

**THE MINUTES OF THE 573RD STATED MEETING OF THE
PHILADELPHIA HISTORICAL COMMISSION**

**14 MAY 2010
ROOM 18-029, 1515 ARCH STREET
SAM SHERMAN, CHAIR**

PRESENT

Sam Sherman, Chairman
Leslie Benoliel
Richardson Dilworth III
Susan O. W. Jaffe
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
Scott Wilds, Office of Housing & Community Development
Miles Wilson

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

Leonard Reuter, Assistant City Solicitor

ALSO PRESENT

John Gallery, Preservation Alliance for Greater Philadelphia
Chris Carnall
Richard Villo, Michael Ryan Architects
Lorna Katz-Lawson, Society Hill Civic Association
Jason Thompson, Rissay Ltd.
David Searles, Saylor Gregg Architects
Peter Saylor, Saylor Gregg Architects
Michael Sklaroff, Esq., Ballard Spahr Andrews & Ingersoll, LLP
Susan Mattison, Landscape Architect
Carey Jackson Yonce, Firm Architecture
Alan Razak
Tim Kerner, Terra Studio
Louis Acciavatti
Ron Patterson, Esq., Klehr Harrison Harvey Branzburg & Ellers, LLP
Richard Stokes, Stokes Architecture
Michael Palermo, Starr Restaurants
Kevin Rasmussen, Rasmussen/Su Architects

Bryan Seder
Rt. Rev. Rodney Michel, Episcopal Diocese
Mary Kohart, Esq. Drinker Biddle
Jerald Goodman, Esq., Drinker Biddle
Markita Morris-Louis, Esq. Drinker Biddle

CALL TO ORDER

Mr. Sherman called the meeting to order at 9:03 a.m. Commissioners Benoliel, Dilworth, Jaffe, Leonard, Mattioni, Merriman, Quinn, Schaaf, Schlotterbeck, Thomas, Wilson, and Wilds joined him.

MINUTES OF THE 572ND STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION

ACTION: Ms. Merriman moved to adopt the minutes of the 572nd Stated Meeting of the Philadelphia Historical Commission, held 9 April 2010. Ms. Leonard seconded the motion, which passed unanimously.

THE REPORT OF THE DESIGNATION COMMITTEE, 13 APRIL 2010

Richardson Dilworth III, Chair

AWBURY HISTORIC DISTRICT

Owner: Various, 33 properties

Nominator: The Preservation Alliance for Greater Philadelphia and Mark Sellers

Proposal: Nomination for district designation

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: The Committee on Historic Designation recommends that the proposed Awbury Historic District as defined in the nomination satisfies Criteria for Designation a, e, g, and i, and should be designated as historic and listed on the Philadelphia Register of Historic Places with the revisions to the nomination suggested by the Committee on Historic Designation and an additional paragraph inserted under criterion i emphasizing the district's great archaeological potential.

OVERVIEW: The proposed Awbury Historic District is located in the East Germantown section of Philadelphia. It is comprised of landscaped grounds and buildings created by the extended Cope family, including Henry Cope (1793-1865), son and successor to prominent Philadelphia Orthodox Quaker merchant Thomas Pym Cope (1768-1854), and his relatives and descendants. Prominent architects, including Thomas Ustick Walter, Addison Hutton, Brockie & Hastings, Carl Ziegler, Cope & Stewardson, and Edmund Gilchrist, designed houses for successive generations of the family at the enclave in the Gothic Revival, Italian Villa, Queen Anne, Tudor Revival, and Colonial Revival styles between 1849 and 1922. In 1916, the Awbury Arboretum was established as a public park, when the Cope family donated fifty-five acres to the City.

The nomination contends that the Awbury Historic District is significant under criterion (a), as an important part of the development of the Germantown section of the city in the mid- to late-nineteenth century and early twentieth century. It is also significant under criterion (e), for its concentration of buildings and landscapes by designers significant both regionally and nationally. Beyond the substantial merit of these individual design features, Awbury's

significance is derived from its integration of buildings and landscape and its identity as a perceived whole created by an extended family group with shared design, planning, and conservation interests. Additionally, the District is significant under criterion (g), for its publicly-accessible, early twentieth-century arboretum. And finally, the District is significant under criterion (i), for its potential to yield important archeological information. The Awbury Historic District's period of significance begins with the first Cope family occupation of the land in 1849 and concludes with the end of the historic period of development of the Awbury Arboretum in 1940.

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

Mr. Sherman thanked the Preservation Alliance and its executive director John Gallery for the preparation of the nomination.

Mr. Wilds asked if the inclusion of Criterion I within the list of Criteria for Designation satisfied by the district would place additional burdens on the property owners within the district. He also noted that the inclusion of any pre-historic significance, as proposed in the memorandum prepared by Douglas Mooney of the Committee on Historic Designation, would certainly fall outside the identified period of significance. Mr. Farnham agreed that the period of significance cited in the nomination would seem to preclude any pre-historic significance. He noted, however, that the staff had not updated the period of significance as defined in the nomination to correspond with the suggestion of a more inclusive Criterion I offered by the Committee. If the Commission adopts the suggestion, the staff will revise the nomination to correspond to it. Mr. Farnham stated that the Commission would have the discretion when reviewing permit applications to place any additional burdens on property owners owing to archaeological requirements. He stated that the Commission itself would determine whether and what level of archaeological investigation would be appropriate when a proposed project would involve ground disturbing activities. He added that the staff would not condition staff-level approvals on archaeological studies, but would always refer such applications to the Commission. He explained that he would advise the Commission to require studies for major projects, for example if the Arboretum Association constructed a large education building, but not for minor projects, such as an addition, garage, patio, or pool at a residence. Mr. Wilds stated that he was uncomfortable expanding on the original nomination without precisely defining the extent of the Commission's authority. He suggested that the Commission not expand on the significance beyond that already defined in the original nomination. He advocated for excluding Criterion I. Mr. Farnham pointed out that the original nomination included Criterion I; Mr. Mooney of the Committee authored the memorandum to further emphasize and expand upon the archaeological potential in the district. Ms. Cote listed the sites within the proposed district that were identified in the inventory of the original nomination as having significant archaeological potential. Mr. Wilds suggested limiting the archaeological sites to those on the Awbury Arboretum property, not the private property. Ms. Jaffe disagreed, stating that the Cope family is very significant in Philadelphia history. Mr. Wilds agreed that the history of the area is significant, but he contended that private, residential property owners should not be required to undertake archaeological studies for minor alterations and additions such as kitchens and garages.

John Gallery of the Preservation Alliance stated that the district is significant not only for its architecture and landscapes, but also for the integration of the architecture into the landscape. He stated that the district represents an evolution of architectural styles. He stated that the Arboretum is unique and worthy of preservation. He also noted that this area is unique for its

archaeological potential. He stated that he and the other authors of the nomination included Criterion I to give the Commission the flexibility to consider archaeology in the future when reviewing applications. He remarked that the inclusion would allow the Commission to consider archaeology when reviewing major projects such as utility project. He added that they never intended for the Commission to require archaeological studies for projects at the residences. He concluded that the Commission would have discretion.

Mr. Thomas stated that there is a high likelihood of artifacts in this area owing to the open space and the proximity to Wingohocking Creek. He agreed that requirements for archaeological investigations should be limited to large projects, not residential construction such as additions and garages.

Gay Johnson, a neighbor of the Arboretum, advocated for the designation of the district.

Mark Sellers, the owner of a property in the proposed district and a member of the Arboretum board, presented a letter from numerous property owners in the district advocating for the designation of the district.

Laura Beardsley, the executive director of the Germantown Historical Society, advocated for the designation of the district.

ACTION: Ms. Merriman moved to adopt the recommendation of the Committee on Historic Designation, find that the proposed Awbury Historic District as defined in the nomination satisfies Criteria for Designation a, e, g, and i, to designate it as historic, and list it on the Philadelphia Register of Historic Places, with the revisions to the nomination suggested by the Committee on Historic Designation including the additional paragraph inserted under criterion i, emphasizing the district's great archaeological potential. Mr. Thomas seconded the motion, which passed unanimously.

THE REPORT OF THE ARCHITECTURAL COMMITTEE, 27 APRIL 2010

vacant, Chair

CONSENT AGENDA

121 N. Christopher Columbus Blvd, Pier 11 North
428-36 Walnut Street
1315 Pine Street
1723 Porter Street

Mr. Sherman asked if any Commissioners or members of the public had comments on the Consent Agenda. No one offered any comments.

ACTION: Ms. Leonard moved to adopt the recommendations of the Architectural Committee for 121 N. Christopher Columbus Blvd, Pier 11 North; 428-36 Walnut Street; 1315 Pine Street; and 1723 Porter Street. Mr. Wilds seconded the motion, which passed unanimously.

121 N. CHRIS COLUMBUS BLVD, PIER 11

Applicant: Joseph Forkin, Delaware River Waterfront Corporation

Owner: City of Philadelphia

History: 1901, altered 1932, superstructure demolished mid twentieth century

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

Project: Convert pier into park

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

OVERVIEW: This application proposes to convert Pier 11 to a park. The pier has been called Pier 10, Pier 11, and the Race Street Pier over time. It would be renamed the Race Street Pier. The pier was constructed by the City of Philadelphia in 1901 as a recreation pier, after Delaware Avenue was widened. The recreation structure consisted of a one-story base covering the entirety of the pier with an ornate hall atop it at the eastern end. The upper portion of the recreation structure was demolished and the lower portion was refurbished in 1932. The remaining superstructure was demolished in the mid twentieth century. The pier is currently an unimproved concrete deck on wood pilings. It has no superstructure.

The Delaware River Waterfront Corporation is proposing to landscape the pier as a park. It would include walkways, decking, lawns, trees, seating, railings, and lighting. The primary features would be an elevated lookout and terraced seating.

ACTION: See Consent Agenda.

201 N. 21ST STREET, THE FRANKLIN INSTITUTE

Owner: The Franklin Institute, City of Philadelphia

Applicant: Michael Sklaroff, Esq.

History: 1932-1934, John Windrim and Morton Keast, architects

Designation: individually designated, 9/2/1976

Project: Construct addition on south side

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, pursuant to Standard 9 and the Commission's June 2009 approval in concept.

OVERVIEW: The application proposes the construction of an addition to the Franklin Institute building. The addition would house exhibition, education, conference, and circulation spaces. The addition would be constructed behind the southern arm of the main wing facing Logan Circle. It would connect to that wing and the Franklin Memorial, the grand rotunda behind the main portico.

At its June 2009 meeting, the Commission reviewed and approved in concept an application to construct such an addition to the building. The design approved in concept by the Commission had been revised subsequent to the Architectural Committee's May 2009 meeting based on comments offered by the Committee. The design currently proposed is consistent with the design approved in concept.

Architects John Windrim and Morton Keast designed Franklin Institute building to occupy the entire block with wings facing all four streets, Logan Circle, and Winter, Race, and 21st Streets. However, owing to funding limitations during the Great Depression, the design was revised

several times. Ultimately, only the Logan Circle and Winter Street wings and the Franklin Memorial rotunda were constructed. The grand, central hall that was planned to run north-south to the west of the Franklin Memorial, linking the north and south porticos, was never constructed. Therefore, the north portico along Winter Street, which is centered on the north façade, does not open onto an interior space. The south portico was never constructed. In 1990, a large, asymmetrical addition known as the Mandell Futures Center, designed by Geddes Brecher Qualls Cunningham, was erected to the west of the rotunda, forever preventing the completion of the original, symmetrical, Windrim design.

The new addition would be located to the south of the rotunda behind the wing facing Logan Circle to Race Street. It would connect to walls of the historic building that were not ornamented or finished with fine materials because they were originally intended to serve as interior walls. The addition would mediate between the original neo-classical building and the bold Late Modern Mandell Futures Center addition. The Race Street façade would include a very large bay that would allude to but not replicate the central porticos on the east and north facades. The bay would be faced with a shimmer wall, a wall with many small metal panels that would move independently with the wind and reflect light in artistic ways. The addition would be contemporary in style, but would defer to the historic building.

DISCUSSION: The Commission agreed to take this application out of order owing to the applicants' time constraints. Mr. Baron presented the application to the Commission. Architects Peter Saylor and David Searles and attorney Michael Sklaroff represented the application.

Mr. Saylor provided an overview of the project with a Powerpoint presentation. He displayed plans and elevations. He noted that the south lunette in the rotunda would continue to be lit with natural light. He stated that they would open the south doors from the rotunda, as originally intended, for the first time, connecting the rotunda to the new addition. The fire stair on the Mandell Center would be removed and a new fire stair included in the addition. The addition would have a loading dock, but most of the loading facilities would be moved from the current position on Race Street to 21st Street. The exit from the parking garage would be shifted to the west. A garden would be developed between the addition and Race Street. The ground floor would be a conference and education center. The second floor would include the permanent brain exhibition. The third floor would be used for temporary exhibitions. The addition will allow, for the first time, complete circulation through the building; the dead ends will be eliminated. The designers are seeking LEED certification. Mr. Saylor showed videos of the proposed shimmer wall, which will be designed by artist Ned Kahn. He also showed massing studies for subsequent additions down Race Street; he is not seeking approval of these additions, but is merely demonstrating that his design will not preclude future expansions. He showed images of the transition from his addition to the Mandell Futures Center. He will use the same brick on the west wall of the addition as was used at the Center.

Mr. Schaaf expressed his concern for the pedestrian circulation on Race Street, contending that the loading dock and parking driveways look like an expressway exit ramp. Mr. Searles stated that the model does not accurately portray the driveways. The sidewalk paving will run across the driveways, accentuating the pedestrian walkway over the vehicular drives.

Mr. Sherman inquired about the structure behind the shimmer wall. Mr. Saylor stated the shimmer wall will be aluminum. The frame behind it will have a charcoal finish. The shimmer wall will stand three feet in front of the dark window wall behind it. Mr. Saylor added that there

will be low-level muted lighting on the shimmer wall in the evening. The only noise from the shimmer wall will be similar to the rustling of trees in the wind.

John Gallery of the Preservation Alliance asked about revisions to the design made since the Architectural Meeting, which Mr. Baron referred to in his introduction. Mr. Baron clarified that he was referring to changes to the design since the approval in concept, not since the most recent Architectural Committee meeting. Mr. Gallery stated that this is one of the best additions to an historic building that he has seen. He commented on the appropriateness of the continuation of materials from the old to the new and of the scale of the addition. He advocated for its approval. Mr. Sherman agreed.

ACTION: Mr. Schaaf moved to adopt the recommendation of the Architectural Committee and approve the application, pursuant to Standard 9 and the Commission's June 2009 approval in concept. Ms. Merriman seconded the motion, which passed unanimously to approve the application.

1827 SPRUCE STREET

Applicant / Owner: Louise Cruz Vizcaino

History: c. 1870

Designation: Contributing to the Rittenhouse-Fitler Historic District, 2/8/1995

Project: Legalize clad windows in front façade

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial, pursuant to Standards 5 and 6.

OVERVIEW: This application proposes to legalize the installation of clad windows in the front façade of this Italianate apartment building in the Rittenhouse-Fitler Historic District. The property owner spoke to Jorge Danta of the Commission's staff about window replacement on 24 September 2009 and received information regarding the Commission's review process. Mr. Danta did not provide any approval or assurance of a later approval. Despite the conversation, the owner of this apartment building installed the clad windows and capped the sills without the Commission's approval or a building permit. The Board of Revision of Taxes classifies this building as an apartment building with five or more units. Therefore, a building permit is required to replace windows at this property regardless of its historic designation status. If the owner had applied for the required permit, she would have been referred to the Historical Commission to seek an approval before the permit could be issued.

DISCUSSION: Mr. Baron presented the application to the Commission. Property owner Louise Cruz Vizcaino's daughter Linda Carnall and son-in-law Chris Carnall represented the application.

MOTION: Mr. Wilds moved to adopt the recommendation of the Architectural Committee and deny the application, pursuant to Standards 5 and 6. Ms. Leonard seconded the motion.

Ms. Carnall explained that her mother owns and operates the property. Ms. Carnall stated that she and her husband are not involved in the day-to-day management of the property, but are here today to present her mother's case. She reported that her mother entered into a lease with a woman for a residential unit. When the woman moved into the unit, she demanded the replacement of the windows. The windows were replaced quickly to satisfy the demanding

tenant. Ms. Carnall stated that it was their intent to replace the windows with appropriate windows. She stated that they look fine from across the street. She stated that other buildings in the immediate area look worse. However, she noted that changes to nearby buildings had occurred before designation and were therefore grandfathered. She stated that the new windows are easy to maintain. Her parents purchased the property in the early 1970s and had done nothing to it, not even clean the windows, since then. Now, the windows are clean. Mr. Wilds rejected this line of argument, stating that the owners could have cleaned the windows rather than replacing them illegally.

Mr. Carnall stated that the windows were deteriorated. Mr. Wilds replied that the fact that the windows needed replacement is not being contested; the fact that it was done without an approval and permit is. Mr. Carnall explained that he had spoken by telephone to Jorge Danta of the staff. He reported that Mr. Danta told him that two-over-two windows with a 1-1/8" mullion would be appropriate during this conversation. He asserted that he installed such windows. He contended that the clad windows he installed are indistinguishable from windows the staff would have approved. He added that the sills were pitted from water infiltration and he therefore capped them. He noted that the new windows have a screen and are easy to maintain. Mr. Wilds pointed out that the owner had not maintained the windows over 40 years of ownership. Mr. Carnall stated that they had cleaned the windows. Mr. Wilds countered that they had not kept the windows and sills in good repair. Mr. Wilds asked him if he obtained the appropriate approval and permit. A permit is necessary in a multi-family building regardless of the historic designation status. Mr. Carnall claimed that he did not know that a permit was necessary for the work. He stated that he did not obtain a permit. He conceded that he now knows that a permit was necessary.

Mr. Sherman advised the applicant that the capping is not appropriate for historic facades and only accelerates the deterioration process. Mr. Carnall stated that he is now aware of this. Mr. Sherman added that the property was designated 15 years ago. The owner was notified of the designation and cannot claim ignorance of it. Mr. Wilds observed that a building permit is required for window replacement in a building with multiple apartments to ensure adequate egress, regardless of whether the property is designated or not. This property has five apartments and requires a building permit for window replacement.

Mr. Carnall claimed that this is the first maintenance done to the building since 1973. Ms. Carnall corrected him, saying that it was the first exterior maintenance. Messrs. Sherman and Wilds again stated that the applicants would not be facing the violation and legalization process if they had simply followed the process as advised by the staff. Mr. Carnall claimed that he installed appropriate windows. Mr. Wilds again noted that, if he had submitted an application, he would have been guided through the process and would not be facing a violation today.

Mr. Danta read the note he placed in the Commission's file for the property when he originally spoke with Mr. Carnall: "Spoke to the owner about replacement front façade windows. Two-over-two is the appropriate style. Owner wants to propose clad Marvin units. Told him to send shop drawings and follow up." Mr. Carnall stated that he was not given shop drawings until the Architectural Committee meeting. Mr. Wilds pointed out that it is the owner's responsibility to present shop drawings to the Commission for review, not the Commission's responsibility to provide them to the owner. Mr. Carnall stated that the installer provided shop drawings to him, which he, in turn, provided to the Commission. Mr. Sherman stated that he is extremely annoyed with Matus Windows, the installer, which has extensive experience with the Historical

Commission. Matus should not have installed the windows without proof that they had been approved.

Mr. Carnall questioned the appropriateness of some neighboring windows, but then conceded that they are grandfathered. He claimed that he was merely attempting to improve the appearance of the property. He stated that he is undertaking masonry repairs and restorations of the front door surround and basement window grilles.

Mr. Sherman asked the staff how the outstanding issues might be resolved. Mr. Baron replied that the raised cladding on the sills precludes the use of the shutter hardware. Mr. Wilds cautioned the applicant that, before investing any more time and money, he should meet with the staff to determine a proper course of action.

ACTION: The Historical Commission voted unanimously to approve Mr. Wilds and Ms. Leonard's motion to adopt the recommendation of the Architectural Committee and deny the application, pursuant to Standards 5 and 6.

117 AND 121 PINE STREET

Owner: David and Lisa U'Prichard

Applicant: Richard Villa

History: 117 Pine, open lot, rowhouse demolished during the Redevelopment Era

119 Pine, c. 1829; shopfront added, c. 1890; connected internally to 121 Pine and front façade rebuilt without front door, c. 1970

121 Pine, c. 1830

Designation: 117 Pine, Contributing to Society Hill Historic District, 3/10/1999

119 Pine, individually designated, 2/24/1970; Contributing to Society Hill Historic District, 3/10/1999

121 Pine, individually designated, 12/8/1969; Contributing to Society Hill Historic District, 3/10/1999

Project: Demolish rear wall, roof, and dormer, add elevator tower and windows, construct deck

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

OVERVIEW: This property one the 100-block of Pine Street consists of two connected rowhouses and an open lot.

The application initially proposed significant alterations, especially at the roof level of the rowhouse at what would be 119 Pine Street. However, it has been significantly amended since the Architectural Committee meeting. It proposed and still proposes an elevator tower at the rear of the main block of 119. The addition of the tower would require some demolition of the rear wall of 119. It proposed to demolish the rear roof and dormer at 119 and construct a new, flatter roof to make room for an elevator stop and other amenities at the upper floor.

It no longer proposes to demolish the rear roof and dormer. However, it now proposes skylights in the rear dormer. The rear roof at 121 was previously altered for a deck. This application proposes to construct a new deck on 119 that would connect to the deck on 121. The deck as originally proposed would cantilever over the exposed party wall and lot at 117. The revised deck does not cantilever. The application also proposes to add and alter windows and window openings in the exposed party wall. As originally proposed, the new windows would have

included a large triangular window in the front section of the gable. The party wall windows have been revised.

DISCUSSION: Ms. Merriman recused owing to her relationship with the applicant. Mr. Baron presented the application to the Commission. Architect Richard Villa represented the application.

Mr. Baron informed the Commission that the revised application meets the suggestions of the Architectural Committee, with the exception of the skylight in the dormer. He noted that the architect may have found a way to insert skylights without damaging the dormer. Mr. Baron also introduced a letter of support from the Society Hill Civic Association.

Mr. Wilds deemed the revisions extensive and asked if the revised application should be returned to the Architectural Committee for its review. Mr. Baron answered that the work now proposed is primarily at the rear and not visible to the public. He noted that the Committee was concerned with the removal of the historic fabric. The applicant now proposes to retain the historic roof and dormer. The elevator will require some removal of fabric at the rear wall, but it is not visible from the street. The side wall, where window modifications are proposed, is a stucco party wall. The proposed window openings have been revised to be compatible with the historic building. The extant windows in that wall date to the Redevelopment Era, when the neighboring building was demolished.

Mr. Villa explained that his clients have lived in one of the houses for many years. They recently purchased the neighboring house and would like to combine them. Together, the two houses have 11 levels. The elevator will allow access to all levels. He explained that he has scaled back the alterations at the roof level and the roof and dormer will now be retained. He provided an overview of the window alterations on the party wall, which have been reduced in size and scope since the Architectural Committee meeting. He also stated that he would like to install a skylight in the rear dormer or rear slope of the roof. Mr. Schaaf asked if windows could be introduced in the dormer cheeks. Mr. Villa stated that he would study the question and consult with the staff. Mr. Wilds asked Mr. Villa to confirm that you cannot see the rear dormer from the street. Mr. Villa stated that you cannot see it from the street. Mr. Schaaf asked about the deck railing material. Mr. Villa stated that it would be wood. Mr. Wilds asserted that the staff should be flexible with the skylights.

ACTION: Mr. Wilds moved to approve the revised application presented to the Historical Commission at its meeting of 14 May 2010, with the staff to review details. Mr. Schaaf seconded the motion, which passed unanimously.

235 BAINBRIDGE STREET

Owner: David Suisman & Holly Link

Applicant: Jason Thompson

History: c. 1760

Designation: individually designated, 6/24/1958

Project: Construct roof deck.

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial, pursuant to Standard 9 and the Roofs Guideline, unless the applicant provides documentation demonstrating that the extant pilot house and railings were approved and permitted. If the pilot house and railings are legal, then the Architectural Committee recommends approval, provide the deck structure is set back from the front façade and the face of the structure is clad with a material that blends with the existing parapet, with the staff to review details.

OVERVIEW: This application proposes to construct a roof deck on a rare and important mid eighteenth-century building. The front section of the roof is an unusual half gambrel with a dormer; this roof is a character-defining feature. An addition was constructed at the rear of this building, perhaps as early as 1840. The deck would be located on the addition. The rear portion, where the deck is proposed, is a flat roof that stands slightly taller than the peak of the gambrel. The deck would be have a planted area closest to Bainbridge Street and the railing would be set back 11 feet. A pilot house providing access to the roof exists, but the Commission's files evidence no approval for this pilot house. It was not shown on plans that the Commission approved for the property in the 1970s and 1980s.

DISCUSSION: Mr. Baron presented the application to the Commission. Architect Jason Thompson represented the application.

Mr. Baron explained the staff had visited the site twice since the Architectural Committee meeting to confer with the architect and evaluate visibility. He stated that he had worked extensively with the architect to refine the plans. He asserted that the revised plans offered a good compromise solution that would allow the owners to have a deck, yet preserve the historic appearance of the house. He explained that the pilot house appears to be illegal. The Commission has no record of its review or approval. He stated that the pilot house could easily be modified to become inconspicuous. The revised plans now show it with a sloped roof, minimizing visibility. Also, the planters and railing would be set back from the street, making them inconspicuous. The illegal cladding would be removed from the chimney. The illegal dormer window would be replaced with the appropriate window. The revised application also proposes legalizing the second-floor windows, which were put in without a permit.

Mr. Wilds asked if the chimney under the siding could be pointed rather than stuccoed. Mr. Thompson stated that they would be open to pointing or stucco. Mr. Baron noted that the chimney sits on a newer part of the building and has a B vent. He stated that stucco is probably the most appropriate material.

ACTION: Mr. Thomas moved to approve the revised application presented to the Historical Commission at its meeting of 14 May 2010, with the staff to review details. Mr. Schaaf seconded the motion, which passed unanimously.

110 CHESTNUT STREET

Owner: John & Arlene Shegda

Applicant: John McGillion, Crocodile Philly

History: 1852

Designation: individually designated, 5/26/1970; Contributing to Old City District, 12/12/2003

Project: Alter storefront

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

OVERVIEW: This application proposes to alter the storefront of this mid nineteenth-century commercial building in the Old City Historic District. The storefront retains its historic granite piers, albeit covered with a very thin layer of green stucco. The applicant proposes to replace the non-historic doors and windows in the historic openings in the center and east bays. The applicant proposes a double-leaf aluminum door in the eastern bay and aluminum casement windows in the middle bay. The transoms would be replaced with fixed aluminum windows. The Commission files include a fire insurance survey that describes the original storefront design and dimensions. The identical storefront at the adjacent building to the west has been restored. The applicant proposes to retain the existing wood door in the west bay of the storefront. This door was in place at the time of designation.

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

The Commission members discussed the application and concluded that the proposed installation of non-historic windows and a door was inappropriate for this historic storefront, which should be restored.

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

138 NORTH 3RD STREET

Applicant: Christopher Phillips

Owner: Joseph Weiswasser

History: c. 1830

Designation: individually designated, 12/31/1984

contributing to the Old City Historic District, 12/12/2003

Project: Legalize signage and awning

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

OVERVIEW: This application proposes to legalize a flat wall sign, awning, and other alterations on the façade of this storefront. These alterations were made without the Commission's approval or a permit from the Department of Licenses and Inspections. The lessees of the store met with the Commission's staff in March 2010 and discussed ideas to install a flat wall sign and awning to conceal an illegal air conditioning window unit in the north transom, and paint the wood doors green and white. The staff explained that removal of the transom and installation of the window unit is an illegal condition and installation of an awning could not be approved at staff-level and would need to go before the Commission for review. However, the staff could

consider an application for a flat wall sign and storefront painting. In April 2010, the Department of Licenses & Inspections notified the Commission's staff that exterior alterations were made without a permit; violations were subsequently issued. A photograph submitted in this application shows the current conditions of the façade and indicates, in addition to the wall sign, awning, and window unit, that white boards were attached to the marble piers and the marble capitals were painted white. The proprietors of the business operate a second branch of the business at 4254 Main Street in Manayunk, which is also designated as historic.

DISCUSSION: Ms. Sell presented the application to the Commission. No one represented the application.

The Commission members discussed the application and concluded that the illegal alterations to this storefront did not satisfy historic preservation standards.

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

428-36 WALNUT STREET

Applicant: Mike Welde

Owner: Ace American Insurance Company

History: 1915, addition, 1972

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

Project: Install metal windows with panning

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

OVERVIEW: This application proposes to replace all eighth-floor wood windows with aluminum windows and panning. Sixteen of these windows are six-over-six, double-hung sash with four-light sidelights and fanlights and six are six-over-six double-hung sash. The elevations of the proposed windows are similar to the original elevations. However, the panning details on the head and sill do not precisely match the curvature of the original moldings. The original arched windows have a metope detail that the application shows can be replicated in a decorative casting system. However, there are no photographs or drawings showing measurements or details of the metopes.

In February 2005, the Historical Commission approved the replacement of six-over-six double-hung wood windows on the second through seventh stories with aluminum windows and panning. A design for the panning was created to mimic the profiles of the original moldings.

ACTION: See Consent Agenda.

2514 S. 18TH STREET

Owners/Applicants: Joseph Mariutti and Katherine Padetti

History: 1908, James and John Windrim, architects

Designation: Contributing to the Girard Estate Historic District, 11/10/1999

Project: Legalize porch replacement

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

OVERVIEW: This application proposes to legalize the replacement of the front porch of this Colonial Revival twin in the Girard Estate Historic District.

In July 2009, the staff observed that the porch had been reconstructed inaccurately in Fypon, the façade had been stuccoed, and new vinyl windows with snap-in muntins had been installed in the double window and oculus without the approval of the Historical Commission or a building permit from the Department of Licenses & Inspections. A violation was subsequently issued. The designation photograph taken in January 2000 shows the porch as well as the front façade, which was covered in siding and had double windows and a vent at the second story. The applicant seeks legalization of only the porch portion of the violation at this time.

During the July 2009 site visit, the staff also observed that the porch was being reconstructed at the adjoining property, 2512 S. 18th Street. As at the property in question, the porch cornice had been removed without the approval of the Historical Commission. The Commission's staff sent a letter warning the property owner that if the illegal condition was not corrected or legalized within 30 days, the Commission would request a violation. In August 2009, the owner of the adjoining property submitted an application to restore the porch in wood, which the Commission's staff approved. The restoration is currently underway.

The Girard Estate Historic District inventory explains that the distinguishing features of this building type include a "full-width front porch . . . with classical Doric columns, denticulated cornice with metopes and triglyphs, [and] Doric railing around [the] roof."

DISCUSSION: Ms. Sell presented the application to the Commission. No one represented the application.

The Commission members discussed the application and concluded that the illegal alterations to this porch do not satisfy historic preservation standards.

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

1344-48 ARCH STREET

Applicant: Reverend Robin Hynicka

Owner: Arch Street United Methodist Church

History: c. 1865

Designation: individually designated, 11/24/1964

Project: Install signage

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

OVERVIEW: This application proposes the installation of signage on the exterior of this church. Two title signs are proposed to be bolted to the sidewalk between masonry buttresses along Arch and Broad Streets. The signs would be 11' wide, 7'-7" tall, and made of aluminum with acrylic letters. In addition, two message boards are proposed to be installed on both sides of the corner spire. The message boards would be 5'-6" feet tall, 3' wide, and 9" deep. The applicant's description indicates that the message boards are non-illuminated; however, the drawings show that 6" of the cabinet depth is allotted for a lamp socket. Four holes will be utilized or created to anchor the message boards to the masonry.

DISCUSSION: Ms. Sell presented the application to the Commission. Landscape architect Susan Mattison represented the application.

Ms. Mattison informed the Commission that she had revised the design since the Architectural Committee meeting. Mr. Farnham stated that the Commission received the revised design in its meeting packet. Ms. Mattison stated she met with the staff since the Architectural Committee meeting and, as a result, revised the designs of the signs, making smaller and more compatible.

Ms. Mattison made a brief presentation on the revised design. She explained how she had accommodated the recommendations of the Committee. The Broad Street signs would now stand below the windows and within the buttresses. She changed the colors of the signs to better blend with the masonry behind.

Ms. Merriman asked about the locations of the sign, which are removed from the door. Ms. Mattison explained that they are arranged symmetrically on the façade. Ms. Merriman asked about the existing sign. Ms. Mattison stated that the existing sign from the 1960s would be removed. In response to questions from Messrs. Schaaf and Thomas, Ms. Mattison answered questions about the colors and dimensions of the signs.

ACTION: Mr. Wilds moved to approve the revised application presented to the Historical Commission at its meeting of 14 May 2010, with the staff to review details. Ms. Merriman seconded the motion, which passed unanimously.

324 AND 326 S. 24TH STREET

Applicant: Carey Jackson Yonce

Owner of 324 S. 24th Street: Lilly Development LP

Owner of 326 S. 24th Street: Alan Razak and Jacqueline Buhn

History: c. 1890

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

Project: Construct masonry wall with gate and canopy

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval.

OVERVIEW: This application proposes the installation of a masonry wall with gate and canopy between the buildings at 324 and 326 S. 24th Street. The structure would span the property line dividing 324 and 326 S. 24th Street. The owners of 326 S. 24th Street submitted the application and have presented evidence that the owner of 324 S. 24th Street has authorized the submission of the application.

The proposed structure would consist of a stepped cast stone and multi-colored brick wall, modern metal gate, and angled metal and glass canopy. The Historical Commission approved an application for a similar structure in September 2006. However, that design differed from the design currently proposed; the approved design proposed butter joint bricks to match the existing buildings, straight picket metal gate, wood and cedar shingle canopy, and a setback from the rusticated bases of the building facades.

DISCUSSION: Ms. Sell presented the application to the Commission. Architect Carey Jackson Yonce and Alan Razak, the owner of 326 S. 24th Street, represented the application.

Mr. Yonce distributed copies of the previously approved gate and wall. He stated that the current proposal is like the approved proposal, but the canopy is lighter and more refined. Mr. Wilds asked if the door is now centered. Mr. Yonce stated that it is closer to centered. Mr. Schaaf asked Mr. Yonce to explain the quoins. Mr. Yonce stated that the quoins would be similar, but not match those on the buildings. They would be set back about one foot from the historic quoins. Mr. Wilds stated that the new gate and wall would be an improvement over the existing gate and wall.

ACTION: Mr. Wilds moved to adopt the recommendation of the Architectural Committee and approve the application. Mr. Schaaf seconded the motion, which passed unanimously.

2131 ST. JAMES STREET

Owner: Douglas Ross

Applicant: Timothy Kerner

History: 1923, Spencer Roberts, architect

Designation: Significant to the Rittenhouse Fidler Residential Historic District, 2/8/1995

Project: Install aluminum-clad windows, door, and patio paving

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial of the paving, but approval of all other aspects of the application, with the staff to review details.

OVERVIEW: This application proposes to replace jalousie windows, which have non-historic frames, with aluminum-clad windows with extruded frames that resemble the historic frames. The house is in the English Village. The Commission approved a similar application for 2137 St. James Street in the English Village in October 2009. In that instance, the historic openings were altered and the historic windows and frames no longer existed. This application also proposes to remove a fiberglass canopy over the front door, railings along the edge of the garden, and raised window well coverings. This application also proposes to pave portions of the front yard. The original granite curb would be reset flush with the new paving, but the curb line would be maintained. Lastly, this application proposes to install fiberglass casements in six non-historic openings at the rear of the building.

DISCUSSION: Ms. Cote the application to the Architectural Committee. Architect Timothy Kerner represented the application.

Mr. Wilds asked Mr. Kerner to speak about the current pavement and plantings in comparison to the proposed paving. Mr. Kerner presented numerous photographs of the paving and plantings in the English Village. He reported that originally a path ran directly from the main walkway to each door in the complex. Over time, plantings have grown in the areas to either side of these paths. Some of the planted areas have been paved for seating areas. Mr. Kerner explained that he is proposing to recreate the original straight path to the door, remove paving to the east of the path, and install paving to the west of the path for a seating area. The granite curb along the path would be reset to avoid a tripping hazard. The area to the east would be planted to create a barrier between this house and the house to the east, which has a yard strewn with debris. Mr. Kerner also explained that he is proposing to remove the non-historic railings and fiberglass canopy. Mr. Kerner stated that a custom door matching the original door would replace the non-historic door.

ACTION: Ms. Merriman moved to approve the application, with the staff to review details. Mr. Wilds seconded the motion, which passed unanimously.

1315 PINE STREET

Owner: Caroline and Peter Wyspianski

Applicant: Caroline Wyspianski

History: c. 1835

Designation: individually designated, 3/28/1961

Project: Construct two-story rear addition, relocate rear windows

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

OVERVIEW: This application proposes to a two-story rear addition that would be clad in brick and stucco and have a metal roof. This application also proposes the relocation of the third-floor rear windows. The rear of the building has an odd assortment of window openings, most or all of which are not original. Although not called out on the architectural drawings, it appears that the rear fire escape would be removed. If the fire escape is removed and the rear dormer had been altered for its installation, the dormer should be restored.

ACTION: See Consent Agenda.

1518 NORTH STREET

Owner: 1518 North Street LLC

Applicant: Alex Fiksman

History: Undeveloped site at the time of designation

Project: Construct a three-story building with roof deck

ARCHITECTURAL COMMITTEE COMMENT: The Architectural Committee voted to recommend denial if the new building would be built in the alley and against the building at 1516 North Street, necessitating alterations to the building at 1516 North Street. The Architectural Committee voted to comment that, if the alley is maintained, then:

1. the second- and third-floor windows should be two-over-two double-hung windows;
2. the basement windows should match those at 1520 North Street; and,
3. the entry door should be scaled like those on the adjacent historic buildings.

OVERVIEW: This application proposes to construct a three-story building with a roof deck on an undeveloped site in the Spring Garden Historic District. The lot was undeveloped at the time of the designation of the district. Therefore, the Commission's jurisdiction is review-and-comment jurisdiction, meaning that the Commission may review and comment on the application at a public meeting, but it may not approve or deny it.

Historically, a narrow alley ran along the east side of this property, separating the building that stood on this site at 1518 North from the building that stood at 1516 North. The building at 1516 North has a large Italianate cornice that returns along the west side of the building. It also has a finished brick west façade. The Commission should ensure that this new construction does not extend across this alley and impact the cornice return or wall. Some in the community claim that this new building would block the alley and require the demolition of the cornice return and the covering of the brick side wall at 1516 North. The staff measured the opening between the buildings at 1516 and 1520 North Street and determined it to be approximately 22'-3". If the 20-foot wide building is built according to the plans, it will not encroach on the alley and will not require alterations to 1516 North.

The massing of the proposed new construction is compatible with the district and would respect the cornice line of the row. The building would be clad in brick to blend with its neighbors.

As presented to the Architectural Committee, the proposed design for the upper floors of this building would have disrupted the historic rhythm of the facades on the street. The upper floors would have included sliding doors with railings and flanking multi-light fixed windows instead of traditional double-hung windows. Also, the door and basement windows originally proposed were inappropriate. Since the Architectural Committee meeting, the applicant has revised the design of the front façade to comply with the Architectural Committee's comments. The second and third floors are now shown as fenestrated with double-hung windows that maintain the rhythm of the historic facades and row.

DISCUSSION: Mr. Danta presented the application to the Commission. Developer Inna Luciano represented the application.

Ms. Luciano explained that she no longer plans to construct the revised design, which took into account the Committee's comments. She now intends to construct the original design, which the Committee deemed disruptive to the streetscape. She distributed copies of the original design to the Commissioners. Ms. Luciano stated that she had seen buildings like the one depicted in the original design and preferred them to buildings with the historic configuration. Mr. Wilds stated the Commission does not have the authority to approve or deny either design, but only to comment on them.

Mr. Schaaf asked Ms. Luciano to confirm that she would not be constructing anything against the building to the east at 1516. She stated that she would not construct against the neighboring building to the east. The alley would be maintained. Mr. Reuter noted that the Commission would have plenary jurisdiction over any project that altered the building at 1516. Mr. Farnham stated that he sent a staff member to measure the opening between the buildings at 1516 and 1520 North Street. It is more than 22 feet wide. Therefore, this 20-foot wide building would leave room for a two-foot wide alley. He noted, however, that he believes that there is an error in the site plan. The deed clearly states that the alley is within the 1518 property. The site plan shows it outside the property. Mr. Sherman asked if the neighbors' access to the alley would be restricted. Ms. Luciano stated that it would not be restricted. Mr. Sherman suggested that the applicant confer with the Spring Garden Civic Association, which would have strong opposition to the façade as now proposed. Mr. Sherman objected to the design as incompatible, but acknowledged that the Commission does not have real jurisdiction in this case.

ACTION: Mr. Wilds moved to adopt the recommendation of the Architectural Committee and comment that:

1. the second- and third-floor windows should be two-over-two double-hung windows;
 2. the basement windows should match those at 1520 North Street; and,
 3. the entry door should be scaled like those on the adjacent historic buildings.
- Ms. Leonard seconded the motion, which passed unanimously.

1723 PORTER STREET

Owner/ Applicant: Louis Acciavatti

History: c. 1915, John Windrim, architect

Designation: Contributing to the Girard Estate Historic District, 11/10/1999

Project: Stucco side wall, infill window

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of the stucco, provided the remaining historic window is not removed, with the staff to review the stucco color and texture.

OVERVIEW: This application proposes to stucco the side wall of this property. The wall faces a breeze-way. The neighboring property's wall within the breeze-way was stuccoed prior to designation. The wall in question is not pristine; most of the original windows have been moved or bricked-up. These changes either predate designation or were approved by the Commission as part of the rehabilitation of this property. The wall is currently pointed with a hard cement-based mortar and the brick shows signs of deterioration. The owner claims that water has seeped in and has caused damage to the interior. The Commission approved stucco for a rear addition on this property. The owner proposes to match the texture and color of the stucco in the rear addition. The applicant also proposes to block up a window in the same side wall. It is the last historic window opening and window in this façade. This infilled area would be concealed underneath the stucco.

ACTION: See Consent Agenda.

219-29 S. 18TH STREET

Owner: Parc Rittenhouse Condominium

Applicant: Richard Stokes

History: 1923-25, Zantzinger, Borie & Medary Architects

Designation: Contributing to the Rittenhouse-Fitler Historic District, 2/8/1995

Project: Alter storefront

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of the revised design that includes the removal of the western grill, enlargement of the window into the area where the western grill would have stood, and addition of vertical muntins in line with transom divisions, with the staff to review details, pursuant to Standard 9.

OVERVIEW: This application proposes to replace the storefronts in two openings along Locust Street in this large, mixed use building. The storefront space is being rehabilitated for a new restaurant. The existing storefronts are very inappropriate replacements. The Commission recently approved new storefronts for Parc, the restaurant that occupies the adjacent space in the building. Those storefronts are compatible with the historic building, but not replicas of the original storefronts.

A fixed window and air-intake panel is proposed for the eastern storefront bay. The air-intake is an existing condition and cannot be relocated owing to internal floor plan restrictions. The applicant only proposes to replace the exterior grill on the air-intake with a more compatible grill. The entrance door and two flanking single-hung sash are proposed for the western bay. The sash would look like plate glass windows when closed. The storefronts would be made of wood. The application also proposes to install awnings for both bays. The proposed awnings would be

of the same size and shape as the adjacent awnings at Parc. The awning fabric would be striped.

DISCUSSION: Mr. Danta presented the application to the Commission. Architect Richard Stokes, attorney Ron Patterson, and restaurateur Michael Palermo represented the application.

Mr. Danta directed the Commission to the revised plans. Mr. Wilds asked if the Committee had seen the revised plans. Mr. Danta responded that the Committee had reviewed a hand-drawn version of the revised plans at the Committee meeting and had recommended approval of it.

Mr. Patterson explained that his architect had drawn up the revised plan that they had presented to the Committee.

John Gallery of the Preservation Alliance stated that the proposed introduction of the vertical mullions makes these storefront openings more compatible with the other storefronts in the building. However, he adamantly rejected “the candy-cane striped awnings.” He stated that the two other restaurants in the building have awnings of solid colors, giving the building a “unity.” He asked the Commission to deny the inappropriate awnings.

Mr. Stokes disagreed with Mr. Gallery’s description of the awnings as “candy-cane stripped”; they will be grey and white. He added that they will be the same size and shape as the Parc awnings. They will also be retractable like the Parc awnings. He asserted that the stripe was dignified and subtle, not garish as Mr. Gallery had implied. The Commissioners agreed with Mr. Stokes that the awnings are acceptable.

ACTION: Ms. Merriman moved to approve the revised application presented to the Historical Commission at its meeting of 14 May 2010 including the striped awnings, with the staff to review details. Mr. Wilds seconded the motion, which passed unanimously.

Mr. Sherman excused himself from the meeting.

341 PINE STREET

Owner: Bryan & Marci Seder

Applicant: Kevin C. Rasmussen AIA

History: 1968-69, Joseph Praissman, architect

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

Project: Construct rear addition, infill rear arcade openings, widen opening in garden wall and add gate

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial.

OVERVIEW: This application proposes to construct a third-floor rear addition on this Redevelopment-Era corner building. The application does not propose any alterations to the front of the property. The existing rear ell is two stories tall and has a flat roof. The application proposes to construct a third-floor addition that would sit on the rear ell and connect to the rear slope of the roof over the main block of the house. The existing house is red brick. The addition would be clad in composite panel siding. A sample of the siding should be reviewed for color and texture. The second-floor rear façade has an open porch with arcade that overlooks the

garden of the property. The application proposes to remove the porch railings and fill the openings with arched-top casement windows. The window units should be installed deep within the masonry openings to retain the essence of the original arcade. In addition, the application proposes to enlarge an existing opening in the garden wall facing S. 4th Street to create a parking space. The enlarged opening would be enclosed with a wood rolling door. Ironically, when the building was proposed in 1968, it received a zoning refusal and then a variance because it did not have on-site parking.

DISCUSSION: Mr. Danta presented the application to the Commission. Property owner Bryan Seder and architect Kevin Rasmussen represented the application.

Mr. Danta introduced a letter from the Society Hill Civic Association, which is in support of the addition and the enclosure of the loggia, but not the parking. Mr. Rasmussen pointed out that the Association requested that he substitute stucco for the proposed siding. He reported that his client is willing to make that change if the Commission approves it. Mr. Wilds asked Mr. Rasmussen to comment on the cladding materials he considered for the addition. Mr. Rasmussen reported that he had considered but rejected brick because it would not adequately differentiate the addition from the original building. He also considered extending metal roofing down onto the wall of the addition, but decided that that would be too much metal. He explained that he had determined that, from a massing standpoint, the addition should have a roof pitched like the roof on the main block. He then decided to roof the addition in the same material as is on the main roof, a brown-orange asphalt shingle. He determined that the addition should be clad in stucco or Hardi panel in a neutral color to complement the roofing.

Ms. Jaffe asked if there is an existing curb cut for the parking. Mr. Rasmussen stated that there is not currently a curb cut. He added that the Streets Department has approved a curb cut for the location. Ms. Jaffe suggested that it would be dangerous to back out of such a parking spot into traffic. Mr. Wilds contended that creating the parking space would result in the loss of on-street parking. Mr. Schaaf opposed the parking. Mr. Rasmussen asked if the Commission's objections to the parking were related to the proposed changes to the wall and curb or were zoning-related objections. He contended that he would address the zoning issues in the appropriate forum when he sought a variance.

John Gallery of the Preservation Alliance stated that he strongly supports the Architectural Committee's recommendation of denial of the application. He contended that this case has significant implications for the Commission. He claimed that the application is one of the first to propose significant alterations to a Redevelopment Era house in Society Hill. He noted that this property is classified as contributing to the district and asserted that the building is as important as a building constructed in 1915 or 1890. He asserted that the Commission would never allow a third-floor addition on an older contributing building. He stated that the Commission must apply the Standards consistently to all contributing buildings. He called this property unique and asserted that it has two front facades. He claimed that the addition would be "enormously visible." He opined that the addition is out of scale, interrupts the roofline, and would use materials inconsistent with the character of the district. He asked the Commission to treat this building as it would treat one constructed in 1916. He asked why the Commission required revisions to the proposal for 117 and 121 Pine Street, but was contemplating approving this design when it would have a much more adverse impact on the historic building. He observed that the Commission has routinely denied proposals for parking in rear yards. He said that allowing this single private parking spot would prevent 10 or 20 drivers every day from parking in the lost on-street spot.

Lorna Katz-Lawson of the Society Hill Civic Association stated that her organization would oppose the parking, which requires a zoning variance, on parking and traffic safety grounds. She stated that the double-sided parking, bicycle lane, and two churches in the immediate area make the off-street parking infeasible. She stated that, from a historic preservation perspective, she is opposed to widening the gate in the wall. However, she commented that the parking matter is a zoning matter, not a historic preservation matter. She stated that the Association supports the addition and windows.

Mr. Thomas reminded the Commission that it had denied the legalization of the cutting of a wall and creation parking in the rear yard of a medical fraternity at 11th and Clinton Streets. He agreed that the parking question is primarily a zoning and public safety issue, but contended that it is also a preservation issue. Regarding the addition, he stated that he did know of an instance when the Commission had approved an addition on the rear ell of a corner building.

Mr. Rasmussen disagreed very strongly with John Gallery, asserting that the addition should be judged on its merits. He contended that constructing the addition would not impact character-defining features of the house. Mr. Rasmussen asserted that his project satisfies the Secretary of the Interior's Standards. He claimed that the addition was appropriately scaled for the building. He asserted that the rooflines are appropriate and would be compatible with the surrounding buildings. He stated that he does not consider the existing rear ell to be character defining. He disagreed with Mr. Gallery's claim that this building has two front facades. He stated that the 4th Street façade is obviously the front façade. He stated that the rear ell is visible from directly across the street, but it is largely inconspicuous as one moves around the building. He stated that the rear ell is not ornamented or distinguished in any way. He also asserted that the project would not require the removal of much historic fabric. He stated that they would leave the existing ceiling joists in place and only cut a small pass-through from the main block to the addition.

Mr. Wilds reminded the audience that the Commission reviews all exterior proposals, not only those limited to front facades.

Mr. Wilds asked Mr. Farnham to comment on the staff recommendation. Mr. Farnham stated that the staff had misinterpreted the proposal for the alteration to the wall for parking; now that the staff understands that aspect of the application, which proposes a curb cut and enlarged gate for parking from Pine Street, it would not recommend approval of it. Mr. Farnham stated that the staff continues to support the other aspects of the application and strongly disagrees with Mr. Gallery, who has contended that a recommendation of approval is only possible if one devalues the Redevelopment Era buildings. He noted that he has a great appreciation of the Redevelopment Era buildings and Modern architecture generally. He asserted that the staff members did not recommend approval of the infill windows and addition because they do not value mid twentieth-century architecture, but because, in the staff's estimation, the proposed alterations satisfy the Secretary of the Interior's Standards. Mr. Farnham rejected Mr. Gallery's contention that a recommendation of denial of the original proposal for 117 and 121 Pine and a recommendation of approval for this project were inconsistent. The Pine Street project proposed the demolition of the entire rear slope of the roof and dormer. This project proposes a small cut to the roof for access to the addition. In fact, the roof cut approved in the revised Pine Street plan to access the elevator and the roof cut proposed in this plan are very similar. There would be no significant loss of historic fabric in either project. He noted that no roof structure would be lost with the addition. He asserted that the addition is appropriately sized and scaled to comply

with the Standards. He agreed that the cladding material requires additional review, but noted that the staff recommendation called for that additional review. Mr. Farnham continued, asserting that the Commission has routinely approved appropriately designed additions on rear ells, including those on corners. He pointed to a recent approval of a one-story addition on the rear ell of an early nineteenth-century corner building at the southwest corner of 13th and Spruce Streets.

Mr. Gallery stated that it was unfortunate that the chair of the Architectural Committee is currently vacant. Without a chair to represent the Committee, no one can convey the Committee's position to the Commission. Mr. Rasmussen countered, noted that the Committee minute conveys the fact that the Committee was not unanimous. He stated that there was considerable debate and disagreement among the Committee members. Mr. Danta recalled that the Committee was not unanimous in its recommendation of denial. Mr. Farnham noted that three Committee members had voted to recommend denial. The fourth, Suzanne Pentz, had advocated for a recommendation of approval.

MOTION: Mr. Dilworth moved to adopt the recommendation of the Architectural Committee and deny the application. Mr. Thomas seconded the motion.

Ms. Merriman stated that she would support the proposed design. Mr. Schaaf contended that the Commission should deny the curb cut. Mr. Dilworth stated that he would support the project and vote against his own motion. Other Commission members noted that he could withdraw his motion if his second concurred. Mr. Thomas stated that he would support a withdrawal of the motion.

WITHDRAWAL OF MOTION: Messrs. Dilworth and Thomas withdrew their motion to deny the application.

Mr. Thomas stated that he understood the need for the proposed addition and infill windows, but contended that they do not meet the Standards.

ACTION: Mr. Schaaf moved to approve the addition and infill windows, but deny the curb cut and enlargement of the wall opening and gate, with the staff to review details, pursuant to Standard 9. Mr. Dilworth seconded the motion, which passed by a vote of 5 to 4. Ms. Benoliel, Jaffe, and Leonard and Mr. Thomas dissented.

Ms. Benoliel excused herself from the meeting.

OLD BUSINESS

6008 WAYNE AVENUE, ST. PETER'S CHURCH

Owner: Episcopal Diocese of Pennsylvania

Applicant: Christine Ritter

History: 1873, G. W. Hewitt of Furness & Hewitt, architect

Designated: 11/30/1965

Project: Remove Bishop White stained glass window and relocate to Church House

Project: Remove all other stained glass windows except rose window

OVERVIEW: At its December 2009 meeting, the Historical Commission reviewed and denied two applications to remove stained glass windows from the former St. Peter's Church at 6008 Wayne Avenue in Germantown. One application proposed the removal of the Bishop White window and its reinstallation in the Diocese's Church House at 240 S. 4th Street in Philadelphia. The second application proposed the removal of the remaining stained glass windows in the church except the rose window and their placement in storage. Clear plate glass would have been installed in the window openings.

The property owner, the Episcopal Diocese, appealed the December 2009 denials of the applications to the Board of License & Inspection review. On April 6, the Board heard the appeal and remanded it to the Commission. During the appeal hearing, the appellants contended that the denials of the applications constituted impermissible restrictions of their religious expression. The City countered that the appellants had not raised that issue during the Commission's review of the applications. The Board therefore remanded the applications to the Commission to allow the Commission to address that claim.

The Law Department has reviewed the matter and instructs the Commission to consider the claim of the Diocese. If the Commission finds that the claim has merit, it can grant an exemption from the requirements of the historic preservation ordinance under 14-2007(7)(k)(.7) and approve the application.

DISCUSSION: Mr. Farnham presented the matter to the Commission. The Rt. Rev. Rodney Michel and attorneys Mary Kohart, Jerald Goodman, Markita Morris-Louis represented the application.

Mr. Reuter stated that the Law Department had reviewed the matter and determined that the Historical Commission could consider additional evidence not presented during the first review and determine whether the Diocese could qualify for a special hardship exception regarding the removal of the stained glass windows. He stated that neither the historic preservation ordinance nor the Commission's Rules & Regulations specifically directs the Commission when an applicant claims that satisfying the Standards would restrict the applicant's practice of his or her religion. However, the Commission could decide that the Diocese qualifies for an exception under the unnecessary hardship provision in Section 14-2007(7)(k)(.7) of the ordinance. Mr. Reuter directed the Commission to review the materials presented by the Diocese and determine whether denying the application to remove the stained glass windows would constitute a hardship in that it would prevent the Diocese from complying with its own internal rules regarding the desanctification of a church. Mr. Wilds asked Mr. Reuter if the Commission should consider state and federal laws regarding religious institutions and land use. Mr. Reuter advised that the Commission should restrict itself to determining whether the Diocese qualifies

for a hardship exemption under the local preservation ordinance. He explained that the courts will decide the legal question of whether the decision violates state or federal law.

Ms. Cohart explained that she has provided the Commission with copies of the canon of the national church and local diocesan canon regarding gifts to the church that are held in trust for the work of the Episcopal Church. These windows were donated in memory of people who belonged to the church. One set was donated in memory of Henry Grove, who was important to Philadelphia and the Episcopal Church. His donation built St. Peter's as well as St. Martin's in the Field in Chestnut Hill. There are windows given in memory of long time Sunday School teachers, mothers who died in birth, and sons who died in war. She stated that the church representatives who appeared before the Commission during the earlier review did not understand the canon regarding gifts held in trust. She stated that it would be a violation of the canon and of the trust agreements to leave these windows behind when the complex of buildings is sold.

Ms. Cohart stated that one of the windows depicts Bishop White, the founder of the Episcopal Church in America and a figure of key importance in the church's history. Several of the windows depict religious events and were used in religious ceremonies. Many were donated by parishioners for the glory of God and the work of the Episcopal Church.

Bishop Michel explained that the windows have deep historical significance for the Diocese. One represents Bishop White. It was given in memory of the founder of the Episcopal Church's first deaf ministry in America, the Reverend Syle. Another was given in memory of the first Episcopal minister to become a missionary in China. These windows would have significance to no other group. The Bishop White window would be installed in the Church House. Another window represents Florence Nightingale, a "saint" in the Episcopal Church. He requested that the Commission approve the removal of the windows so that they can continue to teach and be enjoyed by Episcopal Christians.

Ms. Cohart stated that they will do everything they can to see that these windows are used in other Episcopal churches because they were donated for glory of God and work of the Episcopal Church. If they do not go to another Episcopal Church, then they will be placed with another Christian denomination. The Bishop White window will be relocated to the Church House.

Mr. Wilds asked if the applicants were making a distinction between the windows depicting figures of particular significance to the Episcopal Diocese such as Bishop White and those depicting the more traditional Christian iconography such as the Annunciation. Ms. Cohart stated that she is not because the primary attribute of all of these windows is that they were donated for glory of God and work of the Episcopal Church. The church's canon law instructs that these windows be used for that purpose regardless of the subject matter they depict. Mr. Wilds asked if this extends to the floral windows. Ms. Cohart stated that it does not. They are not requesting an approval to remove them. Mr. Wilds asked if the floral windows had been donated. Ms. Cohart responded that she was unsure how they came to the church. If they were not donated to the church, then they are not subject to the canonical requirement that they be removed. She stated that they are canonically obligated to honor the wishes of the donor.

Mr. Wilds asked if this logic could be extended to the building itself. Ms. Cohart stated that it cannot. When one donates money for the construction of a church building, one knows that there is a possibility that the church will be deconsecrated. One does not have the expectation

when one donates a movable work of art such as a baptismal font, portrait, or crucifix. It can be relocated and used elsewhere for glory of God and the good of the Episcopal Church. Ms. Cohart stated that the Episcopal Church reuses everything that it can. For example, it has shipped fonts and pews to Texas and to African American churches in the south.

Ms. Merriman asked were the windows that were sold to the Pennsylvania Academy of the Fine Arts had been donated. Ms. Cohart responded that she thought that they had been donated, but the sale was appropriate because of the Academy's historical connection to them and display them for everyone including Episcopalians. Mr. Wilds asked why they were not offered to other Episcopal churches, for example in Texas or the south. Ms. Cohart explained that it was important to keep them in Philadelphia and no Episcopal church could handle them appropriately. She added that the woman who made them lived near the church and had a relationship with the Academy. Ms. Merriman stated that that was true of two of the windows, but not the two fabricated by Tiffany.

Ms. Cohart stated that the canon must be honored by and not reinterpreted by civil courts. For example, if a parish wants to leave the Diocese, canon law states that it cannot take the Diocese's property with it. The civil court must recognize and accept the canon. She stated that the canon requires them to remove artifacts from the church, but it also allows them to donate artifacts to a museum for display.

Mr. Wilds noted that the applicants have indicated that they would like to sell the church to another congregation. He asked why, with the exception of the Bishop White window, the windows need to be removed now if the building may be transferred to another congregation. He suggested that the Episcopal Diocese could wait to remove the windows. The new owner may want the windows in place. Ms. Cohart stated that the canon requires her to try to relocate these donated windows to other Episcopal churches.

Ms. Merriman asked the applicants to provide information about other Episcopal churches in the Pennsylvania Diocese that have closed recently and to explain how similar artifacts were relocated. Bishop Michel answered, saying that six have been closed in the last two years owing to dwindling congregations and finances. All religious artifacts have been removed from the buildings. Ms. Merriman asked if the stained glass windows in those buildings were removed and replaced with clear glass or if the stained glass was left in place. Bishop Michel stated that the stained glass windows were being offered to other congregations and often removed. Some windows in a church in Mayfair, which merged into its mother church, were transferred to the mother church. Mr. Wilds asked if the Diocese ever considered retaining windows in place when a church is reused for another purpose. Bishop Michel stated that they would consider leaving windows in place under the right circumstances. Mr. Wilds suggested that perhaps they should leave the windows in place in this church until they have a buyer and a new use. Bishop Michel stated that the building is vacant and not heated. He expressed concern about the safety and well-being of the stained glass. Ms. Cohart added that the Diocese would not leave works of art in place that had been donated in memory of parishioners. Mr. Wilds stated that he found it hard to believe that the church would never leave a donated window in place when it sold a building. Ms. Cohart stated that, under canonical law, a gift given as a memorial could not be left in place. Mr. Reuter stated that the Commission should defer to the Diocese's interpretations of its canon. Ms. Cohart stated that the Diocese has a primary obligation to make every effort to use every artifact including stained glass windows to best serve the Episcopal Church. In the case of stained glass windows, it best serves to remove them and place them in other churches, the Church House, or museums. The Diocese is concerned about the safety of these windows in a

vacant building, but it is also concerned about the general state of these windows because they require restoration. She concluded that it is required under canonical law to use these windows in a way that best serves the church.

Mr. Dilworth noted that the representatives of the Diocese who initially presented the application claimed that the remaining stained glass windows had no significance and were being removed to facilitate the sale of the property. He also noted that Ms. Cohart testified at the start of today's review that that was a mistake. He asked her to explain that assertion. She stated that the Diocese has a responsibility to use every gift given in memorial in a way that best serves the church.

John Gallery of the Preservation Alliance asked the Commission to consider two issues. First, during the Oakley and Tiffany review, the representatives of the Diocese repeatedly asserted that no windows other than the Oakley and Tiffany had any historical or artistic significance. Mr. Gallery testified that he had toured the building about that time and was told by a representative of the Diocese that no other windows had any significance. Yet, now, the Diocese is claiming that these windows have such great significance that they cannot be left behind. Second, the claim that memorial gifts must be removed from a desanctified church was never made until today. The only claim that was made was that the complex could not be sold with the windows in place. He asked how far the gift assertion could be extended. He noted that an entire chapel was given to St. Mark's Church on Locust Street in the memory of a specific individual. Would it have to be removed if the Diocese sold the building? The Church of the Advocate on Diamond Street was a gift of the George South family. What if it were sold? He suggested that the Commission should differentiate between discrete objects and those elements that are integral to the architecture.

Mr. Gallery reminded the Commission of the Our Lady of Loreto case. He stated that the Archdiocese sought to remove stained glass windows and other religious artifacts that were integral to the architecture from the exterior of the building. He stated that the case went to Court of Common Pleas, which sustained the Commission's right to retain those religious elements as part of the designation of the church because they were integral to the architecture.

Mr. Gallery observed that the Diocese had not made any hardship argument. He stated that there is no hardship on the Diocese if the windows are retained in place and reused by another entity. He concluded that there is no hardship.

Mr. Reuter agreed with Mr. Gallery that some of the issues raised today were also raised during the Our Lady of Loretto case, but that case was fundamentally different in that the Catholic Archdiocese was challenging the designation of the church. The Archdiocese never submitted a permit application. He noted that the Episcopal Diocese attached a copy of the Board of License & Inspection Review's finding of facts and conclusions of law from the Loretto case with its materials submitted for this review, but it neglected to submit Judge Carafiello's Court of Common Pleas decision reversing the Board. Mr. Reuter concluded, saying that the issues in the Loretto case and this case are very different. In the Loretto case, the Catholic Archdiocese challenged the Commission's authority to designate. In this case, the Episcopal Diocese is not challenging the Commission's authority to designate or regulate, but is requesting a hardship exception. The Carafiello decision is not applicable in this case.

Mr. Reuter asked Ms. Cohart to state explicitly how the national and diocesan canons relate specifically to the issue of hardship. She responded that both canons state that, if a parish

dissolves as this one has, then all assets of the parish revert to the diocese to be used as the diocese sees fit. Ms. Cohart then stated that the implication that she is merely providing a second “excuse” to remove the windows after the first “excuse” provided during the first review failed is “deeply offensive.” Mr. Mattioni suggested that she not take that course of argument because it would not be beneficial to her case to discuss who was offended by what. Ms. Cohart reiterated that, when a parish dissolves, then the assets revert to the church foundation, which determines how to best use the assets in accordance with the wishes of the donor. Church buildings are deconsecrated and sold. Religious artifacts are used elsewhere, either in churches or in ways that display their beauty and significance.

Mr. Wilds asked how the Diocese knows that an artifact is being used according to the intentions of the donor. Ms. Cohart responded that the Diocese must conclude that the donor was aware of the canon law when making the donation and assumed that the Diocese would manage the donation in accordance with that law. Mr. Mattioni asked Ms. Cohart to explicitly describe the hardship. She stated that the hardship occurs when the Diocese cannot manage the donation in accordance with its canons.

Mr. Schaaf asked if the Diocese has a repository of objects removed from churches and awaiting reuse. Bishop Michel stated that it does, at the Church House on S. 4th Street. Mr. Wilds asked about the extent of the Diocese’s collection of stained glass windows of this kind. Bishop Michel stated that the Diocese has no stained glass windows in its collection, but it has transferred windows to other churches in the past.

Mr. Dilworth moved “to approve the appeal of the Episcopal Church.” Mr. Reuter advised that the motion was too vague. Mr. Dilworth reworded his motion, moving that “denial of the right to remove the windows represents a hardship and that the Church should therefore have the right to remove the windows.” No one seconded the motion.

ACTION: Ms. Merriman moved that the Commission find that requiring the retention of the stained glass windows does not constitute a hardship for the Episcopal Diocese and to deny the two applications to remove the stained glass windows. Ms. Leonard seconded the motion, which passed by a vote of 8 to 1. Mr. Dilworth dissented.

ADJOURNMENT

ACTION: Ms. Leonard moved to adjourn at 1:28 p.m. Mr. Mattioni seconded the motion, which passed unanimously.

STANDARDS AND GUIDELINES CITED IN THE MINUTES

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

Standard 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.

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