

**THE MINUTES OF THE 585TH STATED MEETING OF THE
PHILADELPHIA HISTORICAL COMMISSION**

**13 MAY 2011
ROOM 18-029, 1515 ARCH STREET
SAM SHERMAN, CHAIR**

PRESENT

Sam Sherman, Chair
JoAnn Jones, Office of Housing & Community Development
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
Miles Wilson

Jonathan Farnham, Executive Director
Randal Baron, Historic Preservation Planner III
Erin Cote, Historic Preservation Planner II
Jorge Danta, Historic Preservation Planner II
Rebecca Sell, Historic Preservation Planner II

ALSO PRESENT

Ann Ward Spaeth, Chestnut Hill Residents Association
Stephan Salisbury, Philadelphia Inquirer
Daniel Collins
Ben Leech, Preservation Alliance
Laura S. Griffith, Fairmount Park Art Association
Larry Cohen, Cuba Libre
Carolyn Simons
Joseph Rapone
Susan Burke
Peter Burke
James Kelly, PMJ Development, LLC
Mario D'Adamo, Family Court
Will Newbold
Miguel Santiago
Carl Primavera, Esq., Klehr Harrison Branzburg Harvey & Ellers
Ronald Patterson, Esq., Klehr Harrison Branzburg Harvey & Ellers
Brett Feldman, Esq., Klehr Harrison Branzburg Harvey & Ellers
Michael Milone, Blackmore Realty
Dr. Edward R. Jones

CALL TO ORDER

Mr. Sherman called the meeting to order at 9:05 a.m. Commissioners Jones, Leonard, Mattioni, Merriman, Quinn, Schaaf, Schlotterbeck, Thomas, and Wilson joined him.

MINUTES OF THE 584TH STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION

ACTION: Ms. Merriman moved to adopt the minutes of the 584th Stated Meeting of the Philadelphia Historical Commission, held 8 April 2011. Ms. Leonard seconded the motion, which passed unanimously.

THE REPORT OF THE ARCHITECTURAL COMMITTEE, 26 APRIL 2011

Dominique Hawkins, Chair

Mr. Farnham stated that the staff had granted a one-month continuance of the application for 256 S. 20th Street.

CONSENT AGENDA

Mr. Farnham introduced the consent agenda and explained that it included applications for 613 Pine Street and 245 S. Warnock Street. Mr. Sherman asked if any Commissioners had comments on the Consent Agenda. No one offered comments. Mr. Sherman asked if the audience had comments on the Consent Agenda. No one offered comments.

ACTION: Mr. Thomas moved to adopt the recommendations of the Architectural Committee for 613 Pine Street and 245 S. Warnock Street. Mr. Schaaf seconded the motion, which passed unanimously.

ADDRESS: 266 S 03RD ST

Project: Construct rear addition, reconstruct roof and dormer

Review Requested: Final Approval

Owner: Andrew Lash

Applicant: Andrew Lash

History: 1815, new front façade, 1964

Individual Designation: 9/26/1961

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

Staff Contact: Rebecca Sell, rebecca.sell@phila.gov, 215-686-7660

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of the rear two-story addition with a shed roof, but denial of roof demolition and alterations and extension of the party wall above the roofline, pursuant to Standards 5, 6, and 9.

OVERVIEW: This application proposes several alterations to the exterior of this property. It proposes to demolish the roof and original dormers and reconstruct the front roof and dormer in kind. In a meeting with the staff, the applicant claimed that the roofing structure is severely deteriorated. He has received advice from several roofing contractors to demolish the roof and dormer in their entireties and reconstruct them. No documentation has been provided to substantiate the claim that the roof is failing. This building is part of an important row of contributing buildings within the Society Hill Historic District that retain their original 1815 dormers. The staff has suggested that the applicant should obtain an engineer's report documenting the level of deterioration to substantiate whether the complete demolition of the roof and dormer is necessary.

As part of the proposed roof reconstruction, the application proposes to building up the party wall between 264 and 266 S. 3rd Street. The party wall would be constructed of brick and extend one foot above the roof elevation.

The application also proposes to replace the cornice and windows to match their historic configurations and materials.

On the rear roof, the application proposes to construct a three-bay dormer with skylights and new chimney. These elements would not extend above the ridgeline of the gable.

A two-story, single-bay addition is proposed on the rear elevation. The addition would be clad in stucco. The rear of this property is completely landlocked and not visible from the public right-of-way.

DISCUSSION: Ms. Sell presented the application to the Historical Commission. Architect Will Newbold represented the application.

Mr. Newbold stated that the owners are willing to comply with the recommendation of the Architectural Committee. Ms. Merriman asked Mr. Newbold if the owners are willing to commission an engineer's report regarding the condition and repair potential for the roof. Mr. Newbold stated that the owners would like to avoid the additional cost of the engineer's report. They would like to move forward with the assumption that the roof would be repaired and only bring in an engineer if the contractor confronted circumstances that required a roof replacement. Ms. Merriman asked the staff if it would monitor the work. Ms. Sell answered that the staff would monitor the work and require the engineer's report if the roof were to be replaced. If the roof were replaced, the staff would request and review the additional details to allow for a true reconstruction. Ms. Sell asked the applicant to confirm his intentions for the rear portion of the roof on the main block. Mr. Newbold stated that the rear roof has a gabled dormer that would be repaired as well. Mr. Newbold clarified that his clients intend to repair the roof, but, if they discover that the roof structure cannot be repaired after they remove the roof cladding, they will obtain the requisite engineer's report and work with the staff to define the reconstruction details. Ms. Leonard asked if the applicants would need to appear before the Commission again if it was determined that the roof needed replacement. Mr. Farnham answered that the Commission could require a second review by the Architectural Committee and Commission, or it could delegate that review to the staff. He stated that the staff has the expertise to review the roof reconstruction plans.

Ms. Schlotterbeck asked the applicant to clarify his intentions relative to the recommendation. Mr. Newbold stated that his client intended to repair rather than replace the roof unless necessary. He also stated that, after looking at historic photographs, his client had abandoned the plan to extend the party wall. Mr. Thomas opined that he was confident that the staff could successfully review the roof reconstruction plans if the replacement was deemed necessary by an engineer. He noted that the staff could refer the matter to the Architectural Committee and Commission if it had concerns about the reconstruction proposal. Mr. Mattioni asked again for confirmation that any deviation from a true reconstruction of the main roof would trigger a new review by the Commission. Mr. Newbold confirmed that his clients will repair the roof or, if an engineer determines that it cannot be repaired, reconstruct it in its historic configuration. He stated that they did not intend to deviate from the historic design. Mr. Schaaf asked for confirmation that the owners were willing to redesign the roof on the rear addition. Mr. Newbold confirmed that the owners were willing to redesign the roof on the addition.

ACTION: Ms. Merriman moved to deny the larger rear dormer and extension of the party wall, but approve all other aspects of the application, provided the roof is repaired rather than replaced unless an engineer's report confirms that it must be replaced, with the staff to review details. Mr. Thomas seconded the motion, which passed unanimously.

ADDRESS: 2330 PINE ST

Project: Rehabilitate building

Review Requested: Final Approval

Owner: Owen Carton

Applicant: Andrew Curtis, Robitaille+Curtis Architecture and Landscape

History: c. 1855; major alterations, Charles Broudy, architect, 1962

Individual Designation: None

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

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

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial, pursuant to Standard 3.

OVERVIEW: This application proposes to rehabilitate a rowhouse at the southeast corner of Pine and S. 24th Streets. The rowhouse dates to about 1855, but was radically altered in a Modernist style in 1962. It is classified as Contributing in the Rittenhouse-Fitler Historic District.

This application proposes to remove most but not all of the Modernist elements added in 1962. Also, the stucco on the entire building would be replaced. The rehabilitation would neither restore the original 1855 Italianate appearance nor the 1962 Modernist appearance, but instead create a combination of the two.

Unlike the nominations for the Commission's other historic districts, the nomination for the Rittenhouse Fitler District does not define a period of significance. Without a period of significance, the Commission must decide whether the classification of this property as a contributing resource in the Rittenhouse Fitler Residential Historic District was intended to protect the Modernist elements added to this mid nineteenth-century rowhouse in 1962.

The classifications of two important, similar, c. 1960 Modernist buildings in the district provide clues. The 1963 Modernist building designed by noted architect Norman Rice as his office, which stands across 24th Street from the property in question, is classified as non-contributing. The c. 1960 house at 307 S. Chadwick Street, which noted architect Frank Weise designed as his residence, is likewise classified as non-contributing.

In light of the classifications of the Rice and Weise buildings, one can conclude that the property at 2330 Pine Street was classified as contributing to the district either because it retains enough fabric to allow for a restoration to its 1855 appearance or because it has the same scale and materials as its neighbors. One can also conclude that the building was not classified as contributing with the intention of protecting its Modernist elements.

Therefore, the Commission is authorized to approve a restoration to the buildings 1855 appearance, preservation of its 1962 appearance, or the creation of a contemporary appearance that "blend[s] with the scale, material and details of the particular block." However, the application proposes neither restoration nor preservation, but instead the creation of an amalgam of the 1855 and 1962 appearances, which is conflict with Standard 3: "Each property will be recognized as a physical record of its time, place, and use. Changes that create a false

sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.”

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

The Commissioners reviewed the application and agreed with the recommendation of the Architectural Committee.

ACTION: Ms. Merriman moved to adopt the recommendation of the Architectural Committee and deny the application, pursuant to Standard 3. Mr. Schaaf seconded the motion, which passed unanimously.

ADDRESS: 613 PINE ST

Project: Construct roof over rear yard

Review Requested: Final Approval

Owner: Scott & Helga Levin

Applicant: Da'Ron M. Ravnell, Unique Metal Concepts, LLC

History: 1990, Stephen Varenhorst, architect

Individual Designation: None

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

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

OVERVIEW: This application proposes to install a steel and glass canopy over the rear yard. The canopy would be supported by steel columns and the existing concrete-masonry brick garden walls that line the rear of the property. The canopy primarily consists of structural steel I-beams, glazing on the sides, and a metal roof.

The Committee and Commission reviewed an earlier version of this application at recent meetings. The Commission tabled the application with a request for more information. Instead, the applicant submitted an entirely new application with updated drawings and more roofing information.

Note that the Commission was working with flawed information when it classified the property as Contributing to the Society Hill Historic District. The inventory incorrectly attributes the building to architect, David Proter for the Redevelopment Authority and dates it to 1983. It was, in fact, designed by architect Stephen Varenhorst and constructed for a private owner in 1990, after the end of the district's period of significance.

ACTION: SEE CONSENT AGENDA

ADDRESS: 1601 MOUNT VERNON ST

Project: Demolish and reconstruct side wall

Review Requested: Final Approval

Owner: Miguel Santiago

Applicant: Miguel Santiago

History: 1859, Robert Purvis House

Individual Designation: None

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

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

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted unanimously to recommend denial, owing to the incompleteness of the application.

OVERVIEW: This application proposes the rebuilding of the east wall of the rear ell, which faces 16th Street. Although an engineer had originally devised a bracing plan to stabilize the building, the engineer now recommends demolishing and reconstructing the wall, rather than bracing it because water has infiltrated and deteriorated the wall. The architectural plans, which propose the retention of the wall, are not consistent with the application form, which proposes demolition of the wall. The plans are not correctly dimensioned and call for the installation of inappropriate lintels.

DISCUSSION: Mr. Baron presented the application to the Historical Commission. Property owner Miguel Santiago represented the application.

Mr. Santiago stated he is seeking the Commission's approval to demolish and rebuild part of the east wall of the building, which is in very poor condition. He stated that he would rebuild the wall with salvaged brick, if possible. He stated that he would retain the foundation and underpin it. He displayed a series of photographs. He stated that the wall is only able to stand now because it is braced. He reported that he has already replaced the roof. He displayed a plan for framing the new wall.

Mr. Sherman asked Mr. Santiago about his timeline for undertaking the work, assuming that the Commission grants approval of the repair. Mr. Santiago replied that he would begin as soon as possible. Mr. Sherman pressed him for a definitive date. Mr. Santiago stated that, with an approval today, he could begin work within one to two weeks. He stated that he does not yet have a contractor. Mr. Santiago stated that he will serve as the general contractor and will hire the mason.

Mr. Reuter, the Commission's attorney, explained that he is currently pursuing a case in the Court of Common Pleas on behalf of the Commission that is seeking to compel Mr. Santiago to properly maintain the building. Mr. Santiago is under a court order to begin the necessary repairs. The court will hold a status hearing on 7 June 2011. Mr. Reuter reported that the court has already levied an absolute fine against Mr. Santiago and has also levied a conditional fine, which is significant in amount and should motivate Mr. Santiago to do the work. Ms. Schlotterbeck asked who will monitor Mr. Santiago to ensure that the work is done in a timely and appropriate fashion. Mr. Reuter answered that the court, the Department of Licenses & Inspections, and the Historical Commission are all monitoring the building and work.

Mr. Baron expressed his support for a Commission approval of the application. He stated that the court is expecting Mr. Santiago to begin the work shortly. He noted, however, that the application lacks important information such as accurate dimensions. He stated that the applicant and his architect must provide accurate dimensions, which he will then verify on site.

He stated that, as long as the Commission is clear that the applicant must provide the missing details before his application is stamped approved, he would be comfortable with an approval today. Mr. Baron stated that many aspects of the plans require correction. For example, the window frames are incorrect. The window openings should have show sills, not row-lock sills.

Mr. Sherman asked Mr. Santiago if he would install windows or merely create the openings and then board them. Mr. Santiago stated that rebuilding the wall is the first phase of construction, which is necessary to stabilize the building and prevent water infiltration. He would install the windows during the second phase. Mr. Sherman remarked that the Commission is concerned about protecting this property from further deterioration. He asserted that windows should be installed in every window opening as soon as possible. Mr. Santiago stated that he would install windows as soon as possible.

Mr. Schaaf asked about the probability of reusing the existing brick, in light of the fact that the staff has noted that the brick is turning to powder owing to water infiltration. Mr. Baron answered that the wall will likely be rebuilt with different brick, either old bricks salvaged from another site or new brick that matches the old in color and size. However, any new bricks would differ slightly in size. Mr. Baron stated that, in his opinion, the extant brick cannot be reused. Approximately 80% would be lost. Mr. Thomas agreed that it was unlikely that enough brick could be salvaged during the demolition to rebuild the wall. Mr. Baron stated that he would review the condition of the extant brick as well as any new brick at the site to ensure that the wall is reconstructed appropriately. Mr. Thomas added that the drawings should indicate that there will be no work to the front facade.

Mr. Sherman asked the applicant to confirm that his engineer had done the necessary inspection and design work to ensure that there would not be a catastrophic event such as a collapse during the reconstruction. Mr. Santiago assured Mr. Sherman that his engineer had fully studied the problem so that the wall could be rebuilt without difficulty.

Mr. Thomas asked whether the application was considered incomplete. Mr. Baron stated that, in his opinion, the application lacked important details. However, he asked the Commission to approve the project, with the condition that the applicant would provide the missing details to the staff for its review. Mr. Schaaf then asked if the Commission should defer an approval to a later meeting, after the application is supplemented. Mr. Baron urged the Commission to approve the application, with the staff to review details, to allow Mr. Santiago to begin the court-ordered work. Mr. Sherman asked Mr. Reuter if the applicant would need to complete the reconstruction of the wall before the 7 June 2011 court date. Mr. Reuter responded that the court will determine whether Mr. Santiago is making a good-faith effort to repair the building. Mr. Sherman stated that the Commission needs some assurance that Mr. Santiago will undertake the reconstruction and other repair work in a timely manner, that it will be done in accordance with the Standards, and that the building will be protected generally. Mr. Reuter responded that, owing to the Unsafe violation, Mr. Santiago will be issued what is called a 10-day permit, meaning he must begin work within 10 days of its issuance.

Mr. Santiago stated that he would like to construct the balconies as part of this project. He noted that the Commission has already approved the balconies.

ACTION: Mr. Schaaf moved to approve the application, provided the architectural plans are revised to accurately reflect the appropriate dimensions, windows, window frames, sills and to remove the parapet, with the staff to review details including revised

drawings, window shop drawings, and brick and mortar samples. Mr. Thomas seconded the motion, which passed unanimously.

ADDRESS: 1910 SPRING GARDEN ST

Project: Construct building

Review Requested: Final Approval

Owner: 1910 Spring Garden LLC

Applicant: Rustin Ohler, Harman Deutsch Architects

History: 1886, building collapsed, 2005

Individual Designation: 6/29/1971

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

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

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Committee voted recommended denial of the proposed building, owing to its height, but approval of the building without the top floor of the mansard, with the staff to review details.

OVERVIEW: This application proposes the construction of a six-story structure on the site of an historic building that collapsed in 2005, after being undermined by adjacent construction. The new building would have a four-story brick façade topped by a two-story mansard. The front façade would have a large bay. Although the building is taller than the old buildings on the block, it aligns with the newer building to the east. The current application is compliant with the June 2010 application, which the Commission approved in concept. The architectural plans are not adequately annotated regarding material choices. The applicant must provide those details before any final approval.

DISCUSSION: Mr. Baron presented the application to the Historical Commission. Architect Rustin Ohler represented the application.

Mr. Baron explained that the Commission approved this project in concept in June 2010. The current application for final approval complies completely with that approval in concept. However, during its recent review, the Architectural Committee objected to the top mansard, despite the Commission's assertion that the massing of the design was compatible with the streetscape. Mr. Sherman asked why the Committee ignored its in-concept decision and recommended against the inclusion of the top mansard story of the building. Mr. Baron stated that the Committee contended that the proposed building was one story too tall for the streetscape. Mr. Sherman remarked that the Committee should defer to the Commission when the Commission has already ruled on a particular aspect of an application. Ms. Schlotterbeck asked about the staff recommendation. Mr. Baron answered that the staff deferred to the Commission's in-concept decision.

Mr. Thomas stated that he found the proposed massing of the building acceptable, given the varied streetscape on this block, which includes new buildings. Mr. Ohler stated that the massing and height of the proposed building are exactly the same as those of the design that was approved in concept. He stated that the current application for final approval includes more information about materials, but is otherwise the same as that approved in June 2010. Mr. Schaaf asked about the materials. Mr. Ohler answered that the front façade would be clad in limestone and brick; the mansard would be metal; and the bays would be panels of painted Azek.

Mr. Thomas asked about the location of the front façade in relation to the adjacent new building to the east. Mr. Ohler answered that the building's front façade would align with that to the east. A landscaped area would be added at the front.

Mr. Sherman asked Mr. Ohler if he had verified that the front entrance does not need to be disabled accessible, given that the first floor will be used for office space. Mr. Ohler replied that there would be an accessible entrance with an elevator entrance in the parking garage, which is accessed from the rear.

ACTION: Ms. Merriman moved to approve application as presented to the Commission at its meeting of 13 May 2011, with the staff to review details. Mr. Thomas seconded the motion, which passed unanimously.

ADDRESS: 1519-21 N 16TH ST

Project: Construct side addition

Review Requested: Final Approval

Owner: PMJ Development, LLC

Applicant: Danilo Vincencio

History: 1886, addition, 1893

Individual Designation: 7/1/1982

District Designation: None

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

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial, pursuant to Standards 9 and 10 and the New Additions Guidelines

OVERVIEW: This application proposes the construction of a large addition in the side yard of this mansion. The addition would stand free of the existing house except for a connection at the intersection of the main block and the rear ell. The new structure is based on the design of the historic house that stood on the lot to the south, but has been demolished. A non-historic two-story porch would be demolished and several openings closed to add the link connector between the mansion and addition. This porch is a much later addition and the side façade will not be visible from the street. The front section of the addition should be shifted south and/or east, away from the historic bay, to preserve public views of it.

DISCUSSION: Mr. Baron presented the application to the Historical Commission. Property owner James Kelly represented the application.

Mr. Baron stated that the design had been revised to comply with suggestions offered by the Architectural Committee. The addition has been shifted back, away from the street to allow for views of the significant side bay. The addition would now align with the rear ell. Mr. Baron stated that the staff supports an approval, with the staff to review details.

Mr. Thomas contended that there were serious flaws in the design that, although not specifically related to historic preservation, would cause the design to be significantly revised. He stated that the building would be required to have accessible units, which have not been included. He also stated that some of the units do not have a second means of egress. He questioned whether the Department of Licenses & Inspections would issue a building permit for the project, which does not meet minimum requirements. Mr. Kelly assured him that the Department would issue a permit for the building. Mr. Thomas again expressed concern that the design would ultimately change to meet ADA and egress requirements. He explained to Mr. Kelly that his

project may require a second Commission review if it is revised significantly to these requirements.

ACTION: Mr. Thomas moved to approve application as presented to the Commission at its meeting of 13 May 2011, with the staff to review details. Ms. Merriman seconded the motion, which passed unanimously.

ADDRESS: 10 S 02ND ST

Project: Install projecting sign and lights

Review Requested: Final Approval

Owner: Strawberry Holdings Inc

Applicant: Ronald J. Patterson, Klehr Harrison Harvey Branzburg LLP

History: 1820, third story removed, 1977

Individual Designation: 10/7/1976

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

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of the lights and sconces, with the staff to review the details; and denial of the illuminated sign, pursuant to Standard 9.

OVERVIEW: This application proposes signs, lights, and sconces on two properties in the Old City Historic District. The two properties have different classifications in the district's inventory. The property at 10 S. 2nd Street was constructed in 1820 and altered in 1977. It is classified as contributing. The other property, 12-14 S. 2nd Street, was constructed in 2000 in an eclectic Spanish Colonial Style and is classified as non-contributing to the district. The applicant has combined the alterations to these two separate properties as one single application.

At 10 S. 2nd Street, the application proposes the installation of a nine-foot tall illuminated sign at the second floor. The sign would protrude from the face of the building by four feet. The sign would be aluminum with neon letters. The edge of the sign would be lined with exposed light bulbs, which would not flash. The applicant proposes two sconces and a second sign on the glass of the storefront at the ground-floor of the building. The application does not include details for the sconces on this building.

At 12-14 S. 2nd Street, the application proposes to install sconces in the ground-floor, presumably to match those proposed for 10 S. 2nd Street; no details were submitted. The second floor has arched-top windows and a balcony that spans the entire width of the building. The application proposes to install light strings in the arches above the windows and below the decorative swags. The application does not clarify whether these light strings would flash.

DISCUSSION: Mr. Danta presented the application to the Historical Commission. Attorney Ronald Patterson and restaurateur Larry Cohen represented the application.

Mr. Patterson explained that Cuba Libre is approaching its 10th anniversary. The new signage is part of the celebration of that anniversary. This sign would match signs installed at other outlets in the chain of restaurants. Mr. Patterson explained that the design of the sign had been revised after meetings with the Old City Civic Association and Art Commission. He noted that the Architectural Committee asked his client to reduce the size of the sign. He stated that they have already compromised with the other organizations, reducing the size and lighting of the sign. Mr. Cohen stated that the sign is part of the branding of the chain. Mr. Patterson noted that they also have their zoning approval for the sign.

Ms. Merriman opined that projecting signs are appropriate in this section of the Old City Historic District, which includes many bars and restaurants. She voiced her approval of the revised design.

ACTION: Ms. Merriman moved to approve application as presented to the Commission at its meeting of 13 May 2011, with the staff to review details. Mr. Schaaf seconded the motion, which passed unanimously.

ADDRESS: 245 S WARNOCK ST

Project: Construct rear addition

Review Requested: Final Approval

Owner: John B. Kelly III

Applicant: John B. Kelly III, Runyan & Associates Architects

History: 1830

Individual Designation: 1/31/1961

District Designation: None

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

OVERVIEW: This application proposes to construct a third-floor addition at the rear of the house, which has a two-story rear ell. The file for the property contains evidence that the rear façade of the property was reconstructed in 1954. There is physical evidence at the house to support the documentation. The roof of the ell connects to the roof of the main block in a crude manner and it does not appear to retain its original configuration.

The property is situated on the east side of Warnock Street between Spruce and Irving Streets. The rear of the property faces a private alley. The alley is gated and only property owners have access to it. The public can not access the alley. The subject property has a smaller footprint than its neighbors to either side. The public can not view the rear of this property from any public rights-of-way.

The proposed addition would sit below the ridge of the roof over the main block. The addition would not extend beyond the rear wall of the existing ell; as such it would not be visible from Irving Street. The front façade of the property on Warnock Street would not be altered at all by the proposed addition.

ACTION: SEE CONSENT AGENDA

THE REPORT OF THE COMMITTEE ON HISTORIC DESIGNATION, 3 MAY 2011

Richardson Dilworth, Chair

615 W. HARTWELL LANE, FLEER RESIDENCE

Owner: Monique Delapenha (owner at notice), Daniel Collins (current owner)

Nominator: Janet Grace, DOCOMOMO

Proposal: Designate property

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Ms. Klein moved to recommend that the property at 615 W. Hartwell Lane satisfies Criteria for Designation D and E and should be

designated as historic and listed on the Philadelphia Register of Historic Places. Mr. Cohen seconded the motion, which passed unanimously.

OVERVIEW: The Mr. and Mrs. Edward H. Fleeer Residence at 615 W. Hartwell Lane is located at in the Chestnut Hill Section of Philadelphia. The architectural firm of Montgomery & Bishop designed the residence in the Mid-Century Modern style. It was constructed in 1958. The Nomination contends that the Fleeer Residence satisfies Criteria for Designation D and E.

DISCUSSION: Ms. Coté presented the nomination to the Commission. Daniel Collins, the new property owner, attended the review.

Ms. Merriman noted that Mr. Collins was not the owner of the property at the time of notice, but is now the owner. She asked Mr. Collins if he understood the implications of designation. Mr. Collins stated that he has not yet had time to investigate the implications of designation. He explained that he learned of the nomination recently, after applying for a building permit. He asserted that Monique Delapenha, the former owner, had not disclosed the potential designation to him. He stated that he closed on the property on 21 April 2011. Ms. Merriman explained to Mr. Collins that the designation would apply to the exterior of the building and its site, not the interior. She noted that the Commission has no jurisdiction over use or ownership. She summarized the permit application process. Mr. Danta added that the designation would include not only the building but also its site as well as any permanent features such as fences or walls. If designated, the Commission would review proposals for additions and new construction, even if a portion of the property were subdivided off from the main property. Mr. Collins stated that the property consists of two "lots." Ms. Cote stated that the area proposed for designation is described in the nomination. She offered to provide him with a copy of the nomination.

Ms. Schlotterbeck asked if the Commission had ever encountered a situation such as this, in which the property was sold during the notice period and the former owner failed to inform the new owner of the nomination. She asked if the designation decision could be postponed until the new owner had an opportunity to review the nomination. Mr. Farnham responded that he did not know of a similar situation. However, he noted that the Commission had delayed designation decisions in the past. He remarked that, because the Commission's jurisdiction remains in place unless and until the Commission votes to reject a nomination, the Commission could delay the designation decision without jeopardizing the property; it would remain under the Commission's jurisdiction. The historic preservation ordinance places no time limits on the processing of a nomination.

Mr. Reuter asked the staff to describe the permit application recently approved for the property at the staff level. Mr. Danta explained that a tree had fallen on the roof of the house, causing extensive damage. The staff approved a permit application to repair the roof. Mr. Danta noted that the staff approved a second application for the property, to restore the rear façade.

Mr. Thomas stated that it would only be fair to delay the vote on the designation to allow the new owner to review the nomination and better understand the implications of a designation. Mr. Thomas suggested that the new owner might also want to consider tax credits, façade easements, and other benefits that might come with designation. Mr. Thomas added that this designation would not include any interior spaces. Mr. Collins stated that he intended to restore the property to its original condition.

ACTION: Mr. Thomas moved to table the nomination until the Commission meeting of 10 June 2011. Ms. Schlotterbeck seconded the motion, which passed unanimously.

603-05 S. 3RD STREET, ROSENBAUM BANK

Owner: Michael Clark & MDNC South LLC

Nominator: Staff

Proposal: Designate property

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Schaaf moved to recommend that the property at 603-05 S. 3rd Street satisfies Criteria for Designation A, D, E, and J and should be designated as historic and listed on the Philadelphia Register of Historic Places. Mr. Lavery seconded the motion, which passed unanimously.

OVERVIEW: The former Rosenbaum Bank building is located at 603-05 S. 3rd Street. It was designed in the Beaux Arts style architects Louis Magaziner and William Woodburn Potter of the firm of Magaziner & Potter and constructed in 1907. The building represents important aspects of Philadelphia's social, commercial, and banking history. The nominations contends that the former Rosenbaum Bank building at 603-05 S. 3rd Street satisfies Criteria for Designation A, D, E, and J.

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

The Commissioners reviewed the nomination and the Committee's recommendation and agreed that the building is important to the architectural, financial, and ethnic histories of the city.

ACTION: Mr. Schaaf moved to find that the property at 603-05 S. 3rd Street satisfies Criteria for Designation A, D, E, and J and to designate it as historic and list it on the Philadelphia Register of Historic Places. Ms. Leonard seconded the motion, which passed unanimously.

1025 W. LEHIGH AVENUE, PSFS, LEHIGH BRANCH and

Owner: Citizens Bank of Pennsylvania

Nominator: Janet Grace

Proposal: Designate property

15 S. 52ND STREET, PSFS, WEST PHILADELPHIA BRANCH and

Owner: Citizens Bank of Pennsylvania

Nominator: Preservation Alliance for Greater Philadelphia

Proposal: Designate property

2001-07 S. BROAD STREET, PSFS, SOUTH PHILADELPHIA BRANCH

Owner: Citizens Bank of Pennsylvania

Nominator: Staff

Proposal: Designate property

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Lavery moved to recommend that the properties at 1025 W. Lehigh Avenue, 15 S. 52nd Street, and 2001-07 S. Broad Street satisfy Criteria for Designation A, C, D, and E and should be designated as historic and listed on the Philadelphia Register of Historic Places. Mr. Schaaf seconded the motion, which passed unanimously.

OVERVIEW: These three Philadelphia Savings Fund Society (PSFS) branch bank buildings were constructed in the 1920s in the Renaissance Revival style and a simplified classicist style. The buildings were designed by architect George Howe and showcase the ironwork of craftsman Samuel Yellin.

DISCUSSION: Ms. Coté presented the nominations to the Commission. No one represented the property owner.

The Commissioners reviewed the nomination and the Committee's recommendation and agreed that the buildings are important to the architectural and financial histories of the city.

ACTION: Ms. Merriman moved to find that the properties at 1025 W. Lehigh Avenue, 15 S. 52nd Street, and 2001-07 S. Broad Street satisfy Criteria for Designation A, C, D, and E and to designate them as historic and list them on the Philadelphia Register of Historic Places. Ms. Leonard seconded the motion, which passed unanimously.

10 E. MORELAND AVENUE

Property Owner: Renal Enterprises LLC

Nominator: Ann Spaeth, Chestnut Hill Residents Association

Proposal: Designate property

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Ms. Klein moved to recommend that the property 10 E. Moreland Avenue satisfies Criteria for Designation H and J and should be designated as historic and listed on the Philadelphia Register of Historic Places. Mr. Cohen seconded the motion, which passed by a vote of 4 to 1. Mr. Schaaf dissented.

OVERVIEW: This nomination proposes the designation of the property at 10 E. Moreland Avenue in the Chestnut Hill section of Philadelphia. The property at the corner of E. Moreland and Winston Road includes an industrial building and a fenced parking and storage area.

The nomination is a paraphrasing of Jane Mork Gibson's entry on the property in the 1990 book *Workshop of the World*, an encyclopedia of Philadelphia industrial sites produced by the Philadelphia Chapter of the Society for Industrial Archaeology. The entire Gibson entry (without footnotes) is also reproduced at the end of the nomination. The nomination repeats several factual errors found in the Gibson entry on the property. The staff has undertaken considerable research to better understand the property and offer corrections to the nomination.

The Glen Willow Ice Company purchased the vacant property from John C. and Gertrude A. Belz in March 1923 (Deed JMH, 1499, 278). The Farrell-Roth Construction Company erected the red brick building at the corner of Moreland and Winston later that year to designs produced by architect Frank V. Nickels (Building Permit 3820, 1923). The ice company had been established in the Glen Willow section of Manayunk in the late nineteenth century and incorporated on 19 February 1892. It had several ice manufacturing and storage facilities in Manayunk and Lower Merion, none of which survives. The Chestnut Hill site was a much later location.

The nomination states that architect R.C. Martin altered and added to the building in 1930 and 1938. The second date is incorrect. According to building permit records, Martin altered and added to the building in 1930 and 1948 (BP 2180, 1930; BP 3085, 1948). The building was also altered in 1953 (BP 3956).

The nomination claims that Bartolomeo Pio, Inc. purchased the property and converted it for its facilities in 1938. In fact, real estate records show that the wine merchant did not purchase the property until 1946, when it moved its operation from South Philadelphia to Chestnut Hill (Deed CJP, 1364, 229). This location was not the primary Pio location, but a bottling and distribution facility; the vineyards were located in California. The nomination also states that the wine business was sold to Gallo Brothers and the building sold to the Willet Studio in 1964. In fact, Pio was sold to Gallo in 1959 and, as real estate records show, Pio sold the building to Willet, a stained glass manufacturer, in April 1960. Zoning and building permit records show that Willet altered the building in June and July 1960 as it converted it for use as a stained glass studio (BP 4638 and 5578, 1960). The building was again altered in 1964 (BP 3849).

The Willet Studio, now a subsidiary of Willet Hauser Architectural Glass headquartered in Winona, Minnesota, was a very important maker of stained glass. It was founded in Philadelphia in 1898 and, for most of its history (1913-1960), occupied a building at 225 W. Springfield Avenue in Chestnut Hill. This Willet Studio building, very coincidentally, had been an ice house and was converted for glass production by the famous architectural firm of Duhring, Okie & Ziegler in 1913. The Commission designated this property at 225 W. Springfield Avenue as historic 6 August 1981 because of its associations with the famous art glass studio and the architects. It stands today as the best representation of the Willet Studio during its heyday in the early twentieth century.

Willet moved into the building currently proposed for designation at 10 E. Moreland, a few blocks from its former home at 225 W. Springfield, in 1960. Willet moved out of the building 20 years later, selling it to the Philadelphia Authority for Industrial Development in 1980, which passed it on to Kurtz Construction, a local roofing company. Kurtz occupied it for nearly 30 years before selling it to Free Range Associates LP in 2009. Free Range sold the property to the current owner, Renal Enterprises LLC, which is rehabilitating it as a dialysis center under Building Permit 324683. The building permit application was issued before the Commission's jurisdiction resulting from this nomination went into effect. The Commission has no jurisdiction over the work that is now underway. The exterior work includes reroofing, brick pointing,

complete window and door replacement, infilling openings, creating new openings, demolition of the penthouse and removal of dunnage on the roof, enclosing of the loading dock for a pedestrian entrance, construction of a large ADA ramp along Winston, reconfiguration of the main entrance on Moreland, awnings, and a new Dryvit façade on portions of the building. The building will look very different when the work is complete.

At the time this nomination was submitted in December 2010, the nominator and the Chestnut Hill Residents Association, which she represents, were actively opposing the zoning approval for the reuse of this building as a dialysis center. According to press reports at the time, the community opposition was not based on the proposed alterations to the property or building, but on the proposed hours of operation of the dialysis center. The zoning issues have since been resolved, but this nomination should be viewed within the context of a zoning dispute.

The nomination form stipulates that the property satisfies Criteria for Designation A, H, and J, but the text of the nomination does not explicitly specify how the property satisfies the three Criteria.

(A) Has significant character, interest or value as part of the development, heritage or cultural characteristics of the City, Commonwealth or Nation or is associated with the life of a person significant in the past; or,

(H) Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or City; or,

(J) Exemplifies the cultural, political, economic, social or historical heritage of the community.

Although the Commission wholeheartedly supports the preservation of buildings, structures, and sites documenting Philadelphia's extremely important role in the nation's industrial history, this site provides few, if any, insights into that illustrious history. It is a building of no real architectural or technological distinction, with no connection to any architect of note, no significant link to any business or enterprise, and no real exterior expression of the activities that once took place in it. It was not the original home or headquarters of Glen Willow Ice, the Willet Studio, or Bartolomeo Pio Wines, but instead a secondary or later location for each of the three businesses. It is a generic early twentieth-century light industrial building with several later alterations and additions.

DISCUSSION: Mr. Farnham presented the nomination to the Commission. Ann Spaeth, the nominator, represented the nomination. Attorneys Carl Primavera and Brett Feldman, realtor Michael Milone, and Dr. Edward R. Jones represented the property owner.

Mr. Sherman asked if the ongoing work would fall under the Commission's jurisdiction. Mr. Farnham explained that the ongoing renovation work is fully permitted and legal. The permits were issued prior to the Commission's issuance of the notice to consider a nomination. Therefore, the Commission has no jurisdiction over the ongoing work. If designated, the Commission would have the authority to review any subsequent permit applications. Mr. Farnham noted that the building had been altered from its historic or original condition before this work began. The current work will move the building further from its original condition.

Ms. Merriman stated that she appreciated nominations that originate from community groups, especially because nominations entail significant amounts of work. However, she contended,

this building does not have a historical significance that merits individual designation. She stated that this building lacks integrity. She stated that the history of use and reuse of this building is typical. It does not merit designation. She stated again that she appreciates the effort by the community group, but does not think that the building merits designation.

Ann Spaeth stated that she is a member of the Chestnut Hill Residents Association and has lived in Chestnut Hill since 1960. She stated that she joined the Chestnut Hill Civic Association in 1967 and had been a member of its board. She stated that she was an incorporator and first president of the Chestnut Hill Historical Society. She said that she nominated the building because the building was an important part of the industrial area of Chestnut Hill. She stated that there was a quarry across the street. The residents in the area were factory workers or quarry workers. She stated that she wants to retain the character of the building. She claimed that the building represents a change from the harvesting of natural ice to the industrial production of ice. She said that it represents a progression in the promotion of public health. She contended that ice ponds in Chestnut Hill were unsanitary at the time. She claimed that most of Chestnut Hill's industrial buildings have been demolished. She stated that the building has a very prominent location.

Mr. Schaaf stated that the Committee on Historic Designation had recommended that the Commission only designate a portion of the property. He pointed out on a projected digital image the sections of the building the Committee on Historic Designation deemed more and less significant. Ms. Spaeth claimed that the Willet Studio was very prominent. She also noted a coincidence: both the ice company and the dialysis business are related to public health.

Mr. Primavera, the attorney for the current owner, explained that the building was in very poor condition when his client purchased it. It was last used for the storage of Porta-Potties. He explained that Fresenius, a German company that manufactures dialysis equipment and provides dialysis services, is collaborating with Dr. Edward R. Jones of Chestnut Hill Hospital, to create the new dialysis center. He stated that the project is supported by the Philadelphia Industrial Development Corporation, the Deputy Mayor for Planning & Economic Development, the Planning Commission, the district councilwoman, and the Chestnut Hill Community Association (CHCA). He added that his client has an agreement with CHCA regarding the redevelopment of the building including the retention and restoration of original features. He stated that the Chestnut Hill Residents Association is a splinter group that broke off from CHCA. He remarked that this would be a state-of-the-art facility that will retain its industrial character.

Mr. Milone displayed the plans for the reuse of the building. He showed that they would retain the original look of the building. They plan to reopen infilled windows. A new entranceway will be installed in the former loading dock. He stated that all of the work has been reviewed and approved by the CHCA's Development and Historical Committees. He and Mr. Primavera stated that the plans were extensively reviewed by the community group. Mr. Primavera stated that the building will be beautifully rehabilitated and maintained.

Ms. Schlotterbeck suggested that the discussion should be turned back to the nomination. She also asked about the veracity of Mr. Primavera's claim that the existing building permits for the ongoing rehabilitation were outside the Commission's jurisdiction. Mr. Farnham responded that Mr. Primavera's claim was true. The building permits for the current rehabilitation were issued prior to the initiation of the Commission's authority, which began with the issuance of the notice letters to the property owner. Mr. Farnham assured the Commission that the property owner has the right to carry through on the work covered by the current valid building permits without Commission review. Mr. Farnham noted that, if the owner sought new permits, for example for

signage, then the Commission would have the authority to review those permit applications, provided it designates the building. Mr. Farnham concluded that the ongoing rehabilitation work is, essentially, grandfathered. Mr. Primavera stated that his client did not seek permits after it learned of the nomination; instead, his client was developing his project with the assistance of the community. After a splinter group became disillusioned with the community's support of the project, it sought to impede the project by proposing designation. He stated that the misuse of the Commission's power is "mischievous" and akin to "guerilla warfare." Ms. Merriman stated that the motives of the community group are not relevant to the current discussion. Ms. Leonard stated that the Commission would have no authority over use or hours of operation if it designated the building. Mr. Primavera responded, stating that he believes that the group proposing the designation might seek to use the Commission's authority to impede his client's project. He observed that no one ever considered nominating this building until it became the center of a zoning battle. He noted that the property is listed as non-contributing in the National Register district.

Mr. Mattioni asked for a clarification of Mr. Schaaf's earlier report that the Committee on Historic Designation had recommended that the Commission only designate a portion of the property. Mr. Farnham agreed that the Committee had indicated that various sections of the property had more and less significance, but he noted that the Commission designates entire tax parcels, not portions of tax parcels. He reported that the Committee had recommended that the Commission designate the tax parcel, not a part of it. He commented that, if the Commission elected to designate this property, it could indicate which sections were more and less significant. Those indications could be used to guide later permit reviews. However, he cautioned against designating less than the totality of the tax parcel. Mr. Farnham approached the screen and indicated the boundaries of the tax parcel on the projected aerial photograph of the property. Mr. Reuter agreed, stating that the ordinance defines a historic building as the building and its site. He stated that the Commission could identify the historic fabric within the tax parcel.

Mr. Primavera noted that his client overlooked the initial notice letter from the Commission and therefore missed the meeting of the Committee on Historic Designation. He contended that the Committee's deliberations would have been very different if the members had had access to all relevant information about the property and his client's current project.

Joe Repone, a member of the Chestnut Hill Residents Association, stated that the dialysis center has worked "very well" with the neighbors. Preserving the building that so many community members invested so much time in during the recent community reviews is his main concern, Mr. Repone explained. He noted that this building indicates that Chestnut Hill is not only made up of large mansions. He contended that the same people that built the mansions also worked in this factory. He stated that he and his fellow members of the Chestnut Hill Residents Association would like to have the property designated so that "20 years from now there isn't something there that has 20 stories and has nothing to do with the people that worked hard." He stated that people in Germantown would not nominate a building like this because they "don't care." He claimed that this building was nominated because people in Chestnut Hill "do care."

Mr. Thomas suggested that the Commission consider the Criteria for Designation that are cited in the nomination. He also asked Mr. Farnham to comment on the National Register status. Mr. Farnham explained that there are no locally designated historic districts in Chestnut Hill, but there are several individually designated sites. He stated that Chestnut Hill is designated as a National Register District and this property is classified as an intrusion in that district. Mr. Farnham cautioned, however, that that classification may not be germane to this discussion. He

explained that that classification relates only to the building's relationship to the National Register District as it is defined in the district's statement of significance. Without reviewing the statement of significance, the classification tells us nothing about whether this property satisfies any of the local Criteria for Designation. Mr. Farnham explained that the nomination contends that the property satisfies Criteria A, H, and J; the Committee agreed that the property satisfies Criteria H and J, but not A. He explained that the Commission may designate if a property satisfies one or more Criteria. He advised the Commission that designation is discretionary. The Commission is never required to designate, but may designate if a property satisfies one or more Criteria.

Mr. Farnham reminded the Commission that the staff had concluded that this property does not satisfy any of the Criteria for Designation. He contended that the architects involved in the construction and alteration of this building are not considered significant. He claimed that the building has no architectural significance. From a business history perspective, this building is not significant. It was a branch of the Glen Willow Ice Company created 30 years after the company was established. It was not an early ice making facility, as has been asserted. Artificial ice making began at the end of the nineteenth and start of the twentieth centuries, two decades before the construction of this building. He stated that this building is not indicative of the start of artificial ice making, but of Glen Willow shrinking as more and more people used refrigeration instead of ice. Regarding the site's connection to Pio Wines, Mr. Farnham explained that the vineyards were in California. This was a bottling and distribution facility, and not the first. The first had been at 11th Street and Washington Avenue in South Philadelphia. Between 1960 and 1980, this site was home to the Willet Stained Glass Studio, one of the most important studios in the country. However, this was not the first or second Willet home. The location most identified with the studio and its home from 1913 to 1960, its heyday, is nearby and is already designated as historic. He added that Kurtz Construction occupied the building from 1980 to the present. He concluded that the property does not have the significance to warrant individual designation. It is not architecturally significant. From a streetscape perspective, it is not significant. From a business, technology, and economic historic perspective, it has always been the secondary or tertiary location of enterprises that may have been significant, but did not conduct their most significant activities at this location.

Mr. Reuter noted that the staff overview indicates that the nomination includes a series of mistakes. He asked Mr. Farnham to comment. Mr. Farnham explained that the staff had thoroughly researched this property and determined that there were several mistakes in the nomination, most of which related to names and dates. He noted that the mistakes derived from the sole source for the nomination, a book titled *The Workshop of the World*.

ACTION: Ms. Merriman moved to decline to designate the property at 10 E. Moreland Avenue because the property does not satisfy any of the Criteria for Designation delineated in Section 14-2007(5) of the historic preservation ordinance. Mr. Mattioni seconded the motion, which passed unanimously.

1801 VINE STREET, FAMILY COURT

Owner: City of Philadelphia

Nominator: Preservation Alliance for Greater Philadelphia

Proposal: Designate interior and objects

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Ms. Klein moved to recommend that the specified interior public space at 1801 Vine Street satisfies Criteria for Designation A, E, and J, and the object murals in the east and west conference rooms at 1801 Vine Street satisfy Criteria for Designation A and J, and both the interior space and murals should be designated as historic and listed on the Philadelphia Register of Historic Places. Mr. Schaaf seconded the motion, which passed unanimously.

OVERVIEW: The Family Court Building was built in the years 1938-1941 following the designs of architects John T. Windrim and William Richard Morton Keast. The building, one of the most prominent structures along the Benjamin Franklin Parkway, was listed on the Philadelphia Register of Historic Places on June 29, 1971. The interior portions of the building outlined in the nomination meet the definition of an eligible historic interior as defined by the Philadelphia Historic Preservation Ordinance, Section 14-2007(5.6.b), as they constitute “an interior portion of a building or structure that is, or was designed to be, customarily open and accessible to the public, including by invitation” and exist in near-original condition. The nomination contends that this interior portion has significant architectural and cultural value, satisfying Criteria for Designation A, E, and J.

The East and West Conference Room Murals were executed in 1939-1940 as part of a larger 37-mural, nine-artist project for the Family Court Building funded by the New Deal-era Public Works Administration. Thirty-five of these murals are included as contributing fixtures in the nomination of the Family Court Building’s major ceremonial public interior spaces to the Philadelphia Register of Historic Places. Because the East and West Conference Room Murals were installed in historically semi-private rooms that fell beyond the boundaries of the proposed interior nomination, this nomination proposes to list the murals separately as objects following the definition set forth in the Philadelphia Historical Commission Rules and Regulations 2.16: “A material thing of functional, aesthetic, cultural, historic, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.” Executed on canvas boards, these murals are movable by nature, and by virtue of their aesthetic, cultural and historic significance as contributing parts of a larger ensemble of New Deal-era public art works related specifically to the Family Court Building. The nomination contends that the mural objects satisfy Criteria for Designation A and J.

DISCUSSION: Ms. Coté presented the nominations to the Commission.

Ms. Schlotterbeck reported that the elevator lobbies include beautiful pocket doors that should be included in the designation. Mr. Farnham explained that the proposed designation includes two nominations, one for the interiors and the second for two objects, two murals located in private offices. He stated that the two murals were nominated as objects and not as parts of larger interiors because the private office spaces do not fit the definition of publicly accessible spaces and therefore the murals could not be designated as parts of interiors. He stated that the interior nomination, which includes the lobbies, waiting rooms, court rooms, elevator lobby, stair hall, and other publicly accessible spaces, encompasses as floor, wall, and ceiling finishes and fixtures. Therefore, the elevator pocket doors would be included in the interior nomination. If they are in the nominated interior and are attached or fixed to the interior, they are included in the nomination. He noted that movable objects within the space, like chairs, would not be included in the designation.

Ms. Schlotterbeck noted that Mario D'Adamo, the Family Court administrator, had been at the Commission meeting but had been called away. She wanted to assure Mr. D'Adamo that any designation would have no impact on the Family Court's occupation of the building.

The Commissioners discussed the nomination and agreed that the important Family Court interior and objects certainly warranted designation and preservation.

ACTION: Mr. Schaaf moved to find that the specified interior public space at 1801 Vine Street satisfies Criteria for Designation A, E, and J, and the object murals in the east and west conference rooms at 1801 Vine Street satisfy Criteria for Designation A and J, and to designate the interior space and murals as historic and listed them on the Philadelphia Register of Historic Places.

2131 N. BROAD STREET

Owner: North Broad Development Company

Requester: Staff

Proposal: Rescind designation

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Cohen moved to recommend that the designation of 2131 N. Broad Street be rescinded, pursuant to Section 5.14.b.1.a of the Philadelphia Historical Commission's Rules & Regulations, as "the resource has ceased to meet the criteria for listing on the Register because the qualities that caused its original entry have been lost or destroyed." Ms. Klein seconded the motion, which passed unanimously.

The Historical Commission's staff has initiated a rescission request for 2131-59 N. Broad Street. The Commission designated Our Lady of Mercy Roman Catholic Church and Rectory at the southeast corner of Broad and Susquehanna Streets on 10 July 1986. The Preservation Coalition of Greater Philadelphia, a predecessor of the Preservation Alliance, submitted the nomination, which contended that church complex had significance as "an outstanding and rare example of the Romanesque Revival style," as "one of the finest works of [architect] Edwin Forrest Durang," and as a "reminder of the late nineteenth-century Irish Catholic community in North Philadelphia.

At the time of the designation in 1986, the property was still owned by the Archdiocese of Philadelphia, even though it had closed the parish in 1984. The Archdiocese sold the church and rectory buildings to Pastor Donald Lyons of the Bible Deliverance Evangelistic Church in September 1986. On 16 July 1991, the stone tower at the corner of Broad and Susquehanna failed and a large section of it collapsed onto the sidewalk and street below. When Lyons did not address the collapse, the City spent more than \$150,000 to remove the debris and stabilize the remainder of the tower. The Commission approved the work to the tower in May 1992. The City billed Lyons for the work, but no payment was forthcoming. Reportedly, Lyons had also defaulted on his mortgage held by the Archdiocese. In 1995, at the City's request, the Court ordered Lyons to repair the buildings, which had deteriorated further. Again, Lyons did nothing. In 1997, the Court authorized the City to demolish the buildings, which had become severely deteriorated and had been cited as Imminently Dangerous. In late 1997, a private contractor hired by the City demolished the church and rectory buildings. With the demolitions, all traces of the qualities that led to the property's designation were destroyed. The City billed Lyons \$160,809 for the demolitions, but again he did not reimburse the City. In 1998, the property was forced into foreclosure and sold at sheriff sale to the current owner, which erected the extant commercial building. The Historical Commission did not review or approve the demolition or

subsequent construction. The address remains on the Philadelphia Register of Historic Places as a phantom designation.

DISCUSSION: Mr. Farnham presented the rescission request to the Commission. No one represented the property owner.

Ms. Merriman asked if the problem that led to the construction of the pharmacy without the Commission's review and approval had been fixed. Mr. Farnham replied that the pharmacy was constructed before he joined the Commission's staff and therefore he could not comment on the circumstances of the failure to conduct a review, but he contended that the Register address problems have been completely solved. He speculated that the property address changed after the demolition and the Commission, which was unaware of the change, failed to provide an updated address for the parcel to the Department of Licenses & Inspections. When the permit application for the pharmacy was submitted, the Department was unaware of its historic designation because the address had changed and issued the permit without the Commission's review and approval.

The Commissioners discussed the rescission request and agreed that the qualities that led to the designation had been lost and destroyed when the buildings were demolished.

ACTION: Ms. Schlotterbeck moved to rescind the designation of 2131 N. Broad Street, pursuant to Section 5.14.b.1.a of the Philadelphia Historical Commission's Rules & Regulations, as "the resource has ceased to meet the criteria for listing on the Register because the qualities that caused its original entry have been lost or destroyed." Mr. Mattioni seconded the motion, which passed unanimously.

913-61 N. 3RD STREET

Owner: Northern Liberties Action

Requester: Staff

Proposal: Rescind designation

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Ms. Klein moved to recommend that the designation of 913-61 N. 3rd Street be rescinded, pursuant to Section 5.14.b.1.a of the Philadelphia Historical Commission's Rules & Regulations, as "the resource has ceased to meet the criteria for listing on the Register because the qualities that caused its original entry have been lost or destroyed. Mr. Cohen seconded the motion, which passed unanimously.

OVERVIEW: The Burke Brothers and Company Tannery Complex at 913-61 N. 3rd Street, built between 1855 and 1913, was designated to the Philadelphia Register of Historic Places on 30 April 1986. The Court ordered the demolition of the complex due to its dangerous condition in 1994. A park now stands on the site.

DISCUSSION: Ms. Coté presented the rescission request to the Commission. No one represented the property owner.

The Commissioners discussed the rescission request and agreed that the qualities that led to the designation had been lost and destroyed when the buildings were demolished.

ACTION: Mr. Schaaf moved to rescind the designation of 913-61 N. 3rd Street, pursuant to Section 5.14.b.1.a of the Philadelphia Historical Commission's Rules & Regulations, as "the resource has ceased to meet the criteria for listing on the Register because the

qualities that caused it original entry have been lost or destroyed.” Ms. Leonard seconded the motion, which passed unanimously.

9554 BUSTLETON AVENUE

Owner: Lifeway Baptist Church

Requester: Staff

Proposal: Rescind designation

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION:

1. Ms. Klein moved to recommend that 9554 Bustleton Avenue be removed from the Philadelphia Register of Historic Places because its listing on the Register resulted from a clerical error. Mr. Lavery seconded the motion, which passed unanimously.
2. Mr. Cohen moved to recommend that the Commission direct the staff to prepare a nomination for 9554 Bustleton Avenue. Ms. Klein seconded the motion, which passed with a vote of three to one. Mr. Lavery dissented and Mr. Dilworth abstained.

OVERVIEW: The Commission staff forwards this rescission request to the Committee on Historic Designation and the Commission to clarify the designation of this property. It is not necessarily a request to rescind the designation, but instead a request that the Commission review the documents in the file and determine whether the Commission, in fact, designated the property at 9554 Bustleton Avenue.

The property at 9554 Bustleton Avenue includes an 1886 church building facing Bustleton as well as a c. 1940 fellowship hall at the rear. Until 1979, the property also included a mid-nineteenth-century Gothic Revival wood-frame house along Bustleton to the south of the church building. The house was demolished with the Commission’s approval. A one-story commercial building now stands in its place.

From its construction in 1886 to its sale in 2006, the church building on Bustleton was occupied by the Pennepack Baptist Church, founded in 1688, the oldest Baptist congregation in Pennsylvania and one of the oldest in the nation. The congregation is also referred to as the Lower Dublin Baptist Church. The architectural firm of Hazlehurst and Huckel designed the Bustleton church building for the congregation, which had outgrown its old church building at 8800 Krewstown Road, a few blocks away. Even after it constructed the Bustleton church, the congregation retained ownership of the Krewstown church, which it used for ceremonial purposes. When it sold the Bustleton church in 2006, the congregation moved back into the Krewstown church building.

The Krewstown church building was built in 1707, enlarged in the 1770s, rebuilt to its eighteenth-century appearance in 1805. It is a simple, Colonial-style stone building with two pedimented doorways and a Palladian window in the gabled front façade. Its great historical significance and designation are undisputed.

During the recent review of a permit application proposing to construct an addition linking the Bustleton Avenue church to the fellowship hall at the rear, the staff noticed numerous inconsistencies between the Register, meeting minutes, and other Commission documents regarding the designation of the Bustleton property. Given these inconsistencies, the staff requests that the Commission determine whether the Commission truly intended to designate the property or if it is listed on the Register owing to confusion between the Bustleton and Krewstown properties.

Currently, the entry for 9554 Bustleton Avenue on the Philadelphia Register of Historic Places stipulates that the property was individually designated on 29 November 1960 and again on 28 May 1968 (Exhibit 1). It is not unusual to find that the Commission designated properties more than once in its early years.

Regarding the first designation date, 29 November 1960, the Commission's minutes (Exhibit 2) state that:

In the recommendation of the Historical Values Committee [of 21 November 1960], buildings presented in the report were certified with the addition of 404 South Front Street and Palmer's Burial Ground in Kensington.

The corresponding report of the Historic Values Committee (Exhibit 3), the predecessor to the Committee on Historic Designation, dated 21 November 1960, provides a list of "buildings [that] were recommended to the attention of the Commission for certification" that includes "the Pennypack Baptist Church (1805)." Although this notation in the minutes does not include an address, it undoubtedly refers to the church building at 8800 Krewstown Road, which was rebuilt in 1805, not the church building at 9554 Bustleton Avenue, which was not erected until 1886. Therefore, the first date on the Register for 9554 Bustleton Avenue, 29 November 1960, is clearly in error.

Regarding the second designation date, 28 May 1968, the Commission's minutes (Exhibit 4) read:

Historical Values Committee, Dr. Roy Franklin Nichols, Chairman. This report was approved and directed to be filed with the official copies of the Minutes.

The corresponding report of the Historical Values Committee (Exhibit 5), also dated 28 May 1968, provides a list of "buildings were considered for certification." First on the list is:

1. Lower Dublin Baptist Church (Old Pennypack Church) founded 1688 – built 1707 – enlarged 1770 – rebuilt 1805. Benjamin Rush buried here. Church at 9550 Bustleton Avenue.

The primary questions related to this rescission request derive from this ambiguous entry in the minutes of the Historical Values Committee of 28 May 1968. The entry deserves a thorough parsing. The names "Lower Dublin Baptist Church" and "Pennypack Church" refer to the congregation, not either of the two buildings specifically. The "Old" modifying "Pennypack Church" may refer specifically to the older building on Krewstown Road or generally to the congregation, which is old. The founding date of 1688 refers to the congregation, not a specific building. The other dates, 1707, 1770, and 1805 refer specifically to the Krewstown building; the Bustleton building was constructed in 1886. Benjamin Rush is not buried at either site; he is buried at Christ Church Burial Ground at 5th and Arch Streets in Old City. However, the Krewstown site does include a cemetery; the Bustleton site does not. Finally, the last clause, "Church at 9550 Bustleton Avenue" is ambiguous. The Bustleton church building was not built in 1707, enlarged in 1770, or rebuilt in 1805. Benjamin Rush is not buried on Bustleton Avenue. Does the final clause, "Church at 9550 Bustleton Avenue," indicate that the Committee recommended designating the property on Bustleton, or is it purely informational, noting that the congregation that owns the Krewstown building now resides on Bustleton? Is it, in essence, a mailing address?

Other documents in the Commission's files further complicate the matter. In the early decades of the Commission, the staff created an index card for every property that was designated. The designation card for 9550 Bustleton Avenue (Exhibit 6) is likewise rife with ambiguity. The

Address field on the card reads “9550 Bustleton Avenue Pennypack Baptist Church (Krewston Road).” Does it refer to the church building on Bustleton or Krewstown? The Date Erected field on the card reads “1805,” the date of the Krewstown building, not 1886, the date of the Bustleton building. The Date Certified field reads “29 Nov. 1960 & May 28, 1968.” The 1968 date appears to have been added later, indicating that this card was created in 1960, when the Krewstown site was designated. The Dates of photographs field reads “6/14/74, 1960.” The Krewstown file includes several photographs of the Krewstown building, all dated 21 September 1960, which could be the “1960” date on the designation card. The Commission holds no photographs of the Bustleton building taken in 1960. The 9554 Bustleton files includes two photographs, both dated 14 June 1964, like the handwritten “6/14/74” date listed on the designation card, but off by a decade. It is unlikely that anyone would mistakenly write “74” in the 1960s, leading one to surmise that the “6/14/74” date, which should have been “6/14/64,” was wrongly added to the card during or after 1974. The two 1964 photographs of the Bustleton church building were taken by a Commission staff member as part of a 1964 survey of Bustleton Avenue. The survey consisted of more than 100 photographs of buildings on Bustleton Avenue and cannot be correlated to this or any other designation. The survey photographs are not designation photographs and, in fact, there are no designation photographs of the Bustleton property, i.e. photographs taken around the possible designation dates in 1960 and 1968, in the Commission’s files. The only other property on Bustleton that was photographed during this survey and later designated is 9431 Bustleton Avenue, which the Commission designated on 28 June 1966 at the written request of the owner.

The designation card for the Krewstown property (Exhibit 7) is also interesting. Its Address field reads:

Pennypack Baptist Church
Krewston Road (near Bustleton Ave.)
9550 Bustleton Ave
File under Bustleton Ave

The only field other than the Address field on the card that is not blank is the Date Certified field, which reads “Nov. 29, 1960.” The designation card for the Krewstown church indicates that the information for the Krewstown property is filed under the Bustleton address, as if Bustleton Avenue is the mailing address for the Krewstown Road property. Supporting this interpretation is an official, bright gold City of Philadelphia Cross Reference Sheet (Exhibit 8) in the Krewstown file, which is labeled “KREWSTOWN ROAD NEAR BUSTLETON” and “PENNEPACK BAPTIST CHURCH” and reads “SEE 9550 BUSTLETON AVENUE”. The staff is unaware of another such Cross Reference Sheet in the Commission’s 10,000 plus files.

The pre-1985 notebook version of the Philadelphia Register of Historic Places includes a page for Bustleton Avenue (Exhibit 9), which has only two entries, 9431 and 9550. The 9550 entry reads: “9550 – Lower Dublin Baptist Church (Old Pennypack Church) OK.” The 9550 street number, as opposed to the current 9554 street number, was used until 1979, when the house was demolished and the lot subdivided.

The pre-1985 Register page for Krewstown Road (Exhibit 10) includes the following entry: “near Bustleton (Pennypack Baptist Church, 1805).” Again, Bustleton Avenue is associated with the Krewstown Road church building.

The Commission reviewed its first application for the Bustleton property on 2 August 1979, when it approved an application proposing the demolition of the house that stood on the property. The Commission’s records do not indicate that it reviewed other permits that were

issued for the property in 1963 and 1967, suggesting that the Department of Licenses & Inspections did not consider the property designated at those times.

The historical significance of the Bustleton church building is not necessarily germane to the determination of whether the Commission did or did not intend to designate the church building, but a summary of its significance is worth recounting. The prominent architectural firm of Hazlehurst & Huckel designed the building, which was constructed in 1886. The firm designed many churches, several in Philadelphia. The Philadelphia Architects & Buildings website attributes 33 churches to the firm, but includes unverified information about many others. The Bustleton church building housed the oldest Baptist congregation in Pennsylvania and one of the oldest in the nation from 1886 to 2006. However, the congregation is most closely associated with its Krewstown Road building, which it still owns and occupies. The Bustleton church building has lost some integrity. The bell tower portion of the steeple was demolished in 1946 and a cap with “illuminated aluminum cross” added in 1950. The steeple has subsequently been clad in vinyl siding. The slate roof, which had reached the end of its life, was recently replaced with asphalt shingles.

Regarding the Commission’s designation habits during its early years, the Commission designated 115 houses of worship before the new preservation ordinance went into effect in 1985. The vast majority of these are ante-bellum buildings with great religious, social, and/or architectural significance. The connection to the ancient congregation may have qualified this building for designation before 1985, but its architectural significance would not. When the Bustleton church is compared with the other churches designated before 1985, and especially with those designated in the 1950s and 1960s, it stands out for its lack of significance. Finally, although 115 designated churches may seem like a large number, it should be noted that there are nearly 2,000 houses of worship in the city today.

Section 5.14.b of the Commission Rules & Regulations authorizes the Commission to rescind a designation and remove its entry from the Philadelphia Register of Historic Places if:

- a. the resource has ceased to satisfy any Criteria for Designation because the qualities that caused its original entry have been lost or destroyed;
- b. additional information shows that the resource does not satisfy one or more Criteria for Designation; or,
- c. the Commission committed an error in professional judgment when it determined that the resource satisfied one or more Criteria for Designation.

Note that all three criteria for rescission relate to the property’s satisfaction or lack thereof of one or more of the Criteria for Designation. The rules do not authorize a rescission owing to a clerical error. However, one could argue that, if a property is listed on the Register owing to a clerical error, it is not truly designated and therefore could be removed but not rescinded from the list. One cannot rescind a designation that does not exist. In other words, the Commission could remove an address incorrectly listed on the Register without rescinding it from the Register. The removal would offer no opinion about the property’s capacity to satisfy one or more of the Criteria for Designation; it would simply correct a clerical error. The property could later be designated if a nomination demonstrated that it satisfied one or more of the Criteria for Designation.

Applying Ockham’s Razor, the simplest explanation for the inclusion of the Bustleton church on the Register is that the Commission designated the Krewstown Road building twice, in 1960 and again in 1968, as was not uncommon in that era, and then confused the Krewstown and Bustleton buildings at some point in the 1970s owing to the decision to file the Krewstown Road

property file under the 9550 Bustleton Avenue address, where the congregation resided. The simplest explanation, then, is that the Bustleton building was not designated, but is on the Register owing to a clerical error.

DISCUSSION: Mr. Farnham presented the rescission request to the Commission. No one represented the property owner.

The Commissioners reviewed the evidence and agreed that the listing had resulted from a clerical error.

Ms. Merriman asked the staff if it considered the Bustleton church worthy of individual designation. Mr. Farnham replied that he did not perceive it as worthy of individual designation. He stated that it had been altered significantly. He noted that the ancient Baptist congregation is better represented by the Krewstown church. He also explained that he is working with Partners for Sacred Places and others to survey houses of worship in Philadelphia. He noted that there are about 2,000 houses of worship in the city. The early work with Partners indicates that there are many very important houses of worship that are not designated as historic, but should be. This is not one of them. He asked the Commission not to adopt the Committee's recommendation to direct the staff to nominate the Bustleton building, at least not until the survey work is complete. When the survey is complete, the Commission will know where this church stands historically relative to other houses of worship in the city.

ACTION: Ms. Merriman moved to remove 9554 Bustleton Avenue from the Philadelphia Register of Historic Places because its listing on the Register resulted from a clerical error. Ms. Schlotterbeck seconded the motion, which passed unanimously.

ADJOURNMENT

Mr. Schaaf moved to adjourn at 11:48 a.m. Ms. Merriman seconded the motion, which passed unanimously.

STANDARDS AND GUIDELINES CITED IN THE MINUTES

Standard 3: Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

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.

New Additions Guideline: Recommended: Constructing a new addition so that there is the least possible loss of historic materials and so that the character-defining features are not obscured, damaged, or destroyed.

New Additions Guideline: Recommended: Placing a new addition on a non-character-defining elevation and limiting the size and scale in relationship to the historic building.