

**THE MINUTES OF THE 565TH STATED MEETING OF THE
PHILADELPHIA HISTORICAL COMMISSION**

**11 SEPTEMBER 2009
CITY HALL CAUCUS ROOM, CITY HALL, ROOM 401
SAM SHERMAN, CHAIR**

PRESENT

Sam Sherman, Chair
David Amburn
Della Clark
Rosalie Leonard, Office of City Council President
John Mattioni, Esq.
Sara Merriman, Commerce Department
Daniel Quinn, Department of Licenses & Inspections
David Schaaf, Philadelphia City Planning Commission
Joan Schlotterbeck, Department of Public Property
Robert Thomas, AIA
Scott Wilds, Office of Housing & Community Development

Jonathan Farnham, Executive Director
Randal Baron, Historic Preservation Planner III
Erin Cote, Historic Preservation Planner II
Jorge Danta, Historic Preservation Planner II
Karen Gonski, Administrative Technician

Leonard Reuter, Esq., Assistant City Solicitor

ALSO PRESENT

Dan Grossman
Joe Domosh
Ed Fink, Fink und Stange
Joanne Klein, Law Department
George Schaeffer, Christ Church
Seth Levi, Office of Councilman Bill Green
Christopher Rupe, Office of Councilman Bill Green
Jay Tackett, Tackett and Company
John Gallery, Preservation Alliance
Tina George, Friday Architects
Robert Morris

CALL TO ORDER

Mr. Sherman called the meeting to order at 9:05 a.m. Commissioners Amburn, Clark, Leonard, Mattioni, Merriman, Quinn, Schaaf, Schlotterbeck, Thomas, and Wilds joined him.

MINUTES OF THE 564TH STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION

ACTION: Mr. Thomas moved to adopt the minutes of the 564th Stated Meeting of the Philadelphia Historical Commission, held 14 August 2009. Ms. Merriman seconded the motion, which passed unanimously.

THE REPORT OF THE ARCHITECTURAL COMMITTEE, 25 AUGUST 2009

David Amburn, Chair

22-34 AND 36-38 N. 2ND STREET

Owner: Church Wardens of Christ Church and City of Philadelphia

Applicant: Daniela Holt Voith, Voith & Mactavish Architects

History: 1727-1744; landscaping and fence, c. 1925

Significant to Old City Historic District, 12/12/2003

Project: Install gate, low wall, paving and benches, create handicap accessibility

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, with the staff to review details, pursuant to Standards 9 and 10.

OVERVIEW: This application proposes alterations and additions to two lots making up the yard of Christ Church. The southern lot was historically a cemetery. In the nineteenth century, an addition to the church was constructed at the western end of the lot; the addition was demolished in the mid twentieth century. Two buildings unrelated to the church stood on the northern lot; they were demolished in the mid twentieth century and the lot was added to the church yard. Most of the proposed work would occur on the northern lot. The proposed work includes: resetting brick pathways; installing the gateway in the wall to create a passage to the church's Community House on the west side of American Street; constructing a new low wall and circular benches; adding a ramp to the church building; and adding lighting. The walls and walks that would be altered date to the early twentieth century, not the eighteenth century. No graves would be impacted.

DISCUSSION: Mr. Baron presented the application to the Historical Commission. George Schaeffer of Christ Church represented the application.

The Commissioners reviewed the application and agreed that the proposed alterations were appropriate.

ACTION: Mr. Wilds moved to adopt the recommendation of the Architectural Committee and approve the application, with the staff to review details, pursuant to Standards 9 and 10. Ms. Leonard seconded the motion, which passed unanimously.

2043 WALNUT STREET

Owner: Robert Morris

Applicant: Martin Jay Tackett

History: c. 1855, Contributing to Rittenhouse Fittler Historic District, 2/8/1995

Project: Legalize façade alterations facing Walnut and Moravian Streets

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted unanimously to recommend denial, pursuant to Standards 2, 5, 6, 9, and 10.

OVERVIEW: The staff approved a proposal to rehabilitate this rowhouse into condominiums in 2004. The proposal included restoring the facades with new windows and doors. The proposal also included removing a non-historic brick veneer from the Walnut Street façade and installing new brown stucco features to replicate the historic facade. Applications for this restoration and the restorations of two adjacent houses under separate ownership were approved at the same time. Although the two other houses were successfully restored, this house, which was sold to a new owner, was rehabilitated at variance with the approved plans. Violations were issued.

The non-compliant work included removing historic windows and replacing them with vinyl windows. On the front façade, the vinyl windows have sandwiched muntins. The basement windows, which should be wood casements, were replaced with aluminum sliding units. Although the brick veneer was removed, the façade was not restored according to the approved plans. The details at the door and window surrounds, the lintels and sills, and the beltcourse are greatly simplified and squared off. The doorway was replaced with an inappropriate door and surround. New non-historic flagstone treads were installed on the stoop.

The rear of the property faces Moravian Street, a service alley with a few rowhouses. On the rear, historic windows were removed and concrete lintels installed. Some window opening sizes were altered. Wood windows, which were historically a mix of 4-over-4 and 6-over-6 windows in plank frames, were replaced with vinyl windows in thin frames. Some window openings were converted to doors. The first floor rear was stuccoed.

DISCUSSION: Mr. Baron presented the application to the Historical Commission. Architect Jay Tackett represented the application.

MOTION: Ms. Merriman moved to adopt the recommendation of the Architectural Committee and deny the application, pursuant to Standards 2, 5, 6, 9, and 10. Mr. Wilds seconded the motion.

Mr. Sherman asked Mr. Tackett if he submitted the plans documenting this legalization proposal. Mr. Baron clarified that Mr. Tackett had produced the architectural plans for the restoration of this building and two adjacent buildings several years ago. The other two buildings were restored according to the plans, but this building was not. The owner and contractor deviated from the approved plans. Mr. Tackett was not involved in the construction work undertaken at this building. Mr. Baron explained that Mr. Tackett was recently retained to modify his original architectural plans to reflect the building as rehabilitated. The architectural plans distributed to the Commission include both the original restoration proposal and the as-built drawings. Mr. Baron stated that the owner is seeking the legalization of the current conditions with no modifications to bring the building into compliance with the approved restoration plan.

Mr. Wilds asked Mr. Tackett if he is representing the owner of the building in question. Mr. Tackett stated that he is. Mr. Wilds asked him if he was proposing a “blanket” legalization of the existing conditions without modification. Mr. Tackett confirmed that he is requesting a “blanket” legalization on behalf of the owner. Mr. Wilds asked Mr. Tackett if the owner’s position had changed since the Committee meeting. Was the owner willing to make any changes to bring the building closer to compliance? Mr. Tackett noted that the owner has received two violations, which he is seeking to have cleared. He also noted the building has been divided into condominiums, some of which have been sold. Mr. Tackett said that the owner might be willing to make certain changes, but that he was under the impression that he needed a denial for the existing conditions before he could propose a compromise. Mr. Wilds asked Mr. Tackett if the owner would submit a subsequent application proposing a compromise if the Commission denied the current application. He also asked Mr. Tackett if he was prepared to offer a compromise between a “blanket” legalization and strict compliance today. Mr. Tackett stated that the owner has not determined what he would be willing to change to bring the building into compliance. He stated that the owner believes that the Commission is seeking strict compliance and would not be willing to accept a compromise. He claimed that changes necessary for strict compliance would require wholesale reworking that would be very disruptive to the residents. Mr. Wilds asked if the owner had considered, for example, replacing the windows on the Walnut Street facade in exchange for retaining the vinyl windows at the rear. Mr. Tackett stated that the

owner might be agreeable to such a compromise. Mr. Wilds asked Mr. Tackett if he was empowered to make decisions for the owner.

Robert Morris arrived and stepped forward. He stated that he is the owner of the building. He then corrected himself, stating that a condominium association has been the owner of the building since January 2007. He stated that he had purchased the building from a bank when it was "partially condemned" and under construction. Mr. Morris explained that he lives in one of the oldest houses in Pennsylvania and that he also owns a unit in the building. Mr. Morris stated that he did not willingly or knowingly disregard the historic preservation laws or regulations. He stated that he had a bad contractor, who deviated from the approved plans. He stated that there was significant miscommunication between his contractor, Inspector Ennis of the Department of Licenses and Inspections, and Mr. Baron. He again stated that he is no longer the owner of the building; it is owned by a condominium association. Mr. Wilds asked Mr. Morris if the unit owners are aware of the violations. Mr. Sherman asked him when the violations were issued, before or after he bought the building. Mr. Morris stated that the building was a shell when he purchased it. He stated that there were no violations when he bought the building because no rehabilitation work had been undertaken yet. Mr. Morris stated that he hired a contractor and gave him Mr. Tackett's plans. He stated that the permits for the rehabilitation were issued to the former owner. Mr. Sherman noted that Mr. Morris and his contractor had, in fact, made the decision not to comply with the approved plans that accompanied the permit. Mr. Morris stated that the contractor chose to ignore the approved plans. He added that he is in litigation with the contractor. He asserted that the contractor committed fraud when he decided to cut costs and retain the savings. Mr. Morris reported that the violations he received stated that the project would be stopped if the problems were not corrected in 35 days. He noted that the 35 days passed and the project was not stopped. He stated that he received other notices, but was never fined. He stated that he assumed that the rehabilitation was acceptable because he was not stopped. He stated that he received a violation for the front façade in 2008. He stated that he was never notified during the construction that there was anything wrong with the front façade work. He stated that he did not know that the building was in a historic district when he purchased it. Mr. Wilds asserted that the contractor had not followed the approved plans. Mr. Morris countered that he was unaware of any historic preservation requirements because he did not have a complete set of the approved architectural drawings. He stated that his attorney recently obtained a complete set of the approved drawings from the Historical Commission. He claimed that the building inspector left his City job and took the plans with him. He claimed that there is no record of the approved architectural plans "in City Hall." Ms. Schlotterbeck stated that she found that claim unbelievable. Mr. Sherman asked Mr. Morris if he had in his possession a complete set of the approved architectural plans. Mr. Morris stated that there were many permits and plans, many of which had been amended and revised.

Mr. Wilds suggested that the Commission deny the current application and allow Mr. Morris to submit a new application proposing a compromise. He suggested that the application should propose to bring the building into compliance, or very close to it. Mr. Sherman stated that the Commission could not legalize the current condition, especially in light of the fact that the two neighboring properties had been appropriately restored. Mr. Wilds suggested that deviations from the approved plans on the Walnut Street façade should not be legalized. Mr. Morris asked for guidance. Mr. Sherman suggested that he work with staff. Mr. Mattioni suggested to the applicant that he withdraw his application and submit a more appropriate one. Mr. Wilds stated that Mr. Morris should strive not only to clear the violations but also to bring the building into compliance with the approved plans. He asserted that the initially approved plans cannot be ignored; every aspect of the building that is out of compliance with the approved plans must be

addressed. Mr. Wilds asked the applicants if they were withdrawing the application. Mr. Tackett implied that he was withdrawing the application.

Mr. Reuter reported that Mr. Morris had already appealed the violations to the Board of License and Inspection Review. The Board heard the appeal of the violations, refused to legalize, and referred Mr. Morris to the Commission because he had not yet applied for legalization. Mr. Reuter explained that Mr. Morris then appealed the Board's decision to the Court of Common Pleas; he subsequently withdrew the appeal to the Court. Mr. Reuter warned that Mr. Morris would have a second opportunity to appeal if the Commission acted on the application. He suggested that the Commission allow the applicant to withdraw the application and submit a revised application proposing a compromise.

Mr. Mattioni suggested to Mr. Morris that he comply with the approved plans. He proposed that, if Mr. Morris cannot comply in a particular area, he ought to seek the staff's guidance on the possibility of legalization. However, he should attempt to comply in every respect. Mr. Mattioni stated that Mr. Morris must comply with more than the non-compliant work noted in the two violations. He stated that the building is non-compliant in many regards beyond those aspects stipulated in the violation notices. Mr. Mattioni observed that he was unsure whether Mr. Tackett had withdrawn the application. Mr. Wilds asked Mr. Morris to clarify whether the application had been withdrawn. Regarding the withdrawal, Mr. Morris replied that "he would see no reason why we wouldn't." Mr. Wilds observed that his answer was ambiguous and asked him to state clearly whether or not he was withdrawing the application. Mr. Tackett stated that he would answer "yes" to the withdrawal question if the Commission agreed that the appropriate process included a meeting with the staff and a resubmission to the Commission. Mr. Mattioni stated that he wanted the owner, Mr. Morris, to confirm whether he was withdrawing the application without qualification or equivocation. Mr. Morris claimed that he is not, in fact, the owner of the building, despite his earlier assertions. He stated that the condominium owners are the true owners. He stated that he only owns part of the building. He added that he would bring the building into compliance if he could. Mr. Tackett stated that they could withdraw the application, work with the staff to redefine the terms of compliance, and present a new application to the Commission for approval. Mr. Wilds objected, stating that the staff does not have the authority to determine what is and is not compliant. Only the Commission holds that authority. Mr. Wilds suggested that they consult with the staff before submitting a new application for Commission review.

Mr. Thomas suggested that the applicants obtain the staff's guidance on the Commission's probable reactions to legalization proposals. He also noted that work may be non-compliant even if a violation has not yet been issued. As an example, he remarked that the Department of Licenses & Inspections would require corrections to an improperly installed electrical system, even if the inspector had not initially cited the owner for the defective electrical system. He asserted that the new condominium owners inherited the non-compliance. A change in ownership does not automatically bring the building into compliance.

Mr. Farnham offered Mr. Morris the staff's assistance in determining an appropriate legalization application.

John Gallery of the Preservation Alliance stated that he is concerned that the Commission may allow Messrs. Morris and Tackett to withdraw the application even though they may not be the true owners of the property. Mr. Wilds held up the application form that showed that Mr. Tackett is listed as the applicant and Mr. Morris the owner. He stated that they have the right to withdraw the application. If they misrepresented themselves on the application, then it is not valid. Mr. Gallery suggested that the Commission should deny the application. Mr. Wilds

observed that a denial would give the applicant an additional appeal opportunity. He suggested that a withdrawal is the best avenue. Mr. Gallery asserted that the next application should be submitted by the true owner. Mr. Morris stated that he still owns the majority of units in the building and is the legal representative for the condominium association. Several Commission members pointed out that Mr. Morris has not been forthright about his true ownership interest in the building.

Mr. Morris stated for the record that he is formally withdrawing his application for 2043 Walnut Street.

WITHDRAWAL OF MOTION: Owing to the withdrawal of the application, Ms. Merriman and Mr. Wilds withdrew their motion to adopt the recommendation of the Architectural Committee and deny the application, pursuant to Standards 2, 5, 6, 9, and 10.

2000 N. BROAD STREET

Owner: Dan Grossman & Joe Domosh

Applicant: Sandra Tarcov

History: 1895, Willis Hale, architect, for John Stafford

Individually Designated: 4/30/1986

Project: Construct three-story multi-family dwelling

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval in concept.

OVERVIEW: This application proposes to construct a three-story multi-family building on the west portion of the property at 2000 N. Broad Street. A large three-story mansion designed by famed Philadelphia architect Willis Hale stands at the east end of the lot. A carriage house for the mansion, also designed by Hale, stood at the west end of the lot, where the applicants now propose the new construction. The carriage house was neglected and fell into ruin by the late 1980s. The Philadelphia Historical Commission approved its demolition in November 1993. The fraternity that owned the property at the time of the demolition does not own it today. The new owner has undertaken a careful rehabilitation and restoration of the property. Its efforts are ongoing.

The proposed addition is not of a historicist design, yet it pays homage to the former carriage house and the historic mansion. The materials are compatible with those of the former carriage house and the mansion itself. The erection of this building at the rear of the lot would once again reestablish the massing and spatial relationship of the mansion to its setting; historically the mansion was not perceived as a stand alone volume on a large open lot. The original relationship between the mansion and its carriage house was appropriate for this densely developed environment. The new construction would reestablish the historic spatial relationship.

DISCUSSION: Mr. Danta presented the application to the Historical Commission. Developers Dan Grossman and Joe Domosh and architect Edward Fink represented the application.

Mr. Danta provided an overview of the revisions to the plans undertaken at the request of the Architectural Committee. Mr. Grossman explained that the design was revised in response to the Committee's suggestions. The changes were, for the most part, related to choices of materials. Mr. Schaaf asked the applicant if the revised plans include the removal of the pilot house and the parapet from the design. Mr. Domosh replied that the pilot house has been deleted from the roof and the parapet has been reduced in height. Mr. Sherman asked Mr.

Amburn, the chair of the Architectural Committee, if the revisions adequately addressed the Committee's concerns. Mr. Amburn replied that he thought that the Committee should have an opportunity to review the revised design. Mr. Sherman asked if the applicant was willing to accept an approval in concept today and return to the Committee and Commission with a new application for final approval. Mr. Fink responded that he is willing to undergo an additional round of reviews. He noted that he had already submitted a second application to the Commission for review during the next cycle. Mr. Wilds asked if Mr. Amburn deemed a second round of reviews necessary. Mr. Amburn replied that he did.

ACTION: Mr. Mattioni moved to approve in concept the revised application as presented to the Historical Commission on 11 September 2009. Mr. Schaaf seconded the motion, which passed unanimously.

332 S. 24TH STREET

Owner: Judith A. Wicks

Applicant: Arlene Matzkin

History: c. 1830, façade replaced in 1960

Designated: Contributing to the Rittenhouse Fidler Residential Historic District, 2/8/1995

Project: Replace windows and door, alter window openings, add balcony

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of the application, provided the proposed fully-glazed door is replaced with a wood, multi-lights door with panels below; the two window openings at the first floor are retained and elongated to correspond to the sill height of the neighboring building to the south; the proposed second-floor balcony is replaced with two balconies that are the widths of the openings; the widths of the stiles of the second-floor doors are reduced; with the staff to review details, pursuant to Standard 9.

OVERVIEW: This application proposes to alter the façade of the rowhouse at 332 S. 24th Street. The applicant proposes to enlarge the ground-floor windows from two double-hung windows to a ganged row of three double-hung windows. The entry door would be replaced by a single-leaf multi-light door. At the second floor, the applicant proposes to lengthen the window openings for doors; the new single-leaf, multi-light doors would open onto a balcony. The balcony would protrude from the façade by two feet. The windows would be replaced with clad units that would replicate the appearance of historic windows.

The property was constructed in the 1830s as part of the early development along the east side of the Schuylkill River banks. However, its original façade was replaced with slightly altered masonry openings in the 1960s. The building at 334 S. 24th Street was also constructed in the 1830s and, although it too has been slightly altered, it retains its original masonry openings. The staff opines that the lengthening of the second-floor windows and the installation of a balcony would disrupt the spatial relationship of the façade and the original design intent, which was maintained by the 1960s alteration. In addition, the introduction of ganged windows at the ground-floor would also have a negative effect on the proportions, rhythms, and spatial relationships of the façade. The staff notes, however, that the current ground-floor masonry openings at 332 S. 24th Street are smaller than the neighboring single window at 334 S. 24th Street. The two ground-floor windows in the subject property could be enlarged to create more harmonious proportions. The staff offers this suggestion to the applicant as an alternative to the three proposed windows.

DISCUSSION: Mr. Danta presented the application to the Historical Commission. Architect Tina George represented the application.

Mr. Danta explained that the applicant had submitted revised architectural plans since the Architectural Committee meeting that reflect the Committee's recommendation.

Mr. Wilds questioned the staff overview, which states the second-floor windows retain their original 1830 openings. Mr. Danta replied the façade was reconstructed in 1960. Therefore, the openings themselves date to 1960, but they retain their original 1830 dimensions and locations.

Mr. Wilds asked why the Architectural Committee recommended approval of the enlargement of the second-floor windows and the addition of the balconies. He asserted that this would alter the original appearance and rhythm of the building, even though the façade had been rebuilt. Mr. Danta replied that some members of the Architectural Committee deemed the change acceptable because the façade had been rebuilt. He also observed that the Rittenhouse Fidler Historic District reflects a history of change. Allowing this building to be altered would simply be a continuation of this history of change. Mr. Wilds rejected this notion, stating that an acceptance of it would undermine the very foundation of the Commission. It would move the Commission from the realm of preservation science to that of design aesthetics. Mr. Wilds stated that, despite the rebuilt façade, the row retains its 1830 proportions and rhythms at the second floor.

Ms. George observed that the building was not individually designated, but is part of the district. The proposed design would be compatible with the district. Mr. Wilds disagreed and stated his opposition to the proposal.

Mr. Schaaf noted the photograph of the neighboring building at 334 S. 24th Street, which was taken in 1967, and asked if the property remained in that configuration. Ms. George and Mr. Danta stated that it is in disrepair, but looks today as it did in the 1967 photograph.

Mr. Schaaf stated that there is a legacy of changes to these types of buildings; it is not unusual to see these sorts of embellishments in the district. Mr. Danta agreed and noted that this was the basis for the recommendations of the Architectural Committee. Mr. Wilds opined that the lowering of the first-floor sills is appropriate because it moves toward a restoration. However, he objected to the balcony and the door conversions at the second floor because they would move the building away from its historic configuration. He stated that the contention that someone might have undertaken an alteration like this before the designation of the district cannot be used to justify this proposal, which does not satisfy the Standards.

Mr. Thomas explained that the first-floor window sills had been raised because this neighborhood was once considered unsafe. The raised sills are part of this building's history.

ACTION: Mr. Mattioni moved to approve the revised application as presented to the Historical Commission on 11 September 2009. Mr. Amburn seconded the motion, which passed by a vote of 10 to 1. Mr. Wilds dissented.

9554 BUSTLETON AVENUE

Owner: Lifeway Baptist Church

Applicant: Vasiliy Kolesnik

History: constructed in late 1880s

Project: Construct rear addition

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial, owing to incompleteness.

OVERVIEW: This application proposes to construct a second-story addition to a modern, rear, one-story building. The addition would be clad in stucco and roofed with Slateline asphalt shingles. The one-story building is located behind the historic church and the connection will be minimally visible from the public right-of-way.

DISCUSSION: Mr. Danta presented the application to the Historical Commission. No one represented the application.

Mr. Reuter asked why the staff did not reject the application and return it to the applicant if it had been deemed incomplete. Mr. Farnham replied that the staff did not consider the application incomplete, the Architectural Committee did. He added the Architectural Committee has the authority to simply reject an application as incomplete, but chose instead to leave the decision of completeness to the Commission. The Commissioners discussed the application and determined that it was incomplete. They noted that no one had represented the application at either the Committee or the Commission meeting.

ACTION: Ms. Merriman moved to adopt the recommendation of the Architectural Committee and deny the application owing to incompleteness. Ms. Leonard seconded the motion, which passed unanimously.

Ms. Merriman suggested that the Commission adjust the order of its agenda and review the National Register nominations prior to the discussing the interiors processes and rules. Mr. Sherman agreed and adjusted the agenda accordingly.

NATIONAL REGISTER NOMINATIONS

PENNSYLVANIA STATE OFFICE BUILDING, 1400 SPRING GARDEN STREET

Owner: Tower Investments, Inc.

Nominator: Sheryl Jaslow, Powers & Co.

OVERVIEW: This nomination to the National Register proposes the designation of the former Pennsylvania State Office Building located at 1400 Spring Garden Street. The building was commissioned by the State of Pennsylvania in 1958, and its design involved the collaboration of three important Philadelphia based architectural firms. The firm of Carroll, Grisdale & Van Alen, the firm of Harbeson, Hough, Livingston & Larson, and the firm of Nolen & Swinburne, as well as landscape architect Ian McHarg. The building meets criterion C, as it is one of the most important examples of mid twentieth-century Modernism in Philadelphia.

STAFF RECOMMENDATION: The staff recommends that the Philadelphia Historical Commission support the nomination for the inclusion of 1400 Spring Garden Street, State Office Building, to the National Register of Historic Places.

PHILADELPHIA QUARTERMASTER DEPOT, 2724 S. 20TH STREET

Owner, Buildings 9 and 13: Bright Star, Inc.

Owner, Buildings 6, 8, 11, 12, 14, 15, 16, 31, 39: Defense Realty LLC

Nominator: Logan McClintic-Smith, Powers & Co.

OVERVIEW: This nomination to the National Register proposes the designation of the Quartermaster Depot Complex located at 2724 S. 20th Street in South Philadelphia. The complex is an intact collection of World War II era buildings in the Art Deco Style. The buildings have strong associations with the military, specially, the war effort during the Second World War. The complex also relates to the industrial history of Philadelphia in that it contained the Quartermaster's only textile factory in the continental United States; a clear linkage to the long and prestigious history of Philadelphia as a leading center for textile manufacturing throughout the twentieth century. The complex includes a total of eleven buildings and it was designed by the noted Philadelphia firm, the Ballinger Company. The complex meets criteria A and C.

STAFF RECOMMENDATION: The staff recommends that the Philadelphia Historical Commission support the nomination for the inclusion of 2724 S. 20th Street, Quartermaster Depot, to the National Register of Historic Places.

DISCUSSION: Ms. Leonard disqualified herself owing to her involvement with the civic association and Defense Realty LLC. Ms. Schlotterbeck disqualified herself owing to her involvement with Defense Realty LLC in her role as the Commissioner of the Department of Public Property. Mr. Mattioni disqualified himself because he is involved in litigation with one of the property owners.

Mr. Wilds noted Ms. Schlotterbeck's conflict as the Commissioner of Public Property and asked Mr. Reuter if other City employees on the Commission share in the conflict. Mr. Reuter answered that they do not.

Mr. Danta presented the nominations to the Commission.

Mr. Farnham explained that the City of Philadelphia is designated as a Certified Local Government (CLG) by the National Park Service (NPS). As a CLG, the City of Philadelphia works in partnership with the NPS and the State Historic Preservation Office (SHPO) to promote historic preservation at the local level. The Commission represents the City in all CLG matters. Both opportunities and responsibilities accompany designation as a CLG. Commenting on nominations to the National Register of Historic Places (NRHP) is one of those responsibilities. In order to maintain its CLG status, the Commission must comment on 75% of all National Register nominations reviewed annually for sites within the City. The Commission's comments, which are advisory only, are presented to the Pennsylvania Historic Preservation Board (PHPB), a board convened by the Bureau for Historic Preservation (BHP) at the Pennsylvania Historical & Museum Commission (PHMC). This month, the BHP of the PHMC, the SHPO in Pennsylvania and the representative of the NPS, has requested that the Commission, as the representative of the CLG, review two nominations to the NRHP and submit comments to the PHPB. The Commission already reviewed the nominations in March 2009. They have since been updated.

Mr. Thomas supported the nominations. He noted that the nominations are well researched and written. He advocated for the Commission to support the nominations because the properties satisfy the proposed designation criteria and because the National Register status will allow these developers to seek federal tax credits, bringing federal money into the city for historic preservation.

John Gallery of the Preservation Alliance stated that the issue before the Commission is a technical issue: Do the properties qualify for inclusion on the National Register? He asserted that they do. He stated that the Historical Commission and the Preservation Alliance should take a greater interest in listings on the National Register, particularly in this period when the tax credits can mean the difference between feasibility and infeasibility of a project. He suggested that the Commission and Alliance initiate National Register nominations. Mr. Sherman applauded Mr. Gallery's interview in Plan Philly, where he raised this issue.

ACTION: Mr. Thomas moved to recommend to the Pennsylvania Historic Preservation Board that it support the following nominations for inclusion on the National Register of Historic Places:

- Pennsylvania State Office Building, 1400 Spring Garden Street, pursuant to designation criterion C; and,
- Quartermaster Depot Complex, 2724 S. 20th Street, pursuant to designation criteria A and C.

Ms. Clark seconded the motion, which passed unanimously.

DISCUSSION OF PROCEDURES AND RULES & REGULATIONS FOR DESIGNATIONS OF INTERIORS

Mr. Farnham introduced the discussion. He explained that, prompted by concerns about the Boyd Theater, in the spring of 2008 Councilman Bill Green introduced a bill to amend the historic preservation ordinance to authorize the Historical Commission to designate and then regulate publicly-accessible interiors of buildings and structures. The Preservation Alliance and others including the Commission had been studying interiors regulation for several years, at least since the mid 1990s, when a state Supreme Court decision forced the Commission out of the interiors business. In the spring and summer of 2008, several ad hoc committees, the Historical Commission and Planning Commission, and the City Council's Committee on Rules reviewed Councilman Green's bill at public hearings and suggested minor revisions before recommending passage. On 18 June 2009, after negotiations with stakeholders and several amendments, the City Council passed the bill, which Mayor Nutter signed on July 1. The amended historic preservation ordinance will become effective on 28 December 2009.

Mr. Farnham stated that, between now and the end of the year, the Commission should establish procedures and rules for designating and regulating historically significant interiors. No interiors are automatically designated by the amended law. The Commission must affirmatively act to designate interiors. And it should be remembered that designation is a discretionary act. The Commission may begin designating interiors as of 28 December 2009, but it is not ever required to designate. Therefore, 28 December provides a goal for having the interiors regulation infrastructure in place, but it is not an absolute deadline.

Mr. Farnham reported that the staff has prepared a proposed set of rules and regulations to govern the Commission's jurisdiction over interiors. It has also proposed a nomination form. Both have been distributed to the Commission and its Interested Parties. He suggested that the Commission need not and probably should not take any formal action on these proposals today. He instead suggested that the Commission begin a high-level policy discussion about interiors regulation with stakeholders. He noted that this discussion will likely carry on into the October and November meetings and perhaps beyond. Mr. Farnham also noted that the staff prepared an outline of potential discussion topics for today's meeting. The outline was distributed to all Commissioners via email. It is broken into four sections: designation of interiors, permit review

for interiors, hardship and demolition of interiors, and other potential revisions to the rules not specifically related to interiors.

Mr. Farnham finally noted that the staff has reviewed processes and rules for interiors regulation in other cities, especially New York City. He explained that the staff had endeavored to follow the model set by New York City. However, New York's rules provide little assistance in establishing Philadelphia's rules because they are predicated on building typology. New York nominations do provide some assistance. He observed that he had circulated New York's Plaza Hotel interiors nomination to Commissioners electronically. He stated that the staff would circulate hard copies of several other New York nominations around the table during the meeting.

Mr. Farnham concluded that the Commission should conduct as broad a conversation on the rules as possible and should include as many stakeholders as possible. He explained that the proposed Rules & Regulations had been distributed to more than 200 interested parties including City Council members, preservation advocates, the Parkway Council Foundation, Philadelphia Museum of Art, Free Library, Pennsylvania Academy, and others. Mr. Wilds asked if the proposed Rules & Regulations had been made available on the Commission's website. Mr. Farnham replied that it had not, but he would have posted on the website.

Mr. Sherman suggested that the Commission proceed with the review in a methodical manner. Mr. Wilds noted that two members of the audience with a keen interest in the discussion, John Gallery of the Preservation Alliance and Christopher Rupe of Councilman Green's office, should be invited to the table to participate. Mr. Sherman invited them to the table.

Mr. Gallery suggested that the Commission would be unable to fully discuss the proposed revisions if it is limited to relatively brief discussions at the ends of the September, October, and November Commission meetings. He suggested that the Commission should convene an ad hoc committee of Commissioners, staff, and interested parties, which could meet and discuss the issues in greater detail. He suggested that that committee could present its findings to the Commission. He asserted that the Commission would not complete the review of the revised Rules & Regulations by the end of the year if it limited itself to the monthly meetings. Mr. Farnham noted that the Commission had discussed forming an ad hoc committee, but had decided not to create one. He agreed that the Commission could not possibly review every word of the proposed Rules & Regulations in detail, but contended that the Commission could make several high-level policy decisions regarding the designation and regulation of interiors and then direct the Commission's staff and attorney to codify those policy decisions in the Rules & Regulations. He noted that, if the Commission chose to establish an ad hoc committee, it would need to be cognizant of the Commissioners' busy schedules and the open meeting laws.

Mr. Sherman suggested discussing some high-level issues before determining whether a committee was needed to review the details of the regulatory language. He asked Mr. Farnham to present the first policy question. Mr. Farnham stated that the amended ordinance authorizes the Commission to designate publicly accessible interiors only. He noted that the Commission may not designate interiors that were designed for and are still used exclusively as one or more residences. He noted that this prohibits the Commission from designating the lobbies of buildings that were originally and still are exclusively residential, such as some of the grand apartment buildings around Rittenhouse Square. He noted that the Commission may not expand the authority granted to it, but it may further restrict it. He noted that the Commission may also elaborate on this prohibition if it feels that it is not clear. He asked if the Commissioners thought that this section of the ordinance required clarification, elaboration, or

further restriction. Mr. Wilds stated that he deemed the language in the ordinance clear, but noted that the Commission would need to consider every proposed designation of an interior on a case-by-case basis to determine if it was eligible. Ms. Schlotterbeck observed that the City may sell the Family Court Building at some point and a developer might convert it into residences. She remarked that, even if it was converted to residences, the public interior would be eligible for designation because it was not originally designed as a residential building. Mr. Wilds agreed and commented that the Commission could not regulate the use of an interior space, but could regulate its preservation. He stated that the property owner would have the same recourse as any other owner of a designated property regarding proposed alterations. The owner of an interior-designated Family Court Building that had been converted to residences could apply to the Commission for approval to alter the interior. Ms. Merriman added that most major rehabilitations of historic buildings involve federal tax credits. To qualify for federal tax credits, both the exterior and interior work must satisfy the Secretary of the Interior's Standards. Therefore, it is likely that important historic interiors will be subject to historic preservation reviews even if the Commission does not have jurisdiction.

Mr. Mattioni asked how the Commission will administer a designated interior that was publicly accessible, but is now restricted to private use only. Mr. Gallery replied that the ordinance authorizes the Commission to regulate interiors that are currently public or were designed to be public. The Commission may designate and regulate a private interior that was originally designed to be open to the public. Mr. Mattioni questioned the federal and state constitutionality of designating private interiors. Mr. Gallery asserted that it is constitutional to designate private interiors, just as it is to designate private exteriors. Mr. Mattioni questioned the veracity of Mr. Gallery's assertion. He then asked about the public policy goals of designating an interior that is not accessible to the public. Mr. Wilds suggested that the Commission avoid rearguing the merits of the ordinance and concentrate on providing a framework for its implementation. He asked the Commission to articulate how it would determine whether an interior satisfied the requirements for designation. He asked how the Commission could determine whether an interior had been altered to the point that it was no longer eligible for designation. He noted that Conversation Hall, one of the grandest rooms in City Hall, had once been converted to offices, obscuring all of its historic features. Ms. Schlotterbeck confirmed Mr. Wild's statement, adding that the enormous chandelier was completely encased and not visible. Mr. Gallery stated that he had an office in Conversation Hall before it was restored. He once opened a closet door to find a stairway leading to the chandelier. He reported that he contacted the former director of the Commission, who investigated. Ultimately, the office partitions were removed and the Hall restored. If one merely considered the non-historic office partitions, one would have concluded that it was not eligible for designation. However, a very important historic interior survived intact behind the partitions. Ms. Merriman and Mr. Sherman suggested that the Commission should not limit itself with broad rules, but should allow the Commission to exercise its discretion. Mr. Thomas agreed. He observed that, if it were possible to formulate a rule that would work for every case, then the Commission would be unnecessary. The Commission should not needlessly limit itself, but should consider each case on its merits. Mr. Schaaf noted that interiors are altered more often than exteriors. He contended that the Commission should not expect unaltered interiors.

Mr. Gallery stated that it was universally understood that single-family residences were excluded from interiors designation, but that it was not clear that apartment or condominium buildings were excluded. He suggested some clarification. Mr. Reuter read from the ordinance, stating that "the interior portions of a building, which building was designed to be, and is still, used exclusively as one or more private residences" shall not be designated. He noted that buildings used exclusively as single- and multi-family residences are clearly exempted from

designation. Mr. Wilds remarked that this excludes all lobbies of buildings that were designed as and are still used exclusively as residences. Mr. Wilds offered the Phoenix Building as an example. It was not designed for residential use and now is a mixed use building. Therefore, its public interior spaces would be eligible for designation. Mr. Wilds suggested that the public interior spaces in any building that was designed for and/or now includes uses other than residential, such as retail, is open to designation. Mr. Thomas noted that 1901 Walnut Street, which has always had retail space on the ground floor, would be eligible for designation. Ms. Leonard stated the word “exclusively” is the key. If it was built exclusively for one or more private residences and is still used exclusively for one or more private residences, then it is not eligible for designation. If it was built for mixed use, then any publicly accessible interior space in it is able to be designated. Mr. Reuter pointed out that the publicly accessible interiors at Alden Park, such as the lobbies, would not be eligible for designation because it was and is exclusively residential. Mr. Wilds observed that even the incredible pool at Alden Park was built exclusively for the use of the residents and would not be eligible for designation. Mr. Reuter observed that the interiors of the Ayre Building would be able to be designated because, although residential now, it was constructed as an office building and has commercial space at the first floor. Mr. Mattioni suggested that additional restrictions on types of interiors eligible for designation might be appropriate. Mr. Wilds suggested that the section in the ordinance defining interiors eligible for designation did not need clarification or elaboration. Mr. Gallery suggested that the Commission elaborate on the definition of “exclusively residential.” Mr. Wilds countered that the ordinance is clear in this regard. “Exclusively residential” means that all of the space within the building is dedicated exclusively to residences and the support of residences. If a building includes any mixed use, such as commercial, then it is not exclusively residential. Mr. Sherman agreed. Mr. Thomas asked about the building at the northeast corner of 18th and Walnut Streets, which was originally exclusively residential, but later had retail spaces inserted into the ground floor. Mr. Wilds stated that the publicly accessible interior spaces in it would be eligible for designation because it is not exclusively residential now, even though it was originally. Mr. Wilds observed that a hotel is not a private residence. Mr. Sherman suggested that the language in the ordinance is sufficient; it does not need clarification or elaboration. Mr. Farnham noted that there was a typographical error in the definition of public interior portion in the proposed Rules & Regulations. The word “building” was inadvertently left out of the final sentence. It would be reinserted.

Mr. Gallery suggested the revision of Section 5.6.e to allow for annotated photographs to be included in nominations to support narrative descriptions. He contended that photographs can be much more helpful in understanding complex spaces than the written word.

Mr. Thomas suggested that Beth Shalom Synagogue, which is not in Philadelphia, raises an interesting question. If it were in Philadelphia, would the original Frank Lloyd Wright furniture be eligible for designation as part of the interior? Mr. Farnham asked the Commission to comment on proposed Section 5.6.d, which authorized the Commission to designate realty, fixtures, and trade fixtures, but not movable articles like furniture. He stated that many municipal preservation agencies make this distinction, restricting commissions from designating articles held in place by gravity only. He contended that any attempt to designate a movable chair held in place by gravity only as a part of building or structure would result in an appeal of the designation. Designating furniture as part of the building might place the interiors designation authority in jeopardy. He noted that the ordinance already authorizes the Commission to designate movable articles as objects.

Mr. Wilds asked about theatre seats at the Boyd, a pew in a church, and the bench in front of the Dream Garden sculpture. Ms. Merriman asked about the eligibility of the desks in the Mayor's Reception Room. Ms. Schlotterbeck suggested that they should be eligible for designation.

Mr. Reuter stated that the term "fixture" has a specific legal definition. He stated that a fixture may be considered part of the real estate or personal property depending on the intention of the owner. He stated that the attachment alone does not necessarily determine whether an article is a fixture. He stated that a diving board, which is attached to the concrete, may not necessarily be a fixture. He also stated that he would not advise the Commission that it cannot absolutely designate movable articles, but it may not be advisable to do so as part of an interior.

Mr. Sherman cited the PSFS Building, the first International Style skyscraper. He pointed to articles such as clocks and lights that were designed to harmonize with the interior, but that may be movable. He stated that their designation would not impede the adaptive reuse of the interior. He asserted that the Commission should be able to designate them, but that it should consider such objects on a case-by-case basis and not try to codify rules related to such articles.

Mr. Reuter suggested that the Commission could designate articles that are integral to an interior, but not articles that simply happen to be in an interior. Looking around the City Council Caucus Room, Mr. Wilds stated that, if the Commission designated the room, it should not seek to designate the portraits hanging in the niches as part of the public interior portion, because they are not integral to the design of the space. Ms. Schlotterbeck asked about the Mayor's desk, which she recently restored. It is original to and integral to the space, but not attached to the building. Mr. Wilds stated that it would be important to preserve it, but it may not be legal to designate it as part of the building. Mr. Reuter stated that the ordinance already allows the Commission to designate objects, which, by definition, may be, by nature or design, movable yet related to a specific setting or environment. He noted that an object may be movable, like a chair, but must be related to its specific setting or environment. Mr. Wilds observed that Dream Garden is more of an interior than an object. The Commissioners then discussed the large statue at 30th Street Station, which it concluded could qualify as either an object or part of the public interior portion.

Mr. Gallery asked the Commission to define "fixture" and "trade fixture." Mr. Reuter stated that they have accepted legal definitions. Mr. Gallery responded that he is not familiar with their definitions. The definitions should be enumerated in the Rules & Regulations. Mr. Mattioni asserted that the Commission should not designate trade fixtures as parts of public interior portions. He remarked that trade fixtures is a very broad category that includes movable articles. Mr. Gallery stated that the interior designation of the Four Seasons Restaurant in New York City included movables. He asserted that this designation was tested in court and survived. He contended that the Commission should have the authority to designate movable objects that are integral to interiors. He suggested rewriting the rule to include movable objects that are integral to an interior, but not those that are merely placed in an interior after the fact. Mr. Farnham stated that he was not convinced that the Four Seasons litigation settled the question of movables. Mr. Reuter noted that the Four Seasons decision may not be applicable to Philadelphia because our ordinance differs from New York's and operates in a dissimilar legal context.

Mr. Farnham stated that he and Mr. Reuter would research the realty/personalty, immovable/movable question as well as the definition of "fixture." They would also look into Mr. Mattioni's concerns about trade fixtures. He stated that he would amend the nomination requirements for interiors to include annotated photographs as Mr. Gallery had suggested. He

would also make the other corrections and additions suggested by Commissioners. He offered to circulate the key revised texts to the Commissioners as well as Mr. Gallery and Councilman Green's staff. He stated that, after circulating the revised texts, he would convene a meeting of the interested Commissioners and other parties if the Commissioners called for such a meeting. He also stated that he would have the proposed Rules & Regulations posted on the Commission's website and would also circulate the updated, annotated more broadly in advance of October's Commission meeting.

ADJOURNMENT

ACTION: Mr. Thomas moved to adjourn at 12:29 p.m. Mr. Schaaf seconded the motion, which passed unanimously.

STANDARDS AND GUIDELINES CITED IN THE MINUTES

Standard 2: The historic character of a property will be retained and preserved. The removal of distinct materials or alterations of features, spaces, and spatial relationships that characterize a property will be avoided.

Standard 5: Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

Standard 6: Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

Standard 9: New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new works shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Standard 10: New additions and adjacent or related new construction will 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.