

# INFILL DEVELOPMENT AND TUCSON'S FUTURE

*A Community-Generated Report*



*Photo Credit: David Burckhalter*

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## ACKNOWLEDGEMENTS

This report is a collaborative effort of the Neighborhood Infill Coalition (NIC) and the Drachman Institute. The NIC members include neighborhood representatives and community advocates who have concerns with the current infill development process and the impacts infill development is having on neighborhoods.

The Drachman Institute is a research and public service unit of the College of Architecture and Landscape Architecture at the University of Arizona dedicated to the environmentally sensitive and resource-conscious development of neighborhoods and communities.

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- Numerous other neighborhood representatives, building industry representatives, and city and county staff, whose interest, ideas, and enthusiasm has contributed enormously to a better understanding of these issues
- Steve Leal, Ward V Council Member, who sponsored the meeting locations for a series of Neighborhood Infill Forums during November and December 2004.



*Photo Credit: Jose Galvez*

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## *EXECUTIVE SUMMARY*

“Infill Development and Tucson’s Future: A Community-Generated Report” is the culmination of a collaborative project by the University of Arizona’s Drachman Institute and the Neighborhood Infill Coalition, a group of neighborhood representatives and community advocates. During November and December 2004, these two organizations facilitated three Neighborhood Infill Forums which brought together Tucson citizens – including neighborhood residents and representatives of government and the building industry – who were interested in exploring solutions to the unique problems created by infill development in established neighborhoods.

The report contains findings which reflect concerns voiced about neighborhood integrity; maintenance of property; student housing in neighborhoods; open space; parking; the role of neighborhood plans; the impact of commercial and mixed-use development; Land Use Code interpretations and enforcement; the need for improved communication internally among City departments and externally among City staff, builders, and neighbors; and opportunities for citizens to be better educated about the development process.

The report makes the following ten recommendations:

1. Review development procedures
2. Modify the Land Use Code cautiously
3. Update and adopt the design guidelines manual
4. Create and update neighborhood plans
5. Ensure enforcement of all development regulations
6. Address open space and quality of life issues
7. Ensure place-appropriate parking patterns
8. Design respectful commercial and mixed-use development
9. Partner with the University of Arizona
10. Promote continuing education and communication.

The report concludes that the clear articulation of the City’s Land Use Code, along with its uniform and consistent application, will remedy many of the concerns expressed by the citizens who participated in these Forums.



## *INTRODUCTION*

In October of 2004, representatives from the Neighborhood Infill Coalition (NIC) approached the Drachman Institute, University of Arizona, with a proposal to conduct a series of Community Forums designed to educate the public about Tucson's development process and establish a dialogue among neighbors, developers, and City staff.

As a result of this meeting, three Neighborhood Infill Forums were planned and presented. These forums were well attended, averaging ninety participants per forum. Of these attendees, nearly half attended all three forums.

- The first forum, which was held November 17, 2004, focused on infill development, asking participants to share their concerns and frustrations with the process. To prepare for the second forum, developers and neighbors were encouraged to walk through their neighborhoods and assess them for examples of what they considered both good and bad development.
- The second forum, which was held December 1, 2004, looked at some of the ways the Land Use Code affects infill development and discussed how official Neighborhood Plans might be used to guide infill development. Participants shared their photographs and comments from their neighborhood walk-throughs. To prepare for the third forum, participants were encouraged to think about the tools they might need to be empowered in the infill development process.
- The third forum, held on December 13, 2004, focused on ways to improve the infill development process. A panel consisting of City staff, a builder, an architect, and a neighborhood representative discussed this issue from their various perspectives. The audience was given time to ask questions and provide comments.

The information used to compile this report was drawn from the presentations of the various guest speakers and the written and spoken comments from the audience members. After the forums, concerned citizens provided additional input and these comments have been incorporated as well. The information has been arranged in categories and presented as a list of findings. This is followed by recommendations to guide future infill development policy. Supporting documentation is contained in a separate appendix.



## FINDINGS

During the course of the three Neighborhood Infill Forums, participants provided a wealth of input on infill-related issues. Their comments have been categorized as follows:

1. The **integrity of existing neighborhood patterns** of development should be promoted and maintained in order to preserve the quality of life in our community.
2. All neighborhoods contain a mixture of rental housing and owner-occupied residences; for neighborhoods to be successful, all **properties ought to be well-maintained**.
3. The presence of the University of Arizona generates a demand for **student rental housing, which has serious impacts on the surrounding neighborhoods**, including the construction of private mini-dorms, inappropriate student behavior, and parking congestion.
4. **Open space is critical to maintain the quality of life** in neighborhoods by preserving natural vegetation, facilitating ground water recharge, and minimizing heat-island effects.
5. **Adequate off-street parking** that is appropriate to the patterns of individual neighborhoods is essential.
6. Existing **Neighborhood Plans should be strengthened and new plans written** for those neighborhoods that have none, and the plans should be utilized during all development processes. These plans can provide neighbors, developers, and City staff with an appropriate tool to guide infill development, serving as a blueprint for future development.



Photo Credit: Jose Galvez



Photo Credit: Jose Galvez



Photo Credit: David Burckhalter

7. **Commercial and mixed-use development should be respectful of adjoining/abutting residential neighborhoods** as the problem of sprawl is addressed with increased intensity of development.

8. The **Land Use Code** should respond to the long-term needs of the community.

9. **Implementation and interpretation of the Land Use Code needs to be consistent** to promote the protection of established neighborhoods.

10. The City should consider a revision to the Land Use Code that **distinguishes between infill development and development in new areas**.

11. **Consistent enforcement of the codes** and compliance with state statutes is essential. The City needs to stop granting retro-variances and non-legal variances and work to eliminate illegal rentals.

12. **Review and revision of Tucson's development procedures**, in concert with a greater level of cooperation and communication among the various City departments, is essential.

13. **Open, respectful, and honest communication** among developers, neighbors, and City staff is crucial.

14. Additional opportunities for **citizens to gain knowledge** about the development process need to be provided.



Photo Credit: Drachman Institute



Photo Credit: Michael Pyatok



Photo Credit: Jose Galvez

## RECOMMENDATIONS

The following specific recommendations, based on the input from the public, are designed to promote better infill development and redevelopment within our community.

### 1. REVIEW DEVELOPMENT PROCEDURES

Representatives from every City department involved in the development process, including traffic engineering, fire, and sanitation, need to meet to review their codes/standards for accuracy, consistency of requirements, and consistency of interpretation.

One of the complaints repeatedly heard from both developers and neighbors is a lack of consistency in interpretation of codes. Some City departments, such as fire and solid waste, have mandatory technical requirements and design specifications that affect development. These requirements often impose restrictions that limit the ability of infill development to respect existing neighborhood patterns.

It is essential for all parties to come together to review development procedures. This will facilitate a better understanding of why certain decisions are made and help staff determine if there are problems that may cause delays in the development process (e.g. outdated guidelines, improper interpretation of those guidelines, insufficient staff training, etc). In order to be successful, this review process must be open and public.



## 2. MODIFY THE LAND USE CODE CAUTIOUSLY

Great care should be exercised when modifying the Land Use Code to ensure that the process is fair and balanced. Neighbors, development interests, and City staff must be allowed to participate fully in this process. Attention must be paid to the state statutes that govern zoning and variances to ensure that any modifications made to the Code will comply with these statutes. Any editing of the Land Use Code should ensure clarity. While the entire Code needs to be reviewed, there are certain areas that should be addressed first. These include the following:

- Residential Cluster Projects (RCPs) need to be reviewed to determine if they comply with the original intent of providing “clustered” open space. The City should re-examine the zones where RCPs are currently allowed to see if some of those zones are inappropriate and also to determine if a minimum land requirement and mandatory design guidelines need to be a part of these regulations.
- Underlying zoning is often inconsistent with existing neighborhood development patterns. R-1, R-2, and R-3 zoning classifications should be examined to see if the current provisions conflict with existing residential construction. If so, there needs to be a strategy to reconcile this conflict.
- The City should consider writing protective language into the Land Use Code that recognizes the special development needs of neighborhoods that appear on the National Register of Historic Places but are not local historic districts.

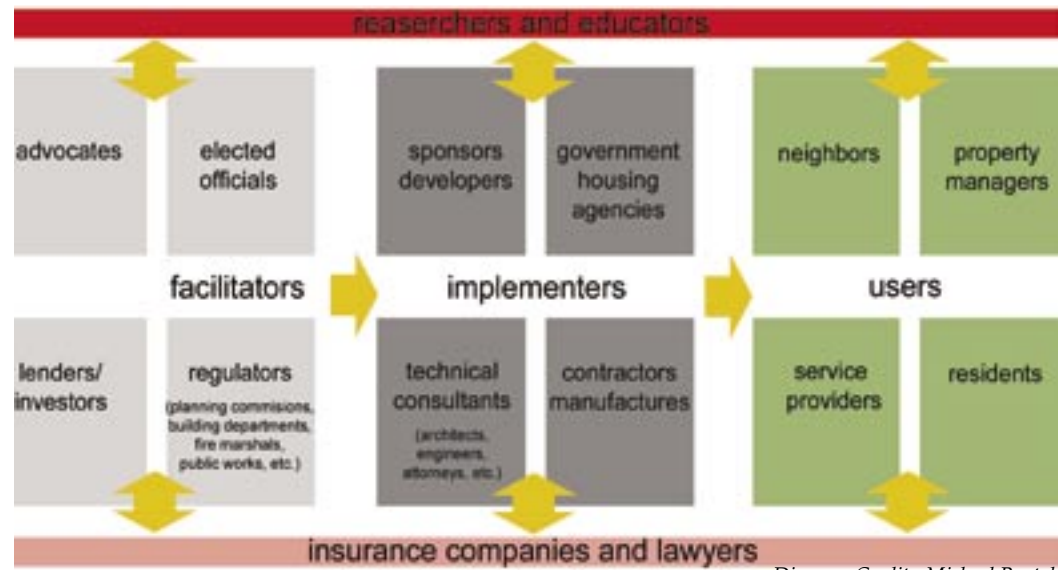


Diagram Credit: Michael Pyatok



Photo Credit: Michael Pyatok

### 3. UPDATE AND ADOPT THE DESIGN GUIDELINES MANUAL

The “Design Guidelines Manual” needs to be updated, reviewed, and approved by the Mayor and Council so that it can become an integral part of the development process. As the level of density increases in the community through new construction on empty lots and the rehabilitation or redevelopment of existing buildings and sites, the design guidelines will be an important tool to help retain the character of existing neighborhoods. The guidelines encourage design that matches the density, view, architectural detail, mass, scale, height, and setbacks of existing structures. This may be facilitated by a separate set of requirements for infill development in the Land Use Code.



*Photo Credit: Jose Galvez*



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## 4. CREATE AND UPDATE NEIGHBORHOOD PLANS

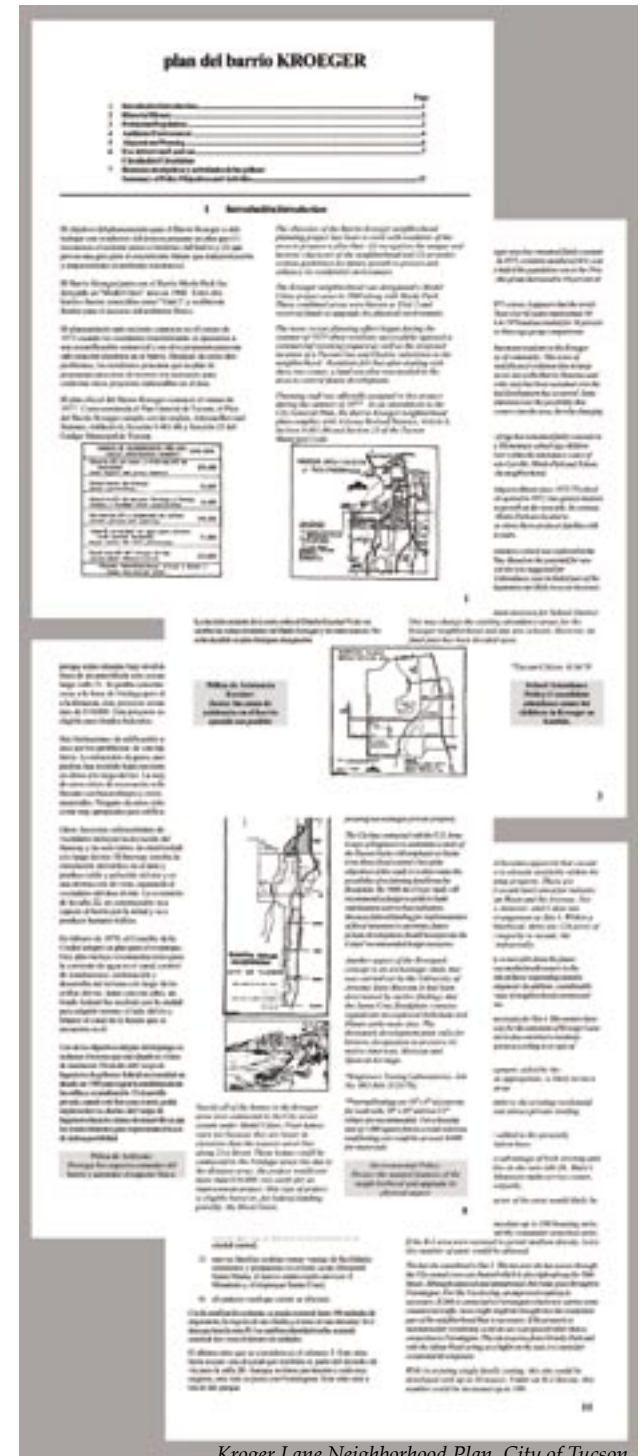
The City should facilitate the update of existing official Neighborhood Plans and the creation of plans for those neighborhoods that do not have them. A number of plans in existence today were written years ago and have not been reviewed or updated for some time. In addition, there are many neighborhoods that do not have the benefit of an official Neighborhood Plan.

Assistance for neighborhoods in drafting new plans or updating existing plans is needed. Neighborhoods with experience and expertise in this area could be enlisted to help with this effort. Adjoining neighborhoods should be encouraged to coordinate work on their plans in order to provide shared open space. It is understood that the development and revision of Neighborhood Plans is expensive and the City needs to find ways to cover these costs.

Once official Neighborhood Plans are in place, they should be applied not only in rezoning cases but in all development processes (LDOs, RCPs, variances, Development Plans, etc.).



Photo Credit: Drachman Institute



Kroeger Lane Neighborhood Plan, City of Tucson

## 5. ENSURE ENFORCEMENT OF ALL DEVELOPMENT REGULATIONS

Enforcement of all development regulations is crucial. Many of the problems occurring with infill development can be traced to lax enforcement of the Land Use Code provisions or lack of understanding of state-mandated requirements. The City should identify those developers who consistently break the rules and hold them accountable for their actions. Additional building inspectors should be employed to ensure better compliance with the regulations.

Any decisions, whether made by elected officials, by appointed groups such as the Board of Adjustment, or City employees, should be based on the state statutes that govern zoning. The City should provide these decision-makers periodically with educational workshops on state statutes that include, among other things, discussions on equal protection and the “uniformity” provisions, variances and why the courts have ruled that variances are to be granted sparingly, and the purpose and use of overlay zones.

The practice of granting retro-variances<sup>1</sup> and retro-LDOs should be halted and lot split requests should not be granted if the resulting lots can not meet the requirements of the Land Use Code for their zoning classification. An analysis of cases in which exceptions have been requested would be a first step in finding alternative ways to address recurring problems.

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<sup>1</sup>Retro-Variations are the practice of granting variances after the applicant has been found in violation of the LUC, often when a neighbor reports non-permitted construction activity. Retro-variances are often used as a way to “beg forgiveness, rather than ask permission”



Photo Credit: David Burckhalter



Photo Credit: Jose Galvez

## 6. ADDRESS OPEN SPACE AND QUALITY OF LIFE ISSUES

As the Land Use Code is modified, greater attention should be paid to how those modifications will address the long-term needs of the community.

It is important to consider environmental factors, such as water use, drought, and heat-island impacts, when drafting public policies. Open space requirements need to be expanded and enhanced to promote the retention or incorporation of native vegetation and the preservation or inclusion of wildlife habitat. Policies should be implemented that will encourage new development to incorporate courtyards, community gardens, and other open space elements in their design. Residential landscaping for new construction and its maintenance on developed lots should be a priority. Equal enforcement of Tucson's Neighborhood Preservation Ordinance for owner-occupied homes and rental housing is essential to protect the integrity of an area.

The effect of noise on the quality of life is another environmental concern. Noise pollution can come from traffic, police helicopters, and jet aircraft. As the City of Tucson encroaches on Davis Monahan Air Force Base (DMAFB) and Tucson International Airport (TIA), and as the mission of DMAFB shifts over time, this will become an increasingly important issue.

Equally important are the changing demographics within the community. One quarter of the population is expected to be sixty-five years or older by 2020. To meet future needs, access to transportation, medical services, and social functions must be considered in land use policies. Appropriately designed infill development can help to ensure that an adequate supply of accessible homes is available in the areas of Tucson where these vital services are concentrated. Minimally accessible housing that allows occupants to age in place is important in order to foster the independence of an aging population.



Photo Credit: David Burckhalter



Photo Credit: David Burckhalter



Photo Credit: Jose Galvez

## 7. ENSURE PLACE-APPROPRIATE PARKING PATTERNS

The City should examine current parking provisions to ensure adequate off-street parking that is place-appropriate. While there is a strong desire to provide for adequate off-street parking, in some areas of the City this may be inconsistent with existing neighborhood patterns. A number of requests for variances from the requirements of the parking provisions have been granted without a rational basis. This has resulted in inadequate off-street parking, forcing cars to park in neighborhoods and at adjoining businesses. Variances have also been used to avoid parking lot landscaping requirements, pushing trees to the perimeter of lots and creating vast heat-islands.

In addition to requiring property owners to comply with the parking and landscape provisions of the Land Use Code, alternatives to asphalt need to be considered and promoted as another way to reduce the heat-island effect.



*Photo Credit: Drachman Institute*

### 8. DESIGN RESPECTFUL COMMERCIAL AND MIXED-USE DEVELOPMENT

With growing emphasis on mixed-use zoning and increased densities to mitigate sprawl, it is crucial for commercial and mixed-use development to be planned, located, and constructed in a way that is respectful of existing residential areas. Commercial and mixed-use development should be constructed at a size and scale that is appropriate to nearby residential areas. Adequate buffers must be provided for existing residential neighborhoods as larger mixed-use development creates “urban centers” that provide residential, business, and commercial development on one site. Developers and neighbors need to work together to ensure compatible commercial and mixed-use infill development.



Photo Credit: David Burckhalter



Photo Credit: David Burckhalter



Photo Credit: Jose Galvez

## 9. PARTNER WITH THE UNIVERSITY OF ARIZONA

The City of Tucson and the University of Arizona should work together closely to address the need for student housing and the problems it creates for University area neighborhoods. Serious consideration should be given to forming an intergovernmental agreement that will permit campus police, Campus Life, and the Dean of Students to address off-campus problems with student behavior. The University should also have a mechanism to enforce its student Code of Conduct to deal with inappropriate behavior that occurs off-campus.

The University should provide more student housing on campus and work with the City to develop additional alternative modes of transportation so that student rentals can be more equally distributed throughout the community.

The City should address this student off-campus housing problem by investigating the possibility of overlay zones for the neighborhoods around the University. Such overlay zones could permit more stringent parking requirements as well as specific development policies and design guidelines for these areas.

The University and City should work together to find ways to facilitate the purchase of homes in nearby neighborhoods by University employees. Real estate agents could be encouraged to be a part of this process by helping to promote the University neighborhoods to new employees. The University of Arizona should pursue the development of employer-assisted housing with an emphasis on homeownership in University-area neighborhoods.



Photo Credit: Drachman Institute



Keeling Master Plan, Prepared by the College of Architecture and Landscape Architecture interdisciplinary studio, University of Arizona



Photo Credit: University of Arizona

## 10. PROMOTE CONTINUING EDUCATION AND COMMUNICATION

Education and communication are essential for ensuring a well designed and planned community. Neighbors are significant investors in the community and want to be recognized as stakeholders who will live with the consequences of a project built in their neighborhoods long after it is completed. Developers want neighbors to better understand the restraints, regulations, and frustrations they encounter.

City government becomes the agency that can facilitate better understanding among all affected parties by:

- Posting regular on-line progress reports of the Planning Commission's Infill Subcommittee and the Mayor and Council's Subcommittee on Growth and Development
- Working with the Association of Realtors to provide real estate agents with professional educational opportunities about the regulations governing rental properties so they do not misrepresent property use
- Continuing the Development Services Department seminar series
- Assigning a staff person to be neighborhood ombudsman
- Providing classes each year for new neighborhood association officers to learn about the Land Use Code
- Rewriting the Limited and Full Notices to be clear, concise and understandable by the average citizen.



*Photo Credit: City and County of Honolulu, Department of Planning*

## CONCLUSION

The Infill Forums revealed that natural tensions exist between the interests of developers and the desire of neighbors to protect their established neighborhoods. Neighbors expect the Land Use Code to protect the integrity of their neighborhoods. Developers hope the Land Use Code will facilitate the kind of infill and design they envision for their projects. Neighbors, who are often negatively impacted by development, want the City to exercise a cautious approach to infill and redevelopment, while developers, who need to focus on their bottom line, want the City to accelerate the Land Use Code revisions, resulting in a potential conflict.

When the rules are clear, certain, and predictable, and communication is open between the parties, these expectations are more realistic and informed. A carefully articulated Land Use Code, along with its uniform and consistent application and enforcement, will better define the expectations of these interests, helping to guide appropriate development. This, combined with better communication among the parties, is part of a long-term process that will serve to ameliorate this conflict.

The Neighborhood Infill Coalition and the Drachman Institute at the University of Arizona are committed to participating in this on-going public discourse.



Photo Credit: David Burckhalter



Photo Credit: David Burckhalter