



April 24, 2012

Linus Kafka
Zoning Examiner
City of Tucson

SUBJECT: Zoning Overlays and Historic Preservation

Dear Mr. Kafka:

This letter describes the need for overarching principles for overlay zones in historic areas of the City of Tucson. The adoption of these principles will avoid the creation of overlay zones in a piecemeal way, which can lead to problematic precedents and inconsistencies that may cause significant issues for effective preservation and urban planning—or unfair advantages or constraints for some stakeholders over others. If they are thoughtfully developed, these principles will provide welcome predictability for public and private investments, and ensure that new development will appropriately balance preservation with the need for mixed uses and increased densities in certain areas.

Historic preservation is a public good consistently recognized by this community and by the courts. Because historic preservation through reuse of older buildings can be a key contributor to community revitalization, preservation should be a fundamental consideration to add value to transit oriented development (TOD). Transit and historic preservation can act in complementary ways to reinvigorate urban neighborhoods. In fact, early transit development with streetcars during the late 19th and early 20th centuries linked outlying areas to the downtown central business district and shaped the development of our city in ways that are described as ideal by contemporary proponents of TOD. This early transit development included a coherent transportation pattern that not only connected neighborhoods and commercial corridors to the urban core and worked at the pedestrian scale, but also raised property values and encouraged investment and development in spatially efficient ways.

Today, new zoning overlays can be tailored to use these earlier patterns as backbones for redevelopment of transit corridors and compatible infill development. These patterns demonstrate that transit-supportive density and adaptive reuse of historic buildings are not mutually exclusive. Zoning overlays that are placed over the original zoning patterns apply additional provisions that are either more restrictive or expansive, or provide for different uses or design standards than the original zoning regulations. They can be a useful tool for creating context-sensitive flexibility, and for promoting development that is compatible with, enhances, and protects the function and value of historic resources that

have public value and contribute to community character. Used in these ways, zoning overlays can benefit both the municipality and owners seeking to develop their properties.

However, when multiple overlays are applied to the same area, they may be at cross-purposes if not carefully designed to work together. New zoning overlays should not directly conflict with existing ones that are effectively serving their intended purposes. For example, the Historic Preservation Zone (HPZ) overlays created in six different areas of the older urban core between 38 and 28 years ago have protected against unnecessary demolitions, incompatible infill development, and inappropriate alterations. If multiple overlays of the same area are designed to complement each other, preservation need not be pitted against development in a zero-sum equation.

The recommendations by the Tucson-Pima County Historical Commission for the Main Gate Urban Overlay District (MGUOD) were developed with the intention of providing this balance. Discussion is currently focused on the area of historic bungalows on the southeast corner of Speedway Boulevard and Euclid Avenue—a subarea that has relatively high integrity of historic resources and therefore is appropriate for more nuanced provisions under the MGUOD. By allowing owners of historic properties in that area of the West University HPZ to use the flexibility of the MGUOD, as recommended, it will encourage preservation through repurposing of historic buildings and compatible additions and new construction. On the other hand, by following the Historical Commission recommendations to remove the availability of the MGUOD flexibility if historic buildings are demolished, a substantial incentive to pursue demolition is also removed, such that the new zoning overlay does not inherently conflict with the purpose of the existing Historic Preservation Zone overlay.

The balance created by these recommendations would not reward individual property owners in this subarea at the expense of many other property owners elsewhere in the West University Historic District. However, if the incentives for demolition remained in this subarea, the loss of historic buildings in this subarea is likely to accelerate, and will impact the entire historic district. Because historic districts must contain a majority of properties with historic designation, such erosion could eventually result in the loss of the entire historic district designation, along with the associated higher property values and historic tax credits for many property owners in the district.

The recommendations would add benefits without taking away currently available options. The many new options that would be available to historic property owners in this area through the MGUOD would significantly diminish any “unreasonable economic hardship” that may exist currently. In addition, historic property owners will still have the ability to go through the existing HPZ demolition application process, and then the existing rezoning process to seek the ability to redevelop in a flexible way.

In summary, as Tucson’s urban fabric continues to evolve, the principles that are embodied in the Historical Commission’s recommendations should be added to future zoning overlays created to encourage increased density, mixed land uses, and new transit oriented development. These principles, listed below, will help achieve a balance in which historic preservation and progressive development are not mutually exclusive, but are complementary and support other important community values:

- Increase the flexibility of development standards and allow changes of use to make it easier to repurpose historic buildings, and easier to build compatible additions and infill development on properties with historic buildings.
- Make the availability of such benefits of a new zoning overlay conditional on the preservation of historic buildings, and application of local and national standards and design guidelines for the treatment of historic buildings.
- Do not create new zoning overlays with provisions and incentives that conflict with existing overlays that were created to preserve historic areas.
- When considering the potential adverse effects of proposed new zoning overlays on historic properties and districts, or portions thereof, anticipate cumulative effects over time and evaluate the effects on the integrity of the entire historic district and all property owners in the district, not just the effects on individual properties and individual property owners.

Sincerely,

A handwritten signature in black ink, reading "Jonathan Mabry". The signature is written in a cursive style with a large, sweeping initial "J".

Jonathan B. Mabry, Ph.D.
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