

**THE MINUTES OF THE 659TH STATED MEETING OF THE
PHILADELPHIA HISTORICAL COMMISSION**

**FRIDAY, 14 JULY 2017
ROOM 18-029, 1515 ARCH STREET
BOB THOMAS, CHAIR**

PRESENT

Robert Thomas, AIA, Chair
Emily Cooperman, Ph.D.
Terrence Dillon, Department of Licenses & Inspections
Anuj Gupta, Esq.
Steven Hartner, Department of Public Property
Melissa Long, Division of Housing & Community Development
John Mattioni, Esq.
Dan McCoubrey, AIA, LEED AP BD+C
Rachel Royer, LEED AP BD+C
R. David Schaaf, RA, Philadelphia City Planning Commission
H. Ahada Stanford, Commerce Department
Betty Turner, M.A.

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

ALSO PRESENT

Lois Krombolz, Sedgeley Club
Michael Mattioni, Esq., Mattioni, Ltd.
Stuart Rosenberg, SGRA
Michael Lewis, Williams College
Dani Leiman, Blackney Hayes Architects
Jacob Cooper
Darin Jellison, Blackney Hayes Architects
Patrick Grossi, Preservation Alliance for Greater Philadelphia
Jessica Dimka
M. Cooper
Nick Vadala, PMN
Eric Heidel, (RE)work
Jamie McDonald, Sage PM
Paul Steinke, Preservation Alliance for Greater Philadelphia
Alex Gauzza, ISA
Adam Montalbano, MotoDesignshop
Susan Davis, SMDAIA
Robert Palladino, Landmark AIA
Donna Rilling
Daisy Nieves
Philip Scott, KSK

Bill Bolger, National Park Service
Ben Leech
Joe Forkin, Delaware River Waterfront Corporation
N. Cooper
C. Valentine, Holy Name of Jesus
David S. Traub, Save Our Sites
Anne Kaiser
P. Murphy
Andrew Dalzell
Bill Morlok
J.M. Duffin
Celeste Morello
Harrison (H.R.) Haas
J.F. McCarthy, B.H.N. RCO
Fred Baumert, Keast & Hood
George Thomas, Civic Visions
Marc Kaplin, Esq., Kaplin Stewart
Andy Kaplin, Revolution Development
Michael Krasulski
Gabe Canuso, Delaware River Waterfront Corporation
Chris Isaacson
James Calnan
Donna Kennedy, Pier 5 Condo Association
Gail Harrity, Philadelphia Museum of Art
Nicole White, Philadelphia Museum of Art
Jane Lawson-Bell, Philadelphia Museum of Art
Timothy Rub, Philadelphia Museum of Art
Anton Michels
Sr. Mary Carol McClenon
Cheryl Cutrona, Good Shepherd Mediation Program
Philip Cottone, Good Shepherd Mediation Program
Chris Strom, Esq., Eckert Seamans Cherin & Mellott, LLC
K. Pratt
C. Bollack
Shannon Barg, Preservation Alliance for Greater Philadelphia
Pamela Young
MacKenzie Roebuck-Walsh
Aaron Wunsch, University of Pennsylvania
Karen Earley, Sedgely Club
Tim McGuirk, CertainTeed
Charles Loomis, Loomis McAfee Arch.
Oscar Beisert
Mara Swift
Mike Swift

CALL TO ORDER

Mr. Thomas called the meeting to order at 9:00 a.m. Commissioners Cooperman, Dillon, Gupta, Hartner, Long, Mattioni, McCoubrey, Royer, Schaaf, Stanford, and Turner joined him.

MINUTES OF THE 658TH STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION

Ms. Turner noted that she had emailed Mr. Farnham to alert him that Mr. McCoubrey's name had been left off the list of the Commissioners in attendance in the meeting minutes. Mr. Farnham responded that he had already made the correction.

ACTION: Ms. Turner moved to adopt the minutes of the 658th Stated Meeting of the Philadelphia Historical Commission, held 9 June 2017, with the addition of Mr. McCoubrey's name to the list of the Commissioners in attendance in the meeting minutes. Mr. Schaaf seconded the motion, which passed unanimously.

REQUESTS TO CONTINUE NOMINATION REVIEWS

Mr. Farnham presented continuance requests as follows:

- to continue and remand the reviews of nominations of 1642 Fitzwater Street; 1600-06 & 1608-10 E. Berks Street; 1401 S. Water Street; 6369 Germantown Avenue; and 6365-67 Germantown Avenue to the September 2017 Committee on Historic Designation meeting;
- to continue the review of nomination of 18 & 20 E. Johnson Street to the November 2017 Historical Commission meeting;
- to continue the review of nomination of 2117 E. York Street to the October 2017 Historical Commission meeting; and,
- to continue the review of nomination of 227 E. Allen Street to the September 2017 Historical Commission meeting.

Mr. Thomas asked if any Commissioners had comments on the continuance requests. None were offered. Mr. Thomas asked if anyone in the audience had comments on the continuance requests. None were offered.

ACTION: Ms. Cooperman moved to continue and remand the reviews of nominations of 1642 Fitzwater Street; 1600-06 & 1608-10 E. Berks Street; 1401 S. Water Street; 6369 Germantown Avenue; and 6365-67 Germantown Avenue to the September 2017 Committee on Historic Designation meeting; to continue the review of nomination of 18 & 20 E. Johnson Street to the November 2017 Historical Commission meeting; to continue the review of nomination of 2117 E. York Street to the October 2017 Historical Commission meeting; and, to continue the review of nomination of 227 E. Allen Street to the September 2017 Historical Commission meeting. Ms. Turner seconded the motion, which passed unanimously.

THE REPORT OF THE ARCHITECTURAL COMMITTEE, 27 JUNE 2017

Dan McCoubrey, Chair

CONSENT AGENDA

Mr. Farnham introduced the consent agenda, which included applications for 21 N. Chris Columbus Boulevard; 412 S. 18th Street; 224 Catharine Street; 1601 Mount Vernon Street; 2500 Spring Garden St, Sedgeley Boathouse; and 412 S. 20th Street. Mr. Thomas asked if any Commissioners had comments on the Consent Agenda. None were offered. Mr. Thomas asked if anyone in the audience had comments on the Consent Agenda. None were offered.

ACTION: Mr. McCoubrey moved to adopt the recommendations of the Architectural Committee for the applications for 21 N. Chris Columbus Boulevard; 412 S. 18th Street; 224 Catharine Street; 1601 Mount Vernon Street; 2500 Spring Garden St, Sedgeley Boathouse; and 412 S. 20th Street. Mr. Schaaf seconded the motion, which passed unanimously.

AGENDA

ADDRESS: 2500 SPRING GARDEN ST, PHILADELPHIA MUSEUM OF ART

Proposal: Construct Turrell Skyspace pavillion

Type of Review Requested: Final Approval

Owner: Philadelphia Museum of Art

Applicant: Philip Scott, KSK Architects Planners Historians, Inc

History: 1928, Horace Trumbauer, architect, Philadelphia Museum of Art

Individual Designation: 6/29/1971

District Designation: None

Staff Contact: Jon Farnham, jon.farnham@phila.gov, 215-686-7660

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, pursuant to Standard 9 and the Historical Commission's approval in concept of July 2016.

OVERVIEW: This application proposes to install a site-specific artwork named Skyspace by internationally prominent artist James Turrell near the Philadelphia Museum of Art. The Historical Commission reviewed and approved an in-concept application for the Skyspace in July 2016. Since that time, the design and has been refined and detailed.

Artist James Turrell works with light and space to create artworks that engage viewers with the limits and wonder of human perception. His artworks have been shown at hundreds of major museums and galleries throughout the world. Turrell has said: "My work is more about your seeing than it is about my seeing, although it is a product of my seeing. I'm also interested in the sense of presence of space; that is space where you feel a presence, almost an entity — that physical feeling and power that space can give."

The proposed site is within Fairmount Park, to the west of the Philadelphia Museum of Art, on the rock promontory known as the North Plateau, which overlooks the Fairmount Waterworks and the Schuylkill River. The Museum and the Waterworks are both designated as historic, but boundaries for the early designations are not defined. Fairmount Park as a whole is not designated as historic.

Skyspace will be an open elliptical structure with a perimeter stone bench with a high back that provides a sense of enclosure. Conceived as a pavilion, the structure will feature steel tube columns supporting an elliptical canopy with an aperture framing views of the sky. At dawn and dusk, an array of changing colored lights will project up onto the underside of the canopy. The work is intended to be a contemporary, twenty-first-century response to the two similarly scaled and sited pavilions already on the ridge above the Water Works. The Skyspace canopy will align with the eave of the 1870s Mercury Pavilion to the south.

DISCUSSION: Mr. Farnham presented the application to the Historical Commission. Gail Harry, Nicole Allen White, and Timothy Rub of the Philadelphia Museum of Art and architect Philip Scott represented the application.

Mr. Rub introduced his team. He stated that they have been working with artist James Turrell for several years to include a Skyspace in the museum's collection. He acknowledged that the artwork is being funded by a generous donation. The Skyspace will be treated as a precious object. He explained that the site was chosen in concert with the artist. He noted that several City government entities have been involved in the development of the plan, especially Philadelphia Parks & Recreation, which strongly supports the project. Mr. Rub discussed the first slides of the applicant's Powerpoint presentation. They provided images of other Turrell Skyspace installations. He noted that the proposed Skyspace was designed to take advantage of the specific site on the Fairmount.

Ms. Harry reiterated that they have been working with Parks & Recreation and the Historical and Art Commissions for more than one year to select a site and refine the details of the design of the Skyspace. She stated that they have the full support of Parks & Recreation and the Art Commission as well as various oversight committees at the museum. She reported that they considered numerous possible sites with the artist, who was only interested in locating the Skyspace on the North Plateau for technical and experiential reasons. The artist selected the site for its proximity to the art museum building, its clear and unobstructed view of the sky, and the site's relationship with the Mercury and rustic pavilions. The Skyspace is intended to integrate seamlessly into the landscape and the existing path and stone wall.

Mr. Scott explained that this location has changed significantly over time. The top of the Fairmount was removed when the Art Museum was constructed. He displayed a historic view of the Water Works and Mercury Pavilion and explained that one cannot recreate that view today because the top of the hill was removed for the museum. He noted that the historic water tower stood at about the proposed location of the Skyspace. It was removed before the museum was constructed. Mr. Scott displayed an aerial photograph of the construction of the museum's foundations and pointed out the grading at the Skyspace site. He showed a photograph of the retaining wall, which they plan to incorporate and extend. Mr. Rub explained that during the construction of the museum the topography of the Fairmount was substantially altered. The hill was cut down extensively. Mr. Scott pointed out some large pipes in the photograph and explained that they ran adjacent to the Skyspace site, bringing water from the river to the reservoir, but have been removed; two large openings remain in the retaining wall where the pipes once ran. Mr. Scott showed several photographs of the site and retaining wall. He then displayed renderings of the proposed Skyspace. He explained that they have reduced the size of the Skyspace, which was originally designed for 40 occupants, but will now hold 24. He stated that it is scaled to work with the other pavilions. He showed the plans for the walk to the Skyspace and the extension of the retaining wall. The Skyspace will be the third bead on a string of pavilions. The Skyspace is an ellipse with a perimeter bench that allows viewers to look up through an oculus. The Skyspace will be upright with lights in a concrete trough around the

pavilion. He displayed the stone that will be used in the Skyspace as well as a section drawing through the Skyspace. The underside of the canopy will be lighted twice a day for less than one hour, at dawn and dusk. Mr. Scott displayed architectural drawings and renderings of the Skyspace, walk, and retaining wall. Stone from the site will be used to extend the retaining wall. He explained that the Skyspace has been pushed down into the site and its roof aligns with that of the Mercury Pavilion. The roof color will be grey to match the adjacent pavilion. The Skyspace will be as respectful of the site as possible. Ms. Harrity concluded that the process has been a collaborative one that included many partners. She stated that the plans have been public for at least one year. They have been developed with Parks & Recreation, which is an enthusiastic supporter. She clarified that the lighting program would be about 45 minutes in length, twice a day.

Mr. Mattioni observed that he opposed the project when it was presented for in-concept approval last year. He objected to the “flattened spaceship effect.” He stated that it was his opinion that the Skyspace was “discordant” and “incompatible” with the site. He acknowledged that his reaction was a “visceral” reaction, not an “informed” reaction. He stated that the revisions to the design have not changed his mind. He stated that he does approve of having a nice place to sit and view the landscape. He asserted that the park, water works, and museum are treasures, to which this would not add. He concluded that it detracts from the view.

Ms. Cooperman stated that the Historical Commission had received a letter requesting that it continue this matter. She stated that it is her impression that, when the Commission receives a continuance request for an application review, it has a practice of granting such requests. She asked the chair to comment on her understanding of the process. Mr. Thomas asked Mr. Farnham to comment. Mr. Farnham stated that the Historical Commission generally approves continuance requests proffered by property owners, but the request in this case has been made by a third party. Ms. Cooperman responded that the Historical Commission had granted a similar continuance request from neighbors for a nomination of a cemetery in Northeast Philadelphia. Mr. Farnham agreed that a continuance had been granted at the request of neighbors in that case, but he noted that it was not similar to the current case. He explained that that continuance request related to a designation matter, while this case relates to a permit application matter. The two are very different. He stated that a continuance of a nomination review maintains the status quo; the Commission’s jurisdiction persists and there is no preemption of the property owner’s rights. He stated that this continuance request is a request to delay the review of a building permit application, not the review of a nomination. This permit application proposes work by the property owner, or, in this case, a representative of the property owner and the continuance request has been proffered by a third party. He stated that the Historical Commission does not have a practice of granting such requests. It does not have a practice of denying them either. It does not routinely receive such requests. He stated that the delay of the review of a building permit application at the request of a third party would potentially adversely impact the rights of the property owner. He stated that the question before the Historical Commission in this case is whether the work satisfies the Secretary of the Interior’s Standards.

Ms. Turner asked if there are any unanswered legal questions about whether or not the Philadelphia Museum of Art can building on this site. She observed that the letter questions the Museum’s right to build on the site. Mr. Farnham stated that there may be a question regarding the Museum’s right to build on the site, but the answer to that question is not relevant to the Historical Commission’s deliberations today. He again stated that the question before the Historical Commission in this case is whether the proposed work satisfies the Secretary of the Interior’s Standards or, more generally, the review criteria set forth in the preservation

ordinance. Mr. Thomas agreed that the question for the Historical Commission is conformance with the Standards. Regarding the continuance, Mr. Thomas suggested that the Commission hears from the requester and consider the request. He observed, however, that ownership is not the concern of the Commission. That is a matter for the City and Parks & Recreation. He observed that the Historical Commission's approval is a prerequisite for a building permit; other prerequisites like zoning approval or the owner's permission may be outstanding during the Historical Commission's review. Mr. Thomas stated: "We are not going to hold it up for some property ownership or right-to-build issue."

Mr. Thomas asked for comments from the public.

Michael J. Lewis introduced himself as the Faison-Pierson-Stoddard Professor of Art at Williams College and a "scholar of Philadelphia architecture." He stated that the hill in question is one of the "central works of art of Philadelphia." Landscape can be a work of art, like Central Park in New York and the Mall in Washington DC. He noted that this landscape "has been ravaged over time." The rocky section is the last part that is left from the original landscape. We should hang on to the qualities of this landscape that can be salvaged. When New York and Washington make changes to their great landscapes, there is tremendous public debate and discourse, Mr. Lewis claimed. He asserted that the Philadelphia Museum of Art does not own the land. He stated that the City of Philadelphia is the owner. He stated that he and his group have filled a right-to-know request seeking information about arrangements between the City and the Museum. He stated that his group is, in essence, speaking for the City. He stated that he would like to know what the arrangement is between the City and the Museum with regard to a lease, easement, memorandum of agreement, or other agreement. Mr. Thomas interrupted Mr. Lewis and stated that the Historical Commission has no role in decisions about ownership or leasing of the property and would not base its decision today on whether or not the Museum has an agreement with the City to build on the site. Mr. Thomas reiterated that the Historical Commission's role is to apply the review criteria to the application. Mr. Thomas explained that the Historical Commission and its Architectural Committee held public meetings about the proposal one year ago at which it decided that the Skyspace was appropriate for the site with certain adjustments to the design. He stated that the applicants have presented their revised design to the Historical Commission today. Mr. Thomas stated that the question before the Historical Commission today is whether or not the revisions to the proposal satisfy the request that was made last year. The Historical Commission will not decide whether the Museum and the City have entered into an appropriate agreement that allows the Museum to build at the site. That question will be decided elsewhere, if it has not already. The question before the Historical Commission is: Does this application satisfy the Secretary of the Interior's Standards in light of the in-concept approval granted last year? He asked everyone to concentrate on historic preservation standards and not issues beyond the Historical Commission's purview. Mr. Lewis countered that the City of Philadelphia is the property owner and citizens should be able to weigh in on the proposal. Mr. Thomas agreed and explained that this forum provides an opportunity for citizens to weigh in on the historic preservation aspects of the proposal. Mr. Lewis asked when the public would have an opportunity to comment on the proposal. Mr. Thomas explained that this Historical Commission meeting is one opportunity for the public to comment on the proposal. The Commission and its Architectural Committee have already held three other public meetings on this matter, at which the public was invited to comment. He asserted that the reviews "have not been done behind closed doors." Everyone has had an opportunity to participate. Mr. Thomas invited Mr. Lewis to comment, but to limit his comments to those aspects of the project over which the Historical Commission holds jurisdiction, the historic preservation aspects. Mr. Lewis agreed that the Historical Commission's procedures have been followed with regard to this application, but asserted that the application materials

were not available until last night. He asserted that the Museum should have held a public symposium regarding the plans. He asked that the Commission continue the matter on that basis. Mr. Thomas observed that, if the application materials were not available, then that would be a basis for a continuance. Mr. Lewis stated that the essence of his argument is that this site is a work of art, but this would entail putting a work of art on a work of art. James Turrell is a “first-rate sculptor,” he asserted, but this is not the right site. This site is a “sacred site.” He contended that there have only been three significant interventions at this site, the construction of the Water Works, the establishment of Fairmount Park, and the construction of the Art Museum. All were undertaken for the city. The Water Works provided fresh water. Fairmount Park provided green space. And the Art Museum brought visual culture. He asserted that this site does not belong to the museum; it belongs to the City.

Mr. Farnham disagreed with Mr. Lewis, who had claimed that the renderings and plans of the Skyspace were not available for review until last night. Mr. Farnham stated that he did email digital versions of the images to Elizabeth Milroy, who is working with Mr. Lewis to oppose the Skyspace, last night at her request, but the application materials have been available to the public at the Historical Commission’s offices since 20 June 2017, one week before the Architectural Committee’s meeting. He also noted that the Historical Commission’s interested parties including some members of the group opposing Skyspace were apprised of the availability of the application materials by email one week ahead of the Architectural Committee meeting and the materials were available at the meeting on 27 June 2017.

Aaron Wunsch introduced himself as a professor of architecture and landscape at the University of Pennsylvania. He claimed that the rendering showing the view of the Skyspace from across the river was not presented to the Architectural Committee and Historical Commission during the round of reviews in 2016. He contended that “that view is late-coming to this process.” He stated that he became acquainted with the site in the 1990s. It was “scruffy” then, but was being researched. It was later restored at public expense. He stated that he does not understand why the Skyspace would be permitted at the site in light of the expenditure. He claimed that the Skyspace will “be at odds” with the site. The insertion of the pavilion will “overcrowd” the site. It will detract from the historic relationships of Water Works and surrounding landscape. The Museum’s ownership and right to build on the site has not been demonstrated. The Museum has eaten away at the land on the Fairmount and detracted from the picturesque landscape. He stated that he and his comrades do not object to the design of the Skyspace, but to the location. He suggested other locations. He objected to the Historical Commission’s “disparity of spirit,” assailing it for “trudging” ahead with this review while tabling the Jewelers’ Row nominations.

Bill Bolger introduced himself as a historian with the National Park Service who has been working with the National Historic Landmark Program for 30 years. He stated that he has extensive experience applying the Secretary of the Interior’s Standards. He acknowledged that it is a landscape that has been changed repeatedly, but is not a landscape that is intended to be changed in an ongoing way. It has had two major phases of development, the Water Works and the Art Museum. The Art Museum is nearly 100 years old. Any change to this environment should undergo “an extreme vetting.” He acknowledged that this landscape has not been explicitly designated by the Historical Commission and noted that, at the time the Water Works was designated, landscapes were ignored for buildings. The landscape has been restored recently. He admitted that the Skyspace could be allowed under the Standards, but suggested that other locations would be better. He suggested that the Historical Commission apply the federal process and require the analysis of alternatives if the current proposal will have an adverse effect.

Mr. Rub thanked the members of the public for their comments. He explained that the consideration of the plan has been a very public process that has continued for more than one year. He noted that the opponents described as everything from “ravaged” to “sacred.” He asserted that it is a dynamic site that has undergone many changes, even recently. He questioned whether it should be treated as a set piece, or if it can be modified in thoughtful ways. He contended that the proposal demonstrates that it can be modified appropriately. He reported that the artist, who everyone has praised, is selected the site and is sensitive to the significance of the site. The Skyspace is intended to accommodate itself to the history and nature of the site. Ms. Harrity stated that she wanted to address the availability of the plans. She stated that the same group opposed the project in writing one year ago, when it was presented to the Historical Commission. She stated that those in opposition were invited to the Museum to meet and review the plans several times, but they declined. She stated that the Museum has made the plans available to anyone wishing to review them.

Mr. Mattioni stated that he might call the site ‘sacred,’ but he does remember that, when he travelled from South Philadelphia to Fairmount Park when he was a child, it was “something special.” He stated that his family “treasured” trips to the park. He stated that the park is “very important” and should be protected. He commented that Standards 2, 3, 5, and 9 may be applicable. He stated that the project is “incompatible” and adds “a dissonant note.” He observed that Fairmount Park is public property and is held in public trust for park purposes, but noted that whether this project might violate rules associated with that trust is not the concern of the Historical Commission and may bear consideration by other bodies.

MOTION: Mr. Mattioni moved to deny the application. Ms. Cooperman seconded the motion.

Ms. Cooperman stated that the application is lacking any explanation from the artist regarding why this particular site is essential to his project. She contended that the images of other Skyspaces included in the application focus in on themselves, emphasizing interiority. They are not pavilions in landscapes and that is “very telling.” She stated that she would love to love the project and the site, but she does not. She stated that she completely agrees with the position presented by Mr. Lewis, whom she called her “friend.” She stated that she did not agree that this was a “sacred” place, but it is a cultural landscape of enormous value. She stated that she appreciates the design revisions, but the project does not satisfy Standard 9. She stated that spatial relationships and open space are important. She stated that a Skyspace would be a wonderful addition to the park, but not at this location. She stated that she was not able to suggest an alternative site because none had been presented.

Mr. Farnham reminded the Commissioners that they had overwhelmingly supported this project when they approved it in concept in July 2016. He reminded them that they had asked the applicants to reconsider the lighting and the color of the canopy, which the applicants have done. He reminded the Commissioners that the vote to approve the project in concept had been 9 to 1, with only Mr. Mattioni dissenting. He remarked that the Commission had already approved the location and noted that the applicants had invested significantly in the development of the design since the approval one year ago. He cautioned the Commission against forsaking its approval in concept.

Mr. McCoubrey wholeheartedly supported the proposal. He stated that the revised design accounted for all of the recommendations offered by the Architectural Committee during the in-concept review. The size of the structure has been reduced significantly. The lighting has been redesigned as the Committee suggested. He stated that he considers the proposed pavilion to

be a very positive addition to the landscape. It is the logical place to locate the Skyspace. He acknowledged that it is contemporary in style, but noted that it works well with the rustic and classical pavilions on the same precipice. It will activate a site that is now uninhabited. It will draw people to the area. He stated that he disagrees with Ms. Cooperman's negative assessment of the proposal and thinks that this will be a wonderful combination of a pavilion and a work of art.

Mr. Rub explained that the Museum staff and the artist considered numerous sites for the Skyspace in and around the museum. He stated that the adjacency to the museum building is important for practical and aesthetic terms. He reported that he and his colleagues extensively considered the implications of adding to this important landscape and only concluded that the intervention was appropriate after significant analysis. They eventually concluded that an addition at this site could be appropriate if it was in keeping with the site thematically and historically. He stated that the current landscape is only a fragment of a former picturesque landscape. It is a landscape that has undergone numerous changes over time and the proposed change is compatible with the landscape. He concluded that the fragment of picturesque landscape, the little bit of wild nature that survives, will not be harmed by the addition of the Skyspace.

FAILED MOTION: By a vote of 9 to 3, the Historical Commission rejected Mr. Mattioni and Ms. Cooperman's motion to deny the application. Commissioners Thomas, Gupta, Hartner, Long, McCoubrey, Royer, Schaaf, Stanford, and Turner dissented.

Mr. Thomas asked for any additional comments from the Commissioners, applicants, and public. None were offered.

ACTION: Mr. McCoubrey moved to approve the application, pursuant to Standard 9 and the Historical Commission's approval in concept of July 2016. Mr. Gupta seconded the motion, which passed by a vote of 9 to 3. Commissioners Cooperman, Dillon, and Mattioni dissented.

ADDRESS: 21 N CHRIS COLUMBUS BLVD

Proposal: Replace roll-up doors; remove portions of roof and wall cladding; install curtain wall

Type of Review Requested: Final Approval

Owner: City of Philadelphia/DRWC

Applicant: Alexandra Gauzza, Interface Studio Architects

History: 1919, Municipal Pier 9 North

Individual Designation: None

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

Staff Contact: Jon Farnham, jon.farnham@phila.gov, 215-686-7660

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, provided one of the original sliding doors is retained on site for future replication, with the staff to review details, pursuant to Standards 9 and 10.

OVERVIEW: This application proposes to rehabilitate Pier 9 North, also known as the Cherry Street Pier, for temporary use while a permanent use is sought. The pier building is very large, more than 500 feet long and 100 feet wide, has been unused for many years, and is in poor condition. A full restoration is not financially feasible at this time. The proposed rehabilitation will provide a temporary, public use.

ACTION: See Consent Agenda

ADDRESS: 1237 LOMBARD ST

Proposal: Legalize mural

Type of Review Requested: Final Approval

Owner: MacKenzie Roebuck-Walsh

Applicant: MacKenzie Roebuck-Walsh

History: 1830, Thomas Linnard, developer

Individual Designation: 11/24/1959, 3/28/1961

District Designation: None

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

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial, pursuant to Standards 5 and 9 and Section 6.15 of the Historical Commission's Rules & Regulations.

OVERVIEW: This application proposes to legalize a mosaic mural that was installed without the Historical Commission's approval or a building permit. The building stands at the corner of Lombard and Iseminger Streets. The mural was installed on an original exposed brick façade on Iseminger, directly on the public right-of-way. The mural violates Sections 6.15.a.2 and a.3 of the Commission's Rules & Regulations, which stipulate that "murals shall not be placed directly on historic fabric," and "murals shall not be placed in a manner that obscures historic fabric." The Historical Commission occasionally approves murals on non-historic fabric like exposed, stuccoed, former party walls, but not on original brick facades.

A staff member visited the site during the installation of the mural and explained to the installers that the building is designated historic and, as such, approvals and permits are required for all exterior alterations. Despite the information, the installation proceeded and the mural was completed. At the Historical Commission's request, the Department of Licenses & Inspections issued a violation for the installation of the mural without an approval.

The owner claims in a cover letter that she did not understand the implications of the historic designation. However, a staff member explained the implications of designation to the owner soon after she purchased the property.

DISCUSSION: Mr. Farnham presented the application to the Historical Commission. Property owner Mackenzie Roebuck-Walsh represented the application.

Ms. Roebuck-Walsh stated that historic preservation is important to her. She explained that she moved to her neighborhood because of its historic architecture as well as its artistic nature. She stated that, had she known about the Historical Commission's review process, she would have happily gone through it before installing the mural. She reported that she reviewed the seller's disclosure form that was provided to her when she purchased the property and discovered that it does not indicate that the property is subject to historic preservation regulation. She stated that she wanted to correct a claim offered by Mr. Baron of the staff at the Architectural Committee meeting. She reported that Mr. Baron had claimed that he had provided her with notice that her property was designated and had provided her with information about the process for reviewing applications proposing changes to historically designated properties. Countering Mr. Baron's claim, she asserted that he had spoken briefly to her at a neighborhood Halloween block party, but had not provided any valuable information about designation or the Historical Commission's review process. She noted that she had thought that he had worked at

the Historical Society of Pennsylvania and was offering to undertake research related to the history of her house. She stated that her brief interaction with him at an evening party on the street did not constitute notice. Ms. Roebuck-Walsh quoted from the zoning code, Section 14-101(1)(c and d), asserting that approving the mural would protect the desirable characteristics of the City's neighborhoods; and preserve and enhance the public realm, including the streetscape and the pedestrian environment. She stated that she included in her submission a map of the locations of similar murals throughout the city as well as a letter from Philadelphia's Magic Gardens, the organization that installed the mural. She stated that the mural installer believes that removing the mural would result in significant damage to the façade of her building. She stated that she included a map of the Mural Mile as well. She noted that a similar mural by the same artist is located at 11th and Lombard Streets, nearby. She noted that a Mural Arts Program mural is located on a building directly across the street from her house. She observed that many historically designated buildings have murals on them. She distributed photographs of her house. She claimed that, even with the mural, her house retains its historic integrity. She claimed that she is committed to maintain the historic appearance of her house. She stated that the side wall of her house, where the mural was installed, was in poor condition. She looked but could find no permitting for the work that was done to the wall before she purchased the house. She reported that she retained a masonry specialist, who evaluated the wall and concluded that the pointing that was done before she purchased the house was done incorrectly and had damaged the wall. She stated that the mural was intended to address the problems with the brick façade and actually promote the preservation of her house. She concluded, asking the Commission to approve her mural.

James Calnan of 418 S. Camac Street reported that his house is designated as historic, he has lived there since 1988, and he has always complied with the Historical Commission's requirements even though it has cost him thousands of dollars. He stated that he moved to the neighborhood because it is historic and he does not "see" the mural "as historic to the neighborhood." He stated that he is very concerned that the process was not followed in this case. He stated that he follows the process and expects all of his neighbors to follow the process.

Mr. Thomas asked Ms. Roebuck-Walsh if she applied for a building permit before she had the mural installed. Ms. Roebuck-Walsh stated that she did not. She added that she was informed by the mural installer, Philadelphia's Magic Gardens, that she did not need any permits or approvals. Mr. Thomas stated that this is an unfortunate situation. He noted that the mural installer is not the expert on building permitting; the Department of Licenses & Inspections is the expert. Mr. Thomas noted that it may be difficult to remove the mural from the old brick. Ms. Roebuck-Walsh stated that she is new to the city and the permitting and preservation rules are confusing. She suggested that the City do a better job informing new owners of the responsibilities of owning a historically designated house. She suggested that the Historical Commission provide notice of designation to new property owners every time a designated property is sold. She stated that she had taken the liberty of mocking up such a notice and distributed copies of her proposal of the notice for the Commission's to examine.

Mike Rosulski of 429 S. Camac Street stated that he is speaking on behalf of his partner, Timothy Davidson, who is out of town. He stated that he and his partner are in favor of the mural, which adds to the life of the area. He stated that they are also worried that removing the mural will damage the wall. He claimed that the only reason 1237 Lombard Street was designated was to protect the neighborhood from the South Street Expressway. He stated that this building would not be designated today. He concluded that many neighbors believe that the mural has brought value to the neighborhood.

Robert Baker of 418 S. Camac Street stated that he immediately contacted Randal Baron of the Historical Commission's staff as soon as he saw the mural being installed. Mr. Baron spoke to the installers, but they continued to install the mural. He asserted that the owner should have known that her house was designated as historic. If she had spoken with the neighbors, they would have informed her of its historic designation. He concluded that the mural "is against the law and should be taken down and the responsibility should be on the homeowner."

Jessica Dimka, the roommate of the property owner, rejected the claims that neighbors tried to stop the work during the installation of the mural. She stated that the property owner, Ms. Roebuck-Walsh, was out of town when the mural was installed and she was looking after the property. She stated that no one approached her to inform her about the need for a permit during the entire two or three-week installation process. She observed that people love the mural and routinely stop to speak to her about it.

Paul Steinke of the Preservation Alliance stated that the Alliance runs a tour of the small streets in this area; it is a very popular tour. He stated that he has never lived in the area, but frequents the area and has friends and goes to restaurants in the area. He stated that he knows the area well and considers it a second home, even though he has never owned property there. He noted that the mural was installed without a permit and the most important point is that legalizing it would set a bad precedent; "it would be open season on the potential for future violations." He stated that we all feel sympathy for the property owner, but approving would send the wrong message. He noted that the Alliance nominated this neighborhood as a historic district in 2011. Property owners are more likely to be aware of district designations than of individual designations. Mr. Gupta asked Mr. Steinke if removing the mural would leave the brick damaged. Mr. Steinke replied that he cannot answer that question. Ms. Roebuck-Walsh noted that many of the small streets that the Alliance features on its tour have murals like the one in this case. She also noted that two designated properties within a few blocks of her house have murals. She asserted that the precedent has already been established; murals are an established feature of the historic area. Mr. Steinke stated that "fundamentally this is a process question and upholding this Commission's jurisdiction I think compels the Commission to unfortunately make you take it down and that will be the Preservation Alliance's position just because there was not any review or permit granted before it was done." He stated that the process should have been followed, but was not. He added that the mural might have been approved if it was reviewed before it was installed, but must now be removed because it was not approved before the installation. Ms. Roebuck-Walsh disagreed, stating that she is going through the process now, albeit in retrospect, and the mural should be approved, even if after the fact, if it satisfies the review standards. Mr. Steinke conceded.

Susan Miller Davis stated that she lives on Iseminger Street and is a public art consultant. She suggested that research be undertaken to determine if the mural can be removed without damaging the building. She reported that she sent photographs of the mural and wall to conservator John Carr, who stated that the mural might be able to be removed without damaging the wall. Mr. Carr acknowledged that he would need to do on-site research to be sure that it could be safely removed. She suggested additional research regarding removal.

Mr. Gupta stated that the Historical Commission needs an objective analysis of the removal potential. He asked if the Department of Licenses & Inspections could undertake the analysis. Mr. Dillon responded that the Department would rely on the opinion of a consultant. Mr. Thomas suggested that the Commission determine whether the mural could be approved before the

Commission addresses the question of removal. The Commission may legalize the mural, making the analysis unnecessary.

ACTION: Mr. McCoubrey moved to deny the application, pursuant to Standards 5 and 9 and Section 6.15 of the Historical Commission's Rules & Regulations. Ms. Cooperman seconded the motion, which passed by a vote of 11 to 1. Mr. Gupta dissented.

Mr. Thomas advised the property owner that her property is not in compliance with the preservation ordinance. He advised the property owner that she should investigate bringing the property into compliance. The mural may not be able to be removed. Mr. Steinke offered to contact conservator John Carr to see if he could assist the property owner.

ADDRESS: 141-43 N 4TH ST

Proposal: Construct additions; restore north façade

Type of Review Requested: Final Approval

Owner: JG Traver Inc.

Applicant: Stuart Rosenberg, Stuart G. Rosenberg Architects, P.C.

History: 1780

Individual Designation: 4/26/1966

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

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

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, provided that the roof overhang on the school addition is eliminated; and, at the Orianna Street façade, the garages, balconies, and limestone at the top floor are eliminated, the doorway is rendered more gracious; and the window proportions are improved; with the staff to review details, pursuant to Standards 6, 9, and 10.

OVERVIEW: This application proposes to convert a vacant building for residential use. The building is located behind a structure facing onto 4th Street and it extends east to Orianna Street. It was constructed about 1780 by the adjacent the German Reformed Church as a two-story schoolhouse. It was modified and enlarged for use as a warehouse in the nineteenth century. At that time, the attic was enlarged with the raising of the gable roof to create a single-pitch, nearly flat roof and a one-story warehouse was constructed around the south and east sides of the building. The exposed portions of the south and east facades of school building were stuccoed with a very hard cement, which cannot be removed without destroying the underlying brick. The north façade of the school building was not stuccoed. It retains its exposed Flemish bond brick with watertable. All window and door openings in the north façade have been infilled, but are easily discernible.

This application proposes to restore the north facade of the building, repairing the brick and reopening the door and windows. The later roof on the school building would be removed and an additional story with gable roof would be added. Portions of the one-story addition would be demolished to reveal the south façade of the historic building. Remaining portions of the warehouse addition would be reused. A deck with pergola would be constructed on the remaining one-story portion at the south. The remaining portion of the warehouse at the east would be enlarged to six stories; it would face onto Orianna Street and include residential lobby and garage entrances.

DISCUSSION: Mr. Mattioni recused, owing to his firm's involvement in the application. Mr. Baron presented the application to the Historical Commission. Architect Stuart Rosenberg and attorney Michael Mattioni represented the application.

Mr. Baron stated that the architect has provided revised drawings, which can be found in the meeting materials packets, that show improvements in each of the areas that the Committee recommended. The roof overhang has been reduced but not eliminated. The garages have been reduced from three to two. The limestone has been eliminated. The door on Orianna Street is now more gracious and the windows on that façade have been enlarged and improved. An historic photograph has been provided which shows three and perhaps four garages on that facade. The building is being used as a garage now.

Mr. Rosenberg stated that he has addressed the Committee's concerns. He reduced but did not eliminate the garages; he said that these are appropriate considering that they existed during the building's industrial use. He said that he reduced the roof overhang on the north façade but asked to keep some roof overhang to protect the exterior of building from water.

Mr. McCoubrey remarked that the garages seem appropriate and the other changes seem to respond to the Committee's suggestions. He said that reducing the roof overhang would allow the rooftop addition to look more discreet. Mr. Rosenberg said that he would be willing to reduce the overhang on both the north and south facades to approximately the overhang as seen on the church.

ACTION: Mr. McCoubrey moved to approve the revised application as presented at the Historical Commission's meeting on 14 July 2017, provided the roof overhangs on the addition on the school are reduced in size, with the staff to review details, pursuant to Standards 6, 9, and 10. Ms. Turner seconded the motion, which passed unanimously.

ADDRESS: 224 CATHARINE ST

Proposal: Construct addition and roof deck

Type of Review Requested: Final Approval

Owner: Ed J. Malesiewski

Applicant: Adam Montalbano, Moto Designshop

History: 1830

Individual Designation: 5/31/1966

District Designation: None

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

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial of the cantilevered addition and fourth-story deck, but approval of all other aspects of the application as well as a third-floor addition with no cantilever that remains below the cornice line of the main block, with the staff to review details.

OVERVIEW: This application proposes to renovate a building under a conservatorship action. The applicants would restucco the east party wall, repair masonry, and install historic windows and a door. The applicant seeks to construct porches along the rear wall as well as a cantilevered third-story addition and deck to the rear ell. The addition would span above the rear cornice and would result in a roof overbuild at the connection with the main house.

ACTION: See Consent Agenda

ADDRESS: 1601 MOUNT VERNON ST

Proposal: Stabilize building; install vinyl-sided rear wall

Type of Review Requested: Final Approval

Owner: Noris & Miguel A. Santiago

Applicant: James Harre, Designblendz

History: 1859, Robert Purvis House

Individual Designation: None

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

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

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, provided the vinyl siding is replaced with an appropriate cladding material and the engineering details are verified, with the staff to review details, pursuant to Standards 6 and 9.

OVERVIEW: This application proposes to stabilize a building that has been vacant and neglected for many years. The Historical Commission approved rehabilitation of the building in 2003. However, the building has not been rehabilitated. Instead, it has further deteriorated and the rear ell has been demolished. In 2012, a court order allowed the demolition of the rear ell with the proviso that it must be reconstructed within a year. It was not reconstructed.

The property is subject to many violations and this application responds to some of those violations. The walls will be reinforced with new load bearing studs and star bolts. The brickwork will be repaired with a mixture of pointing, patching, and brick replacement. Windows will be installed in several openings. The opening in the rear wall, which was temporarily infilled, will be infilled and covered with vinyl siding.

ACTION: See Consent Agenda

ADDRESS: 412 S 18TH ST

Proposal: Construct addition and roof deck

Type of Review Requested: Final Approval

Owner: Paul and Pamela Young

Applicant: Susan Uhl, Landmark Architectural Design

History: 1850

Individual Designation: None

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

Staff Contact: Kim Chantry, kim.chantry@phila.gov, 215-686-7660

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted 3-2 to recommend approval, provided the proposed shutters and Juliet balconies are eliminated, the deck is reduced in size and located primarily on the addition with access from the pilot house, and a window design that is more compatible for both elevations is investigated, with the staff to review details, pursuant to Standards 9 and 10. Mr. D'Alessandro and Ms. Pentz dissented because they did not object to the proposed shutters.

OVERVIEW: This application proposes to construct an addition and roof deck with pilot house, and renovate the facades of this corner property located in the Rittenhouse Fitler Historic District. The building likely dates to the 1850s, but underwent substantial renovations in 1937 and 1963. In 1937, the 18th Street wall was rebuilt, and in 1963, a storefront used for a grocery store was removed and the second-story rear addition was reconstructed in masonry. The current window style and configuration dates from that time. This application proposes to

remove all of the projecting windows and replace them with in-swing doors on the Addison Street façade at the second and third floors, and one-over-one double-hung windows on the 18th Street façade. The existing second-story rear addition above the carport would be removed, and a slightly set-back three-story addition with garage door would be constructed at the rear. An existing roof deck would be removed, and a roof deck with pilot house would be constructed over a portion of the main block and new rear addition. A window well is proposed where there is currently a Bilco door.

ACTION: See Consent Agenda

ADDRESS: 2500 SPRING GARDEN ST, SEDGELEY BOATHOUSE

Proposal: Replace cedar shingles with polymer shingles

Type of Review Requested: Final Approval

Owner: Sedgeley Club

Applicant: Karen Earley, Sedgeley Club

History: 1902, Arthur H. Brockie, architect, Sedgeley Club

Individual Designation: 1/5/1984

District Designation: None

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

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, provided a mockup is constructed on site showing the typical flashing details in relationship to the other building elements, with the staff to review details, pursuant to Standard 6.

OVERVIEW: This application proposes to replace the existing cedar shingle siding with CertainTeed Cedar Impressions Sawmill shingles. The shingles are deteriorated and are very difficult to maintain, owing to the wet environment adjacent to the river. The Architectural Committee reviewed an in-concept application to replace the shingles, wood trim, and windows and insulate the walls in February 2017. The Committee was split on the shingle replacement, but agreed that any replacement should adequately address the corner shingles. The application was withdrawn prior to the Historical Commission's review. The current application proposes the shingle replacement only. The wood trim and windows have been restored, rather than replaced in alternate materials. The insulation project will not be undertaken. Since the last review, CertainTeed has developed a corner shingle, which will be used on this project.

ACTION: See Consent Agenda

ADDRESS: 419 S 20TH ST

Proposal: Construct fourth-floor addition

Type of Review Requested: Final Approval

Owner: Shabs LLC

Applicant: Eric Heidel, (re)work Architecture & Design, LLC

History: 1845

Individual Designation: None

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

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

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, pursuant to the Historical Commission's direction at its 9 June 2017 meeting, with the following comments:

- that the applicant consider using HardiePlank in lieu of fiber cement panel;
- that the profile of the fascia proposed along the rear brick wall be smaller in profile;
- and that the vent stacks currently at the rear of the property be minimized so they are not visible from a public way.

OVERVIEW: This application proposes a revision version of a design presented in an application reviewed and denied by the Historical Commission at its 9 June 2017 meeting. That application proposed to demolish the existing rear roof slope and dormer and construct a mansard addition in line with the rear wall of the main block. The Commission voted to deny the rear addition. During its review, the Commission suggested that the applicant redesign the proposed addition so that it did not mimic the adjacent mansard and was set back from the rear façade of the historic building. The current application implements the Commission's advice precisely. The staff has since learned that the existing rear roof slope and dormer are original to the 1845 building.

The current application proposes to demolish the rear roof slope and dormer and to create a smaller addition than previously proposed. The addition would maintain a 5'-8" setback from the plane of the neighboring mansard roof and would be minimally visible from Waverly Street. The addition would contain two one-over-one, aluminum-clad windows and the rear wall would be clad in fiber cement clapboard siding. Other work includes the replacement of one window and one door at the third story and the repointing and repainting of the rear masonry wall.

ACTION: See Consent Agenda

THE REPORT OF THE COMMITTEE ON HISTORIC DESIGNATION, 21 JUNE 2017

Emily Cooperman, Chair

ADDRESS: 152 N 2ND ST

Proposed Action: Reclassification from contributing to non-contributing

Property Owner: Swift Bros., Inc.

Applicant: George Thomas

Staff Contact: Jon Farnham, jon.farnham@phila.gov, 215-686-7660

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: The Committee on Historic Designation voted to recommend that the Historical Commission deny the reclassification request and retain the classification of the property at 152 N. 2nd Street as a contributing to the Old City Historic District.

OVERVIEW: This application proposes to reclassify the property at 152 N. 2nd Street from contributing to non-contributing in the Old City Historic District. The district inventory dates the building to "c. 1925." The adopted nomination of the Old City Historic District defines its Period of Significance as running from 1676 to 1929. When the Historical Commission designated the Old City Historic District in December 2003, it debated the endpoint of the Period of Significance as well as the meaning of that endpoint. Ultimately, the Historical Commission decided by resolution that all buildings constructed after 1929 would be automatically classified as non-contributing unless already individually designated. The application contends that the building was dated incorrectly, actually constructed in the early 1930s, after the Period of Significance, and, therefore, must be reclassified as non-contributing.

The reclassification application consists of a report by architectural historian George Thomas and a conditions assessment by engineer Fred Baumert.

The Thomas report claims that the extant building was constructed in the early 1930s, coinciding with the establishment of the Swift Bros. restaurant equipment sales company. The report claims that the Swifts purchased the property from family members that year and shifted the family business from the manufacture of store fixtures to the sale of restaurant equipment.

The staff has conducted extensive research into the property and owners. Brothers Samuel and Philip Swift emigrated from Russia about 1905. They purchased the property at 152 N. 2nd Street on December 1, 1920 (Deed JMH-1010-280). The 1931 sale noted in the Thomas report was a sale for \$1 with the same grantors and grantees and was likely related to protecting the property from debt (Deed JMH-3473-564). Newspaper advertisements indicate that the building at 152 N. 2nd Street was used for shoe making and repair until April 1921. Newspaper advertisements indicate that the Swifts, operating as the Penna. Store Fixture Co., began to sell store fixtures and restaurant equipment from the building at 152 N. 2nd as early as May 1921. The Samuel Swift had been selling store fixtures and restaurant equipment since about 1911 and had been selling it with a partner as Swift & Joseph since about 1914. By 1919, Swift & Joseph was located at 157 N. 2nd Street, directly across the street from the subject property. Swift & Joseph did not own 157 N. 2nd, but rented space from James Yocum Jr. By 1922, the Samuel Swift had split from Joseph and joined with his younger brother Philip. The Swift brothers were identifying the location of their business, the Penna. Store Fixture Co., as 152-157 N. 2nd Street in newspaper advertisements. Throughout the 1920s, they advertised their business as located at 152, 157, and 152-157 indiscriminately, using the three addresses interchangeably. The brothers used the name Penna. Store Fixture Co. until 1926 and then shifted to Penn Store Fixture Co., which they used in 1927. By April 1929, they had transitioned to using the name Swift Bros., which can be found in numerous newspaper advertisements. On

August 8, 1932, the brothers applied to the Commonwealth of Pennsylvania to incorporate their business as “Swift Bros. Inc.” for “the purpose of manufacture, sale, purchase, distribution and repairs of kitchen, restaurant and hotel equipment and allied products.”

The building at 152 N. 2nd is shown as a fourth-class brick dwelling with stores and a shingle roof on the 1860 Hexamer & Locher map. It has a small main block and long rear ell. The 1875 Jones map shows that the rear ell has been infilled or reconstructed so that the building occupies the entire width of the lot from front to back. The 1885, 1895, and 1901 Bromley maps show the same footprint. In 1895, the *Inquirer* reported that contractor William Krause & Son undertook underpinning and alterations at the property. The 1897 Hexamer map is the first to provide the number of stories; it indicates that the building is 2-½ stories at the front and one story at the rear. The 1910 Bromley map is ambiguous, not showing the rear wall of the building. The 1916 Sanborn map shows a two-story front section and a one-story rear section with the same footprint as the previous maps. The 1921 Smith map labels the building with the owners’ names, “S & P. Swift,” and indicates that the building is three stories. The 1922 Bromley map indicates that the building is 2-½ stories. On November 16, 1923, contractor Clayton Lofland obtained building permit #13327 to construct an addition to the building for Samuel and Philip Swift at a cost of \$6,500. The use of the building before and after construction is listed as a store on the permit. The addition is described as “3-story rear. Rear addition as per plans 13 x 23 ft.” The site plan attached to the permit is not detailed but implies that the remainder of the building was already three stories in height by 1923. The permit states that the work will commence “at once.” An affidavit included with the permit application and signed by Samuel and Philip Swift swears that “they will not permit anyone to be regularly or usually employed above the second floor.” An undated aerial photograph from 1924 or 1925, while the nearby Ben Franklin Bridge was under construction, clearly shows that the building that stands today had already been constructed. The large industrial windows and the billboard on the roof reading “Store Fixtures” are visible. A July 1926 aerial photograph shows that the building has a flat roof extending from front to back and is the same height as or taller than the three-story building to the north. A November 1926 aerial photograph clearly shows that the building that stands today had already been constructed. Again the large industrial windows and billboard are visible. An August 1930 aerial photograph likewise shows the building as it stands today. The 1931 revision of the 1927 Smith map describes the building as having three stories.

From the analysis of the maps, photographs, permit, and other documentation, the staff has concluded that the building at 152 N. 2nd Street that exists today was unquestionably constructed by 1926 and probably before the addition permit was issued in 1923; the building that exists today was constructed prior to the end of the Period of Significance; and, therefore, the building at 152 N. 2nd Street should not be reclassified as non-contributing as requested.

DISCUSSION: Ms. Cooperman recused, owing to her work with the applicant on other matters. Attorney and developer Marc Kaplin, architectural historian George Thomas, and engineer Fred Baumert represented the application.

Mr. Kaplin raised a procedural issue. He stated that he had already communicated it to Mr. Farnham, the executive director, and Leonard Reuter, the City solicitor. He asked to read a statement into the record. Mr. Reuter stated that Mr. Kaplin has some objections to the manner in which the Historical Commission reviews designation matters. Mr. Reuter stated that Mr. Kaplin has the right to put his objections on the record to preserve them for any court proceedings that might be necessary. He suggested that the Historical Commission proceed under its normal course once Mr. Kaplin has had an opportunity to state his objections. Mr. Kaplin stated that he is somewhat unfamiliar with the Historical Commission’s process, but

observed that the court said in the Merriam case that appeals of designation matters are not heard by the Board of License & Inspection Review. No appeal process for designations is spelled out in the code. Therefore, according to the court in the Merriam case, appeals of designation matters go directly to the court. Mr. Kaplin contended that the Historical Commission is bound by the local agency law when it is making decisions about designation matters including rescissions. The Historical Commission is making a decision regarding property rights; that is the criteria for local agency law. The local agency law requires a stenographic record, permission to cross-examine, and to present the record. Mr. Kaplin stated that Mr. Reuter believes that an appeal from this proceeding is tried de novo by the court, in which case the court would be making the decision. He stated that he disagrees with Mr. Reuter and contended that the local agency law requires the creation of a record and then the appeal is taken on that record. He stated that he has been told that he may not cross-examine witnesses. He stated that he has been told that he can create a stenographic record. He stated that he disagrees with Mr. Reuter but is only looking to preserve his rights at this point and will honor the ground rules as set forth by Mr. Reuter. He stated that he knows that Mr. Farnham will make a presentation. He added that he will have his two experts present their findings.

Mr. Reuter stated that the Historical Commission makes final decisions with respect to designation matters. He noted that, in the best of all worlds, there would be formalized process for holding adversarial hearings, but there is not. He stated that the Commission cannot assume any powers or processes that are not set forth in the charter or the preservation ordinance. He stated that the Historical Commission does not hold hearings; it holds meetings. Mr. Reuter stated that, to the extent that a designation decision might be appealable, he believes that if a court finds that a hearing needs to be held, that it would need to hold a de novo hearing. He stated that the Historical Commission does not have the authority to hold the type of hearing Mr. Kaplin requests. Mr. Reuter acknowledged that there is an "issue" with appeals of designation matters. He concluded that the Commission cannot create an ad hoc procedure and hold a hearing when it does not have the statutory or regulatory authority to hold a hearing.

Mr. Farnham presented the reclassification request to the Historical Commission. He displayed a Powerpoint presentation. He stated that the applicant proposes that the Historical Commission reclassify the building at 152 N. 2nd Street from contributing to non-contributing in the Old City Historic District. He displayed the historic district inventory entry for 152 N. 2nd Street, which was classified as contributing and described as a Tapestry Brick style building. He explained that, when the Historical Commission designated the Old City Historic District in December 2003, it debated the endpoint of the Period of Significance as well as the meaning of that endpoint. Ultimately, the Historical Commission decided by resolution that all buildings constructed after 1929 would be automatically classified as non-contributing unless already individually designated. He explained that the applicant is contending that the Commission made a mistake when it classified this building as contributing because it was constructed later than 1 January 1930 or later. He noted that the building in question was mentioned in the Old City Historic District nomination in the section on the Tapestry Brick style. He read the section on the building: "The narrow three-story building at 152 N. 2nd Street is a small, colloquial rendition of the style." Mr. Farnham stated that this building was specifically called out as a representative of that style in the historic district nomination. Mr. Farnham displayed a photograph of some tapestry brick and noted that it is sometimes called rug or rug face brick and has a rough texture. He stated that this example of the brick is not from the building in question; it was manufactured by the Livermore Company between 1912 and 1917. Mr. Farnham displayed photographs of the property in 1915, when a 2-½-story building stood on the site and housed a shoe repair business, and in 1960, when the building we know today stood on the site. He stated that the relevant question is whether the building seen in the 1960 photograph was

constructed before or after 1 January 1930. He noted that the Swift Brothers purchased the building in 1920 and the Swift Brothers restaurant supply company still occupies the building today. Mr. Farnham stated that the staff did extensive research on the Swift Brothers. They emigrated from Russia in 1904 and 1905. By about 1910, the older brother, Samuel, was already in the cabinet making business. Samuel Swift worked in Old City with a partner named Joseph, first on N. 3rd Street and then by about 1919 on N. 2nd Street, just across the street from 152 N. 2nd Street. In December 1920, Samuel and Philip Swift purchased the property at 152 N. 2nd Street. In 1921, as Philip came of age, Samuel dissolved his partnership with Joseph and entered into business with his brother Philip. The shoe repair business advertised at 152 N. 2nd Street until April 1921 and then in May 1921 the Swift Brothers began to advertise their restaurant and deli store fixture business at 152 N. 2nd Street. Later that year, they advertised the business as the Pennsylvania Store Fixture Company operating at 152 N. 2nd Street. Mr. Farnham displayed a photograph of one of their display cases with a label reading Pennsylvania Store Fixture Company at 152-157 N. 2nd Street. He displayed a 1921 map showing the property at 152 N. 2nd labelled "S & P Swift." Mr. Farnham again noted that the question is: When was did the three-story, industrial building replace the 2-½- story, residential late eighteenth or early nineteenth-century building? He explained that the Commission's staff undertook an extensive search for building permits for the property and found one permit from 1923 for a rear addition. The permit called for raising a rear portion of the building up to three stories. It was issued to the Swift Brothers. He stated that the plans that accompanied the permit do not survive, but the permit does include a very simple sketch. The sketch depicts a "3-story warehouse" and "120 LL," or 120 pounds per square foot live load. It shows the building in relation to N. 2nd Street. Mr. Farnham concluded from the permit that the building was three stories, not 2-½ stories, at the front by 1923. He stated that the 1923 addition was advertised in the newspaper; he displayed the advertisement. Mr. Farnham explained that the staff looked for evidence of the appearance of the bridge before 1930. He noted that the building is just south of the Ben Farnklin Bridge, which opened in 1926. Many high resolution aerial photographs were taken of the bridge, some which depict the property in question. Mr. Farnham distributed paper copies of the photographs so that the Commissioners could see the images clearly. The first photograph showed the building looking from the west to the east on 10 July 1926. The building appears to be in its current form at three stories. Mr. Farnham noted the billboard running across the southeast corner of the building. Mr. Kaplin offered prints of the same photograph. Mr. Farnham then displayed a photograph from 23 November 1926 looking east to west taken by an aerial photography company that is still in business. The photograph clearly showed the extant three-story front façade with the large industrial windows. He stated that the building in the photograph is not the older shorter building but is the newer taller building. He stated that this photograph was taken before 1930, within the district's period of significance. Mr. Farnham stated that he inspected a print of the photograph at the Free Library with a jeweler's loupe and was able to read the billboard, which advertises "Store Fixtures." He showed an image of the reverse of the photograph with the date and name of the photography service. Mr. Farnham displayed another photograph taken 19 August 1930, just after the end of the period of significance, showing clearly the front façade of the three-story building with the diagonal billboard and the shorter building at 150 N. 2nd Street. He noted that the building at 152 N. 2nd Street was the mirror of the building at 150 N. 2nd Street in 1915, but had been replaced by the three-story building by the mid 1920s. Mr. Farnham stated that he would not describe the additional research on the property and company in great detail, but noted that the Pennsylvania Store Fixture Company did change its name to the Swift Brothers about 1929. He noted that an additional deed was recorded for the property in 1931 and the company incorporated in 1932. He stated that Samuel and Philip Swift continued in the business for the rest of their lives at the location; both men died in 1958 but the business continues today in the family. Mr. Farnham informed the Historical Commission that the Committee on Historic

Designation voted to recommend denial of the reclassification request and retention of the contributing classification of the property at 152 N. 2nd Street. He stated that the evidence is irrefutable that the building that exists today was constructed by 1926, before the end of the period of significance of the Old City Historic District.

Chairman Thomas asked Mr. Kaplin if it is his contention that the building in question was built on or after 1 January 1930, after the period of significance. Mr. Kaplin replied that that is his contention. Chairman Thomas responded that the evidence seems to contradict the claim. He asked Mr. Kaplin to be more specific. Mr. Kaplin stated that, unfortunately, he had never seen some of the photographs. He remarked that they were just provided to him. He stated that he does not believe that the building was constructed before the end of the period of significance "from the history of the family." Mr. Kaplin distributed paper copies of materials prepared by his consultants. Chairman Thomas asked Mr. Kaplin to clarify his argument and state whether he is claiming that the building should be reclassified because it was constructed after the period of significance or because it does not reflect the history of the historic district, even though it was built within the period of significance. Mr. Kaplin replied that he and his consultants have been focusing on the date of construction. He directed the Commissioners to an owner's guide or manual for the Old City Historic District that the Commission created. He pointed out a photograph on page 39 of the manual, which offers an example of the Tapestry Brick style of architecture. He stated that the building in the photograph looks nothing like the building in question. Mr. Kaplin stated that, when the Commission designates a historic district, it produces an inventory, which by law and regulation must have a description of every building on every property on the tax rolls. Mr. Kaplin stated a survey of this building from 1973 can be found in the Historical Commission's files. The survey indicates that there is nothing about this property that contributes. He directed the Commissioners to a page in his application materials titled "c. 1973: PHC Review & Assessment." Mr. Kaplin explained that the sheet provides the results of a survey of the building undertaken about 1973. It is an analysis of this building by the Commission for its historical significance. It states that the building has no historical significance and no architectural style. There is nothing unique about the construction. They did not know who the builder was. The architectural quality was zero. It was mutilated. The only thing that is said here is "its setting." Regarding its setting, he directed the Commission to the 1915 photograph of 150 and 152 N. 2nd Street, which he explained showed two buildings built at the same time by the same builder. Their style is identical. He stated that the building at 152 N. 2nd was redone over four or five campaigns and a totally different building emerged. The building that emerged is an unattractive building that is in terrible shape. Mr. Kaplin stated that he does not begin to understand how a four or three-story building with that architecture that is there that has been changed twice can be called significant. The parapet is different. The storefront is different. Mr. Kaplin acknowledged that he is not a "historical architect." He asked how the building at 152 N. 2nd Street, which is totally out of context and has been mutilated and has no significance based on what your Commission said in 1973, contribute to anything. He noted that the chairman had asked him whether he was concentrating on the time or substance. He stated that they concentrated on the time and would like to show the Commission what they found. But, in addition to that, how does this contribute? How does it contribute any more than the other properties running north to Race Street. He stated that he is the owner or equitable owner of all of the properties. None of them contribute. "They are all of the same general fabric. They are nothing." He opined that "they are terrible. They are an eyesore on a beautiful community." "I can't for the life of me see how anybody can say that that building is contributing." Mr. Kaplin stated that, as he reads the Commission's regulations, when the Commission designates a historic district, it must have an inventory and it must justify based on the criteria in the regulations why something meets the criteria. When the Historical Commission created the Old City Historic District in 2003, all that the inventory said with regard to this property was "circa

1925.” Mr. Kaplin claimed that, owing to “budgetary limitations,” Powers & Company, which prepared the nomination for the historic district, “did no investigation of this building, of 152. They just said circa 1925 and, excuse me, but they threw this Tapestry Brick label on it. But there is no investigation. And they said contributing. It is automatically not contributing if it is past 1929. But it has still got to have some logical basis for why it is contributing.” Mr. Kaplin concluded that the Historical Commission had an obligation to research the building, but, because of “budgetary constraints,” the building was “handled in a very superficial manner.” He stated that when a property owner requests a rescission, the obligation is the same again: “Tell me why that building is contributing.”

Mr. Kaplin introduced George Thomas, an architectural historian. George Thomas pointed out that the inventory entry for 152 N. 2nd Street dates the building to c. 1925 and offers no documentary evidence. He observed that the inventory entry for 150 N. 2nd Street cites additional documentation. George Thomas stated that he found five types of data that tell a narrative, maps, permit records, business history, photographs, and the building fabric. He stated that the data on the building is incomplete, but he and his colleagues have put together a way of understanding this building. George Thomas spoke about the building footprint as documented by maps. He stated that the building footprint is not represented as built out to its current size until the 1944 map. He spoke about the 1923 building permit for the property and noted that it is a repair, alteration, addition permit and not a new construction permit. The permit calls for a 13’ x 23’ rear addition somewhere behind the front façade, but we do not know where. George Thomas stated that the building footprint remains the same on maps produced in 1916, 1927, and 1931 and from that fact one can conclude that the building was not fully renovated until after 1931. George Thomas claimed that the older 2-½-story façade remained “for some time” with three story additions behind it. George Thomas stated that Mr. Farnham’s analysis was incorrect with regard to the numbers of stories indicated on the insurance maps or atlases. In the 1916 atlas, the buildings at 150 and 152 N. 2nd Street are listed as two stories. In the 1927 atlas, they are both listed as three stories. He stated that the question is whether the attic story of the older houses is counted as a story or not. He stated that it is interesting that from 1916 to 1931, the two buildings are always described as having the same number of stories. The buildings are described differently until 1944, when 150 is listed as 2-½ stories and 152 as three. “We have the footprint story and the number of stories story.” The 1944 map shows that the buildings are considerably different and there has been a significant rebuild to 152. George Thomas displayed a photograph of 150 and 152 N. 2nd Street in 1960. He then turned to the business history, which he claimed was more complicated than Mr. Farnham presented. In 1927, the Pennsylvania Store Fixture Company was listed in a city directory as being located at 157 N. 2nd Street, across the street from the building in question. George Thomas claimed that Swift Brothers was established as a branch of the Pennsylvania Store Fixture Company in 1929. Swift Brothers would become the dominant branch of the company with the Pennsylvania Store Fixture Company still listed in city directories until 1932. In 1934, the Pennsylvania Store Fixture Company is no longer listed. In 1930, the Pennsylvania Store Fixture Company was listed in a city directory at 152 and 157 and Swift Brothers at 155 N. 2nd Street. George Thomas displayed an advertisement from 1935, in which the Swift Brothers announced that they were moving to their new home at 152 N. 2nd Street. He stated: “We moved to our new home where we have four stories, meaning including the basement, where we have over 100 tons of vitrified china.” He stated that the advertisement tells us that Swift Brothers, which was the peripheral business in 1929, has now become the main business and this building has now been taken over. George Thomas referred to the 1931 deed and stated that there may have been a mortgage that capitalized the work to the building. George Thomas displayed a chart with section drawings showing what he believes happened to the building over time. It showed his interpretation of the pre-1860 building, its shape from 1860 to 1923, its shape from 1923 to

1934, and its shape after 1934. He claimed that the older façade with the pitched roof persisted until 1934, when the extant façade was built. Mr. Kaplin stated that this is where the dispute lies. He claimed that the 1923 building permit was for the rear addition only, but that the older 2-½ story front façade with the pitched roof stood in place until 1931, or 1932, or 1933, after the 1931 deed and a mortgage. He claimed that the construction of the industrial-looking front façade there today was undertaken as part of the movement of the Swift Brothers business into the building in the early 1930s. He contended that the advertisement of 1935 was announcing the completion of the building that we see today. It was a new four-story building and a new business. George Thomas displayed a photograph of the building and noted that the parapet had been removed and the storefront replaced. He asserted that, with the changes, the building had lost its principle character-defining features. He displayed current photographs of the building.

Mr. Baumert stated that he is a structural engineer and has an enthusiasm for historic buildings. He reported that he “spent a good bit of time poking around” this building trying to understand its construction sequence. He reported that an industrial façade was added to the property to modernize it. He displayed the same section-drawing chart that George Thomas had used to explain their understanding of the evolution of the building. He explained that he sought to understand what changes occurred at the building before and after the 1923 permit. He showed a series of interior photographs. The first photograph showed the southern wall with 150 N. 2nd Street. He pointed out remnants of the original roof line as well as some changes to openings. He suggested that this section was built in 1923. At the request of Chairman Thomas, Mr. Baumert reiterated that the photograph was taken inside 152 N. 2nd Street looking south. The next photograph showed the opposite wall, to the north. He stated that one can see the rear wall of the older house. The party wall for 154 N. 2nd Street was constructed prior to the 1923 addition. One can also see the ghost of a shed roof. He showed a photograph taken from the rear of the property at the third floor looking forward. It shows changes in the wall treatment and construction. One can see the various campaigns of construction. He pointed out in the photograph where he believes the 1923 addition ended and the later construction began. He displayed a photograph showing the joint between what he believes is the 1923 addition and later construction. He stated that the brick coursing is misaligned and the header courses do not match up on either side of the joint. In the next photograph, he pointed out a chimney that was constructed later than the wall behind it. The brick of the chimney matches the later addition at the rear. In the next photograph, he pointed out a joint in the brick on the north party wall between what he believes to be the 1923 rear addition and a later addition to the rear. He stated that he compared the floor joists seen in this photograph with other floor joists in the building. Mr. Baumert stated that, with the next photograph, he is getting to the crux of the conversation. The photograph shows the northeast corner of the building at the second floor. He stated that the backup brick of the front façade does not match the 1923 addition. He claimed that the backup brick of the front façade is more like the 1934 addition. He noted, however, that he “cannot state with certainty that it came from the same construction.” He stated that the brick does not the 1923 brick in size or firing. He stated that the floor joists match the floor joists at the rear, in what he is calling the 1934 addition. In the next photograph, which shows the southeast corner of the building, but is mismarked on the key, one can see the ghost of the front gable roof to raise the section of the wall. He stated that the rafters are different than the ones in the middle of the building. He noted that the brick in the front wall is not keyed into the side wall. He stated that he believes that the mason who built the front wall would have toothed it into the side wall if they had been built at the same time. He asserted that the front wall was built after the side wall. He showed close-up photographs of the two front corners at the second floor; again the photograph key is incorrect. He showed a photograph of the exterior southeast corner

of the building and noted that the brick is toothed in. He noted that parts of the brick have been rebuilt, probably because of water damage. He noted that the windows are in poor condition.

Mr. Kaplin asked Mr. Baumert to describe the current condition of the building. He asked Mr. Baumert to explain what he could do “from a practical point of view” if he were required to maintain this building. Mr. Kaplin acknowledged that the review is not a review of a demolition permit application. Chairman Thomas suggested that Mr. Kaplin stay within the bounds of the reclassification request. He assured Mr. Kaplin that has the right to submit a demolition application, but this is not the time to have a financial hardship application prematurely. Ms. Long agreed. Chairman Thomas stated that the testimony to this point has been germane. He asked Mr. Kaplin not to get off on a tangent. Mr. Kaplin asked George Thomas to provide their conclusion. George Thomas stated that the atlas history makes it clear that the building underwent a significant alteration after 1931. He stated that we know that the Swift Brothers incorporated in 1932 and moved to their new home in 1935. He stated that we have the physical evidence of the constant changes that this building underwent. George Thomas noted that some have asked why they have not found a building permit for the 1930s work to the building. Mr. Kaplin accentuated the point and relayed that George Thomas and his son have spent much time trying to locate any permits. George Thomas stated that he began his research into Philadelphia architecture in the 1960s. He said that he would trace building permits through the history cards located at the Department of Licenses & Inspections. The history cards are organized by address and list permits issued for addresses. He explained that there is a history card for this address and it list one permit, the 1923 building permit. He reported that the City’s record of permits had been lost, but they were eventually found in the late 1990s. The permit record is now held at the City Archives. He contended that the permit records themselves were never complete. George Thomas then displayed a photograph of 236 N. 2nd Street and as well as a copy of the history card showing permits for a demolition in 1952 and a parking lot in 1956. George Thomas asserted that the inventory for the Old City Historic District was incorrect. It states that the building was built c. 1970 and altered c. 1980. In fact, a permit for 236 N. 2nd Street shows that this building was built in 1961, but that permit does not appear on the history card. He also noted that the third story, which the inventory dates to 1980, was actually added in 2001. George Thomas stated that the building records are incomplete and the inventory is incorrect with regard to 236 N. 2nd Street. He displayed copies of a 1961 zoning permit and a 2000 zoning refusal to support his claim that the inventory and records can be wrong. George Thomas asserted that the person who inventoried 152 N. 2nd Street guessed at a date for the building. He suggested that tapestry brick was used for many years, well into the 1960s. He concluded that the estimate of c. 1925 in the inventory is incorrect. The building site was not filled out until after 1931 and the building record is incorrect and incomplete. Mr. Kaplin added that the 1931 atlas shows that the building at that time did not “fill out” the entire property. The property was filled out at some time between 1931 and 1944. He stated that they found a 1935 photograph that shows the current front façade. He stated that they believe that the front façade was added by the Swifts after refinanced the building, shifted the focus of their business, and announced their move to their new location. He stated that they do not believe that there is adequate documentation to support the inventory’s claim that the building was constructed around 1935. He stated that there is a lot of evidence that supports the assertion that the present building could not have been built until after 1931. It is confirmed by the contextual history. Mr. Kaplin stated that he will leave to the historians to determine whether the building is in the Tapestry Brick style. He stated that the photograph representing the Tapestry Brick style in the Old City Historic District manual looks nothing like the building in question. He asked how this “mutilated” building contributes. The building at 150 N. 2nd Street is the historic building on the block. “In my uneducated way, I see it as an impediment, not contributing.” Mr. Kaplin submitted the curriculum vitae for his consultants.

Chairman Thomas displayed an aerial photograph of the neighborhood and stated that we know when it was taken because the Ben Franklin Bridge is under construction. He stated that the bridge opened in the mid 1920s. Mr. Kaplin stated that he did not have a copy of the photograph. Ms. DiPasquale disagreed and stated that he had been given a copy of it at the start of the review. Chairman Thomas asked when the bridge opened. Mr. Farnham responded that it opened in July 1926. Chairman Thomas noted that the bridge is under construction in the photograph in question. Mr. Farnham explained that the photograph in question was emailed to the Historical Commission late yesterday afternoon by a researcher who found it in a glass negative collection at the Library Company of Philadelphia. He noted that the photograph dates to 1924 or 1925, given the state of the bridge. Mr. Farnham noted that the same researcher emailed him a second photograph last night. He reported that the second photograph does not tell us any more than we already know; the three-story façade that we see today on 152 N. 2nd Street was in place by 1926. Mr. Kaplin questioned the date of the photograph that depicts the three-story façade with the nearby bridge under construction. Chairman Thomas stated that the bridge opened in July 1926. He noted that he attended the 75th anniversary celebration for the bridge in 2001. Chairman Thomas again noted that the bridge is under construction in the photograph in question and is perhaps one year away from completion. He stated that the photograph must date to 1924 or 1925. He stated that the building at 152 N. 2nd Street can be seen in the photograph with the three-story façade and the large industrial windows. He concluded that this photograph proves that the building that we see today was in place by 1924 or 1925. He observed that the building may have been added to in subsequent years, but the front façade of the building was in place by 1925. The building clearly predates 1926. Mr. Schaaf pointed out that the approach to the bridge is incomplete for hundreds of feet in the photograph, which must predate 1926. Chairman Thomas reiterated that the photograph clearly shows the three-story building with the industrial façade. Mr. Mattioni stated that the photographic evidence is “fairly conclusive.” He asked Mr. Farnham to offer the Commission guidance with regard to the reclassification application if the Commission is persuaded by the photographs. Mr. Farnham advised that the Commission is always free to amend historic district designations including classifications of properties in districts. He stated that the Commission could decide to accept the application and amend the designation if it finds that this is not a Tapestry Brick style building; if it finds that the Tapestry Brick style is not a characteristic of the district; or if it finds that the Tapestry Brick style does not exist. However, the applicant has made those claims. The applicant has simply claimed that the building as we see it from the street today was constructed after the endpoint of the period of significance of the historic district and, therefore, cannot contribute to the district by definition. Mr. Farnham stated that irrefutable evidence has been presented that disputes the claim that the building that we see today was constructed after 1929. Based on that evidence, the Historical Commission could justifiably reject the application and retain the existing classification. Mr. Farnham stated that there may be other evidence that justify a reclassification of this building, but such evidence has not been presented today. No evidence was presented to refute the claim in the nomination that the building is in the Tapestry Brick style or that the style participated in the historical significance of the Old City Historic District. He stated that the district nomination is very clear that this style of architectural is not an expensive or fancy style, but is instead a utilitarian style that is indicative of a certain moment in Old City. Numerous buildings were constructed in Old City in the 1920s for light manufacturing and warehousing. This building is part of that history. It is a building constructed within the period of significance that partakes in the history of the historic district as it is defined in the nomination. Mr. Farnham concluded that the Historical Commission has not been presented with evidence today that would justify the reclassification of this building.

David Traub of Save Our Sites stated that he would not be commenting on the “mind-boggling” details of the building’s dates of construction and modifications. He spoke of the trio of buildings and stated that the one at 150 N. 2nd Street is especially distinctive. He stated that they support one another. They create an atmosphere. He observed that the building in question is contributing by law, so far. Save Our Sites opposes strenuously the downgrading of the classification in the historic district. It would set a negative precedent. He stated that Save Our Sites has warned against reclassifications in the past. The historic patrimony of Philadelphia is being destroyed, he claimed, one building at a time.

Patrick Grossi of the Preservation Alliance stated that his organization agrees with the staff and Committee on Historic Designation recommendations. He observed that the building was clearly primarily constructed before 1930, within the district’s period of significance. In terms of fenestration, materials, design, and scale, the building retains the qualities for which it was appropriately listed as a contributing building. The Preservation Alliance encourages the Historical Commission to retain the contributing classification for this building.

James Duffin stated that he is concerned about the procedure that granting this request would require. One would need to determine that the criteria that this building met to qualify as contributing are no longer applicable to this district. That would open the door to any similar buildings. Mr. Duffin referred to the drawing on the 1923 building permit and stated that that drawing was placed on the permit by the building inspector. It is dimensioned. He stated that he looked at other permits from the same month by the same inspector and learned that he did similar drawings on other permits around this time. The drawing includes the dimensions of the building, which are 12’-0” x 105’-0”. The lot on the atlas image submitted by the applicant is 108 feet deep and the building extends to about three feet from the property line. He stated that the dimension indicates that the building was of that depth when the building inspector reviewed it in the field. The location of the addition is not indicated, but overall size of the building is. He also contended that the real estate atlases are known to be imperfect, particularly the atlases other than those produced by Sanborn. The Sanborns are more accurate and detailed than the Elvino Smiths. Mr. Duffin stated that the permit should be given more weight than the atlases because the inspector was on site and saw the architectural plans. Mr. Duffin asserted that the statement by George Thomas that the building permits were not discovered until the 1990s is inaccurate. Mr. Duffin stated that, when he was in 8th grade in 1980, he reviewed permit history cards at the Department of Licenses & Inspections and then examined the building permits at the Department of Records. He stated that he learned of the permits from another historian, who had worked with them in the late 1970s. George Thomas was wrong; the building permits were available in 1980.

ACTION: Mr. Schaaf moved to deny the reclassification request and retain the classification of the property at 152 N. 2nd Street as a contributing to the Old City Historic District. Mr. Mattioni seconded the motion, which passed unanimously.

Commissioners Gupta and Long excused themselves from the meeting.

ADDRESS: 1801 E HUNTINGDON ST

Name of Resource: Textile National Bank

Proposed Action: Designation

Property Owner: SLT 1801 LLC

Nominator: H.R. Haas

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

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: The Committee on Historic Designation voted to recommend that the nomination demonstrates that the property at 1801 E. Huntingdon Street satisfies Criteria for Designation A, C, D, E, and H.

OVERVIEW: This nomination proposes to designate the property at 1801 E. Huntingdon Street as historic and list it on the Philadelphia Register of Historic Places. The nomination argues that the Textile National Bank is significant under Criteria for Designation A, C, D, E and H. The nomination contends that the building is significant for serving as the only bank to specifically promote its services to textile manufacturers and for its association with longtime bank president Harry Brocklehurst, who was responsible for the construction of thousands of working- and middle-class houses across Philadelphia, including those of Girard Estate. The nomination also asserts that the building serves as an example of the neoclassical style by prolific Philadelphia architect Herman Miller and that its unique location adjacent to the Huntingdon Station of the Market-Frankford El heightens its status to neighborhood landmark.

DISCUSSION: Ms. Keller presented the nomination to the Historical Commission. No one represented the property. H.R. Haas represented the nomination.

Ms. Cooperman inquired whether Criterion H was included in the motion made by the Committee on Historic Designation or whether the Committee discussed including it after the vote was taken. Ms. Keller clarified that the Committee included Criterion H in its motion and that it was part of its recommendation.

Mr. Thomas opened the floor to public comment, of which there was none.

ACTION: Ms. Cooperman moved to find that the nomination demonstrates that the property at 1801 E. Huntingdon Street satisfies Criteria for Designation A, C, D, E, and H, and to designate it as historic, listing it on the Philadelphia Register of Historic Places. Mr. Schaaf seconded the motion, which passed unanimously.

ADDRESS: 5112-14 GERMANTOWN AVE

Name of Resource: King-Green House

Proposed Action: Designation

Property Owner: Gibby Bruce Ward

Nominator: The Keeping Society of Philadelphia

Staff Contact: Kim Chantry, kim.chantry@phila.gov, 215-686-7660

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: The Committee on Historic Designation voted to recommend that the nomination demonstrates that the property at 5112-14 Germantown Avenue satisfies Criteria for Designation A, C, D, I, and J.

OVERVIEW: This nomination proposes to designate the property at 5112-14 Germantown Avenue as historic and list it on the Philadelphia Register of Historic Places. The nomination argues that the building is significant under Criteria for Designation A, C, D, G, and J. The nomination contends that the building, constructed in phases beginning as early as the 1740s, is

representative of the eighteenth-century development of Germantown and is associated with Daniel King, Sr., a well-known Philadelphia brass founder, satisfying Criterion A. The nomination argues that the site was used by three generations of hat makers, satisfying Criterion J. The nomination argues that the building embodies distinguishing characteristics of a vernacular architectural style, type, and local tradition, satisfying Criteria C and D. Lastly, the nomination argues that the building contributes to the Colonial Germantown National Register Historic District, which is also a National Historic Landmark, and as such, satisfies Criterion G as a component of a distinctive area.

DISCUSSION: Ms. Chantry presented the nomination to the Historical Commission. Oscar Beisert represented the nomination. No one represented the property owner.

Mr. Thomas asked for public comment, of which there was none.

ACTION: Ms. Turner moved to find that the nomination demonstrates that the property at 5112-14 Germantown Avenue satisfies Criteria for Designation A, C, D, I, and J, and to designate it as historic, listing it on the Philadelphia Register of Historic Places. Ms. Cooperman seconded the motion, which passed unanimously.

ADDRESS: 5356 CHEW AVE

Name of Resource: Jonathan Graham House

Proposed Action: Designation

Property Owner: Sisters of the Good Shepherd

Nominator: The Keeping Society of Philadelphia

Staff Contact: Kim Chantry, kim.chantry@phila.gov, 215-686-7660

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: The Committee on Historic Designation voted to recommend that the nomination demonstrates that the main building at 5356 Chew Avenue satisfies Criteria for Designation C and D, and that the outbuildings should be considered non-contributing for the purposes of the designation.

OVERVIEW: This nomination proposes to designate the property at 5356 Chew Avenue as historic and list it on the Philadelphia Register of Historic Places. The nomination argues that the building is significant under Criteria for Designation C and D, as an example of the Second Empire style of architecture at a time when the style was commonly employed on residential, commercial, and civic buildings. The nomination discusses three outbuildings for which it assigns neither a contributing nor non-contributing status. These outbuildings should either clearly be included as contributing to the designation, or deemed to be non-contributing. Outbuilding 1 appears to have been constructed between 1910 and 1926. Outbuilding 2's main block appears to also have been constructed between 1910 and 1926, although a small portion may remain from an earlier outbuilding. The smaller addition to this outbuilding was constructed in 1995. Outbuilding 3 was constructed in 1947. None of the outbuildings exemplify the Second Empire style, the sole basis for the claim of satisfaction of the Criteria.

DISCUSSION: Ms. Chantry presented the nomination to the Historical Commission. Sister Mary Carol McClenon, Cheryl Cutrona, and Philip Cottone of the Good Shepherd Mediation Program, the property owner, and attorney Christopher Strom represented the property owner. Oscar Beisert represented the nomination.

Mr. Strom stated that his clients, the property owners, oppose the designation for three reasons. First, they do not find the property to be significant to warrant historic designation. Second,

owing to the condition of the building and the lack of resources of the owner, the property will continue to deteriorate. Third, a designation would be unconstitutional and violate federal and state law, as a designation would unduly burden the mission of the owner and there is no compelling state interest to warrant this burden.

Sr. McClenon stated that she is a Sister of the Good Shepherd, which is an international religious order of Catholic sisters. She is the secretary of the Board of Directors of the mediation program, and is representing the members of the corporation, which is the Sisters of the Good Shepherd leadership team of America. The Sisters of the Good Shepherd mission's is primarily that of reconciliation. The sisters founded the mediation program in the convent in 1984. They originally intended to work only in the Germantown area, but the program grew to include business in Philadelphia's court system. Mr. Beisert interrupted and asked if her testimony is related to the nomination. Sr. McClenon responded that it is relevant because it is related to the religious intention of the purpose. She commented that the organization currently has eight programs, and has maintained the mediation program.

Mr. Beisert explained that he wrote the nomination for this building owing to a request from the Penn Area Neighborhood Association (PANA). He referenced a letter of support from PANA. Ms. Chantry explained that the letter, dated 14 July 2017, was received after the start of today's meeting, so she was in possession of only one copy. She provided it to the Commissioners to pass around the table. Mr. Beisert continued that the building is part of the fabric of the Penn Area neighborhood, and is an outstanding example of a Second Empire villa. He stated that it meets the Criteria, noting that the staff and Committee on Historic Designation agreed. He opined that the testimony presented is heading down the path of a hardship argument. Mr. Strom asked to finish his presentation. Mr. Thomas apologized and explained that he thought Mr. Strom was done. Mr. Strom stated that he is not done, and would like for Ms. Cutrona to provide a brief explanation as to what the mediation program does and how they implement the mission in the community. Mr. Thomas responded that the Commission understands that there is an important activity going on, and questioned whether her testimony would relate to the nomination. Mr. Strom responded that the designation would be unconstitutional because it would interfere with the continued mission of the order, and he offered to distribute case law and statutes which prove that interfering with the continued mission would result in an undue hardship. To overcome that undue hardship, the Commission must have some purpose or reason. The courts have held that it is usually a public safety issue that will justify that interest. Mr. Thomas stopped Mr. Strom, and commented that the Commission has a Committee on Financial Hardship. Mr. Strom responded that the unconstitutional act of designating the property is separate from economic hardship altogether. Mr. Thomas commented that the Commission is not in a position to rule on that. Rather, the Commission is looking at whether or not the building meets the Criteria, and if so, whether or not to designate it as historic. Mr. Strom responded that their position is that it does not meet the Criteria. Mr. Thomas continued that the Commission is not in a position to rule on constitutionality. Mr. Strom responded that based on the Rules & Regulations and Ordinance, the Commission is supposed to consider all factors to make a reasoned and informed decision. He stated that whether its act of designation would be constitutional is important for the Commission to understand. Mr. Thomas responded negatively, and reiterated that the Commission is supposed to look at the Criteria for Designation. He stated that Mr. Strom is questioning the entire operation, and the Commission is not in a position to consider that. He reiterated that the Commission's job is to look at the Criteria and decide whether or not to designate the building as historic. Mr. Strom responded that he does not agree with that position whatsoever, but he will discuss reasons why they do not support the nomination. He opined that the property is not significant. He referenced photographs in the nomination of more appropriate buildings that deserve historic designation. He opined that this

house does not rise to the level of significance to provide any value to the community. He stated that there have been numerous changes to the property, including additions at the rear. Mr. Thomas asked if the outbuildings are included in the nomination. Mr. Beisert responded that the outbuildings are to be considered non-contributing to the designation. Mr. Strom continued, noting that there have been additions to the main building. Mr. Thomas commented that all buildings evolve, and the Commission will consider the question of integrity. Mr. Strom stated that there have been significant changes to the community as well. He referenced nearby dormitories for La Salle University, and described the area as formerly residential but now commercial. He directed the Commission's attention to the photographs provided that show the condition of the main building. He stated that the owner is in extreme financial distress right now, does not have resources to maintain this property, and the building will continue to deteriorate. He noted the extensive water damage from 2013 which continues to this day in the basement. He stated that there are no financial resources to maintain the property. If the Commission designates the property, it will have an undue burden or hardship on the Order. It will not be able to continue to operate or service the community. He stated that it is the only resolution program in the City that offers these types of services. Mr. Thomas asked how designation would prevent the organization from continuing to do what it is doing in the building. Mr. Strom explained that the property is vacant, and the organization operates out of a Center City location. The property is the sole asset of the owner, and the owner needs the sale proceeds to continue to operate. Without those proceeds, the organization will be out of business by October.

Ms. Cutrona stated that the Good Shepherd Mediation Program has proven over the last 33 years to be an asset to the City of Philadelphia. She explained that it has served Parks & Recreation, Family Court, and neighbors on a free or sliding scale basis. She stated that all of that is in jeopardy right now because the strategic plan called for the organization to find another location for its offices. She noted that they had been operating for free out of the subject property for 32 years, but now they have a huge monthly lease, and the strategic plan was counting on the sale proceeds of the subject property in order to keep the organization operating in the City. She stated that, as soon as the notice of proposal to designate came out, offers that were on the table were withdrawn. She stated that if the property gets designated, it can personally impact the organization so that it would have to go out of business, which would adversely impact all of the young people in the City that have been trained in peer mediation in over 60 schools. She commented that mansard roofs are quite common, and that all other houses on this block were demolished except for this building, which is in poor condition. She stated that it is fiscally impossible to renovate it to the point where it would be usable again. She stated that they do not have the money to maintain it or keep it, even in its current condition.

Mr. Cattone stated that he is a lawyer by background, and a mediator and arbitrator, and he donates his time to Good Shepherd as a Director and Chair the Property Committee. He explained that they were trying to sell the property. He referenced an appraisal from approximately 10 months prior for \$720,000, but noted that recent offers through brokers did not come close to that amount. He stated that they were considering one offer which was approximately half of the appraisal amount, but that all offers are now off the table and no one is interested in the property owing to the proposed historic designation. The highest and best use of the property is for multi-family development, as is the use next door. La Salle University has many apartments in the area as well. He stated that they do not have the money to hire an architect to tell the Commission all of the reasons why the property does not meet the Criteria. He referenced other comparable buildings in the neighborhood which are shown in the nomination. He urged the Commission to look at that and to let the Sisters and the mediation program continue its good work. The historic designation will prevent that from being possible.

Mr. Thomas commented that it is a two-step process. The first step is to determine whether the building meets the Criteria. The second step is to determine whether or not it would be prudent to designate. The preservation ordinance gives the Historical Commission the authority to designate if a property meets one or more of the Criteria, but the Commission is never required to designate.

Mr. Beisert commented that he nominated the building because he believes that it is an outstanding example of a Second Empire villa of its size and scale. He stated that he takes issue with the contention that there are no other houses on the street and the area is basically destroyed. There is a church immediately to the north, which is a former synagogue that is still being used. To the north of that, there is a row of occupied houses that are at least 100 years old. Church Lane is filled with beautiful old houses. This is a part of the Penn Area neighborhood that has written a letter of support for the designation. He stated that he takes issue with the organization claiming that the area is destroyed and there is nothing left. Mr. Strom responded that his point is that the area is commercialized. Mr. Beisert commented that he wishes to respond to the claims about the organization's financial state. He stated that they contacted him to talk about potentially finding a different buyer for the property, and during those discussions, he learned that a non-profit wanted to buy the building and reuse it, but they decided it was not enough money. Ms. Cutrona stated that she did not tell Mr. Beisert that it was a non-profit. Mr. Beisert stated that they claim that the designation will bankrupt their organization, but this is a property that they have no mortgage on, and they left East Germantown and moved to an office that costs \$4,000 a month. Mr. Thomas stated that the discussion is straying from discussing the Criteria. Mr. Beisert replied that he is responding to their claims about their financial state. Mr. Thomas noted that there is a process for addressing a hardship. Ms. Cutrona commented that the reason the houses were demolished is because La Salle University is expanding its footprint. It is not because the houses were falling apart. It is because La Salle University is buying up the neighborhood, which has changed the climate of the area. It is no longer the villa that it once was, if it ever was. She stated that she contacted Mr. Beisert in the spirit of reconciliation and as a mediator, and she believed they could speak on a one-to-one reconciliation basis to see if they could resolve this on their own, because she did not want to turn this into an adversarial hearing.

Mr. Thomas asked for public comment. Joe McCarthy commented that he was asked to speak on behalf of PANA regarding their letter of support for the designation. He commented that he represents Baynton Hill Neighbors, the neighboring Registered Community Organization. He commented that it is a worthy building and is part of an ensemble in the neighborhood of like buildings and should be preserved. David Traub of Save Our Sites commented that it is a finely proportioned Second Empire building that is characteristic of the neighborhood. He commented that he is dismayed that the owner is potentially being rewarding for not maintaining its own property for 30 years. Mr. Thomas interrupted and stated that the Commission is not here to cast aspersions on people. He asked Mr. Traub to treat others with respect. Paul Steinke of the Preservation Alliance for Greater Philadelphia commented that the Alliance supports the nomination. He commented that Philadelphia was recently declared a National Treasure for its historic neighborhoods, and a meeting of the new mayoral Task Force will be occurring in less than a week to strengthen preservation regulations that are on the books. He commented that this discussion is about a regulation already on the books, which is the Criteria for Designation. He commented that the Alliance believes that the property meets Criteria C and D. He commented that this is an opportunity to preserve a historic resource in a neighborhood where preservation is sometimes overlooked. He opined that the building could have a new use as student housing for La Salle University.

Mr. Strom stated that the property does not satisfy Criterion C, owing to the construction of additional outbuildings so that it no longer reflects an environment from that era. The setting has been significantly altered and, without its original setting, it cannot reflect an environment from a historic era. He stated that the building has a mansard roof and porch, but beyond that it does not fit the Second Empire style. He asked that the nomination be denied for those reasons.

ACTION: Ms. Cooperman moved to find that the nomination demonstrates that the property at 5356 Chew Avenue satisfies Criteria for Designation C and D, and to designate it as historic, listing it on the Philadelphia Register of Historic Places, with the provision that the outbuildings are considered non-contributing to the designation. Mr. Schaaf seconded the motion, which passed by a vote of 9 to 1. Mr. Dillon dissented.

After the motion was passed, Mr. Thomas commented that the Commission was looking at whether the property satisfied the Criteria for Designation. He noted that he had intended to consider the designation question in two parts. First, the Commission would consider whether the property satisfied the Criteria. Second, the Commission would consider whether the property should be designated. The Commission never considered the second question. Ms. Cooperman responded that her motion was for designation. Mr. Thomas commented that the next step then, if the owner wishes to demolish the building, is to apply for a demolition permit and provide all of the economic hardship information. Ms. Cutrona responded that they do not want to demolish the building, but rather they want to sell the property to someone else. Mr. Thomas stated that there is nothing preventing them from selling the property. Mr. Strom responded that no one wants to purchase the property with the historic designation. He stated that there is no market for the property now. Mr. Cattone asked to meet with the Committee on Financial Hardship. Mr. Thomas responded that it is a separate committee. Mr. Mattioni clarified that there is a separate process for making a claim of financial hardship, and that the property owner's attorney can provide assistance. Mr. Thomas suggested that the owner speak with the staff to understand the hardship process. Ms. Cooperman clarified that the designation excludes the outbuildings. Ms. Cutrona responded that the outbuildings are on the property, and they cannot sell part of the property, therefore it adversely impacts the entire property.

ADDRESS: 319 GREEN LA

Name of Resource: Charles C.A. Baldi House

Proposed Action: Designation

Property Owner: William C. and Victoria E. McGahey

Nominator: Celeste Morello

Staff Contact: Kim Chantry, kim.chantry@phila.gov, 215-686-7660

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: The Committee on Historic Designation voted to recommend that the nomination demonstrates that the property at 319 Green Lane satisfies Criterion for Designation A.

OVERVIEW: This nomination proposes to designate the property at 319 Green Lane as historic and list it on the Philadelphia Register of Historic Places. The nomination argues that the property is significant under Criterion for Designation A, for its association with Charles C.A. Baldi, a Philadelphia civic leader, businessman, and patriarch of the Baldi family. Baldi was an Italian immigrant who eventually organized a bank, operated a funeral home, owned a daily Italian language newspaper, and founded a coal yard and a real estate and insurance business. He was the first Italian appointed to the Philadelphia Board of Education in 1924. The house at 319 Green Lane was the primary residence of the Baldi family from about 1891 to 1927.

DISCUSSION: Ms. Chantry presented the nomination to the Historical Commission. She explained that Celeste Morello, the nominator, was in attendance earlier in the meeting but had to leave. No one represented the property owner.

Mr. Thomas asked for public comment, of which there was none.

ACTION: Ms. Cooperman moved to find that the nomination demonstrates that the property at 319 Green Lane satisfies Criterion for Designation A, and to designate it as historic, listing it on the Philadelphia Register of Historic Places. Ms. Turner seconded the motion, which passed unanimously.

ADDRESS: 5805 GERMANTOWN AVE

Name of Resource: Heilig's

Proposed Action: Designation

Property Owner: Mark and Earlene Lightfoot

Nominator: H.R. Haas

Staff Contact: Kim Chantry, kim.chantry@phila.gov, 215-686-7660

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: The Committee on Historic Designation voted to recommend that the nomination demonstrates that the property at 5805 Germantown Avenue satisfies Criteria for Designation C, D, I, and J.

OVERVIEW: This nomination proposes to designate the property at 5805 Germantown Avenue as historic and list it on the Philadelphia Register of Historic Places. The nomination argues that the property is significant under Criteria for Designation C, D, I, and J. The nomination contends that the commercial building, constructed in 1876-77, displays character-defining features of the High Victorian Gothic style, satisfying Criteria C and D. The nomination further argues that the building is one of a larger historic commercial corridor along Germantown Avenue, satisfying Criterion J. Lastly, the nomination argues that the property satisfies Criterion I, as the site of an earlier inn, which may have had privies and other subterranean features that may yield information related to the site in the eighteenth and nineteenth centuries.

DISCUSSION: Ms. Chantry presented the nomination to the Historical Commission. H.R. Haas represented the nomination. No one represented the property owner.

Mr. Thomas asked for public comment, of which there was none.

ACTION: Ms. Turner moved to find that the nomination demonstrates that the property at 5805 Germantown Avenue satisfies Criteria for Designation C, D, I, and J, and to designate it as historic, listing it on the Philadelphia Register of Historic Places. Mr. Schaaf seconded the motion, which passed unanimously.

ADDRESS: 924 ARCH ST

Name of Resource: Philadelphia Gazette

Proposed Action: Designation

Property Owner: Eugene and Sophia Young

Nominator: H.R. Haas

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

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: The Committee on Historic Designation voted to recommend that the nomination demonstrates that the property at 924 Arch Street satisfies Criteria for Designation A, C, D, E, and J.

OVERVIEW: This nomination proposes to designate the property at 924 Arch Street and list it on the Philadelphia Register of Historic Places. The nomination argues that the former Philadelphia *Gazette* building, constructed circa 1880, satisfies Criteria for Designation A, C, D, E, and J. Under Criteria A and J, the nomination argues that the building is significant for its cultural and historical importance to the German-American community in Philadelphia for its association with the largest German-language newspaper in the United States, the *Gazette* and its successor the *Gazette-Democrat*, which were published in this building. The nomination also asserts that the building is significant for its association with the newspaper's editor, Gustav Mayer, a prominent Philadelphian who used his influence to "Americanize" German-speakers during World War I and to help hasten the end of Prohibition. Under Criteria C and D, the nomination contends that the building is a fine example of the High Victorian Gothic and Neo-Grec styles. Under Criterion E, the nomination explains that the building was designed by the prominent Wilson Brothers & Co., a Philadelphia firm best known for the design and engineering work on some of the most important nineteenth century buildings in Philadelphia.

DISCUSSION: Ms. DiPasquale presented the nomination to the Historical Commission. H.R. Haas represented the nomination. No one represented the property owner.

Mr. Thomas opened the floor to public comment, of which there was none.

ACTION: Mr. Schaaf moved to find that the nomination demonstrates that the property at 924 Arch Street satisfies Criteria for Designation A, C, D, E, and J, and to designate it as historic, listing it on the Philadelphia Register of Historic Places. Ms. Cooperman seconded the motion, which passed unanimously.

ADDRESS: 1026 ARCH ST

Name of Resource: Board of Church Extension of the Methodist Episcopal Church

Proposed Action: Designation

Property Owner: Nancy and Alfred Capelli Jr.

Nominator: H.R. Haas

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

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: The Committee on Historic Designation voted to recommend that the nomination demonstrates that the property at 1026 Arch Street satisfies Criteria for Designation A, C, D, and E.

OVERVIEW: This nomination proposes to designate the property at 1026 Arch Street and list it on the Philadelphia Register of Historic Places. The nomination contends that the former Board of Church Extension of the Methodist Episcopal Church building, constructed in 1878, satisfies Criteria for Designation A, C, D, and E. Under Criterion A, the nomination argues that the Board, which met annually at this building on Arch Street, played a substantial role in the expansion of

the Methodist Episcopal Church in America. The nomination also contends that the building is significant for its association with Benjamin D. Price, the architect who shaped the appearance of Methodist Episcopal church in the late-nineteenth century, whose office was located in this building. In addition to Price's association under Criterion A, the nomination also argues that the building is significant under Criterion E as a likely design by Price, and under Criteria C and D as an excellent example of the High Victorian Gothic style.

DISCUSSION: Ms. DiPasquale presented the nomination to the Historical Commission. H.R. Haas represented the nomination. No one represented the property owner.

Mr. Thomas opened the floor to public comment, of which there was none.

ACTION: Ms. Turner moved to find that the nomination demonstrates that the property at 1026 Arch Street satisfies Criteria for Designation A, C, D, and E, and to designate it as historic, listing it on the Philadelphia Register of Historic Places. Ms. Cooperman seconded the motion, which passed unanimously.

ADDRESS: 30 PELHAM RD & 15 WESTVIEW AVE

Name of Resource: Fairelawn

Proposed Action: Designation

Property Owner: Hector & Susan Badeau and Joseph A. Sullivan & Sandy Crimmins

Nominator: Philadelphia Historical Commission staff

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

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: The Committee on Historic Designation voted to recommend that the nomination demonstrates that the buildings at 30 Pelham Road and 15 Westview Avenue satisfy Criteria for Designation D, E, and J.

OVERVIEW: This nomination proposes to designate the properties at 30 Pelham Road and 15 Westview Avenue and list them on the Philadelphia Register of Historic Places. The nomination contends that former Fairelawn house and carriage house, constructed in 1902, satisfy Criteria for Designation D, E, and J. Under Criterion J, the nomination argues that the buildings exemplify the establishment of the suburban Pelham neighborhood by developers Wendell & Smith, also known for their developments of Overbrook Farms, Wayne, and St. David's, Pennsylvania. Under Criterion E, the nomination contends that the buildings are significant as the works of the prominent partnership of brothers G.W. and W.D. Hewitt, and for embodying distinguishing characteristics of the Tudor Revival style, satisfying Criterion D.

DISCUSSION: Ms. DiPasquale presented the nomination to the Historical Commission. No one represented the property owner.

Mr. Thomas opened the floor to public comment, of which there was none.

ACTION: Ms. Turner moved to find that the nomination demonstrates that the property at 1026 Arch Street satisfies Criteria for Designation D, E, and J, and to designate it as historic, listing it on the Philadelphia Register of Historic Places. Ms. Cooperman seconded the motion, which passed unanimously.

OLD BUSINESS

ADDRESS: 2400 PINE ST

Proposal: Demolish building, construct new building

Review Requested: Review In Concept

Owner: Jacob Cooper and Natalie Aronson

Applicant: Jacob Cooper

History: 1963; Norman Rice home and office; Norman Rice, architect

Individual Designation: None

District Designation: Rittenhouse Fidler Residential Historic District, Non-contributing, 2/8/1995

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

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of the overall height and massing of the proposed building, but denial of the cladding, fenestration, and other features, which are not compatible in materials, color, size, scale, and proportion with the historic residential buildings in the historic district. The proposed building appears to find inspiration in industrial buildings, but the Rittenhouse-Fidler Residential Historic District is largely devoid of such buildings. While the Standards require new construction to be both differentiated from and compatible with the surrounding historic environment, the proposed building favors differentiation. The design should be revised to be more compatible with the surrounding historic district.

OVERVIEW: This application proposes to demolish the existing non-contributing one and two-story building that runs between Pine and Waverly Streets along S. 24th Street and to construct a two and three-story building in its place. The application seeks in-concept review of the design for the new construction. The proposed building would be two stories in height along Pine Street, with a third-floor stepping up approximately one-third of the way along 24th Street. A deck would be located on the second-floor roof. The original application presented to the Architectural Committee proposed cladding the building in white brick. Following that review, the application was revised to feature red brick. The proposed building would feature large steel windows and zinc-clad projections into which would be set aluminum curtain-wall windows and slatted shading devices. The building would be combined with the property at 2403-05 Waverly Street, which is outside of the historic district.

DISCUSSION: Ms. DiPasquale presented the application to the Historical Commission. Architects Darin Jellison and Dani Leiman and property owners Jacob Cooper and Natalie Aronson represented the application.

Mr. Jellison explained that the site is on a beautiful tree-lined block characterized by dense parking and small scale development on Pine and Waverly Streets. He noted that part of the reason his clients decided to settle down here is that they both grew up on neighboring blocks, and it is a neighborhood that means a lot to them. He expressed his clients' desire to have a house that is aligned with the characteristics of the neighborhood. He opined that the rhythm and proportion of the two smaller streets perpendicular to 24th Street are of note, and are part of the thought process behind the design. He noted that the current building, although interesting, its 24th Street elevation is not terribly friendly to pedestrians or to the life of the street because it contains nine garage doors and one-story office space at 24th and Pine. He explained that the plan of the building is relatively square shape in southwest corner, and then is rowhouse width to the north. Programmatically, he explained, they wanted to locate the front door on Waverly Street where one of the properties has its front door today. He noted that they are proposing to reduce the number of garage doors from nine to two. He explained that the first floor would be public space, with the front door on Waverly, but also a door on Pine Street as a potential entry

for either guest quarters or an au pair suite. Although not part of the owner's normally entry sequence, he noted, it is being treated as a door. He described the bedroom and family room spaces on the second floor, and the master suite, sitting room areas, and roof deck on the third floor. He explained that, in terms of materials, the proposed construction is primarily brick with punched openings. On the north/south elevations, he continued, they had the opportunity to more closely match the scale of the surrounding buildings. On 24th Street, the challenge is to break the façade up in a way that does not present a tight wall to the community, which had been part of the feedback from the Architectural Committee, he explained. He noted that the modern elements central to the block on 24th and part of the protection of the front door have been thinned down to be more delicate and bay-like, and to reflect the concept of this design, which is to marry a traditional respect for this neighborhood with the clients' modern lifestyle. He acknowledged that the design still needs more development, but that in concept, it works nicely in the neighborhood.

Mr. Thomas opined that the building fits in fairly well in terms of scale and material, but had some comments about the garage doors and storage area entrance. He suggested that the applicant continue the articulated base through the garage portion of the building rather than have a blank wall at the first floor. He also suggested that, rather than solid, blank garage doors, the applicant use garage doors with glazing of some sort. He noted that they do not have to be the historic pattern with crossbars, but that there are modern doors that also have some glazing to them and are friendlier to the street. He argued that the applicants can meet the necessary program with doors that have glass or texture, or, ideally, both. Mr. McCoubrey added that the trash room door does not need to be articulated like the garage doors, and noted that it is shown differently in the renderings and in plan. He suggested that it would make the garage area less overwhelming if the garage doors were kept to the minimum necessary and if the person door was articulated as a punched opening. Mr. Thomas agreed, noting that it would not require any change in plan, just the doors themselves. Ms. Cooperman noted that the plan suggests that the door is set into a masonry opening.

Mr. McCoubrey noted that the change to red brick from white brick presented to the Committee is an improvement. He opined that he would expect there to be more discussion at the next Architectural Committee review as to whether the large zinc elements have been scaled appropriately and whether they are still beyond the residential scale. He suggested that the applicants approach their design as bays.

Mr. Mattioni asked if the proposed building was intended to be a residence, because, in his opinion, it looks like a commercial building. He suggested that the building be designed to look more like a house, a home. Thomas agreed, noting that the reduction and glazing of the garage doors, as well as the extension of the base may help create a more residential appearance.

Mr. Schaaf expressed his desire to see the Pine Street elevation ennobled or enhanced in some way to become a better neighbor to the scale of the other houses on the street. He suggested that this could be achieved through the use of a special window at the second floor that changes from the side. Mr. Thomas noted that the buildings on most of the streets in this area were not built as a single monolithic row, so they vary in scale, and the floor heights differ. Mr. Schaaf suggested that the applicants explore ways to compose the Pine Street elevation to look more like a front elevation than a rear one. He mused that this could be achieved perhaps through a reveal on either side of the window that comes up and breaks the parapet line. Mr. McCoubrey added that the applicant could also explore a pop-up in the parapet. Mr. McCoubrey opined that the scale of the building at two stories on Pine is sufficiently large to hold its own, but agreed that the applicants should do more to enhance that elevation, since Pine Street is a main street

in the city. Mr. Thomas agreed, opining that the door should look more like a front door than a back door as it does in the current proposal. He commented that there is nothing wrong with a building that has no back walls. Mr. McCoubrey suggested that the addition of a transom above the door might help.

Mr. Thomas opened the floor to public comment. Neighbor Frederic Murphy noted that many other neighbors along the 2400 block of Pine Street are present to talk about the issue of the massing of the building. Mr. Murphy explained that the buildings on the block were redeveloped by a Mr. Horn. Neighbor William Morlok explained that he purchased the original Horn mansion at 2408-12 Pine in 1982, and converted it to two residential condominiums; it was designated shortly thereafter. He explained that it is significant because it is dramatic Mediterranean style and because Mr. Horn and Mr. Ritchie perfected the Automat in the Waverly Street carriage house that the Coopers are buying. He noted that what is most important to the neighbors along the block is the interior garden area shared by all the neighbors. He explained that all of the properties focus on the gardens, as does the carriage house and as will the new building. He expressed the neighbors' concern that the massing of the three-story height will significantly impact the sunlight and sky views, as well as the continuity of the gardens. He understood that the gardens are not visible to the street, but opined that they certainly are a tremendous design element for the buildings.

Mr. Murphy distributed a rough light study to the Commission members. He explained that when Horn redeveloped all the properties, the rear yards became a visual commons. He noted that the only properties that are visually modified are the back of his house and the back of the Rice building. He explained that his house is modified in the back simply because it had asbestos siding and because it was structurally deficient. He noted that the changes he made moved to a finish that was closer to the original building. He explained that the foundations of the original trinities are extant in the rear yards of the properties, and opined that Horn may have cleared them in order to create open space and light. Directing the Commission's attention to the light studies he described how his whole backyard will be in shade at noon in December. He showed the existing condition at noon in December, with all the houses retaining light in the back at noon. With the proposed project, he opined that three-quarters of his house at 2402 Pine would in shadow for the first two floors. He explained that the center portion of his house has a greenhouse, used to store plants during the winter. He opined that there will be no light in the greenhouse in all of December and a good part of January. He presented various photographs of the rear garden areas, and opined that the views will be impacted. He noted that he has a 50 year old dogwood tree that a landscape architect told him will die from a lack of sun and lack of ventilation owing to the new construction. Mr. Thomas asked where the property lines are and whether the garden space is shared. Mr. Murphy responded that it is not shared, but that the neighbors have all offered to put deed restrictions on their properties to retain the commons if the Coopers are willing to retain more of the visual commons. Mr. Thomas noted that the Historical Commission's objective is to determine whether the design of the proposed construction meets the Secretary of the Interior's Standards in terms of size, scale, materials etcetera, and that he is concerned that the discussion might be getting into zoning issues with the concerns about light and air. Mr. Thomas noted that the new building may cast a shadow, and mused that he had a similar issue with his own office building, where he never thought anything would be built, but then a four-story building was constructed nearby. He noted that, in his case, it was a zoning issue, but they were able to negotiate so everyone was happy. He explained that the Historical Commission looks at the impact to the district, but that shading itself is not necessarily an issue.

Mr. Thomas noted that there are doors shown on the walls of the “open area” depicted in the plan for the new construction. Mr. Jellison responded that they are existing shared doors, which are not operable. Mr. Thomas offered clarifications about the plan of the building. Ms. DiPasquale noted that there is an oblique aerial rendering included in the Commission packets.

Mr. Thomas clarified that, owing to the presence of the building there at the time of designation, the Historical Commission has jurisdiction over the new construction, and that the Commission needs to determine whether the materials, scale, fenestration, and other aspects meet the Standards. He asked about the existing buildings. Mr. Jellison responded that the two-story carriage house is existing and would remain two stories. Mr. Murphy noted that the neighbors fear that the large three-story massing will adversely impact the Horn mansion.

Mr. Murphy asked if it is legal to have windows on a common wall facing into someone else's backyard. Mr. Thomas responded that there are situations in which that can be done, but the windows would have to meet certain fire ratings. He explained that someone could build up next to the windows, and that they would not be able to use the windows as a means of egress. Mr. Jellison responded that the element that Mr. Murphy thought was a window is not a window.

Neighbor Andrew Dalzell explained that is friendly with the Coopers and that he cannot speak to the design of the building, but applauded the fact that they are a young family committing to the neighborhood in which they grew up and designing a high-quality building. He noted that they are not trying to replicate something historic, but are adding their own flavor to the neighborhood. He also noted that the proposed construction is 31 feet tall rather than the zoning maximum of 38 feet. He opined that it is a testament to the Coopers that the neighbors can reference them by first name because they are reaching out to the neighbors.

Neighbor David Traub questioned whether the roof of the two-story portion would be used as a deck. Mr. Jellison responded affirmatively. Mr. Traub asked if the deck would extend all the way to Pine Street. Mr. Jellison responded that it would be set back the required five feet. Mr. Traub replied that he is concerned about that, and asked if there is a parapet. Mr. Jellison responded affirmatively, noting that the railing will be concealed by the tall parapet. Mr. Traub expressed concern about the Coopers having a party and people hanging over Pine Street and Fidler Square. Mr. Thomas responded that people could hang out their windows onto Pine Street, and that the Historical Commission is not the behavior police. He cautioned Mr. Traub to limit his testimony to historic preservation matters and not drift into other unrelated areas. Mr. Thomas noted that, if the parapet fits in terms of size and scale, it is not the Commission's concern if the space is used as a deck. Mr. Traub asked if the open space is in conformance with the zoning code. Mr. Jellison responded affirmatively. Mr. Traub noted that he feels the new house will be a great addition to the neighborhood.

Neighbor Ann Kaier commented that she has lived on the block for almost 20 years and intends to live there until she dies. While she noted that it is great that young people are coming into the neighborhood, she is concerned about the lack of light that this plan would likely bring into what is really a common garden space. She noted that when she changes the trees in her garden, she coordinates with her neighbors. She argued that it is going to be a different commons with the proposed massing. She explained that she wants to welcome the Coopers into the neighborhood, but the proposed building will have a serious effect on the gardens that the neighbors love, and it is a sin to kill trees in the city.

Patrick Grossi of the Preservation Alliance noted that the Alliance is not opposed to the concept of the design. He acknowledged that the existing building is non-contributing and that the

Commission does not have jurisdiction over its demolition, but it is a somewhat interesting 1963 building that was occupied by a noteworthy architect. He encouraged the applicant to document the building, noting that he does not know whether any original drawings exist, but would encourage that effort to the extent possible. He also suggested that this is an opportunity for the Commission to revisit district inventories with an eye to post-war modern resources, even if they are not listed as contributing, they may be eligible for individual designation. Mr. Thomas asked Mr. Farnham what the Commission's jurisdiction over this property is. Mr. Farnham responded that the Commission cannot prevent the demolition of the building, but the Commission does have full jurisdiction over any new construction that would take place. The Commission will ensure that the new construction is compatible with the historic district. Mr. Farnham explained that the Historical Commission is charged with protecting the public's interest in the historic resources; for instance, by determining whether the public facades of the proposed building are compatible with the public façade of the neighboring buildings. Mr. Thomas asked how that would impact the gardens. Mr. Farnham responded that, while he hates to be the bearer of bad news, he believes that the question of the gardens and light and air is a zoning issue over which the Commission has no jurisdiction. He noted that, if the Commission were to deny this application based on its impact to a private garden that is not visible to the public, the decision would be quickly and easily overturned on appeal. He noted that the Commission has to look at the ways in which the proposed construction would impact the public right-of-way and the public's perception of the historic district. Mr. Thomas responded that that is in line with his personal experience with his office building. He reiterated that he negotiated with neighbors who wanted to build a much larger building behind them, but that it was a zoning issue. He noted that it appears that this block has a nice community of people, and that hopefully they can work something out regarding the wall overlooking the garden. Mr. Jellison responded that he agrees it is a zoning issue, but it has been an ongoing discussion. He noted that the Coopers are making strides to do the right thing and collaborate with the neighbors. He offered to produce some sun studies that are more scientific so everyone can understand what exists and what is coming. He offered to evaluate the impact of pulling parts of the building back both in the massing and the appearance from the courtyard and the effect on shading and light. He noted that the Coopers are sensitive to the neighbors' concerns, as this is where they are going to live too.

Mr. Thomas noted that he is pleased to see someone doing this work, but that the Commission needs to make sure it is sensitive.

Ms. Cooperman followed up on Mr. Grossi's comments regarding documentation of the existing building. She noted that, while the Commission does not have jurisdiction, she expressed hope that the property owners would record the Norman Rice building, because Norman Rice was an extremely important architect in the city of Philadelphia. She acknowledged that this is not his best work, but that it would contribute to the architectural heritage of the city to record the building, at least photographically. Mr. Jellison responded that they originally anticipated reusing a portion of the building, so they have surveyed the whole building and have drawings of it in both plan and section. Ms. Cooperman noted that it would be a real gift if they would share that documentation with the Commission, along with photographs. Mr. Cooper commented that the invitation for the Preservation Alliance to document the interior has already been extended and accepted.

ACTION: Mr. McCoubrey moved to approve the application in concept. Mr. Schaaf seconded the motion, which passed unanimously.

ADJOURNMENT

ACTION: At 1:55 p.m., Mr. Mattioni moved to adjourn. Ms. Turner seconded the motion, which passed unanimously.

STANDARDS AND GUIDELINES CITED IN THE MINUTES

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

Standard 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 8: Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

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

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

Roofs Guideline: Recommended: Designing additions to roofs such as residential, office, or storage spaces; elevator housing; decks and terraces; or dormers or skylights when required by the new use so that they are inconspicuous from the public right-of-way and do not damage or obscure character-defining features.