



United States Department of the Interior

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



September 11, 2012

Re: **831 – 833 North Hennessy Street, New Orleans, Louisiana**
Project Number: **17903**

Dear

I have concluded my review of your appeal of the 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 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I thank you, for speaking with me via conference call on July 26, 2012, and for providing a detailed account of the project.

After careful review of the complete record for this project, I have determined that the rehabilitation of the property at 831 – 833 North Hennessy 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, 4, and 5, of the Secretary of the Interior's Standards for Rehabilitation (the Standards). Therefore, the denial issued on April 16, 2012, by TPS is hereby affirmed.

Built circa 1920, and raised to two stories in the mid-20th century, the property at 831 – 833 North Hennessy Street is located in the Parkview Historic District. It was certified as contributing to the significance of the district on February 24, 2006. The completed rehabilitation of this “certified historic structure” was found not to meet the Standards owing to the demolition of the paired entrance stairs and their replacement with a new one that did not match the historic configuration.

Prior to rehabilitation, 831 – 833 North Hennessy Street featured two stairs, one on each side of the porch, leading to the separate entrances to the two residences. I note that the 1940 Sanborn map annotates the building as two, one-story dwellings with basements, further annotated as “A in B” (auto in basement). And, the Part 2 of the Historic Preservation Certification Application – Description of Rehabilitation notes, the stairs were added “when the building was lifted onto a basement story.” Made of cast-in-place

concrete and given a rough stucco finish, the porch was supported by piers at its outside corners and by a center bearing wall. Both the porch and stairs featured solid balustrades with flat concrete caps. The projecting roof was supported on decorative wrought iron columns bearing on the two piers and the center bearing wall. In the rehabilitation the paired stairs were demolished and replaced with a central stair that starts as a single run at ground level and splits into two runs, each turning ninety degrees, at a mid-point landing. The solid balustrades were replaced by wrought iron railings, and the wrought iron columns supporting the roof were replaced with turned wooden columns.

The structure at 831 – 833 North Hennessy Street is a double shotgun house, which, as its name implies, features narrow side-by-side dwellings. The dual stairs added when the house was raised clearly signaled that the house had two residences. In the rehabilitation, these character-defining stairs were demolished and were replaced with a new and markedly different stair. Not only is the overall configuration different, the proportions of the supporting piers are markedly heavier than the demolished piers and the visual solidity of the original balustrades is replaced by the transparency of the wrought iron railings set above the unadorned concrete edges of the sides of the stairs, the porch floor, and the new projecting bearing walls that support the top landing of the new stairs. I have determined that these changes have unacceptably altered the dual quality of the exterior expression of this building form as well as the historic visual character of the facade, and have thus caused the rehabilitation to contravene Standards 2 and 5. 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 5 states: *“Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.”*

Additionally, because the dual stairs were added when the structure was raised, prior to 1940, their loss has caused the rehabilitation to fall short of Standard 4 as well. Standard 4 states: *“Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.”*

I have considered your assertion that the existing stairs did not meet the current building code. However, it does not follow that the only solution was to replace them in the manner accomplished here. Indeed, on July 14, 2010, TPS approved the Part 2 application with the condition that, “The new stairs for the facade must be retained in their current location. The stairs may be altered, however, to meet current Code requirements.” The stipulated condition continued by stating that a drawing of the revised elevation must be submitted for approval “prior to construction.” It is unfortunate that no further scheme for the stairs was submitted for review. I share the view of TPS that it would have been possible to rehabilitate this historic structure in accordance with modern building codes without so radical a change as to compromise its historic character. However, even if such an accommodation were not possible, Department of the Interior regulations governing the Historic Preservation Tax Incentives Program 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 CFR § 67.7(e)].

As Department of the Interior regulations state, my decision is the final administrative decision with respect to the April 16, 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,

A handwritten signature in black ink, appearing to read "John A. Burns". The signature is fluid and cursive, with the first name "John" being the most prominent.

John A. Burns, FAIA
Chief Appeals Officer
Cultural Resources

cc: SHPO-LA
IRS