

THE MINUTES OF THE 514th STATED MEETING OF THE
PHILADELPHIA HISTORICAL COMMISSION
10 June 2005

1515 Arch Street, Room 18025
Michael Sklaroff, Esq., Chair

Present

Michael Sklaroff, Esq., Chair
Warren Huff, Director of Urban Design, City Planning Commission
Joseph James, Deputy Commissioner, Department of Public Property
Sara Merriman, Special Assistant to the Director, Department of Commerce
David Perri, P.E., Chief Code Official, Department of Licenses & Inspections
Vincent Rivera, AIA
Harris Steinberg, AIA
Thomas Sugrue, Ph.D.
Norman Tissian
Scott Wilds, Deputy Director, Office of Housing & Community Development

Randal Baron, Historic Preservation Specialist
Jorge Danta, Historic Preservation Planner
Jonathan E. Farnham, Acting Historic Preservation Officer
Diane M. Hughes, Executive Secretary
Laura M. Spina, Historic Preservation Planner

Lawrence Copeland, Esq., Senior Attorney, Law Department
Leonard Reuter, Esq., Assistant City Solicitor, Law Department

Also

Patrick Hauck, Powers & Company
James Rowe, Agoos/Lovera Architects
Neil Sandvold, Sandvold Blanda Architects
John E. Thrower, Bower Lewis Thrower Architects
John F. Tucker, Bower Lewis Thrower Architects
Lenore Millhollen, Preservation Alliance/Center City Residents' Association
Craig Deutsch, Harman Deutsch Architects
Jesse Carpenter, J. G. Carpenter & Company Wood Workers
Robert Levitt, Second Street Parkominium
Michael Swiszczy, University of Pennsylvania
Mary Matricciano, 620 Hancock Street
Josefa Castineira, 620 Hancock
Richard Russell, University of Pennsylvania
Robert Pisani, 2502 Garnet Place
Kevin Smith Manayunk Neighborhood Council
Serge Nalbantian, Brown Hill Development
Jonathan Mallie, SHoP Architects
John M. Sabatini, AIA, Marshall Sabatini Architects
Dominic Chiacchiero
Dan Griffith, Wachovia
Mike Maddalo, Sr., NW Sign

Mike Maddalo, Jr., NW Sign
Joseph Clark, 2502 South Garnet Place
Chris Kytzidis
Clay Cann, 633 North 16th Street
Stephen Goldner, SPG3
Greg Skaler
Ray Labov
David Dinenberg, Metro Development
Colleen Ginder, Singer Real Estate
Judy Robinson, Woodcock Design
Brett Feldman, Esq., Klehr Harrison Harvey Branzburg & Ellers
David Waxman, Rector Street Associates
John Gallery, Preservation Alliance
Richard Thom, Old City Civic Association
Shawn Plum, VMA
Carl Primavera, Esq., Klehr Harrison Harvey Bransburg & Ellers
Vicki Leon, 4163 Main Street
David Grasso, Metro Development
Jane Glenn, Manayunk Neighborhood Council
Craig Mandenberg, Idletime Network
Jen Pastore
Denise Centafanti
William G. Schwartz, Esq.
Jeff Walter, Brandywine Street
Richard Tyler

Michael Sklaroff, Chair, recognized the presence of a quorum and called the 514th Stated Meeting of the Philadelphia Historical Commission to order at 9:05 a.m.

Minutes of the 513th Stated Meeting of the Philadelphia Historical Commission

Upon a motion made by Mr. Wilds and seconded by Mr. Steinberg, the Commission voted to approve the minutes of the 513th Stated Meeting, 13 May 2005, Michael Sklaroff, Chair, as corrected.

OLD BUSINESS

3 Rector Street

Rector Street Associates, Owner

Brett Feldman, Esq., Applicant

DATE: c. 1880 – contributing to the Manayunk Historic District

PROPOSAL: Demolish building; construct 4-story multi-unit residential building with parking

Architectural Committee recommendation: Denial, pursuant to PM § 704.2.1 of the Property Maintenance Code - No buildings or portion of the exterior thereof within the historic district shall hereafter be constructed, altered, repaired, demolished, or partially demolished unless a permit has first been obtained from the Department; and PM 704.2.2 - All applications for such permits shall be forwarded by the Department to the Historical Commission for review and approval, before issuance of the permit. No permit

shall be issued unless the proposed work has been approved by the Historical Commission staff as preserving the historical character of the district.

Ms. Spina present the proposal, which calls for the total demolition of the historic building and the construction of a four-story, multi-unit residential building in its place. The inventory for the Manayunk Historic District lists the extant building as contributing to the district. The building reflects the industrial history of the neighborhood. The application includes some financial hardship information making a claim that the building could not be sold and reused as it is; however, the Manayunk Ordinance, which governs Commission reviews in the Manayunk Historic District, does not include hardship provisions.

The application proposes a four-story building with brick facing and stuccoed corners, beltcourses, and balconies. Large industrial-type windows would punctuate the symmetrical facades. Cars would enter the first-level parking from Rector Street. The openings along the tow path would provide ventilation of the parking area.

Mr. Sklaroff reviewed the Commission's jurisdiction in the Manayunk Historic District. He noted that the district was created by the City Council at the request of the Commerce Department, not by the Commission. He stated that the ordinance designating Manayunk as historic is part of the Property Maintenance Code. He reported that applications are to be reviewed by the Commission's staff only under the Manayunk ordinance. He stated that there are no provisions in the code for the Architectural, Hardship, and Designation Committees. He added that the Commission's role likewise is not defined. Appeals of decisions go not to the Board of Licenses & Inspection Review, but to the Board of Building Standards. He further noted that the Board of Building Standards is advisory to the Commissioner of the Department of Licenses & Inspections. Mr. Perri agreed and elaborated on Mr. Sklaroff's comments. Mr. Sklaroff added that Manayunk perhaps should be included on the Commission's long-range planning agenda when it considers the creation of new historic districts.

Mr. Wilds asserted that the Manayunk ordinance is silent on demolition and new construction. He requested clarification on the Commission's role in the matter.

Mr. Sklaroff stated that the applicant has a choice. He must decide whether to proceed to the Board of Building Standards or to accept a review by the Commission. Mr. Sklaroff also stated that if the Commission proceeds, it must decide if it has jurisdiction and, if so, what standards it will apply. Mr. Tissian asked how the Commission's decision in this matter might be appealed. Mr. Sklaroff replied that any decision of the Commission, right or wrong, with or without jurisdiction, would be appealed to the Board of Licenses & Inspection Review or to the courts. Mr. Baron stated that he was aware of at least one appeal of a staff decision for a Manayunk property to the Board of Licenses & Inspection Review.

Mr. Primavera acknowledged the complexities of the case and stated that, if it was easy, he would not have been retained as the attorney in the case. He then reported that Councilman Nutter was the inspiration behind the ordinance, which was enacted to promote commerce. Mr. Sklaroff observed that the ordinance predates Mr. Nutter's election to the City Council by several years. Mr. Primavera noted for the record the letter of support for the project from the Councilman. He then appeared to agree to

continue with the review by the Commission, out of respect for the body. Mr. Sklaroff asked him directly if he wished to proceed. He stated that he did.

Mr. Sklaroff then asked the Commission if it wished to proceed. Mr. Sklaroff requested an opinion on the matter from Mr. Copeland of the Law Department. Mr. Copeland offered an informal opinion. He asserted that the Commission cannot simply decline jurisdiction. He also asserted that the staff could refer a matter to the Commission for guidance and that the Commission could, in turn, refer it to the Architectural Committee for guidance. He concluded that, although the ordinance is open to interpretation, it does appear to provide a framework for review; the Commission does hold jurisdiction in this case.

Mr. Sklaroff then presented his opinion. He stated that the Manayunk ordinance is part of the property maintenance code, not the zoning code. He asserted that the code expressly mandates that appeals from decisions of the Commission staff must be heard by the Board of Building Standards. Mr. Copeland agreed. Mr. Sklaroff contended that the Commission itself does not have jurisdiction over Manayunk applications. He then recommended that the Commission vote whether to hear the application as an appeal from the Architectural Committee's recommendation or to refuse to hear it with the understanding that the remedy is an appeal to the Board of Building Standards. He then offered a third alternative: the Commission could review the application and render a decision with the understanding that the applicant could appeal that decision as well as the Commission's claim of jurisdiction.

Based on his reading of the first sentence of Subsection II of the Manayunk ordinance, Mr. Sugrue suggested that the Commission did have jurisdiction. Mr. Wilds added, following Mr. Sugrue's interpretation, that the staff should be directed by the Commission. Mr. Sklaroff noted that the staff has made its determination in the matter: the proposal does not preserve the historic character of the district.

Speaking from the audience, Mr. Tyler offered a legislative history of the ordinance. He stated that the ordinance had been proposed by the Commerce Department in the early 1980s to offer some control over the fast-paced development occurring in Manayunk. He observed that the final decisions on applications had been limited to the Commission's staff to expedite the review process. Whereas the Commission's staff must render its decisions within five days, the Commission's decision process can take six to eight weeks. Final jurisdiction was conferred to the staff in the ordinance to allow for timely reviews and accelerated revitalization. He concluded that he believes that the staff, but not the Commission itself, has jurisdiction in this case.

John Gallery of the Preservation Alliance interpreted the ordinance as giving the jurisdiction to the staff, not the Commission. However, regardless of the jurisdictional question, the ordinance only allows for the maintenance of the historic character of the district. It does not allow for the review of demolition proposals, much less their approvals. Mr. Sklaroff rebutted Mr. Gallery's claim, noting that the ordinance did address demolition. He added that if Mr. Gallery's claim were true, then he had given Mr. Primavera a basis for appeal. Mr. Wilds asserted that the staff could approve the demolition of a building that was not compatible with the district.

Mr. James stated that past practice should guide the Commission. He noted that the Commission had both approved and disapproved applications; therefore, it should move forward with its review. Mr. Sklaroff agreed. The Commission members decided unanimously to proceed with the review.

Mr. Primavera asserted that the Commission's role in reviewing Manayunk proposals is to advance economic development in the area. He added that Mr. James had expressed this opinion moments earlier. Mr. James denied having made such an assertion and Mr. Sklaroff requested that Mr. Primavera limit himself to the merits of the case.

Stephen Goldner of SPG³ presented the design for the new building to the Commission. He stated that he prepared his design with the assumption that the old building would be demolished. At the request of Mr. Wilds, Mr. Goldner described the site and its surroundings. Mr. Sugrue pointed out that the building to the west of the one in question is very similar and houses a successful restaurant. Mr. Goldner conceded that it is very similar but slightly smaller. Mr. Primavera noted that the restaurant is named Bourbon Blue; a Smith & Hawkins store formerly occupied the building. He stated that Smith & Hawkins store is the model on which Mr. Sugrue would like to see the development of the site in question based. Mr. Sugrue replied that he had no model in mind.

Mr. Goldner continued his overview, opining that the building is not visible from Main Street. Commission members countered that it is highly visible from Main Street. Mr. Goldner conceded that it is visible from Main Street and the canal. He reported that the large building to the north houses the offices of architect Robert Venturi and Denise Scott Brown. He began to discuss the plans for the new building and several Commission members interjected that the new construction should not be addressed until the question of the demolition was resolved. Mr. Goldner explained that he was not charged with securing the demolition approval; his charge was to design the new building. After Mr. Sklaroff inquired about the Architectural Committee's opinion of the new building, Mr. Goldner revealed that he had not presented the plans for the new building to the Committee because the discussion never progressed beyond the question of demolition.

Mr. Sugrue asked about the canal façade. Mr. Goldner explained that the building is two stories at the south, along the towpath. Mr. James asked about the condition of the extant building. The architect explained that it is a large, vacant garage. Messrs. James and Sklaroff asked if it is sound. The architect explained that it is sound, secured, and maintained. Mr. Tissian asked if the building floods and if the flooding would preclude residential development. The architect answered that flooding would not prevent the existing building from being converted for residential use; he stated that getting light into the interior was problematic along one side. Mr. Perri asked how much of the original fabric of the building survives. The architect answered that he did not know. Mr. Primavera referred the question to the current owner, Raymond La Bov, who was seated in the audience. He reported that the building was essentially unaltered.

After Mr. Wilds asked about the new building, Mr. Goldner presented the plans, explaining that there would be 17 units with 17 parking spaces, that it would look somewhat industrial; that it would not be too large; and that it would be compatible with its surroundings.



last used in 2002 as a plumbing and heating supply business. He also stated that it has been for sale since 2001. The asking price is \$1 million. He added that he has had no offers at that amount. Mr. Tissian asked him what offers he had received. He stated that he had received an offer for \$800,000, but that the buyer had withdrawn the offer. The last tenant paid about \$2,200 per month rent.

Mr. Steinberg asserted that the Commission should concentrate on the question of demolition. Mr. Sklaroff asked Mr. Primavera to summarize the case for demolition. Mr. Primavera asserted that the Commission was acting as a Committee of the Whole. After a request that he speak more directly, Mr. Primavera argued that this proposal must be viewed in a larger context, the commercial revitalization of Manayunk. He stated that the proposal should be reviewed using the development of Manayunk as the standard. An industrial building is not the best use for Manayunk. Mr. Sklaroff contended that the last use was retail, not industrial. Mr. Primavera countered that it was used for distribution.

Mr. Sugrue inquired if the architect had considered incorporating the existing building into a larger development. He did not respond.

Mr. Primavera concluded that the building is not viable for any use. Its industrial use is not suitable for Manayunk. It should be photographed and then demolished. The new building will advance the Manayunk district. Under the Manayunk ordinance, the Commission should seek to advance Manayunk, not simply preserve buildings.

Mr. Sklaroff asked Mr. Primavera if he had any testimony or evidence to present on the architectural or historical merit of the building. Mr. Primavera stated that he accepts the claims made by the staff that the building has architectural and historical merit and would not contest them. Mr. Sklaroff asked him if he planned to address the standards that the Commission normally applies during such reviews. Mr. Primavera replied that only the standard of commercial revitalization is relevant in Manayunk.

Mr. Goldner stated that the surrounding buildings overshadow this one-story building. He added that he cannot adapt the building for contemporary use. One would need to demolish much of the walls to allow light in for residential use. Mr. Sklaroff asked about the square footage. Mr. Goldner replied that it is 60' by 90' and has about 6,000 square feet without the cellar. The total square footage is 11,000 square feet. Mr. Sklaroff asked if a study was done to convert the building to residential use, perhaps using tax credits. The architect answered that no study was undertaken.

Kevin Smith of the Manayunk Neighborhood Council presented a letter and highlighted the points for the Commission and audience. He stated that his organization is opposed to the demolition. He noted a recent master plan for the canal and towpath. He asserted that the new construction would not comply with that master plan. It would not enhance the experience of the users of Main Street, the towpath, or the canal. He argued that it would not revitalize commerce in Manayunk. Mr. Tissian asked Mr. Smith who he represents. He explained that he represents about 150 dues-paying residents. He claimed that the turn-over rate of the building across the street, which houses Bourbon Blue, is no greater than that of the stores on Main Street or in any typical suburban mall. He suggested that other uses could be found for the 3 Rector Street building. For example, he understands that the owner of the Manayunk Brewing Company was willing

to pay \$600,000 for the building. Also, a recording studio made an offer on the property. It is premature to assert that this building cannot be sold. The current asking price is simply too high. He concluded that mill buildings throughout the neighborhood have been adaptively reused.

Mr. Gallery claimed that this application highlights the problems presented by the Manayunk ordinance. He offered three points. First, although this ordinance may have been devised to promote economic development in Manayunk, it is, first and foremost, a preservation ordinance. Its goal is to preserve the historic character of the district; in fact, its historic character is the engine of the district's economy. If Mr. Primavera's argument was accepted, economic development would take precedence over preservation in every case in Manayunk. Second, a clear financial hardship claim has not been made. Third, Manayunk is an industrial district; this building is part of the history of Manayunk.

Shawn Plum, an architect, suggested that this building could be rehabilitated for residential use. She suggested that a rehabilitation by SHoP in New York's meat packing district could provide some guidance for a sensitive adaptive reuse. Mr. Goldner noted that there is no room to expand this building, which occupies 100% of its lot.

Mr. Steinberg stated that he agreed with Ms. Plum that the adaptive reuse of this building should be fully explored. He asserted that it would be irresponsible to approve the demolition without more exploration. Ms. Merriman contended that the proposed building would be an appropriate addition to Manayunk. Ms. Wilds concurred with Ms. Merriman that the proposed building is compatible with the district. He also reminded his fellow commissioners that they were not operating under §14-2007, but under the Manayunk ordinance and therefore needed to consider the implications of this project for the entire district. Mr. Sklaroff interjected that the towpath, like Main Street, is part of the Manayunk district. Mr. Tissian asserted that the Commission would not approve the demolition of this building if it stood in Old City; he contended that the Commission should preserve the building. He suggested that the price at which the building was marketed was too high; preservation would be viable if it was lowered. Mr. Sugrue concurred with Mr. Steinberg, who noted that adaptive reuse had not been fully explored. He added that if the Commission chose to approve the building, it should not allow parking along the important canal frontage. The parking garage would deaden the towpath. Agreeing with Mr. Sugrue, Mr. Huff noted the neighbors concerns about the new building's impact on the towpath.

Mr. Tissian moved to adopt the recommendation of the Architectural Committee and deny the proposal. Mr. Steinberg seconded the motion, which passed with a vote of 7 to 3. Ms. Merriman, Mr. Wilds, and Mr. Perri dissented.