



# United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.  
Washington, DC 20240

AUG 28 2012

Re: 208 Bienville Street, New Orleans, Louisiana  
Project Number: 26544

Dear

I have concluded my review of your appeal of the decision of Technical Preservation Services (TPS), National Park Service (NPS), 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 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I thank you, and  
for speaking with me via conference call on April 18, 2012, and for providing a detailed account of the project.

After careful review of the complete record for this project, including the additional information submitted by received in this office on July 19, 2012, I have determined that the proposed rehabilitation of 208 Bienville Street, is not consistent with the historic character of the property and the historic district in which it is located, and that the project does not meet Standards 2 and 9 of the Secretary of the Interior's Standards for Rehabilitation (the Standards). Therefore, the denial issued on December 21, 2012, by TPS is hereby affirmed. However, I have further determined that the project could be brought into conformance with the Standards, and thereby be certified if the corrective measure described below is undertaken.

Built circa 1900, the building at 208 Bienville Street is located in the National Historic Landmark Vieux Carré Historic District. It was certified as contributing to the significance of the historic district on December 13, 2011. The proposed rehabilitation of this "certified historic structure" was found not to meet the Standards owing principally to the planned construction of a rooftop addition. Other issues cited included the addition of new window and door openings, as well as balconies. Additionally, TPS cited the lack of information needed to review several aspects of the rehabilitation proposal. These latter issues included the design of replacement windows and doors, the resurfacing of the east elevation, and the design of the new interior stairway.

My decision is based solely on the impact of the proposed rooftop addition on the historic building. I agree with TPS that it is difficult to add rooftop additions to small-scale, freestanding structures such as this one without significantly altering their roofline and massing, and thus their historic character. Although the building was once part of a bustling industrial district, today it is highly visible from all approaches. I have determined that this rooftop addition would notably alter the roofline and overall massing to an unacceptable degree. As a result, I find that the new element would bring the rehabilitation into conflict with Standards 2 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 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."*

The additional information submitted by \_\_\_\_\_ indicates that the new windows and doors will be generally compatible with the historic character of the building. With regard to the former party wall, although it is not recommended to add new openings to formerly blank walls, in this case, the wall in question was exposed to view only when the contiguous building was demolished. Moreover, I have determined that the proposed new windows are a significant improvement over the originally proposed inset balconies. I have further determined that the window openings will not be so numerous or so large as to constitute a significant departure from the Standards. The new information is also sufficient to allay TPS' concerns about the proposed treatments to weatherize the exterior face of the former party walls. With regard to the structural strengthening of the interior steel frame, I have determined that the location and detailing of the new supplemental structural members will not significantly compromise the historic character of the interior spaces. With regard to the new interior stairway, I have determined that its location is acceptable, and that the lack of details for it is a minor concern, not significantly impacting the overall rehabilitation. Accordingly, these issues have not entered into my decision.

As it is, however, I find that the impact of the rooftop addition on 208 Bienville Street significantly compromises the historic character of the building and, consequently, that the overall rehabilitation does not meet the Standards, as discussed above.

While the project as currently proposed cannot be approved, I have further determined that the project can be brought into conformance with the Standards, and thereby achieve the requested certification, if the rooftop addition was either removed from the project or significantly reduced in size so that it would not be prominently visible from the north (i.e., above the northwest or Clay Street facade, and above the northeast or Bienville Street facade). I acknowledge that the latter stipulation may render any rooftop addition impractical. However, this change would allow the project to be certified as meeting the minimum statutory test for certification established in the law.

If you choose to proceed with the changes described above, you may secure certification of the rehabilitation by submitting a Part 2 amendment describing the changes to this office, Attention: Mr. Michael Auer, with a copy to the Louisiana State Historic Preservation Office. Please note, however, that this project will not become a "certified rehabilitation" eligible for the tax incentives until it is completed and so designated by the NPS.

As Department of the Interior regulations state, my decision is the final administrative decision with respect to the December 21, 2012, denial 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  
Chief Appeals Officer  
Cultural Resources

cc: SHPO-LA  
IRS