



# MINUTES

## HISTORIC PRESERVATION COMMISSION

### SEPTEMBER 11, 2024

Minutes of the regular hearing of the Historic Preservation commission, of the City of Tempe, which was held in hybrid format in person at City Council Chambers, 31 East 5th Street, Tempe, AZ, and virtually through WebEx.

#### Regular Meeting 6:00 PM

**Present:**

**Staff:**

Kyle Woodson	Jeff Tamulevich, Comm Development Director
Mariah Justice	Ryan Levesque, Deputy Director, Comm Development
Erin Davis	Zachary Lechner, Historic Preservation Officer
Kristie Melcher	Ambika Adhikari, Principal Planner, Comm Dev
Reylynne Williams	Brenda Abney, Tempe Museum Manager, Comm Ser
Kiyomi Kurooka	Jennifer Daniels, Admirative Assistant II, Comm Dev
Kathleen Lamp	
Jean Robinson	

**Native Land Acknowledgement Statement:** We wish to acknowledge that Tempe is the homeland of the Native people who have inhabited this landscape since time immemorial. These ancestral lands of the O’odham (known as the Pima), Piipaash (known as the Maricopa), and their ancestors extend far beyond our city. This land continues to be spiritually connected to the O’odham of the Salt River Pima-Maricopa Indian Community and Gila River Indian Community. We accept the responsibility of stewarding those places and solemnly pledge to consider this commitment in every action.

- 1) **Call to Audience:** Persons wishing to address the Commission on any matter may do so at the discretion of the Chair. However, Arizona Open Meeting Law Limits Commission discussion to matters listed on the posted agenda. Other topics may be placed on a future agenda for discussion.

- 2) **Voting of the Meeting Minutes for July 10 2024**

Commissioner Williams stated that she did not see the need for any corrections or edits to the meeting minutes.

**Motion** by Commissioner Davis to approve Meeting Minutes for July 10, 2024; second by Commissioner Lamp. Motion passed on **7-0** vote.

**Ayes:** Chair Woodson, Commissioners Davis, Williams, Kurooka, Melcher, Lamp, and Justice

**Nays:** None

**Abstain:** Commissioner Robinson

**Absent:** Vice Chair Fackler

- 3) **Approval of Agenda**

Approval of agenda by Chair Woodson.

**5) Request for Certificate of Appropriateness to replace original aluminum slider windows with vinyl windows on the home at 1630 East 12<sup>th</sup> Street, a contributing property in the Borden Homes Historic District, a Tempe Historic Property Register-designated historic district. The applicant and presenter is John Mirata. (PL240304/HPO240006)**

*This agenda item was moved to #5 because the applicant was not present when the item was first introduced.*

Mr. John Mirata, homeowner of 1630 East 12<sup>th</sup> Street, gave a presentation. Mr. Mirata stated that when he purchased the home, he completed a remodel. He and his brother were unaware that the home was in a historic district. The interior of the home was painted, and the exterior was cleaned up. There was one broken window on the home, so a decision was made to replace the single-pane aluminum windows with dual-pane vinyl windows. They are the same style. Mr. Mirata said he is requesting that the Commission allow him to keep the home's existing replacement windows.

Chair Woodson asked if the first photo in the presentation is the old aluminum slider windows. Mr. Mirata said yes, the photo was taken by someone else. He did not have original pictures.

Commissioner Robinson asked for confirmation that nothing about the windows was changing, other than going from from aluminum to vinyl. Mr. Mirata stated that is correct.

Commissioner Justice asked, beyond the broken glass, was there anything wrong with the aluminum sliders? Mr. Mirata stated, no, other than not being energy efficient. Commissioner Justice said that in pictures it looks like they may have had low e-coating on them. Mr. Mirata said he would not know what to look for as far as a coating on the glass. Commissioner Justice stated that the low e-coating gives windows a green tint or sea-glass color.

Commissioner Kurooka stated that the original windows from the 70s were just plain glass. She said she recalled another historic building on Mill Avenue that put in vinyl windows that were not permitted. This home is in a historic district in the local but not National Register. The homeowner should be able to keep the windows if a historic Mill Avenue building can keep the vinyl windows. It seems unfair to make him replace them. It seems the color change has more impact than the window itself. Mr. Mirata stated that they had the exterior brick sandblasted. There are several homes on the street that have this look. We wanted to tie in with the existing neighbors' homes directly to the left and across the street, he said. Commissioner Kurooka stated that the color is not in question tonight.

Chair Woodson asked Dr. Lechner to clarify the home's contributor status. Dr. Lechner stated the Borden House Historic District is listed in both the National Register of Historic Places and the Tempe Historic Property Register, but this specific property is only considered a contributor to the local district. The National Register listing excludes this home because it falls outside of the late 1940s to late 1950s period of significance for the neighborhood. Dr. Lechner said he asked Mr. Joe Nucci, the Tempe Historic Preservation Officer when Borden Homes was designated as a local historic district, and asked him why this particular house was included as a contributor; Mr. Nucci said he couldn't recall. Dr. Lechner said it's possibly because the home's exterior mostly ties into the design of other contributors in the district. The staff recommendation is to grant the Certificate of Appropriateness because while there is some loss of historic integrity with the replacement windows, it is minimal. Dr. Lechner said he's also not convinced that this home should be a contributor to the district.

Commissioner Melcher said she agrees with what Dr. Lechner stated. I have sold in a lot of historic districts in the city of Pheonix, she stated. The tide has changed, and it used to be a big deal to change the windows in historic districts, but that has changed. The old windows were not energy efficient and the heat in Arizona can damage the aluminum part of the seal.

Commissioner Justice asked Dr. Lechner if there is a way HPC can work with realtors in the area to come up with a process or some information so that property owners are aware they're buying a home in a historic district? Dr. Lechner stated that this is something staff has talked about in the past. Staff has sent post cards/letters to homeowners talking up the benefits of historic preservation in historic districts. These communications also had the intent of reminding property owners that they live in a historic district and what that means. One of the recommendations in the City's updated Historic Preservation Plan is to provide documentation to the Maricopa County Recorder's Office to indicate that the home is located in a historic district. It turns out that this is not legally permissible, according to the City Attorney's Office. Since then, the HPO has been looking for ways to inform prospective home buyers that a property is listed at either the national or local level. Dr. Lechner said he is open to feedback. Justice stated she has some tools from her time at the Florida State Historic Preservation that she'll provide. Commissioner Melcher asked if the applicant was represented by a realtor in the transaction for the home. Mr. Mirata stated, yes. Commissioner Melcher asked if they gave him a Seller Property Disclosure Statement? Mr. Mirata said that was more than likely. Commissioner Melcher said that when realtors list a Phoenix property or when they are representing a buyer, they have tools at their disposal, such as a City of Phoenix map of all the historic districts. There is a Sellers Property Disclosure Statement that the current homeowner must fill out to disclose, for instance, if the home is in a historic district or not. The Buyer's Advisory is given to every buyer and has links to everything from crime statistics to whether it is in a historic district. Commissioner Melcher said she doesn't know if there is anything for City of Tempe. She said it would be a great resource to talk to the local Realtors Associations about.

**Motion** by Commissioner Lamp to approve the applicant's request for a Certificate of Appropriateness to replace all original aluminum slider windows with vinyl windows on the home at 1630 East 12<sup>th</sup> Street, a contributing property in the Borden Homes Historic District, a Tempe Historic Property Register-designated historic district, contingent on compliance with recommended conditions of approval; second by Commissioner Melcher. Motion passed on **8-0** vote.

**Ayes:** Chair Woodson, Commissioners Davis, Williams, Kurooka, Melcher, Lamp, Justice, and Robinson

**Nays:** None

**Abstain:** None

**Absent:** Vice Chair Fackler

**4) Presentation on the City of Tempe University Drive and College Avenue Grade Separated Crossing project. The presenters are Shelly Seyler, City of Tempe Deputy Transportation and Sustainability Department Director, and Chase Walman, Principal Planner, Transportation and Sustainability Department.**

Mr. Chase Walman, Principal Planner with the Transportation and Sustainability Department, gave a presentation on the University Drive and College Avenue Grade Separated Crossing project. The project began in 2019 with an ASU-commissioned study of grade separating three high pedestrian volume intersections. The areas included Rural & Terrace, 6<sup>th</sup> & Rural and University & College. The City of Tempe selected the intersection of University and College to compete for federal grant funding in 2022. The City was awarded funding for to complete the final design and construction, either of an underpass or pedestrian bridge. Bowman Consulting Group was selected as the design group for the project. Bowman's subconsultant is the Smith Group.

Mr. Jay Yenerich, Project Manager with Bowman, gave a presentation on the intersection showing different sites around the intersection. This intersection serves up to 1,000 students during a peak hour or 10,000 students crossing in a day. Bowman is tasked with the possible relocation of utilities underground if the tunnel option is selected. There are approximately 12 known utilities in this corridor.

Mr. Scott Nye with Smith Group gave a presentation on the options for the pedestrian bridge and tunnel. Option 1 is a bridge. The bridge must clear 17 feet along University Drive, so the structure needs to be

about 20 feet tall. Exploration of this option includes determining where the ramp can land on the North and South end.

The next two options are labeled as 2A and 2B; both are directional underpasses. Option 2A creates a straight line of visibility from above. Minimizing how many walls are used will allow for more visibility. The tunnel will go down approximately 11 feet. Chair Woodson asked if the north ramp shown on the slides has a stair entry. Mr. Nye states there would be a small jump stair. Option 2B is similar. The difference is the tunnel on the north side, which ends up on the east side of College Avenue. There are stairs and a ramp to enter the tunnel on both sides. The right of way on the east side of College Avenue is much smaller. College Avenue would need to be shifted and realigned for this option. The line of sight is not straight through the tunnel on the 2B option. Option 3 is the Y tunnel. There would be access points on both sides of College Avenue. Mr. Nye said that eventually they will bring in an artist to work design lighting or a well-lit piece of art in the area. The goal is to entice people to go into the tunnel and still feel safe. Commissioner Robinson asked if students and staff will continue to be able to cross the roadway at this point. Mr. Walman stated that at this time the City anticipates maintaining one north-south crosswalk on University Drive. Staff is certain that the City will still be maintaining an east-west crosswalk on the north side of University Drive. Mr. Nye stated that the discussion has included consideration of whether a barrier would be needed if the intent is to discourage people from crossing there. Commissioner Robinson asked if the tunnel would be air conditioned. Mr. Nye said no, it will not be. Whether it is a bridge or a tunnel, it is a great opportunity to integrate landscape into the ramps or onto the bleachers/stairs in a way that would soften the appearance of the concrete.

Mr. Walman discussed the additional outreach that was conducted for this project, including to other Boards/Commissions and at a public meeting. All recommendations will be taken to City Council. He asked HPC members to rank order the four options.

Commissioner Melcher asked, regarding the tunnel option, what are the plans for safety besides lighting? Will there be cameras? Mr. Walman stated that is a priority for this project. His team received initial feedback from the Crime Prevention Through Environmental Design (CEPTED) staff as well as from the Tempe Police Department (PD). Mr. Walman said they have not settled on lighting yet. Staff did receive some standards for best practices for the CEPTED principal. They received lighting standards from Tempe PD, and they have proposed cameras as well as blue call boxes. Commissioner Melcher asked if Tempe PD brought up any concerns about the unhoused population living in the tunnel. Mr. Walman said that Tempe PD did not bring up any concerns about that scenario. The City has resources to assist unhoused people, such as the HOPE Team. Staff will continue to work with CEPTED staff on other principles design principles. Commissioner Melcher asked about construction timeline for the various options. Mr. Walman stated the construction timeline will be dictated by the contractor. Staff is anticipating that the bridge would require the shortest timeline. Mr. Yenerich confirmed that the bridge would be the quickest to complete. The other alternatives require the utilities to be moved out of the way first. A tunnel would be a much more involved process. Commissioner Melcher asked about options on the bridge for people with disabilities. Mr. Yenerich stated the bridge design has a wheelchair ramp available.

Commissioner Davis asked where they are on cultural resource studies. This site is adjacent to a large archaeological site. The tunnel and the bridge would cause some surface disturbances. Mr. Yenerich stated he had a meeting today about that topic. They are currently working with City staff and ADOT. They will ensure that the cultural resources are reviewed. If it is a cut and cover (tunnel option), the contractor would be required to have an archaeological monitoring on hand should a cultural resource discovery occur.

Commissioner Kurooka stated that she would not use any of the underground options at night alone. Have you reviewed what happened at the Camelback and 24<sup>th</sup> Street tunnel, she asked? Do people use it at night? Mr. Yenerich stated that it is being used a lot. They installed fencing there to encourage people to use the underpass. He said he's heard it is successful. Mr. Walman stated that it is well-used and well-lit. Staff will strive to have a wider environment, one that's well-lit and comfortable. Commissioner Kurooka asked if it is possible to place a hole (e.g., a skylight) in the middle of the underpass that might make it feel safer. Commissioner Kurooka then asked if there is only one bridge option. Mr. Yenerich stated that there is

a façade in the way of the Fulton Center and the City-owned right of way that is much greater than on the Newman Center side. Commissioner Kurooka stated that since St. Mary's Church is historic, it would have less visual impact to place the bridge on the Fulton Center side. Commissioner Kurooka asked if the designer could incorporate more shade with the bridge option. Mr. Yenerich stated that he's heard that feedback and will probably take that under advisement at least over the roadway itself.

Commissioner Justice stated that she would not feel safe walking across the bridge or in the tunnel at night. While this should be a concern, it should not determine the design. In terms of opacity, what would be the idea behind the design of the railings, Commissioner Justice asked? Mr. Nye stated that they received feedback that most of the bridge obstructs views of the historic building. If they were able to use something like cable railings that felt more open, it would not feel as obstructed. Commissioner Justice asked if cable railings would meet life and safety requirements. Mr. Nye stated yes.

Commissioner Robinson asked if there was any way to shorten the length of the ramp on both the tunnel and bridge, by either providing a lift for wheelchair access or through another method. Mr. Walman stated that based on the feedback staff received, staff was intentional about maintaining the access on College Avenue. There was a limit of how long the run could be, which is why you see the switch back ramps. It is dictated by the acceptable slope for ADA accessibility. Staff did receive feedback from Tempe PD and CEPTED staff about the alternative to an elevator; it is not recommended at this time. There were concerns about calls for service and limiting access to the elevators by time or badge access. It would be hard to restrict access to a public right of way. While it has not been ruled out, it is not being recommended at this time. Commissioner Robinson stated that if you look at the current bridges over University Drive, they do not have the ramping around because of the elevations they come in and off. A graceful exception will only be acceptable with ASU. If you limit the width of College Avenue going north, it is going to cause all kinds of issues with using that road. Commissioner Robinson said she's surprised there is only one bridge option. She said she looked at the concept images and saw the Highline in there and other very graceful bridge appearances. The Highline is not so attractive on the lower level. For a bridge, you want something that is very clean and doesn't obstruct the architecture surrounding it. It seems that from a historic preservation perspective, you would want to maintain the views to any building that is being preserved. Entrances and exits to buildings are very well thought out. Tunnels do feel very unsafe to me, she said. The Hayden lawn has an underground entrance, but it is open, and there is a lift or elevator there for wheelchair accessibility. Tunnels are prime for vandalism and hiding. Commissioner Robinson said her concerns are related to visuals and safety. Mr. Yenerich stated that the tunnel itself is 20 feet wide and almost 10 feet tall. It should feel open. The ramp will be about 12 feet wide going up. The sidewalks will be reduced to 8 feet wide. Alternative 3 would make the sidewalks much narrower because it would feature two ramps. Commissioner Robinson stated that her concern with the length of the ramps is that students will do anything to shortcut their path. If it is lengthy, they will cross the road. Will there be an option to cross on the surface, she asked? If it is not a real amenity, people will not use it. She said that she would suggest reducing the length, if possible. Cady Mall is one of ASU's most picturesque malls, and it is highly prized. To have something like this at the end, with the church and Fulton Center, it would look cluttered.

Chair Woodson asked if ASU commissioned the study. Mr. Walman stated that is correct. Chair Woodson asked if ASU has already reviewed designs Mr. Walman stated that yes, the University was a part of the initial stakeholder feedback. They are a key partner of the core team. The City is continuing to get ASU feedback as well. Commissioner Robinson asked if they have received input from Byron Sampson, Associate Director of the Office of University Architect or Joe Lisiewski, Assistant Vice President and University Architect. Mr. Walman stated yes. Mr. Sampson and Mr. Lisiewski were part of the scope development side as well as the selection process for the consultants.

Chair Woodson asked if Mr. Walman would like the Commission to rank the four options. Mr. Walman stated that is correct. Chair Woodson asked, with your anticipated budgets, would all four of these options be feasible? Mr. Walman stated that at this time they only have a rough order of magnitude for the costs. The City does have the program funding for the alternatives programmed into the 5-year CIP. The City is pursuing additional grant funding. Chair Woodson asked, have you looked at other examples of bridges versus tunnels and their effect on pedestrian behavior? Is there any indication of which would be a better

option? Mr. Walman stated he is unable to speak on that matter but that the preliminary 2019 study recommended a tunnel or overpass.

Chair Woodson, Commissioner Justice and Lamp voted for a preferred ordering of 2A, 1, 2B, and 3.

Commissioner Melcher, Williams, Davis, Robinson and Kurooka voted for a preferred ordering of 1, 2A, 2B, and 3.

Commissioner Melcher said that she would echo what some of the other women on the Commission said and would not walk in the tunnel due to safety concerns.

**6) Update on the City of Tempe's accessory dwelling unit (ADU) draft ordinance and discussion of proposed historic preservation-related language for the ordinance FAQ user guide. The presenters are Ryan Levesque, Deputy Community Development Department Director—Planning, and Zachary J. Lechner, Historic Preservation Officer.**

Mr. Ryan Levesque, Community Development Deputy Director--Planning gave a presentation on the ADU draft ordinance. He said the Planning Division wishes to draft some language that might allow the Historic Preservation Officer to administratively accept certain types of ADU requests or establish a standard that would necessitate HPC review. Staff presented the draft ordinance language to the Development Review Commission, where it received a unanimous vote of consent (7-0). The proposed ordinance would allow any property designated as a single-family dwelling to have one attached and one detached ADU. The proposed ordinance would also allow for properties of one acre or more to have a third ADU. The owner would have to agree to designate one of the three ADU units to be affordable income restricted. That means that they would have to offer it for rent to someone who meets affordable income requirements. The City would be responsible for monitoring that ADU and ensuring that it remains an affordable-restricted unit. There are only approximately 230 properties in Tempe that meet or surpass the one-acre size threshold. The maximum ADU size requirement is 1000 square feet or no more than 75% of the main residence's footprint. ADUs do have to comply with setback requirements. The state is giving an allowance for setbacks of no more than 5 feet from the property lines. The state law precludes the City from requiring or instituting any form of design review. The City cannot impose materials or design requirements. This restriction would not prevent review of proposed ADUs on Historic-overlay properties.

Commissioner Robinson asked, did you say the City has no jurisdiction or ability to contribute comments to what a proposed ADU looks like? Mr. Levesque stated that the state law language states that no municipalities shall regulate the design materiality of the unit. (HPO note: The law states that a municipality may not "require that an accessory dwelling unit match the exterior design, roof pitch or finishing materials of the single-family dwelling that is located on the same lot as the accessory dwelling unit.") Mr. Levesque said this does preclude HOAs or CC&Rs from creating greater restrictions on a property.

Dr. Lechner gave a presentation on the proposed the Historic Preservation language for the FAQ user guide for ADU ordinance. It includes that the ADU must sit entirely behind the historic home, have a lower roof line than the historic home, and meets ADU square footage requirements. Utilize a design, connection to the historic building, paint color and building materials. It needs to be determined whether this can be something that can be approved by the HPO and issued a Certificate of No Effect. The proposed language repurposes language pertaining to Certificate of No Effect-eligible "minor work" that was approved by the HPC in 2010.

Commissioner Robinson said the language states that if ADU should sit entirely behind the historic home and is not visible from the street, but have you considered what happens on a corner lot? Dr. Lechner stated that he would clarify that. Perhaps such requirements would not be imposed on a corner lot. Dr. Lechner asked if Commissioner Robinson would be interested in putting in language that exempts corner lots from some of the proposed requirements. Commissioner Robinson stated that it depends on what the goal is. If the goal is for the ADU not to be seen at all, then that would exclude a corner lot from having an ADU. Dr. Lechner stated the state law will not allow the City to do that. Mr. Levesque gave an example, saying that

there are zoning code requirements requires the screening of a bay door or parking lot screen walls. From a code standpoint, in the case of a bay door, Planning only requires that screening element to be directly in front of the door. Planning doesn't penalize the property owner them if a person would have a side-angle view of the property in which if they can still see the bay door. HPC may want to consider revised language that addresses the visibility of the ADU from the front elevation so the property is not dinged if the ADU is visible from a corner or a secondary street side. Mr. Ambika Adhikari, Principal Planner, Community Development, said that including language that specifies that review of the ADU that determines if it is visible from the street would cover corner lots. Mr. Levesque said, "the street front," in clarification.

Commissioner Justice asked if there was a way to edit the language to better match Secretary of the Interior's Standards (SOI) 9 and 10. Referencing the 4<sup>th</sup> point, she said we don't really pay attention to paint color because it is something that can be changed so frequently. Is there a way we can use language more suited towards "compatible yet distinct" for that point? Language to do with differentiation of massing for the addition, and maybe reference SOI standard 3 specifying that the new structure can't completely blend into the historic property but that it needs to be differentiated? Dr. Lechner asked if Commissioner Justice would be willing to work on revising the language. Commissioner Justice stated yes. She said the goal should be that if a property owner comes to this commission and because their proposed ADU does not meet the requirements for a Certificate of No Effect, they will already know what the SOI requirements are.

Chair Woodson asked if Dr. Lechner will share the revised language through email with the Commission. Dr. Lechner stated that if the Commission is agreeable, he will send the revised version to the Commission. Any additional feedback will be incorporated.

## 7) Chair/Staff Updates and Announcements

Chair Woodson has no updates.

Dr. Lechner stated that at a recent meeting the HPC had recommended adoption of the HPO proposed revisions to the HP ordinance. The 1<sup>st</sup> hearing was held with City Council on August 26<sup>th</sup>. At that time the Mayor and Council did not have any comments. The 2<sup>nd</sup> hearing will be on September 19<sup>th</sup>. That is when a vote will take place. The resolution on adopting the Asians and Asian Americans in Tempe historic context study was recommended by HPC, was adopted by the Mayor City Council on August 26<sup>th</sup>. The Hackett House redevelopment site for request for proposals, no proposals were received for that request. What that means is that the Mayor and Council will meet again on the 19<sup>th</sup> to determine the next steps. At that time, they may reissue the RFP or make changes to it. We will see what the Council decides to do with that site. We have not received any future information on the Gonzales-Martinez House from the developer on design plans. The Phase II Environmental Survey Assessment is still the next step on the site. The contractor is in the process of bringing on a new archaeological subcontractor. I do not know when Phase II will kick off but once it is completed it will provide a lot of useful information.

Chair Woodson asked for an update on the Hayden Flour Mill and Silos and the National Register of Historic Places nomination. Do you have any updates on where that might be? Dr. Lechner stated that the last he heard was that it was undergoing revisions. The applicant would let Dr. Lechner know when it was going to be submitted to National Park Service. I have not heard from them. I will periodically do a search on the National Park Service website. The Keeper of the Register can take up to 45 days to review a nomination once they receive it. I will let you know as soon as I hear something. I will follow up with the applicant. Chair Woodson asked if the applicant was going to a local Historic Sites Review Committee after seeing the HPC? Dr. Lechner said yes. The committee did approve it as long as some revisions were done before giving it to The Keeper of the Register.

Ms. Brenda Abney, Tempe Museum Manager gave a update on activities that will be taking place at historic houses in Tempe this fall. There are 4 houses that will be featured this season. The Peterson House, Hayden House, Ellas-Rodriguez House and Elsendrath House. The events are free and open to the public. The exhibit called Extending a Hand, Cesar Chavez and Arizona Connection only has 3 weeks left before it closes.

Meeting Adjourned by Chair Woodson.

Hearing adjourned at 8:02 PM.

Prepared by: Jennifer Daniels, Administrative Assistant  
Reviewed by: Zachary Lechner, Historic Preservation Officer  
jd:zl