

MINUTES

HISTORIC PRESERVATION COMMISSION

NOVEMBER 18, 2020

Minutes of the regular hearing of the City of Tempe Historic Preservation Commission which was held via Cisco Webex.

Regular Meeting 6:03 PM

| Present: | Staff: |
|-------------------|--|
| Chuck Buss, Chair | Brenda Abney, Museum Mgr |
| Chris Garraty | Steve Abrahamson, Principal Planner |
| Elizabeth Gilbert | Brittainy Nelson, Administrative Assistant |
| Gregory Larson | Alex Smith, Dep Com Dev Dir – Special Projects |
| Laurence Montero | John Southard, Historic Preservation Officer |
| Joe Nucci | |

1) Voting of the Meeting Minutes

Motion by Commissioner **Larson** to approve the Meeting Minutes of October 14, 2020; second by Commissioner **Montero**. Motion passed on **5-0** vote.

Ayes: Chuck Buss, Laurence Montero, Gregory Larson, Chris Garraty, Joe Nucci

Nays: None

Abstain: Elizabeth Gilbert

Absent: Martin Ball, Jim Garrison, Matthew Bilsbarrow

- 2) Request for a Demolition Permit for the 1948 / 1953 First Congregational Church located at 101 East 6th Street (PL200256 / BP202089)

Presentation by Staff, John Southard, Historic Preservation Officer

Mr. Southard informed the Commissioners that the property was listed in the Tempe Historic Property Register as a landmark on February 15, 2001. It was the first landmark property listed. Per section 14A-4(3) reads if a property has achieved significance within the past fifty years, it shall be considered eligible for designation as a landmark if it demonstrates exceptional individual importance by otherwise meeting or exceeding the standard criteria. The request before the commissioners is the first request for a demolition of a designated property. When a permit or other approval is sought from the city demolish or remove a designated property issuance of the permit or approval shall be deferred until after approval has been obtained from the Historic Preservation Commission. In the case of this property it is not in a direct or economic relief that is being sought there is only one criteria in the ordinance that a decision to approve or deny the request shall be based. Which is the property that is proposed for demolition or removal is of no historic or architectural value or significance and does not contribute to the distinctive character of the property. Since this is the first case to come before the commission the commission can act to approve, deny, conditionally approve or continue an application at the public meeting at which it is initially reviewed. If a request for a proposed demolition or removal is denied by the commission, no demolition or removal will be permitted for a

period of no more than 180 days from the date on which the request was denied. During the period of restraint of demolition or removal, the commission and HPO will attempt to secure whatever assistance as may be feasible to affect the preservation of the property. The Staff is recommending denial; the extent buildings and structures on the Tempe Historic Property Register – listed first Congregational church property continue to possess integrity and significance, as defined in TCC 14A-4(2). The property remains eligible for listing under National Register Criterion A, satisfying TCC 14A-4(1). On the staff report there was an error it says that the applicant is the City of Tempe the applicant is Darin Sender of Sender Associates.

Presentation from Applicant: Darin Sender

Ms. Sender informed the Commissioners that this a request for demolition and removal of the entire building site and all structures. Raising the structures to facilitate a structure of a high-rise to go along with the buildings around it. The information in the packet that the Commissioners were given is with the help of Mr. Southard. There is a process identified in the City Code which is why they are asking the HPC for demolishing rights. The process balances the Cities desire to preserve Historic buildings with property owners' rights. Looking for the Commissioners to approve the request to facilitate the development that the owner and her client Sam Gordon has purposed.

Mr. Gordon informed the Commissioners that Wexford Development Company own about 9 properties throughout Downtown Tempe. They began investing in the area about five years ago. The Company has taken a long-term view on the activates in the area. The company has purchased a variety of different properties and is involved in a number of different activates in the area. With the particular property in question the Company has spent a lot of time with the Church Congregation before the property was purchased to understand what the intention was with selling. Once it was clear that the Church wanted someone to build something on the site did a purchase take place. The church is in support of the high-rise being built.

Chair Buss asked the Commissioners if they had any questions for Mr. Gordon or Ms. Sender.

Chair Buss asked what other properties Mr. Gordon has.

Mr. Gordon stated that the Company owns four properties on Mill Avenue. 401 S Mil, 526 S Mill, 425 S Mill, 20 E University. As well as part of the Westend Tempe Hotel the company is not the owner but part of the development group. The Company own the property of Culinary Drop out/ The Yard just Northwest of Mill Ave. There is also a project in chandler. Tempe has been the main area of focus. They are opening an office locally. They are in communication with people on the Council. Involved with several causes and actives in the area. The company is not just a one and done type of group they have taken a very long-term perspective on the City of Tempe.

Chair Buss asked if one of the properties that was mention is 50 years old or more.

Mr. Gordon stated that 401 S Mill is 50 years old or more. Part of 526 S Mill the southern buildings that connect to each other are separate buildings. The southern building that is a two-story building on the corner of 6th and mill is more than 50 years old.

Chair Buss asked what the long-term perspective of the company is.

Mr. Gordon stated that the company does not have one core strategy across the portfolio. There are not plans to demolish every property that was mentioned. Optionality is important. The more options are better than less depending on property values. When the company were acquiring the property, the sellers were wondering about the initiations of the company were as well.

Chair Buss asked if there has been any execution of preservation agreements on the buildings.

Mr. Gordon stated that the company has not done any execution of preservation agreements on the buildings. However, the 526 building that was acquired already has some conservation easements on them. On the 6th street side and the Mill avenue side protecting the façade of the building.

Chair Buss asked if there any easements on the Andre building.

Mr. Gordon stated they do not.

Chair Buss stated that he is surprised about that because the building is very significant.

Public Comment:

Chair buss called for Public Comments. None stated.

Public Comments Closed

Commission Discussion

Chair Buss stated that he would like to know more about significant of the building he did read the lengthy information on the property but would like to know more about the building.

Commissioner Montero stated she agrees with Chair Buss statement. It is a really nice building that has been in the area for a long time and would want to know more about it and why it is not meeting any certificate of significance.

Commissioner Nucci stated that the report does not suggest that it is not continuing to meet the criteria for designation. If anything, the report may have soft pedal the significance. It was the first property to get listed in an unusual landmark configuration which in the local listing process means that the project has exceptional significance or even more so. This continues today which is the bases for staff recommendation for denial because there is no ability to find the property could be any less significance now then it was two decades ago. It is the first landmark and the first for demolition. Those are a lot of first however the historic significance of the property has not diminished in the last 20 years.

Commissioner Montero thanked Commissioner Nucci on the explanation. She is the archaeologist on the commission and want to note that the location is within a major archaeological site La plaza. She wants to make sure there is awareness given to that. This is also a traditional property to the local tribes.

Commissioner Garraty stated that he did look up in some information in his records and part of the site was part of what was called the Brick Yard site. But has now been intergraded into the La Plaza site.

Commissioner Larson stated that he did notice that the church was built in what appears to be the late 1800's. It appears to be one of the oldest buildings in the City. The staff recommendation of denial holds a lot of weight. Would also like to have more information before approving the application to demolish the building.

Mr. Gordon asked for Mr. Southard to inform everyone what parts of the structure burned down.

Mr. Southard stated that what is seen today is designed by Kipper Goodwin the first being in 1948 the second being in 1953. It is believed and documented that there are components of the building that date to prior 1948 rather that be bricks and building material or sections of wall. The congregation has been there since the late 19 century. The building that is seen today is 1948 and 1953.

Chair Buss stated that he has been in the church before. When he was in the main congregation worship area that the structure was older than 1948.

Commissioner Nucci stated that he is hearing a lot of people say more information and he feels that the Commission should deny the request. This will give them time to make use of the 180-day period to discover additional information.

Mr. Gordon informed the Commissioners that the property seats vacant today. There was a contractor that used the property while they built projects across the street. The biggest concern that he has heard is not see the building

be used for a restaurant or some offensive use. Which is one of the reasons that others are looking to have the building raised.

Chair Buss stated that he did see that in the report and understands that perspective.

Chair Buss called for a motion:

Motion by Commissioner **Nucci** to deny the request for a Demolition Permit for the **1948 / 1953 First Congregational Church** located at 101 East 6th Street (PL200256 / BP202089) and that the Chair APPOINT a subcommittee of the Commission to work with the Developer and other stakeholders as instructed by Ordinance to seek alternatives to demolition and to mitigate adverse effects to the property from redevelopment; second by Commissioner **Montero**. Motion passed on **6-0** vote.

Ayes: Chuck Buss, Laurence Montero, Gregory Larson, Chris Garraty, Joe Nucci, Elizabeth Gilbert

Nays: None

Abstain: None

Absent: Martin Ball, Jim Garrison, Matthew Bilsbarrow

Mr. Smith stated that for the record that the subcommittee is not to further research of the building. The ordinance states that the committee is seeking alternative demolishing and litigating adverse effects as well.

3) Tempe Butte Graffiti Mitigation Update

Presentation by Staff, John Southard, Historic Preservation Officer

Mr. Southard informed the commissioners that there has been an increase in graffiti. He provided some photos of the graffiti in areas. There is a requirement that it is addressed with both the Arizona State Museum requirements and practices. Thankful to Commissioner Montero with the resources from the City of Phoenix graffiti legation using a product called Elephant snot. It is a non-caustic cleaner that is applied and then set for a brief period of time. There were photos provided of signage showing the end of trail sign however it is not regarded. There is a contract with Logan Simpson and his team consulted with Salt River Maricopa Indian Community, the Gila Indian Community and they worked with the Arizona State Museum. Afterwards they did abate the graffiti on Tempe Butte and in Papago park. There has been press coverage with the removal of the graffiti. Showed the commissioners Newspaper clippings of the reports. However, all the efforts that were put into removing the graffiti in a matter of days there was additional graffiti. Both on the Butte and in Papago park. Is hoping that there is a remedy to help stop the problem and they are aware that this will not be an easy problem to solve.

Commission Discussion

Commissioner Montero stated that this was talked about last time and she is still thinking of ways to help solve the problem. Is there a site steward for the area?

Mr. Southard informed the Commissioners that there is a site steward IGA and there are two sites included with it. Being Tempe Butte and Monto Del Rio. The site steward agreement was managed by the Tempe History Museum staff who has now retired. The responsibility was transfer to the Historic Preservation Office. The Historic Preservation Officer retired and between that time and when Mr. Southard came on board the Parks Department were made aware of the agreement and voiced a desire to manage it.

Chair Buss asked if there was any indication if this was daytime or nighttime activity.

Mr. Southard stated that he cannot state for sure. He does want to think that if things were occurring in daylight that someone would say something. However, there was an individual that set up a tent a top the Butte and was living up there.

Commissioner Garraty stated that it would be great to have a site steward that Jules has been going up on her own time and doing some cleaning.

Mr. Southard stated that is correct she has gone above and beyond the stated contract.

Commissioner Montero state that she would like to see some education. In the City of Phoenix, they developed a brochure about protecting petroglyphs on the website. Maybe the City can do something similar. Where if people are seeing the graffiti then they will be more likely to report it.

Mr. Southard stated that education is critical. Salt River had sent part of the media team to file the clean up and were hoping to put together a PSA and printed material.

Chair Buss asked if there are hours and if there are signs.

Mr. Southard stated that there are hours however he does not have them off hand. Believes it closes at 10 pm. There is signage on the base of each trail that defacing is illegal.

Chair Buss asked if the hours can be changed to no one on the path after dark and to have police patrol the area as well.

Mr. Smith stated that the current hours are set because there are a lot of people that choose to recreate on the Butte lawfully up and down the trail and stay on the marked paths in the dark hours. Particularly the people who get up early in the morning to get their exercise or get off work late and want to get the exercise outside. While there is an appreciation for the commission concerns with respect to education, hours, signage the citizens that are creating the graffiti are not going to be moved by such measured. There are ideas that Staff is working on to be more forceful and they will bring that to the commission once they are fully developed. If an individual is keeping to the paths and have a head light it is safe for them to hike the path. In working with the Parks and Recreation department the city tries to keep all the assets open to as many people as possible. From an exercise perspective it is a nice thing to be able to get up early in the morning and go up the mountain when it is not crowded.

Mr. Southard informed the commissioners that he has been looking to the fact that defacing a property that you do not own is a crim. There is an ordinance that prohibits it specially to the preserve as well as a state statute that makes it be a class two misdemeanor.

4) 2021 HPC Meeting Date Review

Mr. Southard informed the Commissioners that the dates for next year are available and the ones that are highlighted are the ones that need to be changed because of holiday that happen to occur on the regular schedule meeting date.

Ms. Nelson informed the Commissioners that the highlighted dates are the ones that were already changed due to another commission meeting or there is a faith-based holiday that day.

Mr. Southard asked if the Commissioners need to do a motion.

Ms. Nelson informed the commissioners that the dates where already approved by the Deputy Director Alex Smith so the this is just informational for the commissioners to know what dates are ahead.

Chair Buss asked if this is like the current situation where the Commissioners would have meet last Wednesday November 11, 2020 but because that was veteran's day the meeting was pushed out.

Ms. Nelson stated that is correct.

Chair Buss asked which days are those.

Mr. Southard stated that the dates are May 12, 2021 has been moved to May 11, 2021. September 8, 2021 has been moved to September 13, 2021. Mr. Southard asked if this is due to another commission meeting on their regular meeting day.

Ms. Nelson stated that is correct due to the uncertainty of the future. If the meetings where to continue via WebEx there are only three WebEx accounts and the one that is used to book these meetings are shared with three other commissions being Board of Adjustment, Joint Review Commission, and Development Review Commission.

Mr. Southard asked if there are any standing conflicts.

Commissioner Montero stated she has a previous engagement with the museum committee for May 11.

Commissioner Larson stated that he has a personal engagement and will not be at the meeting as well for May 11.

Mr. Southard stated that it will stay on his radar and will keep an eye out for if they need to more the date.

Chair buss asked where the commission is to meet once Covid has subsided will it be in the Council Chambers.

Mr. Southard stated that is correct.

5) Chair / Staff Updates

Mr. Southard informed the Commissioners that the 8th Street Phase II archaeological has been completed. There will be in the field site visit from ADOT, the Historic Preservation office, and Members of the Salt River Indian Community on Monday November 23, 2020. There will be a presentation on the site soon.

Mr. Southard informed the Commissioners that The Downtown Tempe Authority has moved to the Hayden house.

Mr. Southard informed the Commissioners that The Tempe Depot project has been presented to the Tempe Historic Foundation and they have expressed their support. The proposal will be going to City Council in January 2021.

Hearing adjourned at 7:32pm

Prepared by: Brittainy Nelson, Administrative Assistant
Reviewed by:



Steve Abrahamson, Principal Planner

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