

**THE MINUTES OF THE 647<sup>TH</sup> STATED MEETING OF THE  
PHILADELPHIA HISTORICAL COMMISSION**

**FRIDAY, 8 JULY 2016  
ROOM 18-029, 1515 ARCH STREET  
BOB THOMAS, CHAIR**

**PRESENT**

Robert Thomas, AIA, chair  
Duane Bumb, Department of Commerce  
Emily Cooperman, Ph.D.  
Michael Fink, Department of Licenses & Inspections  
Antonio Fiol-Silva, AICP, FAIA, LEED AP BD+C  
Melissa Long, Office of Housing & Community Development  
John Mattioni, Esq.  
Dan McCoubrey, AIA, LEED AP BD+C  
Rachel Royer, LEED AP BD+C  
Betty Turner, M.A.

Jonathan Farnham, Executive Director  
Randal Baron, Historic Preservation Planner III  
Kim Broadbent, Historic Preservation Planner II  
Laura DiPasquale, Historic Preservation Planner II  
Meredith Keller, Historic Preservation Planner I

**ALSO PRESENT**

Shannon Pitt, UBC  
Frank Graff, MFD  
James O'Neill, Elsee  
Nancy Weinberg, Save Our Sites  
Darin Steinberg, Esq.  
Nicole White, Philadelphia Museum of Art  
Timothy Rub, Philadelphia Museum of Art  
A. Robert Torres, ART Studio  
Todd Sussman, Colliers  
Jose Hernandez, JKRP Architects  
Ambrose Liu, Mural Arts  
Ken Milano  
Stephen J. Maffei, Abitare Design Studio  
Ellie Devyatkin, Frankford Community Development Corporation  
Diana Hualde, Philadelphia Museum of Art  
John C. Manton  
Sean Whalen, Esq., Klehr Harrison  
William Schicktanzt  
Qiong Zhao Schicktanzt  
Laura Blau, BluPath Design  
Kimberly Washington, Frankford Community Development Corporation  
Andrew L. Miller, Esq.  
Jesse Neubelt  
J.M. Duffin

Aaron Wunsch  
Kathy Dowdell  
Betsy Manning  
Carolina Pena, YCH Architect  
Justin Stevenson, YCH Architect  
Paul Steinke, Preservation Alliance for Greater Philadelphia  
David Gest, Esq., Ballard Spahr  
George Thomas, CivicVisions  
Alfred Dragani, DMAS Architects  
Andrew Fearon  
Ben Leech  
Phil Axbury, Mural Arts  
Marcus Balm, Mural Arts  
Elizabeth Stegner, University City Historical Society  
Richard Orlen, VMDT Partnership  
Kent Lessly  
Katherine McGonigle, DMAS Architects  
John Henry Scott, Spirit News  
Eapen Kalathil, Off Penn Properties  
Tony Forte, Esq., Saul Ewing  
Joshua Schrier, PREIT  
Albert Rex, MacRostie Historic Advisors, LLC  
R. Genlen, CHRS  
Tim Kerner, Terra Studio  
Aja Beach, Starr News  
Arielle Harris, Philadelphia City Planning Commission  
Jim Campbell, Campbell Thomas & Co.  
Jed Levin  
Katherine Robinson, Archdiocese of Philadelphia  
Jack Bienenfeld, Champion Development Corporation  
Doug Mooney, Philadelphia Archaeological Forum  
Patrick Grossi, Preservation Alliance for Greater Philadelphia  
Joseph Menkevich  
Sarah Chiu, Philadelphia City Planning Commission  
Jean-Michel Rabaté  
Michael Sklaroff, Esq., Ballard Spahr  
Richard Orlow, Esq.

### **CALL TO ORDER**

Mr. Thomas called the meeting to order at 9:30 a.m. Commissioners Cooperman, Fink, Fiol-Silva, Long, Mattioni, McCoubrey, Royer, and Turner joined him.

### **EXECUTIVE SESSION**

Mr. Thomas announced that the Historical Commission met in executive session to deliberate and consult with counsel regarding a current litigation matter.

### **MINUTES OF THE 646<sup>TH</sup> STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION**

**ACTION:** Ms. Turner moved to adopt the minutes of the 646<sup>th</sup> Stated Meeting of the Philadelphia Historical Commission, held 10 June 2016. Ms. Long seconded the motion, which passed unanimously.

### **CONTINUANCE REQUESTS FOR NOMINATION REVIEWS**

#### **1325 BEACH ST, PECO DELAWARE STATION**

Nominator: Stephanie Haller and Jill Betters

Owner: Delaware Station LLC

**COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION:** The Committee on Historic Designation voted to recommend that the nomination demonstrates that the property at 1325 Beach Street satisfies Criteria for Designation A, D, E, H and J, but not Criterion B.

**OVERVIEW:** This nomination proposes to designate the property at 1325 Beach Street as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the former power station satisfies Criteria for Designation A, B, D, E, H and J. The nomination argues that the property, constructed in two phases between 1917 and 1924, is significant as an expansive reinforced concrete power station, designed in the Classical Revival style by Philadelphia civic architect John T. Windrim. The nomination further argues that the building stands as an established landmark on the Delaware River waterfront, and exemplifies the economic and historical heritage of the community.

**DISCUSSION:** Mr. Farnham presented the continuance request to the Historical Commission.

**ACTION:** Ms. Turner moved to continue the review of the nomination for 1325 Beach Street to the Historical Commission's meeting on 12 August 2016. Mr. Bumb seconded the motion, which passed unanimously.

#### **5129-35 FRANKFORD AVE, PENN FRUIT**

Nominator: Preservation Alliance for Greater Philadelphia

Owner: Rite Aid of Pennsylvania

**COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION:** The Committee on Historic Designation voted to recommend that the nomination demonstrates that the property at 5129-35 Frankford Avenue satisfies Criteria for Designation A, C, D, and J.

**OVERVIEW:** This nomination proposes to designate the property at 5129-35 Frankford Avenue as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that

the building satisfies Criteria for Designation A, C, D, and J. The nomination argues that the arched-roof supermarket, constructed in 1955, possesses significant character, interest, and value as part of the development of Philadelphia in the postwar era, exemplifies the legacy of the Penn Fruit Company as a major innovator in the supermarket industry, reflects the environment of the postwar era characterized by the popularity of exaggerated modernism, and embodies the distinguishing characteristics of the supermarket as a building type uniquely emblematic of this era and style.

**DISCUSSION:** Mr. Farnham presented the continuance request to the Commission. Patrick Grossi represented the nomination. Todd Sussman represented the property owner.

Mr. Farnham expressed concern that the continuance request is from the Community Development Corporation and the nominator, but there has been no communication from the property owner. Mr. Thomas agreed that the continuance request should not extend for an indefinite time period.

Todd Sussman, representing the property owner, stated that the owner would like to see the nomination continued for 60 days. He commented that the owner is opposed to the designation. Patrick Grossi stated that a 90-day continuance would be more appropriate. Kim Washington, executive director of the Frankford Community Development Corporation, supported the 90-day continuance request. Mr. Sussman responded that a 60-day continuance is the maximum that he would consider.

**ACTION:** Mr. Mattioni moved to continue the review of the nomination for 5129-35 Frankford Avenue to the Historical Commission's meeting on 9 September 2016. Ms. Turner seconded the motion, which passed unanimously.

#### **4056 CHESTNUT ST**

Nominator: Aaron Wunsch, Elizabeth Stegner, Oscar Beisert

Owner: Trustees of the University of Pennsylvania; 40<sup>th</sup> St Live Assoc. LP

**COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION:** The Committee on Historic Designation voted to recommend that the nomination demonstrates that the property at 4056 Chestnut Street satisfies Criteria for Designation A, C, D, G, and J.

**OVERVIEW:** This nomination proposes to designate the property at 4056 Chestnut Street as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the "restrained interpretation of the Italianate" twin satisfies Criteria for Designation A, C, D, G and J. The nomination argues that the twins, constructed between 1869-72 as part of the Thomas H. Powers development consisting of 4046-60 Chestnut Street, are a group of houses that have significant value as part of the development of the twin housing type and the formation of West Philadelphia as a suburb for white-collar commuters. The nomination further contends that the twin is part of and related to a distinctive area, owing to its listing on the National Register of Historic Places as a contributing resource within the West Philadelphia Streetcar Suburb Historic District.

**DISCUSSION:** Mr. Farnham presented the continuance request to the Historical Commission.

Mr. Farnham reported that the 30-day continuance request was tendered in a letter, copies of which are included in the Commissioners' packets, and explained that the request was made because the attorney was unable to attend this meeting.

**ACTION:** Ms. Turner moved to continue the review of the nomination for 4056 Chestnut Street to the Historical Commission's meeting on 12 August 2016. Ms. Cooperman seconded the motion, which passed unanimously.

**ADDRESS: 1115-27 FRANKFORD AVE**

Nominator: Oscar Beisert

Owner: 1115-27 Frankford Dris, L.P., City Living Philly; formerly Driscoll Construction Co.

**COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION:** The Committee on Historic Designation voted to recommend that the nomination demonstrates that the property at 1115-27 Frankford Avenue satisfies Criteria for Designation A and J.

**OVERVIEW:** This nomination proposes to designate the property at 1115-27 Frankford Avenue as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the property satisfies Criteria for Designation A, C, H, and J. The nomination argues that the property, constructed in 1902, is significant in the development of Fishtown/Kensington as part of the Morse Elevator Works (1886-1910), and the Otis Elevator Company (1910s-1940s), as well as for its association with Steven A. Morse, an eminent inventor and manufacturer. The nomination further contends that the property is architecturally significant as representative of the Italianate style and architectural forms that were popularized by large industrial enterprises of the late-nineteenth and early-twentieth centuries. The nomination opines that the complex is the earliest, extant, coherent industrial complex in Fishtown, and as such, represents a familiar and established visual feature of the neighborhood.

**DISCUSSION:** Mr. Farnham presented the continuance request to the Historical Commission.

Mr. Farnham noted that the property owner requested the continuance in an email and explained that he made the request to allow time for additional discussions with the neighbors.

**ACTION:** Mr. Bumb moved to continue the review of the nomination for 1115-27 Frankford Avenue to the Historical Commission's meeting on 12 August 2016. Ms. Turner seconded the motion, which passed unanimously.

**ADDRESS: 30 W CHESTNUT HILL AVE**

Nominator: James A. Ounsworth, Neighbors of 30 West Chestnut Hill Avenue

Owner: 30 West Main Street Development, L.P.; formerly David and Judith Buten

**COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION:** The Committee on Historic Designation voted to recommend that the nomination demonstrates that the property at 30 W. Chestnut Hill Avenue satisfies Criteria for Designation C, D, and E.

**OVERVIEW:** This nomination proposes to designate the property at 30 W. Chestnut Hill Avenue 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 nomination contends that the property is significant as a reflection of the distinctive architectural style of the environment of the 1880s in the suburban parts of the City; that it embodies distinguishing characteristics of the

Queen Anne style; and that it is a representative work of important Philadelphia architect T.P. Chandler.

**DISCUSSION:** Ms. Cooperman recused, owing to her involvement in the preparation of the nomination. Mr. Farnham presented the continuance request to the Historical Commission. Attorneys Sean Whalen and Darin Steinberg represented the property owner and nominator respectively.

**ACTION:** Ms. Turner moved to continue the review of the nomination for 30 W. Chestnut Hill Avenue to the Historical Commission's meeting on 14 October 2016. Mr. Fiol-Silva seconded the motion, which passed unanimously.

#### **THE REPORT OF THE ARCHITECTURAL COMMITTEE, 21 JUNE 2016**

Dan McCoubrey, Chair

#### **CONSENT AGENDA**

Mr. Thomas introduced the consent agenda, which includes applications for 10-18 Callowhill Street, 57 N, 02nd Street, 1515-17 Green Street, 200 S. Broad Street, and 304 Arch Street. Mr. Thomas asked if any Commissioners had comments on the Consent Agenda. Ms. Cooperman asked if 10-18 Callowhill Street is situated on the historic Hertz Lot. Mr. Farnham explained that 10-18 Callowhill is located on the same block as the Hertz Lot, but is not part of the Hertz Lot, which holds significant archaeological artifacts. He explained that the lot in question, at the northeast corner of the block, was recently evaluated for archaeological potential by the Historical Commission during the review of a different proposal for this site. At that time, the Commission determined that it did not have such potential because large industrial buildings with basement had stood on the site. The construction of those buildings likely disturbed any artifacts on the site. Mr. Thomas asked if anyone in the audience had comments on the Consent Agenda. None were offered.

**ACTION:** Ms. Turner moved to adopt the recommendations of the Architectural Committee for the applications for 10-18 Callowhill Street, 57 N, 02nd Street, 1515-17 Green Street, 200 S. Broad Street, and 304 Arch Street. Mr. Mattioni seconded the motion, which passed unanimously.

## **AGENDA**

### **ADDRESS: 2600 BENJAMIN FRANKLIN PKY**

Proposal: Install artwork

Type of Review Requested: In Concept

Owner: City of Philadelphia

Applicant: Philip E. Scott, KSK

History: 1928, Horace Trumbauer, architect, Philadelphia Museum of Art

Individual Designation: 6/29/1971

District Designation: None

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

**ARCHITECTURAL COMMITTEE RECOMMENDATION:** The Architectural Committee voted to recommend approval of the concept, provided that the canopy roof is a slightly darker color and the lighting is studied to ensure that it is not overly bright, pursuant to Standard 9. Mr. D'Alessandro dissented.

**OVERVIEW:** This in-concept application proposes to permanently install a site-specific artwork named Skyspace by internationally prominent artist James Turrell near the Philadelphia Museum of Art. Turrell works with light and space to create artworks that engage viewers with the limits and wonder of human perception. His artworks have been shown at hundreds of major museums and galleries throughout the world including the National Gallery of Australia, Israel Museum, Los Angeles County Museum of Art, Solomon R. Guggenheim Museum, National Gallery of Art in Washington, D.C., Centre Georges Pompidou, Venice Biennale, Neues Museum Weimar, Hirshhorn Museum and Sculpture Garden at the Smithsonian Institute, Tokyo Metropolitan Museum of Art, Musée des beaux-arts de Montréal, Museum of Fine Arts in Boston, Museum of Modern Art and Whitney Museum of American Art in New York, Guggenheim Bilbao, Getty Museum in Los Angeles, and Louisiana Museum of Modern Art in Humlebaek, Denmark, to name a few. Turrell has said: "My work is more about your seeing than it is about my seeing, although it is a product of my seeing. I'm also interested in the sense of presence of space; that is space where you feel a presence, almost an entity — that physical feeling and power that space can give."

The proposed site is within Fairmount Park, to the west of the Philadelphia Museum of Art, on the rock promontory known as the North Plateau, which overlooks the Fairmount Waterworks and the Schuylkill River. The Museum and the Water Works are both designated as historic, but boundaries for the early designations are not defined. Fairmount Park as a whole is not designated as historic.

Skyspace will be an open elliptical structure accommodating approximately 24 people on a perimeter stone bench with a high back that provides a sense of enclosure. Conceived as a pavilion, the structure will feature steel tube columns supporting an elliptical canopy with an aperture framing views of the sky. At dawn and dusk, an array of changing colored lights will project up onto the underside of the canopy. The work is intended to be a contemporary, twenty-first-century response to the two similarly scaled and sited pavilions already on the ridge above the Water Works. The Skyspace canopy will align with the eave of the 1870s Mercury Pavilion to the south. Skyspace will provide a starting point for travel through the park, up the Schuylkill, Wissahickon, and Cresheim Creek to Turrell's installation at the Chestnut Hill Friends Meeting House, which opened in 2013.

**DISCUSSION:** Mr. Farnham presented the application to the Historical Commission. Timothy Rub of the Philadelphia Museum of Art and architect Philip Scott represented the application.

Mr. Rub explained that the application requests an in-concept approval. He stated that James Turrell is a brilliant and prominent artist whose career has spanned many decades. He was recently the subject of a major retrospective exhibition. His work is varied in form and scale, but has been focused on light, space, and color. Mr. Rub explained Turrell's works known as Skyspaces. Turrell has built more than 80 such works. They are often site specific. This Skyspace would be an open-air gazebo. The structure provides a framework for the experience of sky and space. The Skyspace will be lighted at dawn and dusk. The work will be an important addition to the city's collection of public sculpture. The Commissioner of Parks & Recreation supports the project.

Mr. Scott introduced himself. Mr. Fiol-Silva asked about the Committee's recommendation. Mr. McCoubrey stated that the recommendation was intended to suggest that the structural members of the Skyspace are darker in color to give the appearance that it is hovering. Ms. Cooperman asked if the artist played a role in selecting the site, and if he considered other sites. Mr. Rub stated that the artist and Museum staff looked at several sites inside and out of the museum building. Mr. Rub stated that the artist looked at several sites outside the building, but rejected them because of their views of the sky and relationships to the adjacent building. The artist chose this site because of its distance from the museum building, its view of the sky, and its relationship to the other gazebos. Ms. Cooperman stated that this is a landscape that has been significant since the eighteenth century and has great importance to the Museum and Water Works. She noted that she has visited Skyspaces. She stated that this Skyspace will stand out too much if it appears as it does in the rendering. It is too prominent. Mr. Rub asked her to elaborate. Ms. Cooperman objected to the color as well as the scale. Mr. Rub stated that they would work with the artist to reduce the scale. He observed that they have already asked the artist to reduce the scale. Mr. Scott stated that they considered lighting it during the day. The lighting, he noted, could cause the canopy to recede. Ms. Cooperman stated that they must be very careful with this iconic space. She stated that the passage through space to the Skyspace is also important. Mr. Rub stated that they will endeavor to make the canopy an inevitable part of the landscape. Mr. Fiol-Silva warned that the Commission should not place restrictions on the artist that compromise the work. The artist should have control over the work. Mr. Mattioni opined that the Skyspace would be completely out of place in this setting. Mr. Thomas stated that he would like to see renderings of the lighting when the project is reviewed for final approval. Mr. Rub stated that the current rendering does not accurately describe the experience of the Skyspace. Mr. Rub stated that Mr. Turrell has the ability to design the lighting appropriately. New technologies with LED lights will allow the artist to adjust the lighting very precisely. Mr. Rub noted that this section of Fairmount Park has changed significantly over time. He stated that he is confident that the artist can work successfully with the site.

Mr. McCoubrey stated that the Architectural Committee members, with one exception, strongly supported the proposal. The biggest concern was with the ancillary members of the structure. They should be painted to recede. The Skyspace should appear as a hovering circle. He remarked that lighting can now be very precisely controlled. Mr. McCoubrey stated that the site has evolved over time. It is a changed landscape. Ms. Cooperman stated that the Commission should be mindful of the landscape designed by Greber. Mr. Thomas stated that the Commission will have to consider the lighting in more depth when it reviews the application for final approval. Mr. Scott stated that they may use lighting to make the Skyspace recede during the day. Mr. Mattioni stated that the use of light to ostensibly cause a building to recede



concerns him. Mr. Rub stated that he would not ask the artist to design the lighting to make the Skyspace to disappear, but he would work with the artist to adjust the scale. Mr. Fiol-Silva stated that the view of the city with the Museum and Water Works is iconic. He encouraged the applicants to provide accurate renderings at the final review.

**ACTION:** Mr. McCoubrey moved to approve the application in concept, pursuant to Standard 9. Ms. Royer seconded the motion, which passed by a vote of 9 to 1. Mr. Mattioni dissented.

**ADDRESS: 2012 AND 2014 RITTENHOUSE SQ**

Proposal: Demolish buildings; construct three-story building

Review Requested: Review In Concept

Owner: Robyn Willner

Applicant: Timothy Kerner, Terra Studio LLC

History: 1950; BP #31167-B, 8-25-1950

Individual Designation: None

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

Staff Contact: Laura DiPasquale, laura.dipasquale@phila.gov, 215-686-7660

**ARCHITECTURAL COMMITTEE RECOMMENDATION:** The Architectural Committee voted to recommend approval, provided the Historical Commission reclassifies the property from contributing to non-contributing; and provided the decorative band between the first and second floors, the metal band above the second floor, and the return of the front façade into the alley façade are studied, with the staff to review details, pursuant to Standard 9.

**COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION:** The Committee on Historic Designation voted to recommend reclassifying the properties at 2012 and 2014 Rittenhouse Square Street from contributing to non-contributing in the Rittenhouse-Fitler Residential Historic District, pursuant to Sections 14-203(78) and 14-1004(5) of the historic preservation ordinance, because the buildings do not reflect the historical or architectural character of the District as defined in the Statement of Significance of the District's nomination.

**OVERVIEW OF ARCHITECTURAL COMMITTEE APPLICATION:** This application proposes in-concept to convert two existing two-story houses constructed in the 1950 into a three-story, single-family residence. The applicant is simultaneously seeking reclassification of the existing buildings from contributing to non-contributing in the Rittenhouse Fitler Historic District, arguing that the buildings are inconsistent with the architectural character, scale, spatial hierarchy, and social unity of the district. The proposed new construction would be three stories in height, with a brick façade, limestone detailing, and a standing-seam metal mansard roof.

**OVERVIEW OF COMMITTEE ON HISTORIC DESIGNATION APPLICATION:** This application proposes to reclassify the properties at 2012 and 2014 Rittenhouse Square Street from their current classifications of contributing to non-contributing to the Rittenhouse Fitler Residential Historic District. The inventory describes these properties and the adjacent 2016 and 2018 Rittenhouse Square Street as "Four, 2-story modern houses, garages—Contributing."

The applicant argues that the twin, two-story structures, built in the early 1950s, do not contribute to the District in terms of their architectural character or their scale, are inconsistent with the spatial hierarchy of the neighborhood, and do not support the social unity of the district as defined by the district nomination.

**DISCUSSION:** Ms. DiPasquale presented the application to the Historical Commission. Architect Timothy Kerner represented the application.

Mr. Kerner explained that he is present to discuss the existing building and the proposed building, and what is most appropriate for this location in the city. He noted that he studied the nomination for the Rittenhouse-Fitler Residential Historic District in detail, and one of the things that struck him as most interesting is the idea of spatial hierarchy within the district. He explained that the nomination describes lower houses along the periphery of the neighborhood, with larger houses around Rittenhouse Square. He also commented on the description in the nomination of the architectural quality and conservative nature of the architectural vocabulary, which the nomination distinguishes from buildings in the nouveau-riche section of North Philadelphia.

Mr. Kerner described the history of the property in question. He noted that what is now Rittenhouse Square Street was formerly Murray Street, which had houses on it prior to there being houses on Spruce Street. He noted that the nomination describes movement into the area from two directions. From the Schuylkill, there came industrial workers housing, and from the east, there was more affluent population moving into this area. Mr. Kerner noted that this particular site has a history of both—originally there was a brewery at the corner of Spruce Street, and there were three-story masonry workers' housing along this street. At some point in the 1860s, those houses were torn down and the properties along Murray Street (Rittenhouse Sq Street) were joined with Spruce Street properties, and in the 1950s, these two houses were built.

Mr. Kerner summarized that these properties do not reflect the history, character, and are not contributing to the district. He argued that the proposed new construction design would be more compatible with the district.

Mr. Thomas questioned the period of significance for the Rittenhouse-Fitler Historic District. Mr. Kerner responded that he does not remember there being a specific time period identified the nomination.

Ms. Cooperman clarified that the Committee on Historic Designation was unanimous in its recommendation for re-classification of these properties, and voted to recommend reclassification without any discussion.

Mr. Thomas opened the floor to public comment. Nancy Weinberg, a representative of the organization Save Our Sites, read a letter submitted previously to the Commission. The letter noted that Save Our Sites has not voted to oppose the reclassification, but is concerned about the precedent this change may have on the historic district and preservation in the city as a whole. Mr. Kerner responded that he recognizes the concern, but that his application is not based solely on a matter of taste and desiring one building over another. Rather, he continued, his application addresses specifically the reasons that the district was designated in the first place, and how the existing properties do not correspond to those aspects of the district. Mr. Thomas commented that there have been other properties that have been reclassified, and part of that is a recognition on the part of the Historical Commission that in the creation of a district, sometimes a whole swath of buildings are included for whatever reason, but that they may not merit inclusion. He noted that there are criteria set forth for the reclassification of buildings in a district; it is not simply a matter of taste.

Mr. Kerner noted that there had been some discussion at the Architectural Committee meeting of the windows for the proposed new construction.

Mr. McCoubrey stated that this is an in-concept review, and that the final plans must be reviewed by the Architectural Committee and full Historical Commission.

Mr. Thomas asked whether, procedurally, once a property is reclassified as non-contributing and is demolished, the Commission's jurisdiction becomes Review-and-Comment or whether the Commission retains full jurisdiction. Mr. Farnham responded that the Commission retains full jurisdiction, as there was a building on the site at the time of designation.

Mr. Kerner returned to the proposed design, noting that the limestone detailing is meant to be in keeping with the Neoclassical detailing of the district, and the horizontal band that was a point of discussion at the Committee, is a continuation of the entablature over the doorway. He noted that there was a question of whether that is something one would find in the district, but that the intention is to refer to the historic aspects of the district, but also be representative of its own time. He noted that the vertical window at the center of the building is also something one would not find in a nineteenth-century house. He opined that the horizontal band and vertical window are the gestures to the contemporary nature of the proposed building.

Mr. Thomas opened the floor to public comment, of which there was none.

Mr. Kerner asked whether it would be possible, if the design was approved conceptually, to work with the staff on the construction details rather than return to the Architectural Committee. Mr. Thomas asked whether the Architectural Committee felt that there was enough information provided at the in-concept review. Mr. McCoubrey responded that there were a number of questions, most of which were detail-related and could be reviewed at the staff level.

Mr. Mattioni commented that it is not appropriate to convert a conceptual approval to a final approval. Mr. Thomas opined that there is not sufficient information presented for a final approval, as it is a matter of how the details go together. Mr. Mattioni encouraged the applicant to work with the staff to work out any other details before returning to the Architectural Committee and Historical Commission.

**ACTION:** Ms. Cooperman moved to reclassify the properties at 2012 and 2014 Rittenhouse Square Street from contributing to non-contributing in the Rittenhouse-Fitler Residential Historic District, pursuant to Sections 14-203(78) and 14-1004(5) of the historic preservation ordinance, because the buildings do not reflect the historical or architectural character of the District as defined in the Statement of Significance of the District's nomination. Mr. Fiol-Silva seconded the motion, which passed unanimously.

**ACTION:** Mr. McCoubrey moved to approve the application in concept, pursuant to Standard 9. Ms. Turner seconded the motion, which passed unanimously.

**ADDRESS: 44-48 AND 50 N 03RD ST**

Proposal: Construct ten five-story buildings

Type of Review Requested: Review and Comment

Owner: Burton Cohan and Ellen Kret

Applicant: George Konel, JKRP Architects

History: vacant lot

Individual Designation: None

District Designation: Old City Historic District, Non-contributing, 12/12/2003

Staff Contact: Laura DiPasquale, [laura.dipasquale@phila.gov](mailto:laura.dipasquale@phila.gov), 215-686-7660

**ARCHITECTURAL COMMITTEE COMMENT:** The Architectural Committee commented that the new construction is generally compatible with the Old City Historic District in terms of scale and massing, but recommended the following: the elevation facing N. 3<sup>rd</sup> Street should be revised to appear more industrial as opposed to residential; the masonry should continue across the entire base of the N. 3<sup>rd</sup> Street elevation; and the wood and vinyl cladding throughout the project should be reconsidered.

**OVERVIEW:** This application proposes to construct a five-story mixed-use building along N. 3<sup>rd</sup> Street, with nine new townhomes on an interior court accessed through a driveway portal in the N. 3<sup>rd</sup> Street facade. The proposed N. 3<sup>rd</sup> Street elevation would feature a ground-floor commercial space clad in cast stone with large aluminum storefront windows. The upper floors would be clad in brick with metal panel details and Juliette balconies at the upper three floors. The townhomes along the interior court would be four stories in height with large central pilot house suites. The fronts of the townhouses would face onto a pedestrian walkway and would feature a mixture of brick, metal and wood panels, and metal bays. The rears of the properties would feature brick bases with garage doors, and upper floors clad in metal panels, wood cladding, and vinyl siding.

**DISCUSSION:** Ms. DiPasquale presented the application to the Historical Commission. Architect Jose Hernandez represented the application.

Mr. Hernandez commented that this is a unique site, as it floats in the middle of two parcels that are not included in this submission. He explained that there is a parking lot to the south with a different owner, and an easement to the north. He noted that it is a 200 foot deep lot with a 68 foot width. The western portion of the lot faces the meeting house, which Mr. Hernandez noted provides an opportunity, owing to the open space and greenery. He stated that he chose to place the townhouses facing that direction with a 10-foot private walkway that faces onto that space. He noted that his intent was to maintain the streetscape along N 3<sup>rd</sup> Street. Regarding the driveway portal, he explained that a historic property on the eastern side of the street has a portal for a horse and buggy, and that he utilized that design concept from the surrounding context and previous uses, but modernized it.

In terms of material and scale, Mr. Hernandez continued, the buildings that once stood on the site were too small, so he decided to build to the full height and width of property, with a modern interpretation of the scale and massing of the neighboring historic buildings. He noted that the ground floor would have a small commercial space, with balconies above to create a visual effect of entrances at the ground floor. He noted that the square footage of ground floor commercial space was of concern to neighbors at the Architectural Committee meeting, but that he did research and found some 500 sf commercial space in the area.

Mr. McCoubrey commented that the revisions the applicant made respond nicely to the Architectural Committee recommendations. He noted that the color of the brick varies in the renderings presented, but that it should be a plain red brick.

Mr. Thomas suggested that the applicant utilize stamped concrete or asphalt rather than simple asphalt at the driveway portal. He opined that it would pay back very quickly in terms of the property value.

Mr. Thomas opened the floor to public comment, of which there was none.

The Historical Commission concurred with the Architectural Committee, which had commented that the new construction is generally compatible with the Old City Historic District in terms of scale and massing, but recommended the following: the elevation facing N. 3<sup>rd</sup> Street should be revised to appear more industrial as opposed to residential; the masonry should continue across the entire base of the N. 3<sup>rd</sup> Street elevation; and the wood and vinyl cladding throughout the project should be reconsidered.

**ADDRESS: 10-18 CALLOWHILL ST**

Proposal: Demolish building, construct five townhouses

Type of Review Requested: Final Approval

Owner: 1729-49 East Moyamensing, LLC

Applicant: Stephen Maffei, Abitare Design Studio

History: 1960, fruit and vegetable warehouse

Individual Designation: None

District Designation: Old City Historic District, Non-contributing, 12/12/2003

Staff Contact: Kim Broadbent, kim.broadbent@phila.gov, 215-686-7660

**ARCHITECTURAL COMMITTEE RECOMMENDATION:** The Architectural Committee voted to recommend approval, provided that the pilot houses are sloped; metal paneling is used instead of wood paneling; the cast stone is buff or beige in color; the horizontal fenestration is oriented to be vertical; the materials on the main facades return at least eight inches at the corners; and the mechanical equipment is not visible from a public right-of-way, with the staff to review details, pursuant to Standard 9.

**OVERVIEW:** This application proposes to demolish a one-story, non-contributing building and to construct five four-story, single-family dwellings with roof decks and pilot houses. Given that a structure occupied the site at the time of designation, the Commission has full jurisdiction over this project. The townhouses feature front-loading garages, recessed entries, and are clad in brick veneer, cement panel, and composite wood panels with a four-foot high cast stone base at all exposed sides of the townhouses.

It should be noted that the proposed development is part of a larger block that holds high archaeological potential. That potential may be slimmer for this particular location, as historic maps indicate that the majority of the proposed construction area once featured masonry buildings which covered all but a small portion of the southeastern edge of the site, and likely disturbed any archaeological materials. Moreover, it appears that the proposed townhouses do not have basements.

A similar application to this one, submitted by a different architect and applicant, was reviewed by the Committee in March 2015. During that review, the Committee recommended that the

front-loading garages be reduced in number or eliminated, that the parapet wall be reduced in height, that the pilot houses are clad in a material used elsewhere on the building, and that the minimal stone base be increased in height. That application was withdrawn prior to review by the Historical Commission.

The staff contends that although the proposed design would be incompatible in the heart of the Old City Historic District, given its location at the edge of the district and its proximity to large-scale development along the waterfront, the proposed construction is acceptable for this site. The staff suggests reconsidering the fenestration on the two sections of the buildings where the windows are horizontal rather than vertical.

**ACTION:** See Consent Agenda.

**ADDRESS: 57 N 02ND ST**

Proposal: Modify storefront, construct second-story addition and roof deck

Type of Review Requested: Final Approval

Owner: David Rubin

Applicant: David Rubin, El See, LLC

History: 1960

Individual Designation: None

District Designation: Old City Historic District, Non-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 of the original design, but approval of a revised design A1 based on Alternate A that includes the punched openings at the first floor, replacement of the wood elements with zinc, replacement of damaged brick with new brick painted black, and a setback planter, with the staff to review details, pursuant to Standard 9.

**OVERVIEW:** This application proposes to modify a storefront and construct a second-story addition and roof deck on this one-story non-contributing building located within the Old City Historic District. The new storefront would include additional glazing and exposed brick, above which a zinc panel system would be installed. The roof deck would be located at the front of the existing building, with the new addition set back to a distance that would render it minimally visible from North 2<sup>nd</sup> Street.

**ACTION:** See Consent Agenda.

**ADDRESS: 1515-17 GREEN ST**

Proposal: Construct three-story building

Type of Review Requested: Final Approval

Owner: Seth J. Schwarzman & Lynn Buono

Applicant: Frank Graff, MFD Developers

History: vacant lot

Individual Designation: None

District Designation: Spring Garden Historic District, Non-contributing, 10/11/2000

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

**ARCHITECTURAL COMMITTEE RECOMMENDATION:** The Architectural Committee voted to recommend approval, provided architectural drawings of the masonry retaining wall are provided showing it reconstructed with salvaged brick and limestone stairs; the decks are set back at least 12 feet from the front façade to be inconspicuous; and any mechanical equipment is not visible from the public right-of-way, with the staff to review details including a deck mock-up, pursuant to Standards 3 and 9.

**OVERVIEW:** This application proposes to construct a three-story building at 1517 Green Street. The lot is described in the inventory of the Spring Garden Historic District as a vacant lot, but not mistakenly classified. At the time of the designation of the historic district, and since about the middle of the nineteenth century, when the adjacent buildings were constructed, the lot has been open and consolidated with the property at 1515 Green Street, serving apparently as a yard. A zoning permit for the subdivision of the properties was issued in 2015. Since the lot was part of a property with a building standing on it at the time of designation, the Historical Commission enjoys full or plenary jurisdiction over this application, not the more limited review-and-comment jurisdiction.

The proposed building would be clad in brick and feature two-over-two windows and other Italianate details to match the adjacent property to the east. The property would not have a rear ell, but would be built out to the full width of the site.

**ACTION:** See Consent Agenda.

**ADDRESS: 200 S BROAD ST**

Proposal: Create ADA entranceway at existing window

Type of Review Requested: Final Approval

Owner: Bellevue Associates

Applicant: Robert Torres, Studio Torres, LTD

History: 1902, Hewitt Brothers, architects, Bellevue Stratford Hotel

Individual Designation: 8/2/1973

District Designation: None

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

**ARCHITECTURAL COMMITTEE RECOMMENDATION:** The Architectural Committee voted to recommend denial as submitted, owing to insufficient information, but approval, provided the new ADA door is located one bay east, closer to the main door; the jamb design is submitted; the doors are metal to match the other doors on the façade; and the doors are taller with no additional transom, with the staff to review details, pursuant to Standard 9.

**OVERVIEW:** This application proposes to convert an existing window into an ADA-accessible entryway at the building's Walnut Street façade. The new entryway would allow ADA access at

the interior from a passenger elevator. Although the conversion would not change the width of the opening, it would require the removal of masonry below the sill and the installation of a new transom and double-door system. The application also proposes to install a new awning at the converted opening.

**ACTION:** See Consent Agenda.

**ADDRESS: 418 S 17TH ST**

Proposal: Construct two-stories over one-story building with roof deck and pilot house

Type of Review Requested: Final Approval

Owner: Dwayne Blackwell

Applicant: Marlon Travis

History: 1960

Individual Designation: None

District Designation: Rittenhouse Fidler Residential Historic District, Non-contributing, 2/8/1995

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

**ARCHITECTURAL COMMITTEE RECOMMENDATION:** The Architectural Committee voted to recommend denial as proposed, but approval, with the staff to review details, with the following revisions:

1. the Trespa is replaced with brick and metal,
2. the addition is clad in brick,
3. the height of the pilot house is reduced,
4. a stone band separates the new and old brick,
5. the deck is inconspicuous,
6. the mechanical equipment is not visible from the public right-of-way,
7. there is only one transom above the rear door,
8. the parapet is lowered to align with the neighboring cornices, and
9. the windows do not have muntins.

**OVERVIEW:** This application proposes to construct a two-story addition on an existing single-story house corner house. The enlarged building would have a roof deck with a stair house.

**DISCUSSION:** Mr. Baron presented the application to the Historical Commission. Architect Justin Stevenson represented the application.

Mr. Baron explained that the applicant has revised the application to reflect the Architectural Committee's recommendation. He summarized the revisions. The Trespa has been replaced with other cladding materials. The rear section is now clad in brick. The height of the pilot house has been reduced. The deck has been moved back away from the edges of the building. The mechanical equipment has been relocated to the rear and western edge of the building. The rear door now only has one transom. The parapet has been lowered to better align with neighboring cornices. The muntins have been removed from windows. Mr. McCoubrey opined that the changes accurately reflect the Committee's recommendation.

Mr. Thomas asked for public comment. Jean-Michel Rabaté, a neighbor, thanked the applicant for improving the original design. He objected to the Trespa proposed for the south or rear wall and suggested that brick be used instead. Mr. Stevenson responded that all Trespa has been removed from the proposal, and the rear is now proposed to be stucco.



**ACTION:** Mr. McCoubrey moved to approve the revised application as presented to the Historical Commission at its meeting of 8 July 2016, with the staff to review details, pursuant to Standard 9. Mr. Mattioni seconded the motion, which passed unanimously.

**ADDRESS: 1722 PINE ST**

Proposal: Rehabilitate building per passive house standards

Review Requested: Final Approval

Owner: Paul Thompson and Laura Blau

Applicant: Laura Blau, BluPath Design Inc

History: 1845

Individual Designation: None

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

Staff Contact: Meredith Keller, meredith.keller@phila.gov, 215-686-7660

**ARCHITECTURAL COMMITTEE RECOMMENDATION:** The Architectural Committee voted to recommend denial, pursuant to Standards 2, 6, and 9 and the Historical Commission's denial of 13 May 2016.

**OVERVIEW:** This application proposes to execute a deep energy retrofit of a four-story, four-unit historic property within the Rittenhouse-Fittler Historic District. By retrofitting the property, the applicant ultimately seeks EnerPHit certification, a retrofit standard of the International Passive House Association. At the 13 May 2016 meeting of the Historical Commission, by a vote of 5 to 4, the Commission approved the installation of new wood shutters and Passive House certified windows at the front façade, provided that the windows replicate the appearance of the original six-over-six double-hung sash. However, the Commission denied the proposed EIFS over-insulation of the brick rear ell. This application proposes again to over-insulate the brick rear ell with an EIFS system. Additionally, work to the rear would include installing new Passive House certified windows, installing awnings at the south windows, replacing deck railings, installing a new cornice, and renovating the existing fire escape.

**DISCUSSION:** Ms. Keller presented the application to the Architectural Committee. Property owner and architect Laura Blau represented the application.

Ms. Blau gave a presentation to outline sustainability issues and to identify the efficiency of buildings that meet various energy standards, such as Energy Star, LEED, and Passive House standards. She also summarized the Historical Commission's 13 May 2016 decision of her previous proposal, in which the Commission voted to approve Passive House certified windows and shutters at the front façade. In addition to that work, Ms. Blau added that she has been working with the staff to restore the bay at the side of the building. She presented other examples of historic buildings retrofitted to comply with Passive House standards, and then focused on the proposal for the rear of her own property. She commented that the proposal includes Passive House windows in addition to the EIFS over-insulation, which will add several inches to the exterior. In order to accommodate the change, Ms. Blau continued, the windows could be positioned several inches toward the exterior plane to maintain the same relative depth within the opening, or they could remain in their current position. She stated that she would accept direction from the Commission on that detail.

Ms. Blau noted that the exterior conduit would be moved to the interior and that the fire escape would be replaced to eliminate stress at the connections to the wall and to minimize thermal bridging. She commented on various moisture issues, such as rising damp and moisture

infiltration at the building's interior, and indicated that several interventions have been implemented to prevent moisture ingress. Encasing the entire exterior, she added, would preserve the wall and would not add more mechanical attachments, since the EIFS over-insulation is applied with adhesive.

Ms. Blau narrated a video to show the context of her building at both Pine and Waverly Streets. The rear of the building, she emphasized, is situated along a service alley with many stuccoed building rears, parking areas, and decks. She commented that the alley is a place for dog walkers, cars, and trash. Mr. Thomas clarified that there are no fronts of homes along the 1700 block of Waverly Street and that it serves strictly as a service alley. Ms. Blau continued with the narration, and Mr. Thomas responded that the context of the block is understood.

Mr. Thomas stated that the Commission received letters of support from the Office of Sustainability, New York Passive House, and the North American Passive House Network. He noted that Christine Knapp, director of the Office of Sustainability, wrote to invite the Historical Commission to meet about sustainability issues. Mr. Thomas remarked that the significance of climate change is well understood but that, at present, the Commission must evaluate the proposal to determine whether it meets the Secretary of the Interior's *Standards*. He reiterated that the Commission previously approved new Passive House windows at the front of Ms. Blau's building, but noted that the proposal for the front façade did not include stucco or EIFS. He then asked Ms. Blau to discuss how this new proposal strikes a balance between sustainability and preservation, and how it conforms to the Secretary of the Interior's *Standards*.

Ms. Blau answered that, according to the *Standards*, removal of distinct materials shall be avoided. She then proceeded with her presentation and discussed the results of a RILEM moisture absorption test she conducted at the front and rear of her building. The brick at the front of the building, she stated, absorbed very little moisture over a 24-hour period. She attributed the result to high-quality brick and showed a graph to indicate how the wall would perform with an application of insulation at the interior. Mr. Thomas explained that the graph shows the wall's performance over a five-year period, from 2016 to 2021. He identified other annotations contained on the graph. Ms. Cooperman clarified that the graph is a predictive model and should not be interpreted as showing actual test results. Ms. Blau confirmed that it is a predictive model and stated that she has not been conducting moisture tests over the last five years. Ms. Cooperman remarked that the results shown in the graph are identical for all five years and asked Ms. Blau if she is repeating the data from year to year. Ms. Blau replied that the data is repeated and that, to generate the model, she input certain fields related to brick quality, brick wythes, moisture barriers, insulation, and interior finishes. Ms. Cooperman asked where the model places condensation within the wall, and Ms. Blau responded that condensation varies depending on several factors. The predictive models, Ms. Blau continued, are used to find the worst case scenario and to show the wall's performance in all conditions. In the graph presented, Ms. Blau explained that the red dot represents the conditions where condensation is most likely to form due to moisture drive from inside or outside the wall. The ultimate goal of the model, she added, is to ascertain whether the moisture within the wall will dry.

Ms. Cooperman stated that, in terms of the preservation of historic material, mold and mildew are not the only considerations. She also noted that freeze-thaw cycling is a primary concern, because it leads to the destruction of material. Ms. Blau agreed and added that the rear wall is more vulnerable, unless exterior insulation is applied. Ms. Blau continued with an explanation of the moisture testing of the rear brick. Ms. Cooperman inquired whether Ms. Blau was testing the

moisture absorption only of brick, or whether the test area included mortar. Ms. Blau stated that she tested both brick and mortar, but that the results included in her presentation represent the least absorptive condition of the sampled areas. She then described the amount of water absorbed at the rear wall, stating that even with sunny conditions, the wall absorbed significantly more water over a 24-hour period than that of the front. Ms. Blau presented a similar predictive model as the one shown of the front façade. The model of the rear wall, she explained, shows greater temperature differentials in the spring months, which can create mold and mildew conditions, freeze-thaw cycling, and condensation. She asserted that it is her belief that much of the deterioration is occurring at the interior of the wall, based on her observation of accumulated brick dust at the interior. The interior, she concluded, is eroding at a faster rate than the exterior.

Ms. Blau introduced another graph showing a prediction of how the wall would perform if insulated from the interior rather than over-insulating the exterior with an EIFS system. Insulating at the interior, she claimed, would make it a “self-destructing wall.” She argued for the use of EIFS and emphasized that her proposal is not for a standard EIFS system but for a drainage plane system, consisting of a breathable vapor air barrier and a rigged adhesive that would allow for a drainage plane. Any moisture migrating through either the interior or exterior of the wall, she contended, would drain at this point.

Mr. Thomas requested clarification of Ms. Blau’s graph and captions, and Ms. Blau explained that different colored lines represent the various elements of the over-insulated wall, including a drainage plane, an outer wythe of medium-porous brick, an inner wythe of brick, air space, and plaster. With the EIFS system, Ms. Blau asserted, the predictive model indicates that the wall’s performance would greatly increase and the risk of mold and mildew or free-thaw cycling would be reduced. Ms. Blau showed another graphic of a super-insulated wall with 4 inches of cellulose at the interior and the EIFS system at the exterior. This configuration, she claimed, would create a healthy wall that would eliminate air-quality issues and would not contribute to brick deterioration.

Ms. Blau reiterated that the rear wall is deteriorating, though that deterioration is confined mostly to the interior where it is not immediately visible. It will only be a matter of time, she added, until it is compromised. She also stated that it currently poses indoor air-quality issues for her tenants. Mr. Thomas shared his experience working in North Philadelphia, noting that the front facades of buildings typically consisted of hard brick, while the rear elevations, if at risk of collapsing due to moisture damage, were covered. He stated that the Commission needs to consider whether there is a reason to allow such a change on the rear of a building visible from a service alley and acknowledged that the decision would be precedent-setting.

Ms. Cooperman expressed her appreciation for the extent of data presented through the predictive modeling, but stated that no results were presented to show the performance of the materials in situ. Ms. Blau responded that this project could be a test case. Ms. Cooperman countered that there are several concerns, despite the information provided through predictive modeling. Ms. Cooperman asserted that the Commission has not been provided with test results that would assure them that the EIFS system would protect the brick or that the attachment system would not cause harm. Until those issues are understood, Ms. Cooperman continued, the Commission must follow the Secretary of the Interior’s *Standards* in evaluating the proposal. Ms. Blau replied that she could ask the Building Science Corporation and other field experts to review and comment on the application of the system at her property. She then stressed her need to move forward with the project and added that Passive House projects are

science-based and monitored for performance. Ms. Cooperman suggested that an architectural conservator be involved in evaluating the project.

Mr. Fiol-Silva commended Ms. Blau on her research into the performance of the building's walls and added that it would be a great test case. He reiterated the claim that the project would be precedent-setting and commented that even more questions would need to be raised. Mr. Fiol-Silva asked how the Commission would define an alleyway and questioned the application of 4 inches of insulation at the exterior, which could encroach upon the neighboring properties. Ms. Blau responded that the question of extending beyond the property border is a legal easement issue between her and her eastern neighbor. She also explained that her building does not extend to the property line at the rear, and the western side yard will accommodate the expansion after the EIFS system is applied.

Mr. Fiol-Silva questioned the larger application of the Passive House standards if applied to other historic buildings and asked when such high performance standards would not be appropriate. He then stated that numerous issues first needed to be resolved and commented that the Commission is challenged to be as thorough in their decision as Ms. Blau has been in presenting her scientific research. Ms. Blau responded that an Architectural Committee member stated that preservation and sustainability are equal. Ms. Blau disagreed and added that she believes climate change issues should carry more weight. The Commission, she continued, is challenged with finding a balance and determining under what conditions sustainability issues outweigh preservation issues. Mr. Thomas replied that, as LEED projects became more common in Philadelphia, the Historical Commission and Delaware Valley Green Building Council reviewed the preservation briefs published by the National Park Service that related to increasing energy efficiency in historic buildings. Sustainability and the preservation, he continued, can be achieved by allowing modern materials to substitute for traditional materials in instances where the substitute maintains the feature's original appearance. Mr. Thomas then stated that, though he understands Ms. Blau's need to proceed with the work, he did not feel the Commission could resolve the issues related to retrofitting the building to meet Passive House standards. He added that covering over a building, even if for good reason, while meeting the Secretary of the Interior's *Standards* is very difficult to achieve. Mr. Thomas suggested that the Commission, Office of Sustainability, and community discuss the issues presented and determine how to interpret the *Standards* in future applications. Approving this one application, he continued, would not aid in creating guidelines or an understanding of how to retrofit a building to Passive House standards. Mr. Thomas stated that preservation theory evolves over time, and though it was typical several decades ago to preserve the front façade of a building and significantly modernize the rear, those types of rear alterations would likely not be permitted today.

Ms. Royer asked Ms. Blau if she had examples of a system equivalent to the one proposed where over-insulation had been applied to similar quality brick for any period of time in order to evaluate the bricks' performance and to investigate whether it caused damage after removal. Ms. Blau responded that a supplier informed her of a similar application at a historic fort, although she could not provide details and offered to research the example further. She also offered to contact the Building Science Corporation for their research and stated that they may have interest in participating in this discussion.

Ms. Blau implored the Commission to approve the application and use the proposed retrofit as a test case, so the Commission could determine when such a retrofit would be appropriate for other historic buildings. She then noted that she needs to install new windows and asked

whether the staff's preference was for them to be in the same plane as the original windows. Mr. McCoubrey asked whether Ms. Blau is referring to the windows that were previously approved. Mr. Baron stated that there was already some discussion about the front façade and that the staff is awaiting details. He commented that it was his understanding that the front façade was not part of this current application, since there had been an approval with the staff to review details. Ms. Cooperman inquired whether the current proposal is solely for work at the rear of the building, and Ms. Blau confirmed that the application relates only to the rear.

Ms. Blau agreed that the insulation system requires further study and remarked that she could work out phasing details. Mr. Thomas discussed how a denial of the application would affect the project, and added that the proposal is complicated and needs further consideration. He then opined that the staff and Commission would need to determine the applicability of such a treatment and its appropriateness. Where brick is in poor condition, he continued, other solutions, such as using salvaged brick, have been implemented. Ms. Cooperman added that no evidence was provided to show that the rear exterior brick is failing. Ms. Blau responded that there are locations where failure is occurring, typically at the bottom of the wall. Ms. Cooperman replied that there is evidence of rising damp, but that Ms. Blau did not present the Commission with any documentation to demonstrate failure. Ms. Blau confirmed that she had not completed the fine documentation of that area.

Mr. Fiol-Silva stated that the applicant should work to find the proper balance between a high-performance approach to sustainability and historic preservation that would set a solid precedent for historic buildings within the city.

**ACTION:** Mr. Fiol-Silva moved to adopt the recommendation of the Architectural Committee and deny the application, pursuant to Standards 2, 6, and 9 and the Historical Commission's denial of 13 May 2016. Ms. Cooperman seconded the motion, which passed unanimously.

**ADDRESS: 304 ARCH ST**

Proposal: Install mural

Type of Review Requested: Final Approval

Owner: Charles City Properties LTD/Daniel Schwartz

Applicant: Phil Asbury, Charles City Properties

History: 1851, three buildings including St. Charles Hotel

Individual Designation: 9/9/1974, 12/31/1984

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

Staff Contact: Meredith Keller, meredith.keller@phila.gov, 215-686-7660

**ARCHITECTURAL COMMITTEE RECOMMENDATION:** The Architectural Committee voted to recommend approval, provided that 304 or 316 stainless steel fasteners are used where fastened into the masonry, with staff to review details, pursuant to Standard 9.

**OVERVIEW:** This application proposes to install a mural on the east wall of 304 Arch Street. The wall, which faces N. 3<sup>rd</sup> Street, is a former party wall, is constructed of brick, and is currently stuccoed. The proposed project is a collaboration between artist Marcus Balum, students at Mastery Charter School–Lenfest Campus, and the Mural Arts Program. The mural would incorporate a series of sixty-three brushed-aluminum composite panels of various sizes, printed with photographs taken by students. Each panel would be anchored to the wall by 12 four-inch

masonry screws. The mural would be concentrated at the north end of the wall and would not obstruct any existing masonry openings.

**ACTION:** See Consent Agenda.

### **THE REPORT OF THE COMMITTEE ON HISTORIC DESIGNATION, 15 JUNE 2016**

Emily Cooperman, Chair

#### **2007-13 N 2<sup>ND</sup> ST, COLUMBIA SINGING SOCIETY**

Nominator: Staff of the Philadelphia Historical Commission

Owner: Yu Zhen Pan, Qiong Zhao Schicktanzt, Selina Zhao, Tiffany Zhao

**COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION:** The Committee on Historic Designation voted to recommend that the nomination demonstrates that the property at 2007-13 N. 2<sup>nd</sup> Street satisfies Criteria for Designation A, C, D, and J.

**OVERVIEW:** This nomination proposes to designate the property at 2007-13 N. 2<sup>nd</sup> Street as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the former Columbia Singing Society (or Gesang Verein) hall satisfies Criteria for Designation A, C, D, and J. The nomination argues that the property, constructed in 1889, is a fine example of the Second Empire style as interpreted by Victorian-era German-American architects Schaeffer & Ausfeld. The nomination further contends that the property is significant as a rare surviving example of a German-American singing society and social hall, an important cultural contribution of Germans in America.

**DISCUSSION** Ms. DiPasquale presented the nomination to the Committee on Historic Designation. Attorney John Marshall, William Schicktanzt, and property owner Qiong Zhao Schicktanzt represented the property. Sarah Chiu of the Philadelphia City Planning Commission translated to and from Mandarin Chinese for Ms. Shicktanzt.

Mr. Marshall argued that the last use of this property was in 1962. In 1980, approximately, the City was the owner, and deeded it to an individual for one dollar, and PIDC gave that individual money to work on the property. Mr. Marshall commented that it is his understanding that that property owner did work on some windows and started to do work on the roof, but never completed it. Since 1980, the property has sat vacant, and nothing has been done. His client purchased the property for \$150,000, and it needs many repairs. He opined that the property cannot be rented the way it is now, and that there would not be a buyer for it in its current condition. He commented that he does not know what the property could be used for; originally it was a singing society, there was a bowling alley, a boxing club, and a bank. The singing society, he continued, has been gone for almost a century. He opined that the history of the building as a singing society was short-lived, and that there is already a Columbia Social Club in the city, and he doubts anyone would know the difference between the two organizations. He stated that no one remembers the use of this property as a singing society, and that he doubts anyone in the neighborhood would have an interest in this property. He argued that the neighborhood has a great number of car repair shops. He asked rhetorically what architectural style this building even is, and that it is his understanding that it is three or four different styles. He opined that there is nothing relating the building to the history of Philadelphia, nothing that anyone in the area would care about, and nothing anyone would remember. He noted that the architect is not famous. He opined that if the property were designated, its value would be

nonexistent. The cost to do repairs right now might approach \$1 million, and it is not “handicapped” accessible. He opined that designation would foreclose any potential reuse of the building. He opined that the City has an interest in buildings that are used, up-to-date, and have a future; this building has had no future for over 50 years.

Mr. Schicktanzt argued that Ms. Cooperman had gone through a list of styles that this building represents under Criteria for Designation C and D at the Committee on Historic Designation meeting. Ms. Cooperman responded that she did not go through a list. Mr. Schicktanzt reiterated that she had mentioned several different architectural styles. Ms. Cooperman responded that she did not. Mr. Schicktanzt commented that this property is not representative of a single architectural style. Ms. Cooperman responded that she asserted that the building was of a distinctive architectural style, and that she is sorry that Mr. Schicktanzt is misremembering.

Mr. Marshall stated that the sides and back of the building are all brick; it looks like a warehouse from the backside; there is nothing architecturally significant about the building. He opined that the front of the building is interesting, but it precludes any kind of use.

Mr. Schicktanzt argued that the nomination indicates the building is an example of the Second Empire style, but that the nomination also states that the building does not conform solely to one architectural style. Ms. Cooperman responded that, as she had stated at the Committee on Historic Designation meeting, there is extensive variability within any architectural style, and that it does not mean that a building is not representative of that style. Mr. Schicktanzt argued for the singular nature of Criteria C and D, which call for “a” distinctive architectural style, and characteristics of “an” architectural style. He argued that the building is not a good example of any singular architectural style.

Mr. Schicktanzt admitted that the front façade is attractive, as that is what attracted the property owner to it in the first place, but the rest of the building represents a significant monetary challenge. He opined that the building was only used as a singing society for 30 years, and the hall upstairs was used as a multi-use dance hall after World War II. Mr. Schicktanzt opined that the problem for the owner is that designation complicates reusing the property. He equated the property to the Church of the Assumption on Spring Garden Street. Mr. Schicktanzt stated that the owners have no developmental experience and no experience in real estate, and that designation would be the final blow. He opined that the neighborhood is not appealing, and that it includes many warehouses and car repair shops, with limited residential properties.

Ms. DiPasquale clarified that the Historical Commission has no jurisdiction over the use of a property, or any work to the interior of the building, so the owner would be free to do whatever she would like to do with the interior of the building. Mr. Schicktanzt asked whether it was correct that any plans for interior or exterior work would have to pass through the Historical Commission. Ms. DiPasquale responded that the Historical Commission staff does review all building permit applications, but that interior-only work is a quick, over the counter review. Mr. Schicktanzt responded that time is money. Ms. DiPasquale responded that it takes about five minutes for the review of a building permit application proposing interior work only.

Mr. Thomas commented that historic designation enables a property owner to take advantage of historic preservation tax credits. Mr. Schicktanzt responded that that is beyond the scope of the owners’ abilities.

Mr. Thomas noted that Mr. Schicktz's comments about the north, south, and east walls being plain brick would be easily factored in to any future review of work to those elevations.

Mr. Fink asked about the height of the building. Mr. Schicktz responded that he does not know. Mr. Fink noted that the Building Code requires that structures in excess of 60 feet have a façade review every five years, and that he doubts that has been done for this property in many years. Mr. Thomas pointed out that such a review is required whether a building is designated or not. Mr. Fink responded affirmatively, but noted that his concern is that there may be some existing structural problems.

Mr. Marshall asked whether the Historical Commission regulates the whole exterior or just the front. Mr. Thomas responded that the Commission regulates the entire exterior envelope, but that there is greater freedom in making alterations to a plain brick wall. Mr. Marshall asked if the Commission could not just designate the front façade, and opined that the property may have been a bad investment. He opined that there is significant development happening to the east of this property, but it has not spread to this area yet, and that there are too many car repair shops nearby. He opined that, if this property was in a different neighborhood, there would be less of a concern about designation, but this neighborhood is not the safest, and he does not know how the property would be redeveloped, especially since the property owner faces a language barrier. He noted that she is present with an interpreter.

Mr. Thomas opened the floor to public comment. Joseph Menkevich commented that it is a great building, and that it would make an excellent beer hall. John Manton commented that this building is a piece of German-American history, and that singing societies can be adapted for reuse. Neighbor Andrew Fearon also supported the nomination, noting that buildings such as this create a vibrant and sustainable future for the neighborhood, and more structures like this one need to be saved.

Mr. Marshall commented that it was always his client's intent to reuse this building, but that the reuse costs are escalating, and a designation will increase those costs.

**ACTION:** Ms. Cooperman moved to find that the nomination demonstrates that the property at 2007-13 N. 2<sup>nd</sup> Street satisfies Criteria for Designation A, C, D, and J, and to designate the property as historic, listing it on the Philadelphia Register of Historic Places. Ms. Turner seconded the motion, which passed by a vote of 9 to 1. Mr. Fink dissented.

### **1527 N FRONT STREET**

Nominator: Kensington & Olde Richmond Heritage, LLC, Oscar Beisert

Owner: Thomas and Antoinette Scollon

**COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION:** The Committee on Historic Designation voted to recommend that the nomination fails to demonstrate that the property at 1527 N. Front Street satisfies Criterion for Designation A, but the property does satisfy Criterion C for its role in the creation of the church court, a significant example of urban design.

**OVERVIEW:** This nomination proposes to designate the property at 1527 N. Front Street as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the property satisfies Criteria for Designation A. The nomination argues that the property, constructed c. 1852 as a single-family dwelling on a parcel subdivided from the Second



Associate Presbyterian Church, is significant as a distinctive component of the church's institutional court. The nomination argues that the institutional court was an important form of architectural and urban design in Philadelphia in the eighteenth and nineteenth centuries.

**DISCUSSION:** Ms. DiPasquale presented the nomination to the Commission. Andrew Fearon of Kensington & Olde Richmond Heritage represented the nomination. No one represented the property owner. Mr. Fearon noted that co-nominator Oscar Beisert was unable to attend. Mr. Thomas responded that the Commission received a letter from Mr. Beisert regarding his absence.

Mr. Fearon explained that this property is important in terms of role in creating the court and as an element of the original compound of the church.

Neighbor Ken Milano stated that he was prepared to read Mr. Beisert's letter, as he had not realized the Commission received a copy.

Mr. Thomas opened the floor to public comment, of which there was none.

Mr. Thomas noted that the building is part of an interesting urban form, and that by looking at Sanborn maps, many mysteries can become understood. He commented that it is interesting that the church and this building are still standing.

Ms. Cooperman noted that the Committee on Historic Designation was impressed with the thoroughness of the documentation of the court form in the nomination.

**ACTION:** Ms. Turner moved to find that the nomination demonstrates that the property at 1527 N. Front Street satisfies Criteria for Designation C, and to designate the property as historic, listing it on the Philadelphia Register of Historic Places. Ms. Royer seconded the motion, which passed unanimously.

### **81-95 FAIRMOUNT AVENUE**

Nominator: Staff of the Philadelphia City Planning Commission

Owner: VMDT Partnership

**COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION:** The Committee on Historic Designation voted to recommend that the nomination demonstrates that the property at 81-95 Fairmount Avenue satisfies Criteria for Designation A, C, D, and J.

**OVERVIEW:** This nomination proposes to designate the rowhouses at 81-95 Fairmount Avenue as historic and list them on the Philadelphia Register of Historic Places. The nomination contends that 81-95 Fairmount Avenue satisfies Criteria for Designation A, C, D and J. The nomination argues that the rowhouses are a rare surviving example of a once common building type of the early Philadelphia waterfront between Front Street and the Delaware River, and the row retains original early Federal-style characteristics despite a significant but sensitive Colonial Revival renovation in the early 1920s. The nomination further contends that 81-95 Fairmount Avenue exemplifies the cultural, social and historical heritage of the Northern Liberties community, having served as the Beach Street Mission, representing the first facility of the Guild House organization.

**DISCUSSION:** Ms. Long recused, owing to her husband's employment at the law firm representing the property owner, and excused herself from the meeting. Ms. Keller presented the nomination to the Commission. Attorneys Michael Sklaroff, David Gest, and Richard Orlow, and preservation consultant George Thomas represented the property owner.

Mr. Sklaroff stated that, should the Commission choose to proceed with a review of the nomination, Mr. Thomas would make a brief presentation. He then emphasized that the nomination under consideration is the third version and added that the previous two nominations presented the row of buildings as an intact series of Federal-style rowhouses dating to 1820. The second nomination, he continued, was centered on the occupancy of the Friends' Mission between 1879 and 1899. Mr. Sklaroff stated that the Committee deemed it insufficient and requested that the nominator revise the nomination a third time. The nominator, Mr. Sklaroff noted, is the staff of the Philadelphia City Planning Commission and contended that the Planning Commission never authorized the nomination. He asserted that, according to the Historical Commission's rules, the staff of the Planning Commission is not free to submit a nomination. Mr. Sklaroff stated that he raised the issue in a letter written to Chairman Thomas and Dr. Farnham, and argued that the nominator must be an organization. The staff of the Planning Commission, he claimed, is not an organization. Mr. Sklaroff added that a nominator can be an individual, presumably a citizen of the City of Philadelphia, and that the staff of the Historical Commission can also nominate a property. As a legal matter, he remarked, the nomination was no longer authorized once the staff of the Planning Commission took ownership without departmental approval, and he argued that its designation should not be considered. Mr. Sklaroff contended that the staff member who prepared the third version of the nomination is anonymous and reiterated that the nomination should not be considered. Mr. Sklaroff expressed his concern that in presenting the nomination as a product of the staff of the Planning Commission, one would presume that the Commission endorses the nomination. The Planning Commission, he added, is one of the key important and respected agencies in the City of Philadelphia. Mr. Sklaroff stated that, in reviewing the minutes from the 15 June 2016 meeting of the Committee on Historic Designation, only two Committee members expressed interest in the subsequent revision of the nomination. One of the nomination's advocates, he continued, was Committee and Commission member David Schaaf, who also serves on the staff of the City Planning Commission. Mr. Sklaroff commented that Mr. Schaaf acknowledged that the first two versions of the nomination contained many misrepresentations and were insufficient. Mr. Sklaroff also stated Mr. Schaaf's acknowledgment of four intact, designated, and protected buildings that exemplify rowhouse construction of the Federal period that are situated nearby on Fairmount Avenue.

Mr. Sklaroff reiterated that, because the nominator is the staff of the Planning Commission, which is an anonymous group of people that are neither individuals nor an agency, the Historical Commission should not consider the nomination. Under the City Charter and under the Philadelphia Zoning Code, he claimed, the staff does not have status as an agency. He concluded that, if necessary, he would agree to a 30-day extension to allow the Commission to seek legal advice from the Law Department and asked the Commission members to respond to his request.

Commissioner Thomas stated that Mr. Schaaf is not in attendance. Mr. Sklaroff replied that the reason is obvious, to which Commissioner Thomas responded that it was his understanding that Mr. Schaaf had the day off. Commissioner Thomas asked if anyone from the Planning Commission staff was present, though no one stepped forward. Mr. Farnham stated that he had been informed that a member of the Planning Commission was present, but that he did not

know whether than individual was in attendance to officially represent the Planning Commission. Mr. Schaaf, he continued, consulted with the attorney who represents the Planning Commission to consider the claims made in Mr. Sklaroff's letter, which was sent to the Historical Commission. Mr. Farnham stated that he was made aware of the legal advice but that it was advice provided to the Planning Commission and not to him or the Historical Commission. He expressed his reluctance to provide the information and remarked that he had hoped a representative of the Planning Commission would be present to address the issue. In light of the claims asserted by the property owner's representatives, Mr. Farnham stated that the best solution would perhaps be to table the nomination and to obtain the advice of the city's Law Department before proceeding. Commissioner Thomas agreed and asked other Commissioners for comments.

Mr. Mattioni supported Mr. Farnham's suggestion that the nomination be tabled and added that it would be prudent not to vote on designation without assistance from the Law Department. Mr. Sklaroff responded that he is asking that the Commission reject the nomination, but if the Commission is not currently in a position to do so that he would agree to a 30-day extension. Mr. Mattioni suggested that the Commission favorably consider that request.

Ms. Cooperman stated that the delay in reaching a decision on whether or not to designate the property has been presented by the property owner's representatives as problematic in the past. She asked if an agreement to a 30-day continuation would exacerbate the issue. Mr. Sklaroff responded that the designation process has continued for more than a year. The property, he continued, is part of a large redevelopment program that would transform the Greyhound bus servicing facility into mixed-use development. He stated his concern over the Planning Commission's involvement in the nomination, adding that they had met with the Planning Commission to reveal their plans and to get the Planning Commission's cooperation. The staff of the Planning Commission, he asserted, had not indicated that the building could not be demolished in part or whole. Mr. Sklaroff contended that a portion of the property is needed for development, and consequences from the designation process have resulted in added costs. He stated that the landowner has invested in the property and has had to engage counsel, as well as a preservation expert. Out of respect to the Commission and the designation process, Mr. Sklaroff stated, a 30-day extension would be accepted without prejudice.

**ACTION:** Mr. Mattioni moved to table the review of the nomination for 81-95 Fairmount Avenue to the Historical Commission's meeting of 12 August 2016. Mr. Bumb seconded the motion, which passed unanimously.

### **176 CONARROE ST, ST. MARY'S**

Nominator: John Manton

Owner: St. Mary of Assumption Archdiocese of Philadelphia

**COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION:** The Committee on Historic Designation voted to recommend that the nomination demonstrates that the property at 176 Conarrore Street satisfies Criteria for Designation A, D, and J, but not Criterion C.

**OVERVIEW:** This nomination proposes to designate the property at 176 Conarrore Street as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that St. Mary of the Assumption Roman Catholic Church and rectory satisfies Criteria for Designation A, C, D, and J. The nomination argues that the 1849 church and rectory represent the immigration and settlement of German Catholics in Philadelphia. It further contends that the

architectural vocabulary of the church is a stylistic adaptation of an old German religious form, though constructed of local materials. The nomination intends to designate the rectory, which spans three parcels, and the church and burial ground, which share one larger parcel. Some clarification over the church's date of construction is needed.

The parish has been closed for several years and the Archdiocese began the process of transferring the property to a private owner about one year ago, prior to the nomination's submission. For the past year, the prospective owner has developed plans to sensitively reuse both the church and rectory and maintain the properties' green spaces. The project is part of a larger development program that includes the reuse of the school immediately across Conarroe Street and the development of residences at the property adjacent to the church, where a parking lot currently exists.

**DISCUSSION:** Mr. Thomas recused, owing to his firm's involvement with the prospective buyer. Mr. Fiol-Silva recused, owing to his involvement in many projects for the current owner. Ms. Keller presented the nomination to the Commission. John C. Manton represented the nomination. Katherine Robinson of the Archdiocese of Philadelphia represented the current owner. Developer Jack Bienenfeld and architect Jim Campbell represented the prospective owner.

Mr. Farnham announced that, with the recusals, the Commission could not act on this matter because it did not have a quorum. Mr. Manton stated that he was unsure whether he had the authority to table the matter. The Commissioners responded that he had no authority to act on this nomination in any way; only the Commission itself enjoys that authority.

Ms. Robinson stated that the Archdiocese does not object to the nomination, but does have a court order authorizing the removal of all human remains and markers from the burial ground on the site. The Commissioners assured her that the Historical Commission would not object to the undertaking of the activities authorized by the court order.

The Commissioners at the table discussed the lack of a quorum and decided they had no option but to defer discussion of this nomination to the next meeting. Mr. Farnham suggested that the Commission place this matter near the start of the agenda of the August Historical Commission meeting because the current and prospective property owners had waited patiently for hours for their matter to be heard, only to learn that the Commission could not act for lack of a quorum.

### **1020-24 MARKET ST, ROBINSON STORE**

Nominator: Preservation Alliance for Greater Philadelphia

Owner: 1020-24 Market Street R

**COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION:** The Committee on Historic Designation voted to recommend that the nomination demonstrates that the property at 1020-24 Market Street satisfies Criteria for Designation C, E, and J.

**OVERVIEW:** This nomination proposes to designate the property at 1020-24 Market Street as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the property satisfies Criteria for Designation C, E, and J. The nomination argues that the property is a rare surviving example of the early retail work of architect Victor Gruen, now widely considered one of the most influential and significant commercial architects of the twentieth century, and his then-wife and partner, Elsie Krummeck. The nomination further argues that the

Robinson store is the only example of Gruen's work in Philadelphia, and one of the only surviving Grayson-Robinson designs anywhere in the United States. In addition, the nomination asserts that the Robinson Store is locally significant for its association with the history of commerce in Center City Philadelphia.

**DISCUSSION:** Ms. DiPasquale presented the nomination to the Commission. Patrick Grossi, Paul Steinke, and Ben Leech represented the nomination. Attorney Tony Forte, developer Joshua Schrier, and preservation consultant Albert Rex represented the property owner.

Mr. Grossi explained that this nomination is one of a trio of nominations the Preservation Alliance submitted for mid-century commercial buildings, each of which are uniquely reflective of an interesting typology broadly defined as "Main Street Modernism." He opined that the merits of the nominations speak for themselves. He summarized the nomination, arguing that the Robinson store clearly reflects the environment in an era characterized by a distinct architectural style, was designed by an architectural firm of national impact, and exemplifies the dynamic period in cultural and economic evolution of Philadelphia's most important commercial corridor. For these reasons, the Preservation Alliance submitted the nomination. Mr. Grossi stated that he would be happy to answer any questions, and introduced Mr. Steinke, Executive Director of the Preservation Alliance, and Mr. Leech, who prepared the nomination.

Mr. Steinke thanked Mr. Grossi, and added that the nominators are not particularly concerned with what happens with the back of the building, behind the distinctive façade. The nomination indicates that the building behind the façade should not be considered historically significant. He noted that the nomination focused on the distinctive façade, in the hopes that it can be preserved, restored, and ultimately incorporated into the redevelopment of the block.

Mr. Fiol-Silva mused that the signage reading Robinson's was such a critical component to the facade, and that without it, the building is like a frame without a painting. He admitted that it must have been an exhilarating modern building, but opined that many of the elements of the building, including the vitrines on the ground floor and the signature Robinson's sign, which was the main part of the composition, are now missing. He opined that it would be difficult to imagine what could happen when the project gets redeveloped and how other signage would be incorporated in a minimalist composition, and that he feels something has been lost that was representative. He asked Mr. Grossi to comment. Mr. Grossi countered that the elements that are missing are really complementary, asserting that the distinguishing feature of this building is the façade, which remains, and that the elements that Mr. Fiol-Silva identified could be easily replicated and replaced. He noted that he and Mr. Fiol-Silva have an inverse interpretation of the building.

Mr. Steinke reminded everyone that this building and block are subject to the large-format sign ordinance passed by City Council for Market East. He opined that this would be an ideal opportunity to incorporate historic preservation into that ordinance. Mr. Steinke responded to Mr. Fiol-Silva's analogy of the frame and subject, noting that the frame is still there and suggesting installing a new subject for the twenty-first century that speaks about the redevelopment of the Market East district as a viable, renewed shopping district.

Ms. Cooperman noted that the Committee on Historic Designation discussed the conundrum of Minimalism. She explained that, with Modernist buildings, the components are few in number, but the form is all crucial. The form, she asserted, was a key reason behind the Committee's recommendation for designation.

Mr. Thomas asked to hear from the property owner. Mr. Forte, attorney for the property owner, introduced Mr. Rex, the preservation consultant. Mr. Rex explained that, prior to joining MacRostie Historic Advisors, he worked for eight years at the Boston Historical Commission and has experience writing and reviewing nominations. He agreed with the comments of the Commission members regarding the Modern movement and opined that the nomination was well-written and well researched, and that it describes an interesting history and movement; however, his primary concern from preservation perspective is integrity. He noted that the nomination stated that the building is a composition, essentially a 70-foot billboard. However, it is currently a 70-foot billboard without a sign. Mr. Rex asserted that the original composition included the signage and the vitrines at the base of the building, which were very important and have been missing for over 50 years. Before closing, he noted, Robinson's purchased a camera company and installed a new storefront that interrupted the arcade sense of the ground floor. Mr. Rex expressed his belief that the current condition is not reflective of the original building. He referenced the condition assessment included in the owner's report, which noted a loss of a number of tiles and other deterioration. He opined that all of the tiles have lost their glazing, so the experience of the façade's original shine is not the same. All that is left, he concluded, is the back of the billboard. Mr. Rex opined that preservation considers the resource that is present today, not the resource that once was. He noted that he was chided in his career for looking back to what had been there as opposed to what was extant.

Mr. Forte directed the Commission's attention to a letter included in the report of the owner's experience in trying to maintain and lease the property. Mr. Schrier summarized that he was tasked to identify properties on the south side of Market St that would be ideal for repositioning. He noted that he identified a few minor corridors, including 10<sup>th</sup> Street, that present a lack of connectivity to his company's (the Pennsylvania Real Estate Investment Trust, aka PREIT) is mission on the corridor in general, especially at the Gallery. He identified three properties along the 1000 block of Market Street, including this one, and has since looked to re-lease the Robinson building to no avail. He noted that he looked at both local tenants, who could be relocated, and permanent tenants, who would take a much larger build out, but had no success with generating any interest in the property. He opined that the ceiling heights are low, the depth is three times the width of the property. It is not conducive to retail. Prospective tenants dislike the look of the building and its inward facing character. He noted that he was not overly surprised by the lack of interest in the property, as PREIT bought the properties in a defensive play, because the buildings have been pointed out as inconsistent with the company's vision for Market East. He stated that his main argument, in addition to the loss of much integrity, is that the building, in its current condition, is expensive to maintain and not marketable to tenants. He noted that the bigger issue has to do with the plan for the redevelopment of Market Street, which was once Philadelphia's great retail district. He stated that for decades the block has languished, and that there has been effort on the part of the City to redevelop this area, which is the connection between Center City with the Convention Center and historic district. He mentioned that the Planning Commission conducted a study for revitalizing the area, but did not include this building as a particularly important building. He noted that the Center City District has been working for years to redevelop the area and there is finally movement. He explained that PREIT and Macerich are undertaking the complete redevelopment of the Gallery shopping mall for hundreds of millions of dollars, and that the former Girard Estate block is being redeveloped into a wonderful modern retail and residential project. Despite this, he argued, these blocks of blight are standing in the way of that redevelopment. At the urge of City agencies and the Center City District, he continued, companies such as PREIT purchased these properties with the goal of redeveloping the block and making it Philadelphia's premier shopping

district again. He asserted that this property could not be located in a worse place to stand in the way of that redevelopment, as it is located in the middle of the block, in the heart of the area they are trying to redevelop, and presents a four-story blank wall with no windows, that they cannot imagine reusing or marketing to tenants. He argued that it is from an era where the upper floors were not occupied or were used as storage, and that that is not conducive to today's market. He opined that finding a way in the middle of the block to reuse this façade is likely impossible. He stated that he does not want to see a building like this, where there is a weak argument for its preservation owing to its integrity, be designated and then have to come back a year from now seeking demolition with a financial hardship case because it just cannot be reused. Mr. Schrier directed the Commission's attention to a letter of opposition to the designation from Paul Levy of the Center City District, noting that no one has worked harder to make the vision of east Market Street a reality. Mr. Schrier read from Mr. Levy's letter to the Commission and agreed with his sentiments.

Mr. Fiol-Silva commented that the building being located in an inconvenient place is not a sufficient justification for its demolition or denial of the designation. He mused that he has seen this building for years and would love to skateboard the curve, and is mesmerized by this type of architecture, noting that few buildings in the city express the sort of optimism of the future that this building embodies. Nevertheless, he continued, the word that comes to mind for him is integrity. He opined that the elements that seem critical to the minimalism of the design as described in the nomination, including the lettering and how artful and beautiful it is, as well as the lighting component, are missing. He noted that he cannot shake the feeling that, if the building is left with a giant blank canvas, it is like the PSFS building without the lettering, just a big blue background does not mean anything without the letters. He opined that, absent the signage or lighting that was there previously, a project would end up doing a disservice to this kind of architecture and to the avenue. He stated that his sense was that the letters themselves, and the lighting and vitrines were part of the beautifully orchestrated composition. He wondered aloud whether the building is too far gone or if there may be some way to meaningfully rehabilitate it.

Mr. Steinke responded to the question of integrity, noting that many buildings that have been neglected for as long as this one has have lost considerable integrity, but in the hands of the right owners, architects, and conservators can be brought back. He provided the example of the Parkside houses across from Memorial Hall, which were in complete disrepair 30 years ago, and now are shining examples of preservation in West Philadelphia. Mr. Steinke agreed with Mr. Forte regarding the momentum behind Market East and all of the institutions and people who have been behind it. He noted that the city has saved the "big dogs" (Wanamaker's, Strawbridge's, Lit Brothers), but has continually lost the smaller-scale representatives of Market East's heyday as a retail destination. He asserted that this property is one of the few smaller-scale buildings left that has historical and architectural interest. He argued that designating the building today sets in motion the very process that the Historical Commission intends, which is to see if there is a way to redevelop this property economically. If not, he opined, there is a financial hardship provision where the property owner can say "Hey, look, we tried, but it is too high a mountain to climb, so we're going to have to submit this hardship application." On the other hand, he continued, designating the property today provides the owner and developer with the opportunity to retain creative architectural assistance to produce a distinctive and maybe even nationally-recognized redevelopment. He asserted that the up-and-coming young consumers want historic buildings that have authenticity in their shopping districts. He noted that millennials are rejecting the shopping malls that, frankly, Victor Gruen went out and plastered the country with, and are looking for property owners to incorporate historic properties into their

redevelopment schemes. He provided the example of Tony Goldman's successful development along 13<sup>th</sup> Street, which had also lost integrity, and is now thronged with people every night of the week.

Mr. Forte reiterated his opinion that all of the key elements of the building's design that are discussed in the nomination are not there anymore. He noted that the sloping wall originally seemed to float weightlessly above jewel box storefronts, but the jewel box storefronts have been long gone, and now there are mundane storefronts that are connected to the wall above, so that it no longer floats or hovers above them. The beautiful detailing on the tiles has been lost, and the façade no longer glistens. He opined that the backdrop only made sense when it was the frame for a beautiful sign, which has not been around for years. All that is left, he contended, is the frame that was intended to be the back of something bold and dramatic that no longer exists. He reiterated that the integrity is not there, and it is a weak case for preservation. At the same time, he continued, even if there was a case for designation, the preservation ordinance does not require designation in any situation. He stated that the ordinance allows the Commission to look at the totality of the circumstances, and in cases like this where there is a weak case for designation and a strong obstacle to redevelopment and where other major City goals will be thwarted by designation, and take the context into consideration. He opined that the ordinance does not intend for the Commission to designate a property merely to see what happens and what the developer can come up with. He reiterated that the ordinance expects the Commission to look at the challenges to redeveloping the property, and how it would thwart the efforts of the City and developers, and that the Commission should conclude that it may have been an interesting building in its day, but it is not a good building to be designated.

Mr. Leech responded to the question of integrity, noting that he would love if the sign and storefronts were still there, but opining that the level of integrity that does exist is worth mentioning. He responded to the assertions of the consultant and attorney that the glazing on the tiles has come off, but clarified that the tiles are glass, so he is not sure how they would have lost any glazing. He asserted that they just have not been washed in 60 years. He questioned what building would not look better if there was some preventive maintenance that this one has not had in a long time. A little spit shine, he opined, would go a long way. Additionally, he noted, it is important to look at this building as representative of Victor Gruen and his commercial work. There were 12 to 15 similar buildings throughout the country, most of which are gone, and some are still present but unrecognizable. This building, he concluded, is recognizable. He noted that a number of people have commented to him that this building always jumped out at them and made them want to learn more. He lamented Commissioner Schaaf's absence, noting that he said it best at the Committee on Historic Designation meeting when he described that he remembers 20 years ago being struck by the building and not knowing if he liked the building or hated it. Mr. Leech stated that a lot of people have that experience, and encouraged the Commission and property owner to recognize the building as an asset, a building that people do like, even if not everyone likes it. He asserted that, to say that the building is unrecognizable, is certainly not the case; it is missing a sign.

Mr. Rex commented that he does tax credit work, and that this building would not qualify for tax credits because a façade cannot be listed on the National Register. As a result, he concluded, there is no additional benefit to the property owner in terms of taking advantage of tax credits.

Ms. Cooperman reinforced Mr. Leech's point about the placement of this building in the larger national context. Victor Gruen's significance, she noted, is largely understood as being



associated with his innovations for suburban and mall planning, but the fact that Philadelphia has a building from this phase of a nationally-significant architect's career is a factor that the Commission should take into consideration.

Mr. Mattioni commented that his office is east of City Hall, so he has the "displeasure" of walking past this edifice frequently. His reaction to the building, he stated, is "oh God, it is so ugly." He opined that it is a difficult building to look at and feel that it has a great deal of remaining value. He suggested that perhaps it was different in the building's youth. Mr. Mattioni stated that he does not like the current impact the building has on that part of the city, and that he wants to see that area move ahead with something more attractive.

Mr. Thomas opined that this situation is not unlike the time when the Kimmel Center was being planned, and the boundary for the local historic district jogged around it purposely so that the City would not have to go through the process of designating the buildings that were there, and then end up having to go through hardship to take them down for a public purpose. He expressed his understanding that this is a difficult building to reuse without any windows. He noted that there are many buildings where the signage is a critical component, and that there have been some instances where the Commission has approved the replacement of carved signage in the same font. He suggested that if the Robinson building was purchased by someone else, they could put their name in the same font as Robinsons. He opined that, although he understands the expansion of Market East, this building is significant, and it is not a building that could be easily moved nor would it have the same significance out of context. He noted that Market Street has evolved a lot over the years. He reiterated that he understands the owner's reasons for wanting the development to occur, but that there is a process for that, and a nomination has been made in a good faith effort to recognize a unique building. He stated that he knows from personal experience that buildings can come back from places of low integrity. He concluded that the nomination is excellent, and that hardship could be handled separately.

Mr. Steinke responded to the earlier remarks on the lack of marketability of the building. He noted that the marketability is compromised today, and asked, with all due respect to the current owner, who would want to rent on that block right now. He agreed that it is not currently a desirable block, but opined that it is not the building's fault. He noted that there is a vacant mall across the street, and new retail projects that are trying to fill up nearby. He asked the audience to imagine when the Gallery is back and the Market East project is leased up, and a restored Robinson building is put on the market for lease. He reiterated that it is not a desirable block today, but if left the way it is now for a few more years, he is sure a tenant can be found down the road once the block has improved.

Mr. Forte responded that PREIT and Macerich are experts in retail development and marketability, and they are saying that they bought this property not because they thought it was a great building, but because they saw it as blight, as an anchor that is pulling down everything they are trying to do. He noted that Paul Levy of the Center City District has brought retail tenants through and they do not want to be anywhere near this block; they do not want a one-story, inward facing unit. He concluded that everything the experts are telling them is that the building is not marketable. He opined that what is happening across the street does not matter because no one wants this space.

**ACTION:** Ms. Cooperman moved to find that the nomination demonstrates that the property at 1020-24 Market Street satisfies Criteria for Designation C, E, and J, and to designate the property as historic, listing it on the Philadelphia Register of Historic

Places. Ms. Turner seconded the motion, which passed by a vote of 5 to 4. Messrs. Bumb, Fink, Fiol-Silva, and Mattioni dissented.

### **6901 CASTOR AVE, OTT CAMERA**

Nominator: Preservation Alliance for Greater Philadelphia

Owner: Robert and Maureen Ott

**COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION:** The Committee on Historic Designation voted to recommend that the nomination demonstrates that the property at 6901 Castor Avenue satisfies Criteria for Designation C and D.

**OVERVIEW:** This nomination proposes to designate the property at 6901 Castor Avenue as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the property satisfies Criteria for Designation C and D. The nomination argues that the commercial building, designed by architect Allan A. Berkowitz in 1955 for Ott Camera, is significant as an intact structural glass shopfront in the “Main Street Modernism” style, as an example of integrated architectural signage, and as an example of the role product advertising played in the dissemination of commercial modernism.

**DISCUSSION:** Ms. Broadbent presented the nomination to the Historical Commission. Patrick Grossi and Paul Steinke represented the nomination. No one represented the property owner.

Mr. Grossi commented that he received an enthusiastic letter of support from Martin Treu, in which Mr. Treu calls the building one of America’s finest examples of modernism along Main Street, perhaps even top five extant examples in the nation. Ms. Cooperman commented that the Committee on Historic Designation considered the nomination to be particularly well-written and argued.

**ACTION:** Ms. Cooperman moved to find that the nomination demonstrates that the property at 6901 Castor Avenue satisfies Criteria for Designation C and D, and to designate the property as historic, listing it on the Philadelphia Register of Historic Places. Ms. Royer seconded the motion, which passed unanimously.

### **1132-40 N. FRONT ST, DOUGHERTY BONDED WAREHOUSE**

Nominator: Kensington & Olde Richmond Heritage, LLC, Oscar Beisert

Owner: John Galdo

**COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION:** The Committee on Historic Designation voted to recommend that the nomination demonstrates that the property at 1132-40 N. Front Street satisfies Criteria for Designation A, D, and J.

**OVERVIEW:** This nomination proposes to designate the property at 1132-40 N. Front 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 J. The nomination argues that the property, constructed in 1864 and enlarged in 1880, is a surviving Italianate industrial facility in Northern Liberties, significant for its function as a bonded warehouse and its association with pre-Prohibition rye whisky distilling.

The property owner was preparing plans for the residential redevelopment of the building including constructing a one-story addition and stair tower. The plans were reviewed by the

Architectural Committee on 24 May 2016 and will be reviewed by the Historical Commission on 10 June 2016.

**DISCUSSION:** Mr. Farnham presented the nomination to the Commission. Andrew Fearon represented the nomination. No one represented the property owner.

Mr. Fearon referenced a letter submitted by Oscar Beisert to the Commission summarizing the property's significance. The property, Mr. Fearon noted, stands as a rare specimen of a late-nineteenth-century bonded warehouse. He added that it is part of the local industrial heritage and a prominent contributor to the neighborhood's historic landscape.

Ken Milano stated his support for the nomination.

**ACTION:** Ms. Cooperman moved to find that the nomination demonstrates that the property at 1132-40 N. Front Street satisfies Criteria for Designation A, D, and J, and to designate the property as historic, listing it on the Philadelphia Register of Historic Places. Ms. Turner seconded the nomination, which passed unanimously.

#### **4046 AND 4048 CHESTNUT ST**

Nominator: Aaron Wunsch, Elizabeth Stegner, Oscar Beisert

Former Owner: Fenster Properties LP; Current Owner: 4046-48 Chestnut Street, LP

**COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION:** The Committee on Historic Designation voted to recommend that the nominations demonstrate that the properties at 4046 and 4048 Chestnut Street satisfy Criteria for Designation A, C, D, G, and J.

**OVERVIEW:** These nominations propose to designate the properties at 4046 and 4048 Chestnut Street as historic and list them on the Philadelphia Register of Historic Places. The nominations contend that the "restrained interpretation of the Italianate" twins satisfy Criteria for Designation A, C, D, G and J. The nominations argue that the twins, constructed between 1869-72 as part of the Thomas H. Powers development consisting of 4046-60 Chestnut Street, are a group of houses that have significant value as part of the development of the twin housing type and the formation of West Philadelphia as a suburb for white-collar commuters. The nominations further contend that the twins are part of and related to a distinctive area, owing to their listing on the National Register of Historic Places as a contributing resource within the West Philadelphia Streetcar Suburb Historic District.

**DISCUSSION:** Mr. Farnham presented the nomination to the Commission. Attorney Andrew Miller represented the property owner. Aaron Wunsch and Elizabeth Stegner represented the nomination.

Mr. Farnham explained that the property owner submitted a demolition permit application for the complete demolition of these twin buildings at 4046 and 4048 Chestnut Street to the Department of Licenses & Inspections on 17 March 2016, nearly two months prior to the mailing of the notice letters announcing the consideration of the nomination by the Historical Commission. The Historical Commission has no authority to review or intervene in the work proposed under this permit, which was issued on 26 May 2016. He explained that the University City Historical Society filed a petition with the Court of Common Pleas immediately following the Committee on Historic Designation meeting on 15 June 2016, asking the Court to issue a stay on the demolition. The judge issued a temporary stay and asked the attorneys representing the

City, the property owner, and the petitioner to submit briefs on the case to the Court. The attorneys for the City and property owner submitted briefs. The judge has not yet issued a ruling. Mr. Farnham concluded that the City contends that the demolition permits are valid and not subject to the Historical Commission's review. Mr. Farnham recommended that, although similar nominations for several buildings on this block are before the Historical Commission, the Commission should consider the nominations for 4046 and 4048 Chestnut separately from the others, owing to the differing circumstances.

Mr. Thomas asked Mr. Farnham to summarize the issue before the Commission. Mr. Farnham suggested that the Commission determine whether it would designate the properties in light of the outstanding demolition permit.

Mr. Miller stated that he represents 4046-48 Chestnut Street, LP, the owner of the property. He stated that his client purchased the property at a substantial premium because of its by-right use as a 25-unit apartment building. He stated that his client complied with all law, all ordinances, and all regulations. He stated that his client applied to the Department of Licenses & Inspections for a demolition permit on 17 March 2016. The nomination was submitted to the Historical Commission on 10 May 2016 and the Historical Commission sent notice letters to the property owner announcing the consideration of the nominations on 16 May 2016. He stated that the Historical Commission does not have the jurisdiction to stop the lawful implementation of those permits. The Department of Licenses & Inspections issued the demolition permit on 26 May 2016. Mr. Miller explained that, owing to the waiting period, his client had to wait until 16 June 2016 to start the demolition. He reported that the nominator waited until the afternoon of 15 June 2016 to go to court to ask for a stay. He stated that the petitioner asked for a stay pending this Commission's decision on the nomination. The petitioner asked for the demolition to be stopped so that this Commission could hear the nomination. On a temporary basis, the nominator has accomplished its ends. Mr. Miller asked the Historical Commission to decline to designate the property at this time based on these facts and on the law.

Mr. Thomas stated that the Commission understands that its purview over a property begins when the Commission mails notice letters to the property owner announcing the consideration of a nomination. The Commission does not have jurisdiction over a permit that was applied for prior to the issuance of the notice letters and was obtained legally. Mr. Thomas stated that, even if the Commission designated the properties today, the owner could proceed with the demolition. He commented that, under the current permit, the property owner has the right to proceed with the demolition. He concluded that the Commission must decide whether it would designate the properties with the valid demolition permit outstanding. The owner may take the buildings down if he chooses to do that. The Commission could designate and end up with an empty lot.

Mr. Thomas asked Mr. Miller when the Court would rule. Mr. Miller responded that the judge promised a decision within 30 days of the hearing, which took place about one week ago. Mr. Mattioni asked if a formal order had been issued for the stay. Mr. Miller responded that there is a formal, written order for the temporary stay. Mr. Mattioni stated that he had not seen the order. Mr. Farnham handed a copy of the order to Mr. Mattioni. Mr. Mattioni stated that, except for the stay, this matter would not have made it to the Commission because the buildings would have been demolished. He observed that the Commission does not lack the jurisdiction to designate, but it would not make sense to designate when the buildings can be demolished. However, with the stay and the Court's pending decision, it probably does make sense from the Commission's point of view to determine whether the Commission would designate. At the same time, if the

Commission's understanding of as well as its past and present interpretations of the historic preservation code are correct, then designating would have no effect on the existing demolition permit. It would be a waste of time to consider these nominations while the demolition permit is outstanding. From a personal point of view, it makes no sense to proceed, Mr. Mattioni opined. He added that, under normal circumstances, the Commission would not consider designating these properties because of the valid demolition permit. Mr. Mattioni noted that, if Mr. Miller's client prevails in court, he can demolish the buildings regardless of the Commission's action.

Mr. Miller stated that what has happened before the Court is wrong and it is incorrect. It has caused great harm to his client. He stated that his client has incurred tremendous expense and tremendous debt all in reasonable reliance on existing law. The judge has stayed the process to give the Historical Commission the opportunity to hear a matter that this Commission concedes that it would not otherwise be hearing. Mr. Miller stated that the building would not be standing today except for the stay. He explained that his client had obtained street closure permits, barriers had been erected, and demolition was ready to go, but for the order of a Court that he and his client disagree with. Mr. Miller stated that, if the Commission designates this property today, it will be ratifying what the Court did and lending credence to what he and his client contend was an unlawful act by the Court. Mr. Miller stated that a designation today would make it more difficult for his client. If the Commission chooses not to designate today, the action before the Court becomes moot. The purpose for the action for the injunction in Court was to stop the demolition until such time as this Commission could hear the matter. There is no stay, Mr. Miller asserted, in the Philadelphia Code or in any other law where the permit was applied for prior to the nomination. So, if the Commission designates today, the Commission will validate invalid, unlawful actions, Mr. Miller claimed. Mr. Miller asserted that, if the Commission designates, it will make it more difficult for his client to get the relief that he is entitled to. Mr. Miller stated that everyone should play by the rules. In this case, the rules are that there is primacy, legal significance, accorded to those who avail themselves to existing law. Mr. Miller stated that his client complied with the law. He applied for a demolition permit for a property that had not been nominated or designated.

Mr. Thomas stated that the Commission was not disagreeing with Mr. Miller's contentions. Mr. Thomas stated that there has never been a case in the Historical Commission's history since the preservation ordinance went into effect in 1985 in which a property owner legally applied for a permit and then, later on, a nomination was put forward that stopped the permit. Mr. Thomas stated that later notice of a nomination does not stop a permit. Mr. Thomas stated that the effort to stop this permit is very questionable. Mr. Miller asked that the Commission not lend its weight and authority to the effort to overturn the permit. He requested that the Commission decline to designate these properties on the procedural basis alone, and, by so doing, send a message that everyone must follow the law.

Mr. Thomas stated that the Commission should not simply decline to act. It should take some action. He stated that the Commission could decide that the nomination is correct in its claims about historical significance without deciding whether to designate, and then could consider the question of whether to designate separately. He noted that in the recent case of the nomination of the paintings in the cathedral on 18<sup>th</sup> Street, the Commission found that the nomination demonstrated that the paintings satisfied the Criteria for Designation, but then declined to designate because the paintings were already in the hands of a conscientious steward and the Commission's regulation would not enhance the preservation of the paintings. Mr. Thomas suggested that the Commission could take that path with these nominations; the Commission could decide that the properties satisfy the Criteria for Designation, but, owing to the

circumstances, also decide not to designate. Mr. Thomas stated that, if the Commission tabled the nominations, it could take them up again at a later date, for example if the developer decided not to undertake the project and the demolition permit expired. Mr. Miller urged the Commission to take that path. Mr. Mattioni stated that the suggestion offered by Mr. Thomas, to consider the merits of the nominations, but then table the designation question, makes good sense under the circumstances.

Joseph Menkevich yelled out from the audience. He stated that he had the impression that the court was waiting on a signal from the Historical Commission. He said that the developer was going to demolish the building, whether it is historic or not, based on when he got his demolition permit. The Commission is obligated to do what it is going to do. Today court is in this building. Another day, court is in that building. Mr. Menkevich stated that he wanted to give the Commission his impression of what was going on.

Mr. Thomas stated that the Commissioners seem to be agreeing that a demolition permit was issued that was applied for before the properties were nominated. He stated that the Commission should decide whether to designate or not based on those circumstances. Mr. Mattioni stated that the Commission could deny the designation because it does not really have the authority to hear the matter with the outstanding demolition permit. Mr. Thomas replied that the Commission has the authority to consider the nominations under the circumstances, but there are reasons why the Commission may not want to designate at this time.

Aaron Wunsch introduced himself as one of the nominators. Mr. Wunsch asserted that the Commission absolutely has the authority to review the nominations at this meeting. Mr. Thomas stated that he agrees. Mr. Wunsch claimed that the Commission's task was to vote on the merits of the nominations, not take into consideration anything else it has heard today. Mr. Wunsch contended that, if the Commission was going to consider extraneous circumstances, it should also consider that these buildings are in a National Register district as well as a potential local district, which was proposed about two decades ago. He stated that these buildings are vulnerable to demolition because the Historical Commission sat on the Spruce Hill Historic District nomination for the better part of 20 years.

Elizabeth Stegner stated that she is the president of the University City Historical Society. She stated that the Historical Commission has the responsibility to review the nominations. Ms. Stegner claimed that the judge is not simply waiting for the Historical Commission's action in this case. She stated that it is her understanding that the judge would have dismissed their case in Court if she did not think that it had merit. She said that she would be grateful if the Commission reviewed the nomination. She noted that Mr. Farnham had testified in Court that the Commission has reviewed nominations with demolition permits pending. She reported that the judge responded that it was strange that the Commission would consider a nomination for a building about to be demolished. The judge stated that she felt like "she was Alice in Wonderland," that she did not see the sense in designating a building that was about to be demolished. Ms. Stegner concluded, asking the Commission to review the nomination as presented.

Mr. Thomas stated that the Commission has an obligation to review the nomination, but can choose to designate or not.

**MOTION:** Ms. Cooperman moved to find that the nominations are correct and complete and demonstrate that the properties at 4046 and 4048 Chestnut Street satisfy Criteria for Designation A, C, D, G, and J. Mr. McCoubrey seconded the motion

Mr. Bumb asked Ms. Cooperman whether she was proposing to designate the properties. She stated that she was not. Mr. Thomas stated that designation is a two-step process; first, the Commission must decide whether the nomination is complete and demonstrates that the property satisfies one or more of the Criteria for Designation, and, second, it must then decide whether to designate the property. Mr. Farnham asked Ms. Cooperman if he correctly interpreted her motion to indicate that she was proposing that the properties satisfied the stipulated Criteria, but that she was not proposing to designate the properties as historic and list them on the Philadelphia Register. Ms. Cooperman answered that that was her intention, to propose that the properties satisfied the Criteria, but not to propose them for designation.

Mr. Thomas stated that the Commission's finding that the properties satisfied the Criteria for Designation would not expire, unless there was a catastrophic event like a fire that significantly changed the buildings' characteristics. If, at a later point, the developer let the demolition permit expire without acting on it and the buildings remained standing, the Commission could then designate the properties based on a finding of the satisfaction of the Criteria today.

**ACTION:** By a vote of 7 to 2, the Historical Commission adopted the motion proffered by Ms. Cooperman and Mr. McCoubrey to find that the nominations are correct and complete and demonstrate that the properties at 4046 and 4048 Chestnut Street satisfy Criteria for Designation A, C, D, G, and J. Messrs. Bumb and Fiol-Silva dissented.

Mr. Thomas asked if any Commissioner wanted to offer a motion to proposing to designate the properties, given that the Commission found that the nominations demonstrate that the properties satisfy several Criteria for Designation. Mr. Thomas stated that the Commission was not required to take any additional action on the nominations, but could, if it elected to take additional action. He stated that the Commission had already taken the required action, which related to the Criteria, and could now choose to consider a motion to designate or not. Mr. Farnham advised that the Commission that it would be prudent to take some additional action on these nominations. He asked the Commission to either designate the properties, explicitly refuse to designate the properties, or table the reviews of the nominations.

**MOTION:** Mr. Mattioni moved to table the nominations for 4046 and 4048 Chestnut Street. Mr. Fiol-Silva seconded the motion.

Mr. Thomas asked Mr. Mattioni if his motion sought to table for any particular time period. Mr. Mattioni indicated that it did not.

Mr. Miller stated that this matter will continue to be litigated. He respectfully requested that the Commission not vote to designate today, so that there is clear record for the court. He stated that, if the Commission's action is not clear, he will spend significant time in court arguing about the meaning of the Commission's action. He suggested that a vote to decline to designate would provide him with clarity. Mr. Thomas stated that, according to the Historical Commission's reading of the preservation ordinance, Mr. Miller's client has the right to proceed with the demolition under the existing permit. Mr. Thomas suggested that, if the Commission declined to designate today, anyone seeking to designate the properties in the future would need to start at the beginning and submit new nominations for the properties. If the Commission tables the

reviews of the nominations, the Commission could easily designate in the future based on the findings it just made that the properties satisfy several of the Criteria for Designation, should the buildings remain standing for some reason. Mr. Miller then asked the Commission not to designate at this time. Mr. Thomas stated that the pending motion, to table, would not designate the properties as historic. Ms. Cooperman agreed. Mr. Fiol-Silva explained that, by tabling the nominations, the Commission would not designate them today. Mr. Miller responded that tabling is not clear; the Commission should explicitly choose not to designate today, without prejudice to perhaps designate at some point in the future. He asked the Commission to close this case today. The properties could be designated in the future with new nominations, or some sort of application or notice. Mr. Wunsch interjected that, if the Commission refuses to designate today, it must provide an explicit reason for not designating in light of the fact that it found that the properties satisfy several Criteria. Mr. Thomas stated that tabling is not designating. Mr. Mattioni stated that, since he offered the motion, he should provide an interpretation of it. Mr. Mattioni stated that, under normal circumstances, the Commission would not have such a nomination before it because the demolition permit application was submitted prior to the mailing of the notice letters. He stated that, normally, the Commission would not have had the opportunity to consider the nomination because the building would have been demolished. He stated that the Commission is not at liberty to change a consistent process or policy regarding the interpretation of the legislation that is involved in this matter. He stated that the Commission is trying to reasonably accommodate all of the parties involved, but recognizing that, under normal circumstances, the Commission would not even hear this matter today because the demolition would have been a foregone conclusion. He concluded that, on that basis, he stands by the motion that he made. Mr. Fiol-Silva stated that, as the Commissioner who seconded the motion, he agreed with Mr. Mattioni. Ms. Cooperman asked Mr. Mattioni to repeat the actual wording of the motion. Mr. Mattioni stated that he had moved to table the nominations and then added an explanation to make it clear that the Commission was not transgressing anything that may have happened in the courtroom. He noted, however, that the judge's order did not bind the Commission in any way. Mr. Mattioni asserted that the Commission was actually transgressing its own policy by even considering the nominations; the Commission would not designate buildings slated for demolition. Ms. Cooperman asked if the explanation was, in fact, part of the motion. Mr. Mattioni stated that it was not. Mr. Mattioni stated that the Commission should not designate these buildings at this time because doing so would contradict the Commission's interpretation of the legislation.

**ACTION:** By a unanimous vote, the Historical Commission adopted the motion proffered by Messrs. Mattioni and Fiol-Silva to table the nominations for 4046 and 4048 Chestnut Street.



#### **4050 AND 4052 CHESTNUT ST**

Nominator: Aaron Wunsch, Elizabeth Stegner, Oscar Beisert

Owner: DPL Properties LP

**COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION:** The Committee on Historic Designation voted to recommend that the nominations demonstrate that the properties at 4050 and 4052 Chestnut Street satisfy Criteria for Designation A, C, D, G, and J.

**OVERVIEW:** These nominations propose to designate the properties at 4050 and 4052 Chestnut Street as historic and list them on the Philadelphia Register of Historic Places. The nominations contend that the “restrained interpretation of the Italianate” twins satisfy Criteria for Designation A, C, D, G and J. The nominations argue that the twins, constructed between 1869-72 as part of the Thomas H. Powers development consisting of 4046-60 Chestnut Street, are a group of houses that have significant value as part of the development of the twin housing type and the formation of West Philadelphia as a suburb for white-collar commuters. The nominations further contend that the twins are part of and related to a distinctive area, owing to their listing on the National Register of Historic Places as a contributing resource within the West Philadelphia Streetcar Suburb Historic District.

Regarding 4050 and 4052 Chestnut Street, the property owner submitted a demolition permit application for the complete demolition of this twin to the Department of Licenses & Inspections on 16 May 2016, the same day that the Historical Commission notified the property owner of the consideration of the nomination, initiating its jurisdiction over the property. The Department may not issue the demolition permit without the Historical Commission’s review and approval.

**DISCUSSION:** Mr. Farnham presented the nomination to the Commission. Aaron Wunsch and Elizabeth Stegner represented the nomination. Andrew Miller represented the equitable owner.

Mr. Farnham explained that the property owner submitted a demolition permit application for the complete demolition of this twin to the Department of Licenses & Inspections on 16 May 2016, the same day that the Historical Commission notified the property owner of the consideration of the nomination, initiating its jurisdiction over the property. The Department may not issue the demolition permit without the Historical Commission’s review and approval. The demolition application was not left with the Commission staff, so it is not considered a pending demolition application for the Commission at this time, but the Commission may confront that application at some point in the future.

Ms. Cooperman clarified that the Committee on Historic Designation reviewed all of the Chestnut Street nominations together.

Mr. Miller explained that his client does not yet own the property, but was contracted to purchase it, prior to the submission of the nomination. He asked for a 60-day continuance, owing to issues that need to be researched. Mr. Wunsch asked if someone who does not own the property can request a continuance. He asked that the Commission act on the nomination. Mr. Miller responded that an equitable owner has an ownership interest and has standing to appear before regulatory bodies such as the Commission. Mr. Mattioni responded that Mr. Miller is correct. Ms. Stegner commented that the demolition application dates are different for this twin than those of the applications for 4046 and 4048 Chestnut Street. Mr. Thomas agreed, and stated that the Commission is proceeding on that basis.

Joseph Menkevich interjected that the judge in the 4046 and 4048 Chestnut case may be waiting for the outcome of the Commission's consideration of the nominations for these properties. He suggested that the Commission move forward with the designation, to show the judge exactly what the Commission does. Mr. Miller clarified that there is no dispute pending before the court related to 4050 and 4052 Chestnut Street.

Mr. Thomas stated that the Commission typically receives a letter outlining the continuance request and the reasons for the request. Ms. Cooperman agreed, noting that it is a very late request. Mr. Miller responded that he has a sufficient basis for the request, but prefers to not address it at this time. He indicated, however, that the manner and method of the transmittal of the notification of the consideration of the designation sent to the property owner by the Commission allegedly on 16 May 2016 is the subject of his investigation. He stated that it is a valid issue and is of great concern. He stated that there was testimony in court that the application was encouraged somehow to be expedited by the Commission, and he does not know if that is true. Mr. Thomas opined that the Commission should proceed.

**ACTION:** Ms. Cooperman moved to find that the nominations demonstrate that the properties at 4050 and 4052 Chestnut Street satisfies Criteria for Designation A, C, D, G, and J, and to designate the properties as historic, listing it on the Philadelphia Register of Historic Places. Ms. Royer seconded the motion, which passed by a vote of 7 to 1. Mr. Fink dissented. Mr. Fiol-Silva abstained.

Mr. Bumb excused himself from the meeting.

#### **4054 CHESTNUT ST**

Nominator: Aaron Wunsch, Elizabeth Stegner, Oscar Beisert

Owner: Off Penn Properties LLC

**COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION:** The Committee on Historic Designation voted to recommend that the nomination demonstrates that the property at 4054 Chestnut Street satisfies Criteria for Designation A, C, D, G, and J.

**OVERVIEW:** This nomination proposes to designate the property at 4054 Chestnut Street as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the "restrained interpretation of the Italianate" twin satisfies Criteria for Designation A, C, D, G and J. The nomination argues that the twins, constructed between 1869-72 as part of the Thomas H. Powers development consisting of 4046-60 Chestnut Street, are a group of houses that have significant value as part of the development of the twin housing type and the formation of West Philadelphia as a suburb for white-collar commuters. The nomination further contends that the twin is part of and related to a distinctive area, owing to its listing on the National Register of Historic Places as a contributing resource within the West Philadelphia Streetcar Suburb Historic District.

**DISCUSSION:** Mr. Farnham presented the nomination to the Commission. Aaron Wunsch and Elizabeth Stegner represented the nomination. Eapen Kalathil represented the property owner.

Mr. Kalathil explained that he is the majority owner of Off Penn Properties LLP, the owner of record for 4054 Chestnut Street. He has managed this property for 15 years, and considers himself to be a small landlord. He has spoken to many other owners of nominated properties,

and all are opposed to designation. He considers the designation to be a decrease in his property value without compensation. He explained that he has limited time and money. He stated that he strongly opposes the designation for the following five reasons.

Not all buildings built by Thomas Powers are being nominated. He stated that there are 28 buildings built by Mr. Powers in the immediate vicinity, yet only six are nominated. He stated that this weakens the argument for Criteria A, D, G and J, because, if the Commission wants to preserve buildings by Powers, it should designate all of the buildings built by him. He stated that he cannot accept the excuse of a "lack of manpower," which was Oscar Beisert's explanation for why he did not nominate the other Thomas Powers buildings. He stated that it is unfair to nominate a few buildings at a time and rely on the excuse of a "lack of manpower."

These are the most average buildings in University City. He opined that they are plain buildings, with no porches, no bay windows, and no ornamentation. He noted that this building has been altered, and opined that the cornice was added simply to give it some visual interest. He expressed concern that if this building is designated, then all other historic buildings in University City could be designated. He stated that the Commission should nominate all historic buildings in University City, to be fair.

As a small, independent landlord, Mr. Kalathil explained that he does not have the deep pockets or manpower to offset the difficult requirements of the designation. He noted that he was unable to bring a lawyer. He stated that he has spoken with other owners of designated buildings, and now realizes how difficult it can be. He stated that he would not purchase a rental property that is designated, even if someone gave it to him for free, and in fact, that person would have to pay him a significant amount of money to manage a rental property with a historic designation. He asked why he is forced to accept the designation, after putting 15 years of hard work into the building.

The nomination offers many reasons that this building is historic, including a sloped roof, projecting dormers, three-and-a-half stories with attic, A-frame roof, arched entrance and stone steps. He noted that none of these elements apply to his building, as significant alterations were made after a fire in the late 1930s or early 1940s. He commented that there is no attic, no sloped roof, no projecting dormer, the first floor windows have been enlarged, the front steps were removed, and the arched entranceway was bricked in and dropped down to street level.

This building was completed in the 1870s when Mr. Powers was in his 60s. Mr. Kalathil stated that he disagrees with the idea that Mr. Powers was a visionary and that these buildings were constructed to leverage the trolley system. Rather, he opined, Mr. Powers was successful by the time he built this row and the scars of being an orphan early in life and his humble beginnings was a reason that he wanted to give something back to struggling people with less means. He continued that the construction of these buildings gave employment to many and provided housing to those of lesser means. He stated that these small units were built for people of lesser means, including elderly widows, struggling young people, or couples. He opined that the original tenants of these buildings probably would not have been able to afford the trolley service, and instead would have walked everywhere.

Mr. Kalathil concluded that these are average buildings built for average people. He stated that it is ironic that Powers' intention for these buildings was to provide housing for people of less means, an idea itself that is challenged with the designation. He explained that many of his tenants are not that well-off either, and the designation will ensure that he can no longer rent at

reasonable prices. He opined that Mr. Powers, if he were still alive, would not agree with the designation, because it is contrary to his original mission.

Joseph Menkevich interjected that the landlord sounds like he is a good landlord, but he did not explain how a designation would stop him from being a good landlord or continue to provide quality housing. Mr. Kalathil responded by asking Mr. Menkevich why every single landlord on the block is opposed to the designation.

**ACTION:** Ms. Cooperman moved to find that the nomination demonstrates that the property at 4054 Chestnut Street satisfies Criteria for Designation A, C, D, G, and J, and to designate the property as historic, listing it on the Philadelphia Register of Historic Places. Mr. McCoubrey seconded the motion, which passed unanimously.

### **339 E. WISTER ST**

Nominator: Oscar Beisert and J.M. Duffin

Owner: Twin Enterprise, LLC.

**COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION:** The Committee on Historic Designation voted to recommend that the nomination demonstrates that the property at 339 E. Wister Street satisfies Criteria for Designation A, C, D, and J.

**OVERVIEW:** This nomination proposes to designate the property at 339 E. Wister 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 nomination argues that the property, constructed as a country seat in three phases beginning in 1797, is important for its association with several prominent figures: Martin Godfrey Dorfeuille, a French educator and entrepreneur, who built the original residence when Germantown was gaining popularity as a resort for wealthy Philadelphians; Tench Coxe, an important Philadelphia merchant and politician, who resided at the property as a tenant; and Jeremiah Hacker and Beulah Morris-Hacker, two prominent Quakers responsible for the phased enlargement of the building and for the incorporation of distinctive Philadelphia features, such as the broken-pitch, side-gable, gambrel roof.

**DISCUSSION:** Ms. Keller presented the nomination to the Commission. Nominator J.M. Duffin represented the nomination. No one represented the property owner.

Mr. Duffin stated that he contributed to the nomination and offered to answer any questions. The Commissioners discussed the nomination and determined that the property warrants designation.

**ACTION:** Ms. Cooperman moved to find that the nomination demonstrates that the property at 339 E. Wister Street satisfies Criteria for Designation A, C, D, and J, and to designate the property as historic, listing it on the Philadelphia Register of Historic Places. Ms. Turner seconded the motion, which passed unanimously.

### **2503 W. OXFORD ST, MALCOLM X HOUSE**

Nominator: All That Philly Jazz, Faye Anderson and Oscar Beisert

Owner: Ida Mae Vacca

**COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION:** The Committee on Historic Designation voted to recommend that the Historical Commission table the review of the nomination for 2503 W. Oxford Street to allow for revisions and to remand it back to the Committee on Historic Designation if additional evidence is provided.

**OVERVIEW:** This nomination proposes to designate the property at 2503 W. Oxford 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 J. The nomination argues that the property is significant due to its association with Malcolm X, whose leadership in the Nation of Islam laid the foundation for the growth of orthodox Islam among African Americans in the City of Philadelphia. Called the Unity House, or Fruit House, the property served as a boarding facility for single male members of the Nation of Islam in the early 1950s, and is where, according to oral accounts, Malcolm X resided for a short time while he established a local temple for the organization.

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

Ms. Cooperman stated that the Committee on Historic Designation found that the specific association of Malcolm X with the property had not been sufficiently explored. The Committee also asserted, she continued, that Malcolm X's legacy in Philadelphia deserved the most thorough possible examination. Ms. Cooperman commented that the Committee members wanted to be certain of the association and to explore whether other properties were significant for their association with Malcolm X.

Mr. Thomas read a statement from Oscar Beisert's letter to the Historical Commission in which he requested that the nomination be tabled to allow for additional research. Mr. Farnham stated that his concern with tabling the nomination is that it ties up the property with regulation and, at present, there is no real basis for that regulation. He noted that the nomination for 1527 N. Front Street, which was considered for designation by the Commission earlier in the meeting, had also been tabled for revision. That property, he observed, remained under the control of the Historical Commission for one year while the nominator revised the nomination. Mr. Farnham suggested that, in order to avoid regulating a property without sufficient evidence of its significance, the Commission could reject the nomination without prejudice and allow Mr. Beisert to submit a new nomination in the future if he uncovers additional evidence that proves the property is historically significant. Ms. Cooperman asked if the Commission could place a time limit on the revision period. Mr. Farnham responded that that would be a more acceptable option than tabling the nomination for an indeterminate amount of time to allow for revisions. He recommended that the nomination be tabled for 30, 60, or 90 days.

Ken Milano expressed his concern that the property would get demolished if the nomination was rejected. Mr. Thomas replied that the Commission is not proposing to reject the nomination. Mr. Milano indicated that the City of Philadelphia has purchased a number of properties in the Sharswood neighborhood. Ms. Cooperman responded that the Commission does not want to leave the nominated property under the Commission's jurisdiction indefinitely.

**ACTION:** Ms. Cooperman moved to table the review of the nomination to the Historical Commission's meeting on 14 October 2016 to allow the nominators time to revise the nomination. Ms. Royer seconded the motion, which passed unanimously.

Mr. Farnham observed that the revised nomination must be submitted to the Historical Commission by 11 August 2016 for the Commission's staff to provide 30 days notice to the property owner before the Committee on Historic Designation's meeting on 14 September 2016 and the Historical Commission's meeting on 14 October 2016.

**1026-28 BELMONT AVENUE, ENGINE COMPANY NO. 16**

Nominator: University City Historical Society, Andrew Cushing and Oscar Beisert

Owner: Evangelistic Temple of I Am Inc.

**COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION:** The Committee on Historic Designation voted to recommend that the nomination demonstrates that the property at 1026-28 Belmont Avenue satisfies Criteria for Designation C, D, and E.

**OVERVIEW:** This nomination proposes to designate the property at 1026-28 Belmont Avenue as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the former firehouse satisfies Criteria for Designation C, D, and E. The nomination argues that the property, constructed in 1895, is significant as a representation of the Italian Renaissance Revival style as interpreted by important late-nineteenth century architect John T. Windrim.

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

Ms. Cooperman commented that the Committee on Historic Designation felt that there was a strong case for designation of this building despite its very poor condition. She noted that the character-defining features of the Windrim design are present, including the oversized City shield in the keystone over the doorway on the south side. She stated that the other defining features are also present.

Mr. Thomas opened the floor to public comment, of which there was none.

**ACTION:** Ms. Cooperman moved to find that the nomination demonstrates that the property at 1026-28 Belmont Avenue satisfies Criteria for Designation C, D, and E, and to designate the property as historic, listing it on the Philadelphia Register of Historic Places. Ms. Turner seconded the motion, which passed unanimously.

**4704 LEIPER ST, GARSED-BROMLEY MANSION; FRANKFORD YWCA**

Nominators: Joseph Menkevich, Debbie Klak, Diane Sadler

Owner: New Frankford Community Y

**COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION:** The Committee on Historic Designation voted to recommend that the nomination demonstrates that the property at 4704 Leiper Street satisfies Criteria for Designation A, C, D, and J.

**OVERVIEW:** This nomination proposes to designate the property at 4704 Leiper Street as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the former mansion turned YWCA building satisfies Criteria for Designation A, C, D and J. The

nomination argues that the brownstone mansion, constructed in 1866-67, displays significant characteristics of the Second Empire style of architecture. The nomination further contends that the building is associated with the lives of persons significant in the past, including John Garsed, the owner of several cotton mills in Frankford, and is an example of housing for elite mill owners who lived in the working-class neighborhood of Frankford.

**DISCUSSION:** Ms. Broadbent presented the nomination to the Commission. Joseph Menkevich represented the nomination. No one represented the property owner.

Mr. Menkevich asked if anyone was in attendance from the Frankford Community Development Corporation or Councilwoman Maria Quiñones-Sanchez's office, or if the property owner was present. There was no response from the public. John Buffington, a northeast Philadelphia resident, commented that he has been watching this building for many years, and is concerned that it is suffering from neglect. He suggested that the historic designation may allow for a plan to be developed for the building. He thanked the Commission for its dedication. Mr. Menkevich commented that he is hopeful that a business plan can be developed to put this building back into use.

**ACTION:** Ms. Cooperman moved to find that the nomination demonstrates that the property at 4704 Leiper Street satisfies Criteria for Designation A, C, D and J, and to designate the property as historic, listing it on the Philadelphia Register of Historic Places. Mr. McCoubrey seconded the motion, which passed unanimously.

#### **1834-48 FRANKFORD AVE. MUTUAL BURIAL GROUND OF KENSINGTON**

Nominator: Kenneth Milano

Owner: AVC Real Estate LLP

**COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION:** The Committee on Historic Designation voted to recommend that the nomination demonstrates that the property at 1834-48 Frankford Avenue satisfies Criterion for Designation I.

**OVERVIEW:** This nomination proposes to designate the site at 1834-48 Frankford Avenue as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the property satisfies Criteria for Designation I. The nomination argues that a small portion of the former Mutual Burial Ground of Kensington, which was in use from roughly 1832 to 1868, may lie encapsulated under the existing garage building, constructed in the 1920s.

A demolition permit application for the complete demolition of this property was submitted to the Department of Licenses & Inspections on 4 April 2016, the day before the first draft of the nomination was received by the Historical Commission staff. The Historical Commission has no authority to review the existing permit, and the property owner is free to undertake any work authorized by the permit without the Commission's intervention.

**DISCUSSION:** Ms. DiPasquale presented the nomination to the Commission. Ken Milano represented the nomination. Attorney Sean Whalen and property owner Ori Feibush represented the property.

Mr. Milano stated that he has nominated potential resources under the building, not the building itself, and not just for this development, but for any development in the future. He noted that this development might not disturb the entire site, but that he does not want to be here 20 to 30

years from now arguing the same case. He opined that preservation in Philadelphia is like a race to the permit window. He mused that it would be nice to prepare and submit nominations that are dissertations, but that there is not the time. He stated that for the time allotted for this nomination, he was able to find 10 maps, nine of which are in the nomination; he submitted the tenth one at the Committee on Historic Designation meeting. He noted that five maps show the property as being completely within the cemetery boundaries. The other five show it as being partially within the cemetery boundary. The most recent map, an updated 1879 Hexamer, showed property in 1916, at which time entire property appeared to be included within the cemetery limits. Since the nomination was submitted, Mr. Milano noted, he has continued to do research, and found records for over 700 burials, but has not yet touched all of the burial records. Mr. Milano estimated that there were several thousand burials within the cemetery. He noted that he has not been able to find many records of removals, despite having checked the Board of Health meeting minutes from 1895 to 1925. He picked those years because the cemetery was still shown, and because the garages were built around 1922, and Blair Street was established before that time, and the playground was built around that time as well. He noted that he found record of the removal of 200 bodies “more or less” in 1914. He commented that he was hoping to find records of more removals, and that it does not mean they were not all removed, it just means that that is all he was able to find. He stated that the important thing is that this property was found to be within the cemetery boundaries. He reiterated that the project is ongoing and the nomination seeks designation to take place for future development as well. Without protection through Philadelphia Register listing, he continued, a complete and faithful execution of any scope of work that might be done by the developer will be entirely dependent on the goodwill of the developer, who could alter, suspend or cancel any conditions of the work with no oversight, notification, or discussion. He stated that he does not believe archaeological work will take place without designation.

Neighbor Andrew Fearon explained that there are multiple stakeholders in this project who have been in contact with members of the local communities, three Registered Community Organizations, 11 of the descendants of people once buried on the site, and the German Society. He noted that all parties are concerned for proper scientific and ethical protocol. Mr. Milano interjected that he has letters from descendants, one of which is from a man complaining that 26 ancestors were removed from six cemeteries.

Mr. Whalen stated that, as the Commission staff set forth, the demolition permit is entirely valid. He explained that today’s discussion is not about the demolition of this building, but about moving forward, and what that really means. He noted that it is not a question of above-ground resources, only below-ground. He explained that the Commission will hear from experts that there has already been significant excavation and ground-truthing for the portions of the property that were possibly part of the burial ground itself. He stated that there has been significant additional research that shows that at least 75% of the subject property was likely not part of the cemetery at any point.

Mr. Whalen asserted that the Historical Commission is dealing solely with a potential for historic resources under Criterion I, “has yielded or may be likely to yield...” He noted that there is no dispute as to whether it has previously yielded anything of value in terms of archaeological information, so the only question is whether it “may be likely to yield” information. Mr. Whalen stated that by the end of the presentation, the Commission would find that it is highly unlikely that there is any information that archaeological resources can yield here.



Mr. Whalen opined that his research shows that this nomination, if granted, would be truly unprecedented. He noted that there is no additional guidance through the Commission's Rules & Regulations or the Philadelphia Code. He claimed that he reviewed state statutes and regulations, the Pennsylvania Historical & Museum Commission materials, the National Trust for Historic Preservation materials, Pennsylvania's Historic Burial Places Preservation Act, and finally the National Park Service (NPS) materials for guidance. The NPS materials, he concluded, were the most appropriate to the Commission's decision. Mr. Whalen noted that the NPS has published National Register Bulletin #41, "Guidelines for Evaluating and Registering Cemeteries and Burial Places." He read Criterion D from the Bulletin, which states that in order to be eligible for the National Register, a property must "have yielded or may be likely to yield information important in history or prehistory." He opined that what is important is that to "qualify for the National Register listing, properties must retain historic integrity." He noted that the Bulletin sets out seven factors for historic integrity: location, design, setting, materials, workmanship, feelings, and association. He asserted that this property does not satisfy any one of the seven factors. He continued that the Bulletin identifies characteristics of burial grounds, which include grave sites, grave markers, boundary enclosures, walkways, gateways, roads, vegetation, buildings, structures, and spatial relationships, none of which are in evidence at this property. The NPS does expressly state, "a cemetery that has been substantially disinterred, and where removal of graves is not an authentic part of the cemetery's history would not meet the standards of integrity" and therefore would not be subject to designation. Accordingly, he noted, this nomination is legally insufficient for designation, and, moreover, is factually insufficient. He conceded that the nomination did an exemplary job of pulling together in short order many maps and other disparate information.

Following the Committee on Historic Designation meeting, Mr. Whalen stated, his client hired a professional archaeologist and historian to delve into the nomination. He noted that the Committee on Historic Designation was split in a two-to-two vote on the nomination, with the chairwoman voting to break that tie. In that meeting, he continued, Mr. Mooney, a professional archaeologist, based his decision in favor of designation on the property falling within the boundary of the burial ground. However, Mr. Whalen argued, at least 75% of the property did not fall within the burial ground boundary. For the 25% of the property that Mr. Whalen believed fell within the boundary, the owner hired a professional archaeologist to determine whether any burials survive on that part of the site. Mr. Whalen further noted that Mr. Schaaf said at the Committee meeting that he was "having trouble pinpointing exactly what resource the Commission would be protecting" and accordingly voted to recommend against designation. Mr. Whalen pointed out that the nomination suggests, and the materials referenced suggest, that additional research is warranted and could be found. As a result, he explained, his client hired CHRS, a cultural resource management firm, who believes that only a small portion of the property was part of the burial ground. Mr. Whalen opined that the first accurate map of the property is from 1874, and that there was significant, if not total, disinterment by 1884, and that the delineations between the property lines are clearly defined by the maps.

Mr. Whalen passed the floor to Philip Ruth, Director of Research for CHRS. Mr. Whalen distributed a series of maps to the Commission members. Mr. Ruth explained that he was hired to look at the nomination and see additional research might be conducted to determine the exact boundaries of the cemetery, and whether there were burials throughout the cemetery. Mr. Ruth explained his process, noting that the first thing he did was to compile as many historic maps as possible. He noted that a number of these were reproduced relatively intact in the nomination. For his distributed exhibits, he scaled the maps and made them transparent on top of Google Earth maps, so there is little dispute about the cartographer's rendering relative to

present landmarks. Mr. Ruth presented 14 maps in chronological order, as well as an initial map. He noted that the initial thing that struck him is that, Exhibit 6, the 1874 map, appears to be more detailed and exact than any previous maps. He noted that, following the 1864 tax map registry procedure, later maps would have had access to tax parcel boundaries which were based on property descriptions in deeds. In Exhibit 6, there is a parcel labeled “cemetery,” but there is also a line through the parcel that seems to indicate that the cemetery is on the northwestern portion of a larger tract. There is a smaller parcel between the cemetery and Frankford Road, which appears to measure approximately 90 feet from Frankford Avenue, northwest towards what is now Blair Street. With that in mind, Mr. Ruth continued, he looked at subsequent maps, and found that when the cartographer indicated the presence of a cemetery (as opposed to just a tax parcel or tract owned by the man who owned a larger parcel that included the cemetery, named McNealy), that boundary was set back approximately 90 feet from Frankford Avenue (or Road). Mr. Ruth suggested that, if one were to look at tax parcel mapping from the late-nineteenth century and deeds, it might indicate the nature of that line, as cartographers generally followed property boundaries when they drew those lines. In this case, he noted, he could not find any evidence of a tax parcel ending there, but perhaps there was some sort of physical boundary there such as a fence; many of these cemeteries were fenced. Exhibit 8 features the boundary set back from the road, with the cemetery label applied to the northwestern larger parcel, and no label on the smaller tract fronting on Frankford Road. Both parcels, he noted however, are attributed to the estate of William T. McNealy. Exhibit 9, the 1888 map, appears to indicate that the cemetery did not extend all the way southward to Frankford Avenue, but that there was about a 90 foot wide swath of land between Frankford Avenue and the cemetery. Mr. Ruth asked if there were any questions.

Ms. Cooperman asked if Mr. Ruth conducted chain of title research. Mr. Ruth responded that that was his next step. He stated that he searched for deeds that would have metes and bounds descriptions. He stated that he found a deed from 1832 when two families that owned lots of land in that area conveyed a 7.21 acre tract to a consortium of five gentlemen, who, as the nomination pointed out, were responsible for initiating at least one other burial ground. Mr. Whalen clarified that what Mr. Ruth described from the deed is pictorially described on the first page of maps. Ms. Cooperman responded that she was trying to determine the relationship between the description of the boundary and the map, for example, at Exhibit 6. Mr. Ruth responded that Exhibit 1 shows the original boundaries. Ms. Cooperman responded that that does not seem to correspond to all of the active parts of the cemetery. Mr. Ruth responded that she was correct, that the cemetery was active in the northern portion of the 7.21 acre tract, and the northeastern boundary remained unviable throughout the remainder of the nineteenth century and into the twentieth century. The importance of that graphic description, he stated, is that any subsequent maps that depict the cemetery outside of the 7.21 acre tract are very likely inaccurate. Exhibit 2, he noted, is probably fairly accurate based on subsequent maps.

Mr. Ruth noted that the internment records, which began in 1832 and continue through at least 1868, indicate that there should have been at least one burial there by 1832. Therefore, Mr. Ruth concluded, it would make sense that there would be a delineation of the cemetery by the 1844 map. However, the 1844 map seems to show the cemetery extending all the way to Frankford Avenue, which Mr. Ruth noted is contradicted by subsequent maps and tax parcel information. Exhibit 3, he explained, seems to be egregiously generous with the delineation of the burial ground, and this is contradicted by the metes and bounds in the 1832 deed. Exhibit 4, the 1862 map, shows a German burial ground, which also extends to Frankford and Norris Streets, but again does not correspond to the metes and bounds. Mr. Ruth opined that these maps are not dependable when analyzed in light of the 7.21 acre tract boundaries. The 1874

map is the first one to accurately depict the bounds of the cemetery, and the label is centered quite clearly in the northwestern portion of the parcel. Mr. Ruth explained that when maps subsequent to 1874 labeled the cemetery, they always noted the 90-foot setback from Frankford Avenue. Mr. Ruth noted that, when he plotted the tax parcel for the McNealy estate, it did not indicate any division in that single tax parcel. The Bromley & Bromley map, he noted, labeled northwestern part of the parcel as a cemetery. For Exhibit 10, which was the earliest tax parcel map available, Mr. Ruth stated that he plotted out the boundaries and traced the boundaries onto a Google Earth image, and it comports with the earlier 1870s map, except for the notch that would be taken out of the corner of the parcel when it was conveyed to another owner.

Mr. Whalen asked Mr. Ruth if it was his opinion that any information relating to burials would be found within the 75% of the lot fronting on Frankford Avenue that does not appear to have been part of the cemetery. Mr. Ruth responded that, based on the maps, there seems to be a clear delineation of a cemetery boundary set 90 feet back from Frankford Avenue. Because the parcel fronting on Frankford Avenue is not labeled as to use or features, it appears to have been vacant, he concluded.

Mr. Whalen asked if Mr. Ruth found any evidence of disinterment of bodies from the cemetery. Mr. Ruth responded that he found written descriptions from eye-witness accounts of disinterments, two of which he read aloud to the Commission. The first was an article from 9 June 1884 edition of the *Times*, a Philadelphia newspaper, titled "Baseball Among the Graves." The article, he noted, begins with a reference to poor conditions of a graveyard at Belgrade and Vienna Streets in Kensington. Mr. Ruth read the article, which noted that the ground featured holes where bodies were recently removed. The second article noted that there were two Helverson's burial grounds, one situated on Frankford Avenue above East Berks Street, which "was abandoned many years ago, and the bodies were taken out."

Mr. Whalen thanked Mr. Ruth for his extensive research, and noted that it is highly unlikely that there were ever burials in 75% of the property, leaving a small sliver where there was the potential for burials along Blair Street. In order to address that issue and take the research one step further, Mr. Whalen reported that his client retained a registered archaeologist, Rachael Fowler. Ms. Fowler, he noted, would explain the significant ground-truthing that was conducted over the 25% of the parcel believed to have been part of the cemetery.

Ms. Fowler introduced herself as a senior project manager for archaeology at CHRS. She stated that she was on hand on 5 July 2016 to oversee and monitor some mechanical stripping in the rear portion of the ground within the building, which is the side closer to Blair Street. She noted that mechanical stripping was done using approximately six-inch deep passes. Over the course of the stripping, she explained, what was encountered was mixed fill until approximately eight feet below the ground surface, at which point culturally-sterile subsoil was present. She noted that the fill was a mix of ashes, oily soils, and various other fill soils, but nothing intact in terms of cultural features, archaeological features, or any indication of any burials or burial shafts where the subsoil came in. She stated that there was nothing to indicate that there was anything at that point. She encountered fill to approximately six to eight feet. Ms. Cooperman asked Ms. Fowler to identify the portions of the lot for which she monitored the excavation. Ms. Fowler responded that she monitored the area in the rear of the building, in the back portion of the smaller square shown on Exhibit 6. Ms. Fowler explained that the excavated area is inside the garage structure.

Ms. Cooperman stated that she would prefer to know exactly where the excavation took place. Mr. Feibush explained that this property is broken up into roughly 15 foot trusses that run east to west. Mr. Feibush noted that there is an area that has already seen complete disturbance from in-ground oil tanks, so they did not explore that area. From 15 to 30 feet east of Blair Street is specifically where the excavation occurred. He explained that, if one were to stand on the sidewalk east of Blair Street and walk 15 feet to 30 feet east, that is the area where the ground-truthing took place. Ms. Cooperman clarified that she was trying to understand how much of the area that the owner asserted to be the 25% was excavated. Mr. Feibush responded that it is a 15-foot section going east to west, by 50 feet north to south, so the percentage would be around 30% of the 25% of the area believed to be part of the cemetery. Mr. Feibush noted that that is in addition to the portion of that 25% already covered by the area disturbed by the oil tanks, and areas excavated for contaminated soils prior to the nomination being submitted. Mr. Feibush asserted that nothing of significance was ever found.

Ms. Cooperman asked Ms. Fowler if she was able to determine an approximate date of the fill. Ms. Fowler responded that she found some glass pieces that were bottle lips, but nothing significant, and from those, she believes the fill is contemporary to the installation of the concrete pad when the building was constructed in the 1920s. She noted that nothing older than that was found, and that no archaeological features were found within the fill. Ms. Cooperman clarified that the soils underneath the fill were undisturbed. Ms. Fowler confirmed this fact, noting that it appeared that everything had been stripped down to this culturally-sterile soil, and fill was brought in.

Mr. Whalen distributed a packet of photographs taken during the ground-truthing. Mr. Feibush noted that there is a photograph of bones and a photograph of police officers standing over a hole. He noted that after three and a half hours of excavation, at 10:23 a.m., Ms. Fowler, who had complete control of the site, stopped the process and jumped into the hole and spent quite some time excavating what were clearly bones. Mr. Feibush noted that he then notified the police and coroner's office. Subsequently, it was determined that the bones were of a cat. He stated that, although no human remains were found, they stopped the job site and notified the appropriate authorities. He reiterated that Ms. Fowler had complete oversight of the excavation, which was conducted six inches at a time in small sections. Mr. Feibush stated that they conducted the excavation on a statistically-significant portion of the property known to have been part of the cemetery, and were unable to find anything of significance.

Ms. Fowler testified that she was given absolute control over the excavation and site, and was the one communicating with the mechanical excavator operator. She noted that the excavation was done in six inch passes, so that if anything was there, she would be certain to see it. She confirmed Mr. Feibush's statements about the animal bones, noting that they may have jumped the gun in calling the authorities before the skull had been fully excavated and identified, but the goal was to conduct a proper archaeological monitoring in an area with the potential for human remains.

Mr. Whalen reiterated that the archaeological process was taken very seriously. He stated that the question before the Commission is whether this small sliver of land may be likely to yield archaeologically significant information. He opined that it is unclear what more could be done to unearth any archaeologically significant information, and that the experts, in their professional opinions, have concluded that there is likely no information to be yielded from this site. Ms. Cooperman responded that one way to test that theory would be to dig test units throughout the remainder of the site. She noted that there are many methodologies and standard practices for

how one makes the determination of whether a property would be eligible for the National Register under Criterion D. She noted that she cannot speak to those specifically, because she is not an archaeologist, but asserted that a broader testing methodology would be a standard method for determining presence or absence of potentially-significant resources. Without excavating, that presence or absence cannot be determined. Ms. Cooperman responded that, if one is working in a regulatory-compliance environment, it is what is called a Phase 1A investigation, in which the archaeologist tries to determine the likelihood of potentially-significant remains.

Ms. Cooperman noted that the seven aspects of integrity that Mr. Whalen invoked previously do not apply in every case because integrity is the ability of a property to convey its significance, and the materiality of the property relates directly to the integrity, so the aspects of integrity do not apply in every case. She noted that Mr. Whalen alluded to the analysis of an above-ground cemetery and the presence or absence of things like headstones or walkways, and that would be applicable to Criteria A or C, but that is not what is being looked at here. Criterion D, under that National Register, holds a different test for integrity. Mr. Whalen clarified that what he was attempting to do is walk through any analysis the Commission may do for the question of “may be likely to yield.” “May be likely to yield,” he continued, does not mean that the site was completely excavated. He stated that his experts evaluated a statistically significant portion of the site. He stated that they told Ms. Fowler to give them the gold standard for the investigation. Ms. Cooperman responded that Ms. Fowler gave them the gold standard of monitoring, but not of testing.

Mr. Feibush noted that there was a basement on the Frankford side of the property, and oil and gas tanks on the western boundary, and that the feedback he was given at the Committee on Historic Designation meeting was that there may be remains between those sections of the building. With the complete oversight of Ms. Fowler, he continued, they have now excavated diligently everything in between. He stated that the in-between is no longer an uncertainty. Ms. Cooperman responded that Mr. Mooney of the Committee on Historic Designation had stated at the Committee meeting that significant remains may be found at very deep levels. Ms. Cooperman opined that that may be below the level of the excavated basement. Mr. Feibush responded that they have determined that it is more likely than not that the property is not going to yield remains. Mr. Feibush stated that Ms. Fowler will continue to have complete oversight over the remaining demolition and excavation of the site, even without the property being designated.

Mr. Thomas opened the floor to public comment. Archaeologist Jed Levin stated that he has over 40 years of archaeological experience. He explained that he was part of the National Constitution Center excavation, a portion of which featured a former burial ground for which records indicated that there had been significant exhumations, and in which he found in a very small area 125 burials over 10 feet below the ground surface. He noted that this is something that occurs frequently in Philadelphia. He commended the extensive research that the property owners have done, as well as the Commission for its process that above all else is transparent. He stated that a nomination was submitted to the Commission, and went before a sub-Committee and was made available to the public for review and comment prior to a vote by that Committee. He opined that the new research provided by the owner cannot be vetted in any real sense in a forum like this. He stated that, if the additional data is compelling, the Commission could reconsider the designation after the new data is fully vetted and the public has an opportunity to analyze and consider the information, rather than hearing it in an oral format. He stated that it is difficult in a forum like this to analyze the new data in any real way, and that

there is no reason not to list the property, based on the information in the nomination. He opined that the developer could be free under the Commission's guidance to continue the excavation, but designation would provide accountability and transparency to the public that resources are not being risked. Mr. Fiol-Silva asked how the data has been vetted. Mr. Levin responded that the Committee had the chance to review the nomination's information prior to voting, and the Commission and public had the chance to review the nomination at their leisure since the nominations are posted on the Commission's website. Mr. Levin opined that the public did not have the opportunity to review the new information provided by the owner and form an opinion to present to the Commission. Mr. Fiol-Silva replied that he believes the onus is on one side or the other, and that there should be parity in terms of the location of the onus. He stated that he sees inconsistencies between the nomination and information presented by the owner; for example, that the nomination contends that the building does not appear to have a basement, but the letter from Mr. Whalen states that the building includes a basement, which disturbed the ground. Mr. Fiol-Silva asked if the property has a basement or does not have a basement. Mr. Feibush responded that the building has a basement. Mr. Fiol-Silva responded that therefore, the so-called vetted nomination is incorrect. He stated that he does not know, aside from excavating the entire property down to 40 or 50 feet, what additional level of thoroughness and professionalism the owner can show. He admired the thoroughness to which the investigation was done by the owner, and questioned how vetted the nomination was if it states there is no basement, when there is. He noted that at some point, it breaks the rules of rationality and professionalism that the Commission would go to this degree to designate a questionable property when there is a whole city of worthy properties. He stated that it disturbs him to some degree, and opined that the Commission should move on. Mr. Levin responded that it is not a matter of respecting or disrespecting the research, but it is a matter of respecting the procedures in professional archaeology, which includes peer review. He noted that archaeology is inherently about the unknown, so if the public does not have the opportunity to review information and see the report, it is hard to know. Ms. Cooperman agreed, noting that the standards for archaeology are different than for architectural history in terms of vetting information. Mr. Fiol-Silva responded that it seems to him that there is a great deal of information provided on both sides, and some of that information conflicts. Mr. Mattioni agreed, opining that the stripping of the soil seems like the platinum standard, because once the soil is stripped, anything that is in there will be visible. He asserted that it is not rational to ask for more than the areas that were fully excavated, where the only thing found were bones from an animal. He noted that the combination of the delineation of the burial ground location and the extent of the investigation that was carried out show that archaeological resources are unlikely. Mr. Mattioni opined that it has been demonstrated that the nomination does not show that there is the potential for human remains, and that the onus is on the nomination to do so. He asserted that, if someone wants to nominate something for designation, the nomination needs to establish that it meets the criteria.

Mr. Milano responded to the question of the basement. He noted that he did not have access to the building, so in the original nomination, he said it was likely that there was not a basement. He noted that he corrected that in the further addendum that he submitted after notice had been sent to the property owner. He noted that he found a permit that showed a small basement, approximately 10 x 10 feet in the southeast corner, and that to his knowledge, that is the only basement. This building, he continued, is over 14,000 square feet. He noted that he spoke with the former tenant of the north section of this building, who indicated that there was only a crawl space under her portion of the building, and that it did not extend for the entire lot. From what he can tell from the photographs submitted by the owner, he stated, all of the work has taken place in the south side of the building. The tanks, he noted, did not take up the entire western wall,

and the basement did not take up the entire eastern part. He opined that the monitoring that occurred was not enough, and that the information provided by Mr. Ruth was not a significant amount of new information, aside from the two newspaper articles. He noted that his nomination included all of the maps Mr. Ruth presented, and that the maps clearly show that the western part of the property was included in the cemetery. He opined that without designation, no additional archaeological work will be done.

Mr. Whalen reiterated his position on the question of the archaeological potential of the site, opining that designation would be unduly burdensome for any property owner. He opined that in a city as old as Philadelphia, any property could be nominated for the potential for archaeologically significant information under a building. He opined that that is an impossible standard. Ms. Cooperman responded that, in her experience of working with archaeologists, there is a methodology of determining likelihood and not likelihood of potential archaeological remains. She asserted that the archaeologists who have spoken on this nomination have voiced that this property does have potential. She stated that it is not a matter of whether there is old stuff in the ground, but a matter of whether there are potentially significant remains. Mr. Whalen responded that Ms. Fowler, a registered archaeologist, did not testify to what Ms. Cooperman just asserted. Ms. Cooperman responded that she was speaking about Mr. Mooney and Mr. Levin.

Mr. Thomas interjected, noting that the Commission was about to lose its quorum.

Mr. Farnham noted that the two archaeologists who have asserted that this site is likely to hold archaeological resources have not actually visited the site. Mr. Farnham asked why the Commission would rely on the opinions of archaeologists who have not actually dug in the ground at the site when a professional archaeologist who has excavated at the site is in the room and can provide her professional opinion about the likelihood of resources. He suggested that Ms. Fowler provide her professional opinion as to whether there is or is not a likelihood for finding artifacts at that site. Ms. Fowler responded that, if the remainder of the site is as disturbed as what she encountered under the concrete slab in the portion that she monitored, there is no potential, no likelihood. However, she clarified that she cannot say with certainty that there are no resources. She noted, however, that the owner has made the commitment to have her on site for monitoring during the remainder of the excavation in area that is within the cemetery boundaries.

**FAILED MOTION:** Ms. Cooperman moved to find that the nomination demonstrates that the property at 1834-48 Frankford Avenue satisfies Criterion for Designation I and to designate it as historic, listing it on the Philadelphia Register of Historic Places. Ms. Turner seconded the motion, which failed by a vote of 2 to 6. Ms. Royer and Messrs. Fink, Fiol-Silva, Mattioni, McCoubrey, and Thomas dissented.

**ACTION:** Mr. Mattioni moved to reject the nomination for the property at 1834-48 Frankford Avenue and to decline to designate it as historic because the property is not likely to yield information important in pre-history or history. Mr. Fink seconded the motion, which passed by a vote of 6 to 2. Ms. Cooperman and Turner dissented.

#### **ADJOURNMENT**

**ACTION:** At 4:07 p.m., Ms. Turner moved to adjourn. Mr. Mattioni seconded the motion, which passed unanimously.

### **STANDARDS AND GUIDELINES CITED IN THE MINUTES**

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

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

Standard 6: Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

Standard 9: New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new works shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

### **CRITERIA FOR DESIGNATION**

§ 14-1004(1) Criteria for Designation.

A building, complex of buildings, structure, site, object, or district may be designated for preservation if it:

- (a) Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the City, Commonwealth, or nation or is associated with the life of a person significant in the past;
- (b) Is associated with an event of importance to the history of the City, Commonwealth or Nation;
- (c) Reflects the environment in an era characterized by a distinctive architectural style;
- (d) Embodies distinguishing characteristics of an architectural style or engineering specimen;
- (e) Is the work of a designer, architect, landscape architect or designer, or professional engineer whose work has significantly influenced the historical, architectural, economic, social, or cultural development of the City, Commonwealth, or nation;
- (f) Contains elements of design, detail, materials, or craftsmanship that represent a significant innovation;
- (g) Is part of or related to a square, park, or other distinctive area that should be preserved according to a historic, cultural, or architectural motif;
- (h) Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community, or City;
- (i) Has yielded, or may be likely to yield, information important in pre-history or history; or
- (j) Exemplifies the cultural, political, economic, social, or historical heritage of the community.