



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240



February 6, 2020

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

PROPERTY: **York Steam Plant, 147 West Philadelphia Street, York, PA**
PROJECT NUMBER: **36537**

Dear [REDACTED]:

I have concluded my review of your appeal of the December 18, 2018 Decision of Technical Preservation Services (TPS), National Park Service, denying certification of the Part 2 – Description of Rehabilitation application for the property cited above (the Decision). The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 C.F.R. part 67) governing certifications for federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I thank you, [REDACTED]

[REDACTED]
[REDACTED]

[REDACTED], for meeting with me on March 27, 2019, and for providing a detailed account of the project.

After careful review of the complete record for this project, including the materials presented as part of your appeal, and the additional information submitted after our appeal meeting, I have determined that the proposed rehabilitation of the York Steam Plant is not consistent with the historic character of the property and that the project does not comply with the Secretary of the Interior's Standards for Rehabilitation (the Standards). Accordingly, I hereby affirm the December 18, 2018 Decision issued by TPS, denying certification of the Part 2 – Description of Rehabilitation application.

The York Steam Plant (originally constructed as the Edison Light and Power Company) is an industrial complex consisting of a steam plant (with an engine room, turbine room, boiler room, coal hoppers and smoke stack) constructed from 1892-1916, a 1917 warehouse, remnants of 1916 coal bins, a c.1950 garage building, a c.1970 storage building, and a large yard/parking lot. The property occupies most of the block bounded by West Philadelphia Street on the south; North Pershing Avenue, an active rail line and Codorus Creek on the west; West Gay Avenue on

the north; and North Park Lane on the east. The site is bisected by an historic and still active east-west utility easement (West Gas Alley). The 1766-1783 York Friends Meeting House occupies the northeast quadrant of the block. The red brick buildings of the steam plant are industrial in scale and character, with large, symmetrical window patterns with concrete sills and lintels and openings infilled with replacement windows, metal panels or brick, and large garage/rail bay doors. The interiors are industrial in character with large open volumes once filled with boilers, turbines, generators and other industrial equipment, and they feature exposed steel structural systems, concrete floors, brick walls and ceilings, mezzanines, coal hoppers, remnants of sliding rail car doors and multi-lite window sashes, and utilitarian spaces. Despite its name, the warehouse has the character and features of a commercial office building, with patterned brickwork, and with terra cotta cornice, window sills, and decorative corner blocks. The warehouse currently serves a variety of retail, office and data storage uses and retains no original interior finishes. The c.1950 and c.1970 buildings are not contributing to the significance of the overall complex. The complex is included within the boundaries of, and contributes to, the architectural and industrial significance of the York Historic District.

The proposed rehabilitation will convert five components of this former industrial complex into the York County History Center. Four of the components are contiguous: the engine room (Building A), the turbine room (Building B), the boiler room, which also contains the smokestack (Building C), and the coal hoppers (Building D). The warehouse (Building E) is a free-standing building separated from the main block by an areaway. One of the driving factors in the program for the new use are two oversize artifacts in the History Center's collections. Reddi-Kilowatt, an eighteen-foot tall lighted sign that was the iconic symbol of the Edison Power Company at their main offices in downtown York, will be the featured artifact in the entrance hall to the museum. And, the twelve-foot tall 1804 Tannenberg Organ requires a space in which it can be both displayed and played for public concerts.

TPS reviewed the proposal in a preliminary consultation in August 2017. The design featured a two-story steel and glass pavilion that filled the areaway, with the entrance hall and Reddi-Kilowatt on the first floor and the concert hall with the Tannenberg Organ on the second floor. The height of the two primary artifacts pushed the height of the new pavilion above the parapet of Building E, but it was below the parapet of Building D. The empty volumes of Building B and the adjacent north third of Building A would have second floors added to provide research, collections storage, and service spaces. The southern two-thirds of Building A would become a large open gallery, as would the coal bins of Building D. Building C would also remain open but with a mezzanine added for additional exhibit space. Building E would become a small exhibit space with bathrooms and offices, and an elevator tower projecting through the roof to serve the upper floor of the new pavilion. TPS determined that the proposed pavilion would not meet the Secretary of the Interior's Standards for Rehabilitation (the Standards) and offered suggestions about changes that would be needed to bring the design into compliance with the Standards.

The Part 2 – Description of Rehabilitation application was received by TPS on June 20, 2018. The overall design was substantially unchanged from that reviewed by TPS the previous August. TPS determined that the application was incomplete on July 16, 2018, but provided comments on aspects of the work that would not meet the Standards and recommendations to guide revisions to the scope of work. The primary issue was the mass and scale of the steel and glass pavilion that connected Building E to the rest of the complex (Buildings A-D): its height, lack of set-back from North Pershing Avenue, its incompatible façade materials, and the stair tower projecting through the roof of Building E. Interior issues included furring out perimeter brick walls to provide insulation, which would conceal much of the buildings' historic industrial appearance. Another issue was the insertion of a second floor in Building B and the north third of Building A, and the insertion of mezzanines in Buildings C and D, which would compromise all four buildings' historic open interiors. TPS further determined that there was insufficient information to evaluate the proposed replacement windows and questioned how the proposed interior wall furring would impact the character of the spaces.

You submitted two amendments to the Part 2 application, one dated September 12, 2018 and the other dated November 9, 2018. The first amendment rotated the pavilion ninety degrees so that it extends over Building B and is set back substantially from North Pershing Avenue, explained the necessity of insulating exterior walls to maintain a museum environment, and modified the position and extent of the mezzanines. The second amendment provided further explanations and clarifications in response to TPS questions about the first amendment but stated that the connecting pavilion could not be reduced to one story, as TPS had requested.

TPS subsequently determined that the project, as twice amended, did not meet Standards 1, 2, 5, and 9, and issued a denial of certification on December 18, 2018.

(1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

(9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

The principal issues in the denial decision remained the mass, scale, height, and façade materials of the pavilion connecting Buildings A-D to Building E, and the furring out of exterior walls to provide insulation, covering the historically-exposed brick and other interior features. The denial decision also stated that the proposed replacement windows would alter the historic appearance and character of the buildings.

With regard to the mass, scale, height, and materials of the proposed pavilion connecting Buildings A-D to Building E, TPS stated that, in response to the first amendment, it had, *“provided additional guidance that this new construction would minimally meet the Standards as part of a project that otherwise meets the Standards if the connector within the service yard between Buildings A-D and Building E was reduced to a height no taller than Building E, functionally two stories. Your amendment (dated 11/9/2018) states that you are not able to make this change.”* While the height of the pavilion was driven by the height of the two oversized artifacts to be displayed within, TPS found that the proposed addition violated Standards 1 and 9, quoted above, by (1) requiring more than a minimal change to the defining characteristics of the building and its site and environment for the new use and (2) not being compatible with the massing, size, and scale of the property and its environment.

With regard to insulating the exterior walls, TPS stated, *“All brick perimeter walls in the character-defining multi-story steam plant space in Buildings A-D will be furred out approximately six inches, encasing the pilasters and corbelled capitals and markedly altering the relationship between the windows and the walls, the three-dimensionality of these walls, and obscuring historic features and materials.”* Because of the extent of the furred areas, and its thickness exceeding TPS guidance, TPS found that furring out the exterior walls violated Standards 2 and 5, quoted above, by failing to retain or preserve historic features and finishes that characterize the historic property.

With regard to replacing the windows, TPS stated, *“You have proposed a specialized glass solution, which will alter the historic appearance and character of the building, and, therefore does not meet the Standards.”* TPS proposed the use of indoor light control mechanisms and advised against specialized glass that would alter the reflectivity and historic appearance of the windows in a manner inconsistent with Standards 1 and 2, quoted above.

Prior to my review of the denial issues, I first evaluated the overall historic character of the five contributing buildings on the property, Buildings A, B, C, D, and E. Buildings A-D are large-scale industrial buildings, constructed, then enlarged and modified, between 1885 and 1917 to meet the demands of a rapidly growing industry. Historically, they would have been filled with large power-generation equipment: boilers, steam lines, turbines, generators, transformers, and elevated mezzanines and walkways to provide access for maintenance and repair of the machinery. With the equipment long-removed, only the coal bins and the base of one smokestack survive, leaving large empty volumes. Building E is dramatically different in scale, features, and function, from Buildings A-D. Although described historically as a warehouse, its

visual appearance is that of a two-story office building for a large factory, physically separated, more diminutive in mass and scale than the buildings behind it, and with more elaborate architectural features, like its terra cotta cornice and brick details.

I then reviewed the evolution of the design, from the preliminary consultation with TPS to the TPS denial decision, which I determined to be critical context in understanding the overall impact of the project on the historic character of the property. The first version was reviewed in the preliminary consultation; the second version was submitted as the Part 2 application and was substantially the same as the first version but included certain changes, such as moving the elevator out of Building E, made in response to TPS' comments; the third version, submitted with the first amendment, made substantial changes, rotating the pavilion ninety degrees and locating it on top of Building B. It was the third version that TPS ultimately denied and is the subject of this appeal. The denial issues that arose for this third version have been consistent aspects of the project over which TPS has repeatedly expressed concern. Accordingly, in reaching my decision on this appeal, I considered all the three versions of the project design that TPS reviewed, including what aspects of the project changed, and the impact of those changes.

Across all three versions, one consistent aspect of the project was the pavilion's stacked exhibition spaces for the Reddi-Kilowatt sign and the Tannenberg Organ, and TPS' consistent position that the resulting pavilion was too tall. As presented in all three versions, I agree with TPS' determinations that the pavilion designs do not comply with the Standards, but I differ with TPS in why the designs do not comply with the Standards. TPS treated the height of the pavilion as a primary denial issue across all three versions. However, with the first two versions, another primary denial issue was that the pavilion was proposed to completely fill the areaway between Buildings B-D and Building E, eliminating the break in the North Pershing Avenue streetscape, which is the primary visual character of the areaway on the complex. In response, the third version shifts the pavilion away from the areaway, and TPS has since focused on the height of the pavilion as the primary denial issue subject to this appeal. TPS's emphasis on the pavilion height in the third version and its denial overlooks the direct impact of the third version pavilion designs on other buildings in the complex, as well as the possibility that, by pushing forward the North Pershing Avenue facade of the pavilion and preserving less of the open space between Buildings C and E, there may be alternative designs that are less harmful to the overall historic character of the property and more consistent with the Standards.

As to my specific assessment of the third version that is the subject of this appeal, I have determined that this version in fact causes more harm to the overall historic character of the property and its environment than the prior versions. In addition to the issues on which TPS focused regarding the pavilion's height, I have determined that its impact on the Buildings B, C, and D is equally inconsistent with the Standards. The third version would remove all interior features of Building B, including its roof trusses, the only remaining character-defining feature on its interior, and increase its height to insert three new floors, including the hall for the Tannenberg Organ. The coal bin hoppers, the only remaining character-defining feature on the

interior of Building D, would be removed to construct a new gallery, accessed through a ramp above the roof of Building C from the new top floor of Building D. The entrance pavilion would remain the same height as in version two and would extend its full height along the property line with the historic York Friends Meeting House, but still be visible above the roof of Building E, as in version two.

I agree with TPS that the version three design fails to meet the Standards, but I disagree with TPS that height is the only aspect of the pavilion that is inconsistent with the Standards, as noted above, as well as with TPS's statement that the pavilion's height must be equal to or lower than Building E to comply with the Standards. It may be possible to construct a transparent pavilion of similar rectilinear massing that is taller than Building E, but shorter than Building D, and still be consistent with Standard 9. While such a concept is not before me in this appeal, I concur with TPS's initial determination in its July 16, 2018, letter following the preliminary consultation on the proposed work that, "*With modification, we believe that the historic industrial appearance and character of the buildings can be preserved and the new museum use can be accommodated.*"

A second consistent aspect of the project was the furring out of the interior surfaces of the exterior walls to add insulation in order to maintain an interior climate suitable for a museum. TPS consistently objected to the furring out for two reasons: (1) that it would cover substantial areas of historically-exposed brick, and (2) that it was thicker than TPS' guidance on adding interior insulation. In your January 17, 2019, appeal letter, you stated that not all perimeter walls will be covered and that, "*At least 50% of the pilasters and capitals will remain exposed.*" It may be possible to achieve the insulation requirements for the new museum use and leave exposed enough of the brick and other features on the exterior walls to convey their historic appearance so that the work will comply with the Standards. However, there is insufficient information in the project file to make that determination or to reverse the denial by TPS.

A third consistent aspect of the project was adding mezzanines for exhibit space within the now-empty volumes of the former machinery halls. TPS objected to their size and location in the first two versions but accepted the reduced size and location of the mezzanines in the third version. Thus, the mezzanines were not a denial issue.

A fourth consistent aspect of the project was the replacement windows. TPS did not object to their replacement, but determined that the proposed specialized glass solution, which would alter the historic appearance and character of the building, would not meet the Standards. Standard 6 requires that alterations such as window replacements "*. . . shall match the old in design, color, texture, and other visual qualities.*" Thus, the visual light transmission of the glazing and internal shades to control light levels are critical considerations in complying with the Standards. You stated that in your appeal letter that, "*the glass in the replacement windows is clear with no tint and that light will be controlled by motorized shades. The denial letter indicates the opposite.*" Although I acknowledge that this proposal could address concerns in TPS's denial, I

nevertheless concur with TPS that there is insufficient information in the project file to definitively determine whether the proposed replacement windows would be consistent with the Standards.

Finally, while TPS noted the above primary denial issues, there is one other aspect of the project that I have determined must also be addressed for the overall impact of the rehabilitation on the historic character of the steam plant to comply with the Standards. The enclosed, one-story egress path along the west wall of Building A compromises the character of that space and is thus inconsistent with Standards 1 and 9. It may be possible to eliminate the enclosed egress path by using the existing doorway in the west wall of Building A, currently proposed to be bricked-up, as an alternative exit.

Although I am affirming the TPS December 18, 2018 Decision denying certification of the Part 2 application, please note that the scope of this appeal decision is limited to the issues of the denial described above. Subsequent amendments to the project must be submitted for review through the normal process. In addition, the project will not become a certified rehabilitation eligible for the tax incentives until it is completed and so designated by TPS after submitting a Part 3 – Request for Certification of Completed Work application through the normal process.

As the Department of the Interior regulations state, my decision is the final administrative decision with respect to the December 18, 2018 Decision that TPS issued regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,



John A. Burns, FAIA, FAPT
Chief Appeals Officer
Cultural Resources

cc: PA SHPO
IRS

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