



## United States Department of the Interior

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



September 30, 2019

[REDACTED]  
[REDACTED]  
[REDACTED]

PROPERTY: **Temple Lodge, 558 St. Francis Street, Mobile, AL**  
PROJECT NUMBER: **35047**

Dear [REDACTED]

I have concluded my review of your appeal of the March 25, 2019 Decision of Technical Preservation Services (TPS), National Park Service, denying certification of the *Part 3 – Request for Certification of Completed Work* application for the 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 you, and [REDACTED] [REDACTED] of the Mobile Historic Development Commission, for meeting with me via conference call on May 3, 2019, and for providing a detailed account of the project.

After careful review of the record for this project, I have determined that the completed rehabilitation of the Temple Lodge building 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 the Secretary of the Interior's Standards for Rehabilitation (the Standards). Accordingly, the denial issued in TPS's March 25, 2019 Decision, is hereby affirmed.

The building at 558 St. Francis Street was originally constructed in 1869 as a two-story grocery with residence above. The Olive Branch Lodge purchase the property in 1903, and by 1907 had both enlarged the footprint of the building and added a third story for lodge activities. The Temple Lodge building was determined to be a contributing resource within the National Register of Historic Places listed Lower Dauphin Street Commercial Historic District on December 8, 2016, and thus is a “certified historic structure.”

In its denial decision regarding the completed work, TPS determined that five substantial changes were made to the rehabilitation as proposed in the *Historic Preservation Certification*

*Application; Part 2 – Description of Rehabilitation* application, approved with conditions on May 3, 2017, Amendment 1, approved October 5, 2017, and Amendment 2, approved February 15, 2018. These changes were made without consultation with TPS. The regulations require that, “*Once a proposed or ongoing project has been approved, substantive changes in the work as described in the application must be brought promptly to the attention of the Secretary by written statement through the SHPO to ensure continued conformance to the Standards; such changes should be made using a Historic Preservation Certification Application Continuation/Amendment Sheet (NPS Form 10–168b).*” (36 C.F.R. 67.6(b)(8)(d)).

The changes TPS identified were:

1. Removal of the historic plaster finishes on the interior surface of the exterior walls of the building, revealing the underlying brick.
2. Removing the historic beaded board and plaster ceiling finishes on all floors, then leaving exposed the underside of the ceiling joists and fireproofing treatments.
3. Constructing new partition walls of reclaimed wood with a mix of unfinished, stained and painted finishes in place of historically plastered partition walls.
4. Installing prominently visible new mechanical, electrical, and plumbing systems.
5. Installing glass block in two historic window openings on the Warren Street side of the building.

TPS found that the cumulative impact of these changes contravened 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 my review, I compared the work proposed in the Part 2 application and amendments with the documentation submitted with the Part 3 – Request for Certification of Completed Work application, primarily copies of the as-built drawings and photographs of the completed work.

With regard to the first issue, although the Part 1 photographs show some damage and loss of plaster on the interior surface of the perimeter exterior walls, the majority of the plaster was intact and the damaged areas capable of being re-plastered to restore their historic finish and appearance. On the second and third floors, work items Numbers 10 and 11 in the Part 2 application state that the interior surfaces of all exterior walls are plaster on brick, but does not propose any work on them. The Part 3 photographs show that all of the historic plaster on the interior surfaces of the exterior walls has been removed, revealing the brick underneath, contravening Standards 2 and 6, quoted above.

With regard to the second issue, the Part 1 photographs show substantially intact beaded board ceilings over the first floor retail spaces, plaster ceilings on the second and third floors, and an elaborate pressed metal ceiling over the lodge hall on the third floor. On the first floor, work items Numbers 6, 7, and 8 in the Part 2 application state that the beaded board ceilings will be

cleaned and restored. On the second and third floors, work items Numbers 10 and 11 state that the damaged plaster ceilings will be replaced with drywall. Instead, the Part 3 photographs show that both the beaded board and plaster ceilings were removed, exposing the underside of the ceiling joists and sprayed-foam insulation, painted black. This work is not in compliance with the Part 2 descriptions of work and contravenes Standards 2 and 6, quoted above. Though, as noted by TPS in its March 25, 2019 denial letter, the pressed metal ceiling over the historic lodge hall was retained.

With regard to the third issue, although the Part 1 photographs show some damage and loss of the plaster on partition walls, most of the plaster was reasonably intact and the damaged areas with remaining lath were capable of being re-plastered to restore their historic finish and appearance. On the second and third floors, work items Numbers 10 and 11 in the Part 2 application state that the plaster and lath walls will be repaired where possible or replaced with drywall as necessary. The Part 3 photographs show that remaining historic partition walls retain the visual appearance of historic plaster. And, although the new kitchen cabinet walls, bathrooms and closet interiors are drywall, all of the other new partition walls are reclaimed wood planks in various finishes from unfinished to stained to painted a variety of different colors. Consequently, these new walls are dramatically different in appearance from the historic plaster walls. In this instance, I find that they contravene Standard 9 in that their various appearances are not compatible with the historic character of the property. 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.”*

With regard to the fourth issue, the Part 1 photographs and Part 2 descriptions demonstrated that modern amenities such as HVAC and fire protections sprinklers were not historic features in the building. While the new uses in the building required bathrooms and kitchens and their attendant plumbing, all these mechanical features would be new intrusions into the historic spaces of the building. TPS approved the new uses—and the implied changes they would bring—but stipulated in Condition 4 of the Part 2 approval that,

*New mechanical, electrical, and plumbing systems must be installed in a manner that has minimal effect on the historic character of the building. In the majority of the building, systems must be kept above new ceilings or enclosed and set back from the windows. Enclosures should be held to a minimal size and installed tight to walls and ceilings. If new ceilings must be lowered slightly to accommodate new systems, the ceiling must not be lowered below a point 2-3" above the trim at the head of the windows and/or doors. In the historic lodge space with the metal ceiling and the storefront space with a historic wood ceiling, a limited amount of systems may be exposed. Exposed ductwork must be sized and located to minimize its impact, held back from the windows, and painted to blend with its background. Exposed systems in the storefront space must be limited to those serving the space. Only very limited plumbing lines dropping from apartments above may be visible.*

The Part 3 photographs show that some of the stipulations in Condition 4 were not met. Electrical conduit, junction, switch, and outlet boxes are surface-mounted instead of hidden behind drywall. The new sprinklers are exposed because the ceilings were removed and not replaced. HVAC ductwork is not hidden above ceilings or enclosed in drywall soffits, and the alternating black and silver painting scheme contrasts with rather than blends with its background. However, I note that the plumbing supply and waste lines are adequately hidden.

The impact of issues one through four is that the historically finished interior of the building now resembles urban warehouse loft space, a dramatically different character from its historic appearance. I find that, collectively, these changes contravene Standards 2, 6, and 9 as stated above.

With regard to the fifth issue, work item Number 3 in the Part 2 application states that the circa 1970s windows will be replaced with architecturally appropriate windows. TPS stipulated in Condition 2 of the Part 2 approval that, "*Replacement windows must match the appearance, size, design, proportions, and profiles of traditional wood windows and must have clear glazing. . . . In order to ensure the proposed windows meet the Standards, detailed dimensioned drawings of the proposed replacement windows, showing them in relationship to the wall assembly must be submitted for review.*" The Part 3 photographs of the Warren Street side of the building show that two of the windows in a stairwell were instead replaced with glass block. You provided a letter from the fire marshal stipulating that those two windows had to provide fire separation, which glass block does. However, I agree with TPS that there are other means to provide the required fire separation and still maintain the visual appearance of the adjacent windows and comply with Condition 3.

In addition to the five denial issues identified by TPS, I also note that this rehabilitation compromised the integrity of the lodge hall, a significant character-defining space within the building. TPS stipulated in Condition 3 of the Part 2 approval that, "*Within Apartment 3C, the majority of the existing demising wall at the lodge space must be retained along with the 6-panel paired doors and surrounding trim. Photographs of the wall and doors must be provided with the Request for Certification of Completed Work.*" Instead, the as-built drawings submitted with the Part 3 application show that a new demising wall was constructed approximately nine feet north of the original demising wall TPS described in Condition 3. The new wall reduced the floor area and spatial volume of the lodge hall by about one-fourth, compromising its ability to convey its historic character. Moreover, the paired doors, which were the original ceremonial entrance into the lodge hall, were relocated to this new wall and turned 180 degrees from their original orientation. There is a Part 3 photograph showing the paired doors, but they have lost their surrounding trim. Conspicuously absent from the Part 3 submittal are any photographs of the original demising wall, or any other photographs of the new demising wall. I have determined that the original lodge hall's character and integrity have been compromised by these changes in violation of Standard 2, quoted above. Although the new demising wall was not mentioned 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)).

Consequently, I find that overall impact of the completed rehabilitation of the Temple Lodge

building has significantly compromised the historic character of the property and thus fails to meet the Standards and hereby affirm the previous decision.

As Department of the Interior regulations state, my decision is the final administrative decision with respect to the March 25, 2019 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: SHPO-AL  
IRS