

**THE MINUTES OF THE 652ND STATED MEETING OF THE
PHILADELPHIA HISTORICAL COMMISSION**

**FRIDAY, 9 DECEMBER 2016
ROOM 18-029, 1515 ARCH STREET
BOB THOMAS, CHAIR**

PRESENT

Robert Thomas, AIA, chair
Emily Cooperman, Ph.D.
Michael Fink, Department of Licenses & Inspections
Antonio Fiol-Silva, AICP, FAIA, LEED AP BD+C
Anuj Gupta, Esq.
Steven Hartner, Department of Public Property
John Mattioni, Esq.
Dan McCoubrey, AIA, LEED AP BD+C
Rachel Royer, LEED AP BD+C
R. David Schaaf, RA, Philadelphia City Planning Commission
Betty Turner, M.A.

Jonathan Farnham, Executive Director
Randal Baron, Historic Preservation Planner III
Kim Broadbent, Historic Preservation Planner II
Meredith Keller, Historic Preservation Planner I

ALSO PRESENT

Tim Shaaban, Urban Space Development
Christopher Stromberg, S2 Design
Ben Sabagh
Paul Steinke, Preservation Alliance for Greater Philadelphia
Kevin McDonnell, Hanson General Contracting
Patrick Grossi, Preservation Alliance for Greater Philadelphia
Kevin Rasmussen, Rasmussen/Su
Kathy Dowdell
Carlos Lopez
H. Ahada Stanford, Commerce Department

CALL TO ORDER

Mr. Thomas called the meeting to order at 9:00 a.m. Commissioners Cooperman, Fink, Fiol-Silva, Gupta, Hartner, Mattioni, McCoubrey, Royer, Schaaf, and Turner joined him.

MINUTES OF THE 651ST STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION

ACTION: Ms. Turner moved to adopt the minutes of the 651st Stated Meeting of the Philadelphia Historical Commission, held 10 November 2016. Ms. Cooperman seconded the motion, which passed unanimously.

THE REPORT OF THE ARCHITECTURAL COMMITTEE, 15 NOVEMBER 2016

Dan McCoubrey, Chair

CONSENT AGENDA

Mr. Thomas introduced the consent agenda, which included applications for 2141 St. James Street and 1645 Spring Garden Street. Mr. Thomas asked if any Commissioners had comments on the Consent Agenda. None were offered. Mr. Thomas asked if anyone in the audience had comments on the Consent Agenda. None were offered.

ACTION: Ms. Cooperman moved to adopt the recommendation of the Architectural Committee for the application for 2141 St. James Street and 1645 Spring Garden Street. Mr. McCoubrey seconded the motion, which passed unanimously.

AGENDA

ADDRESS: 2141 ST JAMES ST

Proposal: Reconstruct rear vestibule with deck

Review Requested: Final Approval

Owner: John James

Applicant: Ben Sabagh

History: 1923; English Village; Spencer Roberts, architect

Individual Designation: None

District Designation: Rittenhouse Fidler Residential Historic District, Significant, 2/8/1995

Staff Contact: Randal Baron, randal.baron@phila.gov, 215-686-7660

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of an addition with a revised, sloped and lowered roofline, and denial of the deck and modification to the second-floor window, pursuant to Standard 9.

OVERVIEW: This application proposes to construct an addition on a tertiary façade of this house in English Village. The Historical Commission has approved other visible additions on adjacent properties on the rear. The owner has security concerns about the space behind his garden wall. He would also like to have a larger vestibule to store his bicycle, which he uses for commuting. The proposal involves removing a later addition in this location and adding a new larger addition and roof deck. The addition would be partially hidden with the retention of the existing stone garden wall. It would have a stone base and stucco walls to match the house. The deck would sit on the addition and use an existing window opening for access. The staff recommends that the door to the deck be made to look more like the French doors it would replace, particularly in terms of the proportion of the glass.

ACTION: See Consent Agenda

ADDRESS: 113-15 ARCH ST

Proposal: Construct additions

Review Requested: Final Approval

Owner: 113 Arch Street Development, LLC

Applicant: Tim Shaaban, Urban Space Development

History: 113 Arch St, 1915; 115 Arch, 1890

Individual Designation: 8/5/1976

District Designation: Old City Historic District, Contributing, 12/12/2003

Staff Contact: Randal Baron, randal.baron@phila.gov, 215-686-7660

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of the revised design, provided:

1. the applicant works with the staff on the restoration of the front and rear facades,
2. the staff reviews the color of the new addition for approval,
3. the staff confirms the invisibility of the proposed addition from the public right-of-way with mock-ups, and
4. the removal of structural walls is limited to that shown on the revised drawings.

OVERVIEW: This application proposes to construct three stories of additions and decks on top of these two individually designated, historic structures that also contribute to the Old City Historic District. The additions will be visible from an alley at the rear. A garage entrance will be located on the alley at the rear, in place of existing windows. The historic multi-light windows at the rear will be replaced with windows of a different material and configuration. On the Arch Street, the doorways of 115 Arch Street will be cut down and several new doors without the historic appearance installed. Little information has been provided regarding the new windows or doors.

DISCUSSION: Mr. Baron presented the application to the Historical Commission. Developer Tim Shaaban represented the application.

Mr. Shaaban provided revised drawings that showed the stair house set back farther on the roof on 113 Arch Street. Mr. Baron explained that he visited the site to review a mock-up on the roof following the Architectural Committee meeting. He showed photographs of the mock-up, which demonstrated that the proposed addition on 115 Arch Street would be somewhat visible from Arch Street. Mr. Baron also noted that the mock-up indicated that the addition would be visible at the rear from Front Street across the parking area behind the Smythe Stores building. Mr. Thomas clarified that Front Street runs along I-95 in this area. Mr. Baron agreed and noted that no houses face Front Street in this area. Mr. Baron concluded that the design still needs to be revised to reduce the visibility from Arch Street. He reported that the developer has indicated a willingness to work with the staff to adjust the design of the addition to reduce its visibility from the public right-of-way.

Mr. McCoubrey stated that, in general, the revised plan complies with the Committee's recommendation. He noted that it is important that the applicant continue to work with the staff to reduce the visibility of the addition from Arch Street. He agreed that the extension of the party wall in salvaged brick is acceptable.

Mr. Fiol-Silva stated that the submitted sightline study shows that the addition will not be visible from Arch Street when viewed head on, but may be visible when viewed at an angle. He stated that he found that oblique visibility of the addition acceptable. He added that it is important that

the color of the cladding on the addition be muted and not too bright. The addition should blend in with its surroundings, not stand out from it.

Mr. Shabaan offered images of the mock-up taken at various angles from the sidewalk to show that the addition would not be highly conspicuous from the street.

ACTION: Mr. McCoubrey moved to approve the revised design, provided the removal of structural walls is limited to that shown on the revised drawings, with the staff to review details including the restoration of the front and rear facades, the color of the addition, and the confirmation with mock-ups that the addition is not visible from the public right-of-way. Ms. Turner seconded the motion, which passed unanimously.

ADDRESS: 111 ELFRETHS ALY

Proposal: Install solar panels on roof

Review Requested: Final Approval

Owner: Dan Gaidula & Alix Seif

Applicant: Abiola Adeseho, Solar States

History: 1811

Individual Designation: 6/26/1956

District Designation: Old City Historic District, Significant, 12/12/2003

Staff Contact: Kim Broadbent, kim.broadbent@phila.gov, 215-686-7660

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial of the solar panels on the front slope on Elfreth's Alley, but approval of the solar panels on the rear of this property, provided the panels are not visible from the public right-of-way, and approval of a disconnect on the front façade, with the staff to review details including design and location of the disconnect.

OVERVIEW: This application proposes to install solar panels on the roofs and a utility disconnect on the front façade of this significant building located on Elfreth's Alley. Solar panels are proposed for both the main block's front and rear slope, and the rear addition. The panels would rise five inches above the roof. The utility disconnect would be housed in a wooden enclosure with the downspout at the front façade, and would require a small placard on the enclosure to note that the equipment is located within it.

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

Mr. McCoubrey asked if the application had been revised since the time of review by the Architectural Committee. Ms. Broadbent responded that the applicant chose to not revise the application. Mr. Thomas commented that this project raises an important issue. He noted that there are other techniques for energy conservation, and suggested that, should this application be denied, the applicant could explore other methods and discuss them with the staff. Ms. Cooperman agreed. Mr. Thomas commented that the Architectural Committee offered good ideas for the utility disconnect, which needs to be located on the front façade.

ACTION: Mr. McCoubrey moved to deny the solar panels on the front slope of the roof facing Elfreth's Alley, but to approve the disconnect at the front and the solar panels at the rear, with the staff to review details including design and location of the disconnect. Mr. Schaaf seconded the motion, which passed unanimously.

After the motion, Mr. Thomas commented that there are alternative techniques for energy conservation and alternative energy sources that could be explored. He stated that many communities are looking at grouping collectors, which can work for buildings that are attached. It requires finding an appropriate location and covering that area, resulting in a shared utility.

ADDRESS: 1645 SPRING GARDEN ST

Proposal: Install fume hood exhaust ducts on roof

Review Requested: Final Approval

Owner: School District of Philadelphia

Applicant: Daniel Vodzak, Vitetta Group, Inc.

History: 1933; Masterman Public School; Irwin T. Catharine, architect

Individual Designation: 12/31/1984

District Designation: Spring Garden Historic District, Significant, 10/11/2000

Staff Contact: Laura DiPasquale, laura.dipasquale@phila.gov, 215-686-7660

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, provided the ducts are painted a pale color, pursuant to Standard 9.

OVERVIEW: This application proposes to construct three 10-foot tall, approximately 13-inch diameter fume hood exhaust ducts on the roof of the Masterman School. The ducts would be braced to the roof, and the application offers to coat the ducts to blend with the materials of the building. The ducts would be visible from the approach along Spring Garden from 17th Street. The ducts are necessary to provide ventilation for chemistry classrooms.

ACTION: See Consent Agenda

ADDRESS: 1916 WAVERLY ST

Proposal: Construct roof deck

Review Requested: Final Approval

Owner: Stuart Sarsen

Applicant: Emily Stromberg, S2 Design

History: 1858; Ringgold Place

Individual Designation: 3/1/1979

District Designation: Rittenhouse Fidler Residential Historic District, Significant, 2/8/1995

Staff Contact: Meredith Keller, meredith.keller@phila.gov, 215-686-7660

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial, pursuant to Standard 9 and the Roofs Guideline.

OVERVIEW: This application proposes to construct a roof deck on top of a four-story building. The deck will be approximately 10'-8" deep. The building, considered significant in the Rittenhouse-Fidler Historic District, is located midblock on Ringold Place, and has a pitched roof that slopes toward Waverly Street. The proposed deck would have a 9' setback, would be accessed through a roof hatch rather than a pilot house, and the railings would consist of black metal in a horizontal configuration. A mockup of the proposed design indicated that the deck would not be visible from Waverly or 19th Street, but the railing would be partially visible from Uber Street.

DISCUSSION: Ms. Keller presented the application to the Historical Commission. Architect Christopher Stromberg represented the application.

Mr. Thomas asked if there were any suggestions for the applicant on how to satisfactorily modify the proposal. Mr. McCoubrey responded that the primary issue is that the proposed deck would be situated on the main block of the property, which is contrary to the Roofs Guideline. Mr. Thomas added that the mockup showed the deck to be highly visible, and Mr. McCoubrey confirmed that it would be highly visible from Uber Street when looking at the rear of the property. Mr. Baron noted that it would be the first roof deck on a building within this particular row. Mr. McCoubrey commented that approving the application could set a dangerous precedent, adding that, while a deck on this particular building may be somewhat visible from the public right-of-way, decks on other buildings in the row would be much more visible.

Mr. Stromberg stated that he was concerned about any potential visibility from Waverly Street and that he set the deck back far enough so there would not be visibility even from the stoops of the buildings across the street. He added that the deck would also have no visibility from 19th Street and asserted that only the railing at the 2'-6" by 5' rear bump out would have visibility. The roof hatch and decking, he continued, are not visible from Uber Street. Mr. Stromberg provided a sketch of an alternative design that removes the railing at the rear bump out, which he indicated was not necessary for safety purposes. Instead, the railing would be pulled back 2'-6" from the rear to eliminate visibility. The low-profile hatch door does not project above 42", Mr. Stromberg contended, and the top of the railing would be equal to the top of the hatch. He noted that the roof would need to slope down to meet the back of the fascia to allow for some head clearance where the spiral stair enters into the roof hatch. His client, he continued, is seeking some outdoor space, given the limited indoor space offered by the houses on this block. He indicated that the owner is amenable to working with the Commission in any way. Mr. Stromberg argued that the proposed design minimizes the impact of the roof deck as much as possible and is the smallest economically feasible option.

Mr. Thomas offered a different option that would sink the deck into the roof structure and use the upper-floor ceiling as support. He argued that that design would reduce visibility. With the building of new joists, he continued, the ceiling would be strengthened to a structural feature and the existing brick wall would be used as the railing. Mr. Thomas asserted that the stair would be shorter and the system could drain more easily. Mr. Stromberg countered that the option would require significant investment. Mr. Thomas responded that he is exploring options should the application be denied. Mr. Stromberg agreed that dropping the deck approximately 2' would reduce visibility and acknowledged that the option would be possible but would be a significant undertaking that would require discussion with the property owner. Mr. Thomas stated that the option would be more expensive to construct but that there would be less maintenance required over time. Mr. Stromberg observed that the option would eliminate approximately four steps from the stairs.

Mr. Baron inquired about a potential issue with the height of the chimney and whether it would need to be raised to meet a code requirement related to the distance of a wood structure from a chimney. He also asked whether either of the chimneys abutting the roof deck is active. Mr. Stromberg replied that the chimney would not need to be raised if people are kept a certain horizontal distance away from it. He added that he could incorporate a built-in planter at the interior of the deck to achieve the horizontal distance. Mr. Baron asked if a wood structure is allowed to abut the chimney. Mr. Stromberg answered that the wood structure is not problematic and that the code relates specifically to the horizontal distance of individuals from the chimney. Mr. Thomas asked if the chimney serves a heat vent or whether it is used by a fireplace. Mr. Stromberg responded that the furnace exhausts through the chimney.

Mr. Stromberg inquired whether the Commission would approve a sunken deck if the owner supported the concept. Ms. Cooperman and Mr. Thomas answered that the Commission would need to see the proposal. Mr. Thomas added that the design change from the current proposal is substantial and would require a new review. Mr. McCoubrey clarified that a proposal to create a sunken deck would need to be reviewed by the Architectural Committee before being presented to the Historical Commission. Mr. Fiol-Silva stated that he looked at the context on his iPad and agrees with the Architectural Committee that it is an area where there are few or no roof deck structures for several blocks. He noted his concern over the general precedent that would be set if they approved a roof deck in an area where few decks exist. Mr. Thomas emphasized the significance of this particular block. Mr. Stromberg stated that, owing to its significance, he introduced a 9' setback from the front façade to ensure a lack of visibility from the stoops across Waverly Street.

Mr. McCoubrey stated that he appreciates the efforts Mr. Stromberg made to minimize the deck's impact by proposing the sloped hatch system rather than a pilot house, but he argued that minimizing the visibility of a deck is very difficult with such a small house. Mr. Thomas added that there is a network of small streets surrounding the property and none are considered an alleyway. Mr. Thomas reiterated that, if the application were to be denied, Mr. Stromberg should consider presenting his client with other options.

ACTION: Mr. McCoubrey moved to deny the application, pursuant to Standard 9 and the Roofs Guideline. Ms. Cooperman seconded the motion, which passed unanimously.

ADDRESS: 2030 DELANCEY PL

Proposal: Legalize windows

Review Requested: Final Approval

Owner: Ken Young & Jami Young

Applicant: Kevin McDonnell, Hanson General Contracting

History: 1870

Individual Designation: 1/6/1972

District Designation: Rittenhouse Fittler Residential Historic District, Contributing, 2/8/1995

Staff Contact: Meredith Keller, meredith.keller@phila.gov, 215-686-7660

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial, pursuant to Standard 6.

OVERVIEW: This application proposes to legalize new front façade windows, which were installed without staff review or approval of shop drawings. The staff approved the replacement of windows as part of a larger renovation project, but the required shop drawings were not submitted. Shop drawings are commonly reviewed by the staff for final approval after a permit has been issued for a broader scope of work. The new windows are historically accurate in material and pane configuration, but have a subframe which results in the appearance of a build-down of the masonry opening.

DISCUSSION: Ms. Keller presented the application to the Historical Commission. Architect Kevin Rasmussen and contractor Kevin McDonnell represented the application.

Mr. McDonnell explained that his company frequently uses Kolbe windows with the staff's review and approval. The clients, he continued, are preparing to move into the house in January, and he expressed his desire to have the Commission legalize the Kolbe windows that were installed.

Mr. McCoubrey stated that the Architectural Committee had requested a dimension to indicate how much of the actual opening has been lost as a result of the subframe. Mr. Rasmussen replied that he did add information to the drawings to show those dimensions, including the exposure of the sash relative to the brick mold. The original sashes no longer exist, he continued, so it would be difficult to determine the actual change. He added that a comparison image of the overall façade that shows the previous condition and new condition was included in the application, as was a straight-on image showing the entire façade. That latter image, he explained, shows that the small, visible portion of the frame is nearly flush with the sash. He asserted that it forms an almost invisible line. Mr. Rasmussen also noted that a half-screen at the upper sash is integrated with the frame and rests against the seam. Mr. Rasmussen argued that the windows are a very successful installation.

Mr. Fiol-Silva asked whether the applicant was refinishing the front door as part of the larger scope of work. Mr. McDonnell confirmed that the historic doors are safely stored and will be reinstalled when the construction project is complete. Mr. Rasmussen stated that the staff had been heavily involved in the beginning phase of the project for design consultation and noted that most work is being completed at the rear of the building. Mr. Rasmussen then stated that he values the staff as a resource and appreciates their guidance.

Mr. Thomas opined that he understood there was likely a stamp on the drawings with a note to submit shop drawings and the latter part got overlooked. Mr. Fiol-Silva asked what the consequence of a denial would be. Mr. Rasmussen asserted that it would be hard to fathom. Mr. Fiol-Silva offered that in a situation such as this, he would prefer that the Commission impose a small fine rather than placing a larger hardship on the applicant. He observed that the larger restoration project is being done in good faith. Others responded that the Commission does not have the legal authority to impose fines.

Mr. Thomas asked whether the interior photo with the shutter was taken with the new windows in place. Mr. McDonnell affirmed that it shows the new windows in place.

In response to Mr. Fiol-Silva's observations, Mr. Thomas responded that the Commission has looked at mitigation in situations where a feature is a close, though not exact, match. He emphasized that the Commission does not want to set a bad precedent. Although there is no fine, he continued, the Commission has required other work to be completed in order to legalize an incorrect element. Mr. Thomas acknowledged the applicants' commitment to completing a quality restoration and questioned what the consequence should be. He opined that, while the windows are not correct, another element on the building could potentially be restored as a compromise. Others questioned whether the review criteria in the preservation ordinance allow for this sort of mitigation. Mr. McCoubrey inquired whether the limestone brick molds and brackets were being consolidated, since they appear to be sugaring. Mr. Rasmussen answered that all the stonework was painted in the past and that the paint is now peeling in certain areas. He stated that paint removal is not in the project budget and added that he had spoken with staff and understands that the façade cannot be recoated and that the only option would be to restore the original marble. Mr. Rasmussen remarked that the owners would be interested in restoring the marble in the future but that he would not be able to commit them to the work. Mr. McCoubrey asked Mr. Rasmussen to confirm that the stonework is painted. Mr. Rasmussen replied that the stonework is painted across the entire façade and includes the base, surrounds, lintels, and sills. Several Commissioners observed that the features are marble and exhibited sugaring, which is likely why they were painted. Mr. Rasmussen explained that the dormer windows are new and do not have the same issues as the front façade windows. Mr. Thomas

asked if the mansard is slate. Mr. Rasmussen answered that the roof retains its original slate. Mr. Thomas observed that the cornice is wood and has been restored and painted. He then asked for information on the iron railing at the front entry. Mr. McDonnell responded that the railing was historic and that he had not planned to replace it. Mr. Rasmussen clarified that the majority of the work is concentrated at the rear of the property rather than the front façade.

Mr. Thomas asked about the condition of the sidewalk. Mr. McDonnell explained that PGW dug up the sidewalk to install a new line and claimed they would match the sidewalk exactly when finished. They did not match the sidewalk, Mr. McDonnell asserted, although he noted that he remains in conversation with the company to have them rectify the issue. Mr. McCoubrey inquired about the material of the sidewalk. Mr. McDonnell answered that the sidewalk is exposed aggregate concrete. Mr. McCoubrey asked about the light fixture. Mr. McDonnell replied that they removed a non-original light fixture and will install a new fixture. Mr. Thomas opined that the Commission could make it the applicants' responsibility to see through the restoration of the sidewalk. Mr. McDonnell responded that they are already doing that.

Mr. Fiol-Silva stated that it seems that the applicants were working in good faith and that failing to submit window shop drawings was a procedural mistake. In the charitable spirit of the holiday season, he suggested that the Commission forgive the error. He added that the Commission should make it clear to future applicants who fail to submit shop drawings that come January the Commission will be punitive.

ACTION: Mr. Fiol-Silva moved to approve the application, legalizing the windows, because the windows sufficiently replicate the historic windows for a building classified as contributing in a historic district, pursuant to Standard 6. Mr. Mattioni seconded the motion, which passed unanimously.

Kathy Dowdell suggested that the Historical Commission's staff meet with window company representatives and advise them about appropriate replacements for historic windows. Mr. Baron responded that he meets regularly with window manufacturers and distributors to discuss improving and expanding their product lines to offer replacement windows that better replicate historic windows.

OLD BUSINESS

ADDRESS: 228 RICHMOND ST

Proposed Action: Designation

Property Owner: Carlos Lopez

Nominator: Kensington & Olde Richmond Heritage, LLC

Staff Contact: Meredith Keller, meredith.keller@phila.gov, 215-686-7660

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: The Committee on Historic Designation voted to recommend that the nomination demonstrates that the property at 228 Richmond Street satisfies Criteria for Designation A, C, D, and J.

OVERVIEW: This nomination proposes to designate the property at 228 Richmond Street as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the property satisfies Criteria for Designation A, C, D, and J. This nomination argues that the Jacob Deal frame half-gambrel house is a rare surviving example of the wooden houses associated with the early development of maritime Philadelphia.

DISCUSSION: Ms. Keller presented the nomination to the Historical Commission. Property owner Carlos Lopez attended the meeting. The nominator submitted a written request for a continuance for 60 to 90 days prior to the meeting.

Mr. Lopez stated that he has owned the property for just under 20 years and explained that he researched the house type and found several residences in the neighborhood that are also wood frame construction. He indicated that he feels the Historical Commission's work to preserve buildings is important but emphasized that he purchased his property to preserve it. The property, he added, was in a state of such disrepair that he was able to purchase it for \$16,500. Mr. Lopez argued that he saved the building from demolition, but added that he does not want the property to be designated owing to the various restrictions placed on historically designated properties.

Mr. Farnham informed the Commission that the staff received an email request from nominator Oscar Beisert, indicating he and the property owner would request a continuance jointly. Mr. Farnham asked Mr. Lopez if he had been in contact with the nominator and if he is in support of the continuance request, or if he would like the Commission to move forward and come to a decision at the present meeting. Mr. Lopez responded that he was under the assumption that an extension was placed, but that there was some confusion over when the property would be reviewed. Mr. Farnham clarified that Mr. Lopez was correct in that the review was continued from the meeting in October to the present meeting. He further explained that the previous day, Oscar Beisert, the nomination's author, sent an email stating that both he and Mr. Lopez were jointly requesting an additional continuance of either 60 or 90 days. Mr. Farnham suggested that the Commission could consider that request, but indicated that Mr. Lopez may not have been an active participant in the request.

Mr. Lopez stated that he would accept the continuance, since he would like to speak with Mr. Beisert. He added that, while he does not want his property to be designated, he appreciates the large amount of work Mr. Beisert put into the nomination and would like for him to be present at the review as a courtesy for his efforts.

ACTION: Mr. Mattioni moved to continue the review of the nomination for 228 Richmond Street for 60 days to the Historical Commission's meeting in February 2017. Ms. Cooperman seconded the motion, which passed unanimously.

Mr. Fiol-Silva suggested that the Historical Commission should always designate the best "specimen," not simply the one that is nominated. He suggested that the building just considered is somewhat compromised and other, better examples of this type of building may exist in the city. Mr. Mattioni acknowledged that the Commission's current staff is too small to undertake a comprehensive survey, but suggested that, if it had the capacity, the Commission should be nominating the best examples of historic buildings rather than relying on third-party nominators, who have their own agendas. Mr. Mattioni suggested that the Commission should designate based on a comprehensive survey and plan, but he noted that such a plan would be expensive to implement. He observed that the Commission does not now have a sufficient staff that would allow it to comprehensively survey the city. Mr. Thomas noted that a bill has been introduced in City Council that would implement a fee for the Commission's services, thereby generating some revenue that could be used to supplement the Commission's budget. Mr. Thomas acknowledged that conducting a comprehensive survey of the city would be a massive undertaking, but, once it was complete, maintaining a survey would be a relatively manageable

task. Mr. Thomas also indicated that the City may enlist partners, who could assist with a survey and other tasks. Mr. Farnham provided an overview of the bill that was introduced in City Council; it would impose fees on the reviews of building permit applications for historically designated sites and that revenue could then be used to increase the Commission's annual operating budget. The budget increase may allow the Commission to hire as many as five additional staff members. If the staff is increased, the new staff would initially be dedicated to survey and designation tasks. Mr. Farnham stated that legislation will be considered after the Council's holiday break. He stated that the legislation is the first prong of a multi-pronged effort to improve historic preservation efforts in the city. Mr. Fiol-Silva suggested that the Commission enlist partners like the American Institute of Architects.

OLD BUSINESS

4046 AND 4048 CHESTNUT ST

Nominator: Aaron Wunsch, Elizabeth Stegner, Oscar Beisert

Owner: 4046-48 Chestnut Street, LP

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: The Committee on Historic Designation voted to recommend that the nominations demonstrate that the properties at 4046 and 4048 Chestnut Street satisfy Criteria for Designation A, C, D, G, and J.

OVERVIEW: These nominations propose to designate the properties at 4046 and 4048 Chestnut Street as historic and list them on the Philadelphia Register of Historic Places. The nominations contend that the "restrained interpretation of the Italianate" twins satisfy Criteria for Designation A, C, D, G and J. The nominations argue that the twins, constructed between 1869-72 as part of the Thomas H. Powers development consisting of 4046-60 Chestnut Street, are a group of houses that have significant value as part of the development of the twin housing type and the formation of West Philadelphia as a suburb for white-collar commuters. The nominations further contend that the twins are part of and related to a distinctive area, owing to their listing on the National Register of Historic Places as a contributing resource within the West Philadelphia Streetcar Suburb Historic District.

In July 2016, the Historical Commission indefinitely tabled the review of nominations for 4046 and 4048 Chestnut Street because the property owner had applied for a demolition permit before the Commission had jurisdiction, and because a neighborhood group was appealing the validity of the permit to the Court of Common Pleas. At its July 2016 meeting, before tabling the nominations, the Commission found that the nominations were correct and complete and demonstrated that the properties at 4046 and 4048 Chestnut Street satisfy Criteria for Designation A, C, D, G, and J. The Court initially issued a stay on any demolition until the litigation was complete. An appeal of the validity of the permit to the Zoning Board of Adjustment failed. With the permit validated and some other technical issues unrelated to the Historical Commission cleared up, the Court lifted the stay, allowing the property owner to proceed with the demolition under the original permit over which the Historical Commission had no authority. The demolition began during the first week of December 2016.

DISCUSSION: Mr. Thomas suggested that the Historical Commission consider the tabled nominations for 4046 and 4048 Chestnut Street. He asked Mr. Farnham to provide some background.

Mr. Farnham reported that, in November 2016, after the Commission's monthly meeting and just before the Court of Common Pleas cleared the permit allowing the demolition of the buildings at 4046 and 4048 Chestnut Street to proceed, Hal Schirmer, the attorney representing the nominator, the University City Historical Society, requested that the Historical Commission reconsider the nominations for the properties at an upcoming Commission meeting. Mr. Farnham noted that he provided Mr. Schirmer's email making the request and its four attachments to the Commissioners prior to today's meeting.

Mr. Farnham also noted that the demolition of the buildings at 4046 and 4048 Chestnut Street as well as the buildings on Jeweler's Row are the subjects of an article in today's *Inquirer*. He apologized for editorializing and stated that the opinion he was about to provide was his own, but noted that the Commission should have the facts before it determines how it should proceed with the tabled nominations. He asserted that the article is rife with factual errors and stated that he was concerned that Commissioners and other might make a decision on the tabled nominations with the impression that the article accurately portrays the situation surrounding the buildings at 4046 and 4048 Chestnut Street. Mr. Farnham contended that nothing that the Historical Commission has or has not done has led to the demolition of the buildings at 4046 and 4048 Chestnut Street or will lead to the demolition of the buildings on Jeweler's Row. He read from the article; "A delayed decision on historic designation allowed the razing of a building at 4046 Chestnut." He claimed that that assertion is incorrect. He observed that nothing the Commission could have done would have given it jurisdiction over the demolition permit for that building. Tabling the nomination, designating the property, or rejecting the nomination would not have made any difference. Mr. McCoubrey noted that the misperception is very common and the Historical Commission should be very proactive in correcting such misperceptions. Mr. Mattioni countered that it is not a misperception. He stated that the author should have known better; the author should read the historic preservation ordinance. Mr. Fiol-Silva stated that the article may be factually incorrect, but the Commission and preservation advocates should work together to protect historic resources. Mr. Farnham agreed with Mr. Fiol-Silva. He stated that, for the Commission to be effective, the public has to know what its powers are and are not and what the consequences of its actions are and are not. Mr. Mattioni noted that the Commission and past administrations have sought to correct factual inaccuracies proffered by this journalist in the past but have never been successful. He suggested that the Commission not spend its time and resources trying to correct the press because such efforts will never be successful. Mr. Mattioni opined that the Commission should work hard to educate the public about its powers and the limitations of its powers, but it should not attempt to sway journalists; such efforts are never successful. Mr. Mattioni concluded that the Historical Commission must live with and comply with the preservation ordinance; the Commission does not have the power to change it. Mr. Fiol-Silva stated that he has learned that "reality is perception." He observed that the Commission is "hamstrung" when a property owner applies for a demolition permit before the Commission's jurisdiction begins. Mr. Thomas stated that the Commission and its partners need to work together to develop the resources to survey the city for historically significant resources and then to designate those resources in an organized fashion. Mr. Thomas noted that demolition is now incentivized through the tax abatement. He also noted that zoning allows for new buildings that are not compatible with the streetscape. He stated that changing the rules regarding construction to support preservation will take a concerted effort from many parties. Mr. Mattioni suggested that the Commission should not respond to the *Inquirer* article, but should look to take positive steps in other realms. Mr. Fiol-Silva stated that the Commission should promote the economic benefits of adaptive reuse.

Mr. Steinke stated that, although there may be factual errors in the *Inquirer* article under discussion, the article's overall contention that the city has many buildings that deserve

protection but that are not protected is correct. Buildings are vulnerable. Mr. Steinke spoke about 4046-48 Chestnut Street. He stated that its demolition was a tragedy. It was an occupied, 1875 building. We should not be “nitpicking over details,” but should be mourning the loss, he contended. Mr. Steinke claimed that Judge Carpenter, who stayed the demolition in the 4046-48 Chestnut Street case, was waiting for the Historical Commission to decide on the table nomination; when the Commission did not decide, she lifted the stay. He stated that he is worried that Jeweler’s Row is on the same track. He asserted that the Commission should rule on the Jeweler’s Row nominations so that “we can get in front of a judge like that who puts a stay on their demolition.” He acknowledged that the Commission does not agree with the judge’s interpretation of the section of the preservation code in question, but suggested that the Commission should put aside that disagreement and accept the interpretation to allow buildings to be saved. He said that interpreting the words in the code as Judge Carpenter did is “the last best hope to save us from the debacle that is unfolding on Jeweler’s Row.” He stated that the Commission should stop being “so cowed by outside circumstances that don’t have to do with the historical merit of those buildings” on Jeweler’s Row. Mr. Steinke stated that he is glad that the mayoral administration has recognized that the Historical Commission has been chronically underfunded. He stated that he personally met with the three City Council members and his advocacy led directly to the introduction of the legislation. Mr. Mattioni disagreed with Mr. Steinke’s assertion that the Commission should have ignored its legal advice and accepted the interpretation of the code advocated by others. He stated that the Historical Commission cannot simply ignore the advice of the City Solicitor. The Commission is bound to accept the Solicitor’s advice. It is not a matter of interpretation for the Commission; the Solicitor interprets the preservation ordinance for the Commission.

Mr. Farnham reminded the Commission of the request from the University City Historical Society’s attorney that the Commission reconsider the tabled nominations for 4046-48 Chestnut Street. He suggested that the Commission has several options including doing nothing and leaving the nominations tabled, tabling the nominations for a determinate amount of time, or considering and adopting or rejecting the nominations at this or a subsequent meeting. The Commission may reconsider this matter at any meeting without notice to the parties and it may decide the issue without taking any additional testimony or providing any additional opportunity for the parties to speak. The Commission has already held a full hearing on the matter and further discussion could be limited to Commissioners only. However, if the Commission would like to allow the property owner and public to participate, then the Commission should give everyone notice that the Commission will conduct a review of the nominations at a subsequent meeting. He explained that, if the Commission decides with the passage of a motion to rehear the matter with notice at the January 2017 Commission meeting, it will be listed on the January agenda, documents will be provided to the Commission, and notice of the consideration will be provided to all parties. If the Commission decides that it does not want to reconsider the matter, no action is necessary and it will remain tabled.

Mr. Thomas asked if any Commissioners have opinions on the matter. Mr. Mattioni asked about the necessity for considering the nominations in light of the ongoing demolition. Mr. Farnham stated that he is not advocating for any particular action by the Commission, but he did suggest that it would be prudent to resolve this open issue at some point. Mr. Thomas stated that he would like the Commission to take some action, but he suggested that the Commission should not act without first informing all parties that it will act. Mr. Thomas asked about the implications of doing nothing. Mr. Farnham explained that the jurisdiction over the properties would remain in effect and the Commission would have the responsibility of reviewing any subsequent building permit applications. He noted that the nominations made no claims about the significance of the site and posited that the property owner would object to continued jurisdiction once the buildings

are demolished. Mr. Farnham suggested that the Commission will be compelled to confront the nominations soon or later.

Mr. McCoubrey asked whether the Commission can designate a property when there is an outstanding permit or other complicating circumstance. He asked if anything renders a property ineligible for designation. Mr. Farnham responded that nothing in the preservation ordinance restricts the Commission from designating. The Commission may decide that a circumstance makes it imprudent for the Commission to designate, but the Commission is never precluded from designating as long as it has found that a property satisfies one or more of the Criteria for Designation. In this particular case, the Commission should determine whether the property still satisfies one or more the Criteria after the building has been demolished before it makes a decision on designation.

Ms. Turner asked her fellow Commissioners to decide what to do with the tabled nominations.

ACTION: Ms. Cooperman moved to direct the staff to place the tabled review of the nomination for 4046-48 Chestnut Street on the agenda of the Historical Commission's meeting in January 2017. Ms. Turner seconded the motion, which passed unanimously.

ADJOURNMENT

ACTION: At 10:37 a.m., Mr. Mattioni moved to adjourn. Ms. Cooperman seconded the motion, which passed unanimously.

STANDARDS AND GUIDELINES CITED IN THE MINUTES

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

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

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

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

Standard 10: New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Roofs Guideline: 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.

CRITERIA FOR DESIGNATION

§ 14-1004(1) Criteria for Designation.

A building, complex of buildings, structure, site, object, or district may be designated for preservation if it:

- (a) Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the City, Commonwealth, or nation or is associated with the life of a person significant in the past;
- (b) Is associated with an event of importance to the history of the City, Commonwealth or Nation;
- (c) Reflects the environment in an era characterized by a distinctive architectural style;
- (d) Embodies distinguishing characteristics of an architectural style or engineering specimen;
- (e) Is the work of a designer, architect, landscape architect or designer, or professional engineer whose work has significantly influenced the historical, architectural, economic, social, or cultural development of the City, Commonwealth, or nation;
- (f) Contains elements of design, detail, materials, or craftsmanship that represent a significant innovation;
- (g) Is part of or related to a square, park, or other distinctive area that should be preserved according to a historic, cultural, or architectural motif;
- (h) Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community, or City;
- (i) Has yielded, or may be likely to yield, information important in pre-history or history; or
- (j) Exemplifies the cultural, political, economic, social, or historical heritage of the community.