

Comments + Recommendations on the Final Draft Report of the Mayor's Task Force on Historic Preservation

Submitted by: Design Advocacy Group (DAG)

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Before we offer our comments and recommendations, DAG would first like to offer our congratulations to Mayor Kenney and the members of the Historic Preservation Task Force. We would like to thank you for addressing the challenge of historic preservation in Philadelphia head on and we are eager to use our role as advocates for good design to help advance this report from a number of strong recommendations to implementable, and ultimately, implemented policies.

We especially want to applaud the “carrot, not stick” philosophy and most of the incentive proposals contained within the report. These recommendations will go a long way towards taking the negative sting out of the word “preservation”.

In the weeks and months following the release of the final report, we want to encourage continued outreach to the broadest possible audience. We believe that it is by educating the public on this process and the value of historic preservation that we can all hope to receive the greatest buy-in, which in turn will yield the greatest support and adoption of these ideas. This is a fundamental role for the city (the Philadelphia Historical Commission in particular) and the preservation community.

The following commentary is broken into three sections, **General Comments + Recommendations**, **Recommendations we support**, and **Questions + Items that need clarification + study**:

General Comments + Recommendations

1. We support the creation of all the proposed incentives with the exception of those noted below. We are especially enthusiastic about by-right zoning for special purpose historic buildings (pg. 29, E), a remedy to the increasing loss of religious properties, and to the proposed changes to the city's real estate tax abatement program (pg. 31, J), an ingenious solution that avoids the legal and constitutional pitfalls that have been at issue.
2. While this is a pragmatic report, the goal remains to re-cast preservation in a more positive light. Finding a way to use uplifting language, with words such as “celebrate” in the table of contents would be a good start.
3. With implementation the next critical step towards enacting these recommendations, we suggest the creation of a rubric to help the reader understand the next steps in the process. For example, what needs Council approval? What involves amending the ordinance? What can be done by regulation or administrative action?
4. Provide a glossary of acronyms and terms, with definitions. For this document to be accessible to both average Philadelphians and others around the country who will hopefully see this as a guiding document, this is a necessary step.
5. At presentations by the task force, the existing preservation ordinance was often praised as being one of the best in the country, despite its poor implementation. We recommend providing a copy of the ordinance, or a link to it, as part of the document to provide direct access to the source material.

6. Given the budgetary and staffing implications of the PHC and other bodies to carry out many of the recommendations, public education and outreach will be essential to the success of this project. This will require public/private efforts, as appropriately led by partnerships among the city, PHC, advocacy, civic and cultural organizations.
7. As part of the education and outreach component of the project, do more to include CDCs as tools to disseminate information and gain buy-in. CDCs play a significant role in promoting both hard and “soft” preservation and can prove a valuable asset if brought more completely into the process.
8. Similarly, to boost both efficiency and efficacy, the city should work wherever possible in partnership with advocacy organizations and other institutions/organizations including the Preservation Alliance for Greater Philadelphia, Hidden City, the libraries, museums and schools, and of course, DAG.
9. We recommend stressing that advocacy is part of the PHC Mission, as stated in the ordinance.

Recommendations we support

1. We agree that the index would act as a necessary, short-term device to address immediate preservation needs (pg. 20, A). We suggest crowdsourcing and open data treatment to both involve more of the public, promote preservation and help do this as quickly as possible. The duration of a demolition exemption on properties listed on the index requires careful consideration and should be determined in conjunction with a realistic timetable for achieving the citywide survey.
2. The survey is long overdue and much needed (pg. 10).
3. We support amending the appeals process to replace the L&I Review Board with a new appeals entity (pg. 18, D), which should be comprised of members with preservation expertise.
4. Similarly, we support appointment of preservation experts to all relevant regulatory boards and commissions (pg. 7, B).
5. We support posting of staff findings and other moves to make the PHC process and deliberations more transparent (pg. 17, B).
6. We support a renewed emphasis on archaeology (pg. 35) and the reinstatement of a city archaeologist position (pg. 36, B).
7. Along with assisting residents in securing clean title (pg. 33, A), we also propose supporting programs that teach and assist in estate planning to avoid tangled title before it occurs.

Questions + Items that need clarification + study

1. We have concerns about “expeditious” notification of property owners when the PHC receives a nomination (pgs. 35-36, D). While we support the concept in principle, the reality is under the law, a property is considered to be under PHC jurisdiction once the nomination is ‘complete.’ If notice is given too early, property owners can undermine PHC authority by immediately seeking a permit for alteration or demolition.
2. Similarly, a re-survey of all properties on the Philadelphia Register (pg. 24) is an immense task, given the PHC’s limited resources and the more pressing need to survey non-designated properties. This should be a secondary priority after the overall survey is completed and if it is to occur, should be handled by the Designation Committee.
3. We oppose charging the OPA with taking preservation restrictions into account in property assessment (pg. 28, A). OPA is already using comparable properties in

determining its assessments, so this seems unnecessary. More significantly, it supports the unproven narrative that designation reduces property values and runs counter to the stated purpose of the report “to convey the value of historic preservation”. We can also note that in some instances, designation has been opposed out of fears that it will raise property values and result in gentrification.

4. Regulation of new construction within designated historic districts (pg. 17, C) has the opportunity to become counter-productive, with the unintended outcome of generating more opposition to historic district designation; DAG is very interested in this critical matter and would like to pursue a deeper discussion.
5. The financial hardship issue is complex (pg. 21, B-2). As originally intended, it was intended to relieve homeowners from onerous regulation (i.e. replacement of a historic door). Properly applied, it can be a boon to district designation. Rather than streamline this process, DAG suggests the PHC re-interpret this provision to return to the ordinance’s original intent. For example, we suggest that on large sites that include historic buildings, that the hardship analysis be required to consider the economics of the complete parcel not just the limited footprint of the historic building. Limiting the analysis to the footprint of a small structure strongly biases in favor of hardship when in fact the historic structure may contribute significant visual and historical value to the entire project. It is important to capture an understanding of this value.
6. The proposed ‘preservation light’ districts are a promising idea and DAG applauds their flexibility (pg. 21, B-2). But again, there is great potential for unintended consequences. These new district forms should be carefully tested as hypotheticals and analyzed before any further action is taken, and even then, selecting and studying the first, pilot neighborhoods will be important. DAG also believes that all of these district levels (with the exception of the existing conservation district option) should regulate demolition.
7. The discussion of Existing Conservation District (CD) (pg. 21, B-4) is unclear as it relates to “simple, verbal guidelines”. We recommend reconsidering and rewriting this clause.
8. We support accelerating permit speed as an historic preservation incentive (pg. 28, B), but urge that demolition permits be excluded here. Also, accelerated permits should be available only to locally-designated properties, not National Register properties. This would serve as a meaningful incentive for developers and property owners to seek local designation.
9. Accessory dwellings should be permitted in individually-designated properties, as well as those in historic districts (pg. 29, D). But these must be carefully integrated with community input and zoning to prevent a back door way for the inappropriate conversion of single into multifamily dwellings.
10. The proposed incentive regarding Streets Department impact fees needs clarification (pg. 30, H). Does this propose to eliminate inspection fees or the requirements themselves?
11. While we are in favor of zoning bonuses for historic preservation and transfer of development rights (TDR), they stand somewhat in opposition of each other. TDR, for example, could among other things aid in the preservation efforts of long-term owners such as institutions and churches who could sell these rights and use the funds for preservation activities. Zoning bonuses for historic preservation would only apply when there was a historic property in the development site and, if too generous, would reduce the incentive to obtain TDR bonus credits. Additionally in TDR, there is the question of where to apply the rights. TDR could be a) internal to a large parcel, b) within a specified distance such as a one block radius, or c) to a specified target zone or zones as was the case in the TDR provision in the old zoning ordinance. These proposals, while both promising, require clarification, study and testing to land on a correct strategy for implementation where they can be successful without undermining each other.

12. Continue to explore innovative means of initiating preservation efforts. Crowdsourcing, for example, is now a widely utilized method of obtaining broad participation on a short time scale. As the effort to expand the Register commences, crowdsourcing could be an innovative and exciting method of obtaining initial recommendations and even specialized historic information on many buildings.
13. In the Table of Contents (pg. 6), we suggest a section titled “Demonstrate” for an action-oriented project to demonstrate successful procedures and implementation of good practices. The time is right, we think, to explore integrated public-private project preservation. Similar to initiatives that large institutions are using in their design and construction work for new buildings, a team approach is facilitated by an upfront agreement of all parties to seek an acceptable solution. The essence of this is removing confrontational tactics and emphasizing the search for acceptable solutions. This would empower preservationists from both the public and private sectors while also challenging them to reach workable solutions.
14. Continue to explore innovative means of initiating preservation efforts. Crowdsourcing, for example, is now a widely utilized method of obtaining broad participation on a short time scale. As the effort to expand the Register commences, crowdsourcing could be an innovative and exciting method of obtaining initial recommendations and even specialized historic information on many buildings.
15. Education and outreach are foundational to historic preservation (pg. 37). Along with the incentives recommendations, we consider this to be one of the most important pieces of this document. We support the recommendations in this section and also urge involvement and partnerships with organizations/institutions/cultural organizations listed above.