

**THE MINUTES OF THE 380th STATED MEETING OF THE
PHILADELPHIA HISTORICAL COMMISSION**

9 March 1994

**Wayne Spilove, Chairperson
City Council Caucus Room
Room 401 City Hall**

Present

Wayne Spilove, Chairperson
Ronald Barber, Commerce Department
David Brownlee
Louis Einhorn, Deputy Commissioner, Department of Public Property
Barbara Kaplan, Executive Director, City Planning Commission
Bennett Levin, Commissioner, Department of Licenses & Inspections
Arlene Matzkin
Susan Rabinovitch
John Straub, Office of the City Solicitor
Carmen Torres-Rodriguez
Robert Vance, Chairman, Planning Commission
Peter VanderHeide, Department of Public Property
Scott Wilds, Office of Housing and Community Development
Stephanie Wolf

Richard Tyler, Historic Preservation Officer
Lori Plavin Salganicoff, Historic Preservation Specialist
Jeffrey Barr, Historical Research Technician

Also

Robert Leslie, Freedom Theatre
Richard W. Thom, Old City Civic Association
Sondra Davis, Reliance Standard Life Insurance Company
Mark Bower, Kise Franks and Straw Architects
Larry Copeland, Philadelphia Inquirer
Gloria Taraborelli
Peter Taraborelli
Michael delHinds, New York Times
Jennifer Goodman, Preservation Coalition
Milton Marks, Preservation Coalition
Robert Solvibile
Tom McNally
Ted Beitchman, Mayor's Office
Dianna Cassey-Jones, Saxon/Caper Architects

The 380th Stated Meeting of the Philadelphia Historical Commission was called to order at 10:00am by Wayne Spilove, Chairperson, who announced the presence of a quorum.

THE MINUTES of the 379th Stated Meeting of the Philadelphia Historical Commission held on 12 January 1994, Mr. Wayne Spilove, Chairperson, were approved by unanimous vote and adopted.

THE REPORT of the Architectural Committee of the Philadelphia Historical Commission, 22

February 1994, Arlene Matzkin, Chairperson:

2501 Fairmount Avenue – Fidelity Life Insurance Company Building

Mark Bower, Kise Franks and Straw Architects

PROPOSAL: Alteration to Stone Inscription

Architectural Committee Recommendation (22 February 1994): Split decision -- half recommended outright denial of any change to the inscriptions since it would significantly change the architecture and Reliance has adequate identification on the building already. The other half recommended to allow the name change, but with more consideration for the inscription below.

The Applicant seeks to cover the portions of incised inscriptions located approximately thirty feet above two entrances on this Art Moderne building that read "Fidelity Life Insurance Company."

Reliance Standard has been allowed to cover the building's name with their own on several more visible places. Mr. Wilds noted that since the inscriptions are so high, are on a very flat and less visible surface, and the name is only one line of several in each inscription, one would not be likely to read Fidelity's name.

Dr. Brownlee noted that the incision of the text within the very flat plane is an important aspect of this style of architecture, and the addition of a large plaque on top this plane would negatively impact the building's integrity. Dr. Wolf stated that several precedents exist in Philadelphia and across the world where the original name of a building is retained despite changes in ownership. Ms. Kaplan, who is also a resident of the area, stated that building's most visible signage -- plaques with Reliance's name adjacent to several doors -- is the only signage she has noticed as a pedestrian or from a car since Reliance moved in. She further states that if the proposed plaques were installed, a

person's eye would be drawn to them as out of place.

Mark Bower read a statement from the CEO of the Reliance Standard Life Insurance Company stating that there exists the possibility for a "serious detrimental impact" on Reliance's identity in retaining any connection to Fidelity Life owing to that company's legal problems. Rather than remove the building stone on which the name is inscribed, Mr. Bower recommended bolting this plaque, with less bolts than was originally proposed, over Fidelity's name.

Dr. Brownlee motioned to accept the recommendation of half of the Architectural Committee & deny the change in signage; the motion was seconded by Mr. Wilds & adopted by unanimous vote.

216 Spruce Street

Phillip Scott, John Milner Associates

PROPOSAL: Creation of Basement Areaway

Architectural Committee Recommendation (22 February 1994): Approve proposal with the stipulation that the grate be seated on top of the cheekwalls rather than between them.

This proposal is to create a basement areaway with marble cheekwalls, covered with a metal grate where a bulkhead would otherwise be, in order to allow light and air circulation into a new basement kitchen. The opening would utilize an existing lintel.

Dr. Wolf made a motion to approve the proposal which was seconded by Dr. Brownlee. The Commission voted unanimously to approve the motion.

1326-1346 North Broad Street -- New Freedom Theatre

Robert Leslie, New Freedom Theatre

Dianna Cassey Jones, Saxon/Capers Architects, PC

PROPOSAL: Conceptual Approval of Rehabilitation

Architectural Committee Recommendation (22 February 1994): Conceptual approval was recommended with several items questioned, including the suggestion of an entrance canopy, the resolution of the handicap ramp, removal of windows on the Broad Street annex, stuccoing over several theater facade windows, and the replacement of illegal windows as required by previous Commission vote.

This proposal calls for conceptual approval of a complete rehabilitation of this theater/school complex to include an enlarged theater, school and housing. The building will also be updated to meet the fire code and A.D.A. The building's current illegally installed windows prompted a violation which was discussed at a previous Commission meeting, resulting in a requirement to install vertical muntins to achieve at least the appearance of a 4/4 lite that was never executed.

These plans will also be reviewed by the Pennsylvania Historical and Museum Commission as they hold partial title to the property. Every effort has been made to have the two Commissions review this design concurrently.

Ms. Cassey Jones and Mr. Leslie expressed their enthusiasm for the rehabilitation of the building and for cooperating with the Historical Commission on the items in question.

Dr. Brownlee made a motion to approve conceptual approval of the project. This motion was seconded by Mr. Wilds and approved by unanimous vote.

239 Arch Street -- "The Betsy Ross House"

John Lawson, Architect

PROPOSAL: Alterations to Back Building

Architectural Committee Recommendation (22 February 1994): The Committee recommended approval of all aspects of this proposal and requested that the Commission strongly urge the Department of Recreation to replace the oversized fan presently in the dormer of the House with a smaller exhaust fan.

This proposal calls for a double dormer addition above the existing offices located behind the Betsy Ross House, and the addition of a unisex ADA-compliant toilet room adjacent to the offices. The dormers would raise the north and south roof slopes for almost the full width of the roof. The Applicant also seeks to have the Department of Recreation replace the oversized fan located in the dormer of the House with a smaller one.

A motion to approve was made by Dr. Brownlee which was seconded by Mr. Wilds and approved by unanimous vote.

115 Walnut Street

Gloria and Peter Taraborelli, Owners

PROPOSAL: Demolition

Architectural Committee Recommendation (22 February 1994): In lieu of a recommendation, the Committee chose to express frustration with the present system, and requested that the Commission address the procedure that allows buildings such as this to be neglected to the state where they become imminently dangerous and Commission comment is moot.

The applicant seeks to demolish 115 Walnut Street, a circa 1880 building declared imminently dangerous by Ed Jackson, Building Inspector for the Department of Licenses and Inspections. The applicant also owns and was granted a demolition permit for the adjacent 117 Walnut Street, a circa 1890 building that was also declared imminently dangerous. Mr. Tyler stated that a clause was added to the 117 Walnut demolition permit which charges the owner and contractor to use due diligence during 117's demolition to protect 115 Walnut. Mr. Tyler further described that the demolition permit presently before the Commission for 115 Walnut Street requires that any new construction on that site must conform to the Secretary of the Interior's Standards and Guidelines for Rehabilitation, subject to the approval of the Historical Commission.

Since the Architectural Committee meeting, the Department has pushed more strongly to have the permit signed by the Commission staff, stating that the building is increasingly dangerous. Ms. Rabinovitch suggested that the Commission either request that the Department return to the building to better assess what stabilization would comprise or hire a structural engineer to do so. Ms. Kaplan suggested that the Commission hire an engineer to determine special measures necessary to insure 115 Walnut Street survives the demolition of 117 Walnut Street. Mr. Tyler stated that he is not certain that any independent engineers' findings or recommendations would come to bear on the Department's decisions. Mr. Wilds pointed out that L & I Inspector Ed Jackson stated during the Architectural Committee meeting that to make the building safe, L & I would require an engineering

study, ties where lateral supports are gone and possible shoring, i.e. that stabilization is indeed possible. An independent engineer could inform the Commission of the probable cost of these measures.

Mr. Einhorn stated that hiring a structural engineer to evaluate the building and prepare a cost estimate would be worth the price and that the fee could be raised between Commission funds and funds from the Department of Commerce. Mr. Einhorn questioned the ability of the Commission to force an owner to undertake repairs. Ms. Kaplan commented on Mr. Taraborelli's remark to the Architectural Committee that a real estate deal depended on the demolition of these buildings, questioning plans for anything but a parking lot. Ms. Kaplan also noted the location of these parcels within the Center City Special Zoning Overlay District, a district that does not permit new parking lots.

Mr. Taraborelli spoke about his efforts to demolish the building previous to the determination of imminently dangerous. Mr. Taraborelli stated that he had been trying to rent the building since his business vacated it five years ago and, unsuccessful, decided to demolish both 115 and 117 Walnut Street. He approached the Historical Commission earlier this year; Mr. Tyler described to Mr. Taraborelli at that time the procedure through which a designated building owner must go to pursue a demolition permit. Mr. Spilove stated that Mr. Taraborelli's buildings, part of a very important portion of Philadelphia's historic fabric, have been deteriorating for many years. Ms. Kaplan asked Mr. Taraborelli whether, if he had found a tenant five years ago, would he be trying to demolish the building at this time. Mr. Taraborelli stated that he probably would not. Mr. Kaplan stated that this response indicates the Mr. Taraborelli's unwillingness to maintain the building without a tenant. Mr. Taraborelli stated that he now has an imminently dangerous building and is concerned about the fact that he is ultimately responsible if someone is hurt in a collapse.

Mr. Spilove asked whether Mr. Taraborelli had had a structural engineer determine the cost of shoring up 115 Walnut after 117 is demolished. Mr. Taraborelli asked rhetorically what would happen if it was shored up and stated that he would not allow that estimate to be made. Mr. Taraborelli later stated that, as a developer, he does not wish to see a parking lot on this property and agrees that the Historical Commission should be involved in the review of new construction, as described earlier by Mr. Tyler. Mr. Taraborelli pronounced, "I have no problem with that at all."

Mr. Einhorn, in his last action as a member of the Historical Commission, motioned that the Commission hire a structural engineer to evaluate 115 Walnut in order to determine necessary measures to make it safely free standing of 117 Walnut Street, and that action on the issuance of a demolition permit is deferred until an engineer's report is received. Mr. Tyler asked that the motion be amended to allow for the signing of the permit if the Department of Licenses and Inspections demands the building's demolition before the report is complete. This motion was seconded by Dr. Brownlee and approved by unanimous vote.

THE REPORT of the Activities of the Philadelphia Historical Commission Staff, January and February 1994, Richard Tyler, Historic Preservation Officer.

NEW BUSINESS

Richard Thom, Vice President of the Old City Civic Association, presented a slide presentation of the demolition of 110-112 South Front Street. Having seen the building's structure uncovered during the demolition, Mr. Thom questioned the "imminently dangerous" determination by the Department of Licenses and Inspections, stating that while the upper floors did seem structurally unsound, the lower three floor might have been salvaged. Mr. Thom also contended that despite the demolition permit's stipulation to do so, the contractor made no effort to protect the first floor architectural elements during the demolition of the structure above. Mr. Thom witnessed these parts being hauled away on a flatbed tractor trailer the morning of this meeting. Mr. Thom stated concern for other threatened historic Old City buildings, most notably the Walnut Street buildings between Front and 2nd Streets.

Dr. Brownlee questioned the contractor's adherence to the clause written in the 110-112 South Front Street demolition permit requiring that the least amount of demolition possible be undertaken for the sake of building and element preservation. Based on Mr. Thom's presentation, Dr. Brownlee also stated that the elements of the first floor seem to have been inappropriately treated. According to Mr. Tyler, the Department of Licenses and Inspections determined that the entire building must be demolished, although he could not definitively state that the first floor elements were protected as required by the permit. These pieces were to have been marked and are to be rebuilt at the site within six months of the demolition, with the damaged elements repaired or replaced. Bob Solvibile of the Department stated he contacted Geppert Brothers, the demolition contractor, to stress the importance of exercising care with this project.

Discussing a separate but related issue, Milton Marks of the Preservation Coalition noted that of the 122 buildings listed in the Department's Center City Project list, 15 are listed on the Philadelphia Register of Historic Places and 33 are on the National Register, either individually or as contributing

to historic districts. Since the publication of this list, Mr. Marks asserts, the Coalition has repeatedly inquired about the interdepartmental cooperation between the Commission and the Department on these buildings. Mr. Levin stated that the 122 buildings identified previously predated the "Blight" Ordinance and were cited under the Fire Code. The Department will return to the Center City District now and reinspect these buildings under the Blight Ordinance. Mr. Marks noted that the Demolition by Neglect provision in the Historic Preservation Ordinance has been used only once with these buildings. Mr. Levin responded that the most effective way to deal with this issue is under the BOCA and Fire Codes because these codes are stronger enforcement tools. According to Mr. Marks, these buildings are going to court on April 15; Mr. Marks requested that the nature of this action be explained -- are they in court as blighted buildings, as imminently dangerous, etc. Mr. Spilove requested that Mr. Marks submit a letter to him or to Mr. Tyler with all of his questions; it will be presented to the new "Early Warning" Committee described below.

Mr. Thom and Roger Pritchard, also of the Old City Civic Association, proposed to amend the Historical Commission's Rules and Regulations regarding Imminently Dangerous buildings. Mr. Spilove described a related proposal, put before the Mayor and the Administration, to appoint an "Early Warning" Committee to find threatened historic buildings before they become Imminently Dangerous. The area of concentrated effort would be bounded by Spring Garden Street on the north, Washington Avenue on the south, the Schuylkill River, and the Delaware River. This committee, in conjunction with preservation groups such as the Preservation Coalition, would conduct a survey to catalog these neglected buildings. Owners of neglected buildings would be cited and given a limited time to address the problems; if insufficient action is taken, the City would perform emergency repairs funded through this committee and a lien would be put on the property to recuperate the cost. Money to support this committee's endeavors would be sought from the Pew Foundation, the William Penn Foundation, and various others. Buildings which are in the future successfully demolished by

neglect by their owners will have the same condition put on demolition permits as was placed on 115 Walnut Street -- new construction will conform to the Secretary of the Interior's Standards and will be subject to Historical Commission review. This does not mean requiring reconstruction, just that the Commission will have design review at this property. This is allowable based on the provision in Historic Preservation Ordinance which grants the ability to condition permits. Mr. Spilove will report back to the Commission about meetings with Mayor Rendell and about amending the Commission's Rules and Regulations. Guidelines and findings of this Committee will be reported at the next Commission meeting. Mr. Straub stated that this Committee will foster greater cooperation between the Department and the Commission and that the legal standing of violations taken to court will be strengthened.

Ms. Rabinovitch stated that there should be adequate legal representation on this Committee. Mr. Straub assured Ms. Rabinovitch that this will be the case. Dr. Brownlee asked whether litigation of cited buildings is dependant upon raising sufficient foundation money for a revolving fund. Mr. Spilove stated that the City's litigation would be done by the City Solicitor's Office; the revolving fund would be used solely for the maintenance and repair of threatened buildings. Dr. Wolf stated that since raising funds will not happen immediately, some interim solution should be found as building owners purposely demolishing by neglect cannot accelerate the process to reach imminent danger more quickly. Mr. Spilove stated that the people responsible for the formation of the Committee will take this matter into consideration.

Ms. Rabinovitch stated that a structural engineer with historic preservation experience, independent from the Department of Licenses and Inspections, should be placed both on this "Early Warning" Committee and the Architectural Committee. Mr. Tyler reminded the Commission that this engineer would serve in an advisory capacity only; once the Department determines that a building is

imminently dangerous, that is the final word. Dr. Wolf and Dr. Brownlee stated this engineer would be valuable in determining whether the term imminently dangerous is being used for buildings in which only discrete and reparable elements possess this condition. Mr. Straub noted that an engineer serving on either committee would at least help that committee to ask the right questions, be better able to understand the options available, and be more educated in its decisions. He further stated that a totally independent engineer should be hired for cost estimates and other important determinations.

Mr. Levin stated that the recently enacted "Blight Bill" will give the Department of Licenses and Inspections the legislative power to undertake the repairs described by Mr. Spilove. The Department is also taking owners of buildings such as the PSFS building at 8th and Walnut Streets to court to force compliance with violations.

Ms. Rabinovitch made a motion to allow for the addition of a structural engineer to be added to the Architectural Committee which was seconded by Dr. Wolf and approved by unanimous vote.

Mr. Spilove announced that this meeting was Louis Einhorn's last as he is retiring from public service in the near future. Mr. Einhorn was thanked by Mr. Spilove and all other members of the Commission for his work.

There being no further business, Mr. Spilove moved to adjourn. His motion was seconded by Mr. Wilds and the Commission unanimously voted to adjourn at 12:00pm.

Respectfully submitted,