



# PLANNING COMMISSION

Planning & Development Services Department • 201 N. Stone Ave. • Tucson, AZ 85701

**Date:** October 12, 2016

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**To:** Planning Commission

**From:** Nicole Ewing Gavin  
Executive Secretary, Planning and Development Services

**Subject:** C8-16-08 Historic Landmark Designation Text Amendment –  
Public Hearing (Citywide)

**Issue** – This is a public hearing to allow the Planning Commission to deliberate on the draft amendments to Ordinance No. 11150 as directed by Mayor and Council (see Background below and Attachment A for details).

**Recommendation** – Staff recommends that the Planning Commission set the historic landmark text amendment to the Unified Development Code (UDC) for a public hearing on October 12, 2016.

**Background** – The following is a chronology of dates affecting historic landmark:

- March 18, 2014, the Mayor and Council adopted Ordinance No. 11150 to streamline the administrative process of designating Historic Landmarks.
- February 5, 2015, March 5, 2015, and April 2, 2015, the Zoning Examiner hears testimony regarding C9-14-13 Valley of the Moon, the first Historic Landmark designation rezoning submitted under Ordinance No. 11150.
- April 7, 2015, the Mayor and Council directed staff to look at alternatives to Ordinance No. 11150.
- April 9, 2015, the Zoning Examiner issues preliminary report for C9-14-13 Valley of the Moon.
- April 11, 2015, Phil Oliver (a neighbor within the 150 foot protest area surrounding Valley of the Moon) requests a public hearing before Mayor and Council.
- April 16, 2015, Demion Clinco (the rezoning applicant) requests a public hearing before Mayor and Council.
- April 16, 2015, Phil Oliver submits a request for reconsideration of the Zoning Examiner's preliminary recommendation. On April 20, 2015, the Zoning Examiner denied the request

- April 20, 2015, the Zoning Examiner issues final report and recommendation to Mayor and Council for C9-14-13 Valley of the Moon.
- May 19, 2015, the Mayor and Council adopted the Valley of the Moon Historic Landmark Designation.
- On August 5, 2015, the Mayor and Council directed staff to:
  1. During the initiation of a Historic Landmark designation through a change in zoning, to focus on the eligibility criteria and not land use; and,
  2. The Zoning Examiner, in reviewing the change in zoning, will provide separate findings regarding designation eligibility and the land use impacts of the designation.
- On August 18, 2016, Staff presented the draft Historic Landmark Unified Development Code (UDC) text amendment to Tucson Pima County Historical Commission – Plans Review Subcommittee (TPCHC-PRS). At that time, TPCHC-PRS recommended the UDC text amendment for approval with minor adjustments to the text (see Attachment B for Legal Action Report).
- On September 21, 2016, staff presented the Historic Landmark Text Amendment to Planning Commission at a study session. At that time, Planning Commission asked Staff at that meeting to research land use and its role in the review process. Additionally, Planning Commission set a public hearing date for the Historic Landmark Text Amendment for October 12, 2016.

**Present Considerations** – Pursuant to the Mayor and Council’s direction, staff prepared the following draft amendments (see Attachment A for more details on proposed amendments):

1. During the initiation of a Historic Landmark designation through a change in zoning, to focus on the eligibility criteria and not land use.

Summary – Many cities have a process for locally designating Historic Landmarks in order to recognize and protect the subject properties. The current process for designation of Historic Landmarks in the City of Tucson is through a rezoning process following the same standard steps as other rezonings.

A change of zoning is an amendment to the map and/or text of a zoning ordinance to effect a change in the zoning district. The City of Tucson Historic Landmark Designation does not change the permitted uses of the underlying zone. The process of overlay zoning is added to the underlying zoning of a specific property.

Current Regulation – Mayor and Council review recommendations from staff and T-PCHC Plans Review Subcommittee and decide to initiate the change of zoning process.

Proposed Revision – Reviewing staff focuses on the eligibility criteria and not land use.

2. The Zoning Examiner, in reviewing the change in zoning, will provide separate findings regarding designation eligibility and the land use impacts of the designation.

Summary – Recommendations by the Zoning Examiner may include conditions for the applicant to address before any subsequent review. Staff has researched if only requiring a review based on eligibility criteria and not land use is a possibility. However, due to it being a rezoning and that it requires going through the rezoning process, land uses and the impacts of those land uses are required to be considered. Some examples of conditions are sound mitigation or limitations on hours of operation.

The Mayor and Council then adopt a set of findings intended to protect certain critical features and resources in addition to the adopted ordinance.

Current Regulation – Submittal of a rezoning application and a public hearing before the Zoning Examiner on the merits of the application and recommendation to Mayor and Council.

Proposed Revision – Zoning Examiner provide separate findings regarding designation eligibility and the land use impacts of the requested zoning designation.

This approach would not remove the requirement for public notification and public hearings, or preclude the public from raising land use issues, but those issues would be addressed separately in the Zoning Examiner recommendations to Mayor and Council. Additionally, the Mayor and Council could direct the Zoning Examiner to limit findings regarding land use in Historic Landmark rezonings to the land use impacts that might result from the Historic Landmark rezoning itself, rather than reviewing and reporting on pre-existing land use issues.

**Attachments:**

A – Proposed Redlined Historic Landmark UDC Text Amendment

B – Legal Action Report from August 18, 2016 Tucson-Pima County Historical Commission Plans Review Subcommittee