



United States Department of the Interior

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

MAR 4 2008

Re: Hood-Yielding's/Blach's Department Store, 300 North 20th Street, Birmingham, Alabama
Project Number: 15755
Taxpayer's Identification Number:

Dear

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 and for speaking with me via a conference call on February 22, 2008, 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 Hood-Yielding's/Blach's Department Store 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 6 of the Secretary of the Interior's Standards for Rehabilitation. Therefore, the denial issued on August 10, 2007, by Technical Preservation Services 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 measures described below are undertaken.

Built ca. 1890, the structure, more commonly known as Blach's Department Store, was joined to a three-story building next door in 1935-36, at which time both were remodelled into a unified design in the Art Deco style. In the 1960s, the building underwent numerous other changes on the interior. Despite these changes, the interior ground floor retained its character as a finished commercial space. During this most recent rehabilitation, the later mezzanine and dropped ceiling were removed; in the process, deteriorated plaster thus uncovered was removed from the perimeter walls and several columns and beams. These features were then left exposed.

I agree with the previous National Park Service decision that removing plaster and other finishes from this building creates an appearance that is at odds with the known historic character of the spaces thus affected, as does inserting unfinished ductwork. In doing so, the project has caused the rehabilitation not to meet Standards 2 and 5 of the Secretary of the Interior's Standards for Rehabilitation. 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 our conversation, you stated that it was necessary to remove finishes from the structural beams and columns in order to achieve a fire rating that would pass inspection under the building code. However, it is the experience of the National Park Service over the past 30 years of administering the Historic Preservation Tax Incentives Program that such problems can almost always be overcome in a way that maintains a building's historic character and meets the requirements of the building code. Indeed, as photographs of the completed work show, some columns were in fact covered here, and I see no reason why the remaining bare columns could not also be finished. However, even if it were not possible, Department of the Interior regulations governing the program state that "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 Part 67.7(e)].

While the project as completed does not meet the Standards for Rehabilitation, I believe it can be brought into conformance with them if the following remedial measures were to be undertaken. The finished character of the historic commercial spaces must be retained. Specifically, the brick walls and other "unfinished" surfaces exposed – and left exposed – in the rehabilitation (such as the columns visible in photographs 99, 103 and 105, and the framing and infill backing of the former transom windows revealed when the dropped ceiling was removed, visible in photograph 104) must be finished in plaster or wallboard and painted to match (such as those flanking the Third Avenue entrance, photographs 101 and 102). The steel columns and beams exposed so that they could be fireproofed (photographs 99, 101, 102, 103, 104 and 105), must be similarly finished and painted. Exposed ductwork and sprinklers in the ground floor commercial spaces must also be painted to match.

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 to the attention of _____ Technical Preservation Services, National Park Service. Note that this project will remain ineligible for the tax incentives until it is designated a "certified rehabilitation" following completion of the overall project.

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, FAIA
Chief Appeals Officer
Cultural Resources

cc: SHPO-AL
IRS