

**THE MINUTES OF THE 598TH STATED MEETING OF THE
PHILADELPHIA HISTORICAL COMMISSION**

**FRIDAY, 8 JUNE 2012
ROOM 18-029, 1515 ARCH STREET
SAM SHERMAN, CHAIR**

PRESENT

Sam Sherman, Chair
Dominique Hawkins
JoAnn Jones, Office of Housing & Community Development
Rosalie Leonard, Office of City Council President
Sara Merriman, Commerce Department
John Mattioni, Esq.
Joseph Palantino, Department of Public Property
Dan Quinn, Department of Licenses & Inspections
David Schaaf, Philadelphia City Planning Commission
Robert Thomas, AIA
Betty Turner

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

ALSO PRESENT

Robin Komita, Komita Design
Mark Thompson, Mark B. Thompson Architects
Renee Giustino, Mark B. Thompson Architects
Jack Paruta, Gensler
Ben Leech, Preservation Alliance
John Gallery, Preservation Alliance
Michael Naessens, Bierstube
David Brownlee, Design Advocacy Group
Robert Levin
Joanna Murray
Samantha Kuntz, Philadelphia City Planning Commission
Frank Rapisarda, Tackett & Co.
John Atkinson, Eastern Construction Company
Neil Sklaroff, Esq. Ballard Spahr
Judith Sullivan, Dean, Philadelphia Cathedral
Michael Wolford, Philadelphia Cathedral
Mary Jo Grdina, Philadelphia Cathedral
Dave Yeager, Radnor Property Group
Michael Ytterberg, BLT Architects
Mark Coggin, Thornton Tomasetti
George Thomas, CivicVisions
Stephan Salisbury, Philadelphia Inquirer

CALL TO ORDER

Mr. Sherman called the meeting to order at 9:05 a.m. Commissioners Hawkins, Jones, Leonard, Merriman, Mattioni, Palantino, Quinn, Schaaf, Thomas, and Turner joined him.

MINUTES OF THE 597TH STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION

Ms. Merriman offered a correction to the minutes. She noted that the word “not” was missing from a sentence on page 32, third paragraph, third line from the bottom.

ACTION: Ms. Hawkins moved to adopt the minutes of the 597th Stated Meeting of the Philadelphia Historical Commission, held 11 May 2012, as corrected. Ms. Turner seconded the motion, which passed unanimously.

THE REPORT OF THE ARCHITECTURAL COMMITTEE, 22 MAY 2012

Dominique Hawkins, Chair

CONSENT AGENDA

Mr. Farnham introduced the consent agenda and explained that it included 7406 Germantown Avenue, 20 S. 03rd Street, 1519-21 N. 16th Street, and 15-19 S. 22nd Street. Mr. Sherman asked if any Commissioners had comments on the Consent Agenda. No one offered comments. Mr. Sherman asked if the audience had comments on the Consent Agenda. No one offered comments.

ACTION: Mr. Thomas moved to adopt the recommendations of the Architectural Committee for 7406 Germantown Avenue, 20 S. 03rd Street, 1519-21 N. 16th Street, and 15-19 S. 22nd Street. Ms. Leonard seconded the motion, which passed unanimously.

AGENDA

ADDRESS: 2530 S 22ND ST

Project: Install windows

Review Requested: Final Approval

Owner: Joanna Murray

Applicant: Joanna Murray

History: 1915; John T. Windrim, architect

Individual Designation: None

District Designation: Girard Estate Historic District, Contributing, 11/10/1999

Staff Contact: Rebecca Sell, rebecca.sell@phila.gov, 215-686-7660

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial, pursuant to Standard 6.

OVERVIEW: This application proposes to install wood, one-over-one windows in the front facade and vinyl windows on the side and rear of this property. The correct configuration is one-over-one and the historic material is wood. The current windows are vinyl replacements.

DISCUSSION: Ms. Sell presented the application to the Commission. Property owner Joanna Murray represented the application.

Ms. Hawkins clarified that the applicant was not present at the Architectural Committee meeting, but was represented by her contactor. She explained that the general consensus of the Committee was that the installation of vinyl windows is inappropriate on the front façade. She clarified the Committee's recommendation to approve vinyl windows in the bays of the side elevation behind the downspout and wood windows on the façade and first two bays, four windows, on the side elevation in front of the downspout.

Ms. Murray responded that she cannot afford wood windows on the side elevation. She explained that the current windows are severely deteriorated and not functioning properly. Mr. Sherman asked if she had obtained any cost estimates. She stated that to install vinyl windows in all of the openings would be about \$14,000 and to install wood would be about \$28,000. Ms. Sell clarified that the application proposes wood windows on the front elevation and vinyl on the side and rear elevations. She explained that the staff has the authority to approve wood windows on the front façade and vinyl windows in the rear, owing to lack of visibility from the public right-of-way. Mr. Baron clarified that the additional \$14,000 is not for the four wood windows recommended by the Committee, but rather all of the windows. Ms. Murray stated that it will cost about \$16,000 to \$18,000, instead of \$14,000, to install the suggested mix of wood and vinyl windows.

Ms. Sell directed the Commission to a photograph of the side elevation. She explained that the Architectural Committee recommended approval of vinyl windows in most of the side elevation, but wood windows in four windows closest to the front façade, in front of the downspout. She concluded that if the Commission agrees with the Committee's recommendation, the owner is disputing only those four windows. Ms. Leonard asked how many windows are behind the gutter. Ms. Murray stated that there are four basement windows and nine windows on the side façade; four in front and five behind the downspout. She stated she brought photographs to show that the side elevation is obscured from the public right-of-way.

Mr. Sherman asked how much it would cost per the Architectural Committee's recommendation. Ms. Murray said the cost would be around \$1,000 per wood window. Mr. Sherman asked if Ms. Murray had researched any less expensive wood windows. Ms. Murray stated that the proposed window was the most reasonably priced. Mr. Sherman asked if the specifications of this window are appropriate and if there is a less-expensive alternative. Ms. Sell responded that the wood one-over-one window as proposed is common and the specifications are simple. She stated that if there were a less expensive option that meets the specifications, it could be approved as well. Mr. Sherman concluded that, based on the applicant's testimony, the Architectural Committee's recommendation will cost about \$4,000 more than the applicant's request.

Mr. Baron recalled that the contractor testified at the Committee meeting that he was willing to install the front wood windows for the cost of vinyl windows, but that he could not give the lower price for wood windows to be replaced on the side. Ms. Hawkins concluded that actually the increase in cost would be \$2,000, not \$4,000. Mr. Baron added that the application must also undergo a Section 106 federal historic preservation review because the project will be partially funded with a federal low-interest loan.

ACTION: Ms. Merriman moved to approve the vinyl windows at the rear facade and at all but the two front-most bays of the side facade, provided that the appropriate wood windows are installed at the front façade and at the two front-most bays of the side façade (back to the downspout), with the staff to review details, pursuant to Standard 6. Ms. Leonard seconded the motion, which passed unanimously.

ADDRESS: 629 PINE ST

Project: Add roofdeck with pilothouse, cut new windows at rear

Review Requested: Final Approval

Owner: Mario Moussa

Applicant: Robin Komita, Komita Design LLC

History: 1855; storefront, 1895; Colonial Revival rehabilitation, 1950

Individual Designation: None

District Designation: Society Hill Historic District, Contributing, 3/10/1999

Staff Contact: Jorge Danta, jorge.danta@phila.gov, 215-686-7660

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of ground-floor windows, side window, and roof deck with pilot house, pursuant to Standard 9; denial of second-floor windows, pursuant to Standards 2 and 9.

OVERVIEW: This application proposes to alter the rear ell and construct a small roof deck. The building has undergone several alterations throughout its history. The rear ell, however, retains a large degree of original fabric, with the exception of its ground floor, which has been greatly altered. The application proposes the installation of large windows at the ground and second floors of the rear wall of the rear ell that would not match the historic fenestration. The application proposes a new window on the side of the rear ell. The application also proposes the construction of a pilot house and small deck. The deck would be located in the middle of the roof, where the main block of the house intersects the rear ell. The deck and pilot house would not be visible from Pine Street, and would be inconspicuous from the Panama Street at the rear.

DISCUSSION: Mr. Danta presented the application to the Commission. Architect Robin Komita represented the application.

Ms. Komita explained the proposed work. She displayed boards and pointed out the existing openings and the proposed openings. She specifically described the limited visibility of the area proposed to be altered, as well as similar alterations found throughout the district. She stressed the desire to allow more natural light into the house and stated that the proposed alteration would be a noticeable improvement to the quality of life of her family.

Mr. Thomas noted that the rear façade has been significantly altered. He noted that, although it is the original brick wall, the façade has been compromised and the visibility is limited. Mr. Schaaf asked if the opening could be made into two smaller openings. Ms. Komita answered that, because of the added load, the foundations would need to be reinforced, thus making the project more costly and complicated. Mr. Thomas reiterated that the visibility and significance of the fabric is very small.

ACTION: Mr. Thomas moved to approve the application, with the staff to review details. Mr. Schaaf seconded the application, which passed by a vote of 10 to 1. Ms. Hawkins dissented.

ADDRESS: 433-41 CHESTNUT ST

Project: Install signage and lighting

Review Requested: Final Approval

Owner: KHP II Chestnut, LLC

Applicant: Jack Paruta, Gensler

History: 1907; Lafayette Building; James H. & John T. Windrim, architects

Individual Designation: None

District Designation: Old City Historic District, Significant, 12/12/2003

Staff Contact: Jorge Danta, jorge.danta@phila.gov, 215-686-7660

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of the Red Owl Tavern signs, provided they are not illuminated as proposed; approval of two halo-lit Hotel Monaco signs on backer panels, provided they are attached to the frieze section of the entablature; approval of the oval logo signs, provided they do not cover the stone reveals; denial of the gooseneck light fixtures; and denial of façade lighting, pursuant to Standard 9 and owing to incompleteness.

OVERVIEW: This application proposes signage and external illumination. The architectural drawings not only depict the proposed signage and lighting, but also include awnings, flags, and an entrance canopy along Chestnut Street that were previously approved. Those elements are not part of this application.

The application proposes the installation of three signs on the southwest corner of the building. The signs would be attached to a limestone pier. The proposed signs include two for the “Red Owl Tavern” and an oval sign with the hotel’s logo on the upper section of the pier. The signs for the restaurant would be externally illuminated with goose-neck lights.

Two illuminated signs are proposed along 5th Street. These signs would be located on the entablature, which delineates the base of the building from the upper stories. The letters would be mounted on backer panels. Two oval logo signs would be installed at the northwest corner of the building. These two signs would not be illuminated.

The application also proposes the installation of light fixtures on several locations throughout the Chestnut and 5th Street facades to light the facades. The application does not include attachment or electrical details. This portion of the application should be considered incomplete until more information is submitted.

DISCUSSION: Mr. Danta presented the application to the Commission. Attorney Thomas Chapman and architect Jack Peruta represented the application.

Mr. Chapman stated that the proposal has been revised to reflect the comments received by the Architectural Committee. Mr. Chapman also stated that the hotel is scheduled to open in late summer. He noted that the City has been very cooperative and supportive of the project.

Mr. Peruta presented the proposal to the Commission. He explained the signage components of the application first. He described the proposed illuminated Hotel Monaco signs. He explained that the letters would be installed on backer panels, not individually mounted as originally proposed. He noted that the change is both practical for mounting purposes and a response to the comments received at the Architectural Committee meeting. He noted that size of the letters reflects the scale of the original letters on the Lafayette sign on the façade. Ms. Hawkins stated that the Committee had recommended that the sign be installed on the frieze section of the entablature and not in the architrave. Mr. Peruta answered that there were two reasons why

they preferred to install the sign on the architrave. The wiring for the sign would be exposed if it was installed in the frieze. Secondly, the location of the sign on the architrave is more respectful to the hierarchy of the original sign and it would not compete with the original sign to the building.

Mr. Peruta described the proposed Red Owl Tavern signs. He stated that the signs had been revised since the architectural Committee meeting. He noted that the goose neck fixtures had been eliminated and that the exterior lighting fixtures would now be part of the signs themselves. Mr. Schaaf asked if the revised fixture would be attached to the sign. Mr. Peruta answered that the fixture would be part of the sign.

Mr. Peruta described the final component of the application, exterior lighting. He stated that the illumination would be located at the lower third of the building and that no lights would be installed on the upper sections of the building. He explained that the light would be a wash, not strong spot lights. He described the lights at the portico. He noted that at this location the fixtures would be concealed behind the columns and painted to match the color of the stone. Mr. Peruta noted that the conduits would be inconspicuously installed along the cornice and behind the columns. Mr. Peruta stated that the National Park Service had reviewed and approved the proposal. Mr. Sherman asked if the Committee had seen the lighting details presented today. Mr. Peruta answered that they had not and that the presentation included more details on the lighting proposal as a response to the Committee's determination that this portion of the application was incomplete. Mr. Danta stated that the Committee had not discussed the lighting proposal in much depth, because they deemed that portion of the application incomplete. Mr. Danta stated that in his opinion the details that had just been presented did not address the Committee's fundamental concern, which was the attachment of the proposed lighting fixtures. Mr. Danta stated that the Commission had always carefully reviewed applications for exterior illumination, and specifically attachment details. He reminded the Commissioners about the application for the illumination of facades along Broad Street as a good example of a similar case. Mr. Danta noted that improper attachments that will to long-term damage to horizontal surfaces and stone elements on the façade must be avoided. Ms. Merriman asked if the attachment details could be reviewed for approval by the staff. Mr. Danta answered that the staff could certainly undertake the review of those details. He stated that in previous reviews the Commission had restricted the use of mechanical fasteners on horizontal surfaces and in the case of the Land Title Building had prohibited any penetrations to the stone or terracotta of the building. Mr. Peruta stated that, as part of the rehabilitation of the building, the masonry has been restored; he asserted that the building owner would not now damage the masonry it had just restored. Mr. Sherman suggested that the staff use the guidance and knowledge from previous applications to review the lighting details for this application. Mr. Danta stated that the staff could use the Commission's guidance on the Broad Street facades for this proposal. Mr. Merriman stated that, if there is a disagreement between the staff and the applicant on attachment details, then the proposal could always be presented to the Commission.

Ms. Hawkins stated that the Committee had raised a concern regarding the appropriateness of illuminating the columns at the portico and the entrance. Ms. Merriman stated that the illumination was beautiful and that it would only enhance the beauty of the building. Mr. Mattioni agreed with Ms. Merriman. Ms. Jones asked Ms. Hawkins to explain the Committee's objection to the illumination of the columns. Ms. Hawkins explained that in classical architecture columns are viewed as solid elements that support weight. She stated that, if the columns are illuminated from behind, then they would lose their connection to the architecture above them. Several Commissioners again voiced their support for the lighting proposal.

ACTION: Mr. Thomas moved to approve the revised application as presented at the Historical Commission meeting on 8 June 2012, with the staff to review details, especially the installations of the light fixtures, pursuant to Standard 9. Ms. Merriman seconded the motion, which passed unanimously.

ADDRESS: 206 AND 208 MARKET ST

Project: Legalize awning

Review Requested: Final Approval

Owner: Yi Ping LLC

Applicant: Sherry Yang

History: 1849

Individual Designation: 11/4/1976

District Designation: Old City Historic District, Contributing, 12/12/2003

Staff Contact: Rebecca Sell, rebecca.sell@phila.gov, 215-686-7660

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

OVERVIEW: This application proposes to legalize an awning that was installed over four bays on the façade of this building. In February 2012, the staff observed the awning as well as two banner signs and lighting installed on the façade without the approval of the Historical Commission or a permit by the Department of Licenses and Inspection. A violation was subsequently issued.

DISCUSSION: Ms. Sell presented the application to the Commission. Business owner Michael Naessens represented the application.

Mr. Naessens stated that he purchased the restaurant in January 2012. He stated that the original restaurant was an Asian bistro, which had bubble-shaped awnings and banners. He cited a language barrier that may have contributed in part to the installation of those awnings and banners without approvals or permits. He stated that he wanted to rebrand the signs and awnings. He explained that he had the banner signs refaced and installed a straight awning using existing holes in the masonry. He showed a photograph of the building from the 1970s before its façade restoration. He stated that the façade is really only 10 years old. He submitted photographs of other businesses in the area with awnings. He stated that the Architectural Committee suggested that the columns should be exposed. He agreed that he will remove the awning, but would like to have one awning within the columns over the center door. He stated that he would like to retain the banner signs.

Ms. Hawkins stated that the banners were not discussed at the Committee meeting. She explained that the Committee suggested removal of the single awning and installation of separate awnings over the door bays, which could be reviewed at the staff level. Mr. Naessens explained that, owing to a language barrier, Ms. Yang, the applicant and expeditor, communicated that only the awning was in violation and he did not know that the violation included the banners.

Mr. Baron stated that the district has special requirements for projecting signage. He explained that, if the Commission were to approve of something projecting, the applicant may also need to obtain a zoning approval in order to get a permit. He added that the owner is responsible for securing requisite permits and one way to do that is to secure a copy of the approved

application with approved drawings. He opined that the banners may be more problematic from a zoning perspective than a historic preservation perspective. Mr. Schaaf explained that the banners and awning are also under the jurisdiction of the Art Commission. He stated that there is a special controls district for Center City that includes Market Street from Front Street to 5th Street. Mr. Naessens claimed that Ms. Yang spoke with the Art Commission and that they had no objection. Mr. Schaaf stated that he sits of the Sign Committee of the Art Commission. Ms. Sell stated that the decision of the Art Commission would be in writing. Mr. Mattioni suggested the applicant obtain some professional advice or a new expeditor that understands the City's regulatory agencies. Mr. Schaaf stated that he believes that the area is zoned C-3 and therefore banner signs would be permitted. However, he added that the Art Commission would need to review and approve them.

Mr. Naessans asked if he would need to wait for an approval for a different sign. He stated that removing the current sign would affect his business. Ms. Merriman stated that the application only addresses the awning and the Commission cannot mandate the removal of the banner signs. She added that she thinks the banner signs are appropriate. Ms. Sell clarified that the staff can approve an application for an appropriate awning. She explained that the applicant received suggestions from the Committee about an appropriate awning. She stated that the applicant to obtain an approval for appropriate signage quickly.

ACTION: Ms. Merriman moved to adopt the recommendation of the Architectural Committee and deny the application, pursuant to Standard 9. Mr. Thomas seconded the motion, which passed unanimously.

ADDRESS: 150 S INDEPENDENCE W ML

Project: Install banners and flag

Review Requested: In-Concept Review

Owner: PLB Partners LP

Applicant: Dan Bosin, Dan Bosin Associates

History: 1924; Public Ledger Building; Horace Trumbauer, architect

Individual Designation: None

District Designation: Society Hill Historic District, Significant, 3/10/1999

Staff Contact: Rebecca Sell, rebecca.sell@phila.gov, 215-686-7660

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend final approval of the flag, with the staff to review details, and denial of the banners, pursuant to Standard 9.

OVERVIEW: This application proposes to install banners and hang a flag from an existing flag pole at the north entrance of the Public Ledger Building. According to the photo-rendering and cover letter, the banners will be installed with rubber clips on the pilasters that flank the entrance and will not extend higher than spring line of the arched window openings. There is no other information provided regarding material, size, or attachment.

In April 2011, the applicant proposed to install two large banners on the northeast corner covering two pilasters. The Commission denied the application owing to the size, location, and attachment. This application responds to suggestions made at the Architectural Committee meeting in March 2011, but does not provide any details.

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

The Commission reviewed the application and concurred with the Architectural Committee.

ACTION: Ms. Hawkins moved to adopt the recommendation of the Architectural Committee and approve the flag, with the staff to review details, but deny the banners, pursuant to Standard 9. Mr. Thomas seconded the motion, which passed unanimously.

ADDRESS: 7406 GERMANTOWN AVE

Project: Remove rear shed, construct garage

Review Requested: Final Approval

Owner: New Covenant Church of Philadelphia

Applicant: Van Strother, New Covenant Church of Philadelphia

History: 1800; PA School for the Deaf; New Covenant Church; altered 1850

Individual Designation: 4/30/1986

District Designation: None

Staff Contact: Rebecca Sell, rebecca.sell@phila.gov, 215-686-7660

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, provided the eave of the garage addition aligns with that of the existing building and the peak of the gable rises two feet above the existing roofline, pursuant to Standards 6 and 9.

OVERVIEW: This application proposes to add a garage to the rear of a stone house that sits of the grounds of the former Pennsylvania School for the Deaf. The plans call for removing a wood shed from the rear and adding a garage structure. The Commission reviewed and denied an earlier version of this application in March 2012. At that time, the Commission suggested reducing the size of the proposed garage. The current garage proposal is one story shorter and several feet narrower than the earlier garage. The garage would be clad in fiber cement boards to appear as clapboards.

ACTION: See Consent Agenda

ADDRESS: 1800 PINE ST

Project: Install windows

Review Requested: Final Approval

Owner: Priscilla M. Luce Trust

Applicant: John Atkinson, Eastern Construction Company

History: 1840

Individual Designation: None

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

Staff Contact: Rebecca Sell, rebecca.sell@phila.gov, 215-686-7660

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial, pursuant to Standard 6.

OVERVIEW: In March 2012, the staff observed the installation of the windows at this property without the approval of the Historical Commission or a permit from the Department of Licenses & Inspections. A violation was subsequently issued. This rowhouse contains three dwelling units. The Philadelphia Building and Occupancy Code requires a building permit for window replacement in residential buildings with three or more units regardless of whether it is designated historic or not. This application proposes to legalize the installation of wood, one-

over-one windows with subframes. The correct window configuration is a six-over-six window with a clamshell brickmold. The proposed brickmold does not match the historic profile.

DISCUSSION: Ms. Sell presented the application to the Commission. Contractor John Atkinson and architect Frank Rapisarda represented the application.

Mr. Rapisarda described the three-story building and its location on the corner of 18th and Pine with street frontage on Waverly Street. He stated that building has 47 windows, of which 30 have been replaced and the 17 remaining are on site, but not installed. He explained that the replacement windows were made match the existing windows. He stated that they seek legalization of the windows that have been replaced and approval to continue with the replacement. Mr. Baron asked if they had prepared architectural drawings of the proposed windows. Mr. Rapisarda stated that he only has photographs. He explained that the photographs show the proposed and existing windows as well as a juxtaposition of the two.

Ms. Sell noted that the building is part of a row of buildings that were built at the same time and have matching facades. She explained that, while the designation photograph and current condition of the house show the one-over-one window configuration, the rest of the row has the six-over-six pane configuration.

Mr. Sherman asked if it is possible to change the window sash to a six-over-six configuration. Mr. Rapisarda opined that it is possible, but it would cause a financial hardship to replace the 47 windows, even if were just the sash. He explained that there has already been a \$60,000 investment into the windows and would likely cost another \$60,000 to replace the sash.

Ms. Hawkins explained that there are several layers to this issue. She stated that work was done without a permit. She stated that the new windows are not only the improper configuration at the projecting bays, but they also required the installation of infill material because they do not fit. She stated that the sash are within a sub-frame, which builds down the opening, making it smaller. She explained that to windows within sub-frames result in smaller panes, changing the proportions.

Mr. Rapisarda stated that the frames of the existing windows were left in place on the bay and the new windows were installed within the frames, resulting in a difference of less than two inches. Mr. Schaaf asked if that scenario occurred only on the bays. Mr. Rapisarda confirmed that it was only on the bays. Mr. Schaaf stated that there is an obvious difference between the existing windows on the first and second stories and the new windows on the third and fourth stories on the façade.

Mr. Sherman asked Mr. Atkinson when he bought the building. Mr. Atkinson stated he purchased it one year and three months ago. Mr. Sherman asked if the designation of the building was disclosed at the time of sale. Mr. Atkinson stated that he was not aware of the Commission's jurisdiction at that time. He explained that it was his intention to repair the windows. He stated that he sent a window out to a company to be copied. He stated that he spent \$60,000 on new windows that matched the existing windows.

Mr. Sherman asked Mr. Atkinson if he had obtained building permits from the Department of Licenses & Inspections for the rehabilitation. Mr. Atkinson stated that he had obtained permits. Mr. Sherman asked if any of the permits included the window replacement. Mr. Atkinson explained that Building Inspector John Diamond told him to stop working when he saw the windows being installed. Mr. Diamond explained that he needed the Historical Commission's

approval for window replacement. Mr. Atkinson stated that he submitted an application to the Commission after the windows were purchased. He claimed that the only windows that did not match the existing windows were those in the bays. He stated that he did historical research to be sure that the new windows were appropriate. Mr. Sherman argued that, if Mr. Atkinson had sought the Commission's approval first, the costs would have been the same but the windows would have been appropriate. Mr. Sherman pointed out that the designation information for the property is available in several places. Mr. Atkinson stated that he knew that the property was designated as historic. He stated that he did the research to be sure the new windows were the correct size and material because it was designated as historic. Mr. Schaaf stated that his research was flawed. He should have consulted with the Commission, as required, rather than simply guessing at the appropriate windows. He stated that the new windows do not look anything like the correct historic windows.

Mr. Thomas explained that the building was not historically certified when the building was constructed. He stated that likely happened in 1995. He explained that, at the time of the historic designation, it was likely that the windows had already been replaced and were not the original windows. He explained that windows that are present at the time of designation can remain in place, but, when they are replaced, the new windows must conform to the Secretary of the Interior Standards, meaning that they must have the appearance of the original windows. He stated that the issue is that the windows were made to match those present at the time of designation rather than the original windows. Mr. Atkinson asked if it is certain that the building had six-over-six windows. He noted that there are other buildings on the block that have one-over-one windows. Mr. Thomas explained that there is enough evidence from the row to know with certainty that the originals were six-over-sixes.

Mr. Farnham reported that the Commission's staff had approved an interior-only permit application for Mr. Atkinson and conditioned it with the caveat: "no work to windows or doors." He stated that the building will have three units and the permitting code requires a building permit for window replacement in any building with three or more units regardless of whether it is historic or not. He added that if the applicant sought the appropriate permit, even if he was unaware of the designation, he would have learned of the designation and the Commission's requirements for window replacement.

ACTION: Mr. Thomas moved to adopt the recommendation of the Architectural Committee and deny the application, pursuant to Standard 6. Mr. Schaaf seconded the motion, which passed unanimously.

ADDRESS: 20 S 03RD ST

Project: Construct addition with roof deck

Review Requested: Final Approval

Owner: Ronald Friedman

Applicant: Rustin Ohler, Harman Deutsch

History: 1789; new front façade and additional story, 1848

Individual Designation: 5/5/1977

District Designation: Old City Historic District, Significant, 12/12/2003

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

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of the project as show in the revised drawing, provided the brownstone storefront is restored, the new kickplate at the lengthened door is a dark metal, and a window is added to the rear façade for symmetry, with the staff to review details, pursuant to Standards 2, 5, 6, and 9.

OVERVIEW: This application proposes constructing a five-story addition at the rear of the four-story building. A small deck would be located at the front of the addition, on roof of the four-story building. The addition would be clad with stucco to match the front façade of the building and would have windows in the side (south) façade. The addition may be visible from Franklin Court and would certainly be visible from the south on S. 3rd Street, owing to a shorter building to the south. At the front façade, the brownstone would be repaired. At the storefront, the non-historic roll-down grate would be removed. For accessibility, the application proposes removing the brownstone steps at the right doorway and lengthening the existing doors with a wood extender and kick plate to accommodate the taller opening.

The staff suggests exploring ways to preserve the existing brownstone steps and achieve the accessibility goals. If the central window will be replaced, it should be divided to replicate an 1848 shop-front window. Also, the brownstone repair should be undertaken with the staff's oversight.

ACTION: See Consent Agenda

ADDRESS: 1519-21 N 16TH ST

Project: Alter and legalize non-compliant façade, legalize transformer

Review Requested: Final Approval

Owner: PMJ Developments, LLC

Applicant: Plato Marinakos, Plato Marinakos Architect, LLC

History: 1886; addition, 1893

Individual Designation: 7/1/1982

District Designation: None

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

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, provided the electrical transformer is removed from the front yard or installed entirely below grade with a curb not to exceed four inches in height above grade, with the staff to review details, pursuant to Standards 9 and 10.

OVERVIEW: The Historical Commission reviewed and approved an application to convert this building to apartments in May 2011. The application included a large side addition. The addition has been constructed and the conversion completed, but the resulting building deviates in several aspects from the approved design.

At the original building, the oculus window in the stair and the basement window are infilled; the designation photograph shows that they were fenestrated. An exterior stair and door to the basement in the side façade of the historic building partially block the main entrance to the addition.

At the addition, the window openings in the front façade are smaller than approved. Vinyl sliders were added to window wells at the front façade. Several features on the approved plans, such as the third-floor decorative sills and a projecting cornice, were not constructed. The walkway to the front door was widened to accommodate large garbage bins on wheels. The walkway was paved in concrete rather than the approved pavers. A very large electrical transformer was installed in the front yard, obscuring a large section of the front facade.

The staff notified the owner and contractor of these discrepancies. The owner has hired a new architect to propose modifications and solutions.

The application proposes reopening the infilled windows in the historic building and installing windows at the stair and basement. The basement stair and door would be retained and the stair to the entrance to the addition would be reconfigured to avoid the basement stairwell. At the addition, the window openings would be enlarged and windows installed. The third-floor sills and projecting cornice would be installed. The vinyl sliders in the basement window wells would be retained. The walkway to the front door would be narrowed to its approved dimensions and paved with decorative pavers. The application proposes to retain the transformer, but add landscaping to minimize its impact.

The staff suggests that the transformer should be relocated below grade or in the basement of the building.

ACTION: See Consent Agenda

ADDRESS: 15-19 S 22ND ST

Project: Construct terrace, alter non-historic garden

Review Requested: Final Approval

Owner: The College of Physicians of Philadelphia

Applicant: Antonia Oberthaler, The College of Physicians of Philadelphia

History: 1907; College of Physicians; Cope & Stewardson, architects

Individual Designation: None

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

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

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of the design including Alternate B, with the staff to review details, pursuant to Standard 9.

OVERVIEW: This application proposes alterations at the College of Physicians, which is a National Historic Landmark.

In April 2012, the Commission approved an application proposing to cut three windows into doors in the side façade of the College of Physicians building. The doors will provide access to a new terrace. At the time of the approval, the Commission elected not to approve the revised

terrace design with end staircases, but instead seek the Architectural Committee's guidance on the proposal.

The current application proposes the new terrace with curved stairs leading down to a garden. The already-approved doors and proposed terrace would provide access to the garden, which is located to the south of the building. Currently, there is no convenient access from the building to the outdoor space. The application also proposes reconfiguring the rear section of the garden, which is not historic.

When the College of Physicians building was constructed in 1907, the College did not own the lot on which the garden is now located. It purchased the lot and demolished the livery stable which stood on it in 1910. About 1914, the College planted an informal garden on the site. In 1937, it constructed the front formal portion of the garden with brick paths and a central sundial. The rear portion of the garden was added in 1953, but then reconfigured when the book stack addition was constructed at the rear of the garden in 1956. The garden was reconfigured again in 1961, 1976, and 1991.

ACTION: See Consent Agenda

ADDRESS: 1619 SPRUCE ST

Project: Replace door

Review Requested: Final Approval

Owner: Hanna Fram, Condo Association President

Applicant: Alexander Pientka, Legacy Restoration, LLC

History: 1850

Individual Designation: None

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

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

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial, pursuant to Standard 6.

OVERVIEW: This application proposes the replacement of the front door on this rowhouse in kind. The extant door, which would be replaced in kind, dates to the twentieth century. The rowhouse dates to about 1850, and an original 1850 door survives on the identical rowhouse to the west. The applicant would like to install the newer door because it will be less expensive to manufacture. The applicant contends that the transom bar has been modified, making the installation of the original 1850 door more difficult and costly. However, no detailed photographs have been provided to document the configuration or condition of the doorway. The staff visited the site and photographed the doorway.

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

The Commission reviewed the application and agreed with the Committee's recommendation.

ACTION: Mr. Schaaf moved to adopt the recommendation of the Architectural Committee and deny the application, pursuant to Standard 6. Ms. Leonard seconded the motion, which passed unanimously.

ADDRESS: 1332 LOMBARD ST

Project: Legalize doorway alterations

Review Requested: Final Approval

Owner: Alvin M. Levin Company, LP

Applicant: R.C. Levin, Alvin M. Levin Company, LP

History: c.1845

Individual Designation: 10/27/1967

District Designation: None

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

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial, pursuant to Standard 6.

OVERVIEW: This application proposes the legalization of a new front door and doorway, which were installed without the Historical Commission's approval or a permit. Neither the new door nor the transom matches the size or details of the originals as seen in the historic photograph. The Department of Licenses & Inspections issued a violation for the illegal modifications.

Note that the photographs submitted with this legalization application show that windows at the front façade have been replaced since the photographs documenting the door violation were taken in December 2011. The violation and this application do not address the illegal windows.

DISCUSSION: Mr. Baron presented the application to the Commission. Owner Alvin Levin represented the application.

Mr. Levin stated that the door was replaced on an emergency basis after a break-in. He noted that the transom was present at the time of the break-in and it was not altered during the subsequent repairs. He reiterated that the alteration was done in order to safeguard the property and provide needed security for his tenants. Mr. Levin stated that the historic door jamb would not be adequately wide to accommodate the existing intercom system, and that the work was done as a necessity, not as a desire to alter the style of the door or its jamb. He noted that the transom was present in a photograph dating to 1967 found in the Commission's file. He requested that the Commission approve the transom as is.

Ms. Hawkins stated that the Committee did not intend for the property to remain open and vulnerable after the break-in, but that the emergency repair could have been done with a temporary door, while the final door was reviewed and approved by the Commission. She stated that a six-panel door is not inherently weaker and subject to break-ins than a flush door, and that there are very secure wood doors. Ms. Hawkins noted that altering or restoring the door would not impede the use of the door by today's standards.

Mr. Baron stated that the Levin family purchased the property in 1960. He stated that the family owns other rental properties that have wood doors and those properties are secure and safe. Mr. Levin stated that indeed he owns other buildings with wood doors, but that the safety issue was reserved to the subject property, not the other properties. Mr. Levin reiterated that the work was done in order to provide security for his tenants.

ACTION: Mr. Thomas moved to adopt the recommendation of the Architectural Committee and deny the application, pursuant to Standard 6. Mr. Schaaf seconded the motion, which passed unanimously.

OLD BUSINESS

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

Project: Demolish two buildings, construct mixed-use tower

Review Requested: Final Approval and In Concept

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

Applicant: Neil Sklaroff, Ballard Spahr LLP

History:

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

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

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

Individual Designation: 5/7/1981

District Designation: None

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

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

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

The Episcopal Cathedral, which was originally known as the Church of the Saviour, was constructed in 1855 by architect Samuel Sloan. The church was significantly altered and enlarged in 1889 by architect Charles M. Burns. After a devastating fire in 1902, the cathedral was rebuilt by Burns. At that time, Burns erected the building at 3723 and refaced the building at 3725 Chestnut to create a connected pair of townhouses that harmonized with the cathedral. The Historical Commission individually designated as historic the cathedral at 13-19 S. 38th Street and two rowhouses that comprise the Parish House at 3723 and 3725 Chestnut Street on 7 May 1981.

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

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

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

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

The Historical Commission reviewed this application for several hours at its May 2012 meeting. At that meeting, it tabled the application owing to the lateness of the hour.

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

Mr. Farnham made a brief presentation to the Historical Commission regarding the use of street addresses to identify the parcels of land over which the Commission has jurisdiction. He noted that a memorandum from the Preservation Alliance commenting on the project under review confused deeded parcels with tax parcels and misconstrued the Commission's jurisdiction at this site. He distributed a hand-out with his presentation to the Commission members, applicants, and interested parties. He stated that the Historical Commission designates and then regulates tax parcels with street addresses assigned by the Office of Property Assessment. It does not designate or regulate by deed description. He stated that the Commission reviews building permit applications and explained that City law defines the street addresses that must be used on building permits. He stated that Section 19-1304 of the Philadelphia Code requires the Board of Revision of Taxes to "number all buildings, houses, condominiums, or other structures located within the City." It also requires that, after the numbering, "such building, house, structure, or condominium unit shall be designated and identified by such number in all pertinent City records." Mr. Farnham stated that Section 2-305 of the Code transferred the responsibility of assigning street addresses to the Office of Property Assessment, the agency that superseded the Board of Revision of Taxes. Section A-301 of the Administrative Code of Title 4, the Philadelphia Building Construction and Occupancy Code, requires a building permit for construction activities and requires that "every [building] permit application shall ... provide the specific street address of the proposed work." Mr. Farnham concluded, therefore, that the Historical Commission, which reviews building permit applications, is regulating properties defined by and assigned streets addresses by the Office of Property Assessment. He noted that

the Historical Commission had undertaken a very long and complex process to convert the Philadelphia Register of Historic Places, the list of designated addresses, to Office of Property Assessment-compliant addresses a couple of years ago. He again stated that the Historical Commission regulates plots of land as defined by the Office of Property Assessment, the property tax assessment agency, which are called tax parcels. It does not regulate land as defined by deeds, which are called deeded parcels. Tax parcels and deeded parcels usually coincide, but do not always coincide. He stated that information about every tax parcel in the city is available on the Office of Property Assessment's website. He stated that only the addresses provided by that website are acceptable for the identification of properties on building permit applications. He explained that one may search by block on the website to identify every official, City-assigned street address on the block. If the address does not appear on the website, then it cannot be used on a building permit application.

Mr. Farnham showed printouts from the Office of Property Assessment's website for the blocks of each of the three streets that bound the property in question, the unit block of S. 38th Street, and the 3700 blocks of Chestnut and Ludlow Streets. He explained that the valid, Office of Property Assessment-assigned street addresses for the Cathedral properties in question are 13-19 S. 38th Street and 3717-19, 3723, 3725, and 3727-29 Chestnut Street. He noted that there are no valid, City-assigned street addresses for the 3700 block of Ludlow Street. He showed the site plan provided by the applicants and pointed out the various properties. He noted that the site plan was correct from a street addressing standpoint. He then showed the site plan prepared by the Preservation Alliance, which was based on deeds, not tax parcels. For example, it shows an old parcel cutting right through the middle of the cathedral. He noted that one could not obtain a building permit for a portion of the cathedral. It would be absurd to grant a roofing permit or an occupancy permit for an address that only encompassed a part of a building. The boundaries of tax parcels encompass entire buildings; the boundaries of deeded parcels may run through buildings. Mr. Farnham then pointed to an excerpt from the Preservation Alliance's analysis of the Commission's jurisdiction in his handout and explained that it is fundamentally flawed because it is based on deeds, not street addresses. He again reminded the Commission that it regulates properties by tax parcel, not deeded parcel.

Mr. Farnham advised the Commissioners that the staff had distributed two additional documents to them at the start of the review. The first was a letter from the applicants proposing some restrictive conditions that the Commission might place on an approval of the proposed demolition. He noted that the letter had been distributed to the Commissioners via email prior to the meeting. The second is a statement from the Design Advocacy Group. Mr. Farnham stated that he had received the statement moments prior to the start of the review.

Mr. Farnham noted for the record that all of the application materials as well as all of the materials submitted by interested parties and provided by the staff have been available to the Commissioners and the general public on the Historical Commission's website. He added that additional hard copies of the application are available for use during the meeting. He placed the copies on the meeting room table for easy access.

Ms. Jones stated that she was recusing from the review. She stated that she serves on the Standing Committee of the Episcopal Diocese, which shares ecclesiastical authority with the bishop of the diocese. She stated that she recused from the Commission's review of the of the application proposing to remove stained glass windows from St. Peter's Church in Germantown because the Standing Committee has direct financial responsibility for that property. The Standing Committee does not have direct financial responsibility for the Cathedral, the subject of this review. In fact, the Cathedral has its own governing body referred to as the Chapter. Ms.

Jones explained that, as a member of the Standing Committee, she did participate on a committee that advised the Chapter on its selection of the developer for this project. She stated that her participation on that committee concluded about one year ago. She stated that she played no part in the crafting of the arguments for the demolition of the buildings. She stated that, to avoid the appearance of a conflict, out of an abundance of caution, and in respect of the work of the Commission and the Cathedral, she has decided to recuse. She stated that she has discussed her potential conflict with the chair and executive director of the Commission as well as with the City's Law Department.

Mr. Sklaroff stated that his application team members had made their presentations during the first session of the review. He stated that he would not repeat the presentations, unless the Commission requested him to do so. He offered to answer any questions that Commissioners might have. He commented on the letter that he recently submitted regarding potential conditions to any approval. He reminded the Commission that there was a discussion during the last review regarding conditioning any approval to ensure that no demolition occurred until all financing and permitting was in place. He stated that his clients agreed with the imposition of such conditions and proposed language for them in the letter. He stated that they have also addressed the concerns regarding safeguards that the remediation work will be undertaken at the cathedral building. He reported that his team has concluded that the bell tower is most in need of restoration work. He stated that his clients are offering a mechanism to ensure that the work to the bell tower will be completed as the new building is being constructed. He stated that they are therefore suggesting that the Commission also condition any approval with the requirement that the restoration work to the bell tower is completed before any occupancy permit is issued for the new building. He stated that the staff of the Commission could be authorized to determine when the restoration work was complete. He stated that the structural engineer has defined a scope of work for the bell tower. Mr. Sklaroff concluded, offering to answer any questions the Commission might have.

Ms. Hawkins asked Mr. Sklaroff if his team had prepared any architectural drawings to document the proposed restoration work at the tower. Mr. Sklaroff stated that his team has not yet prepared those drawings.

Ms. Merriman asked Mr. Sklaroff to restate his argument that this project is necessary in the public interest. Mr. Thomas added to Ms. Merriman's question and asked Mr. Sklaroff to also explain why he elected to propose this under the necessary in the public interest provision rather than the hardship provision. Mr. Sklaroff responded that his clients would be required to demonstrate that they had endeavored to sell the buildings to prove a financial hardship case. He stated that the Cathedral is not willing to sell the properties; they are the primary resources of the cathedral. The only other asset is an endowment. He stated that the goal is to save the church, the institution, and the good works, not to sell off the properties. He added that the real estate is the only real resource the cathedral has and it is much more valuable as an assemblage than as a series of individual properties. Mr. Sklaroff stated that, under the Commission's current Rules & Regulations relating to hardship, which require that the property is marketed for sale, the cathedral would not qualify for a hardship exemption.

Mr. Sklaroff reminded the Commission that the historic preservation ordinance stipulates that the preservation of historic resources is in the public interest. He also reminded the Commission that it may approve the demolition of a designated building if it finds that the issuance of the demolition permit is necessary in the public interest. He stated that his team has set forth three grounds establishing that the removal of the buildings is necessary in the public interest. An approval of the removal would allow the cathedral to construct a building that would create a

funding stream that would support, first, the preservation of the cathedral building itself; second, the preservation and enhancement of a 150-year-old institution; and third, the outreach services including feeding of the poor and educational services. Mr. Sklaroff stated that he presented the legal basis for his claims that these activities are in the public interest at the last meeting. He pointed to the preservation ordinance, the treatment of religious properties in zoning law and in federal law such as the Religious Land Use and Institutionalized Persons Act, and the Commonwealth of Pennsylvania's Purely Public Charities Act. He asserted that each of his three grounds has a basis in the law and also in common sense. He stated that the Commissioners need not be persuaded by all three grounds, but only one to find that the demolition is in the public interest. He then addressed the question of necessity. He stated that his team had demonstrated that it is necessary to undertake this project at this site and in this way. He noted that Dean Sullivan had spoken of the history of the cathedral building. He stated that the congregation seeks to preserve this particular cathedral building at this particular site owing to its history with and connection to the site. Likewise, the offices need to be adjacent to the cathedral; the clergy need to be at the site of the cathedral. He also noted that the cathedral and site are the primary assets. The cathedral needs to leverage the assets in order to survive. And the assets have the maximum value as an assemblage, not as pieces. Mr. Sklaroff addressed earlier Commission public interest cases. He stated that no Commission case ever sets precedent in a legal sense, but the earlier cases can inform this case. He stated that in earlier cases, the location of the site was significant. He noted that it is also significant in this case. However, in this case, the conclusion is not simply the demolition of a building, but it is the preservation of an important historic building following the demolition. Mr. Sklaroff stated that the term "necessary in the public interest" is not defined in the preservation ordinance. He observed that the preservation ordinance is a part of the zoning code, and in the zoning code, when a term is ambiguous, that term must be interpreted in favor of the landowner and must provide the broadest application to the landowner. Mr. Sklaroff elaborated that this interpretation in favor of the landowner was once court-created yet binding, but it is now explicit and Council-created in the new zoning code. When a term is not defined in the zoning code, the interpreter must interpret it in favor of the landowner, Mr. Sklaroff contended.

Mr. Sherman stated that congregations throughout the city that own historic houses of worship are changing rapidly, putting their significant buildings at risk. Congregations are dwindling and relocating. Funds are becoming scarce. Mr. Sherman noted that the Historical Commission has had involvement in many cases when parishes have closed, leaving historic houses of worship in unsecured states. He stated that, even when congregations survive, many are unable to care for their historic churches. He noted that maintenance costs are rising as the financial capacities are falling. He stated that this application proposes a unique solution to an ever more common problem. He explained, however, that before he could support such an approach, he would like to have assurances that the funds generated by the new development would be used to restore and maintain the historic cathedral building. He stated that he would like to be provided with information about the restoration of the entire exterior envelope of the building, not only the bell tower. Mr. Mattioni agreed with Mr. Sherman that the Commission must be assured that the restoration will occur. Ms. Sullivan addressed Mr. Sherman and Mr. Mattioni's concern. She stated that the Cathedral is committed to preserving the historic cathedral building. She observed that the preservation of the building is part of the core mission of the congregation. It will preserve the building if it has the means to do so. She stated that the proposed project was devised and is intended to give the congregation the means to preserve itself and its historic building.

Mr. Yeager addressed the Commission on the issue as well. He stated that the letter that Mr. Sklaroff distributed to the Commission details their commitment to the preservation of the

building that will be undertaken at the start of the construction project. He noted that this is a long-term project targeted at providing the resources needed for the long-term maintenance of the building. He explained that, since the last Commission meeting, their structural engineer has developed a phased plan for the restoration of the cathedral building. He explained that the plan proposes addressing the most critical maintenance concerns first, then addressing the next set of preservation issues over a five-year phase, and then, finally, addressing the ongoing maintenance needs of the cathedral building into the foreseeable future. Mr. Yeager read from a memorandum prepared by the structural engineer that proposed the three-phase plan. He stated that the first phase would be directed at stabilizing the tower, which is the most critical need. The tower is at risk. The remainder of the memorandum details plans for the long-term restoration over five years and the ongoing maintenance of the cathedral building. He stated that the memorandum provides the details of the restoration that was promised during the first review hearing. Ms. Merriman suggested that Mr. Yeager read the memorandum to the Commission. Mr. Yeager stated that the memorandum was prepared by Mark Coggin, the engineer, after a thorough review of the conditions at the site. He stated that the memorandum proposes three categories of work. The first is immediate repairs to the bell tower. It contains several categories of work, which are:

1. Install tie rods at three levels of the tower below the bells;
2. At the interior of the tower, remove and replace deteriorated mortar at the top three levels;
3. At the interior of the tower, remove and replace any deteriorated stone, estimated at less than 5% of wall area;
4. At the exterior of the tower, replace all missing mortar joints, assuming 10% replacement;
5. Repair cracked-face stones at tower with stainless steel rods and mortar; and,
6. Inspect exterior of tower and remove any delaminated stone.

Mr. Yeager stated that all of these repairs to the tower would be folded into the development project. He stated that they would undertake all of the bell tower repairs proposed in this memorandum, regardless of the extent of the repairs. For example, they would replace all of the missing mortar on the exterior, regardless of whether it required 10% replacement, as predicted, or 100% replacement.

Mr. Yeager then summarized the restoration proposed in the five-year phase. Those repairs are:

1. Remove and rebuild the chimney on the cathedral;
2. Repoint the entire cathedral including the bell tower;
3. Remove the stucco at the interior of the carillon level of the tower and remove and replace all mortar;
4. Patch deteriorated stone with appropriate materials, assuming 20% replacement;
5. Repair cracked-face stones at cathedral with stainless steel rods and mortar, assuming 15 locations;
6. Repair or replace badly deteriorated stone ornamentation, assuming 15 locations; and,
7. Replace window coverings to allow for ventilation.

Mr. Yeager then summarized the restoration proposed in the long-term phase. Those repairs are:

1. Restore stained glass;
2. Replace main and tower roofs at the cathedral;
3. Address water infiltration and repair moisture damage; and,
4. Repair or replace remainder of stone ornamentation.

Mr. Sherman asked Mr. Yeager if he had assigned monetary values to restoration. Mr. Yeager responded that Intech Construction had generated an estimate of the work, which is roughly \$3.5 million. He added that that price was an immediate price and did not include escalation. Mr. Sherman asked Mr. Yeager to provide an estimate for the first phase. He responded that they had not yet generated an estimate for each phase, but he affirmed that they would undertake the first phase of work with the construction of the new building regardless of the cost. He stated that they were committed to undertaking the first phase of work immediately. Mr. Mattioni asked Mr. Yeager to define "immediate." Mr. Yeager responded that they would build the costs of the first phase into their development costs and undertake that phase of the work while the new building is under construction. Mr. Sklaroff added that the first phase would be undertaken as the construction is underway. He stated that they are proposing to condition an approval with the requirement that the Certificate of Occupancy for the entire project will not be issued until the first phase of work is completed to the Commission's satisfaction. He remarked that the applicants are committed to undertaking the tasks described by Mr. Yeager. Mr. Mattioni asked the applicants to specify when the work would begin at the cathedral tower. Mr. Yeager stated that they are projecting that construction will begin by the end of 2012. The construction will take 18 to 24 months. The repairs included within the first phase would be completed within that period of construction.

Ms. Hawkins asked if the Commission would have any recourse if the second two phases of the restoration project were not undertaken. Mr. Farnham stated that there are ways in which assurances could be built into any approval. He also noted that the Commission has the capacity to initiate enforcement proceedings whenever a property owner fails to maintain a building in good repair. If, for example, this property owner failed to undertake the phased restoration program as promised, the Commission could have the Department of Licenses & Inspections issue violations or could file a petition with the court asking a judge to order the restoration work. Ms. Hawkins stated that the applicants have offered verbal descriptions of the proposed work, which appears to be "good, sound stabilization work." She stated that she would prefer to see detailed architectural drawings and specifications outlining the proposed work that can be tied to any approval. Mr. Mattioni asked about the timing of the demolition, assuming the project is approved. He noted that, once the building is demolished, there is no way to bring it back. He remarked that, if the Commission approves the project, it is placing values on the cathedral and parish house and determining that the cathedral is much more important. Mr. Mattioni stated that he needs to see some assurances that the project will move forward and the restoration work will be completed once the demolition has occurred. Mr. Sklaroff replied that he has offered mechanisms to assure that the project will proceed once the demolition has occurred. He elaborated, stating that he has suggested that the Commission condition any approval with the requirement that no demolition take place until the applicants have provided proof that the project is financed and that a foundation permit for the new building has been issued. Mr. Sklaroff observed that the entire purpose of this development project is to provide a funding stream to the cathedral so that it can restore the building and continue its good works. He stated that the preservation of the cathedral is one of the primary drivers of this project. He reminded the Commission that Ms. Sullivan, the dean of the cathedral, has testified that they are proposing this project as a way to perpetuate the cathedral and its congregation. Mr. Sklaroff noted that the Commission has never required iron-clad assurances in its past necessity in the public interest cases. For example, when the Commission approved the demolition of Smith Hall at the University of Pennsylvania as necessary in the public interest to make way for a new laboratory, the Commission did not require the University to submit a document certifying that the new building would be used as a laboratory in perpetuity. In that case, the Commission accepted the verbal assurances of the University. Mr. Sklaroff asserted that his team is offering the best assurances that they can. He contended that they have offered

more and better assurances than have been offered in past cases. Ms. Hawkins stated that the Commission reviewed detailed plans of the restorations of the two front facades that were preserved in the Curtis Institute case. Mr. Sklaroff countered that the detailed plans were reviewed in that case to ensure that it was possible from an engineering standpoint to save the two facades during the construction of the new building. He stated that that detailed review was not intended to provide assurances that the subsequent restoration would take place, but to ensure that it possible to build the new building with the facades standing. Mr. Sklaroff promised the Commission that it would have an opportunity to review detailed plans of all restoration work in advance of the work. Mr. Sklaroff stated that he is surrendering great discretion to the Commission and its staff regarding the restoration. Ms. Hawkins stated that the applicants should be providing the detailed restoration drawings at this point, not later in the process. She noted that the Commission objected to some aspects of the Curtis plans, which were revised to meet the Commission's standards. Mr. Sklaroff noted that that review was unrelated to assurances that the project would be undertaken, but was instead related to ensuring that the restoration met preservation standards. He again stated that the Commission would have an opportunity to fully review the plans of the restoration for compliance with preservation standards. Ms. Hawkins replied that the applicants must demonstrate a commitment to preserving the building. Mr. Sklaroff offered the 10 Rittenhouse project as an example. When the Commission approved the demolition, it sought assurances that the façade of the Rittenhouse Club building on Walnut Street would be preserved, but it did not review the detailed plans for either the support of the façade during the demolition or the restoration of the façade after the demolition when it approved the demolition owing to financial hardship. Mr. Sklaroff stated once again that the Commission would have an opportunity to review the restoration plans for compliance with restoration standards. Ms. Sullivan stated that it is the congregation's intention and in its interest to take "loving care" of the cathedral building. She repeated that the restoration of the cathedral is the driving force behind this application. She stated that the restoration of the cathedral is the congregation's goal. Mr. Yeager stated the financing of the project will not be phased; it will be absolute, with all financing in place at the start of the project. He stated that the first phase of the cathedral restoration will be financed within the overall construction project. Therefore, if the project is undertaken, the first phase of the restoration will occur. It will not be discretionary. Mr. Schaaf asked about the excavation for the new building and its potential impact on the cathedral. He contended that the bell tower should be stabilized prior to the construction. Mr. Yeager responded that the engineers will ensure that the cathedral will be safeguarded. Mr. Schaaf stated that the tower work should be undertaken first. Mr. Yeager guaranteed him that the tower would be safeguarded. He stated that they would undertake the cathedral work first, if advised to do so by his engineers. He promised Mr. Schaaf that he would safeguard not only the cathedral building, but all neighboring buildings. He promised to be prudent and responsible. He stated that they would protect the cathedral and sequence their work to guarantee its preservation.

Mr. Mattioni stated that "necessary in the public interest" is not clearly defined in a general manner. He referred to the Design Advocacy Group suggestion that it should be defined by the Commission and contended that that is not possible. He stated that the context determines what is and is not "necessary in the public interest." It cannot be defined outside a specific context. He suggested that the Commission determine whether the applicant has met the burden of proving "necessity in the public interest" by considering what is at stake. He said that it is akin to the Supreme Court trying to define pornography and deciding it cannot define pornography, but knows it when it sees it. He stated that stated that "necessary in the public interest" is vague, until it is placed in a context, and then it becomes apparent. He said that the Commission should hear from the applicants and public and then decide.

Mr. Sherman invited the public to speak. David Brownlee introduced himself as an architectural historian and the vice chair of the Design Advocacy Group. He stated that the steering committee of the Design Advocacy Group has approved the presentation of the statement that was distributed to the Commission. He noted that he was a member of the Commission for 12 years. He suggested that the Commission adopt rules and regulations that could then guide the Commission during such reviews. He stated that the ordinance clearly stipulates that historic preservation is in the public interest. He urged the Commission to table this matter until it has had an opportunity to discuss the issues surrounding the question of public interest. He suggested that the Commission narrow the definition of “necessary in the public interest.”

John Gallery of the Preservation Alliance introduced himself. He distributed a diagram to the Commission. He noted that he had also distributed it at the last meeting. He claimed that the application presented to the Commission today had been substantially modified since it was presented at the previous meeting. He observed that the demolition would need to occur before the start of the new construction. He noted that the new construction would include housing for graduate students; he stated that that housing would not be in the public interest. He stated that the applicants have not demonstrated that that the housing project would be financially feasible. He stated that the applicants have provided no guarantees that the proceeds from the housing project will be directed to the three activities that the applicants claim are in the public interest: the preservation of the cathedral, the continuation of the mission of the church, and the continuation and expansion of the social services of the church. Mr. Gallery estimated that achieving those three public interests would cost \$10 to \$12 million. He asserted that the figures are reasonable and no one had contested them. Mr. Gallery noted that, when asked how much the cathedral restoration would cost, the applicants responded that it would be less than \$3.5 million, but an exact figure was not known. Mr. Gallery claimed that Mr. Yeager had told an Inquirer reporter that he would only provide \$1.3 million. He said that the project would only provide \$1.3 million or \$1.5 million for immediate work on the bell tower. He contended that that was a dramatic change from what was promised earlier. Mr. Gallery then contended that the applicants have provided no assurances that the developer will fund the second and third phases of the restoration. Mr. Gallery asserted that there are also no guarantees that the second two aspects of the public interest, the continuation of the congregation and the good works, will be achieved. He claimed that today’s assertions by the applicants represent a “dramatic change” from the application materials.

Mr. Gallery then addressed the conditions proposed in Mr. Sklaroff’s letter. He contended that the first condition, that proof of financing will be provided, is a useful condition, but does not guarantee that the benefits in the public interest will be provided. He stated that the condition restricting the issuance of the occupancy permit until the cathedral tower work is complete is an interesting idea. However, he objected that the engineer’s memorandum describing the work to the tower was not sufficient. He claimed that the Architectural Committee would not have an opportunity to determine if the work was appropriate. He claimed that the conditions have no meaning. He then asserted that the Commission would have no guarantees that the second two phases would be completed.

Mr. Gallery reminded the Commission of Mr. Reuter’s memorandum on the meaning of “necessary in the public interest.” Mr. Gallery stated that “necessary” means that all other alternatives have been explored and are not available. Mr. Gallery asked if there are other alternatives for financing the restoration of the cathedral. He answered that there are other options. He asserted that the Episcopal Diocese could raise \$1.5 million. Mr. Gallery claimed that the cathedral had purchased the apartment building on Chestnut Street using its endowment as collateral. He said that this indicates that the endowment can therefore be used

for real estate. He suggested that the cathedral sell the apartment building and borrow against the endowment to restore the cathedral. He stated that the demolition is not the only alternative.

Mr. Gallery then offered his definition of the term “public interest.” He stated that he agrees that the preservation of the cathedral is in the public interest. He asked if there is a “public responsibility” to ensure that the cathedral has enough money to operate its religious program. He answered that there is not. He asked if there is a “public responsibility” to ensure that the cathedral has enough money to operate its social service program. He again answered that there is not. He said that they are not in the public interest and not consistent with the ways in which the Commission has defined “public interest.” He said that public interest means of broad significance contributing to the city or of vital interest.

Mr. Gallery stated that the proposed conditions are not acceptable. He contended that the conditions only address one of the three aspects of the public interest, the restoration of the cathedral. He stated that the condition does not guarantee the second two phases of the restoration. He stated that the conditions regarding financing and permits are appropriate conditions to ensure that no demolition occurs until the project is assured to be undertaken. He contended that an additional condition should be placed on the approval: that no demolition occurs until a bond or escrow fund is established for \$3.5 for the cathedral restoration. He contended that another condition should be placed on the approval: that no demolition occurs until the Commission has approved the restoration plan. Mr. Gallery agreed that the occupancy permit condition was appropriate.

Mr. Gallery stated that the applicants should commit to an amount of money that the project will provide annually to the church that will go toward achieving its work in the public interest. He stated that the applicants must divulge its annual planned spending for the congregation and the social services before any demolition occurs. He suggested that the Commission could deny the application today and the applicants could submit a new application that provides the needed information.

Mr. Gallery stated that the Commission should strive to act consistently. He said that the question here is how one weighs one historic building against another. He claimed that the Commission has “no basis” for weighing the historic significance of one building against another. He stated that the Commission will be compelled to approve demolitions for other owners of multiple historic properties. He complained that the work proposed for the cathedral is necessary because the congregation has deferred the maintenance of the building; the need does not arise from some emergency. He asserted that the congregation had “millions of dollars” when it “ripped out the interior.” The congregation purchased an apartment building when it should have been addressing the maintenance problems. The maintenance was deliberately deferred. Other religious institutions will seek to demolish buildings to support other buildings. He asked the Commission to deny the application.

Mr. Sklaroff stated that Mr. Gallery testified as though he were an expert on fundraising, economics, and even theology. He is not an expert in any of those fields. Mr. Sklaroff stated that he has not asked the Commission to weigh the relative significances of the cathedral and parish house. He stated that his clients have come before the Commission with a problem and are asking the Commission to allow them to redirect some resources to solve that problem. He stated that Mr. Gallery’s allegations that money was squandered ripping out the interior 10 years ago are baseless. The money was primarily spent to maintain the church. Mr. Sklaroff stated that, of the funds spent at that time, \$2 million was spent on structural repairs including repairs to the floor and foundation, \$400,000 was spent on plumbing, \$400,000 on electrical systems,

and the remainder on interior modifications. The money was spent to save the cathedral. He concluded, saying that the congregation is committed to saving the building.

Ms. Sullivan categorically rejected the “charges” levied by Mr. Gallery. She stated that, if alternate means of funding were available, as Mr. Gallery alleges, the cathedral would not be proposing the project. She stated that the cathedral does not want to be in the position that it finds itself in, proposing the demolition of the parish house, but it has no other alternative. She said that the experts have determined that a capital campaign is not feasible. She objected to Mr. Gallery’s suggestion that they sell the apartment building and borrow against the endowment to repair the cathedral. Without the apartment building parcel, they cannot build the project. And if they cannot build the project, they would have no income to repay the loan for the cathedral repairs as Mr. Gallery suggests. She stated that no one regrets the loss of the parish house more than the congregation, but the congregation is fighting for its existence. She stated that the decision to demolish the parish house is a “grievous” one, but it is absolutely “necessary.” She stated that they have endeavored to maintain the cathedral building, but simply do not have the resources to continue to do so. She stated that the project will provide resources that the congregation “sorely” needs, both financial and facilities. For example, the congregation needs, but does not have, a kitchen. It also needs a gathering space and parking. The cathedral also needs to be able to serve as the seat of the Bishop of the Diocese of Pennsylvania. She stated that the Episcopal Diocese has been in Philadelphia since the American Revolution and is an important historical, cultural, and religious organization.

Ms. Merriman stated that the Commission is confronted with a very difficult question and will probably face it again. She observed that congregations with historic houses of worship are confronting unprecedented challenges, with dwindling numbers of worshipers and escalating maintenance bills. She stated that she would regret the loss of the parish house, but would regret much more the loss of the cathedral and the organization. She concluded that the Commission was faced with two unpleasant options, but the option of losing the cathedral was much worse than the other. She suggested that the Commission accept the applicants’ claims and approve the demolition as necessary in the public interest.

Mr. Sherman stated that the applicants might overcome some Commissioners concerns if they committed to a specific dollar-figure amount to the second two phases of the restoration of the cathedral. Mr. Yeager responded that it would not be financially feasible to encumber the construction project with additional monies dedicated to the cathedral. He stated that he and the congregation are both committed to all three phases of the restoration, but they can only build the restoration costs of the first phase into the new construction financing. He stated that his company, the Radnor Property Group, is a business based on public-private partnerships. He explained that his company is working with numerous colleges, universities, and other non-profits on similar projects. The strategy on these projects must be viewed as a long-term strategy. The most critical needs will be addressed in the first phase, which is built into the construction project. The later phases will be funded by the income stream generated by the development. He concluded that it would not be financially feasible to encumber \$3.5 million for the restoration at the start of the project. Ms. Sullivan added that the congregation has been at this site for 157 years and is intent on remaining for many more. She stated that it is in the congregation’s interest and is its desire to fully restore the cathedral. She stated that the congregation is committed to the restore the cathedral building, but it will take several years and some of the work will need to wait until the funding made possible by the project is available. It is “our absolute intention to do it,” she affirmed. She stated that the congregation will reside at the corner of 38th and Chestnut for many, many more years. Mr. Yeager emphasized that the cathedral and his company are entering into a partnership. Each party is a co-general partner

and every decision will be made jointly and unanimously. His company will not give money to or withhold money from the congregation. They will be joint partners will equal control over the proceeds. Ms. Merriman suggested that the applicants document all phases of the restoration. Mr. Sklaroff responded that the partnership is committed to the restoration. He stated, however, that his clients are unable to fund the preparation of detailed plans of the later phases of the restoration at this point in time, especially in light of the fact that those plans would likely be obsolete by the time that they would be implemented. He stated that the Commission will have full oversight of all phases of the work, but they can only prepare the detailed plans for the first phase concurrent with the preparation of the new construction plans. He stated that the restoration project must be seen as a long-term project, the later phases of which will be funded with the proceeds from the project. Mr. Sherman remarked that the applicants should lay out a timeline for the restoration, based on the expected income from the project. Ms. Hawkins stated that it is not uncommon for preservation architects to develop restoration plans for phased projects that may extend out seven or 10 years. She stated that she would like to see a detailed scope of work for the restoration. Mr. Mattioni summarized that the Commission is being asked to approve the demolition of the parish house to save the cathedral. He asked the applicants to provide the Commission with the assurances it needs to be certain that the intended restoration will occur after the building has been demolished. Mr. Mattioni stated that he can agree with the applicants that the demolition is necessary in the public interest; however, he stated that he also needs to be convinced that the proposed restoration will be fully carried out. Ms. Turner agreed with Mr. Mattioni. Mr. Yeager stated that no demolition would occur until it was absolutely certain that the project would commence. He stated that the demolition work would be folded into the entire construction package and would not proceed until the entire construction project was fully financed and bonded. No work would commence until the entire project was assured of occurring. He stated that time was the most important factor in ensuring a successful project. The project would not start until completion was guaranteed and, once it started, it would move as quickly as possible toward completion. Mr. Sherman asked Mr. Yeager to speak about the construction schedule. Mr. Yeager responded that the project would take 18 to 24 months from start to finish, depending on the weather. Mr. Sherman asked when the project would begin to generate income. Mr. Yeager responded that the project would include working capital, which would allow it to operate until the income had stabilized. He stated that the stabilization period would be about 12 months. Messrs. Sherman and Palantino suggested that the applicants relate the construction schedule to the later phases of the restoration, based on the projected revenues.

Mr. Gallery stated that he wanted to clarify some issues for the Commission. He contended that the applicants had not committed to any restoration beyond the first phase. He asserted that the later phases of the restoration would be dependent on the cash flow from the development project. It is a speculative project. He claimed that no money for the later phases of the restoration would be available for three years from the start of construction. Mr. Gallery then asserted that he had the right to review any commitments to the restoration offered by the cathedral. Mr. Sklaroff responded that he would like to find a compromise that works for all involved. He stated that his clients have committed to undertake the restoration work to the bell tower during the construction of the new building and then to commence with the second two phases of work after the project begins producing income. Mr. Sklaroff asserted that the owner of the cathedral is a responsible owner, who has committed to undertake the restoration. He also asserted that the Commission has significant enforcement powers, which it can bring to bear against the owner if the restoration work is not undertaken. He stated that it is in the interest of the cathedral to restore its building. The congregation is asking the Commission to give it the capacity to restore its building. He noted that the Commission will have the opportunity to review all of the proposed restoration work, and it will have the opportunity to

review the bell tower restoration plans as part of the construction drawing package. He advised the Commission that it has the authority to ensure that the restoration comes to fruition. He stated that some Commissioners are asking for assurances the likes of which they have never requested from any other public interest applicant. Ms. Hawkins again suggested that the applicants provide detailed drawings for the entire restoration. She stated that they could be amended in the future, if necessary.

Mr. Gallery objected to Mr. Sklaroff's statement that his clients would submit the restoration plans for the staff's review. He contended that the Commission itself, not the staff, should review the plans. Mr. Farnham responded that any plans submitted by this applicant or any other applicant undergo the same review process. If the proposed work in an application falls within the staff's purview, then the staff reviews and approves it. If it does not, then the staff forwards the application to the Commission for its review. Given that this work would be restoration work, it would likely fall within the staff's purview. However, if it did not, the staff would forward it to the Commission following the normal course. He concluded that Mr. Sklaroff was proposing to operate within the standard procedure.

Mr. Farnham then noted that much of the concern about reviewing plans for the restoration may be moot. He reminded the Commission that this application seeks a final resolution on the demolition question, but only an in-concept advisory opinion on the construction project, which would include the restoration. Therefore, the applicants will appear again before the Commission with more detailed plans for the new construction, which would include the first phase of the restoration to the bell tower. The Commission and the public would have an opportunity at that time to review the details of the restoration. With the conditions on the demolition proposed by the applicant, no demolition could take place until the new construction and restoration had been granted final approval by the Commission. Therefore, the concern that the restoration is documented in memorandum form only, and not with architectural drawings, is not a valid concern. The Commission will have the opportunity to review the architectural drawings that document the work outlined in the memorandum before any demolition could occur. Mr. Yeager agreed and confirmed for the Commission that they would present the complete documentation for the first phase of the restoration to the Commission with their architectural plans for the new construction. Mr. Farnham also observed that the subsequent phases of the restoration would also undergo complete reviews for compliance with the standards. He noted that some have given the impression that the later phases would somehow be exempt from additional reviews. They would not. All work to the cathedral building would undergo full and complete preservation reviews following the normal procedures. Ms. Sullivan stated that she looked forward to working with the Commission on the restoration of the building.

Ms. Merriman stated that she would move to find that the demolitions of the buildings at 3723 and 3725 Chestnut Street are necessary in the public interest, pursuant to Section 14-2007(7)(j) of the Philadelphia Code; and to approve the demolitions, pursuant to Section 14-2007(7)(j) of the Philadelphia Code, provided the following two conditions are satisfied prior to the issuance of the demolition permits:

1. the Episcopal Cathedral presents to the Historical Commission a commitment letter from a lender demonstrating a commitment to loan funds for the construction of the new building; and,
2. the Episcopal Cathedral obtains a building or foundation permit for the construction of the new building; and,

provided the staff of the Historical Commission confirms that the first phase of the stabilization of the cathedral building (immediate repairs to the tower as defined by engineer Mark Coggin)

has been completed prior to the issuance of any Temporary Certificate of Occupancy or Certificate of Occupancy for the new building, including:

- a. the installation of tie rods in the tower at three platform levels below the bells;
- b. the removal and replacement of deteriorated mortar at top three levels of the interior of the tower;
- c. the replacement of deteriorated stone at top three levels of the interior of the tower;
- d. the replacement of all missing mortar joints at the exterior of the tower;
- e. the repair of cracked face stones at the tower with stainless-steel rods and Jahn repair material; and
- f. the inspection of the entire exterior of the tower and removal of any stone identified as loose or delaminated.

Mr. Farnham noted that the application is also requesting in-concept approval of the new construction. He asked the chair if he intended to consider the demolition and new construction aspects of the application together in one motion, or separately in two. Ms. Merriman stated that she favored addressing the demolition and new construction segments of the application separately. Ms. Hawkins noted that some at the Architectural Committee meeting suggested that the Commission's jurisdiction over the Chestnut Street properties would lapse when it approved the demolition. She asked Ms. Merriman to add a statement to her motion explicitly declaring that the Commission was retaining jurisdiction over the properties at 3723 and 3725 Chestnut Street after any demolition. Ms. Merriman stated that she thought that the continued jurisdiction was implicit, but she agreed to include such a statement in her motion. Mr. Thomas suggested that there should be some statement of the total funds allocated to the restoration within the motion. Mr. Sklaroff suggested that the Commission require a scope of work rather than a specific dollar amount. He also noted again that the Commission will have the opportunity to review the detailed plans for the first phase of the restoration during its review for final approval of the new construction.

MOTION: Ms. Merriman moved to find that the demolitions of the buildings at 3723 and 3725 Chestnut Street are necessary in the public interest, pursuant to Section 14-2007(7)(j) of the Philadelphia Code; and, to approve the demolitions, pursuant to Section 14-2007(7)(j) of the Philadelphia Code, provided the following two conditions are satisfied prior to the issuance of the demolition permits:

1. the Episcopal Cathedral presents to the Historical Commission a commitment letter from a lender demonstrating a commitment to loan funds for the construction of the new building; and,
 2. the Episcopal Cathedral obtains a building or foundation permit for the construction of the new building; and,
- provided the staff of the Historical Commission confirms that the first phase of the stabilization of the cathedral building (immediate repairs to the tower as defined by engineer Mark Coggin) has been completed prior to the issuance of any Temporary Certificate of Occupancy or Certificate of Occupancy for the new building, including:
- a. the installation of tie rods in the tower at three platform levels below the bells;
 - b. the removal and replacement of deteriorated mortar at top three levels of the interior of the tower;
 - c. the replacement of deteriorated stone at top three levels of the interior of the tower;
 - d. the replacement of all missing mortar joints at the exterior of the tower;
 - e. the repair of cracked face stones at the tower with stainless-steel rods and Jahn repair material; and
 - f. the inspection of the entire exterior of the tower and removal of any stone identified as loose or delaminated, and

to confirm that the Historical Commission will retain jurisdiction over the properties at 3723 and 3725 Chestnut Street, despite the demolitions, unless and until it formally rescinds the designations. Mr. Schaaf seconded the motion.

Mr. Mattioni asked if the motion includes a mechanism to ensure the restoration work. Mr. Sherman stated that the applicants have committed to the full restoration over a long period of time, but the motion only incorporates a condition related to the first phase of work to the bell tower. Mr. Sklaroff agreed that that was correct. The applicants have committed to the full restoration over time, but are only proposing the withholding of the Certificate of Occupancy until the first phase of work, the stabilization of the bell tower, is complete. The plans for that first phase of work will be submitted to the Commission with the plans for the final construction.

Mr. Thomas stated that he does not question the good faith of the applicants, who are trying to find an answer to the cathedral maintenance question. He stated that, as he understands the situation, the demolition will allow the Episcopal Cathedral to leverage its assets and develop an apartment tower, thereby generating an income stream to fund long-term stabilization, maintenance, and preservation of the historically significant church building. He stated that that language should appear in the motion to both explain why the Commission took the action and also to bind the applicants to caring out the stated objective. Mr. Sklaroff stated that his clients are committed to caring out the program that Mr. Thomas has described. He stated, however, that they cannot provide any more assurances than their commitment. Mr. Sherman agreed with Mr. Thomas that the motion should include a statement of the commitment to the ultimate restoration, even if it is not tied to a particular milestone. Mr. Mattioni added that he thought that the Commission's reasoning behind any approval should be limited to the public's interest in the preservation of the cathedral, not the ministry or social service programs. He stated that they may be in the public interest, but they are outside the Commission's narrow interest. Mr. Mattioni advised that the Commission limit itself to the cathedral building itself, and not seek to advance the activities undertaken at the cathedral. Mr. Mattioni stated that the applicants must commit to the full restoration of the cathedral.

Mr. Farnham stated that the public interest provision in the ordinance gives the Commission very broad powers that it can utilize in extraordinary experiences. He noted that the Commission has only ever used this power six times since the current ordinance became effective in 1985. He contended that the Commission has in the rare public interest instances to consider benefits that exceed historic preservation benefits. He stated that he disagreed with Mr. Mattioni's assessment and suggested that the preservation ordinance empowers the Commission in these rare instances to weigh preservation benefits, in this case the preservation of the parish house, against other potential benefits to the public. Mr. Farnham concluded that this is one of those rare circumstances when the Commission can consider the benefits that would be derived from the proposed project that is contingent on the demolition and weigh those benefits against the preservation of the designated building proposed for demolition.

Mr. Farnham then addressed the matter of consistency or precedent. Some have claimed that an approval in this case would break from the standards set by earlier cases. Mr. Farnham rejected those claims. He stated that, contrary to what some have said today, the Commission has never been provided with iron-clad guarantees that the public benefits promised in earlier cases would be realized. In every case, the Commission has taken a leap of faith. It has never had a fail-proof mechanism to ensure that the public interest would be advanced. In the case of the Convention Center, the Convention Center Authority proposed to demolish an historic firehouse to construct an addition to the center. The Authority claimed that the addition would bring people into the city and those people would spend money at hotels, restaurants, and other

businesses, thereby stimulating the economy and benefiting the public. The Authority did not claim that the improved economy would be a preservation benefit. The Authority did not present a scientific study that proved that the addition would result in an improved economy. It did not offer a means to link the approval to a particular economic improvement. The Commission considered the Authority's claim, concluded that other public benefits sometimes exceed the benefits provided by historic buildings, and approved the proposal as necessary in the public interest. The same can be said of the other public interest cases. For example, the University of Pennsylvania proposed to demolish an academic building for a new laboratory, with the claim that the new laboratory would bring grant money and prestige to the University, allowing it to maintain its position as one of the elite research universities in the country, and thereby bestowing various benefits on the city and the public as a whole. Mr. Farnham noted that the University did not provide any iron-clad guarantee that the construction of the laboratory would result in the promised benefits. Again, the Commission considered the claim and determined that the potential benefits would significantly outweigh the benefits derived from the preservation of the historic building. And again, the new benefits were not preservation benefits. In the Curtis Institute case, the music school claimed that it needed to construct a dormitory and rehearsal hall to maintain its place as an elite school. The Curtis Institute claimed that the preservation of the historic institution and the indirect benefits it provided to the city were far greater than the benefits derived from the two historic rowhouses that would be demolished. The school did not guarantee that the demolition would result in the maintenance of the status of the school. The Institute did not present a study that proved that the new dormitory would guarantee the school's position in the world of elite conservatories. Instead, the Commission listened to the testimony offered by the school, considered its credibility, and then determined that the public interest in the preservation of the historic school outweighed the public interest in the two historic buildings.

Mr. Farnham stated that he attributes some of the concern in this case to the perception that the developer has sole control of this project. He stated that the detractors have portrayed the developer as the parent and the congregation as a child hoping for an allowance to fund the restoration. He asserted that that is not a fair assessment of the situation. The developer and congregation would be co-equal partners in this project. He stated that the Commission should accept on its face that the cathedral's interest in this matter is the preservation of the cathedral building and institution. Ms. Hawkins stated that the difference is that, in this case, the new building will create an income stream to promote the public interest. In the other cases, the buildings themselves promoted the public interest. Mr. Farnham disagreed. He contended that, in every case, the public benefit was an indirect result of the construction project. For example, the public received no direct benefit from the Convention Center building. The benefits were several steps removed from the building. Conventioneers come to the city; they spend money at local businesses; those business, in turn, spend money, hire employees, and pay taxes; the economy improves and the public benefits. Mr. Mattioni disputed Mr. Farnham's categorization of his statements. He stated that he was not suggesting that the Commission should ignore all benefits except preservation benefits. However, in this case, the applicants are claiming that the preservation benefit is a primary benefit; therefore, the Commission should seek some assurances that that benefit will be achieved. Mr. Mattioni asserted that the Commission should consider this application in its own context and not apply other reviews to it. He again stated that he had not yet heard a satisfactory commitment to the preservation of the cathedral from the applicants. Mr. Brownlee disagreed with Mr. Farnham's assessment. He asserted that the construction of the new buildings in the previous examples - the convention center, school, and laboratory - were themselves in the public interest. The building in this case is an apartment building. Mr. Brownlee conceded that "frankly, the door is so wide open as to what the public interest is, I think that there could be an argument made that building an apartment building is in

the public interest.” He stated that, in this case, the purpose is to use the income stream for the public benefit, not the building itself. Therefore, the motion should explain that the income stream is intended to promote the public interest, not the building. Mr. Farnham disagreed that this case is unique. Mr. Gallery agreed with Mr. Brownlee. He stated that, in the previous cases, the buildings themselves guaranteed the satisfaction of the public interest. In this case, the construction of the building does not. He suggested that the Commission seek additional commitments. Mr. Thomas contended that the construction of the Convention Center addition did not guarantee provision of the public benefit. There was no guarantee that the Convention Center would be a success. Merely constructing the building did not ensure that the local economy would improve. He stated that the Commission cannot guarantee that this apartment building will be a success either, but it can include in approval language that expresses an expectation of the fulfillment of the commitment to the restoration. Mr. Sherman asked Mr. Thomas if he would like to propose an amendment to the motion that would bind the demolition to the satisfaction of the public interest. Mr. Thomas suggested amending the motion with the insertion of the explanation that the demolitions of the buildings at 3723 and 3725 Chestnut Street are necessary in the public interest because the demolitions will allow the Episcopal Cathedral to leverage its assets and develop an apartment tower, thereby generating an income stream to fund long-term stabilization, maintenance, and preservation of the historically significant church building at 13-19 S. 38th Street. Ms. Merriman and Mr. Schaaf agreed to amend their motion as proposed by Mr. Thomas.

ACTION: By a vote of 8 to 2, the Commission voted to adopt the amended motion proffered by Ms. Merriman and Mr. Schaaf and:

find that the demolitions of the buildings at 3723 and 3725 Chestnut Street are necessary in the public interest, pursuant to Section 14-2007(7)(j) of the Philadelphia Code, because the demolitions will allow the Episcopal Cathedral to leverage its assets and develop an apartment tower, thereby generating an income stream to fund long-term stabilization, maintenance, and preservation of the historically significant church building at 13-19 S. 38th Street; and, to approve the demolitions for the above-cited reason, pursuant to Section 14-2007(7)(j) of the Philadelphia Code, provided the following two conditions are satisfied prior to the issuance of the demolition permits:

1. the Episcopal Cathedral presents to the Historical Commission a commitment letter from a lender demonstrating a commitment to loan funds for the construction of the new building; and,
2. the Episcopal Cathedral obtains a building or foundation permit for the construction of the new building; and,

provided the staff of the Historical Commission confirms that the first phase of the stabilization of the cathedral building (immediate repairs to the tower as defined by engineer Mark Coggin) has been completed prior to the issuance of any Temporary Certificate of Occupancy or Certificate of Occupancy for the new building, including:

- a. the installation of tie rods in the tower at three platform levels below the bells;
- b. the removal and replacement of deteriorated mortar at top three levels of the interior of the tower;
- c. the replacement of deteriorated stone at top three levels of the interior of the tower;
- d. the replacement of all missing mortar joints at the exterior of the tower;
- e. the repair of cracked face stones at the tower with stainless-steel rods and Jahn repair material; and

f. the inspection of the entire exterior of the tower and removal of any stone identified as loose or delaminated; and,
to confirm that the Historical Commission will retain jurisdiction over the properties at 3723 and 3725 Chestnut Street, despite the demolitions, unless and until it formally rescinds the designations.

Ms. Hawkins and Mr. Mattioni dissented.

Mr. Sherman asked the Commission to turn its attention to the proposed construction. Mr. Sklaroff stated that he would not present his architectural proposal again because it had been presented completely at the previous meeting, but he informed the Commission that the architect was available to answer questions about the project.

Ms. Hawkins stated that the plans were revised subsequent to the Architectural Committee meeting to reflect some of the suggestions offered by the Committee. She suggested that the Committee review the revised design. Mr. Sherman observed that the application proposes in-concept approval of the new construction. Therefore, the Committee will have an opportunity to review the final design prior to a final approval. He asked the applicants if they wanted to move forward today with a review of the in-concept design. Mr. Sklaroff stated that they would like to move forward. He explained that his design team listened carefully to the Committee's comments and endeavored to incorporate the suggested changes into the design. He noted that the Architectural Committee would have an opportunity to review the revised design for final approval. He added that they need to submit a zoning application soon and would like to have the overall massing settled, even if the design details will be refined after the zoning submission. Ms. Hawkins explained that the Committee had suggested some revisions at the street level. It also had concerns about the height of the tower. Mr. Sklaroff acknowledged that the Committee had concerns about the tower, but stated that its size cannot be reduced if it is to provide a sufficient funding stream to support the cathedral. Mr. Sherman contended that the Commission already determined that a tower was not only acceptable but was necessary during its many hours of discussion of the "necessary in the public interest" portion of this application. Mr. Sklaroff again stated that the size of the tower is necessary to achieve goal of this project as defined earlier.

Mr. Gallery asserted that the Commission has heard no evidence that a 25-story tower is necessary. He contended that a 20-story tower may produce a sufficient income. He stated that the proposed tower does not satisfy the Secretary of the Interior's Standards and should be denied. He stated that he supports the recommendation of the Architectural Committee. Mr. Sklaroff responded that the Committee did not determine that the proposed building fails to meet the Standards. The Committee simply decided that the design should be studied further. On the other hand, Mr. Sklaroff explained, George Thomas, the applicants' expert on architecture and historic preservation, prepared a detailed analysis provided to the Commission that explains that both aspects of this proposal, the treatment of the historic cathedral and the design of the new building, satisfy the Secretary of the Interior's Standards. Mr. Sklaroff reminded the Commission that Mr. Thomas testified to this at the last meeting. He stated that Mr. Thomas is in attendance and will testify again if called by the Commission. Mr. Sklaroff noted that, for example, this project will allow the satisfaction of Standard 1, that the historic use will be retained. Ms. Hawkins stated that the applicants made some revisions to pull the tower away from the cathedral, but the tower is still very tall and adjacent to the cathedral. Mr. Sklaroff responded that Mr. Thomas, his expert, has addressed these matters in his report and concluded, based on the experience from the public realm and on view corridors, that the tower will not have an adverse effect on the historic building. He again stated that Mr. Thomas is available to restate his testimony of last month. Mr. Sklaroff added that they have submitted a

shadow study that shows that a 10-story building has the same shadow effect on the cathedral as a 25-story building. He stated that they have made many modifications to the design based on the Committee's comments, but cannot reduce the height of the building and have a feasible project that will support the restoration of the cathedral. Mr. Mattioni stated that he spent three-and-one-half hours rereading the application materials and can attest that the report by Mr. Thomas does explain how this project meets the Secretary of the Interior's Standards. Mr. Mattioni observed that there are many tall buildings in the immediate neighborhood. He stated that he finds the tower acceptable and suggested that the Commission should approve it, especially in light of the many hours of the public interest discussion. He also noted that the Committee would have an opportunity to review the final plans.

ACTION: Mr. Mattioni moved to approve the new construction at 13-19 S. 38th Street, 3717-19, 3723, 3725, and 3727-29 Chestnut Street in concept, pursuant to Standards 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, as outlined in the memorandum by CivicVisions LP, dated 10 April 2012. Mr. Quinn seconded the motion, which passed by a vote of 9 to 1. Ms. Hawkins dissented.

ADJOURNMENT

ACTION: Ms. Hawkins moved to adjourn at 1:39 p.m. Ms. Leonard seconded the motion, which passed unanimously.

STANDARDS AND GUIDELINES CITED IN THE MINUTES

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

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

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

Standard 4: Changes to a property that have acquired historic significance in their own right will be retained and preserved.

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

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

Standard 7: Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damages to historic materials will not be used.

Standard 8: Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

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.