



MINUTES

HISTORIC PRESERVATION COMMISSION

August 10, 2022

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 convened at 6:04 PM

Present:

Staff:

Kyle Woodson	Zachary Lechner, Historic Preservation Officer
Gregory Larson	Ryan Levesque, Deputy Director, Com Dev
Chris Garraty	Ambika Adhikari, Principal Planner, Com Dev
Elizabeth Gilbert	Jennifer Daniels, Admin. Assistant II, Com Dev
Laurene Montero	Joanna Barry, Admin. Assistant II, Com Dev
Kiyomi Kurooka	
Reylynne Williams	
Jim Garrison	
Brenda Abney, <i>ex officio</i> member	

- 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.

One member of the public was present at the time of the Call to Audience. Two members of the public later joined the meeting in person.

- 2) Voting of the Meeting Minutes**

Commissioner Williams noted on page 2, 11th sentence, there is an unnecessary period after classical music and that on page 3, last paragraph, 7th line, there are two periods after the phrase "access barriers." Commissioner Montero noted she did not recall hearing it stated that homelessness in Tempe had increased 35%. Review of the July meeting recording confirmed that this statistic was stated.

Motion by Commissioner Garraty to approve the amended Meeting Minutes of July 13, 2022; second by Commissioner Larson. Motion passed on **8-0** vote.

Ayes: Kyle Woodson, Chris Garraty, Elizabeth Gilbert, Kiyomi Kurooka, Laurene Montero, Reylynne Williams, Jim Garrison, and Gregory Larson

Nays: None

Abstain: None

Absent: Dave Fackler

- 3) Approval of Agenda**

Motion by Commissioner Larson to approve the August 10, 2022, agenda; second by Commissioner Garraty. Motion passed on **8-0** vote.

Ayes: Kyle Woodson, Dave Fackler, Chris Garraty, Elizabeth Gilbert, Kiyomi Kurooka, Gregory Larson, Laurene Montero, and Reylynne Williams

Nays: None

Abstain: None
Absent: Dave Fackler

4) Zoning Map Amendment

Neighborhood meeting regarding request for a zoning map amendment from AG, Agricultural Zoning District, to AG(H), Agriculture with a Historic Overlay Property Designation, for Guadalupe Cemetery, located at 4649 South Beck Avenue. The applicant is the Town of Guadalupe. Dr. Karl Hoerig will facilitate the neighborhood meeting. **(PL220196)**

Dr. Karl Hoerig gave a brief presentation on the history of the Guadalupe Cemetery.

Chair Woodson called to the audience for comment.

Mr. Victor Linoff stated that designation for the Cemetery is something that should be considered. Guadalupe Cemetery and the Yaqui tribe have been a large part of the Tempe community. Based on its history and association with the city, Mr. Linoff recommended the cemetery be designated as a local historic landmark.

Chair Woodson asked that Dr. Hoerig repeat the results of the Guadalupe Cemetery National Register of Historic Places nomination review by the State Historic Preservation Office. Dr. Hoerig stated that all the members of the Historic Sites Review Committee that were present at the time of the meeting voted in favor of forwarding the nomination on, with strong positive comments. Chair Woodson asked if Dr. Hoerig knows the timeframe for that process to play out. Dr. Hoerig stated he was not sure; however, the indication he received from the Historic Preservation Office was that it could be up to 3-4 months. Dr. Hoerig said he is doing final consultations with his colleagues at the Four Southern Tribes.

5) Zoning Map Amendment

Request for an approval of zoning map amendment from "R-2(H), Multi-Family Residential District with a Historic Overlay" to "R-@, Multi-Family Residential District" and removal of a portion of the Historic Overlay Property Designation from the new rear lot within +/-0.08 acres for the **Butler (Gray) House** property, located at 1220 South Mill Avenue. Applicant is the City of Tempe, with presentation by Ryan Levesque. **(PL220161)**

Mr. Ryan Levesque, Deputy Director—Community Development, gave a brief presentation on the Butler (Gray) House. He outlined the proposal leading to an agreement for the City to process and waive the fees for 1) Subdivision Plat and 2) Zoning Map Amendment to remove the Historic Overlay from the rear of the property in exchange for the property owner agreeing to a 5-year Historic Façade Conservation Easement over the property. Any new structure must be 15 feet away from the property line. A neighborhood meeting for the Zoning Map Amendment was held in June. Five residents were in attendance. One member of the public was concerned with the request due to the homeowner supposedly "benefiting from not demolishing the property."

Chair Woodson asked Mr. Levesque if the existing structure had already been sold or if the owner was intending to sell it. Mr. Levesque stated that the property owner did have the property listed for a few months. The house has since been pulled off the market by the owner pending the outcome of the lot split. Once resolved, the owner will then list both lots, which can be purchased either together or individually. Any future buyer for the existing lot will have to adhere to the 5-year Historic Façade Conservation Easement. Chair Woodson asked what could be built on the second lot. Mr. Levesque stated anything from a two-story residence with a garage on the bottom level with approximately 3,000 square feet. Chair Woodson asked why there needed to be two City Council hearings. Mr. Levesque advised that for the City Council to enact a city ordinance change in the form of a rezoning, it requires two public hearings. The first is an introduction with no action taken and the second is the decision.

Commissioner Larson asked what the address would be for the structure built on the back lot. Mr. Levesque replied that it would be 1216 South Mill Avenue. It is intended that there will be an access easement on the north side of the property to allow access to Mill Avenue for the back lot. Vehicle access for the back property will be via the back alley. The owner of the back property will be required to pave the alley leading up to the structure. Commissioner Larson asked that if the back property is purchased, but not the existing structure, would the owner have to pave the entire

alley. Mr. Levesque replied they would only have to pave the part leading up to the structure from 13th Street. Commissioner Larson asked for explanation on the utility easement. Mr. Levesque stated that there will be an access/utility easement agreement between the two properties. Water line access is off Mill Avenue, and the sewer access is off the alley. The current sewer line runs through the middle of the property and will have to be shifted by the person developing the property on the back lot.

Chair Woodson issued a call to the audience for comment.

Ms. Karyn Gitlis, neighborhood resident, stated that she has been a Tempe resident for the last 40 years. She stated that she is distressed about the second property going in that will face the alley, and that building a structure that only has access by the alley is a precedent she does not want set. Chair Woodson asked Ms. Gitlis if the concern regarding access from the alley is more of a priority than having the current structure demolished. Ms. Gitlis stated, "Yes, we could lose two houses not just the one."

Ms. Melissa Westbrook, Tempe resident, stated her concern is that by putting a second structure on the lot, it creates an open door to something happening to the Butler (Gray) House. Ms. Westbrook objected to any action right now and suggested possibly holding off for one year until more research can be done. Chair Woodson asked Ms. Westbrook to be more specific about her concerns about the new lot impacting the Butler (Gray) house. Ms. Westbrook stated that she does not want to see someone purchase the second lot and then demolish the Butler (Gray) House. Chair Woodson asked Mr. Levesque for clarification that if the second lot is purchased, will the buyer not be able to demolish the Butler (Gray) House. Mr. Levesque confirmed that the Façade Conservation Easement would preserve the Butler (Gray) House for five years. Once the Conservation Easement terms out, if someone does file for a demolition permit, they will have to take the item to the Historic Preservation Commission. Chair Woodson asked if someone does file to build a structure on the back lot, would the matter come to the Commission for approval. Dr. Lechner stated that the back lot would no longer be under the historic overlay. The structure would need to be a single-family dwelling unit.

Commissioner Larson asked Dr. Lechner about the extent of the historic overlay that lies on the Butler (Gray) House property and whether it will pertain to neighboring houses. Dr. Lechner replied that the historic overlay only pertains to the Butler (Gray) House property.

Commissioner Garraty stated that due to his being a part of the Historic Preservation Commission, he is not able to rule on the issue of access to the alley. His concern is that we are setting a precedent and is concerned that we are splitting a historic property into smaller properties. Commissioner Garraty asked where the 15-foot rule comes from (i.e., where the new property must be 15 feet from the existing Butler [Gray] House). Mr. Levesque replied that 15 feet is the rear yard setback for the R-2 zoning district. When you establish a new lot line between the properties, both the Butler (Gray) House and a property built on the rear lot would both need to be 15 feet away from the rear lot line. The other setbacks include 10 feet on the sides and the front setback is 20 feet. Dr. Lechner stated that the purpose of this request is to preserve the Butler (Gray) House versus the alternative of demolishing the property. The ideal solution would be to maintain the historic overlay over the entire property. The biggest concern is preserving the house over demolition. It preserves the house and then we can see where things stand in 5 years.

Mr. Levesque responded to the public comments. With development, there is no certainty on what will happen next or in the future. Therefore, we have applications and processes in effect. If this process fails to be completed, we will have to remove the Façade Conservation Easement and we will be at risk of the Butler (Gray) House being demolished. Doing the property split provides an added buffer to the historic property. Chair Woodson asked if there are other properties on the block that have additional structures in the rear of the historic buildings that came before the Historic Preservation Commission. Mr. Levesque stated that most of the other lot split properties were corner lots that have two side streets. The Butler (Gray) House is more unique in that it is more of a middle lot.

Commissioner Kurooka encouraged the City to provide incentives for property owners to preserve their historic homes.

Dr. Lechner stated that in the recent Historic Preservation Plan, it is one of the priorities of the City to investigate providing those types of incentives for owners of historic properties.

Mr. Ambika Adhikari stated that the access from the alley in this situation is not unusual. Most of the cities in the Valley also use alleys. The request is not unreasonable for the compromise that had to be made to not demolish the house.

Motion by Commissioner Montero to approve Zoning Map Amendment for the Butler (Gray) House (PL220161); second by Commissioner Gilbert. Motion passed on **7-0** vote.

Ayes: Kyle Woodson, Chris Garraty, Elizabeth Gilbert, Kiyomi Kurooka, Laurene Montero, Jim Garrison, and Gregory Larson

Nays: None

Abstain: Reylynn Williams

Absent: Dave Fackler

6) Chair/Staff Updates

Dr. Lechner updated the Commissioners on the Gonzales-Martinez House, located at 321 West 1st Street. This is a Historic Eligible property, and it is listed in the National Register of Historic Places. Next to Hayden House, it is the oldest adobe home left standing in the City of Tempe (built in 1880, with additions in the early and late twentieth century). The City owns the home and about half of the lot that it sits on (the rest is state-owned, and the City would like to acquire it). Ultimately, the City wishes to clean up the site and stabilize the home, including the adobe portion, and then redevelop the site with the restored Gonzales-Martinez House as its centerpiece. To that end, the City has already allocated CIP funds for the 2021-2022 and 2022-2023 fiscal years, and the HPO will be applying for further restoration funding, if available, from the NPS's Historic Preservation Fund later this year. On August 8, 2022, contractor Artistic Land Management performed a clean-up and security related tasks at the site that included raising all tree canopies to allow for unobstructed views under and beyond the trees, trimming trees obstructing the sidewalk, cutting down grass and weeds, removing all trash and debris, repairing chain-link fencing, and removing graffiti. The HPO has been in contact with a lighting contractor who will be working on a plan for the possibility of installing security-oriented lighting at the site.

Commissioner Garraty recommended the City consider an archaeological monitor when doing ground-disturbing work. Dr. Lechner agreed with that suggestion. Chair Woodson asked Dr. Lechner to bring this as an actual agenda item before the Commission due to the lot being the 2nd oldest property in the city. Dr. Lechner stated that he would discuss this issue with Chair Woodson.

Dr. Lechner introduced Ms. Jennifer Daniels, the new Administrative Assistant with the Planning Division.

Chair Woodson introduced Ms. Brenda Abney, the Commission's *ex officio* member, who was attending remotely.

7) Current Events/Announcements

Member Announcements

Staff Announcements

Dr. Lechner stated that there is currently one agenda item for the September HPC meeting: a request for a Zoning Map Amendment from AG, Agricultural Zoning District, to AG(H), Agricultural with a Historic Overlay Property Designation for Guadalupe Cemetery, located at 4649 South Beck Avenue. (PL220196)

Mr. Ambika Adhikari introduced himself to the Commissioners.

Motion by Commissioner Larson to adjourn; second by Commissioner Garraty. Motion passed on **8-0** vote.

Ayes: Kyle Woodson, Jim Garrison, Chris Garraty, Elizabeth Gilbert, Gregory Larson, Kiyomi Kurooka, Laurene Montero, and Reylynn Williams

Nays: None

Abstain: None

Absent: Dave Fackler

Hearing adjourned at 7:29 pm.

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

jd:zl