BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: December 4, 2018

Title: P18RZ00006 OFENLOCH - N. CALLE DE ESTEVAN REZONING

Introduction/Background:

The applicant (Bernard Ofenloch represented by Tucson Historic Preservation Foundation) requests a rezoning from CR-1 (Single Residence) to CR-1 (HL) (Single Residence - Historic Landmark) on 1.0 acre.

Discussion:

The rezoning will add the Historic Landmark (HL) overlay protections designed to preserve the retained historic integrity of the property. The property meets code requirements for the HL designation, including one or more of the criteria of subsections 18.63.040(A) and (B) (all are met); the property has been recommended by the State Historic Preservation Office as eligible for listing in the National Register of Historic Places; and the application has been recommended for approval by the Tucson-Pima County Historic Commission Plans Review Subcommittee. The HL designation will require preservation of the historically significant Harrenstein House constructed around 1962-63 by Dr. Howard Paul Harrenstein, Professor of Civil Engineering, University of Arizona. The house is made from thin-shell concrete and an intersecting hyperbolic paraboloid (dividing the house into six distinct petals) structural system designed to withstand a nuclear attack. The house is both a physical representation of the Atomic Age and expressive modern architecture and is an excellent example of innovative construction methods.

Conclusion:

The extensively documented property meets code requirements for HL overlay zoning which contains requirements to protect its historical significance. The property is under consideration for listing in the National Register of Historic Places; and the Tucson-Pima County Historic Commission Plans Review Subcommittee recommends approval.

Recommendation:

Staff recommends approval of the rezoning with a condition (common to all rezonings) to waive Proposition 207 rights and claims as precaution relative to the additional regulatory burden associated with the Historic Landmark overlay. The Planning and Zoning Commission also recommends approval with the recommended condition.

Fiscal Impact:

N/A

Board of Supervisor District:

☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

Department: Development Services Department - Planning Telephone: 520-724-9000

Contact: David Petersen Telephone: 520-724-9000

Department Director Signature/Date: 11/20/18

Deputy County Administrator Signature/Date: 11/21/18

County Administrator Signature/Date: 11/21/2018.

PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Ally Miller, Supervisor, District 1

FROM: Chris Poirier, Deputy Director
Public Works-Development Services Department-Planning Division
Tom Drzazgowski

DATE: November 16, 2018

SUBJECT: **P18RZ00006 OFENLOCH – N. CALLE DE ESTEVAN REZONING**

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, DECEMBER 4, 2018** hearing.

REQUEST: For a **rezoning** of approximately 1.0 acre from the CR-1 (Single Residence) zone to the CR-1 (HL) (Single Residence – Historic Landmark) zone, on property located on the east side of N. Calle de Estevan, approximately 400 feet north of E. Orange Grove Road and approximately 1,000 feet east of N. 1st Avenue.

OWNERS: Bernard Ofenloch
6550 N. Calle De Estevan
Tucson, AZ 85718-1951

AGENT: Tucson Historic Preservation Foundation
% Demion Clinco
P.O. Box 40008
Tucson, AZ 85717

DISTRICT: 1

STAFF CONTACT: David Petersen

PUBLIC COMMENT TO DATE: As of November 16, 2018, staff has received no written public comments. One member of the public spoke in opposition at the Planning and Zoning Commission public hearing

PLANNING & ZONING COMMISSION RECOMMENDATION: APPROVAL WITH A CONDITION (6–0; Commissioners Bain, Gungle, Hook and Matter were absent).

STAFF RECOMMENDATION: APPROVAL WITH A CONDITION.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject property is located outside the Maeveen Marie Behan Conservation Land System (CLS).

TD/DP/ar
Attachments

PIMA COUNTY

DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

Subject: P18RZ00006

FOR DECEMBER 4, 2018 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Deputy Director Tom Drzazgowski
Public Works-Development Services Department-Planning Division

DATE: November 16, 2018

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING

P18RZ00006 OFENLOCH – N. CALLE DE ESTEVAN REZONING

Request of Bernard Ofenloch, represented by Tucson Historic Preservation Foundation, for a **rezoning** of approximately 1.0 acre from the CR-1 (Single Residence) zone to the CR-1 (HL) (Single Residence – Historic Landmark) zone, on property located on the east side of N. Calle de Estevan, approximately 400 feet north of E. Orange Grove Road and approximately 1,000 feet east of N. 1st Avenue. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 1.2. On motion, the Planning and Zoning Commission voted 6-0 to recommend **APPROVAL WITH A CONDITION** (Commissioners Bain, Gungle, Hook and Matter were absent). Staff recommends **APPROVAL WITH A CONDITION**.
(District 1)

Planning and Zoning Commission Public Hearing Summary (September 26, 2018)

Staff presented information from the staff report justifying the site's qualification as a Historic Landmark.

The applicant, Demion Clinco of the Tucson Historic Preservation Foundation, spoke in favor of the rezoning. He noted that by design, this Historic Landmark rezoning and the one heard prior by the Commission (P18RZ00004 Larsen – N. Treasure Drive Rezoning) were brought forward together with one focused on pre-World War II heritage and one post. He noted that there is growing recognition of the importance of post war architecture – not only understanding the values and context of how Pima County developed post war, but broadly in engineering and design. He said that the (hyperbolic paraboloid structural system dividing the house into six distinct petals) is a highly significant architectural expression and one of a small number in Arizona – another being the a American Evangelical church on Country Club Road, between Speedway and Glenn, a single hyperbolic paraboloid designed by Charles Cox. This is a very rare architectural expression that as a residence is unique as usually this type of system is used in civic and public buildings. Because it is highly distinctive and unique, it is deserving of the Historic Landmark designation.

The hearing was opened to the public. There was one speaker who voiced opposition. He indicated that he lived directly south of the subject property and bought his house in 1991 noting that the subject house was already there. He stated that he was an architect by trade. He agreed that the house has historic connotations, but noted that these types of structures exist all over the country, including a grammar school on Flowing Wells Road that has exactly the same type of construction. He stated opposition because he was concerned about the effect of the action on the value of his property and was under the impression that it could be an economic problem. He stated that the County said it would not affect the property but that this is unknown. He noted that realtors he spoke with stated that the rezoning request could be for tax purposes. He stated that in the future there could be a lot of traffic coming to see the unique property which could affect his property's value.

The applicant stated that it is difficult to assess the exact impact on this property, but noted that across the country, neighborhoods that receive this type of protection increase in value over those that do not. He said that the increase can be significant. He indicated that there are almost no examples of significant decreases to existing value other than difficulty with redevelopment that decreases value. As to traffic increase, he stated that the city of Tucson has a similar process and there is not an increase in traffic. The sites remain private residences that are simply protected for long-term management that they remain part of the fabric, but not necessarily an attraction themselves.

Staff indicated that it is difficult to predict whether there will be a positive or negative affect on neighboring property value, but that the protective zoning only applies to the subject property and does not trickle to surrounding properties.

The public hearing was closed.

Commissioner Cook made a motion to recommend approval of the rezoning subject to the special condition in the staff report.

Commissioner Becker gave second to the motion.

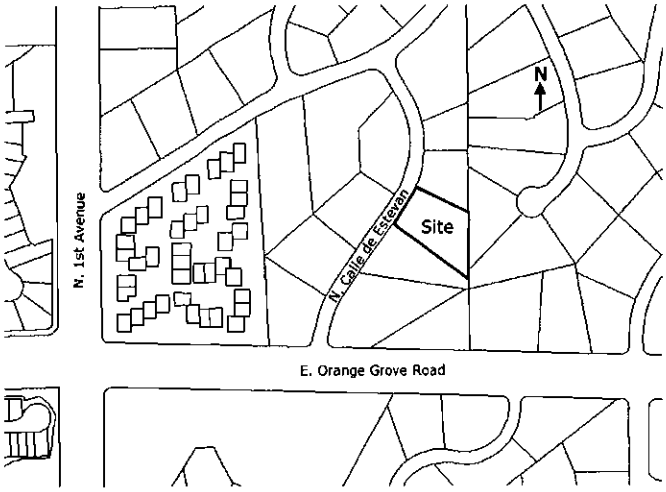
The commission voted to recommend **APPROVAL** of the rezoning, (6 – 0; Commissioners Bain, Gungle, Hook and Matter were absent) subject to the following condition:

> The property owner shall execute the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134.

TD/DP/ar
Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector
P18RZ00006 File

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION & OFFICE OF SUSTAINABILITY AND CONSERVATION - CULTURAL RESOURCES STAFF REPORT TO THE PLANNING AND ZONING COMMISSION



HEARING September 26, 2018

DISTRICT 1

CASE P18RZ00006 Ofenloch – N. Calle de Estevan Rezoning (Overlay Zone)

REQUEST Rezone from CR-1 (Single Residence) to CR-1 - Historic Landmark (HL) (1.0 acre)

OWNER Bernard Ofenloch
6550 N. Calle De Estevan
Tucson, AZ 85718-1951

APPLICANT Tucson Historic Preservation Foundation
% Demion Clinco
P.O. Box 40008
Tucson, AZ 85717

APPLICANT'S PROPOSAL
"Historic Landmark Zone for the Harrenstein House"

APPLICANT'S STATED REASON
"This historic property and home meet the Pima County Historic Landmark Zone (Ch. 18.63) Application Criteria."

COMPREHENSIVE PLAN DESIGNATION
The Pima County Comprehensive Plan designates the subject property as Low Intensity Urban 1.2 (LIU 1.2), which designates areas for low-density residential and other compatible uses at a maximum density of 1.2 residences per acre (RAC).

The site is within the area covered by Special Area Policy S-2 Catalina Foothills. This policy limits building height construction to 24 feet unless otherwise approved by the Board of Supervisors. The Board also reserves the right to limit construction to one story.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	CR-1	Single Residences
South:	CR-1	Single Residences
East:	CR-1	Single Residences
West:	CR-1	Single Residences

The CR-1 subdivision in which the site is located contains residences on naturally-vegetated lots of approximately an acre in size. The subdivision was recorded in 1961.

PREVIOUS REZONING CASES ON PROPERTY

None. CR-1 zoning of the site and vicinity is original.

PREVIOUS REZONING CASES IN GENERAL AREA

Recent activity:

None.

Past activity:

CR-4 (Mixed-Dwelling Type) and CR-5 (Multiple Residence) zoning within a half mile east of the subject property was rezoned in cases dating from 1961 to 2003, with most activity in the late 1970's to mid-1980's. These rezonings were for small lot single residences and townhomes developed at and near the intersection of Orange Grove Road and 1st Avenue.

STAFF RECOMMENDATION AND SUMMARY

Staff recommends **APPROVAL of the Historic Landmark (overlay zone) with the following condition**:

> The property owner shall execute the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134.

Staff supports the request because the CR-1-zoned property meets Zoning Code requirements for overlay designation as a Historic Landmark (HL), including one or more of the criteria of subsections 18.63.040(A) and (B) (all are met), the application has been reviewed and recommended as a Historic Landmark by the Tucson-Pima County Historic Commission Plans Review Subcommittee, and the property has been recommended by the State Historic Preservation Office as eligible for listing in the National Register of Historic Places. The State Historic Sites Review Committee (HSRC) will consider the State Historic Preservation Office's recommendation at its meeting in November. The overlay zoning is superimposed over the existing CR-1 zoning and provides additional regulations designed to preserve the historic integrity of the property. The overlay zoning will not regulate property outside of the bounds of the subject property.

This Historic Landmark designation will require preservation of the historically significant main residence and accessory structures (guest house and pool). The submission of the application form for the property to be listed in the National Register of Historic Places satisfies part of the application requirements (18.63.050.B.4.e.). If ultimately listed in the National Register, the listing will lend to the property's prestige and community awareness, but will not, according to the Arizona State Parks and Trails website, prevent the owner

from remodeling, repairing, altering, selling, or even demolishing a building listed in the National Register with other than federal or state funds. It also will not obligate an owner to make any repairs or improvements to the property. In addition to obligation to preserve, the Historic Landmark designation will require review and approval of new construction, alterations, and demolition to the historically significant elements in accordance with Chapter 18.63 Historic Zone.

The applicant has provided extensive documentation supporting the application, and the cover letter effectively summarizes how the criteria for designation of the property as a Historic Landmark are met. The documentation also provides a baseline of information necessary for informing future developmental reviews of the site or preservation enforcement.

The Cultural Resources Report (below) provides a brief description of the historical nature of the property and also provides information on the National Register of Historic Places status of the property and the Tucson-Pima County Historic Commission (TPCHC) Plans Review Subcommittee's recommendation of approval of the Historic Landmark designation. The TPCHC advises the governing bodies of the county, city and town concerning various existing historical structures, sites, areas, and districts in the community.

The recommended condition to waive Proposition 207 rights and claims is a precaution relative to the additional regulatory burden associated with the Historic Landmark overlay.

CULTURAL RESOURCES REPORT

The Office of Sustainability and Conservation – Cultural Resources Division has reviewed the request and recommends approval of the Historic Landmark (overlay zone) designation for the Harrenstein House.

Pima-County Historic Landmark Zone (Ch. 18.63) Application Criteria

The property and home both meet the Historic Landmark Application Criteria (see below).

18.63.040 - Criteria.

A. Criteria for Historic Designation. A site, building, structure, object, man-made landscape, archaeological resource, or space is subject to designation as historic, if it can:
   1. Be authenticated as dating from a particular significant period in Pima County's history; or
   2. Be associated with the lives of outstanding historical personages; or
   3. Be associated with significant events or occurrences; or
   4. Be a good example of the architectural period in which it was built and have distinguishing characteristics of an architectural style, method of construction, or be the notable work of a master builder, designer or architect; or
   5. Contribute information of archaeological, historical, cultural, or social importance relating to the heritage of the community; or
   6. Relate to events, personages or architectural styles which are at least fifty years old. However, outstanding examples less than fifty years should be evaluated on their own merits.

B. Criteria for Establishing Historic District Zones.
   1. In determining whether an area or district shall be established as an historic district zone, the criteria of this subsection shall be applied.
   2. Not all of the criteria need to be satisfied; however, a sufficient number of the criteria should be

satisfied to comply with the purpose and intent of this chapter:

a. An historic district zone should include historic sites, buildings, structures, objects, man-made landscapes, or spaces.
b. An historic district zone should include sites, buildings, structures, objects, man-made landscapes, or spaces in their original setting which contribute to an understanding of the heritage of the community.
c. The sites, buildings, structures, objects, man-made landscapes, or spaces should provide the area with a sense of uniqueness, so that it is readily distinguishable from other areas of the community.
d. The collection of sites, buildings, structures, objects, man-made landscapes, or spaces should possess integrity of location, design, setting, materials, workmanship, feeling, and association, thus constituting a recognizable entity.

C. Criteria for Establishing Historic Landmark Zones. In determining whether a single property or site shall be established as a historic landmark zone, the criteria shall include archaeological sites, historic sites, historic buildings, or historic structures which are individually listed or individually determined to be eligible for listing in the National Register of Historic Places at the local, state, or national level of significance and meet one or more of the criteria of subsections 18.63.040(A) and (B).

Property Description

The Harrenstein House was constructed around 1962-63 by Dr. Howard Paul Harrenstein, Professor, University of Arizona, Department of Civil Engineering. The house is made from thin-shell concrete and an intersecting hyperbolic paraboloid (dividing the house into six distinct petals) structural system. Dr. Harrenstein was an authority on thin-shell concrete construction and the house was designed to withstand a nuclear attack. He also built a bomb shelter under the house. All the original features of the main residence, pool, and guest house, elevation, and visual aspects remain unmodified and retain a high degree of integrity. The Harrenstein house is both a physical representation of the Atomic Age and expressive modern architecture. The residence is an excellent example of innovative construction methods and Modernist architecture from the early 1960s Tucson.

National Register of Historic Places Status

Mr. Demion Clinco, Tucson Historic Preservation Foundation, prepared the application on behalf of the property owner. The State Historic Preservation Office (SHPO) reviewed the application and recommended that the property is eligible for listing in the National Register of Historic Places (NRHP), which was corroborated by Dr. Kathryn Leonard, State Historic Preservation Officer. The historic house and associated historic resources on the property are individually determined to be eligible for listing in the NRHP at the local level of significance under Criterion C (architecture and engineering). See below for how criteria are applied from the U.S. Dept. of the Interior, National Park Service. (https://www.nps.gov/nr/publications/bulletins/nrb15/nrb15_2.htm)

National Register Evaluation Criteria:
(https://www.nps.gov/nr/publications/bulletins/nrb15/nrb15_2.htm)

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
B. That are associated with the lives of significant persons in our past; or

C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
D. That have yielded or may be likely to yield, information important in history or prehistory.

The draft National Register form will be scheduled for review by the Historic Sites Review Committee (HSRC) at its next available meeting on November 2, 2018. Information for the HSRC can be found at https://azstateparks.com/historic-sites-review-committee-hsrc.

The HSRC is Arizona's official National Register of Historic Places Review Board as mandated by the National Historic Preservation Act of 1966, as amended (36 CFE § 60.3) and is a statutory standing committee of the Arizona Historical Advisory Commission (AHAC) as mandated by the Arizona State Historic Preservation Act of 1982, as amended (A.R.S. §41-151.20 sub. D). The HSRC consists of nine committee members appointed by the State Historic Preservation Officer. The HSRC assists the State Historic Preservation Officer in reviewing National Register Nominations and provides recommendations for nominating properties to the State and National Register of Historic Places.

Tucson-Pima County Historic Commission (TPCHC) Plans Review Subcommittee
Following review and approval of the application for completeness by the Pima County Office of Sustainability and Conservation, the application was submitted to the Tucson-Pima County Historic Commission (TPCHC) Plans Review Subcommittee for their review and recommendation. On August 9, 2018, Demion Clinco and Pima County staff gave presentations to the Subcommittee and received a positive recommendation on the Pima County Historic Landmark designation request. The case was moved by Commissioner Erickson and duly seconded by Commissioner Stables to recommend approval of the nomination proposal as a Historic Landmark, as presented. The motion was passed unanimously 5-0.

CONSERVATION LANDS SYSTEM
The site and surroundings are located outside of the Maeveen Marie Behan Conservation Lands System.

PUBLIC COMMENT
As of the writing of this report, staff has not received any written public comment.

Respectfully Submitted,

Courtney Rose, Ph.D.
Program Manager

David Petersen, AICP
Senior Planner

c: Tucson Historic Preservation Foundation, % Demion Clinco, P.O. Box 40008, Tucson, AZ 85717

Case #: P18RZ00006
Case Name: OFENLOCH - N. CALLE DE ESTEVAN REZONING
Tax Code(s): 108-06-0600

0 145 290 580 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes:

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Map Scale: 1:4,000

Map Date: 9/07/2018 - ds

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05/02/2018
1 of 12
Select Date
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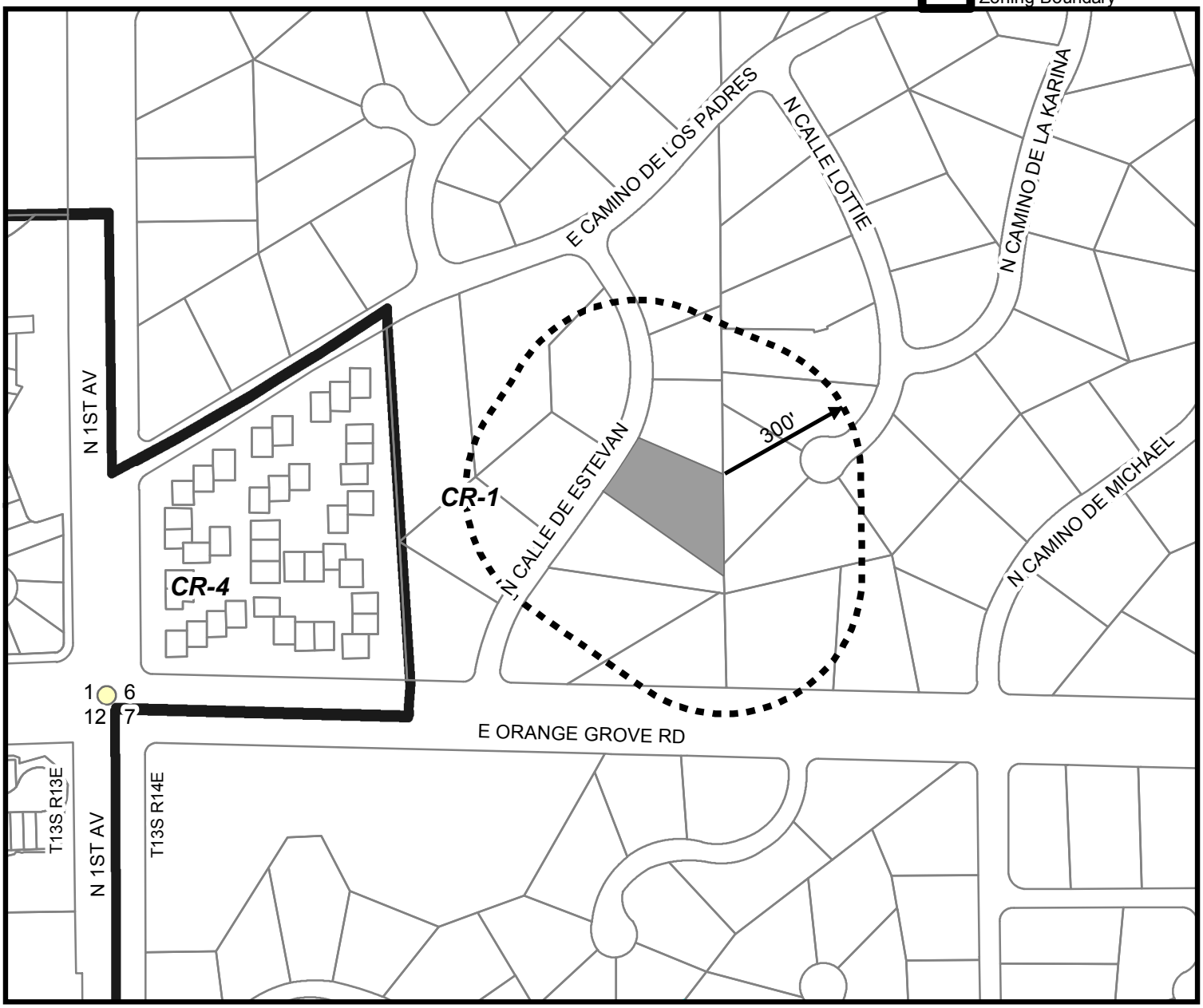
Case #: P18RZ00006
Case Name: OFENLOCH - N. CALLE DE ESTEVAN REZONING
Tax Code(s): 108-06-0600

300' Notification Area
Subject Property
Zoning Boundary



0 145 290 580 Feet

Area of proposed rezoning from CR-1 to CR-1 (HL)

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes:

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Planning & Zoning Hearing: 9/26/18	Board of Supervisors Hearing: December 4, 2018	
Base Map(s): 77	Map Scale: 1:4,000	Map Date: 10/26/2018 - ds

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