

**MEETING OF THE ARCHITECTURAL COMMITTEE
OF THE PHILADELPHIA HISTORICAL COMMISSION**

**TUESDAY, 24 APRIL 2012
ROOM 578, CITY HALL
DOMINIQUE HAWKINS, CHAIR**

PRESENT

Dominique Hawkins, Chair
John Cluver
Nan Gutterman
Dan McCoubrey
Suzanne Pentz

Jonathan Farnham, Executive Director
Randal Baron, Historic Preservation Planner III
Jorge Danta, Historic Preservation Planner II
Rebecca Sell, Historic Preservation Planner II

ALSO PRESENT

Meg Sowell, Real Estate Strategies
Stephen Kazanjian, Real Estate Strategies
Paul Sehnert, University of Pennsylvania
Esaul Sanchez, University of Pennsylvania
David Hollenberg, University of Pennsylvania
Jonathan Weiss, Equinox
Pete Staz, Equinox
Sam Olshin, Atkin Olshin Schade Architects
Paul Avazier, Atkin Olshin Schade Architects
Ben Leech, Preservation Alliance
Marianna Thomas, Woodland Terrace Homeowners Association
Mary Daniels, Woodland Terrace Homeowners Association
Magali Larson, Woodland Terrace Homeowners Association
Ed Halligan, Spruce Hill Community Association
Mark Wagenveld, Spruce Hill Community Association
Ben Chesluk, Spruce Hill Community Association
Guy Laron
Richard Tyler
Paul Boni, Esq., Boni Law
John Mondlak, Commerce Department
Suzanna Barucco, EBK & Partners
Neil Sklaroff, Esq. Ballard Spahr
Judith Sullivan, Dean, Philadelphia Cathedral
Dave Yeager, Radnor Property Group
W. Martin, Radnor Property Group
Michael Ytterberg, BLT Architects
John Bremner, INTECH
Mark Coggin, Thornton Tomasetti
George Thomas, CivicVisions
Mark Thompson, Mark B. Thompson Architects

Renee Giustino, Mark B. Thompson Architects
George M. Wohleisch, College of Physicians
Robert Pisani
Alex Duller, Fusa Designs

CALL TO ORDER

Ms. Hawkins called the meeting to order at 11:30 a.m. Mes. Gutterman and Pentz and Messrs. Cluver and McCoubrey joined her.

ADDRESS: 400 S 40TH ST

Project: Demolish building, construct five-story residential building

Review Requested: Final Approval

Owner: OAP, Inc.

Applicant: Jonathan Weiss, Azalea Garden Partners, LP

History: 1853; John P. Levy House; Colonial Revival alterations and additions for David P. Leas, 1902; additions for convalescent home, 1964, 1975

Individual Designation: 11/1/1973

District Designation: None

Staff Contact: Jon Farnham, jon.farnham@phila.gov, 215-686-7660

OVERVIEW: This application proposes the complete demolition of the historic house with non-historic additions at 400 S. 40th Street and the construction of a five-story residential building in its place. The application claims that the altered house cannot be used for any purpose for which it is or may be reasonably adapted and that its required retention would impose a financial hardship on the owner. The property is individually designated; it is not within a historic district. The house is currently vacant and in poor condition.

Thomas and James T. Allen, plasterers, constructed the historic house in the Italianate style in 1853 or 1854 for John P. Levy, a partner in the Neafie & Levy Ship & Engine Building Company. James T. Allen is known to have commissioned famed architect Samuel Sloan to design speculative Italianate and Gothic style houses for the area around 40th (then called Till) and Pine Streets in early 1854. Sloan may have designed this house. David P. Leas, a partner in Leas & McVitty, a leather tannery, substantially altered and expanded the house in the Colonial Revival style in 1902. Architects Keen & Mead probably prepared the plans for the Leas rehabilitation and expansion. The Italianate-Colonial Revival house was converted into a convalescent home in 1942, but still retained its 1902 appearance. In 1964 and 1975, the house was significantly altered and almost entirely encased in a series of unsympathetic concrete block additions. Although the Historical Commission designated the property on 1 November 1973, it appears that it did not review the 1975 additions and alterations.

In 2003, OAP, Inc., a non-profit entity controlled by the University of Pennsylvania, purchased the property for \$1,685,000. Since the purchase, the University has explored various options for redeveloping the property. In July 2007, a developer working with the property owner petitioned the Commission to rescind the individual designation of the property so that he could demolish the building and erect a hotel building. The developer claimed that the building was so altered at the time of designation that the Commission, which appeared to be unaware of the alterations, erred when designating it. The Commission denied the rescission request and suggested that the applicant develop a scheme for his hotel project that would allow for the retention and restoration of the historic house. In 2008, the applicant followed the Commission's advice and developed a scheme for a 10-story hotel building with a connector to the restored house. The

Commission approved that proposal in December 2008, but the project was not undertaken owing to community opposition.

Owing to community opposition to the hotel project, the property owner sought alternative developments for the property. In October 2011, the Commission approved in concept a proposal from the current applicant to restore the house to its 1902 appearance and construct a 7-story, L-shaped apartment building in the side and rear yards. That project was likewise not undertaken owing to community opposition.

The community has indicated that it might support a five-story development at the site. The property owner contends with this application that the redevelopment of the site with the rehabilitation of the historic building and construction of anything less than a seven-story building would not be financially feasible.

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

No permit shall be issued for the demolition of an historic building ... 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. In order to show that [the] 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.

Therefore, to comply with the ordinance, the Commission may approve this demolition request only if it first finds that the existing building cannot be used for any purpose for which it is or may be reasonably adapted; in other words, it may approve if it finds that the forced retention of the building would deny the owner of any reasonable economic value and thereby cause a financial hardship. The historic preservation ordinance allows for demolitions in cases of so-called financial hardship to comply with the Fifth Amendment of the US Constitution, which mandates that private property shall not be taken for public use without just compensation. A taking can occur when the government seizes or occupies a property without just compensation, or, more abstractly, when it regulates it without just compensation in such a way that the property loses any reasonable economic value. If the Historical Commission were to require the retention of an historic building that had no feasible or reasonable reuse, and thereby force the value of the property to \$0 or almost \$0, without just compensation, it would be in violation of the Fifth Amendment of the US Constitution. Section 14-2007(7)(j) of the historic preservation ordinance provides a path for the Commission to avoid the constitutional issue. In fact, if the Commission finds that its regulation removes any reasonable economic value from a property, it must either grant an approval to return some reasonable value to the property (i.e. approve the demolition) or justly compensate the property owner for the taking.

Some background on the hardship clause is elucidating. In 1975, the Fifth Circuit of the US Court of Appeals decided *Maher vs. City of New Orleans*, a case that established the language later used in the hardship provision in Philadelphia's historic preservation ordinance. In *Maher vs. City of New Orleans*, a property owner filed suit, claiming that a New Orleans law designating the Vieux Carré historic district was unconstitutional because it resulted in an uncompensated taking of her property. The court determined that there was no uncompensated taking because the owner had not demonstrated that the sale of the property was impracticable, that commercial rent could not provide a reasonable rate of return, and that other potential uses of the property were foreclosed. The following year, 1976, the Pennsylvania Commonwealth

Court applied the Maher criteria in its decision of the *First Presbyterian Church of York vs. York City Council*, bringing that hardship criteria into Pennsylvania common law. In that case, the property owner appealed a decision to deny a building permit application to demolish a building, claiming that the denial resulted in a taking without just compensation. On review, the appellate court affirmed the Court of Common Pleas using the Maher criteria, ruling that the owner had failed to show that the sale of the property was impracticable, that commercial rent could not provide a reasonable rate of return, and that other potential uses of the property were foreclosed, and had therefore failed to show that the denial constituted a taking without just compensation. The Maher criteria were incorporated verbatim into the Philadelphia historic preservation ordinance in 1985. Prior to 1985, the Historical Commission did not have the legal authority to deny demolition applications, but only to delay demolitions. With the new authority to deny demolitions in 1985 came new responsibility. To avoid the takings claim and the concomitant constitutional challenge, the Commission's hardship process must be reasonable and must allow for the demolition of a historic building, regardless of its significance, when the denial of the demolition permit would deprive the owner of any reasonable economic value. Unreasonably requiring the retention of a historic building, for example, because of its outstanding architectural significance, would constitute a taking without just compensation, thereby violating the owner's constitutional rights and placing the preservation ordinance in legal jeopardy. The task facing the Historical Commission and its advisory committees with this application is to determine whether the denial of the application and required retention of this building would deprive the owner of any reasonable economic value.

In its application, the property owner and its developer partner claim that the forced retention of this historic building would result in a financial hardship. The applicant has provided documentation to support that claim. The Historical Commission has retained a consultant, Real Estate Strategies, Inc., to evaluate the financial and real estate aspects of the application. The consultant's report is included with the application materials.

If the Commission finds that the building cannot be used for any purpose for which it is or may be reasonably adapted and approves the complete demolition, it must then consider whether the proposed construction meets the various review criteria and standards.

STAFF RECOMMENDATION: The staff defers to the consultant on the financial hardship portion of the application and does not offer a recommendation regarding the claim that this property cannot be used for any purpose for which it is or may be reasonably adapted.

If the Commission finds that the building cannot be used for any purpose for which it is or may be reasonably adapted, the staff recommends approval of the new construction, pursuant to Standard 9.

DISCUSSION: Mr. Farnham presented the application to the Architectural Committee. Architects Sam Olshin and Paul Avazier, David Hollenberg, Paul Sehnert, and Esaul Sanchez of the University of Pennsylvania, and developers Jonathan Weiss and Pete Staz represented the application. Meg Sowell and Stephen Kazanjian of Real Estate Strategies, Inc., the Historical Commission's consultants, attended the meeting to answer questions on their independent financial assessment of the application.

Ms. Hawkins asked her fellow Committee members if they thought that it was within their purview to address the financial aspects of the hardship application. The Committee members opined that it was not and decided that the purely financial aspects of the application should be left to the Committee on Financial Hardship and the Commission.

Messrs. Olshin and Azavier presented the project to the Architectural Committee. They explained that, if the Commission approves the demolition of the existing building, they would erect a five-story, 122 unit residential building on the site. The building would be a shallow U-shape in plan and would open onto Pine Street. It would have bays and terraces to break up the mass and reduce the scale. The architects exhibited the plans, elevations, renderings and photographs of the site and surroundings and explained that the features and materials had been drawn from the context to ensure its compatibility with its surroundings.

Ms. Hawkins asked about the setbacks of the facades from the streets relative to the setbacks of the surrounding houses. She asked if the building would align with neighboring porches. Mr. Olshin responded that the setbacks vary from house to house. The new building is designed with green space between the sidewalk and building, like the older buildings. It would be set back further from Pine Street than the existing building. Mr. Cluver asked if they had considered quoins or some other device to articulate the corners and soften the form. Mr. Olshin responded that they had various options for articulation, but preferred the simple design. He stated that they would be happy to look at the design question again. Mr. McCoubrey asked about the proposed roof. Mr. Olshin responded that most of the roof would be a green roof. The roof would include mechanical equipment, hatches to access the equipment, and an elevator overrun. Ms. Gutterman asked about the stucco finish. Mr. Olshin described the pebble dash stucco. Ms. Gutterman asked if the sills would be stone. Mr. Olshin replied that they would be metal.

Ms. Hawkins asked if anyone in the audience wanted to comment on the project. Magali Larsen stated that she lives about 50 meters from this property. She stated that she is representing her neighbors, "who have health and electoral problems." She said that the neighborhood has a "feeling of dismay" about this property. She asked why an owner with "very deep pockets" should be awarded with a demolition approval. Ms. Hawkins reminded Ms. Larsen that the Architectural Committee was charged with addressing the architectural issues associated with this project; the Committee on Financial Hardship had already addressed the economic issues. Ms. Larsen responded that she is highly qualified to address the architectural aspects of this project. She reported that the University issued a request for proposals for the redevelopment of the site in 2006. Two respondents proposed demolishing the house and constructing new buildings with 26 and 28 units respectively. Yet, now Equinox Properties proposes to erect a building with 122 units. She asked how the Commission could support this. Ms. Hawkins responded that unit count and other such matters are beyond the purview of this Committee. Ms. Larsen asserted that the proposed building would be much too large, would not have sufficient setbacks, and would have an inappropriate density of units. Ms. Larsen reported that Inga Saffron has called the street one of "high trees and gracious Victorian mansions." She stated that the rental housing on the block provides good examples of compatible development. She stated that she is representing the Woodland Terrace Homeowners Association, for which she read a statement.

Whereas, The University of Pennsylvania through its representatives and developer has proposed in a recent application to the Philadelphia Historical Commission the demolition of the mansion at 40th and Pine Streets and the construction of an apartment building on the site consisting of a five story building with 122 units intended to be occupied by University students; and

Whereas, The proposed demolition would continue the destruction of the City of Philadelphia's architectural heritage, remove a historically significant building from a

street occupied exclusively by other residential buildings built in the same era, put pecuniary advantage over historical preservation, and would not appear to meet the requirements for financial hardship contained in the current rules and regulations; and

Whereas, Although the proposed height of the building is less than the 11 story and 7 story buildings previously proposed, the height of the building exceeds current zoning requirements, and significantly, the proposed density far exceeds the density requirements of the residential neighborhood in which the building is to be located disturbing not conforming to the neighborhood character, even exceeding the density in previous proposals; and

Whereas, The absence of dedicated on-site parking will put a strain on an already difficult parking and traffic situation in the area; and

Whereas, The demolition of a historically designated building, such as those on Woodland Terrace, and the construction of a high density building would create a negative precedent for other University City areas; now, therefore,

Be It Resolved by the Woodland Terrace Homeowners Association:

The Association opposes the current proposal by the University of Pennsylvania and its representatives to demolish the mansion at 40th and Pine Streets and the construction of an apartment building of five stories in height with 122 units, for the reason cited in the preamble of this resolution.

Adopted 4/22/2012

Richard Tyler addressed the Committee. He stated that he heard Mr. Farnham direct the Committee that its purview extends only to the parcel and not beyond. He refuted that assertion. Ms. Hawkins noted that the parcel in question is not in a historic district. Mr. Tyler read a statement:

I am Richard Tyler; I live about three blocks for 400 South 40th Street.

I should like to address the question of Section (7)(k)(4) of the ordinance which mandates that the Commission consider "The compatibility of the proposed work with the character of the historic district or with the character of its site, including the effect of the proposed work on the neighboring structures, the surroundings and the streetscape...." The Commission, its committees and staff were under the impression that this only applied to historic districts. At the 14 October 2011 meeting of the Commission, however, the City's attorney observed that absent a formal written opinion of the City Solicitor the Commission "has the discretion to interpret its ordinance as it sees fit." No such opinion exists.

The administrative and legislative history of (sic) the Commission and the plain language of the ordinance – "historic district OR" not only – (sic) suggests that this section applies to 400 South 40th Street.

In 1955 – ten years before New York and eleven years before the National Historic Preservation Act – the City established the Historical Commission. Among the first commissions in the country with a citywide jurisdiction, it could only designate buildings.

As the theory and practice of historic preservation evolved to include districts, the Commission responded by listing individually every building in a given area such as Society Hill, Old City, Spring Garden, Woodland Terrace and the 4000 block of Pine Street. This yielded, in effect, districts.

In 1984, the City responded to the many changes in historic preservation and enacted the present ordinance. It authorized the designation of buildings, structures, sites, objects, and districts. At Section 7(k) it also applied criteria for the consideration of work. At (k)(4) it applied these criteria to districts. And with the conjunction of "or" at (k)(4) in plain English these criteria extend beyond districts per se to the character of the site to work on neighboring structures, the surroundings and streetscape" (sic)

I think that I can speak with some authority to the context and objectives of the 1984 ordinance, for along with the Commission's solicitor, an attorney on Council Street's staff, a member of the Commission's staff and I drafted it. Moreover, a Commission staff member and I wrote the original Rules and Regulations.

In the setting of Pine Street, the Woodlands, Woodland Terrace and the very close adherence to the R5A designation of the Zoning Code in this neighborhood, the present submission should be rejected.

Paul Boni, who introduced himself as a land-use attorney in Philadelphia, addressed the Committee. He read a statement on behalf of his client, Mathew Grubel, who holds a Master's degree in historic preservation from the University of Pennsylvania.

We believe that it is inappropriate to view this property in isolation. However, even if you do, please consider that a major portion of the property's significance is derived from scale, setting, and spatial relationships of the building on the site. This new proposal in no manner even alludes to the early suburban setting and spatial relations of the property.

In addition, as mentioned earlier, we believe that the greater context is also due consideration. Historically, the property is an integral part of one of Philadelphia's most successful suburban creations. Researchers and historians have used this neighborhood to study early suburban development because few if any like exist, not just in the region but in the country.

From the 1850s onward, speculative developers created unified streetscapes whenever possible, always with suburban feel. The details varied over time, but the setbacks, gardens, yards, and porches are readily recognized as characteristics in this neighborhood. These are characteristics that have made it desirable to live here and continue to do so.

Therefore, in viewing the proposed building, please also consider in what ways this building does or does not consider this historic context. Further consider how it alters the streetscape and impacts the adjoining properties.

The multiple National Register districts and adjacent Philadelphia Register properties establish that the property's significance is about greater historical trends. The property represents the beginning geographically and chronologically of these historic suburban

neighborhoods. The new building should respect and reflect this history and the concept for this one does not.

Mr. Boni stated that the earlier seven-story project was withdrawn because there was community opposition to the project and the required zoning variance. He noted that there is also opposition in this instance. He contended that this is not a realistic proposal because it too needs a zoning variance. Ms. Hawkins stated that that was irrelevant to the Architectural Committee's review. The Committee must review applications presented to it and determine whether they satisfy the review criteria. Whether they also require zoning variances is not relevant. Mr. Boni stated that he was merely a member of the public offering public comment.

Ms. Gutterman asked the applicants if they had considered building multiple smaller buildings on the site instead of one larger building. Mr. Olshin noted that architects in the twentieth century found ways to successfully integrate their larger, multi-family buildings into the context of this neighborhood. He noted that some did so without any setbacks, including the building across the street from the one in question. He asserted that they had very successfully integrated this building into the neighborhood. For example, it is set back from the sidewalk and surrounded by green space. Answering Ms. Gutterman's question, he responded that constructing several smaller buildings would not be economical because it would require the repetition of elevators, egress stairs, and numerous other features and provide less usable space.

Ms. Hawkins stated that the roofline on the building is severe; it is a very strong horizontal element and should be broken up with some variation. She commended the bays and other devices, which break up the mass into smaller components, but suggested that the architects vary the roofline in some way. Mr. Olshin suggested that the perspectival renderings provide a better sense of the typical experience of the building than the aerial view to which Ms. Hawkins referred. He noted that the perspectival renderings show that the roofline as seen from the street is varied, owing to the bays, pergolas, and cut-outs in the parapets. However, Mr. Olshin offered to study the issue. Ms. Hawkins stated that, in general, she found the design to be very successful. She stated that the design with the bays captures the rhythm of the neighborhood. She stated that the terraces appropriately break up the massing.

Mr. Cluver asked about the height of the historic house. The applicants responded that it is about 38 or 40 feet. Mr. Cluver agreed that it is about 36 to 40 feet. Mr. Cluver asked about the height at the terrace level of the proposed building. The applicants responded that it is 43 feet. Mr. Cluver noted that a City attorney has advised the Commission to consider this site as an island, not as in a de facto district. Mr. Tyler exclaimed that that interpretation was "wrong." Ms. Hawkins responded that the Committee need not concern itself with that question because one could make the argument that the proposed building is compatible with the neighborhood. She stated that she finds the proposed design to be appropriate for the neighborhood, but in need of a few minor design revisions. She stated that, "in the context of the neighborhood, it is [compatible]." Mr. Cluver asked his fellow Committee members how they should determine the context. He stated that it varies significantly in different directions. He stated that this site is at an intersection of various contexts. Mr. Cluver stated that it is entirely compatible with the other larger buildings nearby. He indicated that it may be less compatible with the houses further down the block to the west. He stated that he cannot determine whether it is compatible with a historic district because no historic district has been defined. Mr. McCoubrey explained that this section of West Philadelphia has never been static. It was originally a neighborhood of Victorian houses, but very quickly larger buildings were constructed as the population grew. He stated that there is a long history of the insertion of larger, multi-family buildings into the context and

contended that those buildings are compatible with the neighborhood and add to its vitality. He stated that "there is certainly precedent for this [type of building in the neighborhood]." He also noted that this site is "an edge condition." Mr. McCoubrey contended that "40th Street is so different than Pine Street." It is not a consistent context. He stated that it would be "terrific" to make it more like the houses west on Pine, but conceded that that may not be possible. However, he stated that he has "no trouble with this density in the neighborhood. It is a good, healthy sign for the community."

Ms. Pentz asked Mr. Farnham to explain the Law Department's opinion on the question of context at this site. Mr. Farnham stated that the advice on this question was offered by a City attorney at a Commission meeting. He cautioned that it should not be perceived as an official City Solicitor's Opinion, but merely as informal advice. The advice is not binding on the Commission, but is merely advice to the Commission. He explained that the attorney interpreted Section 14-2007(7)(k)(.4) of the preservation ordinance for the Commission. That section reads "In making its determination as to the appropriateness of proposed alterations, demolition or construction, the Commission shall consider the following" including "the compatibility of the proposed work with the character of the historic district or with the character of its site, including the effect of the proposed work on the neighboring structures, the surroundings and the streetscape." The attorney advised that it would difficult to defend on appeal a Commission denial of a proposal for an individually designated property if the Commission based its denial on "the effect of the proposed work on the neighboring structures, the surroundings and the streetscape." The attorney stated that the denial could be defended if the subject property was in a historic district, but not if it was individually designated. Mr. Farnham related that the attorney explained that, when reviewing for compatibility in a historic district, the Commission has the advantage of a district nomination that defines boundaries and character-defining features, which aid the Commission in determining whether new construction is compatible. Moreover, with nominations, property owners in districts are notified in advance of the criteria the Commission will use when assessing compatibility during reviews of subsequent applications. And property owners have the opportunity to participate in the Commission's deliberations as it defines a district. In the case of the individually designated property, the Commission does not have the benefit of a definition of the context or compatibility within that context because there is no nomination to delineate and characterize a setting or surroundings. Moreover and more importantly, the owner of an individually designated property has not been provided with advance notice of the Commission's definition of that context and its salient features. The attorney advised the Commission that, if it denied an application for an individually designated property based on its lack of compatibility with an undefined "neighboring structures, the surroundings and the streetscape," then that decision would be difficult to defend on appeal because of a lack of due process; the property owner had not been notified of and did not have an opportunity to contest the definition of the context and its characteristics. No such due process problem exists when the property is located in a district. Mr. Farnham stated that he does not doubt that Mr. Tyler and the others who authored the ordinance in the early 1980s intended to give the Commission the authority to base decisions about individually designated properties on "the effect of the proposed work on the neighboring structures, the surroundings and the streetscape." Mr. Farnham explained that the attorney did not advise that Mr. Tyler's recollections were incorrect, but instead advised that Mr. Tyler's interpretation of that section of the ordinance would be difficult to defend on appeal owing to the due process problem. Mr. Farnham added that the attorney did advise that the Commission could justifiably take into account the physical, material impacts that work on an individually designated property would have on adjacent properties. For example, if the construction of a new building required the removal of a piece of a historic cornice on a neighboring building, then the Commission could defensibly deny that work at an individually designated property because of its effect on a

neighboring structure. The attorney said that he could not defend such a decision when the effect was merely visual. Mr. Tyler interjected that the Law Department has not put that advice in writing as a Solicitor's Opinion. Mr. Farnham agreed and explained that the Commission is free to interpret its ordinance as it sees fit; it may accept or ignore the advice of that attorney.

Ms. Hawkins asked Mr. Farnham if the current application proposed in-concept or final approval. Mr. Farnham stated that the original application was unclear about its request for approval. Therefore, he had asked the applicants to formalize their request in writing. He noted a letter, dated 12 April 2012, in which the applicants requested final approval of the demolition and new construction. Mr. Hollenberg explained that, in writing that letter, the University did not believe that an approval in concept of the new building is an option for the Commission if it approves the demolition. Mr. Hollenberg contended that, with an approval of the demolition, the Commission would have no real continuing jurisdiction over the site. An approval in concept implies that the Commission's jurisdiction continues. Therefore, the applicants are requesting final approval because that appears to be the only type of approval the Commission can grant in this situation. Mr. Cluver asked if the property would remain designated even after the demolition took place. Mr. Hollenberg stated that once the historic resource has been removed from the site, there is nothing against which to measure the appropriateness of the new construction. Therefore, an approval in concept would not make sense because it is predicated on a continuing process of design refinement. Ms. Hawkins reminded everyone that the Committee's recommendation is only advisory. Mr. Tyler began to offer an opinion, but Ms. Hawkins called him out of order. She stated that he would have an opportunity to speak. Ms. Hawkins noted that the Committee had offered some suggestions on improving the design. Mr. Hollenberg stated that he would accept a Committee recommendation for either final or in-concept approval. He stated that he appreciated the Committee's comments and would continue to refine the design. He also noted that they will undergo a design review in the zoning arena. Mr. Farnham explained that the street address of this property will remain listed on the Philadelphia Register of Historic Places unless and until the Commission rescinds it from the Register. The applicants can initiate that process by requesting the rescission of the address. Until it is rescinded, the ordinance requires the Commission to review all permit applications for the address, even if the house is demolished. Mr. Farnham noted that confusion enters into the process after a historic resource is removed from an individually designated parcel; at that point, if one agrees with the attorney's advice, the Commission retains jurisdiction, but has no yardstick with which to measure compatibility or appropriateness. Therefore, if you agree with the legal advice, you are essentially bound to recommend approval of any proposed new construction because there is inherently no basis for a denial. Ms. Hawkins asserted that the application is not sufficiently complete for a final approval. Ms. Gutterman and Mr. Cluver agreed. Ms. Pentz asked if the Commission could request a formal Solicitor's Opinion on this question. Mr. Farnham stated that it could request an Opinion, but it would not be available in time for this review.

Mr. Boni asked if he could offer a comment. Ms. Hawkins agreed to let him speak even though the Committee was on the verge of offering a decision. Mr. Boni noted that the applicants have asserted on numerous occasions during the review that the building is compatible with the neighborhood. He therefore suggested that the Committee assess that claim.

Mr. McCoubrey stated that he would advocate for approval in concept with suggestions that the architects study the details, the massing, the way in which it engages with the street, and the "porchiness." He stated that the applicants should explore the Committee's suggestions. He stated that he found the height and density to be appropriate for the site and its context. Ms. Gutterman agreed.

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted unanimously to recommend approval in concept, pursuant to Standard 9.

ADDRESS: 13-19 S 38TH ST AND 3723 AND 3725 CHESTNUT ST

Project: Demolish two buildings, construct mixed-use tower

Review Requested: Final Approval and In Concept

Owner: Episcopal Church of the Saviour, Cathedral Property Holding, Rector Church Wardens

Applicant: Neil Sklaroff, Ballard Spahr LLP

History:

13-19 S. 38th Street: 1855, Church of the Savior; Samuel Sloan, architect; enlarged and altered by Charles M. Burns, architect, 1889; rebuilt after fire by Charles M. Burns, architect, 1902-1906

3723 Chestnut Street: 1902-1906, Charles M. Burns, architect

3725 Chestnut Street: mid nineteenth century; refaced 1902-1906, Charles M. Burns architect

Individual Designation: 5/7/1981

District Designation: None

Staff Contact: Jon Farnham, jon.farnham@phila.gov, 215-686-7660

OVERVIEW: The Episcopal Cathedral in partnership with the Radnor Property Group proposes to demolish two buildings at 3723 and 3725 Chestnut Street, known together as the Parish House of the Episcopal Cathedral, and construct a mixed-use tower on the site of the two buildings and an adjacent vacant lot. The application claims that the demolition is necessary in the public interest.

The tower would be constructed on three lots, 3723 and 3725 Chestnut Street, which are designated, and 3727-29 Chestnut Street, which is vacant and not designated. The tower would connect to the Episcopal Cathedral, which is located at 13-19 S. 38th Street and is designated as historic. The tower would house spaces dedicated to the cathedral as well as retail and residential spaces and would include underground parking. A church office building would be constructed to the east of the cathedral on a lot at 3717-19 Chestnut Street, which is not designated. The lot is now occupied by a non-historic apartment building, which would be demolished. The office building would include underground parking and would provide loading dock facilities for the tower. Like the tower, it would connect to the cathedral. The tower and office building would be separated by a small apartment building at 3721 Chestnut Street, which is not owned by the Episcopal Cathedral.

The Episcopal Cathedral, which was originally known as the Church of the Savior, was constructed in 1855 by architect Samuel Sloan. The church was significantly altered and enlarged in 1889 by architect Charles M. Burns. After a devastating fire in 1902, the cathedral was rebuilt by Burns. At that time, Burns erected the building at 3723 and refaced the building at 3725 Chestnut to create a connected pair of townhouses that harmonized with the cathedral.

The Historical Commission individually designated as historic the cathedral at 13-19 S. 38th Street and two rowhouses that comprise the Parish House at 3723 and 3725 Chestnut Street on 7 May 1981.

SUMMARY OF THE APPLICATION

The application consists of eleven sections. The first, a cover letter, is not numbered. The remaining ten sections are:

1. photographs of the property;
2. architectural drawings of the proposed development;
3. a building permit application;
4. histories of the buildings;
5. assessment of the proposed development using the Secretary of the Interior's Standards;
6. structural assessments of the buildings;
7. budgets for the rehabilitations of the buildings;
8. a statement from the Dean of the Cathedral on the church's community service;
9. a letter in support of the application; and,
10. architectural drawings of the details of the connection between the cathedral and the new building.

The application was supplemented on 24 April 2012 with a memorandum answering 22 questions posed to the applicants by the staff about the "necessary in the public interest" portion of the application. The memorandum was not reviewed by the Architectural Committee.

The application requests final approval of the proposal to demolish two buildings at 3723 and 3725 Chestnut Street, the Parish House. The application requests approval in concept of the attachments to and alterations of the Cathedral. The application appears not to request the Commission's approval of the mixed-use tower or church office building, even though both the tower and office building would physically connect to the Cathedral and the tower would be built, in part, on two designated parcels.

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

No permit shall be issued for the demolition of an historic building, structure, site or object, or of a building, structure, site or object located within an historic district which contributes, in the Commission's opinion, 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, structure, site or object cannot be used for any purpose for which it is or may be reasonably adapted.

The application does not advance a financial hardship claim, but does advance a public interest claim to justify the demolition of the Parish House. The application contends that the cathedral building is historically and architecturally significant and merits preservation; it contends that the Cathedral operates in the public interest, providing significant spiritual, cultural, and social services to the community; it contends that the Cathedral does not currently produce sufficient income to support the preservation of the landmark building or the community programs; and it contends that the development of the new complex would not only provide essential facilities for the Cathedral but would also provide an ensured income stream to support the preservation and public programs. It therefore contends that the demolitions would be in the public interest. Finally, it contends that the demolitions rise to the level of *necessary* in the public interest because the proposed development scheme is the only feasible scheme that will provide the requisite income stream to support the continued community benefits.

If the Commission determines that the demolition is necessary in the public interest, then it must determine whether the proposed new construction satisfies the design review criteria delineated in Section 14-2007(7)(k). Note that, if the Commission finds that the project is necessary in the public interest, it may approve the project even if it fails to satisfy the Secretary of the Interior's Standards and the other design review criteria delineated in Section 14-2007(7)(k).

STAFF RECOMMENDATION: The staff recommends that:

1. the Commission assert full jurisdiction over all alterations and new construction proposed in this application because both the tower and office building would physically connect to the Cathedral and the tower would be built, in part, on two designated parcels;
2. the documentation of the proposed alterations and connections to the Cathedral is incomplete, even for an approval in concept;

The staff defers offering a recommendation on the “necessary in the public interest” portion of the application pending further study.

DISCUSSION: Mr. Farnham presented the application to the Architectural Committee. Judith Sullivan, the Dean of the Cathedral, attorney Neil Sklaroff, architect Michael Ytterberg, developer Dave Yeager, contractor John Bremner, engineer Mark Coggin, and preservation consultants Suzanna Barucco and George Thomas represented the application.

Mr. Farnham explained that the applicants had submitted additional architectural information about the alterations to the rear of the cathedral and the attachment of the new building to the old since the distribution of the meeting materials to the Committee. He stated that it had been inserted into the official application file in the Commission’s offices and emailed to the Committee members on 18 April 2012 and hard copies had been provided to the Committee at the start of today’s meeting.

Mr. Farnham offered to provide the Committee with background information on previous public interest cases. He suggested that the Committee limit its review to the architectural aspects of this case, but acknowledged that there is no clear distinction between the architectural and public interest aspects of this case; they bleed into one another.

Mr. Sklaroff introduced Ms. Sullivan. He noted that early versions of the meeting agenda misidentified the property owner as the Episcopal Diocese; the owner is the Episcopal Cathedral, not the Diocese. Mr. Farnham stated that the mistake had been corrected.

Mr. Sklaroff stated that he “would like to reserve his right to contest the jurisdiction of the Historical Commission and the Committee to require approval rather than to render an advisory opinion. The Cathedral was brought onto the Philadelphia Register in 1981... It was only until 1984 and 1985 that the Commission had the power to approve and to reject applications for demolitions. And we would reserve the right to challenge the authority because the Commission did not subject the properties to the same scrutiny or inform the property owners of the potential effects of being brought into the Registry in 1985.” He noted that the Cathedral and Parish Hall were listed on the National Register in 1979. He concluded: “We reserve the right to contend that the Commission and the Committee have only an advisory opinion role.”

Mr. Sklaroff suggested that the Committee assume for its review that the Commission will find that the demolitions are necessary in the public interest and that the Committee limit its review to the alterations of the Cathedral, to the effect of the alterations on the character-defining fabric of the cathedral. He stated that the project area is comprised of five separate properties. The cathedral building stands on one property. Excepting the connector, the new construction will take place on the four other properties. The new buildings will be linked by corridors to the cathedral building. Mr. Sklaroff contended that the new buildings are not additions to the cathedral building, but are separate buildings “linked solely by an access corridor.” Mr. Sklaroff concluded that the Committee should not review the new buildings, but should consider only the

changes to “the Cathedral proper.” Ms. Hawkins suggested that Mr. Sklaroff present his legal argument to the Commission. Mr. Sklaroff continued, claiming that the Commission would not have jurisdiction over the two properties on which the Parish House stands after it approves the demolitions owing to necessity in the public interest. He advised the Committee to assume that the Commission would approve the demolitions and to review the application as if it had no jurisdiction over the sites once cleared. Mr. Sklaroff read the definition of “site” in the ordinance and contended that the properties on which the Parish House stands would not qualify as a “site” once the buildings are demolished with the Commission’s approval.

Mr. Sklaroff stated that he had responded to the 22 questions posed in the staff overview for the project. He stated that he was unsure of the purpose of the questions or to whom they were directed. He handed a sealed envelope with the responses to Mr. Farnham. Ms. Hawkins noted that Mr. Sklaroff did not provide copies of the responses to the Committee members.

Mr. Sklaroff stated that, despite his claims about the narrowness of the Commission’s jurisdiction in this matter, he and his team would present the entire project to the Committee, if it so desired. He stated that the project is “driven by the financial and religious imperatives of the Cathedral.” To speak on those matters, he introduced Ms. Sullivan, the Dean of the Cathedral.

Ms. Sullivan stated that the cathedral building has withstood many challenges during its long history. Throughout that time, the church has provided care to those in need. Ms. Sullivan explained that the church is at a critical juncture, where its ability to continue to provide services to the community is at risk. She stated that the provision of those services to the community, that ministry, that outreach, is central to the congregants’ faith. The congregation has shrunk from 1,300 to 140 as the neighborhood has changed from residential to institutional. She stated that the church is committed to stay at that location. She explained that the operating budget is funding by income from the endowment, which is limited. She stated that the church is without the financial means to undertake important maintenance at the cathedral building. She reported that the church is currently able to spend \$30,000 annually to maintain all buildings on the campus. Rising maintenance costs at the cathedral are completely beyond the means of the congregation. Therefore, the church engaged a partner to develop the resources at the cathedral including the air rights over the cathedral building. She stated that the church studied the development plans very carefully before concluding that the proposed scheme is the only possible scheme. She stated that the decisions made in that process were based on many factors including theological factors. She stated that proposed plan would produce an income stream that would sustain the church at the site and allow it to expand its current ministries. She stated that the church’s values have driven the design. She stated that the construction will render the entire site ADA-compliant, which is a deeply-held value of the church. She explained that the parking ramps would be located away from the cathedral façade. She stated that the new construction would provide better offices accessible from the cathedral and a kitchen, which would support feeding ministries. The construction would provide essential outdoor spaces for assembly and prayer. It would also provide necessary parking. She stated that the architectural and religious value of the cathedral building far outweighs that of the other buildings on the campus. She concluded that the demolition and new construction are essential for the survival of the church and its provision of services to the community. A denial of the proposal would prevent or seriously interfere with the carrying out of the charitable purpose of the Episcopal Cathedral.

Ms. Hawkins asked her fellow Committee members whether they thought that they should consider the “necessary in the public interest” claim, or should solely concentrate on the architectural aspects of the application, leaving the public interest question to the Commission.

Messrs. Cluver and McCoubrey and Ms. Gutterman stated that they thought that the public interest question was best left to the Commission. Ms. Pentz disagreed and asserted that the public interest question includes architectural and preservation aspects that should be considered by the Committee. She observed that the public interest claim is, in part, predicated on claims about the maintenance required at the cathedral building and the costs of that maintenance. She stated that the Committee could offer valuable advice to the Commission on that subject.

Mr. Sklaroff introduced Mr. Coggin, the structural engineer. Ms. Hawkins asked Ms. Pentz if she had comments on the engineering report. Ms. Pentz stated that she has evaluated dozens of church buildings like this one. She stated that the conditions at the cathedral seem “ordinary” not “extraordinary.” Mr. Sklaroff asked Ms. Pentz if she was disputing the conditions assessment or the remediation cost estimate. She stated that she was disputing them. She questioned the basis for the cost estimate. Mr. Coggin agreed that one may consider the condition of the tower “ordinary” for a 165-year-old tower, but the maintenance costs are still very high. He explained that he first evaluated the tower in 2003. At that time, there was delaminating soft stone ornamentation on the tower that posed a public threat. There were cracks throughout the stone, including in old repairs. Mr. Coggin stated that the cathedral tower was moving and shifting. He stated that 20 crack monitors have been installed. He stated that a recent inspection showed that the monitors indicate continued movement. Ms. Pentz questioned whether the monitors had been installed correctly. Mr. Coggin responded that he did not install them but believed that they had been installed correctly. Ms. Gutterman stated that the monitors should be checked monthly. Mr. Coggin strongly disagreed with her, stating that such monitors need only be checked annually for a stone building. Mr. Coggin stated that he inspected the tower up to the carillon level. The tower is inaccessible above that point. He noted that the framing is wood and that it has deteriorated. At some point, metal structure was installed to support the bells. He stated that he observed inappropriate, hard mortar with cracking. He stated that the rubble-stone backup is deteriorated. The hard mortar has damaged the brownstone facing, which is cracked. He stated that a full engineering review should be conducted at the tower to guide the necessary repairs. Ms. Pentz asked about the basis for the repair cost estimate included in the application. Mr. Coggin explained that he prepared the analysis that led to the cost estimate; it was based on his observations at the cathedral. It advised replacing about 15% of the brownstone cladding, which is cracked; remove and replacing all pointing; and supplementing the structure with a steel frame for lateral stability. He stated that he made such a proposal in 2003, but the church did not have the money to proceed with the work.

Ms. Hawkins asked what steps the church has taken to raise the money for repairs to the cathedral building. Ms. Sullivan responded that the church’s finance committee considered launching a capital campaign to raise funds to restore the building, but determined that such a campaign was infeasible. She stated that churches throughout the region are closing because parishioners are unable to support the buildings. She stated that there is little or no money available to churches generally to undertake repairs. Neither the congregation nor the Diocese can support the preservation of the cathedral building. She stated that the church has pondered the question of supporting the cathedral in great depth and has concluded that the proposed project is the only means of ensuring the preservation of the building and institution. She concluded that they must develop an income stream that can support the escalating costs of maintaining the cathedral building. She contended that the endowment and gifts from parishioners will not support the cathedral. Currently, the church has only \$30,000 annually to devote to campus maintenance. It is not enough. Without this development, the church cannot maintain the cathedral or continue to provide services to its parishioners or the community. The

designation of the Parish House is seriously interfering with the church's capacity to carry out its charitable purpose.

Mr. Cluver and Ms. Hawkins stated that the applicants were making a financial hardship argument and therefore should submit a financial hardship application. Mr. Sklaroff stated that they are not making a financial hardship argument, but are making a necessary in the public interest argument. He stated that the financial hardship process requires that the property in question be placed on the market for sale. He asserted that the Episcopal Cathedral would not consider selling the cathedral building; it is committed to staying in the building. He contended that, given the circumstances, the public interest route, which has a financial component, is the appropriate route. Mr. Sklaroff stated that the church provides three types of public benefits, all of which are in jeopardy owing to a lack of funds: the church provides public benefits through the preservation of the cathedral building, the congregation, and the ministerial community outreach without regard to membership. Mr. McCoubrey asked Mr. Sklaroff to state explicitly the reason that those three benefits are in jeopardy. Mr. Sklaroff replied that the church simply does not have enough money to continue providing those benefits. He stated that the church will not sell the cathedral building and therefore cannot meet the hardship requirement to market the property. He stated that the church is seeking to reposition its assets to create a funding stream that will allow it to continue to provide the three types of benefits to the public. He asserted that not only will the project allow for the continuation of the provision of these benefits, but the project is necessary for the provision of these benefits. There is no other way to continue to provide these important benefits. He stated that the church must remain at this location, because of the presence of the cathedral and to continue to serve the public in that area. He stated that, owing to constraints at the site, the project as proposed is the only way to create the needed funding stream. He asserted that the project is necessary. Mr. Sklaroff stated that the benefits provided by the Parish House buildings are easy to quantify. They are the designated as historic, nothing more or less.

Mr. Sklaroff suggested that the Committee accept testimony from his cost estimator on the costs of maintaining the buildings. Ms. Hawkins asserted that she did not want to hear that testimony. She stated that she would rather have the architect present the construction project to the Committee. Mr. Cluver stated that the Committee has two matters before it: the "architectural appropriateness" of demolishing the two buildings and the "architectural appropriateness" of the new construction. Mr. Cluver contended that the Committee should not address any hardship or public interest arguments, which he claimed are outside the Committee's purview. He stated that they should determine whether the demolitions and new construction meet the Standards. Ms. Hawkins then asked whether the Committee members found that the demolitions satisfy the Standards. The Committee members agreed that, from an architectural and preservation perspective, the demolition of the individually designated buildings would not satisfy the Standards. Mr. Cluver observed that the determination of the appropriateness of the demolitions must be made by the Commission. He asked the Committee to set aside the demolition question and consider the appropriateness of the new construction alone. Mr. Sklaroff noted that there are architectural issues that relate to the necessity in the public interest question. He pointed out alternate designs in the application materials and stated that, to prove that the chosen design is necessary or the only feasible design, he must demonstrate that other potential designs, which might save some or all of the Parish House, are infeasible. He asserted that one must confront architectural matters in the scrutiny of necessity in the public interest claim. Mr. Farnham concurred with Mr. Sklaroff. He stated that the proposed new construction may be in the public interest, in that it would generate the funding stream that would support the preservation of the cathedral building, the congregation, and the outreach, but it would only be necessary in the public interest if the applicants proved that the project was only feasible with

the demolitions of the two buildings. He suggested that the Committee review the alternate plans, which would save some or all of the Parish House, and determine if they could feasibly or reasonably provide the income needed to secure the benefits. Mr. Farnham concluded that the architectural and public interest realms in this matter cannot be cleanly separated. They bleed into one another. The Committee must assist the Commission in determining whether the demolition is necessary.

Mr. Sklaroff again asserted that, if the Commission approves the demolitions of the two buildings, then it no longer has jurisdiction over the parcels on which they stand. He asserted that the Commission's only plenary jurisdiction over the new construction is with regard to the connection to the cathedral building, not the tower or office building. He noted, however, that his architect will present the entire project. Ms. Hawkins disagreed, stating that she believes that the Commission has full jurisdiction over new construction, even if it approves the demolition of the two buildings. Mr. Sklaroff stated that jurisdiction relates to "sites," and the circumstances of this plot do not fit the Commission's definition of a "site."

Mr. Ytterberg, the architect, presented the project to the Committee. He began by displaying a photograph of the site in its context. He stated that the building types in the area are heterogeneous. He pointed out other high-rise buildings including International House, the superblock at the University of Pennsylvania, and others. He asserted that the new building would be compatible with the context. He showed photographs of the buildings on the site as well as the so-called Karp building, which is in the middle of the site but not owned by the Cathedral. He explained that it is difficult to work around the Karp property. He again noted that the Episcopal Cathedral does not own the Karp property, which divides the site. He noted that 38th and Chestnut Streets are extremely wide, providing an appropriate site for a tower. He displayed photographs of the cathedral building. He noted that buildings once stood on what is now the garden at the corner of 38th and Chestnut Streets. He explained that the south façade of the cathedral would continue to be visible from the street, albeit through the glass connector. He stated that the east façade of the cathedral is a party wall on the property line and was intended to be built against. He showed a photograph of the southeast corner of the cathedral, where a non-historic brick addition stands. He stated that his project would only disturb and connect directly to this section of the building. He pointed out the proposed labyrinth on Chestnut in front of the office building and its historic precedents as well as the proposed cloister and its historic precedents. He stated that the application requests conceptual approval of the alterations and additions. He stated that the drawings are diagrammatic, but represent their plans in terms of the configuration, materials, and colors of the buildings. He stated that the design will be "fine tuned." The tower will be 25 stories tall and will be glazed to reflect the cathedral. The glass of the connector at the cathedral will be transparent and will allow the historic structure to be seen. He explained the configuration of the glazed "spine," which connects the church to the tower. It will provide ADA access to the complex. He pointed out the gathering space at the base of the tower, which will be used by the church. He also noted that there will be a retail space at the corner, which may house a Starbucks.

Ms. Hawkins asked about the heights of nearby buildings. Mr. Ytterberg stated that the Science Center, across Ludlow, is 12 stories with very tall floor-to-floor heights. He stated that International House is about two-thirds the height of his proposed building. The nearby dormitories at the University of Pennsylvania are 25 stories tall.

Mr. Ytterberg stated that the space in front of the office building with the labyrinth would relate to the space in front of International House. He stated that the materials would be consistent across the complex. The complex is homogenous, but it is broken down into constituent pieces

to break up the massing. He pointed out the cloister, the outdoor space for prayer. Mr. Ytterberg noted that there is a 10-foot drop in elevation across the site, which explains why the office building stands above Chestnut Street. He also pointed out the underground parking, beneath the office building; the loading dock facilities are also located in this area. There is also parking below the tower with an entrance off Chestnut Street. Mr. Ytterberg explained that the basement of the cathedral would be converted to a space for a daycare facility. The playground for the daycare would be located on the roof of the office building.

Mr. Ytterberg displayed the details of the connection of the glass spine to the cathedral building. The spine is a two-story circulation space, with the lower level at the floor level of the basement. Ms. Hawkins asked about the distance between the cathedral south wall and the tower. Mr. Ytterberg responded that it is about 16'-8". Mr. Ytterberg stated that the spine will not attach to the cathedral except at the existing metal eave. The spine will be flashed into the metal eave. Otherwise the spine will stand away from the cathedral and be supported by columns. He explained that they are proposing a new opening in the rear section of the south wall of the cathedral building, which is a non-historic brick addition. They will also alter the roofline in this area. They are also proposing a new opening in the rear, party wall of the cathedral. It too is a non-historic brick wall. All of the changes will be completely reversible and will impact the historic sections of the church very lightly. He displayed detail drawings of all of the connection details as well as openings and roof alterations at the non-historic parts of the church. He also explained that a later vestibule added to the south side of the church will be removed and the new entranceway from the spine to the sanctuary will be located at the existing opening at the removed vestibule, limiting changes to the exterior of the cathedral.

Mr. Sklaroff reminded the Committee that the new buildings will be constructed on parcels other than the parcel on which the cathedral stands; therefore, the Commission does not have jurisdiction over the new buildings. Ms. Hawkins noted that Mr. Sklaroff had already made that point several times and that she disagreed with his assessment of the jurisdiction.

Mr. Cluver reported that he had to excuse himself from the meeting, but wanted to make a few observations first. He cautioned that the tower would cast a shadow on the cathedral, causing it to take longer to dry and for snow on it to melt. He objected to the intersection of the spine and the historic vestibule at the front façade of the cathedral. He objected to the notion that the reflection of the cathedral in the glass tower is a positive way to celebrate the historic building. He also objected to using the International House context as a basis for this design, given that International House turned its back on the context, he claimed.

Ms. Gutterman stated that she objected to the height and massing of the tower, which would put the new cloister in shadow. She objected to the spine, which she claimed would eventually allow water to damage the cathedral. Ms. Pentz objected to the size of the tower as well. She stated that it would dwarf the steeple on the cathedral building. She also stated that she was not convinced that the project was necessary in the public interest. Ms. Hawkins stated that, in fairness to the applicants, she had to note that the Committee did not allow the applicants to present their entire public interest case. Mr. McCoubrey stated that the building should be sized to provide the enough space to support the cathedral and the mission, but not more. Mr. McCoubrey also objected to the intersection between the tower, spine, and entry pavilion or vestibule at the south edge of the front façade. He also objected from an urbanism perspective to the fact that the office building is set back from Chestnut Street. He stated that the connections at the non-historic rear of the church are acceptable. Ms. Hawkins agreed with her colleagues. She suggested pushing the tower back from 38th Street to show deference to the steeple. Ms. Hawkins also suggested pushing the tower back from the streets. Mr. Sklaroff

noted that the City Planning Commission suggested locating the tower at the sidewalk, not pushing it back as Ms. Hawkins just suggested.

Ben Leech of the Preservation Alliance remarked that the Alliance had submitted a letter detailing its comments on the project. He contended that the Commission should assert plenary jurisdiction over the entire project. He suggested moving the tower to the east, away from 38th Street. He stated that most of his concerns relate to the public interest claim, which he will address at the Commission meeting. Mr. Sklaroff responded that they cannot shift the tower to the east successfully because, if the east wall of the tower is pushed up against the Karp property line, then it cannot be fenestrated, leaving a very large blank wall and reducing the desirability of the units. Mr. Sklaroff also addressed the contention that the entire project should be considered as an addition to the cathedral and reviewed with plenary jurisdiction. He claimed that the tower proposed for the Dilworth House site was not considered an addition to the historic house and suggested that the Commission should be consistent in this instance, using the same standard that it applied in the Dilworth case. He claimed that, because the only work to the cathedral is the cutting of openings in non-historic walls, the tower and office building should be considered new adjacent buildings, not additions to the cathedral.

MOTION: Ms. Gutterman moved to recommend denial of the application because the project should be further studied for massing, connections to the church, presence on the site as well as its adjacencies, materials, and scale. Ms. Pentz seconded the motion.

Ms. Pentz suggested amending the motion to advise the Commission that the documentation related to the architectural and preservation aspects of the project is not sufficient to conclude that the project is necessary in the public interest. Ms. Gutterman suggested considering Ms. Pentz's assertion as a separate motion, rather than incorporating it into the motion on the floor.

ACTION: The Architectural Committee unanimously adopted Ms. Gutterman and Ms. Pentz's motion to recommend denial of the application because the project should be further studied for massing, connections to the church, presence on the site as well as its adjacencies, materials, and scale.

MOTION: Ms. Pentz moved to advise the Commission that the documentation related to the architectural and preservation aspects of the project is not sufficient to conclude that the project is necessary in the public interest. Ms. Gutterman seconded the motion.

Mr. Sklaroff strenuously objected to the motion because the Committee had not allowed his team to complete its presentation on the public interest aspects of the project. Ms. Hawkins acknowledged that the applicants had not had an opportunity to present the case in its entirety, but she contended that the Committee could advise on the architectural aspects of the public interest argument. She asserted that, for example, the applicants had not made the case regarding alternate designs for the tower that might have saved some or all of the brownstones on Chestnut Street. Mr. Sklaroff responded that, in fact, the application includes plans for alternate designs that proved infeasible, but the Committee had failed to consider them. Ms. Hawkins agreed that the Committee had not considered all of the documents. Ms. Pentz countered that the application is, in essence, the presentation to the Committee, not the paperwork, and the applicants had failed to present that information. Ms. Gutterman acknowledged that there is information about alternative designs in the application, but asserted that the application included no information about the steps the church has taken to maintain the properties over time. Mr. Sklaroff noted that his team was prepared to and had offered to present additional information, but the Committee rejected his offer. He stated that his team was

“cut off.” He stated that the reason for this public hearing is to provide an opportunity for the applicant’s experts offer explanations to the Committee and for the Committee to question the experts before reaching a conclusion. He stated that his experts offered to provide the information and explanations, but the Committee rejected the offer. He concluded that the Committee cannot refuse to accept information and then decide that the application lacks that very information that he was offering. Ms. Hawkins agreed.

WITHDRAWAL OF MOTION: Mses. Pentz and Gutterman withdrew their motion to advise the Commission that the documentation related to the architectural and preservation aspects of the project is not sufficient to conclude that the project is necessary in the public interest.

Mr. McCoubrey suggested that the Committee defer advising on the application until the Commission has reached a conclusion of the public interest question.

ADDRESS: 15-19 S 22ND ST

Project: Construct terrace, convert windows to doors, replace roofing and mechanical systems

Review Requested: Final Approval

Owner: The College of Physicians

Applicant: Antonia Oberthaler, The College of Physicians

History: 1912 College of Physicians; Cope & Stewardson Architects

Individual Designation: None

District Designation: Significant, Rittenhouse Fidler Residential Historic District 12/8/1995

Preservation Easement: No

Staff Contact: Randal Baron, randal.baron @phila.gov, 215-686-7660

OVERVIEW: The application proposes alterations to the south façade of the College of Physicians building. The south façade is obliquely visible from 22nd Street. It proposes the construction of a raised brick terrace on the south façade that would extend out into a garden. As initially proposed, five window openings would have been cut down to create door openings onto the terrace. In the revised application, three window openings would be converted to door openings. Doors would be installed in the enlarged openings. The existing transom configurations would be retained. Views of basement windows would be obscured. Steps would lead down into the garden. The garden paving and features would be altered.

The work to the roof would not be visible from the street. Small air conditioning units in the garden would be replaced with a 13-foot-tall cooling tower on the roof. The cooling tower would be visible from the streets behind the building, but not from the front of the building.

In addition to its local designation, the building is a National Historic Landmark.

STAFF RECOMMENDATION: Denial of the original design, pursuant to Standards 2, 9, and 10.

DISCUSSION: Mr. Baron presented the application to the Architectural Committee. Architects Mark Thompson and Rene Giustino, George Wohleisch, the president of the College, and trustee Perry Pepper represented the application.

Mr. Wohleisch explained that the proposed terrace and stairs were intended to connect the interior of the building with the Medicinal Garden, which currently must be reached through exterior pathways.

The Committee members objected to the removal of historic fabric at five window openings. Mr. McCoubrey and other Committee members contended that the number of windows to be altered should be limited to three. Although Mr. Thompson made a case for the importance of the five part “partee” of the design, the Committee members asserted that the original building is better preserved with the retention of the two windows, those at the ends of the row of five windows, in their original state. The Committee members discussed different configurations for the doors. The Committee members suggested reducing the width of the terrace and widening the stair. Mr. Thompson spoke of the need to have a place of refuge to either side at the top of the stair. He said that many users of the building are getting older. He said that ADA access would be addressed in a latter phase of construction. Ms. Pentz inquired about the possible loss of some of the garden. Mr. Thompson said that the formal Medicinal Garden would remain intact and that the trees and mechanical equipment on the side closest to the building would be removed.

The Committee then discussed the mechanical equipment with the applicants. Small air conditioning units in the garden would be replaced with a 13-foot-tall cooling tower on the roof. Although Mr. Thompson had initially claimed that the equipment would not be visible from the public right-of-way, the small air conditioning units in the garden are being replaced with a 13-foot-high cooling tower on the roof. The cooling tower will not be visible from the garden or the street in front of the building, but it will be visible at the rear facade from 21st and Ludlow Streets. The Committee members suggested that, absent elevation drawings or sight-line studies, the mechanical equipment portion of the application was incomplete. They suggested working with the staff to determine and possibly lessen visibility from the public rights-of-way.

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

ADDRESS: 2001 MOUNT VERNON ST

Project: Construct roof deck

Review Requested: Final Approval

Owner: Robert Vahey

Applicant: Cuog Tran, Tran’s Fast Track Service

History: 1859

Individual Designation: 11/6/75

District Designation: Spring Garden Historic District, Contributing 10/11/2000

Preservation Easement: No

Staff Contact: Randal Baron, randal.baron @phila.gov, 215-686-7660

OVERVIEW: This application proposes constructing a roof deck at the third-floor rear of this corner building. The roof deck would cantilever out beyond the end of the building, making it highly conspicuous from N.20th Street and altering the historic spatial relationships of the rear ell, which runs along the street. Reducing the length of the deck and eliminating the cantilever would result in a deck that satisfies the Standards.

STAFF RECOMMENDATION: Denial, pursuant to Standard 9 and the Roof Guidelines.

DISCUSSION: Mr. Baron presented the application to the Architectural Committee. Robert Pisani represented the application.

Mr. Pisani explained that he could modify the brackets supporting the cantilever of the deck to give them a more historic appearance. Ms. Hawkins and Pentz opined that the cantilever of the proposed deck does not satisfy the review standards; the deck would be conspicuous from the street. Mr. Pisani countered that that was an unfair characterization, contending that their opinion was baseless. Mr. Baron pointed out that the Secretary of the Interior's Roof Guidelines advise that rooftop additions should be inconspicuous, the basis of the Committee members' opinion. The Committee members explained that it could recommend approval of a smaller deck that would remain within the bounds of the rear ell, which is 15 feet wide and 11 feet long. Mr. Pisani replied that a deck that smaller would not meet the property owners' needs. He stated that he would make his appeal to the Commission.

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial, pursuant to Standard 9 and the Roof Guidelines.

ADDRESS: 1937 SPRING GARDEN ST

Project: Construct addition and roof deck.

Review Requested: Final Approval

Owner: Nitin Khana

Applicant: Alexander Duller, Fusa Design

History: 1875

Individual Designation: 11/6/75

District Designation: Spring Garden Historic District, Contributing 10/11/2000

Preservation Easement: No

Staff Contact: Randal Baron, randal.baron @phila.gov, 215-686-7660

OVERVIEW: This application proposes constructing a sunroom addition behind the mansard roof section of the building. This addition would be elevated on posts to sit above existing ductwork on the roof. The application also proposes constructing two roof decks, one behind the addition and one on the addition. Although the building is not at the corner, these structures may be conspicuous because of their height above the historic roof. To satisfy the Standards, the addition should be situated on the roof, not above it, and the upper deck should be eliminated.

STAFF RECOMMENDATION: Denial, pursuant to Standard 9 and the Roof Guidelines.

DISCUSSION: Mr. Baron presented the application. Architect Alexander Duller represented the application.

Ms. Hawkins stated that she thought that the construction above the level of the mansard was inappropriate and would be conspicuous from the public right-of-right. Although the building is divided into condominiums, all units are owned by the same person. Therefore, the claim that the ductwork cannot be moved because it is a condominium building does not appear to make sense. The Committee members opinion that the ductwork should be relocated to allow the addition and deck to be built directly on the roof of the rear ell, not above. The Committee members opined that a deck on the addition would not satisfy the Standards, even if the addition was built directly on the roof. They concluded that any addition and deck should be limited in height to the height of the mansard. Nothing should extend above the extant mansard.

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial, pursuant to Standard 9 and the Roof Guidelines.

ADJOURNMENT

The Architectural Committee adjourned at 2:45 p.m.

STANDARDS AND GUIDELINES CITED IN THE MINUTES

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 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.

Roofs Guideline: Recommended: Designing additions to roofs such as residential, office, or storage spaces; elevator housing; decks and terraces; or dormers or skylights when required by the new use so that they are inconspicuous from the public right-of-way and do not damage or obscure character-defining features.

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

No permit shall be issued for the demolition of an historic building, structure, site or object, or of a building, structure, site or object located within an historic district which contributes, in the Commission's opinion, 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, structure, site or object cannot be used for any purpose for which it is or may be reasonably adapted.