THE MINUTES OF THE 695TH STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION

FRIDAY, 10 JULY 2020 REMOTE MEETING ON WEBEX ROBERT THOMAS, CHAIR

CALL TO ORDER

START TIME IN WEBEX RECORDING: 00:00:00

The Chair called the meeting to order at 9:05 a.m. and announced the presence of a quorum. The following Commissioners joined her:

Commissioner	Present	Absent	Comment
Robert Thomas, AIA, Chair	Х		
Emily Cooperman, Ph.D., Committee on Historic	,		
Designation Chair	Х		
Mark Dodds (Division of Housing & Community	x		
Development)	Χ		
Kelly Edwards, MUP	Χ		
Steven Hartner (Department of Public Property)		Х	
Labaron Lenard-Palmer (Dept. of Planning & Development)	Х		
Josh Lippert (Department of Licenses & Inspections)	Х		
John Mattioni, Esq.	Х		
Dan McCoubrey, AIA, LEED AP BD+C, Architectural	,,		
Committee Chair	Х		
Jessica Sánchez, Esq. (City Council President)	Х		
H. Ahada Stanford, Ph.D. (Commerce Department)	Х		
Betty Turner, MA, Vice Chair	Х		
Kimberly Washington, Esq.	Х		

Owing to public health concerns surrounding the COVID-19 virus, all Commissioners, staff, applicants, and public attendees participated in the meeting remotely via Cisco Webex video and audio-conferencing software.

The following staff members were present:

Jonathan Farnham, Executive Director
Kim Chantry, Historic Preservation Planner II
Laura DiPasquale, Historic Preservation Planner II
Shannon Garrison, Historic Preservation Planner I
Meredith Keller, Historic Preservation Planner II
Allyson Mehley, Historic Preservation Planner II
Leonard Reuter, Esq., Law Department
Megan Cross Schmitt, Historic Preservation Planner II

The following persons attended the online meeting:

EMERGENCY MATTER

ADDRESS: 1600-06 E BERKS ST

Proposal: Demolish building owing to necessity in the public interest

Review Requested: Final Approval

Owner: 1600 Berks LLC

Applicant: Matt McClure, Esq., Ballard Spahr

History: 1885-90, St. Laurentius Church, Edwin Forest Durang, architect

Individual Designation: 7/10/2015

District Designation: None

Staff Contact: Jon Farnham, jon.farnham@phila.gov

OVERVIEW: This application proposes the complete demolition of the St. Laurentius church building at 1600-06 E. Berks Street. A small section of the building at the rear extends onto the property at 1608-10 E. Berks Street. The application contends that the Historical Commission should approve the demolition as necessary in the public interest to abate a dangerous condition that poses a threat to public safety.

The applicant has provided an engineer's report by Jan Vacca of the Harman Group that indicates that the two towers or steeples are failing and have an 80% chance of collapse in three years and a 100% chance of collapse in 10 years. The report is attached. The Commissioner of the Department of Licenses & Inspections, executive director of the Historical Commission, and the Commission's attorney met with the property owner, engineer, and attorney to further discuss the engineer's report. The Commissioner requested that the property owner provide a second engineer's report from an independent, qualified structural engineer. That report was not yet completed at the time of the writing of this overview. Owing to the extremely poor condition of the building and the likelihood of a catastrophic collapse, the Commissioner requested that the Historical Commission consider this matter as soon as possible and not wait for the next round of reviews in late July and early August. Therefore, this matter was placed on the Historical Commission's July 2020 agenda as an emergency matter.

The Archdiocese of Philadelphia closed St. Laurentius parish in 2014 and relocated the parishioners to nearby Holy Name of Jesus Church. Sidewalk protection and other measures to protect the public from the building have been in place since at least 2014. The Department of Licenses & Inspections declared the building Unsafe in April 2015. Concerned about the fate of the building, neighbors nominated it for designation. The Historical Commission designated the property on 10 July 2015 over the objections of the owner at the time, the Archdiocese of Philadelphia as well as the parish responsible for the property, Holy Name. The owner claimed that the building was in very poor condition and designating it would be a hardship for the parish.

About the time of designation, the owner entered into an agreement in which a developer would rehabilitate the church for multi-family residential use. The developer obtained a zoning permit for the new use in 2016. Despite the promise of the repair and rehabilitation of the church for residential use, a group of community members appealed the zoning permit, holding up the redevelopment project for years. After defending the zoning permit in court for several years, the developer eventually capitulated and walked away from the project. Other prospective buyers who might have rehabilitated the building came and went, scared off by the lengthy litigation. Eventually, the Commonwealth Court upheld the zoning permit in 2019, but the building had deteriorated significantly during the intervening time. Throughout the litigation, the building

suffered from minor collapses of the exterior stone. The Department of Licenses & Inspections inspected the building regularly and required additional sidewalk protection measures and engineering reports. In 2019, the Archdiocese undertook some repairs to stabilize the building's masonry envelope. In early 2020, the current owner purchased the property from the Archdiocese.

In 2016 and 2017, the Historical Commission reviewed a nomination proposing to designate the interior of the church, including a series of murals depicting events in Catholic and Polish history. At the January 2017 meeting, the nominator withdrew the nomination, fearing that a designation might prevent the building from successfully being rehabilitated. Since that time, community members have been seeking to remove the artistically and culturally significant murals and stained glass windows from the church and relocate them for preservation, display, and interpretation at the National Shrine of Our Lady of Czestochowa near Doylestown, Pennsylvania. The current owner is reportedly supportive of that effort.

START TIME OF DISCUSSION IN AUDIO RECORDING: 02:46:30

RECUSAL:

 Mr. Mattioni recused from the review, owing to his law firm's representation of a party involved in the matter.

PRESENTERS:

- Mr. Farnham presented the application to the Historical Commission.
- Attorney Matt McClure, engineers Janis Vacca and Mark Coggin, property owner Humberto Fernandini, and economic consultant Peter Angelides represented the application.
- Attorney Michael Mattioni represented parties who have an agreement with the property owner to remove artifacts from the building.

DISCUSSION:

- Mr. McClure introduced his team. He stated that he is presenting an application to demolish the church, which is necessitated by a need to protect public safety, not be a development project. He reserved his right to submit a financial hardship application at a later date.
- Mr. McClure explained that the streets around the church on three sides are very narrow and a school is located to the west of the church. The steeples are 135 feet tall, much wider than the 30 and 50-foot wide streets. The school supports the application.
- Mr. McClure stated that the structural problems with the towers have been well known for at least seven years. Several engineer's reports have highlighted the problems. Mr. McClure stated that his client purchased the church in January 2020 with the intent of rehabilitating the church. However, that is not possible. There is a very real potential for a complete structural failure. The towers pose an imminent risk of collapse. There is no feasible way to repair the towers. Demolition needs to begin immediately to abate the dangerous condition. Owing to the need to demolish the towers in a short time frame, the only way to do so is to demolish the entire church. He explained that the safest way to remove the towers is to do so from the south, to ensure that the towers do not collapse into the street.

- Mr. McClure stated that he and his team as well as the owner are all new to this
 matter, which has been ongoing for many years. They bring new eyes and new
 intentions.
- Ms. Vacca stated that she has been a structural engineer for more than 40 years. She listed several rehabilitation projects she has undertaken. She stated that there is a 100% chance of collapse of the towers within 10 years and an 80% chance in three vears. She stated that four other engineers who have inspected this church in recent years have recommended demolition. The north facade with the towers have significant cracking on the façade. Ms. Vacca referred to her report. The level of the cracking of the interior plaster is frightening. The cracking in indicative of horizontal displacement and of displacement outward. She stated that it was important to inspect the backup schist masonry, not just the exterior brownstone facade. She explained that they removed plaster at the cracks in the interior to inspect the structural stone behind it. She stated that the 35-inch thick masonry walls behind the plaster, the structural walls, had cracked through. The western wall of the northwestern tower had displaced outward two inches. Each tower weighs about 500,000 pounds from the watertable upward. The timber steeples add to that weight. She stated that they used a boroscope to inspect the mortar between the structural stone and the façade stone. She stated that the mortar had deteriorated from years of freezing and thawing. She stated that the repairs that had sought to anchor the façade back to the structural stone had not been successful. She stated that the timber in the steeples is in good condition but the connection between the timber and the masonry was designed in such a way that the east and west walls of the towers are not stable. The diagonal masonry of the turrets may have tied the towers together, but that masonry has lost any bond. Ms. Vacca stated that the only repairs undertaken at the church related to the façade, not to the structural integrity of the towers. She stated that the towers need to be demolished down to the watertable. There is no feasible way to repair the towers. She stated that the demolition might need to proceed below the watertable, depending on the condition of the mortar. She stated that the backup structure is made up of small stones and is therefore dependent on the mortar, which has decayed from freeze/thaw cycles. The cracks in the structural stone is the basis for the conclusion that a cataclysmic failure will occur. Ms. Vacca stated that the demolition will be very challenging. She stated that the towers are 135 feet tall, 75 feet above the watertable. The towers weigh 500,000 pounds above the watertable. The temporary repairs that were undertaken will not prevent a collapse. The nearby power lines add complexity to the demolition. Ms. Vacca stated that the towers must be demolished from the south, from the sanctuary. If one wanted to save the nave, it would require time for design and money for the erection of a steel structure, which is not feasible. She concluded that the towers are in danger of imminent collapse.
- Mr. Thomas asked about the possibility of partial demolition. Ms. Vacca stated that partial demolition is infeasible. She stated that designing and installing a steel structure that would allow partial demolition would take from six to none months and would be very expensive. She stated that they do not have that much time. The towers must be demolished before the next freeze/thaw cycle. The building should be demolished as quickly as possible in the safest way.
- Mr. Coggin, a structural engineer, provided his credentials. He stated that he has
 reviewed all of the other engineer's reports prepared on this building. He stated that
 the building was deteriorating long before the first report in 2013. He summarized the
 reports. He stated that improper repairs have been undertaken to the masonry at the

building. He stated that earlier reports called for demolishing the towers and the entire building. Earlier reports noted deteriorated masonry, cracks, displacement, bowing, and other problems with the towers. The towers are like tubes that gain strength from the turrets at the corners. However, the masonry at the turrets is deteriorated. The timber steeples are not connected to the towers. The towers are displacing and cantilevering out. He noted that the reports note continuing deterioration and active façade movement. Earlier reports stated that the towers should be repaired or demolished. He stated that the July 2019 repairs were minimal and only attempted to pin some of the façade stone to the backup stone. The repairs did not address the structural problems with the towers. The massive window openings are a detriment to the structural stability of the towers. All of the lancet windows show cracking, which is a sign of structural failure.

- Mr. McClure asked Mr. Coggin if he agreed with Ms. Vacca. Mr. Coggin stated that he agrees with Ms. Vacca's report on the building. He stated that the building is a danger to the public and has been considered as such since 2013. The towers have significant structural problems and, when they collapse, the collapse will be catastrophic. Mr. Coggin stated that the towers should be demolished before the next freeze/thaw cycle. Mr. Coggin stated that he inspected the interiors of the towers, climbing to the highest accessible levels in both towers. He stated that he inspected the areas where Ms. Vacca had removed the interior plaster to expose the structural cracks. He also noted that the brownstone was laid in such a way that water penetrates it and it deteriorates and spalls away. He stated that the stones also shear at the bedding planes. There is no integrity between the backup and cladding.
- Mr. Fernandini, the property owner, stated that he purchased the church to save it.
 However, his engineers convinced him that the towers are beyond repair. He stated
 that the most important issue is safety. He stated that the stained glass windows,
 murals, and other artifacts will be salvaged and transferred to a museum.
- Mr. Angelides, an economic consultant, stated that he analyzed the project as though there were no time constraints. He determined whether it would make economic sense to stabilize and repair the building if there were no need to act immediately. He observed that it would not make economic sense to stabilize the building, remove the towers, and reuse the building. Stabilizing the building to allow demolition of the towers from the north would require a significant steel structure that would be expensive. That work and other work, like roofing over the sections where the towers were located would cost at least \$2 million, maybe much more. Then the building would need to be rehabilitated for the new use. Rebuilding the towers would cost an additional \$2 million. The new use would likely be residential. Rehabilitating an old building for a new use is already expensive. This project would have added costs, at least \$2 million. The apartments that would result would be compromised, owing to the constraints of the building. The units would be less attractive than comparably sized new units, and therefore produce less income. There is no space for onsite parking. The reuse of this building is not economically feasible.
- Ms. Sanchez asked why repairing the towers is not feasible. She asked why the façade cannot be pinned.
 - o Mr. Coggin responded that the pinning of the cladding to the backup could be undertaken, but that would not solve the structural problems. The problem is with the backup masonry material, which supports the towers and is failing. The pinning would not address the overall stability of the towers. The pinning would not prevent a collapse. The corners of the towers have no structural integrity.

- Ms. Vacca stated that pinning and pointing the façade will have to impact on the structural problems. The towers will still fail.
- Mr. Thomas asked about the structural condition of the main body of the church.
 - Ms. Vacca stated that she did not review the main body of the church.
- Mr. Thomas asked about funding sources like tax credits.
 - o Mr. McClure stated that they did not look at tax credits and other funding opportunities because the building is about to collapse. He stated that they do not have time to assemble funding sources. The building must be confronted immediately. He pointed the Commission to Commissioner Perri's letter, which states that the structural problems and threat of collapse must be addressed immediately, before school starts and the next freeze/thaw cycle. There is no time to seek such funding, which might take years to obtain. Such funding might have made a difference in 2013 or 2015, if there had been no litigation. That time has passed.
- Ms. Cooperman stated that the Historical Commission is not reviewing a financial hardship application.
 - Mr. McClure agreed. He stated that they included financial information because some have asked for it, but the application is a request for approval as necessary in the public interest.
- Mr. Mattioni stated that he sent a letter to the Historical Commission indicating that his client, Holy Name of Jesus parish, has no opposition to the application.
- Ms. Cooperman excused herself from the meeting at 2:13 p.m. When she left, she sent a Zoom Chat to all panelists announcing her departure and stating that "I agree we need input from Architectural Committee and we don't have sufficient information today."
 - Mr. Farnham reminded the Commissioners not to use the Zoom Chat feature to discuss the merits of a matter under consideration because the Commissioners are required to deliberate in public. He then read Ms. Cooperman's Chat for everyone participating to hear.

PUBLIC COMMENT:

- A.J. Thomson started by thanking Ms. Cooperman, who "served" as part of his "panel" when he and his team submitted the nomination to designate this property five years ago. He referred to the engineers' testimony today as "very credible." He stated that "Venise Whittaker and her misguided people" stopped the redevelopment of the property with a law suit. He stated that immigrants sacrificed to build this structure. He asked the Historical Commission to compel the owner to hire a new engineer of the Commission's choosing to verify the results of the other engineers. He concluded that the Commission must be right if it approves the demolition of this building; it must do its due diligence.
- Andrew Miller, a neighbor, stated that the owner was aware of his obligations when he purchased the property and that there is time to stabilize the building. He stated that the Historical Commission must vote no on this application.
- Dana Fedeli opposed the demolition of the church. She stated that the former owner repaired the building. She stated that, even if the towers were removed, the remainder of the building could be saved. She questioned the motives of the applicant and consultant. She claimed that this is not an emergency. She discussed the zoning of the property. She questioned the review process.
- Dustin Dove questioned the motives and intentions of the property owner. He opposed the demolition.

- Evan Schlesinger, a near neighbor, stated that the safety of the people who live right around the church is taken into consideration. He stated that the neighbors prefer preservation and know that demolition can go wrong. He asked the Historical Commission to collect more information and consider alternatives.
- Jim Duffin stated that he understands the need to consider this on an expedited manner. He contended that the Commission and advisory committees can call special meetings. He stated that the application needs a full vetting. A special meeting of the Architectural Committee should have been called.
- Jeanne Curtis stated that she was involved with the nominations of the exterior and interior of St. Laurentius and has been involved in research and academic study of the church. She spoke about how the building reflected the original parishioners. She suggested that building should be recorded inside and out. She suggested that all alternatives be considered. She offered her research.
- John Scott commented on the earlier litigation and the recent zoning change. He said that the towers are "non-structural stone walls." He asserted that the building can be reused.
- John Wisniewski noted that there have been concerns about the structure since 2013, but it is still standing. He reported that he wrote the interior nomination, which was later withdrawn. He asked the Historical Commission to consider the architectural, cultural, and religious significance of the church. He thanked the owner for cooperating with the removal of the windows and murals. He asked the Commission to act judiciously.
- Justin Spivey, an engineer, stated that he has been retained by the Preservation Alliance. Paul Steinke of the Preservation Alliance stated that he would ask questions of Mr. Spivey. Mr. Steinke suggested that the Architectural Committee should review this application. Mr. Steinke noted the letter that he sent to the Historical Commission when he first learned of this application. Mr. Steinke asked Mr. Spivey about his qualifications, which Mr. Spivey provided. Mr. Steinke asked Mr. Spivey to present his findings.
 - o Mr. Spivey stated that he inspected the building from the exterior using binoculars. He stated that some action is needed to stabilize the building. Mr. Spivey stated that a building collapse is not imminent. He observed that seven years of reports have called immediate action and yet the building has not collapsed. He said that the structure has "reserve strength." He stated that the structures of the towers is timber, which is in good repair. He stated that recent repairs on the exterior have not recracked. He said that no one has done a complete, hands-on examination of the exterior. Mr. Spivey stated that the recent repairs have slowed the process of deterioration by preventing water infiltration. Moreover, the cracks have not reopened since repaired. He stated that the remainder of the structure, outside the towers, appears to be very stable. Mr. Spivey claimed that there are options other than demolition. He stated that scaffolding will need to be erected whether the towers are demolished or repaired. He claimed that the scaffolding could be upgraded to structural scaffolding for little money. He claimed that the scaffolding could be structural and could hold up the towers. Structural scaffolding would allow time for more analysis and could be used for deconstruction or repair. He stated that it is feasible to deconstruct the towers down to the watertable and reuse the rest of the building. In conclusion, he suggested that there are anchoring systems like Cintec that could be used to repair the towers.

- Mr. Steinke asked the Historical Commission to remand this application to Architectural Committee and also asked the Historical Commission to order the property owner to immediately install structural scaffolding.
- Kevin Brett stated that he is an attorney for a corporation but is here today on his
 own. He accused Mr. McClure of "alarmism." He claimed that documents show that
 the current owner has wanted to demolish the church since late 2019. He accused
 Mr. McClure of "false-alarmism." He stated that the owner, Historical Commission,
 and Department of Licenses & Inspections should jointly issue a request for
 proposals for redeveloping the property.
- Mason Carter suggested sending this application to the Architectural Committee. He seconded Mr. Spivey's suggestion regarding scaffolding. He observed that the property is not cited as Imminently Dangerous.
- Rachel Kaminski stated that she is concerned about the environmental impact of the demolition of the church. She stated that she is concerned about dust. She asked the Commission to vote no on the application until dust and other safety concerns are addressed.
- Jeff (no last name provided) commented on Q&A that the church spires should be saved.
- Susan Feenan commented on Q&A that efforts should be made to protect the remainder of the building if the steeples must be demolished. She commented that any potential reuse of the building should not be a factor in determining its value or whether it should be demolished.
- Megan Thomson commented on Q&A that the parish does not have responsibility for the building after the sale, and that there may be money available through new tax credits.
- Arielle Harris commented on Q&A that the structural engineering report should be objective and not presented by the attorney representing the owner.
- Elizabeth Milroy commented on Q&A that it would be helpful for the engineer to walk through her presentation using images and plans. She asked about the weight of the steeples and the cost of demolition.
- Allison King commented on Q&A that the mentioned \$2 million cost is less expensive than a new building, and asked why that is an obstacle.
- Jeanne Curtis commented on Q&A about the potential feasibility and cost of a secondary steel structure within the towers.
- Eugene Desyatnik commented on Q&A and asked if the owner could speak to due diligence performed upon purchase.
- Venise Whitaker commented on Q&A that the Philadelphia Industrial Development Corporation has discussed donating to assist in reusing more churches in Fishtown. She commented that the Historical Commission should offer insight on how to pursue Special Inclusion funding. She included website links into the Webex Q&A. She commented that she supports the preservation of the church.
- Mary Spross commented on Q&A that the church should be preserved.
- Oscar Beisert, representing the Keeping Society, commented on Q&A that the Historical Commission should consider holding a special meeting to come to a final decision.

ADDITIONAL DISCUSSION:

 At the end of the public comment, Mr. Reuter, the Commission's attorney explained why the Historical Commission was appropriately hearing this matter today, without referral to the Architectural Committee. He stated that the Rules & Regulations do not require applications proposing demolition as necessary in the public interest to be reviewed by the Architectural Committee. He stated that, in light of Commissioner Perri's letter indicating the urgency of this matter, the application merited forwarding to the Commission as soon as possible. Finally, he noted that under Administrative Law, bodies may waive their rules, especially in emergency circumstances. The Historical Commission is rightly hearing this application and may make a final decision today. He added that the Historical Commission has the authority to refer the matter to the Architectural Committee. He disagreed with Mr. Duffin that the Architectural Committee has the authority to unilaterally call its own special meeting. He suggested that the Historical Commissioners read Commissioner Perri's letter. He noted that the Commissioner has indicated that this matter is urgent. He concluded that the Commissioner has police powers in this matter and could order the demolition of the building without the Historical Commission's input.

- Mr. McCoubrey stated that the Department of Licenses & Inspections can also order the owner to repair the building.
- Mr. Reuter stated that the City has been involved in enforcement proceedings regarding this property for years. He stated that all of the protections and repairs were undertaken at the Department's orders. He stated that the City has been pursuing enforcement in the court for years. Mr. Reuter stated that the Department, Historical Commission, and Law Department have been involved in this property every day for years. He stated that the City has not been absent, but has been trying to compel the property owner to bring this property into compliance. The Department and Historical Commission have met with the former and current owners and have pressed for repairs and engineers' reports.
- Ms. Edwards asked if the Department would be responsible for next steps with regard to ensuring that the building is safe if the Historical Commission denied the application.
 - Mr. Reuter responded in the affirmative and noted that the applicant could appeal.
- Mr. Thomas suggested that the Historical Commission should deny total demolition and suggest that the owner find a means for removing the towers and stabilizing the building.
- Ms. Stanford stated that the building is not Imminently Dangerous. She suggested looking at all alternatives.
- Ms. Turner agreed.
- Mr. McCoubrey agreed.
- Mr. Thomas recommended denying the application and referring it to the Architectural Committee for review.
- Mr. Reuter responded that the Historical Commission cannot condition the denial of an application, for example deny it and refer it to the Architectural Committee. He suggested that, if the Commission intends to deny this application, it should first hear from the applicant, who would like to rebut.
- Mr. Farnham asked the Historical Commission not to take a final action on the application without hearing from the applicant and the members of the public who have not spoken.
- Mr. McClure stated that he respects the process and the diligence of the Historical Commission, but respectfully request that the Commission make a decision no later than its August meeting, owing to the public safety hazard that this building poses. He also stated that both of his engineers "vehemently, vehemently disagree" with Mr. Spivey's conclusions, especially about structural scaffolding.

- Mr. Farnham stated that the Historical Commission should make a decision no later than its 14 August 2020 meeting. If it has not made a decision by that time, the Department of Licenses & Inspections may need to take matters into its own hands.
- Mr. Thomas asked if the matter needed to be referred to the Committee on Financial Hardship. Mr. Reuter stated that it does not. He explained that making a determination of necessity in the public interest requires the Historical Commission to determine if feasible alternatives exist. Financial information may provide a basis for determining if feasible alternatives exist. A full Committee on Financial Hardship meeting is not necessary for such a determination. Feasibility determinations should consider costs.
- Mr. Farnham observed that the email and Zoom Q&A comments on this application have been incorporated into the record.

ACTION: Ms. Edwards moved that the Historical Commission continue the demolition application for 1600-08 E. Berks Street to its August 2020 meeting and refer it to the Architectural Committee at its July 2020 meeting for a recommendation. Ms. Turner seconded the motion, which passed by unanimous consent.

ITEM: 1600-06 E BERKS ST

MOTION: Continue to August PHC meeting and remand to July AC meeting

MOVED BY: Edwards

SECONDED BY: Turner								
VOTE								
Commissioner	Yes	No	Abstain	Recuse	Absent			
Thomas, Chair	X							
Cooperman					Х			
Dodds (DHCD)	Х							
Edwards	Х							
Hartner (DPP)					Х			
Lenard-Palmer (DPD)	Х							
Lippert (L&I)	X							
Mattioni				X				
McCoubrey	Х							
Sánchez (Council)	X							
Stanford (Commerce)	X							
Turner, Vice Chair	Χ		_	·				
Washington			_	·	Х			
Total	9		_	1	3			