

To the City of Tucson Planning Commission  
And City of Tucson Mayor and Council

May 31, 2012

Re: Difficulties with the Historic Landmark Designation Process (UDC 5.8.3)

On behalf of the Tucson Historic Preservation Foundation, I request that the Historic Landmark Designation process be addressed and updated as part of the LUC Simplification Project.

Historic Landmark designation is an important tool for the conservation of our city's irreplaceable and most important historic resources. The only City designated Landmarks were created before 1993: The San Pedro Chapel, The El Conquistador Water Tower, El Tiradito Shrine, the Smith House and Cannon/Douglas Houses (the last two now part of the University of Arizona Campus, along Speedway and in front of the Eller School of Business.) That's five total Historic Landmarks in one of the oldest cities in the United States.

The Historic Landmark designation process used to be very clear and simple:

1. The Tucson-Pima County Historical Commission (T-PCHC) would review a Landmark nomination and make a recommendation to Mayor and Council.
2. Mayor and Council would initiate the designation.
3. Staff working with T-PCHC and/or the nominator would prepare a nomination (cultural inventory and survey.)
4. The nomination and staff recommendation would go to Mayor and Council for public meeting and vote.

See attached flow chart for detailed process.

Based on an review of the five landmark records, sometime in the mid 1990s, the Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 were added to the Designation Process. (Now proposed as UDC 3.5) This one addition made the process so expensive, so onerous, so arduous, that not a single Landmark has been designated since.

This procedural addition is un-necessary, counter-intuitive, and counter-productive to the purpose and intention of adding "HL" to the underlying zoning. Here are three distinct reasons why the current process is incredibly problematic:

**1. The cost.** Who pays for this type designation? Since the process is started by the Tucson-Pima Historical Commission and/or the Mayor and Council, who absorbed the rezoning costs? This is not and should not be treated as a "Full Rezoning with the standard Fee Schedule." If the owner of cultural resources is sympathetic to its preservation, it is unreasonable to subject them to a multi-year, multi-thousand dollar process which will ultimately restrict the development of their property by regulating and protecting the historic resources. This is not an up-zoning. The addition of the Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (UDC 3.5) to the process has resulted in NO designated landmarks since 1993. The experience of twenty years confirms that no private property owner will pay for this designation.

**2. Rezoning Requirements.** Rezoning is a regulatory nexus requiring site improvements. These types of improvements are outside of the economic feasibility for the vast majority of historic resource owners who are otherwise willing to support the long-term preservation of their cultural asset. Additionally, these requirements can conflict with the historic integrity of the resource.

The National Register of Historic Places: Valley of the Moon is actively interested in Historic Landmark designation, but required site improvements under a full rezoning eliminate the viability of the designation. It is counter-productive and unrealistic to use a protective cultural resource designation as an opportunity for enforcement. What property owner would chose to burden themselves with these potential requirements, with no financial gain?

**3. The Process.** The Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (UDC 3.5) has made the process so arduous that even enthusiastically engaged property owners, such as the owners of the Stone Ave. Temple & Jewish History Museum, balked and walked away. The current process creates lost opportunities for the City of Tucson to work with sympathetic property owners who appreciate that they are stewards of these irreplaceable cultural assets.

Without a simplified and reasonable process, as originally intended, there will be no new City Landmarks. Only help from the City has the possibility of insuring that significant historic resources are protected for future generations. The General Plan outlines community preservation goals, but unnecessary bureaucratic obstacles thwart preservation-minded owners who want to pursue Historic Landmark designation.

The Tucson Historic Preservation Foundation requests that the Planning Commission clarify and return the Historic Landmark designation Process to its original intent. Please eliminate the requirement for Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (UDC 3.5). This change would still be a rezoning with Mayor and Council as the ultimate authority.

Abolish the excessive administrative cost, create a reasonable process, and allow this heritage conservation tool to assure that future generations will be able to enjoy the historic values of the Old Pueblo.

A flow chart outlining how the process is currently defined is attached. To restore the viability and intent of this process please delete the Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (UDC 3.5).

Please don't hesitate to contact me if you have any questions.

Demion Clinco  
President  
Tucson Historic Preservation Foundation  
PO Box 40008  
Tucson, Arizona 85717  
www.preservetucson.org  
cell: 520.247.8969

## City of Tucson | Proposed Historic Landmark Designation Process Flowchart

1. Preliminary Assessment prepared by nominator to DSD Director



2. Proposal by Mayor and Council, Tucson-Pima County Historical Commission or Property Owner for Designation



3. Proposal reviewed by Tucson Pima County Historical Commission and recommendation to Mayor and Council for Initiation



4. DSD for Review and Recommendation to Mayor and Council



5. Mayor and Council Public Meeting for Initiation



6. Decision by Mayor and Council for initiation process and determine boundaries for Landmark



7. Notice of Decision Provided by City Clerk's office (5-year clock)



8. Applicant Prepares Cultural Inventory & Survey for Staff Review and recommendation to Mayor and Council



9. DSD Acceptance or Rejection of Application w/in 14 Days



~~Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (UDC 3.5)~~



10. Mayor and Council public hearing with relevant notification and Staff Recommendation



11. Mayor and Council vote to designate



12. Zoning Changed, Maps Changed, Landmark Status Applied to Property