Sustainable Neighborhoods Through Planning



Report to Tucson Mayor and Council

May 21, 2019 Study Session

Presented by Tucson Residents for Responsive Government (TRRG)

"Tucson is special for many reasons, but especially for its community engagement. I encourage all local officials to take steps to encourage and support our Tucson neighborhoods."

"Neighborhoods know what they need. Honoring neighborhood plans protects property values and makes Tucson a vibrant resilient city."

"Neighborhoods are critical to our wellbeing. They need to change, but not in the way the City is planning."

"Neighborhoods should not be counted as "one" stakeholder, instead the options should be heavily weighted compared to other stakeholders."

"Neighborhoods not only provide the character of the city, their residents drive the economy."

"It's time to put residents' concerns ahead of developers' profits."

"Neighborhoods are what makes Tucson great."

"Neighborhoods are resources for the city, too. They should support us as partners in the efforts to improve and strengthen our communities."

"I want my input to count when it comes to city government decisions."

"We need real leadership from our elected officials."

SUSTAINABLE NEIGHBORHOODS THROUGH PLANNING: KEY ELEMENT TO A VIBRANT COMMUNITY

Tucson Residents for Responsive Government (TRRG) was asked by City of Tucson Manager, Michael Ortega, in early 2018, to assist the City of Tucson (COT) in evaluating its current area and neighborhood plans. This effort was mandated in Plan Tucson, Specific Plan, p. 4.4 (See Appendix A). TRRG chose to engage neighborhood associations in a self-evaluation, entitled by its participants, *TRRG Initiative: Sustainable Neighborhoods through Planning.*

As a result of input from 45+ neighborhood associations during four workshops in 2018, TRRG became acutely aware of the City's shift in priorities during the past two decades. Current COT neighborhood and planning policies/procedures are an accumulation of actions taken over more than four decades. Much has changed since the first neighborhood plan was written in 1970. TRRG has chosen to connect neighborhood and long-range planning since many established neighborhoods see their area/neighborhood plans as central to their well-being. Older plans focus on land use, just as planning policy does. The disconnect between resident expectations and Mayor/Council/PDSD current use of the documents has raised serious credibility issues.

TRRG believes all parties—elected officials, administrative staff, and community stakeholders-- must understand what the present policies and procedures are before we can formulate more coherent, transparent, collaborative understandings to guide future policy and procedures in building a strong inclusive community. TRRG has identified three areas of concern about neighborhoods and planning:

- 1. Shortfalls in the Implementation of Plan Tucson
- 2. <u>Lack of Adherence to Unified Development Code</u>
- 3. Lack of City Support for Neighborhoods

TRRG believes that the time has come for meaningful public engagement; therefore

TRRG, on behalf of City of Tucson residents, petitions Mayor and Council:

Support for neighborhood interests and collaborative City planning has been neglected too long. Please engage the community to identify the problems created and solutions needed.

AREAS OF CONCERN ABOUT NEIGHBORHOODS AND PLANNING

1. SHORTFALLS IN THE IMPLEMENTATION OF PLAN TUCSON

Plan Tucson included **Neighborhoods: The Foundational Unit** in Chapter 2, Tucson Planning Context. *Stable neighborhoods strengthen the city socially, economically, and physically in a variety of ways. Some key ways include:*

- providing a safe and pleasant places (sic) for residents to live
- maintaining property values
- preventing deterioration and blight
- maintaining the tax base
- providing affordable housing options to promote home ownership
- supporting local business and area employment
- providing conditions that support aging in place
- creating a sense of community p. 2.15

Neighborhoods merited one Plan Tucson goal out of its 25 total goals: *The Social Environment 3 A safe community and secure neighborhoods. (p. 2.19)* **"Neighborhood"** was mentioned in 27 of the document's 186 policies. This was seen as adequate, given that ALL goals and policies "are important to enhancing, maintaining and creating neighborhoods. Following the argument that the neighborhood is the foundational unit of the city, then what affects the neighborhood will affect the city as a whole and vice versa. (p. 2.16)

With that expressed interdependence, City support for strong, sustainable neighborhoods would seem a given, a good investment especially in challenging times. Tucson's problems—declining revenues as shopping practices change; severe weather events due to climate change; water scarcity due to population growth and drought; aging population with health-related issues; integrating new development while respecting neighborhoods' deep cultural roots—cannot be addressed in a meaningful way without a partnership between city government and neighborhoods. Finding solutions demands a greater sense of shared responsibility and innovative approaches if our community is to be resilient.

Plan Tucson, Governance & Participation, G2 states: Offer opportunities for productive public engagement in City policy, program, and project initiatives from the beginning of and throughout the planning and decision-making process. (p. 3.46)

Neighbors often have found that significant planning of new projects for their vicinity has occurred before they receive notification. They had hoped that this policy would remedy that; there have been no land use public engagement changes since Plan Tucson was passed.

Plan Tucson included EXHIBIT LT-7 Future Growth Scenario Map in Chapter 3, The Built Environment (p.3.144) as a guide to long-term planning. (See Appendix B).

Unfortunately, staff presented this map for public comment at a meeting very late in the General Plan approval process. The disclaimer on the map was a compromise between the public and staff; however, neighbors have noted that staff refers to it as justification for its recommendations on a regular basis. This is troubling, given that neighborhoods had no opportunity to consider appropriate designations for their areas.

Plan Tucson, Specific Plans (p.4.4), addressed the past use of 53 specific plans and concludes direction for future use: To translate this concept of element interrelatedness into meaningful outcomes for neighborhoods will require the development of updated specific plans that address the range of elements in Plan Tucson and provide a mechanism for ongoing oversight and updating.

The City has never expended effort to revisit approved neighborhood/area plans, the majority of which were written before 2000, to ensure that they reflect current conditions and concerns. Plan Tucson identified problems; solutions were to be explored. Until the City Manager invited TRRG to begin the review process, nothing had been initiated since the passage of the Plan in 2013.

Plan Tucson, Plan Implementation & Administration (p.4.7), calls for Annual Progress Reports on Plan Tucson implementation. TRRG has seen no evidence that these reports have been produced. With proper public participation in creating these reports, imbalances and shortfalls might have been identified and solutions worked toward sooner.

2. LACK OF ADHERENCE TO UNIFIED DEVELOPMENT CODE (UDC)

The Unified Development Code is clear that neighborhoods and area/neighborhood plans are to be conformed to:

- 1.4.1 Applicability and Jurisdiction D. **All provisions of the UDC** shall be consistent with, and conform to, the General Plan and other related plans and policies adopted by the Mayor and Council.
- 3.5.5 General A.1. The purpose of the **Planned Area Development** (PAD) zone is to enable and encourage comprehensively planned development in accordance with adopted plans and policies. A 1.C. Application Processing and PAD Establishment C.1. Each PAD must be in compliance with the General Plan and applicable sub-regional and neighborhood plans.
- 8.7.3 The purpose of the **Flexible Lot Development** (FLD) is to provide greater flexibility and creativity in the design of residential development by: 2. Implementing the goals and objectives of the General Plan, Area Plans and Neighborhood Plans. 8.73C. 1. Conformance with the General Plan and other Applicable Plans. An FLD shall be in conformance with the General Plan and any of its components, including any applicable adopted area and neighborhood plans.

In all, *Neighborhood* in the context as a geographic area, a Neighborhood Association or a Neighborhood Plan is referred to **257** times in the Unified Development Code (UDC) (See Appendix C.1. and C.2. for detailed documentation.)

The UDC was approved in 2013. Mayor and Council hired Clarion Associates to revise the Land Use Code (LUC) which had been approved in 1995. The directions were explicit: make the LUC simpler, resolve inconsistencies and remove redundancies—do not make policy changes. When the LUC was written, the City was investing in Neighborhood and Area Plans. Utilizing them enables better planning for specific areas. During the past several years, neighbors have found PDSD staff recommendations, City attorney advice, and Mayor/Council votes on land use applications to be rationalized as legal, even as they ignored or marginalized Area and Neighborhood Plans. Perhaps those decisions could be construed as legal; it is impossible to see them as ethical.

3. LACK OF CITY SUPPORT FOR NEIGHBORHOODS

No City staff is designated to be responsive to community needs for strong neighborhood and long-range planning in the current City of Tucson administrative structure.

Elimination of Department of Neighborhood Resources, Department of Urban Planning and Design, and Office of Integrated Planning has resulted in their goals/functions being assigned to an under-staffed Planning and Development Services Department (PDSD). Its organizational chart of Dec. 2018 does not show any employee designated to address neighborhood needs; those areas identified as **Advanced Planning** and **Current Planning** appear primarily focused on processing current PDSD applications, not long-range planning. (See Appendix D)

Services to Neighborhoods (02/04/16) which are registered with the City were reduced to one mailing per year, assistance in finding a meeting location, and referral to Environmental Services for clean-up assistance. (See Appendix E)

First, PRO-Neighborhood's various efforts to provide support for neighborhoods--competition for small grants to enhance community and frequent workshops to learn how to organize successfully --were eliminated. Then in 2017, staff assistance to an occasional Neighborhood Huddle, where neighborhood leaders came together to share their success experiences with their peers, was eliminated.

The question which must be addressed is: How are Neighborhoods and their Associations to be significant participants in land use decision-making, as required by Plan Tucson and the Unified Development Code, when they are struggling to remain viable entities?

CONCLUSION

The City of Tucson has changed during the past two decades. Infill development, Rio Nuevo, Regional Transportation Authority, Infill Incentive District, and overlays have all impacted the community. The Great Recession left the City struggling financially. Much of its economy was tied to the housing market. Development interests took advantage, blaming the City, declaring it to be not "business friendly."

The pendulum has swung from attention to neighborhoods in the 1970-90's to emphasis on economic development. New land use policies have given broad discretion to the developer. To provide some degree of balance, a standard requiring conformity/compliance to area/neighborhood plans was included when the new ordinances were written. Over the past few years, that standard has been redefined to the point that neighbors have seen their one avenue of input marginalized to a major extent, if not totally discounted.

Tucson Residents for Responsive Government (TRRG) has interacted with more than 45 registered neighborhoods over the past year. At the request of the City Manager, TRRG sought their assessment of the status of their area/neighborhood plans. Last August/September, Bonnie Poulos and Ruth Beeker shared the results with each of you. The message was clear: representatives of the neighborhood associations value their plans. Since then, TRRG has held 3 follow-up workshops. TRRG has taken the initiative as far as a volunteer group can. It is time for members of the community, elected officials and administration to address the future of planning and the role of specific plans within that context. Fundamental to that determination is clarification of what responsibility the City of Tucson has to its registered neighborhoods today.

Integrity, Transparency, Accountability, Collaboration, and Sensitivity to Quality of Life remain TRRG's 5 Essentials of Good Government. All are basic ingredients in having an honest, forthright discussion of where City of Tucson's long-range planning and recognition of its past area/neighborhood plans fit into its future.

Appendices

- A. Plan Tucson, Specific Plans, p. 4.4
- B. Plan Tucson, Exhibit LT-7 Future Growth Scenarios Map, p. 3.144
- C. Unified Development Code
 - 1. Number of References to "Neighborhood" in UDC
 - 2. Examples of Reference to "Neighborhood" or "Neighborhood Plan" in the Unified Development Code
- D. Planning and Development Services Department Organizational Chart (Dec. 2018)
- E. Planning and Development Services Department Services to Registered Neighborhoods

Tucson is finalized to ensure that Parks and Recreation strategies are consistent with Plan Tucson goals and policies.

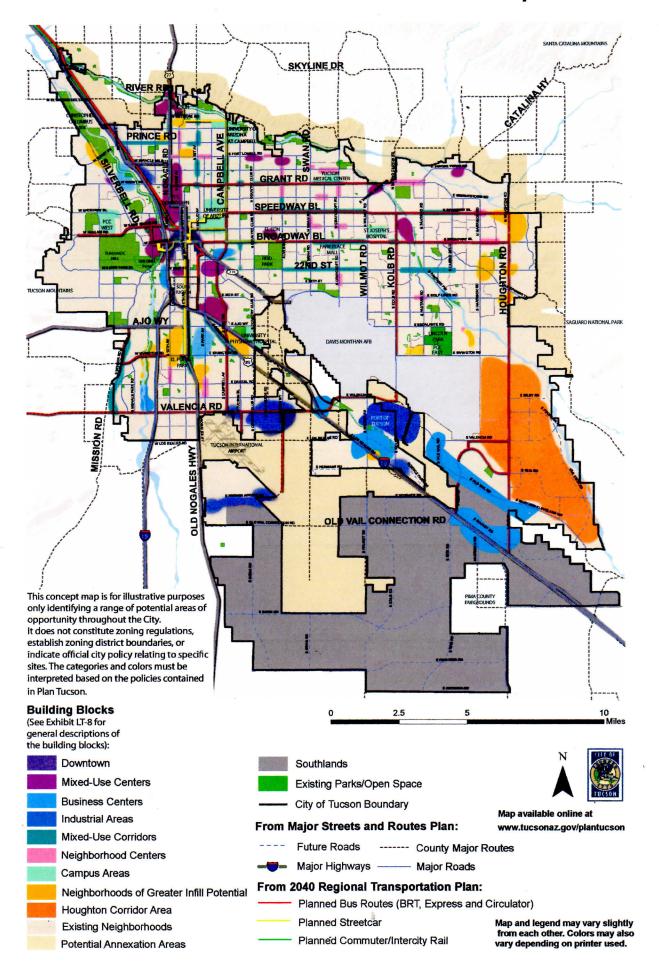
Specific Plans: The Future Growth Scenarios Map, presented in Chapter 3 under Land Use, Transportation, and Urban Design, depicts general locations and types of future development. More detailed planning within specific geographic areas will complement the Future Growth Scenario Map by translating Plan Tucson goals and policies into actions and land use guidance that relates to the needs, character, environmental conditions, and other factors of specific geographic areas of the community. Specific plans, which are addressed in A.R.S. Sections 9-461.08, 9-461.09, and 9-461.10, provide more detailed planning to allow systematic implementation of the General Plan through the use of detailed policy direction, in some cases at the parcel level, for smaller geographic areas of the city. In addition to recommending appropriate locations for different land use types, specific plans guide the location of buildings and other improvements with respect to existing rights-of-way; the treatment of floodplains, washes, and other amenities; the placement of public facilities; and other issues appropriate to the area covered by the specific plan. Specific plans may be adopted or amended by a majority of the Mayor and Council after public hearings by the Planning Commission and the Mayor and Council.

Currently 53 specific plans make up a quilt-like pattern across the city. These specific plans take the form of Neighborhood Plans, Area Plans, and Subregional Plans. The earliest plan was adopted in 1970 (Pullman Neighborhood Plan) and the most recent in 2009 (Miles Neighborhood Plan) with the majority adopted in the mid-

1980s. Many of these plans have served neighborhoods well as they have guided rezoning cases; provided direction for Neighborhood Associations; and been used in seeking funding for neighborhood improvements, capacity building, and other activities. This current specific plan structure also presents challenges. For example, some portions of the city have no specific plan coverage; density definitions vary in some plans; and changes in the physical make-up of the city are not reflected in some of the more dated plans. Because updating and managing the current number of specific plans is a resource intensive process, most plans will need to remain in an as-is state unless a more efficient and simplified method of undertaking specific planning is pursued.

Currently the City's specific plans are largely focused on land use. Most do not address infrastructure and service issues in a substantive way. For example, the current practices of preparing functional plans by City departments (such as corridor plans or parks and open space plans) do not have a formal connection to the preparation of specific plans. This results in an inefficient and disjointed patchwork of plans in which community and neighborhood needs are not fully understood or addressed. A key theme throughout Plan Tucson is the interrelationship of the elements addressed in the Plan. That is, that while elements are addressed separately, the community benefits from recognition of their interrelatedness, not just rhetorically but in practice. To translate this concept of element interrelatedness into meaningful outcomes for neighborhoods will require the development of updated specific plans that address the range of elements in Plan Tucson and provide a mechanism for ongoing oversight and updating.

Future Growth Scenario Map



APPENDIX C.1.

Number of References to "Neighborhood" in the UDC

Counts of the word City of Tucson Uniform Development Code – by Sections "neighborhood" **UNIFIED DEVELOPMENT CODE** ARTICLE 1: GENERAL PROVISIONS ARTICLE 2: REVIEW AUTHORITIES AND POWERS 15 ARTICLE 3: GENERAL PROCEDURES 61 ARTICLE 4: ZONES 25 ARTICLE 5: OVERLAY ZONES 60 ARTICLE 6: DIMENSIONAL STANDARDS AND MEASUREMENTS 2 ARTICLE 7: DEVELOPMENT STANDARDS 15 ARTICLE 7A: SIGN STANDARDS 4 ARTICLE 8: LAND DIVISION, LAND SPLIT, AND SUBDIVISION STANDARDS 8 ARTICLE 9: NONCONFORMING USES, BUILDINGS AND STRUCTURES 0 ARTICLE 10: ENFORCEMENT AND PENALTIES 0 ARTICLE 11: DEFINITIONS AND RULES OF CONSTRUCTION 11 PARALLEL REFERENCES 0 202 Sub-total **ADMINISTRATIVE MANUAL SECTION 1: GENERAL PROVISIONS** 0 SECTION 2: APPLICATION SUBMITTAL REQUIREMENTS 10 SECTION 3: REVIEW COMMITTEE AND COMPLIANCE REVIEW TIMEFRAMES POLICY SECTION 4: DEVELOPMENT REVIEW FEE SCHEDULE 8 **SECTION 5: DEFINITIONS** PARALLEL REFERENCES Sub-total 20 **TECHNICAL STANDARDS MANUAL** SECTION 1: GENERAL PROVISIONS 0 SECTION 2: EXCAVATING AND GRADING 0 SECTION 3: FLEXIBLE LOT DEVELOPMENT (FLD) - MAXIMUM DENSITY **OPTION STANDARDS** 2 SECTION 4: HYDROLOGY 0 **SECTION 5: LANDSCAPING** 0 SECTION 6: MEDICAL MARIJUANA DISPENSARY AND DISPENSARY OFF SITE CULTIVATION USES - REQUIRED SETBACK FROM CERTAIN **PARKS** SECTION 7: PEDESTRIAN ACCESS 0 SECTION 8: SOLID WASTE AND RECYCLE DISPOSAL, COLLECTION, AND STORAGE 0 SECTION 9: SPECIAL DEVELOPMENT DISTRICTS 31 SECTION 10: TRANSPORTATION SECTION 11: UTILITIES (PRIVATE WATER COMPANIES, ELECTRIC, GAS, TELEPHONE) 0 **SECTION 12: DEFINITIONS** 0 PARALLEL REFERENCES 0

Total 257

Sub-total

35

APPENDIX C.2.

Examples of Reference to "Neighborhood" or "Neighborhood Plans" in the Uniform Development Code

References to "neighborhood" occur in 257 places in the Tucson Uniform Development Code (UDC) as of April 2019. Here are examples of how interwoven the terms neighborhood and neighborhood plan are with development rules and regulations in the City of Tucson:

- 3.2.2.A The neighborhood meeting is intended to provide an opportunity to inform potentially affected property owners of the details of a proposed development and application, how the applicant intends to meet the standards contained in the UDC, and to receive public comment and encourage dialogue at an early time in the review process.
- 3.2.2.B A neighborhood meeting is required in accordance with the applicable review procedures required in this Article, and Table 3.2-1.
- 3.3.4 D. Neighborhood Meeting Recommended The applicant is recommended, but not required, to conduct a neighborhood meeting with surrounding property owners and neighborhood association representatives.
- 3.4.5.A 5. Complies with the General Plan and any applicable sub-regional, area, or neighborhood plan.
- 3.5.3 B. Pre-Application Conference Required 1. A pre-application conference with City staff is required in accordance with Section 3.2.1. 2. City staff will also make a preliminary determination of whether the proposal complies with the goals and policies of the General Plan and any applicable Specific Plan, including Area and Neighborhood Plans.
- 3.5.5 C. Application Processing and PAD Establishment 1. Each PAD must be in compliance with the General Plan and applicable sub-regional and neighborhood plans.
- 3.6.5 B. Plan Amendments A neighborhood meeting in accordance with Section 3.2.2 is required for privately initiated, site specific plan amendments. Mailed notice of the neighborhood meeting in accordance with Section 3.2.2 and 3.2.4 is required.
- 3.7.4 B. Public Outreach and Neighborhood Meeting Required 1. Text Amendments Creating or Enabling an Overlay Zone A neighborhood meeting in accordance with Section 3.2.2 is required for text amendments to the UDC that propose creating or enabling an overlay zone to apply to specific properties.
- 3.9.1 A. 1. Neighborhood Preservation Zone (NPZ) design review applications. An appeal under this section must be based upon an error in the Director's decision finding compliance or noncompliance with the neighborhood specific design manual and compatibility review standards
- 3.10.3 Variances C. Neighborhood Meeting Required The applicant is required to conduct a neighborhood meeting and provide notice of the meeting in accordance with Section 3.2.2.
- 4.7.19. RURAL VILLAGE CENTER ZONE (RVC) The purpose of this zone is to provide retail shopping facilities, planned and designed for the convenience and necessity of a suburban or rural neighborhood. Rural village centers shall be developed according to an approved site plan and located in accordance with adopted neighborhood, community, or area plans.
- 5.7.1 ENVIRONMENTAL RESOURCE ZONE This overlay zone specifically serves to: E. Assist in implementing the General Plan policies that call for the preservation of Tucson's significant natural areas along designated watercourses where identified in adopted area and neighborhood plans.

- 5.10.1 The purposes of the Neighborhood Preservation Zone (NPZ) are: A. To provide a process for the establishment of NPZ districts to preserve, protect and enhance the unique character and historical resources of established City neighborhoods; and, B. To provide for the creation and establishment of a neighborhood-specific design manual for each NPZ district, containing architectural and design standards and guidelines to ensure that development is compatible with the neighborhood character overall, as well as with the character of the applicable Development Zone.
- 5.10.3 F. PDSD Director Decision The PDSD Director shall review the application and render a decision finding compliance or noncompliance with the NPZ and the neighborhood specific design manual within five days of receiving the Design Professional's report.
- 5.13.3 URBAN OVERLAY DISTRICT (UOD) B. Each UOD shall be in compliance with the adopted General Plan and applicable sub-regional, area, and neighborhood plans.
- 7.6.1 LANDSCAPING AND SCREENING Purpose B. Establish or retain a neighborhood character by providing design standards: 2. Where development is subject to neighborhood or area plan standards, incorporate the adopted landscape policies of neighborhood or area plans to the extent they are consistent with the provisions of this section.
- 7.6.7. COMPLIANCE WITH NEIGHBORHOOD PLANS Where a development is subject to neighborhood or area plan standards, landscape plans must incorporate, to the greatest extent possible, the landscape, screening, and design provisions of the adopted plan. In case of a conflict between this section and the provisions of a neighborhood or area plan, this section shall apply.
- 8.4.4 D. Neighborhood Meeting Required for Flexible Lot Developments Only For Flexible Lot Development Project tentative plats only, the applicant is required to conduct a neighborhood meeting and provide notice of the meeting in accordance with Section 3.2.2, Neighborhood Meeting.
- 8.7.3 The purpose of the Flexible Lot Development (FLD) is to provide greater flexibility and creativity in the design of residential development by: 2. Implementing the goals and objectives of the General Plan, Area Plans, and Neighborhood Plans
- 8.7.3 C. 1. Conformance with the General Plan and other Applicable Plans An FLD shall be in conformance with the General Plan and any of its components, including any applicable adopted area and neighborhood plans
- 8.7.3 C. 3 b. (6) 1. Conformance with the General Plan and other Applicable Plans An FLD shall be in conformance with the General Plan and any of its components, including any applicable adopted area and neighborhood plans
- 11.4.2 Definitions Specific Plan A detailed policy plan or regulation that implements the General Plan or any of the elements of that Plan. Specific plans include subregional, area, and neighborhood plans; the Major Streets and Routes (MS&R) Plan; the Unified Development Code (UDC); and any other similar plan.

Definitions:

Merriam-Webster Dictionary: Comply - to act according to the commands of - to adhere, conform, follow, mind, obey, observe

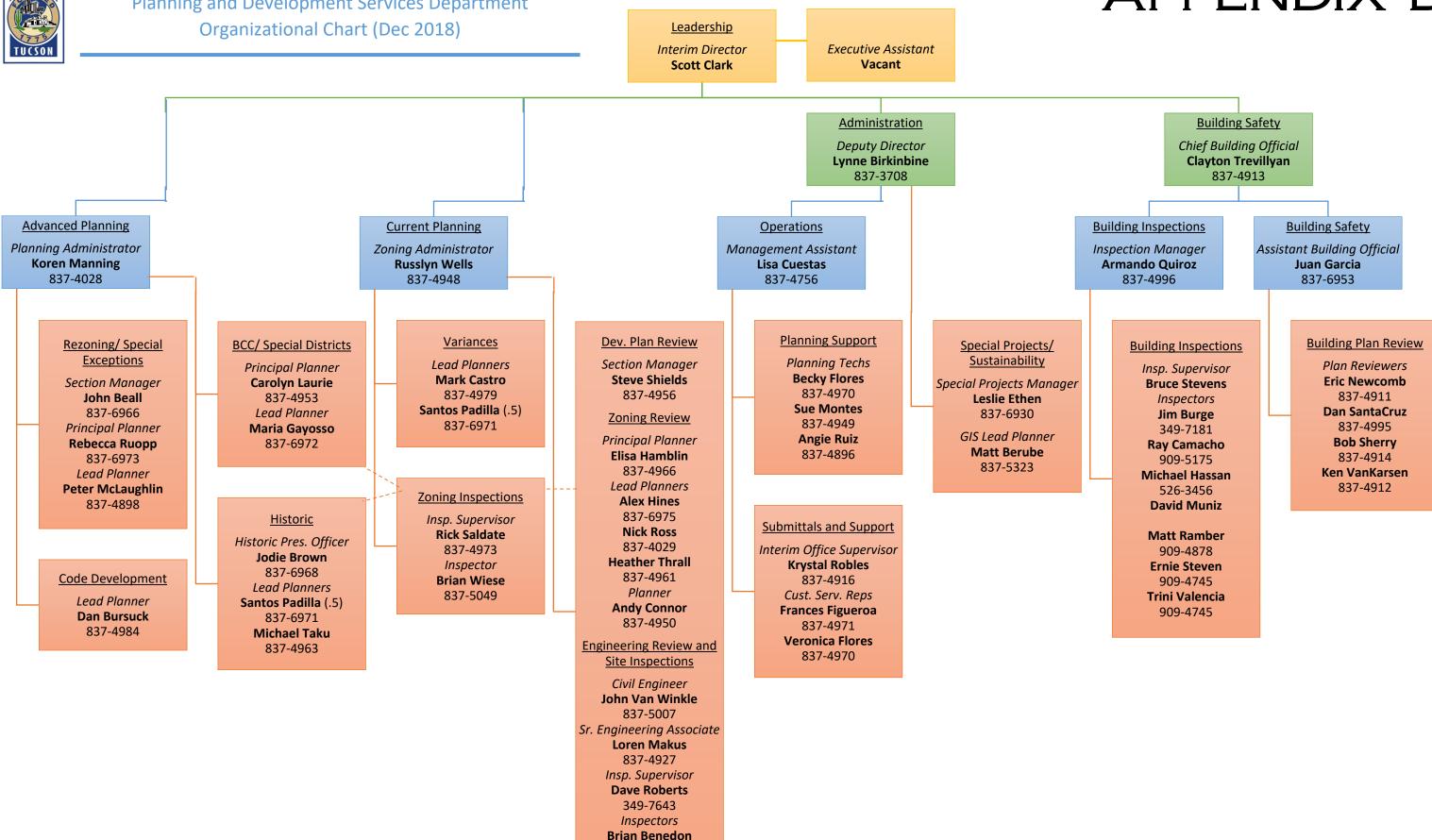
Cambridge Dictionary: Compliance - the act of obeying an order, rule, or request

TheLaw.com Dictionary: Compliance - adherence to and compliance with the letter of the law



Planning and Development Services Department

APPENDIX D



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SERVICES TO REGISTERED NEIGHBORHOODS

Mailing Assistance

Neighborhood Services offers two types of mailing assistance, postcards and newsletters. Postcards are easy to produce, go out first class and arrive quickly but have limited space for content. Newsletters require more time to process but allow for more information content. Newsletters and oversized postcards go out third class and the delivery time is slower. Details of our mailing policy are in a separate heading in this manual.

Postcard or newsletter copy can be sent to us via mail, fax, in person or emailed to: Neighborhood@tucsonaz.gov.

Mailings share neighborhood information and perform the function of meeting the bylaw required advance notice of meetings. Some neighborhoods list all the meetings for the year in one mailing, thereby fulfilling the bylaw requirement. A neighborhood association has the option to print, mail, or hand deliver notices on its own.

Meeting Facilities

Neighborhood Services will assist in identify meeting space in City-owned buildings, such as neighborhood centers, and in Pima County libraries. Read the full policy in the registration packet.

Clean ups

Neighborhood Services acts as a liaison to Environmental Services (ES) when neighborhoods request clean up assistance. The request must come from the leadership of a registered neighborhood association on behalf of that association and not from individual residents for individual service. See the Environmental Services website for Brush and Bulky schedules.

A Neighborhood Association can order roll-off containers during the fiscal year. Go to ES website http://www.tucsonaz.gov/es/neighborhoodclean-ups to fill out the required online application. Please order roll off containers at least 2 weeks or more in advance.

When you call, you will be asked to go to ES website http://www.tucsonaz.gov/es/neighborhoodclean-ups to fill out an online application. You can get information about what can and cannot be placed in a roll off container by looking at the Environmental Services guidelines. In addition, do not dispose of hazardous materials (paint, chemicals, batteries, pesticides, etc.) in roll off containers. These may be disposed of at Pima County Hazardous Waste Center, 2440 West Sweetwater Drive. It is open Friday and Saturday only from 8 am to noon.

Tucson Clean and Beautiful (TCB) has tools and supplies to lend out, call (520) 837-6834 or fax to (520) 622-7112; website: www.tucsoncleanandbeautiful.org.

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