

March 19, 2014

Mr. Sam Sherman, Jr.  
Chair, Philadelphia Historical Commission  
City Hall, Room 576  
Philadelphia, PA 19107

Dear Mr. Sherman:

Last Friday's Historical Commission meeting was quite interesting, as were the two hardship committee meetings held previously. While I strongly oppose the decision made, I find myself equally concerned about the content and procedures of these meetings. My concerns are as follows:

1. These are public meetings. I was one of the people who frequently asked speakers to use the microphone. It would be very helpful if the cord to the microphone were long enough for speakers to easily use and reposition the microphone. It would also be helpful if the staff could remind each speaker before they start, rather than having someone from the audience repeatedly interrupt.
2. Speakers both in favor of, and opposed to, a particular issue should be given equal time and treatment. If one side has a longer case, then it seems reasonable that they should have more time; however, all speakers should be required to stay on topic, regardless of which side they are on. It is particularly important that this be enforced during the public comment portion of the meeting. The presence of rats or vagrants at a site, the odors emanating as a result, applause after a particular speaker, the winning of a Tony award, the knowledge of how to produce a Broadway play, and so on are all completely irrelevant to the significance of a building and an economic hardship claim. Additionally, special treatment of speakers during the public comment portion of the meeting gives the appearance of favoritism, even if that is not the intent. If someone with a "busy schedule" appears and is bumped to the front of the line, as happened at the first hardship committee hearing, it appears (and is) unfair.
3. It is understandable that the deteriorated and unattractive condition of the façade is a source of great distress to the neighbors. This is the responsibility of the building owners, Live Nation. Not the neighbors, not the friends group, not the city – the owners. Why Live Nation is not being held responsible for the deplorable condition of the building is a mystery, but it is also an unrelated issue. The many complaints about the lack of upkeep are irrelevant to either the building's significance or the hardship claim, and should not have been allowed to continue.
4. The comments from various commissioners, at both the hardship meetings and at the full commission meeting, lamenting the lack of an interior nomination are likewise irrelevant. As was stated many times, each project is evaluated on its own merits. In this instance, IPic and the owner determined that they could not reuse the existing building. At an earlier informational presentation that I attended, IPic mentioned that they had started out hoping to use the entire Boyd Theater, but soon determined that their theater model would not fit within the existing building envelope. At that point, they decided to proceed with an economic hardship application, which would allow them to demolish the auditorium portion of the building. The financial data in the hardship application demonstrates that, for the IPic configuration, the auditorium could not be retained. I don't see how designation of the interior would have changed any of this. It's also important to remind

commissioners that designation of the Boyd interior is within the purview of the Historical Commission. The Commission staff has written many significant nominations, and could certainly had done a wonderful job with a nomination of the Boyd's interior.

5. At the continuation of the hardship committee hearing, one of the commissioners wondered if we are holding the Boyd to a higher standard than other projects, by the assumption and statements on the part of the applicants that no government dollars would be needed or made available to help balance the numbers. In a city where for-profit developers and companies regularly get public assistance and tax abatements for millions of dollars, I think this is a fair question.
6. The offer to purchase the Boyd, while arriving late in the game, significantly alters the applicant's claim of financial hardship. Most people familiar with preservation ordinances and practices with whom I have discussed this case agree that a legitimate offer of purchase must be carefully considered. If the Commission had questions as to the legitimacy of the Friends of the Boyd offer, a continuance, as suggested by Commissioner Hawkins, seems a reasonable and prudent move. The Commission's decision to dismiss this offer with so little discussion and with obvious skepticism does not seem based in fact, but rather in emotion and expediency.

There are very strong feelings on both sides of this issue; it's a very difficult one. I am clearly biased; so are the applicants. The people who cannot be biased are the Commission members. Sadly, at all three meetings, there was a clear appearance of bias in favor of the applicants. I have thought a great deal about this, to make sure that I am not just griping because I ended up on the losing side. As chair of the commission, you set the tone for the meetings and the example for the other commissioners. It is your responsibility to make sure that commission meetings are fair and relevant to the issues at hand. For the sake of the Commission's future integrity, please take a moment to consider how these last three meetings were conducted, and how they could be improved for better public understanding and participation.

Very truly yours,



Katherine Dowdell

Cc: Alan Greenberger  
Caroline Boyce  
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