

**PUBLIC COMMENT ON
1600 E. BERKS STREET
APPLICATION**



1600 E Berks

From John Walsh <johnnywalsh15@gmail.com>

Date Tue 4/22/2025 1:45 PM

To preservation <preservation@Phila.gov>

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Hi,

Your commission is a plague on our city. However unlikely and far away it is, I cannot wait to experience the day that your two-bit HOA gathering is abolished. I'll have a barbecue out front of the MSB to celebrate.

Worst,
John Walsh

<https://x.com/dmtrubman/status/1914705199853085039?s=46>



1600 E. Berks property

From Joe Beck <joseph.a.beck@gmail.com>
Date Tue 4/22/2025 9:46 AM
To preservation <preservation@Phila.gov>

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Hello -

As a resident of this block for the last 17 years, I wanted to express my support for the building of 8 homes on this property.

This plan is in line with the existing use and zoning for the block and the surrounding blocks. It seems like a consistent, reliable and viable project.

- Joe Beck
(215) 805-4295



Support for 1600 E Berks Project

From Casey Ann Beck <caseyannbeck@gmail.com>

Date Tue 4/22/2025 10:11 AM

To preservation <preservation@Phila.gov>

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Hello!

I hope this message finds you well. I'm writing as a resident of the 1600 East Berks block in Fishtown to express my strong support for the approved project to build homes on the site of the former St. Laurentius Church.

This project reflects a responsible approach to development that respects both the history of the site and the character of the neighborhood. The approved plan for homes strikes a balance between thoughtful development and maintaining the livability of our neighborhood, and fosters a sense of continuity and community—qualities that are deeply valued by residents here.

I appreciate your time and consideration!

Casey Beck
1624 E Berks St, Philadelphia, PA 19125

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Casey Beck

Nonprofit Communication Consultant

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267.207.9615

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President, Board of Directors

Breastfeeding Resource Center

215.886.2433

www.breastfeedingresourcecenter.org



St. Laurentius Site

From Susan Fox <barnith@gmail.com>

Date Tue 4/22/2025 11:22 AM

To preservation <preservation@Phila.gov>

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Hello Historical Commision,

I am a neighbor on the 1600 block of E. Berks St. and have lived here for 16 years. I have an 11 year old in the local school and I am committed to the community and Philadelphia. I am writing to voice my support for the current plan of 8 homes being built on the former St. Laurentius lot. When I first moved to the block St. Laurentius was an active church. Since that time period, many changes have occurred starting over 11 years ago, the church has been closed, then neglected, deemed unsafe, demoed, and now a neglected lot. I appreciated the initial attempts to save the structure but as time passed the building became less and less safe. I was outside when a giant boulder crashed to the ground years before the demo began, the building was in disrepair. My neighbors and I agree that the time has come to move on after 11 years of a blighted corner, nothing is left and the block is tired and ready to move forward with the plan to construct the 8 homes.

Thank you,
Susan Fox



1600 Berks Street

From Jenna Schlesinger <j Schlesinger@grflp.com>

Date Tue 4/22/2025 8:16 AM

To preservation <preservation@Phila.gov>

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Hello! I am a neighbor who lives across the street from 1600 Berks Street. I saw the new plans to build 8 townhouses with parking. I fully support this project moving forward with the current plans. Please feel free to reach out to me with any questions.

Best,

Jenna Schlesinger

Senior Manager, Label Administration

O: 310-556-6617

M: 424-227-0123

A: 1880 Century Park East, #1600, Los Angeles, CA 90067

W: www.grflp.com



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PRESERVATION ALLIANCE

for greater philadelphia

May 8, 2025

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

Re: 1600 E. Berks Street (Former Site of St. Laurentius Church)

Dear Members of the Historical Commission,

On behalf of the Preservation Alliance for Greater Philadelphia, I write to express our disappointment in the proposed new construction at the site of the historic St. Laurentius Roman Catholic Church at 1600 E. Berks Street, now demolished. Our concern lies with the regulatory breakdown that is on the verge of allowing previously agreed-upon demolition conditions to be disregarded without consequence.

If commitments made during the Commission's review and permitting process are not meaningfully enforced, what message does that send about the integrity of our preservation regulations? Under the current circumstances, the Historical Commission may believe itself to be limited in its authority to compel compliance, but that does not absolve the City of its responsibility to uphold the public interest. L&I's failure to enforce the stipulations of the demolition permit represents a concerning lapse in regulatory accountability.

At a minimum, the Commission should request, if not demand, mitigation on the part of the developer. Whether through interpretive signage, on-site commemoration, or some other form of public acknowledgment, something should be done to recognize the historic resource that has been lost and to make clear that agreements made in the public process matter.

We urge the Commission to stand firmly in defense of both the city's historic resources and the public trust. This situation should be a catalyst for upholding enforcement mechanisms, not an excuse for further erosion of preservation standards.

Sincerely,

Paul Steinke
Executive Director
paul@preservationalliance.com



RePoint Philadelphia – Written Testimony to the Philadelphia Historical Commission

RE: Application for New Construction at 1600 E. Berks Street (Former Site of St. Laurentius Church)

Date: May 8, 2025

Submitted by: RePoint Philadelphia

Contact: repointphila@gmail.com

To the Members of the Philadelphia Historical Commission:

On behalf of RePoint Philadelphia Action, a 501(c)(4) social welfare organization committed to protecting the historic, architectural, and cultural legacy of Philadelphia's neighborhoods, we submit the following testimony regarding the pending application for new construction at 1600 E. Berks Street, the former site of the historically designated St. Laurentius Church in Fishtown.

The staff recommendation suggests approval of the applicant's construction proposal, while asserting that the Historical Commission lacks the legal authority to compel reconstruction of the historic facade or to judge the proposed design against preservation standards. We believe this interpretation is factually flawed, legally inconsistent, and institutionally damaging. The issues at stake in this case are larger than a single project; they implicate the long-term integrity of Philadelphia's preservation framework.

St. Laurentius Church, a Fishtown landmark cherished for its soaring towers and Polish heritage, was demolished with a promise: its historic facade would be rebuilt to preserve the neighborhood's identity. The Philadelphia Historical Commission's failure to enforce this condition violates its duty under Article I, Section 27 of the Pennsylvania Constitution to protect our city's historic resources. The staff's recommendation to approve new construction at 1600 E. Berks Street without addressing this violation threatens Philadelphia's preservation framework and risks rendering permit conditions meaningless.

I. The Demolition Permit Contained Clear and Enforceable Conditions

Demolition Permit DP-2021-001425, issued by L&I and reviewed by the Historical Commission, authorized demolition only on the basis of specific conditions. These included:

- That the Berks Street facade be laser scanned prior to demolition, with the scan submitted to the Philadelphia Historical Commission ("PHC");
- That the facade be reconstructed or *replicated in kind* (emphasis added) within 24 months of demolition, whether or not original materials were preserved;
- That unique architectural features such as columns, windows, surrounds, and steps be salvaged or *replicated in kind* (emphasis added).

These conditions were not symbolic. They formed the regulatory bargain that allowed the demolition of a historically designated building and were meant to ensure continuity of architectural and cultural fabric at the site. The staff's claim of lacking authority is baseless, as established case law affirms the Philadelphia Historical Commission's duty to enforce historic preservation regulations, including permit conditions, in collaboration with the Department of Licenses and Inspections ("L&I"), as required by Philadelphia Code.

II. The Legal Obligation to Restore Remains in Force

Under Philadelphia Code § 14-1007(3):

"Any person who alters or demolishes a building... in violation of... any conditions or requirements specified in a building permit issued by the Historical Commission shall be required to restore the building... to its appearance prior to the violation."

This provision is unequivocal and the administrative status of the permit is immaterial. If the reconstruction condition attached to DP-2021-001425 has not been met, a violation exists, and L&I is legally obligated to enforce compliance with permit conditions, including through restoration or other remedies as necessary.

The Philadelphia Historical Commission's failure to enforce the reconstruction condition for St. Laurentius Church's historic facade is in direct violation of its public trust duty to protect Philadelphia's historic resources under Article I, Section 27 of the Pennsylvania Constitution, a responsibility affirmed by Pennsylvania court precedent.¹ Despite its 2022 demolition, St. Laurentius Church, a designated historic building under Philadelphia Code², retains constitutional protection and imposed a public trust duty on the Philadelphia Historical Commission to proactively enforce reconstruction under the demolition permit with prudence, loyalty, and impartiality, as affirmed by Pennsylvania court precedent.³ Since the 2022 demolition of this beloved Fishtown landmark, the mandated 24-month reconstruction deadline has expired, constituting a clear violation that PHC is obligated to verify. Ongoing disregard of this regulatory failure not only jeopardizes Philadelphia's historic legacy but also sets a dangerous precedent for future negligence with respect to Philadelphia's designated historic assets.

¹ *United Artists' Theater Circuit, Inc. v. City of Philadelphia*, 535 Pa. 370, 635 A.2d 612 (1993) (affirming the Commission's authority to regulate historic properties as a public purpose under Article I, Section 27); *Pennsylvania Environmental Defense Foundation v. Commonwealth*, 161 A.3d 911 (Pa. 2017) (establishing fiduciary-like public trust duties under Article I, Section 27); *Robinson Township v. Commonwealth*, 623 Pa. 564, 83 A.3d 901 (2013) (affirming the Commonwealth's trustee duties to protect public resources under Article I, Section 27).

² Philadelphia Code § 14-1004 (designating historic buildings under the Philadelphia Historical Commission's jurisdiction).

³ *Pennsylvania Environmental Defense Foundation v. Commonwealth*, 161 A.3d 911 (Pa. 2017) (holding that Article I, Section 27 imposes fiduciary-like public trust duties, including prudence, loyalty, and impartiality); *Robinson Township v. Commonwealth*, 623 Pa. 564, 83 A.3d 901 (2013) (requiring affirmative action to protect public trust resources under Article I, Section 27); Demolition Permit DP-2021-001425 (requiring facade reconstruction within 24 months).

The Department of Licenses and Inspections is legally obligated under Philadelphia Code to enforce compliance with permit conditions issued by PHC, including restoration.⁴ In turn, the PHC must identify and refer violations to L&I, mandated by its constitutional role as a trustee under the Pennsylvania Constitution.⁵ The reconstruction condition of Demolition Permit DP-2021-001425 is binding on all property owners, including successors. Philadelphia Code holds that “any person” violating “any conditions or requirements specified in a permit issued by the Historical Commission shall be required to restore the building . . . to its appearance prior to the violation.”⁶ This obligation runs with the land as recognized by Pennsylvania court precedent, thereby attaching to any successive owner to ensure compliance.⁷ PHC’s constitutional duty as a public trustee under Article I, Section 27 mandates enforcement regardless of ownership changes.⁸

The PHC staff’s claim of lacking legal authority is baseless, as both Pennsylvania and federal court precedent affirms that historic preservation serves a public purpose and does not constitute a taking.⁹ In this particular case, facade reconstruction as mandated by PHC in concert with L&I would not deprive the property owner of *all* economically beneficial use. Notably, this demanding evidentiary threshold considers all permissible uses of a property and not merely the specific proposal at issue.¹⁰

The Philadelphia Historical Commission’s inaction undermines the city’s historic preservation framework. By failing to enforce regulations, it tacitly rewards negligence, shirks its duty to protect our heritage, and erodes the unique character of Philadelphia’s neighborhoods.

III. The Laser Scan Provides an Objective Standard for Evaluation

⁴ Philadelphia Code § 14-1007(3) (requiring restoration for violations of permit conditions issued by the Historical Commission).

⁵ Philadelphia Code § 14-1005(6)–(7) (authorizing PHC to review permits and enforce compliance); Philadelphia Code § 14-1007 (outlining PHC’s role in verifying violations); *Pennsylvania Environmental Defense Foundation v. Commonwealth*, 161 A.3d 911 (Pa. 2017) (establishing fiduciary-like trustee duties under Article I, Section 27); *Robinson Township v. Commonwealth*, 623 Pa. 564, 83 A.3d 901 (2013) (affirming municipal trustee duties under Article I, Section 27).

⁶ Demolition Permit DP-2021-001425 (specifying reconstruction condition); Philadelphia Code § 14-1007(3) (applying to “any person” violating permit conditions).

⁷ *Pennsylvania Environmental Defense Foundation v. Commonwealth*, 161 A.3d 911 (Pa. 2017) (holding that public trust obligations under Article I, Section 27 are perpetual, binding successive stewards of trust resources to conserve them for future generations).

⁸ Article I, Section 27, Pa. Const. (imposing public trust duties on the Commonwealth); *Pennsylvania Environmental Defense Foundation v. Commonwealth*, 161 A.3d 911 (Pa. 2017) (affirming fiduciary-like duties under Article I, Section 27); *Robinson Township v. Commonwealth*, 623 Pa. 564, 83 A.3d 901 (2013) (affirming trustee duties under Article I, Section 27).

⁹ *United Artists’ Theater Circuit, Inc. v. City of Philadelphia*, 535 Pa. 370, 635 A.2d 612 (1993) (affirming PHC’s authority as a public purpose); *Penn Central Transp. Co. v. New York City*, 438 U.S. 104 (1978) (upholding preservation against takings challenges).

¹⁰ *Penn Central Transp. Co. v. New York City*, 438 U.S. 104 (1978) (evaluating economic use across the property as a whole); *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992) (requiring total loss of economic use for a taking); *Keystone Bituminous Coal Ass’n v. DeBenedictis*, 480 U.S. 470 (1987) (considering all permissible uses in takings analysis).

The staff recommendation argues that “no historic resources are present at the site” and that any judgment of the new construction would be “inherently subjective.” This ignores the fact that the Historical Commission is in possession of a detailed laser scan of the Berks Street facade, submitted in 2022 pursuant to the demolition permit. The Historical Commission confirmed possession of this scan via email on April 28, 2025. This scan, mandated by the permit, provides a precise blueprint for restoration, as required by Philadelphia Code § 14-1007(3), enabling the PHC to enforce the reconstruction condition objectively.

The scan preserves the exact architectural character of the original facade, and therefore serves as a clear, objective benchmark for:

- Enforcing reconstruction obligations;
- Evaluating the compatibility of new construction;
- Upholding the original conditions of demolition approval.

To claim now that no such standard exists is to deny the existence and relevance of a meaningful preservation tool that PHC itself required as a condition precedent to demolition, dismissing the community’s trust in the Commission’s promise to preserve our shared history and threatening the very framework meant to protect Philadelphia’s historic legacy.

IV. Broader Implications and Precedent

If the Historical Commission allows this application to proceed without enforcing the reconstruction requirement:

- It creates a dangerous precedent: that demolition permit conditions are functionally unenforceable once the building is gone;
- It invites future applicants to circumvent preservation obligations through delay, neglect, or selective compliance;
- It undermines public trust in the Commission’s authority and the zoning code that supports it.

This case is not simply about design compatibility. It is about the Commission’s credibility, the integrity of its permitting process, and its ability to protect what remains of Philadelphia’s historic built environment. As fiduciaries under Article I, Section 27, the Commission’s action—or inaction—on this matter will not only set a precedent, but may also expose the City to claims of constitutional breach if historic preservation duties are willfully neglected.

V. Request

The staff recommendation is based on a flawed interpretation of the PHC’s authority and risks undermining the City’s preservation framework. We respectfully urge the Historical Commission to:

1. Recognize that the reconstruction condition has not been met, and that this constitutes a violation of the permit;
2. Refer the matter to the Department of Licenses & Inspections (L&I) for enforcement under §14-1007;
3. Defer any approval of the current construction application until such time as the violation is cured or a satisfactory compliance plan is publicly reviewed and adopted.

The Philadelphia Historical Commission stands at a crossroads in safeguarding Fishtown's heritage and the integrity of Philadelphia's preservation framework. By recognizing the violation of St. Laurentius Church's reconstruction condition, referring it to the L&I for enforcement, and deferring the current construction application until compliance is ensured, the Commission can uphold its constitutional duty under Article I, Section 27 to protect our city's historic resources. Failure to act not only risks eroding public trust and setting a precedent for unenforceable permit conditions but also invites further scrutiny of the Commission's commitment to its legal and fiduciary obligations. We respectfully urge the Commission to choose accountability over inaction, preserving Philadelphia's legacy for future generations.

Thank you for your consideration and continued service to the City of Philadelphia.

Sincerely,
RePoint Philadelphia
repointphila@gmail.com

This testimony was prepared and submitted by RePoint Philadelphia Action, a 501(c)(4) nonprofit organization. The views expressed herein reflect the organization's mission to advocate for sound preservation policy and accountability in civic planning.

May 7, 2025

Members of the Philadelphia Historical Commission
1515 Arch Street, 13th Floor
Philadelphia, PA 19102

Basil Merenda, Commissioner
Philadelphia Department of Licenses and Inspections
1401 John F. Kennedy Boulevard, 11th Floor
Philadelphia, PA 19102

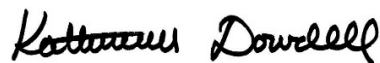
Dear Commissioners:

The saga of St. Laurentius Church (1600-06 E. Berks St.) occurred before many of you were appointed to your current positions, yet I hope you have been able to learn about the history of this building and site, along with the more recent history of the events which led up to the building's demolition. The details are too long and painful to recount here, but the upshot is that the Historical Commission clearly limited the extent of demolition at the church, with the caveat that if the façade was to be demolished, specific elements were to be salvaged or replicated. Fast forward to last week's Architectural Committee meeting, where new owners of the site proclaimed that they took a lot of time to understand the history of the site; that their first task of due diligence was to find out what was there; but unfortunately, they learned that nothing of the original building was left. It became apparent as the discussion progressed that, despite their statements to the contrary, the new owners don't have any sense of the history of the site. They don't understand the history of the demolition, nor the resulting requirements for some tangible recognition of the historic church building in a future project.

It is my understanding that it is L & I's duty to enforce of Historical Commission instructions and regulations. Why was, and is, there no enforcement of the very clear requirements in this case? The public is entitled to an explanation of why the conditions of the demolition permit were not enforced. There should not be any consideration of a new building or zoning permit until the conditions of the previous demolition permit are met, or mitigated. Since the requirement to save portions of the building cannot be met, some mitigation for the loss to the public of this important structure must be discussed and negotiated.

I strongly encourage the Commission to deny this application, and for the Commission and L & I to work together to find a meaningful compliance alternative to the conditions imposed at the time of demolition. The public deserves no less.

Very truly yours,



Katherine Dowdell, AIA

Cc: All members of the Commission
All members of the Architectural Committee
Paul Steinke and Hannah Stark, Preservation Alliance for Greater Philadelphia

MEMORANDUM

To: Philadelphia Historical Commission
From: Justin Spivey
Date: May 8, 2025
Re: Designated Historic Property at 1600-06 East Berks Street

I am a licensed professional engineer and have been honored with Fellow and Recognized Professional status by the Association for Preservation Technology International. As the Commission is aware, I testified as a consultant to the Friends of St. Laurentius in support of the historic designation of this property that was granted in July 2015, and as a consultant to the Preservation Alliance in opposition to a demolition permit application that the Commission approved, with conditions, in September 2020.

It was then my professional opinion, documented in a letter shared with the Commission, that the towers could be stabilized and/or selectively deconstructed to mitigate any risks they might present. The latter course of action is echoed in the opening words of the conditions imposed by the Commission and noted in the demolition permit, "The demolition is limited to the two towers above the watertable ...," although subsequent words deferred to others in deciding whether to allow a greater extent of demolition.

The conditions imposed by the Commission and noted in the demolition permit continue, with emphasis added, "The facade along Berks Street up to the projected gable line is protected during demolition or reconstructed in kind within 24 months of the completion of demolition." Demolition is clearly complete, as has been established by the demolition permit being placed in Completed status, and the required reconstruction has yet to commence over 24 months later.

The Commission has acknowledged receipt of a pre-demolition laser scan of the facade, which is also among the conditions imposed by the Commission and noted in the demolition permit. Compliance with at least one of the conditions is an acknowledgement of the Commission's authority to impose them, and compliance with the remainder remains possible.

The conditions imposed by the Commission and noted in the demolition permit continue, with emphasis added, "If the facade is to be demolished, unique materials and features ... must be salvaged or replicated in kind for use in the reconstruction." As it appears the option for salvage has been foreclosed, the conditions allow only one other option: the facade must be reconstructed with replicated material.

Reconstruction is one of the four preservation treatments specified in the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, which "are intended to provide general guidance for work on all historic properties" and are referenced in the Commission's reviews. The pre-demolition laser scan in the Commission's possession could be used as a basis for reviewing the reconstruction that its conditional approval of the demolition permit requires.

Conditional approval is only meaningful if consequences accrue to the permit holder or their legal successor when the conditions of approval are not met within the specified timeframe. One meaningful consequence available to the Commission would be to withhold approval of the current application, on the basis that it does not include the required reconstruction of the facade on this designated historic property.

With thanks for your attention and consideration,

