

THE MINUTES OF THE 317th STATED MEETING

OF THE

PHILADELPHIA HISTORICAL COMMISSION

30 December 1987

Edward A. Montgomery, Jr., Chairman

Present: Edward A. Montgomery, Jr., Chairman
Christine Washington, Vice-Chairman
Caroline Golab
David Brownlee
Joan Ferreira
David Hollenberg
Jason Nathan
William D. Thompson
Christopher Cashman, Deputy Director, Office of Director
of Commerce
Joseph S. Clare, Deputy Commissioner, Department of Public
Property
Henry Herling, Commissioner, Department of Licenses and
Inspections
Barbara Kaplan, Executive Director, City Planning
Commission
John Street, Esq., Councilman, Fifth District
Scott Wilds, Office of Housing

Frederick Bader, Esq., Chief Assistant City Solicitor, Law
Department
Richard Tyler, Historic Preservation Officer
Patricia Siemiontkowski, Assistant Historic Preservation
Officer
Randal Baron, Preservation Planner
Terri Koob, Executive Secretary
Maureen Heaney, Clerk Steno I

Also: Edna M. Irving, Councilman Streets' Office
Ursula Reed, Mayor's Office
James F. Brose, Larry Kadlowitz and Alan Messer for
999 E. Haines Street
Herbert Bass, Esq., attorney for owners of 149 S. Hancock
Street
Patricia E. Bailey, United States General Services
Administration
Lenard L. Wolffe, Esq., attorney for Toll Brothers
William A. Kingsley, Robert Kette, Leonard Klein and Roger
Prichard, Old City Civic Association
Sydney Croice, William J.D. Jordan and Lenore Millhollen,
Center City Residents Association
William Blades, Randy Cotton and A. Robert Jaeger,
Philadelphia Historic Preservation Corporation
James Biddle, Penny Hunt, Frank Thomas, Ellen Miller and

Ellen Freedman, Preservation Coalition of Greater
Philadelphia
Robert Hazen and Jane Quigley, The Redevelopment Authority
Gersil N. Kay and Carl E. Nittinger, Preservation
Techniques, Inc.
William Brookover, National Park Service
Henry Magaziner, American Institute of Architects
Patrick M. Starr, Foundation for Architecture
John McGraw, Central Philadelphia Development Corporation
Thomas Hine and J.A. Slobodzian, reports for The
Philadelphia Inquirer
David Davies, KYW Radio
And others.

THE MINUTES of the 316th Stated Meeting of the Philadelphia Historical Commission held on 2 December 1987, Edward A. Montgomery, Jr., Chairman, were reviewed and approved.

THE MINUTES of the Special Meeting of the Philadelphia Historical Commission held on 16 December 1987, Edward A. Montgomery, Jr., Chairman, were reviewed and approved.

THE REPORT of the Meeting of the Committee on Historic Designation held on 2 October 1987, David Brownlee, Chairman. Mr. Brownlee presented an oral report on the architectural and historical significance of the property located at 999 E. Haines Street.

The Commission unanimously voted to designate the property at 999 E. Haines Street.

THE REPORT on the Activities of the Philadelphia Historical Commission Staff for 15 October 1987 - 15 December 1987, Richard Tyler, Historic Preservation Officer, was reviewed and approved.

OLD BUSINESS

149 S. Hancock Street

Edward Montgomery read the statement prepared by the Law Department regarding 149 S. Hancock Street.

This statement asserts that "the Historical Commission may not reconsider its prior decisions unless authority to do so is conferred upon the agency by statute or regulation. The Law Department advises us that currently there is no statute or regulation which confers that authority upon this Commission. Accordingly, the Law Department considers the Commission's action taken on December 2, 1987, approving Bookbinder's application for a demolition permit, a legal nullity. The effect of this opinion is to reinstate the Commission's decision of June 24, 1987, disapproving Bookbinder's application." Mr. Montgomery added that the Commission had reconsidered the issue of 149 S. Hancock Street on the advice of counsel.

Mr. Montgomery asked that the Commission approve the Law Department's statement and that it authorize Richard Tyler to send a letter to the Department of Licenses and Inspection requesting that the demolition permit, issued as the result of the Commission's 2 December action be revoked.

The Commission unanimously voted to approve the Law Department's statement and to authorize Richard Tyler to send a letter asking the Department of Licenses and Inspections to revoke the demolition permit for 149 S. Hancock Street.

Patrick Starr from the Foundation for Architecture addressed the Commission and asked exactly when the demolition permit for 149 S. Hancock Street will be revoked.

Mr. Montgomery stated that Richard Tyler will send the letter to the Department of Licenses and Inspections today and as soon as they receive it the permit will be revoked.

NAVAL HOME

Richard Tyler stated that the Naval Home is a complex of more than 20 acres and that the facility served as the Naval Academy between 1840-1845 and as the Naval Hospital from 1833-1920 as well as a retirement home for retired Naval personnel.

The Naval Home closed in 1976. At that time, the Federal Government offered the Naval Home to the City of Philadelphia under the Historic Monuments Transfer Act. Owing to the significance of this complex, the City then undertook a reuse study funded by the City and by a matching grant from the Bureau for Historic Preservation. This study was completed by Wallace, Roberts & Todd and Day & Zimmerman in 1980.

In 1981, the General Services Administration offered the property for bid. In March of 1982, Toll Brothers entered an agreement with G.S.A. to purchase the Naval Home for \$1.2 million with ten percent down and quarterly payments of \$25,000 until closing on the property. The agreement did not require settlement until all federal, state and local approvals were secured.

That process of securing approvals included the Advisory Council on Historic Preservation, owing to the need for a 106 review; the National Park Service, owing to the use of the Tax Reform Act benefits; the Bureau for Historic Preservation, owing to the Tax Act and 106; City Council and the City Planning Commission, owing to a rezoning of the property; and the Philadelphia Historical Commission, owing to the fact that the property is designated.

In January of 1983, City Council with the advice of the City Planning Commission rezoned the property RC-6. This zoning entails the approval of a site plan which allows very little latitude for changes in that plan.

The plan approved by City Council in January of 1982, was shown to the Commission members by Mr. Tyler. This plan calls for the retention of Biddle Hall, the Governor's Residence, the Surgeon's

House, two gate-keepers houses and the wall and fence along Gray's Ferry Avenue. This plan also calls for the demolition of Laning Hall and the development of new construction on the site.

The process of obtaining the necessary approvals continued. In February of 1983, the National Park Service approved the demolition of Laning Hall. In March of 1983, the Historical Commission also approved the demolition of Laning Hall, and a demolition permit was issued. In December of that same year, the Historical Commission reviewed plans for the Strickland buildings and expressed some reservations about the site plan and the new construction. However, the Historical Commission lacked jurisdiction at that time. The Part II Tax Act application was approved by the National Park Service in October of 1985.

Meanwhile, the Historical Commission approved rehabilitation plans for Biddle Hall in December of 1985 subject to the submission of specifications for the work. These specifications were received in March of 1986 and were approved. At that time, under the new ordinance, the Commission requested plans for the Governor's House and Surgeon's House, plans for the gatehouse and fence, site plan and plans for the new construction.

In January of 1987, the Historical Commission requested plans for the stabilization of the Governor's and Surgeon's House; at that time, no reuse was yet established. In January, the Commission also expressed concern about the demolition of Laning Hall, the site plan and the design of the new construction, and requested a new submission. In March of 1987, the Department of Licenses and Inspections declined to renew the demolition permit for Laning Hall at the request of the Historical Commission.

Meanwhile, letters to elected officials and to the General Services Administration resulted in a sense of urgency to move forward to settlement and development of this property. G.S.A. now intends not to extend its agreement with the developer beyond March of 1988. However, G.S.A. cannot compel Toll Brothers to close on the property until all approvals are secured.

Richard Tyler stated that all agencies have approved the project as illustrated with the exception of the Historical Commission. The National Park Service, the Advisory Council on Historic Preservation and the Bureau for Historic Preservation have determined that the site plan, the demolition of Laning Hall and the design for the new construction meet the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The Historical Commission asked the developer to submit data under the new ordinance to demonstrate the lack of viability of Laning Hall. Toll Brothers submitted this material and the Commission contracted with Reaves Lukens Company to study this information. The Lukens evaluation concluded that the rehabilitation of Laning Hall would not be economically feasible.

Richard Tyler explained that the questions before the Commission are the following:

1. reinstatement of the demolition permit for Laning Hall;
2. review of the site plan;
3. review of the schematic design of the new construction proposed for the site, with the understanding that, should the Commission accept the schematic design in concept, the construction documents will be approved if they conform substantially with the drawings presented today, and;
4. a commitment from Toll Brothers to stabilize the Governor's House and Surgeon's House.

Mr Tyler next introduced Patricia Bailey, Director of the Office of Real Estate Sales, Region 4, of the General Services Administration. Ms. Bailey stated that March 17, 1988 is the closing date for this project and the G.S.A. will not extend this date under any circumstances.

Christopher Cashman asked Ms. Bailey how long it would take G.S.A. to advertise for bids on the Naval Home if the agreement with Toll Brothers does not work out.

Ms. Bailey suggested that the process is a long and complex one and that the possiblity of litigation can substantially delay any transfer of the property for private development.

Christopher Cashman asked Lenard Wolffe, attorney for Toll Brothers, how long after settlement it would be before Toll Brothers stabilized the Surgeon's House and the Governor's House.

Mr. Wolffe stated that this stabilization would begin at once and be completed as soon as possible.

Ms. Bailey informed the Commission that Toll Brothers have been paying the government \$100,000 a year for maintenance and security on the site.

Henry Herling stated that on March 10, 1987 the request for renewal of the demolition permit for Laning Hall was denied and Toll Brothers was told that it should reapply.

Mr. Wolffe stated that Toll Brothers has not reapplied for a demolition permit.

Gersil Kay from Preservation Techniques addressed the Commission and requested to know why this site has not been properly maintained.

Ms. Bailey stated that lack of maintenance on the grounds stems primarily from budgetary restraints imposed by the Federal Government.

Henry Magaziner from the American Institute of Architects addressed the Commission and stated that the General Accounting Office, the Congressional "watchdog" for the Federal Government, has been taken on a tour of the site, and that it is presently preparing a report on

the condition of this site. This report will be presented to the Federal Government. Mr. Magaziner also stated that the Government has expressed interest in developing an office complex for the General Services Administration and that federal statutes and executive orders require that it give careful consideration to the reuse of existing facilities such as the Naval Home.

Scott Wilds asked counsel if the Commission now has a demolition permit application before it for consideration.

Fred Bader stated that there is no demolition permit or any other permit application before the Commission today.

Scott Wilds questioned counsel on the appropriateness of this discussion today if Toll Brothers has failed to reapply for a demolition permit.

Patrick Starr addressed the Commission and stated that he thinks a feasibility study on the site should be completed under the new circumstances of the surrounding neighborhood.

Scott Wilds asked Mr. Wolffe what effect the denial of a demolition permit for Laning Hall would have on Toll Brothers plans for the site.

Mr. Wolffe stated that it would be a significant impediment and as the attorney for Toll Brothers he would advise Toll Brothers to begin litigation against the City of Philadelphia.

Richard Tyler stated that before a vote can be taken a new demolition permit application must be filed, and that a building permit application must be filed for any new construction on the site.

Mr. Wolffe stated that the Commission could rescind its letter requesting Licenses and Inspections not to renew the demolition permit for Laning Hall.

Fred Bader stated that the Department of Licenses and Inspections can deny a building permit on the basis of a change in the law.

After considerable discussion by the Commission members and persons attending the meeting, Mr. Montgomery stated that the Commission will take up the matter again when Toll Brothers file for the permits.

NEW BUSINESS

Mr. Montgomery stated that he would like to appoint a Committee on procedures that will consist of the following Commission members; Christine Washington, Chairwoman, David Hollenberg, Barbara Kaplan, Jason Nathan and Councilman John Street. Mr. Montgomery said that this Committee along with the staff will outline procedures for the Commission to follow in regard to the handling of economic information and presentations to the Commission.

Mr. Montgomery requested that the Commission members consider changing the Historical Commission's meeting date from the last

Wednesday of each month to an alternate Wednesday which would not cause as much conflict with holidays as the present meeting date.

Mr. Montgomery stated that Commissioner Henry Herling is retiring and this will be his last Commission meeting. Mr. Montgomery thanked Mr. Herling for the assistance he has provided the Commission.

There being no further business, the meeting adjourned at 12:00 p.m.

Respectfully submitted,

Maureen Heaney
Clerk Steno I

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