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Legal Action Report – Meeting Minutes Design Review Board (DRB)

Members of the Design Review Board (DRB) held a meeting, which was open to the public on:

Date and Time: Friday November 5, 2021, 7:30 a.m.

Location: Meeting was held virtually using Microsoft Teams

- | | |
|-------------------------------------|----------------|
| 1. Call to Order / Roll Call | 7:34 AM |
| Rosemary Bright | Present |
| Susannah Dickinson | Absent |
| Caryl Clement | Present |
| Nathan Kappler | Present |
| Chris Stebe | Absent |

A quorum was established.

- 2. Review and Approval of the 10/22/2021 LAR and Meeting Minutes** **Action Taken**
Motion was made by DRB Member Clement to approve the LAR and draft minutes of October 22, 2021. Motion was duly seconded by Member Bright. All in favor. Motion passed 3-0.

- 3. Call to the Audience**
Two members of the audience presented arguments against case # DRB-21-18 – TEP Power Poles on Silverbell Road.

- 4. Case # DRB-21-15 (T21SA00389) – Wells Fargo's Parking Garage - Rooftop Solar Carport**

35 E ALAMEDA ST, Parcel # 11711096C

Associated Development Package and Construction Documents: DP21-0187 and T21CM07464

OCR-2

Rio Nuevo Area (RNA) Review

Action Taken

Staff introduced the case and the applicant presented the project to the DRB, indicating that only 22 parking spaces are being shaded with the proposed solar canopy due to the existing electrical infrastructure of the parking garage; if a bigger solar canopy was to be pursued, the entire electric system would need to be upgraded; proposed canopy is placed in the middle of the garage's roof as the most optimal and least visible location.

Motion was made by Member Bright to recommend to the PSD Director approval, finding the project in compliance with the design standards in UDC Sections 5.12.7.C. and 5.1.7.D, as presented by the applicant. The motion was duly seconded by Member Clement. Motion passed by a voice vote of 3-0. Motion passed unanimously.

**5. Case # [DRB-21-17 \(T21SA00375\)](#) – Façade Modifications for New Bar
[128 E CONGRESS ST](#), Parcel # [117150030](#)**

Associated Construction Documents: [T21CM06854](#)

OCR-2

Rio Nuevo Area (RNA) Review

Action Taken

Staff introduced the case and the applicant presented the project to the DRB. Motion was made by Member Clement to recommend to the PDS Director approval, finding the project in compliance with the design standards in UDC Sections 5.12.7.C. and 5.1.7.D, as presented by the applicant. The motion was duly seconded by Member Bright. Motion passed by a voice vote of 3-0. Motion passed unanimously.

6. Case # [DRB-21-18](#) – TEP Power Poles on Silverbell Road – Variance Request (CONTINUED)

Associated Board of Adjustment Case # [C10-21-08 \(T21SA00376\)](#)

Associated Construction Documents: [T21CM05552](#)

[3800 N SILVERBELL RD](#), Parcel # [10310001C](#)

Scenic Corridor Overlay Zone (SCZ)

Action Taken

Staff reintroduced the case and informed the DRB that at the [Board of Adjustment's meeting](#) of October 27, 2021, the Board of Adjustment offered the applicant an automatic continuance, since the Board had only the minimum necessary to constitute a quorum. The applicant accepted the continuance and requested staff to return to the DRB to focus the discussion on the pole heights and landscaping/native plant preservation.

The applicant presented new information discussed by the DRB at the meeting of November 22, 2021, and with members of the consulting team for the roadway project, and a representative from the Pima Association of Governments (PAG), provided the following clarifications in response to questions posed by the DRB:

- 1) The multiuse path runs completely along the roadway's new curb location, based on the principle of reducing the footprint of the new roadway improvements to avoid and minimize impact to archeological resources;
- 2) The power poles being relocated to the east side of the road is in response to the hilly terrain on the west side, requiring significant amount of excavation and earthwork creating major impacts with the need of earth work and potentially retaining walls; impact on cultural resources on the east side is going to be significantly less than if it were to be constructed as an underground utility;
- 3) Collocation with the major powerline to the east of the roadway is not an option, given the right-of-way and that the alignment along Silverbell Road contains distribution that feeds homes and commercial development; relocating the lines along The Loop would require the redesign of the distribution network;
- 4) The need for a variance for the underground electric lines may have not been identified early in the design process for the roadway; not aware that a variance was required for Phase 1 of the roadway improvements from Goret Road to Grant Road;
- 5) Phase 3 of the roadway improvement, north of El Camino del Cerro is within the jurisdiction of Pima County; archeological studies have been completed for Phase 3, but a lead for monitoring has not been identified yet;
- 6) The diameter of the electric poles will be between 24 and 36 inches;

- 7) Based on previous transportation projects, there are many variables when appraising properties, and is very hard to isolate a single variable to determine the future value of real estate;
- 8) A percentage of the project's cost will be dedicated to public art.

Motion was made by Chair Kappler to recommend to the Board of Adjustment approval of the requested variance, finding the project in compliance with the criteria established in UDC Section 3.10.3.K, subject to the following conditions: 1) Multiuse path to be improved with 50% shade as measured at 12 Noon on June 21; 2) Roadway Improvement Project to budget 1% for public art to improve the corridor; 3) Artist and neighborhoods to work together to strategically place the public art; and 4) Drinking fountains for people and dogs to be placed along the multiuse path. The motion was duly seconded by Member Bright. Motion passed by a voice vote of 3-0. Motion passed unanimously.

7. Staff Announcements

Informational

No staff announcements.

8. Adjournment

Meeting adjourned at 10:30 AM.