



United States Department of the Interior

NATIONAL PARK SERVICE

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

FEB 2 2012

Re: **Orlando Utilities Commission Administration Building, 500 South Orange Avenue,
Orlando, Florida**
Project Number: **25733**

Dear

I have concluded my review of your appeal of the decision of Technical Preservation Services (TPS), 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 meeting with me in Washington on January 24, 2012, and for providing a detailed account of the project.

After careful review of the complete record for this project, including the proposed revisions to the project presented at our meeting, I have determined that the rehabilitation of the Orlando Utilities Commission Administration Building is not consistent with the putative historic character of the property, and that the project does not meet the Secretary of the Interior's Standards for Rehabilitation (the Standards). Therefore, the denial issued on January 3, 2012, by 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 measures described below are undertaken.

The material documenting the significance of the property submitted to the National Park Service accompanying the Part 1 – Evaluation of Significance application, notes that the building was built in 1967 to house the “customer service, accounting, engineering, and executive functions of the Orlando Utilities Commission, the municipal electric and water utility company serving the city of Orlando, Florida.” The Commission needed a new and larger building to service the explosive development accompanying Disney World, which was announced in 1966 and opened in 1971. The building served the Commission until it vacated the structure in 2008.

After reviewing this documentation, the National Park Service issued a Preliminary Determination of Individual Listing on July 25, 2011, stating that the property appeared to meet the National Register Criteria for Evaluation and would “likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer.” As presented in the initial application to TPS, the project proposed the addition of numerous features to the Orange Avenue front of the building and its associated plaza, as well as the reworking of the interior, with accompanying loss of plan, features, and finishes. As a result, TPS found that the proposed rehabilitation of the building as a hotel did not meet the Standards.

As a general matter, I agree with TPS that the initial proposal failed to meet the Standards, and for the reasons articulated in the January 3, 2012, denial letter. However, at our meeting, you presented a revised

proposal that differs considerably from that reviewed by TPS, and my decision here is based on a detailed review of this modified application.

With regard to the exterior of the building, the revised proposal moves the project in the right direction, especially as it affects the Orange Avenue plaza. Deleted from the rehabilitation are the porte-cochere extension, the columned canopies, and the elevated curved bar and seating area, which were the most visible and incompatible exterior elements of the first proposal. The new design reflects the rectilinear features of the original and subsequently modified plaza, thus respecting the mid-Twentieth Century Modernist character of the building. However, the new plan adds a steel pipe and cable railing around the perimeter of the deck that will appear as a fence and will be quite prominent when viewed from Orange Avenue, the sidewalk of which is several feet below the level of the new plaza. I have determined that this fence-like feature is a new and incompatible element not in character with a 1960s building. As a result, the proposed railings will cause the rehabilitation to contravene Standards 2 and 9. 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.*"

While the work at the front plaza of the building still fails to meet the Standards, this deficiency in the rehabilitation could be remedied by replacing the fence-like enclosure, by raising the retaining wall and detailing it to recall the concrete planters planned for removal. If required for code compliance, short railings could run between or along the top of sections of the raised walls.

With regard to the interior of the building, I have determined that the revised proposal, which reconfigures floors two through eight as identically-designed guest room floors—as in the original submittal—still fails to meet the Standards. I base this determination primarily on the treatment of the second floor, which retains a significantly higher degree of integrity than either the first floor or the third through the eighth floors. These other floors have been changed incrementally through the years, and in the case of the top three floors were originally unfinished and unoccupied spaces, later finished without consistently following the original design for the lower floors. However, the second floor retains the plan, features, and finishes that denote the principal administrative offices, and clearly reflects the overall design intent of the original construction. I have also determined that salvaging and reusing some of the distinctive, floor-to-ceiling, book-matched, teak paneling does not adequately address the loss of character caused by converting the second floor to guest rooms. Consequently, I find that the reworking of the second floor, as well as the removal of the teak wall paneling from several floors, and its reinstallation in new locations, causes the revised proposal to contravene Standard 2, quoted above, and Standard 5. Standard 5 states: "*Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.*"

With regard to the historic—as opposed to architectural—significance of the building, probably the most important feature would have been the original IBM 360 mainframe computer on the third floor, which placed the Orlando Utilities Commission at the forefront of 1960s technological advances in managing large public infrastructures. From the record, it appears that, except for a section of raised flooring, which you propose to retain, that there are no significant artifacts remaining from the original computer facility. Consequently, the proposed conversion of the third floor to guest rooms has not entered into my decision.

As with the plaza, the project's shortcomings with regard to the interior work could be remedied. In order to comply with the Standards, the rehabilitation must keep more of the historic second floor plan, features, and finishes intact, and—concerning the teak wall paneling—*in situ*.

If you choose to revise the project to meet the objections described above, you should submit an amendment describing the revisions to this office, attention _____, with a copy to the Florida Division of Historical Resources.

Please note that the project will not become a "certified rehabilitation" eligible for the tax incentives until a revised application is approved, the rehabilitation work is completed, and the building becomes a "certified historic structure" following its listing in the National Register of Historic Places. Should you have any questions concerning procedures for final certification, please contact _____

As Department of the Interior regulations state, my decision is the final administrative decision with respect to the January 3, 2012, 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,

A handwritten signature in black ink, appearing to read "John A. Burns", with a long, sweeping underline.

John A. Burns, FAIA
Chief Appeals Officer
Cultural Resources

cc: SHPO-FL
IRS