

THE MINUTES OF THE 354TH STATED MEETING OF THE
PHILADELPHIA HISTORICAL COMMISSION

14 August 1991

City Council Caucus Room

Edward A. Montgomery, Jr., Chairman

Present

Edward A. Montgomery, Jr., Chairman
David Brownlee
David Hollenberg
Jason Nathan
James Cuorato, Commerce Department
Barbara Kaplan, Executive Director, City Planning Commission
Scott Wilds, Office of Housing and Community Development
David Wismer, Deputy Commissioner, Licenses and Inspections

Maria Petrillo, Esquire, Deputy City Solicitor
Richard Tyler, Historic Preservation Officer
Randal Baron, Preservation Planner
Sara Jane Elk, Historical Research Technician
Daniel W. Simcox, Executive Secretary

Also

Howard Kittell, Preservation Coalition of Greater Philadelphia
Sandra Garz, Foundation for Architecture
Margaret Welsh, National Trust for Historic Preservation
Patrick Hauck, National Trust for Historic Preservation
Thomas Hine, The Philadelphia Inquirer
Dr. Arthur Lendo and M. Whitehead, Peirce Jr. College
John McGregor, Graduate Health System
Ralph Heller, Alison Reed, Jonathan Charney, Mr. Scatchard,
Matthew Biron, David Stroh, Annette Ballard, Seldia Blatman,
Catherine Franklin, Kenneth Cleeland, Barbara Harder, V. Goss,
Joseph Miller, Rose Darion, John and Helen Jenkins

Mr. Montgomery called the meeting to order and announced the presence of a quorum.

The Minutes of the 353rd Stated Meeting of the Philadelphia Historical Commission, held 10 July 1991, Jason Nathan, Presiding Chairman. A MOTION to adopt these minutes, made by Mr. Nathan and seconded by Mr. Wilds, received unanimous approval.

The Report of the Architectural Committee of the Philadelphia Historical Commission held on 25 July 1991, David Hollenberg, Chairman. Committee Chairman David Hollenberg forwarded three recommendations from the Committee.

Approval: The Committee recommended approval of security grates installed without a permit at 45 South Third Street, contingent upon replacement of decorative elements removed during installation. Mr. Nathan seconded this recommendation which received unanimous approval.

The Committee also reviewed alterations, which exceeded the scope of an approved permit, undertaken to 113 South 21st Street, a Victorian Eclectic mansion built circa 1894. A violation was issued for the replacement of intricate, multiple-paned, wooden windows with curved tops with square, bronze-colored, aluminum windows. This installation is inconsistent with the Secretary of Interior's Standards for Rehabilitation and the Committee did not recommend its approval. However, Section 14-2007(7)(1) of the Ordinance, regarding the issuance of building permits within a pending historic district, may legitimate this work if the proposed Rittenhouse Fittler Historic District is not designated 90 days after submittal of a building permit application.

The Committee offered advice for the alteration of the base, which was clad with marble panels circa 1950. The Department of Licenses and Inspections recently assessed the condition of this veneer as dangerous. The applicant sought and the staff approved a permit for its removal. Mr. Saidel wants to retain the existing openings and proposes to cover the facade either with stucco or brick veneer. After stressing that the plans of record must represent existing openings accurately, the Committee recommended a stucco treatment with horizontal scoring.

Subsequent to the Committee meeting, the project architect submitted drawings, last revised 1 August 1991, which illustrate a treatment of the base with round-arched openings.

Mr. Hollenberg recommended approval of this treatment. Mr. Cuorato seconded this recommendation, which was adopted by unanimous vote.

Approval in Concept: The Committee, with Mr. Hollenberg abstaining, recommended approval in concept for alterations to The Drexel Building, 1435-41 Walnut Street proposed by Waterstone's Booksellers. While recommending approval of the concept of piercing the decorative ceiling for a staircase and replacing existing awnings, plaques and canopy with new ones at the same locations, the Committee noted that details illustrating the means of attachment to the building were required for final approval. Mr. Wismer seconded this recommendation, which was adopted unanimously, with Mr. Hollenberg abstaining.

The Report on Staff Activities, July 1991, Richard Tyler, Historic Preservation Officer. Mr. Tyler announced that the City of Philadelphia awarded \$165,000 for a contract to clear vegetation and another for \$50,000 to prepare construction documents for stabilization at Eastern State Penitentiary. The Pew Charitable Trusts will release \$200,000 of \$400,000 awarded to the Eastern State Penitentiary task Force because of this City allocation. With this addition, the report was incorporated into the record.

OLD BUSINESS

Continuation of the Report of the Meeting of the Committee for Historic Designation, held 15 May 1987, David Brownlee, Chairman.

Rittenhouse Fitler Historic District

Dr. Brownlee reported that because of the ruling of the Pennsylvania Supreme Court in the matter of United Artists' v. City of Philadelphia, Philadelphia Historical Commission, it is at best unclear if the Commission maintained the authority to proceed with this nomination. He recommended a continuance at least until either the Commission received further legal clarification of the ruling or the Court responded to the City request for reargument. Mr. Nathan seconded this recommendation.

Howard Kittell, Executive Director of the Preservation Coalition, urged the Commission to obtain legal clarification of the ruling. He stressed that great concern exists in all of the nominated districts to obtain historic designation.

Mr. Nathan inquired into the validity of two statements circulating, that:

- at least one attorney stressed that the Commission clearly had authority to proceed with district designations; and
- a task force named Pennsylvania at Risk intended to establish a legal group to provide legal guidance.

Ms. Petrillo expressed her intention to treat the preceding comments as a request for an opinion on various issues from the City Solicitor. She reinforced that the City must concern itself with potential liability.

Ms. Petrillo then responded to an inquiry from Jonathan Chaney as to whether this meeting would be the last on the proposed designation of the Rittenhouse Fitler Historic District. She explained that the future of this nomination was uncertain because of the ruling.

Rose Danon added that she wanted the opportunity to object if designation hearings resumed. Ms. Petrillo responded that there would be ample opportunity for public comment if designation hearings resumed.

A vote was taken on the recommendation of the Committee for Historic Designation to postpone further hearings on the nomination of the Rittenhouse Fidler Historic District at least until either the Commission received further legal clarification of United Artists' v. City of Philadelphia, Philadelphia Historical Commission or the Court responded to the City request for reargument. The Commission adopted this recommendation unanimously.

Mr. Nathan suggested resolutions to postpone hearings on the other nominated districts. Dr. Brownlee expressed concern that property owners in those districts had not been notified of a designation hearing. A resolution to postpone, therefore, would be premature. Instead, he introduced the following resolution:

that the Commission not entertain nominations for buildings or districts until it receives further legal clarification of the Supreme Court ruling or the Court responds to the City request for reargument, unless owner consent has been explicitly demonstrated.

Mr. Nathan seconded this resolution, which the Commission adopted unanimously.

NEW BUSINESS

Certified Local Government Comment on Nominations to the National Register of Historic Places

By virtue of its designation as a Certified Local Government by the Commonwealth of Pennsylvania, the Philadelphia Historical Commission is invited to comment on nominations of buildings and districts to the National Register of Historic Places. Dr. Brownlee briefly described each of the following nominations and provided his recommendation for each:

- YMCA of Germantown, 5722 Germantown Avenue
- Ogontz Hall, 7165-7175 Ogontz Avenue
- St. Anthony of Padua Church School, 2317-33 Carpenter St.
- Pennsylvania Armories - Multiple Resource Nomination
 - The 32nd & Lancaster Ave Philadelphia Armory
 - Special Troops Armory/Philadelphia Armory
5350 Ogontz Avenue

Dr. Brownlee remarked that each of these buildings are local landmarks and recommended supporting these nominations with favorable comment to the Pennsylvania Bureau of Historic Preservation.

Mr. Wilds reported that the Office of Housing was assisting rehabilitation of the first two and remarked that favorable comment would assist them in this nomination to the National Register. He added that the application for St. Anthony of Padua Church School may have been for similar reasons.

The Commission, with Mr. Hollenberg abstaining on the YMCA of Germantown nomination, voted unanimously to forward these nominations to the state with favorable comment.

Harry A. Batten Memorial Fund

Mr. Tyler requested disbursement for two items from this fund: up to \$800 to attend the 1991 conference of the National Trust for Historic Preservation and a \$46 cost for refreshments served at an ad hoc meeting of attorneys immediately after the ruling of the Pennsylvania Supreme Court.

A motion was made by Mr. Nathan and seconded by Mr. Cuorato to allocate the requisite monies from the Batten Fund to cover these expenses.

Remarks on United Artists' v. Philadelphia Historical Commission

Mr. Nathan stressed that the appearance of this meeting belied the grave concern arising from the Supreme Court ruling. He hoped to ensure that the perceived routine and attempt to proceed through the agenda in its normal structure would not lull to sleep either the Commission or the public -- this ruling is a disturbing alarm and rude wake-up call. It will impose more than temporary inconvenience and may mark the beginning of a long period of chaos. Though the ruling provides little or no guidance, it certainly injects plenty of uncertainty. He conveyed his personal opinion that, together with financial information submitted, that the ruling doomed the Victory Building. He added that the Italianate buildings recently designated on the 900 block of Chestnut Street were also threatened. Further, the University of Pennsylvania cited the ruling in an attempt to dismiss the ongoing appeal to preserve Smith Hall. And, Bookbinder's filed a suit for damages despite their new advertising campaign which heralds it as a place "where history repeats itself nightly." Mr. Nathan concluded by conveying his gratitude to Ms. Petrillo and Mr. Tyler for their efforts since 10 July 1991.

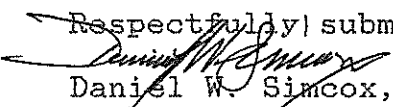
The Commission acknowledged these comments regarding the current crisis and the efforts of the staff. Mr. Montgomery conveyed gratitude to all of the staff for their work through this period.

Inquiry into Pending Demolition Permits

Ms. Kaplan inquired into the status of the permit applications for the demolition of the Victory Building and the Jayne Estate Building. Mr. Tyler indicated that both were forwarded for review to consultants; the former to M. Richard Cohen, the latter to Reaves Lukens. He anticipated receipt of their reports by 1 September 1991, review by the Committee on Financial Hardship soon after to provide a recommendation to the Commission at its September meeting.

There being no further business, the Commission adjourned its public meeting and held an executive session to discuss pending litigation.

Respectfully submitted,


Daniel W. Simcox,
Executive Secretary