



CITY OF TUCSON  
HOUSING & COMMUNITY DEVELOPMENT DEPARTMENT  
ADMINISTRATION DIVISION

January 28, 2015

Ms. Jaime Loichinger  
Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
Washington DC 20001-2637

**RE: Notification of Adverse Effects of HUD-funded Project at 383 South Stone Avenue, Tucson, Arizona**

Dear Ms Loichinger:

In relation to its application to the Arizona Department of Housing for Low Income Housing Tax Credits (LIHTC), the developer of a project to construct affordable housing at 383 South Stone Avenue previously notified the Advisory Council for Historic Preservation (ACHP) about adverse effects of the project on a historic property, and consulted with the Arizona State Historic Preservation Office (AZ SHPO) to develop a Memorandum of Agreement (MOA) about the resolution of adverse effects of the project. The City of Tucson (City) and AZ SHPO later determined that the project was not an undertaking at that time as there were no plans to use Federal Funds.

Description of Undertaking and Federal Involvement:

The developer has recently applied to the City for HOME loan funding from the federal department of Housing and Urban Development (HUD). The use of these funds makes the project a federal undertaking subject to review under Section 106 of the 1966 National Historic Preservation Act (NHPA), as amended, 54 U.S.C. §



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306108 (formerly 16 U.S.C. § 470f), and its implementing regulations, 36 C.F.R. Part 800.

NHPA Compliance Process for this Project:

The City has been designated a Certified Local Government under Section 101(a) of the NHPA, and has a role in the NHPA compliance process. The developer's application to the City for HOME loan funding triggers an existing Programmatic Agreement (PA) between the City, the AZ SHPO, and the Advisory Council on Historic Preservation (ACHP). Under the authority of this PA, the City has assumed HUD's environmental review responsibility as the Responsible Entity for this HOME-funded project in accordance with its Environmental Review Procedures, 24 C.F.R. Part 58 (Part 58).

The triggering of this PA therefore requires an additional Section 106 consultation process and new MOA for this project. As Director of the City Department of Housing and Community Development, I am acting as the Agency Official under Section 106 of the NHPA and as the Certifying Officer under Part 58, and am leading the Section 106 consultation process for this project.

Description of Area of Potential Effect:

The property where the project is located is a recently designated Contributing Property within the Armory Park Historic Residential District, and is adjacent to the boundary of the Barrio Libre Historic District (both National Register historic districts). Originally, the City defined the Area of Potential Effects (APE) for this undertaking according to 36 CFR § 800.16(d) as the Armory Park Historic Residential District. Following public input and conversations with consulting parties we have expanded the APE to include the Armory Park and Barrio Libre historic districts (see Attachment A).

Steps Taken to Identify Historic Properties

Steps taken to identify historic properties within the project APE include checking the National Register of Historic Places, referencing maps of National Register-



listed properties within the City, an archaeological site records check (see Attachment B), and seeking public input.

### Description of Potentially Affected Historic Properties

The Downtown Motor Hotel located at 383 South Stone Avenue was designed in the Modern international style by architect Josias Joesler and constructed in 1941 for the developers Helen and John Murphey. Sometime during the 1950s the lobby was reconfigured to include glass window walls and a larger neon monument sign was installed. On 14 April 2014, in response to an application prepared by the Tucson Historic Preservation Foundation and forwarded by the Arizona State Historic Preservation Office, the Keeper of the National Register of Historic Places changed the property's status from non-contributing to contributing to the Armory Park Historic Residential District.

The Armory Park Historic Residential District was listed in the National Register in 1976, and an amendment expanded the district boundary in 1996; it currently includes 688 contributing properties and 109 non-contributing properties. A period of significance is not identified in the 1976 National Register form, but the 1996 amendment defines the district's period of significance as 1860s – 1945, and both forms identify the significance of the district in terms of its representation of changes in residential architectural styles in Tucson between the arrival of the railroad in 1880 and the end of World War II.

Barrio Libre Historic District was listed in the National Register in 1978; it includes 227 contributing properties and 120 non-contributing properties. A period of significance is not identified in the National Register form, but the contributing properties were all built between the 1860s and the 1940s, and the interval of most intensive development was between 1885 and 1900. According to the National Register form, the district is significant as a representation of Hispanic building traditions and Territorial Period architecture in Tucson.

### Description of the Undertaking's Effects on Historic Properties

Based on a building condition report (see Attachment C), it is not economically feasible to rehabilitate the entirety of the existing 1941 building because of the



numerous structural problems and abundant hazardous materials that would need to be addressed. The proposed project will instead include partial demolition of the existing building while retaining and rehabilitating its street-facing portions and restoring the original sign, and construction of an attached four-story building containing 44 housing units (see Attachment D).

It is the finding of the City that the planned project will adversely affect the contributing property at 383 South Stone Avenue, and that no other historic properties within the APE will be adversely affected.

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Explanation of Why the Criteria of Adverse Effect Were Found Applicable or Inapplicable:

It is the finding of the City that the planned project will adversely affect the contributing property at 383 South Stone Avenue because it will involve demolition of the majority of the existing 1941 early modern building.

It is the finding of the City that there are no adverse effects upon the Armory Park and Barrio Libre Historic Districts because the proposed new construction will match the height of an Armory Park Historic Residential District contributing property behind the project property, and the partial demolition and new construction will not alter the characteristics that qualified them for inclusion in the National Register of Historic Places, as defined in their National Register forms.

According to those forms, Armory Park Historic Residential District is significant as a representation of changes in residential architectural styles in Tucson between the arrival of the railroad and the end of World War II; Barrio Libre Historic District is significant as a representation of Hispanic building traditions and Territorial Period architecture in Tucson.

Explanation of Actions to Avoid, Minimize, or Mitigate Adverse Effects:

The project is designed to minimize the adverse effects by retaining and rehabilitating the street-facing portions of the historic building, restoring its original sign, and having the height of the new building not exceed the height of



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

Evaluation of Measures Considered, but Rejected, to Avoid or Minimize the Undertaking's Adverse Effects:

Because it is not economically feasible to rehabilitate the entirety of the existing building, and new construction cannot be designed to create the number of affordable housing units needed to receive the LIHTC without demolishing the majority of the existing building, avoidance of adverse effects on this Contributing Property is not possible.

Public Input Process and Summaries of Views Provided by the Public:

On 28 October and 20 November 2014, publicly noticed meetings were held to provide information on the project and the Section 106 consultation process, and to solicit views on the project and provide responses. Notification of these meetings included posting by the City Clerk's Office and emails sent to over 350 interested parties, including neighborhood associations and residents near the project. Over 50 citizens attended the first meeting, and more than 30 citizens attended the second meeting. City staff took notes, and participants were also asked to submit written comments during the meetings, or by U.S. mail or email if they were not comfortable speaking in public or unable to attend. As of this date, more than 100 comments have been received, and both the comments and categorized responses are posted on our department website.

In accordance with 36 CFR 800.2 (c), the following have been identified as consulting parties: 1) the *Arizona State Historic Preservation Office* - as required by regulation; the *Tucson Historic Preservation Foundation* - the largest private organization dedicated to preserving the historic resources of Tucson, Pima County, and southern Arizona; 3) the *Tucson-Pima County Historical Commission, Plans Review Subcommittee* - as a participating entity in the Programmatic Agreement between the City of Tucson, the Arizona State Historic Preservation Office, and the ACHP; 4) the *Armory Park Neighborhood*



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*Association* – representing the neighborhood in which the project is located; 5) the *Armory Park Historic Zone Advisory Board* – representing the historic preservation interests of the neighborhood and National Register district, although the project is not located within the City Historic Preservation Zone; and 6) the *Barrio Historico Historic Zone Advisory Board* – representing the historic preservation interests of the neighborhood and historic district adjacent to the project.

In general to-date, the majority of the comments and questions about the project have focused on perceived adverse effects of the project—specifically, the scale and design of the new building; the Section 106 consultation process and opportunities for public input; and opposition or support for the reuse of the property for low-income housing. Documentation of the public input process, views provided by consulting parties and the public, and City staff responses are included as an attachment to this letter (see Attachment E).

AZ SHPO Concurrence and Resolution of Adverse Effects:

The AZ SHPO has concurred with the definition of the APE, the identification of historic properties affected, and the finding of adverse effect (see Attachment F). A Memorandum of Agreement (MOA) will be developed in consultation with the AZ SHPO and other consulting parties to stipulate how the adverse effects of the project will be resolved through mitigation measures.

ACHP Notification and Invitation to Participate:

This letter notifies the ACHP of the finding of adverse effect and inquires whether it chooses to participate in the development of the MOA.

Sincerely,



Sally Stang

Director

Department of Housing and Community Development



City of Tucson

**Attachments:**

- A. Map of the Area of Potential Effect.
  - B. Archaeological site records check report.
  - C. Building condition report.
  - D. Conceptual design of proposed project.
  - E. Documentation of public input process, views provided by consulting parties and the public, and responses
  - F. AZ SHPO Concurrence on Finding of Adverse Effect
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