

**PUBLIC COMMENT REGARDING
8835 GERMANTOWN AVE**



November 14, 2022

Matthew N. McClure
Ballard Spahr LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103-7599
mcclure@ballardspahr.com

RE: Response to CH Hospital's alternate proposal on the designation of 8835 (formerly 8811) Germantown Avenue; the Chestnut Hill Women's Center (formerly Julia Hebert Marsden House)

Dear Mr. McClure:

This letter is in response to the email that you sent to the Conservancy on behalf of Chestnut Hill Hospital, suggesting an alternate proposal to designating both of the buildings at 8835 (formerly 8811) Germantown Avenue – the *Chestnut Hill Women's Center* (formerly the *Julia Hebert Marsden House*). We are grateful for the important work and decades-long community presence of the Hospital, and look forward to working with you and your client.

The Chestnut Hill Conservancy nominated the Chestnut Hill Women's Center in its entirety to the Philadelphia Register of Historic Places in January of 2021. This nomination included the original main building and its wings, and the original carriage house, all built 1903-1912. According to the staff evaluation of the Philadelphia Historical Commission, the nomination demonstrates that both the main building and the carriage house/stable are highly representative examples of late-19th century Colonial Revival "country houses" built in Chestnut Hill, that they were designed by prominent architect Charles Barton Keen, and that they contribute to the neighborhood's status as an elite residential enclave at the turn of the twentieth century.

You have proposed the following:

"[We will be presenting] the Designation Committee on November 30th with a proposal that would designate the main, center building of the Julia Hebard Marsden Residence, as well as the one-story side wing to the southeast and two-story side wing to the northwest (this last part is a change in the Hospital's position).

Our proposal would omit the two-story rear ell addition and the detached garage structure from designation."

This proposal was discussed by the Conservancy Board's Executive Committee* at a Special Meeting held on November 14, 2022, which voted unanimously to respond as follows:

The Conservancy continues to support the designation of the entire property, although would not object if the carriage house were lost to an approved future development. We hope the building can

be saved, if possible, as this carriage house was built the same year as the main building, by the same architect, and has a visible presence on Germantown Avenue. However, we recognize that the carriage house is a secondary structure that has lost architectural integrity and is less visible from Germantown Avenue than the main building.

We appreciate the change from an earlier position by the Hospital's position to now recommend including both of the front wings flanking the core of the main building. Please note, however, that the rear el mentioned in the compromise proposal as an "addition" and proposed for possible removal is in fact original to the building. **The Conservancy continues to support the designation of the entire main building, including the historic core, wings, and rear el.**

Finally, we would like to address the community reviews mentioned in your email:

"We would further recommend that any future building addition to the Julia Hebard Marsden Residence be reviewed by the Chestnut Hill Community Association, in addition to the required reviews by the Department of Licenses and Inspections and the Historical Commission, which retains jurisdiction to review any alterations or additions affecting a designated property."

As the Chestnut Hill Hospital campus remains under residential zoning, variances for institutional uses and likely other issues would be required for future building additions. The Chestnut Hill Conservancy is one of two active Registered Community Organizations (RCO) in Chestnut Hill, the other being the Chestnut Hill Community Association (CHCA), and reviews projects predominantly for their impact on the historic character of the community and its historic resources. Considering this, and the fact that the Conservancy submitted the nomination to recognize and preserve this property, we respectfully disagree with the suggestion that reviews should only be through CHCA. We hope that this was simply an error of omission, as the Conservancy expects to be part of any discussions of the future of the site, whether a part of the variance process or at some other stage.

We look forward to discussing the future, and the past, of this Significant property.

Sincerely,



Lori Salganicoff
Executive Director

Cc: John Cacciamani, Chestnut Hill Hospital
Catherine Brzozowski, Chestnut Hill Hospital
John Farnham, Philadelphia Historical Commission
Kathi Clayton, Chestnut Hill Community Association
Anne McNiff, Chestnut Hill Community Association

*In Attendance: Charlie Dilks, Diane Drinker, Shirley Hanson, Eileen Javers, Jean McCoubrey, Deborah Popky, Larry Salva, Richard Snowden, Randy Williams; Lori Salganicoff, staff

SoLo/Germantown Civic Association (RCO)

Southwest Central Lower Germantown

CLEAN GREEN SAFE

Wayne Ave Merchant Association (WAM)

Registered Community Organization (RCO)

A Weiss BC Organizer 215 843 5555 awfromhh6@gmail.com

January 9, 2023

Philadelphia Historical Commission

1515 Arch St.

Phila., PA 19102

Attn: Jon Farnham, Executive Director Jon.Farnham@phila.gov

Re: Support 8835 (formerly 8811) Germantown Ave., Chestnut Hill Women's Center (formerly Julia Hebert Marsden House)

Dear Dr. Jon Farnham:

We fully support the nomination and designation of 8835(formerly 8811) Germantown Ave., Chestnut Hill Women's Center (formerly Julia Hebert Marsden House) in its entirety to the Philadelphia Register of Historic Places. We strongly encourage you to support and designate it in its entirety; the original main building, wings and the original carriage house/stable which we understand to be highly representative examples of late 19th century Colonial Revival "country houses" in Chestnut Hill designed by a prominent architect Charles Barton Keen and contributing to the neighborhood's status as an elite residential enclave at the turn of the 20th century years. The property is important to the architectural character and history of Germantown Ave. It is iconic and commands a striking presence on Germantown Ave. for over 100 years, highly visible to all those who pass by whether on foot, vehicle or other.

We recognize it as an important part of the historic character and cultural heritage, we admire the wonderful architectural features as we travel up and down Germantown Ave. its enduring presence having served the needs of the community. It has been part of the cultural heritage of Chestnut Hill, Philadelphia and the community for over 100 years. We believe this property is important to Philadelphia's history.

It is assemblages of such structures that give Germantown Avenue its historic character. Please help keep this key element in place. We now have the opportunity to recognize this important property. We must seize it and designate this property so it can continue to educate, inspire and serve future generations

8835(formerly 8811) Germantown Ave., Chestnut Hill Women's Center (formerly Julia Hebert Marsden House) deserves the recognition and protection accorded to properties listed on the Philadelphia Register of Historic Places.

Thank you in advance.

Sincerely,

Allison Weiss – Pamela Bracey – Brenda Cherry

cc: preservation <preservation@phila.gov>, Kim Chantry <Kim.Chantry@phila.gov>, Laura.dipasquale laura.dipasquale@phila.gov, Shannon Garrison <Shannon.Garrison@phila.gov>, Ted Maust <tedmaust@phila.gov>, Allyson Mehley <allyson.mehley@phila.gov>, Heather Hendrickson <heather.hendrickson@phila.gov>, Alex Till <alex.till@phila.gov>, Jon Farnham <jon.farnham@phila.gov>



September 1, 2023

Philadelphia Historical Commission
1515 Arch Street
Philadelphia, PA 19102

Attn: Jon Farnham, Executive Director
<Jon.Farnham@phila.gov>

Re: 8811-8835 Germantown Ave, Chestnut Hill Women's Center (formerly the Julia Hebert Marsden House)

Dear Dr. Farnham:

The Chestnut Hill Conservancy asks the Philadelphia Historical Commission to designate the Chestnut Hill Women's Center at 8811-35 Germantown Avenue (aka the Julia Hebert Marsden House) as nominated, and to trust its professional Architectural Committee and Commissioners to successfully address future work when there is an actual project.

The Conservancy nominated the property in January of 2021, following the discovery that state funding had been awarded for the building's "replacement" with a new building. The Women's Center is one of the last remaining historic buildings on the Hospital's main campus, and was used for many years as both a home and a doctor's office since being built in 1903. It is considered a "Significant" building within the Chestnut Hill National Register Historic District.

Although Chestnut Hill Hospital, which is now a part of the Temple Health System, has described that it does not have plans for changes to the building beyond the conceptual, it has shared a laudable intention to upgrade this facility at some point in the future. Hospital leadership has expressed concerns about the designation of a building that will need to be expanded in the future if the building is to continue to serve as a competitive provider of health services for women.

But their assertion that the designation of this building would mean it could not be expanded or updated is false. As you are well aware, the Historical Commission has permitted sometimes significant but careful alterations to designated buildings to accommodate modern needs, without requiring a demonstration of Financial Hardship. Rather than requiring no deviation from the current footprint, designation would instead provide important guidance to balance the building's evolution. This guidance would be critical - a conceptual proposal initially shared with the Conservancy by the Hospital showed the entire building replaced, except for a center section of the front façade that would otherwise be consumed by new construction.

The discussion of future conceptual construction projects is not typically a welcome part of the designation process. Nevertheless, the Conservancy respects the need of this institution to plan

for its growth and has shared in writing that the Conservancy would not oppose the loss of the original rear wing of the building for an appropriate expansion. We hope the Historical Commission will designate the property as nominated, and trust its process and its professional Architectural Committee and Commissioners to successfully address future work when there is an actual project.

Attached to this letter is a memo describing the negotiations that took place during the several months of continuance. Although we seemed to have come close to a compromise agreement, none was reached.

The attached memo, with additional explanation below, provides insight into the negotiations:

- The June 2023 Memorandum of Understanding drafted by Ballard Spahr on behalf of the Hospital.
 - The MOU proposed withdrawal of the nomination in exchange for a promise by the Hospital to not file a demolition permit without first notifying the Conservancy, and giving the Conservancy 120 days from that notice to re-nominate.
 - Alterations to the building short of demolition are not covered in the MOU.
- The 7/26/23 email sent by the Conservancy to the Philadelphia Historical Commission, Chestnut Hill Hospital representatives, and others proposing an alternate compromise to Chestnut Hill Hospital, in response to this MOU.
 - The Conservancy's counter-proposal offered to support, if necessary, the loss of specific original building elements not visible from a public right-of-way for an approved expansion project.
 - This agreement would only be possible, however, if the Hospital demonstrates that it will honor existing agreements. Specifically, the counter-proposal required that CH Hospital address an egregious and direct violation of their signed 1999 agreement, about which the Hospital has been unresponsive since 2016.
 - That Agreement was offered by the Hospital to be effective in perpetuity, in exchange for support of a significant zoning variances by the Chestnut Hill community, and transferrable to all future owners.
 - The Conservancy has been advised by our attorneys that the proposed MOU would provide an even weaker agreement than the one struck in 1999.
- The 8/17/23 email from Chestnut Hill Hospital agreeing to the Conservancy's suggested compromise, but declining to address the agreement still in violation.

If the Hospital will acknowledge or discuss this earlier violated agreement, the Conservancy will be able to consider new proposals as credible.

Unless this happens, we hope that the Historical Commission will choose to encourage this community institution to retain and adapt its remaining historic architecture - by designating the property as nominated, and allowing appropriate flexibility in the future project.

Sincerely,



Lori Salganicoff
Executive Director



Eileen Javers
President



CH HOSPITAL MOU PROPOSAL AND RELATED CORRESPONDENCE - 2023

July 26, 2023 email sent to:

John Cacciamani, Catherine Brzozowski – *Chestnut Hill Hospital*
Meredith Trego, Matthew McClure, Nathan Farris – *Ballard Spahr, CHH Attorney*
- and -
Anne McNiff, Kathi Clayton – *Chestnut Hill Community Association*
Richard Snowden – *Chestnut Hill Conservancy*
Antoinette Johnson – *Office of Councilperson Cindy Bass*
Jon Farnham – *Philadelphia Historical Commission*

From: Lori Salganicoff, Eileen Javers – *Chestnut Hill Conservancy*

First of all, thank you for your efforts to craft a compromise that will protect both a significant historic building and also the ability of Chestnut Hill Hospital to serve its patients well. Thanks also for your patience as we evaluated the attached 6/2/23 Memorandum of Understanding (MOU), submitted on behalf of Chestnut Hill Hospital.

The Executive Committee of the Chestnut Hill Conservancy reviewed the MOU, which proposed a path forward for the future of the Chestnut Hill Women's Center at 8811 Germantown Avenue. We would like to propose an alternate route, returning in part to an earlier suggestion by the Hospital itself prior to our more recent mediated discussions.

We look forward to your response, and a continued discussion.

Recent Background

An MOU was shared several weeks after the second of two discussions (March 2023) between Chestnut Hill Hospital, Chestnut Hill Conservancy, and the Chestnut Hill Community Association regarding the preservation and future development of the site. Discussions at both meetings were mediated by Netta Johnson, Councilperson Cindy Bass' Chief of Staff. Jon Farnham, the Executive Director of the Philadelphia Historical Commission, attended the [beginning of the] second meeting [to clarify the Historical Commission processes for the participants. Dr. Farnham departed mid-meeting to allow the negotiation discussions to continue].

The MOU proposed by Chestnut Hill Hospital would result in a request to the Historical Commission for withdrawal of the Conservancy's nomination of the property to the Philadelphia Register of Historic Places. This would leave the property unprotected but for a provision promising that the Hospital would send a notice of an intent to the Conservancy - prior to filing a building permit for demolition of the building's exterior (in whole or in part). In the MOU, the Hospital promises to file the building permit application for demolition only if 120 days have passed since the Conservancy's receipt of the notice, or if the nomination was refiled before that time.

The Hospital's intention to adhere to the required RCO review process for future projects was confirmed in this MOU as well, although we remind the Hospital that the Conservancy is an active RCO in the area.

Response

Chestnut Hill Conservancy has determined that this MOU is not a sufficiently enforceable agreement to protect this historic resource.

Our consideration of this agreement is further complicated by the existence of a prior agreement between the Hospital and the Conservancy that has been broken by the Hospital. However, we remain committed to working toward balance, and proposes the following:

- The Conservancy would not object to the part of the compromise proposed by the Hospital in an October 2022 email from Matt McClure, which read in part: *"[Chestnut Hill Hospital] recommends presenting [Philadelphia Historical Commission] a proposal that would designate the main, center building of the Julia Hebard Marsden Residence, as well as the one-story side wing to the southeast and two-story side wing to the northwest (this last part is a change in the Hospital's position). Our proposal would omit the two-story rear ell addition and the detached garage structure from designation."*
- Although the architectural features above would not be designated, the existing nomination would not be revised, and would instead retain the information about these features in the description. This will be especially important if these features are lost.
- For review of future work impacting the Women's Center, Chestnut Hill Hospital agrees to adhere to the Chestnut Hill development review process, including all Chestnut Hill Registered Community Organizations (RCOs) that wish to participate.
- Although it is on an adjacent property, the unpermitted parking and blighted condition at 8820 Norwood Avenue of the "8820 Easement Area" or "Green Zone" (as named in the Hospital in its 1999 Agreement) presents a challenge to any development-related agreement by the Hospital with the community, and must be addressed.
 - We ask that Chestnut Hill Hospital honor the 1999 community Letter Agreement that it drafted, signed, and submitted with the Chestnut Hill Conservancy (fka Chestnut Hill Historical Society) in exchange for support of significant new construction that reduced open space below that required by zoning code.
 - This Agreement to maintain the "8820 Easement Area/Green Zone" behind the Women's Center as attractive residential open space also included a promise to accept a Conservation easement on that property, paid for by the Conservancy and created with feedback from CHH. Some parking on the site could be accommodated within the easement.
 - CHH will respond to the easement draft and work with CHC to execute a conservation easement reflecting this community agreement.

Again, we look forward to hearing back from you and hope to continue working on a resolution together.

Sincerely,
Eileen Javers, President; Lori Salganicoff, Executive Director
Chestnut Hill Conservancy

August 17, 2023 email sent to:

Lori Salganicoff, Eileen Javers – *Chestnut Hill Conservancy*
- and -
Anne McNiff, Kathi Clayton – *Chestnut Hill Community Association*
Richard Snowden – *Chestnut Hill Conservancy*
Antoinette Johnson – *Office of Councilperson Cindy Bass*
Jon Farnham – *Philadelphia Historical Commission*
John Cacciamani, Catherine Brzozowski – *Chestnut Hill Hospital*
Matthew McClure, Nathan Farris – *Ballard Spahr, CHH Attorney*

From: Meredith Trego – *Ballard Spahr, CHH Attorney*

Hi Lori,

We have spoken with the Hospital who finds it acceptable to move forward with our original compromise proposed in our email to the Conservancy on October 17, 2022, which we are copying below:

“We recommend presenting the Committee with a proposal that would designate the main, center building of the Julia Hebard Marsden Residence, as well as the one-story side wing to the southeast and two-story side wing to the northwest. Our proposal would omit the two-story rear ell addition and the detached garage structure from designation.”

We are glad that the Conservancy was able to agree to this compromise.

Regarding any properties that are unrelated to the pending nomination, the Hospital is always willing to talk to the Conservancy about its intentions for these parcels, although it currently does not have any plans or proposals for these other properties. That said, and as we are sure the Historical Commission would agree, these other properties along Norwood Avenue are unrelated to the historical merits pending nomination and the Hospital would like to focus this current discussion on the designation matter before us, which concerns only the Women’s Center property.

Please let us know if the Conservancy would like to meet to discuss the above proposal prior to the September PHC meeting.

Best,

Meredith

Meredith S. Trego
She/Her/Hers

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (this “MOU”) is made this ___ day of June, 2023 (the “Effective Date”) by and between CHH COMMUNITY HEALTH, a Pennsylvania non-profit corporation with a mailing address at 8835 Germantown Avenue, Philadelphia, PA 19118 (the “Hospital”) and CHESTNUT HILL CONSERVANCY, a Pennsylvania non-profit corporation with a mailing address at 8708 Germantown Avenue, Philadelphia, PA 19118 (the “Conservancy”) (each a “Party”, and together, the “Parties”).

BACKGROUND

A. The Hospital owns the property known as 8835 Germantown Avenue in Philadelphia, PA and identified for real estate assessment purposes as OPA Account No. 775001000 (the “Hospital Property”). The Hospital Property is currently improved with several buildings comprising a hospital and medical center.

B. A portion of the Hospital Property is improved with the former Julia Hebard Marsden residence and a former stable (sometimes called the “carriage house”), which have been used by the Hospital to house its Women’s Center providing much needed healthcare to women in the region (the “Women’s Center”).

C. In 2021, the Conservancy submitted a nomination of the Women’s Center to the Philadelphia Historical Commission (the “Historical Commission”) for placement on the Philadelphia Register of Historic Places (the “Nomination”). The Nomination was accepted and processed by Historical Commission staff, reviewed positively by the Committee on Historic Designation, and is pending full Historical Commission’s review.

D. The Hospital recognizes the historical value of the Women’s Center. Likewise, the Conservancy recognizes: (i) the critical role of the Women’s Center for women’s health in the region; (ii) that the current buildings comprising the Women’s Center are not easily adaptable to modern hospital use; and (iii) that alterations of and/or additions to the Women’s Center will likely be needed in the future to facilitate modern hospital use.

E. The Hospital opposes the Nomination as currently submitted. However, the Hospital has no development plans for the Women’s Center at this time. To date, and notwithstanding both Parties’ mutual efforts, the Parties have been unsuccessful in agreeing upon a compromise on the breadth and scope of the Nomination.

F. The Parties further acknowledge and agree that under current law any future development of the Women’s Center would require consultation with the Chestnut Hill Community Association and compliance with the Philadelphia Zoning Code, which may likely involve zoning relief from the Zoning Board of Adjustment.

G. As a result, the Parties (subject to the terms and conditions below) desire to enter into a “stand-still” agreement whereupon: (i) the Nomination will be withdrawn, and (ii) the Hospital will commit to maintain the current structures comprising the Women’s Center, until such time as the Hospital has development plans for the Women’s Center and/or the Nomination may be refiled with the Historical Commission.

AGREEMENT

NOW, THEREFORE, in consideration of the Background, which is incorporated herein as if set forth below in full, and the mutual promises contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties, intending to be legally bound, agree as follows:

1. The Withdrawal of the Nomination; Action by the Historical Commission.

(a) Subject to the terms and conditions of this Section 1 and Section 2 below, within five (5) business days after the Effective Date, the Conservancy shall submit a written request (followed by an oral request at the next Historical Commission meeting) seeking the withdrawal of the Nomination (the “Request for Nomination Withdrawal”).

(b) If the Historical Commission affirmatively declines to permit the withdrawal of the Nomination (or declines to act on the Request for Nomination Withdrawal), this MOU shall automatically terminate and be deemed and null and void and none of the Parties shall have any obligations under this MOU whatsoever.

2. Hospital Covenant Not to Seek Demolition; Conservancy’s Ability to Re-file Nomination.

(a) Except as expressly provided in Section 2(b) below, the Hospital shall not: (i) apply to the Philadelphia Department of Licenses and Inspections (“L&I”) for a building permit authorizing the demolition (as “demolition and “demolish” are defined in Phila. Code § 14-203(88)) of the Women’s Center’s exterior (in whole or in part, a “Demolition”); and/or (ii) permit such Demolition to occur.

(b) Prior to filing a building permit application to L&I for a Demolition, the Hospital shall provide the Conservancy with prior written notice of the Hospital’s intent to file the same (a “Hospital Demolition Notice”). Following receipt of a Hospital Demolition Notice, the Conservancy may re-file the Nomination with the Historical Commission. In no event, however, shall the Hospital file a building permit application for such Demolition with L&I (or permit such Demolition to occur if allowed by applicable law) until either: (i) one hundred twenty (120) days have passed since the Conservancy received the Hospital Demolition Notice; or (ii) the Parties receive written notice/confirmation from the Historical Commission informing the Parties that the Nomination was re-filed and will be formally considered by the Historical Commission (and or its Committee on Historic Designation).

3. Notice. Each Party giving a notice under this MOU to another Party must address the notice to the appropriate Party at the address listed below or to another address designated by that Party by notice to the other Party. Notice is deemed given when sent via email with a copy by U.S. Mail.

(a) If to the Hospital:

CHH Community Health
8835 Germantown Avenue
Philadelphia, PA 19118
Attention: John D. Cacciamani M.D.
john.cacciamani@tuhs.temple.edu

with a required copy to:

Matthew N. McClure, Esquire
Ballard Spahr LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103-7599
mcclure@ballardspahr.com

(b) If to the Conservancy:

Chestnut Hill Conservancy
8708 Germantown Avenue
Philadelphia, PA 19118
Attention: Lori Salganicoff
lori@chconservancy.org

4. Amendment. This MOU may not be altered, modified, amended, renewed, extended or terminated except by an instrument in writing duly executed by each of the Parties.

5. Governing Law. This MOU shall be construed, interpreted and applied in accordance with the internal laws of the Commonwealth of Pennsylvania, without regard to any choice of law or conflict of law provision.

6. Counterparts. This MOU may be executed in multiple counterparts, each of which, when assembled to include a signature for each Party contemplated to sign this MOU, will constitute a complete and fully executed agreement. All such fully executed counterparts will collectively constitute a single agreement. The delivery of a signed counterpart of this MOU via e-mail or other electronic means by a Party to this MOU or legal counsel for such Party shall be legally binding on such Party, as fully as the delivery of a counterpart bearing an original signature of such Party.

[SIGNATURES APPEAR ON FOLLOWING PAGES]

IN WITNESS WHEREOF, and intending to be legally bound hereby, the Parties have caused this Memorandum of Understanding to be executed as of the Effective Date.

CHH COMMUNITY HEALTH

By: _____
Name: _____
Title: _____

CHESTNUT HILL CONSERVANCY

By: _____
Name: _____
Title: _____