

**THE MINUTES OF THE 386th STATED MEETING OF THE
PHILADELPHIA HISTORICAL COMMISSION**

12 October 1994

**Wayne Spilove, Chairperson
City Council Caucus Room
Room 401 City Hall**

Present

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David Brownlee
William Candelori
Terry Gillen, Commerce Department
Barbara Kaplan, City Planning Commission
Arlene Matzkin
Susan Rabinovitch
Scott Wilds, Office of Housing and Community Development
Stephanie Wolf
Peter VanderHeide, Department of Public Property

Richard Tyler, Historic Preservation Officer
Randal Baron, Assistant Historic Preservation Officer
Lori Plavin Salganicoff, Historic Preservation Specialist
Jeffrey Barr, Historical Research Technician
Jeffrey First, Office of the City Solicitor

Also

Tom Hine, Philadelphia Inquirer
Jennifer Goodman, Preservation Coalition
Stephen Morrison, Hunting Park CDC
Jihad Ali, UMEA

The 386th Stated Meeting of the Philadelphia Historical Commission was called to order at 10:15am by Wayne Spilove, Chairperson.

THE MINUTES of the 385th Stated Meeting of the Philadelphia Historical Commission held on 14 September 1994, Wayne Spilove, Chairperson, were approved by unanimous vote and adopted after a motion was made by Dr. Wolf and seconded by Mr. Wilds.

THE REPORT of the Architectural Committee of the Philadelphia Historical Commission, 27 September 1994, Arlene Matzkin, Chairperson:

1224-1232 WALNUT STREET

Ronald Caplan, Owner

PROPOSAL: Awnings

Architectural Committee recommendation: Do not approve awnings where historic window tracery is located (north facade), although awnings may be placed where no such historic element exists (east facade). Applicant was asked to present a proposal for dealing with the projecting window cornices to the Commission.

The Applicant proposes to place awnings on the first floor of the north and east facades. The transoms of the north facade windows contain historic tracery. A similar Committee recommendation to deny use of awnings where they would obscure historical architectural elements was made less than a year ago for an Old City property.

Mr. Caplan was not present for this meeting, but stated before the Architectural Committee his intention to place canopies on both sides of the building and to appeal any contrary decision.

Ms. Matzkin stated that, although this was Mr. Caplan's first appearance before the Committee, he has been working on the building for some time. Work done without a permit has included the construction of a bank interior, affixing signage, restoring windows and balconies, removing a cornice labeled "dangerous" by the Department of Licenses and Inspections, wrapping sheet metal around other parts of the cornice, and installing the aluminum pipe frames for the proposed canopies. A permit for the cornice removal was issued after the fact contingent upon the salvage of enough original cornice to replicate it and the submission of drawings. These have not been received.

Ms. Matzkin explained that the work performed on the building is not necessarily bad, and that it is not the Commission's intention to deter development here. Mr. Wilds stated that the issue of the awnings was a small part of what the Commission should be discussing given the magnitude of work performed without building permits.

Dr. Wolf stated that removing the tracery from the view of the building radically changes the appearance.

Dr. Brownlee noted that the typical issue with awnings seems to be the concealment rather than the destruction of important historic elements. The Commission has usually tried to ensure that these awnings are sympathetic to historic fabric. Mr. Wilds and Ms. Matzkin spoke of some examples. Mr. Tyler noted that the success of these proposals was the result of extensive work between their Applicants and the Commission staff and Architectural Committee.

Dr. Brownlee asked if this proposal has been before the Art Commission. Ms. Matzkin stated that she thought not, and that there was a member of the Planning Commission present at the Committee meeting who stated that that Commission had also not seen any proposals for this project. Ms. Kaplan stated that had Mr. Caplan sought the proper permits, he would have been guided to all agencies with jurisdiction. She also noted that there is a special ordinance for Planning Commission review of projects on Chestnut and Walnut Streets.

Mr. Spilove stated that he visited the site with Mr. Caplan, who had told him that most of the windows in question had been boarded up and had to be reglazed. While visiting the site, Mr. Spilove noted the

neglected and somewhat abandoned nature of the surrounding area. Mr. Spilove views the addition of canopies to this building as not offensive, and in fact, beneficial as they would make the building look occupied without destroying any historic fabric. Dr. Wolf asked about the options for dealing with the protruding cornice: destroying and removing the protruding element or cutting holes through the canopy canvas.

Dr. Brownlee moved to adopt the recommendation of the Architectural Committee in the absence of an argument by the Applicant. Mr. Tyler assured the Commission that Mr. Caplan was told of this Commission meeting at the Committee meeting as well as through a letter of notification which included a copy of the Committee minutes. Mr. Wilds moved to defer the discussion of the canopies and other topics until Mr. Caplan attends a Commission meeting.

Ms. Kaplan wondered if deferring the vote and the permit approval would stop the work when so much has already been performed without benefit of permit. She recommended that the Department of Licenses and Inspections be alerted to watch for further unpermitted work on this building and be prepared to issue a stop work order. Ms. Kaplan also asked if the Department is aware of all the work performed without a permit, noting that the City is owed fees. She stated that Commission members want to encourage maintenance and rehabilitation, but only if performed within the laws and codes. As neither the interior nor the exterior work has been reviewed by City officials, safety is also an issue here.

Dr. Brownlee asked whether the Department is aware of the situation and if a violation has been issued. Mr. Baron explained that Commission staff spoke to an L & I inspector, who asked the owner to seek a permit for the work, although a violation was not issued.

Mr. Wilds reiterated his motion to defer final vote, adding that Commission staff should alert the Department to the situation. This was seconded by Dr. Wolf and approved by unanimous vote.

REPORT of the Activities of the Historical Commission Staff, August 1994.

NEW BUSINESS

Mr. Tyler recommended an amendment to the Rules and Regulations to comply with United Artists II, where the Pennsylvania Supreme Court ruled that the historic preservation ordinance does not confer on the Commission a jurisdiction to regulate interior spaces. Located in Section 6.3.C., the phrase "The staff shall review and may approve, without referral to the Architectural Committee and Commission, building permit applications for alteration to private interior spaces not designed for public access and use..." should be changed to "The staff shall review and shall approve, without referral to the Architectural Committee and Commission, building permit applications for alteration to ("private" removed) interior spaces not designed for public access and use...." Commission approval of this change would be the first step in the process for changing the Rules and Regulations set out in the City Charter. The amendment would then have to be reviewed by the Law Department, sent to the Records Department for 30 days of public comment, and then would be reviewed and approved by the Administrative Board.

As a result of the discussion of the demolition of the Mayfair House and the subsequent questions about

the relationship between the Commission and the Department of Licenses and Inspections, the City Solicitor advised that the preparation of a protocol by the two agencies is preferable to a formal opinion. Mr. Tyler suggested that adding this protocol to the Rules and Regulations would serve to codify the relationship. After discussion among Commission members, it was decided to pursue the definition of this relationship in a document separate from the Rules and Regulation. Ms. Kaplan urged that this relationship be resolved immediately.

Dr. Brownlee made a motion approving a change in the Rules and Regulations in Section 6.3.C to substitute "shall" for "may" and to eliminate the word "private." Mr. Wilds seconded the motion, which was approved by unanimous vote.

Ms. Kaplan stated that she continues to be troubled by the fact that when the Department issues a "public nuisance" violation, the owner is told to "repair or demolish" the property.

A motion to adjourn was made by Mr. Wilds, seconded by Dr. Brownlee and approved by unanimous vote at 10:50 am.

Respectfully submitted,

Lori Plavin Salganicoff