

ADDRESS: 5900 GERMANTOWN AVE

Name of Resource: Vacant Lot

Proposed Action: Rescind Individual Designation

Property Owner: Scuderi RE 5900-02 Germantown Ave LLC

Nominator: Augusta M. O'Neill, Klehr Harrison Harvey Branzburg LLP

Individual Designation: 2/25/1964

District Designation: None

Staff Contact: Megan Cross Schmitt, megan.schmitt@phila.gov

OVERVIEW:

This application requests the rescission of the individual designation of the property at 5900 Germantown Avenue. The property was individually designated on 25 February 1964. At the time of designation, two early nineteenth-century houses stood on the site. The property now known as 5900 Germantown Avenue has been divided into two properties known as 5900 and 5902 Germantown at times, with one house on each lot, and then consolidated back into one property. The property is currently a vacant lot.

In July 2020, the current owner, who acquired the property in April 2020, submitted an application to the Historical Commission proposing to construct a mixed-use building on the vacant lot. During its review, the Architectural Committee questioned whether the designated houses had been demolished legally. For this reason, the applicant withdrew the application and sought to clarify the circumstances of the demolition.

Since the Architectural Committee meeting, the staff, with the assistance of the Department of Licenses & Inspections (L&I), discovered that L&I cited the houses as Imminently Dangerous on 24 January 1992, demolished them in the winter or spring of 1992, and then billed the owner for the cost of the demolition on 4 May 1992. The houses were demolished legally by L&I, albeit without the Historical Commission's approval, because they posed a threat to public safety.

Section 5.14.b.1 of the Historical Commission's Rules & Regulations authorizes the Commission to remove entries from the Philadelphia Register of Historic Places when the qualities that caused the original entry on the Register have been lost or destroyed. In this case, the buildings were designated for their architectural qualities. Those qualities were lost with the demolition. There is no longer a basis for the designation.

STAFF RECOMMENDATION: The staff recommends that the Historical Commission rescind the individual designation of 5900 Germantown Avenue and remove it from the Philadelphia Register of Historic Places, pursuant to Section 5.14.b.1 of the Commission's Rules & Regulations, because the qualities that caused its original entry have been destroyed.



Figure 1. Current view of 5900-02 Germantown Avenue. KCA Design Associates.

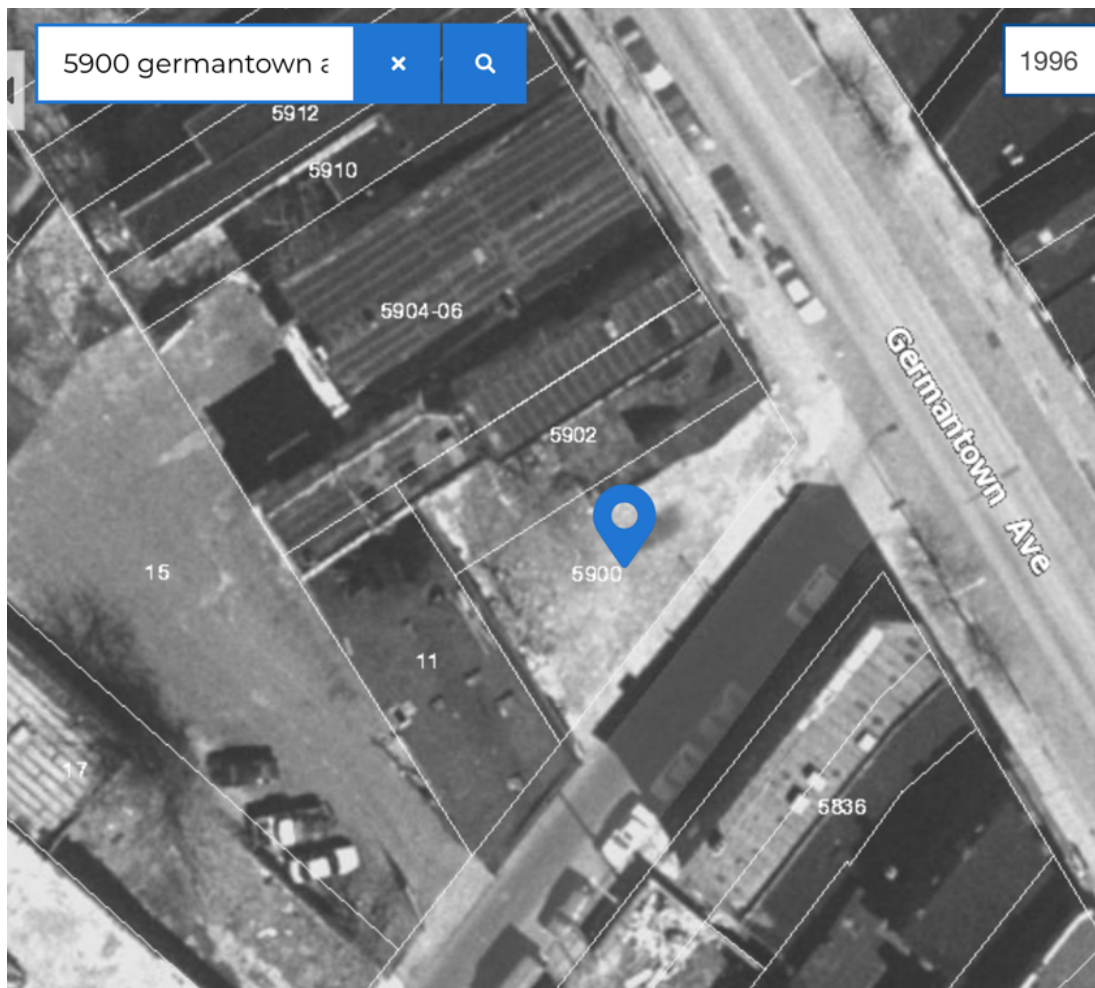


Figure 2. Aerial view of 5900-02 Germantown Avenue showing the lots as vacant in 1996. City of Philadelphia Atlas.



Figure 3. 1964 photo of 5900-02 Germantown Avenue. Phillyhistory.org



Figure 4. 1982 photo of 5900-02 Germantown Avenue. George Thomas.



**KLEHR HARRISON
HARVEY BRANZBURG LLP**

Augusta M. O'Neill
Direct Dial: (215) 569-4778
Email: aoneill@klehr.com

September 8, 2020

Philadelphia Historical Commission
One Parkway, 13th Floor
1515 Arch Street
Philadelphia, PA 19102

**Re: 5900-02 Germantown Avenue
Historical Designation Rescission Application**

Dear Members of the Commission:

This firm represents Scuderi RE 5900-02 Germantown Ave LLC ("Scuderi"), the owner of the properties located at 5900-02 Germantown Avenue. Please accept this submission as a Request for Recission for the Historical Designation of the property at 5900 Germantown Avenue (the "Property").

The Property was listed on the Philadelphia Register of Historic Places in 1964. Historical Commission staff were unable to find any documentation indicating that 5902 Germantown Avenue was ever designated. Both lots are currently vacant.

Scuderi purchased the Property in April of 2020. At the time, the Property was a vacant lot, which is how it had been advertised and marketed for sale. The Property's prior owner had also purchased it as a vacant lot. Indeed, according to all publicly available property records, it appears that there have been at least three prior property owners who all purchased 5902 Germantown Avenue as a vacant lot.

Scuderi submitted an application to the Historical Commission on July 6, 2020 with an application for a building permit to construct a building that fully complied with Philadelphia's Zoning Code. Due to the previous historic designation of the Property, and the fact that Commission staff were unable to find a demolition permit for the historic building prior to the hearing before the Architectural Committee on July 28, it was intimated to Scuderi that its project would be subject to the jurisdiction of the Historical Commission without proof that the historic structure on the Property had been legally demolished. As a result, Scuderi withdrew its application to allow for more time to prove that the structure had been demolished pursuant to a permit.

Since the time of Scuderi's initial submission, the Historical Commission was able to obtain records from the Department of Licenses and Inspections ("L&I") indicating that the Property was

demolished by the City of Philadelphia. It appears that the City demolished the buildings in 1992. The violation and City bill for the demolition are attached to this submission as Exhibit "A." The documents only refer to 5900 Germantown Avenue, but the two properties had common ownership at the time. See Exhibit "B," 1986 Property Deed. L&I indicated when it provided the attached records that, given the cost on the bill enclosed at Exhibit "A," the demolition must have included both buildings. Therefore, the buildings at both 5900 and 5902 were likely demolished by the City at the same time in 1992.

Section 5.14.b.1(a) of the Historical Commission Rules and Regulations states that this Commission may rescind the designation of a building, structure, site, object, public interior portion of a building or structure, or district and remove its entry or entries from the Philadelphia Register of Historic Places "if the resource has ceased to satisfy any Criteria for Designation because the qualities that caused its original entry have been lost or destroyed."

Due to the demolition of the individually designated structure at 5900 Germantown Avenue, it is submitted that any qualities that caused the original entry of the resource onto the Register of Historic Places has been removed, and the designation should therefore be rescinded. The designation of the Property is frustrating the current owner in its attempt to construct a building that is compliant with the Zoning Code.

For the reasons listed above, I respectfully request that the Commission grant Scuderi's application to rescind the designation for the Property located at 5900 Germantown Avenue.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Aug M O'Neill", written in a cursive style.

Augusta M. O'Neill

Attachments

Exhibit A



CITY OF PHILADELPHIA

DEPARTMENT OF LICENSES AND
INSPECTIONS
1401 John F. Kennedy Blvd., Rm. 1140
Philadelphia, Pennsylvania 19102

HISTORIC GERMANTOWN PARTNER
8229 GERMANTOWN AVE
PHILA., PA 19118

BILL#: 02- 5855
FUND DESIGNATION: GF
DATE OF BILL: 5/13/1992
DATE OF NOTIFICATION: 1/24/1992

ABATEMENT

This is a bill for work performed by the DEPARTMENT OF LICENSES AND INSPECTIONS, CITY OF PHILADELPHIA, at property location:

5900 GERMANTOWN AVE

KEY: 366605900GERMANTOWN AVE

DESCRIPTION OF WORK DONE:

Demolition of Building

WORK COMPLETED ON: 5/4/1992

TOTAL COST: \$8,336.90

PLEASE MAKE CHECKS OR MONEY ORDER FOR: \$8,336.90
PAYABLE TO: City of Philadelphia
Department of Revenue, 5th Flr.
1401 J.F.K. Blvd., Phila., PA 19102

DO NOT SEND CASH

Unless this bill is paid within 30 days of its delivery, a lien will be entered against the property which, with the additional expense incurred, is payable at the office of the City Solicitor. You have the right to appeal this bill to the Tax Review Board with 60 days of the bill date. They are located in the Land Title Building, 100 South Broad St. Room 400, Philadelphia, PA 19110. The telephone number is (215) 686-5215.

**CITY OF PHILADELPHIA
DEPARTMENT OF LICENSES AND INSPECTIONS
MUNICIPAL SERVICES BUILDING
1401 JFK BLVD, ROOM 1140
PHILADELPHIA, PA 19102**

HISTORIC GERMANTOWN PARTNERSHIP
8229 GERMANTOWN AVE
PHILA., PA 19118

Date: 1/24/1992

RE: 5900 GERMANTOWN AVE 191

You are hereby notified that the DEPARTMENT OF LICENSES AND INSPECTIONS has considered the situation at the subject premises IMMINENTLY DANGEROUS within the meaning of the Philadelphia Property Maintenance Code PM-308.0 ID structures. You are hereby ordered to demolish or repair the said premises IMMEDIATELY. If you fail to adhere to this notice the city will demolish the premises and stucco the party walls exposed by the demolition in accordance with all the provisions of the code, and bill the owner for the costs incurred. Failure to pay the bill will result in the city filing a lien in the amount against the title to the premises. Once the demolition has started, it will be necessary to secure legal action to halt the work. THIS NOTICE IS FINAL.

If you wish to appeal this violation, apply to the Board of Building Standards, Municipal Services Building - Concourse Level, 1401 J.F.K. Blvd., Philadelphia, Pa. 19102-1686, within 10 days of this notice. Telephone inquiries concerning appeal process can be directed to 686-2419. It is required to submit a copy of this notice with the appeal.

DANIEL QUINN
CHIEF, CONTRACTUAL SERVICES
UNIT
MSB - RM 1140, 1401 J.F.K. BLVD.
Telephone: MU6-2582

ROTTED WOODEN SUPPORT LINTELS AT FRONT ENTRANCE OF BLDG.
CASE REC'D FROM RETENTION/IN LEGAL FILE/JO

7/11/97

Exhibit B

For Simple Deed

This Indenture

Made

D 0654 506

this 25TH day of November 19 86

Between

JACOB HOFFMAN

(hereinafter called the Grantor).

HISTORIC GERMANTOWN PARTNERS, a Limited Partnership

(hereinafter called the Grantee).

Witnesseth

That the said Grantor for and in consideration of the sum of THIRTY FIVE THOUSAND AND 00/100 (\$35,000.00) DOLLARS lawful money of the United States of America, unto him well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, released and confirmed, and by these presents does grant, bargain and sell, release and confirm unto the said Grantee, its successors and assigns, the premises hereinafter described to be held as partnership property

PREMISES 'A'

BLOCK 49 N 21 LOT 131

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected. SITUATE in the 59th Ward of the City of Philadelphia, described in accordance with a Plan of Property made for Miss Mary E. Schnitzius, by Israel Serota, Surveyor and Regulator of the 9th District, dated 2/2/1961, as follows, to wit: BEGINNING at a point formed by the intersection of the Southwesterly side of Germantown Avenue (60 feet wide) with the Northwesterly side of Rittenhouse Street (33 feet wide); thence extending along the said side of Rittenhouse Street South 40 degrees, 33 minutes 0 seconds West, crossing the entrance of a certain 11 feet wide Easement 85 feet, 7-3/4 inches to a point; thence leaving the said side of Rittenhouse Street and extending North 30 degrees, 0 minutes, 0 seconds West along the Southwesterly side of said 11 feet wide Easement 44 feet, 10-5/8 inches to a point; thence extending North 60 degrees, 25 minutes, 0 seconds East through the average center of the party walls and crossing the head of said 11 feet wide Easement 33 feet, 11-1/2 inches to a point; thence extending North 30 degrees, 0 minutes, 0 seconds West 4-1/2 inches to a point; thence North 60 degrees, 25 minutes, 0 seconds East through the center of an 18 inch party wall 46 feet, 11-1/2 inches to a point on the Southwesterly side of Germantown Avenue; thence extending South 30 degrees, 0 minutes, 0 seconds East along the Southwesterly side of Germantown Avenue, 16 feet, 7-5/8 inches to the first mentioned point and place of beginning. TOGETHER with the free and common use, right, liberty and privilege of the above mentioned 11 feet wide Easement as and for a driveway and passageway at all times, hereafter, forever, in common with the owners, tenants, and occupiers of the lot of ground adjoining to the Northwest.

BEING NO. 2004 Germantown Avenue.

PREMISES 'B'

BLOCK 49 N 21 LOT 132

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected. SITUATE in the 59th Ward of the City of Philadelphia, described in accordance with a Plan of Property made for Miss Mary E. Schnitzius, by Israel Serota, Surveyor and Regulator of the 9th District, dated 2/2/1961, as follows, to wit: BEGINNING at a point on the Southwesterly side of Germantown Avenue (60 feet wide) at the

D 0854 507

distance of 14 feet, 7-5/8 inches measured North 30 degrees, 0 minutes, 0 seconds West along the Southwesterly side of Germantown Avenue from the Northwesterly side of Rittenhouse Street (33 feet wide); thence leaving the said side of Germantown Avenue and extending South 60 degrees, 25 minutes, 0 seconds West through the center of an 18 inch party wall 46 feet, 11-1/2 inches to a point; thence extending South 30 degrees, 0 minutes, 0 seconds East 4-1/2 inches to a point; thence extending South 60 degrees, 25 minutes, 0 seconds West through the average center of party walls 22 feet, 11-1/2 inches to a point; thence continuing South 60 degrees, 25 minutes, 0 seconds West through the average center of a party wall and crossing the head of a certain 11 foot wide easement which extends Southeastwardly parallel with Germantown Avenue from premises herein described across premises to the Southwest into the sforesaid Rittenhouse Street 11 feet, to a point (the total distance along the last described course being 33 feet, 11-1/2 inches); thence extending North 30 degrees, 0 minutes, 0 seconds West 22 feet, 5-1/4 inches to a point; thence extending North 60 degrees, 0 minutes, 0 seconds East partly through a wall 80 feet, 11 inches to the Southwesterly side of Germantown Avenue; thence extending South 30 degrees, 0 minutes, 0 seconds East along the Southwesterly side of Germantown Avenue 22 feet, 7-3/4 inches to the first mentioned point and place of beginning. TOGETHER with the free and common use, right, liberty and privilege of the above mentioned 11 foot wide easement as and for a driveway and passageway at all times, hereafter, forever, in common with the owners, tenants, and occupiers of the lot of ground adjoining to the Southeast.

BEING NO. 2702 Germantown Avenue.

BEING AS TO PREMISES A AND B the same premises which E. T. Harris and Giovanni Benvenuti by Deed dated 5/15/1986 and recorded in Philadelphia County in Deed Book FHS 468 page 497 conveyed unto Jacob Hoffman, his heirs and assigns.

UNDER AND SUBJECT, as respects to Premises "A" to reservation of record.

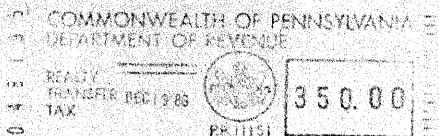
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Together with all and singular the buildings improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in any wise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor, as well at law as in equity, of, in, and to the same.

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To have and to hold the said lot s or piece s of ground above described with the buildings and improvements thereon erected hereditaments and premises hereby granted, or mentioned, and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, to and for the only proper use and behoof of the said Grantee, its successors and assigns forever.

UNDER AND SUBJECT as aforesaid.

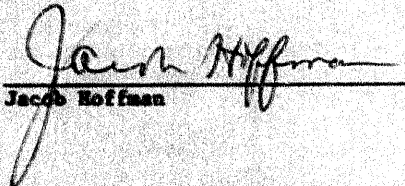


And the said Grantor, for himself, his heirs, executors, administrators,

does, by these presents, covenant, grant and agree, to and with the said Grantee, its successors and assigns, that he the said Grantor, his heirs all and singular the hereditaments and premises herein above described and granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, against him, the said Grantor, his heirs and against all and every person or persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under it, them or any of them shall and will **SUBJECT** as aforesaid, **WARRANT** and forever **DEFEND**.

In Witness Whereof, The said Grantor has caused these presents to be duly executed the day and year first herein above written.

Sealed and Delivered
IN THE PRESENCE OF US:


Jacob Hoffman (SEAL)

The State and City Stamps
affixed hereto, and the consideration
including liens and encumbrances.

COMMONWEALTH OF PENNSYLV.
COUNTY OF *Philadelphia*

On this, the 25TH day of November 1986, before me, the undersigned officer, personally appeared

(IND.)

JACOB HOFFMAN
known to me (or satisfactorily proven) to be the person, whose name is subscribed to
the within instrument, and acknowledged that he executed the same for the purposes therein
contained.

(CORP.)

who acknowledged himself to be the _____ of _____, a corporation, and that he as such being authorized to do so, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation by himself as _____

In Witness Whereof, I have set my hand and official seal.

My Commission Expires:

KAREN L. MARK
Notary Public, Phila., Phila. Co.
My Commission Expires July 2, 1997

1966 DEC 15 AM 11: 30

000651

Approved as to form
Commonwealth Land
the Insurance Company

**COMMONWEALTH LAID
TITLE INSURANCE COMPANY**

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JACOB BOFFMAN

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**HISTORIC CERMANTOWN PARTNERS,
a Limited Partnership**

Premises: 5900 Germantown Avenue,
Fifty-ninth Ward
Philadelphia
Pennsylvania

The address of the above-named Grantee
is 829 Greenway Ave. Pasadena, CA 91108
Signed: Jeff Wilkins
On behalf of the Grantee

719-00-1503

12-15-86	103620	TOTAL	4444
12-15-86	103620	R000002	4444
CASH			

40.00