



United States Department of the Interior

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





September 3, 2020



PROPERTY: Old Hamilton Library, 3006 Hamilton Avenue, Baltimore, MD
PROJECT NUMBER: 29509

Dear 

I have concluded my review of your appeal of the October 29, 2019 Decision of Technical Preservation Services (TPS), National Park Service, denying certification of the rehabilitation of the property cited above. 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 your representatives, 
 for meeting with me via videoconference on April 27, 2020, and for providing a detailed account of the project.

After careful review of the complete record for this project, including the materials presented as part of your appeal, I have determined that the completed rehabilitation of the Old Hamilton Library is not consistent with the historic character of the property and that the project does not meet the Secretary of the Interior's Standards for Rehabilitation (the Standards). However, I have further determined that the project would meet the Standards if (and only if) you satisfactorily complete all of the additional remedial work described in this letter. Should you instead choose not to complete the remedial work via the process described below, then by this letter I hereby affirm the denial of certification of the Part 3 – Request for Certification of Completed Work application issued by TPS on October 29, 2019.

The Hamilton Branch of the Enoch Pratt Free Library was completed in 1920 on land donated by the Hamilton Improvement Association and with funding from Andrew Carnegie. Designed by Baltimore architect Theodore W. Pietsch and built by Baltimore contractor R.B. Mason, the Beaux Arts style library was originally one tall story above a raised basement with a shallow hipped roof. The interior was lit by tall, arch-top windows set high in the wall above the bookcases below. The building was little changed in its four-decade life as a library, but it became overcrowded in the housing boom following World War II and was replaced by a new library in 1959. Thereafter, the building was used for commercial offices and the new owners inserted a second floor into the original tall first floor, with new windows inserted in the lower half of the original first floor by lengthening some of the original window openings down to light the new space under the inserted floor. The thickness of the inserted floor was hidden behind wood

by the new owners after the end date of the period of significance. After downloading and reviewing the National Register nomination, which acknowledges the insertion of the second floor, but does not attribute it to the library's ownership of the building, and further online research into the history of the Hamilton Branch, I could find no evidence of the second floor being inserted by the library. Although the library was overcrowded, construction work to insert a second floor would have taken the library out of service for a year or more, plus the plan through the 1950s was to construct a new library, which was completed in 1959. Thus, I agree with your argument that the second floor was inserted after the period of significance.

You proposed to replace the removed historic window and wall trim on the second floor with new trim matching the plowed-profile of the original trim, and noted—correctly—that the original trim was only extant on the second floor because the trim on the first floor dated to the c. 1960 remodeling of the interior by the new owners after the library had moved out.

You also submitted with the appeal letter the drawings TPS had stipulated be submitted for review in the 2013 conditional approval of the Part 2 application. Those drawings, showing the window and wall sections where the exterior walls were furred out to add insulation, confirm and quantify the dramatic increase in the depth of the window reveals that TPS observed in the Part 3 photographs. The regulations state, "*Owners are strongly encouraged to submit part 2 of the application prior to undertaking any rehabilitation work. Owners who undertake rehabilitation projects without prior approval from the Secretary do so strictly at their own risk.*" [36 C.F.R. 67.6(a)(1)].

In considering the remedial work that would be required to bring the overall project into compliance with the Standards, the only historic features from the period of significance remaining on the interior prior to the rehabilitation were the window and wall trim on the second floor and the spatial relationship between the second floor windows and adjacent wall surfaces. TPS appropriately identified those interior features for preservation in the rehabilitation and stipulated measures to assure their preservation. Although all interior faces of exterior walls were furred out in the rehabilitation, the greatest impact of that change is to the second-floor windows and trim, which are now unrecognizable as historic except for the configuration of the sash in the window openings. The windows on the first floor and ground floor date from after the period of significance of the property and consequently the depth of the furring out has a lesser impact on the overall historic character of the property.

Although I concur with TPS that the rehabilitation as completed cannot be approved, I have identified remedial measures that could bring the overall project into compliance with the Standards.

- Comply with the TPS Part 2 condition, quoted above, by reducing the depth of the furred-out perimeter walls on the second floor in rooms 301, 302, 303, 304, and 305, so that they do not significantly alter the historic relationship of the windows to the adjacent wall surfaces.
- As you proposed in the appeal letter and again during the appeal meeting, reinstall the historic plowed-profile window and wall trim on the second floor based on physical and documentary evidence.

Together, these remedial changes will satisfactorily re-establish the property's historic character as visible on the second floor and bring the overall project into compliance with the Standards.

If you wish to pursue certification by performing all of the remedial measures described above, then please advise me in writing of that fact within 30 days after your receipt of this letter, at the same time providing me with a schedule for the timely completion of the work. Since mail to our offices is irradiated, delaying mail deliveries, I strongly recommend that you email me your response to assure it is

spandrels across the lower half of the original window openings, and in the middle of the lengthened window openings. The property was individually listed in the National Register of Historic Places on October 25, 2012, with the period of significance from 1920 to 1959, the year the library moved to its new location.

TPS conditionally approved the Part 2 – Description of Rehabilitation application on November 19, 2013, with stipulations regarding treatments of the exterior masonry, window repair versus replacement, selective replacement of the slate roof shingles, the replacement of the main entrance door, the location of HVAC ductwork bulkheads, additional detail regarding the ground floor tenant space, and limiting the furring out of exterior walls to add insulation. It is the last stipulation that is the basis for the TPS denial.

TPS received the Part 3 – Request for Certification of Completed Work application on September 8, 2019. In its review of the Part 3 application, TPS determined, that the completed work did not comply with the Standards specifically with respect to furring out the interior face of the exterior walls to add insulation. TPS noted in the Decision that,

The Part 2-Description of Rehabilitation conditionally approved on November 19, 2013, stipulated that “Furring-out or resurfacing interior walls must not change the historic relationship of trim and wall surface. In addition walls must not be thickened to the extent that it significantly alters the relationship of the windows to the wall surfaces.” The condition also requested a wall section drawing be submitted for review and approval. This information was never submitted for review. The photographs of the completed work show that all historic trim has been completely removed and the walls have been substantially furred out. The windows are now deeply recessed in the walls, which alters the historic character and interior appearance of the windows, as well as the proportions and relationship of the wall to the windows. The window trim was one of the only remaining interior historic features of the building, and its removal, in addition to the extensive furring out of the walls, has caused the project to violate Standards 2 and 6.

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 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.*”

In your appeal letter, received on December 2, 2019, you argued that, “*the furring out of the walls was necessary to enable the rehabilitation to meet the requirements of law,*” specifically compliance with the International Energy Conservation Code requirement of R-19 wall insulation, which you said required the installation of a 2 x 6 stud wall. A wall furred out that much significantly changes the relationship of the windows to the adjacent historic walls, contravening Standard 2. However, the regulations state that, “*The Secretary’s Standards for Rehabilitation take precedence over other regulations and codes in determining whether the rehabilitation project is consistent with the historic character of the property and, where applicable, the district in which it is located.*” [36 C.F.R. 67.7(e)]. Further, I note that high-performance insulation is available that can achieve a R-19 value in significantly less depth than is required for traditional batt insulation.

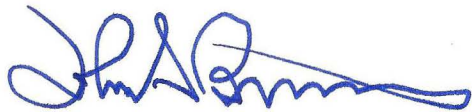
You also argued that the statement in the TPS denial letter that, “*the interior and exterior were altered as part of the c. 1940’s changes to the building,*” (i.e. during the period of significance) was not correct and that the insertion of the second floor and alteration of the original window openings were changes made

timely filed at [REDACTED] Email submissions are permissible under 36 C.F.R. 67.10(a)(1)(i). You must also submit to me, after you complete the remedial work, an amended Part 3 application, including photographs of the completed work. Please also provide the SHPO with a copy of your amended Part 3 application. Approval of the amended Part 3 application, designating the property a “certified rehabilitation” will effectively reverse the TPS denial of certification and I will issue the final administrative decision regarding your appeal.

If I do not receive your written communication within that time, indicating your decision to pursue the remedies discussed herein, then the determination expressed herein—to affirm the TPS denial of certification—will become the final decision without further notice to you. At that time, as the Department of the Interior regulations state, my decision will be the final administrative decision with respect to TPS’s October 29, 2019 Decision regarding rehabilitation certification. A copy of this decision will then be provided to the Internal Revenue Service. Questions concerning the 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.

If you have any questions about this letter, please email me at [REDACTED]

Sincerely,



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

cc: MD SHPO
IRS

[REDACTED]