

**THE MINUTES OF THE 612TH STATED MEETING OF THE
PHILADELPHIA HISTORICAL COMMISSION**

**FRIDAY, 9 AUGUST 2013
ROOM 18-029, 1515 ARCH STREET
SAM SHERMAN, CHAIR**

PRESENT

Sam Sherman Jr., Chair
Anuj Gupta, Esq.
Joann Jones, Esq., Office of Housing & Community Development
Rosalie Leonard, Esq., Office of City Council President
Michael Maenner, Department of Licenses & Inspections
John Mattioni, Esq.
Sara Merriman, Commerce Department
R. David Schaaf, RA, Philadelphia City Planning Commission
Robert Thomas, AIA
Betty Turner, M.A.

Jonathan E. Farnham, Executive Director
Randal Baron, Historic Preservation Planner III
Erin Coté, Historic Preservation Planner II
Jorge Danta, Historic Preservation Planner II

ALSO PRESENT

Ben Leech, Preservation Alliance for Greater Philadelphia
Caroline Boyce, Preservation Alliance for Greater Philadelphia
Monica Giacomucci, Preservation Alliance for Greater Philadelphia
Rafael Lissack
Carol Lissack
Richard Cole
Joan Cole
Kevin Yoder, k Yoder Design
Benedetto Catarinicchia, RA, ZACS International, LLC
Kim Derstine
Neil Sklaroff, Esq., Ballard Spahr
Robert Zambrano
Lorna Katz-Lawson, Society Hill Civic Association
Anthony Brucello
Lawrence Spector

CALL TO ORDER

Mr. Sherman called the meeting to order at 9:00 a.m. Commissioners Gupta, Jones, Leonard, Maenner, Mattioni, Merriman, Schaaf, Thomas, and Turner joined him.

MINUTES OF THE 611TH STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION

ACTION: Ms. Merriman moved to adopt the minutes of the 611th Stated Meeting of the Philadelphia Historical Commission, held 12 July 2013. Ms. Turner seconded the motion, which passed unanimously.

THE REPORT OF THE ARCHITECTURAL COMMITTEE, 23 JULY 2013

Dominique Hawkins, Chair

CONSENT AGENDA

Mr. Farnham introduced the consent agenda and explained that it included two applications: 113 Gay Street and 2501 S. Garnet Street. Mr. Sherman asked if any Commissioners had comments on the Consent Agenda. No Commissioners offered comments. Mr. Sherman asked if the audience had comments on the Consent Agenda. No one offered comments.

ACTION: Mr. Schaaf moved to adopt the recommendations of the Architectural Committee for 113 Gay Street and 2501 S. Garnet Street. Mr. Thomas seconded the motion, which passed unanimously.

AGENDA

ADDRESS: 252, 254, AND 256 S 03RD ST

Project: Replace front steps

Type of Review Requested: Final Approval

Owner: Richard & Joan Cole

Applicant: Richard Cole, Richard M. Cole & Associates

History: 1960

Individual Designation: None

District Designation: Society Hill Historic District, Contributing, 3/10/1999

Staff Contact: Erin Cote, erin.cote@phila.gov, 215-686-7660

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

OVERVIEW: These applications propose to remove the original, pre-cast concrete front entrance steps with a bullnose profile and replace them with granite steps with a squared profile at three redevelopment-era townhouses in Society Hill.

DISCUSSION: Ms. Cote presented the applications to the Historical Commission. Property owners Richard Cole and Rafael and Carol Lissack represented the applications.

Mr. Sherman summarized that the applicants propose to remove the original pre-cast concrete steps at three Redevelopment Era houses and replace them with granite steps. Mr. Cole displayed photographs of the three houses and pointed out the pre-cast concrete detailing on them. He contended that the concrete banding is different in color and texture than the pre-cast concrete steps. He stated that the steps have an exposed aggregate. He stated that he surveyed all of the steps on S. 3rd Street for one block north and south of the properties in question and discovered that many steps in the area including an adjacent house have square-edged steps. He claimed that there is a "precedent" for the square edge. He asserted that the

bull-nose is not “in keeping” with the buildings in question. He added that they are proposing granite because the pre-cast concrete is not durable.

Mr. Thomas stated that, as an architect, he has experience with good and bad concrete. He stated that pre-cast concrete steps can be manufactured that will be durable. Regarding Mr. Cole’s claim that there is a precedent for square-edged steps in the neighborhood, Mr. Thomas explained that the goal is not to create uniformity, but to maintain the original details and differences, which give the neighborhood its richness. He contended that the differences must be respected. He also explained that the Commission is charged with applying the Secretary of the Interior’s Standards, which require replacements that match originals. He noted that, in this case, the original design of the steps with the bull-nose is known because it survives. He asserted that the new steps should match the shape, proportion, material, color, texture, and other aspects of the original pre-cast steps. He concluded that obtaining new pre-cast steps to match the original steps is possible and feasible. He stated that he agrees with the Architectural Committee’s recommendation of denial.

Mr. Lissack contended that the proposed steps would “improve” the “look” and “fabric” of the houses and would “fit in” with the neighborhood. He stated that he understood the explanation of the federal regulations “as they may or may not apply” that was offered by Mr. Thomas. He insisted that the “element of improvement” should “factor into the decision-making.” He stated that they are proposing a “higher-quality stone” and still “conforming” to the neighborhood. Mr. Thomas responded that the Standards require replication of the original material; a different material cannot be approved simply because it is more expensive. He also noted that it is now possible to obtain very high-quality pre-cast concrete. Mr. Lissack asked, “As a homeowner, what is the priority of matching a pre-cast, concrete, bull-nose step? Why is that prevailing?” Mr. Thomas explained that the houses have been designated as historic and are being reviewed according to historic preservation standards, which require replication of the original features when possible. Mr. Thomas stated that the Historical Commission allows replacement elements of higher quality and greater functionality, such as double-glazed replacement windows, as long as the replacement looks like the original. In this case, the proposed replacement does not look like the original. He also noted that the steps are at the front and are very visible to the public. If the steps proposed for replacement were at the rear, away from the street, the Commission would have more flexibility regarding modifications to the original design. He concluded that the Standards compel the Commission to require an accurate replacement because the buildings are certified as historic and such a replacement is feasible and reasonable. Mr. Cole contended that the buildings are not certified; they are Contributing within the historic district. Mr. Thomas responded that, because they are Contributing within the historic district, they are certified and under the Commission’s jurisdiction. He stated that the Society Hill Historic District has a long period of significance, from the Colonial period through the Redevelopment Era.

Mr. Cole displayed a sample of the proposed granite. He stated that it matches the banding on the houses. Mr. Sherman asked Mr. Thomas if his concern was related primarily to the material or the design. Mr. Thomas stated that the change in material concerned him. He remarked that concrete and granite are very different. He stated that he is not opposed to changes in material as long as the appearance does not change. For example, a wood cornice may be able to be replicated in fiberglass to precisely match. In this case, the granite steps will not look like the original steps.

Mr. Lissack asked “how the steps contribute to the fabric of the neighborhood.” He stated that he does “not understand” how deteriorated steps “contribute to the fabric of the neighborhood.”

Mr. Thomas conceded that the steps have deteriorated to the point where they can no longer be repaired. He noted that the Commission is not asking the owners to retain deteriorated steps, but only to replace the deteriorated steps with new steps that match the original steps. Mr. Lissack stated that the deteriorated steps have an “inconsistent” look and need replacement. Mr. Thomas agreed and stated that the Commission’s review standards mandate that they are replaced with steps that match the original steps.

Carol Lissack explained that the sill or threshold at the front door to their house has a square edge while the steps have a bull-nose edge. She stated that most houses in the historic district have matching thresholds and steps, but theirs do not. She contended that they should be able to make them match. Mr. Thomas responded that the threshold and steps often do not match and the threshold never has a bull-nose shape. She claimed that “the straight edge really goes more with the architecture of the home.”

Mr. Sherman asked the applicants if they could replace the steps in granite to match the shape of the original concrete steps with the bull-nose. Mr. Cole responded that the granite fabricator has informed that reproducing the step with a bull-nose in granite could only be achieved if each step was comprised of several pieces, presumably making the project more expensive. Mr. Mattioni suggested that the applicants and Commission seek a practical solution that complies with the Secretary of the Interior’s Standards.

ACTION: Mr. Schaaf moved to adopt the recommendation of the Architectural Committee and deny the application, pursuant to Standard 6. Ms. Jones seconded the motion, which passed unanimously.

ADDRESS: 293 LOCUST ST

Project: Legalize installation of sliding doors

Type of Review Requested: Final Approval

Owner: Paul Trower

Applicant: Kevin Yoder, k Yoder Design, LLC

History: 1962, I.M. Pei & Associates, architect, Society Hill Townhouses

Individual Designation: None

District Designation: Society Hill Historic District, Significant, 3/10/1999

Staff Contact: Erin Cote, erin.cote@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 the installation of three sliders on the second floor in this I.M. Pei designed townhouse in Society Hill. The new sliders deviate from the original in that the operable slider has a latch with a wider stile on one side, making the sliders asymmetrical.

DISCUSSION: Ms. Cote presented the application to the Historical Commission. Architect Kevin Yoder and property owner Paul Trower represented the application.

Mr. Yoder distributed additional photographs of the windows proposed for legalization as well as the windows that were removed. He explained that the removed windows were not the original windows, but were unusual stained-glass windows that an earlier owner installed. He noted that the new third-floor windows were installed in the original locations; the removed windows had

been set forward of the original locations, changing the appearance of the house. Mr. Yoder reported that the townhouse complex includes 37 homes. He stated that he lives in the complex and has been helping other residents with their window replacements. He stated that there are many inappropriate replacement windows in the complex and he is working to ensure that, when windows are replaced, they are replaced appropriately. He reported that he has identified a window system that closely replicates the original Modern window system. It has been used several times in the complex. He noted that it generally replicates the historic system, but the stile at the latch is slightly wider than the original. He explained that window construction standards have changed since the 1960s and the stile at the latch is now wider to accommodate the more stringent standards. He pointed out the wider vertical member of the window.

Ms. Merriman reminded the applicant that he should have followed the procedures and obtained the requisite approvals and permits before undertaking the work. She noted, however, that the installed windows appear to replicate the historic windows sufficiently and should be approved. She stated that the differences between the original and new windows are negligible.

Lorna Katz-Lawson of the Society Hill Civic Association stated that a neighbor informed the Association that the windows had been installed without approvals. She claimed that she had sent a letter to the Commission regarding the application. She stated that the buildings in this complex have been “abused.” She asked the Commission to aggressively work to ensure that these buildings are restored as they change ownership. She asked the Commission “to set a precedent on this case which would be a loud message to all the other homeowners.” She asked the Commission to require the owner to replace the front window. Mr. Yoder objected to Ms. Katz-Lawson’s comments.

Mr. Schaaf noted that the Architectural Committee asked the applicants to undertake research to determine whether any window manufacturers produce a sliding window with a latch and narrower stile. Mr. Schaaf asked Mr. Yoder if he undertook the research. Mr. Yoder responded that every replacement slider window they found had a wider stile to accommodate the latch. He stated that the wider stile at the latch is an industry standard. Ms. Leonard asked Mr. Yoder to provide the dimensional differences between the original and proposed stiles. Mr. Yoder stated that the manufacturers recently widened the stile at the latch by one inch to add strength. Ms. Cote elaborated, stating that the latch stile is about five inches wider than the opposite stile. Ms. Leonard stated that the difference is not discernable in the photographs. She asked if the staff had visited the property and seen the new windows in place. Ms. Cote stated that she visited the complex with Mr. Yoder and looked at several properties with various original and replacement windows. Ms. Cote reported that the difference is discernable when viewed from a close proximity head on, but it is not from other angles.

Mr. Farnham noted that Ms. Katz-Lawson claimed to have sent a letter to the Commission regarding this application. Mr. Farnham reported that the Commission had not received any correspondence from Ms. Katz-Lawson or the Society Hill Civic Association related to this matter. He noted that the Commission had received a letter from the group about an upcoming application on the agenda, but not this application.

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

ADDRESS: 312 MARKET ST

Project: Construct fire stair enclosure

Review Requested: Final Approval

Owner: 312 Market Street Inc.

Applicant: Kim Derstine, 312 Market Inc.

History: 1850

Individual Designation: 11/4/1976

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 denial, pursuant to Standard 9.

OVERVIEW: This application proposes an addition to the side façade of the building facing Franklin Court. Although the brownstone faced building faces Market Street, it has what appears to be an earlier brick rear ell, which makes up the east side of Franklin Court. The windows have been closed up, the upper floors sealed off, and the interior stairs removed in that section of the building, which currently houses the kitchen of a restaurant. To use the upper floors of the building, the application proposes opening the windows and building an exterior, enclosed stair addition. The opening of the windows will restore some of the appearance of the side façade. The application proposes an exterior stair because an interior stair is infeasible; the existing kitchen fit-outs and cold storage room preclude the construction of the stair without rebuilding the kitchen and disrupting the business. The plans show the construction of a stair addition covered with masonry board siding and a standing-seam roof.

STAFF RECOMMENDATION: Approval, provided the stair addition is revised to follow the rise of the stairs, with the staff to review details, pursuant to Standard 6 and 9.

DISCUSSION: Mr. Baron presented the application to the Historical Commission. Architect Benedetto Catarinicchia and business owner Kim Derstine represented the project.

Mr. Baron pointed out the building and its various elements on an aerial photograph. He noted that the section drawing included a significant mistake where it depicted a one-story projection on the east side. Mr. Thomas stated that the plans failed to provide adequate information about lot lines or orientation.

Ms. Derstine stated that she did not receive any notice of the Architectural Committee meeting. She also stated that she did not receive the notice of the Commission meeting until the day before the meeting. Ms. Derstine acknowledged that the Commission meeting notice had been mailed to her on August 2, but claimed that she had not received it until August 8. Mr. Farnham checked the files and verified that the notices of the two meetings had been sent to Ms. Derstine one week in advance of each meeting to the address she provided on the application form.

Mr. Catarinicchia conceded that his section drawing was incorrect. He explained that the upper floors of the wing in question are currently inaccessible. He stated that his client did not even know that they existed until recently. He stated that the kitchen for the restaurant is located on the first floor of this wing. The new stair to the upper floors cannot be located within the kitchen area because equipment cannot be moved. Therefore, the stair must be located on the exterior. He explained that he was unaware of the letter from the National Park Service prior to the meeting, but is willing to comply with the requirements set forth in it. He assured Ms. Merriman that he was willing to redesign the stair to meet the Park's suggestions. Mr. Schaaf stated that

the Park's suggestion of stucco for the cladding was a good one. Mr. Catarinicchia stated that stucco was acceptable. Ms. Derstine reported that the Park had stuccoed her wall while they were renovating the Franklin Museum. She stated that the wall is not a party wall, but is hers exclusively. She stated that she would be happy to stucco the stair addition to match the stucco added to her wall by the Park. Mr. Baron agreed with the Park's suggestions. Mr. Schaaf suggested that they remove the historic-looking windows from the proposed stair addition. The applicants agreed to make the revision.

ACTION: Mr. Schaaf moved to approve the application, provided the addition is clad in stucco and its roof is sloped to follow the stair, with the staff to review details. Ms. Jones seconded the motion, which passed unanimously.

ADDRESS: 601-03 LOMBARD ST, 600-02 ADDISON ST

Project: Construct multi-family building

Type of Review Requested: Final Approval

Owner: Pamela Ying Jin & James Nga Kuk Li

Applicant: Stephan Potts, Stanev Potts Architects

History: 1981

Individual Designation: None

District Designation: Society Hill Historic District, Contributing, 3/10/1999

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

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

OVERVIEW: This application proposes to construct a four-story, six-unit residential building on a parcel at the southwest corner of 6th and Addison Streets. The proposed building would be clad in grey brick and grey stucco and have large windows. The design has been revised since the Architectural Committee. The colors of the brick and stucco have been modified and windows have been added and adjusted, incorporating some, but not all of the Committee's comments.

The parcel where the construction would occur was recently created with the subdivision of a larger parcel known as 601-603 Lombard Street into two parcels, 601-603 Lombard and 600-602 Addison. The new parcel facing Lombard includes the two Redevelopment-Era houses and parts of their rear yards. The new parcel facing Addison, the parcel upon which the new building would be constructed, includes the parking lot and part of the rear yards of the houses.

As a first step in the review, the Commission must determine whether to assert plenary or review-and-comment jurisdiction over the Addison property. In other words, the Commission must determine whether 600-02 Addison Street is an "undeveloped site." The term "undeveloped site" is defined in Section 2.23 of the Commission's Rules & Regulations as follows:

An undeveloped site is a property within an historic district which is not individually designated, to which the inventory in the historic district nomination attributes no historical, cultural, or archaeological value, and upon which no building or structure stood at the time of the designation of the historic district. Non-historic foundations and other below-grade constructions; surface parking lots; non-historic parking kiosks and other kiosks, storage sheds, and other impermanent constructions without foundations; and non-historic walls, fences, and gates shall not be construed as buildings or structures for the purposes of this definition.

The Commission should consider the following facts before making the determination:

1. From the time of designation in 1999 until 2012, the entire property in question was known by one address, 601-603 Lombard Street, with one property tax account.
2. The property at 601-603 Lombard Street is not and has never been individually designated as historic.
3. Although one property according to tax records at the time of designation in 1999, the inventory for the Society Hill Historic District listed the Lombard and Addison sections of the property separately and classified them differently.
 - a. The inventory describes 601-605 Lombard Street as two duplexes and classifies it as Contributing.
 - b. The inventory describes 600-602 Addison Street as a parking lot, classifies it as Non-Contributing, and states that it has “archaeological potential.”
4. In 2012, the property was subdivided into two parcels with two addresses, 601-603 Lombard Street and 600-602 Addison Street, and two tax accounts.
5. With the subdivision, the property line separating the two new parcels was located in the rear yards of the houses, approximately five feet to the south of the brick wall separating the houses from the parking lot.

At its meeting, the Architectural Committee did not opine on the Commission’s level of jurisdiction. It reviewed the proposed building with regard to its compatibility with the historic district.

DISCUSSION: Mr. Baron presented the application to the Historical Commission. Architect Stephan Potts and attorney Neil Sklaroff represented the application.

Mr. Sklaroff distributed packets of materials to the Commission. Mr. Sklaroff stated that the address of the property in question is 600-02 Addison Street. He stated that the lot is vacant. He stated that his client proposes to construct a four-story building with six dwelling units. He reported that the architect has revised the plans in response to comments offered by the Architectural Committee. Mr. Sklaroff asserted that the Commission’s jurisdiction over 600-02 Addison Street is review-and-comment only because the lot is an undeveloped site in the historic district. He stated that the current owners purchased the property extending from Lombard to Addison and obtained a zoning permit to subdivide the property into two lots. He presented a copy of the permit. He stated that the Department of Licenses & Inspections has issued a zoning use permit for the Addison Street address for this project. He noted that the Office of Property Assessment has created a tax account for the Addison lot. A use permit has also been issued for the Lombard Street property. He presented the deed of confirmation for the two properties. He asserted that 600 Addison Street is a lawful property. Mr. Sklaroff quoted from the pertinent sections of the zoning code regarding the Historical Commission’s authority to comment on new construction. He stated that the question is whether this site is developed or undeveloped. He asserted that it is undeveloped as that term is defined in the Commission’s Rules & Regulations. He referred to the entry in the inventory for 600 Addison Street and noted that it is described as a parking lot. He claimed that “archaeological potential,” as noted in the inventory, is not “archaeological value,” as stipulated in the definition of an undeveloped site. He noted that the lot’s classification in the inventory is Non-contributing. He presented a series of maps to show that the Addison Street address corresponds to the a.k.a. address listed for it in the inventory. He displayed a copy of the Society Hill Historic District map and pointed to what he claimed to be several lot lines on the map. He interpreted these to indicate that the 600 Addison and 601 Lombard lots were not considered two lots at the time of the district

designation, but were considered several lots. He claimed that the inventory demonstrates that the Commission considered this land as two lots, not one with an address of 601 Lombard. Mr. Sklaroff presented a series of photographs of the lots. He also noted that, if there is ambiguity regarding the Commission's intent, then, according to the zoning code, the Commission must resolve that ambiguity to the benefit of the property owner. He also noted that the staff raised the issue of ambiguity at the Committee meeting. Mr. Sklaroff argued that the houses on Lombard will still contribute to the district after the new building has been constructed on the parking lot. The construction will not detract from the contribution the Redevelopment Era houses on Lombard make to the district.

Mr. Gupta asked the staff when the 600-02 Addison Street entry was added to the Society Hill Historic District inventory. Mr. Farnham replied that the entry was in the original inventory, which the Commission adopted in March 1999 when it designated the district. Mr. Gupta noted that 601-03 Lombard and 600-02 Addison together made up one single property in 1999. He asked why the inventory has two entries if it was one property. Mr. Farnham explained that prior to 2004 or 2005, the Commission did not strictly use tax parcel addresses when designated properties and created inventories. It used what might be called mailing addresses. Therefore, what was legally one property could be construed as two properties. Mr. Gupta asked if the Commission has encountered other instances when an inventory entry does not reconcile with tax parcel addresses. Mr. Farnham answered that the Commission has encountered numerous instances when the inventory addresses and tax parcel addresses do not coincide. He explained that, in those instances, the Commission has always considered the facts and then made interpretations based on those facts to determine its level of jurisdiction. Mr. Farnham noted that, in this case, it appears that the Commission made a simple mistake because the parking lot appears to be listed in both inventory entries. He stated that one could argue that the parking lot is listed in both entries, muddying the waters that Mr. Sklaroff presented as clear. Mr. Farnham also noted that another fact calls into question Mr. Sklaroff's presentation of the facts as clear. He stated that the houses on Lombard and the parking lot on Addison are clearly separated by a garden wall. The properties have not been subdivided along this wall, but instead the new property line has been drawn about five feet south of this wall, in the rear yards of the houses along Lombard. Therefore, the new lot includes about five feet of the property that is indisputably classified as Contributing in the inventory. Mr. Sklaroff countered that the a.k.a. address in the inventory for 600-02 Addison and the earlier lot lines for properties facing 6th Street clarify that this section of the rear yards should be considered part of the Addison lot according to the inventory. He contended that three-fourths of the total lot from Lombard to Addison is covered by the Addison inventory entry. He added that, if there is a discrepancy, then the inventory must be interpreted to the benefit of the property owner. Mr. Sklaroff stated that 600-02 Addison Street is a lawful, permitted parcel with a tax account that is classified as Non-Contributing in the inventory and qualifies as an "undeveloped site," and should therefore be subject to review-and-comment jurisdiction only. Mr. Gupta asked Mr. Farnham to speak about Section 5.15 of the Rules & Regulations regarding addresses and subdivisions. Mr. Farnham stated that that rule requires the Commission to automatically list on the Philadelphia Register all new addresses resulting from the subdivision of a designated property. He stated that the Commission has fully complied with that rule in this instance and its compliance is not in dispute. Both 601-03 Lombard Street and 600-02 Addison Street, the two addresses resulting from the subdivision of the designated property at 601-03 Lombard Street, are listed on the Philadelphia Register, a fact that Mr. Sklaroff does not dispute. The point of dispute regards the level of the Commission's jurisdiction over the Addison property, plenary or review-and-comment jurisdiction, not whether the Commission has jurisdiction at all. Mr. Sklaroff asserted that the preponderance of the evidence supports his position, that the Commission has review-

and-comment jurisdiction only. Mr. Mattioni observed that the recent subdivision cannot control a previous determination by the Commission. Ms. Jones contended that the properties were viewed as separate at the time of designation. Mr. Sklaroff stated that the historic maps document the boundaries of the historic parcels; the recent subdivision separated the property into two parcels that correspond to historic lot lines and that correspond to the two inventory entries.

Mr. Thomas asked about the current use of 601-03 Lombard Street. Mr. Sklaroff replied that it is a four-unit apartment building. Mr. Thomas asked if the parking lot is solely for the use of the residents of 601-03 Lombard Street. Mr. Sklaroff answered that people other than the residents “seem” to park in the lot. Mr. Thomas suggested that Mr. Sklaroff was evading the question and again asked if it was a public parking lot for the exclusive use of the residents of 601-03 Lombard. He asked if the entire parcel was developed as an apartment with parking or if the apartment and parking were developed separately for separate uses. Mr. Sklaroff responded that the distinction is irrelevant; the inventory controls and it classifies the Addison lot as Non-contributing. Mr. Thomas stated that he believes that the person who authored the inventory entry mistook the parking lot as separate from the apartment, but the record shows that it was one property, not two. Mr. Thomas suggested that the Commission move beyond this discussion and consider the proposed building. He posited that, if the building is compatible with the surroundings and the district, then the Commission does not need to answer the jurisdiction question. Mr. Maenner offered one thought before moving on. He stated that the inventory seems to recognize 600-02 Addison Street as a real address, not simply an a.k.a. address. He pointed out that a.k.a. addresses in the inventory do not have full entries, but merely pointers to other addresses with entries.

Mr. Potts, the architect, discussed the architectural plans for the new building. He stated that the design is an as-of-right structure. He reported that he sought to design a building that was in keeping with the neighborhood and compatible with its context. He stated that the building was designed to be especially deferential to the most important structure in the neighborhood, Mother Bethel Church. He showed photographs of the context including the adjacent 1990s buildings. He stated that the building is intended to be clearly contemporary, but compatible with its context. The colors were drawn from the church. He stated that he revised the design based on the Committee’s suggestions. He noted that the Committee objected to the strong contrast of colors. Therefore, he adjusted the colors, making the grays and whites closer to one another. He displayed a rendering looking down Addison Street to the east, showing the proposed building with the church in the background. Mr. Potts contended that the new building would harmonize with the church. He noted its appropriate massing and scale. He stated that it would be smaller than the building that once stood on the site. He also noted that he added to and adjusted the fenestration, including that of the bays, as suggested by the Committee. He stated that he found the Committee’s suggestions very helpful and sought to incorporate them into the design.

Mr. Thomas asked about the use of the first floor. Mr. Potts explained the layout of the units throughout the building. Mr. Thomas stated that the scale of the building is appropriate. It does not “overpower” the surrounding buildings. He asked Mr. Potts if he planned to separate the first-floor units from the sidewalk to give them privacy. He acknowledged that the matter of privacy was unrelated to the Historical Commission’s purview. Mr. Potts stated that the question was interesting in light of the fact that the Architectural Committee asked him to lower the sill heights of the first-floor windows, which he did in the revised design, making the units less private. Mr. Thomas noted that accessibility requirements preclude the possibility of raising the

first floor up and adding steps to the door. He suggested street trees or a planter. Mr. Potts stated that he might add planters or something akin to them, as Mr. Thomas suggests. Mr. Schaaf suggested that the lower section of the glass in the first-floor windows could be opaque. Mr. Thomas concluded that, as an architect, it is his opinion that the building is compatible with the context, neighborhood, and district. The size, scale, and massing are appropriate. The color is appropriate. It fits in with Mother Bethel Church. He stated that the flat roof is appropriate because many newer buildings in the district have flat roofs. He contended that the building is appropriate for the district. Mr. Thomas suggested that the Commission approve the project.

Larry Spector, who lives at 410 S. 6th Street, to the north across Addison Street, addressed the Commission. He objected to any consideration of Mr. Sklaroff's package of information on the jurisdictional issue because he had not had an opportunity to review it prior to the meeting. He stated that Mr. Sklaroff's argument is designed "to make this Commission dance through the code and dance through its regulations and either find that it doesn't have jurisdiction or it's so ambiguous that we're going to allow this structure and maybe just comment on it." He asked the Commission not to abdicate its duties. Mr. Spector contended that the building is not compatible with the neighborhood. He objected to the design and stated that the representatives of Mother Bethel Church object to the design. He claimed that the building "would rise up in front of the stained-glass window" of the church. He asserted that the building would have an adverse impact on the church. He called the building an "office-park-like structure." He stated that the rendering submitted earlier by the applicants showing the view east of Addison with the proposed building is inaccurate. The proposed building is rendered too small, he claimed. He objected to the flat roof of the proposed building. He stated that it would be as tall as the peak of the roof on the building to the west on Addison. It would be "a bulky, monolith, mass block." It would be built out to the sidewalk and include bay windows over the sidewalk. He contended that there are no bay windows within one-quarter mile of the property. Returning to the rendering, Mr. Spector stated that it did not accurately represent the surroundings. He stated that Addison Street is ten feet wide with Belgian block paving. He claimed that the building would block light to the surroundings. He claimed that it would create parking problems. He claimed that apartments are squeezed into the building, which was designed to maximize space. Mr. Spector stated that the proposed building is nice, but not for this site. He objected to the stucco and to the metal windows. He objected to the bay windows, which he claimed are unrelated to Society Hill. He stated that the building will cut off light. He stated that the proposed building will be deeper than the adjacent buildings on Addison, thereby "cutting off the airway" behind the buildings. "He's just putting a mass where it doesn't belong." Mr. Spector objected to the structures and equipment proposed for the roof of the building. He stated that the building is 38 feet to the roofline, but has equipment and structures on the roof, making it taller. He contended that the elevator overrun and air conditioning compressors would "face right into the stained-glass window of Mother Bethel Church." He stated that, "if the Mother Bethel people were here today, they would say to you, if you've ever been in our church, our sanctuary does not begin at the ground level; our sanctuary begins on the second floor and, if you build this property, especially with these mechanicals on the roof, put aside the noise they might make at some point and assume that that doesn't sort of filter through and bother us in our sanctuary, we're looking out the stained-glass windows of our church directly into your roof mechanicals." Mr. Sherman questioned whether one could see through a stained-glass window. Mr. Spector opined that the building will spoil the view and be an eyesore. He again stated that Mr. Sklaroff's materials should not be considered by the Commission because they were not submitted in a timely manner. Mr. Spector then asked the Commission to consider his letter, which he noted was submitted yesterday, one day before the Commission's meeting. Mr. Spector stated that the property in question was one lot until very recently. He claimed that HUD required the

parking lot for the tenants of the HUD-subsidized houses facing Lombard. He reported that he asked the owner of the property if he could park in the lot and was told that he could not because the parking was reserved for the residents of the homes facing Lombard. Mr. Spector stated that the Commission would violate Section 5.15 of its Rules & Regulations if it did not assert jurisdiction over this lot. He asserted that the address of the lot is irrelevant. The plot they intend to build on was part of a designated lot until they subdivided it off.

Caroline Boyce of the Preservation Alliance asked the Commission to resolve the issue of jurisdiction before ruling on the merits of the design. She observed that Mother Bethel Church is one of the most important sacred properties in the city. She asked the Commission to give the community an opportunity to review and comment on the revised plans. Ms. Boyce stated that she has a keen appreciation of contemporary architect, but objects to this design, which appears “very corporate, especially at the first-floor level.” She said that the first floor looks like office space. She asked the Commission to delay any action to allow for resolution to the legal question and to allow the community to review the plans. Mr. Thomas agreed with Ms. Boyce that the legal question requires resolution first. He added that the Commission should not base its decision on the revised renderings, but should see new architectural drawings including a site plan. Mr. Potts responded that he submitted complete architectural drawings that have not changed. The site plan remains the same. The height and setbacks remain the same. The renderings only reflect color revisions and other minor changes made since the full drawings were submitted. Mr. Thomas stated that the details are very important.

Mr. Sklaroff objected to a delay. He stated that the affidavits submitted by Mr. Spector refer to a zoning hearing and make no mention of the Historical Commission’s review. He noted that the Zoning Board denied the appeal. Mr. Sklaroff also stated that most of the information that he submitted in the package today was already provided by the staff and discussed at the Architectural Committee meeting. He noted that the historic photographs of the buildings on the site before the Redevelopment Authority acquired and cleared it were new to this review, but were only presented to show that there is historic precedent for a building of this massing. He stated that he asked the staff to seek the Law Department’s opinion on the jurisdiction question. He contended that the design documents are detailed enough to warrant an approval today. Mr. Thomas stated that the details of the changes that will give the first-floor units more privacy should be reviewed. Mr. Sklaroff stated that, if they decide to revise the design, they will present the revised plans to the Commission for review.

Mr. Maenner stated that he agreed with the earlier assessment of Mr. Thomas, that the building was compatible with the neighborhood and historic district. He disagreed with his shift in opinion and contended that many of the buildings in the immediate area are relatively new. He contended that the 600-block of Addison does not have the character of the older sections of Society Hill. He concluded that the building is appropriate for its context. Mr. Sherman agreed and stated that the massing is not inappropriate. He asserted that the design is compatible with the area.

Mr. Mattioni stated that he is not able to resolve the question of the standard of review with the information that has been provided. He suggested that the Commission could assume it has full jurisdiction and move on to the review of the design. Mr. Sherman asked Mr. Sklaroff why the developer chose to subdivide the lot into two parcels. Mr. Sherman stated that he doubts that the developer subdivided merely to try to avoid the Commission’s jurisdiction. Mr. Sklaroff stated that the motivations were economic; the developer was not seeking to elude the Historical Commission. He stated that he did not raise the jurisdiction issue; it was raised by the staff. He

stated that he addressed it because he needed to preserve the issue if it came up on appeal. Mr. Thomas stated that he asked questions about the subdivision to understand if it was all one lot at designation and to know whether the parking was accessory to the structure. Mr. Gupta stated that he would like to be provided with the opinion of the Commission's attorney in this matter. Ms. Jones stated that the Commission should make a decision based on the record that has been presented. Mr. Gupta pointed out that Section 5.15 of the Commission's Rules & Regulations clearly states that, when a property is subdivided, all of the resulting properties are considered designated. Mr. Farnham agreed, but stated that no one is contending that the Addison Street lot is not designated; he observed that Mr. Sklaroff is not claiming that the lot is not designated, but is instead contesting the level of the Commission's jurisdiction over the designated lot. The question is whether the Commission has plenary or review-and-comment jurisdiction over the Addison Street lot. The preservation ordinance limits the Commission's jurisdiction to review-and-comment only over what are called "undeveloped sites" in historic districts. Therefore, the real question is whether the Commission considers the Addison lot an undeveloped site, a term that is used in the ordinance and defined in the Rules & Regulations. Owing to ambiguities in the historic district's inventory, the answer to that question is not obvious. Mr. Farnham then informed the Commission that he presented the documents related to this question and discussed the matter at length with the Commission's attorney. He explained to the Commission that the attorney had decided that the question is not a legal one with a clear answer, but is one that requires the Commission to interpret the evidence and make a decision based on its experience and practice. He noted that the Commission could essentially put aside the question of jurisdiction if, as it appears, it will approve the project. Responding to the claim that the community has not had an opportunity to review the revised design, Mr. Farnham stated that the revised design that the Commission is currently considering was submitted to the Commission's staff and distributed to the Commissioners one week ago. He added that potential interested parties were informed one week ago via the Commission's interested-parties email distribution list that the design had been revised and was available for review in the Commission's offices. He suggested that the Commission reject claims that the community has not had an opportunity to review the revised design. Mr. Spector claimed that he and the Society Hill Civic Association did not receive the notice about the revised design. Mr. Farnham responded that the agenda with information about revised and supplemented applications was sent out via email at 11:47 a.m. on Friday, 2 August. The agenda was sent to Ms. Katz-Lawson of the Society Hill Civic Association because she has requested to be included on the Commission's interested-parties email distribution list. The email would not have been sent to Mr. Spector because he has not elected to be included on the list.

Ms. Katz-Lawson asked the Commission to resolve the jurisdictional question because she would like to know about the level of the Commission's jurisdiction over two other properties in the area, one north of Mother Bethel Church and one north of Pine Street on 6th Street. Mr. Mattioni informed her that the resolution in this case will have no bearing on those other cases because the circumstances in those cases will be different. Mr. Farnham offered to meet with Ms. Katz-Lawson and review the designation histories of the properties and advise her on the Commission's jurisdictions at them. She responded that the circumstances of the two properties are exactly the same as those of the property in question. Mr. Farnham observed that it is very unlikely that the inventory entries for the two properties are ambiguous in the very same way that the entry for the current property is ambiguous. Mr. Farnham stated that a decision in this case will likely have no bearing on those cases. He again offered to review the matter with Ms. Katz-Lawson in the Commission's offices.

ACTION: Ms. Merriman moved to resolve that the Historical Commission has plenary jurisdiction, not comment-only jurisdiction, over the application for new construction at 600-02 Addison Street. Mr. Thomas seconded the motion, which passed by a vote of 9 to 1. Ms. Jones opposed.

Ms. Merriman stated that, in general, she found the proposed building to be compatible with the surroundings and historic district. She suggested that the design of the rooftop equipment should be revised to ensure that it is inconspicuous from the street.

ACTION: Ms. Merriman moved to approve the revised application as presented to the Historical Commission at its meeting on 9 August 2013, provided the rooftop mechanical equipment is inconspicuous from the public right-of-way, with the staff to review details, pursuant to Standard 9. Mr. Maenner seconded the motion, which passed by a vote of 8 to 1. Ms. Leonard dissented. Mr. Mattioni abstained.

ADDRESS: 113 GAY ST

Project: Rehabilitate building

Type of Review Requested: Final Approval

Owner: James Mitchell

Applicant: Rustin Ohler, Harman Deutsch

History: 1900

Individual Designation: None

District Designation: Main Street Manayunk Historic District, Contributing, 12/14/1983

Staff Contact: Jorge Danta, jorge.danta@phila.gov, 215-686-7660

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, provided the material of the replacement cornice is consistent on both buildings, with the staff to review details, pursuant to Standard 9.

OVERVIEW: This application proposes to rehabilitate two buildings in the Manayunk Historic District. The buildings were unsympathetically altered in the past and retain little of their original appearance. The project includes the three-story building on the corner of Cresson and Gay Streets and the adjacent two-story building on Cresson Street. The Cresson Street facades face SEPTA elevated train tracks.

The Historical Commission reviewed and approved in concept a very similar application in June 2007. At that time, the Commission approved the rehabilitation of the two buildings and the construction of a one-story addition on the two-story building, the construction of a large bay window on Gay Street, and penthouse additions on both the two-story and corner buildings. That project was not undertaken.

The current proposal is a scaled-back version of the June 2007 approval. The current proposal would also rehabilitate the two buildings. The existing rough-stucco finish would be removed and replaced with a smooth-stucco finish. The original window openings would be reopened and aluminum-clad windows installed. The garage opening on Cresson Street would be retained and the garage door replaced with a storefront system. The garage opening on Gay Street would be eliminated and replaced with a double residential-scaled window. The cornice would be reconstructed. The current application also proposes an addition on the two-story building. The addition would match the height of the adjacent three-story building and have a six-inch set back from the front façade along Cresson Street. The addition would be finished in stucco and

have two windows. The proposed addition is more sympathetic than the previously approved addition. The previous addition was taller and did not respect the height of the three-story building. It was also clad in a glass storefront system and did not have a setback. A roof deck is proposed over the addition. The roof deck would have an eight-foot set back from Cresson Street and a pilothouse for access. Owing to the elevated train tracks the roof deck and pilothouse would not be visible from Cresson Street.

ACTION: See Consent Agenda

ADDRESS: 2501 S GARNET ST

Project: Install gate

Review Requested: Final Approval

Owner: Robert & Laurie Zambrano

Applicant: Robert Zambrano

History: 1910; James H. and John T. Windrim, architects

Individual Designation: None

District Designation: Girard Estate Historic District, Contributing, 11/10/1999

Staff Contact: Jorge Danta, jorge.danta@phila.gov, 215-686-7660

ARCHITECTURAL COMMITTEE RECOMMENDATION: Approval, provided the top of the gate is straight, not curved, and that the height of the gate does not exceed the height of the wall, with the staff to review details, pursuant to the Commission's approval for 2535 S. 19th Street.

OVERVIEW: This application proposes to legalize a parking pad. The owner was erroneously informed by the Department of Licenses & Inspections that the construction of a parking pad did not require a building permit. The owner secured a zoning approval before beginning the work.

The parking pad is located on the rear yard of this corner property. The house did not retain the original hairpin fence. The rear yard was enclosed by a non-historic cinderblock wall, which the owner demolished. The property owner submitted an application in February 2013. The Commission denied the legalization. In April 2013, the Commission approved a similar application for 2535 S. 19th Street, also in the Girard Estate Historic District. That application involved the modification of the original hair-pin fence for the installation of a gate to access the parking pad.

The owner of the subject property appealed the Commission's February 2013 denial to the Board of License & Inspection Review. The Board heard the case and in light of the approval for a similar application for 2535 S. 19th Street remanded the application back to the Historical Commission. The owner now returns to the Commission with a revised application. The current application seeks to legalize the parking pad and the approval of a gate. The design of the gate has been revised since February 2013. The revised gate would have a solid panel in its lower section.

ACTION: See Consent Agenda

OTHER BUSINESS

PROPOSAL TO ESTABLISH AD HOC COMMITTEE TO REVIEW PUBLIC INTEREST PROVISIONS

DISCUSSION: Mr. Farnham asked the Historical Commission to consider the appointment a subcommittee or task force to conduct an open public process to review the “necessary in the public interest” provision of the historic preservation ordinance and present a report of recommendations to the Historical Commission within not more than one year. He requested that the Commission consider appointing a representative of the Preservation Alliance for Greater Philadelphia to the subcommittee or task force. He advised the Commission that it need not take any action on his request today, but could discuss it and then take it under advisement for resolution at an upcoming meeting.

Mr. Farnham reminded the audience that, in June 2012, the Historical Commission approved the demolitions of two buildings on the campus of the Episcopal Cathedral at 38th and Chestnut Streets after finding that the issuance of the demolition permits was “necessary in the public interest.” The Preservation Alliance for Greater Philadelphia appealed the approval to the Board of License & Inspection Review. Before the Board could complete its hearing into the matter, the property owner and Alliance settled the case and the Alliance withdrew its appeal in exchange for a series of concessions from the property owner and City. As part of the settlement, the Deputy Mayor for Planning and Economic Development, who is also responsible for the administration of the Commission and, as the Chair of the City Planning Commission and Director of the Commerce Department, holds two seats on the Commission, agreed to direct the Executive Director to request that the Commission appoint an ad hoc committee to review the public interest provision in the ordinance and Rules & Regulations and report its findings. The agreement with the Alliance to make the request, via the Commission’s Executive Director, was set forth in writing in a letter dated 11 March 2013 from the Deputy Mayor to the Chair of the Alliance. The pertinent section of the letter reads:

The Executive Director of the Historical Commission, with the support of Deputy Mayor Alan Greenberger, shall request that the Historical Commission appoint a subcommittee or task force to conduct an open public process to review the ‘necessary in the public interest’ provision of the Historical Preservation Ordinance, Chapter 14-1000 of the Philadelphia Code (the “Ordinance”) and present a report of recommendations to the Historical Commission within not more than one year. A representative for the Alliance shall be a member of any appointed subcommittee or task force and may participate in its work.

Mr. Farnham noted that Section 14-1003(2)(j) of the historic preservation ordinance authorizes the Commission to establish “any committees deemed necessary for the conduct of its business.” Section 3.4 of the Rules & Regulations likewise authorizes the Commission, “by a majority present and voting, [to] create such standing and *ad hoc* committees as it deems necessary for the conduct of the Commission’s work.” Neither the Deputy Mayor nor Executive Director possesses the authority to unilaterally establish the committee or to dictate its membership, charge, purview, or any other attribute, but only to ask the Commission to establish such a subcommittee. The Commission may accept or reject this request, with or without modification. Mr. Farnham noted that Commissioner Hawkins, who was unable to attend today’s meeting, had indicated that she would like to serve on a committee, if one is created.

Mr. Sherman stated that he has considered the proposal, but others on the Commission may not have had sufficient time for consideration. Mr. Mattioni responded that he has given the

matter “serious thought.” He stated that he saw no reason why the Commission should consider amending its Rules & Regulations or suggesting that City Council amend the ordinance. He asserted that the Commission had acted “judiciously and reasonably” during its review of the application that prompted this request. He stated that he rejected the implication inherent in the request that the Commission is somehow unduly influenced by certain parties. He contended that he has seen no evidence during his tenure on the Commission that any members of the Commission are unduly influenced. He observed that he was especially troubled by the suggestion that a representative of the Preservation Alliance serve as a member of the proposed committee. He contended that that would be grossly inappropriate because there would be an inherent conflict of interest. He noted that the Preservation Alliance routinely advocates for positions before the Commission and contended that allowing an advocate to then determine Commission policy or amend Commission regulations would be inappropriate. He remarked that, if the Alliance were included, then the Commission would be compelled to include other groups and organizations, which also advocate for their interests. If the Commission turned its policy-making over to outside interest groups, it would be abdicating its responsibility. It stated that such a committee would seriously interfere with the Commission’s activities, especially in light of the fact that its genesis appears predicated on false assumptions. He noted that he respects the City’s right to make the request, but rejects the call for a committee, especially one that would have partisan representation.

Caroline Boyce of the Preservation Alliance requested that the Commission establish the committee. She stated that the Alliance would enter the process without “preconceived notions.” She stated that she looked forward to participating in a “thoughtful and deliberative process.” She stated that the Alliance would be “pleased” to participate in a “thoughtful and deliberative manner.” She contended that the Alliance has expertise and resources that it could bring to such a committee. She stated that she understands the risks one takes when one opens up an ordinance or set of rules. She suggested that the Commission should be thoughtful and careful about defining the membership and parameters for such a committee. She suggested that the Commission consider carefully the proposal to establish the committee; she suggested that it might be prudent to wait one month until reaching a final decision.

Mr. Mattioni stated that Ms. Boyce’s comments did not address his concerns. He stated that he assumed that the Alliance would be thoughtful and deliberative, but he contended that seating a member of an interest group on such a committee was inherently fraught with conflict. He suggested that, if such a committee were formed, the Alliance could certainly appear before it like any member of the public and present its position. He concluded that including a representative of the Alliance on the committee would be inappropriate.

Ms. Merriman asked if the Commission has ever created an ad hoc committee to address a specific issue. She also asked how community and interest groups participated in such committees. Mr. Thomas responded that the Commission established a committee to investigate the paving and trolley tracks on Germantown Avenue several years ago. He noted that he served on the committee and remembered that persons from outside the Commission sat on the committee. Mr. Sherman noted that the outside members had specific expertise in a very specific technical area. Ms. Merriman noted that, in the current case, the Commission would be free to accept or reject any recommendations emerging from the ad hoc committee. It would not be bound to accept and implement its recommendations. “Looking at an issue and talking about an issue doesn’t obligate anybody to a specific course of action,” she asserted. Mr. Thomas noted that the Architectural Committee includes members who are not Commissioners. Mr. Farnham observed that, although some Architectural Committee members are not

Commissioners, all members owe their first allegiance to the Commission; they do not advocate on the behalf of other organizations or causes. They are subject to the City's ethics and disclosure laws and are part of the Commission family. Mr. Thomas noted that the Alliance provided significant information to the Commission's ad hoc committee on interiors. Others noted, however, that the Alliance participated as a member of the public, not as a member of the committee itself. Mr. Farnham remarked that the interiors committee was comprised entirely of Commission members.

Ms. Turner remarked that the Historical Commission has confronted several applications raising questions about the public interest recently. She stated that the Commission's interpretation of the term "public interest" is "gravely important." She suggested that the Commission take its time to consider the matter without rushing to judgment. She suggested that the Commission consider various avenues for developing better policies and processes related to public interest. She opined that creating a committee, standing or ad hoc, has many ramifications. She also suggested that a review could be lengthy and complex. She concluded that the Commission should consider the matter carefully and not necessarily come to a conclusion today.

Mr. Mattioni explained that the term "necessary in the public interest" is not as "strange" or "unusual" as some might imply. In fact, it appears in many federal, state, and local laws and ordinances and has been the subject of court cases all the way up to the Supreme Court. Concepts of public interest are employed by courts and administrative agencies every day. He stated that the Commission is called upon to confront cases that require interpretations of the term "public interest" regularly. It is a term that cannot be easily defined in the abstract. The Commission's cases are typically dependent on facts and not on the legal definition. When reviewing such applications, the Commission does not need sophisticated legal definitions, but instead needs good sense and judgment to parse the facts reasonably and to come to an honest conclusion. He asserted that the Commission does use good sense and judgment, it considers the facts reasonably, and it comes to honest conclusions. He noted that, even when he disagrees with the Commission's conclusions, he always agrees that it has reached those conclusions reasonably and honestly. He stated that he does not believe that the Commission needs such a committee because it already reviews public interest applications rationally and reasonably and makes good, honest, sound determinations. Mr. Mattioni stated that the system is not broken and does not need to be fixed. He asserted that public interest is at the very heart of the Commission's business. A committee considering public interest would be very different from a technical committee researching technical issues about trolley tracks. He stated that the views of the Preservation Alliance are very important and the Commission listens to the Alliance carefully and often accepts its advice. However, the Alliance represents a particular interest group. The Commission could not include the Alliance without including all other interest groups. He concluded that the Commission itself represents sufficiently diverse points of view. He strenuously objected to the inclusion of an Alliance representative on any such committee.

Ms. Leonard stated that she agrees with Mr. Mattioni. She stated that she also objects to creating an ad hoc committee in response to one particular case. She stated that she would support the creation of such a committee if there was evidence of an overriding problem with public interest cases. However, the Commission has only reviewed six or seven public interest cases since 1985. She contended that the public interest provisions in the ordinance and Rules & Regulations have not presented significant problems for the Commission. She stated that agreeing to establish this committee would encourage others to appeal Commission decisions with the hope that the Commission would offer similar settlement terms. She asserted that the

Commission should not establish a committee because of a disagreement over a decision in one, single case.

Ms. Jones stated that, owing to her experience with the Episcopal Cathedral case, she would welcome the opportunity to discuss the Commission's public interest provision. She stated that she would support the creation of a task force with a limited term to review the provision and make recommendations to the Commission. She noted that such a task force might conclude that no change to the ordinance or Rules & Regulations was needed.

Mr. Maenner observed that the provision appears to be functioning well. He remarked that the Commission and its staff consider public interest matters thoroughly, reasonably, and professionally. He contended that a committee is unnecessary.

ACTION: Mr. Mattioni moved to reject the request to appoint an ad hoc committee to review the "necessary in the public interest" provision. Ms. Leonard seconded the motion, which passed by a vote of 5 to 4. Mses. Jones, Merriman, and Turner and Mr. Schaaf dissented. Mr. Gupta abstained.

ADJOURNMENT

ACTION: At 11:55 a.m., Mr. Mattioni moved to adjourn. Mr. Schaaf seconded the motion, which passed unanimously.

STANDARDS AND GUIDELINES CITED IN THE MINUTES

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.