



PLANNING COMMISSION

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

DATE: November 20, 2013

TO: Planning Commission

FROM: Ernie Duarte
Executive Secretary 

SUBJECT: Unified Development Code (UDC) Text Amendment, Article 5, Overlay Zones, Section 5.8 "H" Historic Preservation Zone (HPZ) Historic Landmark Designation Process (City Wide)

Issue - This item is scheduled for a study session.

The current Historic Landmark designation process is complex and prevents potential historical sites from being considered for landmark designation. In order to address these issues, the following amendments are proposed to the UDC, Article 5, Section 5.8 "H" Historic Preservation Zone:

1. Separate the requirements for establishing and amending Historic Preservation Zones (HPZ) and Historic Landmarks (HL);
2. Define eligibility criteria and design guidelines for Historic Landmarks;
3. Streamline the designation procedure;
4. Establish a fee structure for future Historic Landmarks and Historic Preservation Zones.

Recommendation - Staff recommends that the Planning Commission schedule this item for a public hearing on the next available date in December 2013.

Background – On May 21, 2013, Mayor and Council directed staff to prepare a text amendment to the UDC to streamline and clarify the Historic Landmark designation process.

There are currently five designated Historic Landmarks: El Tiradito Shrine, San Pedro Chapel, El Conquistador Water Tower and the two Speedway houses located on the University of Arizona campus. Properties may be proposed for designation as a Historic Landmark by the Mayor and Council; the owner of the proposed Historic Landmark; or the Tucson-Pima County Historical Plans Review Subcommittee.

The existing designation process is considered difficult, lengthy and redundant. A main cause of the redundancy and difficulty is the formatting. Currently the HPZ and HL process steps are explained simultaneously in the UDC. The simultaneous explanation of processes makes HPZ and HL designation steps incredibly difficult to differentiate from one another. The HL and HPZ designation processes are different from each other and should be addressed separately because they represent different levels of historical analysis and community input.

The Unified Development Code (UDC) also does not clearly link the Secretary of the Interior's Standards for eligibility and design guidelines to the Historic Landmark designation process. This linkage is necessary to provide a higher standard in which Historic Landmarks are designated.

Description of the Proposed Text Amendment

The following amendments to the Historic Preservation Zone are being proposed:

1. Separate the Requirements for Establishing and Amending Historic Preservation Zones and Historic Landmarks:

Issue: The designation process for HPZ and HL are two distinct processes which are currently combined in the UDC causing confusion for applicants and staff.

Proposed Revision: Separate the HPZ and HL processes by having different sections to make the process clearer and avoid redundancies: eligibility criteria, design guidelines, process steps, submittal requirements.

2. Define Eligibility Criteria and Design Guidelines for Historic Landmarks:

Issue: Frequent perception that historic landmark designation is inconsistent, arbitrary and locally defined.

Proposed Revision: Linkage of Historic Landmark Designation to National Register of Historic Places Standards.

The rationale for this linkage of local and national criteria for historic designation of individual properties includes consistency, objectivity, and financial incentives and benefits are explained below:

Consistency: Avoids confusing the public and elected officials about the criteria for historic significance; prevents dilution of the meaning and value of historic designation.

Objectivity: Allows the use long-established national standards of Historic Property Inventory Forms and National Register Forms to document eligibility, and allows the option of arbitration by the State Historic Preservation Office as a neutral and objective outside party.

Financial Incentives and Benefits: Ensures the eligibility of landmark properties for federal and state tax breaks for rehabilitation (only available to National Register listed or eligible properties), and enhancement of property values; avoids situations of “all stick and no carrot” for preservation; for these reasons, Historic Preservation Zones in Tucson and in Phoenix that formerly had only local, regulatory designations were later retrofitted with National Register district designations.

The addition of a Nomination Proposal requires applicants to provide evidence of historical significance in the form of a completed National Register of Historic Places district nomination form or a State of Arizona Historic Property Inventory Form with multiple photographs and attached Statements of Significance and Integrity to the City Historic Preservation Office.

3. Streamline the HL Designation Procedure:

Issue: Redundancy and lack of process clarity resulting in confusion and delays in the HL Designation process.

Planning Commission Memorandum
UDC Text Amendment: Historic Landmark – Study Session
November 20, 2013

Existing Process Steps: 1. Preliminary Assessment; 2. Historic Preservation Office / PDS Review; 3. T-PCHC Plans Review Subcommittee Review; 4. Mayor and Council Initiation; 5. Survey and Inventory; 6. Zoning Examiner; 7. Mayor and Council Decision

Proposed Process Steps: 1. Nomination Proposal; 2. Historic Preservation Office / PDS Review; 3. T-PCHC Plans Review Subcommittee Review; 4. Mayor and Council Initiation; 5. Zoning Examiner / Rezoning; 7. Mayor and Council Decision

Proposed Revision: Replace the existing Preliminary Assessment with a more comprehensive assessment in the beginning of the process.

Applicants will prepare a Nomination Proposal which combines the submittal requirements from the existing Preliminary Assessment as well as the Cultural Inventory and Survey. The Nomination Proposal includes a completed application form, a map outlining the geographic boundaries of the proposed area, a summary of historic resources in the proposed HL and a completed National Register of Historic Places form or nomination, or a State of Arizona Historic Property Inventory form, or a National Register nomination with multiple photographs and attached Statements of Significance and Integrity.

The combined analysis and information provided by the Nomination Proposal will result in a more comprehensive submittal at the beginning of the HL designation process. The result will be a clearer understanding of the HL designation by the public and elected officials early on and ensure that the landmark provides consistency by being linked to the National Register Standards criteria for designation.

4. Fee structure for Historic Landmarks and Historic Preservation Zones:

Issue: HL and HPZ designations are in fact change of zonings. Currently, there is not a fee for HL or HPZ designations; despite requiring significant staff and Zoning Examiner review and expenditures related to the required public hearing.

Proposed Revision: Add fee for HL and HPZ designations: nominal base fee of \$330.00, with variable fee of \$533.00 (archive photo, aerial photograph, public hearings, and ordinance/resolution display ad).

Staff looked at other cities and counties for historic landmark and historic preservation zone designation fee assessments. Pima County requires a Historic designation base fee of \$1137.00, and two public meetings at \$759.00 each for a total fee \$2655.00. The City of Phoenix requires a base fee of \$870.

Stakeholder Comments

- The Tucson-Pima County Historic Plans Review Subcommittee on September 12, 2013, unanimously approved the proposed changes to the Historic Landmark designation process in the UDC. The Plans Review Subcommittee met on August 29, 2013 where the agenda for the entire meeting was devoted to the discussion of the proposed text amendment, fee schedule and application.
- Land Use Code Committee received a copy of the proposed text amendment for review – as to date there have been no comments;

Planning Commission Memorandum
UDC Text Amendment: Historic Landmark – Study Session
November 20, 2013

- Southern Arizona Home Builders Alliance – Tech Committee, on June 18, 2013, PDSD staff presented an overview of an initial draft for the proposed changes to the Historic Landmark designation process in the UDC. SAHBA had no further questions or concerns.
- Metropolitan Pima Alliance – Built Environment Committee, on November 5, 2013, PDSD staff presented an overview of the final draft of proposed changes to the Historic Landmark designation process in the UDC. Staff answered questions about the differences between the current and proposed processes. The Built Environment Committee had no further questions.

Attachments

- A: Redline Revision of UDC Section 5.8, Historic Preservation Zone and Historic Landmark
- B: Proposed Fee Schedule for Historic Landmark Designation
- C: Memorandum from COT Historic Preservation Officer- RE: National Register Criteria Linkage

5.8. "H" HISTORIC PRESERVATION ZONE (HPZ) AND HISTORIC LANDMARK (HL)

5.8.1. PURPOSE

The purpose of ~~this zone~~ the Historic Preservation Zone (HPZ) and Historic Landmark (HL) designations is to promote the educational, cultural, economic, and general welfare of the community and to ensure the harmonious growth and development of the municipality by encouraging the preservation and rehabilitation of significant ~~historic districts, historic sites and~~ neighborhoods, buildings, structures, sites, and objects, and archaeological resources. ~~This zone is~~ These designations are intended to ensure the ~~retention~~ preservation of ~~early structures~~ significant historic and archaeological resources, and to keep them in active use or management and in their ~~original appearance, setting, and placement~~ historic appearances, settings, and locations. It is also intended that new or remodeled buildings or structures, located within ~~Historic Preservation Zones (HPZ)~~ HPZs or HL properties, be designed and constructed to harmonize ~~be compatible~~ with existing buildings and structures located within the ~~immediate vicinity~~ sites and development zones, in order to preserve property values, provide for appropriate future development, and promote an awareness of the heritage of Tucson among both residents and visitors to the community.

5.8.2. APPLICABILITY

- A. The Historic Preservation Zone (HPZ) or Historic Landmark (HL) designation is an overlay zone superimposed over underlying zoning.
- B. The HPZ and HL designation applies to specifically mapped areas where there is an individual historically important building, structure, site, or object; a group of surviving related ~~structures~~ historic resources in their original setting; or an archaeological site that gives a historic dimension to the city. A list of established HPZs and ~~Historic Landmarks~~ HLs is provided in Section 9-02.8.0, *Historic Preservation Zones, Sites, and Structures*, of the Technical Standards Manual and is updated by the ~~Housing and Community Development Department~~ City Historic Preservation Office based on Mayor and Council action. Demolition requests in pending HPZs or HLs are subject to the standards of Section 5.8.9. To identify each HPZ or ~~Historic Landmarks~~ HLs on the City of Tucson Zoning Maps, the preface "H" or "HL" is added to the assigned residential, office, commercial, or industrial zone designation, i.e., R-1 becomes HR-1.
- C. The designation, amendment and change to boundaries of a HPZ or HL are established by the Mayor and Council in accordance with Sections 5.8.3 and 3.5, *Rezoning (Change of Zoning) Procedure*.

~~ESTABLISHMENT AND AMENDMENT TO HISTORIC PRESERVATION ZONES~~

A.5.8.3. STANDARDS FOR ESTABLISHING AND AMENDING HISTORIC PRESERVATION ZONES

- A. The following standards are examined when determining if an area, neighborhood, or district shall be established as an a Historic Preservation Zone (HPZ) or whether the boundaries of an existing ~~district~~ HPZ shall be changed or ~~the district~~ dissolved:
 1. An HPZ shall include historic sites, or historic structures, as defined in Section 11.4.9, and which are listed or eligible for listing in the

National Register of Historic Places as a district at the local, state, or national level of significance.

2. An HPZ should include a group of related sites, buildings, and structures in their original setting that contribute to an understanding of the heritage of the community;
3. The group of ~~structures~~sites, buildings, ~~or sites~~and structures should provide the area with a sense of uniqueness, and it should be readily distinguishable from other areas of the community; and,
4. There should be a sufficient number of buildings and structures of related or similar visual characteristics to make a recognizable entity.

B. ~~Preliminary Assessment~~

~~A preliminary assessment of the proposed HPZ or Historic Landmark is provided to the PDSD Director for review and recommendation to the Mayor and Council. The preliminary assessment should include the boundaries, a summary of the resources in the proposed HPZ, evidence that a proposed district has historic significance, and a list of proposed HPZ Advisory Board members.~~

Properties that meet the aforementioned criteria may be proposed for designation as a HPZ Contributing Property.

~~C.B. Proposed Historic Preservation Zone or Historic Landmark~~

1. An area may be proposed for ~~HPZ~~Historic Preservation Zone (HPZ) designation or amendment by any of the following:
 - a. The Mayor and Council;
 - b. The property owners of 51 percent or more of the land area of the proposed HPZ (for calculation only, one owner per property); or,
 - c. 65 percent or more of the property owners within the proposed HPZ. ~~(for~~For calculation only, one owner per property).
2. ~~A property may be proposed for designation as a Historic Landmark, Contributing Property, or Noncontributing Property by any of the following:~~

5.8.4. STEPS TO ESTABLISH OR AMEND A HISTORIC PRESERVATION ZONE

A. Nomination Proposal

A nomination proposal of the proposed Historic Preservation Zone (HPZ) is provided to the City Historic Preservation Office / PDSD Director for review and recommendation to the Tucson-Pima County Historical Commission Plans Review Subcommittee to formally consider the nomination. The nomination proposal should include a completed application form, with a map outlining the geographic boundaries of the proposed area, a summary of the historic resources in the proposed HPZ and a completed National Register of Historic Places form, or National Register nomination, or a State of Arizona Historic Property Inventory Form with multiple photographs and attached

Statements of Significance and Integrity. Proposed HPZs will also require a list of Advisory Board Members.

Staff shall review the survey and inventory information and accept or reject the application within 14 days of submittal.

- ~~a. The Mayor and Council;~~
- ~~b. The owner of the proposed Historic Landmark, Contributing Property, or Noncontributing Property if it is a single property or any of the owners if more than one property; or,~~

~~**e.B. The Tucson-Pima County Historical Commission Plans Review Subcommittee**~~

~~**D.C. Initiation**~~

~~The request to establish or amend a HPZ or Historic Landmark is forwarded to the Tucson-Pima County Historical Commission for review and recommendation to the Mayor and Council. The Mayor and Council makes a decision whether to initiate the establishment or amendment of a HPZ or Historic Landmark. An amendment to the designation of properties within an established HPZ does not require initiation by the Mayor and Council.~~

~~**1.a. Public Meeting**~~

~~The applicant presents the Nomination Proposal materials and any other evidence of historical significance and integrity in a public meeting. The Tucson-Pima County Historical Commission Plans Review Subcommittee votes to recommend approval or denial of the nomination.~~

~~**b. Recommendation**~~

~~The applicant receives a Recommendation Letter from the City Historic Preservation Office / PDSO Director as formal notification that the Nomination Proposal and Recommendation Letter will be forwarded the Mayor and Council to initiate the establishment or amendment of the HPZ.~~

~~Requests The Mayor and Council make a decision whether to initiate the establishment or amendment of an HPZ. An amendment to the designations of properties within an established HPZ does not require initiation by the Mayor and Council.~~

~~**a. Public Meeting**~~

~~Request to initiate the consideration of establishing or amending an HPZ or Historic Landmark are is considered by the Mayor and Council in a public meeting.~~

~~**2.b. Decision**~~

~~The Mayor and Council shall make the decision whether to initiate the process to consider the establishment of, or amendment to, an HPZ or Historic Landmark. As part of the decision to initiate, the Mayor and Council shall determine the proposed boundaries of the HPZ or Historic Landmark and appoint an HPZ Advisory Board for the proposed HPZ to assist in the evaluation.~~

Appointment, terms, and qualifications of the HPZ Advisory Board shall be in accordance with Section 2.2.8.

The Nomination Proposal and Decision are forwarded to the Zoning Examiner Section 3.5, Rezoning (Change of Zoning) Procedure.

3.c. Expiration of Initiation

The initiation by the Mayor and Council of the establishment of, or amendment to, an HPZ or ~~Historic Landmark~~ expires five years from the date the Mayor and Council make the decision to initiate.

E. Historic Property Survey, Inventory and Design Standards

~~Should the Mayor and Council initiate the establishment, amendment, or designation process, the following shall be accomplished by the HPZ Advisory Board and the Tucson-Pima County Historical Commission:~~

1.D. Survey and Inventory Additional Requirements for a Proposed Historic Preservation ZoneZones

~~It is the responsibility of the applicant and HPZ Advisory Board to prepare a cultural resources survey and inventory of the area initiated by the Mayor and Council for consideration. The survey and inventory shall identify historic sites and structures within the proposed boundaries by listing and on a map. The applicant and HPZ Advisory Board shall consult with staff during the survey and inventory process.~~

~~Survey and Inventory of a~~

a. Design Standards and Cultural Inventory and Survey

2.

~~It is the responsibility of the applicant to prepare a cultural survey and inventory for review by staff and recommendation to the Mayor and Council. The applicant shall consult with staff during the survey and inventory process.~~

3. Initial Design Standards

It is the responsibility of the applicant and HPZ Advisory Board to recommend design standards for the proposed HPZ. The proposed design standards shall be submitted to the Mayor and Council with the survey and inventory. The applicant shall consult with ~~staff~~the City Historic Preservation Office during the preparation of the ~~design standards.~~Cultural Inventory and Survey and Design Standards. Refer to Sec. 5.8.6, Design Standards and UDC Technical Standards Manual Sec. 9-02.0.0.

F.E. Change of Zoning

1. Acceptance

Upon acceptance of the ~~survey~~Design Standards and ~~inventory~~Inventory and Survey information by the City Historic Preservation Office / PDSD Department, the application is reviewed by the Zoning Examiner and considered for approval in accordance with Section 3.5, *Rezoning (Change of Zoning) Procedure*. The Zoning Examiner recommendation is then forwarded to the Mayor and Council. The Mayor and Council decision on the change of

zoning may include the designation of ~~sites or~~ buildings, structures, or sites as Contributing, Non-Contributing or Intrusive, and the designation of ~~historic landmarks and~~ the boundaries of the HPZ.

F. Dissolution of a Historic Preservation Zone

G. Dissolution of a Historic Preservation Zone

Dissolution is reviewed and considered for approval in accordance with Section 3.5, Rezoning (Change of Zoning) Procedure.

5.8.5. STANDARDS FOR ESTABLISHING AND AMENDING HISTORIC LANDMARKS

A. The following standards are examined when determining if an area shall be established as a Historic Landmark (HL) or whether the boundaries of an existing HL shall be changed or dissolved:

1. An HL shall include historic sites, or historic structures, as defined in Section 11.4.9, Definitions, and which are individually listed or individually eligible for listing in the National Register of Historic Places at the local, state, or national level of significance.

B.

Proposed Historic Landmark

1. An area may be proposed for Historic Landmark designation or amendment by any of the following:

a. ~~an HPZ~~The owner(s) of the proposed HL, if it is a single property, or all of the owners if more than one property; or,

b. Tucson-Pima County Historical Commission Plans Review Subcommittee

5.8.6. STEPS TO ESTABLISH OR AMEND A HISTORIC LANDMARK

A. Nomination Proposal

A nomination proposal for the proposed Historic Landmark is provided to the City Historic Preservation Office / PDSO Director for review and recommendation to the Tucson-Pima County Historical Commission Plans Review Subcommittee to formally consider the nomination. The nomination proposal should include a completed application form, with a map outlining the geographic boundaries of the proposed area, a summary of the historic resources in the proposed HL and a completed National Register of Historic Places form or nomination, or a State of Arizona Historic Property Inventory Form, or National Register nomination with multiple photographs and attached Statements of Significance and Integrity.

Staff shall review the survey and inventory information and accept or reject the application within 14 days of submittal.

B. Tucson-Pima County Historical Commission Plans Review Subcommittee

a. Public Meeting

The applicant presents the Nomination Proposal materials and any other evidence of historical significance and integrity in a public meeting. The Tucson-Pima County Historical Plans Review Subcommittee votes to recommend approval or denial the nomination.

b. Recommendation

The applicant receives a Recommendation Letter from the City Historic Preservation Office / PDSD Director as formal notification that the Nomination Proposal and Recommendation Letter will be forwarded the Mayor and Council to initiate the establishment or amendment of the HL.

C. Initiation

The Mayor and Council make a decision whether to initiate the establishment or amendment of an HL.

a. Public Meeting

Request to initiate the consideration of establishing or amending an HL is considered by the Mayor and Council in a public meeting.

b. Decision

The Mayor and Council shall make the decision whether to initiate the process to consider the establishment of, or amendment to, an HL.

c. Expiration of Initiation

The initiation by the Mayor and Council of the establishment of, or amendment to, an HL expires five years from the date the Mayor and Council make the decision to initiate.

D. Additional Requirements for Historic Landmarks

a. Design Standards

Refer to Sec. 5.8.6 for Historic Landmark Design Standards. Consultation with the City Historic Preservation Office may be necessary in special cases.

E. Change of Zoning

The application is reviewed by the Zoning Examiner and considered for approval in accordance with Section 3.5, *Rezoning (Change of Zoning) Procedure*. The Zoning Examiner recommendation is then forwarded to the Mayor and Council. The Mayor and Council decision on the change of zoning may include the designation of buildings, structures, or sites as Contributing, Non-Contributing or Intrusive, the designation of a Historic Landmark (HL).

F. Dissolution of a Historic Landmark

Dissolution of a Historic Landmark is reviewed and considered for approval in accordance with Section 3.5, *Rezoning (Change of Zoning) Procedure*.

A. Staff Review.

Change of Zoning to:

SR, RX-1, RX-2, IR, RH, SH	0 – 30 acres	\$880.00 plus \$110.00 per acre
Greater than	30 acres	\$1,650.00 plus \$82.50 per acre
R-1, MH-1, P, O-1	0 – 30 acres	\$2,200.00 plus \$192.50 per acre
Greater than	30 acres	\$3,025.00 plus \$165.00 per acre
R-2, MH-2, RV, O-2, NC, RVC	0 – 30 acres	\$2,750.00 plus \$275.00 per acre
Greater than	30 acres	\$4,400.00 plus \$220.00 per acre
R-3, O-3, C-1, MU	0 – 30 acres	\$3,575.00 plus \$330.00 per acre
Greater than	30 acres	\$5,225.00 plus \$275.00 per acre
C-2, C-3, OCR-1, OCR-2, PI, I-1, I-2	0 – 30 acres	\$4,400.00 plus \$660.00 per acre
Greater than	30 acres	\$7,700.00 plus \$550.00 per acre
Planned Area Development Zone (PAD)		\$22,000.00 plus \$220.00 per acre
Historic Landmark (HL)		\$330.00
Historic Preservation Zone (HPZ)		\$330.00 plus \$50.00 per acre

B. Current Aerial Photograph – for all Zones..... Variable

C. Zoning Examiner Public Hearing Fee for all zones includes the following:

1. Legal Advertisement..... Variable
2. Notification of Property Owners around Project Site..... \$220.00

D. Ordinance Display Add. All adopted change of zoning ordinances are required to be published in a newspaper of general circulation. To cover that cost, change of zoning applications are to include the payment of a fee as follows:

For _____ all
Zones..... Variable



MEMORANDUM

DATE: October 28, 2013

TO: Planning Commission

FROM: Jonathan Mabry
City Historic Preservation Officer

Subject: Linking City Historic Landmark Criteria to National Register Criteria

The text amendment for designation of City Historic Landmarks currently being considered by the Planning Commission includes a linkage between City landmark designation criteria and the criteria for individual listing in the National Register of Historic Places, as recommended by City staff and the Plans Review Subcommittee of the Tucson-Pima County Historical Commission.

Based on comparative research, “Best Practices” in cities in Arizona and elsewhere link the eligibility criteria for local historic landmark designation to the eligibility criteria for individual listing in the National Register of Historic Places. Examples include the cities of Phoenix, Tempe, Austin, and San Antonio, each of which explicitly links their landmark criteria to National Register listing or eligibility. Because local historic landmarks in these cities are individual buildings, structures, or sites rather than contributing properties in districts, landmarks must be individually listed, or eligible for individual listing, in the National Register.

The rationale for this linkage of local and national criteria for historic designation of individual properties includes consistency, objectivity, and financial incentives and benefits.

- **Consistency:** This linkage counters the frequent perception that criteria for historic designation are arbitrary, inconsistent, and locally defined; avoids confusing the public and elected officials about the criteria for historic significance; prevents dilution of the meaning and value of historic designation.
- **Objectivity:** Use of long-established national standards allows the use of Historic Property Inventory Forms and National Register Forms to document eligibility, and allows the option of arbitration by the State Historic Preservation Office as a neutral and objective outside party.
- **Financial Incentives and Benefits:** This linkage ensures the eligibility of landmark properties for federal and state tax breaks for rehabilitation (only available to National Register listed or eligible properties), and enhancement of property values; avoids situations of “all stick and no carrot” for preservation; for these reasons, Historic Preservation Zones in Tucson and in Phoenix that formerly had only local, regulatory designations were later retrofitted with National Register district designations.