

**THE MAYOR'S TASK FORCE ON HISTORIC PRESERVATION  
DOMINIQUE HAWKINS, VICE CHAIR**

**MEETING MINUTES  
THURSDAY, 16 NOVEMBER 2017, 6:30 P.M.  
1515 ARCH STREET, 18<sup>TH</sup> FLOOR**

**PRESENT**

Dominique Hawkins, vice chair  
Leo Addimando  
Peter Angelides  
Oscar Beisert  
Duane Bumb  
Carl Dress  
Mike Fink  
Lorraine Gomez  
Patrick Grossi  
Julia Gutstadt  
Nan Gutterman  
David Hollenberg  
Lou Iatarola  
Bob Jaeger  
Roland Kassis  
Cory Kegerise  
Scott Maits  
Shawn McCaney  
Matt McClure  
Doug Mooney  
Justino Navarro  
Elhadji Ndiaye  
Aparna Palantino  
Laura Spina

**ALSO PRESENT**

Jon Farnham, Philadelphia Historical Commission  
Kim Chantry, Philadelphia Historical Commission  
Laura DiPasquale, Philadelphia Historical Commission  
Meredith Keller, Philadelphia Historical Commission

**CALL TO ORDER**

Dominique Hawkins called the meeting to order at 8:30 a.m.

## **INTRODUCTION**

Ms. Hawkins welcomed the Task Force members, and introduced new member Lorraine Gomez, a community representative from the Parkside neighborhood.

Ms. Hawkins explained that questions from audience members at the last public meeting were shared with the subcommittees, and that there is a great desire for more information from the subcommittees. She explained that the Task Force consultant has prepared a draft outline of a white paper on the state of preservation today. She noted that the subcommittees are currently on the path to move forward with more in-depth discussions.

## **REPORTS FROM SUBCOMMITTEES**

Ms. Hawkins requested reports from each subcommittee.

Nan Gutterman discussed the work of the Surveying Historic Resources subcommittee. She explained that the Survey subcommittee's October discussion included the possibility of tiered designations, practices and money spent in other cities. She noted that their first question was in regards to systems in place to share data. She explained that at their third meeting, they will discuss other four questions. She commented that the subcommittee is looking forward to hearing from the National Trust in regards to good practices in peer cities.

Duane Bumb and Peter Angelides described the discussions of the Incentivizing Preservation subcommittee. Mr. Bumb noted that the subcommittee met twice in October, and started by asking questions and gathering information on what current incentives exist and what the best practices in other cities are. The subcommittee has asked the National Trust to provide research on those topics. Mr. Angelides explained that the subcommittee has also had a discussion about whether all types of incentives should apply to all historic resources. He noted that they have looked into the types of incentives that there are for other activities, some of which overlap with others. He noted that they are investigating preexisting incentives that the City has to offer.

Matt McClure discussed the Regulating Preservation Outcomes subcommittee. He explained that they are in the fact-gathering phase, establishing a baseline for understanding gaps or overlaps in regulations. He noted that they had presentations by Doug Mooney and Jon Farnham at their most recent meeting. He explained that members asked difficult questions in regards to establishing the right line between protecting archaeology and in having predictability for development projects. He noted that the issue of archaeology comes up all the time in real estate development projects. Mr. McClure noted that Mr. Farnham discussed the staff process for timing and notice for nominations, and questioned whether there are any gaps in terms of timing, and whether those will be addressed with more staff. He explained that the subcommittee asked Mr. Farnham to identify some improvements that he would like to see to the ordinance, and any changes that might facilitate the work of the staff. He noted that the subcommittee will continue that discussion with Mr. Farnham because he has a long history with the Commission and lots of experience. He explained that the subcommittee is looking for easy fixes to clean up the ordinance, but also to address larger issues.

Laura Spina presented the discussions of the Outreach and Education subcommittee. She noted that she has worked with the Planning and Historical Commission staffs to get all of the meeting summaries on the website. She discussed the positive feedback from members of the public about the format of the October public meeting, which allowed for one-on-one interaction between the public and the Task Force members. She explained that the Historical Commission

staff has been putting more information on the website under the new Resources tab, and is beefing up the Meetings page. She noted that the subcommittee has discussed additional content to add to the website, including the possibility of videos and other information that might not only be related to the Task Force.

Ms. Spina announced that the January meeting location was just confirmed, and that it will be held at the Enterprise Center in West Philadelphia at 6:30pm on 18 January 2018. With no objections, it will follow the same format as the previous neighborhood meeting.

Ms. Spina noted that the subcommittee has not received any research from the National Trust yet, but has started to look at the different audiences for P/preservation, including property owners, elected officials, youth, developers, etc... and is looking at the best way to reach and educate them.

### **DISCUSSION OF DRAFT WHITE PAPER ON CURRENT STATE OF HISTORIC PRESERVATION**

Ms. Hawkins asked the Task Force members to discuss the draft outline of the white paper prepared by consultant Karen Black. She explained that it is a summary of where things stand currently and will be a basis for moving forward, but emphasized that it is not a recommendation document.

Mr. Kegerise opined that, although he understands it is difficult to keep a paper like this succinct, to the extent possible, the report should cast the City's preservation program in its broader context, including mention of its status as a CLG and the programmatic relationship with housing departments.

Mr. McClure suggested working through the document section by section.

### **Section B. Strong Historic Preservation is Critical for Philadelphia...**

**B.1.** Mr. Hollenberg expressed his desire to address upfront that preservation is about managing change, and that that is widely accepted by preservation professionals.

Ms. Spina opined that it is good to talk about the Task Force and the work of the vision statement, but that the preservation ordinance already defines what is historic. She suggested that that should also be included and built upon, that the Task Force is not starting from scratch. Mr. Hollenberg disagreed, noting that the Task Force is not an ordinance task force, but a broader preservation task force. He suggested that the Task Force should derive some definitions from the ordinance, but not stop there.

**B.2.** Mr. McClure opined that 2.b. is overly negative, and commented that a good real estate economy has also led to a lot of adaptive reuse in addition to demolition.

Mr. Beisert commented that strong historic preservation is critical because it welcomes new investment, but that it is also important to note that it is part of a neighborhood quality of life. Mr. Jaeger noted that he read section B.2.b. to be mostly about history and facades and character, but that the unique spaces inside historic buildings was not addressed. He noted that some buildings have unique spaces and there is utility to the buildings themselves. Some historic buildings offer spaces that new buildings cannot. What is inside matters, not just what is visible from the street.

**Section B. omissions** Ms. Gutstadt commented one omission from the document is that one challenge is that Philadelphia has a large stock of aging buildings, and if they are not properly maintained, they will have to be torn down.

### **Section C. Current State of Regulation for Preservation Outcomes**

**C.1.a.** Mr. Hollenberg stated that the word DISTRICTS is notably absent from C.1.a. He argued that the ability of the Historical Commission to designate districts was a critical component of the 1984 ordinance change. He stated that it has to be included in the first sentence.

**C.1.b.** Mr. McClure commented that, from a legal standpoint, it is important to have the word “reasonably” used and adapted.

**C.1.e.** Mr. McClure argued that the courts have constricted the Historical Commission to using the Secretary of the Interior’s Standards only.

**C.1. omissions** Mr. Hollenberg noted that one particular strength of the ordinance that is not included in the strengths section is the ability of the Historical Commission to designate without owner consent.

**C.2. omissions** Mr. McClure noted that the National Trust made several recommendations of study. He argued that the full list should be included; it should not be cherry-picked.

**C.3.b.** Mr. Mooney commented that the qualifier that archaeological resources MAY be at risk under current ordinance is inaccurate, and that it should say ARE. He argued that, whereas the current system allows for archaeological resources to be nominated, it does not allow for that to be carried out in any meaningful way. He bemoaned the lack of an archaeologist on the Historical Commission and the lack of training on how to address archaeological resources. He stated that, although sites are permitted to be nominated, there is no standardized regulatory process under which investigations can be conducted if they are required by the Commission. He opined that the current ordinance is all about buildings, and that archaeological resources do not fit well in that system and need to be treated in a significantly different manner than other resources. Ms. Hawkins asked whether it was fair to say that the ordinance provides the protection, but policies and procedures do not. Mr. Mooney responded that the ordinance can be strengthened through relatively small changes, but that the rules and regulations for how archaeological resources are dealt with needs to be plainly laid out and standardized. He argued that there should be a known process that makes it clear to everyone what the obligations are, when they occur, and at what point have developers/owners have met their obligation.

### **Section D. Current State of Surveys and Designations of Historic Districts and Properties**

Mr. McCaney asked Mr. Farnham which historic district is currently under consideration and which are pending. Mr. Farnham responded that Overbrook Farms has tabled since 2011, and that proposals have been made for Washington Square West, French Village, Jewelers Row, district for cast iron subway station entrances, Wayne Junction, and a section of Girard Avenue.

**D.1.a.** Mr. Kegerise noted a technical correction on page 2, D.1.a. that “income-producing” should be “individually-designated.”

**D.1.b.** Mr. Hollenberg noted that the National Trust has said that Philadelphia only has 2.2% of buildings locally designated in comparison to peer cities' 4.3% average. He opined that the solution is not that there should be magical comprehensive survey—which he noted, would never end—but some kinds of delays or waiting periods, or even lessons from the Section 106 process that could inform the process.

**D.1.c.** Mr. Beisert commented that a comprehensive survey is important, but that he takes issue with too much emphasis being placed on “we cannot protect what we don't know about.” He noted that Philadelphia only has two National Historic Landmark historic districts, Elfreth's Alley and Germantown Avenue, and only one of them is protected. He explained that a huge number of National Register districts are not locally designated and protected. He suggested that using the inventories of those districts as a survey, but obviously updating them, is important. Ms. Hawkins responded that she reads the statement differently, and asked if Mr. Beisert was interested in evaluating all of the National Register districts for local designations. Mr. Beisert responded that the City needs to act on the surveys of what has already been done. Ms. Hawkins replied that, by Mr. Beisert's own admission, those districts would need to be resurveyed. Mr. Beisert responded affirmatively, but opined that it would be easy to figure out which buildings have been demolished. Mr. Jaeger noted that older historic religious properties have been surveyed and are available as data points. Mr. Hollenberg cautioned against attempting to list everything on the National Register on the Philadelphia Register. He noted that National Register listing does not have the regulatory teeth of the Philadelphia Register, and is done with owner approval. There is a big difference between the processes and consequences of being listed on the National versus Philadelphia Registers. Mr. Kassis asked for clarification about Mr. Hollenberg's earlier comment about owner consent in designation. Mr. Hollenberg explained that the National Register does not have the regulatory teeth that the Philadelphia Register does, and that there are procedural and fairness issues in simply designating everything that is on the National Register on the Philadelphia Register. He opined that it is a place to start, but that the suppositions made for one list are not automatically transferable to another.

Mr. McClure objected to the confrontational tone of D.1.c. and challenged the Task Force to avoid the tone and assumptions presented in that section. He suggested that more should be discussed about predictability. Mr. Grossi responded that he is not sure that the document is taking the negative tone that Mr. McClure asserted, and that it is a matter of where we are. He opined that this is the outcome that is being forced or that preservationists are following. Mr. McClure challenged the preservation community to think of things other than blunt tools. He opined that it sets up a conflict that does not need to be there. Mr. Kassis opined that if one were to ask a property owner if they want their building designated, they will say no. No one wants those restrictions.

Ms. Hawkins asked the Task Force members whether they would prefer that the language be left as it is, or made less confrontational. Mr. Angelides agreed with Mr. McClure that there is a dynamic of confrontation in the language that should be updated. Mr. Kegerise opined that one of the purposes of this is to acknowledge that this document addresses the current state of things, not the desired outcome, and that he does not think it is a problem to call a spade a spade. Mr. McClure argued that it would be equally accurate but confrontational to say that preservationists are going out and nominating buildings without a survey and forcing developers to pull demolition permits. Mr. Mooney opined that the language addresses the current situation.

**D.2.** Mr. Kegerise commented that, as acknowledged in D.2., what are characterized as “smaller surveys” is actually a lot of information about historic properties in a lot of different places. The missing component, he argued, is the process of gathering, organizing, and routinely accessing and updating that information—asking the question, is that building still there and what does it look like today? He explained that the smaller surveys can act as a starting point; there is a lot of information out there, it is just not well coordinated and understood. Mr. Hollenberg commented that there is also a list of eligible properties identified through the Section 106 process.

**D.3.** Mr. McClure opined that the biggest issue with historic districts is the inventory process. He commented that there are buildings categorized as contributing that have garage fronts and were built in 1997. He argued that each building should be judged against the statement of significance.

**D.3.b.** Mr. Dress noted that D.3.b discusses the process of adding a new historic district, but opined that the report needs to acknowledge that there are a number of districts that have been proposed and are tabled. He opined that it is not a staff issue, and questions what the pinch point is.

**D.3.c.** Mr. McCaney asked whether it is common or best practice for the Historical Commission not to have oversight of new construction on vacant lots in historic districts. Mr. Kegerise, Mr. Hollenberg, and Ms. Hawkins responded that it is not best practice, and that other cities have jurisdiction over new construction in historic districts; that Philadelphia is an outlier.

**Section D omissions** Mr. McClure commented that, in terms of survey, there needs to be a way to distinguish between old and historic, and that the Task Force needs to be conscious of those decisions.

Mr. Addminando lamented the fact that the entire document has only one reference to property rights. He argued that the whole reason the Task Force was formed is because of the inherent conflict between property rights and the public good of historic preservation. He acknowledged that it is not just a Philadelphia conflict, but that it is exacerbated by the economics of the city. He noted that property rights are not addressed anywhere in the document except where it says that property rights are an inherent challenge to preservation. He commented that it does not bother him to acknowledge conflicts, but that the document needs to acknowledge the balance of property rights and preservation.

### **Section E. Current State of Incentives for Historic Preservation**

Mr. Angelides commented that the section required few edits because there are no existing incentives. Mr. Grossi agreed, noting that, not only are there no incentives for historic preservation, most development incentives are geared to large development projects and new construction.

Mr. Hollenberg remarked that the incentives described in the report are only quantitative, and overlook good stewards of preservation. He opined that pride in property is an incentive, and that it should be acknowledged somewhere in the document that some individuals take great care of their historic buildings, even without financial incentives.

Mr. Kegerise clarified that incentives are not only financial. There are also development/zoning, and other non-financial incentives that are also missing from the City's toolkit.

**E.3.b.** Mr. Jaeger questioned whether the state historic preservation tax credit is useful, or whether it has been used up. Mr. Kegerise responded that the state tax credit is \$3,000,000 annually to be distributed geographically among six different regions, and no one region receives more than \$500,000 per year. He noted that Philadelphia is obviously the biggest candidate in its region. He noted that it is not as easy to explain as the federal credit, but that he can confer with the consultant regarding the best wording.

**E.3.c.** Mr. McClure objected to the singling out of the Preservation Alliance as the only organization recognized for holding easements. He suggested that the language be revised to eliminate to say the Preservation Alliance and other organizations.

**E.3.e.** Mr. Kassis clarified that the storefront improvement program reimburses improvements up to \$12,000 rather than \$10,000.

## **Section F. Current State of Outreach and Education Re: Historic Preservation**

**F.1.** Ms. Spina commented that the issue of outreach and education gets into a fuzziness between preservation with a lower-case p and Preservation with a capital P. She argued that if the report is talking more about neighborhood preservation and conservation, the first statement is not correct. She noted that there are many minority communities interested in preserving their communities, but just not through the Historical Commission, which sees Preservation with a capital P.

Mr. McClure commented that he is not sure if it was in the executive order for outreach, that it is also important to talk about outreach to the development community. Ms. Spina responded that that issue is being addressed at the subcommittee level.

Mr. Dress opined that this section is too pleasant. He opined that the public meeting highlighted the level of distrust, angst, lack of understanding by the public surrounding preservation issues in the city. He suggested that that be express more clearly in this section.

## **G. Current State of Historical Commission Capacity**

**G.1.** Mr. Kegerise clarified that the CLG is relationship with the City, not just the Historical Commission. That should be reflected in the document.

**G.2.** Ms. Spina clarified that the Historical Commission staff does not have 60 days to review applications, it only has five. The 60 day rule only comes into effect when an application must be reviewed by the full Historical Commission, but the bulk of the permit application reviews are done by the staff, and the five day rule puts incredible pressure on the staff.

Mr. Beisert suggested that the notice letters sent to property owners of nominated properties should include the statistic that 94% of building permit applications are approved at the staff level.

Mr. Kassis opined that the staff of the Historical Commission is extremely knowledgeable and should be able to make more decisions.

**G.5.** Mr. Grossi asked for clarification of the Historical Commission's FY2018 budget, noting that the report identifies it as \$580,000, but that he understood it to be \$530,000. Mr. Farnham clarified that \$530,000 is closer to the correct number, but that the Historical Commission's incorporation into the larger Department of Planning and Development has made the budget a little less defined. He noted that he could provide a more accurate number to the consultant.

### **General Comments**

Ms. Hawkins asked if the Task Force members had any additional questions or comments. Mr. McClure questioned why there is nothing in the document regarding City-owned properties. He noted that there are incredible resources owned by the City, and that these are public assets that all residents of Philadelphia own. Mr. Kegerise agreed, opining that the document needs to acknowledge up front that there are multiple City agencies that play a role in the preservation of resources in the city. He argued that it is not just a paper about the Historical Commission, it is about all of the other agencies as well.

Mr. McClure commented that, overall, it would be nice to receive documents such as this in a more timely manner in order to be able to provide comments.

### **DISCUSSION OF TIERS**

Ms. Hawkins asked the Task Force members to discuss the potential for different levels or tiers of preservation. Task Force members generally agreed that they are in favor of having more categories of designated properties or ways in which properties are regulated.

Mr. Angelides commented that the idea of tiers gives more flexibility; right now it is all or nothing. He noted that some buildings, sites, or districts are worthy of the most stringent reviews, but others are not. He suggested that there should be different procedures for different areas or buildings in terms of what can be altered and torn down. He opined that some buildings currently are probably overprotected while others are underprotected.

Mr. Beisert noted that National Register districts have Significant, Contributing, and Non-contributing classifications, but that there need to be more categories. He opined that there could also be tiered designations for individual buildings, especially buildings like churches.

Mr. Grossi agreed it is an idea worth exploring. He noted that Nashville distinguishes between historic and conservation districts. Conservation districts there have more flexibility with elements like windows and roofing, but cannot be demolished.

Mr. Kegerise agreed that it is an idea that should be explored, but also recommended a diversification of tools. He noted that different types of mechanisms can achieve the tiering effect for other parts of the City's process. He suggested that the City Planning process is one avenue to pursue, and that the District Plans should be a principle guide to how choose and apply the right preservation tools. He noted that other issues are related to zoning. For instance, four-story buildings should not be allowed on two-story blocks.

Mr. McClure supported the concept of tiering, but warned that there are tiers in districts now, but they have no legal significance. He suggested that the various tiers must be tied to different

standards in the ordinance. He also suggested that it is important to revisit the pre-1984 designations, as many properties have been altered.

Ms. Spina commented that a lot of thought must be put into the nomenclature the Task Force uses. She noted that many different terms are thrown around, but can mean different things to different people. She noted that conservation districts in Philadelphia are not the same as they are in Nashville—they are simply design overlays, and cannot prevent demolition. Even though existing historic districts should be revisited with whatever new definitions are created, she noted, much thought was put into inventories such as that of Society Hill.

Mr. Kegerise noted that if one were to look at the sampling of National Register historic districts from their inception to today, there is a wide range of experimentation with grading systems. He explained that it is easy to pick the As and the Es, but hard to tier within that. He suggested the need to define and make that system meaningful and as least arbitrary as possible. Ms. Hawkins noted that the tiered system poses a regulatory challenge.

Mr. Kassis opined that many property owners may have houses that they want to preserve, but cannot afford to. Having an extra layer of regulation and having to go through the full Historical Commission process is not what people want to do.

Mr. Hollenberg commented that it is a robust topic, and that the Task Force needs to frame it better. He noted that some members are talking about tiered designation, while others are talking about tiered regulation. He noted that these connect, but the language needs to be teased apart. He suggested that the Task Force compile a comprehensive list of management tools, including zoning remapping, conservation districts, maintenance codes, to determine the different sets of approaches in the city and avoid contradicting things that are working in other parts of the city. He noted that, while he wants to know what is happening elsewhere, it is also important to know what is already happening in Philadelphia.

Mr. Navarro opined that a tiered system of designation would help democratize the process and get greater buy-in. He noted that it is critical for property owners to know what the expectations are.

Mr. Grossi opined that visuals would be helpful, and suggested leaning on the perspective of true Architectural Historians.

Mr. Beisert noted that he is in the process of working on a categorical district designation in Fishtown, and that residents there have told him that they would be in favor of the district if it only applied to the front façade of the building. He noted that he also submitted a nomination for Esslingers in Callowhill that called out specific portions of the building to be more strictly regulated than others. He expressed his hope that the Historical Commission can interpret that and further define it when they review the nomination.

Ms. Hawkins noted that the National Trust has promised to get research for tiers in other cities in December.

Mr. Beisert suggested that the Survey and Regulation subcommittees work together. Ms. Hawkins responded that there is a conference call between the co-chairs every month during which they provide each other with updates.

## **PUBLIC COMMENT**

Ms. Hawkins opened the floor to public comment. She read an anonymous comment from the public regarding the White Paper draft. The card suggested alternative phrasing for Section D.2.c. to note that preservationists are forced to be reactive as opposed to systematic.

James Duffin suggested that, in regards to tiered regulations, there be an effort to sit down with the development community to talk about what they have found to be most onerous about designation.

David Traub of Save Our Sites agreed with the idea of a tiered system, noting that the historic district in which he lives, Rittenhouse Fittler, as well as Society Hill, consist primarily of contributing buildings. He opined that it is the aggregate of contributing buildings that creates the district, and that great importance should be placed on contributing buildings. He cautioned against potential demolitions.

## **FINAL COMMENTS**

Ms. Spina reiterated that the Outreach and Education subcommittee is there to help the other committees. She noted that if there is anything that the subcommittees want at the neighborhood meetings or any surveys they would like to have online, to please let her or Ms. Mayson know.

Mr. Kegerise provided an update on the federal historic preservation tax credit situation, which is ever-evolving. He noted that the House released its tax overhaul proposal eliminating tax credit entirely. The Senate's proposal reduces the credit to 10% and eliminates pre-1936 10% tax credit. He noted that there have been several amendments to retain the tax credits in various forms. An amendment by Senator Cardin of Maryland would make the program more viable and attractive to small projects under \$3 million. As it stands, most projects now are over \$10 million. Another set of amendments, led by Senator Cassidy, would restore the tax credit to where it is currently. He noted that those are in committee now and would need to be voted out of committee before going to the floor. Senator Toomey is on the Senate finance committee.

Ms. Hawkins asked whether Task Force members had seen the New York Times article on historic preservation in Philadelphia. Task Force members noted that Ms. Black had emailed the article to them.

Ms. Hawkins noted that the National Trust will be providing foundational research to the subcommittees for their December meetings.

The 18 January 2018 meeting will be held at the Enterprise Center at 4548 Market Street in West Philadelphia from 6:30-8:00pm.

In February, the subcommittees will meet to define best practices to consider for Philadelphia.