

**THE MINUTES OF THE SPECIAL MEETING OF THE
PHILADELPHIA HISTORICAL COMMISSION**

15 November 1994

**Wayne Spilove, Chairperson
Auditorium
Pepper Pavilion
Graduate Hospital
1800 Lombard Street**

Present

Wayne Spilove
David Brownlee
Barbara Kaplan, City Planning Commission
Bennett Levin, Department of Licenses and Inspections
Arlene Matzkin
Susan Rabinovitch
Robert Vance, City Planning Commission
Peter VanderHeide, Department of Public Property
Scott Wilds, Office of Housing and Community Development

Richard Tyler, Historic Preservation Officer
Randal Baron, Assistant Historic Preservation Officer
Lori Plavin Salganicoff, Historic Preservation Specialist
Jeffrey Barr, Historical Research Technician

Also

Jennifer Goodman, Preservation Coalition
Robert J. Hotes, AIA, Susan Maxman Architects
Andrew Nyhart, Dan Peter Kopple Architects
Frank Weise, Architect
Lorraine Mavey, University of Pennsylvania - Historic Preservation
Debora Rodriguez, University of Pennsylvania - Historic Preservation
Robin Reed, University of Pennsylvania - Architecture
Cristeen Taneguella, University of Pennsylvania - Historic Preservation
Tracy Reed, Tony Atkin & Associates
Beth Miller, National Trust for Historic Preservation
Ellen Giacobbe Clark, 1537 Pine Street, CCRA
Alison Reed, 1917 Spruce Street
David Harrower, 1918 Spruce Street, U. of Penn. - Architecture, Hist. Pres.
David Tambelli, 1724 Pine Street
Michael Stern, 1724 Pine Street
Vitorio Ginzburg, 323 S. 17th Street
Kiki Bolender, 327 S. 25th Street
Isadora Fields 1713 Addison Street
Lenore Millhollen, 2047 Waverly Street
Nancy W. Dall, 417 S. Carlisle Street

Jack L. Gotlobe, 1736 Addison Street
Louise C. West, 1724 Addison Street
Joel McCloskey, 1930 Pemberton Street
Ellen D. Lipscomb, 2139 Lombard Street
Lenard L. Wolffe, 1810 S. Rittenhouse Square
Howard Carlisle, 1739 Lombard Street
Bobbie Burke, 2120 Pine Street
Robert J. Cook, 2124 N. Corlies Street
Berdell Buckley
Maria Romanach, 2143 Locust Street
Catharine Franklin, 56 West Penn Street
Judith Eden, 335 S. 16th Street, CCRA
George Malcomson, 340 S. 24th Street
Stanley Krakower, 12 S. 12th Street, CCRA
Lisa Berg, 226 W. Rittenhouse Square
Eugene Dichter, 2223 Locust Street
S. Allen Bacon, 1726 Addison Street
Margaret Bacon, 1726 Addison Street
Charles G. Scott, CCRA
Julie Haddad, CCRA
Samuel Diamond, CCRA
Thomas L. Scatchard, Historic Preservationist
Otto Sperr, CCRA
Kim Kover, Historic Philadelphia, Inc.
Michael Stern, Philadelphia Historic Preservation Corporation
Judith S. Friedman
Mae Richard
Howard Richard
Margaret L. MacLaren, Plays and Players Theater, resident at 1611 Pine Street
Michael W. Smalyga, 2418 Manning Street
Fred Oster, Vintage Instruments, 1529 Pine Street
Alan Gedrich, CCRA
Nikki Marx
Sarah Baltzell, The Dorchester
Frank Saul, Resident
David DeLong, University of Pennsylvania
Joseph Sorger, 2003 Delancey Place
Morton Schwartz, 2024 Race Street
James D. Crawford, 2018 Delancey Place
Judith N. Deen, 2018 Delancey Place
Fred Oster, 1529 Pine Street
Catherine Jacobs, 1529 Pine Street
Barbara Klaczynska, Rittenhouse Coalition
Dorris Mayer Rosenfeld, 1810 Rittenhouse Square, # 1209
Walter O'Leary, 2108 Delancey Place
Jay Platt, 4113 Pine Street
David S. Traub, AIA, 2217 Pine Street

The Special Meeting of the Philadelphia Historical Commission was called to order at 7:32pm by Wayne Spilove, Chairperson. This public meeting was called in the evening and was held at 1800 Lombard Street in order to continue receiving public testimony regarding the designation of the Rittenhouse Fittler Residential Historic District.

REPORT OF THE COMMITTEE ON HISTORIC DESIGNATION

Mr. Spilove welcomed all in attendance to the meeting to consider the addition of the Rittenhouse Fittler Residential Historic District to the Philadelphia Register of Historic Places. Mr. Spilove requested from those who spoke that they address their comments to the question of eligibility and limit their remarks to five minutes each. Persons speaking were heard in the order in which they signed up to speak.

Mr. Spilove explained that the Commission will continue to receive comments at its next regularly scheduled meeting at 10 am on Wednesday, 14 December 1994, in 401 City Hall, the City Hall Caucus Chamber. Hearings will continue as needed to complete this process. Mr. Spilove then introduced Mr. Tyler, who summarized much of his presentation on the character and history of the district for the benefit of those who were not able to attend the 9 November meeting.

Prior to this presentation, Mr. Tyler described that 60 days prior to this hearing, written notification of the meeting was mailed to owners of properties within the district. In addition, notice posters were placed within the district, and notice was published in a newspaper of general circulation. Also as prescribed by ordinance, the nomination was submitted to the City Planning Commission for comment, which unanimously endorsed the nomination at a public meeting held on 20 October 1994. Copies of written comments sent to the Commission offices before and since the 9 November meeting were distributed to each Commission member and form a portion of the record of this meeting. A total of 124 postcards in support of the district have also been received.

Mr. Tyler then described the Commission's review processes. The Department of Licenses and Inspections refers all building permit applications for historic properties to the Commission. The Commission regulates only the exterior appearance of a building, including reroofing, masonry cleaning, pointing and the painting of unpainted exterior masonry (but not exterior trim). The reason for this is that many cleaning and repointing practices have a very injurious effect on buildings.

The staff immediately approves permit applications for interior work that does not affect the exterior of a building. In 1993, the staff approved 92.9% of the permit applications referred to the Commission without referral to its Architectural Committee. Many of these approvals occurred on the day of submission.

The Commission and its staff use the Secretary of the Interior's Standards for Rehabilitation in this review process and recognize modern needs. These may include security devices, storm sash, and accommodation for those with disabilities. Consultation with the staff early in the design process commonly results in a mutually satisfactory solution and design.

Mr. Tyler also explained that the Commission works only with existing conditions and only reviews the scope of work that an owner chooses to undertake. However, in the event of the threat of demolition by neglect, the Commission may ask the Department of Licenses and Inspections to issue

an order for repair of the damaged area, not restoration of the building. The Department has the same authority over all buildings in the City under other provisions of the Philadelphia Code.

There is an administrative appeal of Commission decisions through the Board of Licenses and Inspections Review. In addition, the Commission has no jurisdiction over use, that is a zoning issue. Mr. Tyler clarified that historic designation is not a factor in the assessment of property taxes. Finally, Mr. Tyler noted that permit review by the Historical Commission does not require the payment of a fee.

Turning to the nomination of the Rittenhouse Fitler Historic District, Mr. Tyler described the Rittenhouse Fitler district as an extraordinary historical and cultural resource for its history, architecture, and scope. He remarked that the study and preparation of the nomination have occupied many people for many hours. Mr. Tyler again thanked Mr. Baron, Ms. Plavin Salganicoff, those who worked on the National Register nomination which formed the basis for this nomination, the countless volunteers of the Center City Residents Association, the Preservation Coalition, and the members of the Designation Committee.

Mr. Tyler then characterized the Rittenhouse Fitler District as a clearly distinguishable district of approximately 2,360 buildings which have been part of this almost exclusively residential neighborhood for nearly a century and a half. The degree of integrity of the district is extremely high; less than seven percent of the buildings within the boundaries are described as "Non-Contributing." By way of contrast, the Pennsylvania Historic Preservation Office has considered districts for historic designation which have as many as thirty five percent of their structures labeled "Not Contributing."

Mr. Buckley interrupted Mr. Tyler's presentation with a complaint that comments were to be held to five minutes in length. Mr. Spilove clarified the request that *public* comment be held to this time limit, and that Mr. Tyler was making a staff presentation. Mr. Buckley then asked how much longer Mr. Tyler's presentation would last, to which Mr. Tyler answered "five minutes" and continued with his presentation.

The general boundaries were described by Mr. Tyler as being west of the Broad Street commercial corridor, where different historical uses and buildings create a different cityscape. To the north, Market Street business spine provides a similar, wider demarkation that reaches down to create the sloping northeast corner. The western boundary is created by a change in use and architectural type. Here, great industrial loft buildings sprang up along the Schuylkill River. The southern boundary, although straighter, is more complicated. In some places the district stops on the edge of large plots of cleared land. In others, broad bands of new construction define the boundaries. In yet others, the streetscape contains historic features but lacks the density, continuity and integrity essential for a district.

Mr. Tyler then discussed the architectural history of the district in three phases. First, speculators built housing with handsome east to west and west to east rows from the late 1820s to 1870s. Second, single architect-designed townhouses were built between c. 1870 and c. 1914 by some of the greatest architects of their day. Third, the period since World War I has seen the height of the district's skyline lifted by tall apartment buildings.

Mr. Tyler concluded his presentation by stating that this district has consistently extracted the best and most original work from Philadelphia's best architects. Their work, with all of its variety, is woven

together into a single fabric whose great unifying strength is a respect for precedent and for setting, which inspired rather than dampened the imagination of these designers. Finally, Mr. Tyler stated that this combination of respect and imagination is what the district is all about and what it seeks to preserve and to encourage future architects working in the district.

Mr. Spilove announced the public testimony portion of the hearing, noting that people could speak from the podium or from their seats as microphones are located throughout the room. Their comments are paraphrased below:

Lenard Wolffe, a long term resident and former president of the Center City Residents Association (CCRA), stated his opposition to the historic designation of the district. Mr. Wolffe explained that his opposition stems from a number of issues including the size of the district, which he stated is too large to meet with the constitutional requirements of the Commonwealth of Pennsylvania. Mr. Wolffe questioned whether due process had been followed since a community meeting had been held on 24 October when the Philadelphia Eagles were playing a home game, and the Commission's first public hearing was held the day after an election on 9 November. Mr. Wolffe also argued that all owners should receive notice of meetings, whether their properties are listed as significant, contributing, or non-contributing.

Pointing to the Commission's record of approving 92% of permit applications within a very short time period, Mr. Wolffe stated his belief that all permit applications for significant alterations would need to be reviewed through the Commission's more lengthy process. He then stated that although the Commission claims not to regulate interiors such as bathroom alterations and stamps applications for such work immediately, an unhappy neighbor could oppose the application and force it through all possible processes. He noted that the Commission has previously acted outside of its authority and was regulating interior work until the *United Artists v. Philadelphia Historical Commission* decision. He stated that it is outrageous that anyone who wants to fix a toilet must come to the Historical Commission.

Mr. Wolffe asserted that the Commission's purpose for holding hearings has not been to hear public testimony and then decide on the designation, but to sell its decision to designate to the public. He also questioned the Commission's decision to designate more than two-thousand buildings without having performed an economic impact study. He spoke of a study performed by a Dr. Anderson of the Massachusetts Institute of Technology which, through a series of mathematical formulas, discussed the negative economic impact of restrictions on real estate. Mr. Wolffe then described problems he had encountered with the Historical Commission as president of the condominium association of the Rittenhouse Savoy in its application to change the building's windows. He suggested that the vote to designate be tabled until the problems he perceives with due process are rectified.

Mr. Tyler noted that the 24 October community meeting was not called by the Historical Commission but by CCRA. While making this statement he was interrupted by Mr. Buckley who suggested that all Commission comments and responses be held to the end of the public testimony rather than after each speaker. This suggestion met with no reply from either Commission members or the audience. Mr. Vance asked Mr. Wolffe if he would like to make the book of which he spoke a part of the public record. Mr. Wolffe responded that the copy he has is from his own library, but that he would be glad to provide the book's title to the Commission.

David Mitchie, a resident of the district, recently moved his family and business to the area from

Haddonfield, N. J. He stated that he views historic preservation as an opportunity. Haddonfield was one of the first towns in New Jersey to enact an historic preservation ordinance in 1966, and Mr. Mitchie spoke of witnessing the halting of destruction of historic mansions for parking and the increasing economic benefit of the neighborhood's architectural integrity.

Ellen Lipscomb spoke as a representative of the New Central Baptist Church at 2139 Lombard Street. She stated that the Church supports the designation and is proud to be included within its boundaries.

Burdell Buckley described himself as an "assassin with an agenda" and outlined eight issues which cause him to object to the designation of the district. First, Mr. Buckley stated his concern with the use of tax money for "promoting this misadventure." Second, as a property owner, he objected to the arbitrary choosing of the order for consideration of districts. Third, Mr. Buckley stated that the services offered by the Historical Commission might be better accomplished by a private enterprise such as the Philadelphia Historic Preservation Corporation.

Mr. Buckley's next concerns were as an architect dissatisfied with the reviews he has experienced in the past and distressed about the possibility of losing the right to expression. Sixth, Mr. Buckley expressed his view that designation is an impediment to development. Seventh, he challenged the ability of the City agency to legislate "against bad taste." The eighth point was an unintelligible message to "do-gooders."

Mr. Vance asked Mr. Buckley for evidence that the designation of the Rittenhouse Fittler Residential Historic District would impede development. Mr. Buckley objected to Mr. Vance's question, stating that the audience had decided to leave Commission comment to the end of the hearing. Mr. Buckley then asked the audience whether he should answer the question now or later and received a resounding "now." Mr. Buckley stated that as an architect and businessman he knows that going through the process of obtaining an approval from the Historical Commission is one that is extraordinarily time consuming. He also contended that an application to install a bidet in his property could go all the way through the courts if a neighbor objected. Mr. Vance stated that his question had not been answered. Mr. Buckley responded that the time taken for an application to go through the Commission's "idiotic, arbitrary review process" takes time and therefore money. Mr. Vance stated that any administrative process takes time, and that his request for evidence that the designation would impede development was still unanswered. Mr. Buckley stated that he had no other evidence.

In response to the contention that the addition of a bidet would cause a lengthy review process, Ms. Rabinovitch reminded the audience that such interior alterations are not the concern of the Historical Commission. She added that the issue before the Commission is not review of interiors but the designation of the district and the review of alterations to exteriors. Mr. Buckley added that the Commission will also be reviewing new construction, and that this is an "atrociousness that should not be perpetuated on free enterprise."

Maria Romanach first thanked those who wrote to her in response to the newspaper article reporting her opposition to the designation stated at the 9 November meeting. Ms. Romanach then read once again the statement made at the 9 November meeting, noting that Mr. Tyler had also repeated his presentation. Her concerns included the beliefs that designation meant freezing buildings at an arbitrary date, that no criteria exists to guide the Commission's review of proposed alterations, and that the Commission itself is a "mindless bureaucracy." She also restated her anticipation that people would modify their buildings in appropriate, accurate and sympathetic manners without the help of the

Historical Commission.

Ms. Romanach complained of the hundreds of man-hours consumed by the "frivolous notions" of the Historical Commission on a City project, singling out Mr. VanderHeide and Ms. Matzkin. She contended that the Commission's desires in this case were in violation of both the Americans with Disabilities Act and the Philadelphia Code. She repeated that the City would do better to pay more attention to trash, streets and other City services.

Ms. Romanach then stated that anyone who is interested in joining her in a class action suit may contact her by writing to Maria Christina Romanach, 2143 Locust Street, Philadelphia PA 19103, or by telephone between 9 a.m. and 5 p.m. at (215) 557-9700. She concluded by announcing that she has written to her Councilman, the President of City Council, and to the Mayor and has not received their response.

Catharine Franklin, spoke as a representative of the pending Penn Knox Historic District and as a fifth generation resident of that district, which is fifth in line for local historic district consideration. She described the enthusiasm of the community for this designation, and reported good experiences with the Historical Commission. Ms. Franklin also noted that the one block that is City certified is the one in the best condition. Lamenting the *United Artists v. Philadelphia Historical Commission I* decision which resulted in the temporary loss of the Commission's ability to designate districts, she reported that 16 of the neighborhood's historic buildings have been demolished in the interim.

Ms. Franklin reminded the audience and the Commission that many of the materials and the workmanship will never return. She stated that new is sometimes excellent, but old is excellent too, and irreplaceable.

Robert Hotes stated his personal support for the designation as an architect, preservationist and resident of the district. As an employee of Susan Maxman Architects, Mr. Hotes read a statement from the firm's namesake, the past President of the national American Institute of Architects. Ms. Maxman wrote that designation will help to protect and support the vitality of this unique downtown residential neighborhood. She is a long time resident, and operates her business within the boundaries of the district in a building restored with the help of the Historical Commission. She reported having worked successfully with the Historical Commission on numerous occasions. A copy of this letter is part of the record of this hearing.

Samuel Diamond, a center city resident since 1952 and long time member of CCRA, stated that he does not oppose the designation of individual properties. He did, however, object to the designation of historic districts and stated his belief that the regulation of facades without owner consent amounts to a taking of property without just compensation from the government, citing an article for support. He questioned what buildings the 92% quick review figure refers to and was told that that figure is for designated buildings. He questioned whether buildings designated within a district would receive the same service. He also expressed concern that with the designation, the Commission would attempt to grow in size and gain more power. Mr. Diamond stated that he has seen no evidence that the historic nature of the district is in danger and therefore in need of regulation. His final comment noted the cost to one's dignity in going before a Financial Hardship Committee. Mr. Vance asked for a copy of the article cited by Mr. Diamond.

Lenore Millhollen, currently a member of the Board of Directors of CCRA and its former president and a founding member of the Preservation Coalition of Greater Philadelphia, spoke of witnessing the

sort of danger of which Mr. Diamond saw no evidence. She stated that the Preservation Coalition was formed in response to a threat to an historic building in the proposed district. Ms. Millhollen spoke about the character of the Fitler Square portion of the district, and hoped that that area does not receive less attention than the more-discussed Rittenhouse area. She restated the typical ease with which permit applications were approved in the past, and urged that the community and Commission remember that the Rittenhouse Fitler area is the first and that several very important neighborhoods wait behind it for designation. Ms. Millhollen strongly endorsed the designation of the district.

Michael Stern, a lifelong resident of Center City, an architect, and an employee of the Philadelphia Historic Preservation Corporation, expressed his strong support of the district. Mr. Stern stated that the area is an extraordinary resource, an extremely intact residential district in the center of one of the largest cities in the country. As a professional, he has used the Historical Commission many times as an ally and a resource for advice, information, and some very positive guidance. Mr. Stern urged that this step towards designation should be taken now instead of in response to a disaster in the future. Finally, he spoke of a National Trust study which found that historic districts actually stabilize and sometimes increase the value of historic properties.

Margaret Bacon now resides in the Fitler Square area of the proposed district and spoke of marveling at the historic residential character of the district when she arrived here from New York. She stated her belief that this should be protected and that she fully supports the proposed designation.

James Crawford, whose wife was born in the district, stated that he is aware of two buildings which in his opinion would not have been built were there an historic district in place. He described several other problems he perceived with the proposed designation. As owners of historic buildings will be engaged in constant improvement and repair, Mr. Crawford anticipated that such measures may be deferred owing to a deterrent such as Commission review. He also noted that the time of the Historical Commission staff is limited and that they should not be bothered with issues that are "not of public concern." Mr. Crawford offered the suggestion that the Commission should abdicate immediately the regulation of non-visible building rears and rears on alleys.

Mr. Wilds asked for clarification of the current policy on building rears. Mr. Tyler stated that the Rules and Regulations specify the regulation of exterior changes visible to public rights of way, so proposed alterations to non-visible building rears would be approved upon submission. In alleys, if no houses front on the alley and the house does not sit at the corner of a public right-of-way, alterations will be approved upon submission.

Florence Halpert stated that she came to the meeting without a particular viewpoint, but that she had since decided on one. Ms. Halpert stated that she would like to know exactly, rather than generally, how the designation will affect her property. She noted that despite the fact that no fee is assessed by the Commission for permit application review, the designation would increase the cost of a permit as the Commission requires drawings not previously needed.

Commissioner Levin responded to Ms. Halpert's concern, stating that she had a valid point which should be addressed. He explained that the Department now has a process for minor repairs to a building where an owner may come to a district office rather than 1600 Arch Street to obtain a permit. The district office for the Rittenhouse Fitler area is at 11th and Wharton Streets. If a building is on the Philadelphia Register of Historic Places, an applicant is referred to the Historical Commission and may be asked to provide additional information.

Mr. Tyler stated that with interior work, applications are reviewed to see if there is any effect on the exterior. If not, the application is stamped and signed immediately. Mr. Tyler gave an example of an interior change that would be considered for its impact on the exterior. Ductwork would be considered an interior alteration until it is run through the exterior wall and a restaurant exhaust fan is added to the exterior. Repairs such as bathroom remodeling would be approved immediately.

Ms. Halpert stated that she would like to see something written which specifies exactly what is required by the Commission for each type of alteration possible. Ms. Plavin Salganicoff handed a copy of the Rules and Regulations to Ms. Halpert and several others in the audience who requested it. Mr. Spilove noted that this document is available at the Historical Commission's offices and will be sent to people who request it.

Mr. Tyler read aloud a portion of section 6.3.c of the Rules and Regulations: "... the Staff will review and may approve without referral to the Architectural Committee or Historical Commission building permit applications for alterations to secondary elevations to service alleys, and/or not visible from public rights of way. These reviews shall be accomplished within five working days of the submission of an acceptable application. The staff shall refer only difficult or clearly questionable applications to the Architectural Committee."

Ms. Halpert asked if the audience would have an opportunity to vote on the proposed designation. Mr. Spilove stated that this hearing was for public testimony only and that a vote will be taken by the members of the Commission after all testimony had been heard.

Mr. Levin stated that there exist ten categories of improvements for which the Department of Licenses and Inspections will issue a permit without a plan, and that for some of these the Historical Commission would require plans. As an example, he noted that ductwork proposed to run past a window within a new soffit would affect the exterior appearance of the building. This would be approved by the Department but would require some review by the Historical Commission. Mr. Levin listed roofwork and other exterior alterations for which review would be required by the Commission, and stated that the Department's attempts to streamline the permit application process has created a conflict with the Historical Commission. He then suggested that the Commission's permit application requirements be written, noting that the Department has no "secret rules." Mr. Levin stated that he would work with Mr. Tyler to present this information as quickly as possible.

Mr. Tyler explained that roofs and other elements not visible from a public right of way would likely be approved upon submission. A member of the audience asked whether there is written guidance for Commission requirements for alterations. Mr. Spilove noted that this guidance is offered in the Rules and Regulations and offered that anyone desiring a copy may print their name and address on a list as they exit. [Commission Staff sent this information the following day.]

Barbara Klaczynska, Coordinator of the Rittenhouse Coalition for the Restoration of Sacred Places, reported the endorsement of the Rittenhouse Fitler designation by that organization. She explained that her Coalition was formed to aid in the preservation of historic religious properties in the Rittenhouse area and includes the First Baptist Church of Philadelphia at 17th and Sansom Streets, the First Unitarian Church at 2125 Chestnut Street, and St. Mark's Episcopal Church at 1625 Locust Street. She described the many important roles played by religious institutions in the area, and the strong congregations which have raised over \$1 million for their preservation. Ms. Klaczynska stated that the designation is of great value to their fundraising efforts.

Jennifer Goodman, Executive Director of the Preservation Coalition of Greater Philadelphia, thanked the Commission members for making clear the issues of review of interiors and non-primary elevations of buildings. Ms. Goodman requested that Mr. Tyler explain the process followed with notification, the composition of the Commission, and the Secretary of the Interior's Standards. She urged the Commission to vote to designate the district, explaining that the use of locally designated districts is effective and is widely used throughout the United States. Ms. Goodman stated that designation strengthens community pride, stabilizes communities, serves as a rallying point for community preservation efforts, and guards or improves individuals' investments by maintaining the overall character of the district. She offered to make the many studies supporting this claim a part of the record.

Ms. Goodman noted that it has been ten years since the City gained the ability to designate local historic districts, and encouraged the Commission to allow Philadelphia to join New York, Boston, Washington DC, and Baltimore in this distinction. She reported on having seen an impressive commitment to historic districts over the years by community groups, residents, business owners, and leaders of churches, schools, and other institutions. Hundreds of people have committed thousands of hours of volunteer time. She concluded by once again urging the Commission to vote for this "positive pro-active planning tool."

Frank Weise, an architect, stated that more information is sometimes required for Commission review of permit applications than is required by the Department of Licenses and Inspections. He recalled disagreement with Commission decisions made under the guidance of the Secretary of the Interior's Standards and Guidelines involving the need for a setback on a rooftop addition and the request that new-looking windows be used in new construction.

Mr. Spilove noted that members of the Commission had not yet been introduced. He thought that a knowledge of the areas of specialty of the Commission members might be of interest to the audience. Mr. Spilove, the Commission's Chairperson, is a real estate developer in the Rittenhouse Fitler community. Ms. Rabinovitch is also a real estate developer who has worked with many historic buildings. Mr. VanderHeide is an architect and the General Manager of the Architecture and Engineering Division of the Department of Public Property; he is the designee of the Commissioner of Public Property. Mr. Vance is an attorney and Chairperson of the City Planning Commission. Ms. Gillen is a Deputy Commerce Director for the City, and is the designee of the Commerce Director. Mr. Wilds is a former historian, and is now the Assistant Housing Director for the Office of Housing and Community Development. He serves on the Commission as the designee of the Housing Director. Ms. Matzkin is a self-employed architect and is the Chairperson of the Architectural Committee of the Historical Commission. Ms. Kaplan, Executive Director of the City Planning Commission, votes only when Mr. Vance is not present at Historical Commission meetings. Dr. Brownlee, a professor at the University of Pennsylvania and an architectural historian, chairs the Designation Committee, the Committee whose report is formally before the Commission for the discussion of this designation. Mr. Spilove noted that Mr. Levin, who had left the meeting, is the Commissioner of the Department of Licenses and Inspections and then called the next speaker.

Kiki Bolender, an architect and owner of a property in the proposed district, is also a member of CCRA and a community gardener. She stated that as an architect she has taken many permit applications through the Historical Commission review which she has found quick and helpful. She expressed her support for the proposed designation. Comparing the intent of regulations in Santa Barbara, CA, where she stated gas stations must be built in the mission style, Ms. Bolender noted that the designation of the Rittenhouse Fitler Residential Historic District would serve to protect the

community, not freeze it.

She stated that as a homeowner, she would have liked to have been able to decide how many muntins would occur in windows, but that compromise is acceptable for the betterment of the community. She compared this compromise to one made in a relationship, where things are sacrificed in compromise that eventually add to the improving of the relationship.

David Traub, an architect who has lived and worked in the district for 30 years, has remained in Philadelphia because it is an old city and expressed his wholehearted support of the designation. Although Mr. Crawford had left the meeting by this point, Mr. Traub addressed the concerns about review of rear elevations. Stating that he had recently completed a rear alley renovation adjacent to Mr. Crawford's house, Mr. Traub reported that the Commission staff reviewed and approved his proposal quickly and easily, and at no extra cost to his client.

Joseph Sorger has owned 2003 Delancey Street since 1954. Having traveled extensively across the world during World War II, Mr. Sorger witnessed the destruction of several historic cities. Upon revisiting these cities later, Mr. Sorger found them restored and concluded that the inhabitants must have felt the need for evidence of their roots. Mr. Sorger stated, however, that once historic buildings are destroyed they can never truly be replaced and that every effort should be made to prevent this loss. He voiced his opinion that the historic district should be designated as such and thus protected.

Mr. Tyler spoke to respond a few comments made during these proceedings. First, Mr. Tyler repeated that the meeting held at St. Patrick's Church was not under the aegis of the Historical Commission, although it was attended by Commission staff. Every owner of a building, including those evaluated as significant, contributing and non-contributing, within the proposed district received notice of the Commission's meeting to consider the nomination of the Rittenhouse Fidler district. Second, he stated that repairs to toilets and other plumbing often requires no permit from the Department of Licenses and Inspections and would therefore not be reviewed by the Commission. Mr. Tyler also restated that fact that the Commission cannot regulate interior work that does not affect the exterior of a building. Mr. Tyler also made clear the fact that the decision to designate this district has not yet been made.

Mr. Tyler also clarified that the 45 day period of review and comment for new construction, the erection of a new building on a vacant parcel, does not result in binding recommendations to applicants, but simply review and comment. He addressed the characterization of historic designation as a taking, stating that since 1978 the United States Supreme Court has consistently and several times ruled that historic designation is not a taking within the meaning of the Fifth Amendment of the Constitution. In 1993, the Pennsylvania Supreme Court ruled unanimously that the listing of property as historic is not a taking under Article I, Section X of the Pennsylvania Constitution. Mr. Tyler repeated that the Commission does not regulate the color of exterior trim.

Mr. Spilove announced that the proposed designation will be open for further discussion at the next regular meeting at 10 am on Wednesday December 14, at Room 401 of City Hall. Mr. Spilove thanked the audience and the members of the staff and Commission for devoting so much time to this issue.

A motion to adjourn was made by Dr. Brownlee, seconded by Mr. Wilds and approved by unanimous vote at 9:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lori Plavin Salganicoff".

Lori Plavin Salganicoff