

**THE MINUTES OF THE 556TH STATED MEETING OF THE
PHILADELPHIA HISTORICAL COMMISSION**

**12 DECEMBER 2008
ROOM 18-029, 1515 ARCH STREET
SAM SHERMAN, CHAIR**

PRESENT

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

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

Leonard Reuter, Assistant City Solicitor

ALSO PRESENT

Alan Greenberger, executive director, Philadelphia City Planning Commission
John Gallery, Preservation Alliance for Greater Philadelphia
Sabra Smith, Preservation Alliance for Greater Philadelphia
Tom Lussenhop
Sam Olshin, Atkin Olshin Schade Architects
David Hollenberg, University of Pennsylvania
Andrew Curtis, Atkin Olshin Schade Architects
Ron Patterson, Esq., Klehr Harrison Harvey Branzberg & Ellers
Ed Harrison
Magali Sarfatti Larson
Mary Goldman
Dan Deritis, Apartments@Penn, Inc.
Mathew Grubel
Guy Laron
Mary Nixon
Terry O'Leary
Frances R. Byers
Charles Larson
Mary Berzinsky
Melani Lamond
Paul Stone, Emerald Window
Jeff Black

Pat Hannigan, GS Architects
Kevin Creighton, Russell Roofing
Dov Leis, Taws
Miles Grosbard, PZS Architects
Eileen Quigley, Esq., Ballard Spahr Andrews & Ingersoll
Anthony Miksitz
Dorothy Grosick
Mark D'Alonzo, D'Alonzo Architects
Neil Sklaroff, Esq. Ballard Spahr Andrews & Ingersoll
George Thomas, Civic Visions

CALL TO ORDER

Mr. Sherman called the meeting to order at 9:00 a.m. Commissioners Amburn, Dilworth, Leonard, Mattioni, Merriman, Quinn, Schaaf, Thomas, and Wilds joined him. John Herzins substituted for Joan Schlotterbeck, the Commissioner of the Department of Public Property

MINUTES OF THE 555TH STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION

Mr. Sherman asked the Commissioners if they had any comments on or corrections to the November 2008 meeting minutes. Magali Sarfatti Larson interjected that the opponents of the application for 400 S. 40th Street have not had an opportunity to review the draft minutes. Mr. Sherman stated that she was out of order; he asked her not to speak without first being recognized by the chair. He explained that the Commission members had received the draft minutes in advance for review. Mr. Farnham explained that the Commission's Rules & Regulations (§4.7.b) prohibit the staff from releasing minutes before the Commission has adopted them. He reported that the staff distributed the draft minutes to the Commissioners one week in advance of the meeting to allow for their thorough review. He added that the staff may release the minutes as soon as the Commission adopts them.

ACTION: Mr. Wilds moved to adopt the minutes of the 555th Stated Meeting of the Philadelphia Historical Commission, held 14 November 2008. Ms. Merriman seconded the motion, which passed unanimously.

THE REPORT OF THE ARCHITECTURAL COMMITTEE, 25 NOVEMBER 2008

David Amburn, Chair

400 S. 40TH STREET

Owner: Campus Inn Associates

Applicant: Sam Olshin, AIA

History: 1856, Colonial Revival alterations and additions, c. 1900, additions 1964, 1973
individually designated, 11/1/1973

Project: Restore house, construct 10-story addition

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted unanimously to recommend approval, provided three-story section on 40th Street is designed to be less competitive and more compatible with the historic house and the color of the cladding on the two appendages is changed to a less contrasting color, with the Architectural Committee and staff to review details, pursuant to Standards 1, 4, 5, 6, 7, 9, and 10, and the New Additions, Setting, and Entrances and Porches Guidelines.

- The hotel addition complies with Standard 9. It “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.” The hotel addition will be constructed “so that there is the least possible loss of historic materials and so that the character-defining features are not obscured, damaged, or destroyed.”
- The hotel addition complies with Standard 10. The “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.”
- The hotel addition complies with the New Additions Guidelines. It will be designed “in a manner that makes clear what is historic and what is new.” The hotel will not imitate “a historic style or period of architecture.”
- The hotel addition complies with Standard 1. The “new addition to the historic building” is “required by the new use.”
- The hotel addition complies with the Setting Guidelines. The “new building” is not “out of character or otherwise inappropriate to the setting’s historic character.”
- The restoration of the historic house complies with Rehabilitation Standard 6 and the related Guidelines. “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.”
- The reconstruction and enclosing of the missing front porch from photographic and physical evidence complies with an Entrances and Porches Guideline, which recommends “designing and constructing a new entrance or porch when the historic entrance or porch is completely missing. It may be a restoration based on historical, pictorial, and physical documentation; or be a new design that is compatible with the historic character of the building.” The new porch will be a replica of the historic, c.1900 porch. The enclosing windows are compatible with the historic character of the building and reconstructed porch.
- The alteration of the bay on the south side of the building for the connector to the hotel building complies with an Entrances and Porches Guideline, which recommends “designing and installing additional entrances ... on secondary elevations when required

for the new use in a manner that preserves the historic character of the building, i.e. limiting such alteration to such non-character-defining elevations.” The bay is not on a street elevation and views of it are currently blocked by the non-historic additions. The rear south façade is unquestionably a non-character-defining elevation.

OVERVIEW: This application proposes to restore an Italianate house and construct a 10-story hotel addition. The design has been revised since it was reviewed by the Commission at its November 2008 meeting.

The building at 400 S. 40th Street was constructed as a large Italianate residence in 1856. The grand house was rehabilitated in the Colonial Revival style in the late nineteenth century by David P. Leas, the co-owner of a Leas & McVitty, a tannery. It was converted into a convalescent home in the middle of the twentieth century and then almost entirely encased in concrete block additions in 1964. A stair tower was added in 1975. The building covers most of the large lot, with asphalt paved drives at the front and rear. It served as a convalescent home for many years, but was eventually closed. The University of Pennsylvania purchased the derelict property in 2003. It is and has been vacant and in very poor condition for several years.

In July 2007, the current applicant petitioned the Commission to rescind the individual designation of the property; he claimed that the building was so altered that the Commission either was unaware of its condition and/or made an error in professional judgment when it was designated. He noted that a large stair tower was added to the building after designation without the Commission’s review. The Commission denied the request to rescind the designation and asked the applicant to develop a scheme for his hotel project that would allow for the retention and restoration of the historic house.

In November 2007, the applicant proposed the concept of a hotel development project that conformed to the suggestion offered by the Commission during its July 2007 rescission review. The proposal included the restoration of the historic house and the construction of an 11-story hotel addition linked to the house by a three-story connector. The Commission approved that in-concept application. It considered the construction of the hotel building an acceptable trade-off for the complete restoration of the historic house including the removal of the inappropriate additions. Following its longstanding practice, the Commission limited its review to the compatibility of the hotel building with the site and did not consider the impact of the hotel on the surrounding area. The in-concept approval was initially valid for one year, but has been extended through May 2009.

After receiving the approval in concept, the applicant and his architects devoted one year to developing the design as directed by the Commission. The Architectural Committee reviewed the project at its October 2008 meeting and recommended approval with some revisions. In November 2008, the Commission reviewed the revised project. Despite the approval in concept, the Commission denied the application for final approval. During the review, several interested parties offered testimony that contended that the proposed development would be incompatible with the surrounding neighborhood. Some claimed that the Commission should review the application as if it were located within a “de facto” locally-designated historic district. Others suggested that the Commission should consider the impact on the surrounding area because the property is located within a National Register historic district. However, both assertions are in conflict with the historic preservation ordinance. The Commission designated the site at 400 S. 40th Street individually; it is not in a locally designated historic district. Therefore, the Commission must consider the impact of the proposed work on the site itself only, not the surrounding area. Since the denial at the November 2008 Commission meeting, the Law

Department has directed the Commission that it must not consider the impact of proposals for individually designated sites not in historic districts on surrounding areas. Other regulatory agencies, the City Planning Commission and the Zoning Board of Adjustment, are empowered to assess the effects of proposals like this one on surrounding properties; the Historical Commission is not. The Historical Commission cannot hold the owner of an individually designated property not in a district responsible for the effect of alterations to her property on the general surroundings because the Commission's review at the time of designation addressed the single property only and not any surrounding properties. If a property is designated as part of a district, the Commission would hold public meetings at which the Commission and property owner could discuss the implications of including the property as a component in a larger historic resource. To treat a designated property not in a district as part of a "de facto" historic district could potentially violate a property owner's due process rights. Moreover, if the Commission were to limit a property owner's use of an individually-designated property based upon impacts to neighboring properties, that limitation could potentially constitute a taking; if it did, it would be unconstitutional. The Law Department advises in this case that the Commission must limit its review to a determination of whether the proposed alterations and additions are compatible with the subject property, 400 S. 40th Street, under the evaluation criteria set forth in the historic preservation ordinance and Secretary of the Interior's Standards and Guidelines.

The project proposed in the current application has been revised since the Commission denied it in November 2008. The revisions include several suggestions offered during the October-November 2008 Committee and Commission reviews. The design of the three-story retail section has been revised to be more compatible with the historic house. The brick cladding on the hotel has been returned to the south façade as suggested. The 40th Street steps at the sidewalk have been centered on the front entrance. The planters have been modified and a replica of the original hairpin fence is now proposed.

The historic house would be rehabilitated as the hotel's reception area, offices, the breakfast room, and several guest rooms. The house would be restored to its c. 1900 condition; it was significantly altered at that time, when a Colonial Revival front porch replaced the Italianate porch; a grand Palladian window was added to the south façade; and a large addition was added at the rear. The Colonial Revival alterations and additions have achieved their own historic significance and should be preserved. The applicant proposes to demolish the unsympathetic additions and restore or reconstruct the historic elements of the house. The appearance of the house is known from period photographs. The applicant proposes to deviate from a full restoration in one regard. The restored front porch would be enclosed as a dining area for the hotel guests. However, that deviation is in compliance with the Rehabilitation Standards, which allow reconstructed features to be compatible without being precise replicas.

The majority of the guest rooms as well as some retail space would be located in a 10-story building to be constructed at the southern edge of the property. The height of the 10-story building is mitigated by shorter, transitioning wings at the front and rear. The hotel would be clad in fiber cement panels, Roman brick, and have a fenestration system that incorporates through-wall vertical air control systems, avoiding unsightly projecting units. The new building would link to the old with a narrow connector. The proposed three-story link would require the removal of a portion of a three-story bay on the house. However, the removal complies with the Standards; the elevation is a secondary façade and is not character defining.

The application also proposes site improvements including the creation of a paved outdoor space to the east and the modification of a surface parking lot to the west. The site will be

enhanced with a perimeter planter; the historic iron fence does not exist, but would be replicated. The application proposes signage for the hotel.

DISCUSSION: Developer Tom Lussenhop, attorney Carl Primavera, and architects Sam Olshin and Andrew Curtis represented the application.

Mr. Sherman recognized attorney David Fineman, who represents a group opposed to the project.

Mr. Fineman stated that he has summarized his objections to the review of this application in a letter to the Commission. He observed that Mr. Mattioni was holding a copy of the letter and concluded that the Commission had received the letter. Mr. Fineman recounted that the Commission had denied an application for this property at its most recent meeting. He contended that the Commission should not review the current application, but should instead direct the applicant to file an appeal with the Board of License & Inspection Review. He stated that the Commission has an "orderly process." He stated that his clients are entitled to as much "due process" as the developer. He stated that the "orderly process" mandates that developer appeal to the Board of License & Inspection Review, not submit a new application to the Commission. He claimed that his clients "could be bled" if the Commission reviewed of a new application. He stated that the changes to the design are "minor." He noted and renewed his objections to the timing of the new application. He requested that the Commission refuse to review the new application and direct the developer to the Board of License & Inspection Review.

Mr. Reuter stated that his response to Mr. Fineman's assertions would mirror the response he provided to the Architectural Committee. He noted that the developer could appeal last month's denial. However, the developer also has the right to submit a new application with amendments, which he has done in this case. He added that neither the historic preservation ordinance nor the Commission's Rules & Regulations precludes the resubmission of an identical application. He noted that there is a provision elsewhere in the code that bars the resubmission of a zoning application for one year; however, no such prohibition exists in the preservation ordinance. He explained that the Commission routinely reviews new applications proposing revised designs after an initial application has been denied. He noted that the Commission's current agenda includes an example of a new application proposing a revised design that the Commission denied in other forms several times. He concluded that the developer may appeal the denial or he may submit a revised design. In this case, he has submitted a revised design as a new application. He advised the Commission that it may proceed with the review. Turning to the question of the timeliness of the application, he stated that the staff provided the application materials to the Architectural Committee and the public in a timely manner, satisfying the requirements set forth in the Commission's Rules & Regulations. He stated that the staff may waive some or all of its processing period, as it did in this case, with no prejudice to the applicant or the public. He strongly advised the Commission to proceed with the review.

Mr. Primavera, the applicant's attorney, recounted the history of the project before the Commission. He reported that his client submitted a rescission application in 2007; if rescinded, his client planned to demolish the Italianate house. He explained that the Commission denied the rescission request and directed the developer to find a way to save the historic house. Later in 2007, the developer submitted an in-concept application proposing the restoration of the house and the construction of an 11-story hotel. The Commission approved the proposal in concept. Mr. Primavera asserted that the in-concept approval cannot be appealed because it does not vest rights in a building permit, but it does bind the Commission. He stated that his

client improved the design after receiving the in-concept approval; he reduced it one floor in height, improved the materials, and made it more compatible. The Commission denied an application for final approval in November 2008, but offered suggestions to improve the design. The current application responds to those suggestions. He asserted that he is not trying to wear down the opponents, but is proceeding in good faith pursuant to the ordinance and Rules & Regulations. Mr. Fineman asserted that the application before the Commission is a new application, not the original application. He also stated that, when there is a protestant, as there is in this case, the Commission should alter its process and not review applications iteratively, but instead require the applicant to follow the appeal process. He stated that the Commission could enter into a never-ending process if it allows for the review of new applications proposing revised designs.

Mr. Farnham presented an overview of the application to the Commission. He explained that this application proposes to restore an Italianate house and construct a 10-story hotel addition. The Commission denied an application for this project at its November 2008 meeting. The current application proposes a revised design for the hotel. The historic Italianate house at 400 S. 40th Street was constructed in 1856 and then substantially altered in the Colonial Revival style in the late nineteenth century. It was converted into a convalescent home in the middle of the twentieth century and then almost entirely encased in concrete block additions in the 1960s and 1970s. It has been vacant and in poor condition for years.

Mr. Farnham reported that, in July 2007, the current applicant petitioned the Commission to rescind the individual designation of the property; he claimed that the building was so altered that the Commission erred when designating it. The Commission denied the rescission request and suggested that the applicant develop a scheme for his hotel project that would allow for the retention and restoration of the historic house. The applicant followed that advice and developed a hotel scheme that incorporated the historic house. In November 2007, the Commission reviewed that scheme and approved it in concept, agreeing that the height, massing, siting, and other aspects of the design satisfied the standards and guidelines. After receiving the approval in concept, the applicant and his architects devoted one year to developing a design as directed by the Commission. The Architectural Committee reviewed the developed design at its October 2008 meeting and recommended approval with some minor revisions. At its last meeting, the Commission reviewed the revised project and, despite its instructions and approval in concept, denied the application for final approval. The Commission did not incorporate a justification for the denial into its action, but simply denied the application "as submitted," implying that another design might be acceptable.

Mr. Farnham explained that, since the denial, the developer has revised the design to incorporate suggestions offered during recent reviews. The staff and Architectural Committee recommend that the current design presented today complies with all historic preservation, including the Secretary of the Interior's Standards for Rehabilitation, the appropriate set of standards for reviewing this project. The restoration proposed for the house is entirely compliant with the standards. The hotel addition and site modifications are likewise wholly compliant with the standards. As part of its recommendation of approval, the Architectural Committee has suggested some minor revisions to the designs of the three-story appendage on 40th Street and to the cladding on the three- and six story appendages. However, the Committee explicitly stated during its review that the height, massing, and other aspects of the hotel addition meet all applicable standards and guidelines. Moreover, the reviewer at the Pennsylvania Historical & Museum Commission, who is reviewing a tax-credit application for the project, contends that the proposal satisfies the standards.

Mr. Farnham noted that the review raises several complex questions. First, can the Commission consider the impact of the project on the surrounding neighborhood? He stated that the answer is no. This site is not within a locally designated historic district. Therefore, the Commission must consider the impact of this proposal on the property in question, not on any National Register, pending, or so-called de facto historic district. He contended that the City Planning Commission and Zoning Board of Adjustment, not the Historical Commission, are charged with judging the relationship of the proposed alterations to the surrounding neighborhood.

Second, can the Commission consider parking capacity, traffic, congestion, safety, use and other factors not directly related to historic preservation? Mr. Farnham asserted again that the answer is no. The Commission must limit its review to compliance with historic preservation standards and guidelines. Mr. Farnham observed that Alan Greenberger, the executive director of the City Planning Commission, will address the Commission momentarily to inform it about reviews of this project in other venues.

Third, has the Commission and its staff complied with all applicable law and regulations when accepting and processing this application? Mr. Farnham asserted that the answer to that question is yes. The Commission and its staff have been guided by the Law Department at every step during this review. The Commission has met letter and intent of applicable law and regulations. The denial last month does not preclude the review of a new application this month. The applicant does not need to exhaust his appeals rights before submitting a new application. He noted that a quorum of Architectural Committee members participated in the reviews of this project at both the October and November meetings. The staff has met all public notice requirements and has made all materials available to the public as required by the Rules & Regulations. The staff has fully protected public's right to be notified of and participate in this review.

Mr. Farnham concluded that, ultimately, the goal of this review is to determine whether the work proposed for this property meets historic preservation standards and guidelines. He reported that the staff and Architectural Committee, experts in the field of historic preservation, have both concluded that it fully complies with historic preservation standards. Mr. Farnham read the recommendation of the Architectural Committee. The Committee recommended approval, with conditions, pursuant to Standards 1, 4, 5, 6, 7, 9, and 10, and the New Additions, Setting, and Entrances and Porches Guidelines.

Alan Greenberger, the executive director of the City Planning Commission, enumerated the City agencies with jurisdiction over this project and their regulatory roles. He explained that the Historical Commission's task is to evaluate the proposal relative to the historic resources at the site; he reminded the Commission that the only historic resource that exists at this site is the historic mansion, which will be repaired and brought back to a useful life. The other regulatory entity is the Zoning Board of Adjustment, which will evaluate the proposed variances associated with the project. The developer has requested several variances including height and use. The Planning Commission will advise the Zoning Board on the proposed variances. He explained that the Planning Commission has been reviewing this project for most of the year. It has observed that the hotel will be a logical extension of the commercial corridor to the trolley portal to the south and is therefore consistent with the City's goal of encouraging transit-oriented development. He noted that the project was presented to the Planning Commission in May 2008 and substantial public testimony was taken. At that time, the Commission expressed concerns about the height. It was presented again to the Planning Commission in September meeting. The proposed building had been shortened by one story, responding to the concern. The developer also presented a traffic study, which the Commission's staff deemed reasonable, that

showed that the hotel would have little impact on traffic and parking in the surrounding neighborhood. At that meeting, the Planning Commission voted to recommend approval of the project to the Zoning Board, finding that the positive aspects of the proposal outweighed the negatives. Mr. Greenberger noted that buildings with similar heights and massing can be found in similar residential neighborhoods throughout the city including University City and the Pelham section of West Mount Airy. He concluded that the proposed hotel will “fit comfortably into the neighborhood.”

Messrs. Olshin and Curtis presented the proposal to the Commission. They concentrated on the most recent modifications to the plan. He noted the 1960s and 1970s additions that encapsulate the historic building. Mr. Olshin explained how the designs of taller buildings in the neighborhood influenced the design of the hotel. He showed photographs of several nearby high-rise buildings that influenced his design. He stated that they would rebuild missing features like the porch and a bay. He displayed photographs of the historic fencing, which they will replicate. Mr. Curtis discussed the restoration of damaged and missing features. They discussed the preservation of all existing historic fabric. Mr. Olshin discussed the revisions to the wall at the sidewalk as well as the signage. He stated that the restorations will be based on archival photographs. He discussed the link to the hotel addition, which will be minimized in size and will respect the historic bay at the southwest. He presented the revisions to the design of the eastern appendage. He noted that the height of the building was reduced from its original proposed height. Mr. Olshin discussed the choices of materials for the addition. He noted that the Pompeian brick was chosen from neighboring buildings. He displayed his revised brick choices, observing that the Commission had objected to his earlier brick choices. He explained that the three-story appendage matches the adjacent building. He pointed out the appendix included in their application that summarizes the recent revisions to the design. He rejected the claim of some that the windows in the addition are randomly placed. He stated that they follow a strict A-B-C rhythm. He noted that the brick cladding has now been wrapped around to the south façade as the Commission had suggested. Mr. Olshin acknowledged that the Commission had objected to some aspects of the signage; the signage design has now been revised to comply with the Commission’s request. He returned to the design of the three-story appendage, explaining how it now better corresponds to the historic house. The window designs have been revised and terra cotta bands have been added to correspond to the house. Mr. Curtis explained that the steps at the sidewalk have been revised as the Commission suggested. He also pointed out the improvements proposed for the public realm adjacent to their property.

Mr. Mattioni noted that, if the Commission is required to ignore the impact of the proposed construction on the surrounding neighborhood, then it should likewise ignore the ways in which the proposed complex is compatible with the surrounding neighborhood. Mr. Reuter stated that the Commission must determine whether the proposed construction is compatible with this individual historic site, not whether it is compatible with a federal or so-called “de facto” historic district. He stated that the Commission may look at other tall buildings in the area to determine if those tall buildings are compatible with adjacent shorter buildings, but it must not conclude that the proposed 10-story building is appropriate simply because there are other 10-story and taller buildings in the vicinity. The tall buildings in the area may provide valuable lessons about compatibility, but they alone cannot be used to justify this building. Mr. Mattioni asked if he was correct in concluding that the Commission could take into account the impact of the proposed construction on the immediate neighborhood. Mr. Reuter stated that the Commission must only consider the impact on the individually designated historic site, not the surrounding neighborhood, which is not a locally designated historic district. Mr. Sherman asked Mr. Reuter to clarify that the Commission’s scope extends only to the historic house and the lot that it sits on, not the surrounding neighborhood. Mr. Reuter stated that the Commission must confine its

review to the impact on the designated lot. The Commission must not construe a district where one does not exist. He stated that the Commission would confront legal difficulties if it conflates individual and district designation. He reiterated this site is not within a locally designated district.

Mr. Fineman claimed that Mr. Reuter was trying to “dance on the top of a pin.” He paraphrased the historic preservation ordinance, asserting that “the Committee can look at the compatibility of the proposed work with the character of the historic district or with the character of its site, including the effect of the proposed work on the neighboring structures, the surroundings and the streetscape.”

Mr. Reuter stated that land use law must be interpreted in the least restrictive manner from the property owner’s perspective. He stated that the Law Department interprets the section of the ordinance referring to “the effect of the proposed work on the neighboring structures, the surroundings and the streetscape” as applying only to sites within locally designated historic districts. He acknowledged that there is perhaps room to interpret this phrase to include considering the effects of alterations at individually designated sites on other, immediately adjacent, designated sites. He stated that the Law Department interprets the term “effect” to mean an actual, physical consequence to an adjacent site, such a physical impact that a change to one rowhouse may have to the adjacent rowhouse. He stated that broadly interpreting this section to mean that the Commission may consider indirect impacts to other buildings that may or may not be designated raises significant legal concerns. Mr. Reuter stated that this is not the appropriate forum to further debate this legal question. The Law Department advises the Commission. If parties disagree with that advice, they can raise these issues on appeal. Mr. Fineman agreed that this debate is appropriate for an appellate court, not the Commission.

Mr. Thomas asked for clarification about Architectural Committee’s recommendation. He noted that the Committee recommended denial of another project on the agenda because it proposed an addition that would extend above the roofline of the historic building. He asked how the Committee could recommend approval of this project, but not the small addition proposed in the other application. Mr. Farnham noted that the Architectural Committee’s recommendation was predicated on the staff’s recommendation. He offered to explain the thinking behind the staff’s recommendation. He stated that the staff differentiated between the two projects by comparing the direct impacts to historic fabric. He stated that, in the 400 S. 40th case, the historic house would be restored from its current altered and deteriorating state. The restoration would have a direct, positive effect on historic fabric. The construction of the addition would have an indirect effect; it would alter views and spatial relationships, but it would not result in the removal of significant historic fabric. The Commission is charged with protecting the Italianate house at 400 S. 40th; this project would have a significant, positive impact on the house. The other application later on today’s agenda proposes to remove parts of the historic roof and structure to construct the addition; if undertaken, there would be a net loss, not a gain, of historic fabric. The proposal for the small addition would have a direct, negative impact on the historic resource. Addressing a different matter, Mr. Farnham noted that, during earlier reviews, several among the opposition had asked the Commission to protect the historic landscape of the site at 400 S. 40th by denying the hotel addition. Mr. Farnham stated that this assertion was not supported by historical fact. He explained that the hotel addition is proposed for a portion of the property that was not historically part of the 400 S. 40th parcel. He explained that a much larger Italianate house designed by Samuel Sloan had once stood just to the south of the house in question. It was demolished about 1900 to make way for the twins on Baltimore Avenue, which were constructed about 1908. The section of the parcel on which the hotel addition would be constructed was not

consolidated into the 400 S. 40th Street parcel until 1907, after the period of significance. All claims that the construction of this tower would prevent the restoration of the historic garden are fallacious; the land to the south of the house was not an open garden, as many have claimed, but was the site of a larger house.

Mr. Dilworth asked Mr. Farnham if the staff had recommended approval of a hotel addition that does not meet that Secretary of the Interior's Standards in exchange for the restoration of the house. Mr. Farnham replied that the staff contends that the hotel addition does satisfy the Secretary of the Interior's Standards. He stated that there is no quid pro quo here. The staff and Architectural Committee have recommended approval because the proposal meets all review criteria in the Secretary of the Interior's Standards and the ordinance.

Ms. Merriman stated that this is a sensitively designed and appropriate solution. She stated that the project allows for the restoration of the important Italianate mansion. She asserted that the proposed hotel is appropriate for the site. She noted that the design revisions respond directly to the comments of the Architectural Committee. She voiced her appreciation of the diligence of the applicant.

William Burns, who lives at 44th and Pine Streets, stated that he opposes the project. He suggested that the proposed hotel building is too wide. He stated that a much taller, narrower building would be appropriate, if it were structurally feasible. He stated that he is opposed to the restoration of the mansion. He asserted that it should be demolished.

Emilio Rodriguez, who represents Unite Here!, a hospitality workers' labor union, spoke in support of the project. He submitted a letter detailing the union's support for the project.

John Gallery of the Preservation Alliance stated that he had reviewed the Commission's file for this project and had not seen the letter from the Pennsylvania Historical & Museum Commission (PHMC) approving of the tax credit application for this project. He asked Mr. Farnham for proof that the Commission had approved the application. Mr. Farnham replied that he had said that PHMC was reviewing the application, not that it had concluded its review. He added that he spoke with the reviewer yesterday and she had stated that she deemed the proposal compliant with the Secretary of the Interior's Standards.

Mr. Gallery stated that the proposed building is not compatible with the historic resource. He claimed that it is not compatible in scale, materials, and rhythms. He stated that the proposed building is not symmetrical. He stated that the applicant has provided no proof that the 10-story building is necessary to offset the cost of the restoration. He reminded the Commission that this is an addition, not a freestanding building. It is not compatible and does not meet the Standards.

Guy Laren stated that he is opposed to this project. He contended that the applicant should be required to prove a hardship before being allowed to construct this building. He contended that the applicant should propose alternatives. He stated that there are several possible commercial uses for the building. He suggested that the house could be restored for a restaurant. He stated that the yard would support a 25-car parking lot. He objected to the continuation of the commercial corridor south to this site. He stated that the applicant's drawings inaccurately represent the distance between his building on Baltimore Avenue and the rear of the proposed hotel building.

Matthew Grubel opposed the proposal. He observed that §14-2007(7)(k) states that "the Commission shall consider..." but did not conclude his thought. He asserted that the scale on

some of the architects' drawings "may be off," but then conceded that he is "not in a position to really go into that." He reported that Philadelphia sent a model row house to the Columbian World's Exposition. He stated that the proposed building is inappropriate. He asserted that the Commission should take into account the effect of this project on the individually designated properties in the neighborhood as well the "stalled" Spruce Hill Historic District and the National Register Historic District. He noted that area has attracted researchers such as Roger Millory [Miller] and Joseph Siry as well as Andrew [Aaron] Wunsch. Mr. Grubel acclaimed the brilliance of Sloan, Harrison, and Brown and the sense of place at 40th and Pine. He discussed at great length Garden Court, an early twentieth-century residential complex several blocks to the west, commenting on its light, space, service, circulation, and parking. Confusing the Secretary of the Interior's Standards with the Designation Criteria set for in the local preservation ordinance, he claimed that 400 S. 40th Street would satisfy Standards a, c, d, e, and j if designated today. He asked the Commission if it understood how this property was associated with the development patterns of the city. He discussed the "readability" of the property. He stated that, after the construction of the hotel building, "the character of the property [would be] visible now from spots it might not have been visible before." He asked the Commission to deny the project.

Marianna Thomas stated that she is an award-winning architect. She has been involved with Spruce Hill for 40 years. She asserted that the building has lost most of its historic fabric. She stated that the hotel will block views of the house. She objected to the proposed reconstruction of the front porch. She objected to the proposed color, white, for the house. She asserted that the addition is out of character with the site. With three times the height and seven times the floor area, the addition overwhelms the house in height and scale. The three-story appendage fails to bring the addition into a scale relationship with the house. The slab building will dominate the skyline for blocks. The cladding material has no relationship to the neighborhood. She urged the rejection of the submission. She stated that the hotel's architect cannot make "a hippopotamus dance."

Mary Daniels stated that she has lived on Woodland Terrace for 50 years. She asked that the Commission state its reasons for approval or denial very clearly. She stated that she is opposed to the project.

Mary Ann Kurnlavage, who owns an investment property at 4003 Baltimore Avenue, addressed the Commission. She stated that parking is very difficult in the neighborhood. The only days one can find a parking space are Christmas and Easter. She stated that the University of Pennsylvania should not allow freshman to bring cars into the neighborhood. She reported that her husband died 27 years ago. Since then, this investment property at 4003 Baltimore Avenue has provided some of her income. The construction of this hotel would reduce her income.

Glenn Moyer claimed that the developer is requesting "spot zoning." He stated that the project is unpopular in the neighborhood. He stated that the developer is making a hardship argument when he requests approval of this project. He stated that he and others have made audio recordings of all of the meetings. He paraphrased Esaul Sanchez, the property manager for the University of Pennsylvania, when he appeared at a Spruce Hill Community Association Zoning Committee meeting in February 2008. He stated that Mr. Sanchez said that "he has seen 17 or 18 proposals that deal with this building and this site, and nothing else has had this amount of traction." Mr. Moyer claimed that the University has never presented these proposals to the public. He said that the public has the right to review these proposals. He claimed that the University is seeking to maximize its profit. He asked the Commission to require the University to present these proposals.

Mr. Sherman noted that claims have been made regarding the lack of community meetings on the project. He asked the applicants to report on extent of community involvement.

Mr. Primavera handed out materials detailing the community meetings. He pointed out that the Commission denied his client's rescission request and asked him to develop a project that would allow for the retention and restoration of the historic house. He stated that the University conducted an analysis of potential reuses for the property. This analysis was presented to the City Planning Commission at two public meetings. He reminded the Commission of its approval in concept. After receiving the approval in concept, his team met with Councilwoman Blackwell, near neighbors, the Spruce Hill Community Association, state historic preservation officer, and the University's internal design review board. He noted that there have been many meetings. He stated that the Spruce Hill Community Association members deadlocked on the project; they neither support nor oppose it. He stated Councilwoman Blackwell negotiated a deal with Mr. Fineman's clients to reduce the height of the building by one story, which his client did. He stated that there have been innumerable meetings with all possible constituencies. He stated that the project has recommendations of approval from the staff and Architectural Committee, the Commission's approval in concept, and state historic tax credits supported by the governor. He noted that the zoning hearing will provide an opportunity to discuss other issues. He asserted that Philadelphia must have a reliable and predictable permit review process. His client has participated in good faith in that process. Any claims that the process has not been fair are unfounded. He stated that there has been due process and open, frank discussion. Mr. Sherman agreed that there have been a series of public meetings at which the public has had an opportunity to comment.

Mary Goldman, a resident of the 4100-block of Pine Street, stated that the Spruce Hill Community Association held a meeting in February of 2007 or 2008 and did not notify the public that this project was on the agenda. The neighbors learned of the meeting and voiced their opposition. She acknowledged that City agencies have held a series of public meetings on the project, but dismissed them as "abhorrent." She stated that Philadelphia was not as corrupt as Chicago, but was nonetheless corrupt. She contended that the Historical Commission had been corrupted and would vote to approve the project. Mr. Wilds stated the Commission was bound to apply its evaluation criteria to weigh the merits of the proposal. It does not base its decisions on neighborhood support or opposition.

Lauren Leatherbarrow stated that she is an architect and a resident of 517 Woodland Terrace. She stated that she is also a community activist. She acknowledged that she has worked with Mr. Lussenhop. She stated that the scale and mass are inappropriate for the 3-story neighborhood. She opined that the neighborhood would be damaged by the project. She stated that is concerned about strains on infrastructure like sewers. She is also concerned about parking.

Melani Lamond stated that she is a neighbor and a realtor in University City. She became involved with real estate to save buildings in the neighborhood. Ms. Lamond stated that she was four times the president of the University City Historical Society, but does not speak for the Society. She stated that the house will be very expensive to restore and the development would offset those costs. She asked the Commission not to allow the demolition of the house, but to require its restoration. She asked why the Commission had approved the Stamper Square project, a taller building in a three-story neighborhood, but had denied this project in November 2008. She asked why University City was being held to a different standard than Society Hill. She asserted that the economy was not as strong in West Philadelphia and the neighborhood should not be penalized. She stated that she is a community activist and has worked since 1971

to improve the area. She stated that the neighborhood should welcome this developer. She voiced her strong support for the project.

Christopher O'Donnell stated that he is a realtor. He stated he lives nearby in a Samuel Sloan designed house, which is designated and is being restored. He stated that his may be the last Irish Catholic family in the area. He stated that the only people in favor of this project are those who stand to make money from it or those who are seeking to "curry favor" with those making money on it. He stated that such a position is "disgusting." He contended that the University and Campus Apartments have more money than any other entity in the 19104 zip code. He asserted that the hotel will be converted to graduate housing for the dental and veterinary students within five years. He stated that the proposal is greedy and aggressive. Mr. Sherman asked Mr. O'Donnell to limit his comments to historic preservation matters. Mr. O'Donnell said that he is the victim of institutional greed. He objected to illegal rooming houses. He objected to the way that the Spruce Hill Community Association runs its public meetings. Mr. Sherman again asked Mr. O'Donnell to limit his comments to historic preservation matters.

Jeff Block, a resident of the neighborhood and a realtor, stated that the house should be restored. He fully supported the project, which would highlight the historic significance of the important house. He stated that the project would have a very positive effect on the character and vibrancy of the neighborhood. He stated that the proposed work would be in character with the historic house. He rejected Mr. O'Donnell's comments, which he categorized as outrageous, and stated that he is not benefiting financially from this project in any way. Mr. O'Donnell called out from the audience. Mr. Sherman warned him that he was out of order and stated that he would have him removed if he continued to disrupt the meeting. Mr. Sherman recognized Ms. Lamond, who stated that she likewise rejected Mr. O'Donnell's comments and would not benefit financially from this project.

Dan Durtis, an owner of numerous properties on the block in question, supported the project because of the restoration of the mansion. He stated that he strongly supports the project, which will be compatible with the historic house.

Mary Berzinski, a 16-year resident of the 4200-block of Pine Street who runs an architectural firm with her husband, voiced her support for the project and applauded the development team. She advocated for the restoration of the historic house. She stated that she hosted international students for the University, but otherwise had no connection with the school.

Ed Halligan, the president of the Spruce Hill Community Association, stated that his group held a public meeting on the project in November 2007; approximately 200 attended the meeting. He acknowledged that his zoning committee deadlocked on the project. He stated that he believes that the neighborhood is divided on the project. He also reported that his board of directors voted to adopt the split decision of the zoning committee.

Karen Allen, a resident of University City, but not Spruce Hill, addressed the Commission. She objected to the project and asserted that it would set a negative precedent. She claimed that the publicity for the Spruce Hill Community Association meeting did not adequately announce the discussion of this project. Mr. Sherman asked speakers to confine their comments to the historic preservation merits of the project.

Ruth Melman, a long-term resident and a former employee of the University, stated that the agenda of the Spruce Hill Community Association meeting did not adequately announce the discussion of this project. Mr. Wilds reminded her of Mr. Sherman's request that speakers

address the preservation merits of the project. Ms. Melman stated that she is not opposed to the restoration of the house as long it is historically accurate. She did object to the height of the addition.

Magali Sarfatti Larson of Woodland Terrace stated that she “works in political sociology” so she “is very well aware of what is going on.” She stated that she is “amazed at the rewriting of the ordinance by the Law Department.” She read from the ordinance. She stated that the Commission did not articulate its reasons for denying the earlier application for this project in November, but she contended that it was denied because of the impact it would have on the surrounding area. She rejected the staff’s application of Rehabilitation Standard 9 to the project, but then quoted from the introduction to the Reconstruction Standards: “Re-creating the building site should be an integral aspect of project work.” She acknowledged that she is not a preservation expert, but is a “lay person.” She stated that it was the Historical Commission’s responsibility to consider the consequences if this project was started but not completed. She stated that no financial information has been presented for this project. She asserted that the hospitality industry is shrinking in Philadelphia. She observed that developers in general are facing economic difficulties. She contended that the Commission must consider the long-term viability of this project. She asked the Commission to deny the project because it has not been provided with information regarding its financing. She asserted that the reason the University is not applying for a financial hardship exception is that it does not want to reveal its financial records.

Anita McElvy, the owner of Daytrips and More, a tourism company, noted that the University restored a nearby mansion designed famed architect Horace Trumbauer.

Mr. Farnham addressed the Commission to clarify several issues. First, he advised the Commission that it need not require the property owner to present alternative development schemes for the site. He informed the Commission that it has one task before it, to determine whether the proposed alterations and additions satisfies the Commission’s review criteria including the Secretary of the Interior’s Standards. He suggested that the Commission not be persuaded by the claims that other alternatives have not been studied. The property owner is under no obligation to present alternatives. He stated that the developer has not presented a hardship application and the Commission is not being asked to relax its standards. Second, the Law Department has been very clear about the Commission’s purview in this matter; it must confine its review to a determination of the effects of this project on the historic resources at the site. It must not consider so-called “de facto” or National Register historic districts. Third, matters related to zoning, parking, traffic, congestion, and infrastructure are outside the Commission’s purview. Therefore, the Commission must not base its decision on these factors. Fourth, the proposed project complies with the Secretary of the Interior’s Standards and other review criteria. The proposal stipulates an accurate, appropriate restoration and rehabilitation of the house. The reconstruction of the porch meets the standards. The enclosing of the porch is allowed by the standards. Contrary to what several have told you, the Pine Street entrance is an historic feature that dates to the c. 1900 Colonial Revival period, the appropriate point in time for the restoration. Likewise, the proposed addition is compatible and satisfies the Standards. Fifth, whether or not the civic association or developer convened community meetings should play no role in your review. Your review must be predicated on the criteria enumerated in the ordinance. Sixth, it is true that the Law Department does not have the authority to rewrite the historic preservation ordinance, but does have the authority to interpret the City code for City agencies. He advised the Commission that it is bound to accept the Law Department’s legal advice.

Mr. Wilds stated that this project was approved in concept one year ago. Mr. Farnham agreed. Mr. Gallery interjected, claiming that the current application is a new permit application for final approval that has not been approved in concept. Mr. Farnham disagreed with the assumptions of Mr. Gallery's claim; the in-concept application is not tied to any one particular final application. Mr. Gallery asked Mr. Farnham to provide the in-concept approval permit application form that is linked to the current final-approval permit application form. Mr. Farnham categorically rejected Mr. Gallery's claim, stating that it had no basis. He explained that there is no linkage between a particular in-concept review application form and a particular final-approval permit application form. He stated that, by Mr. Gallery's logic, one could make the same argument that the in-concept approval of November 2007 was not linked to the application denied last month; nothing tied the two application forms together. He elaborated, stating that the Commission approved a concept that included the height, massing, siting and other features. The Commission may decide today whether the current proposal falls within the parameters set during the in-concept approval, which is still valid. Mr. Wilds noted that Mr. Gallery's comments were part of the record.

Mr. Wilds again stated that the Commission had overwhelmingly approved the project in concept in November 2007. He asked Mr. Farnham to comment on the implications of reversing such an approval one year later. Mr. Wilds noted that he considered this to be a perilous action. Mr. Farnham agreed and stated that a denial of an application for final approval that has been approved in concept, when the final design falls within the parameters established during the in-concept review, places the City's economy at risk. He asserted that investors depend on a predictable permitting process. If the process is not predictable, then developers will not invest in the city, but will take their money elsewhere. An approval in concept is an agreement between the Commission and a developer that should provide the developer with the security to invest in the project. Although an approval in concept does not vest rights in a building permit, it must have some value. It should indicate to the developer that, if she stays within the established parameters, then a final approval will be granted. Mr. Farnham concluded that last month's denial, despite the approval in concept, sent a strong, negative message to the development community. Mr. Reuter reminded the Commission that Mr. Farnham's statement was a policy, not a legal, statement. Mr. Primavera stated that he considers an approval in concept to carry more weight than Mr. Farnham implied. He contended that the Commission is bound to grant a final approval if the final design falls within the parameters established by the in-concept approval. He agreed that a final approval is necessary before a building permit can issue, but asserted that an in-concept approval binds the Commission. Mr. Fineman again stated that the Commission should not be reviewing this application, but should have directed the applicant to file an appeal of the November denial. He contended that his clients' due process rights had been denied.

Ms. Merriman asked Mr. Amburn to elaborate on the intent of the Architectural Committee's recommendation regarding the brick color. Mr. Amburn explained that some Architectural Committee members had objected to the stark contrast between the ebony brick at the base and the lighter materials above. The architect provided samples of other bricks. Ms. Merriman asked Mr. Amburn to confirm that the most recently proposed materials are acceptable to the Committee. Mr. Amburn stated that they are acceptable.

Mr. Dilworth apologized for not being present at the last meeting, in November, when the previous application was denied. He asked for a summary of the revisions to the design. Mr. Sherman stated that the applicants have responded to the recommendations and suggestions of the Committee and Commission including the brick color, fencing, retaining wall, steps, and design of the three-story section. He also noted that they have implemented Mr. Schaaf's

suggestion of wrapping the brick around at the east and west onto the south facade. Ms. Larson interjected that the Commission denied the application last month. Mr. Sherman stated that she was again out of order. He stated that he would have her escorted from the room if she disrupted the proceedings again.

Mr. Sherman thanked everyone for their passion and commitment. He stated that the Commission had made a good faith effort to provide an inclusive, open, and transparent review. He stated that the Commission must protect the rights of all including the applicant and the public. Mr. Sherman asserted that the application had been fully vetted.

Mr. Thomas noted that the Committee recommendation called for the both staff and the Architectural Committee to review the details. Ms. Merriman stated that she deemed it inappropriate to refer details to the Committee for review. She stated that she would entrust the staff with the details.

Mr. Mattioni stated that most of the revisions relate to the house itself; other cosmetic changes relate to the hotel addition. Mr. Amburn replied that the Committee's primary comments related to the design of the 3-story section and the color of the brick; those aspects of the design have been revised. Mr. Mattioni responded that the current design is essentially the same project that the Commission reviewed one month ago with some embellishments and adjustments.

ACTION: Ms. Merriman moved to approve the application as submitted, with the staff to review details, pursuant to Standards 1, 4, 5, 6, 7, 9, and 10, and the New Additions, Setting, and Entrances and Porches Guidelines.

- The hotel addition complies with Standard 9. It "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." The hotel addition will be constructed "so that there is the least possible loss of historic materials and so that the character-defining features are not obscured, damaged, or destroyed."
- The hotel addition complies with Standard 10. The "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."
- The hotel addition complies with the New Additions Guidelines. It will be designed "in a manner that makes clear what is historic and what is new." The hotel will not imitate "a historic style or period of architecture."
- The hotel addition complies with Standard 1. The "new addition to the historic building" is "required by the new use."
- The hotel addition complies with the Setting Guidelines. The "new building" is not "out of character or otherwise inappropriate to the setting's historic character."
- The restoration of the historic house complies with Rehabilitation Standard 6 and the related Guidelines. "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."
- The reconstruction and enclosing of the missing front porch from photographic and physical evidence complies with an Entrances and Porches Guideline, which recommends "designing and constructing a new entrance or porch when the historic

entrance or porch is completely missing. It may be a restoration based on historical, pictorial, and physical documentation; or be a new design that is compatible with the historic character of the building.” The new porch will be a replica of the historic, c.1900 porch. The enclosing windows are compatible with the historic character of the building and reconstructed porch.

- The alteration of the bay on the south side of the building for the connector to the hotel building complies with an Entrances and Porches Guideline, which recommends “designing and installing additional entrances ... on secondary elevations when required for the new use in a manner that preserves the historic character of the building, i.e. limiting such alteration to such non-character-defining elevations.” The bay is not on a street elevation and views of it are currently blocked by the non-historic additions. The rear south façade is unquestionably a non-character-defining elevation.

Mr. Schaaf seconded the motion, which passed by a vote of 9 to 2. Ms. Leonard and Mr. Mattioni dissented.

Mr. Burns demanded to know who had abstained from voting. Ms. Merriman responded that all Commissioners had voted aye or nay; no one had abstained. Ms. Larson again spoke out of order.

1118 PINE STREET

Owner: Richard Verruni

Applicant: Paul Stone

History: c. 1843; individually designated 9/23/1963

Project: Install wood simulated-divided-light windows

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, pursuant to Standards 6 and 9.

OVERVIEW: This application proposes to install wood, simulated-divided-light windows throughout this late Greek Revival townhouse in Washington Square West. The original windows for this building were wood true-divided-light windows in a six-over-six double hung configuration. The existing windows are replacements. The applicant proposes to install a wood replacement window that would be installed with jamb liners within the original wood frames. The replacement units would not be installed in subframes. The jamb liner installation allows the sizes of the glass panes to retain the proportions of the original window, thus replicating the dimensions and appearance of the original historic window exactly. The proposed muntin would have a putty slope and would be of a 7/8” measurement, just as the original true-divided-muntin would have been.

The Philadelphia Historical Commission has repeatedly approved applications for wood simulated-divided-light windows when the replacement replicates the size and pattern of the original. This application fulfills those requirements.

DISCUSSION: Mr. Danta presented the application to the Commission. Window distributor Paul Stone represented the application.

The Commissioners agreed that the application satisfies the Standards.

ACTION: Mr. Wilds moved to adopt the recommendation of the Architectural Committee and approve the application, pursuant to Standards 6 and 9. Ms. Merriman seconded the motion, which passed unanimously.

4819 TRINITY PLACE

Owner: Ernie Leonard

Applicant: Kevin Creighton

History: c. 1890; individually designated, 1/28/1969

Project: Replace slate roof with asphalt shingles

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial, pursuant to Standard 2, but approval of the installation of authentic slate on the mansard's front elevation and Grand Manor asphalt shingles on the side and rear elevations with copper ridge rolls.

OVERVIEW: This application proposes to replace the existing slate roof on this building with Grand Manor asphalt shingles, which replicate the appearance of slate. The Historical Commission reviewed and approved an identical application from the same applicant for a neighboring, identical property in April 2008. The current application is for a property on the same block, across the street from the one for which the application was previously approved. The Grand Manor asphalt shingle closely replicates the appearance of the original slate roof.

DISCUSSION: Ms. Sell presented the application to the Commission. Kevin Creighton of Russell Roofing represented the application.

Mr. Wilds stated that he found the Architectural Committee's recommendation troubling in light of the fact that the Commission very recently approved an identical application for an identical neighboring house. Mr. Amburn explained that the Committee was advised by a staff member that it should recommend denial of the submission but approval of a revised proposal retaining the slate on the front façade for reasons of consistency. Mr. Wilds stated that the recommendation of the revised proposal was inconsistent with the Commission's most recent action. He stated that the Commission should be consistent with its most recent action for the identical house and roofing material. He advocated for approval of the application as submitted.

ACTION: Mr. Wilds moved to approve the application, pursuant to Standard 6. Ms. Merriman seconded the motion, which passed unanimously.

1530-34 LOCUST STREET

Owner: Versailles Affiliates

Applicant: Carl Nixon

History: Versailles Apartment Building, 1920-1921, Frederick Webber, architect

Significant in the Rittenhouse Fidler Historic District

Project: Install awnings

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

OVERVIEW: This application proposes to install awnings over basement openings. The awnings would be installed over blank masonry that aesthetically functions as the base for the first-floor balconies with arched French doors. The proposed awnings would be located entirely above the basement windows. The Versailles is one of the most prominent Beaux-Arts apartment buildings in the Rittenhouse Square Historic District. It is classified as significant in the district. The building is clad in terracotta. The applicant has not included installation details, but it is assumed that the awnings would be attached directly onto the terracotta cladding of the façade.

The staff contends that the spatial relationship between the basement and first floors would be adversely affected by the installation of awnings that would block from view the apparent masonry support for the ground floor. The awnings would alter the proportions of the space, compromising the integrity of the architectural design. Furthermore, the installation of the awnings on terracotta cladding irreversibly damages historic fabric. Terracotta is difficult to patch or repair.

DISCUSSION: Ms. Sell presented the application to the Commission. No one represented the application.

The Commissioners agreed that the proposed awnings were not appropriate.

ACTION: Mr. Schaaf moved to adopt the recommendation of the Architectural Committee and deny the application, pursuant to Standards 2, 5, and 9. Ms. Leonard seconded the motion, which passed unanimously.

926 S. 2ND STREET

Owner: Dorothy Grosick

Applicant: Anthony Miksitz, architect

History: c. 1830; individually designated 5/31/1966

Project: Demolish rear roof, add 4th floor

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

OVERVIEW: This application proposes converting the attic level of this rowhouse into a fourth floor. The rear slope of the main roof would be demolished along with the rear chimney. A higher roof would be built behind the roof ridge, creating a clerestory at the ridge line. The construction of this addition would result in the demolition of historic fabric on the main body of the house and the new addition would be visible from the street in front of the house. A highly visible HVAC unit would be placed on the new roof.

DISCUSSION: Mr. Baron presented the application to the Commission. Property owner Dorothy Grosick and architect Anthony Miksitz represented the application.

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

Mr. Miksitz explained to the Commission that the house is approximately 800 square feet and the owner wants to create an office to work from home. There is no room to add onto the rear. He said that the addition would create a mezzanine level. He observed that the current roof has a shallow pitch and is not visible from the street. Mr. Wilds asked if the addition would be visible from the street. Mr. Miksitz explained that the clerestory would be visible from across the street. Mr. Miksitz offered to modify the design, sloping the clerestory, which is now proposed as vertical, back toward the rear. He stated that this revised clerestory would not be visible. Mr. Wilds asked if he wanted to remove the ridge beam. Mr. Miksitz stated that he did. Mr. Sherman asked if raising the roof to match the neighbor's to the north might solve the problem. Other Commissioners explained that an altered roofline would create a false sense of history. Mr. Miksitz stated that he tried to minimize the impact on the house and streetscape. Mr. Miksitz observed that modifying the clerestory with a slope or a curve would reduce its visibility from the

street. Mr. Thomas suggested excavating the basement to gain the additional space without destroying the roof fabric. Mr. Miksitz stated that the basement is filled with mechanical equipment. He stated that it would be very difficult to excavate the basement. Mr. Baron suggested that the HVAC equipment should be moved so that it would not be visible from the public right-of-way. Mr. Miksitz stated that it would not be visible as proposed. Mr. Wilds opined that the staff could verify the details.

WITHDRAWAL OF MOTION: Ms. Leonard and Mr. Wilds withdrew their motion to adopt the recommendation of the Architectural Committee and deny the application, pursuant to Standards 9 and 10

ACTION: Mr. Wilds moved to approve the application, provided the clerestory is sloped back, with the staff to review details. Mr. Thomas seconded the motion, which passed unanimously.

1636 SPRUCE STREET

Owner: George Bochetto

Applicant: Mark D'Alonzo

History: c.1868, contributing to the Rittenhouse Fittler Historic District, 1995

Project: Add roof deck and stair house

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, provided that the pilot house is covered in a material such as zinc to make it inconspicuous and more traditional looking; that deck rail is a non-reflective such as cable wire; and that the plantings are within and not higher than the deck rail.

OVERVIEW: This application proposes a scaled-back version of plans reviewed by the Committee and Commission in September 2006, December 2007, and March 2008. The application proposes to add a roof deck to this corner house with a mansard. The latest denial by the Commission was appealed to the Board of Licenses & Inspections Review, which sustained the Commission's decision. The current design has a stair house leading to a deck, but does not have the rooftop interior space included in past plans. It has been significantly scaled back from the earlier proposals.

DISCUSSION: Mr. Baron presented the application to the Commission. Attorney Carl Primavera and architect Mark D'Alonzo represented the application.

Mr. Baron explained that he visited the site to see a mockup and that the photographs show the extent of the visibility of the proposed deck from the public right-of-way. Mr. Primavera stated that they were encouraged by the Architectural Committee to delete everything but the pilot house and deck from the earlier proposals. The architect has pared the design down to the bare minimum. He stated that he had appealed an earlier denial to the Board of License & Inspection Review. The Board affirmed the Commission, but offered a dicta, a non-binding suggestion that the owner submit a new application to the Commission with a smaller deck. Mr. Primavera stated that, if this application is approved, he would withdraw his appeal of the earlier denial. He added that he agrees with the Committee's recommendation. He contended that the visible part of the deck would appear to be part of the adjoining building, not this mansard roof. Mr. Schaaf asked about the wording in the Committee's recommendation that stipulates that the pilot house would be covered in a material such as zinc. He asked if the Committee intended to require that the pilot house is covered in metal. Mr. Amburn explained that the Committee recommends a

dark metal that would be both traditional and inconspicuous. Mr. Primavera stated that they are willing to defer to the Commission in this regard. Mr. Wilds stated that the plan calls for the demolition of a chimney that is visible from the street. Mr. D'Alonzo replied it will be visible from the west on Spruce Street. It would also be visible from the north. Mr. Wilds suggested the chimney should be retained and the rail should be metal to be less conspicuous. Mr. Primavera agreed to this suggestion.

ACTION: Mr. Schaaf moved to approve the application, provided that the pilot house is covered in a metal such as zinc to make it inconspicuous and more traditional looking; that deck rail is a non-reflective such as cable wire; that the plantings are within and not higher than the deck rail; and that the chimney at the west is retained, with the staff to review details. Mr. Mattioni seconded the motion which passed unanimously.

1801-1813 WALNUT STREET

Owner: Philadelphia Urban Investors, LP

Applicant: Neil Sklaroff Esq.

History: 1801-03 Van Rensselaer Mansion, c. 1895-1898, significant in the district

1805-09 Walnut, Allison building, c. 1910, additions c. 1925, contributing in the district

1811-13 Rittenhouse Club, c. 1900, significant in the district

Project: Install signs and awnings

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of all signage except the 14-foot banner at the fourth floor of the Allison Building, with the staff to review details, including installation details, pursuant to Standard 9

OVERVIEW: This application proposes to install signs and awnings on the historic façade of the former Rittenhouse Club, the Allison Building, and the new commercial ground floor of the 10 Rittenhouse development on 18th and Sansom Streets. The application proposes the following:

Historic façade of the Rittenhouse Club: The installation of awnings on the ground and second floors; a plaque to right-hand side of the doorway; and a plaque to the left-hand side of the doorway. All proposed signage would advertise Barney's New York, except the plaque to the right-hand side of the doorway that would advertise 10 Rittenhouse. The awnings would be installed within the masonry openings. It should be noted that the staff has approved the installation of two lanterns at either side of the doorway at the same location as the proposed plaques. The lanterns are not part of this application, but their locations are in conflict with the proposed plaque locations.

Allison Building: The installation of awnings on the fourth and fifth floors facing Rittenhouse Square. These awnings would be installed within the masonry opening and would not conceal the lintels with key stones above the windows. The application also proposes the installation of a 14-foot banner on the left-hand side of the façade at the fourth floor, and the installation of a plaque to the right-hand side of the doorway on Walnut Street and the installation of a two-sided blade sign to the left of the doorway on Walnut Street. All the proposed signage on the Allison Building would advertise the Red Door Spa.

10 Rittenhouse commercial spaces on 18th and Sansom Streets: Install signs over the entrances to the commercial spaces. This is new construction and no historic fabric would be altered or damaged. The application includes the installation of two plaques on the historic piers

of the garden entrance to the Van Rensselaer Mansion. This area of the former garden is now the entrance to the 10 Rittenhouse condominium tower.

The staff contends that only the proposed 14-foot banner on the Allison Building would be in conflict with the Secretary of the Interior's Standards. The façade of the Allison building is composed in a strict, uniform, Classical manner. The symmetry and balance of the facade would be altered by a banner on just one side of the building. This proposed change is in conflict with Standard 9.

DISCUSSION: Mr. Danta presented the application to the Commission. Attorneys Neil Sklaroff and Eileen Quigley, architect Miles Grosbard, and preservation consultant George Thomas represented the application.

Mr. Sklaroff distributed photographs and described the tenants, the Red Door Spa and Barneys. He acknowledged the suggestion of the Architectural Committee, which noted the lack of symmetry with the one banner to the east. He offered to add a second banner at the west to balance the design, or to move the one banner to the center. Mr. Sklaroff stated they would be willing to accept a temporary approval of the design as submitted to establish the presence for the new stores and return at a later date for a review of a final design.

Ms. Merriman asserted that the banner is too high above the sidewalk to be effective for pedestrians. She also asked if the lanterns were part of the applications. She expressed concerns about the drilling mounting holes into historic fabric. Mr. Danta replied that the lanterns had already been approved at the staff level. He was unaware of the desire for additional signage at the time the lanterns were approved.

Mr. Wilds asked if Barnes & Noble, which occupies the lower floors, would share its signage space with the new tenant. Mr. Sklaroff stated the bookstore had rejected their request to use some of its signage space.

Mr. Schaaf stated that this property is zoned C-5; therefore, projecting banners are not permissible. Mr. Sklaroff replied that he will seek variances from the Zoning Board of Adjustment and the Art Commission. He added the banner would not project over the public right-of-way because the building line is 10 feet out from the building facade. He acknowledged that projecting signs are not permitted on Walnut Street, but noted that there are currently 43 on the street.

Mr. Thomas stated the banners would be ineffective unless a pedestrian was one block away. He opined that a center banner would be as effective as the banner to the east. He questioned the method of connection to the brick and suggested anchors in the mortar joints.

ACTION: Mr. Thomas moved to approve the application, provided that the 14-foot banner is relocated from the eastern edge to the center of the building, with the staff to review details, including installation details, pursuant to Standard 9. Mr. Mattioni seconded the motion, which passed by a vote of 10 to 1. Mr. Amburn dissented.

REPORT OF THE COMMITTEE ON HISTORIC DESIGNATION, 2 DECEMBER 2008

Richardson Dilworth, Chair

100 E. LEHIGH AVENUE, EPISCOPAL HOSPITAL

Owner: Episcopal Hospital of Philadelphia, subsidiary of Temple University Health System

Applicant: Matt McClure, Esq., Ballard Spahr Andrews & Ingersoll

Nominator: George E. Thomas

Proposal: Rescission of Hospital Campus and designation of Chapel

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Ms. Klein moved to recommend approval of the rescission of 100 E. Lehigh Avenue, the Episcopal Hospital campus, with the exception of a zone that includes the chapel, gate house and gate, and Gothic tower. Mr. Dilworth seconded the motion, which passed unanimously.

OVERVIEW: The Episcopal Hospital campus at N. Front Street and E. Lehigh Avenue is large, covering an entire city block in Kensington. This application proposes rescinding the designation of the entire property and redesignating only a Samuel Sloan chapel and some surrounding ground, which stands near the middle of the campus. In March 2008, the Commission approved the demolitions of two buildings on the campus; the Commission determined that the buildings could not be reasonably adapted for any purpose. At that time, the Commission directed the staff to prepare a nomination for the Episcopal Hospital site proposing the rescission of the designation of the entire site and the new designation of the Sloan chapel. Owing to staffing limitations, the staff did not prepare the rescission and designation documents. Instead, a consultant employed by the hospital prepared them.

The original designation of the hospital campus is problematic. It is poorly documented and, in fact, may have resulted from a clerical error. There is no record of the Commission voting to designate the site. The only document supporting the designation is the inclusion of the Front Street address for the hospital on the pre-1985 list of designated properties. The revised historic preservation ordinance, which went into effect in 1985, defined a Historic Building as:

A building or complex of buildings and site which is designated pursuant to this section or **listed by the Commission under the prior historic buildings ordinance** approved December 7, 1955, as amended. (emphasis added)

Therefore, the complex is designated because it was **listed** at the time of the adoption of the new ordinance. However, there is no record of a vote by the Commission, record of a consideration by the advisory committee, official designation card, nomination, notice letter, or other document corroborating the designation. Without a record of the designation, it is impossible to know the relative values the Commission placed or would have placed on the individual buildings on the campus, which range from mid nineteenth- to mid twentieth-century buildings. The historic significances of the many buildings that stand or once stood on the campus differ greatly.

A very important group of c. 1860 hospital buildings designed by prominent architect Samuel Sloan once stood at the northwest corner of the site. The group had great historic significance because it was the foremost model for hospital construction throughout the United States in the second half of the nineteenth century. Sloan was not only a prominent architect but also a prominent publisher. Publishing the first major architectural journal in the United States, he broadly advertised his hospital design, which became the national standard. Only one small remnant of the Sloan buildings survives, the chapel. All other Sloan buildings on the campus were demolished over several campaigns in the mid twentieth century. During the first documented involvement of the Commission with the hospital, the chair of the Architectural

Committee apparently approved the last of the demolitions of the Sloan buildings in 1976. There is no record of any review or approval of this demolition by the Commission or Architectural Committee itself. In 1987, the Commission approved the demolition of Gill House, a turn-of-the-century residentially-scaled building on the Episcopal campus, as necessary in the public interest. As noted above, the Commission also approved the demolitions of the Aspinwall and Harrison Buildings in March 2008. Other than the Sloan-designed chapel, the surviving buildings on the campus are early to mid twentieth-century structures with no historical significance. Simply stated, the buildings that qualified the totality of this site for designation were demolished with the Commission's tacit approval in the 1970s.

DISCUSSION: Ms. Coté presented the rescission request and nomination to the Commission. Attorney Matthew McClure, preservation consultant George Thomas, and hospital representatives Kathleen Barron and Katherine Levins represented the petition for rescission and the nomination.

Mr. McClure described the property. He stated that the site meets two of the three grounds for rescission. First, the original designation was the result of an error in profession judgment. Second, the property has lost, or never had, the qualities that caused its designation. He reported that there is no record of the Commission's vote to designate. He acknowledged that the property appears on the Commission's pre-1985 list of designated properties, but claimed that it was added to this list erroneously. Mr. McClure stated that the only significant building standing on the property is the Sloan-designed chapel. All other early buildings were demolished in the twentieth century. Mr. McClure asserted that the hospital is seeking the rescission to control its maintenance costs. It has no immediate plans to alter the campus significantly. He stated that the Commission's power to designate and rescind is a quasi-legislative power that includes room for discretion. He asserted that the Commission should exercise its discretion in this instance and rescind the designation. He stated that the hospital is in an impoverished area that is struggling. Over 90% of its patients rely on Medicare and Medicaid. He asked the Commission to approve his application, but conceded that his client would accept the recommendation of the Designation Committee.

Mr. Wilds reminded the Commission that it approved the demolition of two buildings owing to hardship earlier this year. He stated his support for the recommendation of the Committee. He suggested that the Commission not opine on the validity of the original designation. The current ordinance was worded to explicitly avoid reconsidering every early designation.

Dr. Thomas provided a brief review of the history of the complex. He asserted that all of the historically significant buildings except the chapel had been demolished by 1981.

Mr. Wilds asked the applicant how much space would be designated around the chapel and gate house. He stated that he would not want to see a new building up against an historic building. Mr. McClure replied that he would like to work with the staff to define a buffer zone around the historic buildings. Mr. Farnham stated no boundary has been defined around the taller gothic tower or gate house, but a boundary is proposed in the nomination for the chapel. The staff could extrapolate from that boundary. Mr. Thomas suggested that the applicant work with the staff to define a designation boundary for the tower and gate; if no agreement can be reached, the applicant can propose a boundary to the Commission.

ACTION: Mr. Thomas moved to rescind the designation of 100 E. Lehigh Avenue from the Philadelphia Register of Historic Places and to designate the Sloan Chapel, gothic revival tower, Sloan gate and gate house, and a surrounding buffer zone at 100 E.

Lehigh Avenue, listing it on the Philadelphia Register of Historic Places, with the staff to determine the boundary of the surrounding zone. Mr. Wilds seconded the motion, which passed unanimously.

204 SUNRISE LANE, ESHERICK HOUSE

Owner: Robert and Lynn Gallagher

Nominator: Laura Vanaskie, intern, Philadelphia Historical Commission

Proposal: Designate to the Philadelphia Register of Historic Places

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Dilworth moved to recommend that the 204 Sunrise Lane satisfies Designation Criterion e and should therefore be designated as historic and listed on the Philadelphia Register of Historic Places. Mr. Cohen seconded the motion, which passed unanimously.

OVERVIEW: The Margaret Esherick House stands on a cul-de-sac in Philadelphia's Chestnut Hill neighborhood, adjacent to Pastorius Park. The small but world-famous house was designed by Louis I. Kahn, one of the most important architects of the twentieth century. It is one of only a few residential buildings designed by Kahn and one of only a few Kahn buildings standing in Philadelphia, his adopted hometown. Designed and built between 1959 and 1961, the house is a highly significant design in Kahn's portfolio, which includes such icons as the Salk Institute (1959-62) in La Jolla, California; the National Assembly Building (1962-83) in Dhaka, Bangladesh; the Kimball Art Museum (1966-72) in Fort Worth, Texas; and the Richards Medical Research Building (1957-65) at the University of Pennsylvania. In addition, the site planning by influential landscape designer Frederick Peck strengthens the property's significance. Peck's brick patio of the mid-1960s has become a defining feature of the Esherick House.

DISCUSSION: Ms. Coté presented the nomination to the Commission. Patrick Gallagher represented his father, the owner.

Mr. Gallagher voiced his concern that a designation may limit future tax benefits from a preservation easement. He thanked everyone for recognizing that the house is a treasure. He asked the Commission to continue the designation review to allow him to assess the impact of a designation. He stated the house has been restored and is well maintained. He stated that his father is an excellent steward of the property. Mr. Gallagher stated that his father would like to confer with his insurance carrier, tax advisor, and attorney to gauge the financial impact of a designation. He also noted that the property is on the market and he is the broker of record. He stated there has been communication with a prospective buyer who would like to avail himself of the tax benefits of an easement. He asked for a delay to investigate the implications of a designation on the tax benefits of an easement. He stated that the easement would be more restrictive than the designation. Mr. Wilds advised Mr. Gallagher that the property will remain under the Commission's jurisdiction during any continuation period. The Commission's review and approval would be needed before the exterior appearance of the house or site could be altered in any way. Mr. Gallagher said he was aware of this restriction. Mr. Wilds stated that he was not opposed to continuing the review. He told the applicant that he should assume that this property, which has great historical significance, will eventually be designated.

ACTION: Ms. Merriman moved to continue the review of the nomination for 204 Sunrise Lane to the January 2009 meeting of the Historical Commission. Mr. Dilworth seconded the motion, which passed by a vote of 10 to 0. Mr. Schaaf abstained.

19-25 S. 12TH STREET, STEPHEN GIRARD BUILDING

Owner: Trustees of the Estate of Stephen Girard

Nominator: John Andrew Gallery, Executive Director, Preservation Alliance of Greater Philadelphia

Proposal: Designate to the Philadelphia Register of Historic Places

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Schaaf moved to recommend that 19-25 S. 12th Street satisfies Designation Criteria a, c, d, e, h, and j, and should therefore be designated as historic and listed on the Philadelphia Register of Historic Places. Mr. Dilworth seconded the motion, which passed unanimously.

OVERVIEW: The Stephen Girard Building was designed by architect James Hamilton Windrim in 1896 for the Board of City Trusts / Estate of Stephen Girard. The Stephen Girard Building qualifies for listing on the Philadelphia Register of Historic Places under Criterion (a) for its significant interest and value in the development of the city; under criterion (e) as the work of an architect whose work has influenced the historical and architectural development of the city; and under criterion (j) as an important part of the social history of the city through its association with the Board of City Trusts and Girard College. In addition, the Stephen Girard Building represents characteristics that relate to several other criteria for designation including (c) exemplifies the environment in an era characterized by a distinctive architectural style and/ or (d) embodies distinguishing characteristics of an architectural style, and (h) owing to its singular physical characteristic represented a familiar visual feature in Center City.

DISCUSSION: Mr. Mattioni recused and excused himself. Ms. Coté presented the nomination to the Commission. John Gallery of the Preservation Alliance of Greater Philadelphia represented the nomination.

Mr. Wilds asked if the staff had notified the property owner or the leaseholder of the nomination. Mr. Farnham replied that the notice was sent to the property owner as required by the ordinance. The staff did not notify the real estate company holding the lease of the nomination. He stated that the staff had not been aware of the identity of the lease holder until recently. Mr. Farnham explained that the property had been nominated in December 2007. At that time, the property owner was notified as required. The property owner in turn notified an earlier lease holder, who contacted the Commission. Both the lease holder and the property owner had strenuously objected to the nomination. The nomination was later withdrawn. Mr. Farnham noted that a press release issued by the real estate company that now holds the lease explicitly stated that it would rehabilitate and reuse the buildings, not to demolish them as the earlier lease holder had proposed. He stated that he had assumed that the property owner no longer objected to the nomination because its lease holder did not plan major work to the buildings and it had not contacted the Commission objecting to the second nomination.

Mr. Gallery, who submitted the nomination, spoke of the importance of this building. He noted that the construction of City Hall shifted the city's business center to the west. The Girard building was one of the first office buildings to mark that shift. He stated that it is the earliest extant skyscraper in the city.

ACTION: Mr. Dilworth moved to find that the property at 19-25 S. 12th Street satisfies Designation Criteria a, c, d, e, h, and j, to designate it as historic, and list it on the Philadelphia Register of Historic Places. Ms. Leonard seconded the motion, which passed unanimously.

1631-37 ARCH STREET, BELL TELEPHONE BUILDING

Owner: Bell Telephone Company of Pennsylvania

Nominator: Jorge Danta, H. P. Planner II, Philadelphia Historical Commission

Proposal: Designate to the Philadelphia Register of Historic Places

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Dilworth moved to recommend that the property at 1631-37 Arch Street satisfies Designation Criteria a, d, e, g, h, and j, and should therefore be designated as historic and listed on the Philadelphia Register of Historic Places. Ms. Klein seconded the motion, which passed unanimously.

OVERVIEW: The Bell Telephone Parkway Building possesses significance as an outstanding example of the Neoclassical Style of the early twentieth century. The building was designed by famed architect John Torrey Windrim and constructed between 1914 and 1916. It also possesses great significance due to its connection to Bell Telephone Company and the telecommunications history of the city and nation. In addition, the Bell Telephone Building possesses urban planning significance owing to its location on the Benjamin Franklin Parkway. The building was the first of many Neoclassical buildings constructed as ornaments to the Parkway.

DISCUSSION: Ms. Coté presented the nomination to the Commission.

The Commissioners discussed the nomination and agreed that the building is historically significant.

ACTION: Ms. Merriman moved to find that the property at 1631-37 Arch Street satisfies Designation Criteria a, d, e, g, h, and j, to designate it as historic, and list it on the Philadelphia Register of Historic Places. Ms. Leonard seconded the motion, which passed unanimously.

1201 SPRUCE STREET, GRAND UNITED ORDER OF ODD FELLOWS BUILDING

Owner: Odd Fellows of America

Nominator: Aliya Turner, intern, Philadelphia Historical Commission

Proposal: Designate to the Philadelphia Register of Historic Places

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Ms. Klein moved to recommend the property at 1201 Spruce Street satisfies Designation Criteria a, c, e, and j, as well as h, and should therefore be designated as historic and listed on the Philadelphia Register of Historic Places. Mr. Dilworth seconded the motion, which passed unanimously.

OVERVIEW: The Grand United Order of Odd Fellows Building, designed by the architectural firm of Watson & Huckel, was constructed in 1907 to 1908 as the national headquarters for the organization. As a physical testament of the largest African American society in the country, the Odd Fellows Hall satisfies Designation Criteria (a) and (j). With its simple lines, graceful proportions, and Classically-styled terra cotta cladding, the building satisfies Designation Criterion (c) by exemplifying early American tall building design of the Chicago School, as well as possibly being the one of a few examples in Philadelphia. As the work of the prolific architectural firm of Watson & Huckel, the building satisfies Designation Criterion (e).

DISCUSSION: Ms. Coté presented the nomination to the Commission.

The Commissioners discussed the nomination and agreed that the building is historically significant.

ACTION: Mr. Schaaf moved to find that the property at 1201 Spruce Street satisfies Designation Criteria a, c, e, and j, as well as h, to designate it as historic, and to list it on the Philadelphia Register of Historic Places. Ms. Merriman seconded the motion, which passed unanimously.

835 S. 2ND STREET

Owner: Carole Bede

Applicant: Carole Bede

Proposal: Rescind designation

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Ms. Klein moved to recommend the rescission of 835 S. 2nd Street, pursuant to Section 5.5.c.1 of the Commission's Rules & Regulations, as the resource has ceased to meet the criteria for listing on the Register because the qualities that caused its original entry have been lost or destroyed. Mr. Lavery seconded the motion, which passed with a vote of 5 to 0. Mr. Cohen abstained.

OVERVIEW: This application proposes the rescission of the designation 835 S. 2nd Street, a 1830s three-story brick row house in Queen Village. The Commission designated the property on 24 June 1958. In 1972, the Commission approved the removal of a nineteenth-century storefront and the restoration of the front façade. The façade was not restored, but was rebuilt with a non-historic appearance. The Commission took no enforcement action and the inappropriate façade has stood for 36 years. The public experiences mid-block rowhouses through their front facades. Although the historic dormer remains, little else on the front of this building has survived.

Section 5.5.c.1 of the Commission's Rules & Regulations states that:

The bases for the rescinding of an entry on the Philadelphia Register of Historic Places are 1) the resource has ceased to meet the criteria for listing on the Register because the qualities that caused its original entry have been lost or destroyed, 2) additional information shows that the resource does not meet the criteria for the Register, or 3) error in professional judgment as to whether the resource meets the criteria for listing.

The staff contends that the qualities that caused its original entry have been lost or destroyed. The Commission had an affirmative obligation to ensure that the restoration of the front façade was appropriately undertaken in 1972. It did not. Illegal work cannot be condoned or rewarded, but there must be some statute of limitations. The historic façade is lost. A door or a window can be easily replaced. A façade cannot.

DISCUSSION: Ms. Coté presented the request for rescission to the Commission. Carol Bede, the property owner, represented the rescission petition.

Mr. Wilds asked Ms. Bede if she intended to alter or demolish her property. She replied that she did not intend to change the property. Mr. Wilds noted that the property is within the Queen Village Conservation District. He asked if other properties on the block are designated. Ms. Cote replied in the affirmative and provided the addresses of the designated properties.

ACTION: Ms. Leonard moved to rescind the designation of 835 S. 2nd Street, pursuant to Section 5.5.c.1 of the Commission's Rules & Regulations, as the resource has ceased to meet the criteria for listing on the Register because the qualities that caused its original

entry have been lost or destroyed. Mr. Wilds seconded the motion, which passed unanimously.

ADJOURNMENT

Mr. Schaaf moved to adjourn at 12:45 p.m. Ms. Merriman seconded the motion, which passed unanimously.

STANDARDS AND GUIDELINES CITED IN THE MINUTES

Standard 1: A property will be used as it was historically or given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

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 3: Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

Standard 4: Changes to a property that have acquired historic significance in their own right will be retained and preserved.

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 7: Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damages to historic materials will not be used.

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.

New Additions Guidelines: Recommended: Designing a new addition in a manner that makes clear what is historic and what is new. Not Recommended: Imitating a historic style or period of architecture in a new addition.

Entrances and Porches Guideline: Recommended: Designing and constructing a new entrance or porch when the historic entrance or porch is completely missing. It may be a restoration

based on historical, pictorial, and physical documentation; or be a new design that is compatible with the historic character of the building.

Entrances and Porches Guideline: Recommended: Designing and installing additional entrances or porches on secondary elevations when required for the new use in a manner that preserves the historic character of the building, i.e. limiting such alteration to such non-character-defining elevations.

Setting Guidelines: Not Recommended: Introducing a new building or landscape feature that is out of character or otherwise inappropriate to the setting's historic character.

Roofs Guidelines: Recommended: Designing additions to roofs such as residential, office, or storage spaces; elevator housing; decks and terraces; or dormers or skylights when required by the new use so that they are inconspicuous from the public right-of-way and do not damage or obscure character-defining features.

Building Site Guidelines: Recommended: Designing new onsite parking, loading docks, or ramps when required by the new use so that they are as unobtrusive as possible and assure the preservation of the historic relationship between the building or buildings and the landscape.

Windows Guideline: Not Recommended: Changing the historic appearance of windows through the use of inappropriate designs, materials, finishes, or colors which noticeably change the sash, depth of reveal, and muntin configuration; the reflectivity and color of glazing; or the appearance of the frame.