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Planning and Zoning
 Growth Management
 Market Analysis
 Real Estate Consulting
 Appraisal

C L A R I O N

MEMORANDUM

TO: Jim Mazzocco, City of Tucson
FROM: Clarion Associates Team (Chris Duerksen, Matt Goebel, Paul Anthony)
DATE: January 6, 2009
RE: Proposed Drafting Schedule for Land Use Code Reformatting and Revision

The table below includes a proposed schedule for reformatting and revising Tucson’s Land Use Code. Clarion will provide a final product by November 20, 2009, which is 12 months from the Notice to Proceed. We propose dividing the First Review Draft into two parts so that Clarion can get early feedback from the city on important issues, such as the strategy for replacing the Development Designator System. Please let us know if you have comments or questions.

Task	Clarion submits draft to City staff:	City staff submits consolidated, written comments:	Clarion delivers revised draft:
Update Report	January 6, 2009	N/A	N/A
First Review Draft: Part 1 <ul style="list-style-type: none"> • Article I: General Provisions • Article II: Review Authorities • Article III: Review Procedures • Disposition Report (<i>partial, addressing Part 1 articles</i>) • First draft of Use Table (see <i>Note 1 below</i>) • Outline of proposed strategy to address Development Designator System (see <i>Note 2 below</i>) 	March 2, 2009	March 30, 2009	City comments to be incorporated into Final Draft
Notes: <ol style="list-style-type: none"> 1) The new comprehensive use table will be a key feature of the reorganized and simplified code. A use table will make it much easier to replace the city’s current use-based regulations (and associated Development Designator System) with district-based regulations. The first draft of the use table delivered in the spring will be a partial draft that will show all zoning districts and all existing uses organized into general use categories. This initial draft table may or may not indicate whether each use is permitted or not – the answer to this question likely will depend on the proposed strategy for replacing the DDS. Our intent in providing an early draft of the table is to get the city’s early input on the general layout, formatting, and use categorization, prior to developing a complete new use table. 2) Replacing the Development Designator System will be one of the more challenging aspects of the project. There are many potential strategies for converting the dimensional standards of the DDS into a more typical and streamlined district-based system. In addition, Proposition 207 imposes legal constraints on any reformatting changes that might impact existing property rights. Thus, before spending significant amounts of time on creating a replacement system for the DDS, we will present our initial conceptual approach in a brief memo for discussion, to ensure that we can proceed with confidence that we are meeting the city’s expectations on this complex issue. 			

Task	Clarion submits draft to City staff:	City staff submits consolidated, written comments:	Clarion delivers revised draft:
<p>First Review Draft: Part 2</p> <ul style="list-style-type: none"> • Article V: Use Regulations (<i>complete, including full use table</i>) • Complete implementation of strategy/system to replace DDS • All remaining articles (IV, VI through XI) • Disposition Report (<i>partial, addressing part 2 materials</i>) 	July 17, 2009	August 7, 2009	City comments to be incorporated into Final Draft
<p>Final Draft</p> <ul style="list-style-type: none"> • Unified Development Code (<i>consolidated draft, including edits based on City comments on First Review Draft</i>) • Disposition Report (<i>complete</i>) • Advisory Document on Technical Manuals and Sustainability Obstacles 	October 9, 2009	October 30, 2009	November 20, 2009

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FROM: Clarion Associates Team (Chris Duerksen, Matt Goebel, Paul Anthony)
DATE: January 6, 2009
RE: Land Use Code Reformatting and Revision: Update Report

The purpose of this Update Report is to summarize Clarion's latest understanding of the key tasks involved in the reformatting and simplification of Tucson's Land Use Code.

Since originally drafting the Diagnosis, Clarion conducted a series of informative stakeholder interviews in Tucson on November 20, 2008. We also held additional discussions with staff to further explore the issues to be addressed in this project. These interviews and discussions have confirmed that the Diagnosis report and the May 2008 annotated outline memo remain the primary blueprints for the new code. This Update Report provides additional detail on certain issues covered in those documents, based on the recent interviews and discussions. For items not addressed in this memo, the approach suggested in the Diagnosis and annotated outline memo remains unchanged.

- **Design Guideline Manual (DGM):** The only parts of the DGM to be incorporated into the new code will be those related to connectivity. All other parts will be left in their current state and not incorporated.
- **Code Interpretations:** Significant and commonly used interpretations should be incorporated into the new Land Use Code. The city is reviewing past code interpretations to identify those that should be codified in the reformatted code. Clarion will integrate these interpretations as requested.
- **Development Designator System (DDS):** The new code will replace the DDS, which is a complex use-based approach, with a more typical, district-based zoning system. The biggest challenge in making this transition will be establishing a more uniform set of dimensional standards (e.g., setbacks, height, etc.) to replace the highly variable standards that are a prime source of confusion for users of the current code. In making the transition, Clarion will carefully analyze the requirements embedded in the current regulatory system and convert these into proposed new standards that apply to entire districts, supplemented with use-specific standards as necessary.
- **Residential Adjacency Standards:** A key purpose of the existing DDS system is to protect residential uses from impacts associated with nearby, more intensive nonresidential development. If the DDS is replaced, the city has indicated that some sort of residential adjacency standards will need to be added to offset the loss of protection to neighborhoods provided by many of code's current standards (which may not be suitable as new uniform standards for practical and Prop 207 reasons). Citizen representatives, in particular, made it clear that protecting privacy is critical and that any system that replaces the DDS must provide the same or better level of protection for neighborhoods from incompatible uses as the current DDS. Clarion will propose a menu of new

residential adjacency standards for the city's consideration based on our work in other communities, such as Colorado Springs.

- **Revisions to Diagnosis/Outline Recommendations:** On the following issues, the new approach replaces the recommendations in the Diagnosis and the annotated outline memo.
 - The Hillside Development Zone (HDZ) and Environmental Resource Zone (ERZ) will remain as overlay districts.
 - The outdoor lighting code and the floodplain regulations will not be incorporated into the new Land Use Code.
 - The current administrative waiver processes (DSMRs and DDOs) will be left intact.
 - Integrate new city ordinances as necessary. These may include new parking standards, a new infill incentive district, and new standards related to flexible lot design, among other issues.

- **Dual Code:** Proposition 207 imposes legal constraints on any reformatting changes that might impact existing property rights. To address Prop 207 concerns, the city is considering operating under a “dual code” system in which existing landowners may choose to be regulated by the old (current) code or the new reformatted code. This decision does not directly impact Clarion’s work, although we may provide additional advice on the matter as we work through the project.

- **Miscellaneous:** Throughout the drafting process, Clarion will identify code language that is unclear or redundant and propose “non-substantive” clarification changes as necessary. Any substantive changes from current regulations should be flagged for review. Clarion will also flag substantive regulatory issues that may need to be addressed as part of a future project.