THE MINUTES OF THE 535TH STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION

9 MARCH 2007
1515 ARCH STREET, ROOM 18029
MICHAEL SKLAROFF, ESQ., CHAIR

PRESENT
Michael Sklaroff, Esq., Chair
Rosalie Leonard, Office of City Council President
Sara Merriman, Commerce Department
David Perri, Department of Licenses & Inspections
Vincent Rivera, AIA
Scott Wilds, Office of Housing & Community Development
Thomas Sugrue, Ph.D.
Denise Smyler, Esq.
Janice Woodcock, City Planning Commission

Randal Baron, Historic Preservation Specialist
Erin Cote, Historic Preservation Planner
Jorge Danta, Historic Preservation Planner
Jonathan Farnham, Acting Historic Preservation Director
Rebecca Sell, Historic Preservation Planner
Karen Gonski, Administrative Technician
Leonard Reuter, Esq., Assistant City Solicitor, Law Department
Lawrence Copeland, Senior Attorney, Law Department

ALSO PRESENT
George Hoez, K&A Appraisal
Aninash Hariarishnaw, Sprint
Robert Santiago, Damione Long Engineering
Edward Jay Goldberg, Macy's
Laurie Phillips, Prudential Fox & Roach
Joseph Power, Buell Kratzer Power
Joseph Graci, Franklin Engineering
Erik Gabell, Paradigm
Tom Barton, Barton Partners
Gil Rosenthal, WRT
Sam Robinson, WRT
Sam Harris, S. Harris & Co.
William Clive, WRT
Harvey Spear, Centra Associates
Carl Primavera, Esq.
Robert Spears, Centra Associates
Dan Reisman, Esq.
John Gallery, Preservation Alliance
Ken Smutz, Brown Hill Development
Brett Feldman, Esq.
Bill Middleton
Joe Schiavo, Old City Civic Association

Janet Kalter, Old City Civic Association
Craig Bruns, Independence Seaport Museum
Ronn Ash
Chris Christian, Capital Programs Office
Anthony Forte, Saul Ewing
Marjorie Muecke
P. Schnell
R. Zacharie, Asian Bank
Mark Winkler, Asian Bank
John Kolhlas, Cabellas
Patrick Morris
Greg DiTeodoro
Michael Mattioni, Esq.
Vincent Mancini, Landmark Design

CALL TO ORDER

Michael Sklaroff, Chair, recognized the presence of a quorum and called the 535th Stated Meeting of the Philadelphia Historical Commission to order at 9:13 a.m. Commissioners Sklaroff, Leonard, Merriman, Perri, Rivera, Smyler, Sugrue, Wilds, and Woodcock were in attendance.

MINUTES OF THE 534TH STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION

ACTION: Upon a motion proffered by Mr. Sugrue and seconded by Mr. Wilds, the Commission unanimously approved the corrected minutes of the 534th Stated Meeting of the Philadelphia Historical Commission, held 9 February 2007.

48-50 S. FRONT STREET, 103 CHESTNUT STREET

Owner: Centra Associates, Harvey and Robert Spear
Applicant: Richard DeMarco, Klehr, Harrison, Harvey, Branzberg & Ellers
History: built separately c.1835
Designations: individually designated, 26 May 1970 and 7 October 1976
contributing to Old City Historic District
Project: Complete demolition based on financial hardship
COMMITTEE ON FINANCIAL HARDSHIP RECOMMENDATION: Mr. Rivera moved that the Committee recommend denial of the applications because the applicants have not proven their hardship claim. Ms. Lindsay seconded the motion, which passed with a vote of 2 to 1. Mr. Wilds dissented; Mr. Sklaroff abstained.
ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial of the demolition of the buildings at 48 and 50 S. Front Street and 103 and 107 Chestnut Street, pursuant to 14-2007 (7)(j) and Standards 1, 2, 5, 6, 9, and 10; and denial of the demolition of 111 Chestnut Street, pursuant to 14-2007(7)(k)(.4). The Committee suggested that the applicant stabilize the buildings immediately.

OVERVIEW: This application proposes the complete demolition of the buildings at 48 and 50 S. Front Street and 103 Chestnut Street. It claims that the buildings are in poor condition and that adaptive reuse is infeasible. It is a revised version of a hardship application already reviewed by the Commission and its committees.

On 4 December 2006, the Committee on Financial Hardship reviewed an earlier revision of this hardship application. After the Committee identified numerous deficiencies in that application, the owners' attorney requested a 60-day continuance to revise the application. The Committee on Financial Hardship recommended that the Commission "table the matter for 60 days to allow the applicant to amend his incomplete application and submit a complete application for review." On 8 December 2006, the Commission considered the application and recommendation, which it adopted, tabling the matter for 60 days.

Simultaneously, on 28 November 2006, the Architectural Committee reviewed the application for the complete demolition of the buildings at 48 and 50 S. Front Street and 103, 107, and 111 Chestnut Street. The Committee recommended "denial of the demolition of the buildings at 48 and 50 S. Front Street and 103 and 107 Chestnut Street, pursuant to §14-2007(7)(j) and Standards 1, 2, 5, 6, 9, and 10; and denial of the demolition of 111 Chestnut Street, pursuant to §14-2007(7)(k)(.4). The Committee suggested that the applicant stabilize the buildings immediately." On 8 December 2006, the Commission considered the application and recommendation and tabled the application for 60 days, as it had the hardship portion of the application.

The Commission was scheduled to review the demolition application again at the 9 February 2007 Commission meeting, at the expiration of the tabling period. However, the applicant had not completed the revisions to the hardship application. He therefore requested a 30-day continuance to allow for the completion of that application; the Commission granted that continuance. The revised hardship application has now been completed and is attached to this overview.

In early February 2007, the Department of Licenses & Inspections issued Imminently Dangerous violations for 48 S. Front Street and 103 Chestnut Street and Demolition by Neglect violations for all three buildings. Copies of the violations and a letter from the Department ordering the property owners to stabilize the buildings and ensure public safety are included in the application.

The revised hardship application elaborates on the earlier hardship application. In addition to material submitted with the earlier application, this application includes:

- An appraisal report by George C. Hoez
- A supplemental engineering report on the state of the north wall of 48 S. Front Street by Joseph Graci
- A supplemental engineering report proposing a steel frame for the buildings by Joseph Graci
- A feasibility analyses for the conversions of the buildings to rental and condominium units by Ken Smuts

DISCUSSION: Mr. Baron summarized the demolition application and Committee recommendations for the Commission. Attorneys Carl Primavera and Daniel Reisman, developers Robert and Harvey Spear, engineer Joseph Graci, appraiser George Hoez, and construction manager Ken Smuts represented the application.

Mr. Sklaroff summarized the facts of the case. He noted that it involves three individually designated buildings that date to about 1835. He observed that the significant buildings are important to the streetscape. He stated that the applicants contend that the cost to stabilize the buildings would be substantial. He also stated that the applicants claim that no development proposal with commercial on the lower floors and residential, either rental or condominium, on the upper floors would be profitable. The applicants assert that any development scheme would result in a $1 million or more annual loss. He noted that the applicants presented an "as is, where is" market-value appraisal of $1.1 million. He added that the appraiser testified that finalizing the sale of these properties might take 12 to 18 months. Mr. Sklaroff noted that the Department of Licenses & Inspections has cited the property as Imminently Dangerous. Mr. Perri, the Department's representative on the Commission, concurred. Mr. Sklaroff also noted that the Department has cited all three properties for neglect. Again, Mr. Perri concurred. Mr. Sklaroff reported that the Committee on Financial Hardship voted two to one with one abstention to recommend denial of the demolition applications because the applicants had failed to demonstrate that adaptive reuse was infeasible.

Mr. Primavera summarized the recent history of the properties. He directed the Commissioners to the timeline in his application. He noted the Spivack family owned the restaurant called Winston's, which occupied the spaces until the mid 1980s. The Rimmeir family purchased the properties and opened Crab Corners, which was in business for a short time. He stated that the properties were vacant for many years. The Rimmeirs sold the buildings to developer Gagan Lakhmna. Mr. Lakhmna attempted to develop the properties, but was not successful. Mr. Lakhmna sold the properties to the Spears after he decided not to develop the properties. Mr. Primavera explained that the Spears purchased the properties to protect their neighboring investments. The Spears commissioned two engineers, Tantalla Associates and Joseph Graci of Franklin Engineers, to prepare reports on the buildings. The engineers "immediately identified some issues that are of significant concern." Mr. Primavera stated that, at the time the Spears purchased the properties, the City had not cited the properties as Unsafe or Imminently Dangerous. The buildings are now considered Imminently Dangerous by the Department. Mr. Primavera stated that Mr. Graci has submitted an additional report that states that, in his opinion, the buildings were Imminently Dangerous at the time the Spears purchased them. Mr. Primavera stated that the conditions of the buildings are not the result of demolition by neglect by his clients. Mr. Sklaroff observed that, if the buildings were Imminently Dangerous at the time of purchase, the Spears, who are experienced real estate developers, should have discovered this during their due diligence.

Mr. Primavera recounted the steps taken by his clients after the purchase. They hired architect Cecil Baker to prepare plans for a luxury high-rise development on these and the neighboring lots that would offset the high costs of rehabilitating the historic buildings. They presented the plans to the Architectural Committee. He claimed that the community opposed the plans because the developers sought "too much FAR." He stated that, at this point in the process, the condominium market changed. Mr. Sklaroff asked for details on the project. Mr. Primavera replied that the Spears had proposed a luxury, high-rise condominium building on the properties in question and their adjacent properties. It would have had commercial space at the first floor and condominium residences above. Approximately 90% of the historic buildings would have been saved. The new complex would have been approximately 13 stories with 160,000 square feet of space.

Mr. Primavera stated that the development team determined that the high-rise proposal was not feasible. The team then explored whether they could stabilize the historic buildings and await a market change. He stated that the stabilization cost would be "horrendous," $1.5 million. Because there is no interim solution, they decided to present a hardship application to the Commission; the application contends that a mixed-use commercial and residential development within the historic buildings is not feasible. He asserted that none of the high-rise, stabilization, and mixed-uses projects is feasible.

Mr. Sugrue asked Mr. Primavera to describe his clients' plans for the parcel if the demolitions are approved. Mr. Primavera replied that his clients would create five additional surface parking spaces as an interim use. He explained that, in the future, after the real estate market recovers, the Spears would develop plans for a significant high-rise building on their consolidated parcels.

Messrs. Rivera and Sklaroff asked Mr. Primavera to explain his claim that these buildings were blighting the block. Mr. Primavera stated that the buildings are vacant; they create a "dead zone" on this "critical corner." He stated that he would introduce business people who would testify about the negative influence these buildings had on the commercial area. He distributed photographs of the block. He noted that these properties have been vacant for years. He contended that the market indicates that no one wants these properties. He stated that his clients would like to clear the lot and then "do something special."

Mr. Sugrue asked about the Spears' knowledge of the condition of the properties at the time of purchase. Mr. Primavera replied that they knew at the time of purchase that there were "serious issues" with the properties. They purchased the properties to protect their adjacent properties. He noted that the Spears' engineers indicated serious problems at the time of purchase, but the City had not declared them Imminently Dangerous. The engineers now advise demolition because stabilizing would not be practical or feasible. Mr. Sklaroff stated that the question of whether maintenance since the acquisition would have ameliorated the situation remains open. Mr. Primavera stated that, even if his clients had purchased the properties with Imminently Dangerous declarations, the situation would be no different today.

Mr. Sugrue asked Mr. Primavera to explain the difference between the Spears' purchase price of $1.65 million in 2004 and the current assessed value of $1.1 million. He noted that the value of these properties has dropped much more than the real estate market in general. Mr. Primavera explained that the difference was the price of prudently purchasing problem properties adjacent to their investments. He added that the financial analysis would not reflect the actual purchase price. Mr. Sugrue asked if the plans devised by Cecil Baker would have been viable. Mr. Primavera stated that the new construction would have subsidized the historic buildings. Mr. Sugrue asked if a larger project including the historic buildings would again be viable if the real estate market improved. Mr. Primavera stated that it might be possible if the historic buildings could be stabilized to await an upswing in the market.

Mr. Perri stated for the record that the Department of Licenses & Inspections issued violations for 50 S. Front Street for interior demolition of walls, ceilings, floors, roofs, and stairways without a permit and a cease operations order in October 2004. The Department also issued violations for 48 S. Front Street for interior demolition of walls, ceilings, floors, roofs, and stairways without a permit and a stop work order. In February 2004, the Department issued a demolition by neglect violation for 103 Chestnut Street; the violation stated that the facades must be maintained in good structural repair. In April 2004, the Department issued violations for 50 S. Front Street for a vacant building; the violations designated it as Unsafe and stated that it must be maintained in safe, clean, and secure condition. Mr. Perri stated that the poor conditions of the buildings were well documented at the time the current owners purchased the properties.

Mr. Perri inquired about Mr. Baker's plans to stabilize the historic buildings. Mr. Primavera stated that Mr. Smuts, Mr. Graci, and Mr. Baker all developed the same system, which he called "hanging a box." Mr. Baker stated that he began designing the complex in January 2005; he designed several iterations. Mr. Perri asked Mr. Baker if, in his professional opinion, the buildings were Imminently Dangerous when he began his design. He also asked him to explain his solution for stabilizing the buildings. Mr. Baker replied that his designs did not include the structural details; his designs were very schematic. He stated that he would have tied the historic buildings into the new structural system. Mr. Perri asked if he devised a stabilization plan for the existing buildings. Mr. Baker replied that he did not. Mr. Wilds asked if the historic buildings would have been tied into larger complex's superstructure. Mr. Baker stated that they would have been. Mr. Perri asked Mr. Baker if, at the time he was executing his designs, he developed a plan for the immediate repair of the historic buildings. Mr. Baker stated that he did not; he noted that "the issue never came up." Mr. Perri observed that Mr. Baker, who is a well-known architect with a good reputation, neither made any recommendations for immediate stabilization nor filed a complaint with the Department claiming that the buildings were Imminently Dangerous. Mr. Baker replied that most design professionals in the city have worked with buildings in worse conditions. He stated that "it was a judgment call" and added that he is not an engineer.

Mr. Sklaroff asked Mr. Perri to restate the violation chronology. Mr. Perri stated that the Department issued violations for 48 and 50 S. Front Street on 6 October 2004. The Department issued a violation for demolition by neglect for 103 Chestnut Street on 25 February 2004. Mr. Sklaroff noted that the date of sale was 23 November 2004. He asked the applicants to provide the date of the agreement of sale. Mr. Primavera stated that the agreement of sale occurred 60 days prior to the sale, in late September 2004. Mr. Sklaroff remarked that illegal work was undertaken in the interior of the building before the sale. He stated that the City Certification would have revealed the outstanding violations. Mr. Primavera acknowledged the violations. Mr. Sklaroff concluded that, at the time of the Spears' acquisition, they knew or should have known of the illegal interior demolition and demolition by neglect. Mr. Wilds questioned the relevancy of this conclusion. He stated that any buyer would find himself in the Spears' situation. Mr. Sklaroff disagreed and stated that the conclusion may or may not be relevant, but, if it is relevant, it is very relevant.

Mr. Sklaroff stated that the previous owner might have aggravated the condition of the buildings to such an extent that he committed demolition by neglect; he observed that the previous owner should have been required to stabilize the buildings, but was not. Continuing, he noted that the current owners either knew of or should have known of the degraded conditions of the properties. He asked if, in the passage of title, the Historical Commission lost its ability to require the stabilization of the properties. Mr. Wilds responded that it had. He asserted that "the buyers are off the hook"; it is the City's responsibility to aggressively examine historic buildings and enforce the maintenance requirements. Mr. Sklaroff responded that the City did cite these properties. He also disagreed with Mr. Wilds' claim that "the buyers are off the hook." Mr. Wilds countered that the buyers may have purchased the properties in good faith believing that they could develop a viable project, but later realized that they could not. Mr. Sklaroff asked if the mere passage of title released the buyers from the obligation to stabilize these buildings. He added that the market change is the buyers' risk. Mr. Primavera stated that his clients received an Unsafe violation in September 2006 for 48 S. Front Street, the "problematic" building. He reported that he sent a letter to the Commissioner of the Department of Licenses & Inspections in October 2006 stating that the building was not merely Unsafe, but was "way more than Unsafe" and needed immediate action. He stated that the Keast & Hood report later stated that the building was not Unsafe, but that report has been "withdrawn and repudiated." Mr. Perri objected to his claim that the Keast & Hood report had been "withdrawn and repudiated." Mr. Sklaroff stated that the dispute between Keast & Hood and Mr. Graci about whether the buildings are Unsafe or Imminently Dangerous is a side issue. He reminded Mr. Primavera that he has claimed that the buildings were Imminently Dangerous when his clients purchased them in November 2004. Mr. Sklaroff stated that the Commission would accept his claim that the buildings were Imminently Dangerous when purchased. Mr. Sklaroff stated that there are then two possibilities: either the buildings worsened during the Spears' ownership or were in the current condition when purchased. Mr. Sklaroff requested more information on the violations on 103 Chestnut Street. Mr. Perri stated that it was deemed Unsafe because it was vacant; the violation also stated that it must be maintained. Mr. Sklaroff noted again that Mr. Primavera has asserted that the buildings were Imminently Dangerous when purchased.

Mr. Graci of Franklin Engineering stated that neglect was not the only reason for the condition of the buildings. He stated that the construction of Interstate 95, the demolition of the buildings to the north on Front Street, and other factors have lead to the current conditions. Mr. Sklaroff asked Mr. Graci to state whether he considered the buildings Imminently Dangerous at the time of purchase by the Spears. Mr. Graci stated that he considered them Imminently Dangerous and advised that they be demolished. He stated that he issued his first report on the properties in July 2005. He noted that the decay of the buildings occurred over a long period of time. Mr. Sklaroff asked Mr. Graci about the nature of the interior demolition that resulted in the violations. He replied that the structure was intact; interior finishes and utilities were removed. Mr. Sklaroff asked if the demolition compromised the integrity of the buildings. Mr. Graci stated that nothing structural had been removed. Mr. Perri asked if openings were added between 48 and 50. Mr. Graci stated that the doorways between the buildings have been in place for many years. Ms. Woodcock asked if stairs had been removed. Mr. Graci stated that the stairs had not been removed. Mr. Sklaroff asked Mr. Perri if the extent of the illegal work is known. Mr. Perri replied that it is not; the illegal work was never legalized. Mr. Sugrue asked if the Spears undertook any work to stabilize the buildings. Mr. Graci stated that the Spears repaired the roofs and made the buildings watertight. Mr. Perri read from Mr. Graci's July 2005 report, which stated that holes had weakened the party walls. Mr. Perri concluded that the walls had been deliberately weakened. Mr. Graci responded that the holes existed in July 2005, at the time of his first report. Mr. Primavera noted a violation issued in the 1980s for illegal breaches in the party walls. Mr. Primavera differentiated between penetrations for exploration and construction. Mr. Perri disagreed and concluded that illegal work was undertaken that weakened the walls.

Mr. Graci stated that he recommended the construction of a steel frame inside the buildings to stabilize them. The frame would hold the brick facades and the joists. Mr. Graci clarified that the $1.5 million stabilization cost was associated solely with the historic buildings, not a future high-rise structure. The steel frame could be expanded to add three or four stories on the buildings. Mr. Sugrue stated that other solutions to the structural problems must exist. He asked Mr. Graci to elaborate on them. Mr. Graci stated that the buildings are deformed and gravity is pulling them down. He asserted that his solution is the lightest and most economical. He noted that the solution suggested by Mr. Rivera would be more expensive and less versatile. He stated that his steel frame solution would allow for developing above or adjacent to these buildings. Mr. Perri asked Mr. Graci if his cost estimates were based on a system to support these buildings or a new high-rise building. Mr. Graci replied that his cost estimate is for these buildings alone. Mr. Sklaroff asked again for the cost. Mr. Graci replied $1.5 million. The estimate includes footings, steel columns, beams, connections, girts, connections of the north wall to the girts, and repair of the north wall. Mr. Graci stated that the Front Street wall of 48 is moving east and has pulled 6' or 8' of the north façade with it. Mr. Wilds asked how much of the front wall would need to be rebuilt. Mr. Graci replied that 40% needs rebuilding. Mr. Rivera suggested rebuilding the north wall instead of adding the steel frame. Mr. Graci replied that it would need framing nonetheless.

Mr. Baron stated that the buildings have great value for a larger development on the adjacent lots. He asserted that the air rights are very valuable for a high-rise on the adjacent lot. Mr. Primavera stated that the previous owner, Mr. Lakhmna, submitted applications to the Commission for overbuilds on these buildings, but, he believes, the Commission denied those proposals. Mr. Sklaroff noted that Mr. Lakhmna did not own the adjacent parcels; the Spears do. Mr. Primavera asserted that the neighbors', Architectural Committee's, and Commission's resistance to the Lakhmna and Baker proposals proves that the air rights are not valuable.

Messrs. Reisman and Smuts provided overviews of the pro formas for rental and condominiums. Mr. Reisman stated that they examined two reasonable scenarios: first and second floors with retail rental and third and fourth floors with residential rental; and first and second floors with retail rental and third and fourth floors with residential condominiums. The first scenario would result in an annual loss of more than $200,000. The second scenario would result in a $4,240,167 loss. Mr. Reisman offered to answer questions about the analysis. He stated that the total development costs are in excess of $7 million. Mr. Reisman addressed a third scenario that included first-floor retail with three floors of condominiums above. He stated that that project would not be profitable. It would lose $4,391,245.

Ms. Woodcock asked if the applicants had determined the amount of added space needed to make the project profitable. Mr. Reisman stated that they had not. He stated that there are an infinite number of development possibilities. He stated that they therefore limited their analyses to the four walls of the existing buildings. He also provided a summary of Mr. Lakhmna's proposals to the Commission. First, Mr. Lakhmna applied for a three-story overbuild, but later withdrew the application. Then he applied for a two-story overbuild; the Architectural Committee recommended denial and Mr. Lakhmna withdrew his application. Finally, he proposed a project with an elevator penthouse and a deck; the Commission approved that project. Mr. Reisman claimed that the Commission has not approved any overbuild for these buildings. Mr. Sklaroff stated that the applicants had not analyzed the financial feasibility of a project like the one Mr. Baker had devised. Mr. Reisman acknowledged that they had not. Mr. Reisman stated that there is a history of great resistance to increases in the square footage at this site. He stated that the two and three-story overbuilds were denied. Mr. Sklaroff noted that the Commission was not presented with the alternative to approve the overbuild or lose the buildings. The circumstances are now very different. Mr. Reisman stated that no board has approved an overbuild at the site. Mr. Sklaroff responded that the Commission does not make proposals for redevelopment; that is the owner's prerogative. He concluded that there may be a profitable solution.

Mr. Wilds asked about condominiums on the second floor as well as the third and fourth. Mr. Reisman stated that that this scenario would not be profitable. Mr. Reisman noted that historic tax credits are not available for condominium developments. He also stated that easements would not be profitable in this scenario. Mr. Wilds concluded that neither raising the sales prices nor lowering the construction costs would produce a profitable project. Mr. Reisman stated that the sensitivity analysis shows that variations in the projects would not profitable.

Mr. Sugrue observed that the applicants have not addressed what he called Scenario 4, in which the buildings are demolished and the larger assembled parcel is developed. He stated that any analysis must include the larger site. Mr. Sklaroff noted that Mr. Primavera has already stated that surface parking on this site is an interim use; ultimately, the entire parcel will be developed. Mr. Reisman observed that the stabilization of the historic buildings would cost $1.5 million. Mr. Sklaroff countered that the 160,000 sf development would offset those costs. Mr. Reisman remarked that the $1.5 million in stabilization would make the larger project difficult. Mr. Sklaroff stated that the Commission could not make an informed judgment on the larger-development scenario because it has not been presented with a financial analysis of it. Mr. Reisman stated that Mr. Smuts believes that $350 per sf is the most reasonable sales price for these units. He questioned the accuracy of the meeting minute of 28 February 2007. Mr.

Sklaroff asked the staff to review of the minute of the Committee on Financial Hardship imeeting and verify its accuracy.

Laurie Phillips, a realtor from Prudential Fox & Roach, presented comparisons for nearby properties on the market, active, pending, and sold. She presented printed information about 300 condominium units on the market. She testified that the maximum sales price today would be $350.00 per square foot. She noted that properties are not selling in the neighborhood. She compared these properties to several locations, including better and much better locations. Mr. Sklaroff asked if she had used Bookbinders as a comparison. She stated that she had not because the units are new construction. She noted that the units above the restaurant are rental units. She concluded that she would not advise a developer to place condominium units above a restaurant. She also would not advise a developer to adaptively reuse an historic building because most buyers are looking for new construction. She reiterated that units in this building would garner $350 per sf at most and would sit on the market for a long time. Ms. Smyler asked Ms. Phillips how she rated the locations. Ms. Phillips answered that her location classification incorporated not only location but also amenities and the quality of building. She noted that these properties are surrounded by bars and other undesirable activities. Mr. Wilds asked about 20-30 N. Front Street. He noted that this is a very similar location. Mr. Sugrue noted that that is the Girard Warehouse rehabilitation project reviewed by the Commission. Ms. Phillips reported that those units have not sold.

Mr. Primavera called upon Mr. Baker to answer an earlier question about air rights and FAR. Mr. Baker stated that the FAR for the buildings in question is 450. He explained that, because they are built out to the property lines, the FAR allows for 4½ stories on these properties; they are currently four stories; therefore, the so-called air rights only allows for an additional ½ story. Mr. Rivera countered that, because the Spears own the adjacent properties, there is an inherent assemblage value. An adjacent tower would be guaranteed views. Mr. Sklaroff also noted that, when one appears before the Zoning Board, there is a value in preserving historic buildings adjacent to a development. Mr. Sklaroff asked Cecil Baker if his proposed project was within the FAR. He stated that it was not; the FAR was 700. Mr. Sklaroff noted that the value of the historic buildings in the larger development would be difficult for an appraiser to assess.

Craig Bruns, curator of the Independence Seaport Museum, introduced the Commission to his institution and its mission. He then stated that these buildings are “treasures of early American commerce. They are primary to the understanding of the maritime and commercial history, early commercial history, of the city. They were once located immediately along the wharves of the river, but, as we probably all know, the river has silted in and now they are quite a distance in.” He noted the importance of the port to the history of Philadelphia. He showed photographs of the buildings in the 1870s. These buildings were “gateways to this great city.” He explained how the buildings were used for shipping. He stated that the buildings frame the entrance to Chestnut Street. They represent early American commerce. He stated that these buildings are “precious.” They represent American expansion. He noted that Americans have spread democracy through commerce. He noted how these buildings related to the markets and important buildings in Old City. He asked the Commissioners to reflect on the importance of these buildings.

John Gallery of the Preservation Alliance stated that the financial hardship analysis presented by the applicants is sound and the conclusions they have drawn from it are correct. He stated that he has significant experience with real estate pro formas. He explained that he has discovered no way to revise this analysis that results in a profitable project. He stated that the issue of demolition by neglect makes this review more complicated. He observed that the owners purchased these properties knowing that they are historically designated, knowing the implications of those designations, and knowing exactly the conditions of the buildings. He noted that the purchase of the properties had no contingencies. He also noted that the buyers paid $200,000 more than the previous sales price. He stated that all of these facts are inconsistent with the financial hardship claim. He stated that his conclusion is that the Commission has three choices. The first alternative is denial owing to the neglect and the lack of due diligence at the sale and a requirement to invest the $1.5 million to stabilize the buildings; he stated that a $3 million pre-development investment is not unreasonable. In the second alternative, the Department of Licenses & Inspections would undertake the stabilization and lien the property for $1.5 million. The third alternative is to grant the demolition, provided that two conditions are placed on the approval; the first condition is that the current designations are maintained; and the second is that construction on these parcels be limited to the heights of the extant buildings. He stated that a tall structure on Chestnut would detract from the historic nature of the entire block. The buildings are important to Chestnut Street, Old City, and the entire city. Mr. Wilds asked Mr. Gallery if he thought that there are instances when it is reasonable to purchase a historic building with the intent to demolish it because there are no feasible adaptive reuses for it. Mr. Gallery responded that the purchaser should always take into consideration the property's condition and restrictions and make offers accordingly. He also noted that the purchaser should only make contingent offers in such circumstances. Mr. Gallery concluded that the buyer fully bears the risk. Ms. Smyler asked about the legal implications of Mr. Gallery's third alternative. Mr. Reuter stated that the ordinance gives the Commission the authority to grant conditional approvals. He suggested that the owners should be required to record such restrictions in the deeds. Mr. Wilds stated that the owners would be able to request that the Commission undo the conditions in the future. Mr. Reuter noted that the Commission often required deed restrictions in the 1970s and 1980s.

Milesh Desai stated that he has owned a business in the area for 18 years. He stated that these properties in question have been problems for the neighborhood for years. He stated that they have been vacant since 1993 or 1994. He is hoping that the properties will be improved.

Joseph Schiavo of Old City Civic Association stated that his association stands by its letter to the Committee on Financial Hardship. His association opposes the demolition of these buildings. He noted that the applicants have made a wonderful case, but he also noted that their argument could be made about any historic building in need of rehabilitation. He asserted that an approval of these demolitions would put at risk all historic buildings in poor condition in the city. He noted that the applicants' architect, Cecil Baker, conceded that everyone working on old buildings in the city has worked on buildings in worse condition than these. He agreed with Mr. Gallery's suggestion that the City should stabilize the buildings.

Mr. Primavera asserted that his team has proven its case. He noted that Mr. Hoez, his appraiser, has stated that no one would buy these buildings because they would confront the same obstacles during the demolition approval process. Mr. Sklaroff disagreed, stating that the appraiser has reported that someone would purchase the buildings for $1.1 million. Mr. Primavera directed Mr. Sklaroff to the addendum to the appraiser's report. After reading the addendum, Mr. Sklaroff asked Mr. Hoez if his original report assumed a contingent sale subject to governmental approvals. Mr. Hoez stated that it did not. Mr. Primavera and Mr. Reisman responded that Mr. Hoez's report was not based on a contingent sale, but that Mr. Hoez had clarified at the Committee on Financial Hardship meeting of 28 February 2007 that his analysis had actually assumed a contingent sale. Mr. Sklaroff and Mr. Wilds objected and noted that Mr. Hoez had stated on several occasions at the Committee on Financial Hardship meeting of 28 February 2007 that his analysis was based upon an "as-is, where-is" sale. Mr. Sklaroff reminded

Mr. Hoez that he stated at the Committee meeting that his $1.1 million assessment was based on a market-data approach. Mr. Hoez agreed that he had made that statement. Mr. Sklaroff reminded Mr. Hoez that he had stated at the Committee meeting that his $1.1 million assessment was based on an "as-is, where-is" sale. Mr. Hoez agreed that he had made that statement as well. Mr. Sklaroff stated that Mr. Hoez's assessment was not based on conditions such as government approvals. Mr. Hoez stated that the contingencies were assumed in his analysis. Mr. Primavera and Mr. Reisman quoted from the minutes of the Committee on Financial Hardship meeting of 28 February 2007: "Mr. Hoez stated that it would be exposed to the market for about 18 months. It would be placed under agreement quickly, but the agreement would include contingencies that would extend the process. Any prospective purchaser would confront a great deal of 'red tape.'" Mr. Sklaroff objected, reporting that Mr. Hoez's assessment was "as-is, where-is," without any contingencies. He noted that the Spears had purchased the properties "as-is, where-is," without any contingencies. Mr. Hoez agreed that his report was based on an "as-is, where-is" analysis without contingencies. Mr. Sklaroff observed that Mr. Hoez had stated that sales in Old City are always contingent to government approvals, but, in fact, this case disproves his assertion. Mr. Hoez stated that he did not understand. Mr. Sklaroff clarified: the Spears purchased the properties in 2004; the properties are in Old City; the sale was not conditioned upon a Historical Commission approval. Mr. Hoez agreed. Mr. Sklaroff stated that Mr. Hoez had testified at the Committee on Financial Hardship meeting of 28 February 2007 that these properties could be sold at that time for $1.1 million "as-is, where-is," perhaps on the market for 12 to 18 months. Mr. Wilds agreed and stated that Mr. Hoez was changing his position in the letter submitted for today's Commission meeting. Mr. Hoez disagreed, stating that that the conclusion drawn by Mr. Sklaroff "was not in the appraisal word for word." Mr. Sklaroff stated that Mr. Hoez had testified that his assessment did not include any contingencies at the Committee on Financial Hardship meeting of 28 February 2007. Mr. Primavera disagreed and claimed that several Commission members had said that anyone who purchased these properties without contingencies would be a "bonehead." Mr. Sklaroff stated that Mr. Primavera was obscuring the important point. After observing that those appearing before the Commission and its committees must be "forthright," Mr. Sklaroff stated that Mr. Hoez had testified that the properties were worth $1.1 million "as-is, where-is," without contingencies; with his letter, Mr. Hoez is now changing his opinion from the report. Mr. Hoez disagreed, but conceded that Mr. Sklaroff was right; his new position as reflected in the letter was not in the report "word for word." Mr. Hoez stated that he had testified at the Committee meeting that any sale of the properties would have contingencies. Mr. Sklaroff asked Mr. Hoez if he was now testifying that any sale of these buildings would be contingent upon the Historical Commission's approval of their demolition. Mr. Hoez answered in the affirmative, stating that no one would close on the sale of these buildings unless the Commission had approved their demolition. Mr. Sklaroff asked Mr. Hoez if he drew that conclusion in his report. Mr. Hoez stated that he had not. Mr. Sklaroff asked Mr. Hoez if he was now stating that the $1.1 million appraisal was conditional, not "as-is, where-is." Mr. Hoez answered that he was now asserting that his appraisal was conditional.

Mr. Primavera stated his conclusions. A sale is impracticable. Commercial rental cannot provide a reasonable rate of return. Other potential uses are foreclosed. Mr. Primavera agreed that the Commission has the authority to place "any reasonable restrictions" on a demolition approval.

Mr. Rivera stated that he had visited the site many times. He asserted that the buildings can be temporarily stabilized. He distributed a photograph of the party wall of the building on S. Front Street to the north of the Spear's parking lot. He stated that it is a very similar building to those in question and it has an exposed party wall like 48 S. Front Street. He stated that it has been stabilized. He added that approving the demolition of the buildings in question would set a dangerous precedent.

> **MOTION:** Mr. Rivera moved to adopt the recommendation of the Committee on Financial Hardship and deny the applications. Ms. Leonard seconded the motion

Ms. Smyler stated that she finds the applications very troubling. She observed that the owners are seasoned business people who purchased the properties knowing their poor conditions. She remarked that the owners knew that they would need to stabilize the buildings. She stated that she supports new development, but was troubled that these developers claimed a hardship even though they knew the conditions and implications of the Commission's jurisdiction at the time of purchase. She opined that the demolition and creation of a new parking lot would be detrimental to the historic area. She noted that these buildings are the first structures one sees when traveling from the waterfront to the city. She opined that they are not an eyesore as some have claimed. She stated that the owners have a responsibility to stabilize the buildings; they knew of the violations when they purchased them. She stated that they have not justified failing to correct the structural problems.

Mr. Wilds noted that he is a member of the Committee on Financial Hardship. He objected to Mr. Rivera's claim that these buildings could be stabilized as those to the north have. He opined that the applicants have met the burden of proof to show hardship. He remarked that he has seen no evidence of demolition by neglect under these owners. The buildings have been decaying for many years. He stated that they made a good-faith attempt to develop them with the lots to the north. He stated that he would vote against Mr. Rivera's motion.

Mr. Perri stated that the Commission would set a dangerous precedent if it approves these demolitions. He observed that the owners took a risk when they purchased the properties; the risk has not borne fruit because the real estate market has changed. He stated that the Commission should not approve the demolitions with restrictions on later development; it should "flat-out" deny the applications.

Ms. Smyler stated that the claim presented by the applicants that the properties are not saleable in their present conditions should be rejected because the Spears themselves purchased them in these conditions. Mr. Wilds noted that the properties could not be developed profitably even if the Spears had purchased them for three dollars. Ms. Woodcock stated that the amount the Spears paid for the properties was essentially a wager on whether the City's regulatory agencies would approve the demolition. She stated that an approval in this instance would encourage other "bonehead" purchases, to use Mr. Primavera's word.

Mr. Sklaroff asked Mr. Reuter if the Commission has the discretion to grant or deny the demolition approvals. Mr. Reuter answered that the Commission does have the discretion to grant or deny. Mr. Baron asked if the Commission was voting on the hardship question alone or the hardship and demolition questions together. Mr. Sklaroff stated that the Commission was voting on the hardship and demolition questions together. He noted that the applicants had made no public interest claim.

> **ACTION:** The Commission voted 7 to 2 to endorse Mr. Rivera and Ms. Leonard's motion to adopt the recommendation of the Committee on Financial Hardship and deny the applications. Mses. Leonard, Smyler, and Woodcock and Messrs. Sklaroff, Perri, Rivera, and Sugrue concurred. Ms. Merriman and Mr. Wilds dissented.

REPORT OF THE ARCHITECTURAL COMMITTEE, 20 FEBRUARY 2007

Vincent Rivera, Chair

620-634 N. 15TH STREET

Owner: School District of Philadelphia
Applicant: David Scheuermann, architect
History: 1908, Henry DeCoursey Richards
ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of the proposal, with the staff to review details including the color of the replacement material.

OVERVIEW: This application proposes to correct a faulty repair made several years ago. With that repair, a roof membrane was attached to the top of the limestone cornice with nails spaced every four inches. Cracks have developed in the cornice along the nail line and at least one piece of the cornice has fallen off. The applicant proposes to remove a piece of stone along the entire cornice and replace it with a mortar mix formed to match the shape. The School District considered but then rejected owing to safety concerns an option to pin the loose material in place.

DISCUSSION: Mr. Baron presented the proposal to the Commission.

> **ACTION:** Mr. Sugrue moved to adopt the recommendation of the Architectural Committee and approve the proposal, with the staff to review details including the color of the replacement material. Ms. Merriman seconded the motion, which passed unanimously.

109-131 N. 2ND STREET, 117-125 ARCH STREET, 128 ELFRETH'S ALLEY

Owner: National East Associates, LP; Steve Patron; Paradigm Realty Alliance; Robertson Douglass Group
Applicant: Anthony Forte, Esq., Saul Ewing LLP
History: various nineteenth and twentieth-century buildings; tile façade c.1950-1960
Project: Demolish buildings, demolish and reconstruct tile façade, landscape park, construct 3-story townhouses and 6- and 10-story multi-unit residential buildings
ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend final approval of the 6-story building, with the staff to review details; final approval of the townhouses, with the staff to review details, especially the rear garden walls; final approval of the foundations for the 10-story building; and in-concept approval of the 10-story building.

OVERVIEW: This application proposes to convert the National Products site of N. 2nd Street between Arch Street and Elfreth's Alley to a residential complex. The Commission approved iterative in-concept proposals for the complex in March 2003, August 2004, and November 2006. The Commission also approved in concept the faithful reconstruction of the orange tile facades in November 2006.

The orange tile façades and all of the buildings on the site except 128 Elfreth's Alley would be demolished. The tile façades would be rebuilt to match the original façades with new tiles and salvaged doors, windows, signage, and other elements including the granite channels. The applicant has obtained tile samples for comparison to the original tiles. A 6-story commercial and residential building would be constructed behind the reconstructed tile façade on N. 2nd Street. A 10-story commercial and residential building would be constructed on the Arch Street portion of the site. The entrance to the underground parking garage would be located at the east end of the Arch Street building. Ten 3-story townhouses would be constructed around an open courtyard at the northeastern corner of the site. The building at 128 Elfreth's Alley will be donated to the Elfreth's Alley Association.

DISCUSSION: Mr. Baron presented the proposal to the Commission. Attorney Anthony Forte, preservation consultant Samuel Harris, and architects Gil Rosenthal and Sam Robinson represented the application.

> **MOTION:** Mr. Sugrue moved to adopt the recommendation of the Architectural Committee and grant final approval of the 6-story building, with the staff to review details; final approval of the townhouses, with the staff to review details, especially the rear garden walls; final approval of the foundations for the 10-story building; and in-concept approval of the 10-story building. Ms. Smyler seconded the motion.

Mr. Sklaroff inquired about the proposed replacement tiles. Mr. Forte introduced the proposal and then called upon Mr. Harris to answer Mr. Sklaroff's questions about the tile. Mr. Harris stated that the tile has continued to deteriorate since his last report, but not at the rapid rate he previously observed. Mr. Harris displayed a sample of the original tile as well as several examples of the remanufactured tile. He explained that the original tiles vary significantly in color; the manufacturer of the new tile can replicate that variation. He proposed to duplicate the variation. Mr. Harris provided information on the tile pigment as well as the speckle patterns. Mr. Forte offered to work with the staff to refine the replacement tiles.

Mr. Harris also showed replacement samples of the glass tiles used in the mosaics around the storefront areas. Mr. Harris stated that his team has been able to closely match the original mosaic tiles, but would continue to refine those replacements as well.

Mr. Forte began his introduction to the new construction. Mr. Sugrue asked him to limit his remarks to the differences between the current plan and that approved in concept. Mr. Forte stated that the current design is almost identical to that approved in concept. He noted that the design team has altered the north end of the 6-story building, making it less glassy and more solid. He also noted that the color of the Trespa cladding has changed from beige to gray. Mr. Robinson commented on the Trespa cladding. It has been used in Europe for more than 12 years. It weathers well. Mr. Forte stated that he must seek the Zoning Board's approval for the Trespa.

Mr. Rosenthal provided a summary of the other segments of the complex. He provided the architectural plans for the wall between the Elfreth's Alley rear yards and the new townhouses that had been discussed at the Architectural Committee meeting. Mr. Sklaroff asked if Cory Kegerise, the executive director of the Elfreth's Alley Association, was present to comment on the wall design. He was not.

Mr. Forte requested final approval of the entire project even though his initial application had requested in-concept approval of the 10-story building. He explained that his client's financing was dependent on a final approval at this time. He noted that the design is essentially the same as that approved in concept. He clarified that the massing has not changed.

Mr. Rosenthal summarized the design of the 10-story building. He noted that one Architectural Committee member had been critical of the design. Mr. Forte observed that the design details of the 10-story building pose architectural but not preservation questions. The Commission members agreed.

Mr. Wilds asked about Flagpole Park. Mr. Forte stated that Flagpole Park would be donated to the Elfreth's Alley Association, which would submit a design to the Commission for its landscaping. He is not applying for any approvals for the park.

Mr. Gallery expressed his support of this project, but objected strenuously to the choice of color for the Trespa. He urged the Commission to grant final approval with one exception, the gray colored Trespa. He noted his preference for the original beige color over the new gray color. He requested that the Commission authorize the Architectural Committee to review the color for approval. Mr. Sklaroff asked if the color choice presented any historic preservation issues. Mr. Gallery responded that the beige is more consistent with the character of the historic district.

> **WITHDRAWAL OF MOTION:** Mr. Sugrue and Ms. Smyler withdrew their motion to adopt the recommendation of the Architectural Committee and grant final approval of the 6-story building, with the staff to review details; final approval of the townhouses, with the staff to review details, especially the rear garden walls; final approval of the foundations for the 10-story building; and in-concept approval of the 10-story building.

Mr. Rivera asked Mr. Sugrue to comment on the color choice for the Trespa. Mr. Sugrue observed that the color choice is not a preservation matter, but one of aesthetics. Noting that it is a gray area, he suggested that the Commission defer to the architect on the color choice and accept the gray.

> **ACTION:** Mr. Sugrue moved to grant final approval of the proposal as submitted, with the staff to review details. Ms. Smyler seconded the motion, which passed with a vote of 8 to 1. Mr. Rivera dissented.

2017 SANSOM STREET

Owner: Slavko Slavko & Victoria Brkich
Applicant: Gerry Guttierez, architect
History: built as two carriage houses c. 1870, now combined
Contributing to Rittenhouse district
Project: Cut garage door
ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial, pursuant to Standards 1, 2, and 9.

OVERVIEW: This in-concept application proposes cutting a larger opening at an existing original carriage door on Ionic Street and installing a garage door. The garage would be used to park cars. Rowhouses front onto this block of Ionic Street. The Ionic Street façade of this building is visible from Chestnut Street.

DISCUSSION: Mr. Sklaroff temporarily excused himself from the meeting; Mr. Sugrue assumed the chair. Mr. Baron presented the proposal to the Commission. No one represented the application.

Mr. Wilds asked if the rear of the building is visible from the public right-of-way. Mr. Baron stated that it is visible from Ionic Street as well as from Chestnut Street, across a vacant lot. Mr. Wilds asked if the applicant was present. The applicant was not present.

Ms. Woodcock asked why her fellow Commission members were objecting to the proposal. Ms. Merriman responded that she objects because there is already a garage opening at the other end of the building on Sansom Street. She suggested that the Sansom Street façade should be restored if a larger garage opening is introduced into the Ionic Street façade. Mr. Wilds agreed and stated that the Sansom Street façade was the important façade. Ms. Woodcock noted that the applicant should be encouraged to restore the Sansom Street façade. Mr. Baron reported that the current owner has an approval from the Commission to rehabilitate the Sansom Street façade, but he has chosen not to undertake that work.

Mr. Reuter explained that the Commission has the discretion to deny any application if the applicant fails to appear.

Ms. Leonard asked about Ionic Street. Mr. Baron stated that houses face onto it and it is very narrow.

> **ACTION:** Ms. Smyler moved to adopt the Architectural Committee's recommendation and deny the application, pursuant to Standards 1, 2, and 9. Ms. Merriman seconded the motion, which passed unanimously.

1301-25 CHESTNUT STREET

Owner: Macy's East/Starbucks Coffee c/o Lori Kiedaisch
Applicant: Isaac Elmakis
History: 1904, Daniel Burnham and Co.
designated 8/2/1973
Project: Alter display window into entrance door, install sign
ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of the revised proposal without the blade sign or the alteration of the 13th Street window, with the staff to review details.

OVERVIEW: This application proposes to locate a coffee emporium at the corner of 13th and Chestnut Streets in the Wanamaker Building. The proposed entrance would be located in the easternmost display window of the Chestnut Street façade. The stone base would be cut down to allow for the proposed centered double-leaf fully glazed doors. The application initially proposed a new window with a non-historic pane configuration for the display window on 13th Street; this has been withdrawn. This application also initially proposed a blade sign for the corner of the building; this too has been withdrawn.

DISCUSSION: Ms. Cote presented the proposal to the Commission. Attorney Brett Feldman, designer Frank Coulter, Edward Goldberg, the vice-president of Marking and Government Affairs at Macy's, and Laurie Matson of Starbucks represented the application.

Mr. Feldman summarized the proposal to add a Starbucks to the Wanamaker Building, which now houses a Macy's.

Mr. Wilds suggested that the entrance be located on the 13th Street façade, not the Chestnut Street facade. Mr. Feldman stated that the 13th Street façade was not conducive to an entrance;

the sidewalk is too narrow; a vending cart would obstruct the entrance; and the adjacent parking garage entrance is dangerous. Mr. Wilds opined that those obstacles could be overcome. Mr. Goldberg stated that retailing is changing. Macy's is seeking to enhance the customer experience with the addition of a Starbucks.

Mr. Rivera noted that the Commission had recently denied an application for a new entrance at the Curtis Building. Ms. Merriman stated that this application differs greatly from that rejected application.

Ms. Woodcock observed that the changes to the building would be very limited. Mr. Wilds countered that this project would alter a primary façade of a landmark building.

Mr. Feldman and Ms. Matson explained that they needed an exterior entrance to the coffee shop to allow operation outside the department store's hours.

Mr. Wilds asked the applicants to state for the record that they would not seek additional approvals for exterior entrances at this building. Mr. Goldberg stated that they would not install additional entrances to the building.

> **ACTION:** Ms. Smyler moved to adopt the recommendation of the Architectural Committee and approve the revised proposal without the blade sign or the alteration of the 13th Street window, with the staff to review details. Ms. Leonard seconded the motion, which passed with a vote of 5 to 2. Mr. Rivera and Mr. Wilds dissented.

423 S. CARLISLE STREET
Owner/Applicant: Marjorie Muecke
History: c. 1850.
individually designated 9/28/1965
contributing to Rittenhouse Fitler Residential Historic District
Project: Install fire escape in side alley
ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of a fire escape facing out toward the street, provided all property owners sharing the alley join in the application.

OVERVIEW: This application proposes to cut openings at the second and third floors of the side elevation on the alley and install a fire escape with a raised stair. The applicant does not own the alley into which the fire escape would extend. It is a common alley shared by several property owners including the owners of 419, 421, 423 and 425-427 S. Carlisle Street and 1413, 1415 and 1417 Lombard Street. All owners must join in this application.

DISCUSSION: Ms. Cote presented the proposal to the Commission. Marjorie Muecke, the property owner, represented the application.

Ms. Muecke stated that she has concerns about escaping her building in a fire. She reported that her bedroom and office are located on the third floor of the rowhouse.

Ms. Muecke acknowledged that she is not the sole owner of the alley into which the fire escape would extend; it is a shared alley. She stated she is contacting the other owners to seek their support, but has not been able to identify all of them. She stated that some of the co-owners identified by the Commission's staff do not have access to the alley. Mr. Farnham explained that the staff had identified the owners after extensive deed research.

Mr. Wilds suggested using an emergency ladder rather than installing the fire escape. Ms. Muecke responded that it would not be feasible.

Mr. Reuter informed the Commission that the applicant should provide affidavits from the co-owners stating that they support her project.

> **ACTION:** Mr. Wilds moved to table the application for a period not to exceed six months. Ms. Merriman seconded the motion, which passed unanimously.

540 CYPRESS STREET
Owner/Applicant: Greg DiTeodoro
History: c. 1809 to 1824
individually designated 12/31/1984
significant to the Society Hill Historic District
Project: Legalize reconstructed bulkhead
ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial of the legalization, pursuant to Standards 6 and 9.

OVERVIEW: This application proposes to legalize the reconstruction of the bulkhead with a skylight. The designation photograph indicates that a flush metal, not a raised wood, bulkhead occupied this location at the time of designation.

DISCUSSION: Mr. Sklaroff returned and assumed the chair. Ms. Cote presented the application to the Commission. No one represented the application.

Mr. Wilds asked for additional details. Ms. Cote explained that a former owner had constructed the bulkhead without a permit. The current owner altered the illegal bulkhead without a permit. She also stated that the house originally had a bulkhead. Mr. Wilds asked why the Architectural Committee had recommended denial if the building originally had a bulkhead. Ms. Cote explained that the new bulkhead does not replicate the historic bulkhead.

> **ACTION:** Ms. Smyler moved to adopt the recommendation of the Architectural Committee and deny the legalization, pursuant to Standards 6 and 9. Mr. Rivera seconded the motion, which passed unanimously.

1010 ARCH STREET
Owner: Asian Bank
Applicant: Dottie Tuccio
History: 1902, W. Pritchett, architect
designated 1/7/1982
Project: Install two awnings and ATM bezel
ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of the ATM with signage and awnings, provided the lighting and egg-crate diffusers are deleted from the proposal.

OVERVIEW: This application proposes to install two internally-illuminated, shed-type awnings on the front elevation at the first-floor level. This application also proposes to install an ATM with signage adjacent to the night deposit box. The Historical Commission approved a similar application for the installation of awnings in this location in 2001.

DISCUSSION: Ms. Cote presented the proposal to the Commission. Marc Winkler, the president and CEO of the Asian Bank, represented the application.

> **ACTION:** Mr. Rivera moved to adopt the recommendation of the Architectural Committee and approve the ATM with signage and awnings, provided the lighting and egg-crate diffusers are deleted from the proposal. Ms. Smyler seconded the motion, which passed unanimously.

1400 MARKET STREET (CITY HALL)
Owner: City of Philadelphia
Applicant: Christopher Christian, P.E
History: 1871-1901, John McArthur Jr. and Thomas U. Walter, architects
designated 5/28/1957
Project: Construct ADA accessible ramp at the northeast entrance to City Hall
ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of Option 1, with the staff to review details.

OVERVIEW: This application proposes to construct an ADA accessible ramp at the northeast entrance to City Hall. The ramp would not remove the historic granite steps at the entrance, but would cover them. The applicant proposes a multiple-layer water resistant barrier between the new and old materials for future reversibility. The design of the ramp responds to the architecture of the building and would use granite clad along the walls of the ramp and simplified bronze handrails.

DISCUSSION: Mr. Danta presented the proposal to the Commission.

> **ACTION:** Ms. Smyler moved to adopt the recommendation of the Architectural Committee and approve Option 1, with the staff to review details. Ms. Merriman seconded the motion, which passed with a vote of 8 to 0. Mr. Wilds abstained.

37-39 S. 3RD STREET

Owner: Brandywine Management
Applicant: Marc Scott
History: 1855, significant in the Old City Historic District
Project: Legalization of exterior sign installation.
ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted unanimously to recommend denial of the legalization as proposed, but approval of the legalization of the one sign at the entrance door and the lighting, provided all holes in the masonry storefront are patched, with the staff to review the patching details.

OVERVIEW: This application proposes to legalize the installation of four projecting non-illuminated brushed aluminum signs mounted to the exterior first-story façade. The 9.44 square-foot signs are bolted with eight screws to the granite storefront piers between the arched wood transoms. The building had preexisting anchor holes on the piers and two arches at the time of designation, but these were not utilized. Attached to the cornice are five lighting fixtures to illuminate the signage. The application does not address the light fixtures and wiring, but they are part of the signage project. The signs and lighting were installed without Commission approval or permits.

DISCUSSION: Ms. Sell presented the proposal to the Commission. No one represented the application.

> **ACTION:** Mr. Sugrue moved to adopt the recommendation of the Architectural Committee and deny the legalization as proposed, but approve the legalization of the one sign at the entrance door and the lighting, provided all holes in the masonry storefront are patched, with the staff to review the patching details. Ms. Smyler seconded the motion, which passed unanimously.

1216-1220 ARCH STREET

Owner: Young Smyth Field Condominium Association
Applicant: David G. Orphanides
History: Built in 1902, designated 6/13/1990
Project: Replace three sets of antenna on rooftop locations
ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, provided that those antennas that will be seen against the sky are painted blue-gray and those that will be seen against brick walls are painted brick red.

OVERVIEW: The Historical Commission has reviewed several applications for telecommunication antennas on this building. In July 2000, the Commission approved a proposal for an interim, ninety-day installation of antennas by Nextel in three locations on this building. The temporary approval allowed Nextel to provide coverage during the Republican Convention, which held events at the Convention Center. In October 2000, the Historical Commission reviewed an application to keep the antennas installed under the temporary permit and approved it with the following conditions: the antennas at the front façade were to be lowered and moved closer to the front parapet; the rear antennas were to be reduced in height; all antennas were to be painted brick color; and Nextel was to provide a letter stating that the antennas would be removed upon obsolescence. The Historical Commission files contain no record that these conditions were ever satisfied. In August 2001, Nextel submitted an application for the creation of an antenna zone on this building. The Historical Commission approved in concept an antenna zone to be determined. The Historical Commission files contain no records indicating that either an antenna zone was established or a final approval was ever sought or given. Therefore, the extant Nextel antennas are illegal. This application should be treated like a new or legalization application, not an application for minor modifications to a legal installation.

The current application proposes to replace several antennas and to eliminate two others. The current proposal refers to the same three locations that were temporarily approved in October 2000. Four existing antennas facing the front of the building would be replaced with three new antennas. Four existing antennas facing west would be replaced with three new antennas. Four existing antennas facing southeast would be replaced with four new antennas. The existing antennas are 48" tall and 12" wide. The applicant proposes to replace them with new antennas that are of varying heights, but that would not extend any higher overall than the existing antennas. The applicant proposes to paint all antennas blue-gray.

DISCUSSION: Mr. Danta presented the proposal to the Commission. Attorney David Orphanides represented the application.

Mr. Orphanides explained that his client seeks to upgrade the antennas at this location because it is losing antennas one block to the west on 1321 Arch Street, which has been condemned and will be demolished for the expansion of the Convention Center. He stated that 10 new antennas will replace 12 old antennas, the antennas will be installed on existing mounts, and the new antennas will not exceed the heights of the existing antennas.

Mr. Wilds noted the Commission approved the antennas for 90 days seven years ago, yet they are still in use. He stated that the telecommunications company had not complied with the Commission's decision. Mr. Orphanides stated that he was not involved with the earlier proposal, he agreed that the earlier conditions were not met, and he assured the Commission that his client would now comply.

> **ACTION:** Ms. Smyler moved to adopt the recommendation of the Architectural Committee and approve the proposal, provided that those antennas that will be seen against the sky are painted blue-gray and those that will be seen against brick walls are painted brick red. Mr. Rivera seconded the motion, which passed unanimously.

1701 LOCUST STREET

Owner: CDF, Philadelphia Holding, LP
Applicant: Martin Jay Tackett R.A
History: 1923-1925, Frank Hahn and Brian Baylinson
    Significant in Rittenhouse Fitler Historic District
Project: Alterations to non-historic penthouse
ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of the reconstructed penthouse, provided that the penthouse is set back from the parapet five to six feet, with the staff to review details.

OVERVIEW: This application proposes to demolish and reconstruct a non-historic penthouse at the 21st floor of the Warwick Hotel. The extant penthouse is highly visible from Locust Street. Period photographs show that this space was originally an open terrace. The applicant proposes to reconstruct a new glass and steel addition that would be similar to the existing one, but would have a small open terrace.

DISCUSSION: Mr. Danta presented the proposal to the Commission. Architect Martin Jay Tackett represented the application.

> **MOTION:** Ms. Smyler moved to adopt the recommendation of the Architectural Committee and approve the reconstructed penthouse, provided that the penthouse is set back from the parapet five to six feet, with the staff to review details. Mr. Wilds seconded the motion.

Mr. Tackett stated that he does not agree with the Committee's recommendation. He would like to build the penthouse at the parapet, without a setback.

Mr. Tackett stated that he would like to remove the poor quality, storefront-system penthouse and erect a higher quality, contemporary penthouse. Mr. Sklaroff asked about Dan McCoubrey's comments at the Architectural Committee meeting. Mr. Tackett stated that Mr. McCoubrey suggested restoring the original open terrace rather than removing one non-historic sunroom structure and erecting another. Mr. Tackett noted that the original façade had been removed to install the existing enclosure. It would expensive and difficult to replicate the missing façade and restore the original terrace. His proposed sunroom would be higher quality, more transparent, and smaller than the existing sunroom. Ms. Woodcock and Mr. Wilds agreed that the new structure would be an improvement over the existing structure.

> **WITHDRAWAL OF MOTION:** Ms. Smyler and Mr. Wilds withdrew their motion to adopt the recommendation of the Architectural Committee and approve the reconstructed penthouse, provided that the penthouse is set back from the parapet five to six feet, with the staff to review details.

> **ACTION:** Mr. Wilds moved to approve the proposal as submitted. Ms. Leonard seconded the motion, which passed unanimously.

241-45 MARKET STREET
Owner: 241-245, LLC (Louis J. Orocofsky and CNO, LLC)
Applicant: Stephen Maffei
History: vacant lot
individually designated with building, 11/4/1976
non-contributing Old City Historic District
Project: Construct six-story building
ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, pursuant to Standard 10.

OVERVIEW: In 2004, the Historical Commission approved a proposal from this applicant for a 6-story building at this site. The neighbors opposed the design and it was eventually abandoned. In 2006, the applicant submitted a revised application proposing a six-story building that was similar in plan, but very different in elevation. The Architectural Committee recommended denial of the application, which was withdrawn before the Historical Commission reviewed it. In January 2007, the applicant submitted an application related to the 2004 design, but then withdrew it before the Architectural Committee meeting.

The applicant now proposes a revised version of the 2006 design. The design proposes a six-story building with commercial space at the first floor and residential units above. The plan includes brick and stone-veneer cladding with alternating brick and glass balcony railings. The front and rear facades are identical with strong horizontal emphases that relate to the neighboring historic structures. The applicant has also modified the garden wall along Church Street. The new garden wall presents a more solid appearance on a single plane that better responds to the façades along Church Street. The trellis has been eliminated entirely. The garden wall would be constructed of the same materials as the building. It would include wrought iron ornaments and wall sconces.

DISCUSSION: Mr. Danta presented the proposal to the Commission. Attorney Michael Mattioni, and architect Vincent Mancini represented the proposal.

Mr. Mattioni summarized the proposal. He stated that his clients have incorporated the suggestions of the Architectural Committee.

Mr. Sklaroff asked about the Commission's jurisdiction over this project, which is proposed for a vacant lot within an historic district. Mr. Farnham stated that individually-designated historic buildings once stood at 241 and 243 Market Street, but they were demolished many years ago. He explained that the staff had suggested to the applicants that they apply to the Commission to rescind the individual designations, but they had not. He stated that the Commission retains full jurisdiction owing to the individual designations. If the individual designations were rescinded, the Commission would enjoy review-and-comment jurisdiction only.

> **ACTION:** Mr. Wilds moved to adopt the recommendation of the Architectural Committee and approve the proposal, pursuant to Standard 10. Mr. Rivera seconded the motion, which passed unanimously.

2212 SPRUCE STREET (TRINITY MEMORIAL CHURCH)
Owner: Trinity Memorial Church
Applicant: John C. Kohlhas AIA
History: 1874, Henry A. & James P. Sims, 1874
Individually designated 2/8/1995
Significant in Rittenhouse Fitler Residential Historic District
Project: Demolish historic addition and replace with enlarged addition.
ARCHITECTURAL COMMITTEE RECOMMENDATION: Architectural Committee voted to recommend approval, with the staff to review details.

OVERVIEW: This application proposes to demolish a one-story link that connects the church to the parish building to the west. The link was constructed sometime between 1910 and 1923. The applicant proposes to replace it with a larger entrance pavilion that would accommodate an ADA lift that would provide ADA access to both buildings. The historic wrought iron gates at the street entrance would remain, but the brick pavement in the alley would be removed and reset in the areas not occupied by the new pavilion. The proposal presents a contemporary glassy design. The applicant proposes to utilize a metal and glass storefront system finished in a dark bronze color.

DISCUSSION: Mr. Danta presented the proposal to the Commission. Architect John Kohlhas represented the application.

Mr. Wilds noted that the link proposed for demolition is unusual. He asked the applicant if he had attempted to preserve it. Mr. Kohlhas, the architect, stated that he has been working on this project for 10 years and has considered several options. He added that he would document the link prior to demolition. Mr. Wilds repeated his question, asking Mr. Kohlhas if he had attempted to retain and reuse the link. Mr. Kohlhas stated that he had, but the differing floor levels and the size of the link made it impossible to adapt it to meet ADA requirements.

Mr. Kohlhas stated that the requirements of the ADA chair lift determined the size of the new pavilion. He stated that the existing openings in the walls of the sanctuary and parish house determined the location of the new pavilion. He again stated that the church has been planning these improvements for many years and has considered all options. Mr. Rivera stated that he believes the proposed design to be the best solution.

> **ACTION:** Ms. Smyler moved to adopt the recommendation of the Architectural Committee and approve the proposal, with the staff to review details. Ms. Woodcock seconded the motion, which passed unanimously.

2114 SPRUCE STREET

Owner: Paul Hoyer and Helen Leibowitz
Applicant: Martin Rosenblum
History: c. 1860-1879
Project: Remove existing second story roof deck, extend second story to align with existing first story, and construct a solarium on the third story.
ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial, pursuant to Standards 3 and 9.

OVERVIEW: The application proposes to demolish an existing roof deck at the second-story level and extend the second story to align with a first-story bay. The addition would be similar to the extant building, using similar brick and a Queen Anne bay design with 2-over-2 windows, wood side panels, and a heavy cornice and woodwork. On the third story, a metal and glass solarium would be constructed flush with the new second story and existing first story. Cypress is a common alley that is abutted by the rears of buildings on Spruce Street and Delancey Place.

DISCUSSION: Ms. Sell presented the proposal to the Commission. Architect Martin Rosenblum and owner Paul Hoyer represented the application.

> **MOTION:** Mr. Rivera moved to adopt the recommendation of the Architectural Committee and deny the proposal, pursuant to Standards 3 and 9. Ms. Leonard seconded the motion.

Mr. Rosenblum displayed numerous photographs of the site as well as several neighboring properties. He noted water damage to interior spaces. He explained that his client is an avid "plantsman." He pointed out numerous alterations to nearby buildings. He explained that several nearby buildings had had greenhouses historically. He reported that an inappropriate garage had been constructed recently across Cypress Street from his client's property. Mr. Rosenblum summarized his proposal, stating that his client seeks to add a bay at the second floor and a greenhouse at the third floor. He noted that the alley has a history of constant change. He reported that his client has explored rear-bay configurations in the neighborhood and learned that multi-story bays are always of the same configuration at every floor. Ms. Woodcock asked Mr. Rosenblum if the owner had considered a bay without the green house. He replied that the owner wishes to construct the greenhouse.

Mr. Wilds noted that the Architectural Committee had contended that the reconstruction of the second-floor bay at a new location would produce a false sense of history. He asked if Mr. Rosenblum had considered a bay with contemporary styling to avoid misleading the observer. Mr. Hoyer stated that the rear bays date to the 1930s. Answering Mr. Wilds' question, Mr. Rosenblum stated that he is attempting to solve a water infiltration problem with the erection of the second-floor bay. Mr. Sklaroff suggested that Mr. Rosenblum answer the question about false history. Mr. Rosenblum stated that his client would like the rear bays to resemble one another. Mr. Sklaroff stated that the Commission will base its decision on the Secretary of the Interior's Standards. Mr. Wilds suggested redesigning the second-floor bay in a more contemporary style.

> **WITHDRAWAL OF MOTION:** Mr. Rivera and Ms. Leonard withdrew their motion to adopt the recommendation of the Architectural Committee and deny the proposal, pursuant to Standards 3 and 9.

Ms. Woodcock opined that the design was jarring because it juxtaposed a very "fussy" historicist second-floor bay with a contemporary metal and glass greenhouse at the third floor. She stated that she deemed the massing acceptable. Mr. Wilds suggested an in-concept approval of the massing. Mr. Sklaroff stated that the Commission members appeared to agree that the massing is acceptable. He suggested that Mr. Rosenblum redesign the rear additions and present a revised proposal to the Architectural Committee. Mr. Rosenblum stated that he was "frustrated" and "quite perturbed" with the Architectural Committee because it did not provide him with sufficient direction. Ms. Woodcock observed that Mr. Rosenblum was asking the Commission to design his project for him. She stated that he must develop the proposal and present it to the Commission after his client has approved of it.

Mr. Rivera moved to approve the proposal as submitted. No one seconded Mr. Rivera's motion.

> **ACTION:** Mr. Wilds moved to approve in concept the massing of the rear addition with a bay at the second floor and a greenhouse at the third floor. Ms. Woodcock seconded the motion, which passed with a vote of 7 to 0. Mr. Rivera abstained.

100-102 MARKET STREET

Owner: ESK Ventures
Applicant: Allison Fritch
History: 1882
    individually designated 10/7/1976
    contributing to the Old City Historic District
Project: Install ADA ramp along Front Street elevation, replace windows on first story elevation, and clean and repoint brick.
ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, with the staff to review details, pursuant to Standard 9.

OVERVIEW: The applicant submitted a proposal in November 2005 for interior renovations and a handicap access ramp to be installed along Market Street. The Commission approved the application providing that the ramp was paved with brick and granite, with the staff to review details. The staff approved the restoration of the second through fifth-story windows, cast-iron columns, wood sills and trim, and wood base panels on the first story in September 2006.

The applicant returned to Commission in October 2006 proposing the replacement of six large storefront windows with tall, vertical, double-glazed, four-paneled, bi-fold windows opening accordion style. The Commission denied the application as submitted, but approved the replacement of each large storefront window with two casement or pivot windows, provided the historic transoms were retained, with the staff to review details.

This application proposes to install the ADA ramp along the Front Street elevation; it was previously approved for the Market Street elevation. The owner has changed the interior design, moving the residential portion to Market Street, necessitating the relocation of the ramp to Front Street. This application also proposes to replace six large storefront windows on the first story with six casement windows. The casements have two vertical glazed panels in wood frames that will open into the interior. The existing transoms and sills are to remain and be repaired. The application also proposes brick cleaning and spot repointing.

DISCUSSION: Architect Martin Jay Tackett requested a 30-day continuance. Mr. Farnham continued the application for 30 days.

1701 GREEN STREET

Owner: James Stevens, 1701 Green Real Estate Holdings, LLC
Applicant: Christina Blumbach
History: Built circa 1859, storefront circa 1895, storefront renovated 1991
Project: Extend existing ADA ramp, install exterior lights, install new signage, install interior glass window screens, place facon lettering on east transom, and paint exterior cornice and brick.
ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of the ADA ramp extension and interior glass screens, pursuant to Standard 9; denial of the blade signage, exterior lighting fixtures, and painting of exterior brickwork, pursuant to Standard 9.

OVERVIEW: This application proposes several changes to the first-story storefront exterior of this corner building. The proposed work includes the extension of an existing ADA ramp on the east side about one foot to the north. The metal rail for the ramp would connect into the existing frame of the wood window. Two blade signs would be affixed to existing wood pilasters on the south and east elevations. Additional signage would be added to the transom on the east side of the building with vinyl lettering. Mounted to the brick above the pressed tin cornice would be ten exterior lighting fixtures attached with four bolts each. The project also proposes to paint the exterior brick and woodwork black on the south side and red on the east side. The light-colored brick is believed to be a turn-of-the-century material.

DISCUSSION: Ms. Sell presented the proposal to the Commission. Architect Martin Jay Tackett represented the application.

> **MOTION:** Ms. Smyler moved to adopt the recommendation of the Architectural Committee and approve the ADA ramp extension and interior glass screens, pursuant to Standard 9; and deny the blade signage, exterior lighting fixtures, and painting of exterior brickwork, pursuant to Standard 9. Mr. Wilds seconded the motion.

Mr. Tackett stated that his client has stipulated that he would paint the trim green, not black. Mr. Wilds asked Mr. Tackett if his client intends to paint the brick. Mr. Tackett stated that his client did not. He withdrew that portion of the application. Several Commissioners opined that the light fixtures and blade sign were acceptable at this storefront.

> **WITHDRAWAL OF MOTION:** Ms. Smyler and Mr. Wilds withdrew their motion to adopt the recommendation of the Architectural Committee and approve the ADA ramp extension and interior glass screens, pursuant to Standard 9; and deny the blade signage, exterior lighting fixtures, and painting of exterior brickwork, pursuant to Standard 9.

Ms. Smyler asked Mr. Tackett why the Architectural Committee had opposed the blade sign. He explained that the Architectural Committee recommended denial owing to the size of the blade sign, which would be approximately 2 feet by 4 feet.

> **ACTION:** Mr. Wilds moved to approve the proposal as submitted, provided the brick is not painted. Ms. Smyler seconded the motion, which passed unanimously.

159 N. 21ST STREET
Owner: Patrick and Danielle Morrin
Applicant: Patrick and Danielle Morrin
History: c. 1860
Project: Legalize roof deck on main block
ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend the legalization of the deck.

OVERVIEW: This application proposes the legalization of a roof deck on the main block of this building. The wood deck is accessible from the third-story apartment only. The applicant purchased the property with the roof deck in place and presented this application to the Commission after discovering that a building permit had not been issued for its construction.

DISCUSSION Ms. Sell presented the proposal to the Commission. Patrick Morrin, the property owner, represented the application.

> **ACTION:** Ms. Woodcock moved to adopt the recommendation of the Architectural Committee and legalize the deck. Ms. Smyler seconded the motion, which passed unanimously.

REPORT ON THE ACTIVITIES OF THE HISTORICAL COMMISSION STAFF FOR FEBRUARY 2007
Jonathan E. Farnham, Acting Historic Preservation Director

Mr. Farnham presented the report to the Commission. When asked if they had questions about the report, the Commissioners replied that they had none.

ADJOURNMENT
ACTION: At 2:10 p.m., Ms. Merriman moved to adjourn the meeting. Ms. Leonard seconded the motion, which passed unanimously.

STANDARDS AND GUIDELINES CITED IN THE MINUTES

Standard 1: A property will be used as it was historically or given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

Standard 2: The historic character of a property will be retained and preserved. The removal of distinct materials or alterations of features, spaces, and spatial relationships that characterize a property will be avoided.

Standard 3: "Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken."

Standard 5: Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

Standard 6: Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

Standard 9: New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new works shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Standard 10: New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

§14-2007(7)(j): No permit shall be issued for the demolition of an historic building, structure, site or object, or of a building, structure, site or object within an historic district which contributes, in the Commission's opinion, unless the Commission finds that issuance of the permit is necessary in the public interest, or unless the Commission finds that the building, structure, site or object cannot be used for any purpose for which it is or may be reasonably adapted. In order to show that [the] building, structure, site or object cannot be used for any purpose for which it is or may be reasonably adapted, the owner must demonstrate that the sale of the property is impracticable, that commercial rental cannot provide a reasonable rate of return and that other potential uses of the property are foreclosed.

§14-2007(7)(k)(.4): In making its determination as to the appropriateness of the proposed alterations, demolition or construction, the Commission shall consider … the compatibility of the proposed work with the historic district or with the character of its site, including the effect of the proposed work on the neighboring structures, the surroundings and the streetscape.