

**REPORT OF THE COMMITTEE ON HISTORIC DESIGNATION
PHILADELPHIA HISTORICAL COMMISSION**

**RICHARD DILWORTH, PH.D., CHAIR
TUESDAY, 4 MARCH 2008, 9:00 A.M.
ROOM 578, CITY HALL**

PRESENT

Richard Dilworth, Ph.D.
Hyman Myers, FAIA
Bruce Lavery
David Schaaf, RA

Jonathan Farnham, Executive Director
Erin Coté, Historic Preservation Planner

ALSO PRESENT

John Gallery, Preservation Alliance for Greater Philadelphia
Elizabeth Blazeovich, Preservation Alliance for Greater Philadelphia
Liz Lankenau, Kise, Straw, & Kolodner
Mike Lewis, Big Brothers Big Sisters of America
Penelope Gilles

CALL TO ORDER

Mr. Dilworth, the chair, called the meeting to order at 9:20 a.m. Messrs. Lavery, Myers, and Schaaf joined him on the Committee.

228-38 N. 13TH STREET

Owner: Foundation of Big Brothers Big Sisters of America
Nominator: The Preservation Alliance of Greater Philadelphia
History: 1946, William Harold Lee, architect
Proposal: Designate as historic and list on the Philadelphia Register of Historic Places

OVERVIEW: The Warner Brothers Distributing Corporation building, designed by William Harold Lee in 1945, meets Philadelphia Register Criteria a, d, and j because it has significant character, interest, and value as part of the development, heritage and cultural characteristics of Philadelphia, and embodies distinguishing characteristics of the Art Moderne style. It also meets Philadelphia Register Criterion e as Lee's work significantly influenced theater architecture in the city of Philadelphia, particularly between 1920 and 1940. The building represents the style Lee used for movie house designs between the 1930s and 1950s. He combined the stylistic choice of the era with function to suit the business-end of the movie industry.

The Committee on Historic Designation reviewed a nomination for this property at its 10 September 2007 meeting, but the nominator withdrew it before Commission review. At that time, the Committee recommended that the property at 228-38 N. 13th Street satisfies Designation Criteria D, E, and J, should be designated as historic, and listed on the Philadelphia Register of Historic Places.

STAFF RECOMMENDATION: The property at 228-38 N. 13th Street satisfies Designation Criteria a, d, e, and j and should be designated as historic and listed on the Philadelphia Register of Historic Places.

DISCUSSION: Ms. Coté presented the nomination to the Committee. Liz Lankenau, Liz Blazeovich, and John Gallery represented the nomination.

Mr. Lavery asked the staff if the nomination before the Committee was the same nomination reviewed last fall or a new nomination. Ms. Cote explained that the nomination for this property that the Committee had reviewed last fall had been withdrawn by Richard Thom, the nominator, before the Commission reviewed it. After the withdrawal, the Preservation Alliance compiled a new nomination for the property, which is before the Committee today.

Mr. Myers stated that the pages of the nomination should be numbered. He also contended that the paragraph on film distribution should not have been included in the nomination because it predates the building by 30 years. Ms. Lankenau stated that she included the paragraph because it provides a good overview of the film distribution system even though it predates the building. Mr. Myers claimed that the paragraph is irrelevant and should be deleted. Mr. Dilworth disagreed and asserted that the information in the paragraph places the building in its context. Mr. Gallery stated that the paragraph had been included because it demonstrates that this building is representative of an entire industry. He explained that there had been a film distribution district in the city centered around 12th and Vine Streets in the early twentieth century. He noted that this building is important because it has both architectural and historical significance. He also reported that it has been very well maintained. Mr. Gallery remarked that the architect of the building has significance owing to his designs for movie theaters and other movie industry buildings. Mr. Schaaf asked if other large cities had similar movie distribution districts. Ms. Lankenau stated that they did. Mr. Schaaf stated that this building was erected during the final years of the large movie studios. It represents the end of this important industry.

Mike Lewis, the vice president of Finance and Operations for the Big Brothers Big Sisters of America (BBBSA), addressed the Committee. He stated that he is a CPA, not an attorney. He stated that he and the organization greatly appreciate the work of the Commission, Preservation Alliance, and the nominators. He thanked everyone for their interest in the building, which he considers his home. He provided an overview of the BBBSA and explained that this building is the non-profit, charitable organization's national headquarters. He stated that the BBBSA is the largest mentoring organization in the United States. It has 400 affiliates and serves 250,000 children annually. Its target is to serve 2.5 million children annually. He reported that federal funding for BBBSA has been diverted in recent years to other causes including the Iraq War. The organization has had to "tighten its belt" lately. He testified that the building is a "very nice" building, but does not meet the organization's needs. It has about 15,000 sf of space. The organization needs 35,000 sf. It would like to consolidate the personnel in this building with other personnel who now occupy rental space in Center City. Therefore, BBBSA is marketing this building to sell it and invest in a larger building in the outer fringes of the central business core. The organization does not want to, but may consider leaving Philadelphia. He stated that the organization must realize the maximum return from this property. He stated that the designation, which he called "noble," would impede the goals of the non-profit. He explained that he had consulted with several real estate professionals, who had all advised him that the designation would deflate the worth of the property. He observed that Richard Thom, the architect who had submitted the first nomination for this building, withdrew the nomination after he realized that a designation would have a detrimental effect on the organization. He reported that Mr. Thom, who had worked on the building, was conflicted; he had a love for the building,

but also concerns for the needs of the BBBSA. He asserted that Mr. Thom withdrew the nomination because he understood the detrimental impact designation would have. Mr. Lewis concluded, stating that the Board and the CEO of the BBBSA plead that the Commission recognize the organization's needs and deny the "worthy" submission.

Mr. Myers asked Mr. Lewis if he was suggesting that the Commission refuse to designate based on economics. Mr. Lewis stated that he was. He stated that he would not dispute the merits of the case for designation; he stated that he agreed with many of its points. He agreed that his request was predicated on economics. He informed the Committee that he is "a spiritual man" and would not attack the nomination. He concluded that the building is his "home," which he cares for, but it should not be designated. The non-profit's needs outweigh the need to preserve this building. Mr. Schaaf asked Mr. Lewis to elaborate on his claim that the designation would harm the organization. He stated that real estate experts have advised him that designation would limit the potential reuse of the property and therefore reduce its value.

Mr. Myers stated that the Committee's task is to evaluate the historical significance of the building, not determine whether a designation would adversely impact the value of the property. Mr. Dilworth asked Mr. Farnham to delimit the Committee's purview. Mr. Farnham explained that the Committee's recommendation is non-binding. He further explained that the Committee is an expert body that should determine whether the property satisfies one or more of the designation criteria. If the Committee determines that the property satisfies at least one of the designation criteria, it should recommend to the Commission that it designate the property. The Commission, not the Committee, should take other factors such as economics into account. He also noted that the Rules & Regulations state that the Commission **may** designate a property if a property meets one or more of the criteria; the Commission is not required to designate simply because a property satisfies a criterion. The Commission has significant discretion when considering nominations. Mr. Farnham suggested to Mr. Lewis that he present his argument against designation to the Commission. It has the discretion to base its decision on that argument, the Committee does not. However, he noted, Mr. Lewis is certainly welcome to make any statement to the Committee on behalf of the property owner. The Committee should not limit his remarks; however, the Committee members are not required to take remarks unrelated to the historic significance into consideration when reaching a decision on a recommendation.

Mr. Gallery asserted that the characterization offered by Mr. Lewis of Richard Thom's reason for withdrawing the original nomination was not relevant. He contended that it was not germane to the discussion. He asked the Committee not to attribute any reasons for the withdrawal to Mr. Thom because he is not at the meeting to speak for himself. He also asserted that the Committee should not consider any comments about the economic impact of the designation. He then asserted that the Commission's designation of the Beneficial Bank building at the corner of 12th and Chestnut Streets appears to have had no impact on the worth of the building. Mr. Lewis objected to Mr. Gallery's claim that he could not accurately represent Mr. Thom's reasons for withdrawing the nomination. He stated that he had met with Mr. Thom three times and that Mr. Thom had expressed his position on the nomination very clearly. He reported that Mr. Thom had worked on the building and knows it very well. He concluded his testimony, pointing out that Mr. Thom is a serious preservationist and withdrew the nomination nonetheless. He stated that Mr. Thom did not take the withdrawal lightly; the fact that he withdrew the nomination is very relevant. Mr. Myers declared that Mr. Thom should have attended the meeting to represent himself. Mr. Lewis observed that his absence was telling, especially since he was the catalyst for the nomination. Mr. Schaaf responded that the claims were conjectural and cannot be assessed.

Mr. Dilworth asked Mr. Gallery if he would have nominated the building if it did not have architectural significance. Mr. Gallery responded that the building only needs to satisfy one criterion. He commented that the New Century Guild building on Locust Street is a good example of a building that has little architectural significance but considerable historical significance. It is the activities that occurred in the building that makes it historic; the film distribution building is also important for the activities that occurred in it. He remarked that Philadelphia is a historic city; almost every building could be nominated. Therefore, the Preservation Alliance typically nominates buildings that satisfy multiple criteria. Mr. Dilworth repeated his question. Mr. Gallery stated that he could not answer it. He stated that it may have changed the Alliance's prioritizing of it on its nomination list. He added that it is worthy of designation. He also noted that film enthusiast Howard Haas supports the nomination and, in fact, brought the building to the Alliance's attention. Ms. Cote pointed out that the Commission had received letters supporting the nomination from Mr. Haas and a film history organization.

Mr. Myers suggested that nominators be required to use a font to complete the nomination form that it easily distinguished from the font on the form.

Mr. Dilworth reminded Mr. Lewis that the Committee has a narrow purview; it is an expert body. The Commission, on the other hand, the Commission has great discretion and can consider the trade-off regarding the value of the designation and the impact on the non-profit organization.

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Schaaf moved to recommend that the property at 228-38 N. 13th Street satisfies Designation Criteria 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.

6918-6926 RIDGE AVENUE

Owner/Applicant: Michael S. Kershaw

History: Christopher Ozias House, c. 1805, demolished 2007

Proposal: Rescind the historic designation and remove from the Philadelphia Register of Historic Places

OVERVIEW: This application proposes the rescission of the designation 6918-6926 Ridge Avenue in Roxborough. Until recently, the early nineteenth-century, rubblestone Christopher Ozias House stood on the lot; it is now a vacant lot. The house partially collapsed in late 2007. The Department of Licenses & Inspections cited the house as Imminently Dangerous. The current property owner demolished the house and cleared the lot without a building permit or the Historical Commission's approval. The owner claims that a building inspector authorized by the former Commissioner of the Department ordered him to demolish it. The property owner submitted an application to the Commission proposing the legalization of the demolition. On 8 February 2008, the Commission reviewed and then denied that request. At that time, the Commission discussed whether the property owner should be required to reconstruct the demolished house, especially in light of the claims that a failure to maintain and perhaps deliberate damage to the historic building may have precipitated its collapse. The lot remains designated and the Commission holds plenary jurisdiction over it. The Provco Group, the equitable owner seeking to purchase the property for redevelopment, has applied to the Commission for the approval of the construction of a branch bank building.

Section 14-2007(8)(c) of the City's historic preservation ordinance requires that:

The exterior of every historic building, structure and object and of every building, structure and object located within an historic district shall be kept in good repair as shall the interior portions of such buildings, structures and objects, neglect of which may cause or tend to cause the exterior to deteriorate, decay, become damaged or otherwise fall into a state of disrepair.

Furthermore, Section 14-2007(9)(d) stipulates that:

Any person who alters or demolishes a building, structure, site or object in violation of the provisions of Section 14-2007 or in violation of any conditions or requirements specified in a permit shall be required to restore the building, structure, site or object involved to its appearance prior to the violation. Such restoration shall be in addition to and not in lieu of any penalty or remedy available under the Code or any other applicable law.

Section 5.5.c.1 of the Rules & Regulations states:

The bases for the rescinding of an entry on the Philadelphia Register of Historic Places are 1) 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, 2) additional information shows that the resource does not meet the criteria for the Register, or 3) error in professional judgment as to whether the resource meets the criteria for listing.

The Rules & Regulations allows the Commission to rescind a designation when “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,” but it does not require the Commission to rescind. The Commission may rescind or not as it sees fit; the Commission has complete discretion with rescissions.

STAFF RECOMMENDATION: The staff recommends that the Commission table the rescission application until it concludes its review of the pending permit application.

DISCUSSION: Mr. Farnham presented the rescission application to the Committee. No one represented the application.

Mr. Schaaf stated that the Commission denied the legalization of the demolition. Mr. Farnham confirmed that statement, saying that the Commission denied the application submitted by the property owner to legalize the demolition. He added that the Commission may, if it chooses, legalize the demolition as part of another application, for example for the construction of the bank building. Mr. Myers asserted that the Commission should request that the historic building be rebuilt. Mr. Farnham informed the Committee that the Commission has the legal authority to require the reconstruction of the historic building.

Mr. Dilworth asked Mr. Farnham to summarize the argument against rescinding. Mr. Farnham replied that a denial of the rescission would not only deter other illegal demolition, but would allow the Commission to retain jurisdiction over the property and ensure that it was redeveloped appropriately. Mr. Dilworth asked about the reasons for denying the legalization of the demolition. Mr. Farnham responded that the Commission is in a stronger position to ensure an appropriate outcome at the site; it can either require the reconstruction or a more appropriate new building. He stated that, if the Commission legalized the demolition, it would be difficult for the Commission to justify retaining jurisdiction over the vacant lot.

Mr. Lavery asked if purposeful neglect that leads to a demolition, as alleged, is a criminal act. Mr. Farnham noted that that would be a violation of the historic preservation ordinance. Mr. Schaaf asked how the staff became aware of the allegations that the building was deliberately destabilized. Mr. Farnham replied that a member of the community, John Johnstone, had posted the allegations online. The staff had worked with Mr. Johnstone, the former president of the Roxborough Historical Society, in the past and contacted him about the allegations. Mr. Johnstone claimed that the owner had deliberately destabilized the building to precipitate the collapse. Mr. Farnham added that Mr. Johnstone provided no proof of his allegations. Mr. Johnstone came to these conclusions after observing the property from the street over several days. Mr. Farnham stated that he has been advised that it would be difficult to prove in court that the owner neglected the building without any physical evidence.

Mr. Dilworth asked if the staff had been working with the bank building developer. Mr. Farnham replied that the staff met recently with the developer. The developer's architect will propose a bank building that will "pay homage" to the historic building with its materials, massing, and location on the lot.

Mr. Myers stated that the Department of Licenses & Inspections must do a better job enforcing the Commission's demolition by neglect prohibition. He suggested that the Commission make an example of this property owner and require him to reconstruct the building. Mr. Farnham concurred that this was an egregious case, but contended that the blame for the lack of enforcement should be placed primarily on the Commission, not the Department; it is the Commission's responsibility to initiate the enforcement, but it does not have the resources to track every designated building on a regular basis. Mr. Myers objected that the inspector directed the property owner to demolish the building. Mr. Schaaf noted that the violation notice requires the owner to "demolish or repair" the building. Mr. Farnham added that the Unsafe and Imminently Dangerous violation notices state "IMMEDIATELY demolish or repair," which could be misinterpreted to mean that a permit is not required. He stated that the staff had met with the Department about adding a note to Unsafe and Imminently Dangerous violation notices for historic properties; the note would remind the owner of the Commission's jurisdiction and responsibility of obtaining approvals and permits before commencing work. Mr. Myers stated that this reminder would help, but he claimed that this type of demolition will continue to occur until the City implements severe penalties.

Mr. Farnham stated that he thought the property owner should be held accountable, but he conceded that there are some extenuating circumstances in this case. He informed the Committee that the violation notices were sent to the former owner, not the current owner, because of misinformation on file at the Board of Revision Taxes. Mr. Farnham added, however, that this property owner, like all property owners in the city, is responsible for maintaining his property. Mr. Schaaf added that the property owner had stated during the Commission meeting that it was his intent to demolish the building.

John Gallery of the Preservation Alliance of Greater Philadelphia urged the Committee to recommend denial of the rescission. He stated that the building was demolished illegally and the Commission denied the legalization. He declared that recommending tabling the rescission will send the wrong message, leaves the issue open, and would require the matter to eventually reappear before the Committee. He stated that the property owner should be held responsible and the designation should be maintained. Mr. Farnham informed the Committee that the staff recommended that the Commission table the application to allow the Commission to seek a resolution in the permit application arena. The Commission may approve a redevelopment plan for this site and may want to rescind the designation with conditions at that time. He stated that

deferring the rescission question will only strengthen the Commission's hand as it reviews the permit application. He stated that the staff recommendation was not intended to send any message, as Mr. Gallery had claimed, but was merely intended to give the Commission the greatest number of options to resolve the matter in the permit application arena. Mr. Farnham also noted that a recommendation to table this application would not necessitate a second review by this Committee, as Mr. Gallery had claimed. He noted that the application would only appear again before the Committee if the Commission explicitly remanded it to the Committee.

Mr. Dilworth stated that the Committee could recommend one of three options: approve the rescission, deny the rescission, and table the rescission. He suggested that the recommendation be practical. He did not perceive the marked difference between tabling and denying; the Commission would maintain jurisdiction in both cases. Mr. Farnham added that the Commission would be prudent to retain jurisdiction until the issue of the illegal demolition is resolved. He also noted that, if viewed narrowly, the Committee's purview is limited to determining whether a site satisfies one or more of the designation criteria. He contended that, if the Committee limited itself in that way, it must conclude that the site no longer satisfies any of the criteria. Mr. Myers disagreed, claiming that the site may still hold historical significance. Mr. Myers stated that this site is largely undisturbed and has a high degree of archeological potential. Mr. Dilworth stated that the Committee on Historic Designation is a fact finding committee and questioned the Committee's evidence that this site contains archaeological artifacts. Mr. Myers stated that it must have had a privy and therefore must have archeological significance. Mr. Dilworth asked if the Committee could make such an assumption without some evidence. Mr. Farnham noted that it is technically within the power of the Committee to recommend amending the designation to reflect a newfound archaeological significance. However, he recommended that the Committee not make such a recommendation because it may raise due process and notice questions. Mr. Schaaf observed that the building was erected during Jefferson's administration and that the Louisiana Purchase occurred two years after it was constructed. He claimed that this property has great archeological potential.

Mr. Myers stated that the Committee is outraged by the number of illegal demolitions of historic properties occurring in the city. He suggested that the Commission investigate imposing severe and consistent penalties. Mr. Schaaf stated that this demolition is a great loss to the community. The building was the finest example of vernacular rural architecture and its loss has made the community poorer architecturally. He suggested that the Commission undertake a study of the loss of historic properties on Ridge Avenue through demolition and redevelopment.

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Myers moved to recommend that the Commission deny the rescission application and amend the existing designation to include the declaration that, owing to the archeological potential at 6918 Ridge Avenue, the site satisfies Designation Criterion I. Mr. Schaaf seconded the motion, which passed unanimously.

700 CHURCH LANE

Owner: LaSalle University

Applicant: Ed Turzanski

History: Jewish Foster Home and Orphanage

Proposal: Rescind the historic designation and remove from the Philadelphia Register of Historic Places

OVERVIEW: This application proposes the rescission of the designation of 700 Church Lane, the former Jewish Foster Home and Orphanage. The Commission designated the property on 12

October 1988. The Jewish Foster Home and Orphanage sold the site to the Handmaids of the Sacred Heart of Jesus in 1951. In 1975, the Manna Bible Institute purchased the five-building campus, which included a main building, gymnasium, library, infirmary, and carriage house set on a large lawn. The buildings dated to the mid and late nineteenth and early twentieth centuries. Famed architect Willis Hale created the main building in 1890, when he added large Moorish additions to an Italianate mansion built about 1866 for Joseph Fraley Smith, the president of the International Petroleum Company. On 1 March 1999, the main building suffered a devastating, 5-alarm, arson fire, leaving it in ruins. The Manna Bible Institute abandoned the campus and the buildings deteriorated. The Commission did not learn of the fire or neglect until the fall of 2007. By that time, the buildings were in ruins. The site had become a danger to and blight on the neighborhood.

On 13 April 2007, LaSalle University, which is adjacent, purchased the site and began to plan its redevelopment. On 6 July 2007, the Department of Licenses & Inspections declared the site Imminently Dangerous. After the plans to redevelop the site were published in the *Inquirer* on 13 November 2007, the Commission's staff contacted LaSalle University on 14 November 2007 and informed Edward Turzanski, the University's Assistant Vice President of Government and Community Relations, of the Commission's designation and jurisdiction. In a letter dated 4 December 2007 to the Commission, the University requested the rescission of the site's designation. In the letter, Mr. Turzanski stated that the Department of Licenses & Inspections "has classified the remaining structure as being in imminently danger of collapse and has ordered the University to secure and demolish the same as quickly as possible." A contractor applied to the Department of Licenses & Inspections for a complete demolition permit on behalf of the University on 5 December 2007, but the Department did not issue the permit. Without a permit, the University's contractor completely demolished the buildings and removed the debris in December 2007 or January 2008. The Commission cannot condone the illegal demolition, but it should be noted that the neglect did not occur under LaSalle University's stewardship and that the campus was in ruins at the time of demolition. The demolition may have been a fait accompli, but the Commission, not the property owner, should have made that decision.

When the Department of Licenses & Inspections declares a site Imminently Dangerous, it sends a violation notice that states: "You are hereby ordered to IMMEDIATELY demolish or repair the said premises as necessary to correct the violations below." The Commission's staff is working with the Department to amend the language in the Imminently Dangerous violation notice to include the following disclaimer for all historically designated properties:

This property is listed on the Philadelphia Register of Historic Places and under the jurisdiction of the Philadelphia Historical Commission. The issuance of an "Imminently Dangerous" or "Unsafe" violation notice does not relieve the property owner of the responsibility to comply with the historic preservation ordinance, Section 14-2007 of the Philadelphia Code. The owner has an affirmative obligation to keep the property in good repair in accordance with the ordinance and must obtain approval from the Philadelphia Historical Commission for any repair, alteration, or demolition prior to the commencement of work.

Section 5.5.c.1 of the Commission's Rules & Regulations states that:

The bases for the rescinding of an entry on the Philadelphia Register of Historic Places are 1) 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, 2) additional information shows that the resource does not meet the criteria for the Register, or 3) error in professional judgment as to whether the resource meets the criteria for listing.

The Rules & Regulations do not require the Commission to rescind a designation if “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,” but it does give the Commission the discretion to rescind if warranted.

STAFF RECOMMENDATION: The staff recommends that the Commission rescind the designation of 700 Church Lane, pursuant to Section 5.5.c.1.1 of the Commission’s Rules & Regulations: “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.”

DISCUSSION: Mr. Farnham presented the rescission application to the Committee. No one represented the nomination.

Mr. Farnham stated that LaSalle University claimed that it met with City officials before it undertook the demolition. The University claims that it was ordered to clear the site at that meeting because the buildings were dangerous and a blight on the neighborhood. Mr. Myers conceded that this action may have been appropriate owing to the dangerous conditions of the buildings and the threats to public safety. Mr. Lavery expressed surprise that the Imminently Dangerous violation was not issued in 1999, immediately after the 5-alarm fire. Mr. Myers posited that the subsidiary buildings on the campus not damaged by the fire were the victims of demolition by neglect by the Manna Bible Institute. Mr. Lavery asked if the Manna Bible Institute exists today. Mr. Farnham reported that it does exist. He stated that the staff did not attempt to contact the religious institution. Mr. Farnham stated that the Commission was unaware of the condition of this complex for eight years after the fire owing to its limited resources to police designated resources. The staff should have become aware of the conditions immediately after the fire and worked with the property owner to rectify the situation. Mr. Lavery stated that he perceived the problem as a systemic one. He suggested finding a mechanism for the Fire Department to apprise the Commission of all fires at all historically designated properties. Mr. Farnham stated that, had the Commission known of the condition prior to the sale to the University, the staff would have attempted to hold the former owner responsible for demolition by neglect. Had violations been issued before the sale, the University would have been apprised of the circumstances through the City Certification process at the time of the sale. Mr. Farnham stated that this situation is significantly complicated by the fact that the University undertook the demolition without permits or approvals, even if demolition was the only feasible course.

Mr. Schaaf asked the Committee to consider whether this site holds archeological potential. Mr. Schaaf suggested that this designation could be amended to include a statement that the site meets Criterion I. Mr. Dilworth asked if the Committee had the evidence to support the claim that there is an archeological potential at this site. Mr. Myers asserted that it is likely that there are archeological resources at the site. Mr. Schaaf suggested that its proximity to central Germantown, which was a seventeenth-century village, indicates that there is archeological potential at the site. Mr. Myers suggested that an overlay of historic maps would give an indication of any potential at the site. Mr. Schaaf concurred. Mr. Dilworth asserted that, by the logic offered by Messrs. Myers and Schaaf, any site in the city could have archeological potential. He asked rhetorically if they were advocating for the designation of the entire city. Both stated that the designation of the entire city had been considered and may be appropriate.

Mr. Myers asked about any remaining structures on the site. Mr. Farnham responded that he had visited the site and believes that the only remaining artifact is the stone wall along Church

Lane. He stated that he believes that the stone wall at the along the southwest property line stands on the adjacent property.

Mr. Dilworth asked if the Commission could legally require the property owner to undertake an archeological survey. Mr. Farnham responded that the Commission could condition the rescission or an approval of a later development with the requirement that an archaeological study be undertaken. However, he cautioned against such a requirement. He asserted that such a decision would likely be appealed. He stated that he was aware of the Commission requiring archaeological study in only one instance, the Riverview condominium tower north of the Ben Franklin Bridge. He stated that, in that instance, the Commission was certain that the site held valuable archaeological artifacts because it was adjacent to the Hertz Lot, where a seventeenth-century shipyard had been discovered during a dig in the 1980s. He stated that he did not consider it prudent to amend the designations of all newly-vacant sites with the hope that they may include archaeological resources. He also questioned whether amending a designation without notice might violate the property owner's due process rights.

Mr. Myers requested that Mr. Baron appear before the Committee to answer questions about the Jewish Foster Home nomination, which he had written. Mr. Baron arrived and Mr. Myers asked him if he knew the identity of the architect of the Italianate building. Mr. Baron replied that he did not know the architect's identity. Mr. Myers speculated that the Italianate building looks like the work of Samuel Sloan. Mr. Baron stated that the nomination concluded that the site held significance because of its role in Jewish history, as a rare example of Moorish Revival architecture, and an example of a complex of buildings designed by Willis Hale.

Mr. Myers suggested that the Committee defer amending the nomination to include Criterion I until it has additional information about potential archaeological resources. Mr. Schaaf posited that the property may have been the site of a seventeenth-century German village. Mr. Myers stated that maps may indicate an archaeological potential. Mr. Dilworth cautioned against amending the designation to declare that the site meets Criterion I until solid evidence supporting the claim that the site would hold archaeological resources is uncovered. He asked his fellow Committee members what evidence they believed that they would find. Messrs. Schaaf and Myers stated that maps may show buildings on the site predating the Italianate mansion. They claimed that evidence of such structures might indicate early privies and other features with artifacts. Mr. Dilworth asked what conclusions they might draw if the maps showed no earlier structures on the site. They responded that that would indicate a likelihood of finding pre-European artifacts on the site. They claimed that the site had a great potential for artifacts regardless of whether there were buildings before the Italianate mansion on the site. In either case, the site was likely to produce either Native American or early colonial artifacts. Mr. Dilworth asked them why they suggested the map research before amending the designation to include the archaeological criterion if they believed that there were artifacts on the site regardless of the site's history before the middle of the nineteenth century.

Mr. Farnham pointed out to the Committee that the University has explicitly requested in writing that the Commission rescind the designation, pursuant to Section 5.5.c.1.1 of the Commission's Rules & Regulations, which states that a resource may be rescinded from the Register if it "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. Farnham stated that, in this case, we know precisely the qualities caused its original entry on the Register because we have a full nomination. It was designated for the reasons Mr. Baron already noted, its history as a Jewish institution, its unusual Moorish Revival architecture, and its connection to famous architect Willis Hale. Those qualities were all lost in the fire and subsequent decay. He cautioned the

Committee to consider the Rules & Regulations when formulating any recommendation. He remarked that the Committee is not bound to recommend rescission, but it may not be empowered to recommend amendment because the property owner has not been properly notified. Mr. Farnham stated that he was not recommending that the Committee amend the designation. Mr. Dilworth stated that LaSalle University has requested the rescission based on the loss of the qualities that caused its original entry. In seeking others ways in which the property may satisfy other Designation Criteria, the Committee may be exceeding its mandate. Mr. Schaaf countered that it is the Commission's job to protect historic resources. Mr. Dilworth contended that it would be tantamount to a police officer receiving a search warrant to look for one particular item and then searching the premises looking for other items outside the authorization of the warrant. Mr. Schaaf stated that he would like an opportunity to review any additional information the staff may collect about the property.

Mr. Dilworth moved to recommend that the Commission rescind the designation of 700 Church Lane and remove the address from the Philadelphia Register of Historic Places, pursuant to Section 5.5.c.1.1 of the Commission's Rules & Regulations. No one seconded the motion. Mr. Myers suggested that he include something about the archaeological potential of the site in a motion.

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Dilworth moved to recommend that the Commission rescind the designation of 700 Church Lane and remove the address from the Philadelphia Register of Historic Places, pursuant to Section 5.5.c.1.1 of the Commission's Rules & Regulations and requested that the staff provide additional information to the Commission on the archeological potential of the site at the meeting on 14 March 2008. Mr. Schaaf seconded the motion, which passed unanimously.

ADJOURNMENT

Mr. Lavery moved to adjourn. Mr. Schaaf seconded the motion, which passed unanimously. The meeting adjourned at 12:00 p.m.