

# Historic Preservation Regulation in Philadelphia

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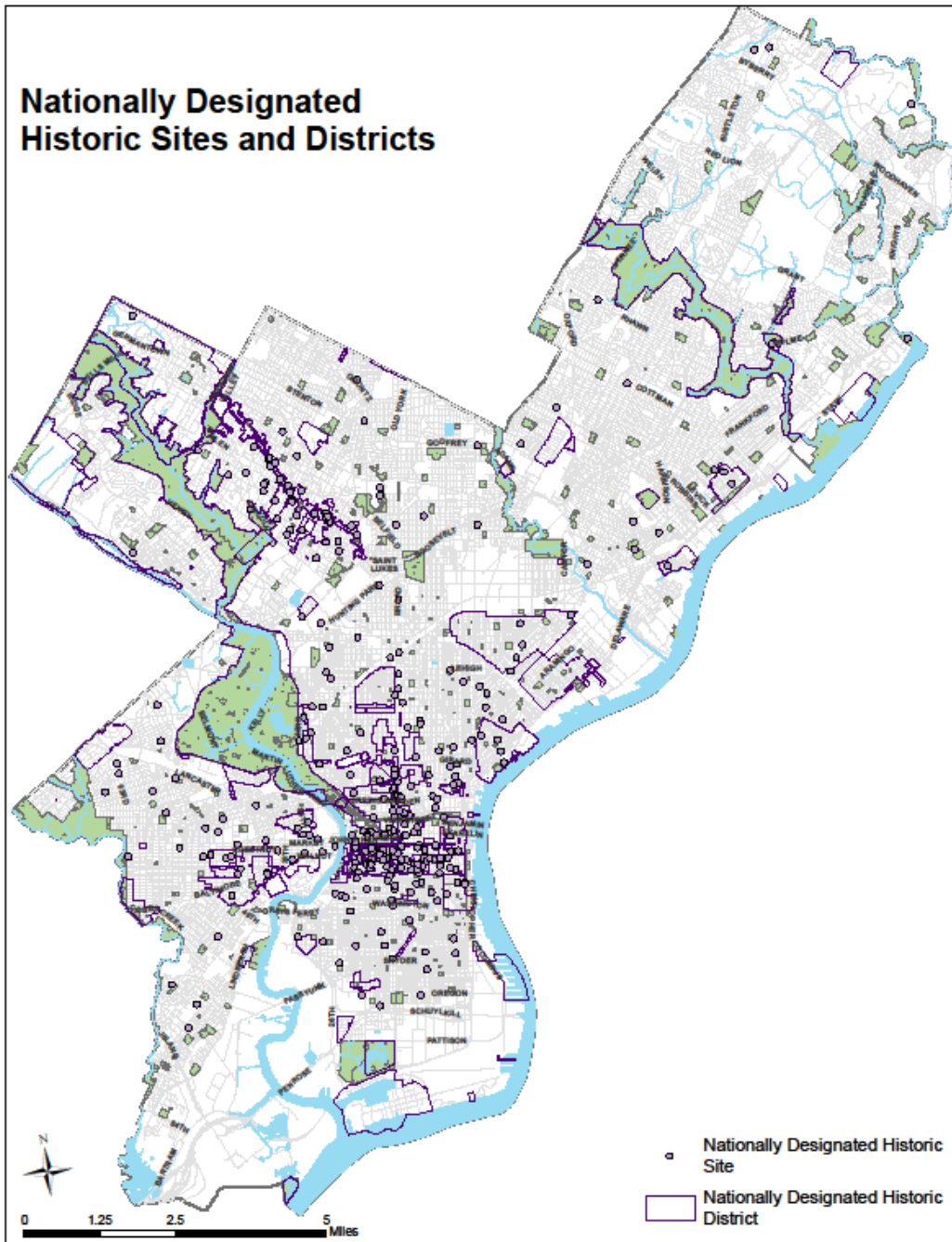
# Preservation Regulation

- Federal, state, and local agencies as well as private organizations are regulating for preservation outcomes in Philadelphia
- Federal and state regulation is generally limited to projects with federal and state involvement through funding and permitting
- City regulates all construction projects through the building permit process at locally designated sites
- Private organizations regulate through easements, covenants, and other tools

# Federal Regulation

- National Historic Preservation Act of 1966
  - Ensures that the federal government considers historic preservation in its decision-making
  - National Register of Historic Places
    - List of districts, buildings, and sites deemed worthy of preservation
  - Section 106 Review Process
    - A process that ensures that all federal undertakings take into account impacts to historic resources that are listed on or eligible for the National Register of Historic Places
  - State Historic Preservation Offices (SHPO)
    - Statewide offices responsible for implementing the NHPA
  - Advisory Council on Historic Preservation (ACHP)
    - Federal agency responsible for ensuring compliance with the NHPA
  - Certified Local Government Program (CLG)
    - A program that provides benefits to local governments that commit to historic preservation
- National Historic Landmarks
  - Nationally significant historic resources of exceptional quality
  - 2,500 in the US; 65 in Philadelphia
- Federal preservation regulations only protect historic resources when the federal government is involved with funding, permitting, licensing, etc.
  - No federal involvement, no federal historic preservation review

## Nationally Designated Historic Sites and Districts

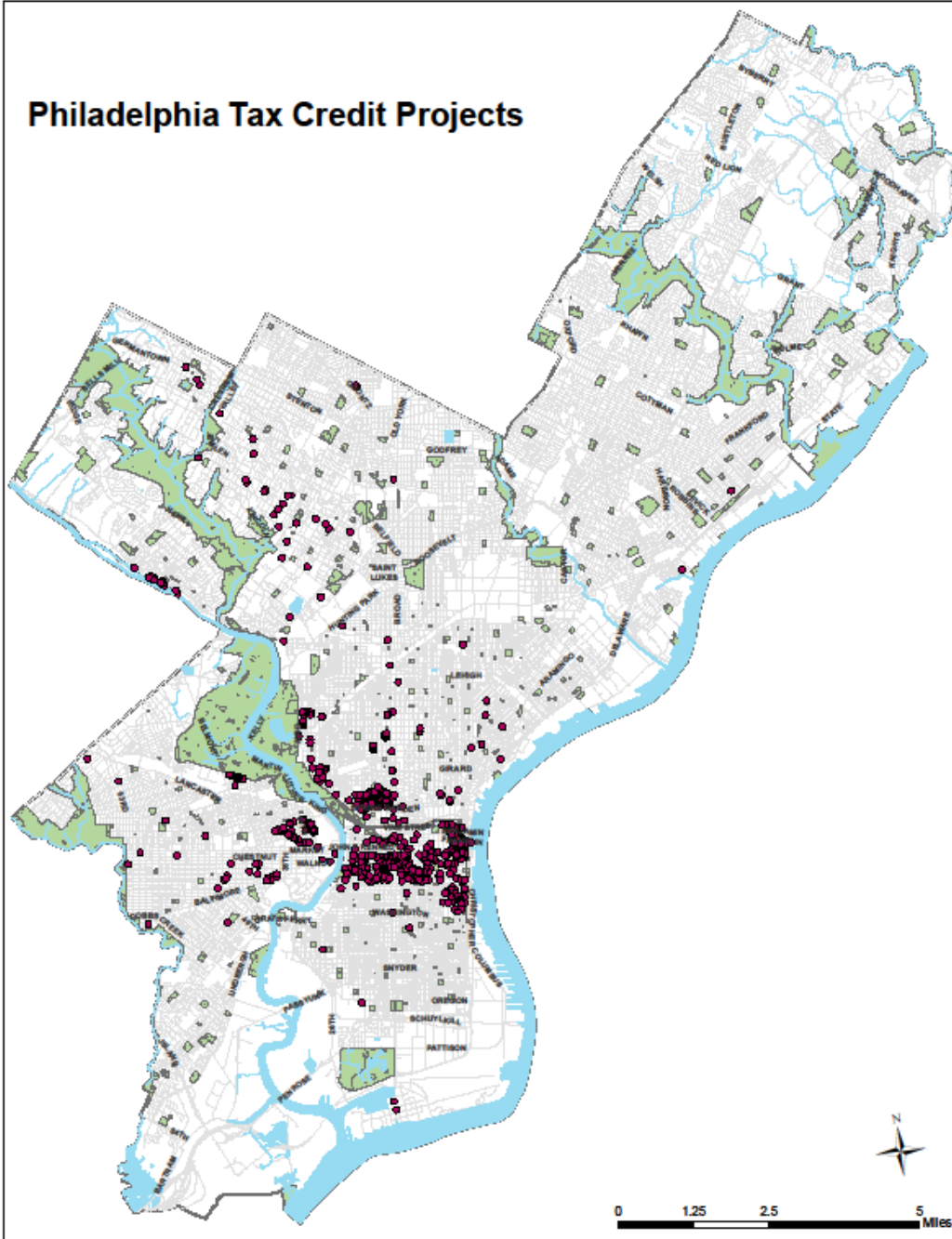


# Map of Philadelphia's National Register of Historic Places Districts and Sites

# Federal Tax Credit Program

- The federal government incentivizes the rehabilitation of older buildings with a two-tiered tax credit program
  - 20% income tax credit for the rehabilitation of historic, income-producing buildings
  - 10% tax credit for the rehabilitation of non-historic buildings placed in service before 1936
- Since the inception of the tax credit program in the late 1970s, \$773 million in tax credits have incentivized \$3.9 billion in investment in rehabilitation of historic buildings in Philadelphia

## Philadelphia Tax Credit Projects



Map of Federal  
Tax Credit  
Projects in  
Philadelphia,  
1978 to present

# State Regulation

- Pennsylvania Constitution, Article I, Section 27
  - The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment.
- Pennsylvania Historical & Museum Commission (PHMC)
  - The Commonwealth of Pennsylvania's history agency
- State History Code
  - Authorizes PHMC to initiate, encourage, support, coordinate, and carry out historic preservation efforts in Pennsylvania
- State Historic Preservation Office (SHPO)
  - A branch of PHMC
  - Administers the state's historic preservation program
  - Administers the National Register, Section 106 reviews, Certified Local Government program, and other federal preservation activities in Pennsylvania
- State has a small rehabilitation tax credit program



# City of Philadelphia Regulation

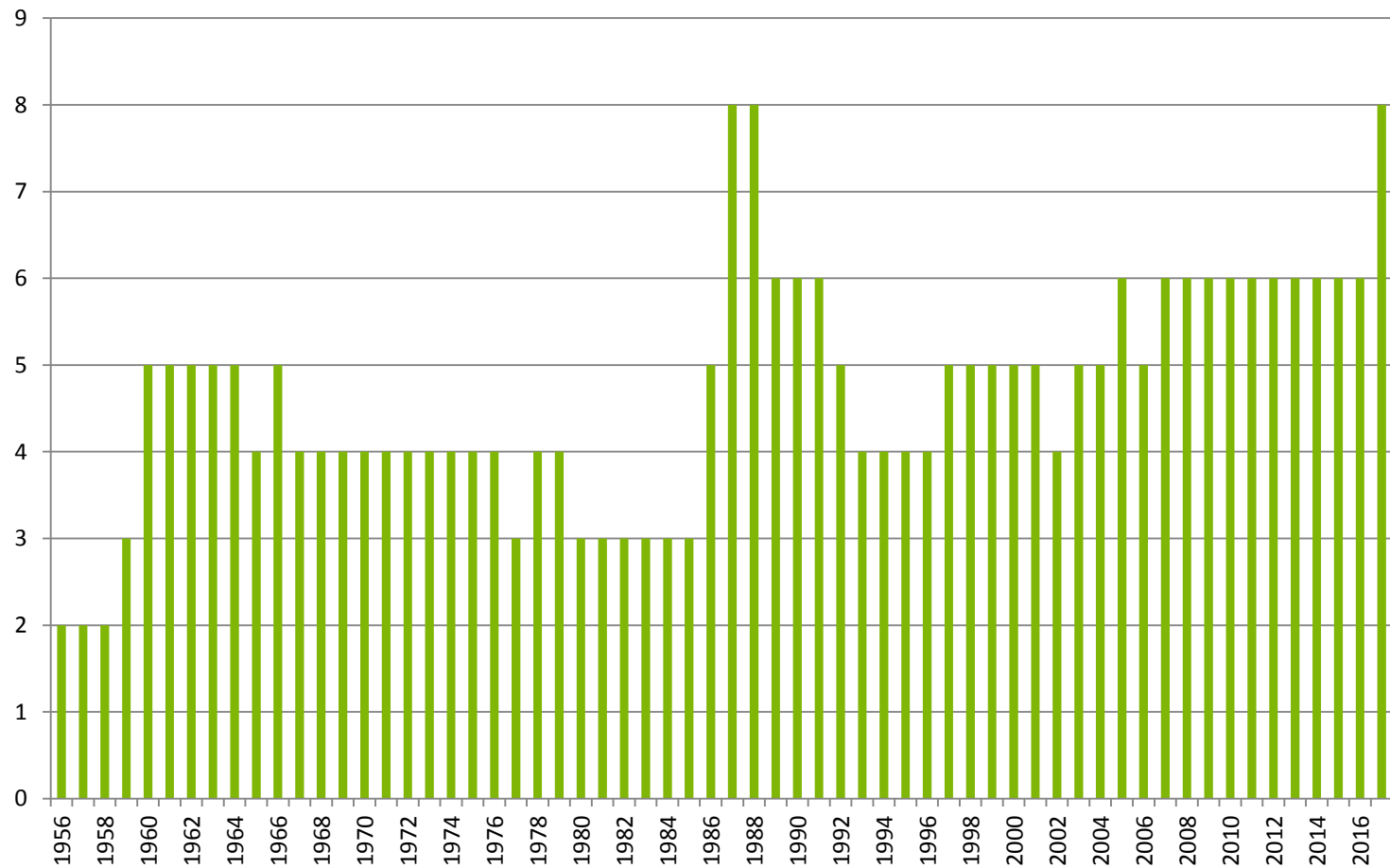
- Historic Preservation Ordinance (14-1000 of the Philadelphia Code)
  - Law creating and empowering the Philadelphia Historical Commission
  - The powers and duties of the Historical Commission are:
    - to designate sites as historic;
    - to prepare and maintain the Philadelphia Register of Historic Places;
    - to review and act upon all building permit applications for designated sites;
    - to increase public awareness of the value of preservation; and,
    - to make recommendations promoting preservation to the Mayor and City Council.
  - Enacted in 1955
  - Replaced in 1984/1985
    - Deny demolition, create historic districts, owner notice, etc.
  - Authority to designate interiors in 2009/2010
  - Integrated into Zoning Code in 2012
  - Charter change integrating the Historical Commission into the Department of Planning & Development in 2017
- Rules & Regulations



# Philadelphia Historical Commission

- 13 members, 7 Mayoral appointees, 6 City officials
  - Developer, architect, historian, architectural historian, community, community development corporation
  - L&I, Planning, Housing, Public Property, Commerce, City Council
- Holds public meetings monthly
- Advisory committees: Architectural, Designation, Hardship
- Staff: director, 6 planners, secretary
- Budget for FY2018: \$530,000

# Budgeted Staff Positions by Fiscal Year, 1956-2017

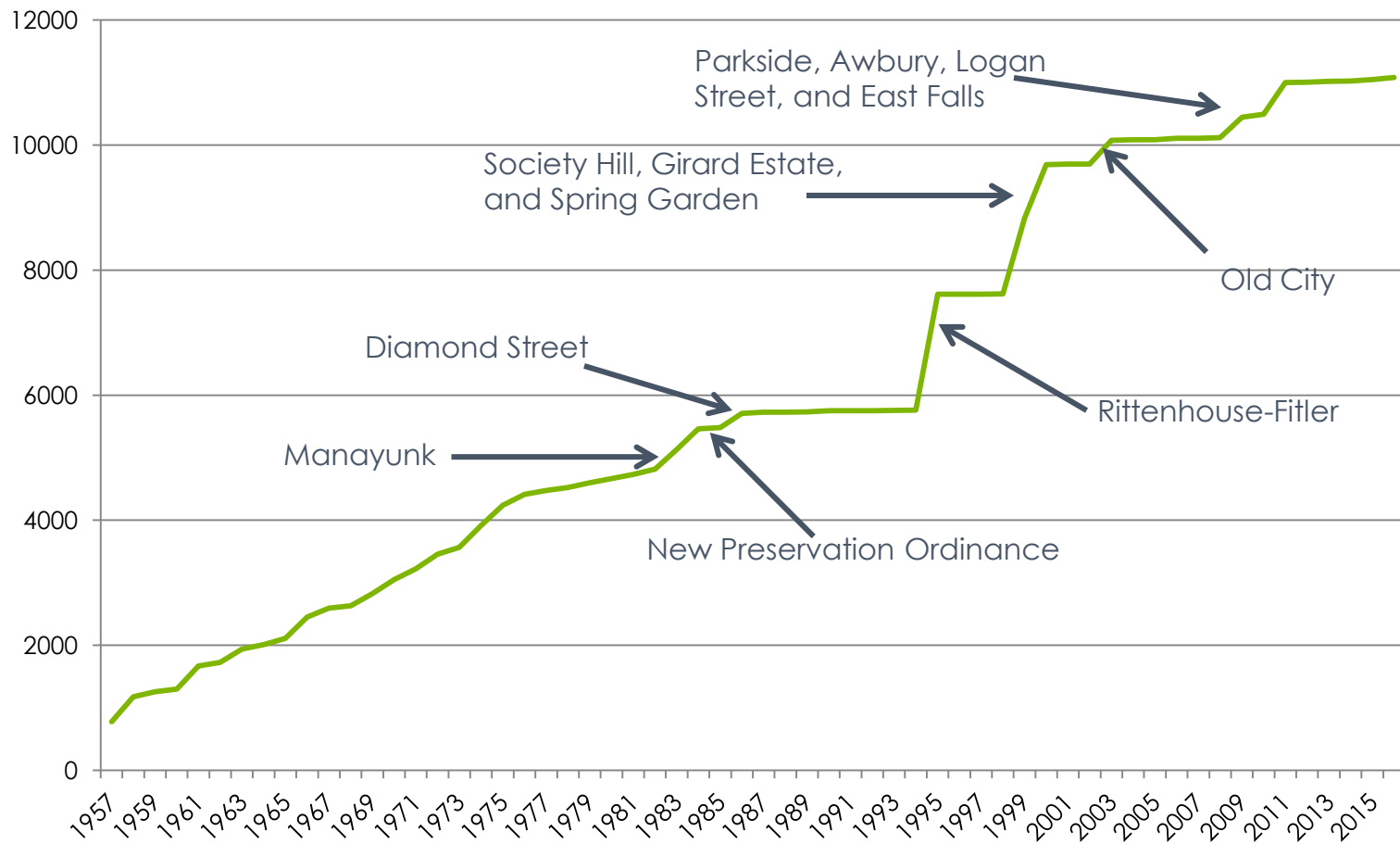


# Designation

- Historical Commission may designate as historic buildings, structures, sites, objects, interiors, districts
  - Designate: identify and place under regulatory authority
- Philadelphia Register of Historic Places
  - The official list of resources designated as historic
- Criteria for Designation
  - May designate if satisfies one or more of 10 criteria
    - Historical event, person, or development, architectural or archaeological significance, important designer, exemplifies innovation, familiar visual feature, exemplifies heritage
- Notice of consideration of designation provided to property owner
- Owner consent is not required to designate
- Designations may be appealed to court

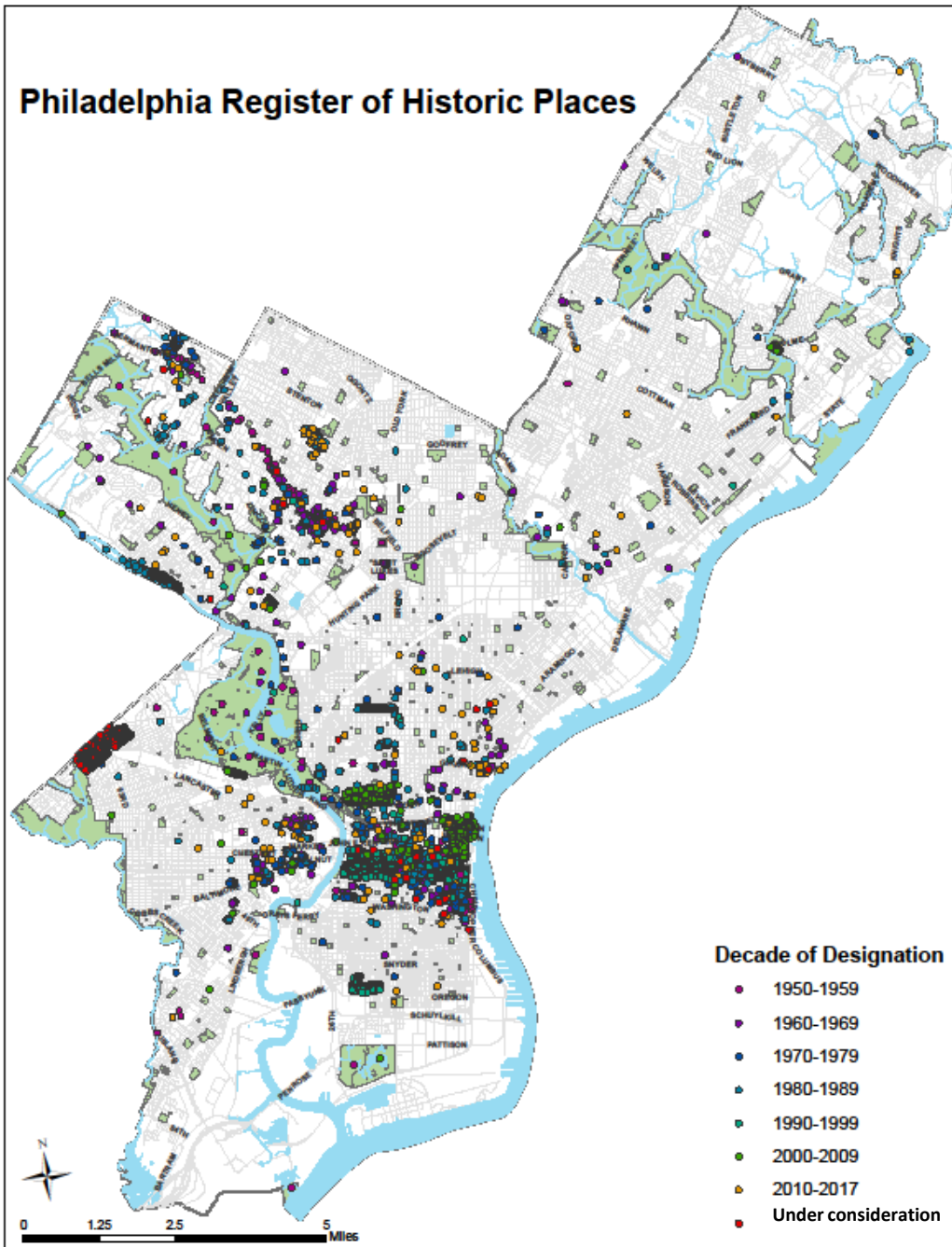


# Total Number of Historic Resources Listed on the Philadelphia Register of Historic Places, 1957-2016





## Philadelphia Register of Historic Places



Map of  
Properties  
Designated as  
Historic by  
Decade

# Historic Districts: Designated, Under Consideration, and Nominated

## DESIGNATED HISTORIC DISTRICTS WITH DATES OF DESIGNATION

Main Street Manayunk (1983, created by City Council)	273
Diamond Street (1986)	236
Park Mall (1990)	3
Rittenhouse-Fitler (1995)	2207
Historic Street Paving (1998)	NA
Society Hill (1999)	1307
Girard Estate (1999)	503
F.D.R. Park (2000)	1
Spring Garden (2000)	1491
Old City (2003)	831
Greenbelt Knoll (2006)	20
Tudor East Falls (2009)	210
Parkside (2009)	110
Awbury (2010)	33
East Logan Street (2010)	29
420 Row (2017)	8

## HISTORIC DISTRICTS UNDER CONSIDERATION

Overbrook Farms (notice 9/30/2011; tabled 12/9/2011)	497
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## SUBMITTED HISTORIC DISTRICT NOMINATIONS WITH DATES OF SUBMISSION

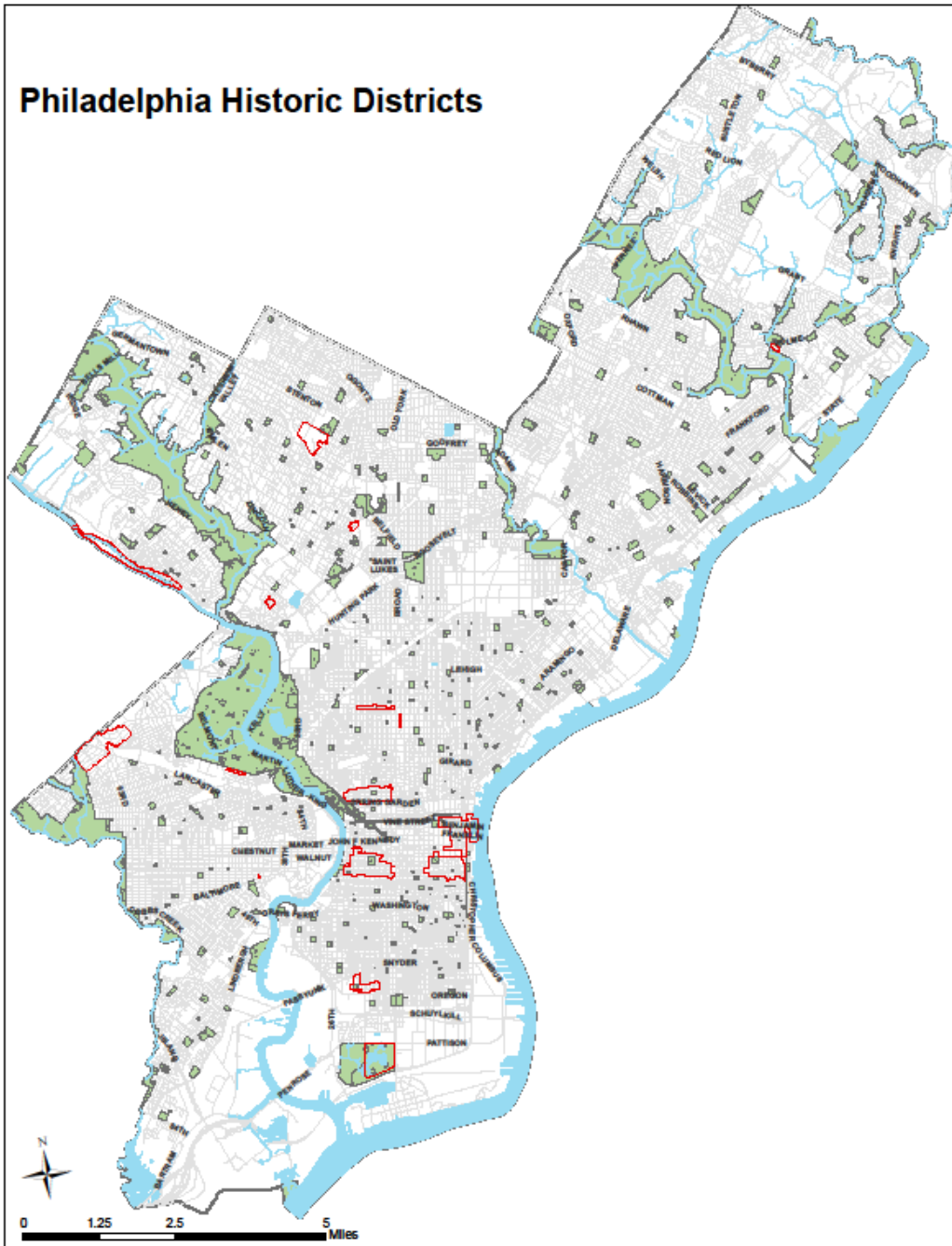
French Village (Summer 2009)	21
Washington Square West (Spring 2010)	1640
Wayne Junction (Summer 2010)	10
Jewelers' Row (Spring 2017)	57

- Does not include individual condo units.
- Numbers are approximate, owing to ongoing consolidation and subdivision.





## Philadelphia Historic Districts



## Map of Historic Districts on Philadelphia Register of Historic Places

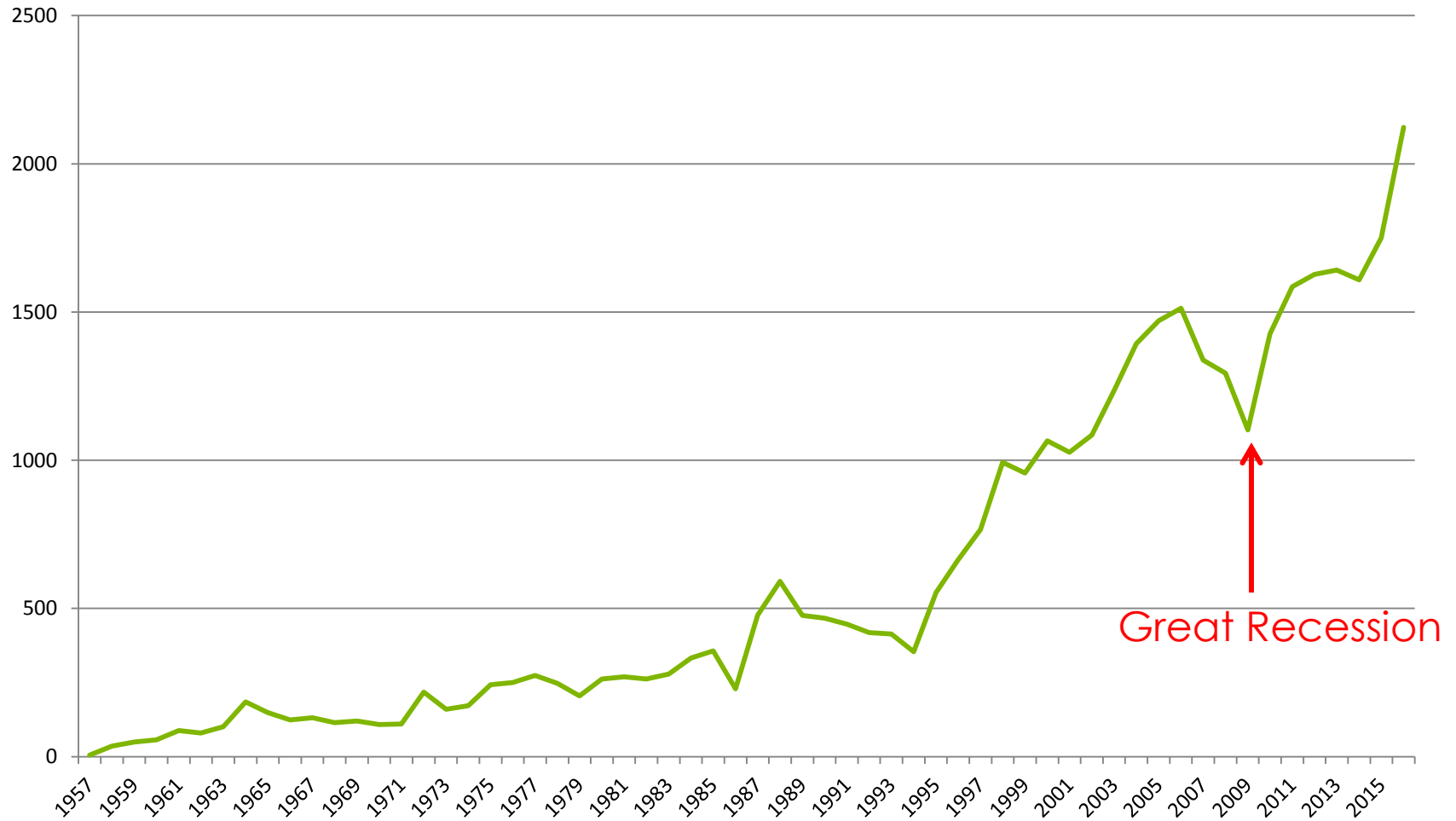
# Regulating for Preservation

- Historical Commission reviews all building permit applications for designated properties
- Approval is a prerequisite for a building permit
- Reviews based on the Secretary of the Interior's Standards for the Treatment of Historic Properties
- Reviews must be completed within 60 days
- Historical Commission has delegated much of its review authority to its staff
  - The staff granted 94% of all approvals in 2016

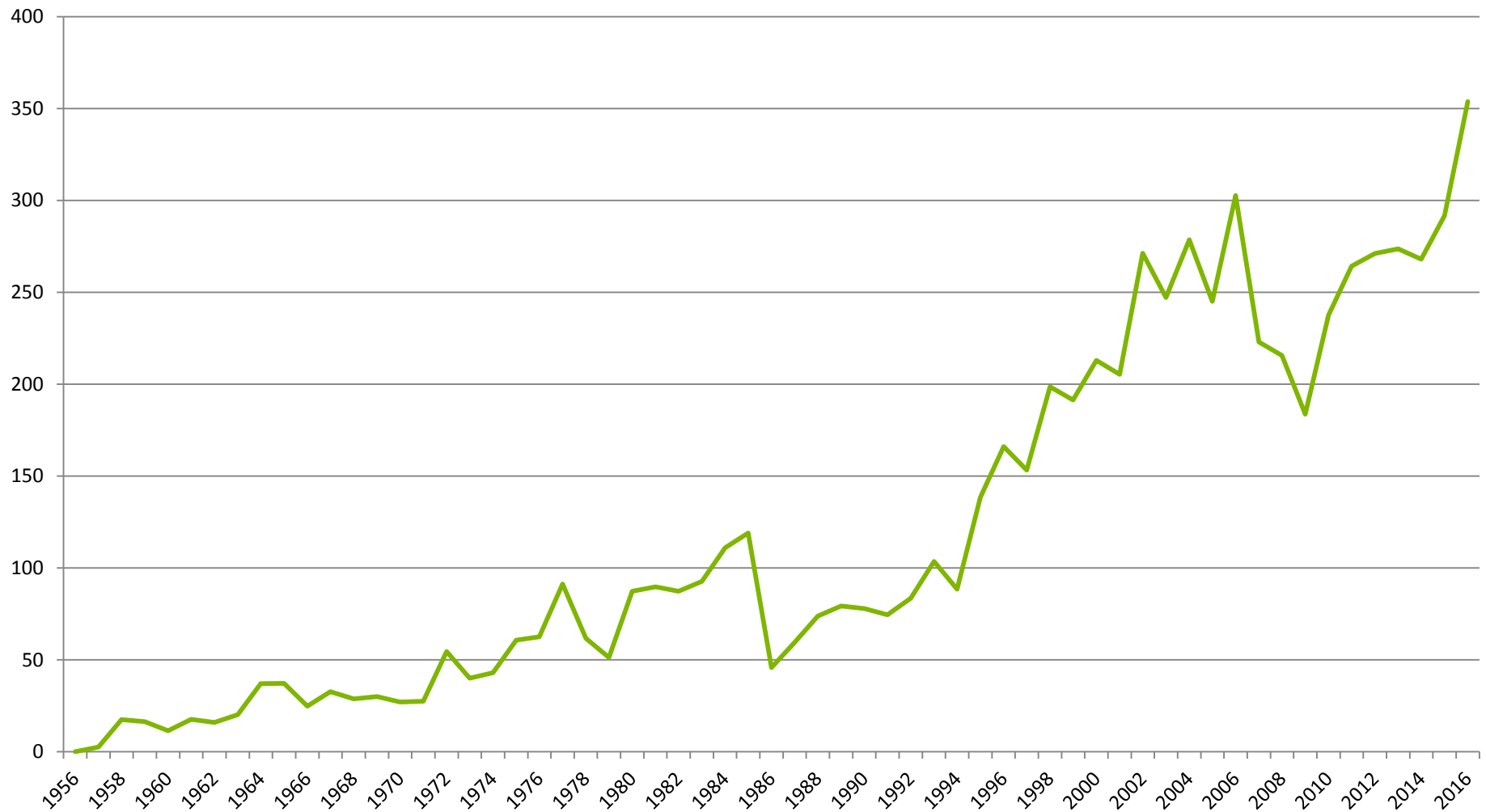




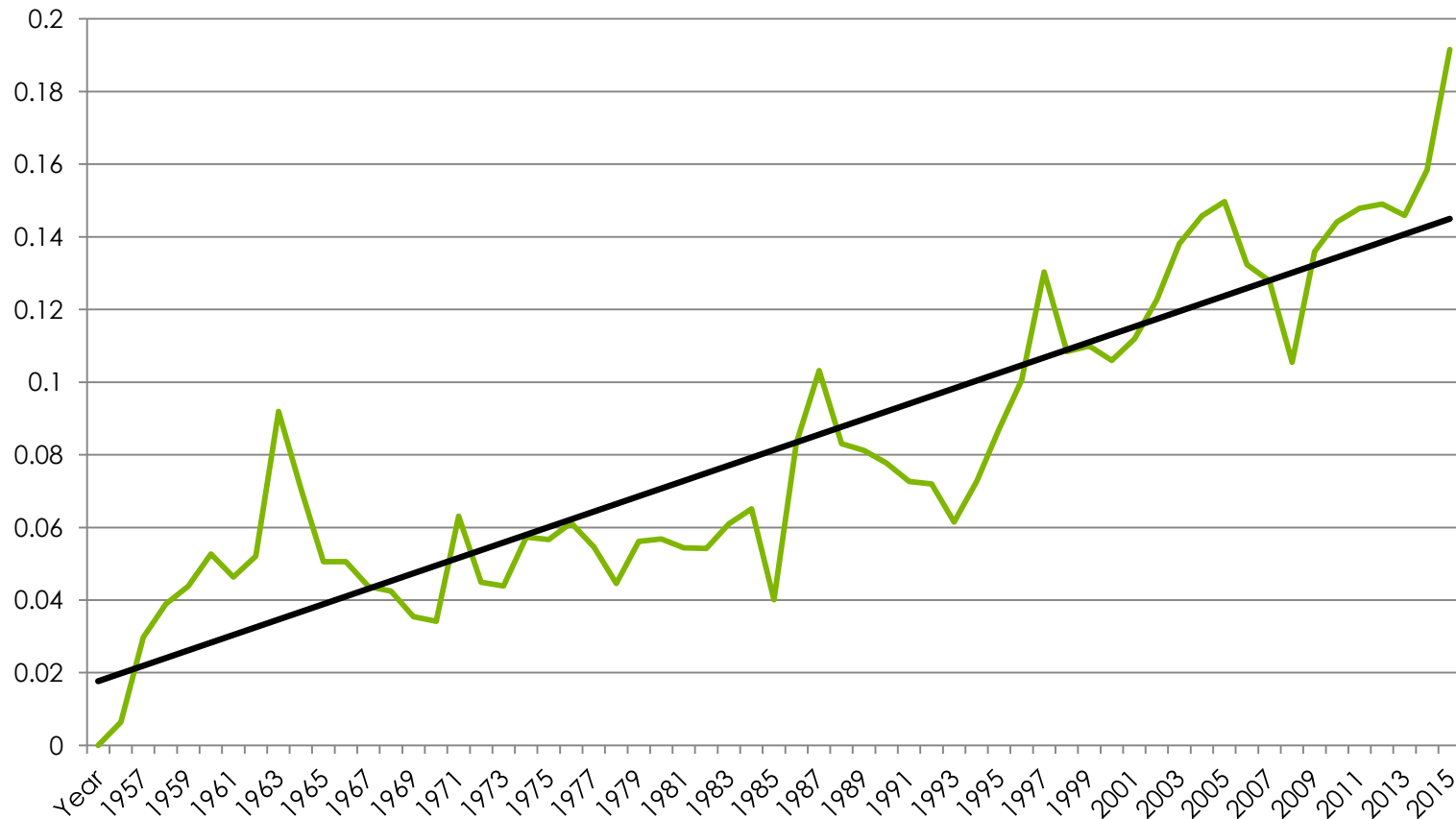
## Number of Applications Approved Annually Philadelphia Historical Commission, 1957-2016



# Number of Applications Approved Annually per Budgeted Staff Member, 1956-2016

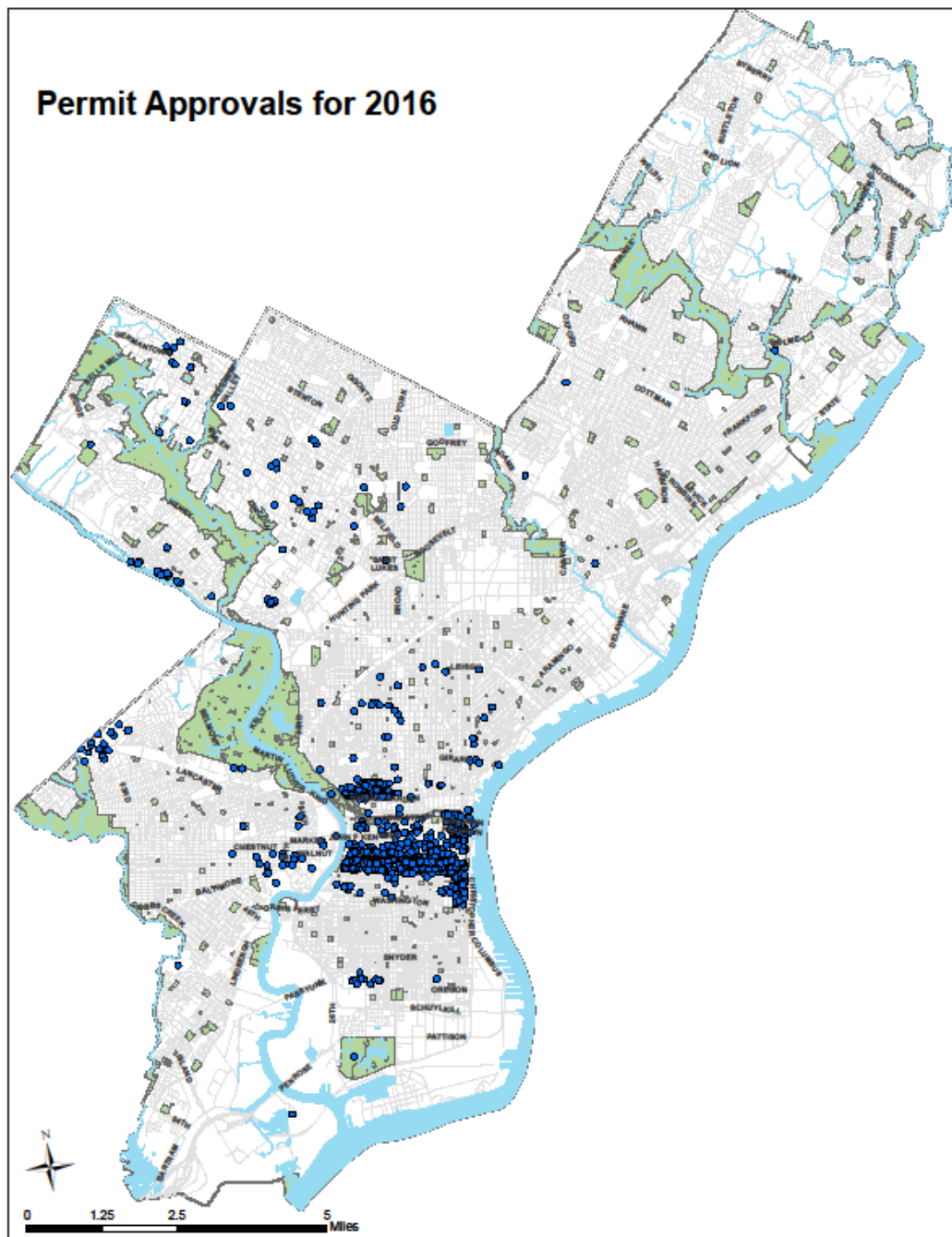


# Number of Applications Approved Annually per Designated Property, 1956-2016, with Trendline





## Permit Approvals for 2016



# Map of Applications Approved in 2016

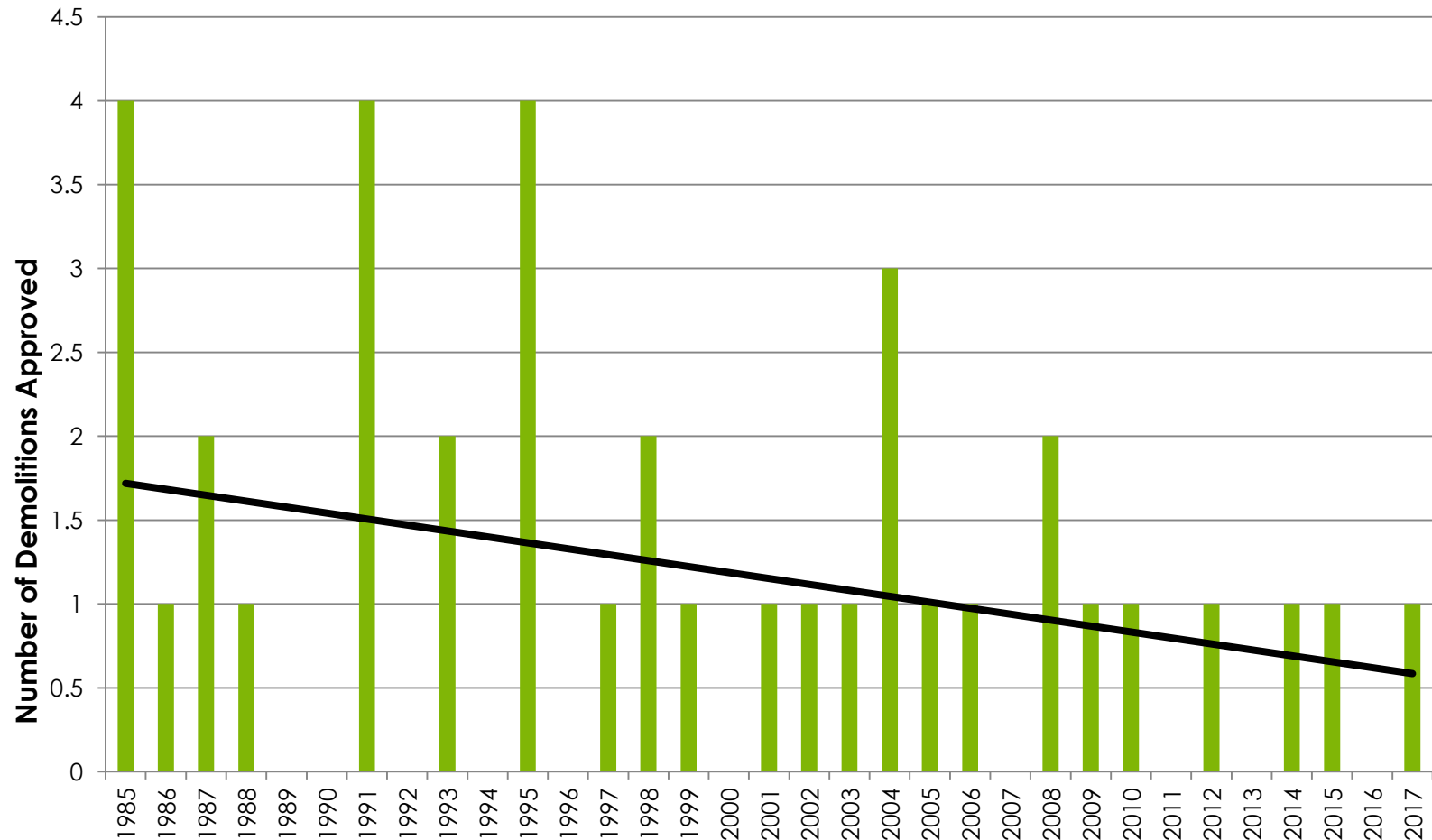




# Demolition

- Historical Commission may only approve demolition applications in two instances:
  - infeasibility of reuse (financial hardship)
  - necessity in the public interest
- Historical Commission granted authority to deny demolitions in 1984 ordinance
  - Prior to 1984, it could delay, but not deny demolitions

# Number of Demolition Approvals of Designated Buildings by Year, 1985-2017, with Trendline



# Enforcement

- Historic Preservation Ordinance requires property owners:
  - to obtain permits for work,
  - to comply with conditions of permits, and,
  - to maintain historic buildings in good repair.
- When a property owner violates the ordinance, L&I issues a violation notice upon the Historical Commission's request
  - The violation identifies the infraction, informs the property owner of her appeal rights, and identifies a time limit for correction.
  - If not corrected, the violation is referred to court for enforcement, where a judge may order the correction and/or issue a fine.
- In serious cases including demolition by neglect the City on behalf of the Historical Commission may petition the court to order a property owner repair and maintain a property.

# Some Issues for Consideration

- Staff capacity
- Limitations of preservation ordinance
- Comprehensive survey of resources
- Demolition of undesignated resources
- Archaeological protections
- Incentives

