

**THE MINUTES OF THE 419th STATED MEETING OF THE
PHILADELPHIA HISTORICAL COMMISSION
9 July 1997**

**City Council Caucus, Room 401 City Hall
Wayne S. Spilove, Chair**

Present

Wayne S. Spilove, Chair
David Brownlee, Ph.D.
Duane Bumb, Deputy Director, Department of Commerce
Frances Egan, Commissioner, Department of Licenses and
Inspections
Joseph James, Deputy Commissioner, Department of Public Property
John Kromer, Director, Office of Housing and Community
Development
Arlene Matzkin
Shelly Merhige, Office of the City Council President
Michael Sklaroff, Esq.
Robert Vance, Esq., Chair, City Planning Commission
Maria Walker
Dennis Ward III
Caroline Wischmann
Stephanie Wolf, Ph.D.

Richard Tyler, Historic Preservation Officer
Randal Baron, Assistant Historic Preservation Officer
Jeffrey R. Barr, Historic Preservation Technician
Laura M. Spina, Historic Preservation Planner
Gina Frese, Intern
Robert Blood, Intern

Mark Zecca, Esq., Deputy City Solicitor

Also, with affiliation and/or project

Thelma Rachubinski
Greg Dicovitsky, Comast
Charles Broudy, CEBA
Bill Wilkinson, University of Pennsylvania
Fritz Doerstling, Omnipoint Communications
George Wolfer, Girard Estate
Philip Scott, John Milner Associates
Tong D. Wang
Kenny Zheng
Mary Ossi, Vitetta Group
Bobbie Burke, Preservation Alliance
Peggy MacLaren, Center City Residents Association (CCRA)
Bill McDowell, Redevelopment Authority
Leslie Dilworth, RTM
Ron Avery, Daily News
Randy Cotton, Preservation Alliance

Lenore Millhollen, CCRA
John Hunter, Venturi, Scott Brown Associates
Judith Eden, CCRA

Wayne S. Spilove, Chair, recognized the presence of a quorum and called the 419th Stated Meeting of the Philadelphia Historical Commission to order at 10:10 A.M.

MINUTES of the 418th Stated Meeting of the Philadelphia Historical Commission. Upon a motion made by Ms. Matzkin and duly seconded, the Commission unanimously approved the Minutes of the 418th Stated Meeting of the Philadelphia Historical Commission held on 11 June 1997, Wayne S. Spilove, Chair.
[After the meeting, Ms. Egan noted that Ed McLaughlin should be listed under attending Commission members.]

ARCHITECTURAL COMMITTEE REPORT, 24 June 1997,
Arlene Matzkin, Chair

Ms. Matzkin read the Committee's recommendations before discussion of each proposal.

1115-1145 Market Street, Reading Terminal Market

Redevelopment Authority, Owner
Philip Scott, Architect/Applicant
DATE: 1891-1893

PROPOSAL: Masonry restoration of headhouse shell; new windows
Architectural Committee Recommendation: Approval with staff to review details and design of windows and masonry work.

Ms. Matzkin described the multi-faceted masonry repair. The proposal calls for cleaning, re-pointing and restoring the granite and terra cotta facade.

She explained that at the corner of Market and 12th Streets a former alteration included a concrete pier and lintel in the same plane as the decorative granite. Costs, however, preclude the removal of the concrete. The proposal includes facing the concrete with a granite veneer that will protrude eight inches beyond the existing masonry. The architect proposes to rebuild the missing decorative features of the cornice and rusticated granite facade.

The proposal also includes replacement of the wood windows on the building with aluminum windows to match the extant profile and details. At the second floor the arched windows have decorative leaded glass transoms. These transoms will be installed as a group into the windows at the corner of 12th and

Market Streets on the second floor, the site of the conference room.

Philip Scott of John Milner Associates, architect for the project, explained some of the details of the proposal.

Mr. Brownlee made a motion to accept the Committee's recommendation. Mr. Sklaroff seconded the motion which passed unanimously.

1115-1145 Market Street, Reading Terminal Headhouse

Redevelopment Authority, Owner

Elizabeth Masters, Architect/Applicant

DATE: 1891-1893

PROPOSAL: Loading dock on Filbert Street; louvers in windows on Market Street; mechanicals on roof

Architectural Committee Recommendation: Approval.

Ms. Matzkin described the proposal which includes a new door for a loading dock on Filbert Street, fresh air in-take louvers in two windows on the Market Street facade and mechanical equipment on the roof of the link. The proposal does not require the removal of historic fabric.

Mr. Brownlee made a motion to accept the recommendation of the Committee. Ms. Walker seconded the motion which passed with a unanimous vote.

1115-1145 Market Street, Reading Terminal Market

Redevelopment Authority, Owner

Charles Broudy, Architect/Applicant

DATE: 1891-1893

PROPOSAL: Signage, awnings, lighting

Architectural Committee Recommendation: Approval, but with only the red canvas awnings, no metal band hiding the fasteners behind the round corner sign and with the beige color for the sign box frames.

Ms. Matzkin detailed the various aspects of the proposal. The applicants wish to highlight the Market in the Reading Terminal. On 12th Street the proposal includes awnings over the doors and windows, six-foot by four-foot lighted sign boxes on seven piers flanking the doors along the facade and ten blade signs of generic symbols such as fruit or fish. On Arch Street the proposal calls for bubble-awnings at each window and lighted sign boxes along the facade. A wrap-around sign on the corner of Arch and 12th Streets will also advertize the market.

The applicants wished to have the awnings in both orange and

red, but the Committee recommends having only red. Also the Committee asked that the sign boxes have beige frames instead of red.

Charles Broudy and Leslie Dilworth, designers of the proposal, stated that the sign boxes would have information in keeping with the personality and spirit of the market.

Mr. Tyler noted that the Preservation Alliance wrote a letter stating that the proposal includes too many items and would make the building look like a festival market. Mr. Tyler agreed that the abundance of signage is incompatible with the historic structure. Ms. Dilworth stated that she has historic photographs of the market which show a great amount of signage; however, she did not have the photographs to show the Commission.

Ms. Wolf, Mr. Brownlee and Mr. Spilove disagreed with Mr. Tyler and stated that the proposal represents the typical advertisement historically found on a market.

Mr. Brownlee made a motion to accept the recommendation of the Committee. Ms. Wolf seconded the motion which passed with thirteen votes. Mr. Sklaroff abstained.

Mr. Spilove passed the gavel to Ms. Wolf.

20-30 North Front Street and 103-107 Church Street

Girard Estate, Owner

George Wolfer, Applicant

DATE: c. 1830

PROPOSAL: Legalize removal of windows; install painted plywood
Architectural Committee Recommendation: All windows be boarded up from the outside and painted to resemble windows, for a period not to exceed three months. At that time, or before, the Estate must return with a window replacement proposal.

Ms. Matzkin stated that the owner of the buildings, Girard Estate, without a permit or Commission approval, removed the original windows on all of the buildings along Front Street and closed the openings with plywood. The windows on the front of the Church Street buildings still have some of the original windows, but Girard Estate wishes to remove them also. At this time, the owner does not have a plan for the buildings.

The Commission discussed the avenue of enforcement to follow. All of the members wanted the building sealed against water infiltration, but did not want to legalize the removal of the original windows. George Wolfer, representing Girard Estate, stated that the owner wanted to remove the windows, because glass began falling onto the street and posed a danger, and board-up the windows to seal the building and clean-up its appearance.

Ms. Egan made a motion to accept the recommendation of the Committee noting that this vote does not legalize the removal of the windows. Mr. Sklaroff seconded the motion which carried by unanimous vote.

Ms. Wolf returned the gavel to Mr. Spilove.

925 Chestnut Street, Federal Reserve Bank

Pennsylvania Manufacturers Association, Owner

Ivor Moore, Applicant

DATE: c. 1925

PROPOSAL: Signage for building owner and tenant

Architectural Committee Recommendation: Approval of the Blue Cross sign and the bronze "925 Chestnut Street" above and next to the main door; denial of the signs on the corner on 10th Street.

Ms. Matzkin described the proposal. The owner of the building wishes to install a bronze sign that says "925 Chestnut" over the front door and another, identical sign on the corner pillar of the building on 10th Street. A tenant of the building, Blue Cross/Blue Shield also wishes to install a sign by the front door and another on the corner. Ms. Matzkin stated that the Committee voted to recommend approval of only the signs by the front door. Historically, only signs that gave the name of the building were placed on the corners. The Committee did not find the address sign appropriate for the corner.

Mr. Sklaroff argued that not allowing corner signs denied the applicants their right to commercial speech. The Commission must look at the appropriateness of the signs only in terms of the historic fabric. Mr. Brownlee countered that the building was designed by Paul Cret as a public building, the Federal Reserve Bank. It is now used as an office building, not a commercial enterprise. Also, Cret's design is in a restrained classicism style and no signage, except over the door, would be appropriate for the building. Ms. Wolf agreed, stating that except for the name of the building, no signage should be at the corner. Since the name of the building is neither Blue Cross/Blue Shield nor "925 Chestnut", neither sign should be approved at the corner. Also, in keeping with Cret's design, only the address above the door and no other signage would be appropriate for the building.

Mr. Sklaroff made a motion to approve all four signs. Ms. Egan seconded the motion which failed to pass with five votes for the motion and eight votes against. Mr. Bumb, Ms. Egan, Mr. Kromer, Mr. Sklaroff and Mr. Ward voted for the motion.

Mr. Brownlee then made a motion to accept the recommendation of

the Committee. Ms. Walker seconded the motion which also failed, with a vote of four to seven. Mr. Brownlee, Ms. Matzkin, Ms. Walker and Ms. Wolf voted for the motion.

Mr. Vance made a motion to approve only the "925 Chestnut" sign above the door and to disapprove the other three signs. Mr. James seconded the motion which passed with ten votes. Mr. Bumb, Mr. Kromer and Mr. Sklaroff dissented.

1834-38 Park Mall, Shusterman Hall

Temple University, Owners

George Yu, Architect/Applicant

DATE: c. 1890

PROPOSAL: Stone plaque

Architectural Committee Recommendation: Approval.

Ms. Matzkin described the proposal for a stone plaque under the front window bearing the name of the donor to the university.

Ms. Wolf made a motion to accept the Committee's recommendation.

Mr. Ward seconded the motion which carried with thirteen votes.

Mr. Sklaroff abstained.

321-325 South Street

Leonard Lipkin, Owner

Elan Zaken, Applicant

DATE: 1825; c. 1920 - new facade

PROPOSAL: Cut new 2nd floor windows

Architectural Committee Recommendation: Approval provided that the applicant documents the facade beneath the sign band with photographs after removal of the sign and before cutting the new windows.

Ms. Matzkin explained that the building has a large flat-wall sign at the second floor. The owners wish to remove the sign and cut new second floor windows. Ms. Matzkin noted that the Committee did not consider the new facade at the second floor as historic fabric.

Mr. Brownlee made a motion to accept the recommendation of the Committee. Mr. James seconded the motion which passed with unanimous vote.

328 and 330 South 3rd Street

Lou Robbins, Owner of 328 South 3rd Street

Mr. & Mrs. Bromley, Owners of 330 South 3rd Street

Jeffrey Biel, Contractor/Applicant

DATE: 1775

PROPOSAL: Re-roof

Architectural Committee Recommendation: Approval of asphalt/fiberglass dimensional shingle in a weathered-wood color.

Ms. Matzkin stated that the contractor proposed to replace the asphalt roof of 330 South 3rd with a weathered-wood colored asphalt-fiberglass shingle roof. He now proposes to install the same roof on the adjoining building at 328 as well. The same builder constructed the two buildings in the same style at the same time.

Mr. Brownlee made a motion to accept the Committee's recommendation and also approve the proposal for 328 South 3rd Street. Ms. Walker seconded the motion which carried unanimously.

Boathouse #13, Undine Boathouse

Undine Barge Club, Owner

George Skarmeeas, Architect/Applicant

DATE: c. 1885

PROPOSAL: Complete restoration

Architectural Committee Recommendation: Approval.

Ms. Matzkin noted that this proposal is for the restoration of this Frank Furness-designed boathouse and must follow the *Standards* for that treatment. The work includes removing a later porch, restoring the historic porch, installing a slate roof and restoring the original roof cresting.

Ms. Wolf made a motion to accept the Committee's recommendation. Mr. James seconded the motion which carried by unanimous vote.

3401 Spruce Street, Irvine Auditorium

University of Pennsylvania, Owner

John Hunter, Architect/Applicant

DATE: 1928

PROPOSAL: Masonry restoration; cut openings; close skylights

Architectural Committee Recommendation: Approval with staff to approve details. Mr. Levy voted against the proposal owing to the treatment of the opening.

Mr. Brownlee recused himself from the discussion and vote. Mr. Tyler also left the table.

Ms. Matzkin described the masonry restoration and alterations to the Irvine auditorium. The main concern of the Committee was the enlargement of the northwest door. The door must be enlarged to meet fire safety codes.

Ms. Merhige made a motion to accept the Committee's recommendation. Mr. James seconded the motion which passed by twelve votes. Mr. Sklaroff abstained.

832 South Front Street

Thomas Rachubinski, Owner/Applicant

DATE: c. 1825

PROPOSAL: Legalize vinyl replacement windows, storm door

Architectural Committee Recommendation: Approval of eight new windows because of the misinformation given by the Department of Licenses and Inspections; evenly split vote on the storm door. If storm door approved should be on the condition that the owner paint it to match the main door.

Ms. Matzkin gave the history of the property. In 1992 the owners replaced the windows with vinyl one-over-one replacements without a permit or Commission approval. The owners received a violation for the work. The next year they installed the vinyl storm door, also without a permit or Commission approval. This year the Department of Licenses and Inspections reissued the violation.

Mr. and Mrs. Rachubinski testified that they went to the South District office of the Department of Licenses and Inspections in 1992 and were told that they did not need a permit to replace the windows because they were not planning to alter the size of the openings. Ms. Egan asked the name of the person who gave the information; Mr. Rachubinski could not recall. Ms. Egan objected to the reference of the misinformation supposedly given by her Department in the Committee's recommendation.

Mr. Vance asked the Rachubinski's why they took five years to cure the violation. They gave no reply.

Mr. Sklaroff made a motion to approve the windows and storm door on the condition that the storm door is painted to match the front door. Mr. James seconded the motion which carried unanimously.

Mr. Spilove passed the gavel to Ms. Wolf.

4278-80 Griscom Street, John Ruan House

Elmer Atkinson, Applicant

DATE: c. 1795

PROPOSAL: Repoint; stucco base; close two basement windows;

install security door in two other basement windows
Architectural Committee Recommendation: Approval of masonry work with staff to approve pointing sample; approval of closing the two basement windows leaving a stuccoed reveal; approval of installing security doors, disguising them to look like closed shutters with staff to review details.

Ms. Matzkin described the main parts of the proposal for this 18th century building. The owners wish to repoint the upper floors and stucco the first floor (former basement), close two basement windows and install security doors in two other basement windows. The Committee recommends approval as long as the closed windows have a stuccoed reveal and the security doors look like closed shutters. Staff will approve a pointing sample and all details.

Mr. Brownlee made a motion to accept the recommendation of the Committee. Mr. Bumb seconded the motion which passed with thirteen votes.

7500 Germantown Avenue

New Covenant Church, Owner

Vern Lei for Comcast, Architect/Applicant

DATE: c. 1895

PROPOSAL: Alter existing antennae on smokestack

Architectural Committee Recommendation: Approval but with metal ladder painted a brick color rather than installing a cover.

Ms. Matzkin explained the proposal to revise the existing antennae, returning them to the originally approved proposal. The technology of the industry constantly changes and new, smaller antennae have made this proposal possible. The Commission previously approved a covering for the extant cable tray, but the applicant wishes only to paint the tray to match the brick background. Ms. Matzkin noted that the smokestack now carries a maintenance ladder and two cable trays.

Mr. Brownlee made a motion to accept the recommendation of the Committee. Ms. Merhige seconded the motion which carried with thirteen votes.

7500 Germantown Avenue

New Covenant Church, Owner

Fritz Doerstling for Omnipoint, Applicant

DATE: c. 1895

PROPOSAL: Antennae on smokestack and related alterations

Architectural Committee Recommendation: Denial. Mr. Levy expressed the opinion that one last set of antennae could be applied to the building, if the wires could be run in an existing

wire tray, and to allow no other antennae in the future.

Ms. Matzkin stated that the applicant wishes to revise the application and asks the Commission to table its discussion and vote.

Mr. James made a motion to table the discussion and vote for a period not to exceed six months. Mr. Brownlee seconded the motion which carried by unanimous vote.

Ms. Wolf returned the chair to Mr. Spilove.

1925-27 Walnut Street

Michael Singer, Owner

Fritz Doerstling for Omnipoint, Applicant

DATE: c. 1925

PROPOSAL: Antennae on penthouse

Architectural Committee Recommendation: Approval.

Ms. Matzkin stated that the applicant previously proposed to have the antennae on the roof close to the edges of the building.

The Committee and Commission denied that application. The applicant has returned with a new proposal to have antennae on the penthouse of the building. The Committee's recommendation has the standard conditions that the antennae and equipment must be painted to match the background and all equipment must be removed when it becomes obsolete.

Mr. James made a motion to accept the recommendation of the Committee. Mr. Ward seconded the motion which passed unanimously.

1722 Pine Street

Laura Blaw, Owner/Applicant

DATE: c. 1850

PROPOSAL: Roof-top deck on rear

Architectural Committee Recommendation: Approval.

Ms. Matzkin described the proposed roof deck on the rear of the property. Mr. Sklaroff questioned the approval of a roof deck. Ms. Spina noted that the *Standards* allow roof decks as long as they do not damage, destroy or obscure any important historic features and are not highly visible from the public right-of-way. Mr. Tyler and Mr. Baron emphasized that roof decks have historically been installed on the rear ells of houses throughout the City.

Mr. Sklaroff made a motion to accept the Committee's

recommendation. Ms. Wolf seconded the motion which passed by unanimous vote.

1625-45 Spring Garden Street, Masterman School

School District of Philadelphia, Owner

Kenneth Brinkley, Architect/Applicant

DATE: c. 1925

PROPOSAL: New aluminum auditorium windows within existing frames

Architectural Committee Recommendation: Approval with staff to review details.

Ms. Matzkin stated that the School District wishes to replace the ornate auditorium windows with aluminum sash in existing frames. The staff will review the details.

Mr. Sklaroff made a motion to accept the recommendation of the Committee. Mr. Bumb seconded the motion which passed unanimously.

1900 Rittenhouse Square Street

1900 Rittenhouse Square Street Condo Assoc., Owner

Jeff Levine, Architect/Applicant

DATE: 1924

PROPOSAL: Masonry repair, replacement; balcony repair

Architectural Committee Recommendation: Approval with staff to review masonry samples and color of coating. Details of coating should be submitted to the Commission for its files.

Ms. Matzkin described the deterioration of the bricks, masonry balconies and steel lintels throughout the building. She noted that the contractor proposes to use a chemical wash to color the new bricks in order to match the originals. This wash chemically bonds with the bricks and will not peel or flake like standard paint. The new brick will also match the original in size.

Ms. Walker made a motion to accept the Committee's recommendation. Mr. Ward seconded the motion which passed with thirteen votes. Mr. Sklaroff abstained.

2425 Pine Street

Fred Kaulbach, Owner/Applicant

DATE: c. 1835

PROPOSAL: Replace transom, door

Architectural Committee Recommendation: Approval.

Ms. Matzkin stated that the Committee and Commission approved the new door and transom for this property, but asked

that the transom have two vertical muntins, dividing the transom into three panes. The owner, instead, ordered a single-pane transom and asks the Commission to approve the one he bought. Also, the owner wishes to install the door recessed deeper into the house than previously approved to allow for the uneven brickwork of the front wall.

*Mr. James made a motion to accept the Committee's recommendation.
Ms. Wolf seconded the motion which carried unanimously.*

245 South 17th Street

Ithaca Partnership, Owner

Hyman Myers, Architect/Applicant

DATE: 1890

PROPOSAL: Cut garage door and new 2nd floor window

Architectural Committee Recommendation: Denial of both the garage door and new window.

Mr. Tyler stated that the applicant brought the proposal to the Committee several months ago. At that time the Committee voted to recommend denial, but the applicant withdrew the application before the Commission reviewed it. [On 10 July 1996, at the applicant's request, the Commission tabled its discussion and vote of the proposal for a period not to exceed six months. One month later the applicant withdrew the proposal.] The applicant has returned with the present proposal. Ms. Matzkin described the two parts. The owner wishes to lengthen the middle window on the second floor to allow more light into the interior and install a garage on the first floor. The Committee unanimously recommends against both parts of the proposal because they violate Standards 1, 2, 5, and 9 of the Secretary of the Interior's *Standards*.

Mr. Spilove gave the chair to Ms. Wolf.

Ms. Matzkin stated that a member of the Planning Commission attended the Committee meeting and opposed the curb cut. Mr. Baron explained that the Committee found that the proposal violates the *Standards* because of the loss of historic fabric. The cutting of the garage door would result in the loss of 90 square feet in the front facade of this important building. Mr. Brownlee discussed the significance of the building, an important architect-designed dwelling within the Rittenhouse-Fitler Historic District. This twin was designed by Frank Miles Day, a nationally prominent architect, and was published in an architectural journal of its time. The building would qualify individually for the Philadelphia and National Registers.

Ms. Merhige stated that approval of this proposal sets a precedent and that the community strongly opposes it.

Ms. Wischmann questioned the second-floor window. Ms. Matzkin stated that the different middle window on the second floor is a quirk that the architect designed and must be respected. The applicant wishes to have the window changed for more light. Ms. Wischmann also asked if the Committee would object to a smaller garage door. Ms. Matzkin replied that the use of the building as a garage bothered the Committee as well as the need to lower the entire first floor and the loss of historic fabric.

Ms. Merhige made a motion to accept the recommendation of the Committee and disapprove the proposal. Mr. Brownlee seconded the motion.

Judith Eden, Board member of the Center City Residents Association, stated that widespread community opposition exists. The community expected the protection of the historic buildings in the area from changes such as this when it lobbied for the historic district. Approval of this proposal violates the expectations of the community as well as Commission standards. She noted that the building sits across the street from a parking lot. Mr. Spilove stated that the building stands directly across from one of his properties, not a parking lot, and that the long-term vacancy of 245 South 17th Street has hurt its economic value. Ms. Eden acknowledged that the parking lot is catty-corner to this building, proving that parking is readily available. She also stated that the building has been occupied in the recent past and that the owner has not marketed the building for future commercial enterprises nor advertized its availability for tenants.

In answering a question, Mr. Spilove stated that the owner is not marketing the building for tenants. It is part of a complex of contiguous buildings assembled by the William Penn Foundation and the owner bought this building as a part of the overall complex. However, the Commission could not determine if the building has been connected to the other buildings in the complex. The building is not connected to its twin which sits on the corner at 247 South 17th Street.

Bobbye Burke spoke as an historian of the area and an author of a book on the Rittenhouse district. She stated that several important buildings close to this one have been restored in the last several years. Cutting the front of this building to create private parking will mutilate the building. If approved, she feared for the safety of the pedestrians on 17th Street and asked if any precautions would be taken to warn pedestrians of an

approaching car, such as a bell or red light.

Randy Cotton, speaking as an individual, emphasized that the proposal does not meet the Secretary of the Interior's *Standards*.

He fears that approval of this proposal will set a dangerous precedent for the future. He asked Commission members, if they vote to approve the proposal, to state the grounds on which they base their approval.

Ms. Egan, in response to Ms. Burke's question, stated that the Streets Department approved the curb cut already and it can be assumed that the Department performed an engineering study. Mr. Baron noted that the Department's approval is conditioned upon the approval of the Historical Commission.

Mary Ossi, of Vitetta Group, stated that the owner wishes to open the second floor window to allow more light into the interior. She also noted that the first floor will be lowered to accommodate the three cars. She agreed, in response to a question, that the proposal will result in the loss of 90 square feet of historic fabric; however, the front door and stair will remain.

The Commission, by show of hands, voted on the motion to accept the Architectural Committee's recommendation. The motion failed to pass with a vote of four for the motion and seven against. Mr. Brownlee, Ms. Matzkin, Ms. Merhige and Mr. Vance voted for the motion. Mr. Sklaroff abstained. Mr. Spilove did not vote. [No response traditionally has been treated as an abstention.]

Mr. Bumb then made a motion to approve the proposal as submitted. Ms. Egan seconded the motion.

Mr. Vance stated that approving the application and allowing a garage on South 17th Street is wrong. He asked why Commission members would approve this application.

Lenore Millhollen, a representative of the Center City Residents Association, asked the Commission to reconsider their vote. This building rests just south of the building whose owner planned a proposal which the community opposed. The community in response created the Preservation Coalition.

Mr. Brownlee stated that the issue is very simple and the Commission cannot vote in any other way than to deny the application. The public is owed an explanation for the Commission's action because the approval of the proposal runs counter to the purpose of the Commission. He reiterated the importance of the building and encouraged the Commission members who voted against the original motion to reconsider and reflect on their roles as public servants. Mr. Vance stated that

obviously the only reason for approval of the proposal is politics. If that is the reason then those voting to approve the proposal should say so.

Ms. Wolf returned the chair to Mr. Spilove because she wanted to vote against the motion to approve the proposal.

Ms. Wolf noted that the only reason she has heard in support of approving the application was politics. She asked the Commission members who voted against the recommendation of the Committee to provide a reason for their votes. No one responded.

Mr. Spilove stated that the building was altered already with the commercial window. Ms. Wolf countered that the alteration does not justify the removal of 90 more square feet of historic fabric from the front facade. Mr. Spilove restated that the building has sat vacant for a number of years.

Mr. James called the question. Mr. Vance made a motion to adjourn and Mr. Brownlee seconded the motion. The motion to adjourn takes precedence over any motion on the table. The motion to adjourn passed with a vote of eight to four. Mr. Bumb, Ms. Egan, Mr. James and Mr. Kromer voted against the adjournment. Mr. Sklaroff abstained.

The meeting adjourned at 12:25 p.m.

Respectfully submitted,

Laura M. Spina

**THE MINUTES OF THE CONTINUATION
OF THE 419th STATED MEETING OF THE
PHILADELPHIA HISTORICAL COMMISSION
17 July 1997**

**City Council Caucus, Room 401 City Hall
Wayne S. Spilove, Chair**

Present

Wayne S. Spilove, Chair
Duane Bumb, Deputy Director, Department of Commerce
Frances Egan, Commissioner, Department of Licenses and
Inspections
Joseph James, Deputy Commissioner, Department of Public Property
John Kromer, Director, Department of Housing and Community
Development
Arlene Matzkin
Shelly Merhige, Office of City Council President
Steve Mullin, Director, Department of Commerce
Robert Vance, Esq., Chair, City Planning Commission
Maria Walker
Dennis Ward III
Caroline Wischmann
Stephanie Wolf, Ph.D.

Richard Tyler, Historic Preservation Officer
Randal Baron, Assistant Historic Preservation Officer
Jeffrey R. Barr, Historic Preservation Technician
Laura M. Spina, Historic Preservation Planner
Robert Blood, Intern

Mark Zecca, Esq., Deputy City Solicitor

Also, with affiliation and/or project

Pear M. Cappel
Dorothy Hershen
Bernice Hamel, Society Hill Civic Association
Judith Eden, Center City Residents Association (CCRA)
Charles Gottern
Randy Cotton, Preservation Alliance
Sam Friedman, Preservation Alliance
Lenore Millhollen, CCRA
Tang De Wong, 274 South 20th Street
Neeta Desai, Preservation Alliance
Calista Cleary
Monica Powlowski
Robert Hotes
Michael Schade
Shaun Evans
Jeffrey Cohen, Ph.D.

Peggy MacLaren
Michael Eichert, Law Department
Michael Stern, Preservation Alliance
Allison Kelsey, Preservation Alliance
B. Fitzgerald
Graboyes Window Company
Bridget McQuote
Kelly McCabe
John McFadden
Suzanne Cohen
Ron Avery, Daily News
Hyman Myers, Vitetta Group
Rachel Simmons Schade
Kiki Bolender
Richard Wood Snowden, Chair, Preservation Alliance
Walter Van Winkle
Jay G. Volk
Beth McKay
Tom Ferrick, Philadelphia Inquirer
Robert Davidson
Bobbie Burke, Preservation Alliance
Warren Huff, City Planning Commission
Bennut Kokrey, City Planning Commission
David Schaff, City Planning Commission
Audrey Walters
Cirel Magen

Wayne S. Spilove, Chair, recognized the presence of a quorum and called the continuation of the 419th Stated Meeting of the Philadelphia Historical Commission to order at 10:15 a.m.

ARCHITECTURAL COMMITTEE REPORT, 24 June 1997, Arlene Matzkin, Chair

Ms. Matzkin read the Committee's recommendations before discussion of each proposal.

245 South 17th Street

Ithaca Partnership, Owner
Hyman Myers, Architect/Applicant
DATE: 1888

PROPOSAL: Cut garage door and new 2nd floor window
Architectural Committee Recommendation: Denial.

Ms. Wischmann recused herself from the discussion and vote.

Ms. Matzkin again presented the proposal to the Commission which includes opening the middle, second-floor window and

installing a garage door for a three-car garage at the first floor on the front facade. The Committee unanimously recommends denial because the proposal violates Standards 1, 2, 5 and 9 of the Secretary of the Interior's *Standards*. Frank Miles Day, a prominent Philadelphia architect, designed the building as a twin.

Mr. Spilove noted that a motion to approve the proposal as submitted stands on the floor with a second. He then opened the meeting for public comment.

Michael Schade, Co-chair of the Historic Preservation Committee of the Center City Residents Association and an architect, strongly opposed the removal of the first floor historic fabric for a garage. He read a letter that the Center City Residents Association wrote to Mayor Rendell opposing the garage. Ms. Spina noted that the letter received by the Commission, along with several others, also opposing the garage, has been copied and distributed to Commission members.

Jeffrey Cohen, Ph.D. in architectural history, stated that Frank Miles Day designed the building in 1888 when he returned from Europe. National and international architecture magazines in the 1890s recognized the importance of these buildings and newspapers hailed the new architecture. Mr. Cohen noted that this building represented a "sea-change" in Philadelphia architecture in design as well as location. This building sits on what was the rear of the lot, showing development changing from the main east-west thoroughfares to the north-south streets. Ms. Wolf agreed, stating that at the time of the construction, the social view of carriages, the equivalent to today's automobiles, would have held a service role and been relegated to the rears of properties. The houses would never have advertized a "service" on the front of the building. Having the garage through the front facade violates the social history of the building as well as the architecture.

Richard Wood Snowden, Chair of the Preservation Alliance for Greater Philadelphia and great-great-grandson of the original owner Edward Randolph Wood, expressed opposition to the proposal.

He read the position statement of the Preservation Alliance which opposes the enlargement of the window and the garage for three reasons: the proposal violates the Secretary of the Interior's *Standards* which the Commission has adopted; the approval of the proposal gives the appearance of preferential treatment to the applicant and establishes a precedent, and the neighbors as well as the City Planning Commission discourage new mid-block curb cuts. Mr. Snowden stated that the design of the twin incorporates elements of medieval architecture, giving the illusion that the building dates from an earlier period. A modern garage is not compatible with the building's earlier

appearance.

Hyman Myers of Vitetta Group, architect for the project, presented the proposal for the garage. He began his presentation by comparing this proposal to the adaptive reuse of the Reading Terminal Trainshed for the new Convention Center. He claimed that the Commission as well as other preservation organizations stretched the interpretation of the Secretary of the Interior's *Standards* to allow the development of the trainshed which had remained vacant for a number of years. Since the Commission and other preservation organizations stretched the *Standards* for the trainshed, they could stretch them to approve this garage. Mr. Myers, a preservation architect, stated that he does not like controversy and does not want to fight with the preservation advocates who attended the meeting. He continued by saying that the building on 17th Street has been sitting vacant for years with no hope of redevelopment. The building originally had windows on two sides but subsequent development land-locked the building. Mr. Myers passed detail photographs of the facade. The owner wishes to save the building but the only financially feasible use is a garage, a good use for the building. He called the owner a "preservation angel" for saving this building. The removal of 110 square feet of historic fabric only represents 10% of the overall facade and the owner will restore the rest of the building. He argued that the loss of 10% constitutes a fair trade for the restoration of the remaining 90%. He noted that the Committee objected to the garage in the front facade rather than a garage altogether. Mr. Myers concluded his testimony by saying that approval of the garage will set a precedent. He urged that the Commission itself state that it "will stretch these Rules [*sic*, i.e. *Standards*] as far as you have to in some cases to save an historic building which has little or no potential use, that may in fact come down". He said that the Commission should not be blinded by the staff, Architectural Committee or preservation organizations who cannot see the financial gain of this reuse of the building.

Mr. Vance countered that the Convention Center, a public venture that benefits the citizens of the city, cannot be compared to this proposal which only benefits one person who wants a three-car garage. The proposal for the garage will interrupt the flow of traffic, destroy the front facade of the building and forces the Commission to retreat from its duty of preserving the historic buildings in the city. Mr. Myers stated that the Commission should approve the proposal because the public will benefit because the building will no longer sit vacant not because one man wants a garage. Mr. Vance urged Commission members to vote against the proposal.

Ms. Wolf stated that she resented the comparison of a public building with this proposal for a private resident. She also

rejected the argument that in order to save the building it must be destroyed. The Historical Commission should only review the appropriateness of the proposal and how it affects the historic building. Citing Hamilton Court, she questioned if the owner truly cares for historic buildings. She also stated that "stretching the *Standards*" sets a bad precedent because each subsequent proposal will stretch the *Standards* further until they are completely ineffective.

Ms. Egan moved the question unless anyone had anything new or different to say. Ms. Wolf noted that the public has the right to have their opinions on the record.

Bobbie Burke noted that she listened to Mr. Myers' presentation with sadness. She stated that the owner will not be using the federal tax credits but a subsequent owner may want to use the tax credits to restore the facade. She compared the garage to the invasive commercial uses of many buildings in Society Hill which were replaced with the area's redevelopment. She noted that the city's buildings follow a cycle of vacancy and reuse, citing several buildings surrounding this one that have been restored.

Randy Cotton of the Preservation Alliance stated that the William Penn Foundation bought the building with the view to expanding its offices. The Foundation then sold the parcel of buildings to this owner; however, it had performed an economic pro forma for this building's reuse. Several organizations expressed interest in the buildings including the Curtis Institute. Mr. Myers replied that the study included the whole complex of buildings; however, the garage proposal is for the single building and the Commission should consider the economics of only the single building. Mr. Cotton countered that the same owner has acquired the entire complex. Mr. Myers then stated that many of the restored buildings that Ms. Burke mentioned had windows on more than one side, making them more feasible for reuse.

Richard Snowden returned to the table to say that the Preservation Alliance had expressed interest in the complex of buildings and had suggested a gift of the property to the Alliance by the William Penn Foundation. However, the Foundation provided funding for the operating budget of the Alliance and declined to donate the buildings as well. He acknowledged the difficulty of the building, but stated that it will prove economically viable. He then offered the resources and staff of the Preservation Alliance to study the economic feasibility of the building, as it has in the past for buildings such as the Naval Home and the Victory Building. He asked the Commission to table the proposal so that the Alliance could perform the study which could be attractive to all parties involved.

Ms. Merhige noted that members of the public have come to speak about the proposal and even though they may not add any new points to the discussion they have the right to speak. Mr. Spilove stated that repeating the same thing is a waste of people's time but encouraged those that may have something new to speak. Ms. Merhige reiterated that the public has taken time to come to a public commission. Mr. Spilove asked anyone who wanted to speak to line up and to limit their comments to two minutes.

Rachel Simmons Schade, architect and neighbor, stated that the Commission, in the past, has denied less controversial proposals that violated fewer standards than the present one and the Commission would not even have had this discussion if the building had a different owner. She noted that subsequent owners may restore the building and asked the Commission to deny the proposal.

Shaun Evans, architect and neighbor, reiterated the historic issues of the building. He questioned the approval of additional garages on a major street in the district and asked the Commission to reject the proposal.

Bernice Hamel, Vice-President of the Society Hill Civic Association, stated that the Society Hill area is seeking to become an historic district. She said that the residents of the area see the potential precedent of this decision and view it as a threat to all historic buildings. Approving the proposal undermines the principles of the City's historic ordinance. In answering a question, she gave the boundaries of the pending Society Hill district. Mr. Mullin noted that Society Hill has a vibrant mix of old and new construction.

Milton Marks read a letter he wrote to the *Philadelphia Inquirer* stating that the Historical Commission is obligated to uphold the City's preservation law and follow the standards and guidelines it adopted for itself. The Commission must review how a proposal conforms to the Secretary of the Interior's *Standards*. The public has the right to know the basis of any decision made by the Commission that may impact other buildings of the city besides the actual proposal. He urged the Commission to oppose the proposal.

John McFadden, neighbor and author, noted that this building does not sit isolated. Instead, it is an important part of the architectural context of the historic district, an area with an amazing mixture of buildings. He likened the garage proposal to pulling a tooth out of a smile.

Judith Eden, Board member of the Center City Residents Association, stated that if Mr. Myers and the owner plan to use

economic arguments to justify the garage then they must follow the process for applying to the Financial Hardship Committee. The Commission's Rules and Regulations clearly outline the procedure for applying for a release from the strict *Standards* because of the economics of the building through that Committee.

If that specific procedure has not been followed, the Commission cannot base its decision on the economics of the building or proposal.

Kiki Bolender, architect, stated that this proposal has nothing to do with the Convention Center and everything to do with an individual property owner. She stated that if the Commission does not follow the *Standards* it has adopted for itself, then architects can no longer give their clients sound advice for dealing with the historic properties in the city. She reiterated Ms. Eden's comments about financial hardship and asked any Commission member who plans to vote for the proposal to state the reasons.

Jay Volk, a neighbor, testified that as a pedestrian he objected to the curb cut on 17th Street. He noted that a parking lot across the street from this building provides plenty of parking. Mr. Volk also cited the Phantom Fountain on Pine Street as an example of a vacant building that was transformed by an owner who cared about the historic nature of the building.

Mr. Vance, in response to Mr. Myers' statement that the staff blinds the members of the Commission, commended the staff for its work and noted that the staff did not mislead any Commission members.

Ms. Merhige then read a letter from President Street to Mr. Spilove strongly opposing both the garage and the curb cut. He noted that the building is a critical thread in the historic and architectural fabric of the Rittenhouse-Fitler Historic District and that the garage destroys the integrity of the building.

Ms. Wolf stated that if the Commission approves the proposal then the district loses this building. She has not heard any argument that supports the approval of the garage. She asked the Commission to table the proposal for a cooling-off period to reach a solution that pleases everyone. Mr. Vance agreed and asked the Commission member who had made the motion to approve the proposal to withdraw it so that the Commission could table the proposal. Ms. Egan refused the request and reiterated that a motion was already on the floor.

Mr. Vance asked for the number of Commission members present. Mr. Spilove stated that eleven members including himself were present for the vote. Mr. Vance noted that a twelfth Commission member, Ms. Wischmann who recused herself at

the beginning of the discussion, sat to the side. He then questioned the "recusal" of Ms. Wischmann. Reading from the Rules and Regulations, he noted that they do not use the word "recusal"; therefore Ms. Wischmann has abstained from the vote but her presence must be included in the count for the vote. Mark Zecca, counsel for the Commission stated that he had discussed this with others and believed that the correct interpretation of the Commission's Rules, particularly in light of the ethics laws which supersede the Rules, is that a member who recuses himself or herself for reason of conflict of interest is not considered present for the vote. Mr. Zecca noted that his interpretation also happens to be consistent with the fact that the Historical Commission traditionally has made a distinction between a member who recuses himself or herself entirely from the discussion and vote and a member who simply abstains from the vote only. If Commission members have a conflict of interest, they must recuse themselves from the discussion and vote. They are not even counted as present. Mr. Vance disagreed and restated his claim that the Rules and Regulations do not make a distinction. Ms. Wischmann does not participate in the discussion, but she is present at the meeting. Mr. Zecca reiterated his statement that Ms. Wischmann should not be counted as present for this discussion. Ms. Egan made a motion to accept Mr. Zecca's advice and Mr. Mullin seconded it. Mr. Vance noted that a motion is already on the table. Mr. Spilove stated that as Chair he accepted counsel's advice and will not count Ms. Wischmann in the vote. Ms. Egan called the question.

Mr. Mullin stated that he will vote in favor of the motion because he saw the proposal as a fair trade. He noted that he is not a fan of garages, but provided the following reasons for approving the proposal: the building has been vacant; a previous owner altered the first floor with the commercial window, and the owner will restore the front facade. The City must find a balance between subjective preservation issues and economic realities. The approval of the garage pertains to preferences in the market place, not preference for a specific individual. He argued that losing 10% of the facade appears to be a fair trade for the restoration of the building. He then called the proposal a victory for all sides. Ms. Spina noted that the Commission adopted objective standards to follow and every proposal that it reviews is held to those standards. Mr. Mullin stated that he expected the staff to be advocates for preservation.

Mr. Tyler asked Mr. Myers to define the proposal. Mr. Myers stated that the proposal only includes the installation of the garage and the masonry restoration of the front facade. The proposal no longer includes the opening of the second floor window.

Mr. Vance asked Mr. Spilove if he has a personal or

financial interest in the property under consideration. Mr. Spilove answered no. Mr. Vance then asked him if he planned to vote. Mr. Spilove responded affirmatively. Mr. Vance claimed that Mr. Spilove abstained at the last meeting and therefore should abstain again. Mr. Spilove replied that he did not abstain and he can and will vote for this proposal. Ms. Wolf agreed with Mr. Vance and noted that Mr. Spilove had recused himself and had given her the chair. Mr. Spilove stated that did not recuse himself during the discussion of this property at the last meeting. Mr. Tyler remembered Mr. Spilove's leaving the table earlier in the meeting, returning for the discussion of this proposal, and then reassuming the chair.

Mr. Zecca noted that his previous ruling on the difference between recusals and abstentions was based on the process traditionally followed by the Commission. In the minutes of past meetings, abstentions have always been treated differently from recusals. Mr. Vance stated that the process may have been consistent, but not necessarily correct. Ms. Matzkin noted that she remembered Mr. Spilove's recusing himself. Ms. Wolf said Mr. Spilove specifically stated that he owned the building across the street. Mr. Vance noted that according to the Commission's Rules, Mr. Spilove is required to abstain. Ms. Spina stated she has written the draft of the minutes from the last meeting but has not distributed them. The draft minutes show Ms. Wolf as the chair for the first vote and Mr. Spilove and Mr. Sklaroff as abstaining. Ms. Wolf then returned the chair to Mr. Spilove and the Commission voted to adjourn.

Mr. Vance reiterated that Mr. Spilove must abstain because he has a personal or business interest in the matter since he owns the building across the street. Mr. Spilove denied any interest in the subject property. Mr. Zecca noted that the Rules and Regulations clearly state that any Commission member with a financial interest must abstain from any discussion and the vote.

He continued that, hypothetically, if a Commission member leaves the table to make a phone call he does not necessarily recuse himself from the entire conversation. Mr. Spilove stated that he asked Ms. Wolf to take the chair, but he did not recuse himself.

Mr. Tyler suggested getting the tapes of the last meeting for the Commission to review. Mr. Spilove stated that the Commission should vote and then clear the record later. More discussion on Mr. Spilove's status ensued. Mr. Vance reiterated his position that Mr. Spilove had recused himself at the meeting of 9 July and must continue in that recusal owing to Mr. Spilove's comments on the effect of the subject property on his building across the street. Ms. Egan noted that the Vice-Chair returned the gavel to Mr. Spilove during the discussion of the proposal and the Commission accepted it.

Mr. Mullin amended the original motion, made by Duane Bumb, his

designee, to include only the garage and facade restoration and not to include the second-floor window. Ms. Egan agreed with the amendment. Mr. Spilove called for a vote. The motion passed with a vote of six to five. Ms. Egan, Mr. James, Mr. Kromer, Mr. Mullin, Mr. Spilove and Mr. Ward voted for the motion; Ms. Matzkin, Ms. Merhige, Mr. Vance, Ms. Walker and Ms. Wolf dissented.

Mr. Vance claimed that the motion did not carry because, counting Ms. Wischmann, twelve members were present; therefore, the motion needed seven votes to form a majority.

Mr. McFadden stated that the Commission should be ashamed of the outcome.

237-247 South 18th Street, Barclay Hotel

Claybar Associates, Owner

Terry Graboyes, Contractor/Applicant

DATE: 1928

PROPOSAL: New aluminum windows; panning frames

Architectural Committee Recommendation: Approval.

Ms. Matzkin described the proposal for aluminum windows in the Barclay Hotel. She noted that the panning details of the frames match the original in profile; however, the glass of the new windows sit at the same plane as the frames while the glass of the original windows are recessed, and create a shadowline. The Committee voted to recommend approval of the proposed windows.

Ms. Egan and Ms. Wischmann left the meeting and Mr. Bumb took Mr. Mullin's place. Ms. Walker objected to some Commission members leaving before the end of the meeting. Ms. Merhige agreed.

Ms. Walker made a motion to accept the recommendation of the Committee. Mr. Ward seconded the motion which passed by unanimous vote.

The Commission resumed its discussion on the early departure of several Commission members. *Ms. Wolf made a motion to notify the Commission's disapproval in writing to those that left. Ms. Walker seconded the motion which carried unanimously.*

Mr. Spilove made a proposal to create an Ad-Hoc Committee to investigate curb cuts in the City. Ms. Wolf objected, stating that the Streets Department has jurisdiction over curb cuts, not the Historical Commission.

Ms. Matzkin asked Mr. Zecca to re-examine the Rules and

Regulations concerning Commission members' eligibility to vote.
Ms. Wolf seconded the request.

274 South 20th Street

Tang De Wong, Owner/Applicant

DATE: c. 1970

PROPOSAL: Legalize paint, signage

Architectural Committee Recommendation: Approval of retaining the sign on the condition of repainting the entire building a cream color and sign remaining non-illuminated.

Ms. Matzkin explained that the owner of the building, without a permit or Commission approval, painted the building green and cream stripes and installed a plastic protruding sign.

The Committee recommends approval of the sign on the condition that it remains non-illuminated and approval of painting the building entirely in a cream color.

Mr. James made a motion to accept the Committee's recommendation.

Ms. Walker seconded the motion which carried unanimously.

1912 Rittenhouse Square Street

Claire Oliver, Owner

Carl Massara, Architect/Applicant

DATE: 1886

PROPOSAL: New door, steps; rear garage, addition

Architectural Committee Recommendation: Approval of the proposal with the front door modified to have a large glass panel in place of the proposed six-paneled door; a screen placed to the west of the air handlers; a paneled garage door, and a simplified rear gate.

Ms. Matzkin described the proposal for the building which includes: a new door opening and curving stone steps, modeled on the non-existent originals; a new door with a large glass panel; a new garage door, gate and addition on the rear of the property, and a screen on the roof to hide new mechanical systems.

Mr. Bumb made a motion to accept the recommendation of the Committee. Mr. James seconded the motion which passed unanimously.

1700 Spruce Street and 1701 Delancey Street

Tenth Presbyterian Church, Owner

Matthew White, Applicant

DATE: c. 1860 - 1700 Spruce St.; c. 1900 - 1701 Delancey St.

PROPOSAL: Lightning rods

Architectural Committee Recommendation: Approval with staff to

review placement, method of attachment and screening.

Ms. Matzkin stated that the proposal calls for lightning rods placed around the church building and 1701 Delancey Street.

*Mr. James made a motion accept the Committee's recommendation.
Ms. Merhige seconded the motion which carried by unanimous vote.*

1900 Pine Street

Allan Baumholtz, Owner/Applicant

DATE: c. 1850

PROPOSAL: Cut new first floor window in non-historic fabric

Architectural Committee Recommendation: Approval as long as the new window matches the size of the adjacent window.

Ms. Matzkin explained that the owner of the building wishes to install a window in the non-historic first floor of the building. The Committee recommends approval as long as the window matches the size of the adjacent window.

Ms. Merhige made a motion to accept the Committee's recommendation. Mr. James seconded the motion which passed unanimously.

Unfinished Business

4414 Ridge Avenue

Undine Barge Club, Owner

Lyons Bradley, Applicant

DATE: c. 1880 - boathouse; c. 1840 stone house

PROPOSAL: Demolition of stone house

Architectural Committee Recommendation:

Mr. Tyler stated that the owner has submitted the requested financial statements and the staff continues to research the history of the building. The Commission has tabled the proposal twice, each time for a period of one month. Mr. Tyler asked the Commission to table the proposal for a period of four months.

Ms. Walker made a motion to table the proposal for a period not to exceed four months. Mr. Ward seconded the motion which carried by unanimous vote.

**The Report of the Activities of the Historical Commission Staff,
June 1997, Richard Tyler.**

Mr. Tyler announced that on 14 July 1997 Judge Robert F. Kelly of the United States District Court for the Eastern District of Pennsylvania granted the City's motion for summary judgement in *SamEric Corporation of Delaware v. City of Philadelphia, Philadelphia Historical Commission, et al.* The complaint filed in 1995 alleged that the designation of the Boyd Theater in 1986 violated the plaintiff's substantive due process, procedural due process and equal protection rights of the United States and Pennsylvania Constitutions. The plaintiff rested its complaint in part on 42 U.S.C. § 1983, a Reconstruction period civil rights statute that makes state and local government officials who "under color of any statute, ordinance, regulation, custom, or usage" subjects a citizen "to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws" personally liable to the injured party. The judge, in effect, dismissed the complaint. This case was separate from *United Artists Theater Circuit, Inc. v. City of Philadelphia, Philadelphia Historical Commission.*

Harry A. Batten Memorial Fund

Mr. Tyler stated that at its June meeting, the Architectural Committee worked diligently from 10:15 a.m. until 5:30 p.m. and ate lunch at the Committee table. He asked to be reimbursed for the price of the lunch which totaled \$17.40.

Mr. Spilove thanked the staff, Ms. Matzkin and the Architectural Committee for their work.

The meeting adjourned at 12:45 p.m.

Respectfully submitted,

Laura M. Spina