



United States Department of the Interior

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



February 14, 2024

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Property: **(Old) Peoples Bank Building, Biloxi, MS**
Project Number: **44038, Part 2**
Appeal Number: **1672**
Action: **Final Administrative Decision**

Dear [REDACTED]

I have concluded my review of your appeal of the March 30, 2023 Decision of Technical Preservation Services (TPS), National Park Service, denying certification of the Part 2 –Description of Rehabilitation application for the property cited above (the Decision). The appeal was initiated and conducted in accordance with Department of the Interior regulations [36 C.F.R. part 67] governing certifications for federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I thank you, [REDACTED] for meeting with me via videoconference on July 24, 2023, and for providing a detailed account of the project.

After careful review of the complete record for this project, including the materials presented at your appeal, as well as the additional research conducted, I have determined that the proposed rehabilitation of the Peoples Bank Building is consistent with the historic character of the property and meets the Secretary of the Interior's Standards for Rehabilitation (the Standards). Accordingly, I hereby reverse the denial of certification issued by TPS in the Decision.

The historic Peoples Bank Building is a two-story commercial building located at the corner of Howard Avenue and Lameuse Street in Biloxi, Mississippi. Built in 1896, the building footprint was expanded in 1925 with two additions: a two-story addition to the east and a two-story addition to the south on Lameuse and Howard streets respectively. It originally housed the Peoples Bank and is currently used for various commercial uses, with a hardware store on the first floor and offices on the upper floors of the building. The building is listed on the National Register of Historic Places and has a period of significance of 1894 to 1930. Both 1925 additions were constructed within this period of significance and contribute to the character of both the building and the historic district. The building was designed by local architect William T. Harkness and is one of the oldest buildings in downtown Biloxi.

The proposed rehabilitation of the Peoples Bank Building primarily includes work within the historic 1925 two-story addition facing Howard Avenue; including the exterior façade and the second-floor office

area. Rehabilitation work also includes repairing the first-floor storefront, replacement of the upper-story non-historic windows, reconstruction of the hurricane damaged second-floor front façade, and general rehabilitation work throughout the second floor. There is no rehabilitation work associated with turreted (and most highly iconic) center portion of the building nor is there project work within the historic 1925 east addition of the building which fronts onto Lameuse Street. TPS found that the proposed rehabilitation did not meet the Standards, principally due to *“the deconstruction and reconstruction of the south wall...which started prior to submission of the application and was significantly underway by the time NPS had the opportunity to review the application....and the lack of information provided to document the justification of the dismantlement and reconstruction of the façade.”* TPS further noted in their denial decision that the *“reconstructed façade does not sufficiently match the historic façade.”* As the NPS tax program regulations warn, owners who proceed to undertake rehabilitation work without prior review and approval of NPS do so at their own risk. For future endeavors, I caution the owner in this regard, as proceeding with work without the communicative review/ approval process with NPS adds significant risk that the project will not be approved.

My review began with a holistic approach of the entire project to gain an understanding of the extant historic character-defining features as well as proposed treatments that would rehabilitate or preserve those features or spaces associated with the building. I weighed the goals of the tax program, which is to preserve the most significant character defining features and spaces, with the overarching goal to provide a building that meets present-day programmatic, building code, and life-safety requirements. Finally, I evaluated the basis for the denial issues described in the TPS Decision.

My assessment is that the Peoples Bank Building rehabilitation complies with the Standards. TPS, in their denial decision, determined that the key work item that precluded the project from meeting the Standards was the reconstruction of the second-floor south façade of the 1925 historic addition; indicating the justification for removal the façade was inadequate; the new façade was incompatible in terms of means and methods of construction; and that the window-frame profiles for the newly installed windows at the upper second-floor façade were problematic. While I agree that certain treatments in the reconstruction could have been more in keeping with the historic character of the building; I found the reconstruction of the upper façade to be both justified and compatible. I considered several factors about the building and the associated rehabilitation: the lower storefront remains intact; the existing upper story windows were non-historic, having been replaced in 2006; key interior character-defining features were retained and preserved including wood flooring, windows, transoms, doors, beaded board paneling, plaster, and other interior features. Another key factor: the structural engineer determined that due to hurricane damage, the upper façade had deflected inward several inches at the upper portion of the façade; and that likewise, the lower portion of the façade had deflected outward several inches. When the non-historic windows were being removed for replacement, it was clear from both the engineer’s report and from the photos, that bracing had to be employed to keep the wall from total collapse. I concur that the reconstruction of the wall was necessary. Lastly, considering the relatively limited area in which the use of the modern masonry construction technique was utilized (south portion of the upper-level front façade); and given the fact that it occurs within the wall cavity itself (and is not visible) at street level; I do not see this as being in conflict with the Standards.

In summary, I evaluated the overall rehabilitation project, both exterior and interior treatments. I more specifically assessed the treatments employed in the reconstructed upper Howard Avenue façade: the use of modern construction techniques (masonry over metal studs) in rebuilding the upper wall; the associated loss of brick molds, the slightly reconfigured window frame profiles, and the use of common brick with slightly wider masonry joints; and whether the cumulative impact of these TPS identified issues rose to the level of causing the entire rehabilitation to fail to meet the Standards. After reviewing the project as a whole, I determined that they do not. While certain treatments of the facade reconstruction could have been carried out in ways more in keeping with the historic character of the building, I have determined

that the cumulative work associated with the rehabilitation of the Peoples Bank Building preserves the overall historic character of the property and is consistent with the Standards. Accordingly, I reverse the March 30, 2023 Decision by TPS.

As the Department of the Interior regulations state, my decision is the final administrative decision with respect to TPS's March 30, 2023 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,

Michael
W Miller

Digitally signed by
Michael W Miller
Date: 2024.02.15
17:09:42 -05'00'

Michael W. Miller, AIA
Chief Appeals Officer
Cultural Resources

cc: MS SHPO
IRS

[Redacted]