



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240





August 31, 2020



PROPERTIES: 1001, 1005, 1009-1011, and 1015-1017 Canal Street, New Orleans, LA
PROJECT NUMBERS: 40463, 40942, 40464 and 40465

Dear 

I have concluded my review of your appeal of the April 22, 2020 Decision of Technical Preservation Services (TPS), National Park Service, denying certification of Part 2 – Description of Rehabilitation application for the properties cited above (the Decision). The appeal was initiated and conducted in accordance with Department of the Interior regulations [36 C.F.R. part 67] governing certifications for federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I thank you and 
 for meeting with me via videoconference on May 22, 2020, and for providing a detailed account of the project.

After careful review of the complete record for this project, including the additional information submitted as part of your appeal, I have determined that the proposed rehabilitation of 1001, 1005, 1011, and 1015-1017 Canal Street is consistent with the historic character of the four individual properties and that each project meets the Secretary of the Interior's Standards for Rehabilitation (the Standards). Accordingly, the denials issued in TPS's April 22, 2020 Decision, are hereby reversed.

These four adjoining historic commercial buildings are designated as individual rehabilitation projects because they were not historically functionally related. However, the proposed rehabilitation will unify the four buildings by converting the long-unused upper floors above the first-floor commercial spaces into a hotel. The first-floor commercial spaces will remain as four independent businesses. This appeal will review the four buildings in the context of the overarching project but each will receive an individual appeal decision.

The corner building at the intersection of Canal and Burgundy Streets, 1001 Canal Street (NPS #40463), is a three-story masonry (brick/stucco) commercial building that dates from an 1888 remodeling of a circa 1875 structure. A taxi dance hall operated on the second floor of the

original section of the building between 1922 and 1924, when it was closed down as a fire hazard. That space and a decorative plaster cove with a frieze of dancers survives, but in deteriorated condition.

1005 Canal Street (NPS #40942) is a three-story L-shaped building constructed c. 1900, with frontage on Canal Street and on Burgundy Street behind 1001 Canal Street. Its Art Deco Canal Street façade is the result of a 1937 renovation for McCrory's Five-and-Dime Store. A non-historic stucco veneer conceals the windows of the original c.1900 masonry façade on Burgundy Street.

1009-1011 Canal Street (NPS #40464) is a four-story brick structure constructed in 1904 and renovated in 1917 following a fire with a pressed-brick and terra cotta façade. A tall, c. 1932, billboard nearly doubles the height of the building. Its steel columns rest on the party walls and support a parallelogram-shaped base set at a 45° angle to the street and more than a story above the party wall parapets. Two horizontal signs on the 45° side face down Canal Street toward the river and a single vertical sign perpendicular to the street faces up Canal Street toward the lake. Although not part of this rehabilitation, the billboard is a visually prominent, historic, and character-defining feature of the Canal Street streetscape.

1015-1017 Canal Street (NPS #40465) is four-story concrete and brick building constructed in 1915. It is the largest of the four buildings.

The interiors of all four buildings have been repeatedly altered over the years and retain little historic integrity with the exceptions of the former dance hall in 1001 Canal Street, turned wood columns on the second and third floors of 1005 Canal Street, a one-story section of the original stairs in 1009-11 Canal Street, and some salvageable historic wood flooring in various locations.

All four buildings are in the National Register-listed Vieux Carre Historic District and the local Canal Street Historic District. The National Park Service certified 1001 Canal, 1009-1011 Canal, and 1015-1017 Canal as contributing structures to the district, and made a preliminary determination that 1005 Canal will contribute to the historic district dependent upon extending the period of significance for the district, on June 13, 2019. The Louisiana National Register Review Committee recommended the reclassification of 1005 Canal Street from “noncontributing” to “contributing” and the National Register certified that 1005 Canal is contributing to the district on April 1, 2020.

The rehabilitation proposed in the Part 2 – Description of Rehabilitation application would retain the first-floor commercial spaces in each building as separate businesses. The upper floors would be interconnected and converted into a hotel. The rehabilitation would add a fourth floor on 1005 Canal Street and a fifth floor on 1009-1011 and 1015-1017 Canal Street. The TPS review determined that, 1) *“the proposed rooftop addition would be highly visible, would alter historic features of the building, and would negatively impact the historic character and appearance of these buildings and the Vieux Carre Historic District in which they are located”* and that, *“such an addition extending over three of the buildings visually links the buildings into one mass.”* Although the rooftop additions are the primary denial issues, TPS also determined that, 2) the living “pod” proposed to be inserted in the former dance hall in 1001 filled too much of the room’s volume, 3) that inserting two windows into the Canal Street façade of 1005 would be an incompatible treatment, 4) that the remaining section of the original stairs in 1009-1011 must be retained, 5) that the proposed metal wall panels in the new lightwells were incompatible

with the historic character of the properties, and 6) that damaged wood flooring must be repaired and retained where possible or replaced to match the historic flooring.

TPS stated that the impact of these changes on the historic character of the properties violated Standards 2, 3, 4, 5, 6, and 9. Standard 2 states, *“The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.”* Standard 3 states, *“Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.”* Standard 4 states, *“Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.”* Standard 5 states, *“Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.”* Standard 6 states, *“Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.”* Standard 9 states, *“New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.”*

Regarding the rooftop additions, Canal Street is one of the widest thoroughfares in New Orleans, which means that rooftop additions on three and four-story buildings will inevitably be visible from some vantage points. In this case, the most visible section of the three rooftop additions will be on 1009-1011 Canal Street, when seen, obliquely, from the opposite sidewalk of the 900 block of Canal Street, above the shorter 1001 and 1005 Canal Street.

The rooftop addition on 1005 Canal Street is well hidden behind the tall parapet of the Art Deco façade, which is taller than the historic facade it replaced. The egress stairtower on 1005 is visible from a short stretch of the opposite sidewalk of the 900 block, but it is no different than similar stairtower overruns located throughout the district. The “half-story” TPS cited is actually an open terrace, set well back from Canal Street and disguised behind a solid extension of the party wall rather than surrounded by a pipe railing enclosure. Consequently, the rooftop addition on 1005 Canal Street does not compromise the historic character of the building or historic district and thus complies with Standards 2 and 9. Accordingly, I hereby reverse the TPS denial of certification of 1005 Canal Street (NPS #40942) on the basis of the rooftop addition.

The rooftop addition on 1009-1011 Canal Street is the most visible of the rooftop additions, as noted above. It is set back twenty feet from the street façade so that its front corner is coincident with the first column of the set-back base of the platform that supports the billboard on the 1005 party wall. The front column of the billboard platform on the 1015 party wall is at the street façade and will remain freestanding. The addition will be coincident with the second column supporting the billboard platform on that side. The addition nestles under the base of the billboard platform and extends the depth of the building in alignment with the party walls below. The billboard is not part of this rehabilitation and the diagonal tie rods that brace its structural frame will remain in place. The billboard is a character-defining feature of the streetscape and the historic district and I asked at the appeal meeting that the three billboard columns that will be coincident with the new walls of the addition and the diagonal tie rods remain exposed and

visible, or at least expressed, to preserve the historic vertical character of the billboard's structural supports. Doing so will retain the visual prominence of the billboard above the cornices of the four buildings and help to disguise the mass of the new addition. With respect to the impact of the addition on 1009-1011, because of the setback, it will not be visible from directly across Canal Street but will have limited visibility from a short stretch of the 1000 block, thus does not diminish its individual historic character. However, as noted above, the rooftop addition will be visible obliquely, from the opposite sidewalk of the 900 block of Canal Street above the shorter 1001 and 1005 Canal Street, thus it will have an impact on the environment of 1009-1011. The regulations state, "*In situations involving the rehabilitation of a certified historic structure in a historic district, the Secretary will review the rehabilitation project first as it affects the certified historic structure and second as it affects the district and makes a certification decision accordingly.*" [36 C.F.R. §67.6(b)(6)]. In this case, the structural supports for the historic billboard will remain prominently visible in the foreground, but the parapet of the rooftop addition will not be prominently visible against the much taller Rock and Roll Hotel, or whatever building replaces it, at the end of the block. Although the addition does not follow the TPS guidance cited in the denial decision, I disagree that the addition is so highly visible that it "*overwhelms the building and negatively impacts the historic district.*" In this case, the fact that rooftop addition will have minimal visibility from within the 1000 block of Canal Street, and the prominence of the billboard above the rooftops of these four buildings reduces its visual impact on the historic district, is sufficient so that it is not a singular denial issue that causes the project to fail to meet the Standards. Consequently, the rooftop addition on 1009-1011 does not significantly compromise the historic character of the district and is consistent with Standards 2 and 9. Accordingly, I hereby reverse the TPS denial of certification of 1009-1011 Canal Street (NPS #40464) on the basis of the rooftop addition.

The rooftop addition on 1015-1017 was originally proposed to have the same setback and height as existing penthouses but would be continuous across the rooftop. Historically, there were two un-fenestrated penthouses set back twenty feet from the street façade of 1015-1017 Canal Street; both are visible from across Canal Street. In response to TPS' concerns about the visibility of the originally proposed rooftop addition across 1009-1011 and 1015-1017, and the concern that it would read as one mass (diminishing the individual character of the two buildings), you proposed as part of your appeal to set back the addition on 1015-1017 an additional twenty inches, thus making it less visible than the historic penthouses and differentiating it by offsetting it from the mass of the addition on 1009-1011. And, although there will be windows and doors in the street façade of the addition, their heads will be below the level visible from across Canal Street below. We also discussed at the appeal meeting using different exterior color tones and trim cap profiles to further differentiate these two additions from each other. I note that the side wall of the addition would be visible above the shorter height of the two adjacent buildings at 1019-27, but those buildings will be demolished as part of the demolition of the Rock and Roll Hotel at the end of the block. And, since this section of Canal Street is zoned to allow a 120-foot building height, any new construction on that lot will probably be taller than 1015-1017 and will hide the rooftop addition from view. Consequently, with the changes you proposed, in addition to those we discussed during the appeal meeting, and the likelihood that the full height of the party wall only will remain exposed until a new building is constructed next to 1015-1017, the rooftop addition on 1015-1017 Canal Street is unlikely to compromise the historic character of the building and thus sufficiently complies with Standards 2 and 9. Accordingly, I hereby reverse the TPS denial of certification of 1015-1017 Canal Street (NPS #40465) on the basis of the rooftop addition.

Regarding the second denial issue, the living “pod” filling too much of the taxi dance hall’s historic volume in 1001 Canal Street, as part of the appeal you proposed to reduce the size of the “pod,” thus enlarging the open volume at the street façade and resolving the TPS concern about not retaining enough of the original volume of the space. Consequently, the second denial issue is moot, and I hereby reverse the denial of certification of 1001 Canal Street (NPS #40463) based on that issue.

Regarding the third denial issue, inserting two windows in the center of the façade of 1005 Canal Street, as part of the appeal you presented a revised floor plan that eliminated the need to insert the two windows into the façade, thus leaving the façade unchanged. Consequently, the third denial issue is moot, and I hereby reverse the denial of certification of 1005 Canal Street (NPS #40942) based on that issue.

Regarding the fourth denial issue, TPS objected to removing the one remaining section of the historic stairs in 1009-1011 Canal Street. In the appeal meeting you explained that, although the stair section between the second and third floors is original, it has lost its historic context because the stairs down to the first floor were previously removed, and the stairs up to the third floor have been enclosed. You also presented additional photographs showing that the remaining stair section is significantly deteriorated. Consequently, because the stair has lost its historic context and is significantly deteriorated, its removal will not contravene Standard 2. Accordingly, I hereby reverse the TPS denial of certification of 1009-1011 Canal Street (NPS #40464) on the basis of the removal of this significantly deteriorated stair.

Regarding the fifth denial issue, the incompatibility of the proposed metal panels covering the newly constructed walls of the two lightwells with the historic character of the properties, both lightwells are new features that contain ramps connecting the slightly different floor levels among the four buildings. Thus, each lightwell demarcates each historic building from its neighbor and demonstrates that these were once four independent buildings. The metal ramps and railings are dramatically different from the historic materials found in the buildings, and the windows facing the lightwells are also different from the historic windows found on the exterior of the buildings. It would be consistent with these new features for the cladding on the new walls in the lightwells to be differentiated as well. TPS suggested in its Decision that smooth stucco would meet the Standards. As part of the appeal you proposed to instead install stucco wall panels. Although stucco panels could possibly comply with the TPS recommendation, I note that stucco is commonly found in historic buildings in New Orleans. In this particular case, using stucco cladding could cause the new lightwells to be perceived as new ramps bridging between unequal floor levels across historic—not new—lightwells, thus creating a false sense of history. Because you have consented to the TPS suggestion to use stucco cladding in the lightwells, the fifth denial issue is moot, and I hereby reverse the denial of certification of 1015-1017 Canal Street (NPS #40465) based on that issue. However, although I agree with the TPS concern expressed at the appeal meeting that the originally proposed vertical corrugated metal wall panels impart an inappropriate industrial appearance, I note that other metal architectural panels that are not industrial in appearance are available and could be used in this instance and comply the Standards.

Regarding the sixth denial issue, repairing and retaining damaged historic wood flooring rather than replacing it, in the appeal meeting you explained that there are sections of the historic flooring that will be repaired and retained, other sections where some of the flooring can be salvaged and used to repair less damaged sections, and that sections too damaged to repair will

be replaced to match the historic flooring. You also stated that the historic flooring in the former dance hall in 1001 Canal Street will be repaired and the border around the perimeter of the dance floor will be retained. I also note that you changed the orientation of the flooring in the revised floor plans for 1005 Canal Street to match the historic orientation. Consequently, the new treatment proposals for the historic flooring in all four buildings comply with Standard 6. Accordingly, I hereby reverse the TPS denial of certification of for all four properties owing to any excessive removal of the original wood floors.

In conclusion, I find that the overall impact of the proposed rehabilitation, as revised in the appeal, on the historic character of the four individual properties [1001 Canal Street (NPS #40463), 1005 Canal Street (NPS #40942), 1009-1011 Canal Street (NPS #40464), and 1015-1017 Canal Street (NPS #40465)] complies with the Standards, and I hereby reverse TPS's April 22, 2020 Decision denying certification of all four properties.

Although I am reversing the Decision denying certification of the Part 2 applications, please note that the scope of this appeal decision is limited to the issues of the denial described above. Subsequent amendments to the project must be submitted for review through the normal process. In addition, each property will not become a certified rehabilitation eligible for the tax incentives until it is completed and so designated by TPS after submitting Part 3 – Request for Certification of Completed Work applications through the normal process.

As Department of the Interior regulations state, my decision is the final administrative decision with respect to the April 22, 2020 Decision that TPS issued regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,



John A. Burns, FAIA, FAPT
Chief Appeals Officer
Cultural Resources

cc: SHPO-LA
IRS

