

HISTORIC PRESERVATION COMMISSION

Bob Gasser, Chair Richard Pagoria, Vice-Chair Mike Deskin Elias Esquer Ann Patterson Stuart Siefer, RA Liz Wilson

Alternate Member: David Scheatzle, PhD, FAIA, PE

HISTORIC PRESERVATION OFFICER

Joseph G. Nucci, RA

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The City of Tempe is a Certified Local Government, in association with the United States Department of the Interior/National Park Service

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Tempe Historic Preservation Commission (Tempe HPC)

MEETING PROCEEDINGS

Meeting Date: Thursday, November 14, 2005

Location: Tempe Fire Station 1

1450 E. Apache Boulevard

Community Room

Commissioners Elias Esquer Present: Bob Gasser

Staff Present: Kathryn Leonard, SHPO

Joe Nucci, HPO

Public Present: Bernal, Gene

Bernal, Melonie Bunce, Greg Buss, Chuck Clemens, Brad Curry, Grant Duran, Lisa Jensvold. Bo Linoff, Vic

Medrano, Henry Rector, Pam Terrell, Adnenne Terrell, Richard Warner, Shauna Worbington, Barbara

Call to Order: 6:05 pm, Joe Nucci, HPO

I. Welcome and Introductions

HPO welcomed residents of the Borden Homes Historic District to this first neighborhood meeting to discuss development of district design guidelines. He introduced Commissioners Gasser and Esquer and thanked special guest Kathryn Leonard from the State Historic Preservation Office (SHPO) who will make a presentation on the process for listing properties on the National Register of Historic Places.

II. Meeting Agenda

HPO explained tonight's presentation will be in three parts - "Borden Homes Historic District Design Guidelines", "Listing properties on the National Register of Historic Places", and open discussion - questions and answers. He said the first part of the presentation will address why we are here, explain what design guidelines are, identify neighborhood options, and suggest what the next step for the district might be.

III. Why We Are Here

HPO stated the theme of this presentation is – "Historic Districts are empowered to develop design guidelines and may elect to revise development standards and pursue National Register of Historic Places listing for their district."

HPO stated, on June 2, 2005, as an expression of civic pride, the Tempe City Council designated the historic 1947 Borden Homes subdivision as Tempe's first historic district, and directed that it be listed on the Tempe Historic Property Register. He said we will see in tonight's meeting that Borden Homes Historic District Representatives can play a significant part in determining how the neighborhood will act to conserve neighborhood character. HPO suggested the success of the neighborhood in influencing how change will occur requires both information and organization. [06/02/05 Tempe ZDC § 5-501]

IV. Cooperative Effort

HPO stated the Tempe Historic Preservation Ordinance empowers District Representatives to work in cooperation with the Tempe Historic Preservation Commission to develop guidelines for the preservation and enhancement of the distinctive character of their district. He noted, while the Tempe Historic Preservation Ordinance specifies the requirement to create design guidelines for each historic district listed on the Tempe Historic Property Register, the nature of the guidelines is left to the discretion of the stakeholders. [04/07/05 TCC § 14A-4.(g)(3)]

V. Design Guidelines Defined

HPO stated guidelines are policy statements created for the preservation of character defining features of a property or district and to accommodate change that is compatible with conserving a district's unique sense of place. He said guidelines enable Tempe preservation and planning commissions to make consistent and fair decisions based on a uniform standard when owners seek to renovate their properties or to construct new buildings in an historic area. HPO noted guidelines typically address both rehabilitation and new construction in the district. [04/07/05 TCC § 14A-4.(g)(3)a.] [06/02/05 Tempe ZDC (appendix) § A-IA]

VI. Guidelines Inform and Raise Awareness

HPO indicated guidelines accomplish several purposes. He said, first, guidelines identify character defining features of individual properties, of the right-of-way or streetscape, and of the historic district overall, that relate to the historic and architectural significance of the district. HPO explained guidelines identify aspects of the built environment that date to the period of significance. He said both Guidelines and Standards are based on the concept that historic resources, like natural resources, are important to the human community and should be identified and protected. HPO suggested preservation of historic and cultural resources contributes to the stabilization of neighborhoods.

HPO indicated guidelines promote better awareness of our architectural and cultural history, and help foster civic and neighborhood pride. He said, national statistics corroborated locally demonstrate a marked trend toward increased property maintenance and values for historic properties attendant upon increased pride of ownership. HPO suggested as if by the very act of celebrating the unique identity of a district that identity is enhanced and held apart as valuable. He said, over time, market forces continue to distinguish these neighborhoods as special places, eventually producing an acute demand for purchase by owner occupants.

VII. Guidelines Communicate Neighborhood Priorities

HPO indicated, in addition to informing and raising awareness of historic resources, guidelines graphically and verbally communicate design objectives for preserving and rehabilitating properties, or for making additions and alterations to properties in a sensitive manner which respects and enhances the historic and architectural integrity of the property or district. He said, individual guidelines are described using illustrations and text, organized to clearly address: what should be accomplished, how to achieve the intent, and communicate appropriate and inappropriate development.

VIII. Guidelines Applied

HPO indicated, guidelines inform owners and developers about the significance of property and neighborhood features to provide an informed basis for making changes that are sensitive to maintaining the integrity of the historic district. He said, guidelines help owners, investors, and city staff, boards and commissions to evaluate proposed changes to individual properties, rights-of-way, and infrastructure that are appropriate and to identify opportunities to preserve or enhance the historic character of the district. HPO explained, guidelines are used to determine the impact of proposed property changes, planning proposals, and new construction on the historic character of the district. He said, guidelines supplement the provisions of the Historic Preservation Ordinance in determining the appropriateness of new additions or new construction. [04/07/05 TCC § 14A-3(k)(2)] [06/02/05 Tempe ZDC (appendix) § A-IB]

IX. Guidelines Limitations

HPO indicated guidelines address general design aspects such as building materials, massing, scale and proportion of openings and other features, orientation and relative position of buildings and landscape character. Guidelines also address specific aspects of construction such as roof forms, textures, color theme, character of signage, window and door types, and other details relative to architectural styles evident in the district.

HPO explained guidelines do not alter Land Use Regulations or Development Standards specified in the Tempe Zoning & Development Code such as maximum building height, maximum lot coverage, minimum setbacks, required landscaping, or required parking. He said, guidelines are statements that indicate preferences or principles by descriptive statements including "should", "is encouraged", "is desired" and "may". Standards are indicated by language that is unequivocal and that prescribe minimum acceptable limits. Statements such as "shall", "is required" and "must" are standards.

HPO indicated in addition to guidelines, District Representatives may determine that specific development standards for their district should be created to enhance the protection afforded to the historic integrity of the subdivision. He said, this can be done through amendment because historic designation creates a discrete zoning entity for the district. [04/07/05 TCC § 14A-4(q)(3)b.]

X. Interim Controls

HPO stated, by ordinance, the Borden Homes Historic District operates with interim controls in place until such time as district-specific design guidelines are adopted. He said, the Borden Homes Historic Overlay District is a Cultural Resource Area identified

on the Tempe General Plan Projected Residential Density map. These areas are considered culturally significant to the character of Tempe, and the City will endeavor to maintain the character of these areas. [12/04/03 Tempe General Plan 2030 Sec. Land Use Element] [06/02/05 ZDC Sec. 5-503B.5]

HPO stated, again by ordinance, the Borden Homes Historic District is afforded protection from inappropriate demolition of homes because of its historic designation. He said, a permit for demolition will not be issued until approval has been obtained from the historic preservation commission, or the HPO in the cases of work obviously minor in nature or involving an imminent hazard to public safety. [04/07/05 TCC § 14A-7(a).]

HPO indicated following designation of an historic district, and until such time as district-specific design guidelines can be adopted, the commission shall refer to the Secretary of the Interior's Standards for Rehabilitation as interim guidelines. These standards provide ten basic principles created to help preserve the distinctive character of an historic building and its site and environment. The intent of the Standards is to assist the long-term preservation of a property's significance through the preservation of historic materials and features. The Standards created by the Secretary of the Interior have been widely used over the years to determine if a project qualifies as a Certified Rehabilitation for Federal tax purposes. In addition, the Standards have guided State and local officials in reviewing both Federal and nonfederal rehabilitation proposals and are widely adopted by historic districts across the country. [04/07/05 TCC § 14A-4(g)(3)c.]

XI. District Representatives

HPO explained, by ordinance, the character of design guidelines for Tempe Historic Districts is determined by the stakeholders for each district. He said guidelines must be adequately specific so as to ensure a uniform and predictable outcome, however, the range of regulatory effect can fall anywhere on the continuum of control from a broad, philosophical expression of appropriate design approaches to specific development standards. HPO indicated the degree of control is determined in response to neighborhood interests.

HPO stated, Tempe Preservation recommends that stakeholders designate District Representatives to work as a committee in conjunction with the City. The District Representative Committee will participate extensively in the decision-making process to develop design guidelines. Accordingly, Representatives should be selected based on their ability to commit significant time to the public process. Additionally, Representatives should be selected to represent both conservative and liberal preservation perspectives. A Representative from the second-tier subdivisions (Carlson Park and Tomlinson Estates) is also recommended. [04/07/05 TCC § 14A-4(g)(3).]

XII. Preservation Consultant

HPO explained, both development of design guidelines and National Register listing share the common goal of preserving community cultural resources through conservation and enhancement of the character of areas in our community. He said, identification and protection of significant features that distinguish these places as unique, historic, and representative of our community heritage is common to both processes.

HPO indicated although anyone can prepare a nomination to the National Register, the process for successful listing demands rigorous, high quality, historic research and documentation. He said generally nomination forms are documented by professionals in the fields of American history, architectural history, architecture, prehistoric and historic archeology, or related disciplines as appropriate.

HPO stated, at the request of the Borden Homes Historic District, Tempe Preservation will retain services from a preservation consultant to prepare design guidelines, to pursue National Register listing, or to accomplish both objectives. He said the cost for consulting services will be paid for by the Tempe Community Development Department.

XIII. PART 2 - State Historic Preservation Office Presentation

HPO introduced Kathryn Leonard, National Register Coordinator with the State Historic Preservation Office (SHPO). He noted the Arizona SHPO is a division of Arizona State Parks, and is responsible for the identification, evaluation, and protection of Arizona's prehistoric and historic cultural resources. He said the SHPO staff represents various areas of expertise, including history, prehistoric and historic archaeology, historical architecture, and grants management.

The National Register of Historic Places Program in Arizona presented November 14, 2005, to the Borden Homes Historic District by Kathryn Leonard, National Register Coordinator, Arizona State Preservation Office, Arizona State Parks.

What is the National Register of Historic Places?

- Established in 1966 as part of the National Historic Preservation Act; amended in 1992
- ➤ The National Register of Historic Places is the official Federal government list of properties considered worthy of preservation.
- Properties include Districts, Sites, Buildings, Structures and Objects significant in American History, Architecture, Archaeology, Engineering and Culture
- > Significance of properties can be at the Local, State or National Level
- ➤ The National Register also serves as a Planning Tool for Communities seeking to identify, designate and preserve important cultural resources

<u>In Arizona</u> there are approximately 18,000 properties listed in the National Register, in Maricopa County, there are 4,659 properties listed in the National Register, in Tempe there are 39 properties listed in the National Register.

Types of Historic Properties

- 1. BUILDING Shelters Human Activity (houses, barns, garages, courthouses, social halls, commercial buildings, hotels, theaters, stores and churches).
- 2. SITE Location of Significant Event, Occupation, or Activity (may be standing, ruined or vanished) Location posesses historic, cultural, or archaeological value (gardens, campsites, trails, ruins, cemeteries, ritual sites, traditional cultural places).
- 3. STRUCTURE Made for purposes other than sheltering human activity (bridges, roads, tunnels, dams, power plants, grain elevators, railroad tracks, canals).
- 4. OBJECT Primarily artistic in nature or small in scale Simple Construction (Fountains, Flagpoles, statues, sculptures, monuments).

5. DISTRICT - Significant Concentration/Continuity of Sites, Buildings, Structures, Objects, must be united historically or aesthetically by plan or physical development variety of resources/ unified entity (neighborhood, commercial area, campus, military base, archaeological zone).

What Does the National Register DO?

For the Individual Property Owner –

Prestige/Pride

Increase Value of Property

Tax Incentives/ Technical Assistance

Consideration of Impact for State and Federally Funded Properties

For the Community –

Prestige/Pride

Community Revitalization

Grant Assistance

Heritage Tourism

Consideration of Impact for State and Federally Funded Properties

What the National Register DOES NOT Do

- ❖ Does NOT Prevent an Owner from Repairing, Remodeling, Altering, Selling, or Demolishing a Building
- ❖ Does NOT Obligate an Owner to Make Repairs to a Building
- ❖ Does NOT Prevent using City Funds or Private Funds for Demolition
- ❖ Does NOT Guarantee Protection of a Property from a Federal Action

How Does a Property Qualify for Listing on the National Register?

- 1. AGE 50 Year Threshold Properties less than 50 Years Old must demonstrate "exceptional importance"
- 2. ELIGIBILITY CRITERIA How Does the Property Derive its Significance?

CRITERION A: Association with historic events or activities

CRITERION B: Association with an important person in history

CRITERION C: Distinctive Design or Physical Character

CRITERION D: Potential to provide important information about prehistory or history

3. INTEGRITY – How Does the Property Convey Its Significance?

To be eligible for listing, a property must still possess the characteristics that made it significant: Location, Design, Setting, Materials, Workmanship, Feeling, Association.

Who Can List a Property in the National Register?

"Any individual, organization, government agency, consultant or public entity can prepare and submit a National Register Nomination"

STEP 1: Identification and Eligibility Assessment

> Survey

SHPO Staff

Certified Local Government

Consultants

State and Federal Agencies

Neighborhood Associations/Property Owners

- > Arizona Historic Property Inventory Form
- > SHPO Staff Review
- > Determination of Eligibility

STEP 2: Preparation of National Register Nomination Form

- ➤ Preparation Occurs AFTER Determination of Eligibility
- ➤ Narrative Description and Statement of Significance
- > Technical Assistance

National Register Bulletins

State Historic Preservation Office Staff

Historic Preservation Consultants

STEP 3: Historic Sites Review Committee (HSRC) Public Hearing

- ➤ The HSRC is Arizona's Official National Register Review Board as Mandated by State Law and Federal Regulations
- ➤ Nine Members
- ➤ Represent Fields of History, Architecture, prehistoric and historic archaeology, and the general public
- ➤ Meetings: Three times annually
- ➤ Advise the State Historic Preservation Officer

STEP 4: SHPO Nominates

- > SHPO Staff works with proponent to make necessary revisions
- State Historic Preservation Officer responsible for nominating properties to the National Register
- > SHPO Certification

STEP 5: Listing in the National Register

- ➤ Keeper of the National Register, National Park Service, Washington D.C.
- ➤ 45 Day Review
- > SHPO Notification
- > Proponent Notification
- Property Dedication, Plaque and Party!

A copy of the presentation by the Arizona State Historic Preservation Office is available online at the website at http://www.pr.state.az.us/partnerships/shpo/natlreg/natlbrochure.html#anchor1922538

For more information on the National Register Program or other preservation topics contact the State Historic Preservation Office at (602) 542-4009.

XIV. PART 3 - Open Discussion Questions & Answers

Question: What is the area of control for National Register regulations?

Answer: Listing of private property on the National Register does not prohibit under Federal law or regulation any actions which may otherwise be taken by the property owner with respect to the property.

Reference: 36CFR60 Sec. 60.2 Effects of listing under Federal law.

Question: What about changing planters in front of my home?

Answer: This would not be a preservation concern. District design guidelines are policy statements created for the preservation of character defining features of a district and to accommodate change that is compatible with conserving a district's unique sense of place. Once adopted, guidelines will enable consistent and fair decisions to be made based on application of a uniform standard for review when a building permit is required. A building permit is required in an historic area as it is elsewhere in the city when owners seek to renovate their properties or to construct new buildings. A permit is the trigger for application of guidelines and activities not subject to building permits are not tested against guidelines. Although both rehabilitation and new construction are addressed by guidelines, they are not Codes Covenants & Restrictions (CC&Rs) as are often enforced by homeowner's associations.

Reference: <u>Tempe City Code Sec. 14A-4 - Designation of landmarks, historic properties and historic districts.</u> Op. Cit: <u>Tempe Zoning & Development Code (appendix) § A-IA</u>

Question: What about putting on a metal roof or other materials that were in use during the period of my house?

Answer: You could choose to do this, however, you may not want to make changes that would result in your property no longer being a contributing property to a National Register district. Guidelines indicate preferences or principles by descriptive statements including "should", "is encouraged", "is desired" and "may". As such, guidelines do not prohibit actions by property owners that are allowable by building code or zoning ordinance. If the Borden Homes Historic District becomes listed in the National Register, owners of contributing properties are eligible to participate in a variety of preservation programs including grants, incentives, and property tax reduction programs. Participation is always voluntary, however, the historic integrity of a participating property must be maintained to continue to receive benefits. Changes made to a property can disqualify it as a contributing property. Each property is evaluated on its own merit and incremental changes can combine to leave a property non-contributing. Likewise, if enough properties within a district become noncontributing, the district itself may be de-listed from the National Register. In the case of the "Transitional Early Ranch" and "American Colonial Ranch" houses at Borden Homes, the roof is a prominent and conspicuous character defining feature. Changes to the roof, the street façade, or the front yard that are not consistent with the original character of the property could significantly diminish eligibility of the property. On the other hand, changing a roof is often something that can be reversed whereby eligibility could be recovered.

Reference: Opinion 11/14/2005 – Kathryn Leonard, National Register Coordinator, Arizona State Historic Preservation Office.

Question: Who approves demolition?

Answer: When a permit is requested from the city to demolish or remove a designated historic property, the permit will be issued only after approval has been obtained from

the historic preservation commission, or in the cases of work obviously minor in nature or involving an imminent hazard to public safety, the Historic Preservation Office. This approval indicates conformance with the provisions and intent of the Historic Preservation Ordinance only and does not imply approval by other city regulatory agencies. Applicants may appeal the decision of the Historic Preservation Commission to the City Council.

Reference: Tempe City Code Sec. 14A-7 - Demolition and removal.

Question: Who reviews changes to a residence like becoming a rental or conversion to a business?

Answer: Any legal use can continue. Historic designation of a property or district does not inhibit uses permitted by the Zoning & Development Code. Guidelines do not alter Land Use Regulations or Development Standards specified in the Tempe Zoning & Development Code such as land use or occupancy, maximum building height, maximum lot coverage, minimum setbacks, required landscaping, or required parking. Reference: Tempe City Code Sec. 14A-1 - Purpose and intent.

Question: What can be done to protect properties from neglect and deterioration caused by renters and absentee owners?

Answer: The Community Development Department Code Compliance Section responds to violations of the Nuisance & Property Enhancement Code, including rental housing complaints. They also enforce zoning ordinance violations in residential areas. Examples of the types of violations they enforce are: tall grass & weeds, junk cars, deteriorated landscaping, deteriorated roofs or chipped and peeling paint, swimming pools that have deteriorated or stagnant water, or unsecured swimming pool gates, and interior violations of the rental housing ordinance. Code violations that occur on commercial properties, such as illegal signage or dead and missing landscaping from commercial sites are enforced by the Development Services Department Building Safety Section.

Reference: Tempe City Code Chapter 21 - Nuisances And Property Enhancement

Although not an enforcement issue, studies of historic districts throughout the country demonstrate that local historic district designation and design review provisions protect an area's historic character and add value to individual properties. The stabilizing influence and protection that a historic district provides stimulates private property investment and helps to foster neighborhood pride. Over time, market forces distinguish historic districts as special places increasing an already acute demand for purchase of properties by owner occupants and increasing value to the community as a whole.

There were a number of similar questions asked about protecting the neighborhood from property degradation caused by renters.

A copy of the presentation by Tempe Preservation is available online as a PowerPoint presentation from the Borden Homes Historic District page at the Tempe Historic Preservation website at http://www.tempe.gov/historicpres/BordenHomes.htm

Meeting adjourned at approximately 7:40 PM.

Minutes scheduled for Tempe HPC review on 12/08/2005. Rdevpub/HistoricPreservation/HPCmins111405PROCEEDINGS.doc

Draft issued for review comments to:	Review comments received from:
☑ Pam Rector 85283	