



U.S. Department of Housing and Urban Development
San Francisco Regional Office - Region IX
One Sansome Street, Suite 1200
San Francisco, California 94104-4430

OCT 01 2015

Sally Stang, Certifying Officer
Housing & Community Development Department
City of Tucson
310 N. Commerce Park Loop
Tucson, AZ 85726

RE: Downtown Motor Lodge Authority to Use Grant Funds

Dear Ms. Stang:

This letter is in reply to the City of Tucson (the City) Request for Release of Funds and Certification (RROF) for the Downtown Motor Lodge received by the U.S. Department of Housing and Urban Development, San Francisco Regional Office (the Department), on July 24, 2008. It also refers to the City's letter of September 29, 2015 in turn, in reply to permissible objections to the City's Request for Release of Funds and Certification that HUD received from the public during and prior to the 7015.15 objection period.

HUD has determined with the concurrence of the Regional Environmental Officer that the City's reply is adequate to address and resolve the permissible objections received. Under the applicable set of environmental regulations, 24 CFR Part 58, Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities, the unit of general local government is responsible for the environmental review, decision-making and action responsibilities pertaining to the subject proposal. The City is responsible for the quality of the content of the environmental document.

- 1. The City has replied to the permissible, timely objection alleging that the City failed to document compliance with 24 CFR 58.5(a), Section 106 of the National Historic Preservation Act, including but not limited to steps taken to mitigate adverse effects on historic properties.** The City's reply of September 29, 2015, demonstrates, and our review of the matter confirms, that the City has followed all applicable steps described at 36 CFR 800, including providing opportunities for public participation through public meetings, correspondence, and physical and electronic postings. City records included in the September 29th letter clarify that objecting parties were provided opportunity to attend, and some did in fact attend, multiple Section 106 meetings with Responsible Entity staff. Crucially, the Advisory Council on Historic Preservation (ACHP) participated as a consulting party in the Section 106 process, signed a Memorandum of Agreement to Resolve Adverse Effects, and determined in a letter of July 7, 2015, that "While consulting parties may not agree with the City's determinations, the City has follow the Section 106 process that is appropriate to the scale and scope of this undertaking." The ACHP is the federal entity with legal responsibility for advising federal agencies, such as HUD, as to the application of Section 106 of the

National Historic Preservation Act. **Therefore, HUD is not denying the City's RROF on the basis of this objection.**

2. **The City has replied to the permissible, timely objection alleging that it failed to consider the impact of the architectural quality and size of the proposed development on the existing neighborhood, including duly considering local zoning and preservation requirements, per HUD's Environmental Assessment review requirements (Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design).** The City's response thoroughly documents the City's consideration of the project's Conformance with Comprehensive Plans and Zoning in the Environmental Assessment (EA) process. The City also adequately documents consideration of Scale and Urban Design, through the Design Review Board approval of the proposed project, and this is duly recorded in the City's EA. **Therefore, HUD is not denying the City's RROF on the basis of this objection.**

3. **The City has replied to the permissible, timely objection alleging that it failed to provide appropriate notification of the opportunity for public comment and failed to consider public comment as part of the environmental review process, including for Spanish-only and English as a Second Language residents.** The City's reply of September 29, 2015, notes that the EA process was conducted in accordance with the City's Limited English Proficiency Language Assistance Plan, including providing Spanish translation of project description physical and electronic postings, and translation services for other notices through the City's website, as well as making available bilingual translators for public meetings upon request. **Therefore, HUD is not denying the City's RROF on the basis of this objection.**

4. **The City has replied to the permissible, timely objection alleging that it failed to adequately address 24 CFR 58.5(j), environmental justice.** The City documents that the EA considered area demographics and that the proposed activity avoids a creating an undue concentration of minority or low-income assisted housing in the area in violation of site and neighborhood standards. As described above, the City executed an MOA to resolve adverse effects of the project on historic properties, and the EA records no other adverse effects from the project that would disproportionately impact minority or low-income communities in violation of Executive Order 12898. As noted above, the EA complied with the City's Limited English Proficiency Language Access Plan. **Therefore, HUD is not denying the City's RROF on this basis.**

The City further reiterates and testifies that it has analyzed the permissible objections as requested by the Department's letter of September 23, 2015. Finally, the City cites Environmental Review Record documentation to demonstrate that the environmental issues of the proposal have been reviewed and analyzed.

The Department finds that the City's Environmental Request for Release of Funds and Certification responsibilities regarding the Downtown Motor Lodge proposal have been met according to 24 CFR Part 58. Therefore, under the authority of Section 58.73, we have executed the enclosed Authority to Use Grant Funds (HUD 7015.16).

Sincerely,



Maria Cremer
Director
Office of Community Planning
& Development

enclosures

bcc: Objecting parties