

REPORT OF THE COMMITTEE ON FINANCIAL HARDSHIP
PHILADELPHIA HISTORICAL COMMISSION

Wayne Spilove, Chairperson
Commission Conference Room
Suite 1301, 1401 Arch Street
24 August 1995

Present

Wayne Spilove, Chairperson
David Brownlee
Arlene Matzkin
Susan Rabinovitch
Bennett Levin, Commissioner of Licenses and Inspections

Richard Tyler, Historic Preservation Officer
Lori Plavin Salganicoff, Historic Preservation Specialist
Jeffrey Barr, Historical Research Technician

Also

William G. Schwartz, Esq., Obermayer, Rebmann, Maxwell &
Hippel, counsel for the equitable owner/applicant
Cathy Autier, Esq., Stradley, Ronon, Stevens & Young,
counsel for the title holder
Leonard Ciccotello, A.I.A., architect for the applicant
Richard W. Thom, A.I.A., Old City Civic Association
Judith Eden, Esq., Center City Residents Association
Jennifer Goodman, Preservation Coalition of Greater
Philadelphia
Dan Rubin, Philadelphia Inquirer

103-105 and 107-109 Walnut Street

William G. Schwartz, Esq., counsel for the applicant
PROPOSAL: Complete Demolition

Wayne Spilove, Chairperson of the Philadelphia
Historical Commission, called the meeting to order at 2:15
p.m. and named himself chairperson of this meeting of the
Committee on Financial Hardship pursuant to § 3.4.c of the
Rules and Regulations.

Mr. Spilove asked Richard Tyler to introduce the
question before the Committee. Mr. Tyler responded that a
demolition permit application based on financial hardship
posed the question for this meeting. He reviewed the
provisions in the Historic Preservation Ordinance on
financial hardship (§14-2007(7)(f) of the Philadelphia
Code); the receipt of a report prepared by Alex Wolfington
with supplementary material by others in compliance with
section, and the role of the Committee as a technical
advisory committee to the Historical Commission. He also
informed the Committee that the staff had followed past

practices for financial hardship applications, i.e. the retention in consultation with the applicant of Reaves C. Lukins & Company to conduct an independent evaluation of the submission, the distribution of all written submissions and comments to the Committee members, and the disclosure to all known interested parties of these same documents. He concluded with the question before the Committee: has the applicant made a showing of financial hardship?

Mr. Spilove invited Mr. Schwartz to comment.

Mr. Schwartz stated that he had received the Lukins assessment only a week ago and would respond to it later. He also said that the Wolfington Report did not constitute his client's submission and had been forwarded upon Mr. Tyler's request. Indeed, Mr. Wolfington had prepared his report in 1994 for a different applicant and for a different development proposal. Mr. Schwartz went on that the present plan proposes the erection of a fourteen (14) story, 120,000 square feet mixed-use building at Front and Sansom Streets, and that the Department of Licenses and Inspections has issued a zoning permit for this development. Although the retention and incorporation of 103-105 and 107-109 Walnut Street facades had been considered earlier as a part of the total development, they no longer have any purpose; for these Walnut Street lots will now serve as open space and a driveway. He also noted that the Department of Licenses and Inspections filed an action in equity court to enforce an order to undertake repairs; that action is now pending on the decision of the Historical Commission on the demolition permit application.

Mr. Tyler noted that he had asked for a report in compliance with §14-2007(7)(f), and that upon the receipt of the Wolfington Report had requested Mr. Wolfington's addendum to it. This supplement included the federal investment tax credit for historic preservation; the original Report did not. Mr. Schwartz responded that he had had no involvement with the earlier submission. Mr. Tyler acknowledged that the development projects may differ, but that the buildings in question, 103-105 and 107-109 Walnut Street, remained the same and that the applicant must make a showing of financial hardship.

Both Mr. Brownlee and Commissioner Levin observed that the ordinance also required the submission of plans for any proposed development following demolition.

For clarification, Mr. Tyler stated that a submission must conform to the terms of §14-2007(7)(f) which he then read. He further commented that if the Wolfington Report and the supplements are not the applicant's submission, the

Committee has nothing before it to consider.

Commissioner Levin urged that the applicant address in his demonstration of hardship two historic buildings in the context of the larger development. Mr. Spilove added that the applicant should also disclose the proposed development's entire plan. He also said that the current development proposal is new to the Committee which cannot assess the hardship without the plans.

In answer to a question from the Committee, Mr. Schwartz replied that his client controlled the entire parcel bounded by Sansom Street, Front Street, Walnut Street and Hancock Street, except for 149 South Hancock Street.

Mr. Tyler offered a summary of the sense of the Committee. The applicant must make a submission that complies with §14-2007(7)(f), that includes plans for the proposed development, that demonstrates any hardship created by the retention of the two historic buildings, and that considers all this in the context of the proposed larger development. Mr. Brownlee added that this new submission would be subject to evaluation by an independent consultant.

Mr. Schwartz told the Committee that he would submit a new report soon after Labor Day.

The meeting adjourned.

Respectfully submitted,

Richard Tyler
Historic Preservation Officer