 or R-3 development.) allowing infill development to occur at higher-densities than exist today. This issue is viewed as significant by neighborhood representatives due to the lack of awareness in the community of the Land Use Code and the potential ramifications of its provisions on existing neighborhood character and quality of life.

Accessory Structure “Loophole”

One major source of concern for neighborhood representatives has been the spate of recent “mini-dorm” projects that have sprung up in Central Core neighborhoods as a result of the mismatch between zoning and the existing development pattern described above. “Mini-dorms” are large, multi-unit accessory dwellings located in the rear yard of the original home in a predominantly single-family residential neighborhood. In most cases they are significantly larger than the original primary dwelling in terms of their height, mass, and total square footage. In fact, as a result of the “loophole”, accessory dwellings are able to achieve their increased size by designating themselves as the primary dwelling and the original home as the accessory dwelling. This is made possible due to the lack of specificity within the LUC regarding the location and accessibility of the primary dwelling.

While accessory dwellings are a common way of accommodating additional housing within established neighborhoods, the scale and appearance of many of these structures has been grossly out of character with the surrounding neighborhood, creating mistrust among residents that often extends to *all* infill development. Aside from the visual impacts of the buildings themselves, the “mini-dorm” issue has created additional neighborhood impacts in the form of increased traffic and the unsightly appearance of large off-street parking lots in the middle of neighborhoods.

City staff has been working to address this issue through a series of targeted LUC revisions designed to remove the “loophole.”

RECOMMENDED ACTIONS:

Quick Fixes

- Proceed with Neighborhood Plan Project and the implementation of Neighborhood Overlay Zone's for the Jefferson Park and Miramonte neighborhoods.
- Adopt proposed LUC amendments to remove accessory dwelling “loophole.” Consider, for example, limiting the size of accessory dwellings (650 square feet is a common number) or requiring primary residence to have access from the primary street frontage, not an alley.

Mid/Long-Term Actions

- Adopt design and operational compatibility regulations as part of the city's development standards. These standards should provide a range of design compatibility options (not just landscaped buffers) including setbacks, building materials, building massing, colors, architectural details, etc. Additionally, mixed-use projects should address operational issues such as noise, hours of operation, odors, placement of drive-in windows and service facilities, etc.

Clarify Role of Residential Cluster Project (RCP) Provisions and Requirements

According to recent staff estimates, nearly 95% of subdivisions (infill and greenfield combined) within the City are using RCP provisions. This prevalence is somewhat curious given that the RCP's stated purpose is to provide greater flexibility and creativity in the design of clustered residential development—which is typically a more suburban or rural form of residential development. Many commentators questioned the use of the RCP as an urban development tool and criticized the quality of open space and lack of community benefits that the City was receiving in return for the increased density and greater development flexibility the RCP typically allows.

As discussed earlier, development community representatives indicated that they use the RCP because of the flexibility it provides on density which they maintain is needed to offset the many constraints presented by infill development sites in the City. One example cited referred to the space needed to accommodate City retention/detention requirements, which could be offset with increased densities provided on other portions of the site. Development community representatives also indicated that the RCP provides more flexibility on the types of housing products that could be accomplished that would be the case using straight residential zoning districts.

ISSUES:

Issues have largely focused in the key areas discussed below. As mentioned under Key Themes, above, the City has been exploring various alternatives to address RCP specific issues identified as part of this process. Revisions to the RCP proposed by City staff in an early draft are noted below as they pertain to each issue:

Quality/type of open space and development amenities provided

Projects developed in accordance with RCP provisions in an infill context have been controversial on several occasions. Concerns have stemmed from the lack of guidance on the quality and type of open space and development amenities that must be provided and from dissatisfaction with several specific development characteristics. One example cited related to a large, concrete-lined detention basin that was incorporated in and qualified as open space for an RPC development. Neighbors were displeased with the both the appearance of the basin (e.g., height and steepness of basin slopes, impervious materials used, “engineered” appearance) and with its close proximity to their property line.

A May 1, 2006, draft of the revised RCP incorporates of a number of additional design standards related to Project Amenities and Site Improvements, which includes open space, natural areas, common areas, and recreational facilities. Design standards are provided under the headings of Innovative Design, Connectivity, Amenities, Landscaping, Screening, Trails, Garbage Receptacles, Terrain and Grading, and Open Space. Specific to the example, above, one of the proposed design standards requires detention/retention basins be designed as functional open space by incorporating the Multiple-Use Concepts and Aesthetic Design Guidelines contained in Chapter IV of the Stormwater Detention/Retention Manual.

Use of RCP to accomplish goals outside of its intended purpose

The May 1, 2006 draft, of the revised RCP also suggests that density bonuses be removed and proposes a two-tiered approach to the review of RCP developments. Under the proposed approach, projects with a gross site area of five acres or less must be reviewed by the proposed Staff Design Committee (SDC) for approval, while projects with a gross site area of greater than five acres are subject to approval in conformance with standard Zoning Compliance Review Procedures.

The recommended design standards included in the May 1, 2006, draft also address issues such as the architectural diversity of homes within each subdivision, connectivity, trails, and other aspects of development quality that have been previously been addressed only in the Design Guidelines Manual. While these issues are relevant to RCP developments, they are likely just as relevant to all residential development (or in the case of connectivity—to all development period). A discussion regarding the appropriate location for these types of design standards within the LUC is provided under the heading of *Clarify Role of Design Guidelines*, in the previous section.

RECOMMENDED ACTIONS:

Continue to refine RCP provisions with the following additional considerations:

Quick Fixes

- Adopt proposed design standards contained in RCP staff draft to improve the quality of open space and recreational areas within RCPs as an interim solution.
- Consider amending proposed language regarding architectural diversity within subdivisions to require a minimum number of distinct housing models within a subdivision (typically, the larger the subdivision, the more models would be required). This type of standard would be in addition to or as an alternative to the suggested language reading, "no two homes with the same color scheme and with the same architectural elevation shall be placed adjacent to each other on the same block face," which will likely result in a monotonous pattern of the same home on every other lot—while requiring a larger number of models would assure some additional variety at a block level.

Mid/Long-Term Actions

- Establish a minimum size threshold for RCP developments to reduce use for projects that are too small to provide compensating community benefits such as significant open space (e.g., 40 acres is used for PAD) or allow compensating community benefits to be provided in an alternative manner, such as through the use of a fee-in-lieu program if a public park is located within a reasonable walk distance (typically ¼ mile).
- Explore the potential incorporation of a conservation subdivision ordinance as an alternative to the RCP. This would provide a means of addressing suburban edge conditions where traditional cluster subdivisions designed with an emphasis on the preservation of significant tracts of open space would be particularly appropriate.
- Explore the applicability of open space and recreational area guidelines contained in the May 1, 2006 draft, of the RCP at a citywide level as part of broader discussions related to the role of design standards. Consider incorporating relevant guidelines as citywide standards within the city's land use regulations;
- Amend existing residential zone districts to allow by-right a wider range of single-family and multifamily housing products in designated locations (e.g., patio homes, courtyard small-lot single family houses, townhouses, mansion homes, etc.) Given concerns regarding neighborhood protection, these locations would need to be clearly defined and could potentially be appropriate along or close to major transit corridors (in between mixed-use activity centers).

Refine Planned Area Development (PAD) Requirements

As discussed earlier, PADs are widely used (and some say overused) in Tucson as a vehicle for mixed-use developments. Their advantages include offering substantial flexibility in crafting mini-zone districts with uses, density, and standards tailored for an individual project. The downside typically is that they can take a long time to negotiate, are very staff intensive to negotiate and then administer, and can inject a good deal of uncertainty into the review process for developers and neighbors alike.

City staff working in the areas of zoning enforcement and administration indicated that the flexibility offered by PADs often made them the best tool available for developments such as mixed-use, which would be tougher to accomplish within the bounds of the LUC's traditional zoning districts. Several staff members indicated they take a very hands-on approach to working with applicants on their PAD applications. In some cases, this approach means helping applicants write regulations that provide the desired flexibility for the developer while addressing the City's need for specificity—a process which can take months and many hours of valuable staff time.

ISSUES:

Although most staff members and representatives of the development community felt PADs were overall an effective tool for infill and mixed-use projects and would continue to be used in this capacity, the following opportunities to “rein in” the PAD process were identified:

Provide alternative to PAD

Given the lack of tools currently in place to accommodate mixed-use and infill development, all projects within the Rio Nuevo and Downtown (RND) Zone are entitled to use the PAD zone regardless of size (current minimum size in all other locations is 40 acres). In addition, Mayor and Council may authorize the initiation of a PAD District of less than the required size if the proposed PAD is consistent with the intent of the PAD zone. Until tools such as the proposed MI zone are adopted, the PAD will continue to be used to provide the flexibility needed for many mixed-use and infill development.

Inconsistency in format/record keeping

Although the City only has eight PAD zones today, that number is likely to increase overtime—making it more and more difficult to keep track of the various ways specific standards have been addressed in each development.

RECOMMENDED ACTIONS***Quick Fixes***

- Standardize the format of PAD documents, standards, and related agreements to facilitate administration and enforcement after development.

Mid/Long-Term Actions

- Adopt new mixed-use zone districts and administrative modification provisions tailored to infill development, as proposed by City staff, to help reduce the need to use the PAD process, especially for smaller projects.
- Adopt neighborhood notification procedures discussed above to ensure early neighborhood involvement in PAD projects, especially larger ones.

General State of the LUC

As mentioned previously, one of the added objectives of this process was to conduct a broader review or “diagnosis” of the Land Use Code (LUC) and Development Standards to evaluate their effectiveness in implementing the City’s General Plan policies. To outsiders and occasional users, Tucson’s land development regulations are challenging to use, at best. As noted earlier, standards are scattered in the LUC, development standards, and the Design Guidelines Manual (which are supposed to be advisory, but are at times applied as regulations). In some instances, relevant standards can also be found in other planning documents. Some development review procedures are found in the LUC (e.g., variances), but others reside in the Development Standards (PAD procedures). Overlay zones are not found with other zone districts in the LUC, but are located in the Development Standards. Illustrations and graphics that might better explain key processes and standards are lacking, except in the Design Guidelines Manual, which is supposedly advisory.

Despite these apparent significant organizational shortcomings and the flaws pointed out in the first sections of this diagnosis, a number of the experienced planners and developers, City staff, and other participants who were interviewed felt that the LUC and Development Standards were relatively comprehensive in their breadth and far superior to the codes in place in most other southern Arizona cities.

With that in mind, and as an alternative to a major overhaul of the LUC (or prior to), there are a number of targeted issues that should be addressed in the short-term as discussed throughout this diagnosis. Although many of these issues are related specifically to infill and mixed-use development, others are tied to organizational or procedural aspects of the LUC or to more general issues. Each issue is discussed below, along with recommended actions to address the issue. Several of these issues, such as those related to the RPCs and neighborhood protection, are already in the process of being addressed by the City. In addition to the changes recommended in the preceding sections (e.g., adding new mixed-use zone districts, adding neighborhood protection standards), several more minor short-term fixes are discussed below.

RECOMMENDED ACTIONS:

Quick Fixes

- Add definitions of key terms such as alleys, new residential housing types, etc. to promote familiarity of new concepts and assist with interpretation when issues arise.
- Make targeted recommendations described in this diagnosis, but do not undertake full-scale code revision at this time.
- Rewrite and adopt basic design guidelines related to pedestrian connectivity, four-sided design (i.e., major buildings should have a similar level of design and detail on all sides, not just the front), and limitations on parking around big-box retail stores that are either included in the Design Guidelines Manual or are recommended by staff as standards.

Mid/Long-Term Actions

- Consider complete revision, but recognize it will take 2-3 years and likely be controversial. Will likely need a more coherent community vision to guide any code revisions than is now provided by the City's General Plan.
- Prior to undertaking a process to conduct a major reorganization and/or substantive revisions to the LUC, prepare a detailed, section-by-section diagnosis of the entire Land Use Code and Development Standards.