

THE MINUTES OF THE 340TH STATED MEETING

OF THE

PHILADELPHIA HISTORICAL COMMISSION

18 April 1990

Seven Benjamin Franklin Parkway

Edward A. Montgomery, Jr., Chairman

Present: Edward A. Montgomery, Jr. Chairman
William L. Brown
David Brownlee
Caroline Golab
David Hollenberg
Reverend William B. Thompson
James Cuorato, Department of Commerce
Charles Finney, Deputy Commissioner
Department of Public Property
Barbara Kaplan, Executive Director,
City Planning Commission
Scott Wilds,
Office of Housing and Community Development

Maria Petrillo, Esq., Chief Assistant City Solicitor
Richard Tyler, Historic Preservation Officer
Patricia A. Siemiontkowski,
Assistant Historic Preservation Officer
Randal Baron, Preservation Planner
Sara Jane Elk, Historic Research Technician
Ira Kauderer, Preservation Consultant
Daniel W. Simcox, Executive Secretary
Carmen Weber, Archeologist

Also: John Taxin, Old Original Bookbinder's Restaurant
Michael Stack, Stack & Gallagher
M. Richard Cohen, 1617 Lombard Street
Chris McLaughlin & John Clancy, Ralston House
Norman Oshtry & Anthony Trombetta, 1230 Arch Street
Jack A. Halpern & Robert J. Faux, 1216 Arch Street
Herbert Cohn & Bum Woon Lee, 1214 Arch Street
Alvin Holm, AIA & Tami Siegal,
Office of Alvin Holm, Architect
Thomas Hine, The Philadelphia Inquirer
Sal Spano, 1610 Chestnut Street, Hartmarx
Barry Dinaburg, Wolf Block Shorr and Solis-Cohen
Deborah M. Kelly, Preservation Coalition
Carol Dubie, University City Historical Society
Roger T. Prichard, Old City Civic Association
John and Karen Pelino, 2002 Spruce Street
Richard W. Kessler, Pelino and Lentz

James and Sylvia Noteware, 2023 Spruce Street
John Mitkus, Jackson-Cross Company
Frank Baldwin III, Counsel, Bookbinder's Seafood House
Robert P. Glikman, Counsel, Bookbinder's Seafood House
Richard Bookbinder, Bookbinder's Seafood House

THE MINUTES of the 339th Stated Meeting of the Philadelphia Historical Commission held on 14 March 1990, Edward A. Montgomery, Jr., Chairman. Messrs. Brownlee and Hollenberg requested minor changes in the reports of their respective committees. Mr. Brownlee noted that the phrase "potential threats" should be replaced with "potential development pressure." Mr. Hollenberg noted that the word "page" should be inserted into the discussion of security grates in the Report of the Architectural Committee.

A MOTION to approve the Minutes of the 339th Stated Meeting as corrected was made by Mr. Wilds, seconded by Reverend Thompson, and approved unanimously.

REQUESTS FOR DEFERRAL

Mr. Montgomery acknowledged several requests to defer consideration of the historic designation of 1216-1220 and 1228-1232 Arch Street.

1228-1232 Arch Street: Mr. Norman Oshtry, representing the owner, opposed the designation of this property as historic. Although he asserted that it would impose considerable economic hardship on the property owner, he indicated that there presently were no plans for the building. He expressed concern, however, that designation would prevent the "highest and best" use of this land adjacent to the Pennsylvania Convention Center presently under construction.

Mr. Brownlee clarified that the zoning ordinance, not historic designation, regulated the use of private property. Though acknowledging the validity of this point, Mr. Oshtry pointed out that historic designation would impose Historical Commission review of proposed alterations and demolitions upon the owner. Ms. Golab asked if the owners of the other buildings also opposed designation.

Robert Faux, a member of the Young Smyth Field Condominium Association which owns 1216-1220 Arch Street, concurred with the arguments presented by Mr. Oshtry. Indicating that he spoke for the majority of the condominium owners, he acknowledged that several members of the association supported designation. He objected that the Commission had considered this designation for several years, though provided the owners only three weeks to weigh its

limitations.

Mr. Tyler clarified that the Commission had not considered this designation for three or four years. He explained that an environmental review of the area indicated that these buildings were eligible for placement on the National and Philadelphia registers. This review emerged from negotiations with the Pennsylvania Convention Center Authority to comply with Commonwealth legislation. Mr. Tyler added that the owners had been notified of the nomination thirty days before the meeting of March 1990. Ms. Petrillo asked if the applicants would like to meet with the Commission staff to review the role of the Historical Commission and the effects of designation. Mr. Oshtry responded that he would like to prepare documentation reporting the economic impact of designation, and that if Commission counsel thought it wise to meet, that he would accept her advice. Consequently, Mr. Oshtry formally requested a continuance.

Mr. Brownlee urged the Commission to discriminate between the designation process and consideration of economic hardship. He explained that the decision to designate was based upon the historic significance of a given property. Then, if the building were designated, subsequent requests to consider claims of economic hardship could be weighed during the permit process. Otherwise, deliberation on these claims may be without reason.

Mr. Oshtry responded that this explanation may be technically or legally accurate but that it seemed morally deficient to ignore the pleas of economic hardship of a property owner at the time of designation. Mr. Montgomery asked the applicant to arrange a meeting with the staff.

136 South Front Street, proposed demolition. Michael Stack, representing the owner, requested a deferral of consideration of an application to demolish 136 S. Front Street, the Elisha Webb Chandlery. The owner's consultant, Dr. Steven Feldman, has been confined continually in a clinic in Frankfurt, Germany since last meeting, and Mr. Stack has not been able to communicate with him. Therefore, Mr. Stack requested a continuance until the May meeting, and noted that the property owner would retain a another consultant in preparation for that meeting.

A MOTION to defer consideration until May was made by Mr. Hollenberg and seconded by Mr. Brownlee.

Mr. Cuorato asked if the Philadelphia Parking Authority had responded to the Commission request for information

regarding the use of its South Front Street garage. Mr. Tyler indicated that the Authority informed him that there was no written agreement offering Bookbinder's parking. The restaurant, however, has had access to the garage, though they have used it only minimally. The Authority indicated that it would examine receipts from a selected month to document actual use of the garage. Mr. Tyler noted that he had not yet received this correspondence.

The MOTION to defer consideration of the proposal to demolish 136 South Front Street until May was adopted unanimously.

THE REPORT of the Architectural Committee of the Philadelphia Historical Commission held on 29 March 1990, David Hollenberg, Chairman. The Architectural Committee reviewed twelve proposals: seven for alterations to designated buildings and four within the pending Rittenhouse Fitler Historic District. The Committee also received an application to demolish a building whose status as a designated historic building was uncertain. The recommendations of the Committee follow:

Comment, New Construction in the Rittenhouse Fitler District
1712 Walnut Street: The Committee recommended that the Commission comment favorably upon plans for new construction at 1712 Walnut Street. A fire destroyed the building previously on this site. Ms. Golab seconded the recommendation, which the Commission adopted unanimously.

Tabled

3635 Chestnut Street: The Committee tabled an application to demolish the building situated at 3635 Chestnut Street. The Committee tabled this application because of uncertainty concerning the extent of the property included in the historic designation of the Ralston House. Subsequent to the meeting of the Architectural Committee, further staff review and new information provided by the applicants confirmed that this building was not included in the designation of the Ralston House. The Commission acknowledged that it had no jurisdiction over this property.

Approval in Concept

Fairmount Waterworks: The Committee recommended an approval in concept for the introduction of a restaurant to this site, for the enclosure of the Engine House porch and the re-establishment of a masonry link connecting the Engine House and the Caretaker's House. The Committee, however, maintained reservations about other aspects of the proposal and scheduled a special meeting of the Architectural Committee for 23 April 1990 at the Fairmount Waterworks.

Ms. Kaplan requested a presentation of plans at the May meeting of the Commission. Mr. Hollenberg indicated that uncertainty regarding proposals for the forebay raised many questions about this project. He also conveyed the Committee's concerns regarding plans to glaze the Greek Temple pavilion and to pierce its roof and decorative plaster ceiling with a duct for an exhaust fan. Mr. Tyler indicated that other questions may arise from a plan to introduce a service road through the historic landscape south of the Waterworks from the Spring Garden Street Bridge. The landscaping of this esplanade marked the beginning of the development of Fairmount Park.

Having weighed these matters, the Commission adopted the recommendations of its Architectural Committee for an approval in concept of the proposed masonry link between the Graff House and the Caretaker's House, the proposed glazing of the Engine House porch, and the general plan for the adaptive conversion of the facility as a restaurant.

Approval

The Franklin Institute: The Committee recommended approval of this nearly invisible installation of netting for the prevention of bird roosting on the decorative elements of the main facade. The Commission adopted the report of its Architectural Committee and approved this application.

Conditional Approval

The Committee voted to recommend conditional approval for four applications.

211-213 N. Third St.: The Committee recommended approval of an awning, flat wall sign, and projecting sign, contingent upon a change in the design of the awning.

240-242 Cherry Street: The Committee recommended approval of alterations contingent upon the replacement of a window with doors on the third floor. Mr. Hollenberg noted that plans had been submitted with the required modifications and that he recommended full approval of this project.

14 N. Front Street: The Committee recommended approval of proposed roof and projecting signs, contingent upon the re-design of the projecting sign.

701 Walnut Street: The Committee recommended approval of proposed alterations to this building, contingent upon the retention of the original roof line.

The Commission adopted the recommendations of its Architectural Committee for the four preceding applications.

Disapproval

The Committee recommended disapproval of four applications:

2018-2026 Sansom Street. The applicant proposed alterations to this row of buildings in the proposed Rittenhouse Fittler Historic District. The Committee considered the proposed treatment too decorative and over-scaled, but recommended approval of the removal of existing ceramic tile facades and their replacement with scored stucco. The architect has submitted plans which incorporate the recommendations of the Committee. Consequently, Mr. Hollenberg recommended approval of the revised plans.

A MOTION was made by Mr. Hollenberg to approve the revised plans which incorporate the recommendations of the Architectural Committee. Ms. Kaplan seconded the motion which was approved unanimously.

1610 Chestnut Street: The Committee recommended disapproval of plans to install security grates on this facade, and requested more information to evaluate the viability of an interior installation.

Mr. Saul Spano, of Hartmarx, indicated that he did not acquiesce in the disapproval. He stressed that there was a significant security problem at this location, and that it was not feasible to install grates on the interior of the building. Further, he noted that he had not received a requested letter outlining the requirements of the Committee. Consequently, he requested a continuance.

Mr. Wilds asked if these grates would be necessary after the scaffolding presently in front of the store was removed and the hotel and office building across the street opened.

A MOTION was made by Mr. Wilds to accept the recommendation of the Architectural Committee to disapprove the present plans. Ms. Golab seconded the motion which was approved unanimously. Mr. Montgomery directed the staff to inform Mr. Spano of the Architectural Committee's requirements.

2002 Spruce Street: The Committee recommended disapproval of a plan for a decorative gate installed without a permit at the base of the steps to this restored brownstone in the proposed Rittenhouse Fittler Historic District. Mr. Hollenberg noted that the brownstone restoration was undertaken meticulously with handsome results. Further, he indicated that the owners had documented the problems of their corner. The Architectural Committee, however, objected to the gate for two fundamental reasons: the work was done without a permit, and there was no historic precedent for these gates, though handsome, on this building or in the district.

Ms. Golab pointed out that a letter submitted to the Commission indicated that a permit had been issued for the installation of the gate. Mr. Tyler clarified that a July 1988 building permit application for the restoration of the brownstone on the facade had been approved, but that their permit stated that no other work was to be undertaken on the facade. Although the work had been executed very well, there was no record of a sketch of the gate in either the Commission office or the Department of Licenses and Inspections.

Mr. Tyler acknowledged the neighborhood's problems and suggested accommodating the interests of a resident committed to living in an historic district who faced difficult problems. Ms. Golab indicated that other cities addressed crime problems without extensive installations of defensive architectural additions, whether security grates on businesses or decorative gates on the stoops of brownstones. She suggested that the City explore other alternatives to its profound social problems. Mr. Finney requested feasible suggestions given the present budgetary constraints. Mr. Montgomery asked the property owner if he would like to address the Commission.

John Pelino, an owner of the property, stated that a sketch of the gate was attached to the building permit application and that he possessed a permit for its installation. He recounted the problems of the neighborhood and the damage to the property, specifically recalling vandalism to his steps and the theft of large planters in front of his house. He also informed the Commission that trash cans and a bench,

weighing nearly four hundred pounds, were stolen from the rear alley. Having undertaken a costly restoration of his brownstone facade, he installed the gate to protect this magnificent, though easily damaged, material.

Although Mr. Tyler did not object to the gate, he pointed out that the Commission had no record of the sketch, and that the limitations on the permit application were clear. Mr. Wilds recommended approval of the gate with a clear notation that this block possessed its own singular problems, and that this approval did not indicate a general conceptual approval of such gates.

Mr. Hollenberg noted that the Architectural Committee had engaged in a similar discussion regarding the unique problems of the 2000 block of Spruce Street. The Committee based its recommendation, however, on the absence of architectural precedent for a gate at the entrance of this or any other brownstone.

Mr. Pelino pointed out that the gate had been in place for a year and that there has not been a proliferation of them throughout the District. James Noteware, owner of 2023 Spruce Street, confirmed the his neighbors' presentation of the problems on the block and commended them for their fine restoration.

A MOTION was made by Mr. Wilds to approve the gate as it exists. Reverend Thompson seconded the motion.

Mr. Brownlee stressed that this motion should carry the implication that this decision was made based on circumstances singular and peculiar to this property. He added that these circumstances, related to the perceptual vantage point offered by the stoop of this property, did not extend even to the rest of the block.

THE MOTION was appended as follows: A motion to approve the existing installation of a gate at 2002 Spruce Street, which shall not be understood as a conceptual approval of such gates, but rather an accommodation to the singular problems of 2002 Spruce Street. This motion was approved unanimously.

Ms. Petrillo advised Mr. Pelino to submit the sketch of the gate to the Department of Licenses and Inspections and the Historical Commission for review and approval. Although Mr. Pelino noted that he already possessed a permit, Ms. Petrillo advised him to submit the sketch in order to remove the violation.

2023 Spruce Street: Mr. Hollenberg resumed the Report of the Architectural Committee. The Committee recommended disapproval of plans to cut a basement areaway in the facade of 2023 Spruce Street, a building in the proposed Rittenhouse Fidler Historic District.

James Noteware, the owner, indicated that he wanted the areaway to provide basement access to a playroom for his children and for trash removal. Mr. Noteware addressed the rationale of the Architectural Committee disapproval. He disputed the conclusion that the areaway was unnecessary because access was available through a rear alley. He indicated that this alley did not provide adequate access because it often was cluttered, overgrown with vegetation, poorly lit and, at times, occupied by vagrants. While the neighbors have taken steps to improve these conditions, several problems seemed intractable. First, the alley is a long distance from the street, especially for small children. Second, several adjacent multi-family dwellings, which may be occupied in excess of standards established by the Code, exacerbated the trash problem. Mr. Noteware also disputed the Committee conclusion that there was no precedent for areaways in the district. He distributed photographs of numerous areaways along his block. Mr. Hollenberg clarified that the Committee concern was that there was no precedent for an areaway for 2023 Spruce St.

The Commission responded to several of Mr. Noteware's concerns and requested clarification of several points he made. Subsequently, Mr. Hollenberg indicated that the Committee recommended disapproval because the proposal did not conform to the Secretary of the Interior's Standards for Rehabilitation. He added, however, that many other houses on the block had areaways, that the architects plans were of high quality, and that the owner presented several significant problems with existing available access.

A MOTION was made by Ms. Golab to approve the plan to cut an areaway beneath the stoop of 2023 Spruce Street.
Mr. Thompson seconded the motion.

Mr. Hollenberg noted that the Architectural Committee did not object to the quality of the work, only that it did not meet the Secretary of the Interior's Standards.

Ms. Kaplan objected that the creation of an areaway constituted a permanent alteration to the building which would alter the streetscape. Comparing this proposal to that for 2002 Spruce Street, she objected that this problem was far less severe and the proposed solution far more permanent.

The Commission adopted the motion by a vote of 6-3, with Ms. Kaplan and Messrs. Wilds and Hollenberg opposed.

Mr. Finney asked the applicant to provide him with the address of the alley so that he could ensure that the lighting problem was corrected.

NEW BUSINESS

Mr. Montgomery extended a cordial welcome to William (H.) Brown, who was appointed by Mayor W. Wilson Goode to serve on the Historical Commission.

THE REPORT ON STAFF ACTIVITIES. Mr. Montgomery indicated that the staff report was acceptable for incorporation into the record. He expressed considerable sorrow, however, with regard to the departure of Patricia A. Siemiontkowski, Assistant Historic Preservation Officer. Mr. Montgomery commended her for many years of exemplary service.

Mr. Tyler expressed dismay over her departure and stressed its impact on the office. He asked that the Commission adopt a resolution commending Ms. Siemiontkowski for her commendable record of public service.

A MOTION was made by Mr. Hollenberg to adopt this resolution, and incorporate it into the record. Mr. Brownlee seconded the motion which was met with a rising vote of acclamation.

OLD BUSINESS

Historical Commission Rules & Regulations. Mr. Tyler requested a motion to forward the proposed Rules and Regulations to the Department of Records for public inspection. Ms. Petrillo indicated that the document was subject to public comment and a public hearing before adoption.

A MOTION to forward the proposed Rules and Regulations to the Department of Records was made by Mr. Brownlee, seconded by Mr. Finney, and approved unanimously.

CONTINUATION OF THE HEARING ON THE REPORT of the Thirty-Sixth Meeting of the Designation Committee of the Philadelphia Historical Commission held on 2 February 1990, David Brownlee, Chairman. Mr. Brownlee reminded the Commission that it deferred consideration of five nominations at its

March meeting. As the historic significance of these buildings had been presented to the Commission in February and March, Mr. Brownlee presented only a brief summary of each of the nominations.

Mr. Montgomery noted that the Commission heard requests for deferrals for two of the properties, 1218-1220 Arch Street and 1228-1230 Arch Street, earlier in the meeting.

1214 Arch Street, Mershon Building: Mr. Herbert Cohn, representing the owner, stated that the Commission should not designate this building because it would impose considerable financial hardship on the owner. He expressed his appreciation for the City's heritage, but stressed that 1214 Arch Street was not a significant building. Mr. Cohn concluded that the owner would suffer irreparable financial damage if the building were designated as historic.

Mr. Tyler informed the applicant that it was premature to address claims of economic hardship. He pointed out that the designation of these buildings has been part of a considerable planning process for the Pennsylvania Convention Center.

Ms. Kaplan informed the applicant that one of the goals of Philadelphia's historic preservation ordinance was to retain the City's architectural heritage amid new construction. She stressed that these buildings offered a nineteenth century streetscape which would offer a wonderful contrast to the adjacent Pennsylvania Convention Center, and a vision of historic Philadelphia to its visitors. Ms. Kaplan emphasized the importance of historic preservation to the distinctive allure of Philadelphia. She also pointed out that this attraction has not only aesthetic value, but also tangible economic benefits.

1216 Arch Street, Young Smyth Field Building: Jack Halpern introduced himself as the president of the Young Smyth Field Condominium Association. He indicated that the building presently was fully occupied by eight tenants, including some of the more prominent architectural firms in Philadelphia. He informed the Commission that the association was committed to the preservation of the building, and that strict facade regulations were incorporated into its by-laws. However, the association did not want their plans for the building to become tangled in bureaucratic delays. Mr. Tyler indicated that this much feared bureaucracy has been highly efficient and effective. He noted that a building permit application for considerable alterations to this building, made earlier this month, had been reviewed and approved by the Commission staff within a

day.

Mr. Tyler asked if anyone wished to dispute the historic significance of these buildings. Mr. Halpern indicated that he did not oppose designation, but requested a deferral until the other buildings were considered. Robert Faux, a member of the condominium association, stated that there were many loft buildings further north in the City. Mr. Brownlee responded that this group was the last significant group of these buildings adjacent to Center City.

Mr. Tyler recommended that the Commission move to designate the buildings unless there was any challenge to the significance of the buildings. Ms. Petrillo recommended that the Commission defer, meet with the owners, and inform them of the ramifications of designation. She mentioned that the owners had requested a meeting to clarify their financial concerns.

Mr. Brownlee noted that the property owners had been given thirty days prior to the March meeting to consult with the staff regarding designation. Stressing that he viewed the educational role of the Commission seriously, he indicated that the owners had that benefit available to them over the course of the last two public meetings.

Mr. Montgomery acknowledged these objections based on financial consideration, but observed that none were based on the merits of historic significance. Although financial consideration was not among the criteria in the ordinance for consideration in the designation process, Ms. Petrillo stated that the applicant's request was reasonable as a matter of due process. Mr. Montgomery said, with respect to counsel, that there was nothing in the ordinance which allowed economic hardship as a consideration. He added that hardship could be considered after designation.

Ms. Kaplan asked if the owner requested a meeting, to which Mr. Tyler responded that they did not, despite mention in a notification letter which invites such consultation. Mr. Tyler endorsed the recommendation of counsel to defer a hearing, despite the Commission's clear adherence to established procedure.

The Commission deferred consideration of the nomination of these three buildings until its May meeting. Mr. Hollenberg abstained from this discussion and vote.

Mr. Brownlee briefly reviewed the recommendations of the Committee for the **E. W. Clark & Company Building at 1535 Locust Street**. The Commission accepted the recommendation of its Designation Committee and voted unanimously to enter the E.W. Clark & Company Building, 1535 Locust Street, on the Philadelphia Register of Historic Places.

Mr. Brownlee briefly reviewed the historic significance of the **Fifth District Station House, 215 S. 15th Street**. Mr. Glikman, attorney for the owner, expressed his appreciation to the Commission for meeting to explain its role and the ramifications of historic designation. Noting that the interior of the building had been altered significantly, he acknowledged that the Commission was concerned primarily with the exterior of this building. Further, he noted that a party wall between 215 S. 15th Street and an adjacent building had been removed.

The Commission accepted the recommendation of its Designation Committee and voted unanimously to enter the Fifth District Station House, 215 S. 15th Street on the Philadelphia Register of Historic Places.

A MOTION to adjourn, made by Mr. Brownlee and seconded by Mr. Wilds, carried.

Daniel W. Simcox
Executive Secretary

Minutes Approved: 9 May 1990