

## Compiled Public Comment on HPTF White Paper 1

### Preservation Alliance for Greater Philadelphia

Page 4, "Locally, *over 70 sites...*"

The white paper states that "over 70 sites and buildings have been declared National Historic Landmarks." However, the correct number of National Historic Landmarks of all types located within the city limits is 67.

Page 5, "*The process for designation ...*"

The white paper states that "[d]esignations may be appealed to Common Pleas Court." However the ordinance in fact does not directly address the appeal of designations, only the appeal of issued or denied building permits, which are heard before the Licenses and Inspections Review Board. Recent designation appeals have been filed with the Court of Common Pleas. But this is more a developed practice, not settled law. Recommendations to clarify the appellate process should be among the Task Force's charges and language in the white paper should acknowledge the legal uncertainty.

Page 5, "*There are several other sections of the zoning code*"

The white paper states that "PCPC reviews facade changes on specific Center City commercial corridors..." To provide a clear picture of this, why not state which ones, since there are very few? We believe it is only Chestnut, Walnut and South Broad Streets.

Page 5, "*Once design[ated]...*"

The white paper states that the "L&I reviewer identifies if PHC review is required and refers the applicant to the PHC." It is our understanding that all building permit applications for locally designated properties are referred to the Historical Commission staff, even those that require cursory review.

Page 5, *Civic Design Review Process*

This sentence (second to last paragraph) should clarify that the Civic Design Review process is advisory and non-binding, with power only to request a second, additional review.

Page 6, *Benefits of Historic Preservation*

There is more recent data on the economic impact of preservation projects in Philadelphia. The National Trust has available data on federal historic tax credit projects over the period 2001-2014, and statewide data over the period 2002-2016 (both attached with this letter). The Pennsylvania Historical and Museum Commission maintains somewhat limited data on State Historic Tax Credit projects.

Page 7, *City of Philadelphia as Landowner*

Third complete paragraph; the School District of Philadelphia should be included among the major municipal departments who oversee historic properties. All Philadelphia public-schools constructed prior to 1938 are currently listed on the National Register of Historic Places, and efforts are underway to add public schools constructed between the years 1938 and 1980.

Page 8, *Preservation Advocacy*

Within this section is a bulleted list of the Alliance's "principal concerns." While these are certainly among our concerns, it is not quite accurate to say that they are our principal concerns. Under-protection, a lack of financial incentives for preservation, and demolition of historic fabric would rate as high or higher than what is listed here. This can easily be amended by simply amending the introductory sentence ("Among the Alliance's concerns...").

Page 9, *Affirmative Maintenance to Prevent Demolition by Neglect*

While this is a welcome requirement, the PHC does not effectively operationalize this provision of the ordinance, presumably due to capacity constraints along with the challenges of working with absentee or non-cooperative owners. This is likewise an issue that will hopefully be addressed by the Task Force.

Page 12, *Current State of Incentives for Historic Preservation*

The last paragraph states that there are programs in place that incentivize historic preservation at the federal, state, and local level. While this is true at the federal and state level, this sentence should further clarify that those Incentives are largely tied to National Register status, not local designation. There are currently no local incentives specifically tied to properties listed on the Philadelphia Register of Historic Places, as is more accurately explained on p. 13.

Furthermore, existing incentive programs are largely steered toward large-scale adaptive reuse projects, commercial properties, and/or non-profit properties. There are currently few programs at the federal, state, or local level that are available to owner occupants of single-family historic properties, a subject of frequent public inquiry at our office.

Page 14, *Basic Systems Repair Program*

It is our understanding that this program currently has a lengthy waiting list. As a practical matter it is not available to all homeowners who request and qualify for it, at least not without a long wait that can be measured in years. This should be stated here for the benefit of the reader.

Page 14, *Housing Preservation Loan Program*

The HPLP program is not yet available to residents. This should be clarified for the reader, along with the expected roll-out date.

Page 14, *Current State of Incentives (cont.)*

The fourth complete paragraph acknowledges the important role that non-government organizations have played in historic preservation. This should probably be highlighted by a separate sub-heading, as with the other previously discussed incentives.

Page 15, first complete paragraph

In the sentence that begins "Organizations, such as the Preservation Alliance..." the word "Organizations" should be preceded by the term "Non-governmental" to clearly distinguish the

Alliance from the CPI, PHC, and other discussed entities. The Alliance frequently fields calls from property owners and members of the public attempting to reach the Philadelphia Historical Commission, not realizing we are a private non-profit (and vice versa).

Page 15, "*The PHC currently has a staff of eight...*"

We believe that the correct number of professional staff serving on the PHC is seven, not eight. This figure does not include the staff member from the Department of Planning (Carol Ingald) who performs Section 106 reviews.

## Arielle Harris

### Page 1

- second bullet: "Philadelphia Registry" or "Philadelphia Register of Historic Places"? I believe it's the latter.
- fourth bullet: not just religious institutions -- institutions of many kinds. Hospitals, schools, etc.
- fifth bullet: is the Task Force implying that preservation is costly? It doesn't always have to be. I would suggest rewording "value and cost".

### Page 3

- You may want to include that a listing on the National Register of Historic Places requires owner consent (unlike the PRHP which does not).

### Page 4

- I have never heard of the PA State History Code. Perhaps this is worth a sentence of elaboration?
- One of the most frustrating aspects of the PHC in my opinion is the lack of designees on behalf of city agencies. Council never sends a rep, for instance. I don't recall a time when all members of the historical commission were ever present for a meeting.

### Page 5

- "A nomination is submitted, EITHER BY PHC STAFF or a member of the public." Don't forget that it is in the Ordinance for PHC staff to nominate in-house!! Due to staffing limitations, the staff cannot always do that and so the burden falls on the public.

### Page 14

- 10 year tax abatement: if you're going to list how many abatements were given to new construction projects, you should supplement this statistic with the number of demolition permits filed with the new construction.

### Page 15

- "Organizations, such as the Preservation Alliance, hold workshops to educate property owners and community groups about history, architecture and the workings of the PHC". I mean...it seems to me that the Alliance is the *\*only\** organization that does this. They were only able to do these workshops over the past few months because of a grant they received.

### Page 16

- "Until December 2017, the PHC did not have staff capacity to nominate many potential historic resources." This is still unknown, or not necessarily known. The hope is that with the addition of two additional staff members the PHC staff will have time to do this.

Kathy Dowdell

On the Fact Sheet:

There is more recent data for the benefits of the tax credit program; although more recent and complete data is referenced in the report, it would be helpful for the fact sheet to reflect newer data. Please see attached.

From the full report:

- Page 5, first paragraph, next to last item: The appeal of designations is a relatively recent phenomenon in my experience, and the Ordinance does not address appeal of designations, only appeal of permits (issuance or denial). It is also my understanding that the appeal of designations is not settled law. This bullet point should be deleted.
- Page 5, second paragraph, second item: The L & I reviewer will not identify “if” a review by PHC is needed - any/all permit applications for a property on the register are referred to the Historical Commission staff for review and sign-off or for further review. This is not at the discretion of the L & I plan reviewer.
- Page 5, next to last paragraph: The Civic Design Review process itself is required, but the recommendations of the Civic Design Review board are not binding. For clarity, this should be differentiated from Zoning Overlay districts, which do have binding (regulatory) requirements. (I don’t know where PCPC façade review falls, but this too should be clarified).
- Page 6, paragraphs two and three: As mentioned above for the fact sheet, there is more recent data on the benefits of the tax credit program. Attached is a document prepared by the PHMC with data from the National Park Service and the National Trust.
- Page 9, second paragraph: Although the Historical Commission does maintain a database of listed properties, this is not a searchable database in the current and commonly understood sense of the word. It exists on the Historical Commission’s website as a PDF document, but is not searchable other than by reading through the entire list.
- Page 14, third paragraph: The HPLP program is not yet available to residents; the reported target for this roll-out is early summer 2018.
- Page 16, last paragraph (and page 15, third paragraph): While it is true that the charter change to consolidate agencies into the single Department of Planning and Development was approved by the citizens of the city, the wording makes this sound like a citizen-led effort, which it was not.

General Comments:

I very much appreciate that feedback is wanted. However, the following disclaimer on the website may serve to dissuade some from bothering. This seemed like an odd comment to make immediately after asking for public input.

*(Note that we’re not looking for your opinion yet. There will be lots of time for that as the Task Force reviews priority issues and develops recommendations. Right now we’re just asking for help pointing out factual mistakes. Thank you!)*

This comment, in my opinion, will do more to discourage than encourage public engagement and participation.

Jenna Solomon, MSHP

Thank you for welcoming feedback regarding the recently released white paper on the state of Historic Preservation in Philadelphia. I was momentarily elated to see the subheading *Preservation and Sustainability* while reading through the Task Force's first publication. However, I believe that there is one major issue that lies at the intersection of historic preservation and the sustainability movement which has been overlooked. Historic Preservation is the ultimate form of recycling.

In 2014, the EPA reported that more than twice the amount of construction and demolition waste is generated in the United States than municipal solid waste. Of that amount, demolition represents more than 90% of construction and demolition waste (<https://www.epa.gov/smm/sustainable-management-construction-and-demolition-materials>). According to your report, Philadelphia has the second highest number of buildings built before 1945, which means that all too often historic buildings and their materials are winding up in a dumpster. Furthermore, if the City of Philadelphia is truly committed to having zero waste by 2035 (<https://beta.phila.gov/posts/mayor/2017-08-07-zero-waste-litter-action-plan-phillys-litter-free-future-by-2035>), the role of demolition waste must be addressed. To my dismay, I watch this happen every single day in Fishtown, where I live. The reuse of historic buildings keeps demolition waste out of our landfills, conserves the embodied energy used in order to create those building materials the first time around, and prevents the consumption of our increasingly finite natural resources.

I implore you to examine Portland's recent ordinance which requires that any building built prior to 1916 be fully deconstructed for reuse and recycling (<https://www.portlandoregon.gov/bps/70643>). This policy would effectively disincentivise the demolition of our historic building stock without the City of Philadelphia forgoing any property tax revenue, as it does with the 10 year Tax Abatement. If the higher cost of deconstruction instead of demolition is figured into the cost of redevelopment, it would provide an economic incentive to reuse and rehabilitate the existing building stock of the City and return vacant buildings to the tax rolls at a higher assessed value without costing the City of Philadelphia a single dollar. For the City of Philadelphia, this policy would provide much needed jobs and job training for our City's many residents who are unemployed or underemployed. This progressive policy would also provide economic growth when new architectural salvage businesses emerge within the City of Philadelphia in order to seize upon this new business opportunity. This revenue generator would provide additional income for the City in the form of City Wage Taxes, Business Income and Receipts Taxes and Net Profits Taxes, again without costing the City a dollar.

**You cannot talk about historic preservation in Philadelphia without at least acknowledging that what this means, quite literally, is keeping historic buildings out of a landfill.**

## Johnette Davies

As reflected in the draft report, The Task Force does not fully acknowledge the state of Philadelphia's preservation environment and the urgency of the situation that brought the Task Force into being. This is an important lens through which the status of preservation must be examined. The destruction of designated and undesignated properties is occurring with alarming frequency, and at small and large scales, from the likely destruction of a significant portion of Philadelphia's iconic Jewelers Row, to the Sharswood neighborhood, to valued former places of worship, residences, and commercial properties, all of which define the character of our city.

More than a recounting of "what is" Philadelphia preservation by committee study area, this document should – must – educate readers about the current preservation climate in Philadelphia, communicate both what is present and what is missing from the regulations, incentives, outreach and other important areas, and examine the effectiveness of the tools and regulations that are currently in place. Then the Task Force can define the problem(s) that the forthcoming recommendations are trying to solve. Only after understanding the full "picture" can informed, fruitful, and effective planning occur. This report falls short of what is necessary for this critical effort. This report does not effectively utilize (or at least does not express) the deep preservation experience and expertise of Task Force participants, nor the expert assistance from the National Trust for Historic Preservation. This is a disappointing outcome for the first deliverable from this body. This is the Historic Preservation Task Force. Historically significant and older buildings define the character of this city. While not every old building must be preserved, historic resources should be framed as assets to be capitalized on to foster development and community in Philadelphia. With the remaining months of the Task Force's work, I encourage the members to take advantage of this great opportunity to bring robust analysis to inform their important work in the development of recommendations for the future of preservation in one of this country's most historic cities.

Specific comments on the report follow.

1. The document would benefit from a thorough quality control review by a "cold" reader before publishing. Misspellings, incorrect words, poor formatting, inconsistency of naming and use of acronyms, and other simple errors erode the credibility of the information provided.
2. Page 3, Federal Regulations: While federal funding is the most common trigger for Section 106 review, it is also triggered by federal permits, licenses and other approvals.
3. Page 4, State Regulations:
  - a. The State History Code also provides for a State review process similar to Section 106 for projects with State involvement.
  - b. SHPO administers state and federal preservation activities in PA.
  - c. Explain what the Certified Local Government program is. Perhaps mention also in the Federal regulations section, as it was established as a federal program to

distribute federal Historic Preservation Fund grants, which are jointly administered by the states.

4. Page 4, Local Regulations:

- a. I suggest differentiating subheadings under this section. (Global comment.)
- b. The list of designation criteria is incomplete, and presents a false sense of what may be eligible for designation.

5. Page 5: The lack of specificity and analysis in this area is glaring. Information is incomplete, and at times lends little or nothing to the critical analysis of existing programs, processes, and review bodies.

- a. Process for designation – note to whom nominations are submitted
- b. Rather than characterize as “enforcement,” perhaps just describe how modifications to designated properties are addressed through the permit application process.
- c. Mention the staff-level review, committee reviews, and full PHC review required for project approvals; some projects do not have “one-stop” approvals.
- d. What are the activities that PHC regulates that do NOT require permits? And how are property owners informed of those requirements? And how often are these requirements followed or ignored? Is there an opportunity there for automated public outreach? Perhaps when a deed transfer is recorded for a designated property, the new owner gets a form letter informing them of their responsibilities and the opportunities associated with owning the designated property, including available City programs and design assistance from PHC.
- e. For properties on vacant land in a historic district, where PHC “reviews and comments,” is their review advisory only? Can owners build whatever they want as long as it meets zoning code? If so, is that considered a deficiency in the current PHC code? Is PHC review complete once they have expressed their opinion about the project? Does the project go through Architectural Committee review? Please clarify the review process and implications for these types of projects.
- f. Note that the Neighborhood Conservation Overlay has only been used once. Is it considered a successful model that could be implemented elsewhere? Are projects in that district reviewed by PHC following the same process as traditionally designated properties/districts?
- g. The Civic Design Review process is advisory only, so what is its impact on preservation? Do they consistently favor protection or reuse of historic properties in their reviews of projects that affect such properties?
- h. The text indicates that L&I issues violations “upon PHC’s request.” Are they only issued at PHC’s request? Can L&I issue a violation for a property where work has been done improperly without a request from PHC? How many such citations are given on average in a year? Have they increased or decreased in recent years? If so, is it possible to assess why? How often is PHC staff able to go in the field and observe/monitor approved projects to ensure compliance? Does L&I

make a point to ensure such compliance? If this data is not tracked, would that data be useful such that it should be a recommendation of this Task force?

6. Page 6, Benefits of Historic Preservation: In addition to the preservation climate in the city that led to the creation of the Task Force, the benefits of historic preservation should be presented early in this document as a fundamental premise that all information and analysis should be geared toward supporting. The tangible and intangible benefits of maintaining and celebrating our architectural and cultural heritage are the reasons that the preservation movement came to be, and why it remains relevant today. Consult the first section of the National Historic Preservation Act or section 14-1001 of the Philadelphia preservation ordinance for language about preservation as a public good, important to understanding our heritage, the values it reflects, and fostering civic identity and pride, among other imperatives. The summary of information about the economic impact of historic preservation in Philadelphia is important to this section. However, the other benefits of historic preservation are given what amounts to fleeting attention. Historic properties are anchors in our communities, whether they are important institutional buildings, churches, or other beloved places, or the prevailing characteristics that identify a community. Preservation and rehabilitation of historic places anchors people in the community, provides aesthetic and temporal continuity, and leverages assets for grassroots preservation or redevelopment. One example is the impact of the restoration of historic theaters on what has become the “Avenue of the Arts.” Historic buildings are also an asset to build upon, including opportunities for affordable housing and a variety of spaces for local businesses and organizations. Historic buildings define neighborhood and city character. It’s what sets this physical place apart from other cities – how one knows they are in Philadelphia and not Baltimore or DeMoines. That is important to the city’s identity, and part of what makes it attractive to new development. These important benefits of historic preservation should be covered in the discussion of this topic.

7. Page 7: Assess the degree to which the proposed re-mapping envisioned in Philadelphia2035 and related district plans reflects the preservation priorities identified in those plans.

8. Page 7, Preservation and Sustainability:

- a. Provide examples of “deep energy retrofits,” and examples of strategies for how such improvements could be made in ways that are compatible with the preservation of historic properties and prolong their longevity. Improvements in energy efficiency can help achieve both energy/climate AND preservation goals.
- b. While the PHC may not have regulations regarding energy efficiency, the PHC does use the Secretary of the Interior’s Standards for the Treatment of Historic Properties as its standard for project review. The National Park Service provides associated guidance documents regarding the incorporation of energy efficiency into historic properties. Note whether PHC references that guidance in its deliberations.

- c. Provide an assessment of how many projects PHC has reviewed that the purpose of which was to improve energy efficiency, how the issues were addressed, and whether preservation and sustainability goals were achieved.

9. Page 8, Preservation Advocacy: This assessment doesn't appear to have considered the broad range of engagement in preservation advocacy. Have organizations other than the Preservation Alliance identified the same or other preservation concerns? Provide an overview of the kinds of preservation advocacy the types of organizations mentioned undertake. Have organizations such as those mentioned been invited to provide their input to the Task Force? Would the recent substantial increase in nominations to the local register by a number of interested parties be considered advocacy? Or creation of Hidden City tours and other efforts to provide access and visibility to historic properties and preservation? Or activities of the Young Friends of the Preservation Alliance, or protests regarding the demolition of the Boyd Theater or pending Jewelers Row development? There is more to be said in this section of the report.

10. Page 9, "Unnecessary Hardship:" Describe any PHC Rules and Regulations or standards for defining unnecessary hardship, and how they are applied.

11. Page 9, "Affirmative Maintenance:" Assess how is this enforced, and how often is it invoked in PHC proceedings.

12. Page 9-10, Regulation subcommittee: Assess what is missing from the ordinance and enforcement.

13. Page 10, Survey Subcommittee:

- a. Information about prior Section 106 surveys is contained in a cultural resources database at the SHPO, and is publicly available on the internet (with the exception of archaeological data).
- b. Explain the difference between a "pending" district, a district that "has been notified," and districts that "await processing."

14. Page 13, Easements: Contributing properties in locally designated historic districts can also qualify for easements if certified by the NPS.

15. Page 13-14, City incentives: Include information about what agency/office administers each program, how long they have been in place, and how much/often the programs have been used. Include an assessment of whether the programs have been successful in furthering preservation goals. Describe how these programs are publicized. Regarding tax abatements, if possible, state how many of the "new construction" projects required a demolition prior to building the new construction project. Provide examples of non-government programs described in the last paragraph of this section.

16. Page 14-15, Outreach and Education:

- a. Regarding the CPI, quantify how many people take the “several” elective preservation courses, and trends in enrollment/completion of the preservation elective courses. Describe what those courses are. Does the level of interest suggest that preservation should be part of the core program?
- b. Describe what the ordinance says about the PHC mission regarding education and outreach, and what the PHC has been doing for outreach.
- c. Discuss what groups other than the Preservation Alliance have done in this area. Local historical societies, neighborhood organizations and other groups’ efforts should be reported on.

17. Page 15, Assessment of PHC capacity: Assess how trends in the economy and property transfers correlate to the number of permits the staff is reviewing. Designation has not increased significantly between 2000 and 2016. It may be interesting to assess many of the project reviews were conducted for previously designated buildings and properties in designated districts versus those that were recently designated in this time period. This would identify where the pressures are coming from that have led to the increase in workload at PHC, which is important to determining recommendations for changes at PHC that would be made in future reports.

It is critical to perform the level of analysis required to identify and understand the state of preservation and causes of issues, supported by data where feasible, before making recommendations in the future. I hope that the report preparers consider these comments and conduct the additional analysis necessary to carry out informed decision-making in preparation of the final report. I look forward to the next edition.