

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

**TUESDAY, 2 NOVEMBER 2010, 9:00 A.M.
ROOM 578, CITY HALL
RICHARD DILWORTH, PH.D., CHAIR**

PRESENT

Richardson Dilworth III, Ph.D., chair
Jeffrey Cohen, Ph.D.
Penelope Giles
Janet Klein
Bruce Lavery
Doug Mooney
David Schaaf

Jonathan Farnham, Executive Director
Jorge Danta, Historic Preservation Planner II

ALSO PRESENT

John Gallery, Preservation Alliance for Greater Philadelphia
Ben Leech, Preservation Alliance for Greater Philadelphia
Linda C. Koons, Friends of Falls of Schuylkill Library
Samuel Weiner, Iron Stone
Lorna Katz-Lawson
John Lawson
Paul Welde
Janet Grace
Susan Forman, United Way
Ellen Sheehan, Friends of Falls of Schuylkill Library
Kristin Hagar, University of Pennsylvania
Gerry Givnish
Fred Mauerer
Tiffany Loomis

CALL TO ORDER

Mr. Dilworth called the meeting to order at 9:00 a.m. Mses. Giles and Klein and Messrs. Lavery, Mooney, and Schaaf joined him on the Committee.

EAST LOGAN STREET HISTORIC DISTRICT

Owners: Various

Nominator: Sandra Lark, Historic East Logan Street

Proposal: Designate historic district

OVERVIEW: The proposed East Logan Street Historic District is located along E. Logan Street between Germantown Avenue and Stenton Avenue in the Germantown section of Philadelphia. The proposed East Logan Street Historic District is a nineteenth-century suburban development comprised of 30 parcels populated by single-family detached houses, carriage houses, garages, outbuildings, semi-detached houses and one industrial building. The houses represent a variety of Victorian styles and are arranged along the street to create a Romantic landscape. The majority of houses date from the early-to-mid nineteenth century, but some are late-Victorian and early twentieth century as well.

The nomination, which was prepared by a community member, contends that the East Logan Street Historic District satisfies Criteria for Designation A, C, D, E, and J, which are delineated in paragraph 5 of the City's "Historic Buildings" ordinance, section 14-2007 of the Philadelphia Code.

Satisfying Criterion A, East Logan Street "has significant character, interest or value as part of the development, heritage or cultural characteristics of the City, Commonwealth or Nation" and "is associated with the lives of Thomas Fisher, T. Charlton Henry and Joseph Pennell, persons significant in the past."

Satisfying Criteria C and D, East Logan Street "reflects the environment in an era characterized by a distinctive architectural style(s)," including the Colonial, Italianate and Gothic Revival styles and embodies "distinguishing characteristics" of those styles.

Satisfying Criterion E, the houses and landscape on East Logan Street collectively "is the work" or inspired by the work of group of architects and designers including A.J. Downing, "architects...whose work has significantly influenced the historical, architectural, economic, social, or cultural development of the City, Commonwealth, or Nation."

And satisfying Criterion J, the East Logan Street Historic District "exemplifies the cultural, political, economic, social or historical heritage of the community."

The Historic Preservation Ordinance mandates that the Philadelphia Planning Commission comment on District nominations. The Philadelphia Planning Commission comments, and the Philadelphia Historical Commission staff concurs, that the parcel known as 4856-60 Stenton Avenue should not be included as part of the district. It does not share the same history or characteristics as the residential parcels along Logan Street. The parcel was developed for industrial purposes and it was oriented towards Germantown Avenue and not Logan Street. The parcel was occupied for the entire period of significance of the district by the Stenton Mills. The parcel is currently vacant and classified as non-contributing. The Commission does not typically include non-contributing parcels on district boundaries; if it does not contribute, then it should not be included in the district unless dictated by geographical necessity.

DISCUSSION: Mr. Danta presented the nomination to the Committee on Historic Designation.

Ms. Klein asked the staff to define the boundary of the district if the parcel known as 4856-60 Stenton Avenue is removed from the district. Mr. Danta clarified that the southeastern boundary

of the district would follow the rear property lines of the properties on the southeastern side of Logan Street.

Ms. Klein noted that the nomination suggested that two buildings were designed by prominent architect J. C. Sidney, but did not provide attributions for the rest of the buildings. She questioned whether the district met Criterion E, owing to the lack of definitive evidence regarding the architects. Messrs. Lavery and Schaaf agreed with Ms. Klein. They stated that Criterion E reads “designed by” and not “attributed to, or influenced by.” Mr. Lavery stated that most buildings are influenced by the work of prominent architects and that influence alone is not sufficient to meet Criterion E. Ms. Klein stated that, if indeed the two buildings attributed to J. C. Sidney were designed by him, then a short biographical paragraph should be included in the nomination.

Mr. Lavery asked why this particular block, which is like many blocks in Germantown in terms of history and housing stock, deserves designation. He noted the broad period of significance and asked if anything differentiated this area from other similar, undesignated areas in Germantown. He also noted that some of the late nineteenth and early twentieth-century buildings would not be considered worthy of preservation in and of themselves. He also questioned whether there were any advantages to creating this small district instead of adding the significant properties not yet designated to the Register individually. Mr. Farnham acknowledged that Mr. Lavery raised important points. He explained, however, that there are several advantages to creating a district instead of designating individually; the advantages relate to the equity of regulation and to the preservation of the streetscapes that extend beyond individual properties. He noted that this is achieved through the inclusion of lesser properties as Contributing even if they do not merit individual designation. Mr. Farnham stated that the Commission did not initiate this nomination; it was community driven. He added that many of the noteworthy buildings in the proposed district are already listed individually on the Philadelphia Register of Historic Places. Mr. Lavery stated that he believes the nomination can stand on its merits. However, he noted that, if this block could be considered a district, then many other blocks in Germantown, North Philadelphia and West Philadelphia with similar histories, buildings, and architectural styles would also qualify as districts. Mr. Farnham agreed with Mr. Lavery’s statement. He noted that some areas in Germantown, such as Tulpehocken and Penn-Knox, are of greater architectural significance than the proposed district. He explained that those two areas are not up for consideration because the Commission is reactionary in the designation arena; the Commission does not control the production of nominations. Nominations are produced by individuals and community, advocacy, and other groups. The Commission does not establish nomination priorities, but reviews everything that is submitted. He noted that this nomination was produced by community members. Mr. Lavery compared the proposed district to the recently listed Parkside Historic District. He noted that the Parkside district was a very cohesive district that can be easily understood. He questioned whether the same qualities are present at E. Logan Street.

Ms. Klein questioned why the northeastern boundary of the district cuts out parcels that appear to be of exactly the same dimensions as those included within the boundaries of the proposed district. John Gallery of the Preservation Alliance stated that his staff had assisted with this nomination. He explained that Erin Cote of the Commission’s staff had walked the district with members of the community and based the boundaries on visual observations in the field. Mr. Farnham displayed an aerial photograph of the proposed district that showed that the parcels in question, just beyond the northeastern boundary, were vacant; the buildings that once stood on them have been demolished. He also noted that the aerial photograph clearly shows how this block differs from the much denser row-house development in the surrounding neighborhood.

Mr. Gallery stated that the parcel that the Philadelphia City Planning Commission and the Historical Commission staff are recommending for deletion from the district was considered by Ms. Cote and the community in the field. He stated that the community wants the green buffer to protect the integrity of the neighborhood from inappropriate development on this parcel. Mr. Gallery further stated that this block of Logan Street is very different from the area around it and it is clearly perceived as a distinctive streetscape. He also noted that the fact that the district is only one block in length does not diminish its significance. He asserted that there was nothing inherently wrong with a small district. He noted that the East Falls District, although slightly larger, has great variations in the scale and detailing of the houses, yet it reads as a cohesive whole, much in the same manner that this street reads when compared with the surrounding neighborhood.

Ms. Klein asked how the Commission would review development on a lot within the district that was created from the subdivision of a larger lot. Mr. Danta answered that the Commission would still retain jurisdiction over the new lot and review any development on that land. Mr. Danta also noted that the historic designation is not automatically rescinded if a lot is subdivided or a historic building is demolished. In order to rescind a designation or change the classification of a property within a district, the property owner must petition the Commission to take such an action.

Gerry Givnish, a resident of the area but not the proposed district, stated that the neighborhood has been trying for years to protect the character of their street, historically known as Fisher's Lane. He asserted that insensitive development could destroy this very significant pocket in Germantown. He noted that the neighbors hope that the area will be designated as a historic district.

Tina Loomis, the owner of a property in the proposed district, stated that she is in support of the historic designation but questioned how the Commission would restrict further development and renovations. She suggested that the Commission must be reasonable when reviewing plans to rehabilitate these buildings. It would be very expensive to maintain these houses to strict historical standards. She questioned whether the Commission would include certain "provisions" that would allow developers to rehabilitate these properties for multi-family use. Mr. Farnham clarified that, if the Commission were to designate the district as proposed, it would have no jurisdiction over the interiors of these buildings, their uses, or their ownership. He noted that the Commission would only have jurisdiction over the exterior envelopes of buildings as well as their sites and permanent site appurtenances. He explained that the Commission achieves this regulation through the building permit application process. Mr. Farnham asserted that the Commission does not seek to freeze buildings in time, but to work with property owners on the best ways to reuse their historic assets. He stated that buildings must change to meet new requirements and the Commission routinely approves replacement windows, doors, roofs, etc. The Commission has approved exterior alterations to allow for multi-family use of large buildings. Mr. Schaaf noted that the use of the properties is regulated by the Zoning Division of the Department of Licenses & Inspections. Mr. Dilworth asked Ms. Loomis why she supports the designation of the district. Ms. Loomis answered that the neighborhood would likely become more dilapidated and insensitively developed without the designation. She asserted that designation would ensure quality development and the preservation of the historic significance of the district.

Mr. Dilworth stated that he believes the district is good example of the process of suburbanization in nineteenth-century Germantown. He viewed this district as a small sample

rather than a comprehensive view of a larger pattern of suburbanization that happened all over the Germantown area. Mr. Lavery agreed and noted that one of the main reasons why he brought up the question earlier was primarily to determine whether the staff supported the creation of small districts.

Ms. Klein inquired whether the entire district or individual properties had been listed on the National Register of Historic Places, which would aid property owners in the rehabilitation of income-producing properties. Mr. Farnham stated that the Fisher's Lane National Register Historic District is very similar to, but slightly smaller than, this proposed district.

Mr. Moody stated that Criterion I should be added as one of the Criteria of Designation. He noted that the neighborhood has vast amounts of open space, which could yield valuable archeological information. Mr. Schaaf noted that this area of Germantown marks the very edges of the Piedmont and that this topographical change may indicate a likelihood of archeological artifacts.

Mr. Givnish requested clarification on the boundary amendment suggested by the City Planning Commission and the staff. Mr. Dilworth answered that the amendment would eliminate the parcel known as 4856-60 Stenton Avenue. Mr. Givnish stated that this parcel used to be a public street and that the neighborhood was very interested its designation to shield itself from an insensitive development on that land. He requested that the Committee recommend retaining this parcel within the district boundary. Mr. Farnham displayed a series of historic maps that showed that this property was an industrial site, but never a street. Mr. Dilworth asked Mr. Givnish if he believed this lot had historic significance. Mr. Givnish answered that he did not believe the lot had historic significance, but that its inclusion would protect the historical significance of the district. He added that the community would like to develop that vacant lot as a garden. Ms. Loomis asked Mr. Givnish how he planned to fund a community garden. Mr. Givnish answered that he did not have a plan. Ms. Loomis expressed concern about a garden use for the empty lot without a proper plan in place. She noted that open spaces in the area are breeding grounds for illegal activities and without the proper funding or plan a community garden would have a negative impact on the neighborhood. Mr. Gallery inquired if the staff had notified the owner of this parcel on Stenton Avenue. Mr. Farnham answered that the staff had notified the legal owner, which was listed in the records of the Office of Property Assessment as Greater Germantown Educational Development Corporation. Mr. Givnish stated that the organization is in bankruptcy. Mr. Schaaf noted that the organization's financial standing had no bearing on the designation of the lot. Mr. Giles noted that designation of this empty parcel may be an impediment to its development. Mr. Dilworth inquired about the classification of this lot were it to be included in the proposed district. Mr. Farnham answered that the nomination proposes a classification of non-contributing. The Commission's review would not seek to preserve any historic resources at that parcel, but would assess the impact of its future development on the district. Mr. Loomis inquired whether the Commission could mandate that the lot be used for a garden only. Mr. Farnham answered that the Commission could not in any way dictate the use of the lot and could only review the impact of the any future development on the historic district. Mr. Farnham noted that it would be difficult for the Commission to defend designating this lot as part of the historic district. Its history and current condition bear no resemblance to the district as defined in the nomination's statement of significance. It would likewise be difficult for the Commission to defend a denial of a construction project for the lot, which was historically an industrial site. Mr. Farnham stated that the Commission's duty is to protect historic resources, not create opportunities for community gardens, no matter how admirable that goal may be. Mr. Farnham stated that the community should have a voice in

development decisions for the lot, but the Commission was not the appropriate forum. He advocated for removing the lot from the district.

Ms. Klein noted that this open lot could yield archeological information. Mr. Moody agreed and stated that this site, owing to its industrial past, could yield very different archeological information from the information on the residential lots. He noted that no one has conducted a comprehensive study of a nineteenth-century mill site in Philadelphia. Mr. Farnham explained that, in order for the Commission to appropriately protect any archeological resources related to that site's industrial past, the nomination would need to be completely rewritten to include the industrial heritage in the statement of significance. He concluded that there would be no legal basis for the Commission to protect industrial artifacts under the nomination as it is currently written. Mr. Moody stated that the inclusion of Criterion I would still protect those resources. Mr. Farnham stated that the addition of the Criterion alone would not be sufficient. The statement of significance would need to be revised to include the history of the industrial site. The nomination currently describes a picturesque nineteenth-century suburban development. The industrial site plays no role in that history. Mr. Moody inquired whether that would also be true for Native American archeological resources. Mr. Farnham answered in the positive. Mr. Moody noted that Criterion I does not include a specific time frame, it merely states pre-history or history, which would include a nineteenth-century mill building. Mr. Farnham stated that he is convinced that the historic preservation ordinance could protect archeological resources on this parcel, but not as part of this district as it is currently defined in the nomination. He noted that the nomination does not address a nineteenth-century industrial site, but only a nineteenth-century suburb. There is no claim in the nomination that the industrial site satisfies any one of the 10 Criteria for Designation. The nomination clearly states that the site does not contribute to the district's history. To protect the industrial heritage at this site, one would need to amend the nomination to include that heritage and amend the property's classification to contributing. Mr. Dilworth agreed. Mr. Danta noted that the parcel in question does not have any frontage on Logan Street, which is the essence of the district and the resource to be protected. Mr. Cohen stated that the district is much more cohesive without the inclusion of this parcel.

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Lavery moved to recommend that the E. Logan Street Historic District meets Criteria for Designation A, C, D, and J and should be added to the Philadelphia Register of Historic Places with the following revisions: elimination the parcel known as 4856-60 Stenton Avenue from the district and revision of the district boundaries to reflect the elimination; elimination of Criterion E because the buildings cannot be concretely attributed to any specific architect; and inclusion of Criterion I because the residential area includes open spaces that have a high likelihood of archaeological resources. Mr. Cohen seconded the motion, which passed unanimously.

3419 W. SCHOOL HOUSE LANE

Owners/Nominators: Paul Welde and Janet Grace
Proposal: Designate individual property

OVERVIEW: The Dr. and Mrs. Jacoby T. Rothner Residence at 3419 W. School House Lane in the East Falls section of Philadelphia is an important architectural and historical landmark in Philadelphia and is eligible for inclusion on the Philadelphia Register of Historic Places. Designed by architect Norman N. Rice in the Modern style, the house was constructed in 1951. The nomination claims that the Rothner Residence satisfies Criteria for Designation D and E, which are delineated in Section 14-2007(5) of the Philadelphia Code. Specifically, the Rothner Residence embodies distinguishing characteristics of an architectural style, Mid-century

Modernism (Criterion D); and is the work of an architect, Norman Rice, who has significantly influenced the development of the City, Commonwealth and Nation.

DISCUSSION: Mr. Danta presented the nomination to the Committee on Historic Designation. Property owners and nominators Janet Grace and Paul Welde attended the meeting.

Ms. Klein asked if it should be more clearly noted in the nomination that the house has had alterations made through the years. Mr. Schaaf stated that the photographs spoke for themselves and that, in his opinion, it was very clear that the house had been altered. Ms. Klein opined that the resource also meets Criterion F and the nomination should be amended to include it. The nominator, who is also the owner, did not object to this amendment. Mr. Schaaf offered several suggestions regarding attributions, grammar, and photograph captions.

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Dilworth moved to recommend that 3419 W. School House Lane meets Criteria for Designation D, E, and F and should be listed on the Philadelphia Register of Historic Places. Ms. Klein seconded the motion, which passed unanimously.

4947-49 N. BROAD STREET, PSFS, LOGAN BRANCH

Owner: Citizens Bank of Pennsylvania

Nominator: Lynn Alpert

Proposal: Designate individual property

OVERVIEW: The former Philadelphia Savings Fund Society (PSFS), Logan Branch is an important landmark on North Broad Street and important to the development of the Logan section of Philadelphia. It was constructed between 1925 and 1926 in a then rapidly expanding area of north Philadelphia. The bank stands as an early and rare example of a branch bank building from the 1920s. It also stands as a landmark to one of Philadelphia's most important financial institutions; The Philadelphia Savings Fund Society. The Logan branch, along with one other identical branch in West Philadelphia, and two other very similar branches in Kensington and South Philadelphia were designed by George Howe; famed Philadelphia architect. These early branch bank buildings would eventually lead him to design the iconic PSFS building on Market Street in center city Philadelphia bringing forth a tectonic shift in American architectural history and forever changing the way American cities look. The building is thus not just important to the Logan neighborhood, but to the City of Philadelphia and the nation. The building meets designation Criteria A, B, E, and J of Section 14-2007(5) of the Philadelphia Code and should be listed on the Philadelphia Register of Historic Places.

DISCUSSION: Mr. Danta presented the nomination to the Committee on Historic Designation.

Mr. Dilworth asked about the historic event that occurred at the bank that would qualify it for designation under Criterion B (Is associated with an event of importance to the history of the City, Commonwealth or Nation). Mr. Danta answered that the development of branch banking in the United States in the 1920s was the event referred to in the nomination. Mr. Dilworth opined that this was not really an event, but an evolution. He noted that an event was something more specifically located in time. Ms. Klein agreed that it was not an event.

Ms. Klein opined that Criterion H (Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or City) should be included. Mr. Cohen agreed and also suggested that the resource meets Criterion D

because it has distinguishing characteristics of an architectural style. Mr. Lavery agreed with both.

Mr. Lavery noted that, although George Howe may have been involved with the design of this branch, the architect of record is his firm, Mellor, Meigs & Howe. The firm, not Howe alone, should be credited with the building.

Mr. Lavery noted that the claim in the nomination that “it is rare to see an example, other than the PSFS skyscraper, of Howe’s non-residential work” is not accurate. The Bulletin Building at Market and 30th Streets is a good example of his many non-residential commissions. He also added that the notion that this branch aided the development of this neighborhood is not accurate. He stated that the neighborhood was well established long before this branch was constructed.

Mr. Schaaf noted that the description of the building refers to pilasters on the façade, but that those elements called pilasters are elegant door surrounds instead. Mr. Schaaf advised that the nomination be revised to use the correct architectural terminology.

John Gallery of the Preservation Alliance stated that he appreciated the consideration of Criterion H. He noted that this is a beautiful building that clearly shows George Howe’s architectural philosophy.

Mr. Lavery observed that the nomination noted the bank’s link to the Catholic community. It should have also noted the bank’s link to the Jewish community of Logan in the area. He reminisced about the PSFS School Bank Account Program, which created ties between the community and bank.

Ms. Giles revisited Criterion B and argued that an evolution such as the development of branch banking could be considered an event. She noted that this Criterion should be reconsidered. Mr. Dilworth opined that adding a Criterion for which there is no strong argument would weaken the nomination and diminish the significance of the historic resource. Others agreed with Mr. Dilworth that the nomination does not make a good case for the relationship of this branch to the establishment of branch banking. Mr. Lavery noted that PSFS was not the only bank in Philadelphia that had branches throughout the city.

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Dilworth moved to recommend that 4947-49 N. Broad Street meets Criteria for Designation A, E, and J and should be listed on the Philadelphia Register of Historic Places with the following revisions: elimination of Criterion B; and inclusion of Criteria D and H. Mr. Lavery seconded the motion, which passed unanimously.

3501 MIDVALE AVENUE, FALLS OF SCHUYLKILL LIBRARY BRANCH OF THE FREE LIBRARY

Owner: City of Philadelphia

Nominator: Friends of the Falls of Schuylkill Library

Proposal: Designate individual property

OVERVIEW: The Falls of Schuylkill Library Branch of the Free Library of Philadelphia is an important landmark in the East Falls section of Philadelphia. The library is associated with Pittsburgh industrialist Andrew Carnegie and his famous Libraries Grant Program. The library was designed by the Philadelphia architectural firm of Rankin, Kellogg & Crane. This prominent

firm also designed other landmark buildings such as the Inquirer Building on North Broad and the Main United States Post Office at 30th Street. The Falls of Schuylkill Library Branch of the Free Library of Philadelphia meets designation Criteria A and E of Section 14-2007(5) of the Philadelphia Code and should be listed on the Philadelphia Register of Historic Places.

The staff contends that the Falls of Schuylkill Library is a landmark on Midvale Avenue. Its presence on Midvale Avenue has become a familiar visual feature of the community. As such, the staff believes that the library also meets Criterion H (Owing to its unique location or singular physical characteristics, represents an established and familiar visual feature of the neighborhood, community or City.) The staff recommends that the Committee on Historic Designation recommends that the nomination be amended to include Criterion H.

DISCUSSION: Mr. Danta presented the nomination to the Committee on Historic Designation. Linda C. Koons, the nominator and a representative of the Friends of Falls of Schuylkill Library, attended the meeting.

Ms. Koons stated that only sixteen Carnegie libraries in Philadelphia are still housed in their original buildings and that the Falls of Schuylkill branch is one of those sixteen. She also noted that this building is a rare example of the work of the architectural firm of Rankin, Kellogg and Crane, which was mostly known for its Beaux Arts designs. She stated that the architects may have chosen to design the library in the Gothic style owing to the Tudor style Kelly Estate, which stood directly across the street, and the little church perpendicular to the library's site, which has a strong English country church aesthetic.

Mr. Lavery requested a revision to the biographical reference regarding the Windrim office. Mr. Lavery clarified that Rankin worked for James H. Windrim, not John H. Windrim. He also noted that it was very rewarding to see the public take advantage of the work done by the Historic American Buildings Survey (HABS) and put it to work towards the betterment of the community.

Mr. Schaaf noted that this nomination strengthened and enriched the adjacent Tudor East Falls Historic District.

Ellen Sheehan, also of the Friends of Falls of Schuylkill Library, stated that the library is a landmark in the neighborhood and beloved by the community.

Mr. Lavery stated that one of the most fascinating aspects of the Carnegie Library Grant was the fact that they used the best local architects to design site specific libraries rather than one design for all of them. Mr. Cohen noted that the Gothic style of the Falls of Schuylkill Branch is unique. He noted that most of the Carnegie libraries were designed in different classical revival styles or the then-prevalent Beaux Arts style. Ms. Koons added that this is the only Carnegie Library in Philadelphia in the Gothic style.

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Dilworth moved to recommend that 3501 Midvale Avenue meets Criteria for Designation A, E, and H and should be listed on the Philadelphia Register of Historic Places. Ms. Klein seconded the motion, which passed unanimously.

1709 BENJAMIN FRANKLIN PARKWAY, UNITED WAY BUILDING

Owner: United Way of Southeastern Pennsylvania

Nominator: Preservation Alliance of Greater Philadelphia

Proposal: Designate individual property

OVERVIEW: The United Way Building on the Benjamin Franklin Parkway has been described as one of the most important mid-century modernist designs in Philadelphia. The building was designed in 1968 and constructed in 1971 on a prominent intersection along the Benjamin Franklin Parkway. The building was designed by the acclaimed firm of Mitchell/Giurgola. The firm was the leading practitioner of the "Philadelphia School" from the 1960s through the 1980s. The firm not only designed and built influential buildings in Philadelphia, but throughout the world. The building was built for the United Way of Southeastern Pennsylvania and it remains to this day the organization's headquarters. The building's design incorporates innovative design elements that address the building's location. The United Way Building meets designation Criteria A, E, F, and H of Section 14-2007(5) of the Philadelphia Code and it should be listed on the Philadelphia Register of Historic Places.

DISCUSSION: Mr. Danta presented the nomination to the Committee on Historic Designation.

Mr. Schaaf inquired whether Criterion G (Is part of or related to a square, park or other distinctive area which should be preserved according to an historic, cultural or architectural motif) should also be considered. He noted that the building clearly relates to the Parkway and the triangular park in front of the building.

Susan Forman represented the United Way of Southeastern Pennsylvania, the property owner. She stated that the United Way is honor by the nomination and pleased that the public appreciates the building. She expressed concerns regarding the potential financial burden associated with the designation. She noted particular concern about the cost of the replacement of the windows with historically appropriate windows. She added that the United Way is a not-for-profit organization that watches its expenses very closely. Mr. Farnham stated that he met with Joseph Muldoon, the chair of the United Way Board's Building Committee. He reported that they had a lengthy discussion about the Commission's processes and procedures. He stated that he thought that he dispelled Mr. Muldoon's fears about the economic impact of the designation. Mr. Farnham explained to Ms. Forman that the Commission always works with property owners to find the most appropriate answers to rehabilitation questions. He stated that he was hopeful that the designation of the building would not impose any burdens beyond than those that the organization already faces to preserve its architecturally significant building.

John Gallery of the Preservation Alliance stated that there were three major architects in Philadelphia in the mid twentieth-century, Venturi, Kahn and Mitchell/Giurgola. He noted that both Venturi and Kahn had been highly celebrated, but Mitchell/Giurgola has not been sufficiently appreciated. He stated that this building is an excellent representation of their design philosophy. He asserted that Romaldo Giurgola, the designer for the firm, was a unique architect, who received Gold Medals from both the American and Australian Institute of Architects.

Ms. Klein stated that she was a member of the United Fund's Building Committee at the time the building was constructed. She noted that she was personally impressed by the modest elegance of the building and was truly moved by the vistas from the building looking out onto the Parkway and the city.

John Lawson, a local architect, introduced himself and stated that he was the project architect for the building at the Mitchell/Giurgola firm. He stated that the building was designed to be of “inconspicuous distinction.” He also noted that the design of the building was deeply influenced by the site and its environment. He expressed his sadness upon seeing that the exposed concrete of the building’s exterior had been painted recently. He explained that the designers had worked very hard to create an attractive and interesting surface on the concrete.

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Dilworth moved to recommend that 1709 Benjamin Franklin Parkway, United Way Building, satisfies Criteria for Designation A, E, F, G, and H and should be listed on the Philadelphia Register of Historic Places. Mr. Cohen seconded the motion, which passed unanimously.

CITY COUNCIL CHAMBERS AND OBJECTS, CITY HALL, ROOM 400

Owners/Nominators: City of Philadelphia

Proposal: Designate interior and objects

OVERVIEW: The City Council Chambers in City Hall is the first interior nominated for designation by the Historical Commission. This room has been in public use since 1895. It was designed by architect Washington Bleddyn Powell in 1895 and subsequently redecorated by Powell in 1907. The chambers is not just one of the most impressive public rooms in City Hall, but has served for more than a century as the backdrop for innumerable important events in the history of Philadelphia. The nomination contends that the City Council Chambers satisfies Criteria for Designation A, B, C, E, H, and J of Section 14-2007(5) of the Philadelphia Code and should be listed as first interior on the Philadelphia Register of Historic Places.

In addition, a nomination of historic objects associated with the chambers is appended to the interior nomination. The object nomination proposes the designation of the Council President’s desk, the Council President’s chair, the Clerk’s desk, and 16 Council desks. All of the objects have been associated with the room for more than one century and are integral to the aesthetic and historic significance of the space. The nomination contends that the objects satisfy Criteria for Designation A, B, C, E, H, and J of Section 14-2007(5) of the Philadelphia Code and should all be listed as Historic Objects to the Philadelphia Register of Historic Places.

DISCUSSION: Mr. Danta presented the nomination to the Committee on Historic Designation.

Mr. Lavery asked if the objects had been separately nominated. Mr. Danta clarified that the nomination for the objects is distinct of the nomination for the interior, even though their significance is clearly linked to that of the room. The Rules & Regulations require that movable objects are nominated separately as addenda to the nominations of the interior spaces to which they are associated. Mr. Lavery asked how the Commission would regulate the objects in light of their portability. Mr. Farnham stated that the Commission would have the authority to review any proposal to move the objects from their historic setting.

Mr. Lavery asked if the City Council was aware of this nomination, which includes both the interior and the historic objects within it. Mr. Farnham answered that the City Council President was apprised of and supportive of the nomination. He added that the Deputy Mayor for Planning and Economic Development and the Commissioner of the Department of Public Property also support the nomination. Mr. Farnham explained that the Preservation Alliance for Greater Philadelphia prepared the nomination on behalf of the City of Philadelphia.

Mr. Lavery asked how the Commission selected this particular interior as the first interior to be nominated. Mr. Farnham stated that the Deputy Mayor wanted the City to set an example for other property owners. The Deputy Mayor contended that, if the City was going to regulate privately-owned interiors, then it should offer one of its most prominent interiors to be designated first. The Preservation Alliance hired a consultant to prepare the nomination on behalf of the City. John Gallery of the Preservation Alliance explained that it planned to nominate two important interiors, one publicly owned and the other privately owned, to demonstrate how to research and document an interior for nomination.

Mr. Dilworth asked if the Council chairs at the 16 desks are original and warrant designation. Mr. Danta stated that the chairs are not historic. Ms. Giles asked if all of the nominated objects belonged to this room originally. Mr. Danta clarified that several of the Council desks are original to this room; the others were originally located in Select Council Chambers, Room 402, adjacent to the room in question. Mr. Danta noted that the Council President's chair was also originally located in Select Council Chambers. The Select and Common Councils were combined into one body with the adoption of a new city charter in 1919.

Mr. Gallery remarked that the decision made during the amendment of the Rules & Regulations to separate the nominations of interiors and the objects in those interiors was very useful. He added that, although objects are typically historically associated with specific interiors, they are essentially different than interiors.

Mr. Cohen asked if the designation of the objects would oblige the City to preserve them forever. Mr. Farnham answered that, as with any other designation, the property owner could always propose any alteration or demolition to the Commission. If there was a good reason to remove the objects from the interior in the future, the Commission could approve their removal.

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Ms. Klein moved to recommend that the City Council Chambers, Room 400 of City Hall, 1400 JFK Boulevard, meets Criteria of Designation A, B, C, E, H, and J of Section 14-2007(5) of the Philadelphia Code and should be listed as an interior on the Philadelphia Register of Historic Places. Mr. Schaaf seconded the motion, which passed unanimously.

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Cohen moved to recommend that the City Council President's desk, the City Council President's chair, the Clerk of Council's desk, and the 16 City Council desks in the City Council Chambers, Room 400 of City Hall, 1400 JFK Boulevard, meet Criteria of Designation A, B, C, E, H, and J of Section 14-2007(5) of the Philadelphia Code and should be listed as objects on the Philadelphia Register of Historic Places. Mr. Moody seconded the motion, which passed unanimously.

7048 GERMANTOWN AVENUE

Owner: Iron Stone Strategic Capital Partners

Applicant: George Thomas on behalf of Iron Stone

History: 1836, Thomas U. Walter; altered c. 1855; lost to fire, 2009

Designation: individually designated, 1/13/2006

Proposal: Rescind designation

OVERVIEW: This application proposes the rescission of the designation of the property at 7048 Germantown Avenue. At the time of designation, a nineteenth-century house and barn stood on the site. About 1836, tobacco merchant George Garrett commissioned famed architect Thomas

U. Walter to convert a stone farm house into a Greek Revival summer house. In the 1850s, when Garrett retired and moved permanently to the site, he added a large Italianate section to the house. The house was enlarged at the rear in the early twentieth century.

The Historical Commission designated the property on 13 January 2006. The Commission found that the property satisfied Criteria for Designation A, B, C, D, E, F, H, and J.

- (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; or,
- (B) Is associated with an event of importance to the history of the City, Commonwealth or Nation; or,
- (C) Reflects the environment in an era characterized by a distinctive architectural style; or,
- (D) Embodies distinguishing characteristics of an architectural style or engineering specimen; or,
- (E) Is the work of a designer, architect, landscape architect or designer, or engineer whose work has significantly influenced the historical, architectural, economic, social, or cultural development of the City, Commonwealth or Nation; or,
- (F) Contains elements of design, detail, materials or craftsmanship which represent a significant innovation; or,
- (G) Is part of or related to a square, park or other distinctive area which should be preserved according to an historic, cultural or architectural motif; or,
- (H) Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or City; or,
- (J) Exemplifies the cultural, political, economic, social or historical heritage of the community.

The Commission agreed with the nomination that the property satisfied nine of ten Criteria for Designation. The Commission did not find that it satisfied Criterion I, which relates to archaeological resources:

- (I) Has yielded, or may be likely to yield, information important in pre-history or history;

At about the time of designation, John Capoferri, a real estate developer, purchased the property. Mr. Capoferri initially intended to demolish the nineteenth-century house and barn and construct a residential development on the large site. After the designation, Mr. Capoferri was persuaded to rehabilitate rather than demolish the house and barn and construct the townhouses at the rear of the site. The Commission reviewed and approved his project in stages in 2006 and 2007. Mr. Capoferri began work in 2007, exceeding his permit and dismantling much of the house and barn. A portion of the barn wall collapsed when struck by construction equipment. In 2008, Mr. Capoferri's development business suffered from financial problems and he abandoned the project and property, leaving the buildings dismantled and the mortgage holder, architect, and contractors unpaid. In late 2008, the Historical Commission filed a petition with the Court of Common Pleas asking the court to order Mr. Capoferri to secure and stabilize the property. Mr. Capoferri could not be located, but his mortgage holder did intervene and provide funding to secure and stabilize the building. The stabilization work was administered by the Preservation Alliance, which generously agreed to undertake the project on behalf of the Commission. Mr. Capoferri was subsequently convicted of several felonies related to his failed development business. In August 2009, the house was struck by lightning and burned to the ground during one of the worst electrical storms to hit the area in years. At least

two other houses were also struck and burned in the area. Immediately after the fire, the Department of Licenses & Inspections declared the property Imminently Dangerous and ordered the demolition of the remains of the structures to ensure the public safety. However, without an owner to hold responsible for the property (the mortgage holder had not foreclosed on Mr. Capoferri), the Department was unable to compel anyone to undertake the demolition. In May 2010, Iron Stone purchased the property at sheriff's sale. In September 2010, the Historical Commission's staff approved the complete demolition of the buildings as Iron Stone sought to comply with the Department's order. The buildings were demolished soon thereafter. Nothing that led to the designation of the property survives at the site.

STAFF RECOMMENDATION: Approval of the rescission, pursuant to Section 5.14.b.1.a of the Rules and Regulations, "because the qualities that caused [the property's] original entry have been lost or destroyed."

DISCUSSION: Mr. Farnham presented the rescission application to the Committee on Historic Designation. Sam Wiener of Iron Stone, the property owner, represented the application.

Mr. Wiener explained that he hired historic preservation consultant George Thomas and the structural engineering firm Keast & Hood to evaluate the property and submit reports to the Commission. Mr. Farnham observed that copies of the reports were provided to the Committee. Mr. Wiener confirmed that his demolition contractor did demolish the remains of the house and barn. He stated that the Department of Licenses & Inspections required that the demolition occur within 48 hours of the issuance of the demolition permit, owing to the public safety concerns. He offered to provide a copy of the permit to the Commission. Mr. Wiener explained that he did salvage the door surround from the main entry to the house. He stated that his contractor removed it and stored it at the site. He stated that it was amazing that it survived the fire that destroyed the rest of the building. He explained that he may incorporate the relic into the new development. He also reported that he saved the stone when the ruins of the barn were demolished. He added that the stone too is stored on the site. The weeds and debris have been cleared from the site.

Mr. Schaaf asked if Iron Stone had retained the services of Larry McEwen, the architect who designed the failed project that had been abandoned at the time of the fire. Mr. Wiener replied that Iron Stone had not yet retained an architect to design a new development for the site. He stated that Iron Stone is still weighing its options.

Mr. Schaaf reminded the Committee of an earlier case before the Commission that he considered analogous to this case. He reported that the Commission had reviewed a proposal to construct a branch bank building on a site where a designated 1805 stone house had stood on Ridge Avenue in Roxborough. He stated that the stone house was lost, but the Commission retained jurisdiction and reviewed the design for a bank building that was constructed on the cleared lot. During its review, the Commission ensured that the bank retained some characteristics of the lost house including the location along the street, parking in the rear, stone facades, and fenestration. He suggested that the Commission should retain jurisdiction over this site and ensure that any new construction was compatible with the site and surroundings. Mr. Farnham stated that there is a significant distinction between this rescission request and that for the site on Ridge Avenue. Mr. Farnham stated that, in the case of 6918-26 Ridge Avenue, the property owner demolished the historic house without the Commission's approval or a building permit. The owner then sought to legalize the demolition and rescind the designation. The Commission denied both applications and retained jurisdiction because the house had been demolished illegally. The Commission reviewed and approved a proposal for a new owner to

construct a bank on the site, provided the bank echoed the historic building. The requirement that the bank stand as a reminder of the lost historic building was justified as compensation for the illegal demolition. In this case, the historic resource was lost by accident, because of a lightning strike and fire. The new owner then demolished the ruins legally, with a permit and the Commission's approval. The situations are different, not analogous. Mr. Farnham stated that any argument for the Commission's retention of jurisdiction at this site should be based on a need to protect something material, something physical. Mr. Schaaf contended that the Commission could protect the relationship of the historic house to the street. He also noted that there is a stone wall along Germantown Avenue that warrants continued protection. Mr. Schaaf asserted that the Historical Commission should retain jurisdiction over this site, even if there is not a redevelopment project at the moment, to ensure that any future redevelopment project is "handsome" and "responsible" and reflects the "grace" of the original house. Mr. Wiener disagreed, stating that the City Planning Commission and Zoning Board are the appropriate parties to review any future development, not the Historical Commission. Mr. Wiener added that he has responsibly redeveloped several historic properties under the Historical Commission's jurisdiction. He contended, however, that there is no historic fabric left at this site to preserve. He stated that Iron Stone is a responsible developer with a long track record of responsible projects. He assured the Committee that the community would have a voice in any development at this site. He asserted that the Historical Commission is not the appropriate mechanism for overseeing the future development because there is no longer any historic fabric at the site. Mr. Schaaf asked Mr. Wiener how the maintenance of the designation would hamper him. Ms. Giles suggested that the additional layer of review might add time and cost to the development. Mr. Wiener stated that he would not object if it were only time, cost, and inconvenience of another review. He stated that he objected because it would be inappropriate for the Historical Commission to assert jurisdiction over a site that held no historic resources.

Ms. Klein asked if the property is listed on the National Register. Mr. Danta replied that it is located within the Colonial Germantown National Register Historic District. Mr. Wiener noted that Iron Stone has retained George Thomas, a preservation consultant, to clarify its National Register status. Ms. Klein suggested that a National Register listing would make tax credits available. Several disagreed, stating that the tax credits would no longer be available because the historic resource has been lost. The property would now be considered non-contributing to the National Register historic district. Mr. Schaaf contended that the surviving stone retaining wall is an historic resource. Mr. Lavery asserted that the Commission has been duly diligent in its efforts to preserve the historic buildings that once stood on this property. He remarked that the property has suffered from a series of unfortunate events, but the historic resources that the Commission designated have been lost and cannot be recovered. He argued that the Commission has no legitimate reason to retain jurisdiction. Mr. Cohen agreed. He suggested that the developer should be sensitive to the history of the site when it is redeveloped, but he contended that the Commission should not oversee that process. Mr. Cohen stated that this property had a remarkable history and that history could be alluded to by the new development. Mr. Schaaf suggested that Mr. Cohen was making an argument for the Commission's retention of jurisdiction. Mr. Cohen disagreed; he stated that he was encouraging the developer to be sensitive, but was not advocating for Commission oversight of the new development. Mr. Schaaf again asserted that the Commission's retention of jurisdiction would not harm the owner.

John Gallery of the Preservation Alliance noted that this property is not in a locally-designated historic district. He contended that the Commission should retain jurisdiction over lots that become vacant when they are situated in local historic districts, but should not when they are solely individually designated. He explained that the Commission has a basis for its review of new construction in historic districts; it is seeking to protect the historic district, which is the

historic resource, when it reviews proposals for new construction in districts. If the Commission were to review a proposal for a vacant site not within a historic district, it would have no justification for its review. He stated that, if the Commission were to retain jurisdiction over a vacant site outside a historic district in order to promote good urban design but not to preserve historic fabric, it would be working outside its mandate. Mr. Gallery noted that he routinely advocates for the Commission to exercise its full jurisdiction, but he cautioned that the Commission would be treading on dangerous ground if it followed Mr. Schaaf's advice in this case. Mr. Gallery concluded that he supports the rescission; it is appropriate when the historic resource has been lost in the way that this one was.

Mr. Mooney stated that he would like to discuss the Commission's jurisdiction or potential jurisdiction over archaeological resources at the site. He observed that he is unclear about the Commission's legal authority over such resources in a situation like this. He asserted that this site was clearly eligible under Criterion I, the Criterion that covers archaeological resources, and clearly should have been designated under that Criterion. He remarked that it is probably still eligible under Criterion I. Mr. Mooney contended that the fact that the Commission has jurisdiction over the entire site once it is designated must give the Commission some jurisdiction over archaeological resources, even if Criterion I was not cited in the nomination that led to the designation. Mr. Weiner explained that almost of the ground at this site has been significantly disturbed. He reported that the former developer began the installation of the utility systems for the abandoned development. Numerous trenches, ditches, and other excavations cut across the site. The site was also graded and covered with clean fill in preparation for the foundations, driveway, and parking. There is an enormous 20-foot deep sink hole that occupies much of the site behind what was the barn. Mr. Weiner contended that any potential archaeological resources have been destroyed. Mr. Mooney stated that, although there may be no archaeological resources worth saving at this site, he would like to discuss the issue more generally to better understand his capacity to advocate for the protection of archaeological resources in the future. Mr. Farnham offered his opinions. He stated that the question of archaeological resources had arisen during the rescission hearings for the Jewish Foster Home, a building on Church Lane in Germantown that had burned. He explained that the Commission began using a standard nomination form in the 1970s. The nominations provide the Commission's justifications for designating properties. Prior to that time, the Commission's records do not clearly indicate the reasons for which the Commission designated properties. In the 1985, when the new preservation ordinance with the 10 Criteria for Designation went into effect, the Commission began citing the Criteria to support its designations. Mr. Farnham stated that, for designations that predate the nomination form, one could contend that the Commission may have designated a site for its archaeological potential. After the adoption of the nomination form and certainly after the adoption of the new preservation ordinance with the Criteria for Designation, the Commission's reasons for designating a property are documented. Mr. Farnham stated that, in this case, Criterion I should have been cited, but was not. He explained that he rewrote the nomination for this property, which was received in an incomplete form from a community member, and accepted responsibility for the failure to include Criterion I. He contended, however, for the Commission to now justify the retention of this designation owing to the potential for archaeological resources would raise a substantial due process question and open any denial of the rescission request to an appeal. Before it designates, the Commission must inform the property owner of its reasons for designating and allow the owner to contest them. In this case, the Commission did not inform the owner that it was designating, in part, because of the property's archaeological potential. Mr. Farnham concluded that the Commission should not maintain the designation solely because of its archaeological potential; doing so would raise a significant due process question. Mr. Mooney stated that this may not be the site to battle for control owing to archaeological potential because the site has been so disturbed.

Mr. Farnham noted that he has visited the site many times. He estimated that 75% of the ground has been irrevocably disturbed by the utility work, especially the storm water retention basin. Mr. Farnham observed that, to avoid this situation in the future, the Commission must diligently assess archaeological potential whenever it considers a designation.

Mr. Mooney recalled a recent Delaware River waterfront redevelopment meeting. He noted that participants advocated for the redevelopment of the entire waterfront area. Mr. Mooney noted that this area has a very high potential for important archaeological resources. He asked Mr. Farnham if the preservation ordinance would protect those resources. Mr. Farnham stated that he believes that the Commission could protect archaeological resources that fall within that area. He noted that the Commission has, in the past, required archaeological investigations for developments within that zone. Mr. Gallery cautioned the Committee against adding Criterion I to every nomination. He noted that the argument has been made that every site in the city has archaeological potential. He asked the Committee if it would have recommended that the Commission require an archaeological dig at this site if the nomination had cited Criterion I. He stated that there must be a reasonable threshold. The Commission should not require archaeological study for every development it reviews. The costs would be great. He stated that requiring archaeological study at every site with open land is too low of a threshold. He concluded that, if Criterion I is going to be routinely added to nominations, then the Commission should establish some parameters. Mr. Mooney stated that he is not contending that every property with vacant land should be designated pursuant to Criterion I. He stated that the Philadelphia Archaeological Forum, of which he is the president, considers the archaeological potential of properties very carefully before it determines whether they merit designation under Criterion I. He stated that archaeologists have developed sophisticated, accurate methods of determining archaeological potential. He also noted that the Philadelphia Archaeological Forum is not advocating for archaeological studies in every instance. It has a reasonable, practical view of this matter. For example, the Forum would not advocate for archaeological study when a rear addition is being constructed on a rowhouse, even though archaeological resources may be disturbed with the construction. It would not be practical to require homeowners to undertake such studies for minor projects.

Mr. Dilworth asked Mr. Mooney if he could predict the number of archaeological artifacts that would be recovered from a defined area. Mr. Mooney replied that there is no way to determine the number of artifacts before digging. He stated that one can very accurately predict the types of resources that will be preserved in the ground, but one cannot predict the actual number of artifacts that will be recovered. He stated that such a number would not be relevant. Mr. Dilworth asked him again if he could predict the number of artifacts that would be found in a particular area. Mr. Mooney again stated that he could not predict the number of individual artifacts, but again asserted that the number itself was not important. Predicting the types is important. Mr. Mooney acknowledged that there would need to be a threshold, below which a review would not be required. For example, in New York City archaeological studies are not required for projects under 10,000 square feet.

Mr. Mooney asked if the Commission could protect archaeological resources at a property where the nomination did not cite Criterion I. Mr. Farnham replied that he believes that the Commission could reasonably require the protection of archaeological resources at such a property. For example, if the Commission was reviewing an application for new construction at a site that had been designated because of its association with a famous person and it was determined that the construction would potentially disturb archaeological resources related to that person, then the Commission could legitimately require archaeological study to uncover those resources before the construction, even if the nomination had not cited Criterion I.

specifically. The current case is different. The Commission did not indicate at the time of designation that it would seek to preserve archaeological resources at this site. The resources for which it has been designated have been lost. No demonstration of archaeological potential has been made. Mr. Farnham posited that the Commission could consider a new nomination demonstrating the archaeological potential at this site. Providing the owner with an opportunity to contest the nomination before a new designation would avoid the due process problem that is encountered when new criteria are added on after the fact. Mr. Farnham clarified that he was not advocating for Mr. Mooney to submit a nomination in this case.

Mr. Farnham responded to Mr. Gallery's assertion that there should be some minimum threshold before an archaeological study is required. He noted that the Commission has such thresholds in all realms of its work, even if those thresholds are not explicitly stated. For example, the Commission routinely allows alterations at the rears of buildings, even when those alterations result in the removal of some historic fabric. The Commission could likewise allow rear additions, even when those additions result the loss of some archaeological resources. The uses its discretion as it looks at projects on a case-by-case basis and determines when thresholds are crossed. It could do the same with archaeological cases without a rigid set of rules.

Mr. Mooney stated that people falsely believe that requiring archaeological studies will stifle construction. He stated that the federal government has required archaeological studies through the Section 106 process for nearly 50 years and has not stifled development. He stated that archaeological investigations can often be completed quickly and cheaply. They may only cost "a few thousand dollars." Ms. Klein agreed. She stated that archaeological requirements under Section 106 are usually not onerous. Mr. Farnham agreed with Ms. Klein and Mr. Moody, but pointed out one key difference between the local and federal processes. The federal review is voluntary; the local review is not. The federal regulations only require reviews when there is a federal involvement, typically a subsidy like a tax credit. The property owner can elect to accept the tax credit or not. If the owner accepts the credit, she accepts the preservation review that comes along with it. The federal reviewers have the luxury of determining a property's historical significance including archaeological significance after the fact because the process is voluntary. The local review is mandatory. Once a property is designated, the review occurs whether the property owner accepts it or not. Therefore, the local agency, the Historical Commission, must identify the historical significance of the property at the time of designation, not at the time of review. It cannot change the rules mid game. If the Commission were to determine the bases for a designation at the time of the review, it would tread on the rights of the private property owner. To ensure due process, the Commission must determine the bases for designation at the time of designation, when the property owner can participate in the determination. The Commission must then conduct subsequent reviews within the defined scope.

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Cohen moved to recommend approval of the rescission of the designation of 7048 Germantown Avenue, pursuant to Section 5.14.b.1.a of the Rules and Regulations, "because the qualities that caused [the property's] original entry have been lost or destroyed." Mr. Dilworth seconded the motion, which passed unanimously.

ADJOURNMENT

Mr. Dilworth moved to adjourn at 11:38 a.m. Mr. Cohen seconded the motion, which passed unanimously.