

THE MAYOR'S TASK FORCE ON HISTORIC PRESERVATION
Dominique Hawkins, Vice Chair

Meeting Minutes
Thursday, 17 May 2018, 6:30 p.m.
Northeast High School, 1601 Cottman Avenue

Present

Dominique Hawkins, Vice Chair
Peter Angelides
Oscar Beisert
Cathy Califano
Mike Fink
Nan Gutterman
Julia Gutstadt
David Hollenberg
Lou Iatarola
Cory Kegerise
Trapeta Mayson
Doug Mooney
Laura Spina
Seri Worden, National Trust for Historic Preservation

Also Present

Elizabeth Okeke-VonBatten, Task Force Facilitator
Rob Nieweg, National Trust for Historic Preservation
Martha Cross, Department of Planning and Development
Donna Carney, Department of Planning and Development
Jon Farnham, Philadelphia Historical Commission
Randal Baron, Philadelphia Historical Commission
Laura DiPasquale, Philadelphia Historical Commission
Meredith Keller, Philadelphia Historical Commission
Allyson Mehley, Philadelphia Historical Commission

Call to Order

Dominique Hawkins called the meeting to order at 6:30 p.m.

Introduction

Ms. Hawkins discussed the agenda and introduced Seri Worden of the National Trust for Historic Preservation, who offered some introductory remarks on “tiering” / “tailoring.”

Presentation

Seri Worden provided some remarks on the National Trust's report on tiering and tailoring preservation regulation. She defined the terminology and offered examples of how to implement tiering and tailoring within a government preservation agency. She noted that the system would offer a flexible approach to avoid determination and could be applied to the regulation process in Philadelphia.

Discussion of "Tiering" / "Tailoring"

Ms. Hawkins clarified that the information on tiering and tailoring practices is specific to different jurisdictions and their regulatory processes. She commented that the task force would need to determine what could work in the City of Philadelphia. She noted that several task force members worked to define "tailoring" and to determine a process for differentiation. She then asked the task force members for input and whether the definition of tailoring captures their understanding of the concept. Ms. Hawkins further explained that differentiation is between districts and properties. A district, she continued, could contain a significant building, such as a church or school, whereas the surrounding rowhouses may be classified as contributing. She noted that property owners within residential districts, such as Rittenhouse Square, may have the desire for buildings to maintain a certain appearance. In different location, she added, another focus may be necessary, such as preventing the demolition of rowhouses, a practice that would be distinctly different from regulating window material.

David Hollenberg stated that the purpose of tiering is to offer flexibility in regulating change and noted that predictability is desirable for property owners. More tiers and nuance, he added, will result in more flexibility.

Peter Angelides remarked that the purpose of the definition is to manage change and that change is desired when it is for the good of the city rather than when it is detrimental. He added that the definition recognizes that some things can change more than others. In some instances, he continued, change can occur and historic resources can still be retained.

Laura Spina voiced concern about interpreting and parsing out the language of the definition. When framed in terms of education and outreach, she added, the Task Force needs to determine how to explain the process in more accessible language for the average person.

Cory Kegerise cautioned that there are circumstances under which a tier is most appropriate relative to the associated benefits for a particular building; however, he continued, those benefits should be clearly differentiated so that the default is not always the lowest tier. Certain situations, he added, require the highest level of protection. He acknowledged that the attempt is to garner the buy-in of regulation, so the Task Force needs to insure that there is an appropriate and easily identifiable benefit to the system.

Mr. Angelides claimed that the same level of regulation currently applies to all designations. He contended that the Task Force is exploring differentiating levels of historic resources and,

consequently, differentiating the types of regulations and incentives that would be associated with those resources.

Oscar Beisert asserted that one of the most important assignments of the Task Force is its work on considering a tiering process for historic resources, especially in Philadelphia where there is a vast number of historic buildings and historic neighborhoods. He commented that as someone highly involved in community work, there are many people interested in having their neighborhoods protected but who balk at the idea of being subjected to full designation. A tiered system, he continued, takes into account neighborhoods and stakeholders. He offered an example where a bank and firehouse could be designated as Category A structures, but surrounding rowhouses could be Category B with somewhat more lax regulations. He explained that Category B would be regulated with more lax oversight and that the overall system would allow more freedom to protect different categories of resources. The system, he added, would also allow protection of industrial sites from demolition to enable those buildings to be reused without overburdening the property owner with restrictions.

Ms. Hawkins asked that the public email and text questions for Task Force members to answer at the end of the meeting. From the audience, Joseph Menkevich questioned why the public cannot simply ask questions to the members without having to text or email. Ms. Hawkins explained that questions can also be written on note cards that were available in the lobby.

Trapeta Mayson stated that part of the definition and discussion on tiering involves coordination. She advocated for flexibility and the identification of different methods to access and approach designation.

Ms. Hawkins agreed, adding that as a Task Force, this discussion is a way to identify problems as the group moves forward. She also noted that the effort requires a huge amount of coordination on the part of the Task Force and that members will need to work together to decide whether to pursue the issue of tiering. If parts are troubling, she continued, perhaps the definition will need to be adjusted so that the group can accomplish its goal.

Mr. Hollenberg noted that every city with a tiered system does so based on architectural significance. Members of the public, he added, have requested that cultural significance also be considered in the approach. He concluded that differentiation becomes difficult when moving in that direction.

Ms. Worden commented that the preservation agencies in San Francisco and Los Angeles incorporate cultural significance, though the efficacy of the process has not been determined. She questioned how to regulate architecture when a property's significance relates to culture and further asked whether the path would be to develop a stronger ordinance to protect cultural sites in Philadelphia.

Ms. Hawkins asked whether either city relies solely on the Secretary of the Interior's Standards or if there is other review criteria. Ms. Worden responded that she believed no separate set of

standards for cultural designations exists, but she would need to confirm that statement.

Ms. Spina asserted that she would not want lower income neighborhoods to get a lesser level of protection, because most property owners are lower income. She advocated for the same level of protection as neighborhoods with higher income. She asked what incentives are available to them, adding that they should have incentives as an option.

Mr. Kegerise cautioned that the Task Force would need to be very thoughtful about when to differentiate properties within districts and the criteria by which those differentiations are developed or applied. There was a time, he continued, when the National Park Service used various rating systems, such as A, B, C, D and 1, 2, 3, 4, and applied that system to properties. A's, he noted, were easy to determine, but B's, C's, and D's were not as clear. He contended that more levels create more complexity, which can result in abuse, misuse, controversy, and potential irrelevance. He reiterated the need to be thoughtful in the approach to tiering and how many levels to allow.

Mr. Angelides agreed with the danger of a complex system with too many options, though he reminded the members that the goal of tiering is to provide options and allow for differentiation and flexibility in creating a toolbox. The right balance is needed, he added, noting that it is a big challenge to determine how many tiers and how large each category is.

Ms. Hawkins stated that her experience is that other cities have internal designations within a district. If a property owner wishes to make a change, she continued, the commission makes a judgment that may apply to that specific building and not to another.

Mr. Beisert responded to Mr. Kegerise's concern over too many tiers and too much complexity, suggesting that the tiered system provides a means to allow more options than are currently available. He contended that neighborhoods comprised of rowhouses and twin buildings lend themselves to a tiered system, since the significance lies in the groupings of buildings rather than individual properties. He opined on a system that incorporates demolition review or is more lax on window regulation. The system, he added, would provide options for review and is crucial to a city such as Philadelphia where fabric is old and property owners need some level of control over change in their neighborhood.

Mr. Hollenberg noted that a building within a block has a higher degree of significance to that block than to the city. He added that significance needs to be determined on a property-by-property basis and that the Task Force needs to exert nuance when evaluating an ensemble.

Cathy Califano asked whether there is a consensus among Task Force members that there is a need to create tiers. She added that the nuance is figuring out what tiers and how to implement them. The Task Force members agreed. Ms. Califano asked what the most important driver is in determining the system and stated that, from the information provided by the National Trust, three tiers seems like a reasonable number. She then asked that districts be considered, as well as the categories within them.

Ms. Hawkins asserted that there is an existing system in Philadelphia that works for certain neighborhoods in the city. She suggested that in certain districts, it may be possible to provide some mechanism in which only demolition is reviewed. She added that some property owners may want demolition and new construction reviewed. She further suggested that one level of review could include front facades but exclude rear additions. She advised against limiting review to three tiers, stating that if the Task Force were to develop a system, it could provide a structure and allow the neighborhood a voice in how it wants to be regulated.

Ms. Califano expressed concern over the complexity of engaging the public and stated that the designation process needs to be transparent and predictable for property owners and developers. She added that some consensus needs to be reached on a citywide level.

Julia Gutstadt stated that if the Task Force recommends tiering, it would need to offer the right incentives at the right tier. She provided an example where an incentive for designation could move a property up a tier to a higher level of regulation.

Ms. Hawkins reminded the public to text and email questions and comments and stated that those questions will be addressed following a presentation by PennPraxis.

Presentation

Julie Donofrio of PennPraxis presented work that she and colleague Molly Lester have recently completed. Ms. Donofrio explained that PennPraxis has held 19 community-driven gatherings to discuss broad questions about historic preservation. Attendees, she continued, were from across the city and were asked a series of questions related to values, the meaning of preservation, what places in the neighborhood matter, and how preservation currently functions in the neighborhood. She stated that the goal is to foster a greater understanding of community desires and to increase inclusivity in historic preservation decision making. The program, she added, works with a network of 20 liaisons through the Citizens Planning Institute. Ms. Donofrio explained that her team will workshop themes discussed at the meetings in order to develop a framework for establishing a toolkit to improve preservation. She then provided data collected during the community meetings that represented individuals' opinions on how best to preserve properties within their neighborhoods. She explained that PennPraxis is working concurrently on similar themes as the Task Force and noted that the organization will ultimately devise a communication strategy that will extend beyond the life of the Task Force.

Question and Answer Session

Ms. Hawkins introduced the question and answer session and directed specific questions to Task Force members.

Question: What does "do no harm" mean?

Mr. Hollenberg responded that there are several meanings. In terms of regulation, he continued, do no harm is recognition that a very strong ordinance is in place and that the Task Force should not jeopardize the ordinance. There is so much nuance in the ordinance, he continued,

that the Task Force does not want to erode the power that already exists. The second definition, he explained, is physical and pertains to the application of a new standard that could have a new consequence. He cautioned that the Task Force needs to be aware of unintended consequences.

Question: Does the preservation ordinance need to be supplemented or amended?

Mr. Hollenberg answered that it is premature to determine the regulatory arena from which the Task Force emerges. He suggested that the Task Force be protective of the ordinance and supplement it in a particular way rather than write a new one. At the moment, he added, the Task Force has not determined how to supplement the ordinance or in what way.

Ms. Hawkins described the Task Force's timeline and deliverables to clarify where it stands in the process. She explained that a work product in the form of a paper is anticipated in the summer to describe the Task Force's thoughts on best practices. In the winter, she continued, the Task Force will issue recommendations with more specificity.

Question: Does the city intend to focus on the preservation of Fairmount Park, Pennypack Park, and others, as the city is the public's trustee?

Jonathan Farnham responded that the Historical Commission is already involved in preservation activity of city parks and noted that many houses in Fairmount Park are already protected, as are several Wissahickon buildings and bridges. The Historical Commission, he continued, is active in activities involving the preservation of city resources, though that activity is not as strong in the Northeast. He acknowledged that there is room to expand preservation activities within the park system, but noted that the Historical Commission is charged with protecting resources through the building permit review process, which focuses on the human built environment. Mr. Farnham stated that the Historical Commission partners with other city agencies, including Philadelphia Parks and Recreation, and agency with a preservationist on staff to protect historic resources in the park system. That agency, he added, can also protect open spaces in the parks. The Historical Commission, he continued, focuses on structures, sites, and buildings, though there are more opportunities to collaborate with colleagues to protect parks.

Question: What viable ways can the public acquire the funding needed to renovate and reuse buildings?

Mr. Angelides answered that he has great sympathy for the issue and noted that it is a common problem. On one level, he continued, the Task Force is trying to address the issue, but on another level it is beyond the scope. He commented that it is a fiscally constrained environment and the city cannot control finances beyond city funding. He added that not every incentive involves cash, suggesting that other types of incentives and benefits would be investigated as part of the Task Force's work related to the process of adaptively reusing historic resources.

Question: Will the mayor listen to the Task Force's recommendation?

Ms. Califano replied that regular updates are submitted to Mayor Kenney to track the Task Force's progress. She added that the mayor has invited city agencies to sit on the Task Force to

insure that he is receiving recommendations. The composition of the Task Force, she commented, was determined by the mayor.

Question: Will the TF make recommendations on best practices to improve the Historical Commission's Rules and Regulations?

Ms. Hawkins responded that the regulatory subcommittee is evaluating the Historical Commission's Rules and Regulations. The current Rules and Regulations, she continued, work well, but ways to improve them are being considered through an active discussion.

Question: Explain difference between historical versus cultural.

Ms. Gutterman stated that the Task Force is discussing tiering and differentiating as a way of regulating properties of differing significance. She offered an example of Independence Hall, important for both its age and the events that occurred there. She contrasted it with a property in Camden, New Jersey, that is significant for its association with Martin Luther King, Jr., though the rowhouse remains an undesignated cultural resource. She noted that the types of significance need to be differentiated when considering buildings such as City Hall or a West Philadelphia rowhouse.

Question: Once a property is designated, can the tiers be reconsidered?

Ms. Hawkins answered that the Task Force has not worked out the mechanics of a tiered system. Once a zone is defined, she continued, if there is political or public will, the zone could change. She offered the example of a designated district, commented that in a district with minimal control residents could decide they want more control. In this case, she continued, it would be possible for regulatory review and protection to increase. She emphasized that the potential to change is important.

Question: Why is the nomination process so complex and cumbersome? The process is off-putting.

Mr. Farnham responded that the Task Force is evaluating the designation process. He stated that it can be difficult to document a building and present it to the Historical Commission for review, adding that the Task Force is considering ways to streamline the process. Mr. Farnham explained that through survey work, the Historical Commission hopes to improve the framework in which nominations can be more easily created and assessed, an action that should simplify the designation process. He added that when an individual has difficulties developing a nomination, he or she should consult the Historical Commission staff, which works to assist people in the city to identify and resolve issues related to nominations. He noted that staff can also assist with research.

Question: Do you envision a place where there is little or no incentive to designate a property, but where designation is the right thing to do?

Mr. Hollenberg explained the difference between the National Register and the Philadelphia Register of Historic Places, noting that properties listed on the National Register may have access to financial incentives, which are not available to properties listed on the local register. Many properties on the local register, he continued, are there because a nominator determined

that designating was the right thing to do.

Mr. Beisert clarified that the Philadelphia Register of Historic Places allows for properties to be designated under a number of criteria, including buildings that stand as familiar visual features or those that hold cultural or economic significance. He emphasized that it is currently possible to nominate a property based on its cultural significance.

Question: What influence does the Task Force have on new development relative to its proximity to historic resources?

Ms. Hawkins answered that it depends on the relationship that new construction would have to the district, adding that, with regulatory control, each property owner shares in responsibility.

Adjournment

Ms. Hawkins adjourned the meeting at 7:54 p.m. Mr. Menkevich addressed the Task Force with several questions, stating that he would like for the public to have a conversation with the Task Force members.