THE MINUTES OF THE 638TH STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION

FRIDAY, 9 OCTOBER 2015
ROOM 18-029, 1515 ARCH STREET
SAM SHERMAN, CHAIR

PRESENT
Sam Sherman, Chair
Duane Bumb, Commerce Department
Ralph DiPietro, Department of Licenses & Inspections
Anuj Gupta, Esq.
Dominique Hawkins, AIA, NCARB, LEED AP
Rosalie Leonard, Esq., Office of City Council President
John Mattioni, Esq.
R. David Schaaf, RA, Philadelphia City Planning Commission
Robert Thomas, AIA
Betty Turner, M.A.

Jonathan E. Farnham, Executive Director
Randal Baron, Historic Preservation Planner III
Kim Broadbent, Historic Preservation Planner I
Laura DiPasquale, Historic Preservation Planner I

ALSO PRESENT
Patrick Grossi, Preservation Alliance for Greater Philadelphia
Jared Brey, PlanPhilly
Rachel Hildebrandt, Partners for Sacred Places
John Manton
Constance Johnson
Patricia Lassiter
Sylvia Krebs
Karen Faulkner
Mary Elizabeth Tilley
Daniel Safer
Fred Maurer
Lawrence Biond
Jim Campbell, Campbell Thomas & Co.
George Poulin, Powleton Village Civic Association
S. David Fineman, Esq.
Darwin Beauvais, Esq.
Sharif Street, Esq.
Phil Bernyman
Lucia Esther, West Powelton Saunders Park Registered Community Organization
Catherine Drosser
Frederick Davis
Carolyn Healy
James Wright, People's Emergency Center
Oscar Beisert
Tony Dominick
Josh Markel
Michael Jones, Powleton Village Civic Association

DRAFT

Helma Weeks, Powleton Village Civic Association
Linda Lee
John Weiner
Cynthia Allen
Margaret Wise
Scott Meeky
Jason Sherman
Mark Brack
Robert T. Vance, Jr.
Faye Anderson, All That Philly Jazz
Robert J. Shusterman, Esq., AIA
Elizabeth Stegner, University City Historical Society
Pastor Terrence Griffith
Pastor Larry Marcus
Anne Pomerantz
Oscar H. Hankinson, Ph.D.
Janet Stotland
Sy Stotland
Mark Wagenveld
Joseph Menkevich
Kathy Dowdell
Joseph Conner
Larry A. Caputo
Nancy Drye
Brian Keech, Drexel University
Robert Vance, Esq.

CALL TO ORDER

Mr. Sherman, the vice chair, called the meeting to order at 9:09 a.m. Commissioners Bumb, DiPietro, Gupta, Hawkins, Leonard, Mattioni, Schaaf, Thomas, and Turner joined him.

MINUTES OF THE 637TH STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION

ACTION: Ms. Turner moved to adopt the minutes of the 637th Stated Meeting of the Philadelphia Historical Commission, held 11 September 2015. Mr. Schaaf seconded the motion, which passed unanimously.

THE REPORT OF THE ARCHITECTURAL COMMITTEE, 22 SEPTEMBER 2015

Dominique Hawkins, Chair

CONSENT AGENDA

Mr. Farnham introduced the consent agenda and explained that it included an application for 1529 North Street. Mr. Sherman asked if any Commissioners had comments on the Consent Agenda. None were offered. Mr. Sherman asked if anyone in the audience had comments on the Consent Agenda. None were offered.

> **ACTION:** Ms. Hawkins moved to adopt the recommendations of the Architectural Committee for the application for 1529 North Street. Mr. Schaaf seconded the motion, which passed unanimously.

DRAFT

AGENDA
ADDRESS: 1529 NORTH ST
Project: Construct residential building
Review Requested: Review and Comment
Owner: Linda Littlejohn & Apostolos Vardakis
Applicant: Rotciver Lebron, Harman Deutsch
History: vacant lot
Individual Designation: None
District Designation: Spring Garden Historic District, Non-contributing, 10/11/2000
Staff Contact: Laura DiPasquale, laura.dipasquale@phila.gov, 215-686-7660
ARCHITECTURAL COMMITTEE COMMENT: The Architectural Committee commented that:

- the cornice should be simplified,
- the front façade brick and cornice should return a minimum of one foot on any exposed side elevations,
- the front door should be less institutional,
- the color of all the cast or poured stone materials should be in the same family, and,
- the utility meters should be located in the basement or at least recessed and covered.

OVERVIEW: This application proposes to construct a four-story, three-family dwelling with roofdecks and pilot houses on a vacant lot. The Commission's jurisdiction is limited to Review-and-Comment because the lot is considered an undeveloped site. The proposed building would be located between two newly constructed, three-story buildings. The proposed building would be clad in brick and feature a cast-stone base. At the first floor, the building would feature concrete steps to the front door and two casement windows, as well as large utility boxes. The upper floors would each feature three bays of fixed and casement windows within a metal panel system. The building would be capped with a Fypon cornice. The pilot houses, which would be set back 11'-2" from the front façade, would be clad in cement board. The rear of the property, which would be limited in visibility or completely invisible from N. Sydenham Street, would be clad in stucco.

ACTION: See Consent Agenda.

DRAFT

ADDRESS: 2022-24 CHANCELLOR ST AND 2026-30 CHANCELLOR ST, UNIT D
Project: Add garage opening at rear, restore windows and doors
Review Requested: Final Approval
Owner: 2022 Chancellor Street LLC
Applicant: James Campbell, Campbell Thomas & Co.
History: 1890
Individual Designation: None
District Designation: Rittenhouse Fitler Residential Historic District, Contributing, 2/8/1995
Staff Contact: Randal Baron, randal.baron@phila.gov, 215-686-7660
ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of the application, with the staff to review details, provided:

- the paint is removed from both facades,
- the illegal arched window at the second-floor front façade is replaced with the correct historical window,
- real brick is installed with a one inch reveal where the window is infilled above the new garage opening,
- it is demonstrated that the arched window where the vents are proposed was infilled at the time of designation,
- all louvers are recessed behind the grill, and,
- all new windows are wood.

OVERVIEW: This application proposes to rehabilitate a dwelling that occupies a carriage house at 2022-24 Chancellor and one unit of the adjacent carriage house at 2026-30, which has been divided into condominiums. On the exterior, this application proposes to cut a garage in a rear façade as well as reopen and restore several windows and doors on both the front and rear facades. The new garage opening would be cut into the south or St. James Street façade, where a window is now located. This block of St. James Street is a service alley with numerous garages and surface parking pads. The carriage house includes two historic carriage openings that have been infilled, but could be reopened. The applicant does not propose to reopen those infilled historic openings because a garage in either of those locations would disrupt the floor plan. The Historical Commission has already approved two such garages in the carriage houses in question, setting a precedent for the proposed garage.

The application also proposes to restore a square window on the front façade that is buried behind the brick infill and restore the front and back doors using an historic door on the rear as a model. A three-part window on the rear would also be restored.

This building was altered without permits or approvals by a former owner, and is therefore in violation. The façade was painted green and the second-floor arched window was replaced with a vinyl window.

DISCUSSION: Mr. Thomas recused from the review, owing to his firm's involvement in the application. Mr. Baron presented the application to the Historical Commission. Architect James Campbell and developer Robert Black represented the application.

Mr. Baron explained that the application has been revised since the Architectural Committee meeting, but it does not fully comply with the Committee's recommendation. In particular, the application does not propose to remove the green paint, but rather to repaint the building red. The proposal also does not address the illegal second-floor arched window on the front façade, but instead proposes to restore carriage doors.

Mr. Campbell explained that they want to repaint instead of removing the paint because many of the openings on the front façade have been modified with mismatched brick; removing the paint would expose the poor masonry work. The owners would like to retain the second-floor arched opening even though it was illegally installed by a former owner. They propose to restore carriage doors in the first-floor carriage opening on the front façade. The other work, for which the Committee recommended approval, includes the restoration of a front door on Chancellor, the cutting of a garage, the restorations of a tripartite window, a round window, and a door on St. James. Several vents would be grouped and installed in a window.

Ms. Hawkins noted a drawing that had not yet been presented to the Committee or Commission, dated 5 October 2015, which additionally shows the front door on Chancellor restored with four panels and an astragal. She recommended approval of that design.

> **ACTION:** Ms. Hawkins moved to approve the revised application as presented to the Commission on 9 October 2015, provided the facades are painted red, and with the stipulation that no existing illegal conditions are implicitly approved by this action, with the staff to review details. Mr. Mattioni seconded the motion, which passed unanimously.

ADDRESS: 1501-05 FAIRMOUNT AVE
Project: Remove ornamental feature from building
Review Requested: Final Approval
Owner: J. Mark Kreider
Applicant: J. Mark Kreider
History: 1930; Overseas Motor Works; Samuel Brian Baylinson, architect
Individual Designation: 2/13/2015
District Designation: None
Staff Contact: Randal Baron, randal.baron@phila.gov, 215-686-7660
ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial of the application as proposed, but approval of the removal of the finial, provided it is replaced within 12 months with a new finial that matches the original finial in appearance, with the staff to review details, pursuant to Standards 2, 5, and 6.

OVERVIEW: This application proposes to remove an ornamental finial at the northwest corner of the tower. The finial is one of four that ornament the corner tower of this building. The final is highly visible from the street and is a significant character-defining feature of the building. An engineer has stated that the final is beyond repair. However, the same engineer initially told the staff that it could be repaired. The staff suggests that it should be repaired; if it cannot be repaired, it should be removed and a facsimile installed in its place.

DISCUSSION: Mr. Baron presented the application to the Historical Commission. Attorney and architect Robert Shusterman represented the application.

Mr. Shusterman explained that, after the designation, the owner hired an engineer to inspect the building to ascertain its condition. The owner himself went on the roof and discovered that the finial in question is in poor condition. The owner initial decided to remove the damaged finial and store it on a pallet; however, the work was estimated to cost more than $25,000. Although the finial is visible, as shown in the photographs, the owner does not wish to replace it because of the “disproportionate” cost.

Ms. Hawkins said that the Architectural Committee recognized that recasting the finial in cast stone in all of its detail would be expensive. She said that the Committee suggested that

recasting it in fiber reinforced plastic or fiberglass would be less expensive. The Committee also expressed concern about the deterioration of the other finials. She said that the other finials would eventually need to be replaced and making them from the same mold that the cost would reduce the overall cost. In addition, she said that allowing the work to be done over a 12-month period would also lighten the burden.

Patrick Grossi of the Preservation Alliance for Greater Philadelphia spoke in support of the staff's and the Committee's recommendations to require the replacement of the finial with a replica.

> **ACTION:** Mr. Mattioni moved to deny the application as proposed, but to approve the removal of the finial, provided it is replaced within 12 months with a new finial that matches the original finial in appearance, with the staff to review details, pursuant to Standards 2, 5, and 6. Mr. Thomas seconded the motion, which passed unanimously.

THE REPORT OF THE COMMITTEE ON HISTORIC DESIGNATION, 16 SEPTEMBER 2015

Richardson Dilworth III, Chair

ADDRESS: 1600-06 CHRISTIAN STREET

Nominator: Oscar Beisert
Owner: First African Baptist Church
COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Cohen moved that the Committee on Historic Designation recommend that the nomination demonstrates that property at 1600-06 Christian Street satisfies Criteria for Designation A and J. Ms. Klein seconded the motion, which passed unanimously.

OVERVIEW: This nomination proposes to designate the property at 1600-06 Christian Street as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the property satisfies Criteria for Designation A and J. The nomination argues that the building, designed by architectural firm Watson & Huckel and constructed in 1906, is significant as one of few examples from its period of an architect-designed church for an African-American congregation. The nomination further contends that the building is significant as a major community center in the neighborhood, and as the only extant resource representing the history of Philadelphia's oldest and largest African Baptist congregation.

DISCUSSION: Ms. DiPasquale presented the nomination to the Commission.

Mr. Sherman asked if the owner was present. Attorney Darwin Beauvais represented the owner, noting that the pastor was also present. Mr. Beauvais commented that in April 2015, the City of Philadelphia Law Department filed a complaint against the property for repairs, and since then, there have been several hearings in front of the Court of Common Pleas, the most recent of which was 1 October 2015. He noted that the owner is currently under a court order to make the property safe, based on a report ordered by the Court and commissioned by the City, acknowledging that the building as a whole is imminently dangerous. He noted that the owner is scheduled to appear before the Court of Common Pleas on 20 October 2015, and requested that the Historical Commission grant a continuance until the next Historical Commission meeting.

Oscar Beisert, who prepared the nomination, addressed the Commission, noting that several supporters of the nomination were also present in the audience. Mr. Beisert explained that he nominated the building along with a group of citizens concerned with the built environment, and

that the significance of the building speaks for itself. He commented that there is a covenant on the building from the Pennsylvania Historical and Museum Commission (PHMC), which was placed on the property after the state agency provided funding for repairs several years ago. He noted that the building represents a very important African American congregation, and that it is incredibly important that the building was architect-designed and purpose-built for an African American congregation. If the building is not designated, he opined, and the covenant is overturned, the owner will demolish the whole structure and erase the memory of the congregation from the built environment of the community.

Mr. Beisert objected to the continuance request, opining that the Commission is charged with determining the building's significance. If the building is imminently dangerous and needs to be demolished, he noted, that could be addressed through a separate process. He opined that this building has the necessary integrity to represent the Criteria that have been put before the Commission, and for the owner to claim a financial hardship would be completely irrelevant at this point.

Mr. Beauvais responded that he never raised the issue of financial hardship, but that, from a logistical point of view, in 11 days they would be going in front of the Court of Common Pleas, and that he did not see the harm in continuing the Historical Commission's decision for one month. Mr. Mattioni asked about the reason for the court hearing. Mr. Beauvais responded that it is a code enforcement hearing. The court ordered the owner to correct an unsafe condition and, if they cannot make the building safe, the east wall will have to be demolished.

Ms. Hawkins asked for a clarification regarding the simultaneous court and Historical processes and how they might impact one another. Mr. Farnham responded that the court has issued an order directing the property owner to cordon off the area around dangerous wall, stabilize the wall, and then take actions to make the wall safe. Mr. Farnham directed the Commission's attention to a photograph of the building, describing the area on the southern half of the east façade that is the subject of the court order. He noted that there is a parapet that extends up beyond the gable roofline of this portion of the building, and the parapet appears to be pulling away and is in danger of collapsing onto the street. Mr. Sherman asked what sort of work would be required to stabilize the parapet. Mr. Farnham responded that the precise scope of work has not yet been defined. Mr. Farnham noted that the Historical Commission has not received a building permit application yet to undertake that work, but that the project would require the Historical Commission's approval and a building permit. Mr. Farnham noted that, whether or not the building is designated at this meeting, while the nomination is under consideration, it remains under the Historical Commission's jurisdiction, so any building permit application for the building would need to be reviewed and approved by the Historical Commission before the Department of Licenses & Inspections could issue a building permit. However, he continued, the court has the authority to supersede the Historical Commission's jurisdiction and to require the owner or the City to take action to make the property safe immediately, without the Historical Commission's approval. He noted that there is not really a direct linkage between what the Historical Commission chooses to do regarding the designation process and what happens at the site. If the building reaches the condition where it imposes a real and immediate danger, the court will act without the Historical Commission's review. If the Commission chooses to delay the decision regarding the nomination for an additional month, he continued, the Commission would not give up any authority or jurisdiction over the property, and would still have the power to regulate the property as it would if it chose to designate it today.

Ms. Hawkins commented that, in her mind, the issue of condition and significance are separate, and that the Commission should move forward with the review of the designation at this meeting, and let the process regarding the safety or need for repair of the building to move

through its own process. Mr. Beauvais expressed his belief that the Commission designating the property would impede the property owner's ability to make the property safe. He noted that, if they go before the Court of Common Pleas on 20 October 2015, they could end up being asked to do other things, which will then create a mandate as they try to make these repairs when they come before the Commission, as opposed to merely having to undergo staff review. Mr. Beauvais opined that a designation would create such a higher standard of review, which would be problematic if they need to act quickly. Ms. Hawkins responded that that is not her impression, and that, if the work they propose to do to stabilize the property is consistent with the historic character of the building, the staff would be able to undertake the review regardless of whether the property is designated or under consideration for designation. She noted that if the owner were to do something radical, such as completely demolish a section of the building with no intent to rebuild it, that may trigger review by the full Historical Commission, but it will not stop or prevent the staff from addressing an immediate, public safety concern. Ms. Hawkins commented that, since there is no application for work to the building before the Historical Commission, this is a theoretical exercise, and she would prefer to move forward with the nomination review.
Mr. Gupta asked for the representatives of the congregation to testify. He asked if there is support for the nomination. Mr. Beisert responded that it is a house divided. He noted that the side that wants the building preserved has left the congregation.

Attorney Sharif Street, also legal counsel for the property owner, commented that Pastor Griffith, who spoke at the Committee on Historic Designation meeting, is present. He noted that the congregation has met and is in near-unison in their desire to divest themselves of the property. He noted that the congregation has worked in the past to maintain the integrity of the structure, but has concerns that a designation could create a significant hardship to the congregation, given the extensive maintenance issues with the building. He opined that, while the portion of the parapet addressed in the court order could collapse any day, the court's engineers also found extensive damage on the rest of the east and north walls of the building that will likely require millions of dollars to repair. He continued that the existing repairs would be a burden that could endanger the oldest black Baptist congregation in America. He noted that this is the fourth building occupied by the congregation, which itself is 206 years old. The congregation has survived several moves, but the building in question is only about 100 years old. He commented that, if the congregation has to move again, it wants to make sure that it has the resources to be successful in a new location. Mr. Street stated that this congregation does not have the resources to maintain this building.

Mr. Sherman asked whether the congregation continues to use the building. Mr. Street responded that the congregation is permitted by the Department of Licenses & Inspections to use a portion of the building that is not adjacent to the east wall. He commented that the parapet on the east façade is five degrees out of plumb, and that they have had to cordon off the parking lane, and now one traffic lane in case of collapse. He noted he is not an architect, but that the way that the building is gabled, if the east parapet were to collapse, it could potentially take down other portions of the building. He contended that the real danger of the collapse is to homeowners across the street, not to people in the building. Ms. Hawkins interrupted Mr. Street, noting that the Commission does not have any engineering reports on the condition of the building certifying Mr. Street's comments, and that the discussion is therefore inappropriate.

Mr. Thomas commented that this is a sad and unfortunate situation, which occurs time and time again not only in Philadelphia but nationwide, with the legacy of these buildings in the hands of dedicated, but small, congregations that do not have the financial capability to maintain their historic structures. He noted that the Commission understands that that is a very difficult situation, but asserted that the Commission should only consider the Criteria for Designation,

not the condition of the building. He noted that an application was submitted stating that the building is significant, not that the building is in a state of good or bad repair. As far as the matters immediately at hand are concerned, Mr. Thomas stated, the review of any work would be handled the same way whether the building was designated or a continuance was granted. He noted that the Commission's jurisdiction would continue, even if the property was not designated at this meeting. If the building was already designated, and the building was declared imminently dangerous, that would be handled in the same way. He opined that the issue at hand is whether the building meets the Criteria, and that he thinks that it does. In reviewing any proposed work to the building, the Commission's staff would act in the same manner whether the building was designated or the nomination was under consideration. He agreed with Ms. Hawkins that the Commission should move forward in evaluating whether the building meets the Criteria for Designation.

Mr. Street responded that they understand that the Historical Commission has jurisdiction currently, but that the reason for the continuance request is to allow the owner time to respond to the issue of immediate danger. The imminent danger question has taken all of their time and resources and they have not had an opportunity to address the question of designation. He stated that they need time to evaluate the nomination, but they are compelled to address the concerns of the Department of Licenses & Inspections first, before turning their attention to the Historical Commission. He responded to Ms. Hawkins, noting that they have not provided all of the information regarding the dangerous condition to the Historical Commission. Since the Historical Commission has jurisdiction, he continued, he did not believe that there would be any harm in granting the continuance. He reiterated that they have not had the time to focus on the Historical Commission because they have devoted all of the energy to the dangerous condition, which requires them to be in court multiple times a month. He opined that the Historical Commission should have all of the information from the Department of Licenses & Inspections before they make the Commissioners make a final determination.

Ms. Hawkins responded that the Commission has designated many properties when the property owner was either opposed to the designation or chose not to participate in the review. She stated that the decision to designate should be based solely on the significance of the property. She asserted that, in respect of all of the people who came to this meeting to be heard, the Commission should move forward with the review of the nomination.

Pastor Terrence Griffith commented that no one disputes the history of the church or the significance of the congregation. He noted that, when he became pastor, work had not been done on the church for over 30 years, so the church was in poor condition. At that time, he continued, he consulted with Michael Stern, the former director of the Historic Religious Properties Program for the Preservation Alliance of Greater Philadelphia, and set out on an ambitious plan to restore the church. Part of that plan, he continued, was to get the building listed on the National Register of Historic Places, but Scott Doyle of the PHMC had told them that because the bell tower had been removed from the building, it lacked the integrity necessary to qualify for the National Register, and they dropped their application. Pastor Griffith noted that they continued to spend money on the maintenance of the church, but the more money they spent, the more problems cropped up.

Pastor Griffith opined that the way buildings are nominated and designated in Philadelphia should change. He objected to the idea that anyone can nominate any building for listing on the Philadelphia Register of Historic Places, arguing that the owner should have an opportunity to respond to the nomination. He noted that this is the most historic African Baptist church in the State of Pennsylvania, and that, owing to its condition, this building is a millstone around the necks of the congregation. He offered that, if the nominator and supporters of the nomination

want to preserve the building and can raise the money to repair the building, the congregation would not object to its designation. He opined that if someone nominates a building, they should help find money to restore the building. He noted that the congregation cannot continue pumping money into the building, but, if the nominator wants to provide the money to restore the church, the congregation will listen. He state that a 206-year-old congregation, the most historic African Baptist church in Pennsylvania, wants to survive, but cannot survive at 1600 Christian Street, because it does not have the money. If the Commission designates the building, he continued, it will spell the death knell of the congregation. The question, he opined, is what do we want to survive: the most historic African Baptist congregation or a building? He noted that the judge in the enforcement case asked who bears the responsibility and liability if the building collapses; the judge asked the nominators if they would accept the liability, and they responded that they would not. He opined that with nomination comes responsibility, and reiterated that people should not be able to nominate buildings "willy-nilly." He noted that, unlike other churches, such as the A.M.E Church, Baptist churches are all autonomous; there is no centralized church government providing support to individual congregations. He reiterated that the congregation cannot survive in this building, and that Scott Doyle of the PHMC had told them that the building was too heavily altered to be considered historic. He expressed frustration, exclaiming that 11 years after their attempt to list the church on the National Register, a stranger, Mr. Beisert, could nominate the building without consulting with the congregation, simply because he heard the congregation planned to move. If someone was really interested in the congregation and the building, he continued, they should participate in the church's events. He noted that this nominator has never offered to help the congregation raise the money to repair the building. He again asked which was more important, the preservation of the congregation or the building. Mr. Sherman thanked him for his testimony, and asked for other public input.

Attorney Robert Vance, a representative of some members and former members of the congregation in support of the nomination, noted that the preservation of the church and the survival of the congregation are not incompatible. He asserted that it would set a dangerous precedent for the Commission to continue the nomination simply because the owner believes that there may be some issues with the condition of the building. He reminded the Commission that Ms. Hawkins pointed out that the Commission has a nomination in front of it that makes the case that the building meets Criteria for Designation A and J, and this nomination has been vetted through the appropriate processes. The members of the church against the designation appeared at the Committee on Historic Designation meeting and had the chance to oppose the nomination at that time, and did so, but the Committee heard their testimony, and decided that the building should be designated anyway. Secondly, the certified engineer's report with regard to the condition of the church does not indicate that the entire building needs to be demolished. Whatever is to happen with the building in the future is pure speculation at this point. The Historical Commission's responsibility is to act on the properly submitted and vetted application for historic designation. He stated that his clients oppose the request for a continuance, and ask that the Historical Commission review and approve the nomination before it, because the church building merits designation.

Mr. Beisert claimed that Scott Doyle is not responsible for determining National Register eligibility. He noted that he has a preliminary determination of eligibility from the PHMC on the building.

Oscar Hankinson, a former member of the congregation, commented that he was dismissed from the congregation because he chose to disagree with the pastor. Mr. Beauvais responded that that claim is not true. Mr. Hankinson noted that the pastor claims that the congregation does not have sufficient funds to repair the building, but owns a three-story brownstone next

door to the church that could be sold, which would bring in between $500,000 and $700,000 to repair the wall. That brownstone, he noted, is being sold along with the church. If the church was interested in saving the building and not tearing it down and destroying something that black Baptists built in 1906, they could do. Mr. Beauvais began to cross-examine Mr. Hankinson. Mr. Sherman interrupted and asked Mr. Beauvais to please step away from the table to allow other people to speak. He noted that the Commission does not hold adversarial hearings, but takes testimony from anyone wishing to speak.

Faye Anderson, founder of All That Philly Jazz, a public history project that is mapping jazz-related historic resources, stated that she was at the 1 October 2015 court hearing, and noted that the court did not state that the church as a whole was imminently dangerous. To quote Ms. Anderson:

> The ancestors are rolling over in their graves at this spectacle of the current pastor pushing for the demolition of an edifice that was built with their blood, sweat, and tears. But let's assume for argument that Reverend Griffith gets what he wants—demolition by neglect. What would be left if L&I issued a permit to demolish the 16th Street parapet? What would be left is the main sanctuary where Booker T. Washington gave a keynote speech in 1909, in celebration of First African Baptist Church's centennial, a fact noted by Congressman Bob Brady on the floor of the U.S. House of Representatives in 2004. What would be left … is the main sanctuary where Thurgood Marshall, the first African American U.S. Supreme Court Justice got married in 1929. What would be left, the main sanctuary, where Sunday service was held last Sunday, and where Sunday service will be held in two days. Indeed, the sanctuary has been continuously occupied, ever since Reverend Griffith sicced L&I on himself. In the main sanctuary in 1914, members celebrated their role in establishing the Christian Street YMCA, the first African American YMCA to have its own building. The historical marker notes that the YMCA provided recreational and education opportunities for members of the black community. One of those members is with us today, in fact you heard from him, Dr. Hankinson, a former Trustee of the First African Baptist Church of Philadelphia. With or without the east parapet, the First African Baptist Church of Philadelphia is a place where history happened. The church retains its historical significance to the development, heritage, and cultural characteristics of Philadelphia, the Commonwealth of Pennsylvania, and the nation. I urge you to list the First African Baptist Church on the Philadelphia Register of Historic Places.

Prudence Harvey, who stated that she is a member and owner of the First African Baptist Church, commented that the building is historic as part of the heritage of black Americans, and the heritage of all Americans. She noted that the congregation could move on, but urged for them to leave the building as a reminder of their heritage.

Mr. Thomas thanked everyone for their comments, and reiterated that it is the Commission's responsibility is to act upon the nomination before them. He read Criteria A and J to the audience, and noted that designation has nothing to do with the condition of the building. He noted that there is no question in his mind that the property satisfies those Criteria. The other issues, such as whether the preservation ordinance should be changed with regard to designation, can be addressed in different forums, he opined.

Mr. Schaaf commented that, as a member of the Committee on Historic Designation, Criteria A and J essentially characterize the great social history of the building, but opined that there are additional Criteria that could be listed. He noted that, in its deliberation, the Committee offered that the building might meet Criteria D or E, for the architectural characteristics of the building and its design by the firm of Watson & Huckel.

Mr. Farnham reminded the Commission and the audience that the role of the Committee on Historic Designation and the role of the Commission differ when reviewing nominations. The Rules & Regulations, he noted, require the Committee on Historic Designation to review nominations and to advise the Commission on the architectural and historical significance of properties as documented in the nominations. The Committee has a rather narrow role to review the technical merits, and to determine whether the nomination makes the case that the property satisfies one or more of the Criteria for Designation. The Historical Commission, on the other hand, he noted, has significant discretion when designating properties. He noted that the preservation ordinance states that the Commission "may" designate after it determines that a property meets one or more of the Criteria. He noted that the Commission does have the authority to take into account any factors, and is not limited solely to determining whether the property satisfies one or more of the Criteria. After determining that a property satisfies one or more of the Criteria, the Commission must then decide whether it is appropriate to designate. The Commission has complete discretion when designating.

Mr. Beauvais apologized for his earlier outburst, and commented that the faction represented by Mr. Vance has been appearing at the code enforcement hearings, and as recently as the last hearing, Judge Leon acknowledged that they have no standing because they are no longer members of the congregation. He opined that, if the Commission designates the building, it will kill the congregation. He disagreed with Ms. Harvey that the congregation could just move out, because they will not be able to move if the building is designated. He stated that, as Mr. Street put it, they have been in a fire drill dealing with an imminently dangerous building and going back and forth with the Court of Common Pleas, and have not had the time to fully respond to this nomination. Therefore, he reiterated the request for a continuance, contending that no harm would come from granting a continuance for one month. He contended that his client is not seeking to evade the Commission's jurisdiction, but simply requests more time to evaluate the nomination and the building's condition. Waiting one month would not place the building at additional risk, he claimed.

Mr. Street asked to submit the engineer's report into the record. The Commission members declined to address the contents of the report, but did accept it into the record. Ms. Hawkins noted that the report has no role in the designation process.

Ms. Harvey commented that:

> We are making history today. I am amazed how we have a group who are fighting so hard to tear down the history of the First African Baptist Church, that was established here in Philadelphia. I am amazed that we have a group of black folks who are working so hard. We must be making history. I do not think there is another group in the whole United States who is working so hard to tear down their own history.

Mr. Thomas responded to the earlier question of what responsibility a nominator takes for the designation of a building, which, he noted, is a heavy burden. He clarified that the Historical Commission views itself as the primary public steward of the City's historic resources. He noted that there are many avenues that the property could take, once designated. He noted that the designation of the property does not preclude its sale. If the property is indeed imminently dangerous and needs to be demolished, designation does not stop the demolition. He noted that designation can be an avenue to resources. If this congregation needs to move, this property could have value to other people, given its location and the state of the economy. He stated that the Commission's goal is the reuse of the building. He noted that the Commission's decision to designate is not heartless, or an intentional impediment, but a recognition of the historic significance of the building and its congregation. Mr. Beauvais respectfully disagreed.

ACTION: Ms. Hawkins moved to deny the applicant's request to continue the nomination review. Mr. Mattioni seconded the motion, which passed by a vote of 9 to 1. Mr. DiPietro dissented.

ACTION: Mr. Thomas moved to adopt the nomination for the property at 1600-06 Christian Street, find that it satisfies Criteria for Designation A and J, as well as Criteria D and E, designate it as historic, and list it on the Philadelphia Register of Historic Places. Mr. Schaaf seconded the motion, which passed by a vote of 8 to 1. Mr. Gupta dissented. Mr. Mattioni abstained.

ADDRESS: 5710 WISSAHICKON AVENUE
Nominator: Oscar Beisert
Owner: Eastview Realty Association
COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Dilworth moved that the Committee on Historic Designation recommend that the Historical Commission table the nomination and remand it back to the Committee for review at its December 2015 meeting. Mr. Schaaf seconded the motion, which passed unanimously.

OVERVIEW: This nomination proposes to designate the property at 5710 Wissahickon Avenue as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the property satisfies Criteria for Designation A, D, and E. The nomination argues that the house, constructed in 1905-06 for Francis R. Strawbridge, is significant as an intact example of a Brockie & Hastings interpretation of the Colonial Revival style, as well as for being a fine example of the Georgian tradition of architecture in Philadelphia, and in Germantown specifically. The nomination further contends that the house is significant for its association with its first owner, Francis R. Strawbridge, the son of Justus C. Strawbridge, co-founder of the Strawbridge & Clothier Department Store, as well as his son G. Stockton Strawbridge.

DISCUSSION: Ms. DiPasquale presented the nomination and continuance request to the Commission.

Ms. DiPasquale noted that the Committee on Historic Designation did not review the nomination on its merits, but simply recommended that the Historical Commission table the nomination and remand it back to the Committee for review at its December 2015 meeting. Oscar Beisert, who authored the nomination, did not oppose the property owner's request to continue the review.

ACTION: Ms. Hawkins moved to table the review of the nomination and remand it back to the Committee on Historic Designation for review at its December 2015 meeting. Mr. Bumb seconded the motion, which passed unanimously.

DRAFT

ADDRESS: 2176-78 E. YORK STREET
Nominator: Laura DiPasquale, Philadelphia Historical Commission
Owner: Mohammed and Julie Sabur
COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Schaaf moved that the Committee on Historic Designation recommend that the nomination demonstrates that property at 2176-78 E. York Street satisfies Criteria for Designation A, D, E, and H. Ms. Klein seconded the motion, which passed unanimously.

OVERVIEW: This nomination proposes to designate the property at 2176-78 E. York Street as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the property satisfies Criteria for Designation A, D, E, and H. The nomination argues that the purpose-built home and office, constructed in 1886, is significant as a remarkably well-preserved example of a Frank Furness interpretation of the Queen Anne style, and as a landmark building in the Kensington neighborhood. The nomination further argues that the building is significant for its association with its first owner, John Ruhl, a conveyancer and Councilman turned criminal, as well as its second owner, Dr. Thomas Shriner, one of the most prominent physicians in northeast Philadelphia in the late nineteenth and early twentieth centuries. Likely commissioned using the ill-gotten gains of Ruhl's embezzling scheme, the elegant and intricately-detailed home and office is visually striking in a neighborhood of primarily working-class homes.

DISCUSSION: Ms. DiPasquale presented the nomination to the Commission.

Mr. Sherman asked if anyone was present to represent the owner of the building. Ms. DiPasquale noted that the owners were not present, but that she had been in contact with them and that they were in favor of the designation. The Commissioners agreed that the property satisfied the Criteria for Designation and merited listing on the Philadelphia Register.

> **ACTION:** Mr. Schaaf moved to adopt the nomination for the property at 2176-78 E. York Street, find that it satisfies Criteria for Designation A, D, E, and H, designate it as historic, and list it on the Philadelphia Register of Historic Places. Mr. Gupta seconded the motion, which passed unanimously.

3600-30 LANCASTER AVENUE AND 3612-28 LANCASTER AVENUE
Nominator of 3600-30: Staff of the Philadelphia Historical Commission
Nominator of 3612-28: Powelton Village Civic Association
Owner: Lancaster Mews Partners
COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: The Committee on Historic Designation recommended that the nomination submitted by the Powelton Village Civic Association for the 3612-28 portion of the property at 3600-30 Lancaster Avenue demonstrates that that portion of the property satisfies Criteria for Designation A, H, and J, but not Criterion F.
COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: The Committee on Historic Designation recommended that the nomination submitted by the staff of the Philadelphia Historical Commission demonstrates that property at 3600-30 Lancaster Avenue satisfies Criteria for Designation A, C, H, and J.

OVERVIEW: The Historical Commission received two nominations for this property. Each was prepared without knowledge of the other. Although a row of 16 separate buildings, the properties have been consolidated into one tax parcel.

The first nomination, submitted on behalf of the Powelton Village Civic Association, proposes to designate the 3612-28 Lancaster Avenue portion of the tax parcel as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the portion of the property satisfies Criteria for Designation A, F, H, and J.

The staff of the Historical Commission authored the second nomination at the request of the Deputy Mayor for Planning & Economic Development. It proposes to designate the entirety of the tax parcel at 3600-30 Lancaster Avenue as historic and list it on the Philadelphia Register of Historic Places. It contends that the property satisfies Criteria for Designation A, C, H, and J.

The row was built between about 1870 and 1880 by speculator James A.L. Wilson and others. It is classified as contributing to the National Register Powelton Village Historic District and was rehabilitated to historic preservation standards in the 1980s using federal tax credits.

DISCUSSION: Mr. Farnham presented the nomination to the Historical Commission.

Mr. Farnham reported that an attorney representing the property owner submitted a letter at the start of the meeting asking the Commission to table the nominations. Ms. Hawkins asked whether the property owner was properly notified of and attended the Committee on Historic Designation meeting. Mr. Farnham replied that the owner was properly notified, but chose not attend the meeting.

Attorney Carl Primavera introduced himself as the owner's representative. He stated that his client acquired the property to redevelop it. He stated that the redevelopment plans were covered in the press, alerting the Poweltown Village Civic Association, which nominated the property to prevent the demolition of the buildings. He stated that the neighbors contacted Deputy Mayor Alan Greenberger, who directed the Commission's staff to prepare a second nomination. He claimed that that action was unprecedented. He reported that his client has held a series of meetings with Councilwoman Blackwell, Deputy Mayor Greenberger, various civic associations, and others to seek some consensus about the property. Mr. Primavera stated that his client would like to continue to meet with the interested parties. He then observed that the legal issues raised by this case merit additional consideration and he would like to have time to study them. He stated that some are seeking this designation because they see it as the only way to prevent redevelopment as student housing, which would be as-of-right. Others are opposed because this development project would compete with their development projects. He added that there is an institution that wants to assert its will over this property. He claimed that the nomination of this property raises anti-trust issues and unfair competition issues. He stated that he needs to make a record regarding these issues and is not prepared to make it today. He added that he hopes that making such a record will not be necessary; he stated that he hopes that the discussions with the various parties will lead to a mutually satisfactory solution. He stated that the various parties are discussing whether there are mechanisms within the historic preservation process that will allow everyone to achieve their goals. He stated that they are also considering partial designation, subdivision of the property, preservation easements, and redevelopment agreements. He stated that the Commission should not designate this property during these discussions, which raise "large-scale" legal, political, social, competitive, and vision issues. He stated that his client is A.P. Construction, the Petrongolo family, which has capacity to undertake very large redevelopment projects. He stated that his client is working with the Councilwoman, the City, and the civic groups; he suggested that the Commission allow those discussions to continue, rather than designate today. Designating today will turn this from a friendly discussion to a legal matter. Mr. Primavera quoted from Section 6.9.a.10 of the Rules & Regulations: "When reviewing permit applications, the Commission may consider development plans in place at the time of the issuance of the notice announcing the consideration of a

designation." He noted that the law firm of Cozen O'Connor represented his client in the potential sale to a Mr. Potter. He remarked that the potential sale was reported in the press. Mr. Potter had a plan to construct by-right student housing at the site. Unable to oppose the project on zoning grounds, the neighbors turned to historic preservation to try to impede the project. Mr. Primavera observed that Section 1 of the Rules & Regulations: "The Historical Commission may undertake other activities to further historic preservation and to assure the integration of historic preservation in the planning and development processes." Mr. Primavera concluded, asking the Historical Commission to table the nominations so that the discussions with the stakeholders could continue, allowing for an orderly planning and development process. He asked the Commission to allow the discussions to continue in hopes of producing an easement or deed restriction that satisfies all stakeholders and "avoids a big fight." He stated that the Councilwoman and Deputy Mayor support a continuance.

George Poulin of the Powelton Village Civic Association urged the Historical Commission to reject the continuance request and to act on the nominations today. He contended that it was not appropriate to discuss potential development projects at this site during today's review. He asserted that the Commission should focus on whether the property satisfies one or more of the Criteria for Designation. He insisted that alternative developments are not relevant to the current discussion. He contended that the alternate preservation tools offered by Mr. Primavera have not been discussed during the stakeholders' meetings in any meaningful way. He claimed that the one proposal offered by the property owner was a "facadectomy" with a six-story addition on Lancaster Avenue and an 11-story building on 36th Street. He stated that his organization would not entertain such a development. He observed that "the nomination speaks for itself." He urged the Commission to designate the property. He asked his allies in the audience to raise their hands. Several persons raised hands.

Ms. Hawkins remarked that the City has not provided the resources necessary for the Commission to fully survey the city for historic resources. Therefore, some preservation efforts will be reactionary. She also stated that she understands the reactions of developers, who purchase properties with the intention of undertaking by-right projects, only to find that their properties are nominated for designation after the purchases. She stated that it is the Commission's job to balance rights and desires of the community with those of property owners. She stated that she would make a motion to reject the continuance request.

Mr. Sherman noted that the buildings were rehabilitated with federal historic preservation tax credits. Therefore, the historic value of these buildings has been recognized. Mr. Farnham noted that the buildings are listed as contributing to the Powelton Village National Register Historic District and they were the recipients of federal historic preservation tax credits. He added that the project to rehabilitate these buildings was approved as satisfying the Secretary of the Interior's Standards for the Treatment of Historic Properties.

Mr. Bumb reminded the Commission that it has received two nominations for this property. Mr. Sherman noted that, if the Commission tabled the nominations, the property would remain under the Commission's full jurisdiction during that tabling period. Mr. Farnham agreed. Mr. Schaaf stated that he would second the motion being offered by Ms. Hawkins, but only for the nomination for the entire parcel, 3600-30 Lancaster Avenue. Ms. Hawkins replied that Mr. Schaaf's statement made no sense. She stated that her motion would relate to Mr. Primavera's request to continue the review to a later meeting, but not to the merits of either nomination. Mr. Bumb stated that this case should be differentiated from the 1600 Christian Street case. There is no imminently dangerous condition at this property. There is no imminent demolition. The conversation can be continued without risk to the buildings. He stated that the historic significance of the buildings is already recognized. He suggested that the conversations

between the stakeholders should be allowed to continue. He stated that he would like to give the property owner an opportunity to explore all options. He also noted that aspects of the two nominations may be in conflict. Ms. Hawkins stated that the Historical Commission should have the authority to determine the outcome of this property.

> **ACTION:** Ms. Hawkins moved to deny the applicant's request to continue the nomination review. Mr. Schaaf seconded the motion, which passed by a vote of 8 to 2. Messrs. Bumb and DiPietro dissented.

Mr. Schaaf stated that, as a member of the Committee on Historic Designation, he could offer comments on the two nominations. He observed that Oscar Beisert's nomination concentrated on ground rents and offered a history of the ground rent system. He noted that Mr. Beisert's nomination suggested the designation of some, but not all, of the property. Mr. Schaaf noted that both nominations provide information about the tenants who lived in the buildings. He stated that there are some discrepancies between the nominations, but they generally provide the same history.

Ms. Hawkins asked if 3600-30 Lancaster Avenue is the official address of the property. Mr. Farnham responded that 3600-30 Lancaster Avenue is the official address of the tax parcel and the property proposed for designation in the nomination authored by the staff. Ms. Hawkins suggested that the Commission consider the staff-prepared nomination and, if the other nomination includes relevant information, that it be inserted into the staff nomination. Mr. Sherman agreed.

Oscar Beisert, who authored the nomination for the Powelton Village Civic Association stated that little has been written on ground rents or bonus building. If only one nomination is accepted, the information on ground rents and bonus building should be included in it.

Mr. Schaaf suggested that the Commission should find a way to reconcile the two nominations. The information from both should be included in the final nomination. Mr. Schaaf suggested that the staff could merge the two nominations. Mr. Farnham stated that the staff could merge the nominations if so directed by the Commission.

Mr. Beisert interjected that he was unaware that the staff was writing a nomination at the same time he was preparing his. He stated that he intended to write additional nominations at later dates for the other buildings that make up the 3600-30 Lancaster Avenue property.

Ms. Hawkins advised that the Commission direct its attention to the staff's nomination because it encompasses the entire tax parcel. She stated that information from the second nomination will be available in the Historical Commission's files; it will not be lost. She urged the Commission, however, to consider the one all-encompassing nomination. She strongly suggested that the Commission "not muddy this any further." Mr. Beisert stated that his group supported the advice offered by Ms. Hawkins.

Mark Brack stated that he holds a Ph.D. in architectural history, is a resident of Powelton Village, and teaches at Drexel University. He stated that these commercial buildings are of the same age as the nearby residential buildings and the combination gives the area its "village" character. He objected to "insensitive development." He stated that the area is recognized as a National Register historic district. He admonished Mr. Primavera, observing that historic preservation law that is predicated on protecting the public good is well established. No one has an inalienable right to infinite investment returns. He stated that this is a beautiful complex of buildings that was restored with tax credits.

Nancy Drye introduced herself as a resident of Powelton Village. She stated that she heard Mr. Primavera's arguments about discussion and compromise and has heard them before. She contended that the meetings to discuss the project with the various stakeholders took a long time to schedule. She stated that this is a process of delay and confusion. She observed that the discussions have led to a "facadectomy" and an 11-story building, which are not allowed by the current zoning. She stated that the property owner has no claim regarding property rights because he should not have purchased the property without some contingencies regarding zoning. She stated that the property owner bears the responsibility for not meeting expectations for financial return when the proposed project does not comply with zoning. She concluded that the Commission should designate and protect this property because it provides historic value to the neighborhood. Ms. Hawkins responded that the Commission's discussion should focus on the historic merits of the property as set forth in the nomination and not include any potential redevelopment for this site.

Mr. Primavera acknowledged that the Commission had denied his request to table the nominations. He asked the Commission to adjourn because his client was not at the meeting and deserved an opportunity to testify. Mr. Primavera disagreed with Ms. Hawkins and stated that subsequent redevelopment plans are germane to this conversation. He stated that he would have liked to have had an opportunity to cross-examine those who have spoken with regard to this project. He stated that he understands, however, that this is not an adversarial hearing. He remarked that he looks forward to cross-examining them in an adversarial setting with a court stenographer. He stated that they all have an elaborate legal process looming in front of them. He suggested that it should start in the right way, with his client given due process and allowed to testify on his behalf. This nomination process was an unusual and unprecedented convergence of interests, unrelated to historic preservation, related to property interests and stakeholders in the highest levels of government, local universities, neighborhood groups, and the press. Mr. Primavera contended that his client had to be given an opportunity to testify; otherwise, he would appeal any decision and request that the court remand the nomination back to the Commission for a new review. He asked the Commission to adjourn.

Mr. Beisert interjected that it is his First Amendment right to file a nomination, to petition the government for redress of grievances. He contended that, if a demolition permit has not been issued for a property, it is his constitutional right to nominate the property for historic designation. He stated that Mr. Primavera's claims "are absolutely absurd."

Kathy Dowdell introduced herself as a former resident of Powelton Village. She stated that the issue before the Commission is whether the property meets one or more of the Criteria for Designation. She stated that the discussion has focused on potential development, potential hardship, and property rights, but those are not relevant. She stated that there has been proper notice to the property owner for the public meeting. The public has attended the meetings. She stated that the Commission should address the issue at hand.

Brian Keech, the senior vice president for government and community relations at Drexel University, stated that the Mark Brack, who addressed the Commission earlier as a professor at Drexel University, does not speak for the University.

Patrick Grossi of the Preservation Alliance for Greater Philadelphia stated that his organization supports the nomination. He stated that he rejects the claims made by Mr. Primavera. This is not an anti-trust case. He stated that this case involves an effort to preserve a significant, intact row of buildings that contributes to Powelton Village and belongs on the Philadelphia Register of Historic Places.

Ms. Hawkins indicated that she would make a motion to designate the property. Mr. Primavera asked the Commission to act on his request to adjourn first.

> **ACTION:** Ms. Hawkins moved to deny the property owner's request to adjourn. Mr. Schaaf seconded the motion, which passed unanimously.

Ms. Hawkins again indicated that she would make a motion to designate the property. Mr. Schaaf stated that he would second the motion with the caveat that the staff reconcile the two nominations, merging them into one. Mr. Primavera objected to Mr. Schaaf's suggestion. He noted that it would violate his client's due process rights if the property were designated with a nomination that was to be created after the vote to designate. He asserted that his client has a right to obtain and review the nomination before the Commission votes. Ms. Hawkins stated that she would reject Mr. Schaaf's suggestion that the staff merge the two nominations at a later date.

> **ACTION:** Ms. Hawkins moved to reject the nomination for 3612-28 Lancaster Avenue, but to adopt the nomination for 3600-30 Lancaster Avenue, find that that property at 3600-30 Lancaster Avenue satisfies Criteria for Designation A, C, H, and J, designate it as historic, and list it on the Philadelphia Register of Historic Places. Mr. Schaaf seconded the motion, which passed unanimously.

ADDRESS: 6769 RIDGE AVENUE
Nominator: John Manton
Owner: Church of St. Alban

OVERVIEW: This nomination proposes to designate the rectory at 6769 Ridge Avenue as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the property satisfies Criteria for Designation D, G, H, and I. The rectory was built in 1879 and the nomination contends that it embodies distinguishing characteristics of the Carpenter Gothic style, which is rare in Philadelphia. It is situated on a large corner lot in Roxborough, which the nomination claims has the potential to yield archaeological information related to Native American occupation. A one-car garage located on the parcel is considered non-contributing in the nomination.

DISCUSSION: Ms. Broadbent presented the nomination and continuance request to the Commission.

John Manton, the author of the nomination, read the following prepared remarks to the Commission:

> TO THE COMMISSIONERS OF THE PHILADELPHIA HISTORICAL COMMISSION:
>
> The Episcopal Church of Saint Alban, Roxborough, is a non-profit corporation registered under the laws of the Commonwealth of Pennsylvania. Its Rector, Church-Wardens and Vestry constitute a body politic. Like any other body politic, no individual, be he/she rector, church-warden, or member of the vestry, can conduct any business, enter into any contracts, or engage in any agreements without the collective consensus of the aforementioned body politic meeting in session.
>
> Whereas the leadership of the aforementioned body politic is in transition, and will not be officially replaced until the 17 October 2015 and,

Whereas the aforementioned body politic meets monthly with the exception of July and August, usually on or about a specific date during the fourth week of any given month between September and June and,

Whereas the corporate meetings of the aforementioned body politic do not precede the two public hearings set by the Philadelphia Historical Commission,

I, the nominator of the above-named premises, do consent and agree to the request made by the body politic for a continuation of the nomination to the next official meeting of the Historical Commission, with the proviso that this continuation is a one-time concession without future encumbrances, and that the nomination then be duly considered by said commission on the 13 November 2015 as set for a public hearing by them.

ATTEST: John Charles Manton, Nominator

The Commissioners discussed the continuance request and concluded that, whereas Mr. Manton, the nominator, so staunchly supported the continuance request, it should be granted.

ACTION: Mr. Mattioni moved to table the review of the nomination to the Historical Commission's meeting of 13 November 2015. Mr. Thomas seconded the motion, which passed unanimously.

ADDRESS: BYBERRY CEMETERY
Nominator: Joseph Menkevich
Owner: City of Philadelphia
COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Mooney moved that the Committee on Historic Designation recommend that the nomination demonstrates that the property known as the Byberry Cemetery satisfies Criteria for Designation A, B, I and J. Mr. Laverty seconded the motion, which passed unanimously.

OVERVIEW: This nomination proposes to designate the Byberry African-American Cemetery, a City-owned property at the intersection of the former line of Townsend Road and Burling Avenue, as historic and list it on the Philadelphia Register of Historic Places. The property does not have a street address assigned by the Office of Property Assessment. The nomination wrongly identifies the address as 14700 Townsend Road, an adjacent property that is owned by the Flynn Company and leased to the National Archives & Records Administration. The nomination contends that the property satisfies Criteria for Designation A, B, I, and J. The African-American burial ground was established by the Byberry Quakers in 1780 for African Americans who had been freed from slavery. It has remained largely undisturbed and may have potential to yield archaeological resources.

DISCUSSION: Ms. Broadbent presented the nomination to the Commission.

Ms. Broadbent displayed a map of the boundaries of the 14700 Townsend Road parcel and pointed out the location of the burial ground, which is situated adjacent and to the west of 14700 Townsend Road. Ms. Broadbent noted that a letter from the owner of the 14700 Townsend Road parcel was distributed at the start of the meeting, requesting that the Commission acknowledge that the burial ground is not located on the 14700 Townsend Road parcel.

Joseph Menkevich, the author of the nomination, displayed a large, ancient book to the Commission and explained that he based the nomination on information found in the book.

Mr. Sherman asked for public comment. Fred Maurer commented that he supports the nomination, but stated that the historically correct name for such a site is "burial yard," not "burial ground." He referenced the written testimony, which he provided to the staff and which was included in the nomination materials. Mr. Menkevich responded that he tracked the name of the site over time, and it was never called a burial yard, but he has no objection to it being called Byberry Township African-American Burial Ground.

> **ACTION:** Ms. Hawkins moved to adopt the nomination for Byberry Township African-American Burial Ground, find that it satisfies Criteria for Designation A, B, I and J, designate it as historic, and list it on the Philadelphia Register of Historic Places. Mr. Mattioni seconded the motion, which passed unanimously.

ADDRESS: 4300-02 OSAGE AVENUE AND 4304-06 OSAGE AVENUE
Nominator: Oscar Beisert
Owner of 4300-02: Osage Realty Investment
Owner of 4304-06: redacted
COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: Mr. Schaaf moved that the Committee on Historic Designation recommend that the nominations demonstrate that properties at 4300-02 and 4304-06 Osage Avenue satisfy Criteria for Designation A, C, F, H, and J. Mr. Mooney seconded the motion, which passed unanimously.

OVERVIEW: These nominations propose to designate the properties at 4300-02 and 4304-06 Osage Avenue as historic and list them on the Philadelphia Register of Historic Places. The nominations contend that the properties satisfy Criteria for Designation A, C, F, H, and J. The nominations argue that the properties, which compose both halves of one twin constructed between 1871 and 1877, are significant as part of the Satterlee Heights development, one of the first large-scale, multi-block development projects in the area. The nominations contend that the twin, along with its three neighbors on the south side of the 4300 block of Osage Avenue, is unique in the context of nineteenth-century development in West Philadelphia, and is an integral component of an intact block of twins set upon large lots, which form a distinct visual feature in the area. The nominations further argue that the twin is an excellent example of the Second Empire style of architecture and reflects the environment in an era characterized by this distinctive style, and that it contains elements of a design and associated details and materials that were part of the Satterlee Heights development.

DISCUSSION: Ms. DiPasquale presented the nomination to Commission.

Nominator Oscar Beisert noted that he prepared the nomination on behalf of the Spruce Hill Community Association and Trust. He reiterated Ms. DiPasquale's overview and stated that the goal is to eventually nominate the entire block and have it designated as a historic district. He noted that the Satterlee Heights development was one of the earliest multi-block developments employing the twin concept. He noted that other earlier developments utilized the twin concept, but generally in a single block or two, and many in the area have been altered over time. The 4300 block of Osage Avenue on this side of the street, however, he noted, retains its original setting. The current twin was the first one completed in the overall plan, and the rest of the development followed.

Mr. Sherman opened the floor to public comment. Mark Wagenveld, resident of 4310 Osage Avenue, commented that this nomination was unanimously endorsed by the Board of Directors of the Spruce Hill Community Association, of which he is an officer. He noted that it has strong community support. The property at 4300 Osage Avenue, with its front yard sloping toward 43rd

Street is a landmark property in the neighborhood. He noted that there are four twins on this block, and of the four, this twin most closely resembles what was probably there originally, particularly the Italianate porch that wraps all the way around from the side entrances of either property. He noted that the property at 4304 Osage has been particularly well maintained over the years and has not been altered except for a small addition on the rear. Mr. Wagenveld noted that the owner of 4304 Osage was unable to attend the meeting, but is in full support of the nomination. He expressed his hope that, if these properties are designated by the Commission, they will serve as a starting point for a district nomination. He noted there is significant support for a small district from the six owner-occupants of the block, though there is dissention from the two corner investor-owned properties.

Elizabeth Stegner, the president of the University City Historical Society, noted that her group is an organization of volunteers seeking to preserve the heritage of their community. Most of the residents live there because of the Victorian houses, and love their properties. They have not done much in the past to protect the buildings, she noted, because they never thought anything would happen to them. The properties were inexpensive; it was difficult to sell properties for a while. She noted she would almost be embarrassed to tell the Commission how much she paid for her house, but it was $16,000. She noted that they want very much to preserve the residential quality of their houses, and part of that is the historic nature of the buildings themselves. She noted that their properties are currently seen as valuable, and that owners are receiving calls from developers wanting to buy their properties to build large developments, which is not something anyone in the neighborhood wants to see happen.

Phoebe Shin, a resident of the Spruce Hill neighborhood, noted that the area is unique in having buildings from so many different time periods. She noted that the neighborhood is composed not of residential units, but of homes. She continued that it is an important and gracious and welcoming part of Philadelphia that documents from the post-Civil War to the present, and it is important to keep that residential quality of the neighborhood.

Ms. Hawkins noted that the merits of these specific properties, and not the quality of the neighborhood, should be the focus of the discussion, as this is not a district nomination.

> **ACTION:** Mr. Schaaf moved to adopt the nominations for the properties at 4300-02 and 4304-06 Osage Avenue, find that they satisfy Criteria for Designation A, C, F, H, and J, designate them as historic, and list them on the Philadelphia Register of Historic Places. Ms. Hawkins seconded the motion, which passed unanimously.

1100-02 N. DELAWARE AVENUE, EDWARD CORNER BUILDING
Nominator: Oscar Beisert
Owner: 1100 Delaware Avenue Associates LP
COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: The Committee on Historic Designation recommended that the nomination demonstrates that property at 1100-02 N. Delaware Avenue satisfies Criteria for Designation H and J, but not Criteria A and C.

OVERVIEW: This nomination proposes to designate the Edward Corner Marine Merchandise Warehouse, the property at 1100-02 N. Delaware Avenue, as historic and list it on the Philadelphia Register of Historic Places. The nomination contends that the property satisfies Criteria for Designation A, C, H, and J. The nomination argues that the Edward Corner Marine Merchandise Warehouse, constructed in 1921, represents the Fishtown section of Kensington as it evolved from a maritime community in its own right to part of the larger Port of Philadelphia in the early twentieth century. The nomination contends that the building represents a local

response to the development and effects of the South Philadelphia Agreement and the eventual widening of Delaware Avenue as a major municipal effort to enlarge the capacities of the Port of Philadelphia. The nomination further argues that the Edward Corner business was a Philadelphia success story of an immigrant who built a rag business from the ground up and whose sons took over the family business, adapting it to the changing times. The nomination also contends that the design of the building is reflective of a distinctive commercial/industrial style of buildings on Delaware Avenue in the 1920s, and that it is a familiar and established visual feature.

DISCUSSION: Mr. Farnham presented the nomination to the Historical Commission.

Oscar Beisert introduced himself and stated that he prepared the nomination. He noted that the site is listed as a potentially historically significant site in the staff's preservation memorandum to the City Planning Commission for the River Wards Planning District. He acknowledged the assistance of others in researching and writing the nomination, and noted that it was not prepared on behalf of any organization. He reported that he interviewed the descendants of the original owners. He claimed that he has witnessed the wiping away of the industrial environment of the Fishtown and Northern Liberties waterfront over the last 10 years.

Patrick Grossi of the Preservation Alliance for Greater Philadelphia stated that his organization supports the nomination as a good example of the industrial waterfront. He noted that this building could be easily adaptively reused.

Mr. Mattioni stated that he was a member of the maritime community in Philadelphia many years ago and would sail up the river on a monthly basis. He stated that he supports the nomination of this maritime landmark.

> **ACTION:** Ms. Hawkins moved to adopt the nomination for the property at 1100-02 N. Delaware Avenue, find that it satisfies Criteria for Designation H and J, but not Criteria A and C, designate it as historic, and list it on the Philadelphia Register of Historic Places. Mr. Mattioni seconded the motion, which passed unanimously.

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THE REPORT OF THE COMMITTEE ON FINANCIAL HARDSHIP, 2 OCTOBER 2015
Sam Sherman, Chair

ADDRESS: 201 S 13TH ST
Project: Legalize removal of balcony and patching and painting of masonry
Type of Review Requested: Final Approval
Owner: Walnut Square Partners
Applicant: Joshua Horvitz, Fineman Krekstein & Harris P.C.
History: 1900, Horace Trumbauer, architect, St. James Hotel
Individual Designation: 8/2/1973
District Designation: None
Staff Contact: Randal Baron, randal.baron@phila.gov, 215-686-7660
ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend:

- denial of the removal of the balcony and installation of the infill, pursuant to Standards 2, 5, and 6;
- denial of the stain at the east façade, with the suggestion that the old brick is cleaned to allow for a comparison of the new and old brick colors, pursuant to Standard 6; and,
- denial of the installation of the masonry patches and paint, owing to incompleteness.

COMMITTEE ON FINANCIAL HARDSHIP RECOMMENDATION: Ms. Merriman moved that the Committee on Financial Hardship recommend that the Historical Commission reject the claim of financial hardship and deny the application for legalization, pursuant to Standards 2, 5, and 6. Ms. Long seconded the motion, which passed unanimously.

OVERVIEW: This application proposes the legalization of work at the historic St. James Hotel building, 201 S. 13th Street, including the removal of a large masonry balcony. The application was reviewed by the Architectural Committee on 21 April 2015 and by the Committee on Financial Hardship on 29 April and 2 October 2015. At its first meeting, the Committee on Financial Hardship recommended that the Commission table the matter to allow the applicants to provide three additional sets of information:

1. multiple bids from independent contractors pricing out various schemes to correct the illegal work and restore the appearance of the building,
2. a pro forma projecting the financial state of the building over 10 years that demonstrates how this building will perform, especially after it is renovated, and,
3. statistics regarding rentals and vacancies.

The Commission requested the additional information and tabled the application for 90 days at its May 2015 meeting. The applicant requested that the Commission table the application again at its August 2015 meeting because it had not yet gathered the requested information. At that time, the Commission required the applicant to submit any additional information by the close of business on 15 September 2015 and tabled the matter to its October 2015 meeting.

The applicant has submitted occupancy statistics for the last decade as well as income and expense information for the same period. The applicant has not provided independent bids for the restoration or a pro forma projecting the financial state of the building over the next 10 years.

DISCUSSION: Mr. Baron presented the application to the Historical Commission. Attorney David Fineman represented the application.

Mr. Fineman asked permission to distribute a large packet of additional information. He asserted that there is information in the Historical Commission's records showing that numerous cornices and balconies had been removed from this building and that the Commission has never asked the owners of the building to restore or reinstall these elements. He said that he presents this information to make it easier for the Commission members to follow along his presentation. Mr. Sherman and Ms. Hawkins responded that this information should have been presented to the Committees and the Commission in a timely fashion so that it could be read and responded to at this meeting. Mr. Fineman stated that he introduced this line of argument at the most recent Committee on Financial Hardship meeting and had the information before him at that time. Mr. Farnham observed that Section 4.6.b of the Commission's Rules & Regulations requires that all written information to be considered by the Commission must be submitted seven days prior to a Commission meeting to allow all parties an opportunity to review it. He said that the Commission could again table the question to provide time to consider the new information or it could review the existing record. Ms. Hawkins responded that the Commission has granted multiple continuances over many months and that the matter had been reviewed before both Committees, but this information was not presented at any of those hearings. She stated that the Commission should consider render a decision today based on the information it has before it. She reminded everyone that all of this came about because the applicant chose to undertake work without a building permit. Mr. Thomas recapped that, at the Commission's April meeting, the Commissioners asked the applicant to provide several important pieces of information including independent estimates to replace the cornice balcony. In addition, they asked for a 10-year pro forma to gauge the finances of the building in the future with the reinstallation of the cornice. In spite of the continuances, that information has not been provided. Mr. Thomas asked whether today's information packet included this information. Mr. Fineman replied that it did not. Mr. Thomas advised the Commission to move ahead and decide this question.

Mr. Fineman claimed that the Commission's Rules & Regulations as written are unconstitutional. He asserted that the Rules & Regulations as they relate to financial hardship provide for cases of demolition and cases of personal hardship, but do not address this type of circumstance.

Mr. Sherman noted that the Commission has repeatedly requested information regarding this building's financial viability if the cornice were replaced and has not considered the financial condition of the owners. He stated that he has contended that this building's finances would support the reinstallation of this cornice, but the applicants have refused to provide the information that would prove or disprove his contention.

Ms. Hawkins remarked that there were two issues before the Commission, financial hardship and the appropriateness of the alteration undertaken illegally.

> **ACTION:** Ms. Hawkins moved to find that the application failed to substantiate the claim of financial hardship proffered to justify the unpermitted alterations. Mr. Thomas seconded the motion, which passed unanimously.

On the question of appropriateness, Ms. Hawkins contended that the applicant undertook the inappropriate work without a permit. She noted that the Commission typically confers with applicants to find ways for dangerous condition to be abated immediately and the lost features then to be replaced over time. She stated that she supports the Architecture Committee's recommendation that the alterations including the removal of the cornice, the proposed staining of brick, and the patching and painting of the masonry do not satisfy the Standards.

Mr. Fineman noted that his engineer is present to state that the cornice had to be removed because it posed a danger to the public. He said that his client spent close to $1 million to do the work. The work was costly because several apartments had to be vacated. He acknowledged that they should have applied for a permit. He claimed that the history in the Commission's files shows that cornices and balconies have been removed from this building many times. A 1930s photograph shows the building with all of its beautiful cornices. In 1973, the City issued a violation regarding the poor condition of the building's cornices. Mr. Fineman claimed that the owners removed cornices from the building in both 1974 and 1977 and no one required them to replace them, thereby acquiescing to the work. In 2014, one more cornice was brought down to protect the community. He asserted that it is outside the Commission's purview to ask for it to be restored. Mr. Farnham noted that the City adopted a new preservation ordinance in 1985 and the Commission adopted Rules & Regulations in 1991. He acknowledged that the Commission would have acted differently in the 1970s because it legal authority was different at that time.

Mr. Baron reported that he had reviewed the Commission's file on this property and found no record of the Commission acquiescing to the removal of the cornices. He stated that the violation to which Mr. Fineman referred demonstrates that the City had not ignored the condition of the building, but instead had ordered the repair or removal of the dangerous conditions. He also noted that a letter from the architect of the owners of the building to the Commission states that they would reinstall any cornices that were removed. Ms. Hawkins stated that, similar to the Commission's stance on the application for 1501 Fairmount Avenue reviewed earlier in the meeting, the cornice should be reinstalled, perhaps in another material in a non-structural manner within 12 months, based on the Commission's April 2015 meeting. She stated that there was no emergency involved in the other masonry work, which was also inappropriate.

> **ACTION:** Ms. Hawkins moved to deny the application, pursuant to the Commission's finding that the application failed to substantiate the claim of financial hardship and Standards 2, 5, and 6. Ms. Turner seconded the motion, which passed unanimously.

ADJOURNMENT

ACTION: At 12:09 p.m., Mr. Mattioni moved to adjourn. Mr. Schaaf seconded the motion, which passed unanimously.

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STANDARDS AND GUIDELINES CITED IN THE MINUTES

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

Standard 5: Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

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

§ 14-1004. Designation.

(1) Criteria for Designation.

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

(a) Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the City, Commonwealth, or nation or is associated with the life of a person significant in the past;

(b) Is associated with an event of importance to the history of the City, Commonwealth or Nation;

(c) Reflects the environment in an era characterized by a distinctive architectural style;

(d) Embodies distinguishing characteristics of an architectural style or engineering specimen;

(e) Is the work of a designer, architect, landscape architect or designer, or professional engineer whose work has significantly influenced the historical, architectural, economic, social, or cultural development of the City, Commonwealth, or nation;

(f) Contains elements of design, detail, materials, or craftsmanship that represent a significant innovation;

(g) Is part of or related to a square, park, or other distinctive area that should be preserved according to a historic, cultural, or architectural motif;

(h) Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community, or City;

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

(j) Exemplifies the cultural, political, economic, social, or historical heritage of the community.

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