

**THE MINUTES OF THE 385th STATED MEETING OF THE
PHILADELPHIA HISTORICAL COMMISSION**

14 September 1994

**Wayne Spilove, Chairperson
City Council Caucus Room
Room 401 City Hall**

Present _____ Wayne Spilove

David Brownlee
Barbara Kaplan, City Planning Commission
Arlene Matzkin
Bilal Qayyum, Commerce Department
Susan Rabinovitch
Robert Vance, City Planning Commission
Scott Wilds, Office of Housing and Community Development
Stephanie Wolf
Peter VanderHeide, Department of Public Property

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

Also _____ David C. Coleman, Jr.

Jennifer Goodman, Preservation Coalition of Greater Philadelphia
Milton Marks, Preservation Coalition of Greater Philadelphia
William Blades, Philadelphia Historic Preservation Corporation
Robert J. Shusterman, Esq.
Fred Dedrick
Mark Coleman Graves
Vernon Loeb, Philadelphia Inquirer

The 385th Stated Meeting of the Philadelphia Historical Commission was called to order at 10:15am by Wayne Spilove, Chairperson.

THE MINUTES of the 384th Stated Meeting of the Philadelphia Historical Commission held on 10 August 1994, Wayne Spilove, Chairperson, were approved by unanimous vote and adopted after a motion was made by Dr. Brownlee and seconded by Mr. Wilds.

THE REPORT of the Architectural Committee of the Philadelphia Historical Commission, 31 August 1994, Arlene Matzkin, Chairperson:

513-515 SOUTH 4TH STREET

Campbell Thomas & Co., Architects

PROPOSAL: Conversion of Factory to Apartments*Architectural Committee recommendation: Approval*

The Applicant proposes to rehabilitate two buildings into apartments with individual street entry, restoring most of the historic windows but adding new doorways and stoops. The ground floor of 513 S. 4th Street and all of 515 was replaced circa 1960 with a yellow brick structure. 515 is now a one story box and will be built to the same height as 513 with matching windows and facade materials.

Dr. Wolf made a motion to accept the recommendation of the Architectural Committee and approve the proposal. Mr. Wilds seconded the motion which was adopted by unanimous vote.

219 SOUTH 6TH STREET, THE ATHENAEUM

Richard Ortega, Engineer

PROPOSAL: Truss Repair and Roof Replacement*Architectural Committee recommendation: Approval of roof structural work, request that Applicant prepare mockup of proposed battens on roof. William Cornell and Suzanne Pentz abstained.*

This proposal involves rebuilding the building's non-visible roof and its structure. The only visible portion of the roof -- over the front cornice -- will be restored to its original appearance in copper. Owing to a lack of documentation, there is some question about the thickness of the roof battens. This question may be resolved with evidence uncovered when the old roof materials are removed.

Ms. Matzkin pointed out that the vote recorded in the Architectural Committee minutes should have described the preparation of a mockup of the proposed roof battens and asked that this be added to the record.

Dr. Brownlee made a motion to accept the recommendation of the Architectural Committee, as stated above, and approve the proposal. Mr. Wilds seconded the motion which was adopted by unanimous vote.

401 W. JOHNSON STREET, THE MAYFAIR HOUSE

Robert Shusterman, legal counsel for the Philadelphia Historic Preservation Corporation

Architectural Committee recommendation: No recommendation was voted for or approved.

Wayne Spilove, Barbara Kaplan, Scott Wilds and Richard Tyler recused themselves from comment and vote in this matter. Mr. Spilove has a potential business interest and Ms. Kaplan, Mr. Wilds and Mr. Tyler are ex-officio members of the board of the Philadelphia Historic Preservation Corporation (PHPC), which has an easement on the Mayfair House. Mr. Tyler noted that since a quorum was present at this meeting, action may be taken by the remaining members.

In a letter to the Commission received after the original 31 August Architectural Committee meeting agenda had been set and distributed, Mr. Shusterman requested that the Architectural Committee and/or the Historical Commission order the owners to bring the Mayfair House into compliance with applicable

codes, repair or rehabilitate the Mayfair House, and submit a rehabilitation timetable to the Historical Commission. Both before and during the Committee meeting, Mr. Tyler stated, it was explained to Mr. Shusterman that such an order is not within the powers of the Commission to issue.

The owner was ordered by Judge Nigro of the Court of Common Pleas to seal the building, clean the area which has been the target of short-dumping, and post a 24-hour guard. The building has been sealed, but neighbors report that the trash remains and the guard order has not been fulfilled. The owners must provide a status report on these requirements at a hearing before Judge Nigro scheduled for 3 October 1994.

Judge Nigro also stated that the matter should be addressed by the Historical Commission, but did not expressly state that the Department must go through the review process specified in the Commission's Rules and Regulations. Mr. Levin has asserted that since the Department no longer issues itself permits, any Commission decision regarding Department action would be moot. He stated at the 384th Commission meeting that he brought the matter before the Commission as a courtesy. Concerned about this loss of regulatory ability, the Commission at this meeting requested a ruling from the City Solicitor's office on the legality of Department action without Historical Commission review. The opinion was not ready for this 385th Historical Commission meeting.

Mr. Shusterman explained that the court's order to have the Commission address the issue was a result of his citing a statement made by Mr. Levin at the Department of Licenses and Inspections Board of Review hearing (page 21 of that transcript). At that time, Mr. Levin stated that he would submit any request to demolish the Mayfair to the Commission prior to proceeding with any action.

Mr. Shusterman then questioned the need for the PHPC Board members to recuse themselves from this Commission business. He submitted that these individuals have no personal interest in the affairs as they are on PHPC's Board as ex-officio, i.e., their positions are on the Board, not they themselves. He requested that the City Solicitor's office be asked to consider this matter. Ms. Wolf agreed that the City Solicitor's office should look into it. Mr. Tyler stated that the question of conflict of interest goes beyond personal financial interest. The "duty of loyalty" to each organization poses a potential conflict. Mr. Shusterman added that it may not be a conflict of interest for Commission members to solely discuss and vote on whether proper procedures have been followed.

Mr. Vance stated that he must speak against the request of PHPC for the Commission to issue orders. Mr. Shusterman challenged his ability to speak as Mr. Vance has attended PHPC meetings representing the community. Mr. Vance responded that he attended these meetings at the request of the community as the Ward Leader of the ward in which this building sits. He stated that he does not consider this to be a conflict of interest and continued with his objection. First, the requests of PHPC are already being dealt with by Judge Nigro, and the 3 October status hearing is taking place to review the owner's response to earlier court orders. Secondly, it would be premature for the Historical Commission to issue an opinion or order before the City Solicitor's office returns an opinion about the degree to which such an action would be effective. And third, Mr. Vance reiterated Mr. Tyler's point that the issuance of orders to repair is not within the Commission's power.

Mr. Shusterman responded that he would like to be duly notified of all future scheduled and special meetings regarding the Mayfair House. Mr. Tyler assured him of this.

Ms. Rabinovitch queried Mr. Shusterman about PHPC's actions in protecting its real property interests between 1989 and today. Mr. Shusterman responded that they tried to get the Commission to do

something when the Department tried to get the first floor windows removed, he requested and was denied access to Department files, he has threatened to pursue litigation to enforce the easement, and has several times met with and written to the owners. He also stated that the affairs of the Mayfair House have been held up by a lengthy and somewhat bungled mortgage foreclosure, a prolonged Sheriff's sale, and a long period of time during which no real estate was saleable.

Dr. Wolf asked whether the steps required by the PHPC easement contract have been followed. Mr. Shusterman responded that the building was inspected annually and was for a long time in good condition as far as the terms of the easement were concerned. Dr. Wolf then asked whether these reports document the increased neglect. Mr. Vance requested that PHPC submit to the Commission all documents regarding the Mayfair House not covered by the attorney-client privilege or any other applicable privilege before the next meeting. Mr. Shusterman and Mr. Blades agreed to compile and submit this information prior to the next meeting.

Mr. Dedrick complained that the neighborhood was not notified of the Architectural Committee meeting and would like to be in the future. Mr. Shusterman stated that the letter sent to Mr. Spilove and Mr. Tyler was copied to the legal counsel for the Department and Joel M. Sweet, Esquire, who at the hearing at the Court of Common Pleas represented the community. Mr. Tyler assured Mr. Dedrick that he will also be notified in the future. Ms. Plavin Salganicoff recorded the addresses of the neighborhood representatives present at this meeting.

Mr. Graves stated that he has lived in the neighborhood for many years and has seen the building deteriorate since 1980 when ten and then all of the 244 units in the building were converted to Section 8 housing. He fears that the current "gross inconvenience" will turn into a dangerous situation.

Mr. Tyler reiterated that when the Law Department returns with its opinion, hopefully well before the 3 October Court of Common Pleas hearing, the Commission will hold a special meeting and notify all involved parties.

INDEPENDENCE SQUARE GROUP OF BUILDINGS

Vitetta Group and National Park Service

PROPOSAL: Utilities Improvement

Mr. Matzkin updated the Commission on the status of the project. She stated that the Committee and its Sub-Committee are working on the last approvals and a recommendation should be before the Commission next month.

REPORT of the Activities of the Historical Commission Staff, August 1994.

Mr. Tyler stated that the letters of notification for the Rittenhouse Fittler Residential Historic District were sent out at the appropriate time, that the posters are up in the neighborhood, and that an ad was placed in the newspaper.

NEW BUSINESS

Continuing the discussion of the Rittenhouse Fidler Residential Historic District, Mr. Wilds commended the clarity of the question and answer sheet developed by the Preservation Coalition and the Commission staff and included with the letters of notification. The first hearing will be held at the 9 November 1994 scheduled Historical Commission meeting. Mr. Tyler anticipated that this meeting will consist of showing slides of the district and the beginning of a discussion. The issue will likely not be resolved at this meeting. The Commission should schedule a follow-up meeting in the neighborhood 10-14 days after the 9 November meeting in order for everyone to be heard. The matter will be taken up again at the December meeting and, if need be, yet another meeting until the Commission is satisfied that it has heard the comments and testimony of everyone who wishes to speak.

Ms. Kaplan noted that we should anticipate confused questions about zoning. Mr. Tyler stated that before the first hearing there will be a neighborhood meeting under the aegis of the Center City Residents Association and the Preservation Coalition that will be attended by Commission staff. Ms. Kaplan volunteered to come to this meeting or send someone from her staff.

A motion to adjourn was made by Mr. Wilds, seconded by Dr. Brownlee and approved by unanimous vote at 11:15 am.

Respectfully submitted,

Lori Plavin Salganicoff