

2022

**Tucson-Pima County Historical Commission**  
Plans Review Subcommittee

**LEGAL ACTION REPORT/Minutes**

**Thursday, April 28, 2022**

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.

**1. Call to Order and Roll Call**

Meeting called to order at 1:06 P.M., and per roll call, a quorum was established.

Commissioners Present: Terry Majewski (Chair), Carol Griffith, Joel Ireland, Savannah McDonald, and Jan Mulder (left the meeting at 2:51 P.M.)

Commissioners Absent/Excused: Rikki Riojas

Applicants/Public Present: Vero Arguello and Alonso Carrillo (University of Arizona students), John Burr, Doug Hawkins, Bill Mackey, Martha McClements, Andrew and Andrea Pongratz, and Michael Wilke

Staff Present: Jodie Brown and Michael Taku, PSDS; David Burbank and Jennifer Toothaker, Department of Transportation and Mobility (DTM)

**2. Approval of the Legal Action Report (LAR)/[Minutes] from Meeting of April 14, 2022**

**Motion:** It was moved by Commissioner Ireland to approve the Legal Action Report/Minutes for the meeting of April 14, 2022, as submitted.

Commissioner Mulder seconded the motion.

The motion passed unanimously by a roll call vote of 5-0. (Commissioner Riojas absent)

Chair Majewski recused from case 3a due to potential conflict-of-interest considerations and left the meeting at 1:08 P.M. Commissioner Mulder chaired case 3a.

**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. HPZ 20-061, Parcel No. 117-05-068F [CHANGE IN CONDITION]**

Demolition of a pumphouse located next to the Stone Avenue underpass and the Southern Pacific Railroad (SPRR) for construction of Downtown Links. Contributing Resource. Staff will present an update of the current demolition status (change in condition) and proposed preservation strategies for adaptive reuse of some architectural details of this historic structure. Full review/Warehouse National Register Historic District Contributing Resource/Rehabilitation Standards

Staff Brown provided background on the change of condition for this case. The pumphouse, located on the west side of the Stone Avenue underpass, is to be removed as part of the Downtown Links project plan, as its location interferes with the planned bike path. About a year ago, DTM came to the Plans Review Subcommittee (PRS) to discuss what was being proposed, and PRS asked them to look at other ways to maintain the building. In their due diligence, DTM posted extensively to find a potential relocater for the property. Peach Properties came forward. DTM did a cost estimate, and it would cost approximately \$30,000 to relocate. The small building, constructed of concrete, would need to be saw cut before relocation. DTM and PDSO tried to work with Peach Properties to move the permitting process along as quickly as possible so that it could be moved off the current site. But the partnership with Peach Properties fell through, and DTM is now looking at what could happen with the building. Staff Brown noted that several comments from the public were received for the 4/14/22 meeting (when the case was scheduled but not heard), and these were moved forward to today's meeting.

Acting Chair Mulder asked Staff Brown to read the comments into the record. They are provided verbatim below.

The first comment, dated 4/13/22, was provided by TPCHC Commissioner Carlos Lozano.

To: T-PCHC Plans Review Subcommittee  
Re: Alternatives to demolition of the 1936 Stone Avenue Underpass Pump House

Supplemental to T-PCHC comment letter sent to Mayor and Council on August 9, 2021, please also note some of the discussion of the Item 8 motion that occurred during the August 10, 2021 Mayor and Council meeting:

Both Councilmembers Kozachik and Uhlich stressed that we “exhaust all other options” [to demolition] and this language is included in the motion.

Significantly, Councilmember Cunningham spontaneously offered a creative solution involving the Santa Cruz Heritage Project and Tucson Water funding to move the Pump House to the vicinity of the effluent release site on the Santa Cruz River. He enthusiastically suggested “we could move it ourselves.” This idea demonstrates that “all other options” have not yet been explored. Councilmember Cunningham’s office was closed at the time of this writing.

Sincerely,

Carlos Lozano  
T-PCHC Transportation Subcommittee  
Downtown Links Citizens Advisory Committee member

The second comment, also received on 4/13/22, was submitted by TPCHC commissioner Ken Scoville.

Hello Terry and Jodie,  
These are some of my questions.  
When is the actual demolition date?  
What is the cost for demolition of the pump house?  
What is the actual demolition process and can it be done thoughtfully rather than the usual smash and remove?  
Can the demolition be done in a manner that cuts the pump house into 4 walls and the roof so that it could be reassembled at a new location. It could be stored or left on site nearby and then adaptably reused as a rest shelter for pedestrians or part of a bicycle rental station with interpretive information as to its historic location and use. Another reuse could be part of an art project with downtown links.  
I think this is an excellent opportunity to reuse a solid structure in a meaningful way.  
Please confirm you received this message and I am sending this email at 4:30 pm today.  
Ken

After reading these comments into the record, Staff Brown noted that Mayor and Council approved the demolition of the pumphouse, which is standard protocol for when contributing properties in a Historic Preservation Zone (HPZ) or in the Rio Nuevo Area (RNA) are proposed for demolition. She then asked Jennifer Toothaker and David Burbank, both from DTM, to present.

Ms. Toothaker noted that the partnership with Peach Properties to move the pumphouse did not work out. There were three locations that were considered, and none of them worked. In regard to the date of the demolition, it has not yet been scheduled. They need to have conversations with the demolition contractor, and Project Manager David Burbank will be doing this. Ms. Toothaker wants to convey that while they have this change in condition where they no longer have a partnership with Peach Properties directly, DTM is very interested in doing what they can to figure out a solution so that the pumphouse can be thoughtfully removed from the site. They have asked for a vendor to go on site to look at the structure to conceive of what Mr. Scoville suggested – is there a way that we can do the deconstruction of the building in a thoughtful way? They have also been contacted by Mr. Scoville, Mr. Lozano, and Mr. Demion Clinco (Tucson Historic Preservation Foundation) to have a community stakeholder conversation, and they are scheduling that. They had hoped to meet before today's meeting, but that was not possible. They will organize that soon so that the group can think through different options that are possible. She then pointed out the documents that had been requested previously and which were included with the meeting materials for today (e.g., the architectural documentation, which has already been reviewed and additional, current photographs). Ms. Toothaker then shared numerous photographs of the exterior and interior of the building, explaining

various aspects of the building's construction and function. She explained that the original estimated cost of relocation included saw-cutting at the foot or bottom of the structure and creating some cut-ins to allow some beams to go in underneath, which would then allow it to be lifted and loaded onto a truck for transport. Discussions must be had with the demolition contractor to see what else can be done if a place to relocate is not found. One option could be to disassemble as Mr. Scoville noted. She then invited Mr. Burbank to join the discussion and to weigh in on when additional cost estimates might be available.

Mr. Burbank noted that he should have something from the contractor tomorrow [4/29/22] by the end of the day. The contractor's sub[contractor] went out earlier this week and evaluated the possibility of moving the entire building at once and then start cutting the walls off. Unfortunately, initially they were saying that the walls would have to be cut in half. Once you cut the wall, it is going to be really flimsy and you will not be able to maintain the wall integrity as you move it here and there, so cutting it in half would improve the odds of it being moved without crumbling or falling. Other considerations are the thickness of the walls and the concrete floor. The contractor asked what will be done with the pieces once salvaged. Where will they be stored, and who will take care of the cost of that. One option is using it in an art installation, but all the art projects are already designed for Downtown Links. One team member discussed making benches out of the concrete pieces and placing them in the project area. But these are, as yet, only ideas, and no costs are associated with them.

Ms. Toothaker noted that with the information that Mr. Burbank will obtain on the other options, DTM would like to move forward with those stakeholder conversations and explore what concerned individuals/entities are thinking, discuss what are the realistic options, and then come back to PRS with an update. Mr. Burbank said that that for a moving date, they are looking at the latter part of May and reiterated that it needs to be moved. Ms. Toothaker concluded the update by saying that while the structure will be moved on this schedule, the exact details are not yet determined, and DTM is committed to getting a suitable answer to that. She invited questions. Acting Chair Mulder then asked if PRS members had any questions.

Commissioner Ireland asked which three locations were explored with Peach Properties. Ms. Toothaker replied that the first one, which would have been a private property relocation, was to another Peach Properties property on Broadway somewhere within the current roadway project, between Euclid and Country Club. As the location was investigated further, Peach Properties determined that the relocation would be too costly, given the distance the structure would have to be moved and the different level of development package that would be required because it is private property (including architectural drawings). Two additional locations were considered, and both would have been public right-of-way installations. One is not too far from where the structure is currently sitting, near a Peach Properties property near Stone and the 5th-6th Street intersection. Challenges with this location included subsurface utilities and already planned public art installation that the structure would likely obscure. The third location was at 7th Street (near EXO Roast), where there would be some empty public right-of-way. Peach Properties did not want to pursue this location. Ms. Toothaker noted that they were running out of options,

and now running out of time. Mr. Ireland commented that he thinks the staff has done this due diligence process very thoughtfully, appreciates the efforts, and understands the timeline and that road construction will then begin. Mr. Burbank noted that they will start working on 6<sup>th</sup> Street and then they will be working at the intersection of 6<sup>th</sup> Street and Stone.

Commissioner Griffith asked if there was any chance that the bike trail could be moved so that the pumphouse could stay in place. Mr. Burbank responded that the west landing of that new pedestrian bridge that will span Stone Avenue will be right where the pumphouse is located. In addition, they're going to be excavating about 35 feet beneath where it is located to place the new storm drain.

Commissioner McDonald wanted to reiterate what Commissioner Ireland said and express appreciation for the diligence, effort, and creativity put toward finding a good solution for the structure. Acting Chair Mulder said she is glad that DTM is coming back to PRS at our next meeting with the outcome of the stakeholder meetings and their further investigations. It is consistent with what Mayor and Council asked for, exploring all possible alternatives. She asked if they had looked into the one councilmember's suggestion [Councilman Cunningham] about the Santa Cruz Heritage project and having something done in house, perhaps with city utilities. Has this been discussed at all? Ms. Toothaker said that this idea is being looked at now, while the other options are considered. She feels that we now have this opportunity to talk through the various ideas and consider costs and is optimistic about finding a reasonable solution. This is the next step.

Staff Brown noted that this item is listed as a full review on the agenda, so PRS will want to take action on it. She suggested some possible language for a motion and noted that it is not a continuation. Commissioner Ireland noted that the most viable option seems to him to be to cut off the walls and stack them somewhere until it is decided what to do with them. He asked for feedback from staff. Ms. Toothaker noted that this is certainly on the list of viable options, but as Mr. Burbank noted, they are waiting on cost information to understand the reality of it. Commissioner Ireland asked Ms. Toothaker about other options she's thinking of, and she noted that the issue comes down to is – is it the full structure or just the roof and the architectural detail at the top, which relates to architectural detail at the top of the overpass. Maybe just certain portions are stored and put up in another location – either in the near vicinity or in another public right-of way, where portions could be used as a ramada or as benches. She said we need to be thoughtful about what is done, so that it can connect back and possibly be educational with poster signage that can help people understand the history of the materials. Finding a location to store these things is also part of it, so if we're stacking these materials, but they're not put up in any way, I worry about security of those materials. We want to be thoughtful and intentional. We want to do the right thing, and we're hoping that by involving some of the very interested stakeholders who are also very concerned about the thoughtfulness of reuse of these materials that we can find something that works.

Commissioner Ireland and Acting Chair Mulder continued to discuss a possible motion and whether there should be any constraints included. Staff Brown advised against putting constraints in a motion.

Action was taken.

**Motion:** It was moved by Commissioner Griffith to thank the Department of Transportation and Mobility [Ms. Toothaker and Mr. Burbank] for providing an update on the current status [of the pumphouse located next to the Stone Avenue underpass] and request that they come back to [Plans Review Subcommittee] once they have completed the stakeholder meetings, with additional information about the results of those meetings, costing for different alternatives, and their subsequent alternatives for treatment of the pumphouse.

Commissioner Ireland seconded the motion.

The motion passed unanimously by a roll call vote of 4-0. (Commissioner Riojas and Chair Majewski absent; Chair Majewski had recused from this case)

Chair Majewski returned to the meeting at 1:42 P.M.

**3b. HPZ 22-025, 844 S. 5<sup>th</sup> Avenue**  
**Armory Park Historic Preservation Zone**  
Building addition and accessory structure  
Full Review/Armory Park Historic Preservation Zone  
Contributing Resource/Rehabilitation Standards

Staff Brown provided a summary of the project and read into the record the recommendation and action taken by Armory Park Historic Zone Advisory Board (APHZAB) from the meeting of 4/19/2022.

Bill Mackey, Worker, Inc., presented the project. Property owner, Michael Wilke was present but did not speak.

Discussion was held. Action was taken.

**Motion:** It was moved by Commissioner Mulder to recommend approval subject to the applicable conditions from the July 5, 2019, approval with the exception that the garage structure have as an alternative using PBR in place of corrugated metal on the sides and standing meal seam on the roof, with garage door placement shifted from the original location.

Commissioner Griffith seconded the motion.

The motion passed unanimously by a roll call vote of 5-0. (Commissioner Riojas absent)

**3c. HPZ 22-006, 903 N. 5<sup>th</sup> Avenue – continued  
West University Historic Preservation Zone**

Construction of an addition, renovation of single-family house, addition of outside deck and new ramada

Full Review/West University Historic Preservation Zone  
Contributing Resource/Rehabilitation Standards

Staff Taku provided a summary of the project and read into the record the recommendations and actions taken by the West University Historic Zone Advisory Board (WUHZAB) from the meetings of 2/15/2022; 3/15/2022; and 4/19/2022. Staff noted the case is a zoning violation [T21DV01556] for work started without appropriate permits, historic review, and approval. This violation triggered Code Enforcement action. Per staff, the current review is to abate and comply with UDC requirements. Second, applicant will be required to submit a revised set of plans that will include all recommendations from WUHZAB and PRS and any conditions by PDSO.

Andrew Pongratz, owner, presented the project.

Discussion was held. Action was taken.

Motion: It was moved by Commissioner Mulder to recommend approval as submitted, based on the plans recently approved by the West University Historic Zone Advisory Board chair, with specific note that we [the Plans Review Subcommittee] grant a variance for the setback for the north ramada, that a different exposure for the cedar shingles on the sleeping porch addition be called out on the plans, that all the new plans be updated with the current date or applicable April date, and that the project description submitted be corrected to describe the correct addition and the correct directions and orientations for various setbacks and other features.

Commissioner Griffith seconded the motion. The motion was amended with the approval of the mover and seconder.

**Amended Motion:** It was moved by Commissioner Mulder to recommend approval as submitted, based on the revised plans recently reviewed and recommended for approval by the West University Historic Zone Advisory Board chair, with specific note that we [the Plans Review Subcommittee] grant a variance for the setback for the north ramada, that a different exposure for the cedar shingles on the sleeping porch addition be called out on the plans, that all the new plans be updated with the current date or applicable April date, and that the project description submitted be corrected to describe the correct addition and the correct directions and orientations for various setbacks and other features.

The amended motion passed unanimously by a roll call vote of 4-0.  
(Commissioner Riojas absent)

**3d. HPZ 22-024, 615 E. 5<sup>th</sup> Street**  
Construction of a rear porch

Full Review/West University Historic Preservation Zone  
Contributing Resource/Rehabilitation Standards

Staff Taku provided a summary of the project and read into the record the recommendations and actions taken by the West University Historic Zone Advisory Board (WUHZAB) from the meeting of 4/19/2022.

Doug Hawkins, Rob Paulus Architects Ltd., presented the project.

Discussion was held.

*[Note: Commissioner Mulder left the meeting at 2:51 P.M.]*

Action was taken.

Motion: It was moved by Commissioner McDonald to recommend approval of the project as presented.

Commissioner Griffith seconded the motion.

The motion passed unanimously by a roll call vote of 4-0. (Commissioners Mulder and Riojas absent)

**4. Task Force on Inclusivity Recommendations**

**4a. Discussion on incorporation of the Task Force on Inclusivity report recommendations.**

Chair Majewski noted that since the April 13, 2022, PRS meeting, the draft of the “Best Practices for Naming of City- and County-Owned Physical Assets” was “cleaned up” and will be sent for internal review shortly, with the goals of the three-person working group addressing comments and PRS review on May 28 and then presenting it to the full commission at their June meeting.

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

**5a. Minor Reviews**

Staff Taku reported that Commission Mulder assisted with the following reviews on April 27: 318 E. 13<sup>th</sup> Street for reroofing with replacement shingles (Armory Park HPZ), 75 E. 5<sup>th</sup> for replacement of roof shingles and 825 N. 3<sup>rd</sup> Avenue for roof shingles and a retaining wall, both in the West University HPZ. For the latter case, the applicant must return for full review to both the HPZ Advisory Board and PRS regarding chimney and a change of window to door. A fourth review was scheduled on April 27 at 112 E. 1<sup>st</sup> Street in the West University HPZ, but the owner did not show up.

Commissioner Ireland will assist with three upcoming minor reviews on 4/29/22 for signs at 61 E. Congress, 311 E. Congress, and at 14 S. Arizona Avenue.



**5b. Appeals**

Staff Taku noted that there are no current appeals.

**5c. Zoning Violations**

Staff noted that there are ongoing and pending cases being worked on for compliance and/or in the review process, and that staff is working with their zoning violation code enforcement liaison.

**5d. Review Process Issues**

Chair Majewski asked Staff Brown if she had heard anything new regarding whether PRS meetings were returning to in person. She has not heard anything new.

**6. Summary of Public Comments (Information Only)**

The two public comments received for Item 3a were read into the record when the case under Item 3a on was heard. No other comments received.

**7. Future Agenda Items for Upcoming Meetings**

For the May 12 meeting, there will be an IID project (Illegal Pete's shade structure). For May 26, there will be a courtesy review of the El Presidio Fountain, and the Capstone project in June.

The next scheduled meeting is May 12, 2022. PRS meetings to be conducted virtually until further notice.

**8. Adjournment**

Meeting adjourned at 3:03 P.M.