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Legislation Text

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Department of Planning and Development city of chicago

January 10,2014

The Honorable Susana Mendoza City Clerk City of
Chicago Room 107, City Hall 121 North LaSalle
Street Chicago, Illinois 60602

*RE: Denial of Sign Permit Applications No. 100425032 and No. 100425037 2616-18 North
Milwaukee (Logan Square Boulevards District)*

Dear Clerk Mendoza:

We request that you provide written notice to the City Council that the Commission on Chicago Landmarks (the "Commission") has issued the attached written decision disapproving the above permit applications. This request is made pursuant to Section 2-120-800 of the Municipal Code of Chicago, which states, in part: "The Commission shall send written notice of its decision [approving or disapproving a permit application] ... to the City Council."

Thank you for your attention to this matter.

Sincerely,

Eleanor Esser Gorski, A1A Director of Historic
Preservation Bureau of Planning and Zoning

end.

cc: Alderman Rey Colon, 35th Ward (without enclosure)

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121 NORTH LASALLE STREET, ROOM 1000. CHICAGO, ILLINOIS 60602

COMMISSION ON CHICAGO LANDMARKS

January 9, 2014

**FINDINGS AND CONCLUSIONS OF THE COMMISSION
ON CHICAGO LANDMARKS
REGARDING TWO SIGN APPLICATIONS FOR 2616-18 NORTH
MILWAUKEE AVENUE IN THE LOGAN SQUARE BOULEVARDS
DISTRICT**

I. BACKGROUND

On January 18, 2012, Media Communications, Inc., d/b/a VisualCast Media (the "Applicant"), submitted two applications (each, an "Application" and together, the "Applications") to erect off-premise advertising signs on the south facade of the building at 2616-18 N. Milwaukee Avenue, Chicago, Illinois 60647 (the "Building"). The Building is located in the Logan Square Boulevards District (the "District"), which was designated a Chicago Landmark by ordinance adopted on November 1, 2005. The Building is a 5-story masonry structure built in 1914 as a storage warehouse. The proposed signs are 60 feet in length x 20 feet in height (1,200 square feet in area) and made of vinyl (PVC) fabric. The signs would be installed below the Building's roofline and attached to the brick wall with anchor clips placed approximately every 24" on all sides of the signs. A continuous PVC pipe would be embedded within the sign's perimeter and the PVC fabric is described in the Applications as "flex face" signs. They would weigh 50 pounds each and were designed to withstand wind pressure at 30 pounds per square foot. Although the Applications seek to illuminate each sign with six lights each, the Applicant withdrew that request.

The City's Zoning Administrator determined that the proposed signs would violate the Chicago Zoning Ordinance, Chapter 17 of the Municipal Code of Chicago, and denied the permits. Specifically, the Zoning Administrator determined that the signs violated prohibitions on off-premise signs located (a) on pedestrian streets, (b) within 100 feet of residential districts, and (c) within 300 feet of another off-premise sign. The Zoning Administrator also determined that the signs would exceed the maximum total sign area permissible in the B3 zoning district. The Applicant appealed the Zoning Administrator's decision to the Zoning Board of Appeals (the "ZBA"), arguing that the signs had legal, nonconforming status. On September 21, 2012, the ZBA reversed the Zoning Administrator's decision, finding that "signs of varying sizes" were "frequently" on the side of the Building and that the proposed signs, though made of vinyl, were a continuation of a legal, nonconforming use. (Commission Exhibit 4.)

On March 22, 2013, the Bureau of Planning and Zoning in the Department of Housing and Economic Development (the "Department") forwarded the Applications to the Department's Historic Preservation Division for review. Staff reviewed the Applications pursuant to Article III, Section E.2. of the Rules and Regulations of the Commission on Chicago Landmarks. Staff determined that the proposed signs would have an adverse effect on significant historical or architectural features of the District under Article III, Section E.3.b. of the Rules and Regulations, and referred the Applications to the Permit Review Committee of the Commission

1

on Chicago Landmarks (the "Commission") for preliminary approval or disapproval pursuant to Article III, Section E.3.b.2.b. of the Rules and Regulations.

On May 2, 2013, the Commission's Permit Review Committee preliminarily disapproved the

Applications, finding that the proposed signs would not meet the Commission's standards, guidelines and criteria, and therefore would adversely affect the District. The Commission notified the Applicant's attorney of its preliminary disapproval in a letter dated May 13, 2013.

The Applicant requested an informal conference before the Commission to discuss a compromise pursuant to Section 2-120-790 of the Municipal Code and Article III, Section F.1. of the Commission's Rules and Regulations. The Chair of the Commission appointed Commissioner Ernest Wong to attend the informal conferences on behalf of the Commission. The Applicant and the Commission held informal conferences on May 28, July 22, July 25, and August 6, 2013, but failed to reach an agreement. On July 8, August 7, September 17, and October 30, 2013, the Applicant agreed in writing to extend the deadline for holding a public hearing on the Applications. The Applicant's final extension on October 30, 2013, gave the Commission until December 16, 2013, to hold a public hearing.

At the Applicant's request to pursue the Applications without modification, the Commission scheduled a public hearing for Thursday, December 12, 2013, at 9:00 a.m. in City Hall, 121 N. LaSalle Street, Room 1003 A, Chicago, Illinois 60602. The Commission notified the Applicant and issued notice of the hearing in compliance with the requirements set forth in the Chicago Landmarks Ordinance, Chapter 2-120, Sections 580 to 920, of the Municipal Code, and the Commission's Rules and Regulations.

II. PUBLIC HEARING

A. Hearing Participants.

A public hearing on the Applications was held on December 12, 2013, in accordance with the notice. The Applicant was represented by its attorneys, Mara Georges of Daley & Georges, Ltd. and Thomas Moore of Anderson & Moore, P.C. The Department was represented by Senior Counsel William Macy Aguiar and Assistant Corporation Counsel David Baron, both of the Constitutional and Commercial Litigation Division of the City's Department of Law. Commissioner Victor Ignacio Dziekiewicz served as the Hearing Officer, and Senior Counsel Lisa Misher of the Real Estate and Land Use Division of the City's Department of Law served as legal counsel to the Commission. The public hearing proceeded in compliance with the Commission's Rules and Regulations, including Article IV, which concerns the conduct of public hearings on permit applications.

The Applicant called a fact witness, Muhsin Okmen, president and shareholder of the Applicant, and an expert witness, Lawrence Okrent of Okrent Associates, Inc., to support its Applications. The Department presented an expert witness, James E. Peters, AICP, in opposition to the Applications. Public statements were offered by nine individuals in opposition to the Applications. No member of the public spoke in favor of the Applications.

2

B. The Applicant's Motion to Dismiss.

Before the presentation of testimony and evidence, the Applicant made a motion to dismiss. The Applicant argued in its motion to dismiss that the Commission lacked jurisdiction to hear the matter because the ZBA had already deemed the proposed signs to be legal, nonconforming signs. The Department opposed the motion and argued that the zoning determination was governed by a separate ordinance and criteria than the landmark question before the Commission. The Department further argued that in order for the Applicant to receive a permit for "the construction or erection of any sign" within a landmark district, Section 2-120-740 of

the Landmarks Ordinance expressly requires the Commission to determine whether the sign would adversely affect the significant historical and architectural features of the District, regardless of whether the proposed sign had legal, non-conforming status under the Zoning Ordinance. The Hearing Officer held that the Commission had proper jurisdiction to hear the matter and denied the Applicant's motion to dismiss. We affirm.

The Commission's authority to review permit applications is set forth in Section 2-120-740 of the Landmarks Ordinance and is also referenced in Section 13-200-110 of the Building Code.

Section 2-120-740 of the Landmarks Ordinance provides in relevant part:

No permit. . . shall be issued ... without the written approval of the commission for any area . . . which has been designated as a "Chicago Landmark" .. . where a permit would allow the construction or erection of any sign or billboard within the public view which may be placed on, in, or immediately adjacent to any improvement which constitutes all or part of any landmark or proposed landmark. Any city department which receives an application for a permit as defined in this section shall forward the application ... to the commission

Section 13-200-110 of the Building Code provides in relevant part:

The Commission on Chicago Historical and Architectural Landmarks shall examine and advise the building commissioner whether the proposed work meets with its approval for all applications for building permits for alterations, additions, repairs or demolition of any building or structure . . . located within a Chicago landmark district. Such examination shall be made after application for the permit is filed but before review by the department of buildings. This examination shall be based on the appropriateness of the proposed work in relation to the spirit of the landmarks ordinance and consistent with the most recent guidelines available from the Commission

The Applicant's brief in support of its motion to dismiss states that the Commission's authority "is limited to the construction or erection of new signs and billboards, or to their material alteration." Applicant Media Communications, Inc. 's Motion to Dismiss at 7. The brief further states that the Applicant's "permit applications do not propose the construction of new signs," "the erection of new signs," or "any material alterations." Id. The Applications indicate

3

otherwise. In those Applications, under the heading "TYPE OF PERMIT," the Applicant responded: "NEW CONSTRUCTION (SIGN)." Asked to identify the "SIGN LOCATION," the Applicant responded: "ERECT SIGN ON SOUTH WALL" in one Application, and "INSTALL SIGN ON SOUTH WALL" in the other Application. Another section of the form asks, "IF REPLACEMENT SIGN OR CHANGE OF FACE, WHAT DOES THE EXISTING SIGN READ." The Applicant provided no response. Finally, in the Sign Site Plan attached to each Application, under the heading "PERMIT TYPE," the Applicant had a choice of checking "NEW CONSTRUCTION" or "CHANGE OF FACE." The Applicant selected "NEW CONSTRUCTION." (Applicant's Historical Exhibits 1 and 2).

The Applicant argues that its description of the permits as "NEW CONSTRUCTION" is "simply a function of the City's application format and process," and that "the City provides no specific mechanism to seek permits for painted legal nonconforming signs." Applicant Media Communications, Inc. 's Motion to

Dismiss at 7. The Applicant further asserts that "[a]ll applicants seeking permits for existing nonconforming painted signs are forced to apply as 'New Construction' even though they are not actually seeking new signs and do not involve new construction whatsoever." Id. The Applicant provided no testimony or evidence to support these assertions, other than the testimony of Mr. Okman, who did not complete the Applications himself. Moreover, the alleged inadequacy of "the City's application format and process" is not apparent from review of the Applications. In particular, the Sign Site Plan attached to each Application was completed by hand. The Applicant could have, but didn't, provide a handwritten explanation of its alleged unique circumstances. Instead, under "Permit Type," given a choice between "New Construction" and "Change of Face," the Applicant simply checked "New Construction."

The Applicant further argues that the ZBA's determination that the proposed signs are legal nonconforming signs precludes the Commission's review of adverse effect. We disagree. The Commission's review authority is separate and distinct from zoning approval. Zoning is one level of review. The Commission performs a second level of review, the sole purpose of which is to determine whether approval of the sign Applications would have an adverse effect on the landmark district. The ZBA did not consider this issue.

The important facts for purposes of establishing the Commission's jurisdiction are (1) that the Applicant applied for permits to "erect" or "install" signs which the Applicant described in the Applications as "new construction," and (2) the Department's Bureau of Planning and Zoning referred these Applications to the Commission for review in accordance with the Municipal Code. Despite the ZBA's determination that vinyl is equivalent to paint for zoning purposes, there are actual, physical differences between the two. Paint and vinyl are not the same material, and painted and vinyl signs present different issues for the Commission's consideration. The Commission cannot ignore these differences - just as the Commission would not ignore the differences between wood and aluminum siding in an application to repair the facade of a nonconforming building in a landmark district. There is no exception in the Municipal Code for permits to alter legal nonconforming structures or signs. There is only one exception to the Commission's review authority under the Municipal Code, and that is for emergency repairs. Non-emergency repairs and alterations to legal nonconforming structures in landmark districts are not exempt from Commission review simply because the structures have a

4

legal, nonconforming status. Such an exemption would give nonconforming structures more rights than structures that comply with the Zoning Ordinance.

C. Significant Historical or Architectural Features.

Article III, Section G.l.a. of the Commission's Rules and Regulations provides that a landmark's "significant historical or architectural features" are those identified in the ordinance designating the landmark. The Logan Square Boulevards District was designated a Chicago Landmark on November 1, 2005. The designation ordinance identifies the District's "landscaped boulevards and squares" as one of its significant historical and architectural features, as well as "all exterior building elevations, including rooflines, visible from the public right-of-way." (Commission Exhibit 1.) Logan and Kedzie Boulevards and Logan Square are among the "landscaped boulevards and squares" in the District entitled to protection under the Landmarks Ordinance. The City Council also stated in the designation ordinance that "[t]he Illinois Centennial Monument in Logan Square ... is one of Chicago's most distinctive monuments and is an important visual 'landmark' for the Logan Square community and the District." (Commission Exhibit 1.) Notably, billboards and signs are not listed as significant historical and architectural features of the District in either the designation ordinance or the report published by Commission staff in 2004 recommending the District's designation. (Commission Exhibits 1,3.)

D. Criteria for Evaluating Applications.

Pursuant to Article III, Section F.2. of the Commission's Rules and Regulations, the purpose of the public hearing on a permit application is "to determine whether the proposed work will have an adverse effect on any significant historic or architectural feature of a landmark or proposed landmark." Article III, Section G.2. of the Rules and Regulations identifies the standards to be used in making this determination:

The U.S. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as well as other criteria, standards, and guidelines that may be adopted and published by the Commission, including but not limited to [its] Rules and Regulations, govern the Commission in evaluating the effect of work proposed in a permit application.

The Commission's Rules and Regulations identify nine general criteria for determining adverse effect in Article III, Section G.3.a. The Commission has also published Guidelines for Alterations to Historic Buildings and New Construction for the Commission to use in evaluating the adverse impact of proposed work. In addition, the Commission considers materials published by the National Park Service to clarify the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

III. FINDINGS OF FACT

After careful consideration of the evidence, testimony and the entire record before the Commission, the Commission makes the following findings of fact.

5

A. The Applications Seek Permits to Erect Signs.

Echoing the argument it made in its motion to dismiss, the Applicant asserts that the proposed vinyl signs are not new signs or even alterations of existing signs. Mr. Okmen testified that the Applicant's proposal does not involve the erection or installation of new signs because there are "blank advertising signs" on the south wall of the Building. (TR 41.) It is worth noting, however, that the Building wall had no signs at the time Mr. Okmen entered into the lease with the Building owner. (TR 82.) The side of the Building was painted black, as it is now. (TR 82-83.) Despite the empty wall, Mr. Okmen testified that there are, in fact, "two black signs" on the black wall, and that the proposed work would merely change the "face" or "copy" of these existing "black signs." (TR 62-63, 67, 83-85.) Based on Mr. Okmen's assessment, the Applicant's expert, Mr. Okrent, testified that he did not evaluate the proposal as new signs or as a modification to the Building. (TR 94,126-29.)

As discussed in Section II.B. above, the Applicant's argument that it does not seek permits to erect or install signs on the Building is undermined by the Applications themselves. In addition to using the words "new construction," "erect" and "install," the Applications indicate that the proposed vinyl signs, unlike painted signs, weigh 50 pounds each, are designed to withstand wind loads, and would be attached to the Building wall with scores of brackets. An engineering firm prepared the installation design for the signs "per the Chicago Building Code," and a building permit is required for the installation of the signs. (Applicant's Historical Exhibits 1 and 2). Mr. Okmen testified that, as president and shareholder of the Applicant, he authorized the filing of these Applications and they have not since been amended. (TR 56, 60, 82.)

The Applications demonstrate that the proposed signs involve construction subject to Commission review, regardless of whether substituting vinyl for paint continues the life of a nonconforming sign under the Zoning Ordinance.

B. The Proposed Signs Would Be Highly Prominent in the District.

The Commission finds that due to their size and location the proposed signs would be highly prominent in relation to several of the District's significant historical and architectural features. The signs measure 60 feet ^x

The evidence shows that the proposed signs would be visible from both Logan Boulevard and Kedzie Boulevard as one approaches Logan Square, and would be even more prominent in Logan Square itself, where the south wall of the Building forms an important part of the perimeter of the Square and serves as a backdrop to the historic Illinois Centennial Monument. Mr. Peters testified that the buildings enclosing a square define the square, and that changes to such perimeter buildings have a major impact on the square. (TR 146-47.) The Building's south wall therefore implicates and is important to Logan Square. The proposed signs would be visible throughout the year, especially during the winter months when trees are bare. (TR 157-58.)

6

They also would be visible at all times of the day because street lighting in Logan Square is strong enough to illuminate the proposed signs at night. (TR 158.) Even the Applicant's expert witness, Mr. Okrent, agreed that the Building "retains a high degree of visibility from within [Logan Square.]" (TR 122.) The Commission finds that the proposed signs would loom above and look down upon Logan Square, the Illinois Centennial Monument and portions of Logan and Kedzie Boulevards, and would diminish their historic value.

C. The Proposed Signs Would Disrupt the Distinct Visual Unity of the District

The designation ordinance for the District states that the District displays a "distinct visual unity based on the landscaped boulevards and squares themselves, combined with a consistent scale, building setbacks, design, size, use of materials, and overall detailing for the District's buildings as well as the uniquely reciprocal relationship between those buildings and the green space on which they front." (Commission Exhibit I.) Attached high upon the side of a prominent building within the District, the Commission finds that the proposed signs would disrupt this distinct visual unity. At 1,200 square feet each, the signs are out of scale with the District. Mr. Peters testified, and the Commission agrees, that the proposed signs would have an adverse impact on the District because they would overpower adjacent structures and draw attention away from Logan Square, the Illinois Centennial Monument, and Logan and Kedzie Boulevards.

In addition to the size of the signs, the proposed use of vinyl on the Building is out of character with the District and would disrupt its distinct visual unity. The Commission is obligated, among other things, to consider the materials used in landmark districts. The designation ordinance notes that "[t]he District is distinctive ... for the high quality use of materials including brick, stone, wood and metal." (Commission Exhibit 1.) Vinyl is not a high quality material consistent with the District's distinctive historic character. Unlike painted signs, the proposed vinyl signs would be attached to the Building's wall with brackets and could be easily and frequently replaced. Large expanses of vinyl fabric, combined with frequently changing images, would detract from and have an adverse effect upon the historic character of Logan Square and the District as a whole.

Mr. Okrent suggested that any disruption to the features of the District should be overlooked because Milwaukee Avenue, which runs alongside the Building, is a street of "extreme visual and commercial

diversity." (TR 117.) Although there are more signs and billboards on Milwaukee Avenue northwest and southeast of Logan Square, these portions of the street are not within the District. As Mr. Okrent himself recognized, "Where Milwaukee Avenue traverses [the Logan Square] street loop, it defers to the Square," and it is "[b]eyond the street loop [that] the traditional texture and color of Milwaukee Avenue reasserts itself." (TR 121.) Accordingly, the presence of signs on Milwaukee Avenue outside the District does not alter the Commission's finding that the proposed signs would disrupt the visual unity within the District.

D. The Proposed Signs Would Create Visual Clutter That Distracts from and Overpowers Significant Features in the District.

The Commission finds that the proposed signs would create visual clutter that distracts

7

from, and indeed overpowers, several significant features of the District. Mr. Peters testified, and the Commission agrees, that the proposed signs would create visual clutter because they are out of character with the green space, architectural detailing, and historic structures that typify the District. (TR 160-62.) The Commission also agrees with Mr. Peters that the signs would exacerbate the visual clutter already caused by the rooftop sign that currently sits on the Building. (TR 162-64.) In the context of Logan Square, the signs, each bearing its own large advertisement, would create a substantial distraction. The Commission finds that the visual clutter created by the proposed signs would overpower these structures and Logan Square as a whole.

E. The Presence of Signs Previously on the Wall of the Building Does Not Mitigate the Adverse Impact of the Proposed Signs on the District.

The Commission finds that the presence of painted signs on the south wall of the Building in the past does not mitigate the adverse impact of the proposed signs prospectively. To the contrary, photographs presented to the Commission showing past signage on the Building actually demonstrate how distracting and overpowering such signs were at the time and would be again. (DHED Exhibit 5.) As stated earlier, neither signs nor billboards have ever been identified as a significant historical or architectural feature of the District. Rather, evidence suggests that even before creation of the District, signs on the Building were believed to adversely affect Logan Square. In particular, the City's Department of Planning issued a report in 1989 entitled, "Life Along the Boulevards," as a plan to revitalize the City's historic boulevard system. Specifically with respect to Logan Square, the report recommended the removal of the billboard signs on Milwaukee Avenue. (DHED Exhibit 9.)

F. The Applicant Did Not Meet Its Burden of Proof.

Article IV, Section G of the Rules and Regulations provides that "[f]he permit applicant bears the burden of proving that the proposed work will not have an adverse effect on the significant historical or architectural features of the landmark property or district." The Applicant failed to meet its burden. The Applicant presented very little testimony or evidence to contradict the Department's case of adverse impact, relying instead almost exclusively on the argument made in its motion to dismiss that the proposed vinyl signs are legal nonconforming signs which, due to their nonconforming status, the Commission had no authority to disapprove, regardless of adverse impact.

Although the Applicant's expert witness, Mr. Okrent, testified that the proposed signs would not have an adverse effect, he admitted that he did not base this conclusion on the criteria set forth in Article III, Section G of the Rules and Regulations, which sets forth the "Standards and Criteria for Review of Permit

Applications." (TR 116-17, 123-24.) Instead, Mr. Okrent testified that signs on the south wall of the Building dated back to 1928 and, therefore, were "familiar" to the District. In making this determination, Mr. Okrent did not consider whether vinyl signs (as opposed to painted signs that had been present in the past) were in keeping with the historic character of the district. (TR 122.) Nor did his opinion consider the effect of the proposed signs on the Illinois Centennial Monument. (TR 122.) Mr. Okrent did not know whether the Commission's criteria for review of permit applications even took into account the

8

concept of familiarity. (TR 124.) They do not. The fact that something has existed, and is "familiar" to the District, is not one of the criteria used to determine whether proposed work in a permit application will have an adverse impact. As discussed in Section III. E. above, the mere fact that signage is familiar does not insulate proposed signs from permit review.

The ordinance designating the District does not identify any signs as being historically or architecturally significant, and the Applicant did not demonstrate that there were any signs on the Building wall until the very end of the District's period of significance (1880-1930). Thus, even though painted wall signs have appeared intermittently on the south facade of the Building since approximately 1928, such advertising signs are not a significant part of the historic fabric of the District. Mr. Peters testified, and the Commission agrees, that such advertising signs have never been a significant historical or architectural feature of the District, and have in fact detracted from the District's significant features, as the proposed signs would also do.

IV. CONCLUSIONS

Based on the record before the Commission and its findings above, the Commission concludes that the Applicant's proposed signs fail to meet the following relevant criteria:

A. General Criteria for Determining Adverse Effect.

If the proposed work is contrary to any of the criteria listed in Article III, Section G.3.a. of the Commission's Rules and Regulations, the work will be deemed to have an adverse effect. The relevant criteria under Section G.3.a. are 6, 8 and 9, which provide as follows:

6. The work constitutes an addition of a feature where the new feature will not adversely alter, change, obscure, damage, or destroy any significant historical or architectural feature.

8. The work will alter a non-contributing building in a landmark district, meets the established criteria, standards, and guidelines of the Commission, and will not otherwise have an adverse effect on the significant historical or architectural features of the landmark district.

9. The work otherwise meets the Commission's criteria, standards, and guidelines and will not have an adverse effect on the significant historical or architectural features.

The proposed vinyl signs constitute highly prominent "new features" and "alterations" within the meaning of criteria 6 and 8. For the reasons stated above, the Commission concludes that the proposed signs

are contrary to criteria 6, 8 and 9 because they would clutter, overpower and distract from several of the District's significant features. Large vinyl advertising signs are not compatible with and do not complement the District's significant features. The Building, though a non-contributing structure, is a highly visible and important part of the perimeter that defines Logan Square. The proposed signs would intrude upon and have a substantial adverse

effect upon the Square, the Illinois Centennial Monument, Logan and Kedzie Boulevards and the overall District.

B. Commission Guideline on Signs.

The Commission Guidelines for Alterations to Historic Buildings and New Construction states, with respect to "Signs":

The Commission recognizes the need for commercial establishments to advertise. Such advertising has a long and rich history in America, one that has at times elevated the sign board to an art form. Conversely, signs on landmarks or in landmark districts can be a source of visual clutter when the effectiveness of the sign is equated with its size and flashiness, rather than its compatibility to the historic architectural character of the landmark or district. A sign's location, size, material, and means of illumination are areas of concern. Storefront structures often were designed to accommodate signs. . . . Bigger is not better when it comes to the size of the sign. The sign should be of a size appropriate and proportional to the storefront and building on which it is located. Traditional materials - wood, metal, paint -are preferred materials. .. . Historically, most business signs were silver- or gold-leafed, or painted letters on glass....

For the reasons stated above, the Commission concludes that the proposed signs do not meet this Guideline because their size, material and location would create visual clutter and disturb the historic character of the District.

C. Commission Guideline on Inappropriate Changes Made in the Past.

The Commission Guidelines for Alterations to Historic Buildings and New Construction states, with respect to "Inappropriate Changes Made in the Past":

Many buildings have been altered over time; often these alterations represent inappropriate changes. When rehabilitation work is being undertaken, consideration should be given to removing inappropriate additions and changes, restoring the building to its original design and character. [E]xisting changes that are inappropriate may not be retained if they are to be rebuilt or substantially altered.

For the reasons stated above, the Commission concludes that the proposed signs do not meet this Guideline because the past use of the Building's south wall for off-premise advertising has detracted from the historic character of the District, and installing new off-premise vinyl signs would further harm the historic character of the District.

D. U.S. Secretary of the Interior Standard No. 9 and National Parks Service's Preservation Brief 25

Standard 9 of the U.S. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings states:

New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

To help with interpreting Standard 9, the National Park Service published Preservation Brief 25: The Preservation of Historic Signs (DHED Exhibit 12), which states:

Preserving old signs is one thing. Making new ones is another. Closely related to the preservation of historic signs on historic buildings is the subject of new signs for historic buildings. Determining what new signs are appropriate for historic buildings, however, involves a major paradox: Historic sign practices were not always "sympathetic" to buildings. They were often unsympathetic to the building, or frankly contemptuous of it. Repeating some historic practices, therefore, would definitely not be recommended. . . . The following points should be considered when designing and constructing new signs for historic buildings: . . . [N]ew signs should respect the size, scale and design of the historic building. . . . [S]ign placement is important: new signs should not obscure significant features of the historic building. . . . [N]ew signs should also respect neighboring buildings. They should not shadow or overpower adjacent structures. [S]ign materials should be compatible with those of the historic building. Materials characteristic of the building's period and style, used in contemporary designs, can form effective new signs....

For the reasons stated above, the Commission concludes that the proposed signs do not meet Standard 9 or the guidelines set forth in Preservation Brief 25. The proposed signs do not fall into the category of "historic signs" worthy of preservation. Rather, the signs would exacerbate an advertising practice that has been "unsympathetic" and "frankly contemptuous" of the District. The proposed use of vinyl would be even more out of character and more detrimental than previous painted signs. The proposed signs are not compatible with the size, scale and design of historic buildings in the District, and vinyl is not characteristic of the District's period and style. The two proposed 60' x 20' sheets of vinyl would overpower adjacent structures and harm the District's historic integrity.

V. FINAL DECISION

For all the reasons stated above, the Commission concludes that the proposed signs would adversely

affect the significant historical and architectural features of the District. The Commission hereby disapproves the Applications. This is the Commission's final decision on the Applications.

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Rafael M. Leon, Chairman Commission on Chicago Landmarks