

From: Jim Mazzocco
To: Sayler-Brown, Thomas; Duarte, Ernie
CC: Wells, Russlyn; Rivera, David; Laurie, Carolyn; Moyer, Glenn
Date: 04/23/2015 2:33 PM
Subject: Re: Code Question

Hi Thomas,

I have reviewed your issue with the director. We both agree that Sec. 3.3.3.H was meant to re-use and encourage re-investment in older existing properties.

We understand this provision to mean that site improvements are to be done within the building footprint of the existing building(s) as confirmed on an aerial dated 2005. However, we do not believe that this provision means that if something within the footprint is dilapidated or poses a danger to human occupancy that it must remain in an unsafe state.

A remodeling or replacing of a portion of a structure that occurs within the building footprint that is of similar intent or size and in compliance with building safety standards would still be in compliance with the section.

In other words, the section does not pre-empt building safety standards and those standards along with the re-use zoning compliance standards both apply to the building or structures within the approved footprint.

If you have any further questions or if any staff you are meeting with have questions, please call me at 837-6964.

>>> Thomas Sayler-Brown <TSB@Sbbl.biz> 04/20/2015 3:38 PM >>>

Jim:

I am working on a project on South Stone for the Jewish History Museum. The existing Holocaust History Center is a 400 s.f. use in a '60's commercial addition to a turn of the century house. We are expanding the history center into the rest of the house.

For our project, we are "restoring two sides of the historic house structure and gutting the interior for the new museum space. The site has no vehicular access and cannot meet typical zoning requirements, so we are taking advantage of Section 3.3.3.H.8. The property complies with the requirements that allow us to use this section. However, there's an issue: The building has a framed addition at the west side that is unsafe and dilapidated. It does not meet building code requirements for safety and serves no purpose for the new museum. Consequently, we are removing the addition.

Zoning comments that "the site must remain in the same configuration (Building/no demo or addition to the building) as it appears in the 2005 Aerial." Another comment is that because we are demolishing a portion of the building, we cannot use section 3.3.3.H.8, and the change of use requires additional documents to be submitted for review including a development package. This is very concerning for me. The addition is unsound and must be removed for safety reasons, and we have no reason to put it back in for the museum. This interpretation flies in the face of the building code. I'd like to see that both codes can be used in concert.

I find it hard to believe that the intention of the zoning code section was to be so inflexible that removing an unessential portion of a building that is unsafe precludes use of Section 3.3.3.H.8. I would think that this is a very minor change that the Zoning Administrator should have some say in approving or denying.

I'd appreciate your input. The Plan Review comment is included below for your reference.

Thanks.

**Thomas Sayler-Brown, AIA, NCARB
President**

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**Planning & Development Services Department
PRO - Property Research Online
Plan Review Detail Results**

Permit Status:

PLAN CK

Activity Number:

T15CM02038

Permit Type:

TI: HOLOCAUST HISTORY CENTER

Site Address:

Applicant Name and Address:

564 S STONE AV
METRO TUCSON EXPEDITING & DEVELOPMENT

88 W CUSHING ST

TUCSON AZ

85701

Review Completed

Reviewer's Name

Type of Review

Review Status

04/13/2015
DAVID RIVERA
ZONING
Denied

Comments:

CDRC TRANSMITTAL

TO: Development Services Department
Plans Coordination Office

FROM: David Rivera
Principal Planner

PROJECT: T15CM02038
564 S Stone Avenue
Interior Tenant Improvement Only - Museum

TRANSMITTAL DATE: April 20, 2015

DUE DATE: April 24, 2015

COMMENTS:

01. It is acknowledged that the amendment to the UDC to clarify "Cultural Use Class" is scheduled to go in front of Mayor and Council on April 21 and there is a 30 Day waiting period before the amendment becomes effective. Zoning will not be able to approve the permit until day after the 30 day waiting period has expired.

02. The intent to approve the site for a Cultural Use - Museum was hinged on the amendment to the UDC. The other important item to approval without full code compliance was to approve the "Museum Use" under the Zoning Compliance for Site Improvement under Section 3.3.3.H.

Approval under the Zoning Compliance allows the Zoning Review Section to approve a permit application without imposing compliance with the sections listed in UDC 3.3.3.H.3. However the site must remain in the same configuration (Building/no demo or addition) to the building) as it appears in the 2005 Aerial. Exceptions to this requirement include restriping of the parking as listed in UDC section 3.3.3.H.8.

03. Per the plans, the rear part of the building is annotated as to be completely demolished. If this is the intent then the Zoning compliance cannot be used to approve the use. A change of use will require that additional documents be submitted for review including a development package.

04. The site is located in the GIID and could be used for this site if partial demo is intended. Review section 5.12.4 for requirements and development criteria.

05. The building is a Contributing structure within the Barrio Libre National Historic District and is listed as constructed in 1900. Prior to any demo of any portion of the building, a Historic review and approval will be required. Contact Michael Taku 837- 4963 for information on the HPZ review and process.

06. Provide any approved documents associated with the HPZ review and Demo approval with the next TI plans submittal. Provide intent related to the approval process whether zoning compliance under UDC 3.3.3.H, compliance with current code requirements or GIID overlay process will be used.

07. Based on the response to comment 6, additional plan review and process will be required. GIID or Current zoning compliance requires submittal a Development Package submittal for review and approval.

If you have any questions about this transmittal, please call David Rivera, (520) 791-5608.

