



CITY OF TUCSON
HOUSING & COMMUNITY DEVELOPMENT DEPARTMENT
ADMINISTRATION DIVISION

April 8, 2015

James W. Garrison
State Historic Preservation Officer
1300 West Washington St.
Phoenix, AZ 85007

RE: Revision of Findings of Adverse Effects of HUD-funded Project at 383 South Stone Avenue, Tucson, Arizona - SHP0-2014-0485 (123453)

Dear Mr. Garrison:

In a letter to you dated January 9, 2015, I notified the Arizona State Historic Preservation Office (AZ SHPO) about a finding of Adverse Effect for a federal undertaking to construct affordable housing at 383 South Stone Avenue using HOME loan funding from the City of Tucson (City). In a letter dated March 9, 2015, the Advisory Council for Historic Preservation (ACHP) recommended that the City expand its consideration of this undertaking's adverse effects to historic properties to include direct, indirect, and cumulative effects. This letter addresses the ACHP recommendation.

The Area of Potential Effect (APE) is still defined as including the Armory Park and Barrio Libre Historic Districts. An updated analysis, summarized below, confirms that the undertaking will have a direct adverse effect on the contributing property at 383 South Stone Avenue because it will involve demolition of the majority of the existing 1941 early modern building, resulting in de-listing from the National Register of Historic Places. It is the revised finding of the City that there are also direct and cumulative adverse effects of the undertaking on the Armory Park Residential Historic District (District):

- 1) There is a direct adverse effect upon the District because of the loss of a historic property contributing to the District; and
- 2) There is a contribution to cumulative adverse effects to the District because of the additional loss of historic fabric.

The direct adverse effect of this undertaking on the District is the partial demolition of the existing historic building at 383 South Stone Avenue, causing de-listing of this contributing property from the National Register, and thereby diminishing the historic fabric of the District.



The ACHP's *Affordable Housing Policy Statement* adopted in 2007 recommends that the review of effects for undertakings in historic districts should focus on exterior features. Exterior features of this undertaking will include rehabilitated street-facing portions of the historic building, a restored original sign, and a new addition with massing, size, and scale compatible with adjacent historic buildings in the district.

For the purpose of this analysis, cumulative effect is considered to be the product of adding the direct and indirect effects of the project to the effects of all other past, present, and reasonably foreseeable future actions. Cumulative effect includes consideration of incremental losses of contributing properties in the district. The Armory Park Historic Residential District was listed in the National Register in 1976, and an amendment expanded the district boundary in 1996; at the time of the expansion it included 688 contributing properties and 109 non-contributing properties. Since the original listing and the expansion, the district has lost a total of 21 contributing properties to demolitions.

Of this total of 21 demolished contributing properties, 12 were located within the boundaries of the National Register District, but outside of the boundaries of the City Historic Preservation Zone (HPZ) overlay. For those 12 demolitions there was no legal requirement for review by the Tucson-Pima County Historical Commission, or for approval by the Mayor & Council. All of those properties were turned into surface parking lots.

The other 9 demolished contributing properties were located within the HPZ, and their demolition permits were issued after Historical Commission and Council reviews, or after administrative reviews (for example, for structures that burned). There has been no contribution to cumulative adverse effects by incompatible new construction; only one of the demolished contributing properties was replaced with new construction, which was approved as compatible infill after going through the HPZ design review process. The rest of the demolished historic contributing properties are vacant or are being used as parking lots.

In summary, although there is not an imminent threat of delisting of the district from the National Register of Historic Places, there has been a cumulative adverse effect of demolitions in the Armory Park Residential Historic District since its original listing in 1976 and expansion in 1996, and the direct and indirect adverse effects of this project will contribute to that cumulative adverse effect. In total, these demolitions represent a two-percent decrease since 1996—from 87 to 85 percent—of contributing properties within the district boundaries.

Since this analysis includes consideration of trends affecting the Armory Park historic district, it is relevant to mention a recent City action that incentivizes avoidance of future cumulative adverse effects on the District. On 18 February 2015 the Mayor & Council passed an ordinance revising the Infill Incentive District (IID) optional zoning overlay. This zoning overlay includes the western edge of the Armory Park historic district, where contributing properties lie outside of the protective Historic Preservation Zone. The ordinance includes a stipulation that property owners who choose to opt into the IID to obtain flexibility in parking requirements and other important benefits that facilitate redevelopment are precluded from any action that would cause



delisting from, or loss of eligibility for listing in, the National Register of Historic Places. This recent City action was designed to incentivize preservation of historic properties in the IID, and if successful it is reasonably foreseeable that it will slow the loss of historic fabric in the portion of the IID that overlaps the Armory Park historic district.

In addition to the partial demolition of a contributing property during this undertaking, representing a direct adverse effect on the District and a contribution to cumulative adverse effects on the District, there are no other reasonably foreseeable adverse effects of this undertaking on the Armory Park historic district.

The City has received comments from some consulting parties asserting that the project will also have visual adverse effects on the adjacent Barrio Libre Historic District. The City recognizes that visual adverse effects on project viewsheds (as defined by the Development Zone concept) may be considered during design reviews conducted under the authority of the City zoning code. This is the case for projects located in one of the City's Historic Preservation Zones (HPZs) or in the optional Infill Incentive District (IID). Visual adverse effects also may be subjectively perceived. However, this project is not located within an HPZ and the developer is not opting into the IID. The analysis summarized here must be made exclusively within the framework of the Section 106 consultation process for a federal undertaking, and must be limited to considering the types of adverse effects recognized by its implementing regulations, 36 CFR Part 800.

Based on the definitions and examples in 36 CFR § 800.5 (and as stated in guidelines for assessing visual effects on historic properties issued by the Delaware and Virginia SHPOs), visual adverse effects are those that diminish the property's integrity, and a project simply being visible from a historic property is not considered an adverse effect. In addition, the City was unable to find a precedent in any previous completed Section 106 consultations in which simply a view of a project from an adjacent historic district was defined as an adverse effect. However, if the view from a historic property is one of the qualities that make it eligible for listing in the National Register, then it is conceivable that obstruction or significant alteration of that view could be defined as a visual adverse effect. The Barrio Libre National Register Form describes the adjacent Barrio Libre and Armory Park historic districts as complementing and buttressing each other, but the view of the Armory Park district is not identified as a quality contributing to the National Register eligibility of the Barrio Libre district itself.

Therefore, within the framework of the Section 106 consultation process and its implementing regulations, it is the City's finding that there are no direct, indirect, or cumulative adverse effects on the Barrio Libre Historic District because the project does not result in loss of historic fabric in that district, does not alter the characteristics that make it eligible for listing in the National Register, and a view of the project from the district is not a visual adverse effect on the integrity of the district.



April 8, 2015

Please review this analysis and indicate whether the AZ SHPO concurs with the finding of adverse effects. After the City receives the AZ SHPO concurrence, it will notify the ACHP of the revised finding.

A Memorandum of Agreement (MOA) will be developed in consultation with the AZ SHPO, the ACHP, and other consulting parties to stipulate how the adverse effects of the project will be resolved through mitigation measures.

Sincerely,

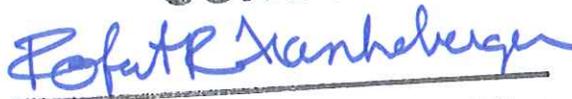


Sally Stang

Director

Department of Housing and Community Development
City of Tucson

CONCUR



Arizona State Historic Preservation Office

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