



Preserving America's Heritage

June 22, 2018

Ms. Kimberly Worthington
Deputy Commissioner
Department of Fleet & Facility Management
30 North LaSalle Street, Suite 300
Chicago, IL 60602

Ref: *Proposed Pullman Artspace Lofts*
City of Chicago, Cook County, Illinois
ACHPConnect Log Number: 012306

Dear Ms. Worthington:

On June 8, 2018, the Advisory Council on Historic Preservation (ACHP) received a request from the City of Chicago, Illinois (City), to provide our opinion regarding a disputed “No Adverse Effect” (NAE) finding for the referenced undertaking. As we understand, the City proposes to provide six project-based housing vouchers to the undertaking, which requires compliance with Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, “Protection of Historic Properties” (36 CFR Part 800). The undertaking is located within the Pullman National Monument (Monument) and the Pullman National Historic Landmark District (NHLD), and consists of the construction of 38 units of affordable artist housing along with community space. The City received several objections from consulting parties to its May 1, 2018, finding of No Adverse Effect that generally relate to either the undertaking’s effects on historic properties or issues regarding the coordination of the Section 106 review. In accordance with 36 CFR Section 800.5(c)(2)(i), the City has requested that the ACHP review its finding, and provide our advisory opinion.

Effects to Historic Properties

Based upon the information provided by the City throughout consultation, the ACHP believes the City has made a reasonable effort to consider the undertaking’s effects on historic properties once it determined that there would be federal involvement in the project. The City then initiated Section 106 consultation on the undertaking and appropriately began its analysis of the site of the current undertaking. The focus of this consultation on the current site is an important determinative factor, as the site is currently vacant and has been since the original building’s demolition in the 1930’s. As such, requests from consulting parties that the proposed new construction be the same size and configuration of the demolished property are beyond the City’s obligation to review the current baseline, which has consisted of a vacant parcel for more than 70 years. Furthermore, since the undertaking’s proposed infill construction and rehabilitation of the two adjacent historic properties meet the Secretary of the Interior’s Standards for Rehabilitation (Standards), they can reasonably be described as compatible with the historic character of the NHLD and Monument,

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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and therefore it is not necessary to re-evaluate the proposed design and massing. The ACHP finds the National Park Service's Technical Preservation Services (NPS) and the Illinois State Historic Preservation Officer (SHPO) views on this matter to be highly persuasive, given their expertise in the application of the Standards and review of Federal Historic Tax Credit (FHTC) projects in Illinois. Therefore, the ACHP has no reason to disagree with their professional opinions.

While there is broad agreement that archaeological remains are present within the Area of Potential Effects, there is disagreement among the consulting parties regarding whether these remains relate to the Monument's period of significance, or are critical to maintaining the integrity of the historic property. The conclusion reached by the City, and concurred in by the Illinois SHPO, is that the archeological remains are ineligible for listing in the NRHP. In accordance with 36 CFR Section 4(c)(2) of the ACHP's regulations, the City has no further obligation to consider them under Section 106. Nevertheless, we recommend that the City consider including a monitoring plan during construction in an attempt to avoid any unanticipated discoveries or effects to previously unrecognized historic properties. This plan should be coordinated with the IL SHPO and made a condition of the NAE.

Section 106 consultation

Those who have objected to the City's NAE finding have expressed concerns about the City's efforts to make a reasonable and good faith effort to carry out the appropriate identification and evaluation effort, which includes factors such as the magnitude and nature of the undertaking, the degree of federal involvement, and the nature and extent of potential effects on historic properties. The City's technical memorandum and summary report utilized several resources that detail the historic character and integrity of the NHLD and Monument, including past National Register nominations, the Monument's declaration, and the City's Landmark Designation Report, in addition to local planning and rehabilitation guidelines. These analyses carefully considered the Monument's and NHLD's remaining elements of integrity, and reviewed the undertaking in light of these factors. As a result, the undertaking has been revised several times to address the proposed undertaking's height and massing, which resulted in an undertaking that will avoid adverse effects to the NHLD and Monument. In sum, the documentation provided by the City demonstrates that it considered all of these factors in evaluating the proposed undertaking. Because of the undertaking's location within an NHLD and a National Monument, the City also had to comply with the requirements of 36 CFR Section 800.10, which affords a higher level of care in considering effects to NHLs. In consultation with the NPS and others in this review, the City fully considered and committed to actions that will avoid adverse effects to the NHL.

Outreach to consulting parties

Those who objected to the proposed Pullman Artspace Lofts also raised concerns about the sufficiency of the City's efforts to identify and engage consulting parties. The ACHP finds the City's efforts in these regards to be reasonable given the scale of the undertaking and the number of public meetings it convened. While the City could have undertaken additional efforts to identify consulting parties, given the broad range of parties already at the table, it is not clear that a more extensive outreach effort, if it had occurred, would have substantively changed the outcome. Despite the public notification by the City and communications from consulting parties, no other consulting parties have come forward requesting consulting party status.

Timing of Section 106

As previously stated, the Section 106 process did not apply to the undertaking until the federally-funded project-based vouchers were allocated to the undertaking. Once the City determined that Section 106 applied, it took steps to initiate the Section 106 review in accordance with our regulations. The ACHP's regulations allow the City to utilize information gathered from previous studies and planning efforts to meet the reasonable and good faith effort to identify historic properties and assess its undertaking's effect

on historic properties, so long as those reports meet applicable professional standards and guidelines. To that end, the information used for the FHTC review and Monument planning was relevant to the planning of the proposed Pullman Artspace Lofts. Furthermore, while the City was able to utilize extensive information gathered as part of the FHTC review, it did provide consulting parties with the opportunity to provide their views on each finding and step in the Section 106 review process.

Future projects that are not subject to Section 106 would greatly benefit from NPS's development of a General Management Plan (GMP). This document should clearly define preservation goals and development plans to support the Monument's historic integrity. Moreover, once completed, the GMP should be the framework for all future development activities and clarify how and when the community will be engaged. The ACHP will share these recommendations with the NPS as well.

Accordingly, while we encourage the City to consider implementing an archaeological monitoring protocol during the undertaking's construction, it is our opinion that the criteria of adverse effect have been applied appropriately to this undertaking. Pursuant to 36 CFR Section 800.5(c)(3)(ii)(A-B), the City shall take into account our opinion in reaching a final decision regarding its finding. The City will need to prepare a summary of its rationale for the decision and evidence of consideration of our opinion, and share this correspondence with all consulting parties.

We look forward to receiving the City's summary of its decision. If there are any questions, please contact Ms. Jaime Loichinger at (202) 517-0219 or via email at jloichinger@achp.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Reid J. Nelson", written in a cursive style.

Reid J. Nelson
Director
Office of Federal Agency Programs