

2022

**Tucson-Pima County Historical Commission**  
Plans Review Subcommittee

**LEGAL ACTION REPORT/Minutes**

**Wednesday, October 27, 2022**

Pursuant to safe practices during the COVID-19 pandemic, all in-person meetings are cancelled until further notice. This meeting was held virtually to allow for healthy practices and social distancing. The meeting was accessible at provided link to allow for participating virtually and/or calling in.

Note: A recording of the entire meeting (audio/video) can be accessed at <https://www.youtube.com/playlist?list=PLUfRGd7RxAUv6rMbRNEurjg1iY8N4ZALR>

**1. Call to Order and Roll Call**

Meeting called to order at 1:02 P.M., and per roll call, a quorum was established.

Commissioners Present: Terry Majewski (Chair), Carol Griffith, Joel Ireland, Jan Mulder, Savannah McDonald, and Rikki Riojas

Commissioners Excused/Joined Late: none

Applicants/Public Present: John Ash, Roger Brevoort, Mark Buckingham, Noel Griemsmann, Paul Iezzi, Samuel Ireland, Matthew Janssen, Burt Kempfert, Parker Kinzer, Chuck Martin, Mike Maeoritz, Davis Maxwell, Marcellus Rusk, and Ken Scoville

Staff Present: Jodie Brown, Michael Taku, and Maria Gayosso (all PSDS)

**2. Approval of the Legal Action Report/Minutes for the Meeting of October 19, 2022**

**Motion:** It was moved by Commissioner Griffith to approve the Legal Action Report/Minutes for the meeting of October 19, 2022, as submitted.

Commissioner McDonald seconded the motion.

The motion passed unanimously by a roll call vote of 6-0.

**3. Historic Preservation Zone Review Cases**

*UDC Section 5.8/TSM 9-02.0.0/Historic District Design Guidelines/Revised Secretary of the Interior's Standards and Guidelines*

**3a. Capstone Project**

**HPZ 22-053, 812 E. Speedway (T21BU00511)**

**HPZ 22-054, 814 E. Speedway (T21BU00512)**

**HPZ 22-055, 818 E. Speedway (T21BU00513)**

**HPZ 22-056, 1052 N. Euclid (T21BU00510)**  
**HPZ 22-057, 1040-1050 N. Euclid (T21BU00509)**  
**HPZ 22-058, 1036 N. Euclid (T21BU00508)**

Relocation/demolition of 6 houses for proposed new construction.  
Full Review/West University Historic Preservation Zone  
Contributing Resources/Rehabilitation Standards

Commissioner Ireland recused and left the meeting at 1:05 P.M.

Item 6 on the agenda was taken out of order and heard here. Chair Majewski asked Staff Brown to read the 10 public comments received by the deadline into the record.

[Note: In the comments received, the total number of buildings to be relocated/rehabilitated is variously referred to as five or seven, with one to be actually demolished and not relocated. The case heard on 10/27/22 was only for **six** buildings, as noted above. Capstone plans to acquire two additional buildings to the south of the proposed developed, but they are not part of the 10/27/22 relocation/demolition discussion. A summary of the 10 comments is included here, but they can be heard in their entirety in the YouTube recording of the meeting (see above for link).]

The first comment was from Anita C. Nicdao, who commented on what she felt was inappropriate review of the Capstone project at the 9/20/22 meeting of the West University Historic Zone Advisory Board. In her opinion, the Capstone project should be approved as initially presented, with all but one of homes to be relocated elsewhere in the West University [Historic Preservation Zone (HPZ)], remaining as contributing properties after the relocation. She noted that the house at 1052 N. Euclid to be demolished and not relocated was “already lost” due to the negligence of a former owner. She urged the Plans Review Subcommittee (PRS) to approve Capstone’s plan, as it was positive for historic preservation. The second comment was from Samuel Nohe Ireland, a resident of the West University HPZ. Mr. Ireland explained the project and his father Joel Ireland’s role in Capstone’s plan for relocating 5 of the 6 buildings. He spoke about the state of disrepair of the buildings in their current location and pointed out that the bungalows have lost their original residential context and are becoming increasingly difficult to rent as housing. Mr. Joel Ireland will be able to restore them to their original condition in a new location. Mention was made of other historic properties being moved in Tucson in order to save them. He noted the diverse population in the West University neighborhood and that the interests of all of these stakeholders should be considered.

Mr. Ireland attached seven additional letters of support for the relocation, all from residents who live in historic homes themselves: Jay Quade and Barbra Quade, Ford N. Burkhart and Carolyn Niethammer, Greg Stoner, Terry O’Sullivan, David Diamond and Diane Diamond, Kurt E. Mosley, and Anne Hoffman. All of these comments stressed the blighted and neglected condition of the buildings in their current location and supported the plan to relocate and rehabilitate them within the HPZ, where their contributing statuses in the West University HPZ would be retained. The majority of these comments supported the Capstone proposal for relocation and rehabilitation of five of the six properties and felt it was a unique

opportunity that should be seized, although two (Mosley and Hoffman) felt that the student housing to be built on the university side of Euclid was not appropriate. Note that Mr. Mosley referenced “pictures and maps” in his letter, but there were no attachments sent with his letter.

The final comment read into the record was from Ken Scoville. Mr. Scoville noted that the Capstone proposal is subject to the Mayor and Council–approved Main Gate District (MGD) Overlay Zone adopted on 2/28/12, specifically sections A-4, B-2.e, C-2.a, C-18, and D and provided a Historic Properties Map from page 4 of the MGD Overlay, noting that Area 1 is critical for review by PRS. He pointed out in reference to D-2.e that regarding demolitions of contributing properties, the required economic hardship analysis must consider potential changes of use available to the contributing property under the MGD zoning option and be not limited to the existing use. He notes that the economic hardship analysis done by Capstone must include the incentives spelled out in Section D-2.c, which include a different use for the historic residential property and the new construction available with the greater heights indicated in the map overlap. He feels that given these incentives, a case for economic hardship appears difficult to justify. Noting that the current owners of the properties under consideration (who are using demolition by neglect to justify their demolition) could easily sell these properties to a new buyer who would value the incentives in the overlay, the fact that Capstone will move all of the properties except one is incidental to the issues spelled out in Section D-2.c and should not be considered. He states that all of the requirements of Section D-2.c still apply, even under the traditional HPZ process for demolition.

Staff Brown then noted that the West University Historic Zone Advisory Board heard the case twice, once on 8/16/22 when they continued the case, and again on 9/20/22, when they denied the demolition request 5-1. [Note that relocating a historic property from its original location is also considered demolition.] They denied because they felt there was a lack of evidence for economic hardship and that it was setting a precedent for demolition by neglect.

Prior to the presentation by Capstone, PRS members asked questions. Commissioner McDonald ask if PRS will be seeing the exact same presentation that the West University Historic Zone Advisory Board saw. Capstone representatives noted that it has been updated to address the economic hardship issue, but the bulk of the presentation is the same. Commissioner Mulder asked if presenters could indicate when new material is being presented. Commissioner Riojas asked if Capstone has purchased and owns the properties, and they said the properties are under contract. Commissioner Mulder said that two of the letters attached to Samuel Ireland’s letter supported moving the houses but did not support student housing. [Note: As summarized above, the seven public comments that were attached to Mr. Ireland’s letter all endorsed relocation of the properties, and of the six of seven letters that mentioned student housing, two (Mosley and Hoffman) felt that the student housing to be built on the university side of Euclid was not appropriate. Copies of these letters can be obtained from Staff Brown, upon request.] Commissioner Mulder wants to hear from Capstone about comprehensive adaptive reuse of the site and why it isn’t working for them as an option.

Chair Majewski noted to Staff Brown that at least one Tucson–Pima County Historical Commission member is concerned that it seems like the standard demolition process required by code is not being followed. Staff Brown explained that there are two parallel processes that are being followed for this project: the entitlements process and the permitting process. The project is currently in the entitlements process, and the applicants have to get Mayor and Council approval. Then the applicants will come through permitting. She noted that she had provided a schematic of this process to PRS members prior to this meeting. At this stage, applicants are giving general heights and locations for the development. When they go through the permitting process, they will be giving specifics. Chair Majewski noted that the process appears different because we're dealing with the entitlement aspect first. Are we hearing the relocation/demolition proposal now simply to bolster their case? Staff Brown noted that we will also see the particulars of the [rehabilitation of] the moved homes as part of the permitting process. Chair Majewski asked – what about a buffer zone that keeps getting mentioned? Staff Brown noted that there is no buffer zone. The applicants are trying to change the MGD overlay through a text amendment to allow for greater heights in their development. Commissioner Mulder asked about whether public and neighborhood meetings will be held during this concurrent process. Noel Griemsmann from Capstone addressed this and noted that community work has started independent of the process. They will be back with more details on community outreach plans. The text amendment and historic house relocation will be presented together at Mayor and Council. Commissioner Mulder noted that their outreach plan is segmented – we've heard from people next to the Ireland property but not from people next to the redevelopment. Mr. Griemsmann said that Commissioner Mulder's statement is a fair one. Commissioner Riojas asked about the other high-rise buildings near the proposed development and whether they got a text amendment. Mr. Griemsmann responded that the West University Neighborhood Plan anticipated greater heights and that the HPZ ends at the alley.

Commissioner Griffith wanted a clarification again on the number of homes to be moved. There are six total. Five are to be moved, and one is to be demolished (1052 N. Euclid). Staff Brown noted that Capstone has acquired two additional properties to the south of the proposed development, but these properties are not part of today's case. However, that is why some of the public comments referred to seven properties to be "saved" (five relocated, two remaining in original locations). Commissioner Mulder asked about the two houses to the south – weren't they intended to be transitional? Mr. Griemsmann noted that the West University Neighborhood Plan and the MGD Overlay are contradictory regarding allowable heights. The neighborhood plan allows for more height and density in the area of proposed development. The Capstone designs are respecting the neighborhood plan [the sought-after text amendment would bring aspects of the MGD Overlay into sync with the neighborhood plan]. Commissioner Griffith asked if modifying the MGD Overlay would make it consistent with the neighborhood plan. Chair Majewski asked if PRS could qualify a motion based on contingency (depending on what Mayor and Council decide regarding Capstone's "asks"). Staff Brown said she didn't see why not.

A presentation on the project was made by Mr. Griemsmann and Mike Maeoritz, also from Capstone. In their introductory comments, they noted that they want

our permission [note that PRS only makes recommendations and does not give “permission”] to relocate five homes and demolish one [reminder that relocation is also considered demolition and has to be considered as a demolition]. Capstone will return to PRS with additional requests [as part of the permitting process]. They discussed two possible sites for moving properties – one over a mile away from their current location and not in the HPZ. The other, preferred site is more centrally located within the HPZ. They presented on the history of figuring out if buildings were moved would they maintain integrity and their contributing status (documentation from the City of Tucson Historic Preservation Officer [Brown] [10/4/21], the Arizona Historic Sites Review Committee [11/5/21], and the Keeper of the National Register of Historic Places [1/14/22]).

The Capstone presenters mentioned community outreach that was conducted pre-Covid (letters but also verbal feedback from canvassing and phone calls). Capstone visited 978 total homes; 267 supported, 69 were neutral, 23 opposed. They made 13 phone calls. Of these, 2 supported, 2 were neutral, 9 opposed. They will be continuing outreach as they get into the entitlement process. The top three community interest items from the previous outreach are: street-front retail (coffee shop, food, etc.), gated security entry, and on-site security. They noted their continuing willingness to involve everyone in the community.

The presenters noted that they are going to preserve, rehabilitate, and incorporate two single-family homes to the south of the originally proposed development area into their plan. They want to figure out what makes sense in terms of the West University Neighborhood Plan – their conceptual plan is guided by that plan. There will be more height behind (east), and the stepping back is shown in the conceptual plan. Capstone noted that the company that will do the moving (Wolfe House & Building Movers, LLC) has extensive experience with moving buildings of all sizes. Mark Buckingham from the moving firm was available for any questions regarding the move. Capstone then briefly summarized the scope of the move and subsequent rehabilitation.

Capstone then presented on the budget for relocation and rehabilitation. They also noted why they are keeping the two homes to the house of the originally proposed project – they came in late in the game, and it makes more sense given their location in the transitional area to the south.

Why are they actually demolishing one of the six residences? They presented briefly on the results of the structural analysis and talked about the economics regarding the to-be-demolished residence and also in relation to the other residences under consideration for relocation. They stated that the homes are becoming functionally obsolete due to context changes. The adjacent area around this property has changed dramatically over the past 100 years.

Capstone presented a case study on the relocation of residences that occurred as part of the Broadway widening. The Capstone property at Speedway and Euclid is very different in terms of lot size and access (limited locations for driveways). The lots are oddly shaped, narrow, and individually owned. There are considerations related to the traffic turn lane considerations at the southeast corner of Speedway and Euclid. The situation is not good for commercial (retail) adaptive reuse of the properties because of the access and parking issues.

Capstone reiterated their “asks” for today: “permission” to relocate five and demolish one of the six buildings. If they receive “permission” [read “positive recommendation” from PRS], they will move the buildings and rehabilitate the exteriors. Other steps regarding the project will take place in the future, and they will return to PRS as part of the permitting process.

Once Capstone completed their presentation, discussion ensued among PRS members.

Chair Majewski asked if we will be asked to approve the demolition again as part of the permitting process. Staff Brown indicated that today is PRS’s one chance at weighing in on the demolition (recall that moving from the original location is considered demolition). Ms. Brown also noted that Mayor and Council will vote at the same (yet-to-be-scheduled) meeting both on demolition and on the modification to the MGD overlay, allowing Capstone to build at the heights desired.

Marcellus Rusk of Hahn Architecture (representing Joel Ireland) asked about the replacement plan that is usually required when demolition of a contributing property in an HPZ is requested. Staff Brown noted that code requires a replacement plan. No permit to demolish would be issued until the replacement plan is approved.

Chair Majewski spoke regarding the economic hardship arguments made by Capstone, particularly noting the change in context of this area of the West University HPZ. Staff Brown noted that the Arizona State Historic Preservation Office is not necessarily in favor of the move/relocation. They simply weighed in on whether the five of six buildings to be moved would maintain their contributing status (yes) in the HPZ. Chair Majewski then welcomed comments from PRS members.

Commissioner Mulder noted that a case has been made that it would not be feasible to keep the buildings to be relocated/demolished as single-family homes, but what about adaptive reuse? Why can’t the adobe house be rehabilitated and used adaptively. Furthermore, she didn’t feel that Capstone presented a convincing economic hardship argument. In her opinion, they did not present a comprehensive evaluation of adaptive reuse for the entire site; rather they provided an assessment of rehabilitating individual residences.

Commissioner Griffith spoke in favor of the project. She noted that moving the five buildings and rehabilitating them increases their survivability. The area where they are currently located cannot support single-family housing adaptive reuse of the five. In her opinion, this is a win-win situation. She pointed out that historic preservation requires balancing development and preservation. Chair Majewski noted that the houses rented to students in the West University area have generally been poorly maintained over the past 30–50 years.

Commissioner McDonald noted that she agrees with Commissioner Griffith based on the realities of the situation. She appreciates the available opportunity of centrally located property where the five buildings can be relocated. She definitely wants to be opportunistic about that availability. She looks forward to

reviewing the project during the permitting process and also noted that she favors seeing the original orientations of the moved buildings to remain when they are relocated.

Chair Majewski asked who will own the properties after they are purchased by Capstone. Davis Maxwell of Capstone explained the ownership structure. Capstone will buy and relocate homes. Then Joel Ireland will own the homes, as they are on his property. Then Mr. Ireland will draw down from funds provided by Capstone for the exterior rehabilitation.

Commissioner Riojas noted that she is in agreement with Commissioners Griffith and McDonald and commented that the way the area has been developed makes it unrealistic to rent out homes as student housing or for families to live in them. She would rather see the homes moved and rehabilitated to a point where people can live in them again, rather to have them continue to deteriorate. She appreciates the investment in the homes and the fact that they [the five] are being moved. Of course, she does not want to see an adobe house demolished but understands the realities of the situation that has evolved over the last 20 years with the university.

Staff Brown and Capstone clarified that Capstone is providing funds for the relocation of the five buildings and exterior renovation, but interior work is up to Joel Ireland.

Commissioner Mulder had a concern about how these funds would be handled. She would like some reassurance that even if the Capstone project falls through the moved houses would still be rehabilitated and not just surrounded by a chain-link fence. While she's sympathetic to the points that have been made and how we got to this point, the part that troubles her is that she feels that Capstone really hasn't shown (and this is why she can't vote in favor) and made a good case for why they can't do more adaptive reuse involving the five buildings to be moved. She suggests including something in a motion to ask them to look at more adaptive reuse possibilities. Staff Brown asked if she was thinking of continuing the case?

Commissioner Mulder replied that continuing would be okay too. She noted that Capstone has said they have looked at the site comprehensively for adaptive reuse, but she feels we haven't seen that.

Commissioner Griffith disagreed and said she feels we need to look at what they've presented. Staff Brown reminded us that the demolition will not come back to PRS. Commissioner Griffith said we just need to vote on what's been presented and decide whether or not we're in favor and let them move forward.

Commissioner Riojas asked about the adaptive reuse of the two additional properties to the south of the originally proposed development area. Capstone replied that their plan is to adaptively reuse those two buildings, and this reuse is being programmed into the project.

Chair Majewski asked: "So you won't be coming back to demolish those"?

Capstone replied that there is no intention to demolish those two properties. Instead, they will be rehabilitating them. They noted that they have looked at adaptively reusing the other properties. But they are located on busy streets and have no driveways or access. Any adaptive reuse for commercial purposes would need parking, and there's no room for that. So they really don't think they can be adaptively reused. Commissioner Griffith believes there is a certain amount of parking needed for adaptive reuse projects, and Capstone noted that she is correct. Code does require this, but the exact amount of parking required for commercial uses is not known. Businesses need parking – this is a standard market issue.

Commissioner Griffith notes that the adaptive reuse parking issues were covered in today's presentation and that the discussion answers part of the question of whether or not the buildings could be adaptively reused.

Commissioner Mulder heard in the discussion that individual owners would have a problem getting together to redevelop the area. She noted that Capstone didn't really address aggregating the property and doing some other construction with the adaptive reuse. They focused on the difficulties of adaptive reuse of individual buildings and noted it would be too expensive and would not be feasible from an access standpoint. They didn't really address the aggregating they are doing for this development.

Commissioner Riojas disagreed and said she felt that this issue was covered when they talked about the Broadway example. The Broadway area was a linear strip, unlike the parcel we have here.

Commissioner Griffith noted that another positive thing is that the relocation will provide infill within the HPZ. The streetscape will be improved. Staff Brown noted that the relocation fills in one vacant lot. She reminded PRS that any plans for exterior work will come back through PRS.

Chair Majewski noted that there are six properties listed under this agenda item, and so we have the five properties to be relocated and the one property to be demolished. She asked where 1040–1050 N. Euclid is on the map. Marcellus Rusk responded, and Capstone showed a map with the correct moving locations.

Chair Majewski asked what kind of caveats might be included in a motion, if any. She asked Staff Brown if there will be a decision letter. Staff Brown replied that a staff report will be written. Chair Majewski asked if PRS's concerns could be included in the staff report. Staff Brown said that she would have the opportunity to review and edit the staff report. Chair Majewski noted that she feels it is important to note that the houses to be relocated/demolished are in a high-traffic area. She asked if someone was willing to make a tentative motion, and PRS members discussed possible caveats. Commissioner Riojas asked if she needed to list all of the properties, and Chair Majewski said yes, the motion needs to be explicit. Commissioner Riojas mentioned that a motion might say that we recommend approval on the condition of relocation and exterior rehabilitation funded by Capstone. Anything else? Chair Majewski suggested the



motion might be prefaced with “While we regret” language referring to the changes in the context of the area.

Action was taken.

**Motion:** It was moved by Commissioner Riojas: while we regret the changes to the landscape that have resulted in a tough decision regarding the preservation of these properties, so removed from their original landscape, the Plans Review Subcommittee, in the matter of HPZ 20-053 through HPZ 22-058, recommends approval on the condition of relocation and exterior rehabilitation, funded by Capstone on the following properties: 812 E. Speedway, 814 E. Speedway, 1036 N. Euclid, 1040 through 1050 N. Euclid, and 818 E. Speedway, with the demolition of 1052 N. Euclid, with the understanding that due to the degradation of the structure, it cannot be safely moved.

Commissioner Griffith seconded the motion. The motion was modified with the approval of the mover and seconder.

**Modified Motion:** It was moved by Commissioner Riojas: while we regret the changes to the landscape that have resulted in a tough decision regarding the preservation of these properties, so removed from their original landscape, the Plans Review Subcommittee, in the matter of HPZ 20-053 through HPZ 22-058, recommends approval [of the demolition of 6 properties in their original location, five of which will be moved and relocated, and one which will be demolished and not relocated or rehabilitated] on the condition of relocation and exterior rehabilitation, funded by Capstone on the following properties: 812 E. Speedway, 814 E. Speedway, 1036 N. Euclid, 1040 through 1050 N. Euclid, and 818 E. Speedway, with the demolition of 1052 N. Euclid, with the understanding that due to the degradation of the structure, it cannot be safely moved.

The modified motion passed by a roll call vote of 4-1. (Chair Majewski and Commissioners Griffith, McDonald, and Riojas voted aye; Commissioner Mulder voted nay; Commissioner Ireland had recused from this case, was not present, and did not vote.)

Chair Majewski asked Staff Brown about the next steps in this case. Ms. Brown replied that it is in a holding pattern until the MDG Overlay amendment is prepared. When that is ready, the case will be docketed on the same Mayor and Council agenda along with the demolition. Chair Majewski asked Staff Brown to notify PRS, even though we won't be weighing in as the commission or subcommittee on the MDG amendment. She said yes, but reminded us that as individuals we can comment.

[Note: Commissioner Ireland rejoined the meeting at 3:27.]

#### **4. Task Force on Inclusivity Recommendations**

##### **4a. Discussion on Best Practices for Naming of City- and County-Owned Physical Assets Discussion**

The goal is to have a revised version of the best-practices document for discussion at the 11/17/22 meeting of the subcommittee that could then be ready for the December full commission meeting. Once a revised version is ready, Chair Majewski will share with Commissioners Griffith and Riojas prior to full discussion by PRS. Pima County preservation staff will be invited to the 11/17/22 meeting.

**5. Current Issues for Information/Discussion**

**5a. Minor Reviews**

No minor reviews have been conducted since 10/19/22. Staff Taku will be reaching out to PRS members to schedule the next minor reviews.

**5b. Appeals**

Staff Taku noted that there are no current appeals.

**5c. Zoning Violations**

Staff Taku noted that there are ongoing and pending cases being worked on for compliance and/or in the review process, and that staff is working with their zoning violation code enforcement liaison. He noted that the fence in the Armory Park HPZ at 327 E. 13<sup>th</sup> Street that was a zoning violation will now come to PRS as a full review.

**5d. Review Process Issues**

Staff Brown noted that the new city permit system will come online on 10/31/22.

**6. Summary of Public Comments (Information Only)**

Per the chair's request, the 10 public comments received by the deadline were read into the record at the beginning of case 3a.

**7. Future Agenda Items for Upcoming Meetings**

Staff Brown noted that cases for the 11/10/22 agenda will include 33 S. 5<sup>th</sup> Ave. for window modification on the west and east facades of the Rialto Theatre, an accessory dwelling unit in the Barrio Historico HPZ, construction of a playground in the Fort Lowell HPZ, and a courtesy review of an expansion at the Fox Theatre at 1 West Congress. On 11/17/22, the agenda will include a project in West University and likely a project from another HPZ, and review of the Best Practices for Naming of City- and County-Owned Physical Assets document.

The next scheduled meetings will be November 10, 2022, and November 17, 2022. Because the fourth Thursday of the month is Thanksgiving Day, the second meeting of November will be held on November 17. PRS meetings to be conducted virtually until further notice.

8. **Adjournment**

Meeting adjourned at 3:40 P.M.