

2023

Tucson-Pima County Historical Commission
Plans Review Subcommittee (PRS)

LEGAL ACTION REPORT/Minutes

Thursday, June 22, 2023

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: Teresita Majewski (Chair), Carol Griffith, Joel Ireland, Jan Mulder, Savannah McDonald [note that Commissioner Mulder was unable to unmute her phone for part of the meeting and was not counted as part of the quorum between 1:04 P.M. and 1:46 P.M.]

Commissioners Excused/Joined Late: None

Applicants/Public Present: Andy Bemis and Jorge Castillo (both City of Tucson Department of Transportation and Mobility [DTM])

Staff Present: Jodie Brown (PDSD)

2. Approval of the Legal Action Report/Minutes for the Meeting of May 25, 2023

Motion: It was moved by Commissioner Griffith to approve the Legal Action Report/Minutes for the meeting of May 25, 2023, as submitted.

Commissioner McDonald seconded the motion.

The motion passed unanimously by a roll call vote of 5-0.

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. TP-PRE-0523-00215, 1041 N Olive Road/Highland Avenue between 1st and 2nd Street[s]

Construction of bicycle and pedestrian safety and accessibility improvements along the 2nd Street corridor at the intersections of Olive Road and Highland Avenue and along the maintenance access road that parallels 2nd Street on the south side of the street behind the row of dormitories that face James E. Rogers Way.

Full Review [Staff Brown clarified that this was not actually a full review but rather a courtesy review]/University of Arizona Campus Historic District Contributing Resource/Rehabilitation Standards

Staff Brown provided background on the project and noted that DTM has been putting in a number of bike boulevards for safety reasons. In this instance, it goes through the University of Arizona (UA) campus and a portion of the historic district, and because it's in the middle of the historic district, and there's landscaping and such, Staff Brown thought it was a good idea to have it fleshed out through PRS.

Andy Bemis presented the project. The full cultural report was provided with the materials posted for this case. The project started some years ago. Because UA cannot pursue federal grant funds, they asked DTM to apply for a grant. At the time, only design funding was available and awarded. Now construction funding was available and awarded, and the project can resume. The project requires the full National Environmental Policy Act process, cultural clearance, and utility clearance. Mr. Bemis presented a 15% concept plan and explained impact areas and what would happen in those areas. There will be some modifications to traffic flow (traffic conversations) and parking modifications. They plan to expand pedestrian space, extend the bicycle path, and address curb ramps for Americans with Disabilities Act compliance at crosswalks.

The crossing at the Olive and 2nd Street intersection will join with the existing maintenance road south of 2nd, which will add bicycle and pedestrian use. There is a gap in the historic rock wall, which will remain and not be impacted. There will be some widening to the existing maintenance road. Improvements will continue on the western side of the project as the maintenance road turns south until joins James E. Rogers Way where two new curb ramps will be constructed. One tree close to the maintenance road will be removed, but it is not a historic landscape feature. All of the latter will be retained. Three streetlights to match existing will be mounted on existing poles that are part of the street-car system on the north side of 2nd street to the east of the Olive Road intersection. Chair Majewski asked what the streetlights will look like, Mr. Bemis replied that they had not yet been selected. Chair Majewski asked Staff Brown's opinion, and Ms. Brown noted that she didn't see the lights as problematic.

For the area on Highland between 1st and 2nd Streets, the existing road will be closed to vehicle traffic, striping will be redone for the crosswalk at 2nd and Highland to separate bicycle and pedestrian movements, and the curb ramp on the corner will be reconstructed. There will be one more new light fixture

mounted on the existing streetcar pole like on the other segment of the project. Mr. Bemis then invited questions.

Discussion was held. Chair Majewski asked about the cultural clearance. She asked for verification that no contributors to the district would be impacted, and Mr. Bemis verified that no impacts would occur and that the Arizona Department of Transportation (ADOT) had already reviewed the cultural report. She also asked if there would be ground disturbance. Mr. Bemis replied yes, but only when existing roads are milled. Chair Majewski also asked if doing a review at 15% is typical. Mr. Bemis said yes and noted that the concept plan can't proceed until NEPA is completed. He and DTM anticipate a categorical exclusion – basically a finding of no impact, which will allow them to proceed to final design and eventual construction. If there are any changes to the plan, they are required to go back to ADOT and inform them of the change. If ADOT finds that the change is substantial, they can require the proponent to redo the clearance process. If the change is not substantial, the proponent can move forward.

Chair Majewski asked if the NEPA and Section 106 of the National Historic Preservation Act processes are running concurrently. Mr. Bemis said yes and noted that if project costs exceed available funding, then they may have to remove something.

Commissioner McDonald is happy to see these improvements. She is curious about the reuse of the “alley” [maintenance road] that is close to the dorms – pedestrians, bikes, and service traffic all at the same time. Is this a challenge? Mr. Bemis said it will be shared as it is today. Commissioner McDonald asked if there is a pedestrian path [sidewalk] that can cut through the same way as the bike path does, and he said if there is one, it would be shared. He noted that they had considered adding speed humps or traffic calming, but there are drainage considerations with that – so he doesn't know if those will be added or not. She noted that traffic calming would be good. Mr. Bemis said that the signage plan is in development. Chair Majewski said it was important to have appropriate signage to remind everyone of the shared space. Commissioner McDonald agrees. Mr. Bemis said that the City of Tucson is working with the university, but they are following the lead of their UA partners.

Commissioner Griffith had no questions.

Commissioner Mulder was on the telephone and on mute but could not unmute. The quorum was not lost, as four of the five PRS members were still in attendance [for the record of this meeting, it will be noted that Commissioner Mulder was unavailable and thus “off” today's meeting during the times she was on mute and unable to unmute].

Commissioner Ireland thanked Mr. Bemis for explaining the process and how PRS fits in.

Chair Majewski asked Commissioner Mulder again if she had any comments, and she did not respond.

As this was a courtesy review, feedback was provided but no action was taken.

4. **Update on City Outreach to Property Owners in Historic Districts Regarding Potential Impacts of Code Changes**

Staff Brown share a draft of “Tips on Maintaining Contributing Status in National Register Districts.” This is geared toward residents of National Register Districts in Tucson, not Historic Preservation Zone (HPZs). In HPZs, there is a process that assists residents in maintaining contributing status of their properties within the HPZ. The State Historic Preservation Office (SHPO) advised her recently to split up the tips based on whether people are participating in the property tax reduction program versus those who are not.

The two kinds of city-wide code changes that might affect the eligibility status of a National Register of Historic Places-listed property or a contributor to a National Register District are walls and carports. The issue is that something might be allowed by code but be contrary to what is allowed for the National Register. Staff Brown’s tips are based on excerpts from the Secretary of the Interior’s Standards, but not all were incorporated because some didn’t pertain to historic homes (e.g., the standards dealing with archaeology). She then invited comments. Chair Majewski asked if the draft could be shared to let PRS members think about it and be ready to comment more fully at the next PRS meeting.

Staff Brown feels the tips should not be too prescriptive. It is very important for a property owner to contact SHPO when wanting to make changes to their property. Chair Majewski noted that context needs to be provided. What would be sent out with this? At the full commission meeting where the impact of city-wide code changes on the eligibility of historic properties in National Register Districts was raised, the request was to inform owners of historic properties about the potential impacts of the code changes. Do those participating in the tax credit program really understand the extent to which they can’t change their home to remain eligible for the program? Chair Majewski also asked how the tips would be disseminated, and it is important that people understand why they are receiving the tips. Staff Brown doesn’t want to get too wordy in the tips but thinks she understands what Chair Majewski is saying about providing context.

A couple sentences could be inserted to explain why the tips are being sent. Staff Brown also suggested that this could be noted in a cover letter, with the tips being included as a separate document that could be kept for reference. For example, text could mention: “We’re sending this to you due to recent changes in the code that allow new construction that may not be... and this will happen in the future. We’re just notifying you now.”

Commissioner Griffith noted that it would be good to have some time to review. She asked if this was only for residential properties, and Staff Brown said “yes, only in residential historic districts.” Commissioner Ireland also appreciates having more time. Chair Majewski asked if the tips could be watermarked as “draft” and sent to PRS members. Commissioner McDonalds doesn’t fully understand the context issue and how it will be dispersed. Chair Majewski noted that Commissioner McDonald may not have been at the full commission meeting where this was raised and suggested that she review the recording from that meeting to understand the issue more clearly. In summary, it was

raised that homeowners participating in the tax credit program may think they can make changes because code has changed, but they don't necessarily understand the impact of choosing to make certain changes to their property on their participation in the program. Commissioner McDonald asked would the tips go on a website with the information. Staff Brown said no, but she could include the link to the SHPO web page. The concern was spurred because of the recent code change that allowed carports in the front yard setback. Before it went to Mayor and Council to be approved, there were comments that this should be regulated, but then that becomes a Proposition 207 issue - making a National Register District a de facto HPZ. Instead, it was decided to put the tips together. The idea is to mail it to the neighborhood associations that encompass historic districts, like Broadway/Broadmoor and Sam Hughes, and from there, the associations could distribute it through their list serves and web sites.

Chair Majewski said this would increase awareness for owners of historic homes in National Register Districts. Commissioner Mulder was able to unmute around 1:46 P.M. and said she understands why this is being done and appreciates the opportunity to review more closely. Seems like we're on the right track. Commissioner Mulder also asked about the last item, even though it was a courtesy review, as she is participating in the meeting via telephone and could not unmute during that discussion. She wondered if there was any reason for that item to go to the Historic Landscapes Subcommittee (HLS) of the commission because it is a historic landscape. Staff Brown said that a lot of eyes have already been on the project, and Chair Majewski noted that once we completed the courtesy review, our window to comment closed. Staff Brown noted that a review by HLS would be redundant. There was one tree that is going to be removed during the project, and it is not a historic tree.

For the next PRS meeting, Chair Majewski asked Staff Brown to bring ideas of what would be in the cover letter to accompany the tips and explain why homeowners should keep the tips handy.

5. Task Force on Inclusivity Report Recommendations

5a. Discussion on Best Practices for Naming of City- and County-Owned Physical Assets

No report at this time, but Chair Majewski noted her desire to wrap this up this summer.

6. Current Issues for Information/Discussion

6a. Minor Reviews

Staff Brown reported that Chair Majewski recently assisted with two minor reviews, one at 707 E. 1st Street in West University for the roof and a window replacement and at 725 S. 6th Avenue in Armory Park for restriping of a parking lot and a trash enclosure. Both were recommended for approval with minor conditions. No minor reviews are ready to be scheduled, but when cases are ready, Staff Taku or Staff Brown will reach out to PRS members.

6b. Appeals

Staff Brown noted that there are no current appeals.

6c. Zoning Violations

Staff Brown noted that there are ongoing and pending cases being worked on for compliance and/or in the review process, and that staff are working with their zoning violation code enforcement liaison. One zoning violation case at 713 E. 5th Street where they have changed windows and doors will be heard by the West University Historic Zone Advisory Board in July and will then come to PRS.

6d. Review Process Issues

None.

7. Summary of Public Comments (Information Only)

No public comments were received by the posted deadline.

8. Future Agenda Items for Upcoming Meetings

The next scheduled meeting is July 13, 2023, and Staff Brown noted that possibilities for the agenda included the city outreach item, an IID case, and potentially cases from El Presidio, Armory Park, and Fort Lowell.

9. Adjournment

The meeting was adjourned at 1:55 P.M.