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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, May 19, 2023, 7:30 a.m.**

**Location: Meeting was held virtually using Microsoft Teams**

<b>1. Call to Order / Roll Call</b>	<b>7:34 AM</b>
Paige Anthony	Present
Rosemary Bright	Present
Caryl Clement	Absent
Susannah Dickinson	Absent
Nathan Kappler	Absent
Grace Schau	Present
Chris Stebe	Present

**A quorum was established.**

- 2. Review and Approval of the 2/24/2023 LAR and Meeting Minutes** **Action Taken**  
Motion was made by Member Schau to approve the LAR and draft minutes of February 24, 2023. Motion was duly seconded by Member Bright. All in favor. Motion passed 4-0.
- 3. Call to the Audience**  
No speakers were present.
- 4. Activity # [SD-0423-00042](#)**  
**Related Activity # [TD-DEV-0423-00221](#)**  
**Modification to Previously Approved Design Package – Façade Modifications**  
**[130 E Congress St \(Parcel # 117150010\)](#)**  
**C-1 Zoning**  
**Rio Nuevo (RNA) Review**

Staff introduced the project, the applicant presented and provided the following clarifications to questions posed by the DRB:

- a) The changes to the façade to add the window alcoves occurred during the period of significance, as numerous changes were made during the building's history. The proposed project will restore the building to its original design;
- b) The windows will be made of clear anodized aluminum, while the base will be made of rolled steel and the stucco will be painted to match the rest of the building; and
- c) There will be socket lighting on the interior of the building, but no additional lighting on the exterior.

Motion was made by Vice Chair Stebe to recommend to the PDSO director approval, finding the project in compliance with the building design standards set forth in UDC sections 5.12.7.C.1-15 and 5.12.7.D. The motion was duly seconded by DRB Member Schau. Motion passed by a voice vote of 4-0. Motion passed unanimously.

**5. Activity # [SD-0523-00050](#)**

**Related Activity # [TC-COM-0423-01158](#)**

**Façade Modifications for Chase Bank**

**[1 E Congress St \(Parcel # 117120310\)](#)**

**OCR-2 Zoning**

**RNA Review**

Staff introduced the project, the applicant presented and provided the following clarifications to questions posed by the DRB:

- a) The south elevation was chosen to allow adequate room on the interior building to service the ATM equipment. There is an existing column that would not allow enough room if the ATM was placed on the west elevation;
- b) The applicant will look into shade provisions for the ATM equipment; the corporation has a standard awning piece that can be placed above the ATM;
- c) The paint will match the existing colors of the building; and
- d) The blue panels around the ATM are no longer being used, the new ATM will be the silver color.

Staff provided the following clarifications to the DRB:

- a) A permit will be required to remove the existing ATM. Since removing the ATM will involve changes to the exterior of the building, that project will need to go through a Rio Nuevo Area review, involving PRS and DRB. However, this proposal is focused on 1 E Congress.

Motion was made by DRB Member Bright to continue this case, requesting the applicant to return to the DRB once shade possibilities are explored to revisit compliance with shade requirement. Motion was duly seconded by DRB Member Anthony. Motion passed by a voice vote of 4-0. Motion passed unanimously.

**6. Activity # [TP-DDO-0323-00001](#)  
Related Activity #s [DDO-23-08](#), [DP22-0276](#)  
Agave Sun LLC New Multifamily Development  
4441-4459 E Bellevue St  
R-2 Zoning  
Development Design Option (DDO) Appeal**

Staff introduced the appeal and the appellant presented the reasoning behind the filing of the appeal.

Staff provided the following clarifications to questions posed by the DRB:

- a) PDSB did receive a letter of opposition from the appellant during the DDO process;
- b) PDSB conducted the standard public notification of decision for this project, involving mailings to property owners and neighborhood association, giving those notified the opportunity to submit in written form any opposition to the proposal;
- c) Based on some of the comments from the opposition, the DDO decision includes to have all outdoor lighting to be pointed directing away from any adjacent residences;
- d) There is also a fire-rating requirement as well due to the nearby location of the of the wall itself;
- e) The proposed setback of the multifamily units themselves is 5 feet from the east and west property lines; the required setback per code is 14 feet 9 inches;
- f) The proposed setback from south property line is 13 feet; the required setback is 20 feet from street property line;
- g) Project will need to comply with lot coverage and landscape requirements, which would include a 10-foot landscape buffer along the street side; these requirements would need to be met at the development package review process, which may require the applicant to modify the footprint of the buildings;
- h) Floodplain and fire protection concerns will be part of the development package review; DDO approval includes an additional 1-hour firewall on the east and west sides;
- i) Multifamily development includes 3 residential units or more;
- j) The patios will have a post and a roof covering them; the 1'6" setback is from property line to the posts; two feet of the overhang can be located within the setback requirement;
- k) When reviewing the DDO application, PDSB looked at properties around the project, includes properties just south of the site as well, which did set a precedent for multifamily development with reduced setbacks;
- l) Applicant can pursue an administrative approval for the reduction of the parking area access lane (PAAL) to 20 feet in width; if there is any issue with ingress/egress and the turn-around for fire vehicles access, the applicant will need to address it during the development package review process; Tucson Fire will be a reviewer;
- m) The applicant will need to continue refining their development package; if there is a reduction greater than what is has already been previously decided on, another DDO application may need to be filed;
- n) An overturned appeal on the DDO decision would force the project into a variance;
- o) The property is allowed to have 12 units by the zoning of the property; there is no requirement for the

- square footage if each unit;
- p) There are no second-story windows facing the adjacent properties to the east and west;
  - q) The project provides 8-inch deep streetscape areas for water harvesting and drainage;
  - r) The DDO approval does not include the reduction of the streetscape from the required 10 feet width to 5 feet; the applicant is proposing to locate 5 of the 10 feet requirement within the right-of-way, which is allowable;
  - s) The project has not been previously denied a variance, is not requesting a change of land use, is not a condition of approval for rezoning or special exception land use application, and is not utilizing an FLD;
  - t) The maximum height permitted in the R-1 zone is 25 feet;
  - u) Project is not requesting wall height modifications.

Motion was made by Vice Chair Stebe to recommend the Board of Adjustments to modify the PDS Director's decision to approve TPO-DDO-0323-00000, finding item 1 to allow the front street perimeter setback to be reduced in compliance, and items 2 through 5 regarding the side perimeter setbacks to be reduced not in compliance with the criteria established in UDC Sections 3.11.1.D.1&2, with the following observation: UDC Section 3.11.1.D.1.f is not met by items 2 through 5 in the DDO approval; it is a condition of the design provided, not the actual physical site or conditions of the site requiring these modifications. The motion was duly seconded by DRB Member Bright. The motion passed by a voice vote of 4-0. The motion passed unanimously.

## **7. Staff Announcements**

### **Informational**

There is a case in the Rio Nuevo Area that will be scheduled for review at the June 16, 2023 DRB meeting. Also the 17-story multifamily development at I-10 and Broadway, has submitted a Development Package for review, which will require the formal review by the DRB against Rio Nuevo Area standards.

## **8. Adjournment**

Meeting adjourned at 10:24 AM.