

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

**THOMAS SUGRUE, PH.D., CHAIR
TUESDAY, 10 JUNE 2007, 9:00 A.M.
ROOM 578, CITY HALL**

PRESENT

Janet Klein
Bruce Laverty
Hyman Myers, FAIA
David Schaaf, RA

Jonathan Farnham, Acting Historic Preservation Director
Erin Coté, Historic Preservation Planner

ALSO PRESENT

John Gallery, Preservation Alliance for Greater Philadelphia
Elizabeth Blazeovich, Preservation Alliance for Greater Philadelphia
Anthony Forte, Esq., Saul Ewing, LLP
Robert Powers, Powers & Company, Inc.
Sam Olshin, Atkins Olshin Lawson-Bell Architects
Logan McClintic-Smith, Powers & Company, Inc.
Tom Lussenhop, Campus Inn Associates
Esaul Sanchez, University of Pennsylvania
A. Davis, University of Pennsylvania

CALL TO ORDER

Mr. Myers, the acting chair, called the meeting to order at 9:10 a.m. Ms. Klein and Messrs. Laverty and Schaaf joined him on the Committee.

1 N. 30TH STREET, 30TH STREET STATION

Owner: Amtrak
Applicant: Philadelphia Historical Commission
Proposal: Amend boundary

OVERVIEW: In April 2007, the Philadelphia Historical Commission directed its staff to propose a revision to the designation of 30th Street Station. The boundary of the historic resource is not clearly defined in the nomination the Commission adopted on 1 May 1980, when it designated the property. Amtrak, the property owner, is planning to demolish three buildings in the train yard at the 30th Street Station complex, the Steam Plant, Pullman Building and the Acid Storage Building. The Commission seeks to clarify the boundary of the resource to avoid any confusion regarding the extent of its jurisdiction.

The nomination adopted when 30th Street Station was designated is internally inconsistent. The Steam Plant is mentioned in the Statement of Significance section of the nomination, but is not mentioned in the description or explicitly included within the poorly defined boundary. The Philadelphia Register of Historic Places nomination for 30th Street Station was derived from the National Register nomination for the site. They are almost identical. The following section, which

does not appear in the National Register nomination, was inserted into the Statement of Significance in the local nomination:

Support Facilities

Built in 1929, the steam heating and auxiliary power plant stands about a thousand feet north and west of the station. The system includes a boiler house, a turbine wing, and a smokestack; the facility also houses compressors and generators for the production of both the steam and the electricity required for the signal systems.

No other mention of the Steam Plant is made in the local nomination.

In the boundary section, the National Register nomination states that the historic site is 8.36 acres and defines the site boundary as:

The station is located west of Philadelphia Central Business District and across the Schuylkill River. The Station is bounded on the north by Arch Street, on the south by Market Street, on the east by West River Drive and on the west by 30th Street.

The 8.36-acre site defined in the National Register nomination includes the main station building, but none of the train yard.

The verbal boundary description section of the local nomination is blank. The local nomination does, however, state that the nominated site is 8.36 acres, the same as that in the National Register nomination. The actual site of the main station building bounded by Market, N. 30th, and Arch Streets and N. Schuylkill Avenue West is approximately 8.36 acres. Any site including both the main station building and the three buildings slated for demolition would be much larger than 8.36 acres.

An updated nomination is proposed. It defines a boundary for the historic resource that expressly includes the station building with the covered commuter rail platforms and immediate grounds, but does not include any of the surrounding yard. The Steam Plant, Pullman Building, Acid Storage Building, and all other outbuildings and structures are explicitly excluded from the revised nomination. The information about the power plant is retained within the revised nomination, but with a statement that it is not part of the designated resource.

DISCUSSION: Mr. Farnham presented the revised nomination to the Committee. No one represented Amtrak at the meeting. Mr. Farnham noted that he had spoken with the railroad's attorney about the proposed amendment and its review at the two public meetings.

Ms. Klein asked if the Commission had considered including other historic buildings or resources within the train yard in the revised nomination. Mr. Farnham responded that the Commissioners had not considered expanding the boundary of the 30th Street Station designation when they discussed revising the nomination in executive session. He explained that the Commission had directed the staff to revise the nomination to include an explicit boundary. He reported that Amtrak plans to demolish three structures in the train yard; Amtrak would like assurances that the buildings do not fall within the Commission's jurisdiction. He noted, however, that Amtrak intends to demolish the structures with or without the Commission's approval. If the Commission asserts its jurisdiction over the structures and denies the demolitions, Amtrak will claim immunity from local land use law and proceed with the demolitions over the Commission's objections. Mr. Myers questioned Amtrak's claim of

immunity. Mr. Farnham stated that Amtrak may claim of immunity owing to its quasi-federal status, its special Northeast Corridor immunities, or homeland security.

Mr. Schaaf asked about the buildings slated for demolition and their locations. Mr. Farnham explained that the Pullman Building and Power Plant are about 1000 feet northwest of the station building. The Acid Storage Building is small and a great distance north of the station building. He added that these buildings have been the subject of a Section 106 review. The demolitions of the power plant and Pullman Building would be considered adverse effects. The demolition of the non-historic Acid Storage Building would not. The adverse effects could be mitigated with documentation. Also, Amtrak's consultants have prepared a reuse analysis for the power plant. It is akin to a Commission hardship application. It cogently demonstrates that the reuse of the power plant is infeasible owing to structural problems, environmental contamination, location, and uniqueness of space. He also noted that Amtrak considers the 400-foot tall power plant to be a security risk.

Mr. Myers asked if SEPTA owns the covered commuter platforms, which fall within the boundary. Mr. Farnham replied that he is unaware of the relationship between Amtrak and SEPTA regarding the commuter platforms. He noted, however, that the Commission had satisfied its notice requirements when it notified Amtrak of this review. The City's Department of Revenue considers Amtrak as the sole property owner of the site. Mr. Myers asked if the pedestrian bridge connecting to the Cira Center falls within the boundaries. Mr. Farnham stated that the southern portion of it does. He reported that the Commission had reviewed the design for the bridge and noted generally that Amtrak had acceded to the Commission's jurisdiction over the main station building.

Mr. Schaaf observed that the SEPTA bridge over the Schuylkill, which Paul Cret designed, does not fall within the proposed boundaries. He suggested that the staff write a nomination for the bridge. Mr. Farnham replied that the staff would undertake the task.

Mr. Myers noted that he did not think that the SEPTA passageways that run underground from the subway station to the railroad station should be included within the designation because they do not relate architecturally to the main station building.

RECOMMENDATION: Mr. Schaaf moved to recommend that the Philadelphia Historical Commission adopt the revised nomination for 1 N. 30th Street, a.k.a. 30th Street Station. Ms. Klein seconded the motion, which passed unanimously.

5520-24 ARCH STREET, SAMUEL YELLIN IRON STUDIO

Owner: The Salvation Army, Eastern Pennsylvania and Delaware Division

Applicant: Fred Slifer, AIA

Proposal: Rescission of 5520-24 Arch Street from the Philadelphia Register of Historic Places

OVERVIEW: The Commission designated the Samuel Yellin Iron Studio at 5520-24 Arch Street and placed it on the Philadelphia Register of Historic Places in December 1985. In October 1998, the Commission approved the demolition of the building owing to financial hardship. The Commission's decision states: "approval of demolishing the building on the grounds of financial hardship, with photographic recordation of the current state of the building and copies of the architectural plans for the building, and copies of the historic photographs Ms. Yellin offered to reproduce for the Commission files." The building was subsequently demolished; however, the required photographs and plans have yet to be provided to the Commission. The current owner

now requests the rescission of 5520-24 Arch Street from the Philadelphia Register of Historic Places.

STAFF RECOMMENDATION: The staff recommends that the designation of 5520-24 Arch Street, the Samuel Yellin Iron Studio, be rescinded as “the resource has ceased to meet the criteria for listing on the Register because the qualities that caused it original entry have been lost or destroyed, pursuant to Section 5.5.c.1 of the Rules & Regulations, provided the requisite photographs and plans are submitted to the Commission.

DISCUSSION: Ms. Cote presented the rescission request to the Committee. No one represented the application.

Mr. Myers asked if the Commission had ever received the photographs and drawings as required by the Commission's demolition approval. Mr. Farnham stated that the Commission has no record of their receipt. Ms. Klein asked if the Commission should require compliance from the current owner. Mr. Farnham responded that the Commission has the discretionary power to require compliance or release the new owner from that obligation. He also noted that, strictly speaking, the property is currently not compliant because the conditions of the demolition were not satisfied. Mr. Myers stated that he concurred with the staff's recommendation. He stated that the documents are important and that the Commission should insist on their receipt as a contingency of the rescission. Mr. Lavery opined that it is not unreasonable to request that the current owner, the Salvation Army, comply with the Commission's demolition decision. He added that he believes that Clare Yellin, who donated the property to the Salvation Army, retains the documentation. Ms. Klein suggested that the Commission condition the rescission on the receipt of the documentation.

RECOMMENDATION: Ms. Klein moved to recommend that the Philadelphia Historical Commission rescind the designation of 5520-5524 Arch Street, pursuant to Section 5.5.c.1 of the Commission's Rules & Regulations, provided the requisite photographs and plans are submitted to the Commission. Mr. Schaaf seconded the motion, which passed unanimously.

400 S. 40TH STREET

Owner: OAP, Inc. (real estate company owned by the University of Pennsylvania)

Applicant: Anthony Forte, Esq., for Tom Lussenhop

Site History: Built c. 1856; significantly altered and added to in 1962-1964, 1975

Designation: Individually designated 11/1/73

Proposal: Rescind individual designation

OVERVIEW: This application proposes the rescission of the individual designation of the property at 400 S. 40th Street, at the southwest corner of 40th and Pine Streets. The equitable owners seek the rescission to facilitate the construction of a small hotel.

The building at 400 S. 40th Street was constructed as a large Italianate residence in 1856. Deed research does not indicate that the original or subsequent owners were “persons significant in the past.” The grand house was rehabilitated in the Colonial Revival style in the late nineteenth century by David P. Leas, the co-owner of a Leas & McVitty, a tannery. It was converted into a convalescent home in the middle of the twentieth century and then almost entirely encased in concrete block additions in 1964. A stair tower was added in 1975. The building covers most of the large lot, with asphalt paved drives at the front and rear. It served as a convalescent home

for many years, but was eventually closed. The University of Pennsylvania purchased the derelict property in 2003. It is and has been vacant for several years.

The property was individually designated on 1 November 1973. The record provides scant information on the designation. The Commission's file on the 400 S. 40th Street contains two photographs of the building dating from 1963, a decade before the designation, but no designation photographs documenting the condition of the site at the time of designation. The 1963 photographs depict the building in its historic configuration, prior to the encasing additions. The Commission's file also includes the notice letter, dated 2 January 1974, informing the property owner of the designation. The Commission holds in its records an official designation card for the property. The property is listed in the official pre-1985 Register. The Commission meeting minute documenting the designation on 1 November 1973 states that the staff recommended its certification along with the certifications of several other sites. The other sites designated at that time, including the Fidelity Trust Building, Irvine Auditorium and Houston Hall at the University of Pennsylvania, Rodeph Shalom Synagogue, Peirce Junior College and several others, appear to be unrelated to this site. Several similar grand mid nineteenth-century houses to the west of the property in question along the south side of the 4000-block of Pine Street are also individually designated; they were all individually designated in 1965 at the request of the West Philadelphia Corporation, which had surveyed the neighborhood for historic structures and presented the Commission with a request to certify 33 of the best examples. The property in question was not designated with its neighbors in 1965, but was designated alone nearly a decade later.

The property at 400 S. 40th Street is listed on the National Register of Historic Places as part of the Hamilton Family Estate District, which also includes properties on the south side of the 4000-block of Pine Street and the north side of the 4000-block of Baltimore Avenue. The National Register District was certified in 1978, five years after the local designation of 400 S. 40th Street. Even with the unsympathetic additions, 400 S. 40th Street is classified as a Contributing resource in the National Register District. The National Register nomination suggests that this building was designed by noted architect Samuel Sloan, but that suggestion may be incorrect. It appears that the nomination confused this building with one that stood to the south along 40th Street; that building, an 1854 "Italian Cottage" for James T. Allen, was lost about 1900 and part of its land incorporated into the 400 S. 40th parcel in 1907.

The Commission's involvement with the property since its designation has been limited. A three-story stair tower was erected along the north or Pine Street elevation with a building permit in 1975, but the Commission has no record of reviewing a building permit application for the project. A sprinkler system was also added in 1975; the building permit application for that work on file at the Department of Licenses & Inspections states that the building is not historical. The Commission has no record of reviewing that building permit application either. The only application ever reviewed by the Commission for the property was approved at the staff level in 2000; it proposed altering the sprinkler system.

Section 5.5.c.1 of the Commission's 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 applicant contends in his rescission request that the integrity of the Italianate building was compromised to such an extent by the encasing additions erected in the 1960s, 10 years before designation, that it cannot convey its historic character or value. The applicant concludes that either:

1. the Commission was unaware of its altered condition at the time of designation and the new information herein presented demonstrates that the resource does not meet the criteria for the Register;
2. or the Commission was aware of its altered condition at designation and committed an error in professional judgment.

The applicant presents a report that argues that the property does not satisfy any of the 10 current designation criteria in the City's historic preservation ordinance. However, the rescission application does not address the fact that this property was designated under the original ordinance, which did not elaborate designation criteria, but instead authorized the Commission to designate properties "which it deems historically significant to the City." Furthermore, the rescission application and attached report do not address the fact that the current historic preservation ordinance defines an "Historic Building" as:

A building or complex of buildings and site which is designated pursuant to this section or **listed** by the Commission under the prior historic buildings ordinance approved December 7, 1955, as amended. [§14-2007(2)(j), emphasis added]

The property at 400 S. 40th Street was indisputably "listed" at the time of the adoption of the current historic preservation ordinance and, therefore, must be considered designated.

STAFF RECOMMENDATION: The staff recommends denial of the rescission application, pursuant to Section 5.5.c.1 of the Commission's Rules & Regulations. The applicant has not demonstrated that either "additional information shows that the resource does not meet the criteria for the Register" or the Commission committed an "error in professional judgment as to whether the resource meets the criteria for listing," when evaluated with the designation criterion in effect in 1973. Without contradicting evidence, one must assume that the Commission was aware of the condition of the building when it elected to designate it. One must also assume that the Commission did not commit an error in professional judgment when it designated this building with low integrity, but instead looked at this building through a different lens than we use today. During its first two decades, during the heyday of urban redevelopment, the Commission often designated buildings of low integrity to participate in and guide their rehabilitation. Today, 30 years beyond the urban redevelopment movement of the mid twentieth century, one might argue that the designation of such a building is inappropriate because of its integrity problems. In fact, today, the staff would recommend denial of a nomination to designate this building if based solely on architectural significance, owing to its substantial integrity problems. Although the current designation criteria do not explicitly invoke an integrity test, they do implicitly. A building of low integrity cannot adequately "reflect," "embody," or "exemplify" a moment in history. The staff suggests that, in this case, rescission is not an appropriate avenue to the reuse or demolition of this building; the staff suggests instead that the applicant determine whether this building may be reasonably adapted for a new, appropriate, and financially feasible use. If it can, it should be rehabilitated with the Commission's oversight; if it cannot, its hardship should be demonstrated to the Commission with a financial hardship application.

DISCUSSION: Mr. Farnham presented the rescission request to the Committee. Attorney Anthony Forte, preservation consultant Robert Powers, developer Tom Lussenhop, architect Sam Olshin, and Esaul Sanchez of the University of Pennsylvania represented the application.

Mr. Forte expressed his gratitude for the staff's assistance in preparing this application. He noted that he had one correction to the staff's overview. He stated that the developer is not proposing to demolish the building. The application proposes rescinding the designation; it does not propose demolition. Mr. Forte asserted that the building was not significant at the time of designation. He noted that this designation predates the use of the nomination form. He reported that the Commission's file on the property contains only two photographs of the building; both were taken in 1963, a decade before the designation and prior to the construction of the additions. He stated that he believes that the Commission was unaware of the additions at the time of designation. He remarked that the National Register nomination, which classifies the building as contributing, is flawed because it wrongly attributing the building to Samuel Sloan. He noted that the staff agrees that the property does not meet the current criteria for designation. He opined that the building is severely compromised. He contended that the designation of a building of such low integrity devalues the Register and the Commission, retards improvement, and taxes the limited resources of the Commission. He opined that designating this highly altered property has prevented rather than promoted its reuse. He stated that the developer cannot afford to take the risk and spend \$60,000 to \$70,000 on an uncertain review process. He again contended that the Commission designated the building in error. He added that the developer is seeking to do what is best for the property and neighborhood.

Mr. Myers asked if anyone had considered restoring or reusing the property. Mr. Forte replied that the University of Pennsylvania purchased the property because it was a nuisance. In 2003, the University considered converting the property for use as a Greek house, but determined that it was infeasible. Mr. Myers opined that the layout of the existing building lends itself for reuse as an inn.

Mr. Schaaf displayed aerial photographs of the property for the Committee and applicants. He noted that the courtyard at the center of the property separates the new from the old and allowed for the retention of much of the south façade of the historic building. He stated that this façade is not currently visible from the street, but was preserved. The additions did not significantly diminish the integrity of the historic building. He suggested that the architect of the 1960s additions attempted to complement the historic core of the building with the new construction. He noted that the 1960s additions were constructed of white glazed brick, which is an expensive, not a cheap, material. He also noted that the bond of the brick harmonizes with the Italianate building. Mr. Forte disagreed, pointing out that three out of the four sides of the historic building have been lost. The Committee members disputed Mr. Forte's assessment of the loss. Mr. Forte noted that the front porch was lost. Mr. Myers explained that the original front porch had already been lost. The 1963 photographs show that the original porch was replaced about 1900 with a Colonial Revival porch. Mr. Lavery noted that many original elements remain on the historic building, such as the brackets, cornice, lantern, and fenestration. He asserted that the non-historic additions could easily be peeled away, leaving the historic building. Mr. Forte responded that the ultimate question is not what remains, but what has been lost and if that loss degrades the significance.

Mr. Myers stated that the alterations may have actually saved the building from demolition in the 1960s. Mr. Forte stated that the designation has kept this property vacant. He reported that the building is in very poor condition and continues to deteriorate; he posited that the building may be entirely lost due to deterioration. He added that it is the intention of the developer to consider retaining the historic core of the building if possible. He noted that the building suffers from some severe structural problems as well as water damage. He opined that the Historical Commission's process may cost the developer as much as \$60,000 to demonstrate that it is infeasible to save the building; the process is burdensome on the applicant. Ms. Klein

disagreed. Mr. Forte replied that his client would prefer to have the designation rescinded and then apply the money he would have spent on the Commission process to the historic building. He stated that his client wants to retain the historic building, but not be required to undertake a restoration. He has noted that his client intends to develop his project in concert with the neighborhood. He concluded that his client's time and money would be better spent on the property than the Commission's process.

Mr. Schaaf asked if the applicant considered the 1960s additions sympathetic to the core historic building. Both Mr. Forte and Mr. Powers stated that they did not. Mr. Schaaf stated that the 1960s architect made appropriate architectural decisions when designing the additions, if those decisions are evaluated in their historic context. He noted, for example, that the white stack-bond piers relate to the quoins on the historic building. Mr. Powers stated that this is exactly the point that he and Mr. Forte are endeavoring to make; a claim that the 1960s additions are historic could derail the development project. He recommended that the designation be rescinded.

Mr. Baron opined that the historic 1850s building is especially significant. It is an important structure in the oldest part of Spruce Hill, which was first developed in the 1840s and 1850s. Also, it is unusual because it is a single house, not a much more common twin. He also stated that the Secretary of the Interior's Standards include both restoration and rehabilitation standards. Under the restoration standards, one may demolish sections of a building that do not date to the period of significance. The Standards do not preclude the demolition of the 1960s additions. He added that the Commission has routinely approved the demolition of less significant, non original portions of buildings. A finding of hardship would not be necessary to demolish the 1960s and 1970s portions of this building. He recommended that the applicant submit an in-concept application to judge the Commission's position on the demolition. He concluded that the Commission has a track record of working with owners on complex projects; the designation does not tie the hands of the property owner.

Mr. Myers asked if the members of the public would like to comment on the proposal. John Gallery of the Preservation Alliance asked about the loss of historic fabric where the additions meet the historic building. Architect Sam Olshin replied that joist pockets for the additions have been cut into the walls of the historic building. He also noted that doors have been cut and window sills lowered. Mr. Forte stated that the historic fabric has been lost at the points of connection. Mr. Gallery stated that he did not consider the 1960s alterations to be sympathetic or have historic significance. He opined that the Italianate building but not the additions merit preservation. He posited that the Commission may have made an error if it designated this building under the false impression that it was designed by Samuel Sloan. He suggested that the Committee recommend either that the designation be amended to state that only the Italianate section of the building has significance or that the 1960s additions may be demolished. He added that the applicants should submit a financial hardship application if they are claiming that the adaptive reuse of the Italianate section of the building is infeasible. Mr. Myers stated that he believes that the Italianate section of the building can be adaptively reused. Mr. Gallery suggested that the Committee distinguish between the historic core and the additions, giving the developer the confidence to proceed with the project.

Esaul Sanchez of the University of Pennsylvania stated that the university has been working to stabilize the building and that it is the University's intention to keep as much of the core building as possible while revitalizing this corner of the neighborhood. Tom Lussenhop, the developer, stated that he lives in the neighborhood and will work with the University City Historical Society. Mr. Forte reported that the University of Pennsylvania's Design Review Committee would

evaluate the project as well. He asserted the developer should not be required to submit to the Commission's review process because the designation is flawed. Ms. Klein disagreed that the designation is flawed and observed that she joined the Commission a few years after this designation. She stated that the Commission designated buildings of lower integrity in the 1970s with the intention of guiding their rehabilitations. She contended that the Commission designated this building for that reason.

Mr. Schaaf asked if the 1973 certification was based on the attribution to Sloan. Mr. Farnham replied that there is no indication that the Commission designated the building because it believed it to be a Sloan building. He reported that George Thomas appears to be the first to attribute the building to Sloan, perhaps mistakenly; he did not do so until the late 1970s, after the building was designated. Mr. Farnham added that many of the early designations have minimal documentation. He reiterated that the current preservation ordinance accounted for the fact that the Commission's early designations were not always well documented. The ordinance states that an "Historic Building" is either one designated under the current ordinance or on the list at the time of the adoption of the current ordinance. Mr. Farnham stated that he had met with the developer and his attorney and was given the impression that the developer intended to demolish, not retain, the building. Mr. Forte replied that the developer intends to work with the historic building if possible. Mr. Farnham stated that the staff has the authority under the Rules & Regulations to approve the demolition of the 1960s additions without referral to the Commission. He stated that, with all due respect for Mr. Schaaf's appreciation of the 1960s additions, he does not consider them significant later architectural fabric. Mr. Myers suggested that the Committee advise the Commission that the 1960s additions are not historically significant but the Italianate building is. Mr. Lavery added that the Italianate building is significant regardless of the possible connection to architect Samuel Sloan.

Mr. Forte asked if the Committee would recommend limiting the bounds of the designation to the Italianate building as a compromise to prevent the Commission from prolonging the process with a review of the new construction. The Committee rejected that suggestion. Mr. Lavery remarked that, like the University of Pennsylvania, the Commission has a vested interest in this property.

RECOMMENDATION: Ms. Klein moved to recommend that the Philadelphia Historical Commission deny the rescission request, pursuant to Section 5.5.c.1 of the Commission's Rules & Regulations, and amend the designation to indicate that the c. 1856 Italianate building is historically significant, but the 1960s and 1970s additions and alterations are not historically significant. Mr. Lavery seconded the motion, which passed unanimously.

ADJOURNMENT

Ms. Klein moved to adjourn. Mr. Schaaf seconded the motion, which passed unanimously. The meeting adjourned at 10:44 a.m.