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To: Demion Clinco <demionc@yahoo.com>, Gary Patch <standuptall@gmail.com>, W...
Date: 06/12/2015 2:36 AM
Subject: Fwd: Violations: 1) Secretary of the Interior's Standards 2) Environmental Law

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From: Jody Gibbs <j.gibbsarchitect@gmail.com>
Date: Fri, Jun 12, 2015 at 2:26 AM
Subject: Violations: 1) Secretary of the Interior's Standards 2)
Environmental Law
To: Sally Stang <sally.stang@tucsonaz.gov>

Ms. Sally Stang, Director
Housing and Community Development Department
City of Tucson

Re: 106 Process, HUD-funded project 383 S. Stone Ave, Tucson AZ
-SHPO-2014-0485 (123453)
City Revised Findings of Adverse Effects April 8, 2014
Proposed MOA (Memorandum of Agreement)
1) Violations of the Secretary of the Interior's Standards
2) Violations of Environmental Law

Dear Ms. Stang,

In the City of Tucson's April 8, 2015 " Revision of Finding of Adverse
Effects of the HUD-funded Project at 383 S. Stone Avenue, Tucson, Arizona -
SHPO -2014-0485 (123453)" you stated,

"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."

I wish to draw your attention to the following publication, "Preservation
Brief 14, New Additions to Historic Buildings" prepared by the Technical
Preservation Services of the National Parks Service, Department of the
Secretary of the Interior" of which I am sending you a copy by separate
email.

The proposed project violates the Secretary of the Interior's Standards as
indicated clearly in that publication. In fact, the proposed project is
almost a poster child of what should not be done with a new addition to a
historic building.

The Design Brief for New Additions to Historic Buildings prepared by the
Technical Preservation Services of the National Parks Service, Department
of the Secretary of the Interior states,

"To meet Standard 1 of the Secretary of the Interior's Standards for
Rehabilitation a property shall be used for its historic purposes or be
placed in a new use that requires minimum change to the defining
characteristics of the building and its site" and "An addition should be

designed to be compatible with the historic character of the building and thus meet the Standards of Rehabilitation"

Standard 9 of the Secretary of the Interior's Standards applies specifically to new additions. It states,

"New Additions shall not destroy historic materials that characterize the property. The work shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment".

The proposed project destroys 93% of the historic property leaving but two small one story (10' tall) portions that total 1385 SF. The addition is: 44' taller (54' versus 10') and 55 times larger (766,800 CF versus 13,850 CF) than the historic building. The addition has a footprint that is 11.6 times larger (16,080 SF versus 1385 SF) than the historic building. The addition absolutely dwarfs and trivializes the historic building. The addition is not compatible in size, scale, or architectural features of the historic building. Neither the integrity of the historic property nor its environment are protected. On the contrary they are overwhelmingly destroyed by the enormous size, height, scale, and character of the addition.

Standard 10 of the Secretary of the Interior's Standards states,

"New additions shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired".

This standard is also clearly violated. Because the addition only leaves 7% of the historic property a future removal of the addition would clearly not reveal the essential form and integrity of the existing 1941 Downtown Motor Hotel designed by Joesler. The form of the existing building is U-shaped, with two long arms surrounding the central area. Remove the addition and the essential historic form, integrity, and environment of the historic property would not be seen as they were destroyed to build the gigantic four story big box addition.

The "Preservation Brief for New Additions to Historic Buildings" continues,

"Keeping the addition smaller .. locating the addition at the rear or in an inconspicuous side elevation of the historic building can help."

Unfortunately the addition is not smaller. Instead it is 44' taller and 55 times larger. It is not in "an inconspicuous side elevation". On the contrary it overwhelms the historic building whether seen from the front, the sides, or the rear. The new addition comprises 96% of the proposed project's south elevation, 95% of the proposed north elevation, 100% of the proposed east elevation, and 92% of the proposed west (street) elevation.

The Preservation Brief continues,

"Attaching a new exterior addition usually involves a degree of material loss to the external wall of a historic building, but it should be minimized" and "Generally speaking preservation of historic buildings inherently implies minimum change to the previous elevations."

In the proposed project material loss is not minimized. On the contrary, the addition removes approximately 93% of the external walls since it removes 93% of the historic building. The massive changes to the elevations were discussed above.

The proposed project was never intended to be a historic preservation. The developer has made it very clear that from the beginning they thought it best to demolish the historic building and build a four story building (three floors containing 44 units on top of a ground level garage). Thoughts of historic preservation have been secondary and "after the fact".

The Preservation Brief from the Secretary of the Interior on New Additions to Historic Buildings continues,

"One way to reduce the overall material loss when constructing a new addition is simply to keep the addition smaller in proportion to the size of the historic building".

In the proposed project we have just the opposite. The addition is gigantic and completely overwhelms the remaining portions of the historic building. The addition is 55 times larger than the size of the remaining portion of the historic building (766,800 CF versus 13,850 CF). Or stated in terms of proportion the historic building is only 2% of the completed project.

The Preservation Brief prepared by the Department of the Secretary of the Interior continues,

"Preserve Historic Character. The goal, of course, is a new addition that preserves the building's historic character" "The historic character is embodied in the physical aspect of the historic building itself- shape, material, features, craftsmanship, window arrangements, colors, setting" "Thus it is important to identify the historic character before making decisions about the extent - or limitation - of change that can be made."

This did not occur in the proposed project. The primary objective was to "shoe horn" in 44 units above a parking garage. Maintaining the character of the historic building and its physical aspects was totally secondary and not achieved. The addition overwhelms and dominates. The historic building's character is lost.

The Preservation Brief from the Secretary of the Interior for New Additions to Historic Buildings is quite clear as it continues,

"A new addition should always be subordinate to the historic building. It should not compete in size, scale, or design with the historic building. An addition that bears no relationship to the proportions and massing of the historic building - one that overpowers the historic form and changes the scale - will usually compromise the historic character".

Given that the proposed project destroys 93% of the historic building and that the addition is 55 times bigger and 5.4 times taller than the remaining historic building it is clear that the addition overpowers the historic form and changes the scale, and compromises the historic character.

The Preservation Brief continues,

"An addition that fills-in a planned void on a highly visible elevation, such as a U-shaped plan, will also alter the historic form and as a result change the historic character. Under these circumstances an addition would have too much of a negative impact on the historic building and it would not meet the Standards."

This describes the proposed project perfectly. A historic building's story U-shaped form is gone. The historic character and physical aspect of the Motel is gone. Instead the property is dominated by a gigantic four story box with two small one story pieces in front of it. The historic building form is gone. The historic character is eliminated.

The Secretary of the Interior's Preservation Brief tells us what to do in such a case, when there is simply too much, too big, too tall of a new new addition on too little a site where only 2% of the final result is the historic building. The preservation Brief states,

"Such a situation may be best handled by constructing a separate building in location where it will not adversely affect the historic structure and its setting"

Does that sound familiar ? Neighborhood residents, and professionals in architecture, planning, and archeology have advised you in this 106 process to pursue a land swap and relocate the proposed project to a different site where it will not have adverse effects to the historic property and its setting.

The Secretary of the Interior's Preservation Brief for New Additions to Historic Buildings also says,

"Base the size, rhythm, and alignment of the new addition's windows and door openings on those of the historic building".

Does that sound familiar ? Repeatedly it has been pointed out that the windows of the new addition are foreign in design, proportions, and rhythm from those in the historic building and that the windows in the new addition do not align with those in the historic building. How could they. The addition is four stories tall.

And the principal doors on the west and east elevations of the addition are automatic garage doors approximately 9' tall and 16' wide that are foreign in design, rhythm, and size to the door openings in the historic building.

The proposed project is therefore not in compliance with the Secretary of the Interior's Standards for New Additions to Historic Buildings.

The proposed project therefore has adverse effects on the surrounding contributing properties beyond the loss of 93% of the historic Joesler building.

The majority of the consulting parties have stated these adverse effects in the 106 process, only to be ignored.

The adverse effects have been repeatedly identified by the Tucson Preservation Foundation and the Barrio Historico Advisory Board.

Both the Armory Park Advisory Board and the Armory Park Neighborhood Association have clearly and honestly said, in the 106 process, that the proposed building is over-sized and out of scale but that they would like to get something out of this \$10 million dollar project for their neighborhood even if it is only \$12,000 for side walk repair, a small building fund, and some salvaged materials. But they have never said the proposed project is compatible in size, scale, massing, etc.

The Tucson Pima Historical Commission reviewed the proposed project on November 18, 2014 at which time they were told by the project's architect and in the written material they received that the building height was 49'. Both the written materials and the minutes of the meeting are public record. The minutes indicate the Commission Chair (an archeologist) stated that, "the project clearly has adverse effects". Two other Commission members (an architect and a landscape architect) objected to the height, scale, character, and impact of the project on both historic districts. There were only five commissioners at the meeting. This means that 60% of the commissioners identified adverse effects. The motion the Commission passed recommended "design alternatives to scale down the mass and height to improve compatibility with the surrounding (Armory park and Barrio Historico) historic neighborhoods". Instead the developer has increased the height to 54' (and therefore also increased the mass) both in direct contradiction to the Commission's recommendation.

In the 106 process it is advised that professionals be consulted. I am sending you a petition from four well qualified professional advising you that the City's findings of Adverse effects are in error, that the proposed building is not compatible in size, scale, or massing with the historic contributing properties and that the proposed project causes adverse effects to the historic contributing properties in both Historic Districts. I believe additional qualified professionals will add their names to the petition. I send it now because you appear to be rushing to complete a flawed MOA based on flawed findings of adverse effects regardless of the documented conditions, the professional advice, and the Secretary of the Interior's Standards to the contrary of your findings and the MOA.

In this 106 process you have been deaf to the opinions of qualified professionals among the consulting parties. You have also been indifferent to detailed documentation of the incompatibility of the proposed undertaking with the surrounding historic contributing properties. And now this letter which quotes the "Department of the Interior's own Preservation Brief for New Additions to Historic Buildings" to document the proposed project's violations of the Secretary of the Interior's Standards.

In this 106 process you have consistently followed the advice of the City's Preservation Officer and the City Attorney, neither of whom are consulting parties. Unfortunately, it appears that the SHPO and the ACHP have also relied upon the statements made by the City Preservation Officer., but it appears he has not provided SHPO or the ACHP with any evidence supporting his statements. How could he since examination of the evidence disproves his statements. And his phrases from the Secretary of the Interior's Standards are completely taken out of context - mystifying, non applicable, misleading, and false when placed in context.

Unfortunately the draft MOA directs the developer and others to cooperate in dispensing salvaged bricks from 383 S. Stone to citizens of Tucson. Based upon past experience with historic buildings in this area, I would estimate a 99% probability that the bricks at 383 S. Stone are contaminated with lead paint. In fact, I suspect, based on prior experience, that even the ground surrounding the building to a width of approximately five feet and a depth of approximately two feet is likely to be contaminated. This is not a matter of obtaining waivers. Prior to completing the MOA the historic building and its salvage materials need to be tested for lead paint and other hazardous materials. The Environmental Laws in our country generally require NESHAP testing, plus Phase 1 and Phase 2 Environmental Reports for a HUD funded project. Compliance with the law for hazardous materials is a legal requirement. If the quantity of hazard materials is beyond acceptable limits, the salvage materials cannot even be put in a land fill. Common sense dictates that lead paint coated bricks should not end up in gardens, walks, or other locations in proximity to children and other citizens in Tucson or anywhere else.

It is obvious that the City's findings of adverse effects are incorrect, and that the proposed project does cause adverse effects to the surrounding historical contributing properties. It is also clear that the proposed project violates the Secretary of the Interior's Standards for New Additions to Historic Properties. And it clear you also have the documentation supporting this and have presented no contrary documentation since it doesn't exist.

I would suggest you take a break and consult your supervisors, revise your findings of adverse effects, and shelve the current MOA. One alternative is the one suggested in the Secretary of the Interior's Preservation Brief for New Additions to Historic Buildings when the addition is just too big and too inappropriate for the historic building, the site, and the area. That would be to help the developer find a new site where the proposed four story building will not cause adverse effects to historic properties

Four questions continue to be asked in the neighborhood:

- 1) If the proposed four story addition is 55 times larger and 5.4 times taller than the historic building and you and the preservation officer think that's "compatible", how big and how tall would the addition have to be before you and the preservation officer would find it "incompatible" ?
- 2) How much money has the City spent on this to date trying to put an inappropriate building in the middle of two historic districts ?
- 3) When are you going to hold a public meeting to discuss your findings and the project ?
- 4) Who on the City Staff or City Council is directing you to do this ?

Sincerely,

Jody Gibbs, Co-chair
Barrio Historico Advisory Board