



United States Department of the Interior

NATIONAL PARK SERVICE

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

October 20, 2008

Re: Project: **William Laderberg Department Store, 719 High Street, Portsmouth, VA**
Project Number: **(21583)**

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. I wish to thank you, as well as _____ for meeting with me in Washington on September 4, 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 the William Laderberg Department Store, 719 High Street, Portsmouth, Virginia, is consistent with the historic character of the property and the historic district in which it is located, and that the project meets the Secretary of the Interior's Standards for Rehabilitation. Therefore, the denial issued on August 19, 2008, by Technical Preservation Services, National Park Service, is hereby reversed.

The William Laderberg Department Store, which was constructed circa 1932, is a two-story brick commercial building with a rusticated granite front facade. It was certified as contributing to the significance of the Downtown Portsmouth Historic District on March 13, 2008.

Technical Preservation Services determined that the project as proposed in the Historic Preservation Certification Application, Part 2- Description of Rehabilitation did not meet Standards 2 and 9 of the Secretary of the Interior's Standards for Rehabilitation due to the construction of a large rooftop addition on the building. 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 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.*

Technical Preservation Services (TPS) stated in its denial letter that the new rooftop addition is very visible and can be seen from a variety of vantage points in the surrounding historic district and, thus, is a highly noticeable and intrusive new element. Referencing Standard 2, *The historic character of a property must be retained and preserved.....*, TPS noted that the National Park Service guidance does not recommend the construction of rooftop additions on relatively low buildings because they are too visible and detract from the historic structure. Invoking Standard 9, *The new work shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property.....*, TPS stated further that the inclusion of three, two-story vertical stair towers makes this new construction even more pronounced, and especially evident along the long (approximately 16 bay) side elevation, where it is in full view.

In considering the basis for the denial, I note that the regulations state that, "*In situations involving the rehabilitation of a certified historic structure in a historic district, the Secretary will review the rehabilitation project first as it affects the certified historic structure and second as it affects the district and makes a certification decision accordingly.*" (36 CFR 67.6)

After thorough study of the project file, I have determined that the rooftop addition does not negatively impact the historic character of the Laderberg Department Store, which is primarily defined by the High Street façade, because the addition is not visible from this location. The Laderberg Department Store is, indeed, only two stories, but the rooftop addition is set back far enough from the front of the building so that it cannot be seen from High Street. Similarly, the rooftop addition is set back from the rear façade so that it does not significantly impact that elevation.

In its denial letter, TPS stated that the rooftop addition is a prominent feature on the east side. TPS also determined that this is a secondary elevation, not significant in defining the building's historic character, and approved the insertion of eighteen new windows in this formerly blank party wall. While I agree that the rooftop addition is visible above the former party wall when viewed from the east within the Downtown Portsmouth Historic District, I do not find that its presence is an intrusive element in the district sufficient to cause denial of the overall project.

Accordingly, I have determined that the project retains and preserves the historic character of the property and, thus, meets Standard 2. I have also determined that the new work is compatible with the massing, size, scale, and architectural features and protects the historic integrity of the property and, therefore, also meets Standard 9.

Although I am reversing the National Park Service's denial of certification, the project will not become a certified rehabilitation eligible for the tax incentives until it is completed and so designated. Further, our regulations provide that final action cannot be taken on any application until the requisite fee for processing rehabilitation requests has been paid. Please fill out the enclosed Request for Certification of Completed Work and submit it -- in duplicate with photographs showing the completed work -- to the Virginia State Historic Preservation Office (SHPO) which will forward it to Technical Preservation Services, National Park Service, which will review the completed project once the final fee has been paid. Should you have any questions concerning procedures for final certification, please contact _____ of that office at _____

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,

A handwritten signature in black ink, appearing to read "John A. Burns". The signature is fluid and cursive, with the first name "John" being the most prominent.

John A. Burns, FAIA
Chief Appeals Officer
Cultural Resources

Enclosure

cc: SHPO/VA
IRS