

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

**TUESDAY, 24 AUGUST 2010
COMMISSION CONFERENCE ROOM, ROOM 578, CITY HALL
DOMINIQUE HAWKINS, CHAIR**

PRESENT

John Cluver
Rudy D'Alessandro
Sean Evans
Nan Gutterman
Dan McCoubrey
Suzanne Pentz

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

Donna Miller, St. George's United Methodist Church
Aaron Matzkin
Jules Dingle, DIGSAU
John Gallery, Preservation Alliance for Greater Philadelphia
Ben Leech, Preservation Alliance for Greater Philadelphia
Peter Saylor, Saylor Gregg Architects
Helen Diemer, The Lighting Practice
Joe Lukach, Siloam
James J. Scott, Colliers International
Michael Barmash, Colliers International
Kevin Boyle, Esq., Stradley Ronon
Andrew Palewski
John Frondorf, Becker & Frondorf
Timothy Cweik, The Gay News
Alan Jaffe, Plan Philly

CALL TO ORDER

Mr. Cluver called the meeting to order at 9:00 a.m. Ms. Gutterman and Pentz and Messrs. D'Alessandro, Evans, and McCoubrey joined him.

229-37 N. 4TH STREET

Owner: Saint George's United Methodist Church

Applicant: Donna Miller

History: c. 1769 by carpenter-architect Robert Smith

Designation: individually designated, 6/26/1956, 10/27/1959
significant to the Old City Historic District, 12/12/2003

Project: Apply sealant to brick facade

OVERVIEW: This application proposes to apply a solvent-based silicone elastomeric sealant to the brick areas north and south of the front doors on the front façade of this church, which is classified as significant to the Old City Historic District.

STAFF RECOMMENDATION: Denial, pursuant to Standard 7.

DISCUSSION: Mr. Danta presented the application to the Architectural Committee. Church representative Donna Miller represented the application.

Ms. Miller told the Architectural Committee members that the masonry contractor had advised the congregation to use this sealant. Both Mr. Cluver and Ms. Gutterman informed the applicant that this type of material cannot be removed, its protection is short lived, and it may harm to the bricks. Ms. Gutterman suggested that the church seek the guidance of an expert consultant, owing to the age and importance of the building. Mr. Danta informed Ms. Miller that she could withdraw the application in writing and submit a new application once she obtained more information.

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial, pursuant to Standard 7.

2100-06 CHESTNUT STREET

Owner: 21st and Chestnut Street Partnership

Applicant: Aaron Matzkin

History: c. 1928 by R. E. White

Designation: Contributing to the Rittenhouse Fidler Residential Historic District, 2/8/1995

Project: Install canopy and transoms at storefront

OVERVIEW: This application proposes to remove an illegal internally illuminated box sign and to install five wood twelve-light transoms. It appears that historically these storefronts had five transoms in the storefront transom locations, however the twelve lights seem not to match the Art Deco style of the building. This application also proposes to install a glass awning with a metal frame and metal letter signage. The frame will project four and a half feet from the building and will be anchored with bolts to the façade along the length of the awning and the front corners will be supported by cables anchored to the building.

STAFF RECOMMENDATION: Denial, pursuant to Standards 6 and 9.

DISCUSSION: Mr. Danta presented the application to the Architectural Committee. Aaron Matzkin, the applicant, did not arrive at the meeting until after the Committee had voted on a recommendation.

Mr. McCoubrey asked the staff if it had any evidence that the proposed transoms were original to the building. Mr. Danta stated that the staff had determined that the storefront originally had five single-light transoms. He explained that, currently, the storefronts at this building vary greatly. Ms. Pentz stated that it would be preferable if the storefronts at this building were unified. However, she stated that she had no objections to the multi-light transoms.

Ms. Gutterman suggested that, if the multi-light transoms are approved, the new transom windows should better replicate the older windows than is currently proposed. Mr. D'Alessandro commented that the window proposed does not match the older window that the applicant proposes to use as a model.

Mr. Evans contended that the awning was too heavy and too massive. Ms. Pentz questioned the structural design of the canopy and posited that it might not support snow loads.

The Committee members found the lack of canopy installation details problematic, but agreed that the staff could review those details as part of the final approval.

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, with the staff to review details including shop drawings and installation details.

1733,1741 BRANDYWINE STREET

Owner/Applicants: Sally Ketchum, Jeff Carpenter

History: c. 1895

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

Project: Modify cupola, install fence

OVERVIEW: This proposal was submitted as two separate applications. The first application proposes to modify the cupola on a carriage house at 1741 Brandywine Street that has been converted to a dwelling. The openings in the cupola have wood louvers that ventilated the stable below. The plans propose removing the wood louvers and installing arched four-pane sash in their places. The louvers are character-defining elements. Windows could be installed behind the louvers without altering the exterior appearance.

The second application proposes adding a fence along the front of the property at 1733 Brandywine. A fence comprised of old doors and mismatched pieces of wood currently stands at the property.

STAFF RECOMMENDATION: Denial of the cupola modification; approval of the fence, pursuant to Standards 2 and 9.

DISCUSSION: Mr. Baron presented the application to the Architectural Committee. Architect Jules Dingle represented the application.

Mr. Baron said that the current louver design conveys the history of the building as a working stable. He explained that the applicant seeks to make the cupola weather tight with operable windows. Mr. Dingle stated that the alteration would provide both ventilation and light. Mr. Evans stated that he had no objections to the removal of the louvers. Mr. D'Alessandro objected to the removal of the louvers; he contended that they are essential to the character of the building. Ms.

Pentz agreed. Mr. Dingle stated the owners are preservation minded and good stewards of the building. Mr. Baron suggested retaining the louvers in front of new windows, preserving the appearance while allowing for ventilation and weather tightness. All but Mr. Evans agreed with his recommendation.

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial of the cupola modification, pursuant to Standards 2 and 9.

The Committee members agreed that the fence was appropriate for 1733 Brandywine Street.

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of the fence, pursuant to Standard 9.

1826 DIAMOND STREET

Owner/Applicant: Shawn Bullard

History: 1885

Designation: Contributing to Diamond Street Historic District, 1985

Project: Legalize door, install windows

OVERVIEW: This proposal seeks to legalize the installation of doors that do not match the historic doors of this row. In addition the applicant wishes to install windows with a brick molding that does not match the original design found in this row. He removed the building's windows and door, exceeding his permit, which specified only interior work.

STAFF RECOMMENDATION: Denial, pursuant to Standard 6.

DISCUSSION: Mr. Baron presented the application to the Architectural Committee. No one represented the application.

Mr. Baron explained that the applicant installed a new door and ordered new windows without obtaining the Commission's approval or a building permit, despite the fact that the staff informed him that he needed the approval and permit before the work began.

Mr. Baron showed pieces of the correct brick molding for the windows, which came from the identical building next door when it was rehabilitated. The proposed brickmold is similar to that found on Spring Garden buildings of the 1850s, but not appropriate to the 1880s buildings of Diamond Street. Although the windows have been ordered with the wrong brickmold, Mr. Baron suggested that they could be adapted by installing the correct brickmold. He explained that the shape of the curved top of the windows was correct and the correct brickmold could be added to them. Mr. Baron stated that the windows would be acceptable if the correct brick mold is used.

Mr. Baron showed photographs of the correct door and the installed door. He suggested that it might be possible to modify the existing door to make it more compatible. However, the panels in the new door are of different proportions than those of the original door. The applicant provided many photographs of doors in the neighborhood. Many of those doors are inappropriate and some are illegal. Ms. Sell stated that she did not know if the installed door had real panels or merely applied moldings. She noted that that the door has been painted black. The Committee members contended that the installed door is not a close enough match for the historic door.

Ms. Sell told the Committee that a contractor had damaged the front stoop with his vehicle. The applicant has been informed that the Commission must review the repair, but has not submitted an application yet.

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of the windows, provided the correct brickmold is installed, with the staff to review details; but denial of the door, pursuant to Standard 6.

316 S. 21ST STREET

Owner: William Hozack and Vesna Hess

Applicant: Tuval Shlomo

History: c. 1860, main block refaced in 1949

Designation: contributing to Rittenhouse Fidler Residential Historic District, 2/8/1995

Project: Replace slate shingles with synthetic slate shingles, replace sidewalk paving

OVERVIEW: This application proposes to remove existing rectangular and fishscale slate shingles and install synthetic Ecostar slate shingles in a random pattern. No information was provided regarding the condition of the existing shingles.

This application also proposes to install stone sidewalk paving, though no information has been provided regarding material or site plan.

STAFF RECOMMENDATION: Denial, owing to incompleteness and pursuant to Standards 2, 5, 6, and 9 and Roofs Guidelines.

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

Ms. Gutterman asked Ms. Sell if she had spoken with the applicant about the missing information. Ms. Sell informed the Committee that she had a conversation with the applicant regarding the missing information. She also provided him with questions to expect at the Committee meeting. She reported that the applicant stated that he would attend the Committee meeting.

Mr. Evans stated that there is a site plan in the packet. Ms. Sell clarified that the site plan in the packet is for the overall scope of work and that staff requires a detailed site plan for the paving installation. She explained that the applicant mentioned that the paving would be isolated to the area around a tree as opposed to the entire walk. She stated that the staff had requested the details to review. Mr. Cluver asked about the current paving material. Ms. Sell responded that it is concrete. Mr. Evans asked if the Commission has jurisdiction over sidewalk replacement. Ms. Sell stated that it does in historic districts like this one. She explained that the applicant's submission includes a photograph of a granite block sidewalk, but that she asked the applicant to provide more information about the installation. Ms. Pentz agreed that there is not enough information to make a determination about sidewalk installation. Ms. Gutterman noted that the site plan does reference the sidewalk; however, she agreed with the staff that there is not enough information provided.

John Gallery of the Preservation Alliance added that he was particularly concerned with the removal of the slate roof. The owners have proposed many modifications to the house, some of which have not been justified.

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

Mr. D'Alessandro excused himself from the meeting.

130 N. BROAD STREET

Owner: Pennsylvania Academy of Fine Arts

Applicant: David Searles, AIA

History: 1876, Frank Furness, architect

Designation: individually designated, 5/28/1957

Project: Install lighting fixtures

OVERVIEW: This application proposes to install exterior lighting fixtures on the Broad Street and Cherry Street facades.

On the Broad Street façade, the applicant proposes to retrofit two existing lanterns (type Z1) with fluorescent lamps and install flush-mounted uplights (type R10) in the brownstone steps, uplights (type R9) mounted on painted trex board in front of the second-story balustrade, and uplights (type R9) mounted behind the parapet. On the Cherry Street elevation, the applicant proposes to install fluorescent downlights (type L2) in the doorway, flush-mounted uplights (type R10) in the brownstone steps, and an accent light (type L1) mounted to the roof to highlight a sculpture in the plaza.

The staff contends that the parapet lighting (type R9) and existing lantern retrofit (type Z1) meet the Secretary of the Interior Standards, but suggests alternative lighting sources and installation methods for the second-story balustrade (type R9), brownstone steps (type R10), sculpture light (type L1), and fluorescent downlight (type L2). The staff suggests exploring alternatives to eliminate street visibility of lighting fixtures and installing the sculpture accent lighting somewhere other than the historic building.

STAFF RECOMMENDATION: Denial, pursuant to Standard 9.

DISCUSSION: Ms. Sell presented the application to the Architectural Committee. Architect Peter Saylor and lighting engineer Helen Diemer represented the application.

Mr. Saylor introduced Ms. Diemer, the lighting consultant on the project. He summarized the project and the challenges of illuminating the Pennsylvania Academy of the Fine Arts (PAFA) building at night. He stated his goal was to not disturb the building itself. He exhibited an image showing the building with the proposed lighting.

Ms. Diemer stated that the proposal is intended to bring out the rich detail of the building that becomes lost at night. Currently, there is a soft wash of light over the building. She intends to illuminate the ornate elements and cornice work of the building. She stated that the doorway is

very dark at night with the only light source coming from a lantern that is pulled away from the entrance doors. The light proposed for these openings is intended to visually open the space and illuminate the rose window. She explained that 2½" diameter fixtures are proposed to be core-drilled into the stone at the brownstone stair and powered from below. The area beneath the stairs is clear and accessible. She argued that the holes would be a small, but would provide significant illumination of the doorway at night. Mr. Saylor added that the brownstone steps have been coated with concrete sometime in the building's history and that the brownstone surface is no longer visible. Ms. Pentz asked how one gets below the steps. Mr. Saylor responded that there is a crawlspace beneath the stair and that the Cherry Street stair has the same condition. Mr. Evans asked how high above grade the fixtures would be installed. Mr. Saylor stated that they are just below eye level on the top tread. Ms. Diemer explained that the fixture has a honeycomb louver so one would not perceive the light or the brightness of it. Mr. Evans asked the applicants to list the reasons for the step lights. Ms. Diemer responded that the lights are intended to illuminate the surface of the entrance portal. Mr. Saylor added that, with the gates closed at night, the openings are black dark. Mr. Evans asked why the lights are proposed to be inset as opposed to out, further away from the building, to illuminate more of the entranceway and building. Ms. Diemer stated that pole-mounted fixtures will illuminate more of the upper portion of the opening. Ms. Gutterman noted that the drawings are inaccurate; they show the lights located several steps down rather than on the top tread, as the applicants describe. Ms. Diemer stated that drawing is a section and the lower portion of the fixtures should have been rendered with a dash line. Mr. Evans asked if the brightness of the lights will be controlled because the step lights appear to accentuate a less significant feature of the building. Mr. Saylor responded that they are meant to illuminate the entry for visitor access and safety. Ms. Diemer added that the lights are a LED source and therefore can be tuned to lower the brightness if necessary. She explained that the lights are a very low wattage and that the rendering may be exaggerating the brightness. Mr. Evans opined that one of the most character defining features of the entrance is the absurdity of the column up into the arch and that the inset illumination is diluting that architectural statement. He suggested pulling the lights out of the doorways to grab the larger arch, which would still accomplish the goal of illuminating the entrance. Mr. Saylor agreed that it is a possibility, but asked if the Committee would set the lights in front of or behind the gates. If the lights are set in front, the gates would be illuminated rather than the doors.

Mr. Evans stated that that question is a good segue to discuss the illumination of these features as a whole rather than only individually. He asked why the applicants propose to light the rose window from the outside as opposed to the inside. Ms. Diemer responded that there will be interior lighting as well and that the exterior lighting will pick up the stone work and the shape of the arch. Mr. McCoubrey asked if there is any current lighting on the existing doors. Mr. Saylor responded that there is no lighting except from the two lanterns that are down the steps away from the building, interior lighting from the vestibule, and a general wash of light from pole lights that were installed several years ago. Mr. Evans asked if the applicants considered installing top-mounted lights in the entryway. Mr. Saylor responded that there is an access problem in that location; running the conduit would be impossible. He explained that one of their goals was to keep the fixtures hidden. The lights can be installed unobtrusively in the steps and will not visually distracting to the viewer.

Mr. Evans asked Ms. Diemer to discuss the lighting of the rose window. Ms. Diemer explained that they are proposing to mount a four-foot long trex board with three-inch LED wash light fixtures situated behind a metal shield painted to match the color of the stone. The board would be fastened to the mortar joints in the stone. Ms. Gutterman and Ms. Pentz noted that there are no mortar joints on that surface. They are only on the edges of the ledge, which is made of a

single piece of stone. Ms. Diemer stated that the mortar connections would be at the corners. Mr. Saylor confirmed that the attachment would be angled and bracketed into existing joints and not drilled into any of the solid pieces. Ms. Gutterman asked if the applicants considered installing the fixtures higher at the window sill. Mr. Saylor noted that the sill location is not continuous because the statuary column interrupts the plane.

Mr. Cluver redirected the conversation to discuss the highlighting a few items as opposed to the generally lighting the façade from the pole lights. Ms. Diemer responded that there are currently two pole-mounted lights to which they are proposing to add three more fixtures. She explained that the existing lights do not provide a general wash of the entire façade. With the additional fixtures there will be a general soft wash of light from the poles. She stated that accents are proposed for areas that they believed they would not be able to highlight from the poles. Mr. Cluver opined that the strength of the building is the overall composition and isolating specific elements might be a distraction. He stated that he does not see the need to pick out different elements, but does understand the need for supplemental lighting at the entry. He objected to the LED lighting on the rose window and explained that it seems excessive. Ms. Diemer responded that the rendering is not a realistic image and rather was a tool to demonstrate to the client the areas that will be supplemented with light. She agreed that the overall composition of the building is what makes the building unique, but stated that the general wash of light will not highlight the very deep recesses; some of the detail that makes up the larger composition of the architecture will be lost with general lighting. She added that all of the LED sources are tunable and can be controlled to soften and balance the effect of light on the façade. Mr. Saylor added that their intention is to light the whole façade. He explained that in the past there was lighting from the building across the street that has since been torn down for the Convention Center expansion. He stated that there was some discussion about reinstallation of that lighting, but there was some reluctance to get involved with the Convention Center as the source because they would have full control over that light. Mr. Gallery commented that there will be a large glass façade across the street which will be lit 24 hours per day and the lighting situation once the construction is complete will be radically different than its current conditions. Ms. Diemer stated that she does not believe the light coming from the building across the street will illuminate the Academy, but the context will change. She opined that the added light from the other building will balance nicely with the goals of their building, as currently that section of North Broad Street is only lit by street lights. She stated that she does not think the Academy will get any spill light from the building across the street because it is too far away.

Ms. Gutterman asked Ms. Diemer to discuss their proposal for Cherry Street. Ms. Diemer described that the same light fixtures in the entrance steps proposed on Broad Street are also proposed for the steps at the Cherry Street entrance. In addition, they are proposing to mount some lights in the opening on the underside of the portal. She explained that, since they prepared the drawings, they have had some additional discussions and may want to rethink the portal lighting owing to possible future alterations of that entrance. Mr. Saylor stated that the entrance is currently not code-compliant because the exterior door opens directly onto the stair. He described the door partition as not original to the building and removal would allow the entry vestibule to be illuminated. He stated that that proposal will be submitted to the Commission at a later date.

Ms. Diemer explained that there will be a sculpture platform in the plaza. She stated that lights are proposed for the Hamilton Building, but they wanted to get some light on the other side of the platform. The L1 fixture is proposed to be installed on a trex board on the roof. It will be baffled and the light source will be shielded. Mr. Saylor stated that student work will be exhibited

on the plaza and will change from time to time. Mr. McCoubrey asked if there was lighting within the plaza itself. Mr. Saylor confirmed that there will be separate plaza lighting as well as a tile “carpet” with randomized LED paver lights.

John Gallery of the Preservation Alliance suggested that members of the Committee and staff should view the building at night to gauge the proposed lighting. He recommended the proposal be viewed in a staged fashion. He qualified his suggestions owing to his involvement in the lighting project along South Broad Street that utilized some trex installments that had questionable results. He explained that he is generally not in favor of attachments as a result of that experience. He recalled Mr. Cluver’s statement that the building should be viewed in its entirety and wonders how effective the pole lights could be. He agreed that the lighting on the entry door has a value, but would hope it would not appear the way it does on the rendering. He stated that his main objection is to the lighting of the rose window. He added that illumination of the black roof might not be appropriate. He suggested adding additional lighting to the poles and door lights and reviewing those results before moving on to the other lighting. Mr. Saylor stated that he could speak with the Academy about an incremental installment plan, but it would raise the cost to work in phases. He explained that this proposal is one of many options that the Academy reviewed before agreeing on this proposal. Mr. Gallery asked if the Art Commission also has jurisdiction over the lighting. Mr. Saylor stated that he does not believe it does, but confirmed that the Art Commission had approved the plaza proposal.

Ms. Gutterman stated that she is not in favor of attaching lights to buildings in general. She recommended the installation of the pole lights now, but not the other lights. She suggested that the applicants wait to see what lighting effects of the Convention Center expansion will have on the environment. She agreed that lighting the entrances is important, but would not recommend attaching anything to the building, including the rose window or the steps.

Mr. Evans disagreed with Mr. Gallery’s statements about illuminating the roof. Ms. Diemer stated that the lighting is meant to illuminate the parapet detail; it cannot be illuminated with a pole light.

Mr. Cluver that suggested the applicants provide photographs of the current nighttime lighting conditions. He recommended that the proposal be implemented in stages, with reviews of the results after each stage. He recommended approval of the pole lights and lanterns, but wanted to see the current conditions of the entrances prior to deciding on the appropriate level of light for the alcoves.

Mr. McCoubrey agreed with Mr. Cluver and suggested that the façade illumination be achieved with the poles. He also agreed that holes should not be drilled into the existing masonry and that the proposed lighting under the arches of the door openings will look odd. He suggested adding light from the ceiling in a minimally invasive way. He agreed that lighting the building generally is a better approach rather than highlighting elements. He added he prefers that lighting from the interior, which would be another way of highlighting the building.

Mr. Cluver recommended that the applicants start with the pole lights and see how much of the building is illuminated. Mr. Evans stated that the pole lights will not illuminate the entrance and recommended a mock-up installation of the entrance lighting for review. Ms. Diemer responded that a mock-up installation could be assembled. Mr. Saylor stated that he wants to take this information back to the Academy and see if they will agree to do a mock-up installation to see the effects of the proposed lighting. He clarified that it is PAFA’s goal to make the building come

forth as the jewel in their collection during the day and night, even with the competition across the street.

Ms. Pentz recommended denial of the R9 and L2 lights, but approval of all other lighting fixtures in the proposal.

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of the installation of pole lights and the retrofit of the lanterns, but denial of all fixtures proposed to be attached to the building, pursuant to Standard 9.

1123-33 SPRING GARDEN STREET

Owner: Siloam

Applicant: Joseph Lukach, Executive Director, Siloam

History: 1849, Church of the Assumption, Patrick Charles Keely, architect

Designation: individually designated, 5/8/2009

Project: Demolish building

OVERVIEW: This application proposes the complete demolition of the former Church of the Assumption building at 1123-33 Spring Garden Street. This application seeks to prove that the church building cannot be used for any purpose for which it is or may be reasonably adapted and thereby justify the demolition with the claim that the required retention of the church building would impose a financial hardship on the owner.

The applicant, Siloam, a non-profit provider of services to persons with HIV-AIDS, owns the property. Siloam purchased the property in March 2006 from the Archdiocese of Philadelphia. It also purchased the abutting properties at 1135 and 1137 Spring Garden Street, 1122-32 Brandywine Street, and 535 N. 12th Street. It sold the property at 1137 Spring Garden Street in June 2009. Only the property at 1123-33 Spring Garden, the property with the church building, is designated as historic. The Historical Commission has no jurisdiction over the other properties or buildings.

The church building has been vacant since 1995, when the Archdiocese of Philadelphia closed the Church of the Assumption. Siloam occupies other buildings in the complex, but not the church building. Siloam claims that the church building is in very poor condition and no potential reuse would support high rehabilitation costs. Siloam reports that it marketed the building through a commercial realtor, but no buyer was secured owing to the condition and reuse costs.

The Commission individually designated the property last year, in May 2009. At the time of designation, Siloam was in the process of seeking a permit to completely demolish the church. Siloam raised the condition and rehabilitation cost issues during the nomination review, but the Commission responded that the designation hearing was not the proper forum in which to consider such matters. The Commission suggested that Siloam submit a hardship application to justify its claims that the building could not be reasonably reused.

CONTENTS OF THE APPLICATION

1. demolition permit application;
2. cover letter introducing the application, dated 9 July 2010;

3. site plans showing the extent of demolition at the building (complete) and the location of the building within the larger context;
4. 10 photographs of the building and its context showing all facades where the demolition would occur;
5. a letter from the IRS confirming Siloam's 501(c)(3) status, dated 9 July 2010;
6. an overview of Siloam's mission and services;
7. a newspaper article published 16 July 2010 regarding Philadelphia's HIV-AIDS infection rates;
8. an affidavit by Joseph Lukach, Siloam's executive director, providing facts and other information about the building and organization;
9. the Board of Revision of Taxes information sheet on the property provided the assessed value and other information (Tab 1);
10. copies and a summary of utility bills for the property (Tab 2);
11. a summary of mortgage payments for the complex (Tab 3);
12. copies and a summary of insurance bills for the property (Tab 4);
13. an assessment of the building and cost estimate for rehabilitation by the Community Design Collaborative, dated May 2007 (Tab 5);
14. an update to the Community Design Collaborative cost estimate by Becker & Frondorf, dated 5 February 2010 (Tab 6);
15. an Unsafe violation from the Department of Licenses & Inspections, dated 8 July 2009, for walls and roof in danger of collapse (Tab 7);
16. a conditions assessment by engineer Bevan Lawson, dated 14 April 2009 (Tab 8);
17. an assessment of the building's condition and historical significance by architectural historian George Thomas, undated (Tab 9);
18. an appraisal report for the property by Edward S. Snyder, dated 22 May 2009 (Tab 10);
19. a conditions assessment by engineer Bevan Lawson, dated 18 May 2009 (Tab 11);
20. a Siloam report regarding discussions about the church building with Partners for Sacred Places and the Non Profit Finance Fund, dated 10 March 2008 (Tab 12);
21. information on the Partners for Sacred Places training program attended by Siloam staff, dated 11 October no year (Tab 13);
22. a Siloam report regarding discussions about the church building with the Non Profit Finance Fund, dated 20 May 2008 (Tab 14);
23. a letter from architect Stuart Rosenberg regarding potential buyers for the building, dated 5 May 2009 (Tab 15);
24. a series of letters between attorneys Kevin Boyle and Robert Shusterman regarding a potential sale of the building, dated 22 July to 18 August 2009 (Tab 16); and
25. a report from realtor Colliers International regarding the marketing of the property, dated 7 July 2010 (Tab 17).

COMPLETENESS OF APPLICATION PURSUANT TO SUBMISSION REQUIREMENTS

Section 9.3 of the Rules & Regulations authorizes the Commission's staff to "review the financial hardship documents and ascertain their completeness pursuant to the submission requirements delineated in Sections 6.7 and 9.2 of these Rules & Regulations." This review for completeness is not equivalent to the Commission's review for completeness and should not be confused or conflated with it. The staff's review for completeness determines whether the applicant has provided the documents to satisfy the minimum submission requirements stipulated in the historic preservation ordinance and Rules & Regulations. The Commission's review for completeness determines whether the applicant has provided sufficient information to

render a hardship decision. The staff can reject an application that does not meet the minimum submission requirements. The staff cannot reject an application that meets the minimum submission requirements, but does not provide adequate information for the Commission to render a decision. Only the Commission itself can reject such an application.

Section 6.7 of the Rules & Regulations delineates the submission requirements for any alteration or demolition application.

Section	Required document	Provided (Y/N/NA)
6.7.a	building permit application	Y
6.7.b	cover letter	Y
6.7.c	historic documentation	NA
6.7.d	photographs	Y
6.7.e	site plan, demolition plan	Y
6.7.f	interior plan	NA
6.7.g	shop drawings	NA
6.7.h	specifications	NA

Section 9.2 of the Rules & Regulations delineates the submission requirements for any hardship application. It mirrors Section 14-2007(7)(f) of the ordinance, which requires the submission by affidavit.

Section	Required document	Provided (Y/N/NA)
9.2	by affidavit	Y
9.2.a.1	purchase information	Y
9.2.a.2	assessed value	Y
9.2.a.3	financial information for property, 2 yrs	Y
9.2.a.4	all appraisals	Y
9.2.a.5	sales information	Y (apparently no price asked)
9.2.a.6	consideration of reuses	Y

Section 10.2 of the Rules & Regulations delineates the submission requirements for any hardship application in which the applicant claims non-profit status.

Section	Required document	Provided (Y/N/NA)
10.2.a	documents stipulated in 6.7 and 9.2	Y
10.2.b	documentation of non-profit status	Y

As the above analysis clearly demonstrates, the applicant has provided the documents needed to satisfy the minimum submission requirements stipulated in the historic preservation ordinance and Rules & Regulations. Pursuant to Section 9.3 of the Rules & Regulations, the staff has determined this application to be complete and therefore forwards it to the Architectural Committee and Committee on Financial Hardship. Note that, pursuant to the same section, the Architectural Committee, Committee on Financial Hardship, and the Commission are also authorized to review the application to determine whether it satisfies the minimum submission requirements. The Architectural Committee, Committee on Financial Hardship, and the Commission may reject an incomplete application and direct the staff to return it to the applicant.

Also note that only the Commission may require the submission of additional documentation as authorized in Section 14-2007(7)(f)(.7) of the ordinance and delineated in Sections 9.2.b and 10.2.c of the Rules & Regulations. The staff, Architectural Committee, and Committee on Financial Hardship may recommend that the Commission require the addition documentation, but the staff and committees may not unilaterally require that documentation. The applicant has already provided nearly all of the information that might be requested by the Commission under Section 10.2.c, as shown in the breakdown below.

Section	Required Information	Provided (Y/N/NA)
10.2.c.1	identification of reasonable reuses	Y
10.2.c.2	rehabilitation cost estimates	Y
10.2.c.3	current standard of building-maintenance costs	NA
10.2.c.4	comparison of cost in existing and new building	NA
10.2.c.5	impact of reuse of building on financial condition	Y
10.2.c.6	impact of reuse on program, function or mission	Y
10.2.c.7	additional cost attributable to the building	Y
10.2.c.8	grants to maintain or improve the property	Y
10.2.c.9	organization's budget	?
10.2.c.10	consideration given to relocation	NA

SUMMARY OF THE APPLICATION

Siloam owns a series of abutting properties at 1123-33 Spring Garden Street, 1135 Spring Garden Street, 1122-32 Brandywine Street, and 535 N. 12th Street. It also owned 1137 Spring Garden Street, but sold it on 3 June 2009. Only the property at 1123-33 Spring Garden, the property with the church building, is designated as historic. The Historical Commission has no jurisdiction over the other properties.

Siloam purchased the property in question as well as the abutting properties on 15 March 2006 from the Archdiocese of Philadelphia. After the purchase but before the designation, Siloam explored potentially reusing the church building with the assistance of the Community Design Collaborative, Partners for Sacred Places, and Nonprofit Finance Fund. Points 10 and 18 to 24 of the Lukach affidavit describe these activities. Siloam explored three reuses: a gathering space for Siloam; a leased revenue-producing space; and a worship space for a congregation (Point 10). The Community Design Collaborative, "a community design center that provides *pro bono* predevelopment design services to nonprofit organizations," estimated that the repair and renovation costs for the church building with an unknown interior use at \$5,453,139 in mid 2007 (Tab 5). Becker & Frondorf, construction cost estimators, reassessed the Community Design Collaborative's 2007 cost estimate in 2010 and determined that the rehabilitation costs had risen to \$6,319,000 (Tab 6). Partners for Sacred Places and Nonprofit Finance Fund provided education and assistance for capital project fund raising and facility assessment, planning, and financing (Tabs 12-14). The conclusion drawn from these efforts is provided in Affidavit Point 18; "Siloam considered uses and adaptive reuses of the church building, but ultimately determined that the costs of the renovation vastly exceeded the organization's resources."

The application claims that the church building is in very poor condition. The building has been vacant, unheated, and without regular maintenance since 1995. Siloam retained structural engineer Bevan Lawson to assess the building at the time of the designation. Lawson offers two reports. The first, dated 14 April 2009, notes numerous structural problems resulting from a lack

of maintenance and concludes that, if not repaired, the structure could become unsafe and then imminently dangerous. He suggests a series of efforts to alleviate and repair the poor conditions to stabilize the structure including removing the steeples (Tab 8). One month later, in a second report dated 18 May 2009, he declares the building to be imminently dangerous and contends that the spires must be removed and the towers demolished down to the roof (Tab 11). The second report does not indicate how the building, which he stated was not yet unsafe in April, became imminently dangerous in May. The Department of Licenses & Inspections inspected the building and declared it Unsafe on 8 July 2009 (Case 206007). The violation states that the building has loose and missing brickwork, cracked and fractured walls, deteriorated walls and roof, and is in danger of collapse (Tab 7). The application includes a report by George Thomas, an architectural historian, regarding the historical significance of the building and providing an assessment of the condition of the building. The historical significance of the building is not the subject of this review and any material on it should be disregarded. The assessment of the building's condition by Thomas should be discounted because he is neither a professional engineer nor a licensed architect.

An appraisal by certified appraiser Edward Snyder, dated 22 May 2009, is provided. It concludes that the property "has no market value" (Tab 10). It also states that "the cost to rehabilitate ... far exceeds the value"; "the property should be demolished"; and "the restrictions [i.e. the historic designation] cause the subject to have no marketability."

The application includes a letter, dated 5 May 2009, from architect Stuart Rosenberg (Tab 15). Mr. Rosenberg reports that he had "a number of clients interested in purchasing the church." He states that they all concluded that "the renovation costs proved to be too great and the projected income generated from the property inadequate to justify the time and risk of such a complex undertaking." However, Mr. Rosenberg provides no details about his clients, their proposed uses for the church building, their estimated rehabilitation costs, or their potential returns on investment. Without these details, the claims are impossible to corroborate.

The application includes correspondence between attorneys representing Siloam and a potential buyer, who endeavored to negotiate a sale of the church building (Tab 16). The negotiations ended after Siloam's attorney rejected a proposed contingency limiting the maximum allowable cost to stabilize and retrofit the building to \$400,000, a figure considered "not realistic."

The application includes a report, dated 7 July 2010, from Colliers International, a commercial real estate broker (Tab 17). The report explains the efforts to market the property. Colliers marketed the property from January to July 2010. It posted a "For Sale" sign on the property, issued a marketing flyer, listed it on a real estate database, advertised it on its website, and sent emails about the property to 240 brokers. Colliers received 54 inquiries, nine of which lead to inspections. It received one offer, which is documented in the correspondence in Tab 16. The report concludes that "there are no parties interested in purchasing this property." It states that the cost of rehabilitation has deterred otherwise interested parties from purchasing the church building, which is vacant and dilapidated.

The Lukach affidavit concludes that "Siloam considered uses and adaptive reuses of the church building, but ultimately determined that the costs of the renovation vastly exceeded the organization's resources" (Point 18). The "church building is currently uninhabitable and unfit for occupancy, so any lease or rental without substantial repairs is impracticable" (Point 33). Despite the marketing efforts, "no serious buyers have materialized" and the realtor "cannot

predict when or whether this property can be sold in its current state” (Point 32). “Siloam has no other path to recourse other than demolition” (Point 35).

REVIEW CRITERIA

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.

Section 9.4 of the Rules & Regulations restates and elaborates on the review criteria for hardship applications. It instructs that:

To substantiate a claim of financial hardship to justify a demolition, the applicant 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 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.

The historic preservation ordinance mandates that an owner asserting that a building cannot be used for any purpose for which it is or may be reasonably adapted must apply two overlapping analyses in tandem to demonstrate the claim of hardship.

For the first analysis, the owner must expose the property to the real estate market in a broad manner for a sufficient length of time with reasonable terms and conditions. If the property is marketed adequately and can be reasonably adapted, it will be acquired for reuse. If it is not marketed adequately or cannot be reasonably adapted, it will not be acquired. The Commission must scrutinize the marketing of the property to determine whether it reasonably allowed for a sale or rental to occur. If the marketing was adequate, but the property was not acquired, then the Commission can conclude that the property cannot be reasonably adapted. The key questions are whether a sale is or is not impracticable and whether a rental will or will not provide a reasonable rate of return.

For the second analysis, the owner must evaluate the reuse potential of the property. Such evaluations can never be exhaustive, but must be directed at the most likely potential reuses that can be achieved with reasonable adaptations. Also, such evaluations are dependent on myriad assumptions. The Commission must scrutinize the evaluations to determine whether they address the most likely potential reuses and whether they reasonably assess the costs of those probable reuses as well as the potential returns from those reuses. The key question is whether reuse options are foreclosed.

In the end, the Commission and its advisory committees must answer the following questions:

- Can the property be used for any purpose for which it is or may be reasonably adapted?
- Is the sale of the property is impracticable?

- o Has the owner made a good faith attempt to sell the property?
- Can commercial rental of the property provide a reasonable rate of return?
 - o Has the owner made a good faith attempt to seek tenants for the property?
- Are other potential uses of the property foreclosed?
 - o Has the owner made a good faith attempt to explore potential reuses for it?

DISCUSSION: Mr. Farnham presented the application to the Architectural Committee. Joe Lukach, the executive director of Siloam, which owns the property, attorney Kevin Boyle, construction cost estimator John Frondorf, and realtors James Scott and Michael Barmash represented the application.

Mr. Farnham provided copies of photographs submitted by the applicants to the Committee and interested parties.

Mr. Boyle stated that Siloam, a non-profit, has a very small budget and is fighting for survival. He explained that its real estate is Siloam's only major asset. He noted, however, that the church building has become a major liability for the non-profit. He explained that the church building has been vacant for more than 15 years, long before Siloam purchased the property. He reported that Siloam has attempted to sell the building, but has been unable to find a buyer. He stated that the church is in very poor condition, as the interior photographs demonstrate. He stated that any potential buyer would be confronted with monumental costs to stabilize and reuse the property. He stated that the sales price for the property was irrelevant. Even if his client gave the property away, no one could feasibly rehabilitate the building. He opined that the estimated rehabilitation costs of about \$6 million included in the application were low. The actual costs to rehabilitate the building would be much higher. He noted that the Basilica of SS. Peter and Paul is currently being rehabilitated at a cost of \$20 million. He noted that the recent rehabilitation of the Baptist Temple at Temple University cost \$30 million.

Ms. Pentz thanked the applicants for their well organized and documented submission. She stated that it clearly documented the efforts to market the property. She also thanked the applicants for the interior photographs, which she stated strongly support their case. She opined that it would be very expensive to rehabilitate this building. She asserted that the rehabilitation costs projected in the application were probably too low; she suggested that a rehabilitation of this building would cost more than the \$6 million estimated by the applicants.

Mr. Cluver stated that, although one might question one aspect or another of the rehabilitation cost estimate, any adjustments to the estimate would be immaterial. He agreed with Ms. Pentz that the cost estimate may be low. He remarked that the Commission typically considers in these cases whether the condition is self imposed, owing to a lack of maintenance, but noted that, in this case, the applicant purchased the building relatively recently. Mr. Boyle reported that the Archdiocese of Philadelphia owned the building until 2006. He explained that, under the Catholic church's canon law, the Archdiocese is required to remove anything of value when it decommissions a church and use the removed items in other active churches. In this case, the Archdiocese removed stained glass windows, the altar, and other features. Ms. Gutterman contended that the interior condition is not important. She asked if the exterior condition has changed appreciably between 2006, when Siloam purchased the building, and today. She asked if Siloam had failed to maintain the exterior. Ms. Pentz stated that it is impossible to answer that question. Mr. Farnham reminded the Committee that Siloam had no responsibility to maintain the exterior to the Commission's standards until it was designated in 2009. Mr. Evans contended that Siloam had demonstrated that it was a responsible owner of the building even

before designation by seeking out assistance from the Community Design Collaborative (CDC) and other non-profits to find ways to adaptively reuse the building.

Mr. Lukach explained that Siloam rented the complex from the Archdiocese before buying it in 2006. He noted that the Archdiocese had not maintained the church building and had hoped to sell the entire site for redevelopment when the Philadelphia Phillies baseball team was considering building a stadium in the vicinity. He explained that the baseball stadium was built elsewhere. Siloam attempted to buy part of the complex from the Archdiocese, but did not want or need the church building. Mr. Lukach explained that the Archdiocese would only sell the entire complex to Siloam, not a part of it. Because it had its operations at the site, which is convenient to its clients who predominantly take public transportation from North Philadelphia, Siloam purchased the entire site even though it had no plans for the church. Mr. Evans asked Mr. Lukach to explain Siloam's intentions for the church building after the purchase. Mr. Lukach stated that Siloam purchased the site before he took over the management of the organization. He reported that, once he joined the organization, he engaged the CDC and other groups that assist non-profits with real estate planning to explore reusing the church as a wellness center or a meeting space. Mr. Boyle reminded the Committee that Eileen DeBenedictis, one of the founders of Siloam and the chair of its Property Committee, had explained to the Committee on Historic Designation during the nomination review in 2009 that Siloam purchased the entire complex including the rectory, convent, and church building because the Archdiocese would only sell the entire property; Siloam was only interested in the rectory, but bought all of the buildings as a package. Mr. Farnham reminded the Committee that Siloam was not obligated to maintain the building to the Historical Commission's standards until it was designated in 2009. Mr. Boyle explained that Siloam had already concluded by 2009 that demolishing the church building was its only recourse. He stated that Siloam was in the process of applying for a permit to completely demolish the building when the Historical Commission informed it that it would consider designating the property.

Mr. McCoubrey asked the applicants to update the Committee on the status of the Unsafe violation. Mr. Lukach stated that the status has not changed. The violation is in place. Mr. Evans asked who initiated the inspection by the Department of Licenses & Inspections. Mr. Farnham stated that the Commission had requested that the Department inspect the property. He noted that the Commission routinely requests inspections whenever anyone claims that a property poses a danger to the public. He stated that the Commission has an obligation to report all potentially dangerous properties to the Department. Mr. Evans stated that he believes that there are severely deteriorated conditions at the church, but he contended that the language in the violation notice is extreme. Mr. Lukach stated that he gave access to the building to the inspector, who conveyed his concerns about the towers. Mr. Evans asked if the inspector climbed up into the interior of the towers. Mr. Lukach reported that he accompanied the inspector into the towers. Mr. Evans asked Mr. Lukach why he did not propose to demolish the towers, but retain the remainder of the church. Mr. Boyle stated that Siloam cannot afford to retain the church and cannot find a buyer for it. He asserted that the survival of Siloam itself is at stake. He reported that Siloam had had a \$700,000 annual budget, but that number is falling because funding sources have dried up. He observed that Siloam provides crucial services to an underserved population. He reported that Siloam is very careful with every penny it receives and invests all of its money into its clients. He stated that Siloam simply could not afford to demolish the steeples and retain the remainder of the building.

Ms. Pentz observed that almost all technical and engineering problems can be solved with enough money. She then stated that the historic preservation ordinance requires the

Commission to determine whether the building can be reasonably adapted and whether a sale is impracticable. She stated that she has been convinced that this building cannot be reasonably adapted for a new use. She stated that she has been convinced that a sale is impracticable. She stated that she believes that the applicants have demonstrated that the required retention of this building would constitute a hardship under the historic preservation ordinance.

Mr. Evans stated that the CDC report and engineering report by Bevan Lawson refer to drawings and photographs that were not included with the application. He suggested that, for the sake of the record, those documents should be provided. Mr. Evans observed that the CDC cost estimates are not highly detailed. Mr. Frondorf agreed, but added that he has worked for the CDC and finds the level of detail in the cost estimates to be typical of CDC reports. Mr. Evans noted that the CDC report defines the condition of the building as fair in 2007. He asked why the Lawson report differs with the CDC report. Mr. Boyle stated that the condition of the building is addressed in detail in the George Thomas report, which was included in the application. Mr. Evans observed that the terms “stabilization” and “renovation” are used interchangeably in the application, but have very different meanings. He stated that the CDC and Becker & Frondorf estimates are for renovation. He contended that the application should also provide a stabilization cost estimate. He claimed that the building might be marketed more successfully if it was stabilized first. Mr. Frondorf responded that the estimates are based on a rehabilitation for Siloam’s reuse. He stated that the cost to stabilize the building for resale would be less. Mr. Evans replied that he was completely convinced that it was not feasible for Siloam to reuse the building, but was asking the questions to produce a complete record. Ms. Pentz agreed that the cost estimates were vague in some regards. However, she stated that the vagueness of some aspects of the estimates were irrelevant because there is no reasonable or feasible way to reuse this building. She stated that no adjustment to the numbers would reveal that this building could be reasonably reused. Mr. Evans stated that the Lawson engineering reports are too general. Ms. Pentz, a structural engineer, disagreed. She stated that the reports were sufficient given the adverse conditions, for example the pigeon infestation and inaccessible towers, to make this determination. Mr. Evans contended that an engineer could be equipped with a hazmat suit to do a more detailed inspection. He also suggested that the pigeon droppings could be abated. Mr. McCoubrey responded that, if enough money was applied to the problem, the building could be saved. The question is not whether the building can be saved, but whether it can be saved feasibly or reasonably. Mr. Evans stated that he agrees that this building cannot be feasibly preserved; however, he contended that the record should show that the Commission and its committees inquired fully, asking all of the necessary questions. Mr. Boyle stated that all agree that it will cost at least \$6 million for any reuse of this building. He observed that his real estate brokers have confirmed that no one is interested in investing that much money in this building. He asserted that there is no use that would justify that investment in this building. He added that there is no use that would justify a sizeable investment less than \$6 million. He contended that it would make no sense to require Siloam to invest its scant resources to stabilize the building when no one is able to feasibly reuse the building. He reported that Siloam is struggling owing to changes in the philanthropic world. He stated that Siloam cannot invest money in a futile stabilization. Siloam provides important services to the HIV-AIDS community, but fights every step of the way owing to limited funding. It cannot dedicate its limited resources to shoring up a building that cannot be reasonably reused by anyone.

Mr. Scott stated that his firm, Colliers International, is very experienced in marketing former religious buildings. He stated that his clients include the Archdiocese of Philadelphia, the

Episcopal Diocese, and numerous AME churches and synagogues. He observed that, in recent years, church congregations have declined rapidly in Philadelphia. He noted that 20 former church buildings will be marketed for sale in Philadelphia this year. He reported that he is working with three major denominations, all of whom predict that they will reduce their real estate holdings in the City of Philadelphia by 20% to 30% in the near term. He stated that not only is the church-going population declining rapidly, but also budgets to maintain church buildings are declining rapidly. He stated that religious organizations simply cannot maintain their grand church buildings. The communities that supported the churches are gone. He stated that there will continue to be a wave of church buildings coming onto the real estate market. They will be very difficult to sell. He spoke about recent sales of church buildings in Philadelphia. He stated that church buildings that have sold have been in much better condition and in better locations than this building. He stated that, contrary to popular belief, church buildings are usually purchased by other congregations for continued religious use, not for adaptive reuse as some believe. He stated that, in general, the congregations have very little money and the church buildings are purchased at very low prices. He also stated that the church buildings that have sold have been in move-in condition. He reported that he tells his clients that it will take two to three years, perhaps as many as five, to sell a church building in good condition in Philadelphia. He stated that many owners have no choice but to abandon their buildings; they cannot afford the stabilization costs.

Mr. Boyle stated that the one offer to purchase this building, for \$150,000, included an unrealistic contingency. It allowed the buyers to walk away if the rehabilitation costs exceeded \$400,000. Mr. Boyle contended that that cap on the rehabilitation costs was unreasonable. The estimates place the cost at more than 10 times that amount.

Mr. Barmash explained that he has sold many historic properties. He stated that he showed this building to several representatives of religious congregations, but they all walked away after seeing the condition of the building. He noted that visitors to the building should wear hard hats. He explained that, after he was unable to identify a congregation to purchase the building, he explored other redevelopment possibilities. He stated that neighbors objected to entertainment uses. He noted that their objections were immaterial because there is no funding for entertainment or other redevelopment projects at this building. Mr. Scott reported that an entertainment entrepreneur recently looked at the building to use it as an entertainment venue. He planned to spend about \$1.2 million to simply clean up but not stabilize or rehabilitate the building to use it for entertainment. He abandoned the plan after his bank told him that it would not lend for such a venture.

Mr. Cluver stated that the decision should not be predicated on the current real estate market. He observed that the market regularly fluctuates and it may be better soon. He noted that the Baptist Temple sat vacant for many years before it was rehabilitated. Mr. Boyle responded that the economic outlook for this property would be very different if it was adjacent to the Temple or University of Pennsylvania campuses. He also noted that the universities are not bound by profit motive. Mr. Boyle reminded the Committee that Siloam purchased this property in 2006, when the market was very strong. Siloam did not want the church building, but reluctantly bought as part of a package deal. It purchased the property at a very low price from the Archdiocese after no higher-paying buyer could be found. If there was not a feasible adaptive reuse then, there certainly will not be one today. Mr. Lukach added that several developers looked at the property in 2007 and 2008, but decided that there was no profitable reuse for the property. He noted that they considered condominiums. He also noted that they tried to employ the historic preservation tax credits, but could not create a profitable project. Mr. Boyle stated that the neighborhood

around the church is not desirable. There are many abandoned buildings nearby and a large car wash adjacent to the east. Mr. Scott stated that it was obvious that the church could not be profitably rehabilitated. Even if the rehabilitation costs were lowered to \$4 million, the costs would be \$1,000 per usable square foot. During the height of the real estate market, condominiums in desirable locations were commanding \$600 to \$625 per square foot. He contended that no developer could profitably reuse this building.

Mr. Farnham stated preservation ordinance requires that the hardship applicant submit information on all offers received for the property. He suggested that the applicants augment their application if additional offers have been received. Mr. Lukach responded that the discussions with the entertainment entrepreneur may not qualify as a formal offer. They were discussions. Mr. Farnham offered to discuss the matter with the applicants outside the public meeting. Mr. Farnham asked the applicants to confirm that the one offer referred to in the Scott-Barmash letter was the offer detailed in the application in the correspondence between Mr. Boyle and art gallery owner's attorney. The applicants stated that the Scott-Barmash letter was referring to that offer.

Ms. Gutterman excused herself from the meeting at 11:45 a.m.

John Gallery of the Preservation Alliance asked the applicants to provide the date of the interior photographs that were distributed by Mr. Farnham at the start of the meeting. The applicants responded that they were taken recently and represent the current interior condition. Mr. Gallery contended that the current financial hardship is the result of the owner's actions; it is a self-imposed hardship. Mr. Gallery stated that one should compare the condition of the interior of the building in 2007, when the CDC report was compiled, with the current condition. He asserted that the change in condition results directly from Siloam's actions. He reported that he spoke with the salvage company that undertook the interior salvage work. He stated that the salvage work may have taken place after the building was designated. He claimed that the interior condition is not the result of 20 years of Archdiocese neglect, but is the result of an active intervention by Siloam with a crowbar and sledgehammer. Mr. Gallery pointed out that the CDC estimate for mechanical equipment is lower than the Becker & Frondorf estimate for mechanical equipment. He posited that the increase resulted from the fact that Siloam removed the mechanical systems between the times the two estimates were made. He said that it may be likely that the old systems could not have been upgraded, but the Commission should consider the possibility that Siloam removed them to ensure that no buyer would be interested in the building.

Mr. Gallery turned his attention to the violation issued by the Department of Licenses & Inspections. He claimed that Siloam took no steps to correct the violation and asserted that the Historical Commission should have taken legal action to enforce the violation.

Mr. Gallery concluded that Siloam knowingly undertook actions in an attempt to make a sale of the property impossible. He said that the Commission must weigh those actions as it makes its decision.

Andrew Palewski read the following statement into the record:

My name is Andy Palewski. I wrote the nomination for the Church of the Assumption which was added to the Philadelphia Register of Historic Places just last year. I am a resident of the West Poplar neighborhood where the church is located. For 15 years I

have owned and operated an architectural preservation business that specializes in the repair and restoration of historic landmarks.

I pursued the designation of this building when I learned of the owner's intention to demolish it. I did this because it's my belief that the significance of the structure warrants its protection by the Philadelphia Historical Commission as part of the city's cultural heritage. This sentiment is shared by the larger community in which the church is located.

There has been tremendous public support for the preservation of this building. Close to 500 signatures were obtained from people who either live or work in these two neighborhoods petitioning the Historical Commission to place the building on the Register, and to stop the owner from demolishing the church.

Even recently, when the owner requested that the West Poplar Neighborhood Advisory Committee sign off on their claim for hardship, the organization refused. In last week's article from Plan Philly, Alan Jaffe wrote: "A leader of the West Poplar Neighborhood Advisory Committee said . . . that there *have been* interested buyers. The current owners just aren't motivated to sell."

Despite the owner's claims that the church is not marketable, numerous converted churches in Philadelphia attest to the viability of this building for adaptive reuse: Here are six of them:

- Old Saint Paul's church in Old City
- The old Neziner Synagogue in Queen Village
- Christ Evangelical Reform Church at 22nd and Chestnut Streets
- Chapel Lofts condominiums in Fairmount
- Two residential conversions in the 1100 and 1200 blocks of Lombard Street

The Community Design Collaborative also provided an assessment of the building for structural integrity. Michael Paul, a structural engineer with Duffield Associates—a firm that is familiar with the unique designs, materials, and construction techniques of historic structures—examined the church and presented the following findings:

- The overall structure of the church is relatively sound and in fair condition.
- The main roof appears to be relatively plane and true. The roof and ceiling framing generally appear to be in fair condition.
- The exterior walls appear to be sound and in fair condition, with some cracks near windows, some open joints, and some cracked and spalled stucco.
- The main floor and choir loft floor appear to be relatively sound and in fair condition.

Two years after Duffield Associates performed this assessment, the Historical Commission placed the Church of the Assumption under its protection pending the designation of the structure. It was at this time that the owner commissioned the services of structural engineer Bevan Lawson to counter the assessment made by Duffield.

The report issued by Mr. Lawson is one of the exhibits submitted by Siloam as part of their hardship application (and Siloam has placed much emphasis on the claims made by this document).

As a preservation contractor I work with engineers frequently to problem solve the very same kinds of issues presented in this report. And I would like to point out numerous shortcomings that speak to a lack of understanding of the unique characteristics of this building, and of standard practices for the stabilization of historic structures.

The report asserts that “the predominant concern is the existing brick masonry’s and timber framing’s condition.”

First the report states “As a result [of years of neglect] the interior finishes, which serve to protect the inner wythes of masonry have fallen off. This has exposed the weaker interior masonry surfaces to freeze-thaw cycles.”

In my experience, the inner wythes of a brick wall would only be effected by freeze-thaw action where water comes into contact with them. So it’s difficult to associate a lack of *interior* finishes with a susceptibility of the inner wythes of brick to freeze-thaw cycles.

Then the report says “It appears that the masonry’s exterior surface has been coated with a cementitious finish designed to look like faux brownstone. It is suspected that this material has allowed water to penetrate through it and into the masonry.”

In my experience, porous masonry materials like brick and stucco, by their nature absorb and release moisture during a typical rain event. The ability for water to penetrate through the stucco on the church indicates that it is porous and breathable. Not only is this normal, it is advantageous on an historic masonry structure. Moisture that may infiltrate the masonry wall can easily evaporate through the stucco and back out into the atmosphere.

And now onto the wood framing. The report states “First floor joists have cracked and/or have rotated where they are pocketed into the exterior masonry wall. The latter condition is an indication of water infiltration—as the timber dries it would have the tendency to twist.”

In just about every 19th century masonry structure I’ve been in, joists have twists and checks that have been there since the buildings were first constructed. These features are the result of the rapid evaporation of a very large quantity of moisture—a quantity of moisture inherent in a freshly cut tree. The framing lumber in these buildings was often brought to site green and if the material hadn’t already developed twisting and checks, it would do so sitting in the sun on the construction site. Take a look at the joist pockets in a 19th century building—seldom are they straight or square—bricks and mortar conform to twists in the lumber—evidence that the material had these characteristics since the day it was installed in the building.

True deterioration manifests itself in very different ways from what is described in this report (and what we’ve seen in the pictures they’ve shown). Wood loss, fungal accumulation, termite evidence, true stress fractures—none of these characteristics have been exhibited here.

The report goes on to say “Because this property has been neglected for a substantial period of time, it is very likely that rain water has accumulated at the steeples’ base. This would result in the deterioration of both the steeples’ framing and the connection of the

steeple to the tower.” *Then he states definitively:* “Either condition would lead to a catastrophic collapse.”

Mr. Lawson makes the assumption that water will accumulate, not because of any specific architectural detail or phenomenon that he has observed, but simply because the building has been neglected for a period of time. So I am inclined to ask: Why will the water accumulate? Where, exactly, will it accumulate, and what architectural features would cause the accumulation? Is this a problem that the Archdiocese struggled with historically? Let’s see a diagram showing this problem area so that we can better understand it, and so that we can understand how this is going to lead to a catastrophic collapse.

The report concludes with a list of seven recommendations to stabilize the structure. Here are the first three: “1. Remove the steeples. 2. Remove all interior finishes. 3. Remove the existing roofing. With the membrane removed, a more thorough review of the existing framing can be undertaken. Based on the interior finishes’ condition and the wall leaks, it is suspected that most of the existing roof sheathing will have to be removed and replaced. Likewise about half of the existing roof joists and supporting heavy timber members will require either reinforcing or removal and replacement.”

Again, this report recommends major structural restoration based on an assumption—that the leaky roof has destroyed “about half of the existing joists and supporting heavy timber members”. Instead of making this assumption, and removing the entire roof, why not take a more conventional approach for an historic structure? Do a few select roof probes to examine the condition of the rafters and framing. Or even easier, access the rafter pockets from the clerestory, use a fiber-optic scope to inspect the framing in areas where access is not possible.

In general, this report makes some very unconventional recommendations for an historic structure. These recommendations pave the way for extensive, yet unnecessary demolition to character-defining features of the building both inside and out—like removing all of the interior finishes, removing the steeples, and removing the roof. And this is also a report based largely on speculation and lacking of hard evidence or any sort of comprehensive study of the building’s integrity.

So I respectfully ask that this committee please consider the major limitations and inaccuracies of Mr. Lawson’s report. And if this committee finds that a comprehensive and accurate assessment of the church is needed to make a decision on the issue of hardship, I urge this committee to retain its own independent engineer, to perform a thorough and accurate evaluation of the building’s structure.

Since the effort to save the church began last year, the owner has suggested that the building is not marketable. And yet, Ellen Qiongzhaio Schick Tanz, a Philadelphia art dealer, demonstrated not only that the building *is* marketable, but that Siloam has actively taken steps to discourage buyers from pursuing the sale. Mrs. Schick Tanz expressed her desire to buy the church from the owner prior to the designation of the site on May 11, 2009. Having seen the images taken by the Community Design Collaborative in 2007, Mrs. Schick Tanz was drawn to the beautiful interior details that were, for the most part, still intact. Finally, after two and a half months of broken and

rescheduled appointments on the part of Siloam, Mrs. Schicktanzt and her husband Bill toured the building. But by this time, the interior was anything but intact.

I'd like to read another excerpt from Alan Jaffe's article that came out on Plan Philly's website four days ago: "Ellen was genuinely interested in the church," Bill Schicktanzt said.

But when Lukach brought them inside, "they were in the process of the demolition of the interior." Detailed plaster ornamentation on the columns had been removed, pieces of marble and wood flooring had been taken up and stacked. "It was apparently a salvage job. Everything had been taken apart," Bill Schicktanzt said.

"If the interior had been kept intact, I think it would have been usable for an adaptive reuse. When we went through and saw the deplorable condition, there was nothing worth preserving. If Lukach had been genuinely interested in selling the building, it would have made sense that he wouldn't do interior demolition until potential buyers had looked at it..." Bill Schicktanzt said.

Ellen Schicktanzt, in the meantime, has begun working on a new art gallery in another building—a former church, located at 3rd and Cecil B. Moore.

So, in deciding whether or not the owner has truly made a good-faith effort to sell this building, I respectfully ask this committee to please consider how much of the owner's hardship is self-inflicted. The situation with Mrs. Schicktanzt is one in which the buyer emerged on her own accord with a genuine interest in acquiring the church. She and her husband appeared at the meeting of the Historical Commission on May 11 of last year, openly expressing this interest. But they could not get access to the building until months later, when the process of ripping apart the interior had been completely executed by Siloam.

Thanks very much for your time.

Mr. Farnham reminded the Committee of the timing of the designation and interior salvage. He explained that the Commission notified Siloam in writing of its intention to review the nomination for 1123-33 Spring Garden Street on 12 March 2009. That same day, on 12 March 2009, before Siloam could have received the notice letter, an expediter representing Siloam submitted an application proposing the complete demolition of the church building. The Commission's staff explained the implications of the notice to the expediter, who revised the application to propose interior salvage. Without jurisdiction over the interior, the Commission's staff approved the application administratively. The interior salvage was not only legal, but was in process before Siloam received the Commission's notice letter. Mr. Farnham noted that the Commission designated the property on 8 May 2009.

Mr. Farnham responded to Mr. Gallery's assertion that the Commission should have filed a petition with the courts to enforce the Unsafe violation. Mr. Farnham first explained that the Commission files very few petitions with the courts to enforce violations and does so only when all other alternatives have failed. The Commission has limited enforcement resources and must use them wisely. He observed that the Commission staff and attorney considered such an action in this case, but decided that it would likely precipitate the demolition, not prevent it. He stated that attempting to enforce the violations through the courts would give Siloam an

opportunity to make its demolition argument to a judge, taking the matter out of the Historical Commission's hands. He reminded the Committee of the court's decision in the Front and Chestnut case, in which the court ordered the demolition of a group of buildings despite the Commission's hardship decision. He concluded that court enforcement in this case would likely have led to demolition. He rejected Mr. Gallery's claim that the Commission was negligent when it failed to enforce the violation.

Mr. Lukach objected to the claims by Messrs. Gallery and Palewski that the hardship was self imposed. He stated that in the last year Siloam lost \$250,000 in funding for services, laid off three staff members, and is providing services to more, not fewer, people. Siloam would not do anything to prevent a sale of the church. He stated that the real estate is Siloam's only asset. He reported that Siloam sold storefront at the western end of the site recently because it needed the income. He stated that Siloam would gladly sell the church to any buyer. He asserted that he does not have an agenda to demolish the historic church. He stated that there is no buyer for the church building, which is a drain on Siloam and will eventually put it out of business. He declared that no one has surfaced to buy the building. Mr. Lukach stated that he would happily sell the building and put the receipts into the services Siloam provides.

Mr. Boyle admonished Mr. Palewski for disparaging his client. He stated that Mr. Lukach and Siloam have worked openly and in good faith with the Commission to find a solution since it received notice of the potential designation. Nothing has been done "under the radar." He stated that his client submitted an application for the complete demolition permit with no knowledge that Mr. Palewski was preparing the nomination. Mr. Boyle noted that Mr. Palewski has given everyone the impression that the demolition permit application was filed in response to the nomination. Just the opposite is true. Mr. Palewski filed the nomination after Siloam revealed that it intended to demolish the building. Mr. Lukach has operated in an open and transparent manner. Mr. Palewski has not. Mr. Boyle stated that there was no material change in the property between the time that the Mrs. Schicktanz expressed an interest in the property and the time she toured it. He also asserted that the Schicktanz offer simply was not viable. The Schicktanz proposal to spend only \$600,000 to acquire and rehabilitate the building was entirely unrealistic. It was not a credible offer, as Mr. Palewski claims. Siloam would never "submarine" an offer, as Mr. Palewski implies. Mr. Boyle stated that Mr. Palewski should limit his discussion to the facts and merits of the case. It is certainly his right to dispute cost estimates and other aspects of the application, but he should not malign Mr. Lukach or impugn his motives. Mr. Boyle concluded, asserting that Siloam is a struggling non-profit that provides much-needed services to people in great need.

Ms. Pentz stated that she is not persuaded by the "self-imposed hardship" argument. She stated that there is no way to determine the intent of the salvage work. She stated that the fundamental fact is that the building needs "substantial" work that would not be reasonable or feasible. She stated that she agrees that the engineering reports lack thoroughness, but she contended that a new engineering analysis would not change the outcome in a substantial way. She asserted that additional analyses would cost money, but would not change the fact that this building requires an investment in rehabilitation that would greatly exceed its ultimate worth. She concluded that additional analyses are not justified.

Mr. McCoubrey stated that the appropriate point of reference regarding the condition of the building is the time of designation in 2009, not 2007 or some earlier date. Mr. Farnham agreed, stating that the owner was not legally required to maintain the building to the Historical Commission's standards until the issuance of the notice in 2009.

Mr. Evans stated that the interior salvaging impacted the marketability of the building. Mr. Farnham stated that the interior salvage work was done legally with a building permit approved by the Commission. He paraphrased the ordinance, stating that it requires that the “exterior of every historic building... shall be kept in good repair as shall the interior portions of such buildings... neglect of which may cause or tend to cause the historic portion to deteriorate, decay, become damaged or otherwise fall into a state of disrepair.” Mr. Evans contended that some portion of the hardship is self imposed. Mr. Farnham disagreed, observing that the matter is complicated. He asserted that one must determine Siloam’s intent first before determining whether it was a self-imposed hardship or not. Mr. Farnham contended that the fact that Siloam had set the salvaging and complete demolition plan in motion before it had any knowledge that the Commission would seek to designate the building indicates that Siloam was acting in good faith and not attempting to subvert the Commission. Mr. Evans asked if the salvaging had commenced before designation. Mr. Lukach stated that it had. Mr. Boyle added that Mr. Palewski is basing his claims about the interior on a 2007 document. The condition in 2007 is irrelevant. The building was not designated until 2009.

Mr. McCoubrey agreed with Ms. Pentz and asserted that the application makes a clear case for hardship. He stated that he believes the claim that this building cannot be sold. He also stated that he believes that the rehabilitation costs would be much more than the \$6 million shown in the applicants’ estimate.

Mr. Cluver stated that a cost estimate for stabilizing but not rehabilitating the building is missing from the application. He observed that that information may not make any difference in the conclusions, but it is missing. He stated that he believes that the estimated rehabilitation costs are realistic; the actual rehabilitation costs might be slightly more or less, but estimated costs are close enough to useful in this assessment. He stated that he does not have the experience to determine whether the building has been marketed sufficiently to ascertain whether a buyer exists. He asserted that it would be very difficult to reuse this building for a commercial venture because the costs would be so high.

Mr. Evans stated that the engineering assessments were not adequate. He observed that the cost estimates are based on the flawed engineering reports and therefore may not be accurate.

Mr. Farnham asked the Committee to comment specifically on whether additional information was needed to reach a conclusion in this matter. Ms. Pentz and Mr. McCoubrey stated that they did not believe that additional information would change their conclusion that this building cannot be reasonably adapted for reuse. They stated that the evidence was conclusive; no additional information could overcome the fact that this building could not be reasonably rehabilitated. Mr. Cluver stated that he did not believe that additional information would change the facts. He stated that he was suggesting requesting additional information as a formality, not because he thought that it would change his mind. He added that it is not possible to determine the motivations of the salvage effort. He stated that the condition is unfortunate, but it must be taken into account when determining whether the building’s rehabilitation is feasible. Mr. Evans stated that the Committee should request additional information before issuing a “death sentence” for this “remarkable” building, not because it would change the conclusions, but because it would establish a complete record.

The Committee concluded that three members would recommend approval of the demolition because the applicants have proven that the retention of the building would result in a hardship.

Mr. Evans stated that he would recommend requiring a detailed structural assessment of the building and a cost estimate for stabilizing the building based on that assessment. He added that he realized that the additional analysis would not change the outcome of this application, but that it should be done for the sake of completeness.

Mr. Boyle objected to providing any additional reports or analyses, especially if the Committee believes that they will not change the outcome. He stated that his client has incurred significant costs owing to the designation and, yet, the circumstances are exactly as they were when the building was designated over one year ago; there is no feasible adaptive reuse for the building. He questioned the suggestion that his client should stabilize the building. He asserted that there is no money for stabilization. He contended that analyzing the stabilization of the building was an exercise in futility.

Mr. Farnham observed that the members of the Committee appeared to represent two positions. Ms. Pentz and Messrs. Cluver and McCoubrey appeared to support a recommendation of approval of the demolition based on financial hardship. Mr. Evans appeared to support a recommendation to table the application and request additional information and analyses from the applicants. Mr. Farnham asked the Committee if it would consider referring the application to an independent expert for analysis. Ms. Pentz spoke for the majority and stated that they believed that the applicants had made their case and that the majority would recommend approval of the demolition application with a hardship finding.

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend that the Commission find that the property at 1123-33 Spring Garden Street cannot be used for any purpose for which it is or may be reasonably adapted and approve its complete demolition, pursuant to Section 14-2007(7)(j) of the Philadelphia Code.

ADJOURNMENT

The Architectural Committee adjourned at 12:24 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 6: Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

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

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

§14-2007(7)(j): No permit shall be issued for the demolition of an historic building, structure, site or object, or of a building, structure, site or object 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. 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.