

Tempe Historic Preservation Office
Supplemental Research Report – Relocation of the landmark
SANDRA DAY O’CONNOR HOUSE
Tempe Historic Property Register #39 HPO 2010.
Tempe Historic Preservation Commission
14A-4 HPC Public Hearing 12/09/2010

BACKGROUND

Nomination of the landmark Sandra Day O’Connor House and Center for Civic Discourse at the Carl Hayden Campus for Sustainability in Tempe Papago Park affords an opportunity to discuss and consider policy on designating moved buildings. The Tempe Historic Preservation Plan sets forth actions implementing the Historic Preservation Ordinance. In that Plan the Historic Preservation Commission states “preservation in place” is the preferred outcome for long-term management of historic Tempe properties, and only when this is not possible is relocation or documentation a reasonable alternative.¹

Tempe Preservation assists owners with managing their historic properties in ways that balance preservation objectives with continued viability and enhanced value. Relocation of the landmark Sandra Day O’Connor House to Tempe Papago Park as an alternative to demolition illustrates how specific circumstances can exist whereby certain community cultural resources can be relocated and yet remain eligible for designation and listing in the Tempe Historic Property Register and the National Register of Historic Places.



A basic purpose of historic designation and listing is to encourage preservation of historic properties as living parts of our community. In keeping with this purpose, it is unusual to designate individual properties or groupings of buildings that have been moved for purposes of interpretation, protection, or maintenance. Moving and grouping buildings not only eliminates integrity of location but can also create a false sense of historic development. Moving properties also changes the relationship between the property and its surroundings and may obviate associations with historic events or persons. Notwithstanding the preferred alternative of preservation in-place, some properties removed from their original locations can, under specific circumstances, remain eligible for designation and listing if they are significant for their architectural value or if they are the surviving property most importantly associated with an historic person or event.

This report will focus on the second instance, as this nomination explores the significance of the landmark Sandra Day O'Connor House as the surviving property most importantly associated with that portion of a life of distinguished public service at a time predating national influence. Although a case could also be made for the house having historic significance architecturally, we have narrowed the research focus to evaluate the property under Criterion B at the State level of significance only. Throughout the 1970s, when Sandra Day O'Connor served in the Arizona legislature and as Senate majority leader, her home provided a forum for amicable resolution of many contentious political issues and a setting for significant bipartisan growth during this formative period in Arizona's development.²

A little nomenclature is provided for some less familiar terms and to call attention to differences between local and national terminology. National Park Service provides seven specific Criteria Considerations for use in evaluating properties that would typically be excluded from National Register eligibility. These Criteria Considerations are not numbered but are designated by letters A through G. Because preservation professionals are used to dealing with Eligibility Criteria labeled A through D, Park Service use of alpha-notation to also identify Criteria Considerations invites confusion. Criteria Considerations stipulate the special requirements that must exist for different types of properties to remain eligible for designation and listing. These special requirements must exist in addition to those aspects of integrity that must normally be present for any given type of property to maintain integrity based on specific eligibility criteria. Note that changing the eligibility criteria, in our case from Criterion B to A, C, or D, or any combination thereof, would also change which additional aspects of integrity would be required to exist under the evaluation process specified by Criteria Consideration B: Moved Properties.³

National Park Service (NPS) Criteria Considerations are as follows:

Criteria Consideration A: Religious Properties

Criteria Consideration B: Moved Properties

Criteria Consideration C: Birthplaces or Graves

Criteria Consideration D: Cemeteries

Criteria Consideration E: Reconstructed Properties

Criteria Consideration F: Commemorative Properties

Criteria Consideration G: Properties that Have Achieved Significance within the Past Fifty Years

For this example we have a "Building", the Sandra Day O'Connor House, eligible under "Criterion B", association with the life of a significant person in our past, that because of relocation must also be evaluated under "Criteria Consideration B: Moved Properties".

We call attention to a discrepancy in the use of the term landmark by the Tempe ordinance and in NPS jargon. By Tempe Historic Preservation Ordinance definition: "*Landmark* means a designation, in the form of overlay zoning, applied to an individual property, as a result of formal adoption by the city council, which has achieved significance within the past fifty (50) years and which expresses a distinctive character worthy of preservation and which otherwise fulfills or exceeds the criteria for designation as an historic property." A relocated property invokes the ordinance landmark provision if it again achieves significance within the past fifty years. Consider that historic designation and listing in the Tempe Historic Property Register seeks to align the determination of eligibility with requirements for listing in the National Register of Historic Places, however, this is not an ordinance requirement.⁴

As used by NPS "*Landmark* means designation as a National Historic Landmark. Designation is dependent upon stringent application of distinct criteria found in the Code of Federal Regulations at Title 36, Part 65 (36 CFR 65). These elevated standards occur in landmarks that possess exceptional value in illustrating or interpreting the heritage of the United States in history, architecture, archeology, engineering, and culture and that possess a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association. So in local usage *landmark* waves the age requirement for eligibility whereas when used by NPS it applies a more rigorous test for historic significance and integrity to recognize only the most exemplary properties as *landmarks*.⁵

NPS provides assistance with nominating relocated properties primarily in Bulletin 15, "How to Apply the National Register Criteria for Evaluation". Under the heading "Criteria Consideration B: Moved Properties" NPS states "National Register criteria generally limit consideration of moved properties because significance is embodied in locations and settings as well as in the properties themselves." NPS goes on to say "Moving a property destroys the relationships between the property and its surroundings and destroys associations with historic events and persons." Obviously, this can not be stated as an absolute or universal condition otherwise Criteria Consideration B could not be applied to mitigate adverse effects of relocation in cases where other aspects of integrity survive adequately to leave some properties capable of conveying historic significance even after relocation. Therefore, to continue meaningful discussion we will interpret the statement above to read 'moving a property [*can*] destroy associations with historic events and persons' and accept that Criteria Consideration B can be called upon to determine if this has occurred in a particular instance. This interpretation is consistent with earlier NPS guidance which read "Individually listed properties ...derive *part* of their significance from their location and setting."⁶

In addition to those aspects of integrity that must be present in a generalized application, a moved property significant under criterion A or B must be the surviving property most importantly associated with a particular historic event or an important aspect of a historic person's life. The phrase "most importantly associated" is defined by NPS to mean the single surviving property most closely associated with the event or with that part of a person's life which is being considered significant. The Sandra Day O'Connor House is considered significant as the surviving property most importantly associated with Sandra Day O'Connor's influence on local and State jurisprudence and legislation, during the period before her influence became national. This is reflected in the period of significance in the preliminary determination of eligibility historic context statement; 1961 to 1981. Note that the period of significance under Criterion B does not begin the year the O'Connor family constructed the house but instead coincides with the period of her extraordinary influence.

On the local and statewide levels, Sandra Day O'Connor represents perhaps the most influential woman politician and public servant in Arizona history. At a time when few women rose to positions of prominence in politics, she proved that precedent to be one in dire need of amendment, subsequently rising to a position on America's highest court and paving the way for future women politicians. Prior to achieving that distinction, however, Sandra Day O'Connor used Arizona as a venue for her meteoric rise, in the process fostering bipartisan cooperation and promulgating innumerable important pieces of legislation during some of Arizona's most important developmental years, the 1960s and 1970s. In her many important accomplishments, O'Connor served as a trailblazer for future women; she embodies the beginning of a nationwide proliferation in the role of women in politics.



Concept plan for the O'Connor House – Ten Eyck Landscape Architects, 2007

A building significant for historic association with a person, in other words a property eligible under Criterion B, must pose integrity of materials, feeling, and association. A moved building significant for association with a significant person must also be the surviving property most importantly associated with an important aspect of the historic person's life. In addition to the requirements above, NPS Criteria Consideration B stipulates that moved properties must continue to have orientation and setting comparable to those of the original site and a general environment compatible with the property's significance in the new location. Therefore site selection for relocation of an historic property significant under Criterion B must take these special conditions into account in order for the moved property to continue to communicate its historic significance and remain eligible for historic designation and listing.^{7 8}

The O'Connor family home became part of Arizona's history. As it happened, the house was the site for numerous occasions when international guests chatted, legislators hammered out differences, and where an Arizona lawyer was vetted for her selection as the nation's first woman Supreme Court Justice. Not only did the adobe walls embrace history, they often broke down barriers across party lines. The Sandra Day O'Connor Center for Civic Discourse is a community-based effort to relocate the original adobe house and the spirit of the home of retired U.S. Supreme Court Justice Sandra Day O'Connor and husband John O'Connor for use by the public as a gathering place where groups can move beyond their differences in a beautiful desert setting and focus on the hard work of finding solutions to challenges.

And so it was on a cold morning in October 2007, that meticulous deconstruction of the house began a two year process to relocate the landmark Sandra Day O'Connor House. When word spread in 2005, that the property had been sold and the new owner intended to demolish the historic house to build a larger home, friends rallied. Money was contributed to save the house because of its perceived extraordinary historic significance. Grassroots efforts began to coalesce as the project vision continued to reveal itself. To turn the home into the O'Connor House for Civic Discourse, a place where people can come together to reach consensus in a peaceful, collaborative manner, The O'Connor House, LLC was ultimately organized as a subsidiary of the Rio Salado Foundation. This private nonprofit organization quickly generated enough money to move the house and continued working to raise funds to reconstruct, furnish and landscape it.

Realizing a unique opportunity to conserve a significant aspect of history, on May 1, 2008, Tempe City Council voted unanimously to allow the O'Connor home to be moved to city-owned land adjacent to the Arizona Historical Society Museum in Tempe Papago Park while the new owner of the Paradise Valley property graciously stood by as the house was slowly and systematically prepared. Cribbing built to support the structure temporarily allowed the adobe walls to be removed and palletized for relocation. Roof sections were trucked in the largest units possible over a course of approximately ten miles from Paradise Valley to the Center for Civic Discourse at the Carl Hayden Campus for Sustainability in Tempe Papago Park.⁹

A preliminary determination of eligibility was recognized by the commission as successfully demonstrating that those aspects of integrity that must be present in a generalized application; materials, feeling, and association survive in this relocated property to such degree as to enable the property to continue to convey its historic significance. Stated briefly, integrity of materials determines whether or not an authentic historic resource still exists. The family built their Arizona home from adobe bricks made of mud from the banks of the Salt River in Tempe. For this analysis these original materials were simply relocated. Integrity of feeling is the continued expression of an aesthetic or historic sense of a particular period of time resulting from the presence of physical features that convey the property's historic character. When the time came to build a home in the Phoenix area, the O'Connors picked a place where Praying Monk and Camelback Mountain were visible, and where the Sonoran Desert was all encompassing. While the original site took advantage of the picturesque Praying Monk formation, the new location opens up to the majestic Four Peaks in the McDowell Mountains in an expansive panorama that recalls the previous site. Finally, integrity of association is the direct link between an important historic event or person and an historic property. A property retains integrity of association if it is the place where the event or activity occurred and if it is sufficiently intact to convey that relationship. Like feeling, the test for association is satisfied by the presence of original physical features that convey the property's historic character.

The site selected for relocation overlooks Tempe and the Salt River to the south. The home was situated with the same directional orientation it had when originally constructed. We have often heard Mayor Hallman speak about how this building has come home because the abode was originally made from sand and clay soils from the bed of the Salt River in Tempe. The new setting was designed by Landscape Architect Christy Ten Eyck, one of Arizona's outstanding landscape architects. According to Justice O'Connor, members of the Salt River Pima-Maricopa Indian Community blessed the house site in Tempe Papago Park prior to the reconstruction.

Aerial photo of the relocated Sandra Day O'Connor House , 2010



Documenting the case for continued eligibility of a relocated property should provide information necessary to demonstrate ongoing eligibility as well as documentation of the historic events of the move itself. Therefore, documentation should accurately identify the date of move, provide descriptions of location, orientation, and setting historically and after the move, disclose reasons for the move, describe the method of moving, and demonstrate the effect of the move and new location on the historic integrity of the property.

To summarize the evaluation of our subject, a building considered significant for association with the life of a person significant in our past is proposed for historic designation and listing in the Tempe Historic Property Register after relocation. The aspects of integrity that must be present in a generalized application are; Materials, Feeling, and Association. NPS Criteria Consideration B (moved properties) additionally requires this to be the surviving property most importantly associated with the historic person. Criteria Consideration B (moved properties) further requires the property to reestablish the original orientation, historic setting, and general environment of the moved building in the new location. In preparing a preliminary determination of eligibility and a staff summary report HPO finds that the Sandra Day O'Connor House in its new location in Tempe Papago Park satisfies the intent of these NPS requirements.

And so it is by virtue of a unique combination of continued community service put forth in the sustained spirit of non-partisan problem solving, and with a deliberate effort to move the property to a new setting chosen to complement and facilitate an ongoing mission that we are pleased to recommend historic designation and listing in the Tempe Historic Property Register for the landmark Sandra Day O'Connor House and Center for Civic Discourse at the Carl Hayden Campus for Sustainability in Tempe Papago Park.



THE O'CONNOR HOUSE

at the Carl Hayden Campus for Sustainability



Architect's concept for the O'Connor House relocation – Tempe City Architect, 2007

As a sidebar o this report, HPO has attached general guidelines for evaluating the impact on eligibility of relocating an historic building eligible on the basis of association with the lives of persons or events significant in our past for historic designation and listing in the Tempe Historic Property Register. Adoption of these general guidelines by the commission is recommended as a future agenda item.¹⁰

ENDNOTES

¹ Tempe City Council *Tempe Historic Preservation Plan*, adopted 17 July 1997 by Resolution 97.44; revisions adopted 15 June 2000, Resolution 2000.34 accessed December 13, 2010, online at: <http://www.tempe.gov/historicpres/Plan.htm> "Preservation "in place" is the preferred outcome for the long-term management of historic properties. When this is not possible, relocation or documentation is the recommended alternative to preserve the historic characteristics of the property."

² Tempe Historic Preservation Office Research Report *Sandra Day O'Connor House Center for Civic Discourse at the Carl Hayden Campus of Sustainability* Preliminary Determination of Eligibility 6-402 Neighborhood Meeting 11/04/2010 accessed December 13, 2010, online at: <http://www.tempe.gov/historicpres/Designations/OconnorHouse/SDOH-NM1.pdf> "The landmark home of retired United States Supreme Court Justice Sandra Day O'Connor and the new Center for Civic Discourse at the Carl Hayden Campus for Sustainability was relocated to Tempe Papago Park in 2009 through the efforts of a grassroots group of civic-minded citizens who enthusiastically endorsed Justice O'Connor's wish to re-purpose the house as the "Camp David" of the Southwest. The landmark Sandra Day O'Connor House is significant primarily as the surviving property most importantly associated with a life of distinguished public service spent building consensus with a style rich in Western pragmatism that has incrementally shaped the law, unified a divided Court, and helped a polarized nation coalesce. Today it is difficult to imagine a better personification of the spirit of Arizona than the so-called "Daughter of Arizona", United States Supreme Court Justice Sandra Day O'Connor.

³ National Park Service, Bulletin 15 *How to Apply the National Register Criteria for Evaluation Section VII. How To Apply The Criteria Considerations* accessed December 13, 2010, online at: http://www.nps.gov/history/nr/publications/bulletins/nrb15/nrb15_7.htm#crit "Certain kinds of properties are not usually considered for listing in the National Register: religious properties, moved properties, birthplaces or graves, cemeteries, reconstructed properties, commemorative properties, and properties achieving significance within the past fifty years. These properties can be eligible for listing, however, if they meet special requirements, called Criteria Considerations, in addition to meeting the regular requirements (that is, being eligible under one or more of the four Criteria and possessing integrity). Part VII provides guidelines for determining which properties must meet these special requirements and for applying each Criteria Consideration.

⁴ Tempe City Code Chapter 14A HISTORIC PRESERVATION accessed December 13, 2010, online at: <http://www.tempe.gov/citycode/14aHistoricPreservation.htm> (Ord. No. 95.35, 11-9-95; Ord. No. 2004.42, 1-20-05) "If [a property] has achieved significance within the past fifty (50) years, it shall be considered eligible for designation as a landmark if it is an integral and critical part of an historic district or demonstrates exceptional individual importance by otherwise meeting or exceeding the criteria specified in paragraphs (1) or (2) of this subsection above. At such time as a landmark becomes fifty (50) years old, it will automatically be reclassified as an historic property.

⁵ National Park Service Bulletin 15 *How to Apply the National Register Criteria for Evaluation Section IX, Summary Of The National Historic Landmarks Criteria For Evaluation* accessed December 13, 2010, online at: http://www.nps.gov/history/nr/publications/bulletins/nrb15/nrb15_9.htm "National Landmarks are associated with events that have made a significant contribution to, and are identified with, or that outstandingly represent, the broad national patterns of United States history and from which an understanding and appreciation of those patterns may be gained; or are associated importantly with the lives of persons nationally significant in the history of the United States; or represent some great idea or ideal of the American people; or embody the distinguishing characteristics of an architectural type specimen exceptionally valuable for a study of a period, style or method of construction, or that represent a significant, distinctive and exceptional entity whose components may lack individual distinction; or are composed of integral parts of the environment not sufficiently significant by reason of historical association or artistic merit to warrant individual recognition but collectively compose an entity of exceptional historical or artistic significance, or outstandingly commemorate or illustrate a way of life or culture; or have yielded or may be likely to yield information of major scientific importance by revealing new cultures, or by shedding light upon periods of occupation over large areas of the United States. Such sites are those which have yielded, or which may reasonably be expected to yield, data affecting theories, concepts and ideas to a major degree.

⁶ National Park Service Bulletin 4 *Contribution of Moved Buildings to Historic Districts*, 1981 (revised 06/87 Out of Print) NPS Bulletin 4 was made obsolete by NPS policy regarding use of Criteria Considerations as special requirements which, in addition to meeting the regular requirements, can be used to whether extraordinary properties maintain eligibility for listing in the National Register despite the existence of circumstances which would normally be disqualifying. "Any move involves some unavoidable loss of historic fabric, frequently foundations and chimneys. Buildings which were individually listed and are moved may remain individually listed if the procedures in 36 CFR 60 are followed. Every attempt should be made to reestablish the historic orientation, immediate setting, and general environment of the moved building." -also see [36 CFR 60.14](#): "Changes and revisions to properties listed in the National Register. (b) Relocating properties listed in the National Register. (1) Properties listed in the National Register should be moved only when there is no feasible alternative for preservation. When a property is moved, every effort should be made to reestablish its historic orientation, immediate setting, and general environment."

⁷ Garrison, James, 1999; Aspects of Integrity: Generalized Application, accessed online 11/08/2010 at: http://www.tempe.gov/historicpres/GLOSSARY_PAGES/GarrisonIntegrityMatrix.pdf State Historic Preservation Officer Jim Garrison created a matrix entitled "Aspects of Integrity: Generalized Application" to illustrate how to evaluate the integrity of a property; the chart indicates aspects of integrity that must be present for different property types to remain eligible for designation under each criteria. For example, to identify aspects necessary for a *Building* to maintain eligibility under *Criterion B* (Person) enter the chart criteria column at "B – Person" and move across to the property type column for "Building", to see that three of the seven aspects of integrity must be present to maintain the integrity: Materials, Feeling, and Association.

⁸ National Park Service Bulletin 15 *How to Apply the National Register Criteria for Evaluation* Criteria Consideration B: Moved Properties accessed December 13, 2010, online at: http://www.nps.gov/history/nr/publications/bulletins/nrb15/nrb15_9.htm "Eligibility for Historic Associations - A moved property significant under Criteria A or B must be demonstrated to be the surviving property most importantly associated with a particular historic event or an important aspect of a historic person's life. The phrase "most importantly associated" means that it must be the single surviving property that is most closely associated with the event or with the part of the person's life for which he or she is significant.

⁹ Tempe Historic Preservation Office Staff Summary Report prepared for public hearing for a Historic Overlay for SANDRA DAY O'CONNOR HOUSE Historic Preservation Commission Date: 12/09/2010 accessed December 13, 2010, online at: <http://www.tempe.gov/historicpres/Designations/OconnorHouse/SDOH-PH1.pdf> "Request for SANDRA DAY O'CONNOR HOUSE (PL100333) (City of Tempe, property owner; Tempe Historic Preservation Office, applicant) consisting of Historic Designation and Listing in the Tempe Historic Property Register for the landmark Sandra Day O'Connor House, consisting of one (1) lot on approximately 0.763 acres, located at 1230 N. College Avenue, Tempe Papago Park, in the AG, Agricultural District. The request includes the following: HPO09002 (Ordinance No. 2010.45) – Historic Designation consisting of one (1) lot." "The landmark Sandra Day O'Connor House and Center for Civic Discourse at the Carl Hayden Campus for Sustainability in Tempe Papago Park is recommended for historic designation and listing in the Tempe Historic Property Register because it of its significance under National Park Service Criteria B as the surviving property most importantly associated with the civic leadership, bipartisan consensus building, and personification of the limitless Western landscape emblematic of the Daughter of Arizona – United States Supreme Court Justice Sandra Day O'Connor.

¹⁰ For moved properties that derive significance from association with an historic person or event HPO recommends the commission determine the following conditions to be prerequisite to historic designation and listing in the Tempe Historic Property Register and additionally recommends the commission adopt these guidelines at such time as this action has been scheduled for commission consideration at a public meeting.

GUIDELINES FOR EVALUATING ELIGIBILITY OF RELOCATED CRITERIA B PROPERTIES

- 1) **Last Resort** – Verify that no reasonable and feasible alternative for preservation exists beyond relocation.
- 2) **Aspects of Integrity** – Verify that those aspects of integrity that must be present in a generalized application, materials, feeling, and association, survive at the property in its new location.
- 3) **Best Example** – Verify that the property proposed for nomination is the surviving property most importantly associated with the historic person or event.
- 4) **New Location** – Verify that that the site of the relocation reestablishes historic orientation, immediate setting, and general environment found in the historic location.