

2022

Tucson-Pima County Historical Commission  
Plans Review Subcommittee

LEGAL ACTION REPORT/Minutes

Thursday, November 10, 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, Savannah McDonald (left the meeting at 2:00 P.M.), Jan Mulder, and Rikki Riojas

Commissioners Excused/Joined Late: none

Applicants/Public Present: Marisa Acosta, Michael Becherer, Jose Ceja, Iliana Gonzalez, Greg Jackson, Scott Liebelt, Jordan Lynde, Artina Quehaja, Jesus Robles, and Bonnie Shock

Staff Present: Jodie Brown, Maria Gayosso, Rick Saldate, Gabriel Sleighter, and Michael Taku (all PDSD)

2. Approval of the Legal Action Report/Minutes for the Meeting of October 27, 2022

**Motion:** It was moved by Commissioner Griffith to approve the Legal Action Report/Minutes for the meeting of October 27, 2022, as submitted.

Commissioner McDonald seconded the motion.

The motion passed by a roll call vote of 5 ayes and 1 abstention. (Commissioner Ireland abstained, as he had recused for Item 3a at the October 27 meeting; most of October 27 meeting was devoted to the case under Item 3a).

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. HPZ 22-086, 400 W. Simpson (T22CM06636)**  
Construction of an Accessory Dwelling Unit (ADU) and site improvements  
Full Review/Contributing Resources  
Barrio Historico Historic Preservation Zone/Rehabilitation Standards

Staff Brown provided background on this case, which was heard by the Barrio Historico Historic Zone Advisory Board (BHHZAB) on October 10, 2022 (having had three courtesy reviews prior to that). At the October 10, 2022, meeting, BHHZAB approved the project 2-1 as presented, with setbacks waived to maintain consistency with the neighborhood.

A presentation on the project was made by Jesús Robles and Artina Quehaja of DUST Architects. The main building on the lot is the Elysian Grove Market, but no work will be done on the market under this submittal.

Discussion was held. Action was taken.

**Motion:** It was moved by Commissioner McDonald to recommend approval of the project as presented, with setbacks waived.

Commissioner Griffith seconded the motion.

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

- 3b. HPZ 22-090, 2900 N. Craycroft Road (T22CM08028)**  
Construction of new playground equipment and shade structures.  
Full Review/Contributing Resource  
Fort Lowell Historic Preservation Zone/Rehabilitation Standards

Staff Brown provided background on this case, which was heard by the Fort Lowell Historic Zone Advisory Board (FLHZAB) on October 25, 2022 and approved unanimously 5-0 as presented.

A presentation on the project was made by Greg Jackson (City of Tucson Parks and Recreation Department) and Jordan Lynde (Play It Safe Playgrounds). Others present for this case were Iliana Gonzales (City of Tucson Parks and Recreation Department) and Scott Liebelt (BCI Burke).

Discussion was held. Action was taken.

**Motion:** It was moved by Commissioner Griffith to recommend approval of the project as presented.

Commissioner Riojas seconded the motion.

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

**3c. HPZ 22-010, 33 S. 5<sup>th</sup> Avenue (T21SA00082)**

Window modification on the west and east facades.

Full Review/ Individually Listed – Rialto Theatre

Downtown National Register Historic District/Rehabilitation Standards

Staff Gayosso provided background on this case (it is not an Infill Incentive District [IID] case) and noted that the Design Review Board (DRB) already heard the case on November 4, 2022. She noted that DRB struggled with the railing shown in the plans and asked that they be painted green.

A presentation on the project was made by Jose Ceja of EXA Architects.

*[Note: Commissioner McDonald left the meeting at 2 P.M.]*

Discussion was held. Action was taken.

**Motion:** It was moved by Commissioner Riojas to recommend approval as presented in the plans shown today, with the railings being painted green [the plans shown today were updated from the ones presented to the DRB on 11/4/22].

Commissioner Griffith seconded the motion.

The motion passed unanimously by a roll call vote of 5-0. [Commissioner McDonald was not present, having left the meeting prior to the vote being called.]

**3d. 1 West Congress**

Expansion of existing theatre.

Courtesy Review/Individually Listed – Fox Theatre

Downtown National Register Historic District/Rehabilitation Standards

Staff Brown provided background on this case. Today is a courtesy review, but eventually it will come back as a full review.

A presentation on the project was made by Michael Becherer, architect, of Swaim Architects and Bonnie Shock, executive director of the Fox Theatre.

Staff Brown presented background on this case, which will be heard as a courtesy review today. This will eventually be an IID project, and the theatre expansion has been partially funded by Rio Nuevo. The concept is to expand into the space to the east where Bruegger's Bagels used to be (that building not a contributor to the Downtown National Register District) and around the corner of Congress to the north along Stone Avenue where there is a contributing building with a number of store fronts.

Ms. Shock began the presentation by noting that they are in the process of purchasing the additional property needed for the project and hopefully will close by the end of the calendar year. Then they will move into a more detailed design

process. Today they are presenting the concept phase. They wanted our initial input. They are looking at a minimum of a five-year time horizon.

Mr. Becherer continued with the presentation. He reiterated that today they are showing us the initial concept design. Full design will occur in 2023, and their intent is to return to PRS for at least one or two more courtesy reviews before they come for a full review and recommendation. Because they have been in negotiation with the property owner, they have been waiting to move forward. Some funding has been approved by Rio Nuevo, but not all. They will need to do additional fundraising. There is a lot of interest in the project, being that it's downtown and it's the Fox Theatre. There has been a lot more press than expected. He shared his screen and oriented PRS to the project. He stressed that their project would be guided by the Secretary of the Interior's Standards. The building where Bruegger's Bagels was located is a noncontributor to the Downtown National Register Historic District, and the beige building to the north with a number of store fronts is a contributor. The latter building is a 1950s modernization of some 1904 buildings. The inventory form [for the National Register nomination] lays out the 1950s façade as the character-defining feature of this building. The façade is characterized by vertical panels at the upper level and open store fronts along the ground level. Mr. Becherer noted that he needs to do a little more investigation of each piece of the storefronts to determine which appear to be original from the 1950s. Some appear to have been changed. Part of the next phase will be to dig more thoroughly into the history of the building to understand what material is original and what isn't, so that they can modify the design as necessary. They will be keeping the façade in its entirety. He then showed the building across the street as an example of a façade of a historic building that had had an unfortunate renovation as well as some other contributors. They want to respect the special nature of this corner were there are other nearby contributors.

Mr. Becherer explained the general concept plan, with the proposed new entrance on the corner of Congress and Stone, with the 1950s building offering more function and event space on both levels. Connecting the "new" space to the existing space will require making openings into the existing east wall of the Fox, and these openings would be reversible. The Bruegger's Bagel building would be torn down as part of the project, allowing a new entry to be built on the corner. The Stone Avenue façade would be retained, with the area behind it removed to create an open lobby space. If you attend a function at the Fox, one of the problems is the congestion in the lobby. The Fox was built as a cinema in the early twentieth century. It has changed use since then. It now more of a performance venue rather than a movie theatre. The Fox is not large enough to accommodate what they are trying to do. The intent is to expand the lobby space to create a better patron experience, with ticketing and concessions moved to the new space. They will be adding an elevator and restrooms, and making more space for employees on the lower level.

The existing concessions area in the original building will be remodeled. Mr. Becherer showed the first- and second-floor plans and how they would articulate with the original space. There will be a roof-top event space. Essentially, it is a full

rebuild of the site. This will give the Fox more flexibility in the types of events it can do on-site. He provided more detail on the openings proposed in the east wall of the Fox; the openings won't interfere with the architecture and will be reversible. The light fixtures in the lobby are not original. However, the drinking foundation will not be removed, as it is considered a character-defining feature, even though it was installed there when the 1950s addition was built.

They want to reuse the existing Fox entry, potentially creating screens or gates that could be opened when they want to use the Fox as it's currently being used. The doors could be closed if the new entrance was being used. They would like to replace the existing doors to the original Fox entrance. They are currently solid-panel, nonhistoric, hollow metal doors. There are photos from the 1950s where the doors were glass. It would be a better experience seeing into the theatre lobby through glass doors. This would provide visibility from the street to the existing lobby.

They are going to incorporate Art Deco elements and detailing into the new construction (noted that the Fox interior has Egyptian motifs). They want to focus on the "crackle" pattern behind the "Fox" logo on the blade sign itself. There is a lot of rich geometry to draw from. In the contemporary, modern event venue that would be on the corner, they want to be sympathetic to the existing building but not mimic it.

Mr. Becherer showed the static façades. The blade sign and marquee on the Fox is obscured (from a vehicle perspective) by street landscaping until you pass the building. They are looking at extending the line of the current marquee to the east around the new entrance, making a digital marquee. He talked about the screening element for the front of the new entrance and the new roof area. The new building would be lower than the Fox. There will be a visual connection between the Fox and the new building. He talked about the screening element on the face of the new building (on the Stone façade) having several purposes. First, it would unify the façades as it rounds the corner (it is designed to play off the crackle pattern on the blade sign). Second, it would provide shade for the glazing. They want to improve the thermal performance of the building. Finally, the new entry would compress you as you entered the new, two-story space. For the Stone Avenue façade – a screen wall turns the corner and is set back. The 50s façade is the most prominent thing as you move down Stone.

Mr. Becherer then showed renderings. They are actively working on color – leaning toward more neutral colors that would tie into existing colors on the Fox. He then explained about the digital marquee and that lights would be dimmable (working with Dark Skies and PDSD to ensure that they are complying with all required ordinances). Night views he presented show transparency and inside activity. He summed up by stating that they wanted feedback from us and patrons. There is a lot of interest in this project (they have been working in a vacuum for a while), reiterating that today's presentation was conceptual. They want to make this a special place for Tucson.

Discussion was held.

Chair Majewski asked how much they have talked to the City of Tucson Historic Preservation Officer (Staff Brown) about the fact that the Fox is significant at the National level. Have they considered the impact of the proposed new construction on the continued eligibility of the Fox at that level? The interior of the Fox is considered significant. The Tucson-Pima County Historical Commission is concerned about the quite a few (probably reversible) changes to some of the entry and lobby spaces that haven't been reviewed, in particular the inappropriate signage (painted on the walls). Chair Majewski asked if they would be coming back for feedback on whether proposed changes to the Fox interior (e.g., remodeling concession space and original front entry), which will no longer be the front entry, are appropriate. In subsequent courtesy reviews, we'd like to hear more about that well in advance of decision day. Have they begun to assess the impacts on the eligibility of the Fox?

Mr. Becherer said they had met with Staff Brown to discuss the concept design. They feel that incorporation of the adjacent building would not put the eligibility of the Fox in any jeopardy. The new proposed interior openings would be reversible. He asked about the modifications Chair Majewski referred to.

Ms. Shock noted that the concession space is an addition to the building and not part of the Fox building that is individually listed. She asked Chair Majewski for additional info on the commission's concerns, and it will be provided to her. Chair Majewski asked Staff Brown about her thoughts on the National Register eligibility. She noted that the modifications they are proposing are pretty minimal in scale, and she agrees with Mr. Becherer that they are reversible. They are still working on what might happen with the original entrance, but they did discuss possibilities with her. They are not planning to remove the historic ticket booth. They also discussed the contributing status of the building along Stone at length. This is a building that needs to be maintained, as it is a contributor to the Downtown National Register District (which has finally gotten listed after a lengthy period). Contributors to this district should not be eliminated. Many modifications have been made to the interior of the Stone Avenue contributor, and she feels that the proposed changes to date on the latter building show a light hand.

Chair Majewski said we're getting a lot of good information to contextualize further discussions and noted that she fully understands the need for additional space.

Commissioner Riojas said she thought it was a good project, just as long as the changes do not affect the National Register eligibility status. She is excited to see where the project goes in the future.

Commissioner Mulder noted that it's exciting to see this happening. One of the concerns she had was about preservation of the original entrance. She knows that Staff Brown is watching this closely. She likes the idea of glass doors replacing the current doors to open it up further. She also appreciates that the façade on Stone

will be preserved. At first, she thought that the new space had a lot going on and might dominate or detract from the Fox, but after seeing these initial concepts presented today, she feels better about it.

Commissioner Ireland commented that he feels that the original ticket booth is character defining. He was very concerned about original entrance and how it relates to the other entrance. He feels that they need to be careful with the original entrance. When he saw the sweeping curve design on the corner and the Stone Avenue building, his initial thought was Bourbon Street. He wants to know what that's intended to show. Mr. Becherer responded by saying that the idea to bring that feature around the corner is to kind of unify the two facades on Stone and on Congress. The feature emphasizes the corner entrance and then frames that glass as almost as a stage in itself, so that from the street, you see people inside the event space almost like they are performers, echoing what's happening inside the buildings. He agrees that it's a dramatic entrance. He thinks it's important to elevate the performance aspects for the patrons. Commissioner Ireland doesn't know if that answered his question or ? He appreciates the response.

Commissioner Griffith said the proposed new building is beautiful, grabs your attention, and becomes very dominant on that corner. She appreciates that they are moving the roof deck so that the new building isn't higher than the Fox. She is not fond of "façadectomies." She understands, though, why they are proposing as they are. Staff Brown's comments clarify some of the questions she had about the Stone Avenue contributor and some other questions. But she asked what they will do to stabilize the façades. She also wasn't sure about the curving entrance. She feels that the decorative elements on the Fox and on the Stone Avenue façade are more rectangular rather than curvilinear. So, it's introducing a little bit of a different idea. She likes the concept presented today but is concerned about so much of a change from the existing. Also, she is excited that something is going to happen here.

Mr. Becherer noted that they really want to help with the revitalization of downtown and to activate Stone Avenue. In early 2023, they will be able to get into the Stone Avenue building to understand how the buildings are put together. They are committed to retaining the contributing status of the Fox [and the Stone Avenue building]. They still have a lot of design work to do. This is a very complex project, and there's a lot of pieces that we're working with, but also know the sensitivity, particularly of the Fox itself.

Ms. Shock thanked everyone for their comments. They want to add a compatible space that reinvigorates the life of the existing Fox Theatre and continues to make it sustainable over the next 100 years. Chair Majewski noted that she liked what Mr. Becherer said at the end of the presentation about the color scheme and that she also appreciated their sensitivity to the resources. Mr. Becherer closed by noting that they would be returning for additional reviews.

No action was taken.

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

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

Chair Majewski noted that she is hoping that she will have a revised document ready for review at the next Plans Review Subcommittee (PRS) meeting on 11/17/22.

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

**5a. Minor Reviews**

Staff Taku reported five on-site minor reviews have been conducted since the last meeting on 10/27/22: 801 S. Third Avenue and 647 S. 4<sup>th</sup> Avenue for solar panels, and 340 S. 6<sup>th</sup> for roof shingles, all in the Armory Park Historic Preservation Zone. Commissioner Mulder participated in the latter three minor reviews, which she noted were very straightforward. Additional minor reviews were held at 668 S. Main Avenue in Barrio Historico for a roof replacement and in Fort Lowell at 5380 Placita del Mesquite for solar panels. The advisory board chairs participated in the latter two reviews. 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 (Richard Saldate, who attended today's meeting). Staff Taku noted that the zoning violation for a fence in the Armory Park HPZ will be coming to PRS as a full review.

**5d. Review Process Issues**

Staff Brown reported that the new city permit system came online on 10/31/22 and that everyone is still learning and working through the glitches.

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

No public comments were received by the deadline.

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



Staff Brown noted that cases for the 11/17/22 agenda will include a zoning violation at 626 N. 6<sup>th</sup> Avenue, demolition of an existing restroom building at 1000 N. Stone, and discussion of the best practices document for naming of city- and county-owned physical assets.

The next scheduled meetings will be November 17, 2022, and December 8, 2022. There will be only one meeting in December. PRS meetings to be conducted virtually until further notice.

8. **Adjournment**

Meeting adjourned at 3:14 P.M.