



**Armory Park Historic Zone Advisory Board
LEGAL ACTION REPORT/Meeting Minutes
Tuesday, February 21, 2023
Virtual Meeting**

1. Call to Order/Roll Call

At the request of the HPO, the Meeting was called to order by 2022 Vice-Chair van Geisen at 6:30 pm, when a quorum was established with all seven members present: Ms. Sara Bachman-Williams, Mr. Tom Beal, Mr. John Burr, Ms. Helen Erickson, Mr. Pat O'Brien, Mr. Maurice Roberts and Mr. Robijn van Giesen.

Members absent: none.

COT staff: Ms. Jodie Brown, HPO.

Guests: Mr. Michael Boren & Ms. Homeira Baghdadi, property owners; Ms. Rachel Serra, architect (item 5a); Mr. Michael Shiner, property owner; Mr. Scott Neeley & Mr. Jim Sauer, architects, Scott Neeley Architecture; and Mr. Matt Smith, landscape architect, ARC Studios (item 5b); Ms. Martha McClements; Mr. Stan Schumann; Mr. Ken Taylor, IT.

2. Approval of Minutes— December 21, 2022

The LAR/ Minutes were made available prior to the meeting. Ms. Bachman-Williams made a motion to approve the LAR/ Minutes as presented, seconded by Mr. Roberts. The motion was carried by roll-call vote: 5 in favor, 0 opposed, 2 abstentions (Mr. Beal and Mr. van Giesen, due to absence).

3. Call to the Audience

None.

4. Elections

Per the APHZAB bylaws, elections of all officers for the calendar year are held at the first scheduled meeting. After some discussion about interest, availability and inclination, the elections proceeded in the following order. For **2023**, the officers will be:

- **Chair: Mr. Burr** was nominated by Ms. Erickson, seconded by Mr. Beal. The motion was approved by roll-call vote: 7 in favor, 0 opposed.
- **Vice-Chair: Mr. Roberts** was nominated by Mr. Beal, seconded by Mr. van Giesen. The motion was approved by roll-call vote: 7 in favor, 0 opposed.
- **Secretary: Ms. Bachman-Williams** was nominated by Mr. Burr, seconded by Mr. Roberts. The motion was approved by roll-call vote: 7 in favor, 0 opposed.

5. Reviews

a. **SD-0223-00022, 211 S 4th Avenue**

Change of use from residence to bed and breakfast and special event venue.
Full Review/Contributing Resource

Mr. Burr made introductory comments providing the context for the review, further clarified by Ms. Brown. The property is zoned HC3, is a simple change of use for an existing site with little modification and parking is not generally the purview of the board.

Ms. Rachel Serra, architect, presented the application on behalf of Mr. Boren and Ms. Baghdadi. The current owners bought the property in 2017, made renovations to the property to convert it from a residence to a Bed & Breakfast, including interior and exterior renovations of the buildings, adding a ramada, pavements and garden areas, adding a perimeter wall with gates and on-site parking. All approved permits went through the HPZ process as outlined in the narrative. This change of use application will see the addition of two trees, conversion of two parking spaces to bicycle parking/ pedestrian walkways and add a special event venue use to the currently operating B&B site, as existing. Slides were shown of the Development Zone and proposed site plan changes.

The Board requested some clarifications on details, specifically of the site plan, and asked about noise, hours of operation, and the parking agreements made with Safford School for event parking, since that is a very recent policy change by the school. Mr. Boren noted that he intended to follow COT rules on hours of operation and noise levels, expecting a 9:30-10pm cut off for music at events, etc. He explained that Safford School had now created a website for reservations for extracurricular parking on its lot for the public. The application requires a small fee, insurance, and security. He did not anticipate any changes in traffic or street parking in the area and would include parking instructions for event attendants.

Action Taken: Mr. Beal made a motion to recommend approval of the change of use project as presented. The motion was seconded by Ms. Bachman-Williams. Motion approved by roll-call vote: 7 in favor, 0 opposed.

b. **SD-0123-00013, 275 E 18th Street**

Flexible Lot Development with construction of 6 new homes
Full Review/Vacant lots/Estimated time: 45 minutes

Mr. Sauer acted as the coordinator of the development team. He noted that the project had gone through a courtesy review in February 2022 and that this submitted development package had made changes to address earlier concerns expressed in the prior reviews. Because the board was familiar with the project, he briefly outlined the project narrative. He showed the large development zone with the examples that had determined setbacks, heights, and configurations. Further slides showed contextual site and referenced examples from the development zone. Finally, a tentative site plan was shown. The site is two

conjoined lots bordering S 4th Avenue, E 18th Street, and Herbert Avenue, with two street corners.

The proposal is for a FLD (flexible lot development) project containing 6 new, 3-bed, three bath homes on six new lots, with one ADU unit on the largest lot. Scaling back the number of homes or the setbacks had been determined to not be economically feasible, combined with the need to construct marketable modern homes. The actual configurations of the lots and building footprints and street scape facades has been more developed and refined. The principal home with a “half story” under a hip roof is on the significant corner of 4th Ave. and 18th St. then scaling down in the heights of the other homes with flat, parapeted roofs towards Herbert Ave. The setbacks of the overall project are 5’ west, 5’ south, 6’ east. The setbacks to adjacent lots are 3’ north on Herbert, 5’ east to parcel line east and north for lots 1 & 2. The setbacks between building are predominately 3’ for required minimum access but vary along 18th St to accommodate yards.

Parking will be 5 one-bay garages and one 2 bay garage, with drive aprons to 18th and Herbert, but not on 4th Ave. Guest parking will be street parking along the perimeter.

The owner, Mr. Michael Shiner then outlined his concept and history of the project. He is a Tucson native and holds degrees from the UA in regional development and business administration. He owns CXT Realty in Barrio Viejo, and has developed projects in the region, including FLD’s. He and his wife and two boys have lived in Armory Park del Sol since 2015. Having identified the site as a perfect location for denser infill development, he was able to purchase the property from the Elias family.

Mr. Shiner noted the HR3 zoning and large site configuration allowed for an ideal density for 6 homes to be compatible with historic precedents in the development zone which includes several triplex and duplex buildings. Because of its location on a bicycle/ pedestrian corridor, and proximity to 5 Points, it is ideal for this type of project rather than 2-3 homes.

The project was then presented by Mr. Neeley who explained the revisions to the elevations by comparison to those presented in the courtesy review. The principal structure has been refined to incorporate the ADU unit as a single massing on 4th Ave. with a unified single facade and roofline. The porch has been expanded and the window openings enlarged and regularized. Its 2-door garage has been stepped back with a lower roof line. The mid-block house on 18th St. has been simplified from 3 to two massings. The two pairs of houses facing Herbert Ave have been simplified but differentiated by a change to horizontal metal garage doors which complement the projects metal planters, expected to be 12’ deep and 18’ high, while the others have vertical plank doors. The details have been simplified and refined.

The square footage of the buildings will be 1600’, north pair; 1700’ south pair; 22-2300’ mid-block and east corner, with a 400’ ADU. The principal house will have fiberglass windows, primarily double hung or smaller fixed windows, with wood

casings. The other houses will have bull-nosed plaster, inset fiberglass single hung and smaller fixed windows with no trim detail. The doors on the street facing facades on 4th Ave/ 18th St will be generally vertical plank doors at 6' 8" standard heights. Those on Herbert are shown as flat panel. Details such as the open grid design within the metal overhangs were shown. The number of downspouts has been reduced.

Fences are expected to be solid metal panels at 6' to 7' high. Matt Smith of Arc Studios developed the landscape plans and presented them. He showed the 20 plant species planned, and the suggested types of gravel and rock groundcovers. The first plan showed the proposed sidewalk changes, driveways and pedestrian egress paths, hardscape locations, utility easements, street parking spaces, and locations and ROW site visibility triangles. It also includes the suggested footprints of 3 circular stairs leading to roof-top decks, not shown in the elevation drawings. The second site plan and supplemental details show the proposed landscaping plans.

The landscape plan was also shown with plant locations and water harvesting features, including run-off channel tubes to the ROW landscaping with new cut-outs along driveways. The city had requested new sidewalks and curbs along Herbert, replacement of all adjoining sidewalks to a new 5' standard width and replacing all existing curbs. New larger trees will be 1 additional oak to match on 4th Ave, with smaller scale trees in private yards and ROW plantings. The plan calls for permeable 4" x 8" pavers on Herbert. Retention of historic 4' sidewalks and existing curbs (both including historic stampings), limited replacement for driveways, no new sidewalks/curbs on Herbert, and a new ADA accessible pedestrian ramp are requested alterations to the total replacement plan indicated by current code.

Mr. Sauer summed up the presentation by requesting specifically we approve their ROW plans for retention of historic sidewalks and curbs as possible, the alternate plan for pedestrian access on Herbert and the setbacks for the overall project. He noted the re-subdivided lot configurations and suggested building footprints needed to be approved to continue the FLD process. No HOA is proposed.

Mr. Burr thanked the applicants for their thoughtful revisions to the three street facing facade elevations provided, especially the 4th Ave facade, development of landscaping plans and visible site improvements, and plans to retain historic patterns of pedestrian improvements. He noted, however, that the plans presented for the project do not include any north elevations for the overall project, or any building elevations other than street-visible facades, no listed dimensions other than total building height, and no window and door detail schedules for other potential wall openings on other potential building elevations. All such material required for HPZ design review per UDC 5.8.9, is not in the provided design package. He also noted that the 2 previous FLD projects in the HPZ had included that information in their reviews.

Mr. Sauer responded that until the FLD lot configuration was approved, they could not design the actual buildings for the then determined lots. Mr. Burr again noted that the package was indeed complete for the FLD process and design requirements, but not for historic design review package requirements. He noted for example that there was no information on how the proposed buildings would relate to adjoining parcels or any views from the north along streetscapes. With no information on courtyards, rear elevations, potential roof decks and balconies, yard access or partially visible site improvements such as external stairs, it was difficult to make a complete project recommendation. He then opened the conversation to the board.

Mr. Roberts was concerned about the street facing garages being out of character for the neighborhood and asked if rear facing garages had been explored. Mr. Shiner responded that the site limitations precluded that type of design. The Board generally agreed that the Street and “minor avenue” use, not “major avenue” use was compatible with overall and development zone precedents and had been determined by the prior courtesy reviews. Ms. Erickson was pleased with the strategy of retention of historic sidewalks, curbs and stamps, as possible and pedestrian circulation patterns proposed as a more historically compatible design. The Board generally agreed.

Board members then asked questions about whether various types of buildings had been explored such as townhouses with shared walls, or taller buildings with smaller footprints, or more differentiation in facades—all leading to larger setbacks between buildings. The design team responded that individual structures with side yards, although these were limited, was a better response to historic compatibility than introducing new forms or design vocabulary to the neighborhood and streetscapes. They felt differentiation could be achieved by color, landscaping variations, and in some variation of external details.

Questions about details of the landscaping plan— including proposed hardscape, colors, plant types, and maintenance were asked. The design team noted that some elements were tentative, not final, and that maintenance would fall to individual property owners along their frontages. Mr. Burr asked about several missing details in the package. He noted that 3 spiral stairs were indicated but not detailed or shown on the provided elevations. He noted that details of roof decks, balconies, 2nd story windows, courtyard details such as door type or non-shown types of windows were not provided. He reiterated that no information on how the buildings would face adjoining parcels or visibility of the project from the north was provided. No detailed information on fences or gates, or yard access was presented. Even the plans presented have no dimensions listed other than total height, and the suggestion that doors will be the 6’8” standard.

The design team were unaware that any elevations other than street facing elevations were reviewed for compatibility or were required. No member of staff had ever indicated that more information was required for historic review.

Ms. Brown confirmed that this application and its review would be the only

time the project application would be reviewed by the board. She suggested a continuance would be the only way to request further information. A special meeting could be possible to review that information.

Mr. Burr asked if the process could be split into FLD approval for that process to proceed, but continuation of the building design review for later development, as had been the former process used, as a possibility. Ms. Brown responded that the permitting process does not allow for any mechanism to require further design review.

The design team again noted that none of the further details requested were designed yet or could be presented in a timely manner, because of the expense required to provide those complete designs could not be warranted without known and approved lots.

Further discussion clarified that sketches of northern elevations, parcel interfaces, types of doors and windows, etc. would be acceptable to the board for a continuance to a special meeting before PRS review. Ms. Brown offered the possibility of offline review of those details if conditions were specified in a continuance motion, as had been done recently by WUHZAB. The chair and board felt that review outside a public meeting was not a policy it wished to adopt, in that it could create transparency or open meeting laws issues. The board were surprised that staff had not directed the applicants to provide historic review design package requirements to them after the initial courtesy review. The design team had not been made aware that all building facades and elevations, openings, and details were normally reviewed, in addition to those on the street facing elevations. The board noted that such things as sliding doors or clerestory windows were not permitted in the zone, even on non-visible facades. Ms. Brown clarified that those type of things were the purview of the board and could be requested in a continuance. Also, she noted that a minor review process for later design details would be limited to small changes, like a window or door, not full-on elevations.

Based upon the facts that only one or two (corner houses) elevations were presented for 6 new houses and one ADU, that no plans were dimensioned, or types of details for yet to be developed designs were provided; as well as the new permitting system limitation of only one design package pdf for all potential review criteria applicability, two failed motions were made and voted on.

Mr. Roberts made a motion to continue the review until "sufficient" information was available to approve the project, seconded by Ms. Erickson. After further discussion, the motion failed by roll-call vote: 2 in favor (Mr. Burr and Mr. Roberts), five opposed (Mr. Beal, Ms. Bachman-Williams, Ms. Erickson, Mr. O'Brien, Mr. van Giesen), no abstentions.

Mr. Beal made a motion to recommend approval for the project as presented, including lots, heights, setbacks, elevations as suggested, plans to protect historic curbs and sidewalks, and provided that all elevations "adhere to historical standards", seconded by Ms. Bachman-Williams. After further discussion, the

motion failed by roll-call vote: 2 votes in favor (Mr. Beal, Ms. Bachman- Williams), 5 votes against (Mr. Burr, Ms. Erickson, Mr. Roberts, Mr. O'Brien, Mr. van Giesen), no abstentions.

Further discussion ensued. Ms. Brown clarified that the board is indeed complying to meet the timeline requirements of their review opportunity by having agreed to hold a special meeting, that the board did not request fully developed design drawings but only sketches illustrating requested elevations of the project (3 elevations) and those visible (from property line) facades, and types of doors, windows and details as outlined during this meeting. Continuations are common for complex proposals. But that the current process does not allow for any further review after a recommendation has been made on this project, except limited minor review.

After further discussion again, reiterating the apparent "catch-22" situation, and the design team's consternation at not being told by "anyone" about potential historic design review requirements, or the viability of a process that necessitates establishment and approval of lots before building design can even begin, is a problem for both applicants and reviewers. The design team did agree that further review of final building designs may be useful after the FLD process is completed.

Mr. Burr attempted to make a motion that was a compromise between the 2 previous failed motions, including amending the initial reading, with concurrence of the seconder. The final (amended) motion is below:

Action Taken: Mr. Burr made a motion for the board to recommend conceptually the FLD lot lines, setbacks, tentative streetscape facing elevations, plans as presented for Herbert Avenue pedestrian improvements, retention as possible of historic curbs and sidewalks on S 4th Avenue and 18th Street; however, the project, when designed, must come back for full review of all buildings, elevations and materials for approval. The motion was seconded by Mr. Roberts. The motion was approved by roll-call vote: 7 in favor, 0 opposed.

The design team was appreciative of the board's guidance and ability to proceed with the FLD process. Ms. Brown noted that staff would need to discuss next steps raised by the review, problems identified in the process, and by the action taken. The Board reiterated that it was pleased by what had been presented, supported the project generally, and had confidence in the design team. However, they noted the new process apparently requires modifications to work as former processes had worked. The Board thanked the team for their patience in working toward that end.

6. Design Guidelines Project

a. Update on the design guidelines

No new update was made. Mr. Beal commented that the processes have changed so much that he did not know how to proceed. Mr. Burr offered to make an effort, at a yet undetermined time this year. After discussion it was agreed to keep a standing item on future agendas as a placeholder, even if

no specific updates were provided monthly.

7. Tucson Pima County Historical Commission Separation Update

Ms. Brown again noted that the process is officially on hold. The written notice of a change in guidance by the National Park Service was received. The City and County are in discussions of next steps but have yet to determine how to move forward. No timeline for scheduling a study session with M&C has been made. Ms. Brown will keep the board apprised of ongoing developments.

8. Minor Reviews

Ms. Brown noted that no minor reviews have taken place recently and none are currently scheduled.

Mr. Burr noted that he had been made aware of a case for a roof re-shingle that had been approved through the minor review process but had been held up by a staff member who had advised the applicant to saw off his 120-year-old roof overhang to meet current perimeter yard set-back requirements. Ms. Brown noted that the applicant had asked her to intervene and that she had spoken to the building official and the situation was resolved favorably. She also noted that there were 13 new staff members, and that PDSD had set up an Academy process where staff were encouraged to seek HPO guidance on historic issues. She also noted, however, that PDSD staff are generally not trained specifically in historic standards and requirements.

9. Call to the Board

- Mr. Beal commented that he is increasingly frustrated by the everchanging process where now an applicant “can’t tell us what they want to build until we approve what they want to build.” the term “fed-up” was the catchword. The sentiment was echoed specifically by Ms. Bachman-Williams and Mr. O’Brien then expressed by all members present.
- Mr. Roberts was upset that no staff had ever intervened to inform the applicant of the distinct historic design review application requirements that are now apparently bypassed by the new permitting system and felt the board had been left in an impossible situation of needing to request the required submittal information itself during the formal review. He then reiterated his ongoing concerns about the changes to the property market and the rising losses in values. Finally, he requested an update on when a specific ongoing zoning violation would be coming to the board for review and resolution. Ms. Brown asked that he forward the address to her so she can look into the situation.
- Ms. Erickson asked how the new permitting system process can be fixed to correct the apparent disconnect of former and recent processes that had worked well in the past. Ms. Brown responded that staff would have to look at the situation and determine how to correct the process.
- Mr. van Giesen noted that he recently had to move just outside of the HPZ. The relocation has become permanent. After consultation with the HPO, and advice that since he has not yet been removed by the City Clerk as a non-resident, he

participated in this meeting as a current member. Mr. van Giesen resigned from the board effective immediately. Although he has worked in the building industry, he does not expect to qualify for the “Special Qualifications” category that does not include a residency requirement. He thanked the board for their support.

- Mr. Burr noted that Ms. Shane had withdrawn her request for appointment to the board but asked for an update on why Mr. Schuman's and Ms. Southern's applications for appointment had not yet gone to M&C after 4 months. Ms. Brown commented that she was not involved in moving the applications forward but that the City Clerk had been slow recently in processing other applications that she was aware of. Because the Board is now at six members, Mr. Burr requested that an item be placed on the next agenda seeking further candidates for the board. He also provided a summary of potential changes that may significantly affect historic properties in Tucson that the Planning Commission has forwarded with recommendations to M&C for a public hearing on a proposed UDC Update Package, now scheduled for later March.

10. Future Agenda Items—Information Only

Ms. Brown noted that nothing is specifically scheduled for March. PRS will next meet on March 9, 2023. The next board meeting agenda will include an item for the nomination for new candidates.

11. Adjournment

Mr. Burr thanked the board for their service and for electing him Chair. He plans to use Ms. McClement's inspiring example as a guide going forward. The meeting was adjourned at 9:29 pm. The next regularly scheduled meeting will be March 21, 2023.