

United States Department of the Interior

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



March 8, 2023



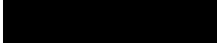

Property: **Benedictine Convent and Chapel of Perpetual Adoration, 800 North Country Club Road, Tucson, AZ**

Project Number: **43892, Part 1 and Part 2**

Appeal Number: **1664**

Action: **Final Administrative Decision**

Dear 

I have concluded my review of your appeal of the October 18, 2022 Decision of Technical Preservation Services (TPS), National Park Service, withdrawing the previously issued certification of the Part 1 – Evaluation of Significance application and denying certification of the Part 2 – Description of Rehabilitation application for the property 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, 
 for meeting with me via videoconference on December 7, 2022, 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 and additional research I conducted, I have determined that the proposed and partially completed rehabilitation of the Benedictine Convent and Chapel of Perpetual Adoration is not consistent with the historic character of the property and does not meet the Secretary of the

Interior's Standards for Rehabilitation (the Standards). Accordingly, I hereby affirm the denial of certification issued by TPS in the Decision.

The Benedictine Convent and Chapel of Perpetual Adoration (hereafter the Benedictine Convent) was completed in 1940 from designs by architect Roy Place in a Spanish-Renaissance Style. At the time of its completion, the 6.85-acre property was surrounded by open land. Today, it is bordered on the east by the primarily one-story houses of the Sam Hughes Historic District and a similar low-rise residential neighborhood to the east. There is some small-scale commercial development on the east side of Country Club Road north and south of the property. Even with these changes, the Benedictine Convent is still a dominant presence in the surrounding neighborhood. The walls are constructed of brick covered with concrete stucco in an "E" configuration with steel J-bar floor trusses, roof trusses, and framing for the bell tower; the roofs are red Spanish tile. The spine of the E was the public entrance and offices facing Country Club Road on the west. The spine was subdivided along its length, with a private corridor for the sisters' circulation on the east side and a public corridor on the west side providing access to the business offices facing Country Club Road. The north wing is the main sanctuary, with an adjacent chapel to the south. The center wing housed the refectory and kitchen on the first floor, offices and an inset porch on the second, and the laundry at the attic level. The south wing contained the altar bread room (baking altar bread was a source of income), a library, separate sewing rooms for white and black vestments, a community room with an organ, quarters for the prioress and superiors, and dormitories and individual cells for the sisters in residence. The two private courtyards formed by the wings were enclosed on the east by open arcades. The sanctuary, chapel, and office were open to the public, but the rest of the complex was closed to the public. Historically, date palm and orange trees provided income from sales of their fruit; some of those trees remained prior to the rehabilitation.

TPS withdrew its original approval of the Part 1 certification of the property as contributing to the significance of the Sam Hughes Historic District in the Decision. Although the Benedictine Convent was described as contributing within the district's nomination, it was actually outside the district boundary. However, on November 18, 2022, the Tucson Historic Sites Review Committee approved an expansion of the Sam Hughes Historic District boundary to include 1.7 acres of the Benedictine Convent property. Since the review at the state and Federal level is underway (and likely to be successful), I will not consider the TPS withdrawal of the certification of significance of the property in this decision.

The proposed rehabilitation of the Benedictine Convent will convert the former convent spaces to residential apartments and the sanctuary to a restaurant. In addition, the historic building will be surrounded on three sides by newly constructed apartment and mixed-use buildings. Prior to the rehabilitation, the convent spaces were substantially intact, retaining their historic finishes and built-in features. In the convent spaces, the corridors will be retained substantially intact, but

the spaces beyond the corridor walls will be demolished and reconfigured as apartments. Features on the property outside the 1.7 acres proposed to be included in the expanded historic district will be removed, with some remaining fruit trees and specimen plantings relocated to a nearby park. TPS determined that the “*extensive demolition of and alterations to the building's significant interior spaces, features, and finishes alter the historic character of the property and diminish its historic integrity,*” that the “*massing, scale, and design of the new construction, as well as the location and setback relative to the convent . . . completely alter and destroy the historic setting of the property,*” and that “*the new construction is completely out of scale with the surrounding neighborhood and the adjacent historic district.*”

In my review, I considered the overall impact of the rehabilitation in the context of the scope of review described in the preamble to the Standards, which states in part that reviews will, “*encompass the exterior and the interior of historic buildings . . . and the building's site and environment, as well as attached, adjacent, or related new construction.*” [36 C.F.R. § 67.7(a)].

Regarding the proposed work in the convent itself, the treatment of the exterior and the interior treatment of the sanctuary meets the Standards and I acknowledge that removing the dropped ceilings that hide HVAC ductwork in the corridors and restoring the corridors to their historic height is a positive improvement. However, I agree with TPS that the extensive demolition of the historic spaces beyond the corridor walls significantly diminishes the overall integrity of the property. You argued in the appeal presentation that those spaces were tertiary because they were never meant to be seen by the public and that the project should be afforded greater flexibility in those spaces to accommodate the new use. I disagree with that assessment. The rooms proposed to be demolished represent the essence of convent life, with spaces assigned and grouped according to the convent's organizational and functional hierarchy. I acknowledge that some spaces, like individual cells and communal bathrooms are of marginal significance, but other spaces, like the multi-room quarters of the prioress and superiors, the refectory, and the library could be adapted to residential use with features and finishes intact rather than salvaging and reusing some of their built-in features. The original architect's drawings (reproduced in the City of Tucson Historic Landmark Nomination) include multiple sheets of details of built-in features and decorative trim, and the nomination states that, “*Very few alterations to the monastery have taken place over its history, with most relegated to interior repairs, energy efficient modernizations, and exterior landscaping.*” Consequently, I agree with TPS that the minimal pre-rehabilitation photographic documentation makes it difficult to prove or disprove your argument that the spaces proposed for demolition have lost integrity or are not significant. Accordingly, based on the evidence provided, I concur with TPS that that the proposed extensive interior demolition contravenes Standard 2, which 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.*”

Regarding the new construction, although you acquired the Benedictine Convent property in 2018 and began construction of the adjacent apartment and mixed-use buildings in 2020, the Part 2 application for the rehabilitation of the historic building itself was not received by the National Park Service until February 3, 2022. As a result, the related new construction was substantially complete before TPS had a chance to review the proposed work. 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)].

The new construction of three, four, and five-story apartment buildings wraps around the historic convent and chapel on three sides, leaving only its west façade facing Country Club Road visible from the surrounding neighborhood. The size, scale and massing of the new buildings, rather than being deferential, overwhelm the scale and massing of the historic building, making it diminutive on a site it once dominated. The three-story height of the shortest of the new buildings rises well above the two-story convent, taller even than the ridge of its roof. And a private street and parking runs around the perimeter of the site, pushing the new construction closer to the historic convent. Thus, the new construction severely compromises the historic site, setting and environment of the property and, although it is clearly differentiated from the old, it is not compatible with the massing, size, scale, and architectural features of the historic convent.

The new construction also negatively impacts the historic character, site, and setting of the Sam Hughes Neighborhood Historic District, to which it appears to contribute if the boundaries are amended, and the amended district is nominated by the State Historic Preservation Officer. The district is primarily residential and low-scale, and the historic convent property was an important visual landmark for the district.

Consequently, I concur with TPS that the new construction violates Standard 9, which 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.*”

I note that, although the Arizona State Historic Preservation Office recommended that the project meets the Standards, the National Park Service is not bound by SHPO recommendations. The regulations state that, “*Recommendations of States with approved State programs are generally followed, but by law, all certification decisions are made by the Secretary, based upon professional review of the application and related information. The decision of the Secretary may differ from the recommendation of the SHPO.*” [36 C.F.R. § 67.1].

I have determined that the overall impact of the proposed rehabilitation and the already complete adjacent and related new construction on the Benedictine Convent and Chapel of Perpetual Adoration has significantly compromised the historic character of the property, its site and environment, and its historic district and thus fails to meet the Standards. I hereby affirm TPS's October 18, 2022 Decision.

As the Department of the Interior regulations state, my decision is the final administrative decision with respect to TPS's October 18, 2022 Decision regarding rehabilitation certification. Please note that due to my retirement from the Federal government on January 31, 2023, this appeal decision letter will be signed by my supervisor, Serena Bellew, who is the Deputy Associate Director, of Preservation Assistance Programs, within the National Park Service. 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,

SERENA BELLEW Digitally signed by SERENA
BELLEW
Date: 2023.03.08 19:01:47 -05'00'

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

cc: AZ SHPO
IRS



bcc: SOL-Blasco
2203-Bellew
2203-Burns
2255-Goeken
2255-Shiffer
2255-Roach
2255-White File