



CITY OF ALLENTOWN

No. 30652

RESOLUTION

R94 - 2023

Introduced by the Administration on May 17, 2023

Approval of a Certificate of Appropriateness – 828-30 W. Turner Street

Resolved by the Council of the City of Allentown, That

WHEREAS a Certificate of Appropriateness is required under the provisions of the Act of the General Assembly of the Commonwealth of Pennsylvania No.167, June 13, 1961 (P.L.282) known as the Pennsylvania Historic District Act; and City of Allentown has adopted a Historic District Ordinance, Article 1391, under the provisions allowed in the Pennsylvania Historic District Act; and

WHEREAS the applicant, Gary Newman, applied to the Historical Architectural Review Board (HARB) for a Certificate of Appropriateness for complete demolition of the building, as described in the attached final report; and

WHEREAS the HARB held a meeting on said matter on May 1, 2023, where a representative for the applicant was in attendance; and

WHEREAS based on the statements and evidence presented, the HARB made the following findings of fact, as detailed in the attached case report:

1. The application does not provide sufficient evidence to support the need for demolition and does not comply with Chapter 3, Section 3.15 Demolition.
2. If City Council approves the application, the HARB requests that the applicant provide mitigation in the following forms:
 - a. As defined in Guideline 3.15.14, mitigation should include the salvaging of building features and historic materials that are suitable for reuse. Architectural salvage is a responsible environmental practice and is encouraged so that historic materials could be reused at other historic buildings. Demolition work must comply with all applicable codes and health and safety regulations.
 - b. As defined in Guideline 3.15.15, the building should be thoroughly documented prior to demolition. Photographs and measured drawings (plans, elevations, sections, and details of unique features) or similar documentation should be submitted to staff for inclusion in the property file.
 - c. The applicant should make a financial contribution to a fund to support preservation efforts elsewhere in the city. Specifically, city staff have identified several blocks of Hamilton Street as containing the city's most significant historic resources which are under the greatest threat of demolition. Staff intends to work with the Pennsylvania Historical and Museum Commission to pursue a National Register historic district along Hamilton Street that would allow property owners to apply for Federal tax credits when rehabilitating historic properties. While National

Register districts do not impose any additional restrictions on private property owners, they do provide financial incentives for preservation. A contribution to a preservation fund would support the preparation of a nomination for the district.


WHEREAS, based on the above findings of fact, the HARB agreed on the motion not to allow the complete demolition of the building as proposed, and recommended to City Council denial of a Certificate of Appropriateness for the demolition as detailed in the attached case report.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Allentown that a Certificate of Appropriateness is hereby approved accepting all the provisions in the Resolution for the above referenced exterior alteration.

AMEND TO CHANGE THE DENIAL TO AN APPROVAL, BUT ACCEPT ALL THE PROVISIONS IN THE RESOLUTION, PASSED, 5 – 0

	Yea	Nay
Candida Affa	X	
Ce-Ce Gerlach	X	
Cynthia Y. Mota	X	
Santo Napoli		
Natalie Santos		
Ed Zucal	X	
Daryl Hendricks, President	X	
TOTAL	5	0

THIS IS TO CERTIFY, That the above copy of Resolution No. 30652 was adopted by the City Council of Allentown on the 13th day of June, 2023, and is on file in the City Clerk's Office.



City Clerk

Historical Architectural Review Board COA Final Review Sheet

HDA-2023-00001

Address: 828-30 W. Turner Street

District: Old Allentown Historic District

Applicant: Gary Newman, Blackstone Structures, LLC

Proposal: Demolish building

Building Description:

This 3-story brick house, ca. mid-19th century, is Italianate with late-Victorian alterations that include the mansard roof and two-story bay. The mansard roof has asphalt shingles with a single dormer with brackets and an overhanging eave. A two-story bay projects from the second and third stories, is clad in fish-scale shingles, and is topped with a turret roof and decorative cornice. The windows are 1/1 double-hung sash windows with Italianate lintels. The front entry includes a decorative paneled surround with a two-leaf paneled door featuring bolection molding. Two basement windows include decorative metal grills. A porch projects from the west side of the building.

Project Description:

This application proposes the complete demolition of the property at 828-30 W. Turner Street. In October 2021, the Allentown City Planning Commission granted the applicant approval to construct an eight-story, multi-unit residential apartment building at the adjacent vacant lot at 826 W. Turner Street. The site is a former five-level parking structure that had been demolished in 2009. Since the demolition of the parking lot, the site had remained vacant, and construction of the apartment building recently commenced. At the time of the Planning Commission's approval, the applicant attempted to gain ownership of additional properties fronting Turner Street, including 828-30 W. Turner Street, but was unsuccessful. The applicant is now under agreement of sale for the property at 828-30 W. Turner Street and is seeking to demolish the property to provide additional frontage on Turner Street for the multi-unit residential apartment building. The property at 828-30 W. Turner Street is on the periphery of the Old Allentown Historic District boundary. The property at 826 W. Turner Street falls outside the district boundary.



**Aerial showing 828-30 W. Turner Street, the adjacent parcel at 826 W Turner Street, and the historic district boundary.
(City of Allentown)**

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**Front façade of 828-30 W. Turner Street, 2021.
(Google StreetView)**



**Side and rear of 828-30 W. Turner Street from Lumber Street, 2014.
(Google StreetView)**

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Applicable Guidelines:

Chapter 3.15 – Demolition

3.15.1 Pursue alternatives to demolition before proposing demolition. Applicants are encouraged to work with Staff and the HARB on developing alternative solutions. Possible alternatives include preservation, restoration, adaptive reuse, relocation, or transfer to a new owner willing to rehabilitate the building.

3.15.2 Evaluate the significance of the building and its contribution to the historic district. Determine if the building has individual architectural, cultural, or social significance or is associated with significant people or events. It is recommended to reference the National Register of Historic Places' criteria for significance. Determine its contribution to the historic district. Buildings that are eligible or listed in the National Register and/or are significant features of the historic district should be preserved.

3.15.3 Determine if the building retains historic integrity. Evaluate the cumulative impact of past alterations. Buildings that have been altered to such an extent that they no longer convey their significance or contribute to the historic district may have more flexibility in review.

3.15.4 Evaluate the impacts of the proposed demolition on the historic district. Evaluate the impacts to the adjacent buildings, the immediate surroundings, and the historic district as a whole.

3.15.5 Provide documentation that the feasibility of rehabilitation has been sufficiently investigated and alternatives to demolition have been explored. Documentation may include feasibility studies, professional conditions assessments, structure report by a licensed engineer, cost estimates, or similar due diligence. Documentation can be provided in written descriptions, photographs, drawings, and financial data.

3.15.6 Provide documentation that transfer of the building to a new owner was attempted and demonstrate efforts to find a buyer willing to retain and rehabilitate the building.

3.15.7 Consider architectural, structural, and economic feasibility factors. Demolition is not appropriate if due diligence demonstrates that there is an economically viable use, even if that use is not the "highest and best" use.

3.15.8 If demolition is proposed because the City's Building Inspector has declared a clear and present danger, provide official documentation with the application. The Building Inspector may determine that a building is in a state of collapse or has deteriorated to such a point that it is a public safety concern. This finding should be supported by documentation from a licensed structural engineer.

3.15.9 Avoid demolition by neglect through regular maintenance, repair, and restoration. Severe deterioration and poor condition that is the result of neglect can be considered a self-created hardship and is not an appropriate justification for demolition.

3.15.13 Evaluate the potential impacts and appropriateness of proposed demolition first, regardless of proposed future development. It is appropriate that the HARB evaluate proposed demolition as a stand-alone project because the proposed plans for new construction may change. After the HARB has evaluated significance, integrity, and potential impacts, they may consider the contribution or impact of proposed future development to the historic district. New construction is subject to Chapter 5: Guidelines for New Construction.

3.15.14 If demolition is pursued, salvage building features and historic materials that are suitable for reuse. Architectural salvage is a responsible environmental practice and is encouraged so that historic materials could be reused at other historic buildings. Demolition work must comply with all applicable codes and health and safety regulations.

3.15.15 If demolition is pursued, document the building thoroughly prior to demolition. Photographs and measured drawings (plans, elevations, sections, and details of unique features) or similar documentation should be submitted to Staff for inclusion in the property file.

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Observations & Comments:

The applicant outlines the argument for demolition predicated on the following:

1. The building has sustained severe structural damage, and violations related to settlement issues and deterioration have been issued to the property owner;
2. Rehabilitation costs to modernize the building are financially impracticable; and
3. Denial of the demolition will create a financial hardship for the applicant in undertaking the new construction at the adjacent property; and
4. The new construction is a necessary catalyst for the immediate neighborhood.

Documentation submitted from the City of Allentown's Building Standards and Safety for a systematic inspection conducted by a housing inspector shows that the property requires general maintenance and has foundation cracks, but the report does not indicate that there is a life safety or serious structural concern. Staff cites Guideline 3.15.8: "If demolition is proposed because the City's Building Inspector has declared a clear and present danger, provide official documentation with the application. The Building Inspector may determine that a building is in a state of collapse or has deteriorated to such a point that it is a public safety concern. This finding should be supported by documentation from a licensed structural engineer" (p.85). Staff contends that the documentation from the housing inspector does not suggest a clear and present danger. Staff also notes that a housing inspector should be differentiated from a building inspector, and that no code cases related to structural concerns have been created by a building inspector.

A structural engineer's report was also submitted with the application to address the building's current condition. The report described the following issues: the two-story exterior deck framing is structurally unsound; a "make-shift main beam" and brick pier were installed in the basement to remedy past excessive deflection of first-floor joists; first-floor joists are in poor condition with numerous penetrations; and upper-floor joists show signs of excessive deflection. The report notes that a thorough investigation was not possible due to access restrictions at the interior and coatings such as paint and stucco at the exterior. The report does not reference foundation cracks. It is the staff's opinion that the property has sustained a degree of deterioration and some structural settlement from deferred maintenance, but that the condition is repairable, and the engineer's report provides some recommendations for repair, such as reinforcing joists. Staff points to Guideline 3.15.9 regarding demolition by neglect: "Avoid demolition by neglect through regular maintenance, repair, and restoration. Severe deterioration and poor condition that is the result of neglect can be considered a self-created hardship and is not an appropriate justification for demolition" (p. 85). Staff also notes that the engineer's report does not conclude that demolition is necessary or that rehabilitation is infeasible; rather, it provides some recommendations for reinforcing structurally deficient areas and maintaining the building.

The applicant argues that the cost of modernizing and rehabilitating the building is impracticable but does not include any financial data to support this claim. Staff contends that applicant has failed to demonstrate that there are no alternatives to demolition, owing to the lack of data such as feasibility studies and cost estimates, which are part of the demolition checklist (p. 86) and Guideline 3.15.5 (p. 85). Staff acknowledges that rehabilitation of the property to continue its use as rental housing may not be the highest and best use of the property, but points to Guideline 3.15.7, which states that: "Demolition is not appropriate if due diligence demonstrates that there is an economically viable use, even if that use is not the 'highest and best' use" (p. 85). Despite the lack of due diligence, staff notes that the property has been occupied and has continued as rental housing, which is an economically viable use for the building.

The applicant's argument that denial of the application will adversely affect the adjacent new construction should not be considered by the HARB. The adjacent new construction is not within the limits of the historic district and is not under the HARB's jurisdiction. The project received approval by the Allentown City Planning Commission for the boundary defined by the applicant at 826 W. Turner Street, which lies completely outside the boundary of the Old Allentown Historic District.

Additionally, the guidelines recommend that the applicant demonstrate that an effort to transfer the building to an owner willing to rehabilitate the building has been made (Guideline 3.15.6, p. 85). The applicant is not the owner of the property and does not need to purchase the property. Staff suggests that purchasing a property in a historic district for the sole purpose of demolition in order to extend an adjacent development project is a self-created hardship and does not comply with the guidelines.

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Staff Recommendation:

Denial, pursuant to Chapter 3, Section 3.15 Demolition.

In the event that the HARB or City Council reaches a different opinion and an approval of the demolition is granted, staff strongly advocates for the imposition of mitigation efforts. The City of Allentown has made a commitment to historic preservation through the adoption and implementation of the historic district ordinance, the integration of preservation planning in Allentown Vision 2030, the city's comprehensive plan, and through participation in the Certified Local Government program. Mitigation should be sought to further support the city's preservation efforts and to discourage the demolition of historically designated resources. Staff recommends the following:

1. As defined in Guideline 3.15.14, mitigation should include the salvaging of building features and historic materials that are suitable for reuse. Architectural salvage is a responsible environmental practice and is encouraged so that historic materials could be reused at other historic buildings. Demolition work must comply with all applicable codes and health and safety regulations.
2. As defined in Guideline 3.15.15, the building should be thoroughly documented prior to demolition. Photographs and measured drawings (plans, elevations, sections, and details of unique features) or similar documentation should be submitted to staff for inclusion in the property file.
3. The applicant should make a financial contribution to a fund to support preservation efforts elsewhere in the city. Specifically, staff has identified several blocks of Hamilton Street as containing the city's most significant historic resources which are under the greatest threat of demolition. Staff intends to work with the Pennsylvania Historical and Museum Commission to pursue a National Register historic district along Hamilton Street that would allow property owners to apply for Federal tax credits when rehabilitating historic properties. While National Register districts do not impose any additional restrictions on private property owners, they do provide financial incentives for preservation. A contribution to a preservation fund would support the preparation of a nomination for the district.

HARB Discussion:

The HARB agreed with the staff recommendation, noting that the proposed demolition does not meet the Guidelines for Historic Districts. Mr. Huber also agreed with the applicant's comment that the building is problematic in the neighborhood. He then added that the applicant needs to follow the guidelines and complete the due diligence for the HARB to consider an approval.

Mr. Jordan stated that there is an economic hardship process that has not yet been pursued.

Action:

Mr. Jordan moved to recommend denial, pursuant to Chapter 3, Section 3.15 Demolition. Mr. Hart seconded the motion, which carried with unanimous support.

In the event that City Council reaches a different opinion and an approval of the demolition is granted, the HARB strongly advocates for the imposition of mitigation efforts. The City of Allentown has made a commitment to historic preservation through the adoption and implementation of the historic district ordinance, the integration of preservation planning in Allentown Vision 2030, the city's comprehensive plan, and through participation in the Certified Local Government program. Mitigation should be sought to further support the city's preservation efforts and to discourage the demolition of historically designated resources. The HARB recommends the following:

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