

Ms. Sally Stang
Director Housing and Community Development
City of Tucson
310 North Commerce Park Loop
Tucson, Arizona 85726

29 May 2015

Ms. Stang,

We are writing to formally object to and protest the **exclusion of the public and directly impacted property owners as participants and interested parties in the Section 106 process and the drafting of a MOA** related to the destruction of the listed historic, Joesler designed Downtown Motor Hotel at 383 South Stone Avenue and the construction, on that site, of a massive building for the warehousing of humans.

Despite numerous requests, to date there has been no meaningful public input in the mitigation process preceding the draft of the MOA by neighbors and property owners who will be directly impacted by this undertaking. The two mismanaged public meetings *held over six months ago* - of which the first one wasn't even posted or listed as a 106 meeting and wasn't acknowledged as such until an audience member forced the issue - were completely inadequate in terms of informing the public about their rights in helping to mitigate the proposed design. Instead, the developer and the city simply made a presentation and told the audience that this was the new plan that was going to be built and that that concluded the public meeting process. At those meetings you stated you believed this to be a good project and that it should receive the HOME funds.

Since that time nothing has changed in terms of direct mitigation to demolition, inappropriate design and the projects adverse effect. This building remains out of scale and mass, uses poor materials, and defies the context of the surrounding community. The poor architectural design does nothing for the quality of life for the residents who are to inhabit this dark box nor for the surrounding residents. The for-profit developer claims to champion low-income and/or veterans however nothing in the plans presented to date provides an honest presentation or a sympathetic design that enhances the lives of the proposed residents or the surrounding community. The only thing championed by this project in the long term is the developer's pockets when it becomes market- rate housing at the expense of the surrounding community.

PLEASE READ: 36 CFR PART 800 -- PROTECTION OF HISTORIC PROPERTIES § 800.6 Resolution of adverse effects. (4) **Involve the public.** The agency official shall make information available to the public, including the documentation specified in § 800.11(e), subject to the confidentiality provisions of § 800.11(c). **The agency official shall provide an opportunity for members of the public to express their views on resolving adverse effects of the undertaking.** The agency official should use appropriate mechanisms, taking into account the magnitude of the undertaking and the nature of its effects upon historic properties, the likely effects on historic properties, and

the relationship of the Federal involvement to the undertaking to ensure that the public's views are considered in the consultation. **The agency official should also consider the extent of notice and information concerning historic preservation issues afforded the public at earlier steps in the section 106 process to determine the appropriate level of public involvement when resolving adverse effects so that the standards of § 800.2(d) are met.** [bold type added]

To date, the undersigned residents who live in closest proximity to the site and whose lives will be most severely affected by this out of scale, historically inappropriate building through changed property values, decreased sight lines, obstructed views, increased parking issues, loss of a sense of place, loss of historic value, loss of historic character, - *have yet to be directly notified*. We as a class have not been fairly or justly represented in this process by the City of Tucson, your department, the City of Tucson's Historic Preservation Officer or the Arizona State Historic Preservation Office. Nothing of substance has been offered to the community as a just mitigation for the loss of this historic property in the 106 Process nor should any of the sections labeled 'mitigation' be seriously considered mitigation for the loss of this historic property.

Your office Ms. Stang, in partnership with Bethel Development Inc. and the non-profit that is the window dressing for this project, Compass Affordable Housing, have deliberately excluded neighbors directly impacted by this undertaking from the beginning. The letter and the spirit of the law is an ethical nicety the developer, the non-profit and the City of Tucson has forgotten. **This is a breach of the public trust.** Multiple under-represented individuals, minorities and minority institutions have also been excluded from this process – this is unfair and discriminatory.

The minimal mitigations presented in the draft MOA are unacceptable. They do not even begin to mitigate the adverse effect this undertaking has and will have on residents in the impact zone, the larger community, and our city. Allowing one neighborhood to have a voice in one section of the MOA in regards to the paint colors [are they even qualified in this field?], repairing a few concrete sidewalk slabs in selected parts of the neighborhood and giving \$8500.00 to one neighborhood association to parcel out with no oversight, and the other token items DO NOT mitigate the historic motel's loss. To date only Pima County seems to have the foresight to save and adaptively reuse historic motel resources. The Ghost Ranch Lodge just won an award for preservation and affordable housing. We have given you examples of other success stories in Armory Park, Barrio Libre and Barrio Santa Rosa that have been ignored. Destruction of historic buildings is not a precursor to development because profit lines won't pencil out. In fact, the opposite is true: **Growth and development always follow historic preservation.**

It is appalling and unacceptable that you have excluded public involvement and interested parties, ignored everyone in close proximity to this undertaking and offered no mitigation to residents and property owners directly impacted - the residents living one door down, across the street or within direct sight of this building; ergo those whose lives will be most critically damaged and changed forever. This process has been wholly inadequate. Rather than having a noticed public meeting with direct notification to everyone in close

proximity in order to solicit input from interested parties, you have held closed door meetings that have excluded stakeholders, you have continually advocated for the undertaking, you have ignored community concerns and you posted voluminous, lengthy and impossible to navigate material on an obscure city website. *This does not constitute an informed public.* U.S. Postal mailings should be made in **English and Spanish** to all of the addresses surrounding - at the very least - the three block area of the proposed demolition and undertaking. There are still many, many residents who know nothing of this behemoth of a building. Ms. Stang, you have done your utmost to ensure that the public has remained ignorant of this awful proposal while championing the developer behind closed doors at every turn. **We demand you give as much time, money and consideration to the residents of this neighborhood as you have to the developer, only in a fully transparent, fair, equal and ethical way.**

According to **36 CFR PART 800.2 (5): Additional Consulting Parties. Certain individuals and organizations with a demonstrated interest in the undertaking may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties.**

We also demand inclusion in the mitigation process through the Section 106. Ms. Stang, you work for the people of this city and we deserve a public process that is handled in an informed, unbiased and ethical manner. This means “INVOLVE THE PUBLIC.”

The undersigned also disagree with and object to the City finding that the proposed undertaking has no adverse effect to the historic contributing properties in Barrio Libre. They also disagree with and object to the opinion of the ACHP that this City finding is 'reasonable'. We believe the proposed undertaking has major adverse effects to the historic contributing properties in the Barrio Libre Historic District AND to the historic contributing properties in the Armory Park Historic District.

The exclusion of the women's cooperative, WomanKraft Art Center, directly across the street at 388 South Stone and in operation for over 40 years, the insensitivity toward non-english speakers, the cutting out of low-income recipients in the Armory Park/Bethel cash pay-off and the outright disregard for longtime home owners in both Barrio Libre and Armory Park speaks volumes to the prejudiced findings by you and the city.

What has been done so far is **exclusionary and discriminatory**. The findings that “**the proposed building is compatible with the surrounding historic buildings in size, scale, and massing**” *is preposterous and is an outright lie.* We formally object to your false and incomplete findings of negative effect, your efforts to avoid public engagement, and to what appears to be a preconceived plan to advance the building regardless of facts, codes, and the damage the proposed building causes to the surrounding historic buildings and the district itself.

If you and the City of Tucson continue down this predatory path of exclusion and discrimination, we will be forced take legal action to protect our properties, our families, our businesses, our history and way of life.

Sincerely,

Zoe Rhyne
Director of Exhibits
Woman Kraft Art Gallery
388 South Stone Avenue
Tucson AZ 85701
gerhyne@gmail.com

Mr. & Ms. Jeffery Stanley
428 South Stone Avenue
Tucson AZ 85701
stanley19263@msn.com

Danny Perkins & Katja Fritzsche
452 South Stone Avenue
Tucson AZ 85701
artgod@whidbey.com

Mary Lou Heuett
417-419 South Stone Avenue
Tucson AZ 85701
mlheuett@gmail.com

Gary Patch & Darren Clark
24 West Simpson Street
Tucson AZ 85701
standuptall@gmail.com

Elaine Paul & Stephen Paul
38 West Simpson Street
Tucson AZ 85701
empaul38@gmail.com

Nick Fontana
42 West Simpson Street
Tucson AZ 85710
fontanalaw@cox.net

Amanda Paul
38 West Simpson Street [Rear]
Tucson AZ 85701
andy.c.paul@gmail.com

Nancy Warshawer & Bob Mellon
46 West Simpson Street
Tucson AZ 85701
nanozuzu@gmail.com

cc;