

**THE MINUTES OF THE 566TH STATED MEETING OF THE
PHILADELPHIA HISTORICAL COMMISSION**

**9 OCTOBER 2009
ROOM 18-029, 1515 ARCH STREET
SAM SHERMAN, CHAIR**

PRESENT

Sam Sherman, Chair
David Amburn
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
Robert Thomas, AIA
Scott Wilds, Office of Housing & Community Development

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

Leonard Reuter, Esq., Assistant City Solicitor

ALSO PRESENT

John Gallery, Preservation Alliance
Wesley Parrott
Eileen Mahoney
Carolyn Sutton
John Cugini
Glenn Snyder
Nancy Pontone
Richard Stoddard
Thomas Connolly
Jaclynn Treat
Sandra A. Foehl
Francis McLaughlin
Jody Walter
Sandra Mangino
Kelly Feighan
Roberta Grimes
Joan Cope
Debra Brackett
Arthur McDowell
Diana Goldberg
Chris Heller
Gus DiStephano
Joel Maruchek
Brian Meneghin, RMJM-Smith

Hope Zoss, RMHM-Smith
Darwin Beauvais, Esq., Klehr Harrison Harvey Branzberg & Ellers LLP
Timothy Hogan, Innerarc
Ken Lowther, Metro Bank
Dan Grossman
Joe Domosh
Ed Fink, Fink und Stange Architects
Jerry Jarosinski, Amburn/Jarosinski Architects
Jim Gatch, Gatch Group
Ashley Nelson, Thomas Cole Group
Tim Kerner, Terra Studio

CALL TO ORDER

Mr. Sherman called the meeting to order at 9:00 a.m. Commissioners Amburn, Leonard, Mattioni, Merriman, Quinn, Schaaf, Schlotterbeck, Thomas, and Wilds joined him.

MINUTES OF THE 565TH STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION

ACTION: Ms. Merriman moved to adopt the minutes of the 565th Stated Meeting of the Philadelphia Historical Commission, held 11 September 2009. Mr. Wilds seconded the motion, which passed unanimously.

THE REPORT OF THE COMMITTEE ON HISTORIC DESIGNATION, 8 SEPTEMBER 2009

Richardson Dilworth, Chair

TUDOR EAST FALLS HISTORIC DISTRICT

Owner: Various, 210 properties

Nominator: A group of Tudor East Falls residents

Proposal: Nomination for district designation

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: The Committee on Historic Designation voted to recommend that the proposed Tudor East Falls Historic District as defined in the nomination satisfies Criteria for Designation c, d, h, and j, and should be designated as historic and listed on the Philadelphia Register of Historic Places.

OVERVIEW: The proposed Tudor East Falls Historic District includes 210 speculative, Tudor Revival, residential properties in the parallel 3400-blocks of Midvale Avenue, W. Penn Street, and W. Queen Lane in the East Falls section of the city. Developer Michael J. McCrudden erected the houses in the then-popular Tudor Revival style between the years 1925 and 1931. Unlike many of the earlier row house developments in East Falls, these blocks were developed with a sylvan, suburban feel produced by a significant number of trees, uniform setbacks from the streets, front gardens afforded by the setbacks, and garages located in and accessed from the rears of the properties.

The nomination contends that the proposed Tudor East Falls Historic District meets four of the Criteria for Designation outlined in the historic preservation ordinance (c, d, h, and j). The district reflects the environment in an era characterized by the distinctive Tudor Revival style (c) and embodies distinguishing characteristics of that style (d). Owing to their uniformity, these blocks, in particular the cathedral and cottage rows, represent established and familiar visual features

(h) in East Falls. Finally, the area exemplifies the cultural, economic, and social heritage of the community (j), as East Falls was fundamentally transformed from a workers' housing area to a bedroom community.

DISCUSSION: Ms. Côté presented the nomination to the Commission.

Mr. Sherman opened the floor to comments from the public.

Arthur McDowell, the owner of 3469 Midvale Avenue, read the following statement to the Commission:

First I would like to compliment the set of my neighbors who prepared the 152 page Nomination document on the quality and comprehensiveness of their work. Whether or not the district is approved their work would certainly stand as something that future generations could refer to.

Next I would like to address the following 3 points.

- A. Distinguishing between public, commercial or single property designations and using a broad brush to cover hundreds of individual property owners.
- B. The importance of resisting the urge to denote something as Historic mainly because it is attractive or as one designation committee member put it – special.
- C. Comments made by Committee on Historic Designation members and the impact such designation would have on the people who live in the proposed district.

As I read the criteria for preservation designation of items C(Reflects the environment in an era characterized by a distinctive architectural style), D(Embodies distinguishing characteristics of an architectural style or engineering specimen), and H(Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or City), I could not see where almost any property or neighborhood, including other sections of East Falls, would not qualify for at least one of these. It is not clear to me why these items were drafted as broadly as they are but it would seem that the Commission therefore has a duty to view them more narrowly. If they fail to do so we will end up designating everything Historical which would mean that nothing is Historical. Just because something has a history, and almost every property or neighborhood has one, does not mean that it should be designated Historical. It seems to me that Item H was really agreed to, based on the comments of the designation committee, because the houses are pretty rather than a uniquely located visual feature. Certainly the Falls Library, for example, is just as qualified as a “singular physical characteristic” yet is outside the proposed designated area. Item J (Exemplifies the cultural, political, social, or historical heritage of the community) is where the applicants and the designation committee have their weakest argument. I have a degree in accounting but the other 3 members of my family all have degrees in history from Temple University, Wellesley College and Macalester College respectively. None of them recall ever hearing of “transformed from a worker’s housing area to a bedroom community” as a transformative historic event. It does, however, bring up the next point that the really important history of East Falls is the fact that the woolen blankets for the Union Army were made in the Dobson Mills of East Falls and if the Historical Commission cared more about history than pretty houses they would be designating the

workers housing as historic which by dint of actual association with an event of importance to the Nation far outweighs whether people other than mill workers sleep in East Falls

The 2nd point I would like to address is that whenever a government agency takes an action that has consequences for a significant number of citizens that agency should be very careful and cognizant of the right of the people to be secure in their homes. If today, for example, we were discussing whether the Falls Library or Saint Bridgets Church or the remaining structures of the Dobson Mills should be designated historic there would be representatives of those properties who would be able to speak with total authority about such an action. As you can see from the attendees here, only a small fraction of the approximately 210 to 420 persons impacted are present, yet your action would affect them all. The point is, just as the courts use a concept called strict scrutiny when people's constitutional rights are involved, you, the members of the commission, should apply a much stronger filter when so many people's property rights are at risk.

The 3rd point I would like to address is the comment made by Janet Klein with reinforcement by Mr. Lavery as reported in the minutes of the September 8th 2009 meeting. Specifically Ms. Klein stated that "it is important that the property owners understand that their houses are special and that by designating it, it will be preserved for generations to come." I agree with Ms. Klein that my house is special. I have lived in it for 40 years. It is more important that Ms. Klein understands that it is MY property not hers nor, at the moment, does it belong to future generations. When I purchased this property in 1970 and since have paid well over \$75,000 in real estate taxes alone I had NO inclination whatsoever to preserve anything for future generations. I bought this house to LIVE in it and if Ms. Klein wants to preserve it for future generations she can buy one and pay the upkeep herself. As for the impact on the actual people (as opposed to the property) once under the authority of the Commission I would like to point out just a few instances where preservation meets the right of the citizens to enjoy living in their houses without undue interference from the government. I shouldn't need to point out that the government already has the right, if not the obligation, to protect the health, welfare and safety of the community through both the Zoning Board of Adjustment and the Department of Licenses and Inspection. Does the preservationist notion that "rolled-steel casement windows with two operable eight-light leaves" is visually preferable override the homeowner's desire to replace those windows with energy efficient double pane thermal and noise guard windows? Will the Historical Commission pay the extra heating and cooling costs associated with preserving that look? Would future generations prefer an inhabitable planet to a beautifully preserved look? What would the Commission say if I proposed to replace the "leaded pane" in the "segmental-arched planked door" with a plain frosted glass piece because I thought it would look nicer? Whose taste prevails – mine who pays the real estate tax every year or yours who are paying nothing for any of the upkeep? Suppose a burglar was to break said pane (yes it happened to my house) and I decided to put a cast iron grille in front of the window to protect myself. Would the Historical Commission choose the ability of future generations to see the leaded pane over my and my family's safety? In summary these are the main points:

Wholesale designation of Historic Districts should be done with great care.

Resist the urge to denote Historic just because it's beautiful. Pretty and historic are not the same thing.

Remember that real people with real lives and real property concerns besides visually attractive are resident in these houses

In conclusion I do not expect that anything I or others present here do say will stop you from imposing your will over mine. In spite of Mr. Farnham's assertion on September 8th that "The Commission is at the beginning, not the end, of its process" I would be extremely surprised if this juggernaut leads to anything other than a "Historic District of pretty houses." I prepared these remarks just so I could try to alleviate the feeling that after 40 years I've fallen under the tyrannical aegis of yet another government bureaucracy.

Thank you for the opportunity to speak here.

Frederick Paisley, the owner of 3465 Midvale Avenue, stated that there is a perception of community support for designation. He opined that that support is in the minority; it is a group of property owners on Penn Street. He stated that this group took a community survey four years ago. He observed that the Commission will be presented with evidence of the community's opposition today. He suggested that, if the Commission chooses to designate the district today, it should remove the 3400 blocks of Midvale Avenue and W. Queen Lane before taking any action and only designate the 3400 block of W. Penn Street.

Mr. Sherman asked those in opposition to clarify the reasons for their opposition. Mr. Paisley responded that he opposes government oversight of the maintenance of his home. He asked the Commission to state its policies on maintenance and alteration and then seek the opinions of the residents.

Debra Brackett, the owner of 3459 W. Queen Lane, stated that she was opposed to the designation of the proposed historic district. She presented a petition opposing the creation of the district with 58 signatures representing 45 households within the proposed historic district. She stated that many people who signed the petition are not in attendance today because they have to work, but they wanted their voices to be heard. She stated that the property owners on her block are committed to caring for their homes. Some have lived on the block for more than 30 years. She stated that they can maintain their properties without oversight. She opined that the designation process is flawed and that there is no mechanism for people in opposition to be heard.

Mr. Sherman stated that the public meetings held under the auspices of the Commission are the mechanism. He asked if Ms. Brackett voiced her opposition years ago, when the nominators first suggested the nomination. Ms. Brackett stated that she received some information from the nominators, but no one directly solicited her opinion prior to the nomination.

Mr. Farnham stated that the Commission sent official notice of the consideration of the nomination to all property owners within the proposed district on 9 July 2009. Any efforts by any group, pro or con, before the notice date were private efforts undertaken outside the auspices of the Commission. Ms. Brackett stated that the nominators did not poll the majority regarding their support for or opposition to the designation. She opined that they excluded the opinions of those in the opposition.

Mr. Wilds stated that the Commission received a letter stating that Ms. Brackett was in opposition because she had received a violation for illegal work undertaken during the notice

period. Ms. Brackett replied that she was on vacation when the notice letter was sent and that she was unaware that the nomination had been submitted. Mr. Wilds asked her if she was seeking to avoid the violation by defeating the designation of the district. Ms. Brackett stated that her opposition was unrelated to the violation; she added that she had already spoken with the staff about the violation and would be submitting an application to clear the violation soon.

Mr. Farnham reminded the Commission that the Transition Regulation, which allows the Commission, committees, and staff to consider contracts and other commitments to work in place at the start of the notice period, may allow the Commission to provide some relief to Ms. Brackett.

Roberta Grimes, the owner of 3423 W. Queen Lane, stated that her block has not suffered without the historic designation; the houses are well kept. She disagreed with the claim that the buildings are historic. She stated that she attended the informal public meeting on the proposed district in 2003, but had not been given an opportunity to express her opinion since that time. She expressed concern about the financial burden that a designation might place on her and gave the replacement of her slate roof as an example. Mr. Sherman stated that a fear of the unknown appeared to be the driving force for opposition to district designation. He explained that the Commission understands and accounts the costs and complexities of maintaining and rehabilitating historic buildings; for example, it has a track record of approving alternate materials. Ms. Grimes stated that she resents having to ask the City for approvals of building permit applications. Mr. Wilds stated the City already requires property owners to seek approvals for building and zoning permits; regulating construction and land use is nothing new. Ms. Grimes objected to the additional layer of approval. Presenting her opinion on the proposed designation to the Commission at a public meeting, Ms. Grimes asserted that it is unconstitutional for the Commission to designate her property without allowing her to publicly express her opinion on the matter.

John Cugini, the owner of 3444 W. Penn Street, stated that he helped coordinate the writing of the nomination. He stated that there are many property owners within the proposed district who support designation. He explained that a group of residents began exploring a district designation in 2003. He asserted that they strove to make the designation process as open and democratic as possible. Not wanting to submit a nomination without community support, they sent surveys to every property owner within the proposed district, asking the property owners to express their opinions on the proposed district. He recognized that their poll was outside the Commission's official designation process. He stated that 71 property owners responded. Of the 71 respondents, 84% supported designation; 10% opposed; and 4% requested additional information. Following this informal poll, which indicated overwhelming support for a historic district, his group produced the nomination. Mr. Cugini stated that subsequent to the submission of the nomination, his group printed an announcement in the *Fallser* newspaper and posted information about the nomination on the East Falls Community Council website. He contended that he and his group sought to be as inclusive as possible. Any claim that the nomination was prepared behind closed doors is not supported by the facts. Mr. Cugini distributed copies of a letter written by Debra Brackett encouraging residents to sign a petition in opposition to the district. He stated that the letter was misleading in many ways. Mr. Cugini claimed that the three blocks proposed for designation are rapidly losing their architectural character. He opined that the integrity will be lost to inappropriate alterations and additions without the designation. He then distributed before-and-after photographs showing recent, inappropriate alterations in the proposed district.

Mr. Mattioni asked how many of the 210 property owners support a designation. Mr. Cugini stated that he has not conducted an exhaustive poll recently. Ms. Coté stated that the Commission received approximately 24 letters of support for the district, including three or four from people who do not own properties in the proposed district. The Commission only received one letter of opposition.

John Gallery of the Preservation Alliance for Greater Philadelphia commended the property owners for maintaining their properties within the proposed district. He reminded the Commission that the historic preservation ordinance does not require owner consent for designations. He stated that the proposed district clearly meets the Criteria for Designation as specified in the nomination. He stated that these three blocks are iconic; they are landmarks in the city. He mentioned that the Commission has a financial hardship procedure that serves as a safeguard for property owners. He urged the Commission to designate the proposed district.

Eileen Mahoney, the owner of 4351 W. Queen Lane, voiced her opposition to the designation of the proposed historic district. She stated that the area is beautiful, but it is not threatened. She contended that the properties are well maintained. She stated that she was disappointed that the Commission's public meetings were the only avenues to voice her position. She claimed that the process had violated her rights.

Kelly Feighan of the Fairmount section of Philadelphia stated that the nominators worked very diligently to produce the nomination. She stated that the designation will increase property values. She strongly advocated for the designation of the proposed district. She claimed that the area is clearly historic and not merely pretty. She supported the nomination.

Carolyn Sutton, the owner of 3429 W. Penn Street, stated that she has lived on that block for 25 years. She stated that this area is so unique and has such historic character that it is included in architectural tours. She stated that a group of residents have stockpiled discarded architectural elements for reuse in the neighborhood. She stated that the area should be designated to prevent the loss of its highly significant historic character.

Gus DiStefano, the owner of 3449 W. Queen Lane, stated that he has been a resident of the East Falls area for 62 years. He suggested that the Commission only designate the 3400-block of W. Penn Street and allow the owners of Midvale Avenue and W. Queen Lane to continue to treat their properties as they see fit.

Nancy Pontone, the owner of 3428 Midvale Avenue, supported the nomination and stated that the Historical Commission will be an asset to help property owners restore their homes. She opined that the majority of the neighbors support the designation.

Ms. Merriman asked for an explanation on the proposed boundaries. Mr. Farnham explained that the proposed boundaries were very easy to define. They mirror the boundaries of the original McCrudden development. He stated that these blocks were designed and constructed by the one developer at one time in a consistent style. He noted that the surrounding blocks all differ in type and style of development.

Joan Cope stated that she has resided on W. Queen Lane for 25 years. She opined that the majority of residents do not want the burden of designation. She stated that, if the district is designated as historic, she will be forced to sell her home and move because she will not be able to afford the requisite maintenance. She suggested that the Commission exclude the 3400-block of W. Queen from the district. She reported that the designation process has pitted

neighbor against neighbor and destroyed the character of the neighborhood. Several Commissioners disputed her claim that a designation would force her from her home.

Mr. Thomas observed that an expert recently gave a presentation to the Commission during which he stated that it is possible to make historic buildings more energy efficient while satisfying historic preservation standards. Mr. Thomas also stated that a district designation will prevent unsympathetic changes and protect the property values of all owners within the district. He noted that the integrity of an historic area is not lost all at once, but is lost slowly over time with many small, inappropriate changes. A designation will protect these important historic buildings and will not place unwarranted burdens on the owners.

Glenn Snyder, the owner of 3437 W. Penn Street, asserted that the nominators had sought neighborhood opinion before preparing the nomination. He claimed that the area is experiencing "death by 1000 cuts," meaning that the many relatively small, inappropriate alterations, when added together, are degrading the neighborhood. He stated that the property owners need guidance to appropriately maintain their properties. He supported the nomination to create the proposed district.

Chris Heller, the owner of 3474 W. Queen Lane, stated that he was against designation and contended that the process is flawed. He stated that he or his neighbors were never contacted by the nominators and informed that they were moving forward with the nomination. He stated that 65% of the residents of the 3400-block of Queen Lane are opposed to the designation. He contended that the houses on the street are well maintained. He stated that with the designation the nominators are saying: "We do not trust our neighbors to take care of their houses." He stated that the property owners in this area do not need additional oversight to care for their houses.

Mr. Farnham explained the historic district nomination review process as it is defined in the City's historic preservation ordinance and the Commission's Rules & Regulations. He noted that the Commission is required by the ordinance to inform all property owners within a proposed historic district of the consideration of a district nomination at least 60 days before the Commission holds the review at a public meeting. He stated that all 210 property owners were informed more than 60 days before any consideration of the nomination by the Commission or its Committee on Historic Designation, satisfying the notice requirement. He stated that any outreach or advocacy efforts undertaken by the proponents or opponents were private efforts outside the auspices of the Commission. He stated that the Commission is not required to and had not polled the residents regarding their approval or disapproval of the potential designation. He stated that the Commission may designate without owner consent. He advised the Commissioners to be skeptical of the alleged poll results reported by both the proponents and opponents. He contended that polls can be never neutral, but are always designed to substantiate a particular position. Mr. Mattioni objected to Mr. Farnham's advice. He stated that the property owners should be heard by the Commission. Mr. Farnham concurred, stating that this forum is designed to provide an opportunity for public comment. He stated that the Commission's Rules & Regulations as well as the state's Sunshine Act require an opportunity for public participation. He asserted that he was not attempting to limit comment, but to remind the Commissioners that none of the polls was conducted by a neutral party or under the Commission's auspices.

Mr. Mattioni asked if the apparent opposition to the creation of the historic district should factor into the Commission's designation decision. Mr. Reuter responded that the Commission should first determine whether the proposed district meets one or more of the Criteria for Designation

specified in the nomination. He stated that the Commission must allow for public comment, but is not bound to poll the property owners. He stated that the Commission may designate if it finds that the district satisfies one or more the indicated Criteria for Designation. Owner consent is not a prerequisite to designation.

Ms. Schlotterbeck asked whether the informal community meetings were open to everyone and if the financial hardship process had been discussed. Mr. Farnham replied that he had attended both community meetings. He stated that it was his understanding that both had been open to all, but he added that neither was held under the auspices of the Commission. He confirmed that the financial hardship process had been discussed at both meetings.

Mr. Wilds observed that the Commission has received letters of support for the district from Councilman Curtis Jones and from Alan Greenberger, the director of the Philadelphia City Planning Commission.

Mr. Sherman asked those in the audience who are in opposition to the designation but not testifying to stand. Diana Goldberg, the owner of 3457 W. Queen Lane, Francis McLaughlin, the owner of 3469 W. Queen Lane, and Thomas Connolly, the owner of 3431 W. Queen Lane, stood. Mr. Sherman asked those in the audience who are in support of the designation but not testifying to stand. Sandra Foehl, the owner of 3443 W. Penn Street, Jody Walter, the owner of 3462 W. Penn Street, Sandra Mangino, and Wesley Parrott stood.

Ms. Merriman contended that the nomination demonstrates that the proposed district satisfies the cited Criteria for Designation. She suggested that her fellow Commission members consider the merits of the proposed district when reaching their decisions on this nomination. She stated that she would vote to designate the district.

ACTION: Ms. Merriman moved to adopt the recommendation of the Committee on Historic Designation, to find that the proposed Tudor East Falls Historic District as defined in the nomination satisfies Criteria for Designation c, d, h, and j, to designate the Tudor East Falls Historic District as historic, and to list it on the Philadelphia Register of Historic Places. Mr. Schaaf seconded the motion, which passed by a vote of 8 to 2. Ms. Schlotterbeck and Mr. Mattioni dissented.

THE REPORT OF THE ARCHITECTURAL COMMITTEE, 22 SEPTEMBER 2009

David Amburn, Chair

130 S. 18TH STREET

Owner: Philadelphia Rittenhouse Developer LP

Applicant: Darwin R. Beauvais

History: Newly constructed building in Rittenhouse Fittler Residential Historic District

Project: Add signage

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of the application, provided the signage does not project more than 2 inches beyond the face of the glass and not at all beyond the face of the transom bars, with the staff to review details.

OVERVIEW: This application proposes to install a butt-glazed storefront system and internally illuminated signage in a newly constructed building. The ground-floor commercial space at the

corner of 18th and Sansom Streets will house a bank. The Commission approved a slightly different storefront design in October 2007. The previously approved storefront windows would have had mullions; the proposed storefront would be butt-glazed. The signage would be internally illuminated with plastic faces and stainless steel frames.

DISCUSSION: Mr. Danta presented the application to the Commission. Attorney Darwin Beauvais, bank representative Ken Lowther, and designer Timothy Hogan represented the application.

Ms. Merriman asked the applicants if they intended to retain or remove the granite storefront bases that were approved by the Commission and currently being constructed. Mr. Beauvais confirmed that the granite bases would be retained as they are shown in a recent photograph. He noted that the original application did propose the modification of the storefront bases, but that proposal was withdrawn.

Mr. Wilds asked Mr. Beauvais if the application proposed other changes from the approved design. Mr. Beauvais stated that they are now proposing butt-glazed storefronts in place of the approved storefronts with mullions. He noted, however, that the new storefronts retain the same proportions as the approved storefronts.

Mr. Wilds asked Mr. Farnham to explain the standard for review, given that this is a newly constructed building. Mr. Farnham responded that this building is in the Rittenhouse-Fitler Historic District. He also noted that the Commission approved the construction of this building including the storefronts as part of a financial hardship application that resulted in the demolition of the historic buildings along 18th Street and the construction of a 400-foot tower. He advised the Commission that it should seek to preserve the integrity of the historic district during this review.

ACTION: Mr. Wilds moved to adopt the recommendation of the Architectural Committee and approve the application, provided the signage does not project more than 2 inches beyond the face of the glass and not at all beyond the face of the transom bars, with the staff to review details. Mr. Thomas seconded the motion, which passed unanimously.

2000 N. BROAD STREET

Owner: Dan Grossman and Joe Domosh

Applicant: Sandra Tarcov

History: 1895, Willis Gaylord Hale, architect, for John Stafford

Designated: 4/30/1986

Project: Construct three-story multi-family dwelling

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, provided the trim labeled as terra cotta on the architectural drawings is a color-integral cast material, not stucco with an elastomeric coating, with the staff to review the details, pursuant to Standards 9 and 10.

OVERVIEW: This application proposes to construct a three-story, multi-family building on the rear portion of this lot. The lot contains a large three-story mansion designed by famed Philadelphia architect Willis Gaylord Hale. The applicant submitted an application in concept last month, which was approved by the Commission. The applicant now proposes final approval.

The area of the lot where the applicant proposes the new construction was once occupied by the carriage house to the mansion, also designed by Hale. The carriage house was neglected and fell into ruin by the late 1980s. The Philadelphia Historical Commission approved its demolition in November 1993. The fraternity, which owned the property at the time of the demolition, does not own it today. The new owner is undertaking a careful rehabilitation and restoration of the property. Its efforts are ongoing.

The revised addition proposes a building that pays homage to the lost carriage house and the historic mansion without being overly historicist. The materials are compatible with those of the former carriage house and the mansion itself. The massing and proportions of the addition have been refined and the rooftop penthouse has been entirely eliminated. The erection of this building at the rear of the lot would once again reestablish the historical massing and spatial relationships of the mansion to its setting.

DISCUSSION: Mr. Danta presented the application to the Commission. Developers Dan Grossman and Joe Domosh and architect Edward Fink represented the application.

Mr. Grossman thanked the Commission and Architectural Committee for their advice. He stated that they have made many changes based on the input. He noted, however, that the property will not support the use of very expensive materials. He requested an approval of the proposed elastomeric material instead of cast stone. He stated that the cast stone would cost five times more than the elastomeric material. He stated that they would use the cast stone at the base and in the central section of the building. The elastomeric material would be used in the places where the terra cotta is called out on the drawings. He stated that they would not try to match the elastomeric material to the cast stone. He presented a sample of the elastomeric material. Mr. Domosh noted that it was a different and better sample than was shown at the Architectural Committee meeting. Mr. Domosh stated that the elastomeric material would be much more cost effective than the cast stone.

Mr. Amburn asked for a clarification. He noted that the latest drawings call for a terra cotta. He asked if that would be real terra cotta or an elastomeric material. Mr. Fink stated that it would be an elastomeric material with scoring. Mr. Wilds asked Mr. Amburn if the proposed material as seen in today's sample was acceptable. Mr. Amburn stated that it was. Mr. Wilds stated that he would support the proposal with an elastomeric material in the places labeled terra cotta on the drawings.

Mr. Grossman thanked Mr. Danta for his assistance.

ACTION: Mr. Wilds moved to approve the application as presented to the Commission at its meeting of 9 October 2009, with the staff to review details. Mr. Thomas seconded the motion, which passed unanimously.

1518 PINE STREET

Owner/Applicant: Martin J. Rosenblum

History: 1849; Significant to Rittenhouse Fittler Residential Historic District

Project: Demolish garage, add fences and gates

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of the demolition of the garage, retention of the brick wall with returns, addition of the structural columns to the wall, and the installation of the simple board fence, with the staff to review details, pursuant to Standard 9.

OVERVIEW: This application proposes to demolish a rear, one-story, detached, brick, one-car garage and reduce the east elevation of the garage to six feet in order to create a continuous stucco wall on the property line. The plan indicates that a series of wood and metal fences and gates are proposed for the rear yard. However, no details of the proposed fencing are provided.

DISCUSSION: Ms. Sell presented the application to the Commission. Architect and property owner Martin J. Rosenblum represented the application.

The Commissioners agreed that the proposal satisfies the historic preservation standards. Mr. Rosenblum stated that he would remain uncharacteristically quiet.

ACTION: Mr. Wilds moved to adopt the recommendation of the Architectural Committee and approve the demolition of the garage, retention of the brick wall with returns, addition of the structural columns to the wall, and the installation of the simple board fence, with the staff to review details, pursuant to Standard 9. Mr. Schaaf seconded the motion, which passed unanimously.

1550 N. 33RD STREET, SMITH MEMORIAL PLAYGROUND

Owner: Hope Zoss, Executive Director

Applicant: Brian C. Meneghin, CLA

History: 1899, James Windrim, architect

Project: Relocate parking, landscape grounds

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, with the staff to review details, pursuant to Standard 9.

OVERVIEW: This application proposes the relocation of parking, installation and reconfiguration of landscaping, and the reconstruction of the hexagonal pavilion previously dismantled in Phase I of the Smith Memorial Playground rehabilitation. The Commission reviewed and approved Phase I, II, and III in 2004, 2006, and 2007 respectively. Much of the work proposed in this application, including the parking reconfiguration and removal of the pool, was approved in the earlier applications.

This application proposes to relocate the existing parking lot and access drives closer to Reservoir Drive. Creation of a landscaped oval lawn and various landscaping features including trees and shrubbery, perimeter fencing, lighting, and entry gate are also proposed for the Picnic Lawn. The proposed entry gate is a hinged metal picket mounted on two brick piers with cast stone caps. Installation of a water play feature, consisting of a dry deck fountain, seat walls, and benches, is proposed within the Picnic Lawn, just northeast of the Playhouse. Reconstruction of the hexagonal pavilion is proposed on or near its original location southwest of the passive and active play areas.

Two play areas proposed for the southern portion of the property have been previously reviewed and approved in earlier phases of the project.

DISCUSSION: Ms. Sell presented the application to the Commission. Architect Brian Meneghin represented the application.

The Commissioners agreed that the proposal satisfies the historic preservation standards. Mr. Meneghin explained that Hope Zoss, the executive director of Smith Playground, had been at the meeting, but was unavoidably called away during the lengthy East Falls nomination review.

ACTION: Mr. Schaaf moved to adopt the recommendation of the Architectural Committee and approve the application, with the staff to review details, pursuant to Standard 9. Ms. Leonard seconded the motion, which passed unanimously.

2137 ST. JAMES STREET

Owner: Heather and Michael Ascher

Applicant: Tim Kerner

History: 1923 by Spencer Roberts; Significant, Rittenhouse Fidler Residential Historic District

Project: Restore window openings, install aluminum-clad windows

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, provided the windows have black spacer bars, with the staff to review details.

OVERVIEW: This application proposes to restore the window openings and install aluminum-clad windows at this house in the English Village. The non-historic bay would be removed from the first floor, and the historic configuration of casement windows would be installed, although clad in aluminum. The openings on the second and third floor would be restored, and aluminum-clad double-hung sash windows and casements would be installed respectively. The proposed window frames and brick molds would be clad in aluminum as well.

DISCUSSION: Ms. Cote presented the application to the Commission. Architect Tim Kerner represented the application.

Mr. Kerner displayed samples of the proposed window. The Commissioners agreed that the proposal satisfies the historic preservation standards.

ACTION: Mr. Wilds moved to adopt the recommendation of the Architectural Committee and approve the application, provided the windows have black spacer bars, with the staff to review details. Ms. Merriman seconded the motion, which passed unanimously.

2101 DELANCEY STREET

Owner: David & Ellen Odenath

Applicant: David Amburn

History: c. 1859, altered and extended at rear 1912, Edward Paxon, architect

Designation: Individually Designated, 1/6/1972, Contributing to Rittenhouse Fittler Historic District, 1995

Project: Rear addition/alteration

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, provided the window wall at the fourth floor is revised to have divided lights, with the staff to review details, pursuant to Standards 9 and 10.

OVERVIEW: This application proposes enlarging a garage, adding a terrace on the garage, and converting a fourth-floor sunroom to a deck, all at the rear of the building at 2101 Delancey Street, which faces Cypress Street, a service alley. Cypress Street is faced by garages in this block and the rear of this building is a later addition, which has itself been altered. The garage, which is set back from the sidewalk, would be extended out to the sidewalk, like the others on the block, and a terrace would be added on top of the extension. The non-historic sunroom at the fourth-floor rear would be demolished and replaced with an open deck. The character of the rear will be preserved, significant fabric will not be removed, and the consistency of the street wall will be enhanced.

DISCUSSION: Mr. Amburn disqualified himself owing to his firm's involvement in the application.

Mr. Baron presented the application to the Commission. Architect Jerry Jarosinski represented the application.

The Commissioners agreed that the proposal satisfies the historic preservation standards.

ACTION: Mr. Wilds moved to approve the application as presented to the Commission at its meeting of 9 October 2009 with the divided-light window system at the fourth floor rear and revised garage door design. Ms. Leonard seconded the motion, which passed unanimously.

626 N. 16TH STREET

Owner: James Gatch

Applicant: Troy Nelson

History: Undeveloped site in the Spring Garden Historic District

Project: Construct new house

ARCHITECTURAL COMMITTEE COMMENT: The Architectural Committee voted to comment that the stoop should have the historic configuration, with the steps parallel not perpendicular to the front facade, the cornice should be revised to be more compatible, and an inconspicuous, code compliant window well cover should be considered.

OVERVIEW: This application proposes the construction of a brick row house on an undeveloped site in the Spring Garden Historic District. The Commission has review-and-comment jurisdiction over the project. The staff comments that the building should be modified to be more in keeping with the character of other row houses in the district. Specifically, the front stoop should project toward the street rather than running along the facade, the proposed parapet should be replaced with a cornice, the keystones, which unrelated to the district stylistically,

should be removed from the lintels over the windows, the balconies should be deleted, and the door with fanlight should be replaced. Most doors in the district would feature four panels.

DISCUSSION: Mr. Sherman disqualified himself owing to his discussions of the project with the applicant and neighborhood association.

Mr. Baron presented the application to the Commission. Developers Ashley Nelson and Jim Gatch represented the application.

Ms. Nelson distributed new documents. She explained that they had met with the Spring Garden Civic Association and revised their design based on the association's feedback. She stated that they are using a different brick and mortar to match. She stated that the association requested the removal of one of the two windows at the first floor. Mr. Wilds asked about the historic window pattern at that floor. Ms. Nelson replied that the historic buildings had two windows. Messrs. Wilds and Baron opined that two windows would be appropriate from a preservation perspective. She explained that the proposed door is now a single-leaf door designed to look like a historic double-leaf door. The stoop has been modified as suggested and the basement window well has been removed. She stated that the cornice had been redesigned to be like the others on the block. Mr. Wilds stated that the window locations and sizes should be based on the nearby houses.

ACTION: Mr. Schaaf moved to comment favourably on the design presented to the Commission at its 9 October 2009 meeting, provided that the lintel and sill heights of all front-facade windows align with those on the adjacent buildings. Mr. Mattioni seconded the motion, which passed unanimously.

OLD BUSINESS

533 N. 22ND STREET

Owner: Applicant: Helena Grady and Joel Maruchek

History: c. 1865

Designated: Contributing to the Spring Garden Historic District, 10/11/2000

Project: Create off-street parking

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, provided the brick pavers are salvaged and reset on the driveway, and provided that the awning is shortened to cover the doorway only, pursuant to Standard 9.

OVERVIEW: This application proposes to create off-street parking along the rear yard of this corner mixed use property. This rear yard fronts onto Brandywine Street, an otherwise residential street lined with front facades. The Historical Commission reviewed and approved an application for a deck in September 2002. The deck was never constructed. The applicant now proposes to install a deck of the same dimensions on the same location as previously approved. The current proposal also proposes to create a parking area, which would require a curb cut. The applicant proposes to enclose this parking area with a new stained wood gate and fence. The sidewalk along this portion of the property is brick. In addition, the applicant proposes to install a small awning over the entire length of the rear elevation.

DISCUSSION: Mr. Danta presented the proposal to the Architectural Committee. Property owner Joel Maruchek represented the application.

Mr. Maruchek noted that he had listened to the discussion of the East Falls Historic District. He stated that he replaced 11 windows recently with the Commission's assistance and was appreciative of the fact that the Commission oversaw the replacement and ensured that it was done correctly. He thanked Mr. Danta for all of his assistance.

Mr. Wilds asked if the blank wall at the ell was ever fenestrated. Mr. Maruchek stated that it was never fenestrated. He explained that the building had had a store in the front and an apartment in the rear. When he purchased the building, he undertook significant work including rehabilitating the rear ell. No infilled window openings were discovered.

ACTION: Ms. Merriman moved to adopt the recommendation of the Architectural Committee and approve the application, provided the brick pavers are salvaged and reset on the driveway, and provided that the awning is shortened to cover the doorway only, pursuant to Standard 9. Mr. Schaaf seconded the motion, which passed unanimously.

DISCUSSION OF PROCEDURES AND RULES & REGULATIONS FOR DESIGNATIONS OF INTERIORS

Mr. Farnham updated the Commission on the ongoing revisions to the Rules & Regulations. He explained that the staff and Law Department had made several revisions in response to the comments offered at the Commission meeting on 11 September 2009. Mr. Farnham noted that the staff had, earlier in the meeting, distributed copies of a memorandum to the Commission from John Gallery of the Preservation Alliance, dated 6 October 2009, with his comments on the amended Rules & Regulations. Mr. Farnham noted that his responses to Mr. Gallery were included in the memorandum in a different font. He stated that the staff agreed with Mr. Gallery's suggestions in almost every case, but did not have time to incorporate new language drawn from the suggestions into the version of the Rules & Regulations under discussion today.

Mr. Farnham observed that the most contested aspect of the implementation of the interiors amendment to the historic preservation ordinance is whether or not the Commission should or could include personal property or movables such as furnishings as part of a public interior portion of a building or structure when designating. A conversation with Councilman Bill Green's staff provided significant clarification. According to the Councilman's staff, the interiors amendment to the historic preservation ordinance was not intended to authorize the Commission to designate personal property such as furnishings as part of a public interior portion of a building or structure, but was intended to authorize the designation of fixtures, which can be considered part of the building or structure, when they are specified in an interior nomination. The amendment assumed that the Commission was already authorized to designate personal property such as furnishings as objects. Mr. Farnham explained that the Rules & Regulations have been revised to correspond to the Councilman's intent of the amendment.

Mr. Farnham stated that the proposed Rules & Regulations now includes a definition of the term "fixture," which is based on the accepted legal definition of the term in Pennsylvania and is drawn with only slight revision from *Black's Legal Dictionary*. He stated that it defines a fixture as something physically attached to the building. He stated that, at Mr. Mattioni's suggestion, the term "trade fixture" had been removed from the list of elements that the Commission would be authorized to designate as part of an interior portion of a building or structure.

Mr. Farnham stated that the other open questions related to codifying processes for the regulation of interiors relate to the review of permit applications proposing modifications to designated interiors. He noted that he had sent a memorandum to the Commissioners and Interested Parties with a series of questions related to interior application review. He noted that they were largely rhetorical in nature and intended to stimulate discussion. He pointed out Section 6.9.i, which would limit the Commission's authority over the placement of furniture, use, occupancy, accessibility, and environmental conditions. He observed that the restrictions may appear self-evident, but some Interested Parties have advocated for the Commission to assert control over them. He contended that controlling such aspects of interiors would exceed the authority granted in the amended ordinance.

Mr. Farnham raised two other open issues. First, he noted that Deputy Mayor Greenberger and John Gallery have both suggested that the Commission should define the term "undeveloped site," which governs the Commission's jurisdiction over vacant lots in historic districts. A definition of the term that mirrors current practice is proposed. He reported that all involved including both development and preservation advocates are demanding a clear definition.

Second, Mr. Farnham reported that the staff has not yet determined whether the Rules & Regulations should be amended to specifically accommodate hardship applications for interiors. He noted that the fact that a designated interior may only be part of a property, not an entire property, may complicate the hardship review. For example, how does one determine whether the sale of part of a property is practicable? Mr. Farnham offered to continue to study the matter and offer concrete options at the next Commission meeting.

Mr. Sherman suggested that the Commission have an open discussion with the audience. Ms. Schlotterbeck stated that she was in agreement with Mr. Farnham's suggestion that the Commission limit public interior portions to buildings and structures and the fixtures attached to them; furnishings, movable articles, should be designated as objects. Mr. Quinn agreed. Mr. Sherman asked if the Department of Licenses & Inspections was prepared to handle the new interior application type. Mr. Reuter responded that the change should not impact the Department; it should refer all applications for designated properties to the Commission regardless of the nature of the designation. Ms. Schlotterbeck asked if an interior designation would automatically include the designation of all furnishings as objects. John Gallery of the Preservation Alliance responded that it was his understanding that no furnishings would be designated unless they were explicitly nominated in separate nominations attached to the interior nomination. No inventory of the furnishings in an interior slated for designation would be created unless those furnishings were explicitly nominated for designation as well. Unless the Commission designated the furnishings, they could be moved and removed without any Commission review. Mr. Gallery also posited that a fixture, something attached to the interior and therefore potentially part of the building or structure, could be excluded from the designation. He suggested that, for example, a bank interior nomination might exclude the teller booths from the designation to allow for the adaptive reuse of the space in the future. Mr. Gallery agreed with the overall proposal to differentiate between real estate, the public interior portions of buildings and structures, and objects, the movable furnishings. Mr. Reuter asked if excluding something of historic significance from an interior designation might compromise the entire designation from a legal standpoint. Mr. Thomas noted that interiors in the city are already regulated through the historic tax credit process. Mr. Gallery clarified that he was not proposing the drafting of additional regulations to explicitly allow for or promote the exclusions of some types of fixtures. He added that the Commission might better handle the teller-booth situation as an alteration during a permit review. Mr. Wilds responded that the Commission should reserve the right to include or exclude certain aspects of interiors within designations on a case-by-case

basis. Mr. Gallery explained that the Preservation Alliance sometimes excludes parts of buildings when creating easements to allow for later alterations. Mr. Mattioni stated that the Commission should have the power to exclude certain aspects of interiors from designation by not including them in the nominations. Mr. Reuter pointed out that this question touches on the larger hardship issue; how would a property owner demonstrate that the teller booths needed to be removed to feasibly adaptively reuse the space? He asserted that a nominated fixture should be designated when it satisfies the Criteria for Designation and its designation would not create a hardship.

Mr. Gallery stated that he has struggled to envision how the hardship test will be applied to an interior. He suggested that the Commission devote the next discussion to that topic. Mr. Farnham stated that he and the staff would work with Mr. Reuter to research the topic and present some ideas to the Commission.

Mr. Gallery stated that he agreed with all but one of Mr. Farnham's responses to his 6 October 2009 memorandum on the amendments. Mr. Gallery suggested that the Commission set a time limit on the staff's preliminary determination of eligibility for an historic district. Mr. Gallery acknowledged that his proposed limit of 30 days may not be achievable, but he suggested that 60 days might be possible. Mr. Wilds asked if the determination would remain valid forever, or would it be updated if the Commission did not act on the nomination within a set period of time. Mr. Farnham stated that the preliminary determination of eligibility was created to indicate to potential nominators whether the Commission would give serious considerations to their districts proposals before they invested significant time and money in the creations of complete nominations. Mr. Farnham stated that this goal is laudable, but the system fraught with one fundamental problem. The staff and members of the Committee on Historic Designation, who make the preliminary determination in concert, cannot bind the Commission to designate or reject a district. Therefore, the determination is merely advisory, but it sets a level of expectation with nominators. He stated that placing a time limit on making the determination and adding a sunset clause that would have the determination expire would not address the fundamental problem. Ms. Merriman objected to a time limit because the staff may not have the capacity to undertake the requisite work to make the determinations. She noted that the staff is processing a few smaller district nominations now, during a lull in the real estate market, but may not have the capacity in the future. She also objected to a sunset clause, which might disqualify districts that have waited in the queue for years. Mr. Mattioni asserted that a protracted district designation process does not respect the rights of property owners because it is burdensome for them to remain engaged in the process for several years. Mr. Gallery stated that the Commission should either make the preliminary determination of eligibility requirement useful for potential nominators or it should eliminate it altogether. He suggested making it clear that it is solely advisory and does not bind the Commission. Mr. Wilds asserted that there would be no reasonable recourse if the Commission failed to meet an arbitrary time limit for a preliminary determination of eligibility. He observed that the staff could not be jailed for failing to meet a deadline. Mr. Gallery suggested that the Commission eliminate the requirement if it would not set a time limit. He proposed instead that the Rules & Regulations merely advise potential nominators to seek the staff's advice before proceeding with a nomination. Mr. Sherman agreed.

Mr. Wilds sought to summarize the discussion. He asked the Commission members if they agreed with the proposed definition of "fixture" and the wording of the regulations that accompany it. The Commissioners stated that they did agree with the language as proposed. Mr. Farnham asked the Commissioners if they were satisfied with the language related to permit review that was outlined in his memorandum. They stated that they were

satisfied. Mr. Farnham also noted that there appeared to be a consensus that the staff should investigate further the questions arising from the review of hardship applications for interiors. Mr. Wilds asked the staff to also review the preliminary determination of eligibility language. Mr. Farnham stated that the staff will also undertake additional investigations of the hardship question. He stated that the staff would consult with its counterparts at other large cities. Mr. Wilds asked the staff to investigate the subdivision and consolidation problem as well.

The Commissioners instructed the staff to present an updated version of the Rules & Regulations at the November 2009 meeting with the anticipation that a final version would be placed before the Commission for a final vote at the December 2009 meeting.

ADJOURNMENT

Upon a motion proffered by Mr. Schaaf and seconded by Ms. Merriman, the Commission unanimously voted to adjourn at 12:36 p.m.

STANDARDS AND GUIDELINES CITED IN THE MINUTES

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.