



United States Department of the Interior



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

March 30, 2022

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

PROPERTY: The Academy of Holy Angels, 3500 St. Claude Avenue, New Orleans, LA
PROJECT NUMBER: 35496, Part 2
APPEAL: 1649
ACTION: Final Appeal Decision

Dear [REDACTED]

I have concluded my review of your appeal of the September 21, 2021 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 January 11, 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, I have determined that the rehabilitation of The Academy of Holy Angels is not consistent with the historic character of the property and the National Register listed Bywater Historic District in which it is located, and hereby affirm the denial of certification issued by TPS in the Decision.

Established in 1849 as a school for girls by the Marianites of the Holy Cross, The Academy of Holy Angels property came to encompass the entire city block bounded by St. Claude Avenue, North Rampart Street, Gallier Street, and Congress Street. At the start of the rehabilitation project, the site contained five functionally related buildings constructed between 1855 and 1935 and retained

historically open green spaces and gardens, circulation paths, and related landscape features including a large stone grotto on the Congress Street side of the property.

The oldest building on the site, the orphanage, is a three-story painted stucco building at the southwest corner, constructed in 1855. The three-story school, built circa 1866 at the southeast corner is the largest and most prominent of the five buildings, with decorative brick details on all elevations. The brick chapel, situated between the orphanage and school, is one-story with a steeply pitched gable roof, a cylindrical tower on the front corner, and a three-sided projecting apse on the north elevation. An enclosed bridge, constructed before 1893, connects the chapel mezzanine to the adjacent orphanage at the orphanage's second floor. The cafeteria/auditorium (cafetorium) building was constructed in 1926 as a two-story, long rectangular brick building situated close to the center of the property. The two-story convent was built in 1935 along the west property line with a flat roof and exterior walls of brick with decorative stone details. It features an arched cloister on the east side of the building that extends to the other buildings on the site as a two-story walkway. The convent side of the cloister has been partially enclosed, with four of the arched openings infilled with storefront windows and three infilled with solid stucco. The period of significance of the property is 1855 to 1935, the period of original construction. It was certified as contributing to the significance of the National Register listed Bywater Historic District on February 14, 2017.

The proposed rehabilitation would convert the property to a hotel and short-term residential use with dining and meeting spaces. Phase 1 would entail rehabilitation work on the orphanage, the convent, and cafetorium buildings as well as site work and construction of one new building. Phase 2 would rehabilitate the chapel and Phase 3 would rehabilitate the school building, although that building is under lease until 2031, beyond the five-year time limit on phased projects.

TPS determined that the new building, already under construction prior to receipt of the Part 2 application, was not subordinate to or compatible with the historic buildings or the overall campus. The height, size and massing of the new building is significantly larger than the historic buildings on the campus (although it does match the height of the school) and the historic residential properties in the surrounding historic district. And the new building is located on a historically open area of the campus and required the demolition of paths, landscape features, and a large stone grotto. In addition, two features of the new building, a cross medallion above the main entrance and an arcade, match historic features on the property, thus creating a false sense of history. Consequently, TPS found that the new building contravenes Standards 2, 3, 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 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.*" 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.*"

Regarding the four historic buildings in Phases 1 and 2, the proposed work will extensively reconfigure interior spaces, including subdividing the auditorium and installing a dropped ceiling to hide HVAC ductwork, and will remove all the historic wooden staircases. TPS found that the loss of historic spaces, architectural features and materials in these four buildings contravene Standard 2, quoted above, and Standard 5. Standard 5 states, “*Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.*”

TPS further determined that, although the proposed new use, hotel and short-term rental, is not inherently incompatible with its historic use, the construction of a new building larger than any other on the property, the extensive loss of spaces and features in the historic buildings and significant changes to the site and environment, are major changes to the overall historic character and integrity of the property. TPS found that the cumulative impact of these changes causes the project to contravene Standard 1, which states, “*A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*”

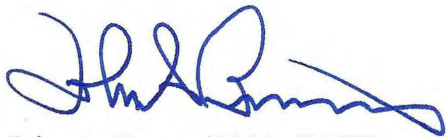
In our meeting, you explained that one of the purposes of the project was to bring economic vitality to this section of Ward 9. The new building was needed to make the project work financially and the zoning change to allow its construction required community input and approval prior to city approval. You subdivided the property and asserted that the subdivision put the new building outside the scope of review, a change TPS had determined did not limit its review because the campus historically had occupied the entire city block. You also noted that a State Fire Marshall report in February 2020 identified code deficiencies regarding the stairwells which prompted your removal of the wooden staircases in the historic buildings to assure compliance of the new work with the fire code. The timing of the start of construction was dictated by the availability of financing, and by the time of our meeting, you estimated the project to be 70-75% complete. Although I acknowledge that these all had an influence on the project’s planning and construction, to qualify for the preservation tax incentives, the overall impact of the rehabilitation on the historic character of the property must comply with the Secretary of the Interior’s Standards for Rehabilitation. And notwithstanding the zoning approval, subdivision, and findings of the Fire Marshall, the regulations state, “*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 C.F.R. § 67.7(e)].

In my review of the project file and from our meeting discussions, the denial issues TPS identified are not in dispute: the new building is constructed, the four historic buildings have been essentially gutted and reconfigured for the new use, and historic features of the landscape have been significantly altered or destroyed. I agree that the work underlying these denial issues is inconsistent with the Standards. The June 17, 2021, recommendation that the Louisiana SHPO submitted to TPS carefully documents both the timeline of their review and their warnings to you that aspects of the work already underway would not meet the Standards. Thus, even before TPS received the Part 2 application, you had been alerted to these issues. 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)].

Accordingly, I concur with TPS and affirm the September 21, 2021 Decision denying certification of the Part 2 application.

As the Department of the Interior regulations state, my decision is the final administrative decision with respect to the September 21, 2021 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

[Redacted]