United States Department of the Interior

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

August 7, 2013

[redacted]

Re: **1410-12 Dolman Street, St. Louis, Missouri**
Project Number: 23869

Dear [redacted]:

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 telephone on June 27, 2013, and for providing a detailed account of the project.

After careful review of the complete record for this project, including the additional photographs furnished with your e-mail message of July 1, 2013, and the October 7, 2008, letter to [redacted] from the City of St. Louis attached to your e-mail message of July 23, 2013, I have determined that the rehabilitation of 1410-12 Dolman 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 the Secretary of the Interior's Standards for Rehabilitation (the Standards). Therefore, the denial issued on April 9, 2013, by TPS is hereby affirmed.

The property at 1410-1412 Dolman Street consists of a two-story portion built ca. 1892, and a one-story portion built at a later date. Located in the Lafayette Square Historic District, the property was certified as contributing to the significance of the historic district on September 3, 2009. The letter designating the property a "certified historic structure" cautioned that "the fragile condition of the structure will require special care during the rehabilitation." On June 25, 2010, TPS approved the proposed rehabilitation, with conditions. One condition, since met, concerned replacement windows; the other echoed the concern about the building's fragility in the previous NPS letter; it noted that "the historic integrity of the building depends upon retaining the majority of the surviving historic material in place." "Therefore," it continued, "the reconstruction of masonry should be limited to those areas where the wall is structurally unsound, and it cannot be made stable by any other means. Where areas of brick must be rebuilt, the

historic brick must be reused to the extent possible and the joints must be consistent with those of the adjacent historic masonry."

Upon receiving photographs of the completed rehabilitation, TPS determined that "substantially more of the building was demolished and rebuilt than was initially proposed. In fact, it is not clear what, if any, of the historic building was retained." TPS then concluded that "with the majority of the historic material removed in the course of the project, Standard 2 is not met. There can be no historic building without the retention of a substantial amount of historic material."

In our conversation, you made it clear that the historic brick removed from the building was reused in the portions of the wall that were rebuilt. While this information answers the charge by TPS that the historic brick was not reused in the rebuilding, it does not address TPS' objection that "the way the work was done [i.e., the masonry rebuilding] fails to meet the *Standards*." Consequently, I agree with TPS that the completed work does not retain the historic character of this "certified historic structure."

TPS determined that the rebuilt masonry work on the street façade does not match the pre-rehabilitation appearance of 1410-12 Dolman Street in several respects. In its decision, TPS stated that pre-rehabilitation, the brick was "laid in a common bond with every sixth to eight course being a header course." The common bond pattern is clearly visible in pre-rehabilitation photographs of the property. I note that brick bond patterns are character-defining features of historic brick construction. Header courses, where the bricks are laid so that their narrow end is visible, are used to tie together adjacent wythes [vertical layers] of brick to make traditional brick construction stronger. Such walls were usually two or more wythes thick. TPS is correct in its statement that the replacement brick "is simply a running bond without any header courses." Running bond is typical in veneer construction, where the exterior brick is only one wythe thick and headers are unnecessary. The architectural drawings indicate that this is the case for rebuilt sections of the exterior walls. More importantly, TPS is correct in noting that the difference is observable.

TPS also stated that the facades were not rebuilt accurately. I acknowledge that the close-up photographs submitted with your e-mail to Michael Auer dated July 1, 2013, when compared to pre-rehabilitation photographs, demonstrate that the rebuilt cornice reasonably matches the historic one. However, I concur with TPS that "the spacing and alignment of the openings in the two-story portion... have changed slightly, with openings either modified in dimension or shifted in location." Although precise before-and-after dimensions of the façade openings are not available, the differences can be determined by counting courses in the original brick wall and comparing them to the number of courses in the wall after it was reconstructed with the salvaged historic brick. I found differences in the opening heights and their alignment in both the one-story and the two-story sections of the building.

Finally, TPS noted that the pre-rehabilitation condition where the street facades of the two sections of the building met featured a "visible joint breaking the masonry surface of the façade," while the "new brick façade is uninterrupted at this line." This joint was a clear indication that the property was constructed in stages.

As a result of the changes to the street facades described above, the completed rehabilitation has given the property a new and homogeneous appearance. Physical markers of its history, such as the brick bond, the joint between the adjacent sections, weathering patterns where several courses of brick were protected by the corbelled cornice, and traces of an historic painted sign, were all eliminated in the course of the rehabilitation. And, although I acknowledge that salvaged historic brick were used in the reconstruction, the visual character of the rebuilt facades is markedly different from their historic appearance.

With regard to the interior, I concur with TPS that there were few remaining historic finishes of significance, which allowed substantial changes to the interior finishes. However, I have determined that the historic trussed beams that spanned from bearing wall to bearing wall, thus allowing the first floor to be uninterrupted by columns or intermediate bearing walls, were a character-defining feature necessitated by the historic use of the building. These unique, long-span beams were removed in the course of the rehabilitation and their physical evidence of the history of the property was lost. Although TPS did not cite the loss of the trussed beams in its decision, the regulations state that, "*The Chief Appeals Officer may base his decision in whole or part on matters or factors not discussed in the decision appealed from.*" [36 CFR § 67.10(c)].

With regard to the October 7, 2008, letter from the City of St. Louis, the letter describes code violations regarding an exterior brick wall of 1412 Dolman Street. The letter does not specify which wall requires repair, not does it specify the extent of the damaged area requiring repair. Also, I note that the violation notice does not include 1410 Dolman Street. I find that the repairs specified in the letter would not justify the degree of reconstruction evident in the completed project. Further, 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 CFR §67.7(e)]

Consequently, I find that the overall impact of the rehabilitation on the historic character of the property causes the project to contravene Standards 2 and 6 of the Standards. 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."* Accordingly, I affirm the previous decision.

As Department of the Interior regulations state, my decision is the final administrative decision with respect to the April 9, 2013, 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-MO
IRS