

**THE MINUTES OF THE 610TH STATED MEETING OF THE
PHILADELPHIA HISTORICAL COMMISSION**

**FRIDAY, 14 JUNE 2013
ROOM 18-029, 1515 ARCH STREET
SAM SHERMAN, CHAIR**

PRESENT

Sam Sherman Jr., Chair
Richardson Dilworth III, Ph.D.
Anuj Gupta, Esq.
Dominique Hawkins, AIA, NCARB, LEED AP
JoAnn Jones, Esq., Office of Housing & Community Development
Rosalie Leonard, Esq., Office of City Council President
John Mattioni, Esq.
Sara Merriman, Commerce Department
R. David Schaaf, RA, Philadelphia City Planning Commission
Robert Thomas, AIA
Betty Turner, M.A.

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

ALSO PRESENT

Ben Leech, Preservation Alliance for Greater Philadelphia
Stuart Rosenberg, SGRD
Terry Buckalew
Rakhmiel Peltz
Christina Carter, John Milner Architects
Peter T. & Katherine B. Commons
Sharon Reid, Preservation Alliance for Greater Philadelphia
Erin McCabe, City Planning Commission
William Knapp, Athenian Razak
Christopher Mote, Hidden City
Jon Vimr, Preservation Alliance for Greater Philadelphia
Chelsea Troppauer, Preservation Alliance for Greater Philadelphia
Dan Rosin
Sara Patrick, AOS Architects
Jose Hernandez, JKR Partners
Steven Sergi, JKR Partners
Rachel Hildebrandt
Richard Rosin
Brent Leggs, National Trust for Historic Preservation
Allison Weiss
Brett Feldman, Klehr, Harrison, Harvey, Branzburg
Leonard F. Reuter, Esq., The Reuter Law Firm, LLC
Kassahun Sellassie
Theresa Stuhlman, Philadelphia Parks and Recreation

CALL TO ORDER

Mr. Sherman called the meeting to order at 9:10 a.m. Commissioners Dilworth, Gupta, Hawkins, Jones, Leonard, Mattioni, Merriman, Schaaf, Thomas, and Turner joined him.

MINUTES OF THE 609TH STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION

ACTION: Ms. Merriman moved to adopt the minutes of the 609th Stated Meeting of the Philadelphia Historical Commission, held 10 May 2013. Ms. Leonard seconded the motion, which passed unanimously.

THE REPORT OF THE ARCHITECTURAL COMMITTEE, 28 MAY 2013

Dominique Hawkins, Chair

CONSENT AGENDA

Mr. Farnham introduced the consent agenda and explained that it included three applications, 1 Bank Street, 274 S. 3rd Street, and 239 Queen Street. Mr. Sherman asked if any Commissioners had comments on the Consent Agenda. No one offered comments. Mr. Sherman asked if the audience had comments on the Consent Agenda. No one offered comments.

ACTION: Ms. Merriman moved to adopt the recommendations of the Architectural Committee for 1 Bank Street, 274 S. 3rd Street, and 239 Queen Street. Ms. Jones seconded the motion, which passed unanimously.

AGENDA

ADDRESS: 1 BANK ST

Project: Construct four residential buildings

Review Requested: Final Approval

Owner: Pinerolo Properties LLC

Applicant: Jose Hernandez, JKR Partners Architects & Designers LLC

History: buildings lost in fire, 2/3/2007; vacant lots

Individual Designation: 11/4/1976

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

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

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, provided the second-floor windows are two-over-two or six-over-six double-hung windows in punched openings; the storefront piers are consistently dimensioned and spaced including at the party walls; all front facades are in the same plane; and all cornices and belt courses are aligned, with the staff to review details, pursuant to Standard 9.

OVERVIEW: The buildings that stood on this site, which dated to about 1830 and were individually designated, were lost in a fire in 2007. The applicant recently acquired the lots and proposes to construct four townhouses on the site. The historic buildings were each two bays wide with three-bay storefronts. The new structures will have two-bay storefronts and three-bay upper floors. The new buildings are faced in brick and approximately the same height as the historic buildings.

The proposed buildings are generally compatible with the district. However, the window designs should be revised. The single-light windows should be replaced with double-hung windows and

the large sliding windows should be reduced in size and scale, perhaps with coupled double-hung windows. The application materials does not include elevations of the decks with pilot houses and railings.

ACTION: See Consent Agenda.

ADDRESS: 253-55 N 02ND ST

Project: Construct 20-unit residential building

Review Requested: Final Approval

Owner: Papermill JV, GP LLC

Applicant: Stuart Rosenberg, Stuart Rosenberg, Arch. PC

History: 1830

Individual Designation: 12/31/1984

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

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

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

OVERVIEW: This application proposes constructing an apartment house on the open east end of a lot that includes two historic buildings facing 2nd Street. The new building would stand behind the historic buildings, which face N. 2nd Street, and would face New and Letitia Streets. The new building would not attach to the historic buildings. The new building would have an off-white stucco veneer and punched openings of a similar proportion to historic windows in the district. The ground floor would be used for parking. The proposed building would be flanked by large, contemporary buildings to the north and south and by the I-95 embankment to the east. Tucked away at the corner of New and Letitia Streets, the building would have no discernable impact on the historic district.

DISCUSSION: Mr. Baron presented the application to the Historical Commission. Architect Stuart Rosenberg represented the application.

Mr. Rosenberg stated that he revised the design of the facades of the proposed building to correspond to the suggestions of the Architectural Committee. He stated that he has added the cornices and lintels as well as the parking garage screening suggested by the Committee. He stated that he has better articulated the entrance. He stated that the facades have been redesigned to better relate to the historic district and the site's context. He reported that he met with the Commission's staff many times before and after the Committee meeting. He noted that the eight-foot setback of the façade from the street is required by zoning. He added that his building will align with the building to the west on New Street. He stated that the surrounding buildings are contemporary in style and are four to six stories tall. He asserted that his building will be compatible with the nearby new buildings as well as the historic buildings in the district. He concluded that he has created a simple yet dignified building. It is akin to the early nineteenth-century loft buildings in the neighborhood. He pointed out that the site is currently a surface parking lot.

Mr. Thomas asked if the revised drawings were provided to the Commission members. Mr. Baron stated that they had been sent to the Commissioners in their meeting materials packets. Mr. Thomas asked if other parking options were considered; he suggested that surface parking is inappropriate, even if screened. Mr. Rosenberg replied that the site is too narrow for subsurface parking. The zoning code requires a three-to-ten ratio of parking spaces to units. He

added that the interior parking as proposed is much better than the current surface lot. Mr. Thomas asked if he had considered using a lift to move cars to basement parking. Mr. Rosenberg stated that an expensive lift system would be infeasible in such a building. He claimed that the landscaped area at the sidewalk as well as the screening would create an acceptable pedestrian environment. He noted that there are few pedestrians in the area and that an enormous highway access ramp stands directly across a narrow street from the building.

ACTION: Mr. Mattioni moved to approve the revised application as presented to the Historical Commission at its meeting of 14 June 2013, with the staff to review details. Ms. Leonard seconded the motion, which passed by a vote of 10 to 1. Ms. Hawkins dissented.

ADDRESS: 274 S 03RD ST

Project: Construct addition and porch, replace patio and steps

Review Requested: Final Approval

Owner: Geoff & Lee Dennis

Applicant: Christina Carter, John Milner Architects, Inc.

History: 1813; James Lyndall, carpenter

Individual Designation: 4/30/1957

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

Staff Contact: Jorge Danta, jorge.danta@phila.gov, 215-686-7660

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

OVERVIEW: This application proposes to construct a two-story addition at the rear of the property. The property does not have a rear ell. Map research indicates that the building did not have a rear ell historically. The ground-floor of the rear façade was altered in the mid-twentieth century with the addition of a large window. The Commission approved enlarging a second-floor window into a French door with railing in March 2009. That work was carried out. The proposed addition would extend six feet into the rear yard of the property. The houses on either side of the subject property have rear additions. The proposed addition would not extend beyond the existing adjacent additions. The ground-floor would be finished in stucco with French doors. The second floor would be an open porch. The second-floor masonry wall and existing openings would be retained. The porch would have wood posts and railings.

ACTION: See Consent Agenda.

ADDRESS: 239 QUEEN ST

Project: Construct residential building at rear

Review Requested: Final Approval

Owner: 235 Queen Street LLC

Applicant: Dan Rosin, 235 Queen Street LLC

History: 1810

Individual Designation: 5/31/1966

District Designation: None

Staff Contact: Jorge Danta, jorge.danta@phila.gov, 215-686-7660

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, provided the front façade is simplified with the replacement of some of the fiber cement panels with brick and the replacement of the third-floor balcony with a window, with the staff to review details, pursuant to Standard 9.

OVERVIEW: This application proposes to construct a three-story residential building at the rear of 239 Queen Street, which will be consolidated with the property at 235-37 Queen Street. The new building is intended to recreate a row of historic trinity or bandbox houses, which stood on Caines Place, a narrow alley running from Queen Street. The trinities were demolished in 1956, before the property was designated as historic. Historically, those trinities as well as other houses faced a rear courtyard, which was located behind the larger houses at 233, 235, 237, and 239 Queen Street. The main houses at 235, 237, and 239 and the rear houses behind 235 and 237 survive. In addition to the trinities, the main and rear houses at 233 have been demolished. Trinity Church and its burying ground stood to the east of the court. The church has been demolished and the grounds redeveloped as Mario Lanza Park.

The new building cannot replicate the lost row of trinities precisely because of current zoning and building code requirements. The new building would, however, be based on the lost historic buildings and would recreate the historic sense of space of the rear courtyard. It would be built against the stuccoed party walls at the rear of 239 Queen and at the side of 241 Queen. Like the historic trinities, the new building would be three stories tall with a half-gable roof and would be faced with red brick. It would also be clad with fiber cement panels and include decorative banding and a Juliette balcony. Decks would project off the north façade.

The new building would be minimally visible from Queen Street across the park and yards of 235 and 237 Queen Street. It would be visible from Mario Lanza Park, especially the dog park section of the park, which is located where 233 Queen Street once stood. The north façade and decks of the proposed building would not be visible to the public.

ACTION: See Consent Agenda.

THE REPORT OF THE COMMITTEE ON HISTORIC DESIGNATION, 29 MAY 2013

Richardson Dilworth III, Chair

2917-19 N. BROAD STREET

Joe Frazier's Gym, a.k.a. Cloverlay Gym

Owner: Broad Enterprise Group LLC

Nominator: Preservation Alliance for Greater Philadelphia

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Ms. Klein moved to recommend that the property at 2917-19 N Broad Street satisfies Criteria for Designation A, H, and J and should be designated as historic and listed on the Philadelphia Register of Historic Places. Mr. Cohen seconded the motion, which passed unanimously.

OVERVIEW: This nomination proposes to designate Joe Frazier's Gym at 2917-19 N. Broad Street as historic and list it on the Philadelphia Register of Historic Places. The building was constructed in 1895 and converted by Henry D. Dagit & Sons into a gymnasium for former world heavyweight champion boxer Joe Frazier in 1969. The nomination contends that the property satisfies Criteria for Designation A, H, and J. Joe Frazier's Gym was listed on the National Register of Historic Places on 30 April 2013.

DISCUSSION: Ms. Coté presented an overview of the nomination and the Committee on Historic Designation recommendation to the Commission. Ben Leech of the Preservation Alliance for Greater Philadelphia represented the nomination.

Mr. Leech stated that the Preservation Alliance is "thrilled" that the hard work of the Commission, Alliance, neighborhood groups, and individuals has resulted in the Commission's consideration of the long list of nominations. The sites represent 300 years of Philadelphia history and many of the sites are located in areas of the city that have witnessed little attention from the Commission. He stated that the Alliance is proud of the diverse range of sites under consideration on this agenda. He noted that several nominations derive from the district plans of the 2035 Philadelphia Comprehensive Plan.

He stated that the Joe Frazier Gym is listed on the Alliance's Most Endangered List. That listing drew the attention of the National Trust for Historic Preservation, which also listed it as endangered and declared it a National Treasure. He thanked everyone involved with the nomination of the Joe Frazier Gym.

Brent Leggs of the National Trust for Historic Preservation echoed Mr. Leech, explaining that his organization listed the Joe Frazier Gym as endangered and declared it a National Treasure. He spoke of Joe Frazier's importance in sports history and advocated for the designation of the building. He noted the Trust's role in supporting the preservation of African-American historic sites.

Mr. Mattioni asked if the nominator or Commission had engaged the owner in the process. Mr. Leech responded that his organization had engaged with the owner. He explained that the owner has chosen to remain anonymous, but is not opposed to the designation. Ms. Cote added that the owner's attorney had visited the office to learn about the Commission and the designation process and had also attended the Committee on Historic Designation meeting.

Ms. Leonard asked if the billboard on the gymnasium building would be included in the designation. Mr. Farnham responded that, if the property is designated, the Commission would

have jurisdiction over the billboard because it is an exterior element of the building. However, the designation of the building would not necessarily mean that the billboard was protected from alteration or removal. The Commission would have the opportunity to determine whether the billboard has historical significance warranting preservation if it received an application proposing work to the billboard.

ACTION: Ms. Hawkins moved to find that the property at 2917-19 N Broad Street satisfies Criteria for Designation A, H, and J and to designate it as historic and list it on the Philadelphia Register of Historic Places. Ms. Jones seconded the motion, which passed unanimously.

2340 CECIL B. MOORE AVENUE

Dox Thrash House

Owner: Muhammad Ali Hasan

Nominator: Preservation Alliance for Greater Philadelphia

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Schaaf moved recommend that the property at 2340 Cecil B. Moore Avenue satisfies Criteria for Designation A, C, and J and should be designated as historic and listed on the Philadelphia Register of Historic Places. Mr. Lavery seconded the motion, which passed unanimously.

OVERVIEW: This nomination proposes to designate the Dox Thrash House at 2340 Cecil B. Moore Avenue as historic and list it on the Philadelphia Register of Historic Places. The rowhouse was designed by Harold Godwin and constructed in 1895. It was the home of Dox Thrash, a distinguished African American printmaking artist, from 1944 to 1959. The nomination contends that the property satisfies Criteria for Designation A, C, and J.

DISCUSSION: Ms. Coté presented an overview of the nomination and the Committee on Historic Designation recommendation to the Commission. Ben Leech of the Preservation Alliance for Greater Philadelphia represented the nomination.

Ms. Jones noted a misspelling on page 15.

Mr. Gupta asked for the name of the current owner. Ms. Cote responded that it is Muhammad Ali Hasan. She stated that he was notified of the consideration of the nomination. Mr. Mattioni asked if the owner has participated in the process. Ms. Cote replied that he has not participated. Mr. Leech explained that this property has a “tangled title.” He stated that one of the members of the family that owns the property first proposed the designation to the Preservation Alliance. He noted, however, that the Alliance has been unable to contact any of the family members recently. He explained that the Alliance has been working with Project Home and property owners in the area and contended that, once the title questions are answered, the family that owns the building will support the designation. Mr. Sherman noted that the building is currently vacant. Mr. Leech stated that it is in relatively good condition, but that he does have concerns about its long-term maintenance. Mr. Mattioni claimed that designation would place “special burdens” on the property owner. Mr. Leech reported that he has been contacted by people who would like to acquire the building. He concluded that there are prospects for reinvestment.

ACTION: Ms. Jones moved to find that the property at 2340 Cecil B. Moore Avenue satisfies Criteria for Designation A, C, and J and to designate it as historic and list it on the Philadelphia Register of Historic Places. Ms. Leonard seconded the motion, which passed unanimously.

2501-15 S. MARSHALL STREET

Stiffel Senior Center, a.k.a. Jewish Education Center #2

Owner: Temple Housing Associates

Nominator: Preservation Alliance for Greater Philadelphia

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Lavery moved to recommend that the property at 2501-15 S. Marshall Street satisfies Criteria for Designation A, E, and J and should be designated as historic and listed on the Philadelphia Register of Historic Places. Ms. Klein seconded the motion which passed unanimously.

OVERVIEW: This nomination proposes to designate the Stiffel Senior Center at 2501-15 S. Marshall Street as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the property satisfies Criteria for Designation A, E, and J. The building was designed by Frank E. Hahn and constructed in 1928 as an educational center for South Philadelphia's Jewish community. The building later served as a Jewish Y and ultimately a senior center. It was determined eligible for the National Register of Historic Places in 2004.

DISCUSSION: Ms. Coté presented an overview of the nomination and the Committee on Historic Designation recommendation to the Commission.

Ms. Cote stated that the owner of the property contacted the Historical Commission and opined that he is not supportive of a designation. She relayed that he had stated that he would attend the Committee on Historic Designation meeting, but then did not appear before the Committee.

Richard Rosin addressed the Commission and explained that he and his wife have been involved with the center for several decades through the Friends of Stiffel, which raised money to support the center. His wife taught art at the center for 29 years. The center provided services to about 450 senior citizens at any one time. He stated that the center was a hub of Jewish spiritual and cultural life for many years. The center has considerable historic significance. He stated that the nomination makes a very compelling case for designation.

Rakhmiel Peltz, a Yiddish scholar and the head of Judaic Studies at Drexel University, stated that he has been involved with the Stiffel Center since the 1980s. He asserted that the center is the most important building in Philadelphia for the Jewish community that is not a synagogue. He stated that the building is important not only to the Jewish community but to all of South Philadelphia. In recent years, only about 150 of the 450 active members were Jewish. It was a multi-ethnic center. The center was one of the first to provide social services in the city. It housed the first pre-school and kindergarten in the city and was the first to provide services to single mothers in the city. He advocated for the center's historic designation.

Mr. Mattioni asked why the property owner had expressed his opposition to the designation to Ms. Cote. She responded that he opposed the designation because he did not want to incur additional regulatory oversight. Mr. Mattioni stated that the property is clearly historically significant, but he is concerned that the Commission may be engaging in an exercise in futility if it seeks to protect a building that the owner does not want protected. Ms. Hawkins noted that the owner is aware of the proposed designation, but has declined to participate in the discussion regarding the potential for designation. Mr. Mattioni stated that he is concerned because the owner may not be interested in preserving the building. Mr. Sherman responded that a designation will protect the building from demolition and allow it to be rehabilitated by a future owner if the current owner ignores it. Mr. Thomas stated that the Commission is the principal steward of historic resources in the city. He observed that, if a designation would adversely impact an ongoing project at the site, the owner could appear and make a case against

designation. However, in this case, the owner has declined to participate. The Commission should not make a case against designation because the owner has chosen not to participate, but should designate the property to ensure that it survives and is eventually reused, even if not by this owner. He contended that the Commission's process is a public process that allows for participation. Ms. Turner stated that the Commission should recognize the cultural importance of the site, as the speakers noted. Mr. Mattioni stated that he understands the historical significance of the site and the desire to protect it, but he is concerned that a designation "may not make a difference." He stated that he has "grave reservations" about whether a designation "would have a positive effect."

ACTION: Ms. Turner moved to find that the property at 2501-15 S. Marshall Street satisfies Criteria for Designation A, E, and J and to designate it as historic and list it on the Philadelphia Register of Historic Places. Mr. Gupta seconded the motion, which passed unanimously.

1525 CHESTNUT STREET

A. Pomerantz & Co. Building

Owner: TGDGME Chestnut LLC

Nominator: Staff of the Philadelphia Historical Commission

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Schaaf moved to recommend that the property at 1525 Chestnut Street satisfies Criteria for Designation D and F, and should be designated as historic and listed on the Philadelphia Register of Historic Places. Mr. Cohen seconded the motion, which passed unanimously.

OVERVIEW: This nomination proposes to designate the A. Pomerantz & Co. Building at 1525 Chestnut Street as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the property satisfies Criterion for Designation F. Designed by Edwin P. Simon and David B. Bassett and constructed in 1917, the diminutive skyscraper for A. Pomerantz & Co., a stationary and printing business, is architecturally significant and includes an innovative, unusual four-story glass curtain wall.

DISCUSSION: Ms. Coté presented an overview of the nomination and the Committee on Historic Designation recommendation to the Commission.

Mr. Gupta asked if the building is occupied. Mr. Farnham responded that the building is currently being renovated as a boutique hotel. He stated that he met with the owner and his attorney and architect. He stated that the owner was initially concerned about the potential historic designation. Mr. Farnham stated that he explained the process to the owner and pledged to work with him to ensure that the Commission's jurisdiction would not unduly burden the hotel renovation. He stated that it appears that the owner's concerns have been overcome. He informed the Commission that most of the permits for the renovation were issued prior to the initiation of the Historical Commission's jurisdiction.

Brett Feldman, attorney for the property owner, explained that his client acquired the property out of bankruptcy. He stated that the property sat vacant for a number of years. He stated that his client is adaptively reusing the building as a boutique hotel with 21 rooms, a restaurant, and other amenities. He added that, prior to the Commission's involvement, the owner was working with the Planning Commission for the façade review. He stated that the question of designation came up in the middle of the construction phase. He stated that the owner was concerned on how it would affect the plans and financing. Mr. Feldman stated that they have met with the staff

and are now in a position of non-opposition, with an understanding that all will work to move this renovation along. He believed that this project will spur further rehabilitation on this block. He stated that he hoped that the review of future signage proposals would be a cooperative process with the Zoning, Planning, and Historical Commissions.

ACTION: Ms. Hawkins moved to find that the property at 1525 Chestnut Street satisfies Criteria for Designation D and F, and to designate it as historic and list it on the Philadelphia Register of Historic Places. Mr. Schaaf seconded the motion, which passed unanimously.

125 N. 10TH STREET

Chinatown YMCA, a.k.a. Chinese Cultural and Community Center

Owner: Chinatown Building and Education Foundation

Nominator: Preservation Alliance for Greater Philadelphia

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Dilworth moved to recommend that the property at 125 N. 10th Street satisfies Criteria for Designation A, D, E, H, and J and should be designated as historic and listed on the Philadelphia Register of Historic Places. Mr. Schaaf seconded the motion, which passed unanimously.

OVERVIEW: This nomination proposes to designate Chinatown YMCA, also known as the Chinese Cultural and Community Center, at 125 N. 10th Street as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the property satisfies Criteria for Designation A, D, E, H, and J. Originally constructed about 1832, the rowhouse was redesigned by Taiwanese architect Yang Chou-Cheng in the late 1960s in the style of a Mandarin palace to serve as the Chinatown Y.

DISCUSSION: Ms. Coté presented an overview of the nomination and the Committee on Historic Designation recommendation to the Commission. Ben Leech of the Preservation Alliance for Greater Philadelphia represented the nomination.

Mr. Mattioni asked if the owner has participated in the designation process. Ms. Coté responded that the owner has not contacted the staff. Mr. Mattioni asked if the owner was notified. Ms. Coté stated that all owners of properties under consideration for designation today were notified as required in historic preservation ordinance.

Mr. Gupta asked if the Chinatown Building and Education Foundation is a nonprofit organization. Mr. Sherman stated that the wife of the founder of the organization had attempted to keep the building and organization operational, but it has been at least 10 years since the building has been open to the public. He stated that the building is an anchor to the community.

Mr. Gupta asked if the owner was sufficiently notified. Ms. Cote responded that the requisite notice letters were sent at least 30 days in advance of the Committee on Historic Designation meeting as required by the historic preservation ordinance. Mr. Gupta opined that the legally required notice may not be sufficient. Ms. Merriman asked why this property owner would require additional efforts above those required by the ordinance. Mr. Gupta stated that he is not questioning whether the notice requirements were met, but instead questioning whether a letter sent to a defunct organization is sufficient enough to make the property owner aware of the designation process.

Mr. Leech stated that, at the risk of passing along hearsay, wanted to inform the Commission that students of the historic preservation program at the University of Pennsylvania conducted a design studio class focusing on this building and have been inside within the last year. They were working with the owner, the wife of the founder of the community center. He stated that, to the best of his knowledge, she is aware of the proposed designation, which is intended to bring attention to the building. Mr. Leech stated she is doing her best to restore the building with the resources available to her.

Mr. Schaaf noted that this building meets five of the 10 Criteria for Designation, which attests to its level of significance.

ACTION: Mr. Schaaf moved to find that the property at 125 N. 10th Street satisfies Criteria for Designation A, D, E, H, and J and to designate it as historic and list it on the Philadelphia Register of Historic Places. Ms. Turner seconded the motion, which passed unanimously.

15-21 S. 11TH STREET

Horn & Hardart Building

Owner: Morish Gabbay

Nominator: Preservation Alliance for Greater Philadelphia

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Lavery moved to recommend that the property at 15-21 S. 11th Street satisfies Criteria for Designation E, F, and J and should be designated as historic and listed on the Philadelphia Register of Historic Places. Ms. Klein seconded the motion, which passed unanimously.

OVERVIEW: This nomination proposes to designate the Horn & Hardart Building at 15-21 S. 11th Street as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the property satisfies Criteria for Designation E, F, and J. It designed and constructed in 1912 by William Steele & Sons. It is clad with polychromatic glazed terra cotta.

The nomination places William Steele & Sons in a class with Louis Sullivan, Daniel Burnham, and Cass Gilbert. William Steele & Sons was an early, locally-significant design-build firm, which erected many industrial buildings, but its significance does not rival that of Sullivan, Burnham, or Gilbert. The staff concurs with the nomination that the property meets Criteria for Designation E, F, and J, but disagrees with some of the statements equating William Steele & Sons with the iconic architects of the turn-of-the-century.

DISCUSSION: Ms. Côté presented an overview of the nomination and the staff recommendation to the Commission. Ben Leech of the Preservation Alliance for Greater Philadelphia and Jon Vimr represented the nomination.

Mr. Mattioni asked if the owner has offered any comments on the designation process. Ms. Cote stated that the owner has not contacted the staff. Mr. Mattioni voiced concerns regarding notification to property owners. He asserted that the legally required notice may not be sufficient.

Mr. Vimr stated that the building and store are owned by the Gabbay family. He stated that none of the family members were present at the store when he was there recently; however, the store employees were aware that the nomination was under consideration. He stated that he did not know if the owner was opposed to the designation.

ACTION: Ms. Hawkins moved to find that the property at 15-21 S. 11th Street satisfies Criteria for Designation E, F, and J and to designate it as historic and list it on the Philadelphia Register of Historic Places. Ms. Jones seconded the motion, which passed unanimously.

838½ N. 42ND STREET

St. Petri Evangelical German Lutheran Church, a.k.a. Community Church of God

Owner: Community Church of God

Nominator: Staff of the Philadelphia Historical Commission

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Cohen move to recommend that the property at 838½ N. 42nd Street satisfies Criteria for Designation A, C, D, and J and should be designated as historic and listed on the Philadelphia Register of Historic Places. Mr. Schaaf seconded the motion, which passed unanimously.

OVERVIEW: This nomination proposes to designate St. Petri Evangelical German Lutheran Church at 838½ N. 42nd Street as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the property satisfies Criteria for Designation A, C, D, and J. The German-speaking congregation was founded by Christian F. Welden, a prominent Lutheran minister. The church complex consists of two interconnected buildings erected during three phases of construction. The original chapel was constructed in 1872. Architect Emil H.C. Hartmann designed the main church. The ground floor of the main church was erected in 1895. The main church was completed in 1906 to revised designs by the architectural firm of Durhing, Okie & Ziegler.

DISCUSSION: Ms. Coté presented an overview of the nomination and the Committee on Historic Designation recommendation to the Commission.

Mr. Sherman stated that this is an opportunity to designate a place of worship that is occupied and used. He stated that this is a great proactive approach to the preservation of places of worship, as opposed to designating them when the congregation has been deactivated and the building has started to fall into disrepair.

Mr. Leech stated that the Preservation Alliance supports the nomination. He noted that there over 700 historic churches in the city, of which only 150 are listed on the Philadelphia Register of Historic Places. Of the 150, only a handful are located in West Philadelphia. He stated that this is a great first step to protecting those historic buildings in West Philadelphia.

Mr. Mattioni asked if the property owner contacted the Commission regarding the designation. Mr. Farnham stated that he attempted to contact to the congregation, which appears to be active, but had been unable to make contact with anyone.

ACTION: Ms. Hawkins move to find that the property at 838½ N. 42nd Street satisfies Criteria for Designation A, C, D, and J and to designate it as historic and list it on the Philadelphia Register of Historic Places. Ms. Turner seconded the motion, which passed unanimously.

1548 ADAMS AVENUE

Wilmerton House

Owner: M. Holmes Investments LLC

Nominator: Historical Society of Frankford

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Ms. Klein moved to recommends

OVERVIEW: This nomination proposes to designate the Wilmerton House at 1548 Adams Avenue as historic and list it on the Philadelphia Register of Historic Places. The house was constructed sometime between 1713 and 1728. The nomination contends that the property satisfies Criteria for Designation C and J. It is a rare remnant of the early settlement in Frankford. The Committee on Historic Designation recommends that the property also satisfies Criterion I.

DISCUSSION: Ms. Coté presented the nomination and the Committee on Historic Designation recommendation to the Commission.

Mr. Gupta asked how the notice of the consideration of a nomination is conveyed to the property owner and if there is any confirmation of receipt. Mr. Farnham stated that the staff complies with the historic preservation ordinance, which requires that the notice is in writing and sent to the owner at the property and to the owner at the address on record with the Department of Revenue. Therefore, in this and every case on this agenda, two letters were sent. He stated that notice letters are often returned as undeliverable. When that happens, the staff seeks alternate means of notifying the property owner. He stated that, in the case of this property, it has been vacant for several years. Mr. Farnham stated that it was cleaned and sealed by the Department of Licenses & Inspections. He stated that the Historical Society of Frankford has made numerous efforts to identify and contact the property owner. Mr. Leech stated that the Historical Society of Frankford continues to seek the owner.

ACTION: Mr. Dilworth moved to find that the property at 1548 Adams Avenue satisfies Criteria for Designation C and J as well as I and should be designated as historic and listed on the Philadelphia Register of Historic Places and that the rear building be viewed as non-contributing. Ms. Turner seconded the motion, which passed unanimously.

8047 AND 8049 WALKER STREET

Box Grove Plantation

Owner: Richard E. Frizell & Lorna A. Johnson and Aimee Aucott & Joshua Landau

Nominator: Staff of the Philadelphia Historical Commission

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Laverty moved to recommend that the properties at 8047 and 8049 Walker Street satisfy Criteria for Designation A, B, C, D, I, and J and should be designated as historic and listed on the Philadelphia Register of Historic Places. Mr. Cohen seconded the motion, which passed unanimously.

OVERVIEW: This nomination proposes to designate Box Grove Plantation at 8047 and 8049 Walker Street as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the property satisfies Criteria for Designation A, B, C, D, I, and J. Box Grove is a mid eighteenth-century farm house that was constructed by and served as the ancestral home of the Holme family until 1923. Although unrelated to William Penn's surveyor Thomas Holme, the Holme family of Box grove included many prominent members and gave its name to the Holmesburg section of Philadelphia. The house is an important example of eighteenth-century rural residential architecture.

DISCUSSION: Ms. Coté presented an overview of the nomination and the Committee on Historic Designation recommendation to the Commission.

Mr. Thomas stated that he knows one of the property owners, who is aware of the proposed designation. Ms. Cote stated that she had spoken with both sets of the property owners. She stated that, while neither property owner indicated support of nor opposition to the designation, it was apparent that they were both proud to be the owners of the building and have a great love its history. One of the owners provided the Commission with additional historic information about the property.

ACTION: Ms. Hawkins moved to find that the properties at 8047 and 8049 Walker Street satisfy Criteria for Designation A, B, C, D, I, and J and to designate it as historic and list it on the Philadelphia Register of Historic Places. Ms. Leonard seconded the motion, which passed unanimously.

125 W. WALNUT LANE

George T. Pearson House

Owner: Peter T. & Katherine B. Commons

Nominator: Staff of the Philadelphia Historical Commission

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: The Committee on Historic Designation voted unanimously to adopt Ms. Klein and Mr. Laverty's motion to find that the property at 125 W. Walnut Lane reflects the environment in an era characterized by a distinctive architectural style (Criterion C); embodies distinguishing characteristics of an architectural style (Criterion D); and, is the work of George Pearson, an architect whose work has significantly influenced the architectural development of the City of Philadelphia (Criterion E); and to recommend that the Historical Commission designate it as historic and list it on the Philadelphia Register of Historic Places.

OVERVIEW: This nomination proposes to designate the George T. Pearson House at 125 W. Walnut Lane as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the property satisfies Criteria for Designation C, D, and E. Prominent Philadelphia architect George T. Pearson converted and added to an earlier structure for his residence in 1893. The style and design of the house are unusual and showcase Pearson's architectural talents. The property is classified as significant in the Tulpehocken Station National Register Historic District.

DISCUSSION: Ms. Cote presented an overview of the nomination and the Committee on Historic Designation recommendation to the Commission.

Peter and Katherine Commons stated that they own the property and object to the nomination. Mr. Commons stated that he considers himself a longtime Germantown resident. He attended Germantown Friends School, his parents owned a law firm in Germantown, and he and his wife have owned this property for five years. He stated that the property "means a great deal" to them. He explained that he apprenticed as a boat builder and has undertaken work to the house. Woodworking is his hobby and he uses his skills on the house. He stated that the Historical Commission's "stylistic oversight" of work to his house is "fundamentally objectionable." He stated that he and his wife own and have their legal practice in an office building that is designated as historic at 6377 Germantown Avenue. He claimed that the Department of Licenses & Inspections failed to tell him that it was designated as historic when

he purchased it. He asserted that the Historical Commission required “expensive” alterations to the office building to correct work undertaken by the previous owner. He stated that he does not object to the designation of the office building. He reported that he checked to confirm that the property under consideration for designation was not designated when he purchased it. He informed the Commission that he uses antique tools for woodworking. He said that he undertakes woodworking as it would have been done when the house was built. He observed that they love their house and it is “a big part of our lives.” He stated that “he would hate to lose the opportunity to continue to maintain the house as we have to this point.”

Ms. Commons stated that they love the house. She stated that the U.S. Supreme Court set forth a standard in the Penn Central case that the Pennsylvania Supreme Court echoed in the United Artists case. It requires a three-point test to determine that no taking has occurred: the interest of the public requires the action, that the means are necessary, and that the means are not unduly oppressive economically and physically. In Penn Central, the court stated that each case depends on the particular circumstances. Ms. Commons spoke about the circumstances of her case. She stated that they are not contemplating any changes to the property. She stated that the property is not commercial or rental; it is their home. She claimed that it is located in a neighborhood where a designation would have specific economic implications. She stated that the interest of the public requires no action because they are not currently planning any alterations. A designation is not necessary. She stated that the United Artists case requires that there are no other means to accomplish the goal; that is not the case in this instance. She stated that they “asked for a compromise with the Historic [sic] Commission that would effectuate the same purpose. We have made the offer many times with Dr. Farnham and with the nomination committee and we were told by the director, Dr. Farnham, that he has no incentive to compromise. That indicates to me that the Commission is not considering less intrusive means of protecting the building. I am also concerned about what that means about lack of procedural due process.” She stated that they have concerns about the impact of a designation on their mortgage. She claimed that a designation would reduce her property value. She stated that the people who live in their neighborhood are artists, who work on their own buildings. She stated that they “are not interested in” spending the time and money to obtain permits. She stated that they verified that the property was not designated when they purchased it. She contended that it would have been worth less than they paid had it been designated when they bought it. She claimed that the designation would result in “a physical intrusion on the property.” She paraphrased the Penn Central case about reasonable expectations and stated that the building in question is their home where they celebrate the holidays and where people drop in every weekend for coffee. She reported that they often sit out on the grassy area in front of the house and drink coffee with the neighbors. Ms. Commons stated that her husband is a carpenter and an artist as well as an attorney. He replicates mouldings with a plane. She claimed that they would not be able to afford to comply with the Historical Commission’s procedures. It is not a commercial property. She stated that they appreciate architect George Pearson’s changes to the house. She again stated that they cannot afford the costs that will result from the Historical Commission’s oversight.

Mr. Commons stated that a designation would have implications for their mortgage. He reported that he had reviewed their mortgage and found two clauses in the agreement that are “material” and “affected” by the designation. He stated that it is a standard mortgage agreement. He stated that he would “paraphrase the clauses in the interest of time.” The first is “if there is a legal proceeding that might significantly affect lender’s interest in the property and/or rights under this security instrument such as a proceeding to enforce laws or regulations, lender may do or pay for whatever is reasonable or appropriate to protect lender’s interest in the property and rights under this security instrument.” Mr. Commons stated that that section “implies” that the lender

has the right to call in the loan if the property is designated. The second clause states that “the borrower shall be in default if any action or proceeding, either civil or criminal, is begun that, in lender’s judgment, and I emphasize ‘in lender’s judgment,’ could result in material impairment of lender’s interest or rights in this property under this security instrument.” Mr. Commons claimed that they could not afford to buy the property outright and, if the mortgage were called in, they could not refinance with the desirable terms that they have with the current mortgage. He stated that he is very concerned. Mr. Commons added that he has not reviewed the revised nomination because it was not sent to him. He asserted that the original nomination was flawed.

Ms. Commons quoted from the Penn Central opinion, stating that “there is no basis whatsoever for a conclusion that courts will have any greater difficulty in identifying arbitrary or discriminatory action in the context of landmark regulation than in any other context.” She stated that she and her husband share the court’s faith in the Commission’s abilities. She concluded, saying that she hopes that the Commission will not “let them down.”

Mr. Sherman stated that he owns and lives in a house that the Commission has designated as historic. He reported that he has refinanced his mortgage and contended that the designation has never caused concern for his mortgage holder. He added that he is unaware that any of his neighbors, who also own and live in designated houses, has ever faced the mortgage concern raised by Mr. Commons. He concluded that he has never heard such a claim that a designation would compel a mortgage holder to call in a loan.

Ms. Jones stated that she owns and lives in a historically designated house in the Penn-Knox neighborhood of Germantown. She stated that her mortgage holder may have contacted her about late payments and insurance matters, but has never raised the designation as a concern. She stated that she sympathized with the Commons regarding the costs of maintaining an old home in Germantown, but contended that the costs will not be impacted by the designation. She observed that the Commission can, in fact, offer assistance in the form of technical and practical advice. Ms. Jones asked for the Commission’s indulgence to speak about a personal matter related to the purchase of her designated home. She stated that, when she purchased her home, the sellers provided her with a three-ring binder of information about the history of the property. She then read from a letter that her 83-year-old father sent her when she purchased the home. She read:

When I was growing up in Germantown I remember so well admiring those stone houses and wondering what they were like inside. I used to walk through School House Lane on my way to the Wissahickon Boys’ Club and just look at them in boyish awe. Believe it or not, it was the stone buildings on the campus of Germantown Academy that influenced me, at least in part, to go to Virginia Union. The buildings there are stone also, but never in my wildest dreams did it ever occur to me that my own daughter would one day own one of those houses. Darling, you own a part of the history of Germantown.

Ms. Jones informed the Commons that the designation is intended to protect the building beyond the current owners’ ownership. She stated that the designation is for you, your neighbors, and all of the people of the City of Philadelphia. She told the Commons that their home is a treasure not only for them but also for their community and the Historical Commission has an obligation to help protect and preserve it. Ms. Commons replied that she understands that the house is a treasure, but asserted that she and her husband cannot afford to maintain their house if it is designated. She stated that they know firsthand the costs of maintaining a building that is designated as historic. The building where they have their law firm is designated as historic.

Mr. Commons addressed Mr. Sherman's earlier statement in which he asserted that he was unaware of a designation ever impacting a mortgage. Mr. Commons stated that Mr. Sherman's circumstances were different than theirs. Mr. Commons claimed that Mr. Sherman purchased his property after it was designated. Therefore, the designation was factored into the mortgage. In his case, Mr. Commons stated, the designation would occur after the mortgage was issued. Mr. Sherman corrected Mr. Commons, informing him that his property was designated after he purchased the property. Mr. Sherman stated that the designation had no impact on his mortgage. Ms. Commons conceded that mortgage companies are not interested in calling in mortgages because of designations. She claimed, however, that the mortgage business is changing and lenders are looking for ways to make more money. Lenders might now call in a mortgage because of a designation as a way to make more money. The low interest rate alone is no longer enough for lenders; they might call in a loan owing to a designation as a way to increase the interest rate. Ms. Commons acknowledged that she is unaware of a lender actually calling in a loan because of a designation, but asserted that there is the potential for such an action in the future as the mortgage industry continues to evolve. Ms. Leonard asked the Commons to confirm that they know of no instance when this has occurred. Mr. Commons responded that they "don't have a history," but claimed that he has "an ability to interpret the language here and know that it opens the door." He stated, "just because it hasn't happened, and I am willing to admit that I have no history of it having happened before, doesn't mean that it won't happen. We've seen a lot of changes in the mortgage world. A lot of things have happened in the last five or six years that no one would have imagined. Banks are failing. The process for foreclosing on loans is being mismanaged. There are a lot of things happening in this environment that are significant, that are fluid, and, based on my reading of the terms of my mortgage agreement, this opens the door for problems down the road." Mr. Dilworth asserted that the Commission should avoid predicting the future of the banking industry and interest rates and then using those predictions as the bases for decisions. He noted that he informed Mr. Commons of the financial hardship provisions of the ordinance during the Committee on Historic Designation meeting. At that time, Mr. Commons conceded that he was unaware of the provisions. Ms. Commons claimed that complying with the Historical Commission's hardship provisions every time they wanted to undertake maintenance work would be burdensome and impractical.

Mr. Gupta acknowledged that these property owners are opposed to the designation. He stated that he is unaware of the interior of this house and unaware whether there are characteristics of the interior that "lend themselves to this designation," but he contended that nothing visible from the exterior suggests that the historic nature of the building is threatened, at least under the current ownership. Mr. Sherman countered that the Commission does not limit itself to designating properties that are threatened by the current owners. He asserted that the Commission must work to preserve historic resources for the long term and cannot base its decisions on the stewardship of the current owners. This owner may be caring for this property appropriately, but also may sell it at any time to a less diligent owner. He stated that the Commission cannot simply elect not to designate because the owner is opposed. He remarked that the Commission works very hard every day with homeowners to ensure that the preservation and protection of historic resources without placing undue burdens on those owners. Mr. Sherman contended that the essence of the objection here is that these owners do not want to have to seek permission to work on their own home; it is not about mortgages.

Mr. Mattioni stated that he has significant reservations when a property owner tells him that he does not want the Commission's oversight and wants to maintain his property as he sees fit. He stated that he sympathizes with a property owner who complies with all other building and zoning codes but decides that he does not want to maintain it as required by the Historical

Commission. Mr. Mattioni stated that the owner might want to clad the building with aluminum siding, but, if designated, the Historical Commission would not allow it. He stated that he has reservations about limiting the property owners' rights and "a great deal of difficulty in overriding the owners' flat-out objection." Mr. Dilworth responded that the Historical Commission in essence already has authority over every property in the City of Philadelphia in the sense that it can designate any property upon finding that it has historical merit. He asserted that the differences between the Commission's authorities over properties that have and have not been designated is not black-and-white. Mr. Mattioni disagreed. He stated that owners who purchase properties that are already designated, whether they were aware or not, must live with the consequences of their actions, but properties should not be designated against the opposition of the owners. Mr. Dilworth countered that that position assumes that designation always has a negative impact on owners. Mr. Mattioni disagreed. He stated that, by sitting on the Commission, the Commissioners have indicated that they deem preservation a positive enterprise. He asserted, however, that not all property owners agree and should not be compelled to participate. He stated that the Historical Commission may prevent a property owner from exercising his right to utilize his property freely, within the strictures of safety and zoning. He asserted that the homeowner has the right to object to designation and the Commission has an obligation to honor that objection. Mr. Dilworth countered that the historic preservation ordinance allows anyone to nominate a property and does not require owner consent because the City Council recognized the public's right to the experience of and preservation of publicly-accessible historic resources, even if privately owned. Mr. Mattioni contended that the U.S. and Pennsylvania constitutions guard against the "untrammeled" authority of government. If it takes private property for public purpose, the government must compensate. He stated that the government must balance the rights of the public and the individual. He claimed that the Commission is flirting with the edges of a taking if it designates a property over and above the owner's wishes. He asserted that the City is not prepared to compensate the property owner. Mr. Sherman asked Mr. Farnham to respond. Mr. Farnham stated that the act of designation in and of itself in no way impinges on the rights of the property owner. The owner's rights cannot possibly be abridged until the Commission acts on an application proposing work to the property. It is at that time, when it is operating in a regulatory mode, the Commission must balance the rights of the property owner with the right of the public to derive benefits from historic resources. Mr. Commons interrupted and stated that he did not want to interrupt but wanted to assert his right to respond to the various points of the discussion.

Mr. Farnham stated that he wanted to address the so-called compromise that Ms. Commons had alluded to earlier. He stated that Mr. Commons telephoned him and offered not to oppose the designation if he would pledge that the Commission would not assert its authority while Mr. Commons and any of his family members owned the property. Mr. Mattioni stated that any compromise is irrelevant at this time. Mr. Farnham stated that he would not have raised the matter if Ms. Commons had not implied that he had somehow violated the Commons' due process rights by refusing to consider the compromise. Mr. Farnham stated that he wanted to place his position on the record before moving on. Mr. Mattioni again objected to Mr. Farnham continuing along this line. Mr. Sherman asked Mr. Mattioni to give Mr. Farnham an opportunity to speak. Mr. Farnham reported that Mr. Commons had telephoned him before the Committee on Historic Designation meeting and stated that he would not object to the designation if Mr. Farnham sent him a certified letter waiving the Commission's jurisdiction over the property until such time that it was sold to someone outside the Commons family. Mr. Farnham reported that he told Mr. Commons that he did not have the authority to make such a compromise and, moreover, did agree with it. Mr. Commons then suggested that Mr. Farnham simply agree to the terms without stipulating to them in writing. Mr. Farnham stated that he would not agree to refuse to implement the historic preservation law. Mr. Farnham concluded that he was only

raising the issue at the meeting today in response to the property owners, who raised it earlier. Mr. Farnham then noted that it has been asserted that these property owners have been good stewards of this property, complying with all building and zoning codes. Mr. Mattioni stated that he has not made such an assertion and has no knowledge of whether they have complied. He suggested that this line of discussion as well as the line of discussion regarding any compromise be set aside as irrelevant and the case judged on its merits. Mr. Commons stated that any discussion of the compromise should be set aside. Mr. Farnham stated that, if the Commission intended to base its decision whether to designate on the stewardship of these owners and their compliance with building and zoning codes, then the matter should be discussed. However, if those factors would not figure into the decision, then there was no need to discuss them.

Mr. Farnham moved on to discuss the claims made about the mortgage. He stated that Mr. Commons had left much out when he paraphrased from his mortgage agreement at the Committee on Historic Designation meeting as well as today's Commission meeting. He reported that he provided the pertinent sections of the mortgage agreement in their entirety to the Commission's attorney, who evaluated them. The attorney concluded that the provisions do give the lender the authority to legally call in the loan if a change in regulation impacts the value of the property. However, he also concluded that possibility of such an occurrence is extremely unlikely and certainly unprecedented. Mr. Farnham stated that neither he nor the attorney is aware of any instance anywhere in which a lender has foreclosed on a mortgage because it was designated as historic. He stated that he had spoken with several experts about the potential for a designation resulting in the calling in of a loan and they all concurred that the prospect is so unlikely that it should be dismissed as a reason for rejecting the designation. Mr. Farnham noted that the owners have claimed that the designation of their property would reduce its value, thereby compelling the lender to call in the loan. He reported that 201 W. Walnut Lane, one-half block from this property, was recently placed on the market for sale. Loretta Witt of Prudential Fox Roach is the realtor; she is considered one of the most sophisticated realtors in the neighborhood, city, and region. The property at 201 W. Walnut Lane is designated as historic. Ms. Witt is not hiding the historic designation, but is using it in her marketing of the property, in the first sentence of her marketing materials. Ms. Witt must consider the historic designation a selling point, not a negative. She would not be announcing it in her marketing materials for the property if she believed that it would decrease the value of the property and therefore decrease the return to her client and her commission on the sale. The anecdotal evidence provided by this example that is in very close proximity to the subject property is supported by a study undertaken by eConsult for the Historical Commission a few years ago. In that study, eConsult considered property sales in Philadelphia over many years and determined through a very sophisticated analysis that historic designation tends to increase, not decrease, property values. He elaborated that the increases resulting from designation were relatively small, but statistically significant. The claim that designations result in reduced property values is not one that is borne out either anecdotally or by the eConsult analysis.

Mr. Mattioni stated that the Commons are probably incorrect in their estimate of the risk to their mortgage that would result from a designation. He stated that he is not swayed by the mortgage argument, but has a more fundamental basis for his concern. He stated that he believes that the Commission should respect a property owner's objection to a designation, even if a designation would be in the best interest of the property.

Mr. Thomas asked about the Commission's obligations when a property is nominated that clearly meets one or more of the Criteria for Designation. He asked if the Commission was obligated to designate if it found that the property satisfies one or more of the Criteria. He noted

that he lives in a historic district and that his architectural firm regularly undertakes projects with designated properties and conceded that designation does place an additional burden on the property owner. He added that designation also has its advantages. Historic properties are desirable and have added value. He stated that this property clearly meets the Criteria for Designation. He reminded the owners that there is a hardship process to ensure that the designation does not induce an economic hardship. He noted that the Commission's review process allows for homeowners to undertake their own renovation projects.

Mr. Mattioni stated that he does not believe that the Commission has the authority to consider the constitutional issues raised by designation, but understands that the property owners need to raise it now to preserve it for a later appeal. Mr. Mattioni stated that "my reservations are probably beyond the authority of the Commission as a whole to address."

MOTION: Ms. Hawkins moved to find that the property at 125 W. Walnut Lane satisfies Criteria for Designation C, D, and E and to designate it as historic and list it on the Philadelphia Register of Historic Places, pursuant to Section 14-1004 of the Philadelphia Code. Ms. Jones seconded the motion.

Ms. Commons stated that the Commission must do more than simply determine whether a property satisfies one or more of the Criteria for Designation before designating it. She stated that the Commission is very serious and looks very seriously at these matters and must take more into account when deciding to designate. If it did not, its role would be diminished. Mr. Commons added that "I also think that it violates procedural due process." Mr. Farnham stated that the Commission is not required to designate if it finds that a property meets one or more of the Criteria for Designation. He explained that the historic preservation ordinance authorizes the Commission to designate if it finds that a property meets one Criterion, but it does not require the Commission to designate. He pointed to the word "may" in Section 14-1004(1). He observed that the Commission has full discretion when considering a designation. Any decision is defensible as long as you find that the property meets at least one of the Criteria if you designate. Mr. Gupta stated that, owing to the broadness of the Criteria, the Commission could designate nearly any property in northwest Philadelphia. Mr. Sherman agreed that the Commission has very broad authority with regard to designation. Mr. Dilworth noted, however, that there are many properties in the city that would not qualify for designation. He remarked that the Criteria can be interpreted loosely or strictly. He asserted that the Committee on Historic Designation, which he chairs, has sought to interpret the Criteria fairly strictly to ensure that they are not all-encompassing. He used Criterion I, the archaeology criterion, as an example. He observed that one could always make the claim that a property has archaeological potential in a historic city like Philadelphia. However, the Committee has scrutinized such claims closely and rejected those in which there has not been a real likelihood of archaeological artifacts. Mr. Dilworth stated that he wanted to ask a question of the owners. He noted that they appear to be good stewards of the property and it appears unlikely that they would ever propose an alteration that the Commission would not approve. He summarized that their objections appear to have two bases. First, they object on principle to the added regulatory layer. Second, they object to the potential for additional cost. Mr. Dilworth observed, however, given that the owners have asserted that they are interested in maintaining the historic character, the cost of the repairs that they would undertake and the cost of the repairs that the Commission would require are likely the same. Therefore, cost does not appear to be a primary factor. He concluded that the owners are actually only objecting to the regulation by the Commission. Mr. Commons disagreed and stated that Mr. Dilworth's summary was not an accurate expression of their objections. Mr. Commons reported that the previous owners had inappropriately repaired the exterior woodwork of the house. He later replaced that woodwork appropriately. He asserted that, if the house had

been designated at the time of the replacement of the woodwork, the designation would have added “significantly” to the cost of the replacement, owing to the “procedural processes.” Mr. Sherman disagreed. He observed that, if the house had been designated during the previous ownership, the replacement would have been undertaken correctly the first time, alleviating the need for the second replacement. Mr. Sherman asserted that the Commission often saves money for property owners by suggesting appropriate, cost-effective alternatives. Mr. Commons countered that he could obtain the advice of the Commission, whether his house is designated or not. He again noted that he is a boat builder and knows a great deal about rot-resistant lumber. He objected to the designation because he would then be required to seek the advice of the Commission. Mr. Farnham responded that Section 14-1006(4) of the historic preservation ordinance exempts “ordinary maintenance and repair” from the Commission’s review. Mr. Farnham noted that any ordinary maintenance or repair to return a deteriorated or decayed element to its historic condition does not require the Commission review. Mr. Commons stated that the letter he received indicates that such repairs would require a review.

Leonard Reuter, an attorney representing the Preservation Alliance for Greater Philadelphia, introduced himself. He agreed that the Commission has tremendous discretion when designating. It is never required to designate. He noted that he has argued in the past that designations and failures to designate are not appealable; they are quasi-legislative acts, not adjudications. He cautioned the Commission about refusing to designate because of the owners’ objections. He contended that doing so would, in effect, challenge the Commission’s authority to designate any property over owner objections. He asked the Commission to reject the owners’ speculations about the potential diminution of the property value resulting from designation and the potential foreclosing on the mortgage resulting from the diminution of value. He contended that that scenario is predicated on several layers of speculation. He stated that he has conducted some research into the mortgage question and reported that he has not found a single instance in the United States when a mortgage was called in owing to a historic designation. He opined that, in fact, if the mortgage in question is federally regulated, it would probably be a violation of federal law to call in a mortgage based on a historic designation, given that this property is in a National Register historic district. Mr. Reuter stated that the only instance that he is aware of in which a designation could impact a mortgage relates to easements and taxing, which is not the case in this instance. He stated that he agrees with Mr. Mattioni that the Commission does not have the authority to address the constitutional issue that was raised by the owners by the invocation of the Penn Central case. He observed that, in essence, the owners are contending that a designation constitutes a regulatory taking of property. He countered that a substantial amount of case law going back to the 1970s and even predating Penn Central indicates that the historic designation of a property is not a taking. He noted that a designation may constitute a taking in a specific instance, but not generally. He stated that, even if the designation would lead to a diminution of the property value, the Commission unequivocally has the authority to designate the property. Mr. Reuter observed that this issue was discussed at length during the Siloam-Church of Assumption case and the Commission designated the property even though the designation had a clear and immediate impact on the finances of the non-profit. Mr. Reuter concluded that the Commission may designate this property over the objections of the owner and may designate it even if the designation will impact the property value. He added that, if the Commission is concerned about opening a door, it should be concerned about opening the door to owner consent and thereby causing a complete collapse of the designation process.

ACTION: By a vote of 9 to 2, the Commission voted to adopt the motion proffered by Mses. Hawkins and Jones, finding that the property at 125 W. Walnut Lane satisfies Criteria for Designation C, D, and E, designating it as historic, and listing it on the

Philadelphia Register of Historic Places, pursuant to Section 14-1004 of the Philadelphia Code. Messrs. Gupta and Mattioni dissented.

5340 GREENE STREET

Flavell Family House

Owner: Charles W. & Carol M. Schramek

Nominator: Staff of the Philadelphia Historical Commission

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Lavery moved to recommend that the property at 5340 Greene Street satisfies Criteria for Designation C, D, and E and should be designated as historic and listed on the Philadelphia Register of Historic Places. Ms. Klein seconded the motion which passed unanimously.

OVERVIEW: This nomination proposes to designate the Flavell Family House at 5340 Greene Street as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the property satisfies Criteria for Designation C, D, and E. The Flavell Family House designed in the Queen Anne Style by renowned Philadelphia architect by George T. Pearson and was constructed between 1887 and 1889. It is an extremely important, well-preserved example of Pearson's unique and exuberant interpretation of the Queen Anne Style. The property is located in the National Register-eligible Penn-Knox/Wister Historic District, which was determined eligible in 1992.

DISCUSSION: Ms. Cote presented an overview of the nomination and the Committee on Historic Designation recommendation to the Commission.

Mr. Farnham explained that the property owner had contacted him via email early in the morning of 14 June 2013 and requested that the Commission table the nomination to allow her to evaluate it and participate in the Commission's deliberations. She claimed that she did not receive the Commission's notice letters even though the staff has verified that the letters were sent to the appropriate names and addresses.

ACTION: Ms. Merriman moved to table the nomination for 5340 Greene Street for 30 days. Ms. Leonard seconded the motion, which passed unanimously.

4740 WAYNE AVENUE

Happy Hollow Playground Recreation Center

Owner: City of Philadelphia

Nominator: Kim Broadbent

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Cohen moved to recommend that the property at 4740 Wayne Avenue satisfies Criteria for Designation A and E and should be designated as historic and listed on the Philadelphia Register of Historic Places, provided that the unsubstantiated claim that the gymnasium is historically significant is deleted from the nomination. Mr. Lavery seconded the motion, which passed unanimously.

OVERVIEW: This nomination proposes to designate Happy Hollow Playground Recreation Center at 4740 Wayne Avenue as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the property satisfies Criteria for Designation A and E. Renowned Philadelphia architect George T. Pearson designed the recreation building, which was constructed in 1910 and 1911. The Happy Hollow Playground Recreation Center was determined eligible for the National Register of Historic Places in September of 2012.

The nomination contends that the gymnasium building at the recreation center, which was designed by architect Norman Rice in 1958, is also significant, but the staff disputes this assertion and contends that it should be treated like a non-contributing building in a district.

DISCUSSION: Ms. Cote presented an overview of the nomination and the Committee on Historic Designation recommendation to the Commission.

Theresa Stuhlman stated that the Philadelphia Parks and Recreation Department supports the nomination.

Ms. Jones noted that there is an omission in the Committee on Historic Designation minute of this review. Ms. Cote responded that she would correct the minute.

ACTION: Ms. Hawkins moved to find that the property at 4740 Wayne Avenue satisfies Criteria for Designation A and E and to designate it as historic and list it on the Philadelphia Register of Historic Places, provided that the unsubstantiated claim that the gymnasium is historically significant is deleted from the nomination. Mr. Gupta seconded the motion, which passed unanimously.

405-25 QUEEN STREET

Bethel Burying Ground, a.k.a. Weccacoe Playground

Owner: City of Philadelphia

Nominator: Terry Buckalew

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Dilworth moved to recommend that the property at 405-25 Queen Street satisfies Criteria for Designation A and I and should be designated as historic and listed on the Philadelphia Register of Historic Places. Mr. Schaaf seconded the motion, which passed unanimously.

OVERVIEW: This nomination proposes to designate the Bethel Burying Ground, currently the Weccacoe Playground, at 405-25 Queen Street as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the property satisfies Criteria for Designation A and I. It was the burial ground associated with Mother Bethel Church and likely contains significant archaeological resources associated with the church and Philadelphia's early African-American community. This property is located in the National Register Southwark Historic District.

DISCUSSION: Ms. Cote presented an overview of the nomination and the Committee on Historic Designation recommendation to the Commission. Terry Buckalew represented the nomination.

Ms. Leonard asked about the official address of the property. Ms. Cote pointed out that the nomination form includes the official Office of Property Assessment address, 405-25 Queen Street.

Mr. Buckalew stated that he authored the nomination. He reported that he holds a Master's Degree in history and operated a historical consulting firm. He explained the genesis of his interest in the site and summarized the history of the site. The site served as the Bethel Burying Ground until the 1860s. The City purchased the property in 1889 for use as a park. He stated that he believes that there are 3,000 bodies still interred at the site. He reported that he has met with representatives of Mother Bethel Church and playground and community groups. He stated

that the City is about to renovate the playground. He submitted the nomination to protect the interred remains during the playground work. Ms. Jones asked if remains could migrate at the site. Mr. Buckalew stated that they can. Ms. Jones asked if the remains would be protected during the renovation. Mr. Buckalew stated that the Philadelphia Parks and Recreation Department is conducting archaeological work throughout the playground to protect resources. Mr. Mattioni asked how the designation would function at this site. What is the Commission being asked to protect? Mr. Buckalew stated that the Commission's oversight would ensure the protection of subsurface historic resources by archaeologists. Mr. Mattioni asked if that meant ensuring that the burial ground area would remain undisturbed. Mr. Buckalew responded in the affirmative, noting that the best way to protect the bodies is to leave them undisturbed. He stated that the burial ground will be found to be in pristine condition because it has been a park for more than a century. Mr. Buckalew stated that the designation would provide an opportunity for the church, community, and City to work together on the park and preservation within it. Ms. Hawkins stated that she visited the African American burial ground at Vine Street when it was excavated. She stated that she was amazed by the level of preservation of the remains. She contended that the best service the Commission can provide is to help ensure that the ground is undisturbed where possible and that any necessary disturbances are overseen by archaeologists.

Mr. Gupta noted that the Reverend Tyler of Mother Bethel Church attended the Committee meeting and stated that he would ask the Commission to table the nomination to allow a committee at his church to review it for correctness and completeness. Mr. Farnham responded that Mr. Tyler had stated that he would make a tabling request at the Commission meeting, but appears not to be in attendance today. Mr. Farnham asked if anyone in the audience was representing the church. No one responded. Mr. Buckalew summarized his interactions with Mr. Tyler. Ms. Hawkins stated that this site has great cultural significance and should be designated and protected. If the church or anyone else has corrections or supplements to the historical record after it is designated, they can certainly be incorporated into that record.

ACTION: Ms. Hawkins moved to find that the property at 405-25 Queen Street satisfies Criteria for Designation A and I and to designate it as historic and list it on the Philadelphia Register of Historic Places. Mr. Mattioni seconded the motion, which passed unanimously.

4301 LANSDOWNE DRIVE

Shofuso Japanese House and Garden

Owner: City of Philadelphia

Nominator: Philadelphia City Planning Commission

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Lavery moved to recommend that the property at Shofuso Japanese House and Garden satisfies Criteria for Designation B, D, E, F, G, H, and J and should be designated as historic and listed on the Philadelphia Register of Historic Places. Mr. Schaaf seconded the motion, which passed unanimously.

OVERVIEW: This nomination proposes to designate Shofuso Japanese House and Garden as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the property satisfies Criteria for Designation B, D, E, F, G, H, and J. The garden was designed by Y. Muto in 1909. The Shofuso designed Junzo Yoshimura and constructed in 1953 at the Museum of Modern Art in New York City. In 1957 and 1958, it was relocated and reconstructed in Fairmount Park. It is one of the best examples of tradition Japanese architecture in the United

States. The Japanese house is classified as a contributing resource in the Fairmount Park National Register Historic District.

DISCUSSION: Ms. Cote presented an overview of the nomination and the Committee on Historic Designation recommendation to the Commission.

Theresa Stuhlman stated that the Philadelphia Parks and Recreation Department supports the nomination.

ACTION: Mr. Schaaf moved to find that the property at Shofuso Japanese House and Garden satisfies Criteria for Designation B, D, E, F, G, H, and J and to designate it as historic and list it on the Philadelphia Register of Historic Places. Ms. Turner seconded the motion, which passed unanimously.

6942 WOODLAND AVENUE

Paschalville Branch of the Free Library of Philadelphia

Owner: City of Philadelphia

Nominator: Preservation Alliance for Greater Philadelphia

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Schaaf moved to recommend that the property at 6942 Woodland Avenue satisfies Criteria for Designation A and H and should be designated as historic and listed on the Philadelphia Register of Historic Places. Ms. Klein seconded the motion, which passed unanimously.

OVERVIEW: This nomination proposes to designate Paschalville Branch of the Free Library of Philadelphia at 6942 Woodland Avenue as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the property satisfies Criteria for Designation A and H. The Carnegie branch library building was designed by Henry C. Richards and constructed in 1915. It is an excellent example of a Carnegie library.

DISCUSSION: Ms. Cote presented an overview of the nomination and the Committee on Historic Designation recommendation to the Commission. Ben Leech of the Preservation Alliance for Greater Philadelphia and Jon Vimr represented the nomination.

Mr. Schaaf stated that this building is an excellent example of a Carnegie branch library and deserves designation.

ACTION: Mr. Schaaf moved to find that the property at 6942 Woodland Avenue satisfies Criteria for Designation A and H and to designate it as historic and list it on the Philadelphia Register of Historic Places. Mr. Thomas seconded the motion, which passed unanimously.

1713-27 NORTH STREET

Owner: Phoenix Partnership

Application: Rescind from or Reclassify in Spring Garden Historic District

Applicant: Leonard F. Reuter, Esq. for 1711 North Street LLC and 1720 Fairmount Avenue LLC

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Lavery moved to find that additional information shows that the resource does not qualify for a classification of Contributing to the Spring Garden Historic District; and the Historical Commission committed an error in professional judgment when it classified the property as Contributing to the district; and

to recommend that 1713-27 North Street should be removed from the Spring Garden Historic District and rescinded from the Philadelphia Register of Historic Places, and the boundary redrawn to exclude this property from the district, pursuant to Section 5.14.b of the Rules & Regulations. Mr. Dilworth seconded the motion, which passed unanimously.

OVERVIEW: This application proposes to rescind the property at 1713-27 North Street from the Spring Garden Historic District or reclassify it from contributing to non-contributing in the district. The property stands on the boundary of the historic district.

The district inventory claims that this building was constructed c. 1875 and that its façade was altered in 1925. In fact, this building was reconstructed in 1937, seven years after the end of the district's Period of Significance, which runs from 1850 to 1930. Moreover, the district's Statement of Significance defines this district as a residential district. It contends that residential structures including rowhouses and apartment buildings as well as commercial and institutional structures that directly supported the residents, such as corner stores, churches, and schools, qualify as Contributing to the district. It makes no claims that warehouse or industrial buildings can qualify as Contributing. The building in question housed a regional parcel delivery service and then various light industrial firms. Therefore, this building cannot be considered Contributing to a historic district to which it has no relationship except one of coincidental proximity. It was constructed after the Period of Significance and played no role in the area's significance as defined by the Statement of Significance.

DISCUSSION: Ms. Cote presented the rescission/reclassification request and the recommendation of the Committee on Historic Designation to the Commission. Attorney Leonard F. Reuter represented the equitable property owner.

The Commissioners asked about the implications of adopting the Committee's recommendation. Mr. Farnham explained that, if the Commission adopts the Committee's recommendation, then the district boundary will be redrawn to exclude this property and the Commission will have no authority to review any permit applications for this property.

ACTION: Ms. Hawkins moved to find that additional information shows that the resource does not qualify for a classification of Contributing to the Spring Garden Historic District; and the Historical Commission committed an error in professional judgment when it classified the property as Contributing to the district; and to remove 1713-27 North Street from the Spring Garden Historic District and rescind it from the Philadelphia Register of Historic Places, and to redraw the boundary to exclude this property from the district, pursuant to Section 5.14.b of the Rules & Regulations. Ms. Turner seconded the motion, which passed unanimously.

ADJOURNMENT

ACTION: At 12:02 p.m., Ms. Leonard moved to adjourn. Mr. Dilworth seconded the motion, which passed unanimously.

STANDARDS AND GUIDELINES CITED IN THE MINUTES

Standard 9: New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new works shall be differentiated from the old and will be compatible with the historic materials,

features, size, scale and proportion, and massing to protect the integrity of the property and its environment.