

**THE MINUTES OF THE 569TH STATED MEETING OF THE
PHILADELPHIA HISTORICAL COMMISSION**

**8 JANUARY 2010
ROOM 18-029, 1515 ARCH STREET
SAM SHERMAN, CHAIR**

PRESENT

Sam Sherman, Chair
David Amburn
Leslie Benoliel
Richardson Dilworth, Ph.D.
Rosalie Leonard, Office of City Council President
John Mattioni, Esq.
Sara Merriman, Commerce Department
Daniel Quinn, Department of Licenses & Inspections
David Schaaf, Philadelphia City Planning Commission
Joan Schlotterbeck, Department of Public Property
Scott Wilds, Office of Housing & Community Development

Jonathan Farnham, Executive Director
Erin Coté, Historic Preservation Planner II
Jorge Danta, Historic Preservation Planner II
Karen Gonski, Administrative Technician

Leonard Reuter, Esq., Assistant City Solicitor

ALSO PRESENT

John Gallery, Preservation Alliance for Greater Philadelphia
Charles Tonetti, Independence Hall National Historical Park
Doris Fanelli, Independence Hall National Historical Park
Amanda Jones, National Park Service
Gary Jonas, Advanced Real Estate Concepts
Brian J. Preski, Esq.
Charles Mottershead, Capital Projects Division, City of Philadelphia
Gary Knappick, Capital Projects Division, City of Philadelphia
John McDevitt, KYW News Radio

CALL TO ORDER

Mr. Sherman called the meeting to order at 9:05 a.m. Commissioners Amburn, Benoliel, Dilworth, Leonard, Mattioni, Merriman, Quinn, Schaaf, Schlotterbeck, and Wilds joined him.

MINUTES OF THE 568TH STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION

ACTION: Ms. Merriman moved to adopt the minutes of the 568th Stated Meeting of the Philadelphia Historical Commission, held 11 December 2009. Ms. Benoliel seconded the motion, which passed unanimously.

THE REPORT OF THE ARCHITECTURAL COMMITTEE, 15 DECEMBER 2009

David Amburn, Chair

2300 DELANCEY PLACE

Owner: Carol and Rafael Lissack

Applicant: Carol and Rafael Lissack

History: c. 1875; contributing to the Rittenhouse Fidler Historic District

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

OVERVIEW: This application proposes the legalization of the installation of vinyl window on all elevations of this corner building. There are several window types across the front, side, and rear elevations. Generally, the correct window type is wood in a one-over-one configuration with the appropriate casing.

This work was done without the approval of the Historical Commission or a building permit from the Department of Licenses & Inspection. The Bureau Revision of Taxes classifies this building as containing five or more apartment units. Therefore, the property would require a building permit for window replacement regardless of its historic designation status. Section A-301.2.1.22 of the Philadelphia Building Construction and Occupancy Code exempts the replacement of non-fire-resistance rated windows and doors in one- and two-family dwellings without structural change from the standard building permit requirement. However, it does not exempt this building, which has more than five units, from the requirement. Moreover, Section A-301.2.1 explicitly states that historically designated buildings are not exempted from any building permit requirements.

DISCUSSION: Mr. Amburn recused owing to his former business relationship with the property owners.

Ms. Sell presented the application to the Commission. Attorney Brian J. Preski represented the application.

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

Mr. Preski explained that he had appealed the violation for the windows to the Board of License & Inspection Review. The Board had refused to hear the appeal until the Historical Commission had acted on an application regarding the windows in question. He stated that his clients had replaced the windows at the request of a long-time tenant because they were drafty. He stated that Del Val R. S., Inc. replaced the windows. He pointed out the submitted affidavits by the owners and contractor. He disputed the staff's claim that other windows had been replaced. He claimed that only windows at the front and side at the second floor were replaced. He asserted that any other windows that have been replaced were replaced by former owners. Mr. Wilds asked him who is responsible for ensuring that the building is in compliance with local land use law. Mr. Kreski replied that the owner is responsible. He contended, however, that the owner used a reputable contractor and relied on the contractor to obtain the necessary permits and approvals. Mr. Wilds asked Mr. Kreski if he was claiming that the replacement windows were appropriate from a historic preservation standard. Mr. Kreski stated that he was not claiming that they are historically appropriate. He noted that several other buildings in the area have vinyl windows. He requested that the Commission legalize the windows.

Ms. Leonard asked if the Commission was considering the legalization of two windows or all of the windows. Mr. Kreski explained that his clients have requested the legalization of two windows only. Ms. Sell noted that the violation was issued for all of the non-compliant windows in the building. Mr. Sherman asked if the other windows were replaced before or after designation. Ms. Sell compared the designation photographs with current photographs and demonstrated that all of the windows have been replaced with inappropriate windows. Mr. Wilds informed the applicant that the Commission requires that replacement windows replicate the appearance of the historic windows whenever windows are replaced, even if the windows being replaced are non-historic. He observed that these are very visible facades on an important building and block and the windows should be replaced appropriately. He suggested that the owners may have an action against the contractor, if the contractor was obligated to obtain the appropriate permits and approvals but did not. Mr. Kreski stated that, to the best of his recollection, the owners had informed him that the two windows in question are the first windows they replaced in the building.

Mr. Sherman asked the applicant if his clients were aware of the historic designation of the building before they undertook the work. Mr. Sherman noted that they would have been apprised of the designation if they had sought the permit as required under the code. Mr. Kreski stated that they were not aware of the designation.

Mr. Wilds observed that the owners are not proposing any mitigation, but are only requesting legalization. Mr. Kreski asserted that, if his clients replaced the two windows for which he is requesting legalization with the historic windows, they would then stand out as different from the other inappropriate windows in the building. Mr. Sherman stated that the Commission expects that all of the windows would eventually be replaced to their historic appearances. He observed that that replacement may happen over time, but the building would always be moving toward its historic state. Mr. Kreski stated that he could not speak for his clients. Mr. Wilds asked him how he could represent his clients, yet not be able to speak for them. He asked Mr. Kreski to explain the extent of his authority. Mr. Kreski did not.

Mr. Schaaf asserted that the windows in question are important, character-defining windows. Ms. Merriman noted that the violation was issued for all of the non-compliant windows. She suggested that the Commission require a comprehensive plan for the replacement of all of the inappropriate windows. Mr. Wilds summarized that Ms. Merriman was suggesting a plan to replace the two sets of windows immediately and all other non-compliant windows eventually.

ACTION: The Commission unanimously approved Mr. Wilds and Ms. Leonard's motion to adopt the recommendation of the Architectural Committee and deny the application, pursuant to Standard 6.

231 SPRUCE STREET

Owner: Andrew Hohns

Applicant: Brian Phillips

History: c. 1763, restored 1965

Designated: 4/30/1957, Significant in the Society Hill Historic District, 3/10/1999

Project: Construct rear addition – In Concept

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial, pursuant to Standards 2, 5, 9, and 10.

OVERVIEW: This application in concept proposes to construct a rear addition on a Colonial-era house in the Society Hill Historic District. This Georgian-Style house was constructed in 1763 and it is listed as Significant in the Society Hill Historic District. The addition would be built over the existing rear ell. The applicant proposes two alternatives. Alternative One presents a massing separated from the main block of the house. The addition would be accessed by a hatch at the rear of the gambrel roof over the main block. Alternative Two proposes to connect the addition to the rear slope of the gambrel roof. The addition would be of contemporary design and would have no resemblance to the Georgian Style of the subject property.

The staff conducted map research to better understand the age and evolution of the property. The map evidence shows that the rear ell may be original. A rear ell on this property is shown as early as 1858. Furthermore, the 1961 Washington Square East Redevelopment Guidelines for this particular property, which are found in the property file, mention a rear ell and the demolition of a wood shed at the rear of the ell. The staff conducted a site visit to investigate the existing conditions and gain a better understanding of the property. The rear ell is very old and perhaps original.

The proposed addition does not satisfy the Secretary of the Interior's Standards for an alteration to a Colonial-era building classified as a Significant resource in the district. The addition would alter the spatial relationship between the ell and the main block of the house. The existing ell, regardless of its age, presents a typical Philadelphia half-gable configuration and it is a complementary element to this property and to the district. Furthermore, both options would require alterations to the rear slope of the gambrel; this alteration is not supported by the Standards, as this element is considered a character-defining feature of the property. Lastly, the addition would be visible from Locust Street.

DISCUSSION: Mr. Danta presented the application to the Commission. No one represented the application.

Mr. Danta reported that the applicant had stated at the Architectural Committee meeting that he would consider withdrawing the application. He noted, however, that the Commission had never received a formal request for withdrawal from him.

Mr. Sherman asked if the applicants were present. No one responded. The Commissioners agreed with the Architectural Committee's assessment of the project.

ACTION: Ms. Merriman moved to adopt the recommendation of the Architectural Committee and deny the application, pursuant to Standards 2, 5, 9, and 10. Mr. Schaaf seconded the motion, which passed unanimously.

1830 DIAMOND STREET

Applicant/Owner: Gary Jonas, Advanced Real Estate Concepts

History: c. 1889; Contributing to Diamond Street Historic District, 1985

Project: Legalize front door replacement

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

OVERVIEW: The Historical Commission's staff has been working with this applicant on this rowhouse in the Diamond Street Historic District and recently approved the reconstruction of the front façade, which had been declared Imminently Dangerous. The approved plans specified a new door and windows and included the condition that the staff would review the door and window details prior to any installation. The applicant sought and received the approval of the window details, but not the door details. Without an approval of the details, the applicant installed a new doorway, which does not match the design of the historic doorway depicted in the approved plans. The Department of Licenses & Inspections issued a violation at the Commission's request. The applicant proposes the legalization the door. He has provided photographs of other non-compliant doors in the historic district to bolster his case. However, several of the doors pictured are in violation and some will soon be replaced with correct doors.

DISCUSSION: Ms. Sell presented the application to the Commission. Property owner Gary Jonas represented the application.

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

Mr. Jonas explained that he recently constructed the building in question; it is not a historic building, but is a new building constructed on a vacant lot to look like the building that once stood on the site. He acknowledged that the door that he installed differs from the door shown on the approved plans for the new building. He stated that, otherwise, the building was constructed according to the approved plans. He explained that he did not know that the door shown on the approved plans would cost \$12,000 when he agreed to the plans. He stated that when he learned that the approved door would cost \$12,000, he contacted Randal Baron of the Commission's staff, but Mr. Baron refused to approve an alternate door. He explained that he had already spent an extra \$30,000 to replicate the historic front façade. He stated that he resisted installing the approved for financial reasons, but also for security reasons; he did not think that a door with glazing was appropriate in this neighborhood. He reported that the house has been broken into three times already. He added that they installed a metal front door, not just any metal door, but one that fit the character of the building and matched the doors installed on nearby City-owned buildings. Mr. Jonas stated that he would install the approved door, but would request approval for a metal security door in front of it.

Mr. Wilds congratulated Mr. Jonas on rebuilding the historic building. Mr. Wilds asserted that it would unrealistic to require the applicant to replicate precisely the historic door. He observed that the installed door has the character and proportions of the original door. He asserted that this installed door was acceptable in this circumstance.

Mr. Dilworth recalled an application for a redevelopment-era building in Society Hill that proposed a much more significant change. He claimed that, if that change was acceptable, then this one is surely acceptable.

Mr. Sherman opined that the building itself is not historic, but was designed to blend into the historic neighborhood.

Mr. Wilds recalled that the historic building was in terrible shape 10 years ago and was demolished because it posed a danger. He stated that he was amazed that the developer was able to make this sort of investment in this neighborhood, where returns on investment might not be as great as they are in other neighborhoods. Mr. Jonas acknowledged that his investment was “aggressive.” Mr. Wilds suggested that the Commission legalize the door. He stated that the project was “extraordinary.” He opined that the door did not detract from the overall reconstruction. Mr. Schaaf agreed and commented on the appropriate panels and proportions of the door. The Commissioners concluded that the violation for the door should not have been issued and that requiring such a door, especially on a reconstructed building, is neither realistic nor necessary.

WITHDRAWAL OF MOTION: Ms. Leonard and Mr. Schaaf withdrew their motion to adopt the recommendation of the Architectural Committee and deny the application, pursuant to Standard 6.

ACTION: Mr. Wilds moved to approve the application and legalize the door with transom and frame. Ms. Merriman seconded the motion, which passed unanimously.

500-36 CHESTNUT STREET, INDEPENDENCE HALL

Owner: City of Philadelphia

Applicant: National Park Service

History: 1729-34, Edmund Wooley & Andrew Hamilton, architects; tower, 1753 and 1828 individually designated, 1956; World Heritage Site, 1979

Project: Reconstruct and restore tower, repair masonry, replace metalwork and roofing

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, with the staff to review details including samples of repair and replacement materials, pointing samples, and shop drawings of replacement trim and windows, pursuant to Restoration Standards 2, 3, 4, 5, 6, 7, and 8.

OVERVIEW: This application requests approval for the rehabilitation of the tower of Independence Hall. Famed architect William Strickland reconstructed the tower in 1828. The City of Philadelphia owns Independence Hall, but authorized the federal government to maintain, curate, and interpret the building in 1950. The agreement dictates that “Any work of restoration or any major alterations or repairs to any of the buildings [including Independence Hall] shall not be undertaken until the plans for such work shall have been mutually agreed upon [by the Secretary of the Interior and the City of Philadelphia].” The Historical Commission has two tasks in this review. First, it must perform its regulatory responsibilities under §14-2007 of the Philadelphia Code. Second, it must advise the City on appropriate preservation methods for Independence Hall. Before the National Park Service may commence its work on the tower, it must have both the final approval of the Historical Commission and the agreement of the City of Philadelphia.

The wood-clad section of the tower, where the clock is located, is in poor condition and in need of repair. It was constructed using a novel technique. It has a wood frame clad with very thick horizontal boards stacked on top of one other and fastened together with iron rods running vertically through them. In several cases, water has penetrated the board panels and rusted the iron rods, causing them to expand and damage the boards. This project will address the water

infiltration problems and the resulting damage. For Level 4 of the tower, the application proposes the repair of the existing siding in place and its treatment with borate to inhibit rot. For Level 5, the application proposes careful disassembly of the siding and its reconstruction with a mix of new material and, if possible, salvaged boards. At Level 6, the application proposes salvaging the four side panels of the tower as complete units for display and interpretation elsewhere; it proposes their replacement with new panels made of similar wood and stainless steel rods using historic construction methods. The Park Service constructed a mock-up of a side panel with the horizontal cladding and metal rods to test its repair and deconstruction and reconstruction methodologies. The applicant will present the results of the tests and the ensuing recommendations to the Architectural Committee and Commission. Section 01 35 91 in the specification describes the overall preservation philosophy guiding the project. The philosophy conforms to the Restoration Standards in the Secretary of the Interior's Standards. Also, the architectural drawings include many statements such as "it is the intent ... that as much of the existing material that is in sound condition be retained and reused."

The application also proposes minor stone trim repair and replacement; wood balustrade, sill, and other trim repair and replacement; window repair and potential replacement; and copper ornament repair. It proposes the replacement of wood shingle and metal roofs with lead-coated copper roofs. It proposes to spot repoint to match the surrounding mortar; the building has been pointed in myriad ways. The application also proposes to replace the weathervane rod and some glass on the faces of the clock. Stainless steel structural elements would be introduced to strengthen balustrades and other details; they would not be visible from the exterior. Interior stairs would be strengthened. The lightning protection system would be upgraded. All of the work except the recladding of the tower was previously approved by the Commission in April 2009. However, the proposed repair and replacement is presented in much greater detail in the current application.

DISCUSSION: Mr. Farnham presented the application to the Commission. National Park Service staff Amanda Jones, Doris Fanelli, and Charles Tonetti represented the application.

Using Powerpoint, Mr. Tonelli presented a detailed overview of the project. He explained that the Park Service replicated a section of the tower cladding with a mock-up to better understand how the unusual construction system functioned and could be dismantled. He displayed a sample of the cladding material, which was fabricated from old-growth lumber salvaged from a historically-designated building that was demolished for the construction of the Curtis Institute's new practice and dormitory building. He stated that the cladding system probably derived from canal boat construction. He explained that carpenters tried several methods to dismantle the mock-up and learned several valuable lessons about working on the historic tower. He said that the Park Service would define techniques for dismantling the cladding of the tower to limit damage. He observed that individual boards of cladding cannot be removed and replaced because of the unique construction. He also noted that the rods cannot be removed and reinstalled. He noted that the Level 6 cladding will be removed and replaced in kind, with the exception that the iron rods will be replaced with stainless steel rods. There will be limited replacement at Level 5. The cladding at Level 4 will be retained and repaired. Mr. Tonetti stated that all of the wood trim will be removed and then reinstalled after the cladding is replaced and/or repaired. Mr. Tonetti explained that the project will be contracted for total replacement, but no material will be replaced unless necessary. Mr. Tonetti presented an overview of the replacement and repair techniques and requirements for Levels 4, 5, and 6 that would be built into the contract. He stated that the contract documentation would be completed in January 2010, the contract awarded in May 2010, and the work begun in July 2010. The work would be completed in February 2012. The tower would be under scaffolding for only one Fourth of July.

The scaffolding would have a scrim with an image of the tower. Mr. Tonetti displayed a replica rod that had been artificially aged for the mock-up. He stated that all material removed from the tower would be retained in the Park's study collection. Mr. Tonetti stated that the cladding will be attached to the structure using screws, not the spikes that were originally used, to reduce the shocks to the tower. Mr. Tonetti stated that the replacement cladding would be old-growth eastern white pine.

Mr. Wilds asked Mr. Tonetti how a future observer would be able to differentiate between a new and old piece of cladding. Mr. Tonetti explained that they will both mark the new pieces and also create a very detailed set of as-built architectural drawings that will document all of their work. Mr. Wilds asked how they will ensure that the selected contractor will use the appropriate, required methodologies. Mr. Tonetti stated that the federal government is not required to select the lowest bidder, but only the lowest qualified bidder. He described the process for selecting the contractors. He also noted that the selected contractor will be required to construct and disassemble a second mock-up panel. He stated that they will hold weekly job meetings and inspections.

Ms. Schlotterbeck asked if the project will be fully funded at the time a bid is selected. Mr. Tonetti stated that it would. He reported that the Park Service currently has \$5.6 million for the project. Charles Mottershead and Gary Knappick of the Department of Public Property addressed the Commission regarding the City's interests in the project as the property owner. They stated that the restoration plans were very well executed and detailed. They approved of the proposed work to the tower. Mr. Knappick asked for additional details on the bid selection process. Mr. Tonetti described the process in detail. Mr. Knappick asked about the review of subcontractors. Mr. Tonetti stated that the Park Service can reject unqualified subcontractors. Mr. Knappick stated that his organization has significant experience working with local subcontractors. He asked if he could review the subcontractors before the bid is awarded. Mr. Tonetti stated that the process does not allow for outside review when selecting bids. Ms. Fanelli stated that any outside involvement in the federal procurement process would negate that process. Ms. Schlotterbeck stated that, as the property owner, the City has a vested interest in the selection of contractors for this project. After a lengthy discussion, Mr. Tonetti and Mr. Knappick agreed that the Department of Public Property would submit a list of qualified subcontractors to Park Service for its use during the selection process. Mr. Tonetti also invited City representatives to participate in the weekly on-site job meetings once the project is started. Mr. Farnham stated that Mr. Baron of the staff would participate in those meetings. Ms. Schlotterbeck stated that a representative of the Department of Public Property would also participate in those meetings. Mr. Tonetti also noted that the selected contractors and subcontractors would be tested to ensure that they are able to complete the work successfully.

Mr. Wilds asked who will determine whether a board in the cladding is retained or replaced. Mr. Tonetti stated that he would make the final decisions in consultation with the City representatives.

Mses. Benoliel and Schlotterbeck asked about requirements for ensuring full participation in the contracts. Ms. Fanelli stated that the federal, not the local, contract participation requirements would be in effect because the federal government is letting the contracts. Ms. Schlotterbeck asked Ms. Fanelli to provide her with the participation rate statistics. Ms. Fanelli stated that she would provide them.

ACTION: Ms. Schlotterbeck moved to adopt the recommendation of the Architectural Committee and approve the application, with the staff to review details including samples

of repair and replacement materials, pointing samples, and shop drawings of replacement trim and windows, pursuant to Restoration Standards 2, 3, 4, 5, 6, 7, and 8. Mr. Schaaf seconded the motion, which passed unanimously.

ADJOURNMENT

ACTION: Upon a motion proffered by Mr. Wilds and seconded by Ms. Leonard, the Commission voted unanimously to adjourn at 10:34 a.m.

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 5: Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

Standard 6: Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

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

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.

Restoration Standard 2: Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period will not be undertaken.

Restoration Standard 3: Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.

Restoration Standard 4: Materials, features, spaces, and finishes that characterize other historical periods will be documented prior to their alteration or removal.

Restoration Standard 5: Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.

Restoration Standard 6: Deteriorated features from the restoration period 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.

Restoration Standard 7: Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.

Restoration Standard 8: Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.