

**THE MINUTES OF THE 620TH STATED MEETING OF THE
PHILADELPHIA HISTORICAL COMMISSION**

**FRIDAY, 11 APRIL 2014
ROOM 18-029, 1515 ARCH STREET
SAM SHERMAN, CHAIR**

PRESENT

Sara Merriman, vice chair, Commerce Department
Anuj Gupta, Esq.
Dominique Hawkins, AIA, NCARB, LEED AP
JoAnn Jones, Esq., Office of Housing & Community Development
Rosalie Leonard, Esq., Office of City Council President
Michael Maenner, Department of Licenses & Inspections
John Mattioni, Esq.
R. David Schaaf, RA, Philadelphia City Planning Commission
Robert Thomas, AIA
Betty Turner, M.A.

Jonathan E. Farnham, Executive Director
Erin Coté, Historic Preservation Planner II
Laura DiPasquale, Historic Preservation Planner I

ALSO PRESENT

Meredith Ferleger, Esq., Zarwin Baum
Vincent Mancini, Landmark Architectural Design, LLC
Danielle Drew-Wolas, Han Dynasty
Ben Leech, Preservation Alliance for Greater Philadelphia
Kathy Dowdell, AIA

CALL TO ORDER

Ms. Merriman, the vice chair, called the meeting to order at 9:00 a.m. Commissioners Gupta, Hawkins, Jones, Leonard, Maenner, Mattioni, Schaaf, Thomas, and Turner joined her.

MINUTES OF THE 619TH STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION

ACTION: Ms. Jones moved to adopt the minutes of the 619th Stated Meeting of the Philadelphia Historical Commission, held 14 March 2014. Mr. Schaaf seconded the motion, which passed unanimously.

THE REPORT OF THE ARCHITECTURAL COMMITTEE, 25 MARCH 2014

Dominique Hawkins, Chair

CONSENT AGENDA

Mr. Farnham introduced the consent agenda and explained that it included one application: 300, 302, 304, 306, 308-10 N. 02nd Street. Ms. Merriman asked if any Commissioners had comments on the Consent Agenda. No one offered comments. Ms. Merriman asked if the audience had comments on the Consent Agenda. No one asked any questions.

ACTION: Mr. Thomas moved to adopt the recommendation of the Architectural Committee for 300, 302, 304, 306, 308-10 N. 02nd Street. Ms. Turner seconded the motion, which passed unanimously.

AGENDA

ADDRESS: 300, 302, 304, 306, 308-10 N 02ND ST

Project: Demolish non-contributing building, construct four-story single-family dwellings

Review Requested: Review and Comment/Final Approval

Owner: Lighthouse on Vine, LLC

Applicant: Susan Uhl, Landmark Architectural Design, LLC

History: 1925

Individual Designation: None

District Designation: Old City Historic District, Non-contributing, 12/12/2003

Staff Contact: Erin Cote, erin.cote@phila.gov, 215-686-7660

ARCHITECTURAL COMMITTEE COMMENT: These townhouses would be compatible with the Old City Historic District, pursuant to Standard 9.

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, pursuant to Standard 9.

OVERVIEW: This application proposes to construct six four-story, single-family townhouses on N. 2nd Street in the Old City Historic District. The site is at the northeast corner of the district, with the highway to the north, a gas station to the south, and an empty lot associated with the highway to the east. The properties at 300, 302, 304, and 306 N. 2nd Street are vacant lots and were at the time of the designation of the historic district. These properties are considered "undeveloped" and the Commission's jurisdiction is review-and-comment only. A non-contributing, one-story garage stands at 308-310 N. 2nd Street. It would be demolished. Because the garage stood on this site at the time of the designation of the historic district, this property is not "undeveloped" and the Commission has plenary jurisdiction.

The proposed townhouses would face 2nd Street and have garages at the rear accessed from Vine Street. The townhouses would have cast stone bases, dark red brick above, metal panels on two-story bays, and metal windows. This application proposes rooftop decks with stair houses and trellises for the townhouses. The decks would be set back five feet from the front façade.

ACTION: See Consent Agenda

ADDRESS: 4203 MAIN ST

Project: Remove one-story addition, construct three-story addition

Review Requested: Final Approval

Owner: Paul Pascucci

Applicant: Agata Reister, Landmark Architectural Design, LLC

History: 1850

Individual Designation: None

District Designation: Manayunk Historic District, Contributing, 12/14/1983

Staff Contact: Laura DiPasquale, laura.dipasquale@phila.gov, 215-686-7660

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial, pursuant to Standards 9 and 10.

OVERVIEW: This application proposes to construct a three-story rear addition to an existing three-story mixed use building located in the Main Street Manayunk Historic District. An existing one-story section in the rear would be demolished, and the existing rear masonry wall would be retained and enclosed within the new addition. The materials proposed for the new rear façade would be stucco, with a texture and color to match existing. The proposed new addition would be built over the rear slope of the existing gable roof, resulting in a flat roof at the rear of the building. The addition would not be visible from Main Street and would be minimally visible from the east on Pensdale Street. The proposed addition would, however, be visible from Station Street at the rear. The south side of Station Street immediately adjacent to the proposed project location is a rear yard and a surface parking lot. The remainder of the south side of the street is composed primarily of garages and rear yards, while the north side of the street is an undeveloped strip of land which slopes up to meet the railroad bed.

DISCUSSION: Ms. DiPasquale presented the application to the Historical Commission. Architect Vincent Mancini represented the application.

Mr. Mancini noted that the plans for the rear addition had been revised since the Architectural Committee meeting to exclude the third floor. Ms. Hawkins asked whether the new addition was L-shaped. Mr. Mancini responded that affirmatively and explained that, owing to the interior configuration, the owner preferred to have a slightly wider portion on one end of the addition. Mr. Mancini noted that the addition remains between the two adjacent structures. Ms. Hawkins stated that the revised drawings were in keeping with the recommendations of the Architectural Committee.

ACTION: Ms. Hawkins moved to approve the revised application presented to the Historical Commission at its meeting of 11 April 2014, with the staff to review details, pursuant to Standards 9 and 10. Mr. Thomas seconded the motion, which passed unanimously.

OLD BUSINESS

ADDRESS: 123-29 CHESTNUT ST

Project: Legalize sign

Review Requested: Final Approval

Owner: 123-29 Chestnut Street Associates

Applicant: Danielle Drew-Wolas, Han Dynasty

History: 1903; Corn Exchange National Bank; Newman, Woodman & Harris, architects; alterations/additions, Horace Trumbauer, 1912, 1929, 1931

Individual Designation: 10/7/1976

District Designation: Old City Historic District, Significant, 12/12/2003

Preservation Easement: Yes

Staff Contact: Erin Cote, erin.cote@phila.gov, 215-686-7660

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial, pursuant to Standard 9.

OVERVIEW: This proposal to legalize signage was reviewed by the Architectural Committee on 22 October 2013 and by the Commission at its 8 November 2013 meeting, at which the applicant was not in attendance. The Commission denied the application. The applicant appealed the decision to the Board of License and Inspection Review claiming that she did not receive sufficient notice of the Commission's meeting. The Board remanded the application back to the Commission to provide an opportunity for the applicant to present the proposal to the Commission.

This application proposes to legalize a blade sign that was installed at the Chestnut Street entrance of the Corn Exchange National Bank building in Old City. The location of the sign's mounting plate differs slightly from that shown on the architectural drawing and appears to overlap a recess between two quoins.

DISCUSSION: Ms. Cote presented the application to the Historical Commission. Attorney and project manager Danielle Drew-Wolas represented the application.

Ms. Drew-Wolas stated that she was unable to attend the earlier Historical Commission meeting at which this proposal was reviewed because she received the notice of the meeting the day the meeting was held. She asserted that she appealed the decision because she did not receive proper notice of the meeting. She reported that the Board of License & Inspection Review remanded the application to the Historical Commission for a new review.

Ms. Drew-Wolas asked if the existing signage could be altered in any way to make it acceptable. She stated that the sign could be moved so the bracket does not overlap the recesses in the brick and the damage from the installation of the bracket could be repaired. She asked if that would be acceptable to the Commission. She noted that the Architectural Committee was concerned that the actual location of the sign differed from the location shown in the drawing. She stated that she was hoping to find a solution that worked for everybody. She proposed moving the sign and repairing damage as a solution and she stated that she hoped that that would be acceptable to the Commission.

Mr. Thomas pointed to the comments of John Cluver at the Architectural Committee meeting. He read from the Architectural Committee meeting minutes:

Mr. Cluver objected to the scale and the extent of projection of the sign. He suggested that, if it projected less, had a vertical orientation that reinforces the pilaster, and was a little more subtle, it would be more appropriate. He also suggested that matching, more discreet signs could be placed on either side of the door to respect the symmetry and monumentality of the building.

Mr. Thomas asked if the applicant considered these suggestions. Ms. Drew-Wolas stated that this sign was a very expensive sign and she made sure that it was completely compliant with the code as she ordered the sign herself. She stated that the dimensions of the sign are within the code for historical buildings. She stated that she was unsure why the scale is wrong as it is definitely within the code. She stated that the business would incur a great expense if it had to completely replace the sign. She offered that, if the sign is projecting too far, perhaps it could be moved back. She informed the Commission that the sign is using the existing bracket that was already there. She claimed that the sign from the previous business had exactly the same projection. She contended that the Architectural Committee had said that, if the sign were a banner rather than a hard sign, the size would be acceptable. She stated that, with all due respect, the decision seems arbitrary. She stated that she was hoping that relocating the sign and repairing any damage from the bracket would be an acceptable solution.

Mr. Schaaf stated that he sits on the Sign Committee of the Art Commission. He informed the applicant that, under the Special Controls District for Center City, projecting signs are not allowed on Chestnut and Walnut Streets. He stated that, if this bracket is a legal bracket and was installed quite a long time ago with a permit, the applicant may reuse it. He stated that, if it was installed without a permit, it cannot be reused. He stated that a projecting sign, even one that only projects twelve inches, is not an allowable sign on Chestnut and Walnut Streets. Ms. Drew-Wolas stated that there are numerous projecting signs on both sides of the street for all types of businesses. Mr. Schaaf stated that they may have been grandfathered when the sign ordinance was passed in 1981. Ms. Drew-Wolas claimed that the bracket was already on the building. Ms. Hawkins asked if the bracket was at the current location. Ms. Drew-Wolas stated that the bracket was on the same façade. She stated that it was moved slightly, but nevertheless the previous business had a projecting sign. Mr. Schaaf stated that the bracket would have to be in the same location and not moved to be legal. Ms. Drew-Wolas asked for the citation in the code. Mr. Schaaf stated that it is the Specials Controls District for Center City and that he would be happy to provide the applicant with his card so that he could locate the portion of the code that addresses the signs for her.

Ms. Hawkins stated that the Architectural Committee had many concerns and the location of the bracket was one. She stated that, in terms of the symmetry of the building, the grandeur of the building, and the verticality of the building the Architectural Committee concluded that the sign was inappropriate. Ms. Drew-Wolas stated that the sign is very simple and elegantly designed. She stated that there are signs on the same block that are much more obtrusive; the Han Dynasty sign simply states the name of the business.

Ms. Hawkins reminded the Commission and applicant that this sign was installed without an approval or permit. She informed the applicant that, if she had submitted a permit application prior to the installation, she would have been notified of the requisite reviews. Ms. Hawkins stated that the sign, which was installed without a permit, is neither compliant nor appropriate in the opinion of the Architectural Committee.

Ms. Drew-Wolas apologized for submitting the application after installing the sign. She stated that she was pressed to open the business, was serving as project manager, and was working 15 hours a day. She stated that she will do what it takes to bring the sign in compliance. She asked if there were recommendations for a different design of the sign. Mr. Thomas stated that he read the suggestions from the Architectural Committee meeting minutes. He stated that he certainly understands deadlines and working long hours. He stated that, within historic districts, conditions that exist prior to designation are grandfathered; new work is reviewed not based on the surrounding conditions but on whether it meets historic preservation standards. He stated that this property falls within an historic district and other overlay districts, and the sign is subject to several reviews. Ms. Drew-Wolas stated that she reviewed the historic preservation ordinance and made sure that the sign was compliant with it. Mr. Thomas stated that the Commission, not the applicant, makes that determination. He also noted that the sign must satisfy other requirements like those of zoning and the Art Commission. She asked if the current sign could be brought into compliance. Mr. Thomas stated that it appears that it cannot because it appears not to satisfy the Secretary of the Interior's Standards. Ms. Drew-Wolas argued that she did not know how this sign could be construed as inappropriate. Mr. Thomas stated that one issue mentioned is that it is a projecting blade sign. Ms. Drew-Wolas stated that some of the suggestions of the Architectural Committee included projecting signs.

Mr. Farnham informed the Commissioners that color versions of the images of the images that were provided to them in black-and-white are circulating around the meeting to provide a better sense of the sign as well as the bracket in its former position.

Ms. Merriman stated that the Commission is not the forum to design the sign. She encouraged the applicant to seek out the helpful assistance of the staff. Ms. Drew-Wolas stated that she would like to find a way to make the sign acceptable but contended that the Commission's comments seem truly random and arbitrary. She noted that she had been told that a banner would be acceptable and two smaller signs on either side of the door would be acceptable. Mr. Mattioni observed that no one made those suggestions today. She stated that they were suggested at the Architectural Committee meeting. Mr. Mattioni commented that the applicant continues to ask for legalization of the illegal sign, but it appears that the Commission is not willing to approve it.

Ms. Drew-Wolas stated that this business is very bustling; it employs many people and is a good addition to the block. She opined that this sign is good for the business. She stated that she could understand a denial of the sign if it was a horrible sign, but it is not. She informed the Commission that it is actually an historical sign. She stated that the Chinese logo on the sign is much older than the building. She stated that the design could not be any simpler. She stated that it is an elegant and beautiful sign. She complained that the Commission is telling her that it is inappropriate, but is not telling her how it is inappropriate. She opined that the Commission's position seems very random and arbitrary. She stated that she thought the true issue here is that the application was submitted after the work was completed and she apologized again. She stated that she is the attorney for the company and was brought on as project manager for this site. She stated that she is probably the busiest person in the room. Mr. Mattioni stated that the applicant should admit that she made a mistake by not seeking the appropriate approvals and permits before installing the sign. Ms. Drew-Wolas disagreed. She acknowledged that she filed the application after the sign was installed, but claimed that the objections to the sign were predicated on the lateness of her application. She contended that, if she had applied prior to the installation, then the Commission would have found the sign appropriate.

Mr. Schaaf stated that, if the bracket had been either grandfathered or legally permitted and had been left in its original location, then the bracket would be legal. As soon as the applicant moved the bracket it became illegal. Ms. Drew-Wolas stated that she will move the sign back to the original location of the bracket and repair any damage from earlier installation. She stated that she is a very busy person, she wears about 17 hats for Han Dynasty, and she has no free time to worry about such matters. She stated that she did the best she could under the circumstances. She apologized again.

Ms. Merriman stated that the Commission is not in a position to legalize the existing sign. Ms. Drew-Wolas stated that the decision is truly arbitrary and asserted that she will be appealing the decision because it is arbitrary, random, and capricious. Ms. Merriman stated that the applicant has received clear comments from the Commissioners and can submit an application for a more appropriate sign. Ms. Drew-Wolas responded that she received some random and arbitrary comments. Ms. Merriman noted that the applicant received comments from the Architectural Committee as well.

Ms. Jones asked the applicant about her objective in seeking a new review before the Commission on remand from the Board of License & Inspection Review. Ms. Drew-Wolas stated that she is seeking to obtain approval for the sign because she was not given notice of the meeting, which is a due process violation. She stated that she is an attorney and is very familiar with reviewing codes, laws, and standards. She opined that, according to the minutes of the last meeting, everything is extremely random, arbitrary, and capricious, and clearly based on the lateness of the application. She stated that sometimes people are late on applications because people are very busy and have too much work, more than they can handle. She stated that she does not think that applying after the fact to legalize justifies a denial of the application. She contended that the Commission is making her life and job difficult. She stated that she truly believes that the submission after the installation is the basis of the Commission's objections to the sign.

Mr. Mattioni state that the application is being considered on the merits and it fails to meet the standards. Ms. Drew-Wolas opined that that is not consistent with the minutes of the Architectural Committee meeting. She pointed to the overview of the project that describes the bracket overlapping the space between quoins and stated that she offered to correct that and she is being told that that is not sufficient either and yet those were the comments that were offered to the Board of License & Inspection Review. She stated again that she would appeal any decision. She stated that she has better things to do with her time and perhaps the Commissioners do not. She stated that it is not acceptable for the Commission to punish an applicant because an application was submitted after the work was completed.

Ms. Turner noted that the applicant has offered to move the bracket back to its original location. Ms. Hawkins state that the original location may not be a legal and permitted location and, even if the sign is moved to that location, it is still an illegal sign.

Mr. Thomas stated that, if applicant reviewed the record, she would see that the Commission has reviewed numerous of applications that were submitted after the fact; she would also see that this Commission does not take revenge and tries to work with applicants to find solutions. Mr. Thomas stated that moving the bracket back to its original position may be a solution, provided the original location was permitted. Ms. Drew-Wolas asked how she would find out if it was permitted. Mr. Schaaf stated that he would direct the applicant to the director of the Art Commission, who will review the records.

MOTION: Mr. Thomas moved to deny the legalization application, but to approve the sign with the bracket relocated to its original location and any damage repaired, provided documentation is submitted indicating that the original bracket location is legal and permitted, with the staff to review details. Ms. Turner seconded the motion.

Ms. Jones asked if there were any concerns of the Architectural Committee not met by the motion on the table. Ms. Hawkins stated that the overriding concern is that this is a monumental building and the sign, as noted in the Architectural Committee minutes, is not appropriate for this building. Ms. Jones stated that her concern with the motion is that it may give false comfort to the applicant. Mr. Thomas stated that he tried to devise a motion that denies the sign as is, but allows the applicant and staff to work to find an acceptable sign in the bracket is legal. Mr. Mattioni suggested that the Commission should deny the sign out right and not provide approval for a sign application they have not seen. He stated that the applicant should submit a new application and a new review should begin.

Ms. Hawkins asked if the staff could approve an application for a sign if it matched exactly all the grandfathered conditions. Mr. Farnham stated that staff approval would not depend on the new sign being identical to the grandfathered sign, but on whether the new sign meets the standards. He stated that, once a grandfathered element is removed, any vested right to it disappears.

FAILED MOTION: By a vote of 7 to 2, the Commission rejected the motion proffered by Mr. Thomas and Ms. Turner to deny the legalization application, but to approve the sign with the bracket relocated to its original location and any damage repaired, provided documentation is submitted indicating that the original bracket location is legal and permitted, with the staff to review details. Mses. Hawkins, Jones, and Leonard and Messrs. Gupta, Maenner, Mattioni, and Schaaf dissented. Ms. Merriman abstained.

Ms. Drew-Wolas stated that she continues to hear that the design of the sign is inappropriate. She asked if someone could tell her how the design of the sign is in appropriate. She stated that she designed the sign herself to make as simple and elegant as possible. She stated that there is no illumination to the sign. She stated that she ensured that it meets all code requirements. She stated that the sign is merely the business name and logo on a black background. She stated that she was unsure how more appropriate it could be. She stated that the business needs to advertise and attract customers so that it can make money and pay salaries.

Mr. Thomas stated that the Architectural Committee and staff can tell can explain the parameters of an appropriate sign. Ms. Drew-Wolas stated that she attended the Architectural Committee meeting, and the members commented on size and placement, not the design. Ms. Hawkins disagreed. She stated that it is the applicant's job to propose something that meets all of the code requirements.

Ms. Drew-Wolas stated that she will be appealing the Commission's decision based on the fact that all the comments were random, arbitrary and capricious. Mr. Mattioni stated that it is inappropriate for the applicant to threaten the Commission. Ms. Drew-Wolas stated that she was simply informing the Commission how she plans to proceed. She stated that she truly believes that the Commission will deny her application because it was submitted after the work was completed. She stated that she is sorry that it was late, but she was very, very busy. She stated that she wished the Commission could understand that she works much harder than anyone

else and should be excused. She again claimed that the Commission's comments have been random, arbitrary, and capricious. Mr. Mattioni stated that she should save those assertions for the appeal panel.

ACTION: Ms. Hawkins moved to adopt the recommendation of the Architectural Committee and deny the application, pursuant to Standard 9. Mr. Mattioni seconded the motion, which passed unanimously.

ADJOURNMENT

ACTION: At 9:40 a.m., Ms. Jones moved to adjourn. Mr. Thomas seconded the motion, which passed unanimously.

STANDARDS AND GUIDELINES CITED IN THE MINUTES

Standard 9: New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new works shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Standard 10: New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.