



United States Department of the Interior

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





March 23, 2022



PROPERTY: Brick Street Lofts, 404-414 South Superior Street, Albion, MI
PROJECT NUMBER: 41539, Part 3
APPEAL NUMBER: 1647
ACTION: Final Administrative Decision

Dear 

I have concluded my review of your appeal of the August 27, 2021 Decision of Technical Preservation Services (TPS), National Park Service, denying certification of the Part 3 – Request for Certification of Completed Work 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 16, 2021, 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, the additional documents and photographs submitted at my request, a telephone conversation with Michigan SHPO reviewer Robert McKay, and online research I conducted, I have determined that the rehabilitation of the Brick Street Lofts at 404-414 South Superior Street is not consistent with the historic character of the property and that the project does not meet the Secretary of the Interior's Standards for Rehabilitation (the Standards). I

hereby affirm the denial of certification of the Part 3 – Request for Certification of Completed Work application issued in the TPS Decision of August 27, 2021.

The Brick Street Lofts, located at 404-414 South Superior Street, is a two-story brick commercial building built in 1868. It has six commercial storefronts facing Superior Street with two entrances flanked by cast-iron columns providing access to residential units on the upper floor. Most of the storefronts have been changed over time; however, at the start of the project several of the storefronts appeared to retain the large display windows flanking a central entrance that appear in historic photographs of the building.

The Superior Street facade is clad in yellow brick with red brick architectural detailing. The windows have individual sandstone lintels and sandstone sills in a continuous belt course across the entire facade. Bands of red brick connect the sandstone lintels at the window heads and another red brick band is aligned with the meeting rails of the windows. Above the windows, an alternating band of recessed and flush rectangular panels framed in red brick creates a frieze below a projecting cornice of yellow and red brick bands accented with corbelled red brick brackets with a terra cotta tile cap on the parapet.

The original brick of the front facade is a soft, sand-lime brick, known locally as Bay City Brick after a local manufacturer, made with sand, pigments, and a lime binder cast in two different face finishes. According to Michigan SHPO reviewer Robert McKay, sand-lime brick was originally used as a cheaper alternative to fired-clay brick. It was mostly used on side and rear elevations, rarely on street facades. McKay also noted that the sand-lime brick at 404-414 South Superior Street is the most severely deteriorated example he has seen. The report by Thomas E. Nehil, PE, in December 2017, confirmed that the brick was in poor condition, exhibiting erosion and extensive fracturing across the entire facade. The report also noted that the bond between the outer lime brick and the clay brick backing was compromised and recommended replacing all the historic sand-lime brick.

The completed rehabilitation work entailed removal and replacement of the original sand-lime brick with new brick; removal and replacement of the existing storefronts; and conversion of the second floor into new apartment units. Most of the completed work on the interior consisted of removal of non-historic construction and retention of a few remaining interior features and spaces that remained on the second floor of 404 and 406 South Superior Street.

TPS determined that the replacement brick does not match the size and surface texture of the original brick, affecting the coursing, sizes and proportions of the architectural detailing, and visual appearance of the completed work. TPS also determined that the replacement storefronts, flush contemporary aluminum frames with tinted glass, are not compatible with the historic character of a mid-nineteenth century commercial building as shown in historic photographs.

TPS found that, “. . . *the historic character and appearance of the building has been substantially altered, significant materials have been lost, and the historic integrity of the building has been diminished.*” Consequently, the completed rehabilitation failed to meet Standards 2, 3, 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 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 5 states, “*Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.*”

Initially, I note that my review has determined that the total replacement of the sand-lime face brick on the Superior Street façade was warranted. The historic material was significantly deteriorated and had been replaced in multiple locations with a variety of different bricks and brick colors and troweled concrete. The original sand-lime brick is no longer available and thus a replacement material that matches the size, color, and texture of the original brick is an appropriate treatment. Consequently, in this situation, Standard 6 is more applicable than Standards 2, 3, and 5, as cited in the TPS Decision. 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 conducting such a total replacement, the type, size, and surface texture of the brick are all important factors to consider. The replacement brick used in the rehabilitation, described in a letter in the project file from Mr. Doug Cusack as “*the only option that we had,*” is a General Shale Modular rock-faced clay-fired brick, 2-1/4” high. In this case, I have determined that a substitute material—fired-clay brick for the no-longer-available sand-lime brick—is acceptable and that the rock face texture is a reasonable match to the old. However, the new size of the replacement brick alters the original design to such an extent as to contravene Standard 6.

Extrapolating the height of one of the historic bricks placed on top of a replacement brick from several photographs in the project record, the original brick was approximately 2-3/4” to 3” in height. Consequently, the shorter bricks used in the completed work altered the original coursing more than 20%, for instance the belt courses at the lintels and mid-point of the windows are now five courses instead of the original four. The dimensional differences are most prominent in the brick bands surrounding the panels in the frieze, which are thinner than the original, and the corbelled brackets, which now step out in five corbels instead of the original four.

Researching brick manufacturers, several have modular bricks that are 2-3/4" high (for instance General Shale WBC Jumbo and Belden Jumbo Modular), a close match to the original dimension and any small difference from which could be compensated by changing the thickness of the mortar joints. Thus, it should have been possible to select a replacement brick closer in dimension to the historic sand-lime brick and replicate the original coursing.

However, the replacement brick used in the completed work does not match the dimension of the old, compromising the visual qualities of the individual units, the coursing, and the architectural detailing of the overall façade, thus contravening Standard 6, cited above. Further, the dark-anodized flush metal cap on the parapet does not match the original terra cotta tile parapet cap, also contravening Standard 6.

Turning to the storefronts, all the storefronts extant prior to the project were replaced. None were original, but several retained configurations similar to those visible in historic photographs of the building: central doors flanked by two large display windows slightly recessed behind vertical frames. As noted above, the fact that the historic storefronts were missing makes Standard 6 the most appropriate to apply to their replacement. The historic photographs provide documentary evidence for the design of the replacement storefronts, including an 1894 photograph showing centered double-doors with glass transoms flanked by large display windows. And, the four original cast iron columns are evidence that the original storefronts would have had architectural detailing consistent with a mid-19th century commercial building.

The storefronts installed in the rehabilitation are a YKK YES 45 TU Front system, which has rectangular dark-bronze anodized aluminum frames with a 2" sightline (street face) and are 4-1/2" deep. The Front designation means the glass is installed at the exterior face, leaving most of the depth of the frame on the interior. Although there are manufacturers with storefront products that can mimic the three-dimensionality visible in the storefronts in the historic photographs, cut sheets from YKK show that the YES 45 TU Front system does not. The rectangular frames do not match the three-dimensionality of the original storefronts in the historic photographs. The glass is set at the exterior of the frames, not at the interior face. Glass set at an interior face could have created a setback similar to that visible in the shadow lines of the storefronts in the historic photographs. Instead of the historic configuration of double doors and two large clear-glass display windows, the installed configuration is a single door and four narrow, tinted-glass display windows. Although it may have been possible to more closely resemble the historic large display windows by installing a narrow muntin between the two narrow windows, the YES 45 TU system does not offer different muntin widths. And, the Low-E coatings on the replacement glass gives them a tinted appearance, a different visual quality than what historically would have been clear glass. Consequently, the character of the installed YES 45 TU system is that of a flat and featureless modern curtain wall. This does not match the documentary evidence

of the storefronts visible in the historic photographs, and it is thus not compatible with the historic character of a mid-19th century commercial building, contravening Standard 6.

In the appeal letter you stated that, *“There was a significant delay in correspondence from the NPS throughout the tax credit application process,”* and noted that the pandemic caused unprecedented delays. Regarding the timeline for the project, I note that the engineer’s report on the condition of the facade brick was dated December 13, 2017, so planning for the rehabilitation work was underway long before the pandemic. There is a cost estimate in the project file dated December 16, 2019, for the General Shale modular rock face brick, with an estimated delivery date of 8-10 weeks after the order is placed. There is also an email dated January 10, 2020, confirming the colors and physical dimensions of the brick being ordered. Photographs confirm that the scaffolding to remove the deteriorated sand-lime brick was in place and construction underway by March 4, 2020, the replacement brick being delivered on June 24, 2020, the brickwork completed on August 12, 2020, the storefront construction beginning on August 19, 2020, and completed except for trim details on September 29, 2020.

The National Park Service received the Part 1 application on February 4, 2020, and certified it on March 3, 2020. The Part 2 application was received on April 6, 2020, and TPS began its review after payment of the fee on May 13, 2020, placing the review on hold for additional information on June 12, 2020. After receiving a Part 2 amendment on October 5, 2020, TPS issued a conditional approval on November 13, 2020, stipulating that *“The size, color, coursing, texture, and other visual qualities of the original brick must be matched”* and that *“At a minimum, the new storefronts should have similar size display windows, transoms, and entrance configurations as those shown in the historic photographs.”* The Part 3 application was received on April 5, 2021, and placed on hold for additional information on May 10, 2021. The additional information was received May 28, 2021, and TPS issued its August 27, 2021 Decision. The TPS responses have been timely with respect to the deadlines in the regulations governing the program [36 C.F.R. 67.3(b)(4)].

Comparing the two timelines, materials had been ordered and project construction was underway prior to TPS’s receipt of the Part 2 application and construction was substantially complete before the Part 2 conditional approval was issued. Although owners are free to start projects at any time, 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 overall impact of the non-matching replacement brickwork and the incompatible new storefronts has significantly compromised the historic character of 404-414 South Superior Street, causing the completed rehabilitation to fail to meet the Secretary of the Interior’s

Standards for Rehabilitation. Although you offered in your appeal letter to make modification to the parapet coursing and parapet, and to widen the vertical frames of the storefronts, those changes would not be sufficient to bring the overall project into conformance with the Standards. Accordingly, I affirm the Part 3 denial of certification issued by TPS in its August 27, 2021 Decision.

As the Department of the Interior regulations state, my decision is the final administrative decision with respect to TPS's August 27, 2021 Decision 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: MI SHPO
IRS

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