

**THE MINUTES OF THE 563<sup>RD</sup> STATED MEETING OF THE  
PHILADELPHIA HISTORICAL COMMISSION**

**10 JULY 2009  
ROOM 18-029, 1515 ARCH STREET  
SAM SHERMAN, CHAIR**

**PRESENT**

Sam Sherman, Chair  
Leslie Benoliel  
Della Clark  
Rosalie Leonard, Office of City Council President  
John Mattioni, Esq.  
Sara Merriman, Commerce Department  
Daniel Quinn, Department of Licenses & Inspections  
David Schaaf, Philadelphia City Planning Commission  
Joan Schlotterbeck, Department of Public Property  
Robert Thomas, AIA  
Scott Wilds, Office of Housing & Community Development

Jonathan Farnham, Executive Director  
Randal Baron, Historic Preservation Planner III  
Erin Cote, Historic Preservation Planner II  
Jorge Danta, Historic Preservation Planner II  
Karen Gonski, Administrative Technician  
Rebecca Sell, Historic Preservation Planner II

**ALSO PRESENT**

Adrian Paulus  
Lawrence Gilbert, Architect  
John Gallery, Preservation Alliance  
Sarina Rose, Stuart G. Rosenberg Architects  
Greg Mastalerz, Stuart G. Rosenberg Architects  
William Schwartz, Esq. Obermayer Rebmann Maxwell & Hippel  
Hercules Grigos, Esq. Obermayer Rebmann Maxwell & Hippel  
James Plunkard, Hartshorne Plunkard Architects  
John Cluver, Voith & Mactavish Architects  
David Radomski, John Buck Company  
Stephen Perna, Perna Frederick Commercial Real Estate  
Avis Allman

**CALL TO ORDER**

Mr. Sherman called the meeting to order at 9:07 a.m. Commissioners Benoliel, Clark, Leonard, Mattioni, Merriman, Quinn, Schaaf, Schlotterbeck, Thomas, and Wilds joined him.

**MINUTES OF THE 562<sup>ND</sup> STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION**

Mses. Leonard and Schlotterbeck requested corrections to the minutes. Ms. Leonard noted that she had disqualified herself from the review of the application for 2116-32 Chestnut Street because her brothers-in-law are employed by the law firm representing the developer. Ms.

Schlotterbeck noted that she had disqualified herself from the review of the application for 2116-32 Chestnut Street because her brothers are employed by the law firm representing the developer.

**ACTION:** Ms. Merriman moved to adopt the minutes, as corrected, of the 562<sup>nd</sup> Stated Meeting of the Philadelphia Historical Commission, held 12 June 2009. Mr. Wilds seconded the motion, which passed unanimously.

#### **THE REPORT OF THE ARCHITECTURAL COMMITTEE, 23 JUNE 2009**

David Amburn, Chair

##### **225 S. 18<sup>TH</sup> STREET**

Owner: Rittenhouse Regency Affiliates

Applicant: Stuart G. Rosenberg

History: 1929, Zantizinger, Borie & Medary, architects, altered c. 1950

Designated: Contributing to Rittenhouse Fidler Historic District, 2/8/1995

Project: Install louvers in terracotta parapet

**ARCHITECTURAL COMMITTEE RECOMMENDATION:** The Architectural Committee voted to recommend approval, with the staff to review details.

**OVERVIEW:** This application proposes to install six exhaust louvers at the 11<sup>th</sup> floor of this building facing Rittenhouse Square. None of the louvers would be installed on the façade directly across from the Square. They would be located along Locust and Chancellor Streets. The applicant proposes to paint the louvers the same color as the masonry surrounding them. Their installation would require the removal of original terracotta units in the parapets.

**DISCUSSION:** Mr. Danta presented the application to the Commission. Architects Sarina Rose and Greg Mastalerz represented the application.

The Commissioners discussed the proposal and determined that the Committee's recommendation was appropriate.

**ACTION:** Mr. Wilds moved to adopt the recommendation of the Architectural Committee and approve the application, with the staff to review details. Mr. Schaaf seconded the motion, which passed unanimously.

##### **1805 PINE STREET**

Owner: Brendan Kelley

Applicant: Doug Whitfield

History: c. 1850; contributing within the Rittenhouse Fidler Historic District, 2/8/1995

Project: Remove fire escape and install doors, balconies, and deck

**ARCHITECTURAL COMMITTEE RECOMMENDATION:** The Architectural Committee voted to recommend approval of the removal of the fire escape and installation of doors and Juliet balconies on the rear and side elevations, pursuant to Standard 9; denial of the elevated portion of the deck, pursuant to Standard 9 and the Roofs Guidelines.

**OVERVIEW:** This application proposes to remove a rear fire escape and install fifteen-light wood doors within existing openings and Juliet balconies with iron picket railings on the rear or north elevation. This application also proposes to install a rear fourth-story roof deck. The roofline of

the ell is not consistent. The piazza section, where the ell meets the main block, is taller than the remainder of the ell. To create one continual deck surface, two-thirds of the roof deck would be elevated more than four feet above the third-story rear ell on wooden trusses and cross-bracing to create a continuous space. The deck would be set back from the edge of the lower roof line. Enlargement of a fourth-story window to a door is proposed for access to the roof deck. This application also proposes the installation of French doors and Juliet balconies in one window on the second story and one window on the third story of the rear ell and enlargement of the kitchen entrance to the courtyard with double French doors and steps. It should be noted that the dimensions are incorrect as shown on the plans.

In January 2009, the Commission approved an application for construction of a two-car garages on the rears of 1803 and 1805 Pine Street with a second-story roof deck, provided that all brick is salvaged during the demolition and reused in the construction and that wood garage doors are installed in place of the proposed doors, with the staff to review details. The Commission also approved the conversion of an existing first-story rear window to a single-leaf door to the courtyard with steps.

**DISCUSSION:** Ms. Sell presented the application to the Historical Commission. No one represented the application.

Mr. Wilds expressed concern that the applicant submitted more than one application for changes at the rear of this building. He suggested that the applicant should submit one application encompassing all of the work, rather than a series of incremental applications, so that the Commission can review the entire package at one time. He stated that the deck and other changes should have been considered at the same time as the garage and other alterations. Mr. Schaaf had questions about the removal of the fire escape. Mr. Quinn stated that the Department of Licenses & Inspections would determine whether the building would meet the fire code without the fire escape. Mr. Thomas noted that an approval from the Historical Commission does not guarantee that other City agencies will also approve the project. Mr. Wilds concurred, stating that it is the applicant's responsibility to obtain all requisite approvals.

**ACTION:** Ms. Merriman moved to adopt the recommendation of the Architectural Committee and approve the removal of the fire escape and installation of doors and Juliet balconies on the rear and side elevations, pursuant to Standard 9; and deny the elevated portion of the deck, pursuant to Standard 9 and the Roofs Guidelines. Ms. Leonard seconded the motion, which passed unanimously.

### **1022 WAVERLY STREET**

Owner: Adrian Paulus and Ashim Paul

Applicant: Adrian Paulus

History: c. 1830; individually designated 11/24/1959

Project: Construct roof deck

**ARCHITECTURAL COMMITTEE RECOMMENDATION:** The Architectural Committee voted to recommend denial, pursuant to Standard 9 and the Roofs Guidelines.

**OVERVIEW:** This application proposes to construct a roof deck on a later rear addition of this house. However, the access to the deck would be constructed on the front slope of the gable roof of the historic house, with a hatch and stair.

The Architectural Committee reviewed a similar proposal in December and recommended denial. At that time the Committee noted that the drawings did not appear to meet the building code. The Committee also suggested that the deck not cantilever off the rear of the roof but remain within the confines of the building. The current proposal addresses the code requirements and the cantilevering; it proposes to use clear Plexiglas railings to avoid significant visibility. The staff contends that the deck would be visible from the public right-of-way and the approval of a roof deck on the front slope of an historic building would set a negative precedent. The staff contends that decks should be located behind and below the peak of the roof on gabled row houses.

**DISCUSSION:** Ms. Cote presented the application to the Historical Commission. Property owner Adrian Paulus and architect Lawrence Gilbert represented the application.

**MOTION:** Mr. Wilds moved to adopt the recommendation of the Architectural Committee and deny the application, pursuant to Standard 9 and the Roofs Guidelines. Ms. Leonard seconded the motion.

Mr. Gilbert explained that the deck has been in place for the 20 years. He explained that he is proposing creating a permanent means of access to the existing deck using the existing hatch and stairs. He proposed to use a Plexiglass railing on the walkway from the hatch to the deck to reduce its visibility. He noted that, regardless of the material, the railing would be minimally visible from the public right-of-way. He stated that the deck itself is on the rear of the house, which has been altered many times. Mr. Wilds asked the applicant if any other means of access to the deck had been explored. Mr. Gilbert replied there is an existing balcony that could be altered to access the deck. He did acknowledge that the deck was never permitted and is therefore illegal. Mr. Paulus stated that only the top rail of the accessway would be visible from the street. He contended that their proposal meets the Standard 9 and the Roof Guidelines. Mr. Wilds opined that the deck is a very large structure for such a small house on a small street. He called it overwhelming. He added that the Commission has consistently denied this type of deck on the main blocks of houses. He stated that he is reluctant to vote to approve it. Mr. Schaaf stated that even the Plexiglass would be visible. At some times of day, glass actually appears black because of reflections. Mr. Gilbert stated that the Plexiglass would be used for the top two rails and the top two-thirds of the posts. Mr. Wilds suggested altering the existing spiral stair so that it exits the roof at the back of the house, beyond the peak of the roof. Mr. Thomas agreed, stating that the stairs should end at the east, not at the north toward the front facade. This would allow the landing to be relocated or removed altogether. Mr. Thomas suggested denying the application as submitted but encouraging the applicant to investigate a design that keeps the landing to the south of the north line of the spiral stair. He also suggested authorizing the staff to approve such a deck.

**WITHDRAWAL OF MOTION:** Mr. Wilds and Ms. Leonard withdrew their motion to adopt the recommendation of the Architectural Committee and deny the application, pursuant to Standard 9 and the Roofs Guidelines.

**ACTION:** Mr Thomas moved to deny the proposed design, but to approve a deck, provided nothing is constructed to the north of the existing access hatch, with the staff to review details. Mr. Mattioni seconded the motion, which passed unanimously.

**2116-32 CHESTNUT STREET, 2115-27 SANSOM STREET**

Owner: Sidney Hillman Medical Center of the Male Apparel Industry

Applicant: William Schwartz, Esq.

History: 2116-32 Chestnut Street, Commission approved demolition, 6/12/2009

Contributing to Rittenhouse Fidler Residential Historic District, 2/8/1995

2115-27 Sansom Street, Herman Polss, architect, 1959

Non-contributing in Rittenhouse Fidler Residential Historic District, 2/8/1995

Project: Demolish non-contributing building, construct mixed-use tower with parking

**ARCHITECTURAL COMMITTEE RECOMMENDATION:** The Architectural Committee voted to recommend approval of the demolition building at 2115-27 Sansom Street and the construction of the proposed building on the lots at 2116-32 Chestnut and 2115-27 Sansom Streets, pursuant to Section 14-2007(7)(k)(.4) of the preservation ordinance and Standard 9.

**OVERVIEW:** This application proposes the construction of a 30-story, mixed-use tower with parking on the lots at 2116-32 Chestnut Street and 2115-27 Sansom Street. The Architectural Committee reviewed an earlier version of this proposal at its 21 April 2009 meeting.

A contributing building stands on the Chestnut Street lot. However, at its 12 June 2009 meeting, the Commission found that retaining the building would impose a hardship on the property owner and approved its demolition, provided the property owner demonstrates that the financing and building permits for the new development have been secured before the demolition permit is issued. At that same meeting, the Commission voted to table the new construction portion of the application and remand the current, revised design to the Architectural Committee. The demolition of the building at 2116-32 Chestnut Street is not before the Committee; the Commission has already acted on that portion of the application.

The application proposes the complete demolition of the building at 2115-27 Sansom Street. It is classified as Non-contributing in the district. The Commission may approve the demolition of a Non-contributing building without a finding of hardship.

The application proposes the construction of a 30-story, 315'-8"-tall, mixed-use tower on the cleared site. The base of the building would be four stories in height. It would house a parking garage, retail and office spaces, and the residential lobby. The offices, retail space, and residences would be entered from Chestnut Street. The offices and an atrium would wrap and hide the parking garage. The garage entrance and loading docks would be located on Van Pelt Street, a service alley. The south section of the base, facing Sansom Street, would house offices for the current owner, the Sidney Hillman Medical Center, which will partner with the developer. The base would be clad in brick with a limestone base, stone copings, and glass and aluminum window and door systems. A large terrace would sit atop the north and east sections of the base. The tower would now rise from the center of the base. The earlier revision of the design situated the tower at the northeast corner of the site. The tower has been shifted to the south and west on the base to move it away from the churches that stand across Chestnut and Van Pelt Streets. It has also been reduced in height by two stories. The tower would be clad in a glass and aluminum window wall system. Small, recessed balconies would be located at the four corners of the tower. The tower would have a north-south orientation, with its broader facades facing east and west.

Two standards provide guidance for the Commission when reviewing new construction applications. First, Section 14-2007(7)(k)(.4) of the preservation ordinance stipulates that:

In making its determination as to the appropriateness of the proposed ... demolition [and] construction, the Commission shall consider ... the compatibility of the proposed

work with the historic district ..., including the effect of the proposed work on the neighboring structures, the surroundings and the streetscape.

Second, for new construction on lots with no historic resources, Rehabilitation Standard 9 stipulates that:

“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 ... environment.”

To employ these standards, which are predicated on compatibility with surroundings, one must first determine the character of those surroundings. The Rittenhouse Fidler Historic District is comprised of two sections with distinct, coherent characters. The first section, which encompasses the vast majority of the district, is generally located south of Locust Street at the east end of the district and south of Walnut Street at the west. It is homogeneous and primarily comprised of mid and late nineteenth-century, masonry, row houses of three and four stories. This first section is dotted with nineteenth-century churches and occasional, later, mid-rise residential buildings. A small proportion of the residential buildings in this first section, especially at street corners, have been converted for commercial use. The second section of the district, surrounding Rittenhouse Square, is comprised of mid- and high-rise residential buildings, mid-rise commercial buildings, and row houses converted for commercial use. Each of these two sections of the Rittenhouse Fidler Historic District is generally homogeneous and has a discernable character.

The parcels at 2116-32 Chestnut and 2115-27 Sansom are located in a protrusion extending from the northwest corner of the historic district that is unlike the two primary sections of the district. The protrusion stretches out from the main body of the district to reach three important churches, but, in doing so, incorporates a disparate collection of unrelated buildings into the district. It includes low, mid, and high-rise residential buildings; row houses converted for assorted uses; institutional buildings of various sizes and ages; sundry commercial buildings, and parking garages and surface parking lots. The district boundary is irregular in this area, jutting in and out to include the nineteenth-century churches and exclude parking facilities and various large-scale twentieth-century buildings with school, office, and commercial uses. Aerial views show that this disparate section of the historic district is very different from the two distinct sections of the district to the south. It includes radically different buildings that share little. However, a review of this area's history demonstrates that its built environment does share an important characteristic that can be used as the basis for assessing compatibility.

An exploration of the history of this area demonstrates why it does not share the character of either of the distinctive sections of the historic district to the south and east. While those areas developed in the mid nineteenth century as residential areas with the land subdivided for row house development and the occasional church or school, the area in question at the northwest corner of the historic district was initially developed very differently. It was developed as the city's building materials supply center and, although the facilities associated with those businesses are long gone, the built environment still bears the imprint of that industry. Those businesses occupied very large sites. When the businesses left, the sites were not subdivided, but were redeveloped intact. Therefore, the buildings in this area are very large because the sites upon which they were built are very large, especially when compared to the small row house sized lots to the south and east.

Beginning in the early nineteenth century, quarried stone and other building materials were transported from around the world to wharfs on the east bank of the Schuylkill from Locust to

Chestnut Streets. The processing, storage, and sales of these materials was conducted inland from the expensive riverside parcels, between Market and Walnut and 20th and 23rd Streets. The stone and other building supply companies that dominated the area occupied very large sites, typically from one-quarter to entire city blocks. This area was developed as the nineteenth-century equivalent of today's big-box retail. The nineteenth-century equivalents of Home Depot lined the blocks in this area. Maps of 1860 and 1885 show that the 2100 and 2200 blocks of Chestnut, Sansom, and Walnut Streets and the numbered streets running perpendicular to them were lined with commercial enterprises listed as stone yards, granite yards, marble yards, lumber yards, and wire works. Even as late as 1895, a lumber yard, stone yard, two granite yards, window manufacturer, and planing mill were situated in the immediate neighborhood. Row houses were the exception, not the rule, in this area. The site in question at 2116-32 Chestnut and 2115-27 Sansom was a stone yard. The site later redeveloped as the Swedenborgian and Unitarian churches on the 2100-block of Chestnut was a stone yard. The site redeveloped as the Lutheran church to the east of the site in question was a lumber yard. The site redeveloped as the Coronado Apartments was a granite yard. The site redeveloped as the College of Physicians was a stone yard. When changes in shipping and development pressure pushed the building materials companies out of the area at the end of the nineteenth and beginning of the twentieth centuries, very large sites were available for redevelopment. During the redevelopment, large buildings, not row houses, were constructed on the sites. In addition to the large churches, large apartment buildings like the Coronado at 22nd and Chestnut, large institutional buildings like the College of Physicians on 22nd, and large commercial buildings like the Art Deco retail building and parking garage at 21st and Chestnut were constructed. The site in question, which had been a stone yard, was redeveloped as the sprawling, 10-story Rittenhouse Hotel about 1890; the hotel was lost to a fire in 1943.

Delimited by an irregular boundary, the northwest section of the historic district is heterogeneous in many ways, but it does have one distinct character-defining feature: the buildings are typically large in size and scale because of the early development history. The existing built fabric of very large buildings bears the imprint of the area's early history. The churches, institutions, and apartment and commercial buildings, all of which are large, are clues to the area's past, not as a row house neighborhood, but as the center of the city's stone and other building supplies industry. Beyond this one characteristic, the buildings share little. There is no one set of common materials, features, proportion, massing, or styles. The large size and scale is the one common characteristic in this section of the district. The proposed development may not be compatible with the small size and scale of the historic district many blocks to the south and east, but it is entirely compatible with the size and scale of this zone of the historic district. The base, not the tower, will primarily determine the experience of the building. The four-story base is entirely in keeping with its surroundings.

Moreover, the proposed building relates to the nearby buildings. The four-story brick base restores the street wall lost with the construction of the Hillman Center and connects the building to the row houses to the west. The brick base is fenestrated with three-window-wide bays that replicates the rhythm of the nearby row houses, but, at the same time, retains the size and scale of the large buildings in the area. Inset and surrounded by stone coping, the windows in the base have the weight, depth, and shadow lines of historic windows in the area. The base steps down at the west end of the Chestnut Street façade to address the important Wilson Eyre house at the corner of 22nd and Chestnut Streets. The windows and coping of the new building align with the roofline, dormer, and floor heights of the important but altered Eyre house. The base hides the parking garage, which is above grade but does not detract from the streetscape. The loading docks and parking entrance are appropriately located on Van Pelt Street, a service alley. The proposed building satisfies the differentiation requirement; is not historicist, but is

clearly contemporary. Since the first version of the design, which was reviewed in April, the tower has been relocated on the site to avoid blocking views of the steeple at the Lutheran Church and to reduce its impact on the light and air to the Lutheran and Unitarian churches. It is tall, but the heterogeneous northwestern section of the district and its immediate surrounds include many tall buildings. In recent years, the Commission has approved three very tall buildings in the area including 10 Rittenhouse on the 1800-blocks of Walnut and Sansom Streets, which is 35 stories and 398 feet tall; 1706 Rittenhouse on the 1700-block of Rittenhouse Square Street, which will be 31 stories and 320 feet tall; and the Boyd Theater tower on the 1900-blocks of Chestnut and Sansom Streets, which will be 24 stories and 329 feet tall. 10 and 1706 Rittenhouse are in the historic district. The Boyd tower is located on the district boundary and two blocks from the site in question.

**DISCUSSION:** Ms. Leonard disqualified herself from the review because her brothers-in-law are employed as attorneys at the law firm representing the developer. Ms. Schlotterbeck disqualified herself from the review because her brothers are employed as attorneys at the law firm representing the developer. Mr. Mattioni disqualified himself from the review because his son is an attorney representing one of the adjacent neighbors in this matter. Robert Murray, Facilities Management Director for the Department of Public Property, joined the Commission as that department's designee.

Mr. Farnham presented the application to the Historical Commission. Attorneys William Schwartz and Hercules Grigos, architect James Plunkard, and developer David Radomski represented the application.

Mr. Schwartz explained that he represents the John Buck Company and the Sidney Hillman Medical Center. He stated that the Sidney Hillman Medical Center is the deed owner of the properties at 2116-32 Chestnut Street and 2115-27 Sansom Street. He explained that the site is within the Rittenhouse-Fitler Residential Historic District and asserted that the proposed building would be compatible with that district.

Mr. Plunkard provided an overview of the project using a Powerpoint presentation. He explained that the design was executed in collaboration with architect John Cluver of Voith & Mactavish Architects of Philadelphia. He stated that Mr. Cluver, who is a member of the Historical Commission's Architectural Committee, was included on the design team because he is very familiar with the patterns, scales, rhythms, and materials of Philadelphia's historic architecture. He has aided the team in designing a project that is compatible with this section of the Rittenhouse-Fitler Historic District. He explained that the design has been refined after discussions with the Commission's staff, near neighbors, and other interested parties. In the new design, the tower has been moved from the northeast corner of the site to the center of the base. The shift has reduced the impact of the tower on surrounding structures. He asserted that the proposed building is compatible with the district and preserves and enhances the environment for pedestrians and the surrounding buildings. He claimed that the project will increase surrounding property values and bring a new vitality to the entire neighborhood. He displayed an aerial photograph of the area and spoke of the patterns in the built environment. He noted the rowhouse area to the south, the high-rise buildings around Rittenhouse Square, the "amalgam" of buildings along the river and inland to the site in question, and the very tall office and commercial buildings to the north along Market Street. He displayed a photograph with the district boundary marked on it and observed that the district is not homogeneous, especially in the area in question. He stated that there are at least 15 buildings ranging from 180' to 400' around Rittenhouse Square. He stated that there is a group of tall buildings in the area running northwest from the Square to the site in question that includes the 300-foot



Wanamaker Building. He showed a map of the district with the tall buildings identified with their heights. He reported that 2400 Chestnut, to the west, is taller than the building that he is proposing. He also noted that the Boyd Tower would be taller than the building he is proposing. He also noted that this section of the historic district is only two blocks wide. He displayed a series of renderings showing the proposed building set against the surroundings. He pointed out the nearby tall buildings including the Murano and the Wanamaker Building, which is the same size and scale as the proposed building. He reported that many people have referred to the site in question as a "black hole." He stated that the medical center contributes to that impression. He noted that there are five other half- or full-block sites in the immediate area that have intermittent uses that contribute to the feeling of a lack of vitality at certain times. He asserted that his project would bring a needed vitality to the area. Mr. Plunkard stated that his proposal will provide 306 residential units, relocate the medical center to a state-of-the-art facility on Sansom Street, provide open space and retail along Chestnut Street, improve Van Pelt Street from an alley to an active, well-lit street, and provide egress and a private garden along the rears of the buildings on 22nd Street. He displayed a revised plan showing that the tower would set back equally from the three streets and the rears of the 22nd Street properties. He pointed out the loading docks and garage entrance on Van Pelt. He stated that they will widen Van Pelt onto their property and landscape and light it. He stated that the tower will be set back from Chestnut Street to maintain sight lines to the steeple at the Lutheran Church. He explained how the building steps down at the west to allow more light into the 22nd Street houses. He described the materials including red brick, limestone, and glass. He stated that the designs of the Chestnut and Sansom Street facades is the same, except that the bay-to-bay dimension is slightly smaller on Sansom to better correspond to the scale and rhythm of that smaller street. He stated that the base facing the rears of the 22nd Street houses will have a green screen. Mr. Plunkard showed photographs of the existing conditions juxtaposed with renderings of the new building in its context. Mr. Plunkard stated that the scale of the proposal is compatible with the area and a natural progression of the development of the area. He stated that the placement of the tower in the center of the site protects the integrity of the environment. He asserted that the glass and aluminum of the tower will create a lightness that satisfies the differentiation requirement in Standard 9. It will also reduce the mass of the tower. He stated that the project will have a tremendous positive impact on the surrounding businesses, schools, churches, and the community, bringing much-needed density. He stated that saving the Hillman Medical Center will benefit the neighborhood. He asserted that active ground-floor uses will improve the streetscape. He noted that Van Pelt will be much improved. Landscaping and lighting will be added along all three street frontages. He stated that they will improve ingress and egress at the rears of the 22nd Street houses.

Mr. Wilds asked about the plan for the office space on Chestnut. Mr. Plunkard stated that it would be speculative office space. Mr. Wilds asked if all the curb cuts would be located on Van Pelt. Mr. Plunkard stated that all vehicular entrances and exits would be located on Van Pelt. He also noted that there would be a lay-by lane on Van Pelt for the residents. Mr. Schwartz concluded that he agrees with the staff's recommendation, which contends that the proposal is satisfies Standard 9 as well as the review criteria in the ordinance and is compatible with this section of the historic district.

Mr. Sherman asked if members of the audience would like to present comments on the application. John Gallery of the Preservation Alliance addressed the Commission. He stated that Mr. Farnham accurately defined the question before the Commission, whether this project is truly compatible with the district in terms of the Secretary of the Interior's Standards and the historic preservation ordinance. He asserted that the historic resource under consideration is the historic district. He stated that tall buildings outside the boundary of the historic district are not

relevant to the determination of compatibility. He observed that the Standards do provide criteria for evaluation. The Standards refer to size. He agreed that there are large parcels in the area, but asserted that size refers to the size of a three-dimensional object, not lot size. The Greenfield School is a large building on a large lot, but it is a four-story building. The churches are on lots that are larger than row house lots, but the church buildings are only two or three stories. He claimed that there is no correlation between lot size and building size. In the historic district west of 20<sup>th</sup> Street, one building can be characterized as a high rise, Wanamaker House, which is 292 feet tall. The closest tall building to the site is Riverwest, diagonally across the street from the site, which is 170 feet tall. All other buildings in the immediate area are shorter. The proposed building is twice the height of other buildings in the area. This building is not truly compatible in size with this district. There are three and four-story row houses in this district adjacent to and south of this parcel. This scale of these houses is the general scale of the Rittenhouse District. Mr. Gallery turned to the massing of the building. He asserted that there are no other buildings west of 20th Street with this type of massing, a four-story podium with a 30-story building on it. Mr. Gallery claimed that the materials proposed for the tower were inconsistent with materials used on older buildings in the district. He claimed that there are no residential buildings clad entirely in glass and aluminum in the district. He claimed that the 10 Rittenhouse and 1706 Rittenhouse towers have more masonry-like materials than this building. He claimed that this building is incompatible with the district. He claimed that the four-story base has too much glass. He claimed that this building will have long term negative impacts on the area. He stated that it will cast shadows on the churches included the form New Jerusalem church building, which has been converted for office use. He suggested that the developer restudy the project. Mr. Gallery asked the Commission to define the term “details” if it gives the staff the authority to approve details.

Avis Allman, the owner of 113 S. 22<sup>nd</sup> Street, stated that she wanted to “illuminate” the Commission. She stated that she wanted to give the Commission a “sense” of her neighbors’ thoughts on the proposal, but she was not speaking for them. She stated that there is not a consensus of opinion on the location of the tower on the base. She stated that the proposed location of the tower would impact her “shadow and sunlight.” Her house will be in shadow until late morning. She claimed that her house is highly unusual. She stated that James Plunkard, the architect, is very talented and may be able to revise the design slightly to make it more acceptable to the 22nd Street neighbors. She explained that he is working on a plan to slice off a bay at the south or rear of the tower and add a few floors to make up for the lost space. She stated that she would like to see this project be successful, but it must be revised slightly to account for her needs and those of her neighbors. She stated that Philadelphia is a city of rowhouses; in this configuration, this project would sacrifice rowhouses. She advocated for a general approval, but contended that the design must be revised. Mr. Thomas asked Ms. Allman to propose changes to the design to overcome her objections. Ms. Allman stated that she had met with Deputy Mayor Alan Greenberger, the other neighbors, and the developer and his architect to discuss revisions. She stated that removing the south bay of the tower and adding a few floors to make up for the lost space would help significantly. She stated that the rowhouses at the northern end of the row on 22nd Street are either commercial properties or have no windows at the rear and would not be impacted by the tower. Her building at 113 S. 22nd Street and the others to the south would benefit greatly from this minor change. She noted that she could accept the shadow cast by the base. She also noted that Tim Kerner, who heads the Center City Residents Association’s zoning committee, proposed the same solution. She said that the neighbors would appeal any approval of the design as it was proposed today. She said that the design would be acceptable if it were modified to allow more light to the rowhouses.

Ms. Merriman asked Mr. Farnham to explain how the staff determines whether a change in a design is considered a detail or merits a new review before the Commission. Mr. Farnham stated that there is no general rule; instead, the staff considers such determinations on a case-by-case basis. He stated that the staff remands revised designs back to the Commission whenever the revisions exceed the intentions of the Commission's approval. He explained that, with large projects, the designs always change between the Commission's approval and the final stamping of construction drawings. Mr. Farnham offered the 10 Rittenhouse project as an example. He stated that, after the Commission approved the project, the developer changed the design many times and in many ways including increasing the height, adjusting the materials, revising the massing of the upper tower, and changing the balcony sizes and locations. However, in the end, the staff approved those changes as details because the staff concluded that the changes were in keeping with the intentions of the Commission's approval. He stated that it is very difficult to anticipate and quantify these changes that become known as details, but he assured the Commission that the staff is very conservative when deciding whether changes fit within the umbrella approval given by the Commission. He stated that the staff would certainly remand any design to the Commission that deviated from the Commission's expectations of the details as laid out during the deliberations. Mr. Schwartz added that he would have no hesitation in returning to the Commission should the design change in ways that were not minor.

Mr. Wilds stated that he wanted to respond directly to John Gallery's comments. He stated that the discussion was appropriately framed around the issue of compatibility. Mr. Wilds asserted that different does not mean incompatible. He stated that the architects had achieved a compatible scale with the district with the design of the four-story base. He contended that the base is compatible with the rowhouses on S. 22nd Street. He observed that the district contains many tall buildings. Pointing to contradictory logic, he observed that Mr. Gallery had asserted that the Commission must consider the district as a whole when assessing compatibility, but then also emphasized that there are no buildings as tall as the proposed in the immediate surrounding area. Mr. Wilds reminded the Commission that it had recently approved the Stamper Square project, a tall building made of metal and glass on a masonry base in the Society Hill Historic District. Mr. Wilds also reminded the Commission that it has approved buildings for the Old City Historic District that are taller than the commercial and industrial scaled buildings of the district. Mr. Wilds concluded that the building is very well designed and is compatible with the historic district. He stated that the masonry base with the light glass tower above relates well to its context. Mr. Wilds noted that he understands the concerns of the neighbors and has faith in the staff to make appropriate judgments as the design is revised to address those concerns. Mr. Farnham remarked that the revisions to the design will be the result of negotiations between the neighbors and the developer that stem from zoning concerns. He contended that the changes will not have an impact on the building's compatibility with the district; they will not make the building more or less compatible as defined in the Standard 9. The neighbors' concerns are related to light and air, not compatibility from a historic preservation perspective. Although these concerns are certainly valid, they will be resolved in a different arena. He also noted that this project must still be reviewed from a zoning perspective. The City Planning Commission and the Zoning Board of Adjustment are the appropriate bodies to determine whether this design meets the zoning requirements. The Historical Commission must limit itself to reviewing within the preservation arena. Finally, Mr. Farnham agreed with Mr. Wilds, stating that compatible does not mean "the same as" or "identical to" as Mr. Gallery had implied. Compatible means "able to exist in harmony." A building may be different from most other buildings in the district, yet still compatible with the district. He concluded that the proposed building is compatible with the historic district.

**ACTION:** Ms. Merriman moved to approve the demolition building at 2115-27 Sansom Street and the construction of the proposed building on the lots at 2116-32 Chestnut and 2115-27 Sansom Streets, with the staff to review details, pursuant to Section 14-2007(7)(k)(.4) of the preservation ordinance and Standard 9. Mr. Wilds seconded the motion, which passed by a vote of 8 to 1. Ms. Clark dissented.

#### **DISCUSSION OF INTERIOR DESIGNATION AMENDMENT**

Mr. Farnham reported that, on 18 June 2009, the City Council approved the interior designation amendment to the historic preservation ordinance by a vote of 14 to 2. Councilwomen Blackwell and Miller dissented. Mayor Nutter signed the bill into law on 1 July 2009. The law becomes effective 180 days after it is signed, about 1 January 2010.

During this period before the law becomes effective, the Commission should develop a process for the designation of interiors and codify that process in a new section in the Rules & Regulations. The Commission should also develop the requisite forms, guides, and other materials that will be necessary to begin designating interiors after the first of the year.

Mr. Farnham requested that the Commission provide the staff with general guidance in the development of the interior designation process. He noted that the Commission might decide to establish an ad hoc committee to oversee the process or it might charge the staff with drafting an outline for the process that could serve as the basis for a later discussion and, eventually, a set of rules and regulations. He noted that no Commission action is necessary today, but the Commission's guidance would be appreciated.

Mr. Farnham proposed a timetable for the creation of a new section of the Rules & Regulations. He suggested that the staff provide a first draft to the Commission and interested parties at the Commission's September meeting. At that meeting, the Commission could take testimony and direct its staff on revisions. The staff would also submit the rules to the Law Department for review at every step of the process. The staff could provide a second draft to the Commission and interested parties at the Commission's October meeting. At that meeting, the Commission could take additional testimony and again direct its staff on revisions. The staff could provide a final draft to the Commission and interested parties at the Commission's November meeting. At that meeting, the Commission could take testimony, make any final revisions, and vote on the rule change and other aspects of the process. The Law Department would conduct a final review and the amendments to the Rules & Regulations would be sent to the Department of Records for 30 days, during which any interested party could request an additional hearing. Provided no hearing was requested, the revised Rules & regulations would become effective at the end of December, before the amended historic preservation ordinance went into effect.

Mr. Farnham noted that designation is a discretionary act. The Commission can review nominations or not as it sees fit. Therefore, the rules do not necessarily need to be in place at the moment the amendment to the ordinance goes into effect. However, the Commission should strive to have the new process completed by the first of the year.

Mr. Wilds stated that there are only a couple of instances where there are specific differences between the designation of buildings, structures, sites, and objects and the designation of interiors. Those differences have to do with exemptions of types of interiors from designation. Mr. Wilds asked Mr. Farnham if it is his expectation that the changes to the Rules & Regulations would be minor or that the Commission would need to develop an entirely new process for interiors. Mr. Farnham replied that he believes that the amendment of the rules related to

designations will be relatively minor because the current rules are very general and fit many varying situations. However, the writing of the rules for the review of interior permit applications may be more complex. Mr. Farnham noted that there are myriad interested parties who will want to play a role in the drafting of the rules, especially those that govern permit review. For example, the Commission must define the staff's review authority for interiors. It must also define its own bounds as they relate to interiors. Interested parties will insist on precise definitions of the types of interior work that do and do not require the Commission's review. Mr. Farnham added that the Rules & Regulations should be rewritten entirely at some point in the near future; they are awkward and internally inconsistent. Mr. Wilds commented that, if the Commission intends to rewrite the Rules & Regulations generally, it should be frank about its intentions and not use the interiors rules as a "backdoor" means to rewrite the Rules & Regulations. Mr. Farnham agreed, saying that the current exercise should be a limited exercise directed at the new interiors authority only. He noted that many have advocated for changes to the rules, for example those governing review and comment as well as review in concept, but that amendments to those sections should be undertaken as a separate exercise. Mr. Farnham stated that the Commission's interns are investigating best practices for interiors designation and review. The staff will review that material and develop a draft set of rules for review by the Commission at the September meeting. At that point, the Commission may choose to create an ad hoc committee to review the process and rules or the Commission may choose guide the staff directly in their creation. Mr. Wilds observed that the Law Department must review the new rules to ensure that they are legal. Mr. Farnham replied that the Law Department will review them at several steps in the process. Mr. Reuter agreed that the Law Department must review the rules. He noted that, for example, one current rule requires the staff to approve all applications for interior work without review. That rule should be changed before the amendment goes into effect. Mr. Reuter noted that the designation process for interiors will need to precisely identify those aspects of the interior that are within and outside the Commission's jurisdiction. Mr. Wilds stated that he wanted to guarantee that all interested parties had adequate time to participate in the writing of the interiors rules. He asked that the staff have a draft of the rules available for comment at the September meeting to provide sufficient opportunity for discussion. Mr. Reuter noted that the Commission could establish an ad hoc committee to oversee the writing of the rules. Mr. Wilds observed that an ad hoc committee could have a downside. Mr. Mattioni remarked that the real problem will be defining those interior features that are and are not included within a designation. Mr. Wilds agreed.

John Gallery of the Preservation Alliance stated that his organization is likely to submit nominations for interiors. He asserted that he and his colleagues must know what is and is not eligible for designation. He noted that the interior of the Four Season's Restaurant in the Seagram's Building in New York City is designated and the designation includes such items as the cutlery and china. He stated that the rules must clarify what elements are eligible for designation and how they will be identified. The rules must define the type and level of documentation required for an interior nomination. Mr. Thomas agreed with Mr. Gallery that the rules must require nominations that precisely define the elements designated. Mr. Thomas also cautioned that the Commission must not designate interiors in such a way that would preclude their reuse. He stated that an interior nomination must define the essence of the space and allow for changes to non-essential features and elements. Mr. Sherman agreed, stating that the Commission must not be too restrictive and prevent adaptive reuse; it must balance preservation with reuse. Mr. Gallery stated that the Commission faces similar issues today with the regulation of exteriors. The Commission is regularly weighing precise preservation against adaptive reuse. He stated that many of the problems faced will not be new. Mr. Mattioni disagreed with Mr. Gallery, stating that it would not be simple to put an effective process in place. Mr. Wilds commented that the nominations of interiors must define the relative historical

and architectural values of all features and elements to allow the Commission to effectively regulate those interiors. Mr. Gallery explained that when writing easement agreements his organization defines areas that may and may not be altered in the future. Mr. Wilds noted that the PSFS conversion to the Loews Hotel provides a model. Mr. Thomas reminded the Commission that the Pennsylvania Historical & Museum Commission currently reviews interiors as part of its tax credit process. Mr. Farnham offered that the staff would take advantage of all resources including the Pennsylvania Historical & Museum Commission and Preservation Alliance and would reach out to all interested parties when drafting the new rules. The staff will not undertake this task in a vacuum.

Ms. Merriman suggested to her fellow Commissioners that the Commission authorize the staff to proceed with the drafting of rules for the review of interior nominations and permit applications without forming an ad hoc committee. Mr. Farnham offered to provide a first draft at the September meeting with follow-up discussion at the October and November meetings. The Commission members indicated their agreement.

#### **DISCUSSION OF CONSENT AGENDA**

Mr. Farnham suggested that the Commission consider establishing a Consent Agenda, a device common to boards and commissions. A Consent Agenda would allow the Commission to act on non-controversial applications at the start of every meeting, making the meetings more efficient for all involved. Mr. Farnham requested that the Commission consider the following proposal and, if accepted in concept, direct the staff to prepare a proposed amendment to the Rules & Regulations for consideration at an upcoming meeting.

A Consent Agenda would allow the Commission to act expeditiously on applications for which there is general consent, thereby streamlining its meetings. At nearly every meeting, the Commission considers several applications that are free from controversy. In such instances, the staff and Architectural Committee have recommended approval, perhaps with conditions acceptable to the applicant. Interested parties have not objected to the applications. The Commission routinely adopts the Architectural Committee's recommendations and approves these applications without debate. Precious time is dissipated at Commission meetings with presentations of these applications. Approving such applications without presentation at meetings would have several advantages for the Commission and, especially, the applicants. The advantages would include reduced waiting time for applicants (especially those on the Consent Agenda), more discussion time for the Commissioners for more complex matters, and reduced documentation time for the staff. With appropriate safeguards that allow for the removal of applications from the Consent Agenda when necessary, the Commission could significantly streamline its meetings and save the time and money of applicants, who often sit for hours with their highly-paid consultants, only to have their applications approved without any discussion.

Mr. Farnham suggested the following Consent Agenda system:

1. All applications for which neither the applicant nor an interested party has not objected to the Architectural Committee's recommendation shall be included on the Consent Agenda section of the Commission's meeting agenda.
2. The applications included on the Consent Agenda shall also be listed in their normal positions under the Report of the Architectural Committee on the Commission's agenda and clearly marked as Consent Agenda matters.
3. The Consent Agenda shall be considered at the start of the Commission meeting, immediately following the adoption of the previous meeting's minutes.

4. When the Commission considers the Consent Agenda, any Commissioner may request that an application be removed from the Consent Agenda and placed at its normal position on the Commission's agenda under the Report of the Architectural Committee to allow for discussion.
5. The Commission shall ask the staff and public if it has comments related to the Consent Agenda. In reaction to such comments, any Commissioner may request that an application be removed from the Consent Agenda and placed at its normal position on the Commission's agenda under the Report of the Architectural Committee.
6. Once the Consent Agenda is finalized, the Commission may, with a single motion, adopt all of the Architectural Committee's recommendations for applications on the Consent Agenda.

Mr. Farnham reported that the Law Department reviewed the proposal and commented that it complies with all applicable laws and the Rules & Regulations. The Law Department suggested that the Commission incorporate the rules governing the Consent Agenda process into the Rules & Regulations.

Mr. Thomas stated that he approves of the notion of creating a Consent Agenda. He asked if the Commission would still receive full information on the applications on the Consent Agenda. Mr. Farnham stated that the Commission would receive everything it receives now. The Consent Agenda matters would be included in the minutes of the Architectural Committee in the same order that they were heard by the Committee to allow for the easy movement of matters from the Consent Agenda to the regular agenda. Mr. Wilds also concurred, provided there is a mechanism to move applications from the Consent Agenda to the regular agenda when discussion is necessary. He noted that he would move matters to the regular agenda whenever the staff or public requested such a movement. Mr. Mattioni agreed that the Commission should adopt a Consent Agenda, but he questioned the need to amend the rules. He suggested that the Commission resist the urge to add to the rules. He opined that this process could be instated without a formal set of rules. Mr. Reuter disagreed and asked the Commission to establish formal rules if it adopts the Consent Agenda suggestion. John Gallery of the Preservation Alliance stated that he supports the proposal. He agreed with Mr. Mattioni that the implementation of a Consent Agenda does not necessarily require an amendment to the Rules & Regulations.

By unanimous agreement, the Commission authorized the staff to prepare a draft of the rules necessary to implement a Consent Agenda.

#### **ADJOURNMENT**

Mr. Schaaf moved to adjourn at 11:30 a.m. Mr. Wilds 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.

Roofs Guideline: Recommended: Designing additions to roofs such as residential, office, or storage spaces; elevator housing; decks and terraces; or dormers or skylights when required by the new use so that they are inconspicuous from the public right-of-way and do not damage or obscure character-defining features.

Section 14-2007(7)(k)(.4) of the Philadelphia Code: In making its determination as to the appropriateness of the proposed alterations, demolition or construction, the Commission shall consider the following: the compatibility of the proposed work with the historic district or with the character of its site, including the effect of the proposed work on the neighboring structures, the surroundings and the streetscape.