THE MINUTES OF THE 523RD STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION
10 MARCH 2006

1515 ARCH STREET, ROOM 18029
MICHAEL SKLAROFF, ESQ., CHAIR

PRESENT
Michael Sklaroff, Esq., Chair
James Brown IV
Warren Huff, Deputy Director, City Planning Commission
Joseph James, Deputy Commissioner, Department of Public Property
Sara Merriman, Special Assistant to the Director, Department of Commerce
Kathleen Murray, Special Assistant to Council President Verna
David Perri, Department of Licenses & Inspections
Scott Wilds, Deputy Commissioner, Office of Housing & Community Development
Harris Steinberg
Norman Tissian

Randal Baron, Historic Preservation Specialist
Jorge Danta, Historic Preservation Planner
Jonathan E. Farnham, Acting Historic Preservation Director
Karen Gonski, Administrative Technician

Leonard Reuter, Assistant City Solicitor, City Law Department
Larry Copeland,

ALSO PRESENT
Brett Webber, Brett Webber Architects
Maria Leuzzi, 2513 S. Lambert Street
Bruno Leuzzi, 2513 S. Lambert Street
Liz Blazevich, Preservation Alliance
Thoms Witt, Esq., Wolf Block
John Gallery, Preservation Alliance
Neil Sklaroff, Esq., Ballard Spahr Andrews & Ingersoll LLP
Lydia Grose, SEPTA
Anthony Bahara, SEPTA
Lenore Millhollen, Preservation Alliance
Hugh Zimmers, Zimmers Architects
Anastasia Karloutsos, Waterworks Restaurant
Peter Crimmins, CHBA
Forrest Gearhart, Parkway Corporation
Savvas Navrosidas, 2028-2030 Fairmount Avenue
Aaron Childs, K-Stok Architects
Rachel Schade, Schade & Bolender Architects
David Nazarian

523RD STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION

Michael Sklaroff, Chair, recognized the presence of a quorum and called the 523rd

Stated Meeting of the Philadelphia Historical Commission to order at 9:10 a.m.

MINUTES OF THE 522ND STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION

ACTION: Upon a motion proffered by Mr. Wilds and seconded by Mr. Tissian, the Commission unanimously approved the corrected minutes of the 522nd Stated Meeting of the Philadelphia Historical Commission, held February 10, 2006, Michael Sklaroff, Chair.

CONTINUANCE REQUESTS

Mr. Sklaroff recused from the following review owing to his law firm's involvement in the project. Mr. Wilds assumed the chair.

223-225 S. 6TH STREET, DILWORTH HOUSE

Owner: John and Mary Turchi
Applicant: Neil Sklaroff, Esq.
History: 1956-1957, G. Edwin Brumbaugh, architect, for Mayor Richardson Dilworth
Project: In concept, demolish significant building, construct 15-story residential building

Mr. Farnham presented the continuance request to the Commission. Neil Sklaroff, the attorney for the applicant, stated his case for a continuance. He explained that several of his consultants were not available to attend the meeting and testify. Larry Silver, the attorney for the Society Hill Civic Association and the Preservation Alliance, noted that the first applications were submitted almost one year ago and asked the Commission to bring the matter to a conclusion. He remarked that the "building does not become less historic with the passage of time." Ms. Merriman and Mr. Steinberg voiced their support for a continuance. Mr. Reuter explained that the continuance request related to the in-concept application only, not the designation application. Mr. Copeland opined that the designation matter should be finalized before the Commission reviews the in-concept application. Mr. Sklaroff asserted that no one is harmed by a postponement except his client, the property owner.

> **ACTION:** Mr. Steinberg moved to grant the continuance and table the application until a special Commission meeting to be held on or before 31 May 2006 or until the regularly-scheduled Commission meeting on 9 June 2006. Mr. Tissian seconded the application, which passed with a vote of 8 to 0. Mr. James abstained because he joined the meeting during the discussion.

Mr. Sklaroff returned to the chair.

THE REPORT OF THE ARCHITECTURAL COMMITTEE, 28 FEBRUARY 2006
Vincent Rivera, Chair

1700-1708 RITTENHOUSE SQUARE STREET
Owners: Parkway Corporation, Scannapieco Development Corp.
Applicant: Thomas Witt, Esq.
History: 1700-1704, vacant lot at designation
1706, non-contributing building demolished in 2005
1708, rowhouse, c. 1850
Project: Erect 31-story residential building

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, with the staff to review details, pursuant to the Commission's approval of December 2004.

OVERVIEW: This application proposes the construction of a 31-story residential building on the vacant lot at 1700-1706 Rittenhouse Square Street. The Commission reviewed and approved a proposal for a similar building on this site in December 2004. Nearby residents appealed the zoning approval of the design approved by the Commission. The developers and neighbors settled the appeal; the settlement included the stipulation that the building be redesigned, shifting it to the west.

The current application proposes a 31-story building at the western edge of the lot. A garden would occupy the eastern portion of the lot along 17th Street. To recover some of the floor space lost with the shift, the tower would cantilever out over the historic rowhouse to the west. The tower itself would cantilever four feet out over the three-story building to the west; balconies would cantilever an additional five feet.

DISCUSSION: Mr. Farnham presented the proposal to the Commission. Attorney Thomas Witt and architect David Ertz represented the application.

> **MOTION:** Mr. Tissian moved to adopt the Architectural Committee's recommendation and approve the proposal, with the staff to review details, pursuant to the Commission's approval of December 2004. Mr. Brown seconded the motion.

Mr. Ertz presented his design to the Commission. He cited an agreement between the developer and the neighbors, moving the tower to the west away from 17th Street. The residents of 250 S. 17th Street want to preserve their view to the south. The developers therefore purchased the adjacent two rowhouses to the west to allow for the cantilevering and windows. They will establish a sales office in the two rowhouses and, once the sales are complete, they will convert them to residential properties. Mr. Ertz also presented his plan for the walled garden along 17th Street.

Mr. Wilds asked if the garden area would be open to the public; Mr. Ertz replied that it would not, but noted that it would be visible to the public. Ms. Merriman remarked that portions of the wall along 17th street appeared to be solid. Mr. Ertz stated that the perimeter is a combination of solid wall and open fencing. An artist, who has yet to be selected, will fabricate the fencing. Mr. Tissian objected to the private garden, asserting that it should be accessible to the public.

WITHDRAWAL OF MOTION: Messrs. Tissian and Brown withdrew their motion to adopt the Architectural Committee's recommendation and approve the proposal, with the staff to review details, pursuant to the Commission's approval of December 2004.

MOTION: Mr. Wilds moved to adopt the Architectural Committee's recommendation and approve the proposal, with the staff to review details, pursuant to the Commission's approval of December 2004. Mr. Huff seconded the motion.

Mr. Tissian asked why access to the garden would be limited to residents of the tower. Mr. Ertz responded it was a private space for the residents. Mr. Witt noted that it would be a luxury condominium building and would not provide a space to the public. Mr. Ertz then described the garden area in detail. The garden would include artwork and a water feature. The walls and fences would frame views into the garden for the public. Artists for the works had not been commissioned.

Mr. Steinberg asked the architect to explain how the new design was guided by sound principles of urbanism. Mr. Ertz pointed to the use of compatible materials and the relationships to nearby buildings. He noted the mix of high-rise and low-rise buildings in the area and specifically mentioned the Barclay and Medical Arts buildings. He stated that he had endeavored to relate to the texture, scale, and color of the high-rise buildings, but also link to the low-rise buildings. Mr. Steinberg commented that the materials were acceptable, but labeled the set-back tower "an absurd piece of urban design" resulting from powerful neighbors that held the project "hostage." Mr. Steinberg urged the Commission to reject the proposal. He asserted that the compromise design was "completely unacceptable"; Philadelphians "should be outraged" because they will be the "laughing stock" of the international design community. Mr. Wilds agreed that original design was preferable, but asserted that the new design provided a solution to a complex set of problems. He concluded that, given the reality of the situation, the current proposal was the best possible design. Mr. Steinberg reiterated that the current design was an "embarrassment." Mr. Sklaroff stated that the tower would not change Philadelphia's image on the world stage. Mr. Steinberg countered that it would reinforce the city's poor image.

Mr. Tissian again objected to the private nature of the garden. Mr. Sklaroff noted the proximity of the site to Rittenhouse Square and remarked that the zoning code considers a garden without public access but public views to be a public amenity.

Ms. Murray agreed with Mr. Wilds that the original design was preferable. Ms. Murray also noted that a large, not small, number of neighbors opposed the original proposal. She also applauded the developer's willingness to compromise and noted the City Planning Commission's approval of the project.

Mr. Huff also agreed that the first design was better from a design standpoint, but that the current proposal was the best solution when all factors were considered. He stated that the current design was the result of long discussions and that it respects the needs of all parties.

Mr. Sklaroff restated the motion to approve the recommendation of the Architectural Commission to approve the design as submitted with the staff to review details.

ACTION: The Commission voted to approve the motion, tendered by Messrs. Wilds and Huff, to adopt the Architectural Committee's recommendation and approve the proposal, with the staff to review details, by a vote of 6 to 1, with 3 abstentions. Mr. Steinberg opposed; Messrs. Sklaroff, Brown, and Tissian abstained.

4200-4800 BLOCKS OF CHESTER AVENUE

Applicant: SEPTA
Project: Remove granite-block paving and rails and lay new rails with concrete paving

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend tabling the application for a period not to exceed three months and to recommend that the Commission include a SEPTA representative on its special committee.

OVERVIEW: The 4200-4800 blocks of Chester Avenue are designated as historic as part of the Historic Street Paving Thematic District. Currently, the designated cartway consists of two sets of trolley tracks with granite-block paving between the tracks and asphalt outside the tracks. Like the tabled applications for Germantown Avenue, this application proposes the removal of the girder-rail tracks and granite-block paving in the track area and their replacement with T-rail track and concrete. Unlike the Germantown Avenue applications, this application does not propose the paving of the lanes outside the track area in granite block; it proposes no work to the outer lanes. The applicants make several assertions that mirror those made during the Germantown Avenue reviews: 9-inch girder rail is no longer available; the new SEPTA rail system is not compatible with the granite block; granite block paving is very expensive; concrete is safer than granite block; concrete is compatible with SEPTA's maintenance procedures; and concrete would be consistent with other sections of the avenue.

In December 2005, the Commission tabled the application for the 5200-5400 blocks of Germantown Avenue for a period not to exceed six months. In February 2006, the Commission tabled the 7200-7600 block application for a period not to exceed four months. It also created an ad-hoc committee to commission an engineer's report clarifying the competing claims made during the reviews.

DISCUSSION: Mr. Farnham presented the proposal to the Commission. SEPTA engineers Lydia Grose and Anthony Bohare represented the application.

MOTION: Mr. Wilds moved to adopt the Architectural Committee's recommendation and table the application for a period not to exceed three months and to include a SEPTA representative on its special committee. Ms. Murray seconded the motion.

Mr. Wilds noted that the Architectural Committee minute and the current agenda had listed different addresses for the proposal. Mr. Farnham promised to correct the mistake and explained that the work was proposed for the 4200 to 4800 blocks of Chester Avenue, i.e. from 42^{nd} to 49^{th} Street on Chester Avenue.

Mr. Sklaroff asked if the applicant accepted the Committee's recommendation to table the proposal. Mr. Farnham stated that he believed that the SEPTA representatives opposed the recommendation; they would like the Commission to act on the application today.

Owing to his work on an unrelated project for a Mr. Stefiuri, General Counsel for SEPTA, Mr. Sklaroff recused and passed the gavel to Mr. Wilds.

Ms. Grose provided background information on the Route 13 trolley, which runs through Philadelphia County into Delaware County. It includes about 8 miles of track. Ms. Grose stated that this project is part of SEPTA's annual maintenance program as enumerated in the five-year plan. This 1-mile section of Chester Avenue is scheduled for renewal in May 2006; it has not been renewed since 1946. Mr. Wilds asserted that SEPTA has planned this project for a long time, but failed to apply to the Commission in a timely manner. He also noted that SEPTA has been aware of the Commission's designation and jurisdiction for several years. Ms. Grose explained that the City has recently changed the regulations regarding the right-of-way. She stated that in the past the City had simply issued permits for needed maintenance. This particular project was denied a permit, and SEPTA was directed to make an application to the Commission. Ms. Grose asserted this was the first time SEPTA has had to go through this process. Ms. Grose noted that deteriorating conditions may cause SEPTA to halt the trolley. Mr. James informed the Commission that no relevant changes had been made to the right-of-way regulations; the process had not changed. Mr. James stated that SEPTA had failed to maintain the street; the hardship was self-imposed. Mr. Wilds stated that he lives less than one block from the Route 13 trolley and remarked that he had not witnessed any maintenance. Ms. Grose attributed the problems to plumbers' ditches. She also noted that there is no Belgium block in the shoulder area. Mr. Wilds reported that the longest stretch of track in this area is within Clark Park, where no plumbers would be working; however, the roadway is in poor condition in that area as well. Ms. Grose replied that it is the Streets Department's responsibility, not SEPTA's, to repair plumbers' ditches. Mr. James contended that the problems along this roadway result from SEPTA's failure to maintain it.

Ms. Murray supported the tabling of the application. Ms. Murray noted the importance of streetcars to the history of what is now the West Philadelphia Streetcar Suburb National Register Historic District.

John Gallery of the Preservation Alliance stated that there is substantial opposition to the removal of the granite block from the Chester Avenue area residents. He noted that this application raises the same issues raised by the two recent Germantown Avenue applications. He endorsed the recommendation of the Architectural Committee and implored the Commission not to rush to a decision. Mr. Gallery also noted the inappropriateness of the implied threat by SEPTA to stop running the Route 13 trolley if the application is noted approved.

Mr. Perri objected to the appointment of a SEPTA representative to the special committee as recommended by the Architectural Committee. He observed that no community members have been appointed to the committee. The committee can seek input from an interested party; the interested parties do not need to be represented on the committee. Mr. Wilds agreed with Mr. Perri.

AMENDED MOTION: Mr. Wilds and Ms. Murray amended their motion to table the

> application for a period not to exceed three months, removing the stipulation that a SEPTA representative be appointed to the special committee.

Ms. Grose addressed the insinuation that SEPTA was threatening the community with the suspension of the Route 13 trolley. She reported that SEPTA may need to suspend the trolley to ensure the safety of the passengers. Mr. Wilds contended that the neighbors had not been adequately notified of SEPTA's maintenance plans. Ms. Grose replied that SEPTA has a Public Relations Department which notifies community groups and neighbors when planning maintenance.

Ms. Murray asked who is responsible for the shoulder area. Ms. Grose responded that PennDOT is responsible.

Mr. James asked Ms. Grose if SEPTA has maintained this stretch of track. She responded that they maintain it on a weekly basis.

Peter Crimmins of the Chestnut Hill Business Association asked who will be responsible for determining whether girder rail is available. Mr. Wilds ruled the comment out of order.

> **ACTION:** The Commission voted unanimously to approve the motion, tendered by Mr. Wilds and Ms. Murray, to table the application for a period not to exceed three months.

Mr. Sklaroff recused from the following review owing to his relationship with the developer, Zagara Management.

<u>103-107 CHURCH STREET</u>
Owner: Zagara Management, John Zagara
Applicant: Hugh Zimmers, Zimmers Associates, architects
History: built c. 1830 for Girard Estate
Project: Legalize alterations to penthouse addition

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend legalization of the construction of windows instead of balconies and the inclusion of additional window openings in west elevation, denial of stair enclosure, and denial of the non-compliant undivided, single-pane windows in the penthouse, pursuant to Standard 9 and the Roofs Guideline.

OVERVIEW: This proposal seeks to legalize work that does not comply with the plans approved by the Historical Commission. The approved plans included recessed balconies at the west. The balconies were replaced with windows in the plane of the party wall. Also, a greenhouse stair enclosure was added above the approved open stairs to the roof. The roof top addition already is visible from the waterfront, the stair enclosure adds to the height of the approved rooftop additions.

DISCUSSION: Mr. Baron presented the application to the Commission. Architect Hugh Zimmers represented the proposal.

Mr. Zimmers noted that he had withdrawn the glass stair enclosure portion of the proposal because its height exceeded that allowed by the zoning. He explained that the west windows, which were installed instead of the approved recessed balconies, cannot be seen from the street. He added that he has the approval of the Board of Building Standards for the party-wall windows. He explained that the buyer for the penthouse addition had had the contractor remove all of the muntins from the approved divided-light windows without his knowledge or approval. He reported that it would be difficult to restore the muntins to the windows. He also reported that the buyer had back out of the purchase of the penthouse unit. Mr. Wilds asked how the penthouse was altered without his knowledge. Mr. Zimmers replied that the unit was to have been purchased as a shell; the buyer retained a new architect, who oversaw the illegal work. Mr. Wilds asked if the developer had been compensated for the lost sale. Mr. Zimmers explained that the developer and buyer are still attempting to work out the details.

> **ACTION:** Mr. Tissian moved to adopt the Architectural Committee's recommendation and legalize the construction of windows instead of balconies and the inclusion of additional window openings in west elevation, but deny the stair enclosure and the non-compliant undivided, single-pane windows in the penthouse, pursuant to Standard 9 and the Roofs Guideline. Mr. Brown seconded the motion, which passed unanimously.

2513 LAMBERT STREET

Owner/Applicants: Bruno & Maria Leuzzi
History: 1912, John Windrim, architect
Project: Replace enclosed rear porch with new enclosed porch

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

OVERVIEW: The applicants propose the demolition of the non-historic enclosed rear porch and the construction of a larger enclosed porch in its place. The porch is minimally visible from the rear down a neighboring driveway on 20th Street.

DISCUSSION: Mr. Baron presented the application to the Commission. Owners Bruno and Maria Leuzzi represented the application. Ms. Murray asked whether the applicant had notified Girard Estate Area Residents of the proposal. The applicants stated that their neighbors did not oppose the proposal. Ms. Murray requested that the Commission require applicants to post signs on their properties notifying neighbors where and when Commission applications will be reviewed.

> **ACTION:** Mr. Tissian moved to adopt the Architectural Commission's recommendation and approve the proposal, pursuant to Standard 9. Mr. Steinberg seconded the motion, which passed with a vote of 8 to 1. Ms. Murray dissented; Mr. Perri abstained.

FAIRMOUNT WATERWORKS
Owner: City of Philadelphia
Applicant: Brett Webber
History: 1810 to 1830
Project: Add canopies to front door and across terrace; replace entrance door; add planters and green screen; install lighting fixtures; remove portion of balustrade; and install outside bar.

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommended approval of the following:

1. the canvas entry awning as a freestanding element,
2. lighting of the upper floor windows,
3. a mobile wet-bar with utilities accessed through the floor,
4. a refrigerator room and HVAC hidden by a “green screen” set away from the engine house,
5. and the removal of the balustrade in a single piece, to be stored on site.

The Committee recommended denial of the following:

6. the fixed wet bar and through-wall utilities,
7. lighting the portico columns,
8. hanging lights in the portico,
9. sunshades over the west porch,
10. removal of the wood door and replacement with frameless glass doors,
11. and the planters outlining the front dining area.

The Committee made these recommendations with the staff to review details, pursuant to Standards 2, 9, and 10.

OVERVIEW: This application proposes to make several alterations to two buildings at the Fairmount Waterworks, the engine house and eastern mill house. The rehabilitated buildings will house a restaurant.

At the engine house, the applicant proposes to install a new steel-framed entry canopy at the eastern entrance. It would have removable side fabric for winter use. This entrance would be used as the main entrance to the establishment. On the south façade, a cold storage unit is proposed; it would be enclosed by a “greenscreen” fence. A sunshade canopy supported by a steel frame would be installed at the west (Schuylkill) façade. The canopy would not extend the entire width of the building, but would cover the middle section of the building. A wood door on this façade would be removed and replaced with a frameless glass door.

At the mill house, the application proposes to remove a section of cast-iron balustrades adjacent to the engine house terrace. A wet bar is proposed for the south façade. This bar would be a U-shaped piece of outdoor furniture, but would incorporate a concealed plumbing line that would penetrate the wall.

Hanging lights are proposed for the terraces of both buildings. In addition, wall mounted lights and up-lights are proposed to illuminate the west facades and terrace columns. The upper floors of the building would be internally illuminated with a glow diffuser screen.

DISCUSSION: Mr. Danta presented the proposal to the Commission. Architect Brett Webber and restaurant developer Anastasia Carluzzo represented the application.

> **MOTION:** Mr. Brown moved to adopt the Architectural Committee's recommendation. Ms. Murray seconded the motion.

Mr. Webber presented an overview of the application. He noted the revised drawings complying with some of the Committee's recommendations. The planters at the east lawn, the canopy on the west façade, and the decorative light fixtures have been removed from the application. As the Committee recommended, the balustrade will be detached in its entirety and stored on site.

Mr. Sklaroff noted that the project entailed tenant improvements to convert the building for restaurant purposes. Mr. Webber agreed. Mr. Sklaroff asked if he agreed with the Committee's recommendation as well. He stated that he did with two clarifications. First, he was withdrawing his request to replace the historic wood doors between the Engine House and terrace with a fully glazed door. Instead, he would like an approval to add a glazed door behind the historic doors, in the interior of the building. The wood doors would be left open when the restaurant was in operation; they would be closed when the restaurant was closed.

Before Mr. Webber could proceed with his second clarification, Mr. Sklaroff suggested, owing to the complexities of the proposal and recommendation, that he discuss each aspect of the proposal. Mr. Webber commented on the canopy at the front, which would be freestanding, not attached to the building. He then described the outdoor cold storage facility, which is required for the operation of a restaurant. It would be surrounded by a continuous green screen, allowing vines to grow and hide the cold storage box. Mr. Tissian asked about the size of the cold storage box, to which Mr. Steinberg, reading from the plans, responded that it would be 17' by 20' and 12' tall. Mr. Webber stated that it would not attach to the historic building. Mr. Webber also noted that the original submission included uplighting on the columns of the porch; those lights have been deleted from the plans. Mr. Wilds asked if the applicants would return with a new lighting plan; Mr. Webber expressed his intent of return to the Commission with a new plan. Mr. Baron contended that the electrical lines and fixtures would be visible. The new light would also reflect off the non-historic porch glazing. Mr. Sklaroff asked if the applicants could shed any other light on their illumination scheme. Mr. Webber stated that he would present a new plan to the Commission. Mr. Steinberg suggested that it be integrated into a master lighting plan for the Water Works.

Mr. Baron suggested a solution to the question of the removal of the historic wood doors. Mr. Wilds stated that the problem had already been solved. Mr. Steinberg commented on the installation of an "EXIT" sign on the door. Mr. Webber noted that he would find an appropriate place for the sign.

Mr. Sklaroff asked about other disagreements with the Committee's recommendation. Mr. Webber stated that he was not convinced that he could run the utilities to the wet bar from the ground as the Committee had recommended. Mr. Sklaroff suggested that he endeavor to comply and, if he could not, that he submit an updated design for the bar to the Commission.

Mr. Steinberg congratulated the applicant on his proposal, but rejected the design for the cold storage box. He felt it would be highly visible and disrupt the important view from the south. Mr. Stenberg suggested the cold storage be relocated to the basement. Mr.

Webber explained the kitchen planning; many activities including the indoor storage of trash will take place in the basement. The cold storage would not fit in the basement. Mr. Webber stated that the outdoor cold storage was integral and critical to the operation of the restaurant. Ms. Carluzzo confirmed his statement and testified that the kitchen design consultant had decided that this was the only spot for the cold box. Mr. Webber stated that the lease with the City allows for an exterior cold storage box. Mr. Sklaroff noted that the lease probably also requires the restaurant to comply with City regulatory agencies. Mr. Copeland confirmed Mr. Sklaroff's belief. Mr. Steinberg urged the Commission to restudy the cold storage box. He suggested that the addition of the cold storage box would make the Engine House look like a diner in Frankford. He added that he had designed a diner in Mount Airy, where he lives, and it has an unattractive box very similar to this one. Mr. James opined that the proposal offered a balanced compromise. Mr. Wilds asked if it would be possible to reduce the size of the enclosure. Mr. Webber responded that he would reduce it to its minimum size and have the final details reviewed by staff. John Gallery of the Preservation Alliance commented that he deemed the cold storage box acceptable.

ACTION: The motion, tendered by Mr. Brown and Ms. Murray, to adopt the Architectural Committee's recommendation and approve the following:

1. the canvas entry awning as a freestanding element,
2. lighting of the upper floor windows,
3. a mobile wet-bar with utilities accessed through the floor,
4. a refrigerator room and HVAC hidden by a "green screen" set away from the engine house,
5. and the removal of the balustrade in a single piece, to be stored on site;

and deny the following:

6. the fixed wet bar and through-wall utilities,
7. lighting the portico columns,
8. hanging lights in the portico,
9. sunshades over the west porch,
10. removal of the wood door and replacement with frameless glass doors,
11. and the planters outlining the front dining area;

with the staff to review details, pursuant to Standards 2, 9, and 10; carried with a vote of 9 to 1. Mr. Steinberg dissented.

2028-2030 FAIRMOUNT AVENUE

Owner: Savvas Navrosidis
Applicant: Aaron Childs
History: Built c. 1859
Project: Construct two-story rear addition with deck and stairhouse

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of the second and third-floor rear addition, stairhouse, and deck, pursuant to Standards 9 and 10. The Architectural Committee voted to recommend denial of the storefront alterations as submitted, pursuant to Standard 6 and the Storefronts Guideline.

OVERVIEW: This application proposes to construct a two-story rear addition on an existing one-story rear addition. The rear masonry wall would remain within the new addition. The addition would be faced with stucco and would have a bay window on the rear facade. In addition the applicant proposes a roof deck, which would sit on the new addition. This deck would be accessed through a penthouse that would also sit on the new addition.

This application also proposes to alter the non-historic storefronts facing Fairmount Avenue. In April 2003, the Historical Commission reviewed and approved the reconstruction of the historic storefronts based on the surviving historic storefront at 2026 Fairmount. The applicant never acted on that approval. In October 2004, the Historical Commission reviewed and approved a new storefront design. The currently proposed storefront design possesses similarities to the design approved on October 2004, but is not a restoration. The new design maintains the ADA ramp facing Fairmount Avenue and creates one single entrance at the top of the ramp; the 2004 design proposed two separate doors. The new design also eliminates any other entrances to the upper floors on 2030 and combines all ingress to both buildings at the east side of 2028. The storefront design is articulated in the same manner as previously approved with wood panels below and storefront windows with transoms above. The storefront is terminated by a simple wood cornice with decorative wood medallions.

DISCUSSION: Mr. Danta presented the application to the Commission. Owner Savvas Navrosidas and architect Aaron Childs represented the application. Mr. Childs requested to retain the ADA ramp. Mr. Perri contended that the extant ramp does not satisfy the building code. Mr. Sklaroff noted that the ramp must be rendered ADA compliant.

> **ACTION:** Mr. Wilds moved to approve the proposal with the extant ADA ramp, provided the ramp is rendered code-compliant and that it is not bright blue, with the staff to review details. Ms. Murray seconded the motion, which carried with a vote of 9 to 0. Mr. James abstained.

OLD BUSINESS

<u>2044 SPRUCE STREET</u>
Owner: David Nazarian
Applicant: Rachel Schade
History: c. 1885, attributed to G.W. and W.D. Hewitt, architects
Project: Build roof decks & HVAC on main roof of house

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval.

OVERVIEW: This application proposes the addition of a roof deck on this large house at the southeast corner of 21st and Spruce Streets. The ornate house has a very large, complicated mansard roof. At its February 2005 meeting, the Commission denied an application for a larger deck and other alterations.

DISCUSSION: Mr. Baron presented the proposal to the Commission. Architect Rachel Schade and owner David Nazarian represented the application.

Mr. Sklaroff asked Mr. Copeland what would happen if the application had not returned to the Commission for its review. Mr. Sklaroff rephrased his question; he asked Mr. Copeland if the applicants need the Commission’s affirmative vote before they can proceed with the project. Mr. Copeland answered that the applicants need the Commission's approval. Ms. Murray asked if the applicants need the Commission's approval even if motions to approve and deny failed at the previous meeting. Mr. Sklaroff answered that they do need the Commission's approval because they are modifying an historic building. Mr. Copeland stated that, if the Commission failed to act within 60 days, then the application would be deemed approved, allowing the applicant to seek a building permit. Mr. Wilds noted that the 60 days has not yet expired; therefore the application is still pending before the Commission.

Mr. Farnham explained that, after the Commission failed to act at the February meeting, he determined that the 60-day review period would not expire before the next regularly-scheduled Commission meeting. Therefore, he polled the four Commissioners who had voted to deny the application to determine if any one of them would request that the application be placed on the March agenda. The Commission's *Rules & Regulations* stipulates that any Commission member may request the placing of an item on the Commission's agenda. Mr. Farnham explained that all four Commissioners (James, Perri, Sugrue, and Wilds) polled requested that the pending application be placed on the March agenda for review as old business. Ms. Merriman noted she voted for the approval of this application and was not polled, and opined the other Commissioners who also voted to approve would not have voted to place it on this month's agenda.

Mr. Wilds suggested to his colleagues that they could decide now whether to hear the pending application. He noted that the 60-day clock had not expired. He also noted that no decision had been made at the last meeting. He proposed that the Commission now decide either to allow the clock to expire and the application to be approved without action or to review the application on its merits.

Mr. Sklaroff stated that the chair would entertain a motion for reconsideration of the decision that was made at the last meeting. Mr. Sklaroff stated that the Commission would make available to Ms. Schade all of the time necessary to present her application. He also explained that the decision to consider the application again is not necessarily a decision to consider it on its merits.

Ms. Merriman suggested that this was a case of "shopping for the right group of Commissioners that will either fully deny or fully approve this roof deck." Mr. Sklaroff replied that "the failure of a decision was both a failure of a decision which is no decision and a decision." Ms. Merriman asserted that the applicant is here today because the staff placed the application on the agenda, not because they the applicant was unhappy with the results of the last meeting. Mr. Farnham countered that there was no result at the last meeting; the Commission did not act. The application is open and pending. Mr. Farnham added that placing unresolved applications on the agenda has been the Commission's standard practice. Mr. Sklaroff noted that the staff has control of the agenda; the staff could have placed the application on the agenda without the polling.

Mr. Steinberg asked if the applicant could request that the application not be heard and then wait out the 60-day clock. Mr. Sklaroff replied the applicant could have decided not to attend the meeting, but that the matter is on the agenda and before the Commission.

Mr. James asked for a clarification. He noted that Ms. Merriman and the Chair have stated that no action was, in fact, an action. Mr. Sklaroff clarified that he had said that the lack of action was both an action and no action. Mr. Sklaroff stated that the application is pending because the 60-day period has not ended. Mr. Copeland agreed.

> **ACTION:** Mr. Wilds moved that the Commission consider the pending roof deck application for 2044 Spruce Street. Mr. James seconded the motion, which passed with a vote of 6 to 4. Mr. Sklaroff, Ms. Merriman, Ms. Murray, and Mr. Tissian dissented.

Mr. James suggested it was not necessary to hear any additional testimony from the applicant. He stated that the Commission is confronted with a dilemma. The Commission must be able to provide certainty to applicants and applicants must be able to move forward with projects.

Mr. Sklaroff stated that the Commission could entertain a motion to approve application without further discussion.

> **MOTION:** Mr. James moved to approve the application without further discussion. Ms. Murray seconded the motion.

Mr. Wilds stated that he would vote against the motion because there is an important reason why the 60-day period is built into the system. The 60 days is built into the system to give the Commission "two shots at the apple when it's put on someone's head." Mr. Wilds stated that it is "perfectly appropriate" for the Commission to review this application on its merits. Mr. Sklaroff remarked that Mr. Wild's point was "extremely well taken."

Mr. Murray stated that she found it difficult to reconsider this application. She pointed out that not every application on which the Commission failed to act has been returned to the Commission. This case will set a precedent for subsequent applications on which the Commission fails to act. Ms. Murray said she was not suggesting wrongdoing, but was pointing out that the Commission should act consistently. She stated that she would vote to approve the current motion.

John Gallery of the Preservation Alliance asserted that the Commission should not approve the motion because, in principle, it is inappropriate for the Commission to act on any application without public comment. Mr. James and Mr. Sklaroff noted that there was ample opportunity for public comment at the last meeting.

Mr. Tissian asked if the tie votes at the last Commission meeting had produced this conundrum. Several Commissioners answered in the affirmative.

Mr. Baron stated that the staff has always sent applications back to Commission when the 60-day clock allowed. He explained that it is important to send applications back to the Commission because it gives the Commission the opportunity to decide. Otherwise, the decision is left to the staff.

Mr. James asked if there was a standing policy regarding this subject. Mr. Farnham responded that the Commission does not have a formal policy, but it does have a practice.

> **FAILED MOTION:** The motion to approve the application without further discussion, tendered by Mr. James and Ms. Murray, failed with a vote of 5 to 5. Messrs.

Brown, Huff, Perri, Steinberg, and Wilds dissented.

MOTION: Mr. Wilds moved to deny the application. Mr. Perri seconded the motion.

Mr. Tissian asked how the Commission would have conducted its review if the applicants had not attended the meeting. Mr. Baron noted that the Commission often reviews proposals without the applicants present.

Ms. Schade, the architect, presented the proposal to the Commission. She stated that the deck has been reduced significantly in size since the previous application. She noted that the previous application included an elevator and stairway that went to a housing projecting 11' above the roof. In the current application, only a hatch-type opening is proposed. Mr. Sklaroff asked about the proposed railing. Ms. Schade explained the Architectural Committee preferred her cable railing alternate. The cable would be a very thin taught stainless steel wire. Mr. Steinberg inquired about the other railing members. Mr. Nazarian stated that he would follow the Commission's recommendation; his intent is to make it as invisible as possible.

Mr. Tissian noted a 13' x 15' deck is very small. Mr. James asked the owner to comment on the deck. Mr. Nazarian acknowledged that some Commissioners had not been enthusiastic about the prior application for the larger deck. He stated that it would be for personal use only; he would not have large groups on the deck. He also intends to move the HVAC units to the party wall to make them less visible.

Lenore Milhollen of the Preservation Alliance asserted that this alteration would be dreadful for this wonderful, important house. Mr. Gallery stated he appreciated the revisions to the proposal, but contended that there is no precedent for a deck on a building of this importance. He stated that this deck would violate the Commission policy, which mandates that decks be placed on rear ells. He stated that there is no historical justification for this deck.

Ms. Murray noted that there are large mechanical systems on this building that would be moved if this deck is approved.

Mr. Nazarian responding to Ms. Milhollen's statement, explaining that he had expended a great deal of money to restore his property. He proposed a trade-off: he will move the HVAC equipment in exchange for the approval of the roof deck.

Mr. Sklaroff questioned the owner about outdoor space at the ground level. Mr. Nazarian stated that he has a courtyard garden. Mr. Baron added that the Commission had approved a deck over the garage.

FAILED MOTION: The motion to deny the application, tendered by Messrs. Wilds and Perri, failed with a vote of 4 to 6. Ms. Murray, Ms. Merriman, and Messrs. James, Huff, Tissian, and Steinberg dissented.

ACTION: Ms. Murray moved to approve the application. Ms. Merriman seconded the motion, which passed with a vote of 6 to 4. Messrs. Sklaroff, Brown, Perri, and Wilds dissented.

THE REPORT ON THE ACTIVITIES OF THE HISTORICAL COMMISSION STAFF

Jonathan E. Farnham, Acting Historic Preservation Officer

Mr. Farnham presented the report to the Commission. When asked if they had questions about the report, the Commissioners replied that they had none.

HARRY A. BATTEN FUND

Mr. Farnham requested an approval of the expenditure of $49.52 from the Harry A. Batten Fund for lunches for the Architectural Committee.

> **ACTION:** Mr. Tissian moved to approve the expenditure of $49.52 from the Harry A. Batten Fund. Mr. Brown seconded the motion, which passed unanimously.

ADJOURNMENT

ACTION: Ms. Murray moved to adjourn the meeting at 12:15 p.m. Mr. Brown seconded the motion, which passed unanimously.

STANDARDS AND GUIDELINES CITED IN THE MINUTES

Standard 2: The historic character of a property will be retained and preserved. The removal of distinct materials or alterations of features, spaces, and spatial relationships that characterize a property will be avoided.

Standard 6: Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

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.

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.

Storefronts Guideline: Recommended: Re-creating a missing storefront or storefront features that existed during the restoration period based on physical or documentary evidence; for example, duplicating a display window or transom.

Respectfully submitted,

Randal Baron
Jorge Danta
Karen Gonski
Jonathan E. Farnham