



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, NW
Washington, DC 20240

February 8, 2021

[REDACTED]

PROPERTIES: 2133 and 2137 Louisiana Avenue and 3328 Loyola Avenue, New Orleans, LA
PROJECT NUMBERS: 41777, 41776, and 41774

Dear [REDACTED]

I have concluded my review of your appeal of the July 15, 2020 Decision of Technical Preservation Services (TPS), National Park Service, denying certification of the Part 2 –Description of Rehabilitation applications 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, [REDACTED] for meeting with me via video conference on October 8, 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 proposed rehabilitation of the three properties at 2133 and 2137 Louisiana Avenue and 3328 Loyola Avenue is not consistent with the historic character of the properties and the Central City National Register Historic District in which they are located, and hereby affirm the denial of certification issued by TPS in the Decision.

The three buildings are stylistically similar and probably were originally each configured as a duplex of two, mirror-image, two-story houses with internal stairs and shared two-story porches on the street and rear facades. This configuration was heavily altered circa 2001 when each structure was converted to two one-story flats, with the first-floor flats entered from the street side and the second-story flats entered from a metal staircase added on the rear facades. The interior stairs were removed at that time, along with most of the interior finishes. And, at some unknown date prior to this rehabilitation, the front and rear porches were removed although much of the other exterior features and finishes remained. Consequently, prior to the rehabilitation, there was little material integrity on the interior of all three buildings, although the spatial character of the interior rooms remained, notably all six front parlors retained their exterior entrance doors at the outside corner of each street facade and their interior spatial configuration and original ceiling heights.

The proposed rehabilitation would convert each individual property into a single, large-family, five-bedroom, rental residence, and would reconstruct the two-story front porches on two of the properties, 3133 Louisiana Avenue and 3328 Loyola Avenue. The reconfiguration from two single-story flats to a single two-story rental necessitated the reinstallation of interior stairways and you proposed to convert three first-floor front parlors into three two-story atriums with new stairs to the second floors, thus impacting six of the twelve front parlors . In its Decision, TPS noted,

“Despite numerous interior alterations and the loss of many of the historic materials and features, including the original stairways, the first-floor front room, or parlor, on both sides of the houses is still extant and remains the primary interior space that defines the historic character and distinctive plan of each of these double-shotgun houses. Your application proposes to install a new staircase in one of the front rooms in each of the three buildings and to remove the ceiling/floor in its entirety to create a two-story, open space. This not only results in giving this space a false historic appearance, but essentially transforms this simple room into a grand entrance foyer which is incompatible with the historic character and appearance of this primary space and a shotgun house.

...

While an opening for a staircase could have been cut out of the ceiling in another room of these houses to accommodate an interior stair (as likely existed historically), removing the ceiling in its entirety in any room of the house to create a double height space or stair hall is not a compatible rehabilitation treatment for these properties.”

TPS found that the proposed—and partially completed—changes to the front parlors violated Standards 2 and 3 of the Secretary of the Interior’s Standards for Rehabilitation (the Standards). 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.”*

The front parlor in shotgun houses is historically the front entrance and the primary interior space of a shotgun configuration. Consequently, I concur with the TPS and the SHPO that converting the front parlors into two-story atriums severely compromises their historic character. Clearly, there had originally been stairs to access the second floor and new replacement stairs are warranted. The photographs of the partially-constructed front parlor stairs show that all of the circa 2001 drywall has been removed, which should have revealed evidence of the original stair location by changes to the second floor joists where the original stair opening had been framed in, the lack of plaster ghosts on the studs behind the original stairs, or even nail hole patterns. However, you claimed at the appeal meeting that there was no remaining evidence of the six stairs that would have existed when the three building were originally constructed. Nevertheless, I find no credible evidence that the original stairs would have been in the front parlors and thus no justification for their current location. Nor is the two-story atrium compatible with a two-story circa 1920s house. I also note that diagonal bracing (visible in one of the photographs of the 2137 atrium) has been added to provide necessary lateral stability to the front and side facades after the lateral stability originally provided by the second-floor framing had been removed. Accordingly, I concur with TPS that the

atriums and stairs inserted where the front parlors had been located severely compromises their historic character and contravenes Standards 2 and 3, quoted above.

Regarding your assertion in the appeal letter that the “*NPS approved the Part 1s as submitted and thus accepted the general principal that nothing historic remains on the houses' interiors,*” this does not imply that the interiors are not subject to review for compliance with the Standards. I note that the regulations state that, “*A rehabilitation project for certification purposes encompasses all work on the interior and exterior of the certified historic structure(s) and its site and environment, as determined by the Secretary, as well as related demolition, new construction or rehabilitation work which may affect the historic qualities, integrity or site, landscape features, and environment of the certified historic structure(s). . . . All elements of the rehabilitation project must meet the Secretary's ten Standards for Rehabilitation (§ 67.7); portions of the rehabilitation project not in conformance with the Standards may not be exempted.*” [36 C.F.R. 67.6(b)]. In this case, although the interiors were lacking historic finishes, and some partition walls had been altered over time, the spatial character of the interior spaces—defined by the wall, floor, and ceiling planes—remained evident. Introducing a two-story atrium space in the front parlor is not compatible with the historic spatial character of these circa 1920s homes.

The Part 2 applications for 2133 Louisiana Avenue and 3328 Loyola Avenue propose to reconstruct the two-story porches that used to exist on the front facades, a commendable improvement to both properties. And, the circa 2001 “skirt roof” extensions on both street facades will be removed and the roof edge restored to match the Craftsman-style eave treatment found on the splayed dormer roofs and the side wall eaves of 3328 Loyola. However, there is no description in either Part 2 of the second-floor porch railing design except that it will be “of code height.” The façade drawings appear to show a railing design commonly found on contemporary suburban decks and which is not compatible with the Craftsman-style trim found on the exterior of both properties. And, I note that a similar railing design is proposed for the new interior stairs in all three properties. In both instances, the railing designs are unclear and the lack of information for both railing types is a denial issue. Although the porch and stair railings were not included in the TPS Decision, the regulations state, “*The Chief Appeals Officer may base his decision in whole or part on matters or factors not discussed in the decision appealed from.*” [36 C.F.R. 67.10(c)].

Further, there is a general lack of information on how the new interior trim will be compatible with the Craftsman-era features and trim described in both the Part 1 and Part 2 applications. The regulations state, “*Where necessary documentation is not provided, review and evaluation may not be completed and a denial of certification will be issued on the basis of lack of information.*” [36 C.F.R. 67.6(a)(1)].

Consequently, I affirm the TPS Decision denying certification for all three properties owing to changes to the front parlors that severely compromise their historic character, and further find that a lack of information is a contributing denial issue.

Regarding the fact that the stairs and atriums are already roughed-in and would be expensive to relocate, the regulations state that, “*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)].

Although I am affirming the Part 2 denial of certification issued by TPS on July 15, 2020, please note that you have the option of submitting—through the normal process—an amendment to the Part 2 application resolving the issues that were cited in the TPS Decision and further described

above. For instance, you suggested in your appeal letter the possibility of building back some of the second floor that was removed to create the atriums. If TPS were to review and deny certification of a Part 2 amendment, this decision would not preclude an appeal of that potential decision.

As the Department of the Interior regulations state, my decision is the final administrative decision with respect to the July 15, 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: LA SHPO
IRS

