



United States Department of the Interior

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





May 2, 2022



Property: **Albright-Knox Art Gallery, 1285 Elmwood Avenue, Buffalo, NY**
Project Number: **42310, Part 2**
Appeal Number: **1648**
Action: **Final Administrative Decision**

Dear 

I have concluded my review of your appeal of the October 19, 2021 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 your representatives, 
 for meeting with me via videoconference on January 14, 2022, 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 subsequently submitted at my request, I have determined that the impact of the proposed rehabilitation of the Albright-Knox Art Gallery, as modified and described in the appeal presentation, appears to be consistent with the historic character of the property and compliant with the Secretary of the Interior's Standards for Rehabilitation (the Standards). However, this is a split decision, reversing two of the four denial issues cited by TPS and returning the other two denial issues to TPS for further consideration.

The Albright-Knox Art Gallery is composed of two buildings, the 1905 Neoclassical Albright Art Gallery, named for its principal donor and designed by noted Buffalo architect Edward Brodhead Green, and a 1962 modernist building designed by Gordon Bunshaft, a partner in Skidmore, Owings & Merrill, and a Buffalo native. The combined complex was renamed the Albright-Knox Art Gallery, adding the name of the principal donor for the new building. The gallery complex is located within the city's Delaware Park, overlooking Hoyt Lake in a landscape designed by Frederick Law Olmsted. The Albright-Knox Art Gallery was individually listed in the National Register of Historic Places in 1971. The Bunshaft building, less than a decade old at the time, only had a single paragraph of description in the nomination.

The main floor of the original Green building is a story above grade. The Bunshaft building attaches to it at the basement level, with a one-story white marble façade extending horizontally in line with the base of the colossal Ionic Order columns on the south elevation of the older building. In plan, the Bunshaft building is two squares, the one touching the older building having a square open courtyard/sculpture garden in its center and the other having a square (actually slightly trapezoidal for acoustical reasons) double-height auditorium projecting above its one-story base, with double-height windowless gallery spaces excavated below it. The massing is orthogonal, the first floor is a windowless podium wrapped in white marble, the curtain wall around the sculpture garden faces into the courtyard and the curtain wall around the auditorium faces out to the surrounding park. The entrance into the Bunshaft building (which became the main, ADA compliant, entrance into the museum) is through a small rectangular pavilion on the west facade glazed to match the courtyard curtain wall.

Although the Bunshaft building had never been reviewed under the procedures to nominate buildings to the National Register of Historic Places, TPS determined that, "*the Bunshaft building has acquired significance in its own right under Standard 4 of the Standards for Rehabilitation.*" Standard 4 states, "*Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*" Standard 4 provides broad authority to determine significance, but I note that the Bunshaft building has changed very little over time. Its significance was not acquired over time; it was inherent in the original design; a prominent modernist architect being deliberately deferential to the older building and at the same time designing one of the first additions to a traditionally styled museum to be executed in the post-war International Style. TPS' determination that the Bunshaft building is significant implied but did not specifically designate it a "certified historic structure." For purposes of this appeal, I have determined that the 1962 Bunshaft building is a "certified historic structure."

The proposed rehabilitation of the Green and Bunshaft buildings is part of a much larger project to expand the museum campus by adding a major new building by Shohei Shigematsu of the Office for Metropolitan Architecture (OMA) on the site of an on-grade parking lot. TPS noted in

the Decision that the OMA building “*is considerably large in mass, height, and scale relative to the historic buildings; is placed in a highly visible location adjacent to the front entrances of the historic buildings; and has a very different architectural character and use of materials than the historic buildings.*” And regarding the raised glass pedestrian bridge that will connect the OMA building to the north elevation of the 1905 building, TPS stated, “*Although somewhat shielded from view from the front of the Green building, the bridge will alter the appearance and character of this finished elevation of the historic building.*” However, TPS concluded that the OMA building will be “*located to the side, and separate from the historic buildings, and it is not uncommon for art institutions to construct such new buildings and additions to their campuses to meet programmatic needs as part of a continued historic use.*” Consequently, the new OMA building did not enter into the TPS denial decision.

Regarding the Green building, the problematic issue described in the Decision was the original rose marble floors, most of which had deteriorated to the point that their replacement was warranted. The proposed replacement material was wood because it would be more durable and serviceable in gallery use than the marble had proven to be. It will be installed in a pattern matching the original marble. Although the replacement material did not match the old, TPS determined that wood floors were acceptable for programmatic and technical reasons “*as part of the building’s continued historic use as an art gallery.*” Consequently, the wood replacement flooring in the Green building did not enter into the TPS denial decision.

The proposed treatments to the Bunshaft building that TPS described in the decision as problematic included enclosing the center courtyard, and related changes to its perimeter glass curtain wall and landscape features in the sculpture garden, and creating spaces for educational activities in the below-grade gallery. Another proposed treatment will add a new entrance and dining terrace on the east (Delaware Park) side of the courtyard, opposite the entrance pavilion on the west (Elmwood Avenue) side of the courtyard, although TPS did not comment on this treatment. TPS identified four specific denial issues in its Decision by highlighting them in bold text: 1) **glass-domed roof**, 2) **perimeter glass curtain walls**, 3) **courtyard landscape**, and 4) **treatment of the upper/lower galleries**.

In its review, TPS noted that, “*The glass dome projects what appears to be a full story above the courtyard walls, and its size, scale, and profile/massing will markedly alter the roofline, silhouette, and composition of the Bunshaft building.*” TPS was also concerned that the glass curtain walls that defined the perimeter of the courtyard will be removed but only recreated at the four corners, thus no longer enclosing the entire courtyard, and that the variety of landscape materials in the original courtyard, perimeter paths, green space and planting areas, and a paved center area, will be removed and replaced with a uniform terrazzo floor. TPS concluded that “*The enclosure of the courtyard causes the overall project to not meet Standards 2 and 5, which require the preservation of a property’s historic character and appearance and its distinctive, character-defining spaces, features, and materials.*” Standard 2 states, “*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.” Standard 5 states, “Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.”

Regarding the new educational spaces to be created in the upper/lower gallery spaces under the auditorium, TPS noted that the two sets of wide stairs leading from the courtyard level down to the gallery level will be narrowed to about one quarter of their historic width to allow construction of classrooms along the east and west walls of the gallery space. The new classroom walls will have clerestories to allow the plane of the ceiling grid to remain visible, but TPS noted that more glass area, including views across the full width of the historic stairs, would be required for conformance with the Standards.

The TPS Decision offered suggested changes to potentially bring the courtyard curtain walls and flooring and the wide gallery stairs into compliance with the Standards, leaving the domed roof over the courtyard as the singular denial issue. You stated that you did not wish to modify the proposed treatments to the Bunshaft building and TPS subsequently issued its October 19, 2021 Decision denying certification of the Part 2 application for the overall project.

In this appeal, I have the rare luxury of reviewing proposed work in a building I have actually visited and explored as part of a tour of mid-century architecture in Buffalo. My observations of the existing conditions and functionality of the various spaces within the building gave me a basis to evaluate the proposed work and the TPS concerns with it. This appeal is also unusual in that the Bunshaft Building was determined significant solely under the authority of Standard 4, more typically applied to modifications and additions to historic buildings rather than entire buildings, and it was not evaluated through the normal National Register process for determining significance, which made me cautious in considering its significance.

In researching the significance of the Bunshaft building and its place among his other works, I contacted Carol Herselle Krinsky, author of a long out of print 1988 book *Gordon Bunshaft of Skidmore, Owings & Merrill*, and acquired a copy of the Nicholas Adams book, *Gordon Bunshaft and SOM: Building Corporate Modernism*. Those sources established that Albright-Knox was his first art museum, a much smaller scale commission than the large buildings he designed for corporate clients. Bunshaft’s simple geometry and detailing are a quiet counterpoint to the complex massing and Neoclassical detailing of Edward Green’s building. The Albright-Knox building is important because it shows the extent of Bunshaft’s design skills outside his better-known corporate work.

Regarding the roof over the courtyard, a commissioned artwork entitled *Common Sky* by artist Olafur Eliasson and architect Sebastian Behmann, it is a shallow glazed dome supported on the

reinforced roof slab surrounding the courtyard, which allows it to be wider than the courtyard opening and thus will appear to hover above it. Its space-frame structure is glazed with both clear and mirrored glass, controlling but not blocking views from inside the courtyard. The structural frame curves down to the courtyard floor at the location of the original tree pit.

I agree with TPS that for purposes of review under the Standards, Common Sky will function as a permanent roof not a moveable artwork, but I disagree that it will not be reversible. The roof slab surrounding the courtyard will be reinforced without visual impact to the ceiling below so that the new canopy could be removed, leaving the original spaces unimpaired, consistent with the requirements of Standard 10. Standard 10 states, “*New additions and adjacent or related new construction shall 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.*”

One of the purposes of enclosing the courtyard is to make it useable year-round. Having experienced the courtyard on a November day, I understand that desire. In this case, under Standard 9, the new construction must be differentiated from the geometrically rigid courtyard volume but be compatible with it. Standard 9 states, “*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.*” From within the courtyard, the subtle curve of the dome and its oval tube structural members will clearly differentiate it from the straight lines characteristic of Bunshaft’s design. It will limit but not block views of the open sky, the columns of the Green building, or the auditorium. From the renderings, it seems possible that some of the mirrored glazing may act as a periscope, reflecting more of the adjacent tree canopy than is currently visible.

From the exterior, TPS was concerned that the scale and profile will “*markedly alter the roofline, silhouette, and composition of the Bunshaft building.*” I acknowledge that the curve of the new roof will be visible from a distance, most clearly from the level entrance drive from Elmwood Avenue, and I agree it will be more prominent when lit at night. From closer distances, it probably will not become visible until you are at least half the width of the courtyard building away from its façade, approximately sixty feet. On the east side, the falling topography will reduce its visibility from any distance. Again, referring to Standard 9, the curved profile of the roof and its small structural members will differentiate the new construction from the straight edge of the top of the tall blank white wall of Bunshaft’s base building. But, I disagree that its visibility will “*markedly alter the roofline, silhouette, and composition of the Bunshaft building,*” because its physical characteristics are clearly differentiated from the rectilinear/geometric historic Modernist appearance of Bunshaft’s design. The design of the Common Sky roof is subtle; its low curved profile and rounded structural components are not dramatic. Rather, they are deferential to Bunshaft’s design, much like Bunshaft was deferential to Green’s building six

decades earlier. Consequently, the Common Sky roof is compliant with Standard 9, cited above, and does not contravene Standards 2 and 5, also cited above. Accordingly, I have dismissed the Common Sky roof as a denial issue.

In response to the TPS suggestions in its Decision, at the appeal meeting you proposed to return the courtyard curtain wall to its historic 10-foot module and to reduce the size of the openings in the curtain wall directly in line with the east and west entrances to three modules, or thirty feet. These two changes to the proposed work are consistent with the TPS suggestions that, *“In a project that otherwise met the Standards, the treatment of the glass curtain walls likely could be brought into conformance with the Standard by eliminating or decreasing the east and west open sections substantially and using operable glass walls that are compatible with the Bunshaft 10-foot modules in the north and south sections.”*

Similarly, in response to TPS’ suggestion regarding the courtyard flooring, you proposed to visually replicate the patterns of the original landscape plan in the new flooring. I note that the base of the Common Sky roof, where it comes down to the courtyard floor already replicates the location of the original tree pit. This change to the proposed work is consistent with the TPS suggestion that, *“In a project that otherwise met the Standards, the treatment of the courtyard flooring likely could be brought into conformance with the Standard by retaining more of the historic character and/or plan of the courtyard.”*

Regarding the treatment of the upper/lower galleries of the Bunshaft building, I note that the newly available space provided by the OMA building will allow the museum to reconfigure its various and evolving functions within the campus, while maintaining the campus’ historic use as an art museum. One of those reconfigurations will increase the amount of space devoted to education within the Bunshaft building (some teaching spaces already exist along the north side of the courtyard) but concurrently reduce the amount of space dedicated to exhibits. To accommodate this programmatic change, classrooms will be constructed along the east and west walls of the gallery space under the auditorium, two at courtyard floor level and three at gallery floor level. The large central space of the gallery will remain open as it was historically, with its grid of ceiling tracks to which moveable partitions could be attached. That grid will remain intact and the new classroom walls will be designed to be visually compatible with the moveable partition, for instance copying their clerestory windows, but will be fixed in place. The problematic issue TPS described is that the two courtyard-level classrooms are wide enough to cover approximately three-fourths the width of the stairs connecting the courtyard level to the gallery level. The floor of both classrooms will be extended over the steps to create storerooms but will leave intact the now covered stairs under the extended floor, consistent with Standard 10, cited above. And a new accessible path to the gallery level was created by cutting a T-shaped ramp starting from the landing at the base of the stairs up to the auditorium down through former storage rooms to the lower level.

I agree with TPS that covering so much of the width of such a set of stairs would generally not be consistent with the Standards, however I consider this treatment differently in view of the overall context of the rehabilitation. I disagree with TPS that installing more glass in the new partition walls to allow the full width of the stairs to be visible would be a viable solution because the stairs would serve no function within a classroom. Instead, I view this programmatic change in the context of the larger changes underway in the museum campus, which facilitate, as TPS described in its review of the OMA building and replacement of the flooring in the Green building, “*the building’s continued historic use as an art gallery.*” Treatments made purely for programmatic purposes often fail to comply with the Standards, however, where those programmatic needs enable a continued historic use, such changes may prove more consistent with the purposes and goals of the Standards. Importantly, in this case, the new classroom construction will also be undertaken in such a manner that if removed in the future, the essential form and integrity of the full width of the stairs would be unimpaired, as required by Standard 10. Moreover, the addition of the classrooms will not impair the characteristics of the center gallery space, which will remain open and newly accessible by the proposed access ramp from the courtyard level. Consequently, in this particular situation, I have determined that covering the stairs as described above to allow the construction of classrooms for the expanded educational program in the Bunshaft building is compliant with the Standards. Accordingly, I have dismissed partially covering the stairs to construct the classrooms as a denial issue.

In sum, I have reversed two of the primary denial issues in the TPS Decision regarding the Common Sky roof over the courtyard and the construction of classrooms along the east and west walls of the gallery, finding both to be sufficiently compliant with the Standards in this context. I have also determined that your proposals with respect to the glass curtain wall surrounding courtyard and the treatment of the courtyard flooring appear to comply with the guidance in the TPS decision. However, the details of how that work will be accomplished will need to be submitted to TPS for review and approval through the normal process. Thus, I resubmit those two issues to TPS for review.

As the Department of the Interior regulations state, my decision is the final administrative decision with respect to TPS’s October 19, 2021 Decision 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: NY SHPO
IRS

