

**ADDRESS: 8819 RIDGE AVE, 700-06 AND 708-16 CALEDONIA ST**

Proposed Action: Rescission

Property Owner: Barwel Development LLC

History: 1859; Absalom Loyle House; demolished 2019 owing to imminently dangerous condition

Individual Designation: None

District Designation: Ridge Avenue Historic District, Contributing, 10/12/2018

Staff Contact: Kim Chantry, kim.chantry@phila.gov, 215-686-7660

**OVERVIEW:** This application proposes to rescind the designations of 8819 Ridge Avenue, 700-06 Caledonia Street, and 708-16 Caledonia Street. The property at 8819 Ridge Avenue was designated and listed on the Philadelphia Register of Historic Places in 2018 as part of the Ridge Avenue Roxborough Historic District. At the time of designation in 2018, a detached, three-story house, shed, and garage stood on the site. At its meeting on 9 November 2018, the Historical Commission approved a complete demolition application as necessary in the public interest to abate the imminently dangerous condition, pursuant to Section 14-1005(6)(d) of the Philadelphia code. The Caledonia Street addresses were the result of a subdivision of the lot at 8819 Ridge Avenue and contain no historic resources. In 2019, the historically designated resource at 8819 Ridge Avenue was demolished.

The current owner has requested the removal of these properties from the Philadelphia Register of Historic Places, as the resources now cease to satisfy any Criteria for Designation because the qualities that caused the original entry have been removed through the Historical Commission-approved demolition.

**STAFF RECOMMENDATION:** The staff recommends that the Historical Commission rescind the designations for 8819 Ridge Avenue, 700-06 Caledonia Street, and 708-16 Caledonia Street, pursuant to Section 5.14.b.1.a of the Historical Commission's Rules & Regulations, as the resources have ceased to satisfy any Criteria for Designation because the qualities that caused the original entries have been removed through demolition.



The property at 8819 Ridge Avenue, post-demolition.

**THE MINUTES OF THE 675<sup>TH</sup> STATED MEETING OF THE  
PHILADELPHIA HISTORICAL COMMISSION**

**FRIDAY, 9 NOVEMBER 2018  
ROOM 18-029, 1515 ARCH STREET  
BOB THOMAS, CHAIR**

**PRESENT**

Robert Thomas, AIA, Chair  
Emily Cooperman, Ph.D.  
Kelly Edwards, MUP  
Michael Fink, Department of Licenses & Inspections  
Steven Hartner, Department of Public Property  
Melissa Long, Division of Housing and Community Development  
John Mattioni, Esq.  
Dan McCoubrey, AIA, LEED AP BD+C  
H. Ahada Stanford, Ph.D., Commerce Department  
Betty Turner, MA  
Kimberly Washington, Esq.

Jonathan E. Farnham, Ph.D., Executive Director  
Randal Baron, Historic Preservation Planner III  
Kim Chantry, Historic Preservation Planner II  
Laura DiPasquale, Historic Preservation Planner II  
Meredith Keller, Historic Preservation Planner II  
Allyson Mehley, Historic Preservation Planner I  
Megan Schmitt, Historic Preservation Planner I

**ALSO PRESENT**

David Breiner  
Leslie Benoliel  
Michael Phillips, Esq., Obermayer  
Nicholas Baker  
Paul Steinke, Preservation Alliance for Greater Philadelphia  
Alex Rong, AR Engineers  
Alex Balloon  
Stuart Rosenberg, SGRA  
Rich Giordano, Upper Roxborough Civic Association  
Adam Montalbano, Moto Design Shop  
Henry Bailey  
John Carpenter, Central Roxborough Civic Association  
Julia Heberle, Central Roxborough Civic Association  
Donna Rilling, SUNY Stony Brook  
J.M. Duffin  
Oscar Beisert  
Dana Fedeli  
Peter Knudsen, LTSP  
Cheryll Morris Davis  
Tom and Jill Durovsik

Bill O'Brien, MNYKLaw  
Ira Kauderwood, University of Pennsylvania  
Josh Lippert, Department of Licenses & Inspections  
Noah Yoder  
Julia Marchetti, Preservation Alliance for Greater Philadelphia  
Ray Rola, RFR Arch  
Shimi Zakin, Atrium Design Group  
Rhea Gargullo, Sargenti  
Anthony Gerardi, Sargenti  
Carl Primavera, Esq., Klehr Harrison  
Hal Davidow, Wm. Penn Charter School  
Anthony M. Santaniello, Philadelphia Streets Department  
Patrick Grossi, Preservation Alliance for Greater Philadelphia  
Chris Doyle, Daily Pennsylvanian  
Steven Peitzman, East Falls Historical Society  
David Moloznik  
Nick Lobuglio, Penn  
Nancy Pontone, Tudor East Falls  
David S. Traub, Save Our Sites

#### **CALL TO ORDER**

Mr. Thomas called the meeting to order at 9:06 a.m. Commissioners Cooperman, Edwards, Fink, Hartner, Long, Mattioni, McCoubrey, Stanford, Turner and Washington joined him.

#### **MINUTES OF THE 674<sup>TH</sup> STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION**

**ACTION:** Ms. Turner moved to approve the minutes of the 674<sup>th</sup> Stated Meeting of the Philadelphia Historical Commission, held 23 October 2018. Mr. Mattioni seconded the motion, which passed unanimously.

#### **MINUTES OF THE SPECIAL MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION, 9 OCTOBER 2018**

**ACTION:** Ms. Cooperman moved to approve the minutes of a Special Meeting of the Philadelphia Historical Commission, held 9 October 2018. Ms. Turner seconded the motion, which passed unanimously.

**ADDRESS: 8819 RIDGE AVE**

Proposal: Demolish building

Review Requested: Final Approval

Owner: Barwel Development LLC

Applicant: William O'Brien, Manayunk Law Office

History: 1859; Absalom Loyle House

Individual Designation: None

District Designation: Ridge Avenue Historic District, Contributing, 10/12/2018

Staff Contact: Jon Farnham, jon.farnham@phila.gov, 215-686-7660

**ARCHITECTURAL COMMITTEE RECOMMENDATION:** The Architectural Committee voted to recommend denial, pursuant to Section 14-1005(6)(d) of the Philadelphia code.

**OVERVIEW:** This application proposes the complete demolition of the detached, three-story house, shed, and garage at 8819 Ridge Avenue. The building was protected by the Ridge Avenue demolition moratorium and then designated as historic as part of the Ridge Avenue Roxborough Thematic Historic District on 12 October 2018. The inventory of the historic district indicates that this property is classified as contributing to the district. The Ridge Avenue demolition moratorium was introduced into City Council on 28 September 2017, it became effective on 5 December 2017 when it was favorably recommended out of committee, it was passed by City Council on 14 December 2017, and it was signed into law by the Mayor on 20 December 2017.

On 6 April 2018, HC Site Construction, Inc., a contractor, submitted an application for a complete demolition permit (#865318) for 8819 Ridge Avenue to the Department of Licenses & Inspections, which was forwarded to Philadelphia Historical Commission because the property was subject to Section 14-1009 of the Philadelphia Code, the Ridge Avenue Demolition Moratorium. On 10 April 2018, the staff of the Historical Commission determined that the demolition permit application was incomplete, pursuant to Section 6.8 of the Historical Commission's Rules & Regulations, because it did not address the criteria for approval and therefore declined to process it. The staff returned the application to the applicant with a list of its deficiencies. The staff explained that the application must demonstrate that the property has been cited as imminently dangerous and that demolition is the *only* means of abating the dangerous condition; that the building cannot be used for any purpose for which it is or may be reasonably adapted; or that the demolition is necessary in the public interest. The application failed to justify the proposed demolition with any one of the three possible bases for approval.

On 31 July 2018, attorney William O'Brien submitted a building permit application for 8819 Ridge Avenue (#893122) to the Historical Commission. As of 9 July 2018, the property owner had been notified that the property had been nominated for historic designation as part of the Ridge Avenue Roxborough Thematic Historic District and that all building permit applications for the property were therefore subject to the Historical Commission's review as of that date. The Ridge Avenue Demolition Moratorium lapsed on the same date that the Historical Commission sent the notification. This application was likewise deemed incomplete, pursuant to Section 6.8 of the Historical Commission's Rules & Regulations, and could not be processed. The application form stipulated "Partial demolition of existing three-story home to make safe," but nothing in the application identified the part(s) of the building to be removed or whether or how the remaining part(s) would be treated following the removal. The permit application included a building permit application form, violation notice, cover letter, certificate of liability insurance, certificate of tax clearance, and a zoning permit application form, but no photographs, site plan,

or architectural drawings documenting the property and building in question or the work to be performed.

The current application includes a permit application form, photographs, a site plan, the violation notice, engineers' reports, and other materials. The most recent engineer's report, dated 11 September 2018, states that "this building [should] be demolished due to the possible dangerous condition." Dated 8 June 2018, the violation notice indicates that the Department of Licenses & Inspections has determined that the building is imminently dangerous. However, a letter from the Department of Licenses & Inspections to the property owner, dated 9 July 2018, states that the Department had declined to issue a demolition permit because "neither of the engineers reports submitted provides adequate detail demonstrating that the demolition of this building is necessary to abate an imminently dangerous condition."

The City's historic preservation ordinance, Section 14-1005(6)(d), restricts the Historical Commission from approving demolition permit applications unless certain conditions are met.

No building permit shall be issued for the demolition of a historic building ... located within a historic district that contributes, in the Historical Commission's opinion, to the character of the district, unless the Historical Commission finds that issuance of the building permit is necessary in the public interest, or unless the Historical Commission finds that the building ... cannot be used for any purpose for which it is or may be reasonably adapted. In order to show that building ... cannot be used for any purpose for which it is or may be reasonably adapted, the owner must demonstrate that the sale of the property is impracticable, that commercial rental cannot provide a reasonable rate of return, and that other potential uses of the property are foreclosed.

The photographs and engineer's reports demonstrate that the building is in very poor condition, but nothing in the application indicates that demolition is the *only* means of abating the imminently dangerous condition; that the building cannot be used for any purpose for which it is or may be reasonably adapted; or that the demolition is necessary in the public interest. The Historical Commission cannot approve demolition applications based solely on the condition unless the Department of Licenses & Inspections determines that demolition is the only means of abating a dangerous condition. Without such a determination, the applicant must prove that the building cannot be used for any purpose for which it is or may be reasonably adapted; or that the demolition is necessary in the public interest before the Historical Commission can approve the demolition. As an aside, the Historical Commission could have excluded this property from the historic district based on condition when it designated it on 12 October 2018, but no one appeared at that meeting representing this property to make such an argument. The property is now designated and the bar for a demolition approval is high.

**DISCUSSION:** Messrs. Thomas and Mattioni recused, owing to their involvement in a non-profit led by the attorney representing the property owner. Ms. Turner assumed the role of chair. Mr. Farnham presented the application to the Historical Commission. Attorney William O'Brien, developer Charles Whitlock, and engineer Alex Rong represented the property owner.

Mr. Farnham informed the Historical Commission that Mr. O'Brien had contacted several Commissioners outside the auspices of a public meeting by email and, in one case, by telephone. He reminded the applicant and the audience that all communication between applicants as well as others and the Commissioners must take place through the Historical Commission's offices so that the staff can document the communication and so that all parties involved are aware of the communication. He cautioned that applicants should never contact

Commissioners directly. Mr. Farnham also noted that he had distributed four additional items related to the review to the Commissioners at the start of the meeting: a letter from Mr. O'Brien, which had been emailed to some Commissioners yesterday, a letter from Mr. O'Brien to the near neighbors of the property in question, an email from a near neighbor to the Historical Commission regarding his desire to see the property redeveloped, and a zoning permit for the demolition of the building in question and the subdivision of the property into two parcels.

Mr. O'Brien stated that the letter he distributed to some Commissioners yesterday commented on the minutes documenting the Architectural Committee's review. Mr. O'Brien pointed out that the Historical Commission's transition rule at Section 6.9.a.10 of the Historical Commission's Rules & Regulations authorizes the Commission to take into consideration development plans in place prior to the Commission's notice to the property owner that it will consider designating the property. Mr. O'Brien noted that the Historical Commission assumed some jurisdiction over the property on 5 December 2017, when the City Council's Rules Committee favorably moved the demolition moratorium legislation out of the Committee, the Historical Commission did not send the notice announcing its consideration of the district nomination until 9 July 2018. Mr. O'Brien explained that his letter includes a timeline documenting the plans for redeveloping the property. The timeline identifies all of the development activity. He stated that it documents significant development activity prior to the notice date, 9 July 2018, but also prior to 5 December 2017. He noted that the Survey District, Planning Commission, and Department of Licenses & Inspections had all approved the relocation of lot lines, which depended on the demolition, prior to that date. He stated that his client, the developer, relied on the issuance of the zoning permit to purchase the property. Mr. O'Brien introduced Mr. Whitlock. Mr. O'Brien asked Mr. Whitlock to state whether the timeline included with the letter was accurate. Mr. Whitlock stated that it was accurate.

Mr. O'Brien then introduced Mr. Rong, the engineer. He explained that Mr. Rong undertook a structural analysis of the building and issued a report. Mr. O'Brien observed that another engineer, Robert Rosen, also issued a report. He noted that Mr. Rosen had concluded that demolition was necessary to abate the dangerous condition and that the building should be immediately demolished, owing to its instability. He also noted that total demolition is the best solution for the house. Mr. O'Brien stated that Mr. Rong also concluded that the building is in imminent danger of collapse and should be demolished.

Mr. O'Brien acknowledged that he sent a letter to the near neighbors asking for their support. He noted that one neighbor responded. He stated that the house is an eyesore and a nuisance.

Mr. McCoubrey stated that the Architectural Committee found the structural reports to be very thin. The reports did not identify areas where failure might be imminent. The reports included several inconsistencies including wrongly referring to the building as a wood-frame house and a brick house; it is a stone house. Ms. Cooperman stated that the flawed reports do not inspire confidence. Mr. McCoubrey stated that one of the reports refers to early stages of failure, not imminent collapse. In general, the Architectural Committee concluded that it had seen buildings in far worse condition that were subsequently successfully rehabilitated. Mr. McCoubrey noted that the building is set back from the sidewalk and fenced and therefore does not pose an immediate danger to the public.

Mr. Farnham explained that the so-called transition rule authorizes the Historical Commission, Architectural Committee, and staff to take into consideration development plans in place at the time of notice announcing the consideration of a nomination when reviewing building permit

applications. Mr. Farnham added that he was surprised by Mr. O'Brien's letter, which contested his interpretation of the transition rule. Mr. Farnham stated that he agreed with Mr. O'Brien that, in order for the Historical Commission to take development plans into consideration, those plans needed to be in place at the time the notice announcing the consideration of a nomination is mailed to the property owner. He stated that, in this case, that date would be 9 July 2018, not the earlier dates associated with the demolition moratorium. Mr. Farnham concluded that the Historical Commission should not conclude from Mr. O'Brien's letter that he and Mr. O'Brien disagree about the correct interpretation of the transition rule. Ms. Cooperman noted that the Historical Commission "may" consider development plans; it does not stipulate that the Commission "must" consider them. Mr. Farnham agreed. He also noted that the Historical Commission is bound by the demolition provision in the ordinance. The transition rule cannot supersede that provision, which limits the Historical Commission to approving demolitions in two cases, when the building cannot be feasibly adaptively reviewed or when the demolition is necessary in the public interest. Mr. Farnham stated that it is generally agreed that abating an imminently dangerous condition is necessary in the public interest. Mr. Farnham concluded that the Historical Commission should consider the transition rule and the abatement of the dangerous condition when making its decision.

Paul Steinke of the Preservation Alliance observed that the house in question dates to 1859 and that the historic district of which it is a part was just designated last month. He noted that the property is contributing to the district. He remarked that the Architectural Committee had opined that this building probably could be repaired.

Rich Giordano, the president of the Upper Roxborough Civic Association, noted that this site falls within his organization's boundaries. He stated that the Historical Commission's staff did a great deal of work very quickly to prepare the district nomination, for which his organization is very grateful; it would be a shame to approve this application and eat away at the newly created district. He noted, however, that members of his organization who live near this site are very concerned about it. It is an eyesore and attractive to squatters. The near neighbors are adamantly opposed to continued deterioration at this site. The house should be stabilized and restored.

Mr. O'Brien emphasized again that the building has been cited as imminently dangerous. It is a threat to the public. Mr. O'Brien stated that he is frustrated because the demolition moratorium provided a better path to demolition than the current designation. He read from the demolition moratorium code at Section 14-1009(2):

No total demolition of any building or other structure among the designated properties in the Ridge Avenue area shall be permitted, unless either:

- (a) such demolition is necessary to abate an imminently dangerous condition as determined by the Department of Licenses and Inspections; or
- (b) a permit for such demolition is obtained in accordance with the provisions of §14-1005 ("Regulation"), applying those provisions as if the designated properties in the Ridge Avenue area constituted, collectively, a designated historic district.

He stated that the building was deemed imminently dangerous on 8 June 2018 and, under the demolition moratorium, should have approved for demolition. He claimed that the necessary elements to approve demolition were in place at that time. He claimed that the demolition application continued to be reviewed for five weeks. He stated that, on 10 July 2018, the property owner received two letters dated 9 July 2018. One, from the Department of Licenses &

Inspections, stated that the demolition application was being abandoned. The other, from the Historical Commission, notified the owner of the consideration of the proposed historic district. Implying a conspiracy between the City agencies, he stated that he was sure that the timing of the two letters was “simply a coincidence.” He again asserted that the demolition application should have been approved on 8 June 2018 because the building was cited as being imminently dangerous. He stated that the letter from the Department indicated that the Historical Commission’s approval was required on the permit application. He asserted that the approval was not required because the demolition moratorium code required either an imminently dangerous finding or a Historical Commission approval. He claimed that the City agencies made a mistake. He also claimed that Mr. Rong’s engineer’s report was found to be lacking in two regards. It did not account for the fact that the house was set back from the street and it did not provide a plan for salvage. He claimed that mistakes were made and the Historical Commission should not be reviewing this application. The demolition permit should have been issued a long time ago.

Mr. Farnham stated that he disagrees with Mr. O’Brien’s interpretation of the demolition moratorium code. Mr. O’Brien asserted that the Department of Licenses & Inspections cited the property as imminently dangerous on 8 June 2018, thereby satisfying the condition in the code and allowing the permit application to be approved. However, Mr. O’Brien is ignoring the second half of that provision. The demolition permit application could not be approved unless “such demolition is necessary to abate an imminently dangerous condition as determined by the Department of Licenses and Inspections.” Mr. O’Brien is ignoring the fact that the code only allows for the demolition when the Department has determined that the demolition is necessary to abate the imminently dangerous condition. Mr. O’Brien is claiming that the permit application should have been approved simply because there is an imminently dangerous condition and because his engineer concludes that demolition is the appropriate way to abate the dangerous condition. However, the Department of Licenses & Inspections issued a letter to the property owner, dated 9 July 2018, stating that the Department had declined to issue a demolition permit because “neither of the engineers reports submitted provides adequate detail demonstrating that the demolition of this building is necessary to abate an imminently dangerous condition.” The Department explicitly concluded that the building did not satisfy the conditions required for the issuance of a demolition permit. The permit should not have been issued.

**FAILED MOTION:** Ms. Cooperman moved to deny the application. Mr. McCoubrey seconded the motion, which failed by a vote of 5 to 3. Commissioners Cooperman, Edwards, and McCoubrey voted in favor. Commissioners Fink, Hartner, Long, Washington, and Stanford dissented. Commissioner Turner abstained.

Mr. Fink asked his follower Commissioners who vote for the motion why they concluded that the transition rule did not apply in this case. Ms. Cooperman responded that, for her, the significant phrase in the rule is that the Historical Commission “may consider” plans, but is not required to consider plans. Mr. Fink stated that he considers the current situation to be precisely the situation that was contemplated when the transition rule was drafted. He observed that the property owner purchased the property in good faith to redevelop it, but, after he had committed considerable resources to the project, discovered that the rules regarding the property had changed. The rule was written for exactly this situation. Ms. Cooperman stated that she understands Mr. Fink’s position, but questioned why the Historical Commission would designate a property one month and approve its demolition the next; that would be an unfortunate turn of events.

**ACTION:** Mr. Fink moved to approve the application as necessary in the public interest to abate the imminently dangerous condition, pursuant to Section 14-1005(6)(d) of the Philadelphia code. Ms. Washington seconded the motion, which passed by a vote of 5 to 3. Commissioners Fink, Hartner, Long, Washington, and Stanford voted in favor. Commissioners McCoubrey, Cooperman, and Edwards dissented. Commissioner Turner abstained.

Mr. O'Brien asked that the record reflect that nine Commissioners are present. Mr. Reuter acknowledged that five Commissioners voted in favor, three against, one abstained, and two recused. He observed that a majority of Commissioners participating, five of nine, voted in favor of the motion and it therefore carries. Ms. Cooperman commented that she would have preferred to have taken the transition rule into account last month when the Historical Commission considered and then designated the historic district. Mr. Farnham agreed and noted that he was prepared at last month's meeting to suggest that the Historical Commission remove this property from the proposed historic district before designation owing to its condition and circumstances, but no one representing the property appeared at the meeting and made such a request. He concluded that it would have been better to decline to designate it than to designate it one month and approve its demolition the next.

**ADDRESS: 2221 PINE ST**

Proposal: Construct pilot house and roof deck

Review Requested: Final Approval

Owner: Katherine Milkman, Cullen Blake

Applicant: Kenny Grono, Buckminster Green LLC

History: 1850

Individual Designation: None

District Designation: Rittenhouse Fidler Residential Historic District, Contributing, 2/8/1995

Staff Contact: Allyson Mehley, allyson.mehley@phila.gov, 215-686-7660

**ARCHITECTURAL COMMITTEE RECOMMENDATION:** The Architectural Committee voted to recommend approval, provided the cantilever is removed, the glass railing and 72-inch side walls are eliminated, and the deck is enclosed by a simple 42-inch picket railing, and the pilot house height is lowered to no more than 8 feet and sloped toward the front of the house, pursuant to Standards 9, 10, and the Roofs Guidelines.

**OVERVIEW:** This application proposes to construct a pilot house and roof deck at 2221 Pine Street. The deck will be constructed at the rear of the property on the existing three-story addition. The application proposes to cantilever the deck 18 inches beyond the rear façade, which faces Panama Street. The underside of the cantilever will appear as a cornice with painted moldings and rim joist similar to those on homes that front Panama Street. The stucco of the rear facade will be extended to the underside of the deck. A 42-inch high glass railing will be installed along the rear of the deck, while the sides of the deck will be enclosed by 72-inch fiber cement-clad walls. A new pilot house will be constructed for roof access and clad in painted fiber cement.

**ACTION:** See Consent Agenda.

**From:** [Lee Ardemendo](#)  
**To:** [Kim Chantry](#)  
**Subject:** Fwd: 700 & 708 Caledonia St, 8819 Ridge Ave  
**Date:** Wednesday, October 02, 2019 12:51:07 PM

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Hello Kim

See below.

Lee

----- Forwarded message -----

**From:** Charles Whitlock <[cw.pinnacle@gmail.com](mailto:cw.pinnacle@gmail.com)>  
**Date:** Wed, Oct 2, 2019, 12:43 PM  
**Subject:** Re: 700 & 708 Caledonia St, 8819 Ridge Ave  
**To:** Lee Ardemendo <[leeardemendo@gmail.com](mailto:leeardemendo@gmail.com)>

Hi Kim,

My name is Charles Whitlock I am the managing member of the Caledonia st developers llc we purchased 706,708 Caledonia st in 3/2019 we are requesting that ant info historical related please be removed it restricts me to get the fireplace permit and others even though this has all been completed prior so if you would kindly remove the historical restriction we appreciate all your help thank you, also I can be reached at \_\_\_\_.

Charles Whitlock  
US Best Construction  
504 South Street  
Philadelphia, Pa 19147