

## ACTIVITIES OF THE PHILADELPHIA HISTORICAL COMMISSION STAFF OCTOBER 2021

### REOPENING THE OFFICE AFTER THE COVID-19 PANDEMIC SHUTDOWN

The City of Philadelphia closed all non-essential City offices in March 2020, owing to the COVID-19 Pandemic. The Historical Commission staff was assigned to work remotely from home and has been working from home since the middle of March 2020. The Historical Commission's offices reopened 7 September 2021 and, as of that date, staff members have been dividing their work time between home and office. All in-person, in-office interactions with applicants is on an appointment-only basis. The Historical Commission will begin using a software system that allows constituents to make appointments online on 8 November 2021. All public meetings are being held remotely at least through spring 2022.

### DESIGN REVIEW

Design review continues to be the staff's primary task, with all staff members collaborating on the processing of building permit applications. The permit reporting utility in eCLIPSE, the Department of Licenses and Inspections (L&I) online permitting system, shows that 210 permit applications were approved for historic properties in eCLIPSE in October 2021. An additional 33 detail reviews were conducted outside of eCLIPSE.

### DESIGNATION

Designation tasks occupy much of the staff's time. Nearly all staff time not devoted to design review is dedicated to designation-related tasks.

The reviews of the following nominations have been continued by the staff:

Address	Name	Continued From	Continued To	Total Duration
1206 Chestnut St	Philadelphia Federal Credit Union	4/21/2021	12/1/2021	7 months
1826 Chestnut St	Aldine Theater	6/2/2021	1/19/2022	8 months
1533-37 N. 7th St	Trinity Reformed Church	4/21/2021	4/8/2022	12 months
3101 W Passyunk Ave	Point Breeze Gas Works	6/14/2021	5/13/2022	12 months
5001 Baltimore Ave	Hickman Temple AME Church	6/2/2021	7/20/2022	12 months
8835 Germantown Ave	Women's Center	7/21/2021	1/19/2022	6 months
1010 S 10th St	First Italian Presbyterian Church of Philadelphia	8/13/2021	2/8/2022	6 months
1400,1406-18, 1420 S 3rd St	Sacred Heart of Jesus Church	8/30/2021	3/16/2022	6 months
234 and 240 Hermitage St	Church of the Holy Family	8/30/2021	3/16/2022	6 months
2301-41 S 3rd St	Our Lady of Mount Carmel Church	8/30/2021	3/16/2022	6 months
148-54 E Mount Airy Ave	Holy Cross Roman Catholic Church	8/30/2021	3/16/2022	6 months
1001 W Luzerne Ave	Little Flower High School for Girls	8/30/2021	3/16/2022	6 months
2901 W Allegheny Ave	Mercy Career and Technical High School	8/30/2021	3/16/2022	6 months
231-45 N. 15th St	Klahr Auditorium-Hahnemann Medical College 1938 Building	10/8/2021	4/8/2022	6 months
1301 W. Hunting Park Avenue	Sacred Heart Free Home for Incurable Cancer	10/8/2021	12/10/2021	2 months
914-26 Christian Street	St. Paul's Roman Catholic Parochial School	10/8/2021	4/8/2022	6 months

At its 8 October 2021 meeting, the Historical Commission continued one district nomination and one individual nomination; designated two individual properties, 1801 Meadow Street, The Free

Burying Ground of Frankford, and 5115-39 Belfield Ave, Sleepy Hollow Mill Complex; and designated one historic district, the Disston-Tacony Industrial Waterfront Historic District.

The Committee on Historic Designation met on 20 October 2021 and considered one individual nomination, one proposed amendment to a historic district, and three historic district nominations.

The staff sent first notice letters to properties and owners for 11 individual nominations in October 2021. The staff also sent notice letters for three staff-initiated rescission requests for properties where the buildings were demolished in the 1990s, but the properties remain listed on the Register.

#### **FINANCIAL HARDSHIP**

The Historical Commission has no pending financial hardship applications.

#### **SURVEY**

The initial project to install, configure, and test Arches for use as the survey data management platform was completed in 2020. Philadelphia's installation of Arches has been named PlatForm for the first map of the City of Philadelphia, which William Penn called a "Plat-Form." Arches is an open source, web- and geospatially based, customizable information system that was purpose-built by the Getty Conservation Institute and World Monuments Fund to inventory and manage immovable cultural heritage. Arches is the inventory and data management platform for the City's comprehensive, citywide survey of historic resources. The consultant, Farallon Geographics of San Francisco, worked with the staff to design, customize, configure, and install Philadelphia's installation of Arches and continues to work with the staff on maintenance and upgrades. The Historical Commission received a \$25,000 CLG grant from the State Historic Preservation Office earlier this year to fund enhancements to Arches. The grant will fund upgrading Philadelphia's installation of Arches from Version 4 to Version 6; enhancements to the data collection capabilities, especially for nominators; the creation of additional resource models, customized structures that hold specific types of data; and preparing the system to be used by the general public. Mr. Farnham is meeting bi-weekly with the Arches consultants at Farallon Geographics to plan for the upgrades to the Arches installation. The consultant will present a proposed scope of work shortly.

Mr. Farnham recently attended the inaugural meeting of the North American Arches User Group, which includes Arches users, most municipal governments and preservation non-profits, as well as Getty staff, who oversee Arches, and consultants and developers, who manage Arches software. The group will meet bi-monthly and provide a forum for sharing information about Arches.

The Department of Planning & Development received a grant of \$250,000 from the William Penn Foundation to develop and pilot a historic resource survey program. Martha Cross, the deputy director of the Division of Planning & Zoning, is leading the work. Megan Schmitt and Shannon Garrison of the Historical Commission's staff are assisting her. The survey pilot project will explore ways to engage with populations and histories not currently reflected in the properties listed on the Philadelphia Register of Historic Places. Through the project, Department of Planning & Development seeks to expand the traditional understanding of preservation to include a wider range of tools and more comprehensive understanding of cultural heritage. The ultimate goal is to develop a process that engages the public, ties together work across City departments, and ultimately leads to strategic and equitable designations and documentation to protect both tangible and intangible resources. The project recently released a Request for Proposals (RFP) to qualified firms and hosted a virtual meet and greet where

applicants were given the opportunity to connect and identify areas for collaboration. Proposals are due at the beginning of December and a team is expected to be awarded the contract in January 2022.

### **HISTORIC PRESERVATION INCENTIVES**

The Historical Commission's staff issued zoning table exception letters for three properties in October 2021: 1900 S. 16<sup>th</sup> Street, the former St. Elizabeth's Protestant Episcopal Church, now the True Gospel Tabernacle Church; 3322 Willits Road, the former Lower Dublin Academy; and 244-26 S. 3<sup>rd</sup> Street, the Powell House. The zoning incentive allows some historically designated properties in residential zoning districts to take advantage of CMX-3 zoning when the properties have past non-residential uses. It is designed to make special-purpose historic buildings like churches and schools easier to adaptively reuse.

### **APPEALS**

The following permit decisions are under appeal at the Board of License & Inspection Review (BLIR):

- 231 Monroe Street
  - The property owner has appealed the Historical Commission's denial of a proposed roof deck at 231 Monroe Street to the Board of License and Inspection Review. The appeal hearing has not yet been scheduled.
- 2141 St. James Street
  - The owner of the property at 2141 St. James Street obtained an EZ building permit for a minor alteration along the 22<sup>nd</sup> and Chancellor Street facades, but then demolished a wall along 22<sup>nd</sup> Street, apparently beyond the scope of the EZ permit. The Department of Licenses & Inspections revoked the EZ permit and issued violations (#675434 and #696985) on 5 March and 22 July 2019. The owner appealed the violations to the BLIR. A hearing was scheduled for 26 November 2019, but then continued to 25 February 2020. The BLIR hearing scheduled for 27 April 2021, but then continued the matter to 15 June 2021 and then 21 September 2021. The hearing was postponed again to give the property owner time to apply to the Historical Commission for approval of the work. The Historical Commission will review an application for the work in November 2021. Complicating matters, a contractor working for the Streets Department and PennDOT installed an ADA ramp in the sidewalk at the location of this work, the corner of 22<sup>nd</sup> and Chancellor Streets, and repaved the area up to the building where the wall had been located, making reconstruction of the wall more difficult.
- 339 N. 63<sup>rd</sup> Street
  - On 13 December 2019, the Historical Commission considered a nomination for 339 N. 63<sup>rd</sup> Street, Our Lady of the Holy Rosary Roman Catholic Church, and declined to designate the property. The Historical Commission decided that the public had a greater interest in the redevelopment of the site as a gymnasium for a charter school that serves neighborhood children of color than it did in the preservation of the former Catholic church building. On 16 June 2021, attorney Hal Schirmer filed emergency appeals of the zoning and demolition permits for the church building to the Board of License and Inspection Review (BLIR), claiming, among other things, that the Historical Commission's finding that the property satisfies some of the Criteria for Designation compels the Commission to protect the property even though it elected not to designate it. Leonard Reuter, the Historical Commission's attorney, asked the Board to decline to hear the appeals, arguing that an appeal of the demolition permit based on a decision not to designate in 2019 is untimely and that the Board has no jurisdiction over zoning permits, appeals for which are heard by the Zoning Board of Adjustment.

Mr. Schirmer countered that the Historical Commission's denial of the designation in 2019 was a conditional denial, not a final determination. On 28 June 2021, the BLIR denied Mr. Schirmer's emergency appeal requests. The Board is likely to schedule the appeal of the demolition permit as a regular matter, not an emergency.

- 1435-41 Walnut Street
  - At its September 2021 meeting, the Historical Commission denied an application to enlarge window openings at 1435-41 Walnut Street. The property owner has appealed the decision to the BLIR, which has not yet scheduled a hearing.
- 2000 Spring Garden Street
  - A neighbor appealed the Historical Commission's approval of the demolition of a non-contributing, non-historic and the construction of a new multi-family residential building to the BLIR. The BLIR held a hearing but did not issue a final decision. The case appears to remain open.

The following appeals to the Court of Common Pleas and Commonwealth Court are in process:

- 3412 and 3414 Haverford Avenue
  - The Historical Commission designated 3412 and 3414 Haverford Avenue on 9 October 2020. The property owners have appealed the designations to the Court of Common Pleas. A scheduling order was issued and the Historical Commission provided its record to the court on 1 March 2021. On 7 May 2021, the Department of Licenses and Inspections informed the Historical Commission that the building had been declared Imminently Dangerous and would be demolished to abate the safety hazard. The building was subsequently demolished. The property at 3414 Haverford Avenue was removed from the Philadelphia Register of Historic Places as part of a settlement agreement between the City and the property owner. The ownership of 3412 Haverford Avenue is in dispute.
- 156 W. School House Lane
  - The Historical Commission designated 156 W. School House Lane on 12 March 2021. The property owner, the Pennsylvania School for the Deaf, has appealed the designation to the Court of Common Pleas. The Historical Commission's staff has assembled the record of the designation for submission to the Court. It was due on 5 July 2021, but the Court continued the case at the request of the appellant on 1 July 2021. The Commission's record is now due on 5 January 2022.
- 6399 Drexel Road
  - Attorney Hal Schirmer, who is working for neighbors of the property at 6399 Drexel Road in the Overbrook Farms Historic District, has appealed a zoning permit to both the BLIR and Court of Common Pleas. The appeal and permit are related to the Historical Commission's issuance of a zoning table exception letter to the Department of Licenses and Inspections for the property, allowing it to take advantage of a zoning table exception, which is part of the package of preservation incentives that went into law a few years ago. The Zoning Board of Adjustment began the appeal hearing on 21 September 2021, but only heard the opening arguments. The hearing will resume on 17 November 2021. The Court of Common Pleas issued an order on 25 October 2021 dismissing the appeal to the court because Mr. Schirmer was "improperly attempting to seek review of an interim recommendation of an agency, not a final decision of the Zoning Board of Adjustment."
- 401-09 N. 65th Street
  - Attorney Neil Sklaroff has appealed the designation of 401-09 N. 65th Street, St. Donato's Roman Catholic Church to the Court of Common Pleas. He claims that

the owner of the property, the parish, not the Archdiocese of Philadelphia, was not notified of the proposed designation in a timely manner. The court has not yet issued a scheduling order.

- 5250 Unruh Avenue
  - Attorney David M. Burkholder has appealed the designation of the property at 5250 Unruh Avenue, which was nominated by the Tacony Community Development Corporation and designated on 9 December 2020. The Historical Commission's submitted its record to the court on 29 October 2021. Megan Schmitt of the staff is to be commended for her significant effort to collect and organize the huge number of documents that make up this record.
- Christopher Columbus Statue
  - The Historical Commission approved the removal of the Christopher Columbus Statue from Marconi Plaza and its storage in a City warehouse, with conditions, on 24 July 2020.
  - Attorney George Bochetto appealed the decision on behalf of a group of interested parties to the BLIR. The BLIR held hearings on 7 August and 29 September 2020. Attorneys Leonard Reuter and Maggy White represented the Historical Commission. Mr. Farnham testified for several hours. On 29 September 2020, the BLIR upheld the Historical Commission's decision.
  - The appellants appealed the BLIR's decision to the Court of Common Pleas. On 17 August 2021, the Court of Common Pleas sustained the appeal and overturned the BLIR's affirmation of the Historical Commission's decision. In other words, the court threw out the Historical Commission's approval of the removal of the statue.
  - The City has appealed the Court of Common Pleas decision to the Commonwealth Court.
  - The appellants have asked the Court of Common Pleas to allow them to replace the plywood box currently covering the statue with a plexiglass box.
  - In light of Josh Lippert's statement at the October 2021 meeting of the Historical Commission, attorney George Bochetto has issued a Notice of Preservation Demand asking the Historical Commission to preserve all records related to communications between the Commissioners, staff, and Commission attorney about the Columbus statue matter.
- 3611 Spring Garden Street
  - The Historical Commission designated the 3611-31 Spring Garden Street Historic District on 13 August 2021. The owner of the property at 3611 Spring Garden Street has appealed the designation of the district because the district included his property, despite the fact that the property is a vacant lot on the boundary of the district and the district's significance is derived from the buildings that stand on the properties to the west. The staff had advised against including the vacant lot in the district. The court has not yet issued a scheduling order.

#### **ENFORCEMENT**

With the Law Department and Department of Licenses & Inspections, the staff is pursuing numerous enforcement cases for unpermitted work, non-compliant work, and failure to maintain in good repair.

#### **UNSAFE AND IMMINENTLY DANGEROUS CASES**

- 1600-06 E. Berks Street, St. Laurentius Church
  - Based on the Historical Commission's approval of 14 August 2020, as documented in the decision letter of 20 August 2020, the Commission's staff placed the Commission's approval stamp on a permit application to abate the

dangerous condition at 1600-06 E. Berks Street on 29 July 2021. The approval includes several conditions to limit the demolition to the sections necessary to abate the dangerous conditions as determined by the Department of Licenses and Inspections, to record with a laser scan and salvage materials from the front façade, and to require the reconstruction of the front façade with any subsequent redevelopment. The Department of Licenses and Inspections issued the permit on 1 October 2021.

### **SECTION 106**

Ms. Garrison is conducting federally-mandated Section 106 reviews for the DHCD undertakings assisted by HUD. The Historical Commission is planning to assume all Section 106 reviews for the Philadelphia Housing Authority (PHA) as part of a larger Department of Planning & Development effort to assume all responsibility for PHA's federal environmental reviews.

Ms. Garrison is participating on behalf of the Historical Commission in a Section 106 consultation regarding changes to 30<sup>th</sup> Street Station.

### **STAFFING**

The Historical Commission is budgeted for seven full-time staff members for Fiscal Year 2022, which starts 1 July 2021. While the position vacated by Randal Baron when he retired in May 2020 remains on the Historical Commission's roster, it is not currently funded and cannot be filled.

### **OTHER**

Mr. Farnham and Ms. DiPasquale are participating on the City's Historic Preservation Policy Team, which seeks to ensure that all City agencies are following best preservation practices. At the most recent meeting on 27 October 2021, the team discussed policies and best practices for ensuring the preservation of historically significant properties that are sold by the City to private parties.

Ms. Mehley prepared a blog post for the City's website highlighting the October PHC designation of the Disston-Tacony Industrial Waterfront District.

<https://www.phila.gov/2021-11-03-historical-commission-designates-new-historic-district-in-tacony/>

Also, Twitter announcements were made through the Historical Commission-Planning & Development account welcoming our newest Commissioner Stephanie Michel and Committee on Historic Designation member Debbie Miller.

<https://twitter.com/PHLPlanDevelop/status/1456332345498349572?s=20>