



# ZONING EXAMINER

## REPORT TO MAYOR AND COUNCIL

June 30, 2016

C9-16-05 Voorhees-Pattison House – Via Golondrina  
RX-1 to HLRX-1

### **BACKGROUND**

This is a request by Demion Clinco of the Tucson Historic Preservation Foundation on behalf of the applicant, the Estate of Frances H. Pattison, to rezone approximately 0.91 acres from RX-1 to HLRX-1 (Historic Landmark) zoning. The rezoning site is located at 3488 E. Via Golondrina. The request is to designate a single family residence and associated structures as a historic landmark. The rezoning does not constitute a change of the principal land use for the subject property. The Historic Landmark zone is an overlay that imposes standards and procedures that are in addition to those required under the RX-1 base zone standards. The overlay's standards take precedence over the underlying zone's standards.

Land use policy direction for this area is provided by the *Arroyo Chico Area Plan*, *El Encanto – Colonia Solana Neighborhood Plan* and *Plan Tucson*.

### **PUBLIC HEARING SUMMARY (Minutes Attached)**

Public Hearings June 9 and 15, 2016 -

*June 9 Public Hearing* - At the June 9 hearing a total of eleven written protests and two approvals were noted. The speakers in support mentioned the long history of the residence in the Colonia Solana historic neighborhood. Further the residence had been cared for by the Pattison family for many decades and diligently restored until the family's mother became too ill to oversee and do regular maintenance. It was noted that while there are delayed repairs the residence is habitable and there are several prospective buyers who are interested in doing historically correct renovations.

Two speakers from the Colonia Solana neighborhood spoke in protest to the rezoning. They clarified that they strongly support historical preservation but do not believe that placing more restrictive standards on a renovation will increase the chances of the residence being restored. They noted that the subject property has been a longstanding problem with deteriorating buildings and unkempt landscaping. They preferred that the building be restored to its historic status and then be rezoned to the Historic Landmark overlay district.

The case was continued to allow more information on what are the impacts of doing nothing versus rezoning to the HL overlay and further to clarify how compliance with historic design standards and demolition provisions work in an HL overlay.

*June 16, Public Hearing* – The staff noted that the protests since June 9 still trigger the need for a supermajority vote of the Mayor and Council. There was also an increase in letters of approval from 2 to 22.

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The City's Historic Preservation Officer (HPO) presented information on how a potential HL zoned property would work. He reconfirmed that HL zoned property follows the demolition and design standards of a typical Historic Preservation Zone whereby demolitions must be approved by the Mayor and Council and Design Standards by the PDSD Director with a recommendation of the Plans Review Subcommittee of the Historic Commission.

The HPO responded to a question on whether the HL rezoning will make it more difficult to renovate a fragile historic residence and have the impact of causing on-going deterioration because the review process makes it cost prohibitive to restore. In response he said the City has five Historic Preservation Zones (HPZ) with fragile buildings and those buildings are renovated commonly without anyone arguing that the HPZ standards have made it cost prohibitive. He said the HPZs, in general, increase the property values of the historic neighborhood.

Three persons spoke in support of the rezoning. There was information provided that compared the process of the NRD property to the HPZ review process concerning historic renovations. The comparison indicated there is no clear NRD process but the HPZ process guaranteed a substantive review, clear criteria and a process for any potential demolition request. Later it was clarified to keep one's tax credit for an NRD property, there needed to be proof provided to the State Historic Preservation Office on the maintenance of the contributing property. Furthermore, the Zoning Examiner asked the HPO if he could clarify whether the tax credit can be renewed for multiple fifteen-year terms. After the hearing, the HPO confirmed that it can be renewed multiple times for fifteen year terms.

The property owner stated she had a list of potential buyers of the property that were interested to purchase and restore the property to its historical appearance. There was also a preliminary structural report stating that a visual inspection did not reveal any major problems for a potential renovation attempt. It was also mentioned that designating this property as an HL served as a historic anchor for the rest of the historic neighborhood.

The key rationale for the property was that this residence was built by Roy Place a prominent early 20<sup>th</sup> century architect and the residence was one of the four original residences of the Colonia Solana neighborhood.

Two persons spoke opposing the rezoning. They were both clear that they support historic preservation and agreed that Broadway Village and the historic water tower north of the neighborhood represented two legitimate historic landmarks. Other comments made included the following. The HL rezoning is not needed for this property. The historic review to keep the NRD tax credit was adequate to encourage historic renovation of the property. Currently designated residential HL zoned properties had a famous resident and that was not true of the subject property. The property was deteriorating and has had numerous zoning and building code violations for some time. It was frustrating that the property is not being cared for now and this designation does not guarantee that it will be restored. Instead of a City rezoning to HL, if the property owner wants to have a compulsory historic review of

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renovations then there should be a deed restriction placed on the property for that purpose. It should be noted, however, that the City does not enforce private deed restrictions.

**FINDINGS OF FACT**

This is a request by Demion Clinco of the Tucson Historic Preservation Foundation on behalf of the applicant, the Estate of Frances H. Pattison, to rezone approximately 0.91 acres from RX-1 to HLRX-1 (Historic Landmark) zoning. The rezoning site is located at 3488 E. Via Golondrina. The request is to designate a single family residence and associated structures as a historic landmark. The rezoning does not constitute a change of the principal land use for the subject property. The Historic Landmark zone is an overlay that imposes standards and procedures that are in addition to those required under the RX-1 base zone standards. The overlay's standards take precedence over the underlying zone's standards.

General Location - The property is surrounded on the north, south, and west by single family residences zoned RX-1 and on the east by the City of Tucson's Randolph Golf Complex zoned R-1.

Land Use Plans - Land use policy direction for this site is provided by the *Arroyo Chico Area Plan*, *El Encanto – Colonia Solana Neighborhood Plan* and *Plan Tucson*. The site is in an Existing Neighborhood Building Block as identified on the Future Growth Scenario Map of *Plan Tucson*. A key goal of the Building Block is to maintain the character of the affected neighborhoods. Further *Plan Tucson* supports historic preservation strategies like the Historic Landmark overlay (HL) as a way to preserve important historic sites within the City.

Historic Preservation

The Mayor and Council adopted Ordinance No. 11150 on March 18, 2014 to create a more streamlined process to allow for rezoning to a Historic Landmark overlay (HL). In December 2015, the Tucson Pima County Historic Commission's Plans Review Subcommittee recommended the Mayor and Council initiate the Voorhees-Pattison property be rezoned to HL. On February 23, 2016, the Mayor and Council initiated the HL rezoning for the subject property. The current review and rezoning process is in accordance with Unified Development Code (UDC) Sec.5.8.5 (*Standards of Establishing and Amending Hls*), Sec. 5.8.6 (*Steps to Establish or Amend a HL*), and Sec. 3.5 (*Rezoning*).

The subject property is located in the Colonia Solana National Register of Historic District which was originally a subdivision plat approved by the City and Pima County in 1928. Further, the Voorhees-Pattison residence is a contributing property to the National Register District (NRD) and was one of four original residences built in the Colonia Solana neighborhood. The subject property contains a main residence and a detached garage with a sleeping porch that were both constructed in 1929 by the well-known Tucson architect, Roy Place. The submittal materials note that the buildings have not been substantively modified since their original construction. The Plans Review Subcommittee has reviewed the nomination materials and has recommended that the subject property qualifies as a historic landmark and recommends the rezoning to the HL overlay.

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Ultimately, the Mayor and Council must approve the HL. Once an HL is established it requires a Mayor and Council decision for removal of the overlay and further it requires their approval for any potential demolition of a contributing structure on the subject property. Additionally, any alterations occurring within the HL are guided by the standards of UDC Sec. 5.8.9 (*Design Standards*).

**CONCLUSION**

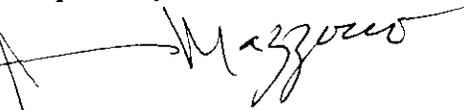
The *Arroyo Chico Area Plan*, *El Encanto – Colonia Solana Neighborhood Plan* and *Plan Tucson* support the preservation of historic resources and the proposed HL rezoning. The main rationale for this HL rezoning is the historic residence was built by Roy Place, who was responsible for the Pima County Courthouse and the former Montgomery Ward Building at Pennington and Stone Avenues. These two buildings are iconic historic landmarks of Tucson's Downtown. Colonia Solana is one of the most prominent historic residential neighborhoods in Tucson and the subject property was one of the first residences that initiated the growth of this historic neighborhood.

This rezoning ensures any renovation will follow the City's well-used and successful historic design review process. There seems to be evidence that this process has not hindered historic renovations in the current HPZ neighborhoods. While no special rezoning conditions apply to this rezoning, if it is approved by the Mayor and Council, the historic renovation of the structures will be reviewed under the UDC's Historic Preservation Zone's Section 5.8.

**RECOMMENDATION**

The Zoning Examiner recommends approval of the rezoning to HLRX-1. While the property is in need of restoration, the structures are genuine examples of historical Tucson architecture and the work of a famous Tucson architect. This designation will promote and not hinder historical preservation in this well-established historic neighborhood.

Respectfully Submitted,



Jim Mazzocco, AICP  
Zoning Examiner

**ATTACHMENTS:**

Public Hearing Minutes