

2024

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

LEGAL ACTION REPORT/Minutes

Thursday, May 9, 2024

This was a hybrid meeting. The meeting was accessible at the provided link to allow for participating in-person, 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

The meeting was called to order at 1:01 P.M., and per roll call, a quorum was established.

Commissioners Present: Teresita Majewski (Chair), Jan Mulder, Rikki Riojas, Joel Ireland, Andrew Christopher, and Savannah McDonald (virtual)

Commissioners Absent: None

Applicants/Public Present: Jeffrey Adragna and John Burr (virtual)

Staff Present: Michael Taku and Jodie Brown (in person) (City of Tucson, Planning and Development Services Department [PDSD])

2. Approval of the Legal Action Report/Minutes for the Meeting of April 25, 2024

Motion: Commissioner Riojas moved to approve the Legal Action Report/Minutes for the meeting of April 25, 2024, as submitted.

The motion was seconded by Commissioner McDonald.

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

3. Historic Preservation 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.** SD-0923-00108, 326 E. 17th Street
Construct rear yard detached ADU
Full Review/Armory Park Historic Preservation Zone
Contributing Resource/Rehabilitation Standards

Staff Brown presented background on the project and read into the record the action taken by the Armory Park Historic Zone Advisory Board (APHZAB) from the meeting of April 16, 2024. APHZAB voted 5-0 to recommend approval with conditions. Staff noted that an application for the demolition of a dilapidated contributing corrugated metal shed structure in the rear yard had been reviewed onsite by the Historic Preservation Officer and the City of Tucson Building Official. The Building Official determined that the existing structure constituted a threat to the public health, safety, and welfare. Therefore, an emergency demolition permit was approved and issued. Pursuant to the UDC provisions, notice was given to the Chair of APHZAB, Chair of the Tucson-Pima County Historical Commission (TPCHC), and the State Historic Preservation Officer. Further, architectural documentation was submitted as part of the demolition process.

Jeff Adragna provided an overview of the project, clarified points, and answered questions during the presentation.

Discussion was held. Action was taken.

Motion: Commissioner McDonald moved to recommend approval of the project as presented with the following conditions:

- Windows to be wood with inset-type detailing.
- Doors to be wood, with south as a 4-panel and east as a single-lite French door.
- The height of the ADU shown is acceptable, waive existing 12-foot height requirement.
- The existing fencing to be replaced by 6-foot-high maximum wrought iron fencing and gates to match the existing front yard and be submitted as a minor review.
- Plans to be updated to indicate the correct distance between the structures [buildings], the building wall height, and height of the new openings.
- Plans to be updated to include ground-mounted condensing unit on northeast corner, not visible from the street.
- Documentation of the structure for demolition to be included in the plan set.

The motion was seconded by Commissioner Ireland.

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

4. Public and Institutional Use in a Development Zone Discussion

4a. Discussion on the use of Public and Institutional buildings as comparative properties in Development Zones

Staff Brown r-introduced the discussion as a follow-up from the previous meeting of April 25, 2024.

Commissioner Mulder submitted a concern on the HPZ height loophole in the UDC where the changes occurred as part of the code amendments establishing the Rio Nuevo and Downtown (RND) zone. This change appears to have the unintended consequence of also being applied to Historic Preservation Zones (HPZs). This is evidenced by the sentence “...except for public and institutional structures on or eligible for inclusion on the National Register of Historic Places.” was added to the Definition of Development Zone, [UDC Sections 2.8.8(HPZ), and 2.8.10 (RND).

Staff has explained that to remove the language in question would require an amendment to the Unified Development Code (UDC), which would have to be initiated by the Mayor and Council.

Given that the PRS members had not reviewed Commissioner Mulder’s concern, the consensus was to not discuss at this meeting and to keep this item on the agenda for further discussion with PRS and staff.

No action was taken.

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

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

No report was given.

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

6a. **Minor Reviews**

Staff Taku summarized the projects reviewed at 620 S. 3rd Ave. for solar panels (Armory Park) and 256 E. Congress for Chela’s sign (RNA). Commissioner Riojas, who had volunteered for these reviews, commented. The minor review at 350 S. Convent to replace a door that has already been installed (Barrio Historico) did not take place, as the applicant was not present to respond to expressed concerns on the project. Upcoming reviews include 707 E. 1st Street for solar (West University), 505 E. 5th Street for a retaining wall [West University], 330 S. Scott Avenue (Temple of Music & Art, Armory Park) to replace a door to their main theater space, and 2900 N. Craycroft Road for restroom doors/ADA sidewalk (Fort Lowell). Commissioner Ireland will assist with onsite reviews in West University, and Commissioner Riojas will assist with virtual reviews in Armory Park and Fort Lowell.

6b. **Appeals**

Staff Taku noted no pending appeal(s).

6c. **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 are working with their zoning violation code enforcement liaison. Staff noted that there are violation cases being worked on in Armory Park and West University that eventually will be reviewed by PRS.

6d. Review Process Issues

Commissioners requested that links be provided on agendas to related work on projects to be reviewed, and that if a case is a zoning violation it be noted as such on the agenda.

When demolitions are noted on an agenda, commissioners request information on whether the building/structure to be demolished is contributing or noncontributing and whether or not the demolition is an emergency. Discussion was held on enforcement of demolition by neglect and the commission's role in these circumstances.

It was suggested that the Outreach and Training Subcommittee of the TPCHC and Historic Zone Advisory Boards inform new owners in HPZs regarding the dos and do nots of what changes to a building would trigger a historic review.

A training session with realtors (possibly provided by the Hogan School of Real Estate in Tucson) was suggested for the future.

7. Summary of Public Comments (Information Only)

No public comment was received by the posted deadline.

8. Future Agenda Items for Upcoming Meetings

The next scheduled meeting is May 23, 2024. Staff Brown noted that potential items include Item 4a on this agenda; Tucson House; Capstone properties -- relocation and new construction; and potential cases from the advisory boards.

9. Adjournment

The meeting was adjourned at 2:19 P.M.