

United States Department of the Interior
National Park Service



263

National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form*. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. **Place additional certification comments, entries, and narrative items on continuation sheets if needed (NPS Form 10-900a).**

1. Name of Property

historic name Pepper Building

other names/site number _____

2. Location

street & number 100-106 West Fourth Street N/A not for publication

city or town Winston-Salem N/A vicinity

state North Carolina code NC county Forsyth code 067 zip code 27101

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended,

I hereby certify that this nomination request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property meets does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:

national statewide local

Signature of certifying official Jeffrey Crow SHPO Date 3/14/12

North Carolina Department of Cultural Resources
State or Federal agency/bureau or Tribal Government

In my opinion, the property meets does not meet the National Register criteria.

Signature of commenting official _____ Date _____

Title _____ State or Federal agency/bureau or Tribal Government

4. National Park Service Certification

I hereby certify that this property is:

entered in the National Register determined eligible for the National Register

determined not eligible for the National Register removed from the National Register

other (explain): _____

Signature of the Keeper [Signature] Date of Action 5/2/2012

Pepper Building
 Name of Property

Forsyth County, North Carolina
 County and State

5. Classification

Ownership of Property
 (Check as many boxes as apply.)

- private
- public - Local
- public - State
- public - Federal

Category of Property
 (Check only one box.)

- building(s)
- district
- site
- structure
- object

Number of Resources within Property
 (Do not include previously listed resources in the count.)

Contributing	Noncontributing	
1	0	buildings
0	0	sites
0	0	structures
0	0	objects
1	0	Total

Name of related multiple property listing
 (Enter "N/A" if property is not part of a multiple property listing)

N/A

Number of contributing resources previously listed in the National Register

N/A

6. Function or Use

Historic Functions
 (Enter categories from instructions.)

COMMERCE / department store
 TRADE / professional

Current Functions
 (Enter categories from instructions.)

VACANT / work in progress

7. Description

Architectural Classification
 (Enter categories from instructions.)

Art Deco

Materials
 (Enter categories from instructions.)

foundation: BRICK

walls: BRICK
 TERRA COTTA

roof:

other:

Pepper Building
Name of Property

Forsyth County, North Carolina
County and State

Narrative Description

(Describe the historic and current physical appearance of the property. Explain contributing and noncontributing resources if necessary. Begin with a **summary paragraph** that briefly describes the general characteristics of the property, such as its location, setting, size, and significant features.)

Summary Paragraph

See Continuation Sheet

Narrative Description

See Continuation Sheet

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Section number 7 Page 1

Pepper Building
Forsyth County, NC

7. Narrative Physical Description

The Pepper Building, located at 100-106 West Fourth Street, occupies the southwest corner of the intersection of West Fourth Street and Liberty Street in downtown Winston-Salem. Bounding the building's prominent situation within the city's historic business district are West Fourth Street on the north, Liberty Street to the east, a parking lot to the south, and a vacant lot to the west that formerly contained the 1893 Crawford Building, demolished in 2001. The three-story stone Forsyth County Courthouse, c. 1926/1958, stands to the east, directly across Liberty Street, and to the north, across Fourth Street is the c. 1915, eight-story brick and stone O'Hanlon Building. The thirteen-story Magnolia Building, an office complex built 2001-2002, occupies the northeast corner of the intersection of Liberty and Fourth Streets.

The Pepper Building is six stories high with a flat, parapeted roof. The building is one of the larger historic downtown buildings being three bays wide along Liberty Street and five bays wide along Fourth Street. While the building is divided into six floors, the high ceiling heights of the interior, 20'-0" for the ground level and 14'-0" for the remaining levels, place the building at approximately 100'-0" above grade. The building's formal, decorative facades face Liberty and West Fourth Streets. The south and west elevations, originally party walls adjoining the now-demolished buildings on either side, are plain. Original openings, infilled with brick and ghost marks of the floors and roof of the previously attached building mark the south elevation below the height of the now-destroyed building's roofline. Above the roofline ghost mark, small square windows punctuate the south elevation and a painted-on sign indicates that this is the Pepper Building. Similarly, on the west elevation, ghost marks where the Crawford Building once stood punctuate the Pepper Building below the Crawford Building roofline. Above, the Pepper Building's exterior is unarticulated brick adorned with two painted signs, one reading "Pepper Building," the other advertising Dewey's Bakery.

Exterior Features

The formal facades fronting Liberty and Fourth Streets exhibit restrained, classically-influenced Art Deco detailing typical of the late 1920s. Like many of the larger historic buildings downtown, the Pepper Building retains most of its original detailing above the ground floor, but modifications to the storefronts at ground level occurred over successive years. Unlike most other peer buildings, however, modifications to the Pepper Building at ground level were limited to the individual bay storefronts and transoms, with no alterations made to the original glazed terra cotta pilasters between each bay. These pilasters establish the vertical emphasis of the building, typical of the Art Deco period, and contribute significantly to the detailing of the building, exhibiting fluted panels rising to an Art Deco-inspired Ionic capital with a tiered crown of geometric florals. Each pilaster boasts the addition of projecting terra cotta lions' heads, with metal rings in the mouths of the two that once held the chains of the decorative metal sidewalk canopies formerly sheltering the primary Liberty and Fourth Street entrances. Above the ground level, the building retains all of its detailed brick and terra cotta ornament, inclusive of the frieze of abstracted swags above the ground-level bays; the terra cotta window sills of the second level adorned with a stylized vine motif supported by large-scaled, faceted brackets; the recessed, checkerboard brick spandrel panels vertically placed between the sills and heads of the windows of each level; and, the accentuated parapet of the building with a cornice of

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Section number 7 Page 2

Pepper Building
Forsyth County, NC

decorative, recessed terra cotta panels. This cornice serves to accent the vertical emphasis of the building with faceted terra cotta caps terminating the rise of the narrow, engaged brick pilasters between each bay, and with the use of large, recessed rectangular terra cotta panels above each of the Sixth Level windows. In addition, the building retains its original three-over-three metal sash windows on the Liberty and Fourth Street facades, as well as the metal awning windows, metal fire escape stair, and fire escape doors on the south façade.

The ground level bays currently contain non-original plate-glass windows with aluminum frames, though the open glass configuration of the bays is reminiscent of the original display windows of the building. The transom areas above the windows/doors of each bay currently contain enameled metal panels painted to match the terra cotta pilasters. These panels have replaced or obscured the original transoms, with the exception of the bay of the northwest corner. This bay exhibits two-thirds of the original metal casement transom and the original stair can be seen through the transom. The later addition of a metal air-system grille occupies the other one-third of the transom. The tile apron wall of this bay, as well as the recessed entrance's terrazzo floor (which matches that of the interior lobby) suggests that these portions of the bay are early, if not original, though the 1928 drawings call for marble sheathing on the apron walls.

Ground Level Interior

The ground level interior space of the Pepper Building continues the vertical emphasis and Art Deco ornamentation of the exterior with a series of symmetrically spaced, square support columns. The columns terminate with Art Deco interpreted Ionic plaster capitals composed of chevron banding and abstracted floral and scroll motifs. The columns support coffers of intersecting plaster beams with reeded ornamentation and plaster ceilings. The majority of the columns and ceiling details are intact above the current acoustical tile ceiling, as are the junction boxes of the original suspended ceiling lights.

The 1928 drawings of the building show an open plan for the ground level with no partition walls, with a bank of elevators located on the west wall. According to the drawings, which physical evidence reflects were followed in most instances to actual construction, this main floor contained raised, lighted display windows along the Liberty and Fourth Street elevations; recessed central entrances from Fourth and Liberty Streets, with the Liberty Street entrance incorporating a split staircase leading to the basement; a secondary entrance at the northwest corner of the building off of Fourth Street opening onto a corner stair and elevator lobby with three adjacent elevator cabs; a trash and a parcel chute; a chimney/vent chase; and, sales counters in the center of the space. At an early date, or possibly during construction, a wall was added to separate the elevators from the store space and create an elevator lobby.

The split-stair at the Fourth Street entrance that connected the ground level and the basement has been removed, though a portion of the stair still exists in the basement. The open configuration of the interior space has been partitioned into individual spaces over the years and no portions of the sales counters remain. The display windows have, for the most part, been removed or heavily altered from their original layout or detailing, with the exception of the window adjacent to the secondary entrance off of Fourth Street at the building's northwest corner.

Several other features of the ground level retain their original placement and materials. The stair in the building's northwest corner retains the original marble treads, metal risers, iron railings, and wood handrail, as well as openings in the landings to accommodate the building's former pneumatic tube message

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Section number 7 Page 3

Pepper Building
Forsyth County, NC

system. This stair rises from the basement level to the full height of the building. Two of the three elevators retain their original wire-glass, French-type doors and their interior finishes, with the southernmost elevator maintaining the original floor indicator above the doors. The northernmost elevator nearest the stair retains the original attendant's bench and hand controls. The original bronze call plate for the elevators is located between the central and southernmost elevators. The center elevator no longer retains its original cab or doors, with replacement elements appearing to date from the 1950s.

Directly to the south of the elevators, the original trash and parcel chutes are still intact and rise from receiving areas in the basement through the building to the Sixth Level. Two original light fixtures suspended from decorative metal fixtures are still intact, except for the white glass globes, in the area fronting the elevators and stair. Other original light fixtures from the ground floor have been removed, but many of the globes for these fixtures are currently stored in the Basement and Sub-Basement. The floor in the elevator foyer appears to be the original terrazzo floor, set in a rectangular block pattern divided by thin brass divider strips. The radiator for the foyer is also in place and is typical of the type and design of radiators found elsewhere in the building.

In addition to these original elements, the interior of the elevator foyer retains the original decorative wall veneer, specified as *Zenitherm* on the 1928 drawings. This material was popular in larger cities during the 1920s for residential, commercial, and public buildings and is a kiln-dried, chemically prepared wood fiber mixture with a resulting travertine-type finish and a hard, water-resistant surface. The application of this material as individual beveled blocks sheathing the walls in the Pepper Building foyer follows historic product literature on the installation of the finish. On the wall added to separate the elevator foyer, scored plaster mimics the *Zenitherm*.

Floor Levels above Ground Level, Interior

Each of the five levels above the Ground Level are shown on the 1928 drawings to be open spaces with few wall divisions, with the exception of toilet rooms and small auxiliary spaces grouped with the stair/elevator areas. All floors retain the original service area of corner stair, bank of three elevators, parcel/trash chute, chimney/vent chase, and fire exit stair alcove. Most retain the original layout and fixturing of toilet rooms and auxiliary spaces, with little or no alterations to these spaces from their original design. All levels contain maple, tongue-and-groove floors that appear to span the length and width of the building without break, though most have been covered over with other materials, such as vinyl tile or carpet. Original metal light fixtures, matching the suspended globe style of those extant in the foyer of the Ground Level, can also be found to some extent on most every level, usually near the elevator areas.

In addition to the original windows, many original doors are found in the building. With the exception of the Fifth and Sixth Levels, the doors leading from the stair to each level retain their original Kalamein doors and casings, with the original wood-grained finish. Kalamein doors were a type of door constructed of a wood core encased in a light gauge sheet metal as a deterrent to flammability. Kalamein doors were the precursor of today's hollow-metal doors and numerous examples of these are still operable in their specified locations in the building, inclusive of all the doors leading from each level to the fire escape stair on the southwest corner of the building, and the access doors for the trash and parcel chutes. Additionally, most of the doors leading to the toilet rooms and fire exit alcoves are original wood doors of the building, generally single-paneled slab doors with a stained finish.

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Section number 7 Page 4

Pepper Building
Forsyth County, NC

Each floor has experienced some manner of division into hallways and individual spaces over the years. As a reflection of the intent of each floor to be a flexible open plan, most base, chair, and picture moldings describe located along the outside perimeter walls or wrapping the interior support columns are original to the building and match in design, dimension, and materials. These moldings are narrow and simple: plain baseboards are capped with narrow ogee molding; chair rails are more of a cyma-based molding, as are the picture rails. Later partition walls within the spaces contain moldings of differing design and dimension than that of the original moldings. Additionally, most of the spaces of the upper levels have had the application of suspended acoustical tile ceilings, or the like, obscuring the original picture moldings, light fixture locations, and plaster ceilings.

Basement and Sub-Basement Levels

The Basement and Sub-Basement Levels of the building retain a majority of their original elements. The stair and elevator areas are intact, as well as the division of spaces that comprised the "Tube Room", the "Receiving and Shipping Depart.[ment]", the "Fan Rooms", the "Transformer Rooms", the "Marking Room", and the "Boiler Room." Many of these rooms retain original equipment, such as the parcel chute, ventilation equipment, the original sidewalk freight lift that opened onto the sidewalk, and, the large iron boiler. Also contained in the Basement and Sub-Basement are abandoned radiators, original light globes, and remnants of the Sir-Winston Restaurant, a steak-and-martini establishment popular in the mid-twentieth century.

Roof

The roof of the building appears to follow the layout of the 1928 drawings, with a one-story equipment room in the southwest corner for housing the elevator lift mechanisms, chimney/vent chase and equipment, and other mechanics. The brick chimney from the original boiler in the Sub-Basement rises slightly above the northwest corner of the equipment room and contains a concrete cap. The remainder of the roof space is open with a flat, built-up roof.

Pepper Building
Name of Property

Forsyth County, North Carolina
County and State

8. Statement of Significance

Applicable National Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

- A Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B Property is associated with the lives of persons significant in our past.
- C Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations

(Mark "x" in all the boxes that apply.)

Property is:

- A Owned by a religious institution or used for religious purposes.
- B removed from its original location.
- C a birthplace or grave.
- D a cemetery.
- E a reconstructed building, object, or structure.
- F a commemorative property.
- G less than 50 years old or achieving significance within the past 50 years

Areas of Significance

(Enter categories from instructions.)

ARCHITECTURE

Period of Significance

1928

Significant Dates

1928

Significant Person

(Complete only if Criterion B is marked above.)

N/A

Cultural Affiliation

N/A

Architect/Builder

Northup and O'Brien, architects

Period of Significance (justification)

See Narrative Statement of Significance Summary

Criteria Considerations (explanation, if necessary)

N/A

Pepper Building
Name of Property

Forsyth County, North Carolina
County and State

Statement of Significance Summary Paragraph (Provide a summary paragraph that includes level of significance and applicable criteria.)

See continuation sheet

Narrative Statement of Significance (Provide at least one paragraph for each area of significance.)

See continuation sheet

Developmental history/additional historic context information (if appropriate)

See continuation sheet

9. Major Bibliographical References

Bibliography (Cite the books, articles, and other sources used in preparing this form.)

See continuation sheet

Previous documentation on file (NPS):

- preliminary determination of individual listing (36 CFR 67 has been requested)
- previously listed in the National Register
- previously determined eligible by the National Register
- designated a National Historic Landmark
- recorded by Historic American Buildings Survey # _____
- recorded by Historic American Engineering Record # _____
- recorded by Historic American Landscape Survey # _____

Primary location of additional data:

- State Historic Preservation Office
- Other State agency
- Federal agency
- Local government
- University
- Other
- Name of repository: _____

Historic Resources Survey Number (if assigned): _____

10. Geographical Data

Acreage of Property 0.16 acres
(Do not include previously listed resource acreage.)

UTM References

(Place additional UTM references on a continuation sheet.)

1	<u>17</u> Zone	<u>567940</u> Easting	<u>3994880</u> Northing	3	<u> </u> Zone	<u> </u> Easting	<u> </u> Northing
2	<u> </u> Zone	<u> </u> Easting	<u> </u> Northing	4	<u> </u> Zone	<u> </u> Easting	<u> </u> Northing

Verbal Boundary Description (Describe the boundaries of the property.)

See continuation sheet

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Section number 8 Page 5

Pepper Building
Forsyth County, NC

8. Statement of Significance

Significant Dates

1928 – Date of Construction

Narrative Statement of Significance

Summary

The 1928 Pepper Building, named for the family that owned the lot on which the building stands and originally constructed as a department store for a development firm, the Gilmer Company, meets Criterion C as a very good local example of commercial Art Deco design. Its period of significance is composed of one year 1928, when the building was designed and completed. It is prominently located on West Fourth Street, within the downtown historic business district of Winston-Salem, at the southwest corner of the intersection of Liberty Street. Built in 1928, the building reflects the important urban and commercial growth of the city in the 1920s, a period when Winston-Salem emerged as one of the leading urban commercial and industrial centers in the state and experienced rapid growth. In keeping with the prominence of the building at the time of its construction, the structure was designed by the prolific and prestigious Winston-Salem architectural firm of Northup and O'Brien, who gained acclaim for designing substantial and finely detailed buildings throughout the state. Architecturally, the mid-rise building embodies characteristic concepts of the 1920s, combining Sullivanesque three-part skyscraper composition with geometric Art Deco detailing.

Historical Background

Thomas Pepper acquired the land on which the Pepper Building stands in 1887, when he and business partner J.B. Vaughan purchased the lot for \$3,550 (Forsyth County Deed Book 37, page 208). The pair constructed a three story brick building, and five years later, Pepper bought out Vaughan and became the sole owner of the property (Forsyth County Deed Book 44, page 27). In 1893, construction was completed on its successor, the Phoenix Hotel, which fire destroyed in 1928 (*Winston-Salem Journal-Sentinel*, 1962; Tursi, 1994).

After the Phoenix Hotel fire, the Gilmer Company, which operated regional department stores, commissioned construction of a new building on the site, hiring the architecture firm of Northup and O'Brien and contractor, Walter Kidde Constructors to execute the project. At the time of construction, O.H. Davis was president of the Gilmer Company, and not long after the announcement of the construction plans, the new building came to be known as the Davis-McCollum Building (*Winston-Salem Journal*, July 29, 1928). The department store opened in October 1928 with C. W. Van Dyke as manager. In July of 1929, the store changed its name to Van Dyke's Incorporated, with the elevation of Mr. Van Dyke to president of the company (*Winston-Salem Journal*, July 4, 1929). Van Dyke's occupied the building until 1932 (*Winston-Salem City Directories, 1929-1932*; Roberts and Sumner, section 8, page 2). City directories show that the building was vacant on several occasions in the 1930s. In 1938 Levy and Sons, a linen retailer, was in the building, but it was vacant again in 1939. In 1940 the large furniture retailer Huntley, Hill, and Stockton occupied the building. By this time, many of the upper floors of the building were being remodeled, and the

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Section number 8 Page 6

Pepper Building
Forsyth County, NC

Pepper Building was becoming a professional building. For example, in 1940 a dentist, an optical company, and WAIR radio had offices in the building, in addition to Huntley, Hill, and Stockton (Winston-Salem City Directories, 1935-1940; Roberts and Sumner, section 8, page 2). In 1945, the furniture firm occupied three stories of the building, while various offices, including the Civilian Defense Volunteers Office, occupied the others (Winston-Salem City Directory, 1945; Roberts and Sumner, section 8, page 2). In 1953, Huntley, Hill, and Stockton moved out of the building, and shortly thereafter the second and third floors were remodeled for additional space at a cost of \$75,000 (*Winston-Salem Journal*, 1954; Roberts and Sumner, section 8, page 2). S & M Clothiers took over the first floor, but with that exception, the building was used for professional offices, largely that of attorneys, throughout the 1950s, 1960s and 1970s (Winston-Salem City Directories, 1954-1977; Roberts and Sumner, section 8, page 2). Recent tenants have included a music store and a Bellsouth telephone company office. The Winston-Salem Transit Authority was the most recent and last occupant of the first floor, ending their tenancy in 2000.

In 1924, Thomas and Georgia Pepper had placed the lot in a trust for their eight grandchildren (Forsyth County Deed Book 264, page 98). Thomas Pepper died on July 12, 1935, and in 1958, his son, Francis, retired from the warehouse business and became the building's full-time administrator (*Winston-Salem Journal-Sentinel*, 1962; Roberts and Sumner, section 8, page 2). In 1986, the Pepper heirs sold the building to Piedmont Federal Savings and Loan, which owned the adjacent Mother & Daughter property (that building was demolished in 1979) and the Crawford Building, which was demolished in 2001 (Forsyth County Deed Book 1554, pages 404, 407, 417, 419, 421, 423, 425, 427, and 429). In 1999, the Downtown Winston-Salem Foundation purchased the Pepper Building, and today the Pepper Building is vacant (Forsyth County Deed Book, 2099, page 262).

Winston-Salem in the 1920s

During the first quarter of the twentieth century, North Carolina became the leading industrial state of the Southeast and the nation's largest producer of tobacco products, cotton textiles, and wooden furniture (Lefler and Newsome, 1976). One of the most prominent cities during this prosperous period, Winston-Salem's growth began in earnest during the 1870's with the establishment of a tobacco industry dominated by R. J. Reynolds Tobacco Company. While Branson's Business Directory for 1872 listed only one tobacco manufacturer in Winston, by 1877 Branson's listed fourteen, including that of R. J. Reynolds (Branson, 1872, 1877). By 1884, Branson's listing showed that the number of tobacco concerns had grown to twenty (Branson, 1884), and this increase in factories and warehouses brought scores of new merchants and other businessmen to Winston in the 1870's and 1880's (Phillips, 1989). In the 1890s, the tobacco industry was further expanded by the completion of the last stretch of the Roanoke and Southern Railroad Line that provided an efficient transportation network between Winston-Salem and northern markets. Through the success of R. J. Reynolds Tobacco Company, particularly with the introduction of Camel cigarettes, Winston-Salem was made a United States port of entry for the collection of import duties on goods brought directly to Winston-Salem and in 1916 was the eight largest port of entry in the country, despite being located over two hundred miles from the coast (Tursi, 1994). The 1920 census listed Winston-Salem as the largest city in North Carolina with a population of 48,395, a significant increase from the 10,900 recorded for the city in 1890. Additionally, throughout the 1920s, Forsyth County led the state in total assessed valuation of property, with almost \$200 million worth in 1927. (Fries and others, 1976).

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Section number 8 Page 7

Pepper Building
Forsyth County, NC

The decade of the 1920s is regarded as Winston-Salem's "era of success" and established a level of prosperity and wealth that demanded an architectural environment that matched the city's perception of its elevated status and sophistication. During the latter half of the 1920s, the city witnessed its most significant period of growth with most of its commercial development concentrated on a four-block area of West Fourth Street. Anchored on the east by the 1929 twenty-two-story Art Deco Reynolds Building and on the west by the 1928 eleven-story classically inspired Carolina Theater and Hotel, Fourth Street was the showcase for Winston-Salem's booming economy. The Pepper Building could not have been better sited, occupying the southwest corner of Courthouse Square directly opposite the newly constructed County Courthouse and diagonally facing the city's grandest testimony of progress and success in the Reynolds Building. The six-story height of the Pepper Building made it one of the tallest buildings in the city and the tallest devoted to a single retail establishment. The majority of the other buildings erected along this corridor ranged from two to four stories, but also included the 1926 eighteen-story Neo-Classical Nissen Building.

The development of the Pepper Building took advantage of the economic surge in the city. It would be located on a prominent corner in the area of the city being most energetically developed, and would be one of the largest department stores in Winston-Salem at approximately 42,000 square feet of retail space. The building would also reflect the growing prominence of the city itself, by being built in the new and unique Art Deco style that had become a fashionable statement for many of the larger and more prosperous cities in North Carolina at the time.

Criterion C: Embodies the characteristics of the Art Deco style

By the time of the construction of the Pepper Building, the rise of the modern skyscraper and its smaller counterpart, the mid-rise building, was well underway owing to advances in building technology that included the use of steel skeletal support framing that allowed for higher construction than that of load-bearing masonry walls and the incorporation of the elevator, which allowed for convenient use of taller buildings. In Chicago, architects like Louis Sullivan, William Holabird and Martin Roche, William Le Baron Jenney, and Dankmar Adler had pioneered the vocabulary of the early skyscraper by combining classical components with new technologies and created what has become known as the Chicago School of Architecture. The result was a frequently used compositional formula of base, shaft, and capital that exhibited a "weighted" ground floor that was generally ornamented with decorative motifs and textured stones as the base for a building; a more simplistic rise of upper levels, generally with restrained ornamentation, a vertical emphasis, and large window openings as the shaft of a building; and, a projecting or ornamented cornice as the capital of a building. Buildings such as St. Louis' 1891 Wainwright Building by Adler and Sullivan and Chicago's 1903 Champlain Building by Holabird and Roche influenced skyscraper form and detailing throughout the country. Several buildings were built in Winston-Salem that followed the design principles of the Chicago School, the most notable being the classically-inspired 1911/1917 Wachovia Bank and Trust Company Building, the classically detailed 1915 O'Hanlon Building, the Neo-Classical 1926 Nissen Building, and the Renaissance Revival 1928 Carolina Theater and Hotel. All of these buildings share the classical skyscraper form of base, shaft, and capital and all are expressions of twentieth-century building technology, though sheathed in academic designs based on classical or Renaissance precedents (Phillips, 1989).

Though not a skyscraper, the mid-rise Pepper Building maintained the component formula, with a taller first floor ornamented with detailed terracotta pilasters and over-scaled storefront windows; simplified

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Section number 8 Page 8

Pepper Building
Forsyth County, NC

upper floors of patterned brick with vertical emphasis; and, an ornamented cornice band of terra cotta panels with large relief details. The original glazed terra cotta pilasters between each bay establish the vertical emphasis of the building, typical of the Art Deco period, and contribute significantly to the detailing of the building, exhibiting fluted panels rising to an Art Deco-inspired Ionic capital with a tiered crown of geometric florals. Each pilaster boasts the addition of projecting terra cotta lions' heads, with metal rings in the mouths of the two that once held the chains of the decorative metal sidewalk canopies formerly sheltering the primary Liberty and Fourth Street entrances. Above the ground level, the building retains all of its detailed brick and terra cotta ornament, inclusive of the frieze of abstracted swags above the ground-level bays; the terra cotta window sills of the second level adorned with a stylized vine motif supported by large-scaled, faceted brackets; the recessed, checkerboard brick spandrel panels vertically placed between the sills and heads of the windows of each level; and, the accentuated parapet of the building with a cornice of decorative, recessed terra cotta panels. This cornice serves to accent the vertical emphasis of the building with faceted terra cotta caps terminating the rise of the narrow, engaged brick pilasters between each bay, and with the use of large, recessed rectangular terra cotta panels above each of the sixth level windows.

While the Pepper Building's base-shaft-capital composition reflected traditional commercial forms, its style heralded a new modern design statement: Art Deco, the first widely popular style in the United States to break with the revivalist traditions of classically inspired detail. Originating with the 1925 Paris Exposition Internationale des Arts Decoratifs and Industriels Modernes, the streamlined style's ornamentation featured low-relief geometrical designs such as zigzags, chevrons, and stylized floral motifs (McAlester, 465). The Pepper Building was one of five Art Deco buildings completed in Winston-Salem at the end of the 1920s: Walgreen's Drug Store, Sosnick's Department Store, the Morris-Early Furniture Store, and the R.J. Reynolds Tobacco Company Building. The one-story Walgreen's Building at 201 West Fourth Street has been significantly altered, but above the ground level, it retains striking Art Deco panels with rich, stylized floral motifs. A construction date of 1926 is attributed to the building, and Walgreen's occupied it from 1932 until 1972. Sosnick's, at 500 West Fourth Street, is three stories tall, faced in limestone and features Art Deco panels of vertical banding and abstract floral ornament. Northup and O'Brien designed it and the building was completed in 1929. Abutting Sosnick's is the four-story Morris-Early Furniture Store at 514 West Fourth. It too was a Northup and O'Brien design finished in 1929. While decidedly Art Deco in style, the Morris-Early design references are classically inspired and feature fluted terra cotta pilasters, round medallions in the cornice, rope molding outlining the bays, and panels of concentric rectangles between the windows. The R.J. Reynolds Building at 401 North Main, completed in 1929, was designed by Shreve and Lamb. In addition to being the city's best Art Deco building, the twenty-two-story structure is one of the city's most striking architectural landmarks.

The application of the avant-garde Art Deco style to these five buildings reflected the height of Winston-Salem's prosperity in the late 1920s and served as the stylistic culmination of that significant growth period for the city. Of the city's five late 1920s Art Deco buildings, the Pepper Building is the second largest, behind the Reynolds Building, finished before most new construction was halted during the Depression years of the 1930s. All five buildings retain original exterior finishes above the ground level. The Walgreen's Building has been significantly altered inside and out, and the interiors of Sosnick's and Morris-Early are altered, but it is not known what original material may remain behind newer walls and ceilings. The Reynolds Building retains its architectural integrity and significance in the lower level, but its upper floors have been remodeled. Though not as rich in decoration as the Reynolds Building, the Pepper Building has

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Section number 8 Page 9

Pepper Building
Forsyth County, NC

architectural and historical integrity and significance on the exterior. The upper floors of the Pepper Building have been extensively altered over the years. New materials, walls, and ceilings have been added to the first floor, but it appears that many original details and finishes remain behind those later materials.

The selection of the architectural firm of Northup and O'Brien to design the building was no doubt deliberate, as the firm was one of the most prestigious in the state and was one of the architectural firms leading the city's twentieth-century growth. The firm of Northup and O'Brien became so named in 1925 when native Winstonian Leet A. O'Brien officially joined with Michigan native Willard C. Northup. The addition of Winstonian Luther Snow Lashmit in 1927 established a firm that successfully vied with local and national architectural firms for the numerous buildings being erected in the city and that counted the city's most affluent residents among its clientele. The firm's local works included the eight-story 1914 classically-inspired O'Hanlon Building, located opposite the Pepper Building on West Fourth Street; the 1926 French Eclectic Forsyth County Courthouse, also opposite the Pepper Building on Liberty Street; the 1926 Renaissance Revival Winston-Salem City Hall; the 1932 Norman Revival estate of Graylyn, home of Mr. and Mrs. Bowman Gray; the 1933 Lasater Mill on the estate of R. E. Lasater; the now demolished 1940 high-style International Merry Acres, home of Mr. and Mrs. R. J. Reynolds, Jr. and one of the first modern buildings erected in Winston-Salem (AIA, 1978); as well as homes for various members of the Hanes, Gray, and Whitaker families. Northup and O'Brien also designed buildings in major cities across North Carolina throughout the first half of the twentieth century (Taylor, 1984). The firm's regional influence on the style of early twentieth-century buildings in the state included the 1933 seven-story Art Deco/Gothic Snow Building in Asheville; the 1938 Art Deco Education Building, one of the numerous government buildings in Capitol Square in Raleigh; the 1938 Moderne Albemarle City Hall; the 1940 twelve-story Art Deco Durham Insurance Building in Raleigh; house designs for the 1920s-1930s high-style subdivision of Forest Hills in Durham; and, the 1931 Tudor Revival home Adamsleigh, located in the exclusive 1930s country club subdivision of Sedgewood in Greensboro. Northup and O'Brien retained its name until 1950, despite several architects joining the firm over the years and Northup's death in 1942. In 1953, the name of the firm was changed to Lashmit, James, Brown, and Pollock, starting a series of name changes that continued well into the 1980s (Woodard, 2001) and culminating with the current firm of Calloway, Johnson, Moore, and West.

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Section number 9 Page 10

Pepper Building
Forsyth County, NC

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United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Section number 9 Page 11

Pepper Building
Forsyth County, NC

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Pepper Building
Name of Property

Forsyth County, North Carolina
County and State

Boundary Justification (Explain why the boundaries were selected.)

See continuation sheet

11. Form Prepared By

name/title Tiffany N. White & Linwood R. King, III Historic Preservation Specialists (former employees)
organization David E. Gall, Architect, P.A. date June 17, 2011
street & number 938 West Fifth Street telephone (336) 773-1213
city or town Winston-Salem state NC zip code 27101
e-mail degarc@bellsouth.net

Additional Documentation

Submit the following items with the completed form:

- **Maps:** A **USGS map** (7.5 or 15 minute series) indicating the property's location.
A **Sketch map** for historic districts and properties having large acreage or numerous resources. Key all photographs to this map.
- **Continuation Sheets**
- **Additional items:** (Check with the SHPO or FPO for any additional items.)

Photographs:

Submit clear and descriptive photographs. The size of each image must be 1600x1200 pixels at 300 ppi (pixels per inch) or larger.

Name of Property: Pepper Building
City or Vicinity: Winston-Salem County: Forsyth State: North Carolina
Photographer: David E. Gall
Date Photographed: June 2011

See back of photos for view description.

Property Owner:

(Complete this item at the request of the SHPO or FPO.)

name Downtown Winston-Salem Foundation
street & number 305 West Fourth Street, Suite 2-E telephone (336) 354-1500
city or town Winston-Salem state NC zip code 27101

Property Owner Signature: N/A

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C.460 et seq.).
Estimated Burden Statement: Public reporting burden for this form is estimated to average 18 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Office of Planning and Performance Management. U.S. Dept. of the Interior, 1849 C. Street, NW, Washington, DC.

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Section number 10 Page 12

Pepper Building
Forsyth County, NC

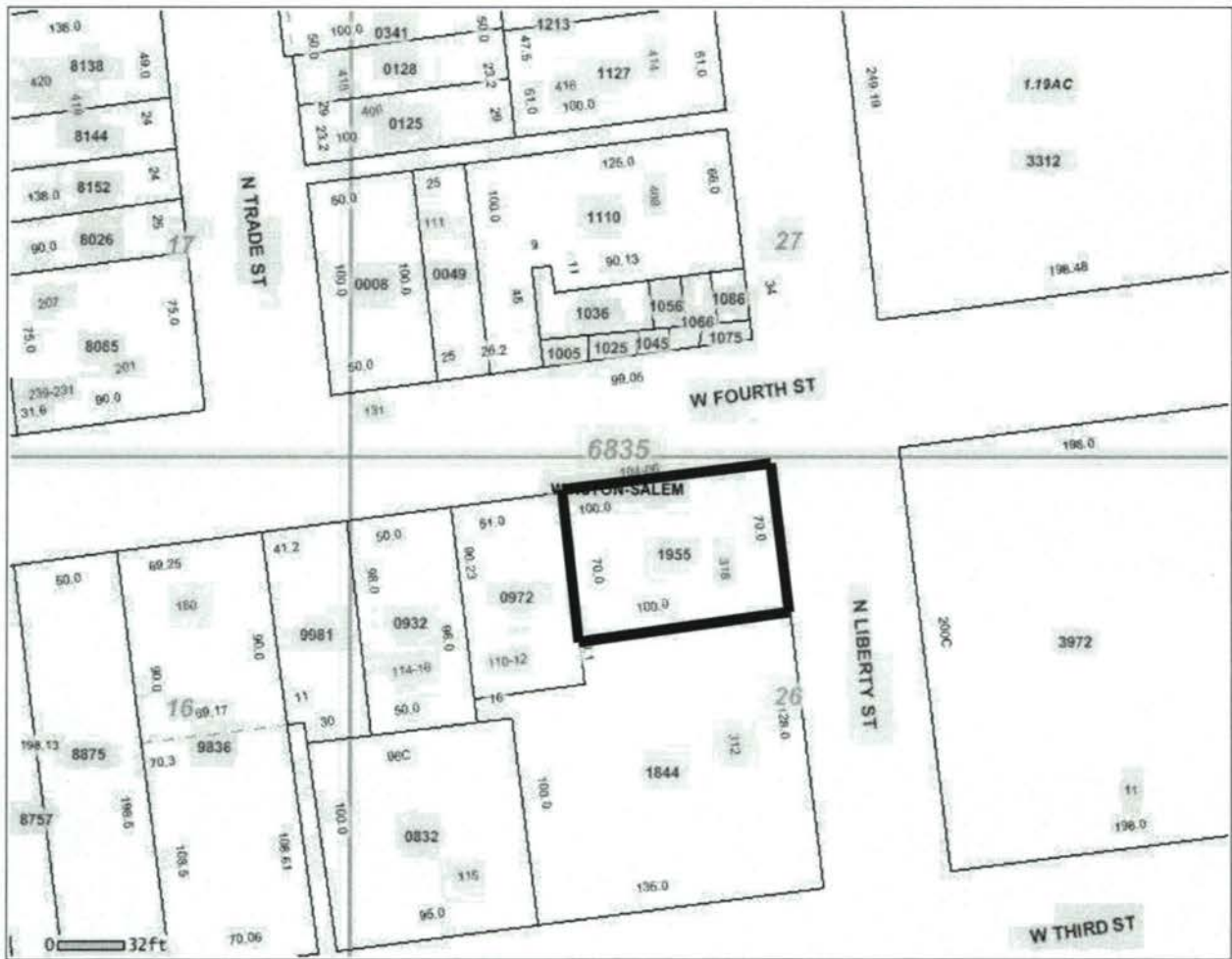
10. Geographical Data

Verbal Boundary Description

The nominated property includes all of the 0.16 acre of Forsyth County Tax Lot 154, Block 6084, as indicated on the attached tax map. The nominated property is bounded on the north side by West Fourth Street; on the east side by Liberty Street; on the south side by the vacant property of Block 6084, Lot 153B; and, on the east side by the vacant property of Block 6084, Lot 153A.

Boundary Justification

The nominated property is the lot which comprised the original site of the Pepper Building at the time of the building's construction in 1928.

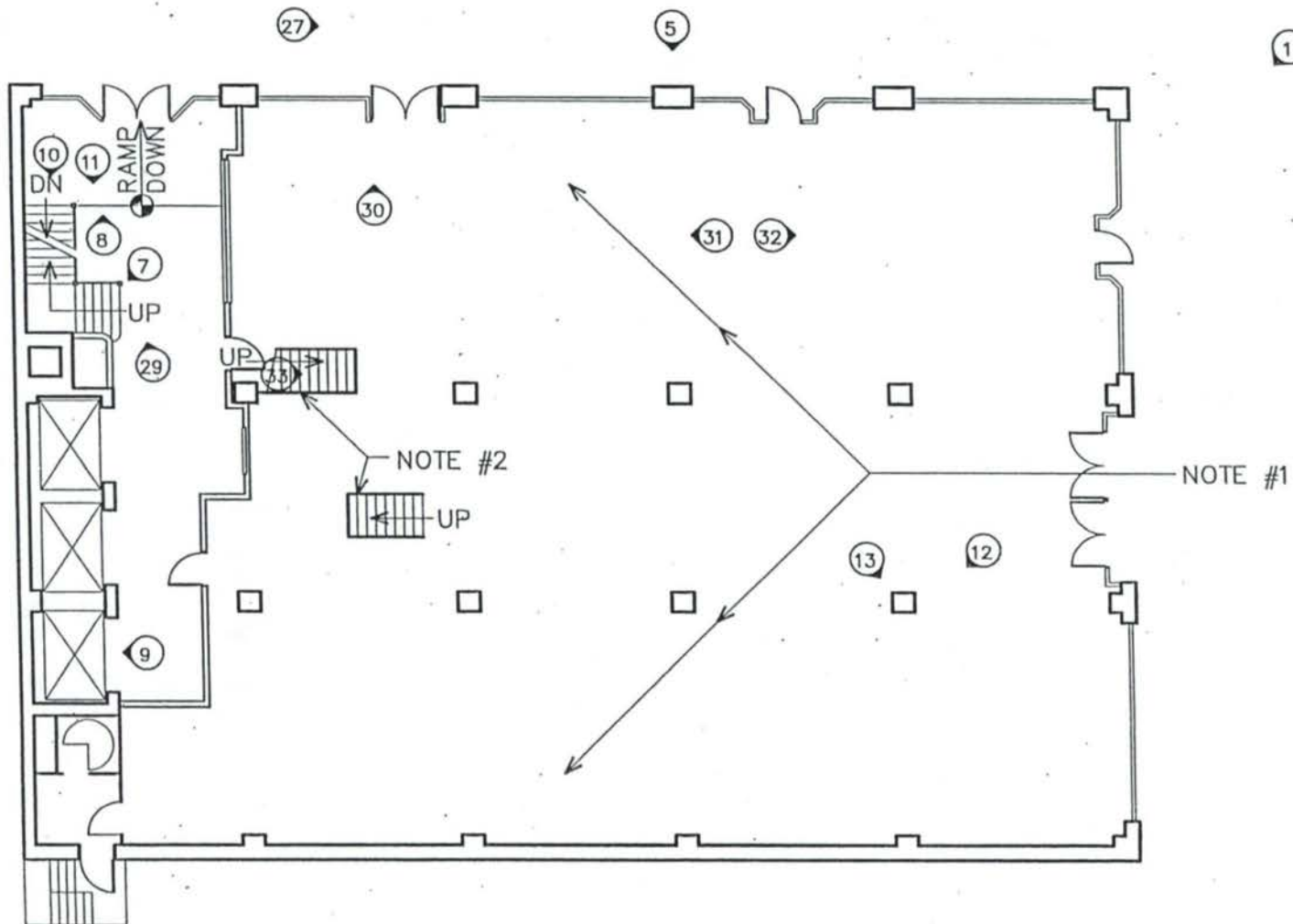


scale

north



Pepper Building
Forsyth County Tax Map
100-106 West Fourth Street
Winston-Salem, Forsyth County, North Carolina



NOTE #1: ORIGINAL BUILDING DRAWINGS ILLUSTRATE AN OPEN FLOOR PLAN WITHOUT PARTITIONS. SUBSEQUENT ALTERATIONS HAVE INCORPORATED NON-BEARING PARTITION WALLS TO CREATE OFFICES AND OTHER ROOMS IN THIS AREA

NOTE #2: MEZZANINE ACCESS STAIRS. MAY BE EARLY CONSTRUCTION BUT NOT ORIGINAL



PEPPER BUILDING
 FORSYTH COUNTY, NORTH CAROLINA
 FIRST FLOOR PLAN



D. 2012.1.30
Pepper Building
Forsyth County, NC
David E. Gall
June 2011
NC SHPO
East Facade

#1



D. 2012.1.31
Pepper Building
Forsyth County, NC
David Gall
June 2011
NC SHPO
South Facade

#2



D. 2012.1.32

Pepper Building
Forsyth County, NC

David Gall

June 2011

NC SHPO

North Facade

#3



D. 2012.1.33
Pepper Building
Forsyth County, NC
David Gall
June 2011
NC SHPO
West Facade

#4



D. 2012. 1. 34

Pepper Building
Forsyth County, NC

David Gall

June 2011

NC SHPO

Pilaster and Capital

#5



D. 2012.1.35
Pepper Building
Forsyth County, NC
David Gall
June 2011
NC SHPO
First Floor Pier Capital

#6



D. 2012.1.36

Pepper Building
Forsyth County, NC

David Gall

June 2011

NC SHPO

Stairs to Second Floor at NW Lobby

#7



Pepper Building
Forsyth County, NC

David Gall

June 2011

NCSHPO

2nd Floor Corridor West

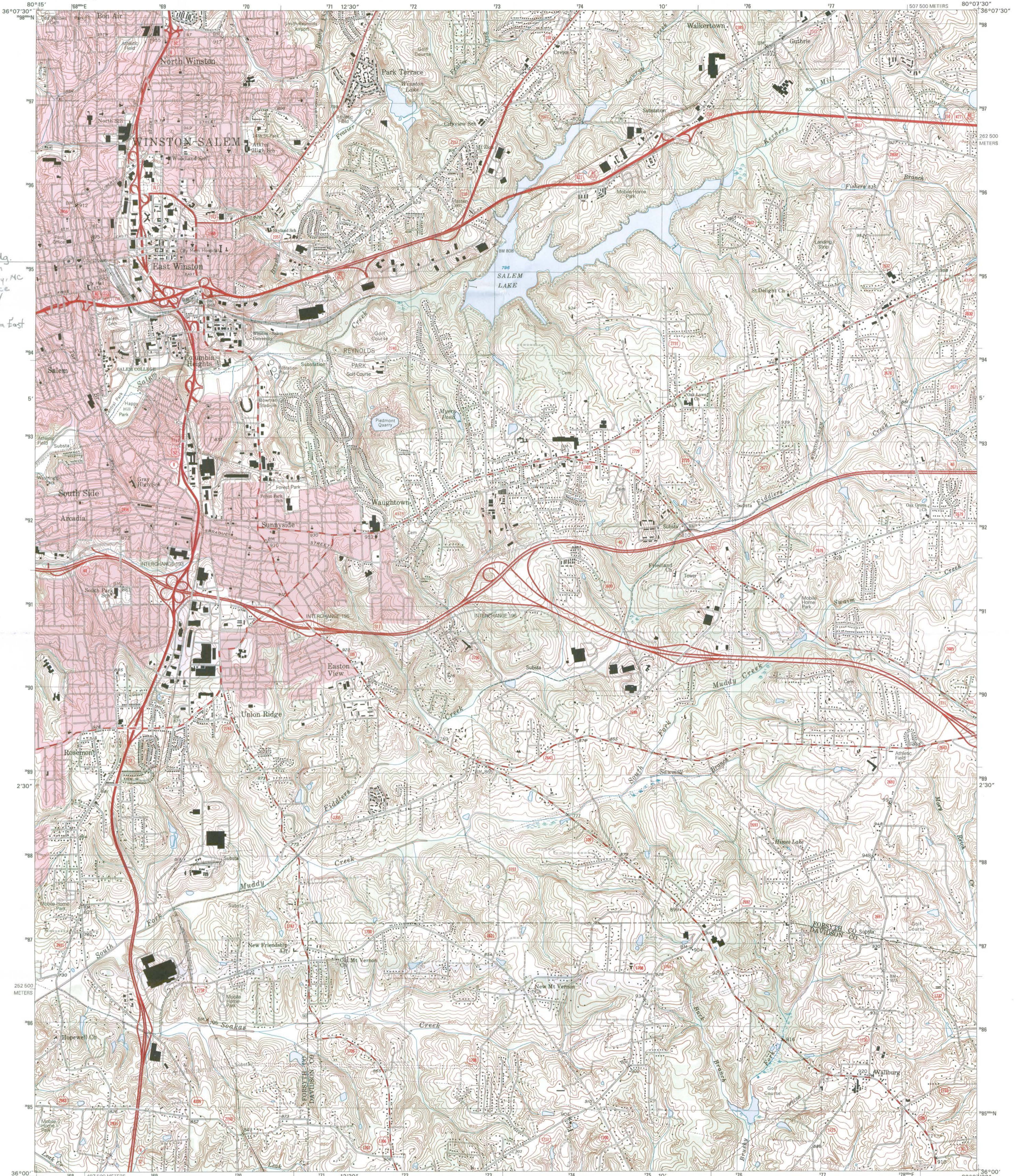
#8



Upper Building
Forsyth County, NC
David Gall
June 2011
NCSHPO
Elevator Hoistway Doors
#9

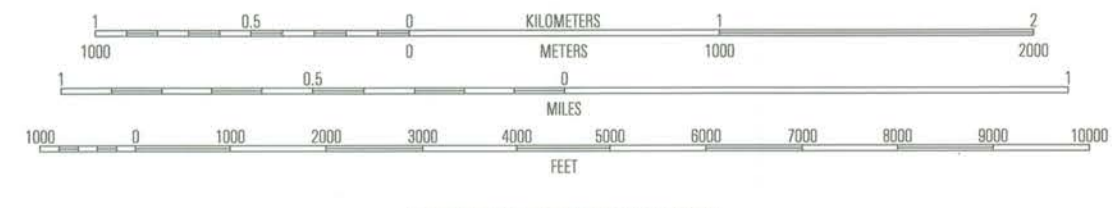
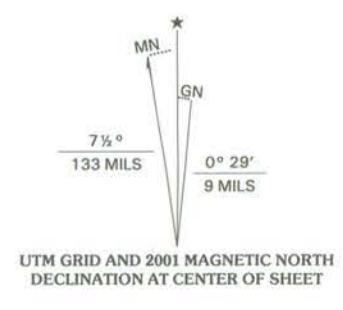


Pepper Building
Forsyth County, NC
David Gall
June 2011
NCSHPD
First Floor
#10



Repper Bldg. Winston-Salem Forsyth County, NC UTM Reference 17/567940/3995100 Winston-Salem East Quad

Produced by the United States Geological Survey Topography compiled by planetable surveys 1949-1950 Planimetry derived from imagery taken 1997 and other sources Survey control current as of 1950 North American Datum of 1983 (NAD 83). Projection and 1,000-meter grid: Universal Transverse Mercator, zone 17 10 000-foot ticks: North Carolina Coordinate System of 1983 North American Datum of 1927 (NAD 27) is shown by dashed corner ticks. The values of the shift between NAD 83 and NAD 27 for 7.5-minute intersections are obtainable from National Geodetic Survey NADCON software Landmark buildings verified 1950



SCALE 1:24 000 CONTOUR INTERVAL 10 FEET NATIONAL GEODETIC VERTICAL DATUM OF 1929 TO CONVERT FROM FEET TO METERS, MULTIPLY BY 0.3048



QUADRANGLE LOCATION

ROAD CLASSIFICATION table with symbols for Primary highway, Secondary highway, Interstate Route, U.S. Route, State Route, Light-duty road, hard surface, Improved surface, Unimproved road.

Grid table with numbers 1-8 and corresponding location names: 1 Rural Hill, 2 Walkertown, 3 Belton Creek, 4 Winston-Salem West, 5 Kennesville, 6 Welcome, 7 Midway, 8 High Point West.

WINSTON-SALEM EAST, NC 1997 NIMA 4956 II SW-SERIES V842



National Register of Historic Places

Note to the record

Additional Documentation: 2014

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES
EVALUATION/RETURN SHEET

REQUESTED ACTION: NOMINATION

PROPERTY NAME: Pepper Building

MULTIPLE NAME:

STATE & COUNTY: NORTH CAROLINA, Forsyth

DATE RECEIVED: 10/29/14 DATE OF PENDING LIST:
DATE OF 16TH DAY: DATE OF 45TH DAY: 12/09/14
DATE OF WEEKLY LIST:

REFERENCE NUMBER: 12000263

REASONS FOR REVIEW:

APPEAL: N DATA PROBLEM: N LANDSCAPE: N LESS THAN 50 YEARS: N
OTHER: N PDIL: N PERIOD: N PROGRAM UNAPPROVED: N
REQUEST: N SAMPLE: N SLR DRAFT: N NATIONAL: N

COMMENT WAIVER: N

ACCEPT RETURN REJECT 10-29-2014 DATE

ABSTRACT/SUMMARY COMMENTS:

owner objection removed.

Property Listed 10-29-2014

RECOM./CRITERIA List

REVIEWER [Signature] DISCIPLINE

TELEPHONE [Signature] DATE

DOCUMENTATION see attached comments Y/N see attached SLR Y/N

If a nomination is returned to the nominating authority, the nomination is no longer under consideration by the NPS.

Michael G. Coe
531 North Trade Street, Unit 100
Winston-Salem, NC 27101
(336) 749-1409



October 23, 2014

Carol Shull, Interim Keeper
National Register of Historic Places
National Park Service
1201 Eye Street, NW, 8th Floor
Washington, DC 20005

Dear Ms. Shull,

12000263

I am the owner of the Pepper Building at 104 West Fourth Street in Winston-Salem, Forsyth County, North Carolina. I do not object to the property being listed in the National Register of Historic Places and request that the designation process resumes as soon as possible.

Thank you,

Michael G. Coe
Michael G. Coe

STATE OF: North Carolina
COUNTY OF: Forsyth

I Kathryn F. Moore A Notary Public for said State, County, do hereby certify that

Michael G. Coe personally appeared before me this day and acknowledged the due execution of the forgoing instrument.

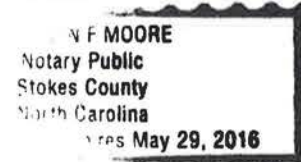
Witness my hand and official seal, this 23rd day of October 2014 Seal}

Michael G. Coe
(Owner Signature)

Kathryn F. Moore
(Notary Signature)

owner
(title)

My commission expires May 29 2016



National Register of Historic Places
Memo to File

Correspondence

The Correspondence consists of communications from (and possibly to) the nominating authority, notes from the staff of the National Register of Historic Places, and/or other material the National Register of Historic Places received associated with the property.

Correspondence may also include information from other sources, drafts of the nomination, letters of support or objection, memorandums, and ephemera which document the efforts to recognize the property.

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES
EVALUATION/RETURN SHEET

REQUESTED ACTION: OWNER OBJECTION

PROPERTY NAME: Pepper Building

MULTIPLE NAME:

STATE & COUNTY: NORTH CAROLINA, Forsyth

DATE RECEIVED: 3/23/12 DATE OF PENDING LIST:
DATE OF 16TH DAY: DATE OF 45TH DAY: 5/09/12
DATE OF WEEKLY LIST:

REFERENCE NUMBER: 12000263

REASONS FOR REVIEW:

APPEAL: N DATA PROBLEM: N LANDSCAPE: N LESS THAN 50 YEARS: N
OTHER: N PDIL: N PERIOD: N PROGRAM UNAPPROVED: N
REQUEST: Y SAMPLE: N SLR DRAFT: N NATIONAL: N

COMMENT WAIVER: N

ACCEPT RETURN REJECT 5/2/2012 DATE

ABSTRACT/SUMMARY COMMENTS:

*owner objection received subsequent to submission.
Eligible under Criterion C*

Determined Eligible
[Signature]
5/2/2012

RECOM./CRITERIA Accept C - *owner objection*

REVIEWER J. Gabbard DISCIPLINE _____

TELEPHONE _____ DATE _____

DOCUMENTATION see attached comments Y/N see attached SLR Y/N

If a nomination is returned to the nominating authority, the nomination is no longer under consideration by the NPS.



North Carolina Department of Cultural Resources
State Historic Preservation Office

Peter B. Sandbeck, Administrator

Beverly Eaves Perdue, Governor
Linda A. Carlisle, Secretary
Jeffrey J. Crow, Deputy Secretary

Office of Archives and History
Division of Historical Resources
David Brook, Director

March 16, 2012

Ms. Carol Shull, Keeper
National Register of Historic Places
National Park Service
U.S. Department of the Interior
1201 Eye Street NW (2208) Eighth Floor
Washington, D.C. 20005

Re: Pepper Building, Winston-Salem, Forsyth County

Dear Ms. Shull:

Enclosed is the above referenced nomination to be approved for the National Register of Historic Places.

We trust you will find the nomination to be in order. If you have any questions please call Ann Swallow, 919.807.6587.

Sincerely,

Jeffrey J. Crow
State Historic Preservation Officer

JJC/jct: enclosures

March 26, 2012



National Park Service
Attention: Ms. Carol Shull
Keeper of the National Register of Historic Places
1201 North I Street, NW
Washington, DC 20005

Subject: Owner Objection to the Listing of the Pepper Building on the National Register

Dear Ms. Shull:

The Board of Directors for the Downtown Winston-Salem Foundation, Inc. objects to the listing on the National Register of Historic Places of the "Pepper Building" located in downtown Winston-Salem, North Carolina. The Downtown Winston-Salem Foundation, Inc. is the sole owner of the "Pepper Building" which is located at 104 W. Fourth Street, Winston-Salem, NC 27101.

Sincerely,

Jason Thiel
President

CC: Jeffrey Crow, State Historic Preservation Officer, State of North Carolina

Forsyth County, North Carolina

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

Jason Thiel

Name(s) of principal(s)

March 26, 2012

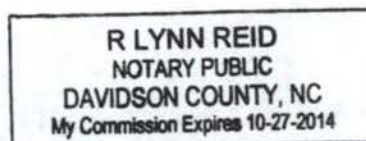
Date

R Lynn Reid

Official Signature of the Notary

R Lynn Reid, Notary Public
Notary's Printed Name

My Commission Expires: 10-27-2014



From: (336) 765-2661
 Heather Fearnbach
 Fearnbach History Services Inc
 3334 Nottingham Road

Winston-Salem, NC 27104
 US



Ship Date: 23OCT14
 ActWgt: 1.0 LB
 CAD: 100188522/INET3550

Ref # Pepper Building
 Invoice #
 PO #
 Dept #
 Ship ID

SHIP TO: (202) 354-2234

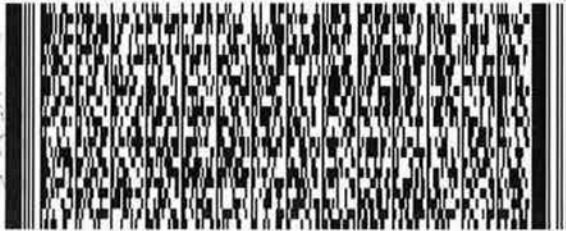
BILL SENDER

Carol Shull
National Register

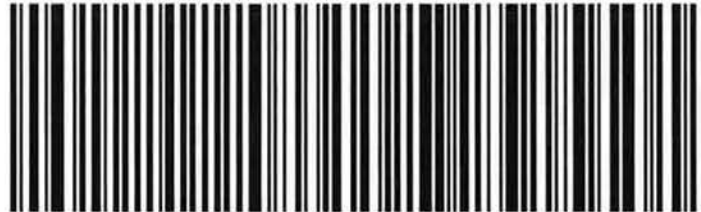
National Park Service
1201 Eye Street, NW, 8th Floor
Washington, DC 20005
US

TRK# 7715 9431 8249

20005



9622 0019 0 (000 873 7425) 2 00 7715 9431 8249



522G1JDF64/BAC9

After printing this label:

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

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At the end of each shipping day, you should perform the FedEx Ground End of Day Close procedure to transmit your shipping data to FedEx. To do so, click on the Ground End of Day Close Button. If required, print the pickup manifest that appears. A printed manifest is required to be tendered along with your packages if they are being picked up by FedEx Ground. If you are dropping your packages off at a FedEx drop off location, the manifest is not required.

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Area Definitions

To make certain that they are using the correct AAFs, users should refer to the Area Definitions Table section at http://www.huduser.org/portal/datasets/aaf/FY2012_AreaDef.pdf. The Area Definitions Table lists CPI areas in alphabetical order by state, and the associated Census region is shown next to each state name. Areas whose AAFs are determined by local CPI surveys are listed first. All metropolitan areas with local CPI surveys have separate AAF schedules and are shown with their corresponding county definitions or as metropolitan counties. In the six New England states, the listings are for counties or parts of counties as defined by towns or cities. The remaining counties use the CPI for the Census Region and are not specifically listed in the Area Definitions Table at http://www.huduser.org/portal/datasets/aaf/FY2012_AreaDef.pdf.

Puerto Rico and the Virgin Islands use the South Region AAFs. All areas in Hawaii use the AAFs listed next to "Hawaii" in the Tables which are based on the CPI survey for the Honolulu metropolitan area. The Pacific Islands use the West Region AAFs.

Dated: April 3, 2012.

Raphael W. Bostic,
Assistant Secretary for Policy Development and Research.

[FR Doc. 2012-8971 Filed 4-12-12; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NRNHL-0412-9961; 2200-3200-665]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before March 24, 2012. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington DC 20005; or by fax, 202-371-6447. Written

or faxed comments should be submitted by April 30, 2012. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

J. Paul Loether,
Chief, National Register of Historic Places/ National Historic Landmarks Program.

MICHIGAN

Alger County

Grand Marais Harbor of Refuge Inner and Outer Lights, (Light Stations of the United States MPS) W. pier at entry to Grand Marais Harbor of Refuge (Burt Township), Grand Marais, 12000254.

MISSOURI

St. Louis Independent City

Yeatman Square Historic District, Parts of Glasgow, Leffingwell, Madison, Magazine, & N. Market Sts., St. Louis (Independent City), 12000255.

NEW YORK

Oneida County

Wright Settlement Cemetery, Cemetery Rd., Wright Settlement, 12000256.

Orange County

Denniston—Steidle House, 575 Jackson Ave., New Windsor, 12000257.

Orleans County

Clarendon General Store, 16301 E. Lee Rd., Clarendon, 12000258.
Payjack Chevrolet Building, 320 N. Main St., Medina, 12000259.

Saratoga County

Smith's Grain and Feed Store, 857 Main St., Elnora, 12000260.

Schoharie County

Stewart House and Howard—Stewart Family Cemetery, 583 NY 10, South Jefferson, 12000261.

Westchester County

St. George's Church, 1715 E. Main St., Mohegan Lake, 12000262.

NORTH CAROLINA

Forsyth County

Pepper Building, 100-106 W. 4th St., Winston-Salem, 12000263.

[FR Doc. 2012-8867 Filed 4-12-12; 8:45 am]

BILLING CODE 4312-51-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-1089 (Review)]

Certain Orange Juice From Brazil

Determination

On the basis of the record¹ developed in the subject five-year review, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), that revocation of the antidumping duty order on certain orange juice from Brazil would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted this review on February 1, 2011 (76 FR 5822, February 2, 2011) and determined on May 9, 2011 that it would conduct a full review (76 FR 30197, May 24, 2011). Notice of the scheduling of the Commission's review and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on July 14, 2011 (76 FR 43344, July 20, 2012). The hearing was held in Washington, DC, on January 24, 2012, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this review to the Secretary of Commerce on April 9, 2012. The views of the Commission are contained in USITC Publication 4311 (April 2012), entitled *Certain Orange Juice from Brazil: Investigation No. 731-TA-1089 (Review)*.

Issued: April 10, 2012.

By order of the Commission.

James R. Holbein,
Secretary to the Commission.

[FR Doc. 2012-8898 Filed 4-12-12; 8:45 am]

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¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).