



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO:

SEP 5 2006

First National Bank Block, 214 West 16th Street/Lincolnway, Cheyenne, WY
Project Number: 16342
Taxpayer's Identification Number:

My review of your appeal of the decision of Technical Preservation Services, National Park Service, denying certification of the rehabilitation of the property cited above is concluded. 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. Thank you for conferring with me over the telephone on August 15, 2006, 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 First National Bank Block 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 and 5 of the Secretary of the Interior's Standards for Rehabilitation. Therefore, the denial issued on June 13, 2006 by Technical Preservation Services (TPS) is hereby affirmed. However, I have further determined that the project could be brought into conformance with the Standards, and thereby be certified, if the corrective measure described below were to be undertaken.

The First National Bank Block was constructed in 1882 and functioned as a restaurant and retail space in subsequent years. A fire in the adjacent building on December 29, 2004 destroyed the roof and a portion of the third floor of the Bank Block. The building was certified as contributing to the Downtown Cheyenne Historic District by TPS on June 28, 2005.

The completed rehabilitation was found not to meet Standards 2 and 5 for several reasons. The causes for denial included the construction of an elevator/stair lobby in the front of the building, the removal of the original corridor/office configuration on the second floor, the removal of the quarter-turn stair from the second to the third floor, and the removal of plaster to expose brick in the first floor commercial space.

The condition of the building at the commencement of the rehabilitation work is an important factor in my decision. The documentation available to the original TPS reviewers did not detail the extent of the damage caused by the fire, and water used in firefighting, and the resulting severe instability and near collapse of the southeast corner of the building. That information was provided in the engineering report submitted with your appeal. Regarding the construction of the elevator/stair lobby, the TPS denial letter notes, "the elevator is immediately behind, and readily visible through, the storefront display window, and the new circulation lobby extends across the front, divorcing the commercial use of the property from the storefront and the associated street entrance." For these reasons the project was denied because it did not meet 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 property shall be preserved." However, I believe that, given the new compatible, and historically based, storefront that replaced an unfenestrated ledgestone wall that covered the entire width of the first floor, requiring access to be through an adjacent building, it is reasonable to use the elevator and stair tower to provide the necessary reinforcement at the location of the damage to the party wall. I believe that the elevator and stair tower were placed sufficiently back from the new storefront, and I note that fire-safe glass was used in the wall separating the lobby from the retail space in an attempt to give a sense of the space beyond. While locating an elevator/stair tower at the front of an historic commercial space is not a recommended treatment, in this case it is more than offset by the new storefront. For these reasons I do not believe that the location of the elevator/stair tower is in violation of the Standards and a reason for denial.

Similarly, the other interior changes do not cause the project to contravene the Standards. Much of the historic wooden trim was salvaged and reused and the rear portion of the second floor plan was retained. I note that the second floor office space layout was not sufficiently character defining and the loss of this portion of the plan does not contradict Standards 2 and 5. Given these factors, I find that the changes to the front portion of the second floor plan, caused by the elevator/stair tower, as noted in the previous paragraph, are acceptable.

As for the removal of the quarter-turn stair, you provided sufficient evidence that it was badly damaged in the fire, and while its loss is regrettable, the stair served only to connect the second and third floors and I do not believe that its loss causes a further diminishment of historic character of the property. Therefore, I find that it does not contravene Standards 2 and 5.

However, I agree with TPS that the removal of plaster from walls in the ground floor commercial space cannot be approved. This treatment effects a pronounced change in both the appearance and character of the interior, and thereby causes the project not to meet Standards 2 and 5.

While the project as completed cannot be approved, I have further determined that the project can be brought into conformance with the Standards, and thereby achieve the requested certification, if corrective measures are undertaken. Specifically, the exposed brick walls in the first floor commercial space must be refinished with plaster or drywall in keeping with the historic character of the space. This work would allow the project to be certified as meeting the minimum requirements for certification established by law.

If you choose to proceed with the corrective measures described above, you may secure certification of the rehabilitation by filling out the enclosed Request for Certification of Completed Work and submitting it with photographs of the completed work through the Wyoming State Historic Preservation Office to Technical Preservation Services, National Park Service, Attention: _____ Note that this project will not become a “certified rehabilitation” eligible for the tax incentives until it is so designated by the NPS.

As Department of the Interior regulations state, my decision is the final administrative 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

John A. Burns, FAIA
Chief Appeals Officer
Cultural Resources

Enclosure

cc: SHPO- WY
IRS

bcc: