

**THE MINUTES OF THE 562ND STATED MEETING OF THE
PHILADELPHIA HISTORICAL COMMISSION**

**12 JUNE 2009
ROOM 18-029, 1515 ARCH STREET
SAM SHERMAN, CHAIR**

PRESENT

Sam Sherman, Chair
David Amburn, AIA
Rosalie Leonard, Office of City Council President
John Mattioni, Esq.
Sara Merriman, Commerce Department
Daniel Quinn, Department of Licenses & Inspections
David Schaaf, Philadelphia City Planning Commission
Joan Schlotterbeck, Department of Public Property
Denise Smyler, Esq.
Robert Thomas, AIA
Scott Wilds, Office of Housing & Community Development

Jonathan Farnham, Executive Director
Randal Baron, Historic Preservation Planner III
Erin Cote, Historic Preservation Planner II
Jorge Danta, Historic Preservation Planner II
Karen Gonski, Administrative Technician
Rebecca Sell, Historic Preservation Planner II

ALSO PRESENT

Mary Nixon
Carl Primavera, Esq., Klehr Harrison Harvey Branzberg & Ellers
Tom Chapman, Esq., Blank Rome
David Searles, Saylor Gregg
Peter Saylor, Saylor Gregg
Gail Harrity, Philadelphia Museum of Art
Paul Pincus, Philadelphia Museum of Art
Jim Brian, Philadelphia Museum of Art
Al Shaikoli, Philadelphia Museum of Art
Gavin Langley, Gehry Partners
Steve PERNA, Perna Frederick Commercial Real Estate
Andrew Margolis, Margolis Realty
Vincent Maiello, Kelly/Maiello Architects
Michael Viscuso, Esq. Ballard Spahr Andrews & Ingersoll
Michael Sklaroff, Esq. Ballard Spahr Andrews & Ingersoll
George C. Hoez, K & A Appraisal Company
Michael Mattioni, Esq., Mattioni, Ltd.
Caitlin Prendiville, Unite Here
Bernie Kolodner, Esq., Kleinbard Bell & Brecker
Hercules Grigos, Esq., Obermayer Rebmann Maxwell & Hippel
William Schwartz, Esq., Obermayer Rebmann Maxwell & Hippel
Ines Ramos, Bedrock PA Development Corp.
John Carr, Milner-Carr Conservation

David & Lynda Sciolla
David Schrier
Lisa Budnick
Kevin Rasmussen, Rasmussen/Su
Anthony Forte, Esq., Saul Ewing
Rev. Karen L. Hart
Avis Allman
Jean Barr, Queen Village Neighbors Association
John Gallery, Preservation Alliance

CALL TO ORDER

Mr. Sherman called the meeting to order at 9:07 a.m. Commissioners Amburn, Leonard, Mattioni, Merriman, Quinn, Schaaf, Schlotterbeck, Smyler, Thomas, and Wilds joined him.

MINUTES OF THE 561ST STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION

ACTION: Ms. Merriman moved to adopt the minutes of the 561st Stated Meeting of the Philadelphia Historical Commission, held 8 May 2009. Ms. Leonard seconded the motion, which passed unanimously.

CONTINUANCE REQUEST

4002 PINE STREET

Owner: Board of Trustees, Alpha Psi Veterinary House

Applicant: Sharin Skolnik, VMD

History: 1853 by Thomas White, developer; Sloan & Stewart, architects
individually designated, 5/25/1965

Project: Legalize installation of siding over cornice

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial, pursuant to Standards 2, 5, 6, and 9.

OVERVIEW: This project proposes to legalize the installation of siding over a large Italianate cornice owing to financial hardship. The Committee on Financial Hardship will also review the application.

This building was designed by architects Sloan & Stewart and was constructed in 1853. It was individually listed on the Philadelphia Register in 1965. It is classified "significant" on the National Register in 1979.

The Alpha Psi Fraternity took possession of this property in 1942. Owing to lack of proper maintenance over the past 67 years, the cornice has deteriorated, creating a self-induced hardship. No information has been provided regarding its current condition. In January 2009, the Fraternity illegally installed siding over the cornice without Historical Commission approval or a permit by the Department of Licenses & Inspections. A neighbor filed a complaint with the Historical Commission staff about the illegal work. A staff member subsequently visited the site, observed the illegal work in progress, and requested that a violation be issued.

The cornice of this historic estate is a character-defining feature that must be preserved. Installation of siding violates four Secretary of the Interior's Standards for Rehabilitation that

state the removal of distinctive materials or alteration of features that characterize the property will be avoided; distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the property will be preserved; deteriorated features will be repaired rather than replaced; where the severity of deterioration requires replacement the new feature will match the old in design, color, texture, and, where possible, materials.

DISCUSSION: Mr. Farnham stated that the applicant had requested a 90-day continuance in writing. He explained that the staff has the authority to grant and had granted a 30-day continuance. He asked the Commission to consider the applicant's request for an additional 60 days on top of the 30. He noted that the applicant was negotiating with the University of Pennsylvania to take over the maintenance of the veterinary school dormitory. He observed that, if the negotiations are successful, the University will reverse the illegal work.

ACTION: Ms. Merriman moved to table the application for 60 additional days or to the Commission meeting of September 2009. Mr. Schaaf seconded the motion, which passed unanimously.

THE REPORT OF THE COMMITTEE ON HISTORIC DESIGNATION, 16 APRIL 2009

Richardson Dilworth III, Chair

4901 KINGSESSING AVENUE

Owner: City of Philadelphia

Nominator: Preservation Alliance of Greater Philadelphia

Proposal: Nomination for individual designation

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Dilworth moved to recommend that the property at 4901 Kingessing Avenue satisfies Criteria for Designation a, e, h, and j, and should be designated as historic and listed on the Philadelphia Register of Historic Places. Mr. Schaaf seconded the motion, which passed unanimously.

OVERVIEW: This nomination proposes the individual designation of the Kingessing Recreation Center building and the Kingessing Branch of the Free Library of Philadelphia building at 4901 Kingessing Avenue. The buildings, designed by Philip H. Johnson, were constructed between the years of 1916 and 1919. The nomination contends that the property at 4901 Kingessing Avenue satisfies Criteria for Designation a, e, and h, and should be designated as historic and listed on the Philadelphia Register of Historic Places.

DISCUSSION: Ms. Coté presented the nomination to the Commission.

The Commission discussed the nomination and determined that the site with the recreation center and library as described in the nomination warranted designation.

ACTION: Ms. Merriman moved to adopt the recommendation of the Committee on Historic Designation and find that the property at 4901 Kingessing Avenue satisfies Criteria for Designation a, e, h, and j, designate it as historic, and list it on the Philadelphia Register of Historic Places. Ms. Leonard seconded the motion, which passed unanimously.

7720-24 FRANKFORD AVENUE

Owner: City of Philadelphia

Nominator: Preservation Alliance of Greater Philadelphia

Proposal: Nomination for individual designation

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Ms. Klein moved to recommend that the property at 7720-24 Frankford Avenue satisfies Criteria for Designation a, e, h, and j, and should be designated as historic and listed on the Philadelphia Register of Historic Places. Ms. Giles seconded the motion, which passed unanimously.

OVERVIEW: This nomination proposes the individual designation of the Thomas Holme Branch of the Free Library of Philadelphia building at 7720-24 Frankford Avenue. The library was constructed in 1906-07. The nomination contends that the property at 7720-24 Frankford Avenue satisfies designation criteria a, and h, and should be designated as historic and listed individually on the Philadelphia Register of Historic Places.

DISCUSSION: Ms. Coté presented the nomination to the Commission.

The Commission discussed the nomination and determined that the site with the library as described in the nomination warranted designation.

John Gallery of the Preservation Alliance read a prepared statement advocating for the designation of all four branch libraries on the agenda. He asserted that the Carnegie libraries are very significant. They have great architectural distinction and the architects who designed them were very prominent.

ACTION: Mr. Schaaf moved to adopt the recommendation of the Committee on Historic Designation and find that the property at 7720-24 Frankford Avenue satisfies Criteria for Designation a, e, h, and j, designate it as historic, and list it on the Philadelphia Register of Historic Places. Mr. Wilds seconded the motion, which passed unanimously.

446-64 N. 65TH STREET

Owner: City of Philadelphia

Nominator: Preservation Alliance of Greater Philadelphia

Proposal: Nomination for individual designation

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Dilworth moved to recommend that the property at 446-64 N. 65th Street satisfies Criteria for Designation a, e, h, and j, and should be designated as historic and listed on the Philadelphia Register of Historic Places. Mr. Schaaf seconded the motion, which passed unanimously.

OVERVIEW: This nomination proposes the individual designation of the Haddington Branch of the Free Library of Philadelphia building at 446-64 N. 65th Street. The library, designed by Albert Kelsey and Paul Philippe Cret, was constructed in 1913-15. The nomination contends that the property at 446-64 N. 65th Street satisfies Criteria for Designation a, e, and h, and should be designated as historic and listed individually on the Philadelphia Register of Historic Places.

DISCUSSION: Ms. Coté presented the nomination to the Commission.

The Commission discussed the nomination and determined that the site with the library as described in the nomination warranted designation.

ACTION: Ms. Leonard moved to adopt the recommendation of the Committee on Historic Designation and find that the property at 446-64 N. 65th Street satisfies Criteria for Designation a, e, h, and j, designate it as historic, and list it on the Philadelphia Register of Historic Places. Mr. Wilds seconded the motion, which passed unanimously.

1333 WAGNER AVENUE

Owner: City of Philadelphia

Nominator: Preservation Alliance of Greater Philadelphia

Proposal: Nomination for individual designation

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Dilworth moved to recommend that the property at 1333 Wagner Avenue satisfies Criteria for Designation a, e, h, and j, and should be designated as historic and listed on the Philadelphia Register of Historic Places. Ms. Klein seconded the motion, which passed unanimously.

OVERVIEW: This nomination proposes the individual designation of the Logan Branch of the Free Library of Philadelphia building at 1333 Wagner Avenue. The library, designed by John Torrey Windrim, was constructed in 1917-18. The nomination contends that the property at 1333 Wagner Avenue satisfies designation criteria a, e, and h, and should be designated as historic and listed individually on the Philadelphia Register of Historic Places.

DISCUSSION: Ms. Coté presented the nomination to the Commission.

The Commission discussed the nomination and determined that the site with the library as described in the nomination warranted designation.

ACTION: Mr. Wilds moved to adopt the recommendation of the Committee on Historic Designation and find that the property at 1333 Wagner Avenue satisfies Criteria for Designation a, e, h, and j, designate it as historic, and list it on the Philadelphia Register of Historic Places. Mr. Schaaf seconded the motion, which passed unanimously.

THE REPORT OF THE ARCHITECTURAL COMMITTEE, 26 MAY 2009

David Amburn, Chair

At the request of the applicants, the Commission agreed to defer the review of the Franklin Institute application until Michael Sklaroff, the attorney for the application, arrived at the meeting. Mr. Sklaroff had been unavoidably detained at an earlier meeting.

2600 BENJAMIN FRANKLIN PARKWAY, PHILADELPHIA MUSEUM OF ART

Owner: City of Philadelphia

Applicant: Paul Pincus

History: 1928, Horace Trumbauer and Zantzinger, Borie & Medary
individually designated, 6/29/1971

Project: Construct a loading dock

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, with the staff to review details.

OVERVIEW: This application proposes the construction of a loading and delivering area along the south west elevation of the podium on which the museum building sits. The proposed addition

would not alter the museum building itself; all proposed work would take place along the rusticated ashlar podium of the building only.

The application proposes the construction of an addition and walled yard that would connect to the service spaces currently found in the podium of the building. The yard would be enclosed with a copper finish corrugated gate. The addition and yard walls would be clad with stone.

The proposed addition is an elegant and unobtrusive solution to the museum's existing inadequate conditions for the loading and delivery of art works. Although the proposed addition would be visible from certain view points, it does not negatively affect any of the iconic views of the museum, or negatively impacts the axis of the museum building to the Benjamin Franklin Parkway.

DISCUSSION: Mr. Danta presented the application to the Historical Commission. The museum's Chief Operating Officer Gail Harrity and architect Gavin Langley represented the application.

Ms. Harrity stated that the museum is "thrilled" to be working with Gehry Partners, one of the nation's most talented architectural firms. She noted the firm's respect for the museum building. Ms. Harrity stated this project is the lynch pin of a much larger renovation project and is the first phase of the museum's master plan. The removal of the current loading facilities and the construction of a state-of-the-art loading area will allow the museum meet international museum standards, enhance public amenities, and increase security.

Mr. Langley showed a Powerpoint presentation documenting the proposal. He stated that all materials entering and leaving the museum are currently loaded and unloaded at an insecure area along Kelly Drive. The area does not allow for art to be segregated from supplies and refuse. The new facility at the west will have separate facilities for art, supplies, and refuse. The relocation will allow the Kelly Drive entrance in the base to be restored to its original use as a visitor entrance; that work will be accomplished in a later phase of the project. He showed plans, elevations, sections, and renderings of the new loading area with service yard. It would not mimic or compete with the museum building. He showed photomontages of before and after conditions, which demonstrated that the new loading area would not be conspicuous. He stated that the loading building would stand about nine or 10 feet shorter than the terrace wall. The screen wall for the yard would be even lower. The gate to the yard would be 45 feet wide to accommodate 80-foot trucks. He noted that the terrace wall and driveway above it would be precisely rebuilt after the loading area was constructed.

Mr. Wilds questioned the proposed gate, saying that it appears to be contrasting in some renderings and very similar to the surroundings in others. He asked about the design intent. Mr. Langley replied the Frank Gehry is specifying a material that would blend with the terrace walls and new addition. It is intended to age over time; it will fade away, not stand out.

Mr. Thomas asked why the gate was solid, not open. Mr. Langley explained it is intended to block the views of the activities inside the loading area for aesthetic and security reasons. He also explained that the terrace wall is tall and very thick, making it difficult to see down from the terrace into the loading area. Mr. Thomas asked about the roof of the loading dock addition. Mr. Langley stated that it would be a small pebble stone roof, or a green roof if the budget allowed. Mr. Thomas recalled that significant storm water runoff problems were solved when the South Garden was restored at the Water Works, down the hill from this site. He suggested that Mr. Langley carefully consider the storm water plans to prevent exacerbating this problem.

Mr. Schaaf asked if the architects had accounted for the fact that the base of the museum is constructed from a very different stone than the museum itself. He also noted that the base stone is very dirty. He asked Mr. Langley to explain how they chose the stone for the addition, given the many types and conditions of stone at the museum. Mr. Langley stated that the stone was selected to be compatible with the base and museum stone, but not to copy either type. He stated that the stone at the base of the museum would be cleaned and restored when the addition was constructed.

Mr. Sherman asked when they planned to reopen the visitor entrance at the Kelly Drive side of the base. Ms. Harrity explained that they would restore and reopen it as a later phase of this project. She stated that it was a “spectacular” entry that will directly connect the museum to the Perelman building. She concluded that the loading dock is essential to the museum’s success.

ACTION: Mr. Wilds moved to adopt the recommendation of the Architectural Committee and approve the application, with the staff to review details. Ms. Smyler seconded the motion, which passed unanimously.

201 N. 21ST STREET, THE FRANKLIN INSTITUTE

Owner: The Franklin Institute, City of Philadelphia

Applicant: Michael Sklaroff, Esq.

History: 1932-1934, John Windrim and Morton Keast, architects
individually designated, 1976

Project: In concept: Construct addition on south side

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval in concept of a three-story addition at the proposed location, pursuant to Standard 9.

OVERVIEW: The application in concept proposes the construction of an addition to the Franklin Institute building. The addition would house exhibition and circulation spaces. The addition would be constructed behind the southern arm of the main wing facing Logan Circle. It would connect to that wing and the Franklin Memorial, the grand rotunda behind the main portico.

Architects John Windrim and Morton Keast designed Franklin Institute building to occupy the entire block with wings facing all four streets, Logan Circle, and Winter, Race, and 21st Streets. However, owing to funding limitations during the Great Depression, the design was revised several times. Ultimately, only the Logan Circle and Winter Street wings and the Franklin Memorial rotunda were constructed. The grand, central hall that planned to run north-south through the block to the west of the Franklin Memorial was never constructed. Therefore, the portico along Winter Street is centered on the north façade, but does not open onto an interior space. In 1990, a large, asymmetrical addition known as the Mandell Futures Center, designed by Geddes Brecher Qualls Cunningham, was erected to the west of the rotunda, forever preventing the completion of the original, symmetrical, Windrim design.

The new addition would run south to Race Street from the rotunda behind the wing facing Logan Circle. It would connect to walls of the historic building that were not ornamented or finished with fine materials because they were originally intended to serve as interior walls. The addition would mediate between the original neo-classical building and the bold Late Modern Mandell Futures Center addition. The Race Street façade would include a very large bay that would allude to but not replicate the central porticos on the east and north facades. The addition would

be contemporary in style, but would defer to the historic building. Alternative designs for the bay are included with the in-concept application.

The application also proposes other work such as green roofs. None of these alterations would be visible from the public right-of-way.

DISCUSSION: Mr. Baron presented the application to the Historical Commission. Attorney Michael Sklaroff and architect Peter Saylor represented the application.

MOTION: Ms. Merriman moved to adopt the recommendation of the Architectural Committee and approve in concept a three-story addition at the proposed location, pursuant to Standard 9. Mr. Wilds seconded the motion.

Mr. Sklaroff stated that they are seeking approval in concept of the addition. He noted that they would like the Commission to provide more specificity than was provided in the Committee's recommendation. He introduced Mr. Saylor, the architect of the addition.

Mr. Saylor explained that the Franklin Institute building was designed by John Windrim as a symmetrical, block-sized, four-sided building. However, only two sides, the north and east, were originally completed. In the 1980s, the Mandell Futures Center was constructed. It did not follow the original plan, but instead radically altered the building. He stated that the design for the new addition is predicated on the original design with its central porticos, but does not replicate them. He additionally explained that the construction of the Futures Center does not allow for the completion of the original axes. Therefore, he is proposing to base the addition design on the axis created by Franklin Hall, the large rotunda behind the main entrance.

Mr. Saylor summarized the design, stating that the addition would house a conference center at the first floor. The conference center would open onto a private garden along Race Street. The garden entranceway would not be used as an entry point to the building, but only as a means for conference attendees to access the garden. He noted that the south portal in Franklin Hall would be reopened to create a passage to the addition. He pointed out that the addition would project slightly beyond the plane of the historic façade, as do the porticos on the historic facades. He explained that the addition would provide much-needed temporary exhibition space. It would also include a permanent exhibition on the brain. He showed section drawings through the addition to document that the south lunette in Franklin Hall would not be blocked by the addition, but would be lit by a light well. He stated that the façade of the addition would be rusticated at the base to be compatible with the historic building. The projecting bay-window section of the façade would have louvers, or perhaps an artwork such as a shimmer wall. It would be a scientific gesture in art. He showed a plan that included later projects to fill in the remainder of the south portion of the building along Race Street. He stated that the proposed addition would not preclude later additions in this area. Mr. Saylor discussed the exterior cladding of the Futures Center and reported that the west wall of his addition would be clad to match the Futures Center. He stated that the addition would mediate between the historic building and the Futures Center. He provided a detail of the connection between the façade of the addition and the historic building. He stated that he is proposing a reveal between the new and old to clarify the connection. He noted that he would retain all historic fabric except some brick, which was not originally intended to be seen on the exterior. He spoke about the green roofs proposed for the addition and historic building. He displayed four photographs of Franklin Hall and pointed out the infilled portal on the south wall, which would be reopened, and the four lunettes, which are currently day-lit at the south and west and artificially lit at the north and east. He again noted that they are proposing to light the south lunette with a skylight.

Mr. Wilds asked if the entire addition would be accessible. Mr. Saylor stated that it would be. He noted that they would not alter the interior of Franklin Hall except to reopen the south portal. He stated that the building would become more accessible with the addition. He also noted that the south lunette was never intended to be seen from the street, as it is today. It is only seen because the building was not completed.

Mr. Sherman asked the applicants to summarize the changes since the Architectural Committee meeting. Mr. Sklaroff stated that the changes were in direct response to the Committee's suggestions. Mr. Saylor stated that they had introduced the skylight to light the lunette and circulation area in the addition since the Committee meeting. He added that they are seeking an approval of the concept of the projecting bay.

Mr. Mattioni stated that he finds the glass bay jarring and discordant. Mr. Saylor stated that it has the same proportions as the portico at the east. Mr. Wilds disagreed with Mr. Mattioni. He stated that he deemed the bay to be a clever response to the problem of the asymmetry introduced by the Futures Center. He noted that it has the same five-bay width as the portico at the north. He agreed that it is different from the historic building, but has the same rhythm and is compatible. Mr. Schaaf agreed with Mr. Wilds, but asked the applicants why they had not situated the bay in the center of the south façade. Mr. Saylor responded that the Futures Center precludes the possibility of a symmetrical south façade. He stated that Franklin Hall, not an unbuilt central hall, now defines the north-south axis. He stated that they had only provided massing drawings and not more of a design for a potential addition to complete the south façade because they cannot predict what the museum's needs would be in 25 years. Mr. Mattioni stated that he accepted the portico-like appearance of the bay, but was concerned about a shimmer wall.

Mr. Thomas asked about the design of the façade of the addition at street level. Mr. Saylor explained that it would be arcaded with a glass entry set behind the arcade. Mr. Thomas applauded the design, stating that the current building treats Race Street like a service alley. The addition would clean up the façade.

John Gallery of the Preservation Alliance suggested that the Commission should amend the motion on the floor and approve the design presented at today's meeting in concept. He commented that the addition will clarify the interior, especially its circulation patterns. He stated that the location of the articulation between the new and old was appropriate. He stated that it would be a mistake to shift the projection and the articulation to the west. He asserted that the projection is the appropriate place to make the break. He added that the design still needs some refinement. It should emphasize the vertical.

Mr. Sklaroff asked the Commission to clarify the aspects of the design covered by the motion to approve in concept. He suggested that it should encompass the location and massing of the addition including the projection, light well, and articulation between new and old.

ACTION: Ms. Merriman amended her motion to approve in concept the revised design as presented at its meeting of 12 June 2009. Mr. Wilds, who seconded the motion, concurred with the amendment. The Commission voted unanimously to adopt the motion and approve in concept the revised design as presented at its meeting of 12 June 2009.

626 S. FRONT STREET

Owner: David & Lynda Sciolla

Applicant: Stephen Maffei

History: c. 1790 for John Coburn; individually designated, 6/24/1958

Project: In-Concept; construct a third-story and three-story additions and alter gambrel

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial, pursuant to Standards 1, 2, 3, 5, 6, 9, and 10.

OVERVIEW: This application in-concept proposes to rehabilitate a significant eighteenth-century building from its current commercial use back to a residential use. This house is a rare surviving late eighteenth-century building with a gambrel roof. The house possesses a remarkable level of original fabric, which includes the original punch and gouge cornice and Flemish bond brick work at the second floor, third floor, and gable end of the main block. The rear ell retains its original brick work at the second floor. The building was altered in the early twentieth-century. At that time, the ground-floor brick of the main block was replaced and the ground floor at the rear ell was extended to the property line. The main block and rear ell were also parged with stucco at that time. The rear of the property is currently occupied by a one-story non-historic addition.

Most of the proposed work would take place at the rear of the property. The applicant proposes to demolish the non-historic addition at the rear of the property. In its place a three-story addition with a garage at ground floor and roof deck is proposed. This addition would connect to the main block of the house through the existing rear ell. The applicant proposes to modify the rear ell, which will serve as connector between the new addition and the main block, by constructing a third-story addition. The existing second-floor of the rear ell, which retains its eighteenth century fabric, would be largely demolished to incorporate five French doors opening onto a terrace. This work would require the demolition of portions of the rear facade of the main block and the rear portion of the cornice; all of which are original eighteenth century fabric.

The main block of the house would be largely restored. However, several items are of concern. The reconstructed ground floor would not have its entrance door with pediment centered as shown in a photograph taken circa 1868. Instead, the applicant proposes to shift the entrance door to the west. The missing portion of the cornice that framed the gable end of the gambrel would not be reconstructed. The applicant proposes to construct two dormers; one along the Front street elevation of the property and a second on the rear slope of the gambrel. Neither dormer is based on historic evidence. The rear dormer is especially problematic owing to its massing, design, and location on the roof.

The staff would also like to raise a point of caution with the wording used in the application's cover letter. The applicant states in the cover letter that the intent of the application is to, among other things:

- 3- Repair 2nd through 4th floor existing brick on all facades of the existing historical structure.
- 7- Repair and/or replace in kind all dentil and cornice work at perimeter of roof.

The wording of these two items is too general and vague. The Commission should not entertain approving any work to the surviving eighteenth-century fabric, even in-concept, without more detailed information.

The proposed alterations to the rear ell, and the impact on the rear façade of the main block cause a negative effect on this significant eighteenth building and its original fabric. The

proposed dormers are not based on any historical evidence and no dormers would be appropriate on this building. The proposed reconstruction of the ground floor can not be considered a restoration. The shifting of the entry door is driven by the program and directly contradicts the historic evidence. The overall program proposed for this property has an adverse effect and fails to meet seven of ten Secretary of the Interior's Standards for Rehabilitation.

DISCUSSION: Mr. Danta presented the application to the Historical Commission. Attorney Carl Primavera, architect Stephen Maffei, and property owners David and Lynda Sciolla represented the application.

Mr. Primavera observed that the property is under an agreement of sale. The prospective buyers would like to convert it to a single-family dwelling. The application proposes an in concept approval and the applicants are looking for guidance. He described the property as deteriorating. He asserted that the current proposal is much improved over that presented to the Architectural Committee.

Using a Powerpoint presentation, Mr. Maffei displayed plans and photographs. He showed a nineteenth-century photograph with the door in the original position. He showed photographs of the brick needing restoration and the water-damaged interior. He explained that the applicants are now proposing to restore the missing section of the cornice. He pointed out the changes to the design at the connector between the main block and new addition across the rear ell. It would no longer break the cornice line on the main block. It would be faced with a different material to differentiate it from the historic rear ell. The second-floor façade of the ell would be retained. A window would be converted to a door for access to a terrace. Mr. Maffei stated that the first-floor of the main block would be restored. However, the owners would like to relocate the doorway on the south façade one bay to the west. Mr. Primavera added that the interior layout makes the placement of the door in its original, symmetrical location problematic. At the link to the new addition, the wall would be cut for a door, but most of the fabric would be retained and encased within the addition on the ell. Mr. Primavera stated that the plans may appear to depict a large home; however, the home would be rather modest. Mr. Maffei stated that, including the garage, it is 3600 square feet; without the garage, it is 3200 square feet. Mr. Primavera stated that they are willing to delete the proposed front dormer from the design. They had already removed the rear dormer with the redesign of the connector. Mr. Primavera concluded that they are withdrawing the dormer and revising the third-floor connector in response to the comments from the Committee and staff. He requested an approval in concept to allow the project to move forward. He stated that, without the third-floor connector, his clients will not purchase the property.

Ms. Merriman stated that she was pleased that the dormer had been withdrawn. She stated that, with the exception of the location of the main entrance, she felt that the proposal was acceptable. She asked the applicants to consider a true restoration of the entrance.

Mr. Sciolla stated that the third-floor connector was necessary for the project to be successful. He stated that the first-floor façade at the main block had been lost with the conversion to a bar many years ago. He asked the Commission to consider the relocated door owing to the lack of historic fabric in this area. He observed that he is not requesting an approval to alter historic fabric, but instead to reconstruct it in a slightly different way. He confirmed that he would delete the dormer from the design and also restore the missing piece of the cornice. He again asserted that he needed to reconstruct the front door in a non-historic position owing to the interior design. Mr. Wilds noted that he could accept the third-floor connection, but was still pondering the front door location. Ms. Sciolla reported that the building was used as a rooming house and

a door had been added in the Front Street façade. Mr. Mattioni asked if the Commission was guessing at the original location of the main entrance. Mr. Wilds answered that it was not; he was certain that the historic photograph documented the precise location of the original front door on Bainbridge Street. Andrew Margolis, the Sciollas' realtor contended that the original location of the main door was not known. Messrs. Wilds and Schaaf strenuously disagree. They again stated that the historic photograph precisely located the location and configuration of the front door. The symmetry and elaborate eighteenth-century door surround proved that this was the original location of the door. Mr. Thomas agreed. Mr. Margolis stated that the Sciollas are the only ones willing to invest in the rehabilitation of this building. He stated that a single-family use is the only use acceptable to the neighborhood. Mr. Thomas stated that he would vote against moving the door if it stood in its original central position, but was not against approving its reconstruction in the proposed position.

Mr. Sherman stated that he would like to see more glass and less stucco in the addition. Mr. Sciolla agreed, but Ms. Sciolla disagreed. Mr. Mattioni stated that the Commission should be glad that the Sciollas are willing to make the investment in the rehabilitation.

Mr. Amburn turned the discussion back to the door. He stated that its position is very important for the building. Mr. Schaaf asked the applicants to explain why they needed the door shifted. Mr. Maffei explained that his clients wanted an alcove or foyer inside the door. The space would not "flow" if the door was located in the center bay. He displayed the interior plan. Mr. Schaaf observed that locating the door in its original location would not be detrimental to the interior design. Mr. Maffei responded that it was located to the left to provide a certain "sense of space," a transition from outside to in. Mr. Thomas stated that this could be accommodated with the door in its original position. Mr. Wilds observed that the living room is on the second floor. He suggested that the door should be restored in its original position. Ms. Smyler stated that the location of the door was not significant. She stated that the project was a "god-send."

John Gallery of the Preservation Alliance offered what he called "two crazy ideas." He suggested either recreating the historic doorway in its original location, but making it inoperable, and adding a second non-historic door in the proposed location, or simply locating a non-historic door in the proposed location and foregoing the recreation of the historic door altogether.

Mr. Wilds noted that this is an application in concept. He suggested that the applicants study the door question and present a door proposal to the Commission when it reviews the application for final approval. Mr. Primavera agreed, stating that his clients would consider all options.

ACTION: Ms. Smyler moved to approve in concept the revised design as presented at the Commission's 12 June 2009 meeting, provided the front dormer is deleted. Mr. Mattioni seconded the motion, which passed unanimously.

318-22 S. 19TH STREET

Owner: Salem Shuchman

Applicant: Roy Ingrassia

History: 1895, Furness, Evans & Company for Horace Jayne

individually designated, 10/25/1982

Significant to the Rittenhouse Fittler Historic District, 2/8/1995

Preservation Alliance façade easement

Project: Coat all terracotta

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, with the staff to review the details.

OVERVIEW: This application proposes to coat all terracotta units with Edison Coatings System 90-II. The proposed coating is a urethane. The façade was cleaned in the 1980s as part of the restoration of the building. The terracotta units appear to have been damaged at that time owing to an aggressive cleaning campaign that left several units bleached. The fire skin on the units is remarkably intact; however the color has faded from the vibrant red it once was. The fading is not consistent. The damage is noticeable in some units, even when those are adjacent to areas of relatively consistent color. It should be noted that original color was not uniformly red. The terracotta has bands of charcoal colored areas that appear to have been deliberately applied or were created as a result of the fire process. It is likely that the bands were deliberately applied at the time of manufacturing.

The applicant conducted tests of five products over a period of nine months. The selection was made after a careful study of the cured samples. The proposed Edison Coatings System 90-II is described in the specifications sheet as a consolidant. The product has been chosen not for its consolidation qualities but owing to its improvement of the color of the terracotta. The fire skin does not require any consolidation at this time. Consolidants are generally non-reversible. However, the applicant has submitted evidence that the coating can be removed from the surface of the terracotta without causing any noticeable damage using a paint stripper or acetone gel.

The staff has approach this proposal with conservative caution. This landmark building is one of the most outstanding residential buildings of the late nineteenth century standing in Philadelphia. The house has been described as one of the residential masterpieces of Frank Furness. Furthermore the terracotta units' unusual sponged finish and color variations make them unique.

The staff recommends that the Committee consider the three following issues during its deliberation: the life span of the coating; the possible damage to the fire skin of the units; and the long term maintenance of the coating. No masonry coatings lasts indefinitely; all coatings and sealants eventually breakdown and fail. The proposed Edison Coatings System 90-II would conservatively last on the surface of the units for at least 50 years. The staff requested from the applicant case studies by the Edison Company that focused on the aging process of the product. However, the applicant was unable to provide such documentation given that none have been conducted by the manufacturer. The staff is unable to evaluate the effects the unavoidable chemical breakdown of the coating would have on the surface of the terracotta or on the uniformity of the color. The breakdown of the sealant could cause micro-growth to colonize the surface of the units, or to a change in its reflective qualities. More importantly, the eventual breakdown of the coating could lead to changes in the color, defeating the purpose for which it is being proposed. The applicant has proven that the sealant could be removed from the surface of the units with paint strippers. However, the application of paint strippers is not

immune to damaging side effects stemming from careless application or excessive dwell time, which may lead to further damage of the units, and possible irreversible damage to the fire skin. Lastly, once the units are coated it is likely that they will continued to be coated in years to come. The staff recommends that the Committee consider the aesthetic gain the proposed coating would produce versus the conservation and necessary maintenance of the units well into the future.

DISCUSSION: Mr. Danta presented the application to the Historical Commission. Masonry conservationist John Carr represented the application.

The Commission reviewed the application and determined that the proposed treatment was appropriate.

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

1400 S. PENN SQUARE, RITZ-CARLTON HOTEL

Owner: Arden Group, Inc.

Applicant: Thomas Chapman, Esq.

History: 1905-1908, Furness, Evans & Co. and McKim, Mead & White
individually designated, 5/2/1970

Project: Install awnings and signage

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of the two plaques, provided existing holes are reused, with the staff to review details, pursuant to Standard 9; denial of the awnings, pursuant to Standard 9.

OVERVIEW: This application proposes the installation of six awnings along the Chestnut Street elevation of the former Girard Bank building at the corner of Broad and Chestnut Streets. In addition the application also includes the installation of two metal plaques; one at each corner of the intersection of Broad and Chestnut Streets.

The Girard Bank was designed by the firms of Furness, Evans & Co. and McKim, Mead & White and constructed from 1905 to 1908. McKim, Mead & White was at the forefront of the American Renaissance, a period in which American architecture reflected democratic ideals through the classical language of ancient Greece and Rome. The Girard Bank is a prime example of that philosophy and one of the few exemplary commissions of the prestigious firm in Philadelphia. This building is superb example of the Neoclassical style. Inspired by Rome's Pantheon, this building is characterized by its clean, monolithic marble form, large tile dome, heavy classical pediments and cornice, and a great Ionic colonnade with uninterrupted voids.

Awnings would be an inappropriate addition to this Neoclassical building. They would clutter the bold, stark forms and directly contradict McKim, Mead & White's aesthetic vision.

DISCUSSION: Mr. Sherman recused owing to a business relationship with the applicant.

Ms. Sell presented the application to the Commission. Attorney Thomas Chapman represented the application.

Mr. Chapman stated that his client is seeking to establish a street presence for his restaurant in the Ritz-Carlton building. He introduced photographs of signage and awnings the Commission had approved for nearby restaurants and stores. He claimed that the awnings and building plaques at the Del Frisco's at 15th and Chestnut are similar to those he is proposing. He explained that he had had the designer develop a banner concept after the Architectural Committee meeting. He asked the Commission for guidance. He asserted that some signage must be appropriate for this building.

Mr. Mattioni stated that he "is all in favor of advertising," but cannot discern from the proposed awnings and banners that they are advertising a restaurant. He noted that the word "restaurant" never appears on the signs. Mr. Wilds noted that the entrance is on Broad Street, but the proposed signage is on Chestnut. Mr. Chapman stated that the purpose of Chestnut Street signage is to alert pedestrians to the restaurant. Mr. Wilds noted that this is not the type of restaurant that attracts drop-in diners. Mr. Schaaf noted that the Art Commission must review this proposal. He also noted that the banners would hang so high that they would not be visible to pedestrians. He suggested lowering the banners to the sill level. Ms. Merriman observed that signage inside the windows would not harm the dining experience. Mr. Chapman stated that the client does not want interior signs.

John Gallery of the Preservation Alliance stated that the building is very important. He supported the plaques, but not the awnings. He claimed that the Commission does not have jurisdiction over interior signage. Mr. Wilds responded that the Commission has jurisdiction over the exterior appearance of the building.

Mr. Chapman observed that the high-rise portion of the building already has awnings at the windows. The bank portion of the building has banners at the main entrance. Ms. Sell stated that the Commission approved the awnings on the high-rise portion; as part of that same review, it denied the awnings on the domed portion of the building.

ACTION: Mr. Thomas moved to approve the two plaques, provided existing holes are reused, with the staff to review details, pursuant to Standard 9; and deny the awnings and banners, pursuant to Standard 9. Mr. Schaaf seconded the motion, which passed unanimously.

2325 SPRUCE STREET

Owner: Henry Charlton

Applicant: Kirk Loubier

History: c. 1875; contributing to Rittenhouse Fidler Historic District, 2/8/1995

Project: Construct second-story addition

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, provided the windows are vertically-proportioned, one-over-one, double-hung windows, with the staff to review details, pursuant to Standard 9.

OVERVIEW: This project proposes to demolish a second-story bay window and construct a second-story rear addition. The addition would enclose the existing second-story deck and become flush with the width of the existing rear ell. Vinyl-clad awning windows and a stucco finish are proposed for the addition.

DISCUSSION: Ms. Sell presented the application to the Historical Commission. Contractor Kirk Loubier represented the application.

The Commission determined that the application was appropriate, if modified as the Architectural Committee recommended.

ACTION: Ms. Smyler moved to adopt the recommendation of the Architectural Committee and approve the application, provided the windows are vertically-proportioned, one-over-one, double-hung windows, with the staff to review details, pursuant to Standard 9. Ms. Leonard seconded the motion, which passed unanimously.

1826 DELANCEY PLACE

Applicant/Owners: Barbara & Steve Shapiro

History: 1856, Mantle Fielding, architect

Individually designated 1972; Contributing to Rittenhouse Fidler District, 1995

Project: Construct rear addition with deck

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval as submitted.

OVERVIEW: This application proposes alterations to the rear of this house, which faces the backs of other houses. The architect proposes to add a bay at the second-story over the existing bay. He also proposes to remove the two windows and brickwork at the third-story rear and install a wall of windows and French doors onto a new deck, which would sit on the enlarged bay.

DISCUSSION: Mr. Baron presented the application to the Historical Commission. Architect Kevin Rasmussen represented the application.

Mr. Rasmussen reported that the Center City residents Association and zoning had approved the application. The Commission determined that the application was appropriate.

ACTION: Mr. Wilds moved to adopt the recommendation of the Architectural Committee and approve the application as submitted. Mr. Schaaf seconded the motion, which passed unanimously.

1112 LOCUST STREET

Owner: Gibbs Connors

Applicant: Gibbs Connors

History: c. 1815

Project: Construct three-story addition

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, with the staff to review details, pursuant to the Commission's approval of 9 April 2009 and Standard 9.

OVERVIEW: This application proposes to construct a three-story addition at the west elevation of the building at 1112 Locust Street. The building with addition would house a café and gallery on the first floor and apartments on the second and third floors.

The building at 1112 Locust Street is the only survivor of a row of four houses constructed about 1815. A storefront with a large shop window and metal cornice was added to the building about 1905. The building to the east at 1110 Locust Street was demolished in the early twentieth century. The Redevelopment Authority demolished the buildings to the west at 1114 and 1116

Locust Street, which were individually designated, in the 1970s. The Commission rescinded the phantom designations of the vacant lots at 1114 and 1116 Locust Street in April 2005.

The proposed addition would stand to the west of the historic building on a portion of the parcel historically known as 1114 Locust that has been consolidated into 1112 Locust. The addition would connect to the historic building at 1112 Locust Street at the stuccoed, former party wall. The front and rear facades of the historic building, the only facades that were historically exposed, would not be altered.

The front and rear façades of the addition would be clad with glass and metal infill panels that would echo the glass and metal 1905 storefront. The west elevation would be clad primarily in brick with bands of glass and metal panels, again echoing the historic building. The roof would be metal.

The Commission reviewed and unanimously approved an application proposing a very similar addition for this property at its April 2009 meeting. The applicant has submitted the second application for review because the design has been revised slightly from the approved design to incorporate suggestions offered by the Washington Square West Civic Association. The changes include the addition of a base at the new storefront to echo the historic storefront base; the addition of storefront windows on the west façade of the addition to enliven and break up the mass of the façade; and a slight adjustment of the glass to metal panel ratio and a change in the spandrel designs at the upper stories of the front façade.

During the reviews of the design approved in April 2008, one interested party asserted that the proposed design was not compatible with the historic building. Voting unanimously to approve the design, the Commission flatly rejected that claim as well as the recommendation of denial from its Architectural Committee. The Commission concurred with the staff, which asserted that the proposed design satisfied Rehabilitation Standard 9:

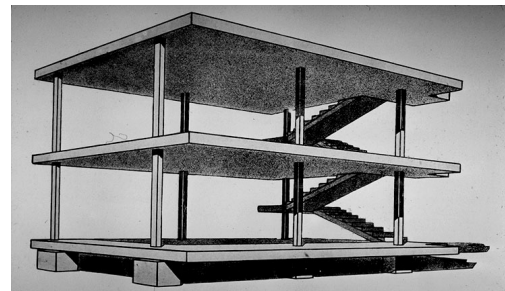
New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new works shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion,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

The approved and proposed additions would not destroy historic materials, features, and spatial relationships. The addition would connect to the party wall, where the historic neighboring building connected to this building. No historically significant material would be removed or altered for the addition. No features or spaces would be altered from their historic conditions. The new addition would be differentiated from the old; it would not be confused as historic fabric. The new addition would be compatible with the historic materials, features, size, scale and proportion, and massing of the historic building. The window and door sizes, floor heights, and other elements that provide scale are drawn from the historic building; both the new and historic elements have the same vertically-oriented proportioning. The massing is likewise compatible; the addition is neither too large nor too small for the historic building, but sits comfortably next to it. The materials - brick, metal, and glass - are all drawn from the historic building but are used in contemporary ways. The features are also compatible; for example, the storefront and residential windows of the addition are derived from those of the historic building and, like their historic counterparts, indicate the activities that take place behind them.

Standard 9 provides a basis for assessments of compatibility, but it should not be allowed to shackle notions of compatibility. During the earlier review, it was suggested that the addition

should have punched openings like the historic building. Such a superficial notion of compatibility predicated on formal resemblance should be rejected. It is often nothing more than a rationalization for an aesthetic preference. When confronting questions of taste, the Commission must privilege the property owner's aesthetic preferences over its own as well as those of third parties, especially when those preferences have no bearing on historic preservation. Moreover, when compatibility is founded on a "kit of parts" notion of design, in which new construction at historic sites and in historic districts is nothing more than an assemblage of historic features and elements drawn from the surroundings, both preservation and design suffer immeasurably. "Compatible" does not mean "identical" or "looks like"; it means "able to exist in harmony." Context can be interpreted in myriad ways and on myriad levels and compatible design can spring from myriad interpretations of context. Superficial formal visual resemblance is but the most obvious basis for compatibility. More complex notions of compatibility will lead not only to more satisfying new architecture that itself will qualify as historic in the future, but also to deeper and more satisfying interpretations of historic architecture. Mandating that new architecture merely visually resemble the historic architecture around it will unduly restrict our futures and our pasts.

The request for punched openings provides an excellent means of exploring ways of thinking about context and compatibility. The historic building has brick load-bearing walls that are two wythes of brick or 8 inches thick. The structure and the cladding, i.e. the brick, are one. The window openings are deep and the windows are deeply inset because the walls are thick. Masonry load-bearing wall represented the state of the technology when this building was constructed in 1815. The punched openings are a candid expression of the technology of the time and are symptomatic of the masonry load-bearing wall. By the middle of the nineteenth century, masonry load-bearing walls were eclipsed by new framing technologies. The development of metal framing systems and other technologies allowed for a separation of structure and cladding. Despite these advances in technology, some architects continued to construct buildings that appeared to have masonry load-bearing walls, even though they actually had steel frames with non-structural cladding hung on them. To achieve the effect of a masonry load-bearing wall, these architects designed the cladding to give the appearance of punched openings. Modernist architects of the early twentieth century reacted against this mode, calling it "dishonest." Le Corbusier's famous Dom-ino House drawing of 1914 (to right) is considered the definitive exposition of the divorce of structure and cladding; the house stands without any cladding; light cladding can be hung from the structure. Although architectural theorists have moved beyond the Modernists' ethical polemics, the Modernists' demand for "honesty" has value in this context. Punched openings are not the essence of the 1815 building; the "honest" expression of its structural system, the load-bearing brick walls, is its essence. Like the historic building, the proposed addition would "honestly" express its essence, its structural system, and therefore could be considered compatible in this way with the historic building. Compatibility can be conceived in myriad ways and still satisfy the Secretary of the Interior's Standards.



DISCUSSION: Mr. Farnham presented the application to the Historical Commission. Property owner Gibbs Connors and architect Kevin Rasmussen represented the application.

MOTION: Ms. Merriman moved to adopt the recommendation of the Architectural Committee and approve the application, with the staff to review details, pursuant to the Commission's approval of 9 April 2009 and Standard 9. Mr. Wilds seconded the motion.

Mr. Rasmussen noted that Washington Square West Civic Association has reviewed and approved of the design. He also stated that the Zoning Board of Adjustment had given the project the necessary approvals. Mr. Connors stated that Councilman DiCicco's office had issued a letter of non-opposition.

Ms. Smyler noted that an earlier approval for this project had been appealed. Mr. Mattioni asked Mr. Connors if he intended to pursue his appeal. Mr. Connors explained that he had not appealed the Commission's decision on his previous application; the Preservation Alliance had appealed his approval from the Commission. Mr. Mattioni asked the applicants if they were withdrawing their earlier application that had been appealed. Mr. Rasmussen stated that they were, in effect, withdrawing that application and presenting this substitute application. He added that they had submitted this application to respond to suggestions from the Washington Square West Civic Association.

John Gallery of the Preservation Alliance stated he agreed that this is a new permit application. He claimed that the Commission is not bound by previous applications during this review. He claimed that the Commission could reject this application even though it had approved the earlier, similar application. Mr. Gallery asked if the Department of Licenses & Inspections had determined whether the windows proposed for the west façade of this addition would comply with the building code. He asserted that this is a fire wall. He claimed that the building code does not allow windows in a fire wall. He noted that the Standards require designs to be both differentiated and compatible. He stated that identifying the point of balance between those poles can be difficult. He observed that his design is clearly differentiated. He asked if it was compatible enough. He asked the Commission to articulate its reasons if it considers the design compatible.

Mr. Thomas responded to both of Mr. Gallery's points. He stated that the Commission's decision related to the appropriateness of this addition cannot be predicated on whether it does or does not meet the fire code. He stated that the plans examiners at the Department of Licenses & Inspections are trained and authorized to make such determinations. The Historical Commission is not. He noted that a series of approvals are needed before a building permit may be issued for a major project. The Commission's jurisdiction relates to historic preservation standards only. Other agencies are empowered to review the proposal for building, zoning, fire safety, and other standards. Mr. Thomas stated that he considers the proposed addition to be compatible with the historic building. He noted that the historic building was originally a residence and had been significantly altered for commercial use with the addition of a storefront in the late nineteenth century. He held up the view from the northwest and noted that the new and old floors would line up and the glazing patterns and rhythms are comparable at the storefront and upper floors. He pointed to the ornate Victorian mansion on S. Broad Street, just south of Lombard. He asserted that, although the Modern addition to the south is very different, it is compatible with the historic house. He stated that this is a similar case. The addition does not detract from the historic building. It is entirely appropriate. He concluded that the addition is differentiated, yet compatible.

Ms. Leonard asked why the 9 April 2009 decision is referenced in the current recommendation. Mr. Amburn explained that the Commission approved an earlier iteration on 9 April 2009. Mr. Farnham stated that the earlier approval was cited in the staff's recommendation to the

Architectural Committee to inform the Committee that the itself Commission had already approved a very similar design. It was cited for the sake of consistency. The Architectural Committee should not recommend denial of a design that the Commission had already determined satisfies the Standards.

ACTION: Acting on Ms. Merriman and Mr. Wild's motion, the Historical Commission voted unanimously to adopt the recommendation of the Architectural Committee and approve the application, with the staff to review details, pursuant to the Commission's approval of 9 April 2009 and Standard 9.

2116-2132 CHESTNUT STREET AND 2115-2127 SANSOM STREET

Owner: Sidney Hillman Medical Center of the Male Apparel Industry

Applicant: William Schwartz, Esq.

History: 2116-32 Chestnut Street, Magaziner & Polss, architects, 1950

Contributing to Rittenhouse Fittler Residential Historic District, 2/8/1995

2115-27 Sansom Street, Herman Polss, architect, 1959

Non-contributing in Rittenhouse Fittler Residential Historic District, 2/8/1995

Project: Demolish buildings, construct mixed-use tower with parking

OVERVIEW: This application proposes the complete demolition of the buildings at 2116-32 Chestnut Street and 2115-2127 Sansom Street and the construction of a 32-story, mixed-use building on the site. The properties are within the boundaries of the Rittenhouse Fittler Residential Historic District. The Chestnut Street property is classified as Contributing in the district. The Sansom Street property is classified as Non-contributing.

Section 14-2007(7)(j) of the historic preservation ordinance states that:

No permit shall be issued for the demolition of ... a building ... located within an historic district which **contributes** to the character of the district, unless the Commission finds that issuance of the permit is necessary in the public interest, or unless the Commission finds that the building ... cannot be used for any purpose for which it is or may be reasonably adapted. [emphasis added]

The applicant has not claimed necessity in the public interest, but has submitted a hardship application claiming that the Chestnut Street property cannot be reasonably adaptively reused. The applicant has not submitted a hardship application for the Sansom Street property because the Commission may approve the Non-contributing building's demolition without a finding of hardship. Requiring the retention of a building that cannot be reasonably adaptively reused would inflict a hardship on the owner. The preservation ordinance authorizes the Commission to approve the demolition of a historic building if requiring its retention would cause a hardship.

The hardship provision in the preservation ordinance is a critical component of the law. The landmark court case that forms the basis for this provision, and provisions like it in nearly every American law regulating preservation, is worth reviewing. From the establishment of the Historical Commission in 1956 to the adoption of the new preservation ordinance in 1985, the Commission, like most municipal preservation agencies, was authorized to postpone but not prevent demolitions. The Commission was not authorized to deny demolitions outright because such a denial was perceived as a taking without just compensation and therefore unconstitutional. In 1978, the US Supreme Court issued a landmark decision when it decided *Penn Central vs. City of New York*. The New York City Landmarks Preservation Commission had denied two Penn Central proposals to build on top of Grand Central Station. Penn Central

appealed the denials, alleging that New York's preservation law was unconstitutional because the denials deprived the owner of its full use of the property and therefore constituted a taking without just compensation under the Fifth and Fourteenth Amendments. Rejecting Penn Central's claim, the Court found that government regulation to preserve historic resources is a valid exercise of police power and that a substantial economic burden caused by a preservation law is constitutional as long as the property retains reasonable economic value. With its ruling, the Court created the legal basis for preservation agencies to deny demolitions outright in certain cases. Following the *Penn Central* decision, municipalities across the country revised their preservation laws, authorizing boards and commissions to deny demolitions of historic buildings in instances when the buildings could be feasibly reused and thereby retain reasonable economic value. Taking advantage of *Penn Central*, Philadelphia rewrote its ordinance, authorizing the Commission in 1985 to deny demolitions outright unless the owner proves that the historic building cannot be reasonably reused. With the new authority came new responsibility. For Philadelphia's historic preservation ordinance to continue to be deemed constitutional, the Commission's hardship process must be reasonable and it must allow for the demolition of a historic building, regardless of significance, when the owner proves that the denial of the demolition permit would deprive him or her of any reasonable economic value. Unreasonably requiring retention of a historic building would constitute a taking without just compensation, thereby violating the owner's constitutional rights and placing the preservation ordinance in legal jeopardy.

The preservation ordinance states that "In order to show that building 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."

The relative historical significance of the existing building as well as the merits of the new construction must not factor in the hardship determination. The applicants are not contesting the property's Contributing classification in the district. If the Commission reaches a hardship find, it will have an opportunity to review the demolition and new construction with plenary jurisdiction.

The applicant must demonstrate that the sale of the property is impracticable. The term "impracticable" is a legal term of art. Impracticability means that the duty can be physically performed, but would be very burdensome. Impracticability is a subjective condition for the Commission to determine. There may be many ways to determine whether the sale is impracticable. The Law Department has opined that a failed public listing of the property for sale is not necessary to determine that the sale is impracticable.

The applicant must demonstrate that commercial rental cannot provide a reasonable rate of return. The term reasonable is not defined in the historic preservation ordinance, but is left for the Commission to determine. Typically, this demonstration is made using pro-formas that quantify the economics of possible reuses.

The applicant must demonstrate that other potential uses of the property in its current state or after a reasonable adaptation are foreclosed. The ordinance does not state that ALL other potential reuses must be explored, but only that other reuses must be explored. Typically, the Commission has required hardship applicants to study reuses that are the most likely to lead to feasible rehabilitation projects. Also, the Commission can only require a reasonable adaptation to render the building reusable. The addition of a stair tower might be a reasonable adaptation; the addition of four floors on a three-story building might be unreasonable. Finally, the

Commission can assume that other uses are foreclosed if they do not provide a reasonable rate of return, with the Commission defining reasonable.

The Rules & Regulations echo the preservation ordinance precisely and also provide one additional sentence of guidance. The Rules state that:

The applicant has an affirmative obligation in good faith to attempt the sale of the property, to seek tenants for it, and to explore potential reuses for it.

Finally, the ownership of this property has been the subject of debate. The Law Department has reviewed the matter, determined that the applicant has sufficiently established that he is authorized to submit the application, and advised the Commission that it may proceed with its review despite this debate.

The Committee on Financial Hardship first met to review the application on 21 April 2009. At that meeting, it requested additional information. The applicant submitted additional information on 30 April, 27 May, and 3 June 2009. On 4 June 2009, the Committee reconvened and reviewed the supplementary information. At the conclusion of that meeting, the Committee recommended that the Commission table the application pending the submission of additional information regarding the feasibility of adapting the building at 2116-2132 Chestnut Street for:

- a charter school or other educational use; and,
- a subsidized senior housing or other subsidized housing use.

The applicant submitted that supplementary hardship information on 10 June 2009.

The architectural portion of this application proposes the construction of a 32-story, mixed-use building on the site. The base of the new tower would be four stories in height. It would house a parking garage, retail and office spaces, and the residential lobby. The offices, retail space, and residences would be entered from Chestnut Street. The offices and an atrium would wrap and hide the parking garage from Chestnut. The garage entrance and loading docks would be located on Van Pelt Street. The south section of the base, facing Sansom Street, would be four-stories tall with a fifth story set back and would house offices for the current owner, the Sidney Hillman Medical Center. The base would be clad in brick with a limestone base, stone copings, and glass and aluminum window and door systems. A large terrace would sit atop the base. The tower would rise from the four-story base. It would be clad in a glass and aluminum window wall system. Small, recessed balconies would be located at the four corners of the tower. The tower would have a north-south orientation, with its broader facades facing east and west.

During its review on 21 April 2009, the Architectural Committee did not consider the merits of the new construction, but concentrated its review on the earliest version of the hardship application including the viability of proposed adaptive reuses and new construction at the rear of the site.

DISCUSSION: Ms. Leonard disqualified herself from the review because her brothers-in-law are employed as attorneys at the law firm representing the developer. Ms. Schlotterbeck disqualified herself from the review because her brothers are employed as attorneys at the law firm representing the developer. Ms. Smyler disqualified herself from the review because she owns an abutting property. Mr. Mattioni disqualified himself from the review because his son is an attorney representing one of the adjacent neighbors in this matter. Robert Murray, Facilities Management Director for the Department of Public Property, joined the Commission as that department's designee.

Mr. Farnham presented the application to the Commission. Attorney William Schwartz and developer David Radomski represented the application.

Mr. Schwartz described the property and stated that he is asking, on behalf of his clients, the Sidney Hillman Medical Center and the John Buck Company, which are partnering, for an approval to demolish the building at 2116-32 Chestnut Street. The commercial, medical, and office building is listed as Contributing to the locally-designated Rittenhouse-Fitler Residential Historic District, but is listed as an Intrusion in the National Register Rittenhouse District, which largely mirrors the local district. Mr. Schwartz stated that he has provided all of the requisite documents for a hardship review including an economic feasibility appraisal by an MIA-certified appraiser. The appraisal includes four pro forma scenarios: for conversion to professional office use, the highest and best use; to professional office use with an arbitrary one-third reduction of costs to simulate the most optimistic subsidies; to senior-citizen residential use; and to apartment use. He explained that these scenarios were selected because they are “the most likely to lead to a feasible rehabilitation project,” as stated on page 4 of Committee’s minute for the 4 June 2009 hearing. He reported that the pro formas prove that none of the scenarios was economically feasible. For argument’s sake, some of the pro formas even included a 40% tax credit grant subsidy combination, which is probably not obtainable for this project. The building is an Intrusion in the federal historic district and thus not eligible for the federal historic preservation tax credit. Also, larger grants can only be made to non-profits; this is a for-profit venture. Even with the credit and grants included, the independent appraisal showed that none of the scenarios is economically feasible for sale or rent. He added that none of this evidence was rebutted or refuted with competent evidence by anyone during the reviews.

Mr. Schwartz noted that, at its first review, the Committee on Financial Hardship requested additional analysis of the economic feasibility of retaining the Hillman Medical building while constructing a new building or addition on the abutting lot on Sansom Street. He explained that his team had provided three design options with pro formas. Option A proposed an as-of-right building on the Sansom Street lot; Option B proposed a high-rise with the same gross floor area as the proposed tower and limited to the Sansom Street lot; Option C proposed a high-rise with the same gross floor area as the proposed tower, but on both the Sansom and Chestnut lots, with the Chestnut-facing portion of the historic building preserved. Mr. Schwartz reported that none of the three options was economically feasible and none of the evidence was refuted or rebutted.

Mr. Schwartz noted that, at its second review, the Committee on Financial Hardship requested additional analysis of the economic feasibility of the reuse of the Hillman Medical building as a charter school and subsidized senior housing. He explained that his team had provided pro formas with back-up data analyzing these scenarios on 10 June 2009. He explained that the senior housing proposal is a compromise between the HUD 202 and IRS Section 42 subsidy programs, the two most popular senior residential subsidy programs. Despite the use of below market rent and 40% grant-credit subsidy, the pro forma proved that the subsidized senior housing was not viable reuse for the Hillman building. He then explained that they studied the charter school reuse and assumed a grant-tax credit subsidy. Again, the pro forma concluded that the project was not economically viable. He stated that their study of this reuse demonstrated that charter school operators would not undertake the rehabilitation of the Hillman Medical building because of its small size. The historic building could not provide enough space to accommodate enough students to carry the cost of rehabilitating the building, even with an assumption of the maximum grants and credits. Mr. Schwartz quoted from page 4 of the minutes of the Committee on Financial Hardship of 4 June 2009. “The Commission cannot require an unreasonable adaptation to make the building reusable.” He claimed that requiring

then owner to terminate its long existing use of 10,000 square feet of its own building in favor of changing the use to subsidized senior housing or a charter school is unreasonable and impracticable. If the medical center remains, then only 20,000 square feet is available for the senior housing or school. No amount of subsidy could correct the financial imbalance resulting from too few senior residents or too few students.

Mr. Schwartz concluded that his development team has proven that the building at 2116-32 Chestnut Street cannot be used for any purpose for which it is or may be reasonably adapted. Addressing the ownership issue, he asserted that the Sidney Hillman Medical Center is the title owner of 2116-32 Chestnut Street and has standing to prosecute its application for demolition. As noted on page 14 of the Committee on Financial Hardship's minute of 4 June 2009, the Committee concluded that the applicant did provide the requisite information demonstrating that the owner made a good-faith to market the property. Accordingly, Mr. Schwartz asked the Commission to grant his client's hardship variance request and approve the demolition of the building at 2116-32 Chestnut Street.

Mr. Wilds stated that he appreciated the additional information on the subsidized senior housing and charter school uses. He stated that he was especially interested in the senior housing pro forma owing to his background subsidized housing. He stated that the pro forma shows that the income that would be derived from the subsidized senior housing would not support the debt required to convert the building to this use. Mr. Schwartz stated Mr. Wild's summary is correct. He stated that they very optimistically subsidized the project IRS Section 42 as well as a 40% subsidy under the HUD 202 program. Mr. Schwartz noted that those two programs cannot be combined, but they ran the analysis this way to show that even in the best possible scenario the project would not be economically feasible.

Mr. Wilds stepped through the analysis using the low-income housing tax credit, which is used for senior housing and other kinds of subsidized housing, and came to the same conclusion that it would not produce a feasible project. Mr. Wilds stated that the cost to build 34 apartments provided in the analysis was entirely reasonable. Mr. Wilds noted that, in a tax-credit deal, there is a developer fee, reserves required for rent and operating costs, and perhaps some debt service. He stated that commonly in these cases there is no debt service at all because low-income persons cannot afford to pay. He observed that the development costs would be \$19 or \$20 million. He stated that, assuming that the owner can pay to operate it, the question becomes: How can one pay to build it? The largest source of construction money would be the income from the low-income housing tax credit. However, the value of that credit has dropped by about one-third in the last year and one half. Therefore, equity raised from the tax credits through an investor has dropped significantly. \$1 dollar of tax credits was worth \$0.90 or more fairly recently, but dropped to \$0.88 one and one-half years ago, and is now at about \$0.68. The amount you can raise through an investor such as through syndication, or a bank or corporate investor, if you can find one, is significantly less than it was two years ago. Mr. Schwartz concurred with the assessment. Mr. Wilds continued, saying that there is a cap on what the state would issue in the credits. The current plan limits credits at \$1.2 million per project. Mr. Wilds guessed that they might be able to raise \$10 million maximum from the tax credits at \$0.68 or \$0.70 on the dollar. He noted that the project cost would be \$19 or \$20 million, leaving a shortfall of \$9 or \$10 million, which could never be overcome with state historic preservation tax credits, City subsidies, and other grants and credits. Mr. Wilds stated that, even with the maximum funding, the project would face a deficit of \$4 to \$5 million for construction. He concluded that the project would not be feasible in this economic climate. Mr. Schwartz agreed that there had been a significant decrease in the value of low-income housing tax credits owing to the financial crash. Corporations simply do not have income to offset with credits. They also

consider rehabilitation projects to be too risky; money is moving toward new construction, which is less risky. Mr. Wilds stated that the reality is Fannie Mae is no longer in the market, corporations do not have profits to shelter, the value of the credits has dropped significantly, and projects with credits face significant difficulties when closing.

Mr. Wilds asked the applicants to discuss the charter school option. Mr. Schwartz stated that he had polled several owners of the charter schools and they all agreed that the size of the building in question would not accommodate nearly enough students to attract a school or make a project viable. The building is simply too small to accommodate a charter school. He stated that the pro forma shows that this building could not be feasibly rehabilitated as a charter school.

Mr. Radomski reported that the pro forma shows that the debt service on a charter school rehabilitation would be \$8.4 million; another \$8 million would be needed in donations to make the project viable. He stated that there are no programs available that would provide the requisite \$16 million to fund the project. The funding need is simply too great to be filled. Mr. Radomski explained that they retained an architect to lay out a charter school in the space and calculate how many students it could accommodate. He further explained that they explored two subsidies; one for \$17,658 per special education student and another for \$8,087 per general revenue student, both of which are included in the pro forma. The maximum of every available funding source was included in the pro forma. He concluded that they took the most optimistic, aggressive approach to the funding and, yet, the project was not feasible.

Mr. Schaaf noted that the pro forma shows that the building could accommodate 227 students. He asked how many students are needed to make a charter school project such as this feasible. Mr. Radomski stated that the school would require 500 students to approach feasibility. Mr. Wilds noted that the Catholic Church, which operates a large school system, is now closing schools with enrollments in the 200 student range. Such small schools simply are not efficient. Mr. Schwartz remarked that such facilities, whether a charter school or a senior housing facility, have base costs regardless of their sizes. They need critical masses to be feasible.

Attorney Anthony Forte addressed the Commission on behalf of the Lutheran Church of the Holy Communion, which is located adjacent to the site in question. Mr. Forte stated that, to avoid redundancy, he wanted to incorporate other statements including those of the Preservation Alliance as well as his earlier statements before the advisory committees into the record. He stated that he understood that the Commission was only considering the hardship portion of the application at the moment. He stated that his client's real concerns regard the new construction. In terms of the hardship portion of the application, he asked that the Commission respect the ordinance and process. He noted that the advisory committees have recommended that the applicants must provide additional information. He noted that the Committee on Financial Hardship asked the applicants to provide information on the feasibility of charter school and subsidized senior housing uses. He suggested that the applicants take their time, look at charter schools, and study charter schools requirements and case studies of other charters and their budgets. He stated that the pro forma is not enough. He suggested that the Commission continue the application to allow the applicants to seriously study the charter school question. He pointed out that the Rules & Regulations require a good faith to identify an adaptive reuse. He claimed that it was marketed to select groups with pre-conditions including a second property and the retention of the current owner as a tenant. He suggested that the Commission could require the owner to sell the property and vacate it. He stated that the developers do not usually use their own tax credits, but sell them to large banks and other users. He stated that the applicant has not made a good faith effort. He asked the Commission to condition any finding of hardship and demolition with requirements such as HABS recordation

and photographic recordation. He concluded that the Preservation Alliance has shown that this building is more historically significant than anyone ever knew.

Attorney Michael Mattioni addressed the Commission on behalf of the First Unitarian Church at 2125 Chestnut Street, directly across the street from the site in question. Mr. Mattioni stated that he wanted to incorporate into the record by reference Mr. Forte's comments as well as other statements including those of the Preservation Alliance and his earlier statements before the advisory committees. He stated that his comments would be those of Mr. Forte and therefore not worthy of repetition. He asked that any approvals include safeguards.

John Gallery of the Preservation Alliance submitted a memorandum, which he then summarized. Mr. Gallery asserted that the applicants have not met any reasonable test regarding selling the property. He stated that only the 2116-32 Chestnut Street property is classified as Contributing; the Sansom Street property is not. He asserted that the owner must fail to sell the Chestnut Street property alone, without the Sansom Street property, to prove that it is not marketable. He claimed that the applicant never attempted to sell the Chestnut Street property alone. He claimed that the Sansom Street property "has no functional necessity to the Chestnut Street property." Mr. Gallery stated that "This Commission cannot establish as a standard of hardship that you have to buy another property that is not on the Register that is unrelated to the historic property for which a financial hardship applicant is being submitted. That is an unreasonable standard by this Commission and it would open the door to strange financial hardship applications."

Mr. Gallery stated that every possible means should have been used to market this property. He conceded that the ordinance does not require this type of marketing, but insisted that it is a reasonable standard upon which the Commission should insist. He claimed that the owner did not list the property on electronic databases, produce flyers advertising the property for sale, place advertisements in the newspaper, and place a "For Sale" sign on the property. He claimed that the group to which the property was marketed was "a strange list." He said that several on the list were not logical candidates for rehabilitating this building. He noted that Mr. Schwartz had stated that a charter school considered the property, but there is no charter school on the list. Mr. Gallery stated that he had been told by a third party that a charter school did consider the property, but the asking price was too high.

Mr. Gallery noted that the owner marketed the property with the condition that the medical center be able to retain space in the building. Mr. Gallery then remarked that the Section 9.2.c of the Rules & Regulations states that the Commission may request that a non-profit hardship applicant provide information about "consideration, if any, given by the organization to relocation." Placing a requirement that the current owner retain space in the building after a sale is an unreasonable constraint on the sale, he asserted.

Mr. Gallery then claimed that Stephen Perna, the realtor who marketed the building, stated at the Committee on Financial Hardship meeting in response to a question from Mr. Wilds that he did not disclose the historic designation to potential buyers. Mr. Wilds disagreed with Mr. Gallery's recollection of the exchange and read from the minute of the 4 June 2009 Committee meeting: "Mr. Wilds asked Mr. Perna if he disclosed the historic designation to potential buyers. Mr. Perna stated that he talked about the designation with serious buyers." Mr. Gallery responded that he had not yet seen the Committee minute and had not reviewed the audio tape.

Mr. Gallery asked the Commission to consider the offers that the owner did receive for the properties. He stated that the owner received an offer of \$5.8 million for both the Chestnut and

Sansom Street properties. He asked if it was a reasonable offer. He stated that the Chestnut property was appraised at \$2.3 million in 2009. He speculated that the Chestnut property was probably the more valuable of the two. He speculated that, if the Chestnut property was appraised at \$2.3 million in 2009, then it was probably worth more in 2006, perhaps \$3.3 million. He speculated that, if the Sansom Street property was worth somewhat less than the \$3.3 million he estimated that the Chestnut property was worth in 2006, then the offer of \$5.8 million in 2006 was probably a reasonable offer. He asked why the owner had not accepted that offer, which was not conditioned on Historical Commission and zoning approvals. He answered that the owner did not accept it because the owner thought that the property was worth more than the value Mr. Gallery had estimated. Mr. Gallery concluded that there was no hardship because the owner wanted more than \$5.8 million for the property.

Mr. Gallery concluded that the owner had not marketed the property sufficiently because any sale included three conditions. First, the two adjacent parcels were marketed as one. Second, the current owner had to retain a presence on the site. Third, the owner sought more for the property than the 2006 appraised value estimated by Mr. Gallery.

Mr. Gallery turned to the pro formas for the charter school and subsidized senior housing uses. He claimed that he received copies of the pro formas at 5:38 p.m. on Thursday afternoon. He stated that he had a meeting that afternoon and a breakfast meeting the following morning and did not have a chance to review them until 10:30 a.m., which was not enough time. Mr. Farnham stated that Mr. Gallery was mistaken. Mr. Farnham reported that he emailed the pro formas directly to Mr. Gallery, not on Thursday, but on Wednesday, 10 June 2009. Mr. Gallery conceded that Mr. Farnham was correct.

Mr. Gallery stated that he is a founder of a charter school in Philadelphia, served as the chair of the board for 12 years, and is currently the chair of a board of an affiliated corporation that is seeking to buy a building for the charter school. He said that the school has 225 students and is seeking a building of 40,000 square feet. He said that his charter school is planning on spending \$125 to \$150 per square foot to rehabilitate a building. He noted that the applicants have estimated their rehabilitation costs at \$227 per square foot. He stated that Independence Charter School converted a building in Center City with hard construction costs of \$110 per square foot three years ago. He claimed that the assumptions of the costs of rehabilitation are subject to question. He then pointed out that his charter school has an annual budget of \$4 million. The annual budget indicated in the pro forma is \$2 million, which is based exclusively on the subsidy the charter school would receive from the school district and state. All charter schools supplement their budgets with money from elsewhere. He stated that he did not know whether a charter school in the city was seeking a building of this type at this time. He claimed that during the time this building was marketed, four charter schools were looking for buildings.

Mr. Gallery stated that he could not comment on the subsidized senior housing pro forma because the financing of this type of project is very specialized and complicated. However, he noted that Pennsylvania Housing Finance Agency (PHFA) recently announced grants in the range of \$2 to \$4 million for senior citizen housing. He posited that, in a \$20 million project, if there is \$10 million in low-income housing tax credits, \$4 million in historic preservation tax credits, and a \$4 million grant from Philadelphia Housing Authority (PHA), then the funding gap is only \$2 million. Mr. Wilds stated that Mr. Gallery was confusing PHFA and PHA. Mr. Wilds asserted that the grants amounts were not as large as Mr. Gallery had stated. He also noted that the grants were not for new developments, but were intended to close funding gaps on current developments. He also explained that the funds come with a very strict prevailing wage on requirement, which would increase the construction costs substantially. Mr. Gallery stated

that the difference between union and non-union construction costs in this town is about 15%. Messrs. Sherman and Wilds corrected him, stating that the difference is approximately 50%. Mr. Gallery disagreed.

Mr. Gallery concluded, claiming that the owner did not make a good faith effort to sell the property. He stated that the sale was burdened with unreasonable conditions. He asserted that the owner should have accepted the \$5.8 million offer in 2006. He contended that this application does not meet the standards for a financial hardship application and therefore should be denied. He supported the positions of Messrs. Forte and Mattioni. He claimed that both the Architectural Committee and Committee on Financial Hardship “essentially voted in opposition” to this application. He asked the Commission to table the application and remand it back to the committees for additional review.

Mr. Amburn, the chair of the Architectural Committee, corrected Mr. Gallery’s claim regarding his Committee’s recommendation of denial. He stated that the Architectural Committee did not recommend denial of the hardship application based on the merits of the application itself, but only because it decided that it should defer to the Committee on Financial Hardship in this matter. He stated that his Committee decided that it was premature to consider the merits of the new construction until the demolition question was settled. He rejected the claim that the Architectural Committee had recommended denial of the financial hardship application based on its merits.

Avis Allman, who owns 113 S. 22nd Street, stated that she is speaking as an abutting neighbor and a taxpayer. She stated that she witnesses the financial hardship of the Hillman Medical Center on daily basis. She stated that the facility is not maintained. The building has a serious, detrimental impact on all of the neighbors. There are rats at the rears of their properties because the medical center is a “dead zone.” There have been numerous burglaries on the block including at a restaurant and pharmacy as well as numerous car thefts. She stated that there is prostitution in the schoolyard. Mr. Sherman asked Ms. Allman to address the matter under discussion. Ms. Allman stated that the medical center occupies an important place of social history and would qualify for designation to the National Register. She asserted that the medical center cannot support itself. She questioned whether the charter school and subsidized housing were viable in this economy. She asked the Commission to approve this project today because she does not believe that another developer will be interested in this site. She asked, however, that the Commission include strict conditions regarding other regulatory approvals and financing in its approval.

Mr. Radomski, the developer, corrected a claim made by Mr. Gallery. He stated that the John Buck Company is only purchasing the 2116-32 Chestnut Street parcel, not the 2115-27 Sansom Street parcel. He stated that the Hillman Medical Center would retain the Sansom Street parcel and construct a new medical center building on it.

Mr. Wilds asked Mr. Schwartz to comment on the many suggestions that the Commission condition any approval of the demolition on the securing of permits and financing. Mr. Schwartz stated that he had discussed the matter with his clients and they would be agreeable to a conditioned demolition approval. He stated that they would not seek to demolish the building until they had secured all financing for the new project and had obtained all requisite permits and approvals.

Mr. Schwartz stated that Mr. Gallery has presented no competent evidence to rebut or refute any of their independent evidence that proves that it is not feasible to adaptively reuse the

medical center building. Mr. Schwartz stated that his experts have shown beyond a shadow of a doubt that this building cannot be used for any purpose for which it is or may be reasonably adapted. He stated that his team presented nine reuse scenarios, none of which would be financially feasible. He remarked that no one presented any evidence to refute any of the scenarios. Regarding the marketing of the property, he stated that his client sought for two and one-half years to sell the building. He claimed that the numbers of contacts alone clearly indicates that the public was aware that the building was for sale. He pointed to the Commission's finding of hardship and approval of demolition in the 10 Rittenhouse, which stood up on appeal. In that case, the developer stated that he had not nor did he have any intention of marketing the properties for sale. The developer claimed that his pro formas proved that no one could feasibly reuse the buildings; marketing was not necessary to establish this fact. The Commission accepted that claim as sufficient evidence that the properties were not salable.

Mr. Schwartz rejected the claims that his pro formas for the charter school and subsidized housing uses were quickly assembled. He stated that they were carefully researched. He held up architectural plans for the charter school use. Mr. Schwartz rejected Mr. Gallery's speculations on the values of the properties in 2006 and today. He stated that the offers Mr. Gallery claimed that the owner should have accepted were initial offers before any due diligence period. Moreover, they were partnership offers, not offers to buy the properties outright. And they were offers for both properties, not the one. He stated that the value of the one combined lot is not comparable to either separately.

Mr. Thomas asked if the size of the charter school took into account the potential of adding additional floors as had been claimed at earlier meetings. Mr. Schwartz responded, stating that the claim that four floors could be added to this building is erroneous. He pointed to the report his engineer submitted, which included an in-depth analysis of the potential to add to this building. He stated that the report concluded that it might be possible to add one floor, but it would not be recommended because of the condition of the foundation. He added that no one has submitted any evidence to refute the claims of his engineer. Mr. Radomski stated that their structural engineer has conducted boring tests and has analyzed the foundations to determine the bearing capacity at the site using the original structural plans. He stated that the engineer, who is licensed in Pennsylvania, concluded that the building could not safely carry additional floors. Mr. Thomas thanked them for the conclusive information.

Mr. Wilds stated that he was convinced at the 4 June 2009 meeting of the Committee of Financial Hardship that the applicant had proved that this building cannot be used for any purpose for which it is or may be reasonably adapted. He noted that other Committee members had asked for additional information, which had been provided. He stated that no additional information had been presented at today's meeting that in any way changes his mind. He stated that he believes that a finding of hardship is appropriate.

Mr. Wilds asked whether the Commission intended to review the new construction portion of the application. Mr. Amburn stated that the Architectural Committee had recommended denial of the application because it was premature to rule on the new construction before the hardship matter was decided. He stated that the Committee had seen a full presentation on the new construction portion of the project, but had not discussed its merits because it would have been premature. Mr. Schwartz stated that he expected to be able to present the new construction proposal to the Commission today. Mr. Wilds replied that the Commission relies on the expertise of the Architectural Committee in such matters. He noted that the Commission has no recommendation on the merits of the new construction. He opined that an action on the new construction portion of the permit application would be premature. Mr. Schwartz asked about the

scheduling of the next Architectural Committee meeting. Mr. Farnham responded that the staff could include this matter on the agenda. It is not a new application, for which the application deadline was 9 June 2009, but would be a remanded application. Mr. Farnham informed Mr. Schwartz that he would need to provide any revised plans by Tuesday, 16 June 2009 to meet the one-week notice to the interested parties in the Rules & Regulations. Mr. Schwartz agreed to meet that time table.

ACTION: Mr. Wilds moved to find that the building at 2116-32 Chestnut Street cannot be used for any purpose for which it is or may be reasonably adapted, pursuant to Section 14-2007(7)(j) of the Philadelphia Code, and to approve its demolition, provided the property owner demonstrates that the financing and building permit(s) for the new development have been secured before the demolition permit is issued; and to table the new construction portion of the application for a period not to exceed six months and remand the revised design to the Architectural Committee for its 23 June 2009 meeting and the Commission for its 10 July 2009 meeting. Ms. Merriman seconded the motion, which passed unanimously.

ADJOURNMENT

Ms. Merriman moved to adjourn at 2:15 p.m. Mr. Schaaf 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.

Section 14-2007(7)(j) of the Philadelphia Code: 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 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.