



May 3, 2016

The Honorable Jim Kenney  
City of Philadelphia  
City Hall, Office 215  
Philadelphia, PA 19107

**RE: Certified Local Government Program Periodic Evaluation Report**

Dear Mayor Kenney:

Enclosed please find the final report detailing the findings and recommendations of a recently completed evaluation of the City's historic preservation programs by the Pennsylvania State Historic Preservation Office. This report was prepared as a routine aspect of the City's participation in the Certified Local Government Program (CLG), which is administered by the Pennsylvania Historical & Museum Commission in partnership with the National Park Service. The CLG program is a Federal program authorized by the National Historic Preservation Act, and is intended to engage local governments across the country in the administration of Federal and State historic preservation programs and projects. Philadelphia has participated in the CLG program since 1986. As a CLG, Philadelphia is eligible to apply for a Federally-funded grant program for historic preservation and planning projects, participates formally in the National Register of Historic Places nomination process, and manages a review process for certain Federally-funded community development programs within the City.

Communities participating in the CLG program are evaluated periodically to assist the community with articulating the opportunities and challenges encountered by the preservation program, as well as determining whether the municipality is in compliance with the spirit and specific tenets of the CLG program. This determination is made by comparing the municipality's current legislation and administrative practices as well as future plans against a set of 30 questions that examine the legislative, policy, and functional aspects of the City's preservation program. The evaluation process is an opportunity for PHMC to better understand the City's preservation programs and how we, as an agency, can support those efforts.

The current evaluation process began in May 2015 and the specific steps and components of this effort are detailed in the final report. We understand that much of this process was conducted prior to your election and that some of the specific findings may no longer be relevant given changes implemented by your administration. We do believe that many of the overarching issues, specifically regarding the financial and human resources of the Philadelphia Historical Commission, the need for current and reliable survey information about historic properties, and the value of continued integration of preservation programs with larger planning and development policies remain valid.

This evaluation process was prepared with input from several non-profit organizations with specific interest in historic preservation, design, planning, and development issues. As described in the report, many more organizations were invited to provide comments and we accepted comments from any organization that wished to provide them, whether specifically invited or not. Five organizations responded to the invitation and thus are copied on this letter and report as a courtesy. The report also includes comments on the draft report provided by the

Philadelphia Historical Commission along with annotated responses from PA SHPO as to how those comments were addressed in the final report.

We hope that you will receive this report and its recommendations in the spirit with which it is intended and that it might help your administration as your staff shapes its approach to preservation policy in the future. Should you have any questions about this report or other programs or issues that the State Historic Preservation Office can be of assistance with, please contact me at [ckegerise@pa.gov](mailto:ckegerise@pa.gov) or (215) 219-3824.

Sincerely,

Cory R. Kegerise  
Community Preservation Coordinator, Eastern Region  
Pennsylvania State Historic Preservation Office

cc: Jon Farnham, Philadelphia Historical Commission  
Preservation Alliance for Greater Philadelphia  
Philadelphia Archaeological Forum  
Powelton Village Civic Association  
Design Advocacy Group  
University of Pennsylvania School of Design, Graduate Program in Historic  
Preservation



**Certified Local Government Program  
Periodic Evaluation Report | City of Philadelphia**

**May 3, 2016**

**I. Background**

**CLG Program History**

The City of Philadelphia was designated a Certified Local Government on September 22, 1986.

**Evaluation History**

CLG evaluations were conducted by PHMC in 1990 and 2002. The 2002 evaluation and resulting report identified a number of issues related to historic preservation activities in the City and provided the Philadelphia Historical Commission with some preliminary recommendations for addressing them.

Among the key findings and recommendations from the 2002 evaluation were the following:

- The Neighborhood Transformation Initiative and the potential demolition of historic resources. Apply the Secretary of the Interior's Standards for the Treatment of Historic Properties and coordinate any demolition and reconstruction between the Planning Commission and Historical Commission.
- The increased workload on the Historic Commission staff as a result of additionally regulated historic districts. Consider adding staff.
- The inadequate promotion of the city's historic architecture, historic districts and neighborhoods. Coordinate with Philadelphia's tourism organizations.
- The lack of interdepartmental coordination and communication between crucial city departments (Planning, L&I, HPC) consider a coordinated approach to historic preservation.
- The public perception of the Historical Commission's politicizing of the historic designation process. Adhere strictly to findings of fact, base decisions on Secretary of the Interior's Standards for Rehabilitation. Provide reasons for or against decisions. Avoid arbitrary and capricious decisions. Consider adding qualified professionals to the Commission pursuant to 36 Code of Federal Regulations 61, who are not on the city's payroll.
- The failure of PHC staff and some PHC members to meet the training requirements pursuant to CLG regulations. Apply for CLG grant funding to fulfill this requirement.
- The lack of a citywide comprehensive historic preservation plan. Consider applying for matching funds from local foundations and a Certified Local Government grant to develop such a plan.

**II. About the Periodic Program Evaluation Process**

**2015-16 Periodic Program Evaluation Process**

The CLG Periodic Program Evaluation was prepared by synthesizing information from a variety of sources including:

- annual reports submitted by the Philadelphia Historical Commission
- solicitation and analysis of comments from organizational stakeholders throughout the City
- email correspondence with Philadelphia Historical Commission staff
- meeting with Philadelphia Historical Commission staff on December 17, 2015
- written comments on draft report submitted by Dr. Farnham on January 27, 2016

PHMC notified the City about the forthcoming evaluation via a letter addressed to Mayor Michael Nutter and copied to Jon Farnham (PHC) and Gary Jastrzab (PCPC) on May 14, 2015. On May 29 the City was invited, via a request to Dr. Farnham, to submit a self-assessment of historic preservation policies and priorities in the City to PHMC by July 15, 2015. Dr. Farnham contacted PHMC on July 13, 2015 declining the invitation to submit written comments on the City's behalf, citing a significant workload and limited staff capacity. PHMC offered an extension of one month, but no response was received from PHC. Requests for face-to-face conversations about the program evaluation were unanswered by PHC. Therefore, the preliminary draft of this summary report was prepared without direct input from PHC staff and instead relied on existing reports and correspondence, written comments from the public, and agency assessment of the City's historic preservation programs. Cory Kegerise also attended the June 12, 2015 Commission meeting. Observations from that meeting are incorporated into this evaluation.

A draft report and cover letter was emailed to Dr. Farnham on December 14, 2015. On December 17 Cory Kegerise met with Dr. Farnham and members of the PHC staff to discuss preliminary reactions to the draft report. Mr. Kegerise followed up with PHC staff via email on December 18 and requested that PHC submit any written comments on the draft by early January. Following email correspondence with Dr. Farnham on January 19, 2016, the timeline for comment submission was extended to January 27. Dr. Farnham provided extensive written comments on the draft report, which have been reviewed and the final report modified accordingly. Dr. Farnham's comments are attached to this report and accompanied by a detailed response as to how the comments were incorporated into the final report.

This Periodic Program Evaluation examines the City's historic preservation policies and programs in six key areas as described in the CLG Program Guidelines and the Certification Agreement signed by the City in 1986. The timeframe under consideration is broadly the period since the last evaluation in 2002 through 2015, with particular attention on the last five years.

The Certification Agreement identifies the following issues as focus areas for the evaluation process:

- A. Local Legislation
- B. Historic Preservation Commission and Staff
- C. Survey and Inventory
- D. Public Participation
- E. National Register Nominations
- F. Other Designated Roles and Responsibilities

In addition, PHMC invited organizations, both nonprofit and for-profit, with an interest in preservation, architecture, history, planning, zoning, community development, and related issues to submit comments addressing existing policies as well as suggestions for future actions. Comments were not limited to these issues, but the questions were a suggested framework to focus the responses on constructive and relevant

issues. The responses were synthesized and are summarized in this report. These questions were also posed to the City as part of the self-assessment component of the evaluation process referenced above.

Questions posed to organizations submitting public comments:

1. What City policies, programs, or activities currently in place have resulted in positive preservation outcomes for historic properties? What changes, if any, would make those policies more effective?
2. What City policies, programs, or activities currently in place have resulted in negative preservation outcomes for historic properties? What changes, if any, would make those policies less harmful?
3. What City policies, programs, or activities NOT currently in place would result in more positive preservation outcomes for historic properties?
4. How can the City better implement programs that result in positive preservation outcomes for historic properties?
5. What do you consider to be the most significant threats to historic resources in Philadelphia?
6. What are the three (3) most important policies, programs, or activities the City should initiate to affect more positive outcomes for historic properties?
7. Other comments on the City's preservation, planning, and development programs as they relate to historic resources.

### **III. Findings**

#### **A. Local Legislation**

This performance standard focuses on the municipal ordinance and accompanying rules and regulations that establish the Historical Commission, provide for the designation of properties as historic, define the scope of the Commission's jurisdiction, and provide for enforcement and appeal of Commission decisions. Because Philadelphia is a City of the First Class, the authority for the preservation ordinance is derived from the Home Rule Charter rather than the Historic Districts Act or Municipalities Planning Code as in other Pennsylvania municipalities.

#### **Relevant Performance Standards:**

1. Did the CLG keep its local legislation in place during the entire period being reviewed? (Part II.A of the CLG Guidelines, Subparts 1-8)
2. Did the CLG forward to the PHMC copies of any new or amended historic preservation ordinances, regulations, by-laws, or guidelines enacted during this period?
3. Are they consistent with the requirements and intent of the program?

#### **Discussion**

1. The City's historic preservation ordinance is codified as a subtitle of the City's zoning code (§14-1000 et seq). In 2011 the City adopted a new zoning code and the preservation ordinance was transferred in its totality from the previous code to the new code. While sections were renumbered and the definitions were relocated to the general zoning definitions section, the new code did not affect policy or practice related to historic resources. A copy of the revised ordinance was provided by the City with its 2011 CLG Annual Report.

2. The ordinance meets the local legislation requirements described in the CLG Guidelines (Section IIA).
3. The preservation ordinance requires owners of designated properties to receive approval from the Historical Commission before making alterations to the exterior elevations of the property. The Historical Commission is also granted review and comment authority for new construction within historic districts. The table below summarizes the Commission’s project review activities for 2011-2014. The figures reflected in the table were provided by the Historical Commission in the CLG Annual Reports.

	2011	2012	2013	2014	TOTAL
<b>Alterations</b>					
<b>Approved</b>	1499	1523	1559	1481	<b>6062</b>
<b>Denied</b>	18	15	11	11	<b>55</b>
<b>Demolitions</b>					
<b>Approved</b>	0	2	2	2	<b>6</b>
<b>Denied</b>	0	2	0	0	<b>2</b>
<b>Additions &amp; New Construction</b>					
<b>Approved</b>	40	59	45	91	<b>295</b>
<b>Denied</b>	1	2	0	1	<b>4</b>
<b>Signs</b>					
<b>Approved</b>	46	43	36	34	<b>159</b>
<b>Denied</b>	4	4	4	1	<b>13</b>
<b>TOTAL</b>					
<b>Approved</b>	<b>1585</b>	<b>1627</b>	<b>1642</b>	<b>1608</b>	<b>6462</b>
<b>Denied</b>	<b>23</b>	<b>23</b>	<b>15</b>	<b>13</b>	<b>74</b>

Source: CLG Annual Reports

**B. Historic Preservation Commission and Staff**

This performance standard considers the composition, qualifications, and training of the commission charged with implementing the municipality’s historic preservation ordinance. In Philadelphia this role is filled by the Philadelphia Historical Commission.

**Relevant Performance Standards**

1. Did the CLG maintain an adequate and qualified Board of Historical Architectural Review and/or historic preservation commission with a minimum of 5 members throughout the entire time period as specified in Part II.B of the CLG Guidelines, subpart 1?
2. Did the CLG maintain an adequate and qualified Board of Historical Architectural Review and/or historic preservation commission throughout the entire period with one commission member a registered architect and the other members meeting relevant enabling legislation requirements and

having professional expertise in a field closely related to historic preservation as set forth in Part II.B of the CLG Guidelines subpart 2?

3. Did the appointing authority act within 90 days to fill any vacancy?
4. Did the CLG make a good faith effort to fill positions on the Board of Historical Architectural Review and/or the historic preservation commission with the minimum number of types of disciplines represented to the extent such persons are available in the community? (Part II.B of the CLG Guidelines, subparts 2-3)
5. Has the CLG forwarded to the PHMC resumes of any new Board of Historical Architectural Review and/or historic preservation commission members appointed during the time period being reviewed?
6. Did the Board of Historical Architectural Review and/or historic preservation commission hold regular meetings, as per Part II.A of the CLG Guidelines, subpart 8?
7. Did the Board of Historical Architectural Review and/or historic preservation commission maintain and operate in accordance with its written rules of procedure or by-laws (Part II.A of the CLG Guidelines, subpart 8)?
8. Did the Board of Historical Architectural Review and/or historic preservation commission maintain and operate in accordance with its procedures or rules covering conflict of interest?
9. Did the Board of Historical Architectural Review and/or historic preservation commission obtain qualified professional expertise in the review of nominations or any actions normally evaluated by a professional if such expertise was not available on the commission? (Part II.B of the CLG Guidelines, subpart 2)
10. Did each Board of Historical Architectural Review and/or historic preservation commission member and professional staff member attend at least one informational or educational meeting per year pertaining to the work and functions of the commission or to historic preservation approved by the PHMC?
11. Did the CLG employ, contract with, or maintain access to, on at least a part-time basis, a qualified professional in historic preservation in accordance with Part II.B of the CLG Guidelines, subpart 8?

## **Discussion**

1. The Philadelphia Historical Commission is composed of 14 members appointed by the Mayor. Six of the members serve ex-officio and represent various City departments and commissions. The eight remaining seats are to be filled by individuals from the public. Four of these seats are reserved for various professions, including an architect, historian, architectural historian, and real estate developer. Two seats are reserved by a representative of a community development corporation and a representative of a community organization. The remaining two seats do not have specified qualifications and are considered at-large, provided the appointees meet the general qualification standard of being “learned in the historic traditions of the City and interested in the preservation of the historic character of the City” (§14-1003(1)[b]).
2. During the period from 2011-2014, each of the professional seats were occupied.
3. There was significant turnover in 2011 and 2012, with multiple resignations, replacements, and substitutions, particularly in the ex-officio roles. The result was new members attending meetings in place of regular members or multiple individuals from City agencies substituting for regular designees.

4. The 2011 Annual Report is the last report to name the non-professional members individually. In 2012, 2013, and 2014 reports the members are simply referred to by the agency the member represents. Thus it is hard to ascertain the individual participation and attendance rates.
5. One at-large seat has remained unfilled since the resignation of Susan Jaffe in March 2012. The 2011 Annual Report describes two seats vacant for 11 and 9 months respectively, all in excess of the 90 days required by the CLG Certification Agreement.
6. The Annual Reports for 2011-2014 lack sufficient detail to determine if individual members participated in the required annual training. The reports list specific events and the dates the occurred, but do not indicate which individuals attended. Instead, the reports say “some Commission and staff” or “some staff”.
7. In 2014 PHMC offered provided \$2,000 in scholarship funds to underwrite attendance of Commission members and staff at FORUM 2014, a conference sponsored by the National Alliance of Preservation Commissions and Preservation Pennsylvania in University City. All members of the Commission staff registered for and attended the conference, but there was limited participation from the Commission members. One member registered, but did not attend.
8. The Commission employs six professional staff that meet the Secretary of the Interior’s Professional Qualifications Standards. One of those staff members is dedicated to conducting Section 106 consultation pursuant to a Programmatic Agreement for HUD funded programs administered by the City. External stakeholders have noted that the existing staff are overextended and perceive that staff focus time almost exclusively on permit and plan review required by the ordinance, with little effort given to other Commission functions such as survey, research, public outreach, and participation in other preservation-related initiatives in the City and region. In his July 13 email, Dr. Farnham cited an overwhelming workload as the primary reason the Commission was unable to provide a response to the self-assessment component of this evaluation. There are two recent and notable exceptions. Commission staff have been active contributors to the district planning process being led by the City Planning Commission. Staff have prepared technical memos on historic resources within the planning districts and provided preservation recommendations for the Planning Commission to consider in preparation of the district plans. Recently, PHMC has begun collaborating with PHC on the technical memos. Also notable is that Dr. Farnham has attended several of the project meetings for PHMC’s Disaster Planning for Historic Properties project in Philadelphia.

### **C. Survey and Inventory**

This performance standard focuses on the CLG’s collection, management, utilization, and sharing of information on historic resources in the municipality. While resources designated under the CLG’s preservation ordinance are central to the data in question, the CLG program creates an expectation that the CLG will survey and share data on resources throughout the municipality.

#### **Relevant Performance Standards**

1. Did the CLG maintain a listing of officially designated historic districts, buildings, sites, objects, and structures in the municipality?
2. Did the CLG maintain an inventory of all surveyed areas, historic districts, buildings, sites, objects and structures identified to date as historic resources within the municipality?



3. Did the CLG implement a program or procedure to carry out a comprehensive survey for the identification of historic districts, buildings, sites, objects, and structures in the municipality or if the municipality is completely surveyed did it re-evaluate existing survey information or carry out a procedure to keep it up to date? (Part II.C of the CLG Guidelines, subpart 3)
4. Was this program or procedure in accordance or consistent with the state comprehensive historic preservation planning process and the Guidelines for Pennsylvania Historic Resource Surveys?
5. Did the CLG submit to the PHMC a copy of all inventory material prepared since certification as a CLG as required by Part II.C of the CLG Guidelines, subpart 4d?
6. Did the CLG maintain public access to all inventory material except for the restrictions on the location of archaeological sites when deemed necessary by the PHMC or the local government?

### **Discussion**

1. The Commission maintains a list and accompanying research files for individual properties and districts and designated under the City's historic preservation ordinance. This information is available to the public in the Commission's office and in various forms on the Commission's website. In Fall 2015 the Commission announced a beta version of an online mapping application showing designated resources. This map was created by the Streets Department and provides the designation date for properties on the Philadelphia Register of Historic Places. The online map is not currently integrated with the other online mapping applications made available by the City such as zoning or L&I violations. Previous discussions with the City Planning Commission have indicated that the agency does not have access to current information about locally designated resources in a format that is compatible with GIS applications or databases that they maintain.
2. In 2014 PHMC renegotiated a data-sharing agreement with the City Planning Commission to facilitate the exchange and distribution of survey data in PA SHPO's Cultural Resources GIS (CRGIS) database. The agreement established data exchange protocols and timelines that would allow for the Planning Commission to receive updated datasets from PHMC every six months. The Commission agreed to manage the distribution of the data layers to other City agencies. Prior to this agreement, the Planning Commission was relying on PHMC data that was at least four years old. PHMC also routinely fielded data requests from multiple city agencies simultaneously, often for the same or similar information.
3. The Historical Commission has gathered information on and evaluated the National Register eligibility of more than 30,000 individual properties over the course of 15+ years under the Programmatic Agreement for City-administered HUD funding programs. Unfortunately, this information has been stored in a manner that makes integrating the data with CRGIS challenging and thus records for these properties are not currently reflected in the PA SHPO database. Some of these records have been successfully integrated into CRGIS, though significant data conversion and acquisition issues remain.
4. There is no comprehensive survey of historic resources in the City and the City does not have a current plan for undertaking such a survey. The last discernable effort to systematically collect survey information was in the early 1980s when the City Planning Commission sponsored a series of survey projects in specific planning areas. These surveys produced data for thousands of buildings in select portions of the City and ultimately helped facilitate National Register and local designation of many significant resources. No such effort has been

undertaken since that time. This is an issue that has been discussed at length with the Historical Commission staff, other city agencies and officials, and nonprofit organizations. The lack of reliable, current, and comprehensive survey data has arisen as an issue in the review of both public and private projects under Section 106 and the Pennsylvania History Code, eligibility of properties for the Keystone Historic Preservation Grant Program, and public inquiries regarding the fate of community landmarks. Survey projects are being conducted in a piecemeal fashion in conjunction with transportation, housing, or tax credit projects, but often at considerable time and expense from the project sponsors. Additionally, the lack of coordinated survey efforts or a comprehensive plan for conducting survey work in the City has the potential to result in redundant or conflicting information and the duplication of effort and expense.

The Historical Commission has prepared technical memos for each of the completed districts plans being prepared by the Planning Commission. The memos typically include historical research on the neighborhood/planning area, information on local and National Register designated properties, as well as identification of properties that may merit further research and designation. These memos are helpful in informing the planning process and have been utilized by PA SHPO staff and consultants for various planning projects. The memos do not, however, replace more standardized survey forms and systems, such as CRGIS, that would allow this information to be shared, accessed, and analyzed along with other historic resource information in a consistent manner.

The CLG program guidelines and certification agreement as well as the Programmatic Agreement entered into by the City, HUD, and SHPO require the City to maintain a survey and inventory process that is consistent with the SHPO survey guidelines. These requirements help to ensure that information gathered by one entity is shared with the others so that each can benefit from the others' efforts and limited resources can be applied efficiently and effectively.

## **E. Public Participation**

This performance standard considers the ways in which the CLG engages individuals and organizations in historic preservation activities, the conduct of business in an open and transparent manner, and the memorialization and presentation of commission decisions regarding historic properties.

### **Relevant Performance Standards**

1. Have all commission meetings been publicly announced, open to the public, had previously advertised agendas, and been held in accordance with all the requirements of the "Sunshine Act" No. 84 of 1986?
2. Has the commission maintained and made available to the public careful minutes of all meetings?
3. Do the minutes include all decisions and actions of the commission, and the reasons for those decisions?
4. Were applicants to the commission given written notification of the Board of Historical Architectural Review and/or historic preservation commission's decisions?

5. Has the Board of Historical Architectural Review and/or historic preservation commission made available to the public its rules of procedure?

### **Discussion**

1. The meetings of the Historical Commission and its committees occur monthly on consistent days of the week, times, and locations. The meeting schedule and relevant submission deadlines are published well in advance and are easily located on the Commission website: <http://www.phila.gov/historical/meetingsandevents/Pages/HistoricalMeetings.aspx>
2. The website also contains agendas and minutes for the Commission and Architectural Committee from mid-2013 through the present. Meeting materials for other standing committees is available for 2014 forward, but this may reflect the ad-hoc nature of meetings of the designation and financial hardship committees. All agendas, minutes, and other meeting materials are available to the public in the Commission offices.
3. The agendas are clear and informative. The documents contain information about the affected property, the nature of the proposed project, the relevant designation information, and staff contact information.
4. The minutes for the committee and commission meetings are detailed and reflect the discussion on each item in addition to the action taken. The Historical Commission also provides written decisions on all regulatory matters to all applicants and property owners.
5. The Commission has detailed meeting procedures embedded within the Commission Rules & Regulations. The procedures are available via the Commission website.
6. During the June 12 meeting, the Chair did not consistently call for public comment on all agenda items as called for in §4.6b of the Commission Rules. Public comment was called for and allowed on some applications, but in other instances the question was not posed to the audience before the Commission took action. The City has noted that the Chair has discretion “to impose reasonable limits on public participation to ensure relevance and excessive repetition.” This is fair and common practice in other public bodies. The observation made in this instance is in response to some applications being moved to action without querying the audience as to whether there were public comments. These oversights did not appear to be intentional, and this observation is noted only to serve as a reminder for future meetings.
7. During consideration of the Boyd Theater proposal, questions about how the proposed work, specifically approval of a ground floor glass wall enclosure, might affect the Commission’s jurisdiction over that space in the future were raised. Despite these questions, the Commission approved that portion of the project. Individual commissioners expressed discontent with the way in which the applicant presented the project, and it was equally confusing to the public audience, many of whom had attended specifically for that project.

### **G. National Register Nominations**

This performance standard considers the participation of the CLG in the review of properties being nominated to the National Register of Historic Places.

### **Relevant Performance Standards**

1. Has the CLG, as part of its process for reviewing nominations to the National Register maintained an accurate record of the review and the comments received?
2. During its 60 day review period did the CLG provide a reasonable opportunity for public comment?
3. Did the CLG submit all its comments on National Register nominations to the PHMC within 60 days?
4. Did the CLG comment on at least 75% of all National Register nominations within its jurisdiction in accordance with Part III of the CLG Guidelines?
5. Did the CLG's comments on nominations evaluate the properties in relation to National Register criteria?

### **Discussion**

1. The staff of the Philadelphia Historical Commission consistently provides substantive comments on National Register nominations within the City. The comments are timely, thoughtful, and relevant to the National Register criteria. The comments are entered into the record during State Review Board deliberations.

## **F. Other Designated Roles and Responsibilities**

This performance standard considers the manner in which the City fulfills delegated responsibilities and agreements with PHMC related to preservation programs.

### **Discussion**

1. The City is a signatory to a Programmatic Agreement between the U.S. Department of Housing and Urban Development (HUD) and PHMC that delegates certain responsibilities related to Section 106 reviews for Federally-funded programs administered by the City's Office of Housing and Community Development (OHCD). The Philadelphia Historical Commission has a dedicated staff person that prepares Determinations of Eligibility and Assessments of Effect for properties affected by these programs. The City has performed adequately under this agreement, and working collaboratively with the PHMC developed a new PA that was executed in January 2016. During the renewal process, two important issues have been identified as opportunities for improved performance, both of which are interrelated with other areas related to the CLG program. The first issue relates to the identification and evaluation of properties within the context of a historic district. Current practice is to evaluate the National Register eligibility of properties as individual resources and does not consider whether there may be a National Register eligible historic district in the vicinity. This is admittedly difficult given the lack of comprehensive and current historic resource survey information, particularly in neighborhoods where OHCD programs most frequently occur. A proactive, systematic approach to surveying and evaluating the City's historic resources would facilitate this process. The second relates to the methods and tools used to record DOEs and their incompatibility with PHMC databases and mapping systems. As noted in Section III, Item C3, these decisions have been recorded in a spreadsheet that does not allow for easy transfer of this data to PHMC. These resources are also not mapped in GIS, making it difficult to integrate this data with CRGIS. The result is that decisions made by PHC for HUD programs under this agreement are not readily

available to or utilized by PHMC staff for other Section 106, PA History Code, Tax Credit, or Keystone Grant eligibility purposes. The renewal process also identified two areas where the City has performed exceptionally. The first is the level of documentation provided by the City with regards to project initiation for both above ground and archaeological resources, including photographs, street views, aerial views, and historic mapping. The second is the annual report for No Effect Activities, which is comprehensive and extremely detailed. The PHMC will be using the City's annual reporting as a model for HUD agreements with other localities throughout the Commonwealth.

#### **IV. Summary of Public Comments Received**

PHMC solicited public comments from a number of citywide organizations, both non-profit and for profit, with missions or programs that affect or are affected by historic preservation programs. Five organizations submitted comments, which are summarized by topic below. These comments are not presented in priority order, but are grouped thematically to reinforce the interrelationship of some issues as pointed out by the commenters.

Written comments were provided by the following organizations:

- Preservation Alliance for Greater Philadelphia
- Philadelphia Archaeological Forum
- Powelton Village Civic Association
- Design Advocacy Group
- University of Pennsylvania School of Design, Graduate Program in Historic Preservation

Questions posed to organizations submitting public comments:

1. What City policies, programs, or activities currently in place have resulted in positive preservation outcomes for historic properties? What changes, if any, would make those policies more effective?
2. What City policies, programs, or activities currently in place have resulted in negative preservation outcomes for historic properties? What changes, if any, would make those policies less harmful?
3. What City policies, programs, or activities NOT currently in place would result in more positive preservation outcomes for historic properties?
4. How can the City better implement programs that result in positive preservation outcomes for historic properties?
5. What do you consider to be the most significant threats to historic resources in Philadelphia?
6. What are the three (3) most important policies, programs, or activities the City should initiate to affect more positive outcomes for historic properties?
7. Other comments on the City's preservation, planning, and development programs as they relate to historic resources.

NOTE: The statements below are summaries prepared by PA SHPO staff based upon the written comments provided by the organizations listed above. Except where quoted text may be indicated by quotations marks, these statements are not verbatim recitations of the public comments, but are distillations of common themes and are presented as faithfully adherent to the tone and specific language of the original comments as possible. PA SHPO makes no claims as to the factual accuracy of these comments, but does accept them as legitimate first-hand observations.

**The Philadelphia Historical Commission lacks adequate budgetary and staff resources**

A common theme emerged from all of the submitted comments: the Philadelphia Historical Commission's budget and staffing levels are inadequate in relation to its mandate. While commenters felt that existing staff are competent and well qualified, their small number means that they are relegated to permit application/project review and processing of Philadelphia Register nominations. There are 5 professional staff, including the Executive Director, working on day-to-day functions, which is comparatively small to other U.S. cities, even those that are small in area and population than Philadelphia. Staffing and budget levels have remained stagnant for many years, even as the number of designated resources under the Commission's jurisdiction has increased. This has resulted in a heavy individual workload that leaves little time for proactive research, planning, or public education/engagement. One critical deficiency identified is the lack of a professional archaeologist on PHC staff. The tremendous volume of permit applications for buildings requires existing scant resources for staff to be directed toward above-ground resources while archaeological resources receive only cursory attention in the permit review process.

**The Philadelphia Historical Commission is not fulfilling critical aspects of its mission and purpose related to public education and advocacy**

Related to comments about staffing levels, were comments about critical needs related to preservation in the City that are going unmet. Specifically, commenters noted that the purposes, powers and duties of the Commission include encouraging preservation and rehabilitation of historic resources as well as increasing public awareness of the value of historic preservation. The strained staffing levels have left the Commission unable to dedicate professional expertise to public engagement activities or to provide education to City leaders and staff or community organizations. This has resulted in the Commission being regarded solely as a regulatory body, and a spate of recent decisions that have resulted in demolition of designated resources have created the perception that the Commission is not faithfully fulfilling its intended purpose as a preservation agency. Increased public education and engagement by the Commission was cited as among the most important changes the City could implement to affect more positive preservation outcomes in the future. This is especially true as development activity continues to increase and the inherent tension between the existing building stock and new construction intensifies. Building relationships with community development corporations and Registered Community Organizations was identified as an important strategy for more effective preservation outcomes, particularly in outlying neighborhoods.

**Significant historic resources and neighborhoods remain unprotected as a result of slow designation efforts and inadequate procedures**

Commenting entities observed that the City is replete with architecturally and culturally significant resources, but efforts to nominate those resources to the Philadelphia Register are slow and inadequate. As of February 2015, only 70 new individual resources had been designated since 2000. Several comments lamented the political influence over the historic district nomination process and the negative effect that has on public support for preservation as well as the integrity of the designation process. There is also concern over the limited application of the interior designation provision added to the ordinance in 2009. Commenters noted that only two interior spaces had been designated under the ordinance (as of July 2015) and that recent Commission decisions about nominated spaces interpreted the ordinance in ways that might hinder future designation efforts. The example cited was the interior of the Blue Horizon, in which the Commission elected to interpret the interior as a “tolled space” and thus not eligible for designation. Commenters posited whether that same logic might apply to other significant interior spaces at places such as the Philadelphia Museum of Art or Pennsylvania Academy of the Fine Arts.

A related area of concern was over the ad hoc nature of the Designation Committee meeting schedule and the lag time that can occur between the submission of a nomination, notice of acceptance, denial, or request for revisions, and the date that it is scheduled for consideration by the Designation Committee. One suggestion was to set standing meeting dates on a monthly or bi-monthly basis.

**The City lacks a comprehensive survey of historic resources**

Commenters observed that there is no comprehensive survey of historic resources, and that such an effort is critical to redressing some of the issues associated with the pace of local register nominations. A resource survey should also be accompanied by a strategic plan that provides direction on utilizing and implementing the information gathered.

**Planning and zoning processes have mixed outcomes for historic properties**

Commenters noted that the emphasis placed on historic preservation in the preparation of the Philadelphia2035 District Plans is a positive and encouraging step toward resource protection and integration with other land use and community development goals. However, it was also suggested that the recent revisions to the zoning code may be encouraging teardowns in historic neighborhoods and facilitating new construction that is inconsistent with the character of those communities.

**Financial hardship decisions place historic resources at a disadvantage**

Several commenters observed that the financial hardship provisions in the ordinance have come to be used to facilitate large development projects by seeking to justify demolition of designated resources in areas with rising property values. One commenter noted that recent decisions create the perception that “historic preservation is only worth pursuing if and when it presents a clear economic incentive”. It was also suggested that the concept of “public interest” as applied to hardship applications needs to be more clearly defined.

**There are few effective incentives for historic preservation**

Commenters noted that there are few viable incentives to encourage the owners of historic properties to maintain or rehabilitate them sensitively. The 10 year property tax abatement was cited as an existing incentive that could potentially be used for rehabilitation projects, but was most frequently used for new construction. State and Federal preservation tax credits are available and should be promoted more to encourage greater use. Comprehensive survey efforts could facilitate efforts to list properties on the National Register, thus qualifying them for available tax credits. The City should also consider tax incentives that are targeted to historic properties. Lastly, the City could benefit from reviewing Los Angeles' adaptive use ordinance, which facilitates the reuse of historic buildings.

One commenter noted that more efforts should be made to strengthen the relationship between contractors, trade unions, and owners/developers of historic buildings to show the positive economic and job creation value of rehabilitation projects.

**The permit review process does not adequately protect archaeological resources**

Commenters identified gaps in the Commission's Rules and Regulations related to the consideration of archaeological resources. Specifically, there are no clearly defined requirements for phased investigation on properties where there are known or potential archaeological resources. When archaeological investigations are required by the Commission, it is as a condition of the permit approval, rather than as part of the due diligence or application preparation stage. This creates issues with timing and subsequent investigations, because if a Phase I investigation is conducted after a permit is approved and the report recommends further phases of investigation, there is little requirement and few incentives for a property owner to conduct the investigation before proceeding.

**There is inadequate enforcement of Historical Commission permit requirements or unpermitted work**

One commenter observed that the enforcement process for work undertaken on designated properties, either without Commission review or that deviates from the approved work is long and ineffective. The current process requires reporting a violation to 311 and waiting for an L&I inspector to visit the site, which frequently occurs long after the work is complete. It is difficult to get intervention while work is in progress and violation notices often go unaddressed. The lack of enforcement has dampened interest in pursuing new designations in some neighborhoods because of the perceived burden for project approval, but little assurance that the designation will produce positive preservation outcomes.

**Public participation in the Commission's activities is hampered by space and technology**

One commenter noted that the Commission's meeting spaces in One Parkway and City Hall are small and not well-suited for accommodating the public during Commission and committee meetings. The meeting room in One Parkway has been filled to capacity on several occasions recently and technical issues with the sound system left the audience struggling to understand the proceedings. The meeting room adjacent to Commission offices in City Hall that is used for



committee meetings has also proven to be too small to accommodate the applicants and public comfortably.

Commenters also expressed a desire to have permit application and register nominations available for review on the Commission's website. They also lamented the lack of a searchable database or accessible online mapping of designated resources. [NOTE: These comments were submitted prior to the launch of the Commission's interactive map in Fall 2015 and the posting of agendas and attendant applications materials on the website.]

**There is concern over the training and expertise of the Commission**

Commenters expressed praise for the qualifications and expertise of the staff and members of the Designation Committee. However, there is concern that some members of the Commission do not appear to have a firm grasp or preservation best practices, policies, or provisions of the ordinance. More regular and aggressive fulfillment of CLG training requirements should be pursued to remedy this issue. It was also noted that there are no professional archaeologists appointed to the Commission.

**The reporting relationship of the Commission to economic development officials compromises independence and objectivity**

Commenters expressed concern that the current model of tasking the Deputy Mayor for Planning and Economic Development with administrative oversight of the Historical Commission presented a conflict of interest and skewed the Commission's decision-making in favor of development projects. Commenters felt that the Commission should operate more independently. [NOTE: These comments were submitted prior to the adoption of the Charter change in November 2015.]

**V. Conclusions and Recommendations**

The City of Philadelphia is a place of undeniable historical, architectural, and cultural significance, not only within the Commonwealth, but nationally and internationally. There is also a long legacy of stewardship of the buildings, sites, objects, and neighborhoods that are the physical manifestations of that significance, both by the public and private sectors. Current and future economic, demographic, and cultural trends require the City to develop and implement a coherent strategy for how the historic environment will be factored into the City's growth. The Philadelphia Historical Commission is the City's principal public steward of historic resources and should demonstrate leadership in preservation programs and planning. Doing so will require adequate human and financial resources and as well as increased efforts to engage the public, improve popular perceptions, and combat misconceptions about historic preservation. The following recommendations are offered as steps toward achieving these goals as well as complying with the requirements of the CLG program and other agreements and mandates.

**1. Historic preservation programs and agencies in Philadelphia lack adequate resources.**

The Philadelphia Historical Commission has a large and important mandate, particularly in a city that trades heavily on its historic character, authenticity, and cultural legacy. The Commission is tasked with being more than regulatory agency. It is established as the public's agent in carrying out the City's stated purpose of identifying and preserving places of "historic, architectural, cultural, archaeological, educational, and aesthetic merit" as a matter of public necessity and benefit (§14-1001). Meeting this mandate requires human and financial resources that are commensurate with the size, density, and complexity of the city itself. Comments from staff, empirical data on permit reviews, and observations from outside entities affirm that existing staffing levels are inadequate to properly and effectively discharge even the most necessary functions of the Commission, much less undertake initiatives that would lead to a more conducive atmosphere for preservation or increase efficiency in the exercise of regulatory functions. Realizing positive change will also likely require financial resources beyond staffing for historic resource survey, consultant services, and technology infrastructure.

**Recommendation:** Increase the Historical Commission's budget for human resources and strategic investment in survey and technology.

## **2. The City lacks critical information about historic resources.**

As noted in several contexts, comprehensive, current, and reliable survey data about the built and environment and potential archaeological resources is a critical need for good decision-making and process improvements. One of the underlying principles of historic preservation policy is that you can't protect what you don't know about. The absence of survey data makes it virtually impossible to be proactive about local register designation, design targeted incentives, or anticipate the impacts of other planning decisions on historic resources. The result is an almost necessary reactionary loop in which designation applications are submitted in response to real or perceived threats, which is perceived as obstruction. This amplifies negative perceptions about historic preservation, related agencies, and advocates. And, while facilitating proactive preservation of significant resources, comprehensive survey can serve the equally important opposite purpose. By looking broadly and objectively at all potential resources in a given area, decisions can be made about what is not important to preserve, clearing the way for more predictable and less cumbersome redevelopment in those areas. Coordination of survey efforts with related City and State agencies, namely the Planning Commission and PHMC, has the added benefits of allowing historic resource information to be integrated into broader planning projects and facilitating access to tax incentives, grant programs, and expedited review processes.

**Recommendation:** Undertake a comprehensive survey of historic resources throughout the City in coordination with Philadelphia Historical Commission, PHMC, City Planning Commission, relevant community organizations, and college and universities. A survey is a requirement of the Programmatic Agreement and continued participation in the CLG program. Pursue grant opportunities and Section 106 mitigation funds to extend the City's investment in a survey. The Historical Commission should demonstrate leadership in this area by convening a task force or

working group comprised of related agencies and organizations to develop a phased survey plan that can be used to solicit funding.

**3. Maintaining and improving the quality of existing data about historic resources is integral to effective and efficient decision-making.**

Both the City and PHMC collect and manage data related to historic properties in Philadelphia, but for different purposes and in different, sometimes incompatible formats. The relatively recent agreement between the Planning Commission and PHMC to regularly update, refine, and share GIS and database information is positive and should be maintained and expanded.

**Recommendation:** Actively monitor the data-sharing agreement between the Planning Commission and PHMC and be sure that information exchanges are occurring at regular intervals. Steps to improve the quality and accuracy of the data should be made at each point of exchange. Future efforts to develop databases or information management systems for historic properties should be designed to be compatible with SHPO systems to facilitate data exchange.

**4. Historic resources should be thoughtfully integrated into planning and zoning efforts.**

The integration of historic resources and historic preservation recommendations into the District Plans is positive and commendable. Collaboration between Historical Commission and PHMC staff on the technical information that informs those plans is a valuable and beneficial partnership that results in holistic recommendations for the Planning Commission to consider. These agencies should strive to refine and improve those memos and think creatively about the planning recommendations that would most directly benefit historic resources. Another positive relationship is the Office of Emergency Management's partnership with PHMC on the integration of historic resource considerations into the forthcoming Hazard Mitigation Plan. This is an innovative partnership that will bring positive attention to the City's efforts and attract significant resources from partner agencies such as the National Park Service and the U.S. Army Corps of Engineers. The revised zoning code may be encouraging development projects that are either incompatible with existing neighborhoods or happen at the expense of historic properties, both designated and undesignated. The result is that areas that were previously eligible for the National Register (and thus tax credits and grants) may be rendered ineligible as a result of incompatible construction.

**Recommendation:** The mapping of historic resources, particularly those listed on the Philadelphia Register, should be integrated and regularly maintained with planning and zoning datasets to allow for clearer and more meaningful analysis of the relationship between these interrelated issues. The City should study projects constructed in historic neighborhoods (including locally designated districts, National Register listed and eligible districts, and potentially eligible districts) since the adoption of the new zoning code to determine whether it is facilitating incompatible development that may undermine the integrity of those communities.

**5. Archaeological resources should be afforded more attention in planning, policies, procedures, and decisions.**

While much of Philadelphia's land area has undergone multiple phases of transformation over the past 350 years, recent archaeological investigations along the I-95 corridor have demonstrated that significant archaeological resources do exist. Excavations conducted as part of the highway's reconstruction and private development have yielded sites and artifacts from Native American settlements, industrial sites, and colonial-era military fortifications. In addition, the discovery of several early and significant burial places, including Bethel Burial Ground, Potter's Field in Germantown, and Byberry Friends Burial Ground illustrate that there places that hold tremendous historical value whose preservation enjoys significant public support buried throughout the City.

**Recommendation:** A qualified archaeologist should be appointed to the Historical Commission. The staff should include a qualified archaeologist or the Commission should employ an archaeologist as on call consultant for professional guidance on projects involving archaeological resources. The Commission's Rules and Regulations should be amended to encourage/require archaeological investigation during project planning/preliminary review rather than as a condition of permit approval.

**6. The Historical Commission has long-term vacancies that should be filled.**

At least one seat on the Historical Commission has been vacant in excess of 2 years. CLG guidelines require vacancies to be filled within 90 days. As mentioned previously, there is a need for archaeological expertise on the Commission and this seat provides the opportunity to appoint a member with those qualifications without displacing other disciplines.

**Recommendation:** Fill existing vacancies immediately and appoint replacements for all future vacancies within 90 days.

**7. The Historical Commission members have not consistently participated in training or continuing education programs.**

Members of the Historical Commission are required to participate in training/continuing education programs on topics pertinent to their roles and responsibilities annually. These requirements may be satisfied through a wide variety of means, including seminars and conferences members may attend as part of their normal job responsibilities. The Commission and staff may also determine that training on a specific topic for the entire group is either desired or necessary. The CLG annual reports indicate that such training has been inconsistent over time and it is not possible to ascertain which members have participated in training programs. PHMC has provided, and anticipates continuing to provide, funds for municipalities to host training programs or underwrite individual attendance at conferences, seminars, and workshops for Commission members. The Commission should pursue these opportunities to fulfill this requirement annually.

**Recommendation:** Ensure that Historical Commission members are made aware of the annual training requirement. Provide members with information about available training and funding opportunities and arrange for training programs specifically for Commission members. Track and report participation in training programs by individual on CLG Annual Reports. Encourage Commission members and staff to join the Pennsylvania Historic Communities Network listserv being launched by Preservation Pennsylvania.

**8. Opportunities for the public to participate in matters before the Commission must be provided consistently.**

Generally speaking, the Commission has improved its methods for providing information about projects and designation applications via the City's website, making it easier for the public to review materials in advance. The Commission's meeting procedures have provisions for public comment prior to final action, but it was observed that these provisions may not be consistently exercised.

**Recommendation:** The Chair should routinely ask for public comment on all applications prior to calling for a vote on project reviews and designation applications.

## Appendix A:

### Comments Submitted by Philadelphia Historical Commission on Draft Evaluation Report and PA SHPO Response

This appendix includes the comments provided by Dr. Jonathan Farnham, Executive Director of the Philadelphia Historical Commission, on the draft evaluation report dated December 14, 2015. The City's comments are included as submitted and each comment is followed by a response from the PASHPO as to how that comment was addressed in the text of the final report. The original comment and response sections are separated by horizontal lines and the responses are clearly labeled as such and in a different font.

**From:** [Jon Farnham](#) **To:** [Kegerise, Cory](#) **Subject:**  
RE: Report Comments?  
**Date:** Wednesday, January 27, 2016 4:08:25 PM

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Cory:

Thank you for the opportunity to respond to the draft of the Pennsylvania & Historical Commission's (PHMC) Certified Local Government Program Evaluation Report for the City of Philadelphia. The City of Philadelphia and the Philadelphia Historical Commission have always considered PHMC their closest, most valuable ally in historic preservation efforts, but the tone of this report, which is unnecessarily damning rather than constructively critical, does not evidence that close, collaborative relationship. The Historical Commission has significant concerns about the methodology employed to generate the report as well as many of the claims proffered in the report, which purports to offer a comprehensive evaluation of the City of Philadelphia's activities under the local preservation ordinance as well as state and federal regulations, but instead offers a limited representation of the City's historic preservation activities generally and the Historical Commission's activities specifically. The Historical Commission could have provided PHMC with a full and clear accounting of the City's activities, but was not offered a viable opportunity to participate in the self-assessment portion of the evaluation. In light of the nature of the questions posed in the self-assessment portion of the evaluation, the breadth, depth, and complexity of the preservation discourse in Philadelphia, and the Historical Commission's scant resources, the limited response time that PHMC offered the City for the self-assessment was wholly inadequate. The Historical Commission suggests the following revisions for improving the report, which, if implemented, will correct some inaccuracies, but will not overcome the report's fundamental flaw, that it was generated in a vacuum without the City's input.

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#### ***PA SHPO Response:***

The City's comments and perspectives on this process are noted and appreciated, though are unnecessarily critical of the intent and level of effort made to engage them in this process. As noted in the Methodology section of the report, there were numerous overtures to Dr. Farnham requesting input through this ten month process. None of these issues or concerns were raised prior to the issuance of the draft report or during the in-person discussion on December 17, 2015. These concerns were raised for the first time in these written comments. As noted, PA SHPO and the Historical Commission have enjoyed a long-standing collaborative relationship with open lines of communication between various members of our respective staffs, including between Dr. Farnham and Cory Kegerise, who conducted this evaluation. If, at any time, Dr. Farnham believed that this process was unfair, rushed, or otherwise flawed there were ample opportunities to communicate that to PA SHPO staff.

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Page 2, Section II

The following sentences in the report should be deleted because the Historical Commission has no record of receiving these offers or requests. "PHMC offered an extension of one month, but no response

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was received from PHC. Requests for face-to-face conversations about the program evaluation were unanswered by PHC." These statements imply negligence on the part of the Historical Commission and should be deleted from the report. The Historical Commission carefully considered and then elected not to participate in the self-assessment portion of the evaluation in July 2015 because it determined that it could not fully and effectively participate with its available resources under the terms and conditions of the evaluation set by PHMC. The Historical Commission is a 14-member body that conducts all of its deliberations in public. The Historical Commission is designed to represent the interests of the Mayor's Office, City Council, numerous City agencies as well as those of many constituencies including preservationists, civic associations, community development corporations, real estate developers, and others. Ultimately, the Historical Commission represents all 1.5 million Philadelphians. The questions posed by PHMC in the evaluation were broad, far-reaching, subjective, and politically charged questions demanding complex analyses and answers. PHMC's expectation that the Historical Commission's staff could unilaterally answer the questions in a matter of hours or days was misguided. Any responses produced in such a narrow manner would, at best, represent a single facet of a complex, multifaceted discourse and therefore have little value. To fully and effectively answer the questions posed by PHMC, the Historical Commission would have had to engage publicly with myriad, disparate interest groups inside and out of government in a comprehensive, open discussion about the future of historic preservation in Philadelphia and then synthesize the contrasting answers into a cohesive response that the Commission could consider adopting at a public meeting. Such a project would have required the formation of an ad hoc committee and consumed many months and staff hours, neither of which was available, especially within the limited timeframe offered by PHMC. Of course, such an exercise would be extremely valuable. However, it could not possibly have occurred within the terms and conditions set by PHMC. PHMC's evaluation system might produce meaningful results in a town of 5,000, but not in a city of 1.5 million. The Historical Commission would embrace the opportunity to fully and effectively evaluate Philadelphia's preservation policies, programs, and activities, but elected not to invest its scant resources responding to the self-assessment questionnaire for the reasons cited above.

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#### ***PA SHPO Response:***

PA SHPO believes wholeheartedly in the value of a broad-based public discourse on preservation issues in the City and believes that it would be a valuable way for the Commission to fulfill its leadership role. That, however, was not the intent of the self-assessment exercise, which was designed to capture the City's and Commission's perspectives. The public comment component was developed specifically to address that issue, within the bounds of PA SHPO's capabilities, and requests for participation were sent to a wide variety of groups with interests in preservation and development issues. PA SHPO cannot mandate responses from these groups, so the report does not address issues that were not raised by either the City or these groups. If the questions posed were beyond the Commission's capabilities to provide meaningful responses to, question 7 was an open-ended question that could have been used to present input on any topic and in any form. And, as previously noted, the collegial nature of the agencies' relationship meant that at any time Dr. Farnham could have requested clarification or more time for providing information.

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#### Page 6, Section B.7

The statement that "Some members were registered, but did not attend" a historic preservation conference in July 2014 should be revised. PHMC provided a grant for Historical Commission members and staff to attend the conference. Many did attend; only one Historical Commission member was registered but did not attend. The term "some" implies more than one and misrepresents the situation. Moreover, the City of Philadelphia, not grant monies, paid for the conference registration fee for the member who did not attend.

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#### ***PA SHPO Response:***

This section has been edited as requested. All members and staff were eligible scholarship recipients, but per the terms of the grant, the City was not reimbursed for individuals who registered but did not attend. The City did not provide additional information about participation in training activities during the evaluation period.

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Page 6, Section B.8

PHMC has no firm basis for its conclusions about the Historical Commission's use of staff time. The two activities mentioned happen to be activities in which PHMC is involved. PHMC has no involvement in the vast majority of Historical Commission activities. The report should be substantially edited to ensure that it does not proffer inaccurate assessments based on assumptions about Historical Commission's activities.

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#### ***PA SHPO Response:***

This section has been edited to more clearly communicate that statements about staffing levels and commitments are based on external perceptions and not a detailed analysis of employee time records. Such information is considered to be well beyond the intent and scope of this process. PA SHPO would happily include information about staff activities and involvement in projects or initiatives if it were provided, but no such information has been offered to date.

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Page 7, Section C.1

The statement that "Previous discussions with the City Planning Commission have indicated that the agency does not have access to current information about locally designated resources" should be deleted. The City Planning Commission has always had access to current information about the Philadelphia Register of Historic Places. The information has been easily accessible and easily geo-coded since 2008, but has always been available since the establishment of the Commission in the 1950s. Individual staff members at Planning may have been unaware of such information, but any claim that the agency did not have access to the information is implausible.

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#### ***PA SHPO Response:***

This section has been edited to clarify that, at the time the draft report was written in 2015, the Planning Commission had indicated that it did not have access to local historic resource designation information in a form that was GIS compatible. This situation may have changed or will change in the future with the recent integration of the Historical Commission with Planning and related agencies.

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Page 7, Section C.3

The statement that "Unfortunately, this information has been stored in a manner that makes integrating the data with CRGIS challenging and thus records for these properties are not currently reflected in the database" is not true and should be deleted.

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#### ***PA SHPO Response:***

In 2015 PA SHPO, working with the Planning Commission and PHC, did receive GIS files and datasets for these properties. The properties have been geolocated and matched to previously identified historic districts as contributing or non-contributing as appropriate. The information provided did not, however, contain all of the data required for PA SHPO to create a minimum record for a property in CRGIS, and a significant amount of back-end processing remains before the records can be uploaded to CRGIS and reflected in the online database.

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Page 7, Section C.4

Numerous statements in this section and others contend that the Historical Commission is not undertaking a comprehensive survey of historic resources. These statements are simply untrue. The Historical Commission has been surveying historic resources across the city in a systematic manner since 2012 as it prepares preservation memos for each of the 18 planning districts in the Phila2035 Comprehensive Plan. While this survey is limited in scope, owing to budgetary and staffing constraints, it is a comprehensive survey nonetheless. It can be criticized for its limited nature, but it should be acknowledged.



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***PA SHPO Response:***

The report has been edited to draw more attention to the preservation memos prepared by PHC staff for the Phila2035 initiative. The verbiage has also been revised to more clearly articulate the definition of survey as is intended in this report and in the CLG and other relevant guidelines.

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Page 8, Section E.1

It should be stated directly that the Historical Commission has always complied with all aspects of the Sunshine Act. No evidence to the contrary exists.

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***PA SHPO Response:***

Determinations of compliance with the Sunshine Act are made by the Court of Common Pleas based upon complaints brought against specific agencies regarding meeting practices. For this reason, the evaluation report does not explicitly state an opinion about the Historical Commission's compliance with the law. The report does state, however, that based upon all available information, the Commission does conduct its business in an open and transparent manner and makes all meeting materials available to the public, both online and in hard copy.

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Page 8, Section E.2

It should be stated directly that all agendas, minutes, and other records documenting all Commission and advisory committee meetings back to the first meeting in 1957 are available to the public. The question is not whether they are all available online, but whether they are available to the public. They are available to the public.

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***PA SHPO Response:***

This section has been edited to address this comment and acknowledge the availability of all meeting materials in the Commission offices.

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Page 8, Section E.4

It should be stated directly that the Historical Commission provides its decisions in writing on all regulatory matters to all applicants and property owners. The report implies that it does not.

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***PA SHPO Response:***

This section has been edited to address this comment and acknowledge the communication of all decisions to applicants in writing.

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Page 8, Section E.6

The audio-visual equipment in the Commission's meeting room was malfunctioning for two monthly meetings in 2015. It has since been completely replaced. Comments about the microphones at one particular meeting promoted by one particular interested party should be deleted in a report that is intended to document more than a decade of business.

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***PA SHPO Response:***

This section has been edited to address this comment. The technical issues referenced in the draft report do appear to be isolated and the Historical Commission staff has responded that the equipment has been addressed.

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Page 9, Section E.7

The Historical Commission has a longstanding commitment to public participation. However, the chair has the authority under the Rules & Regulations to impose reasonable limitations on public participation to ensure relevance and to avoid excessive repetition. The chair has invoked that power no more than two or three times in the last decade. To imply that the Historical Commission routinely precludes or ignores public testimony is simply incorrect. Any such claims or implications should be deleted from the report.

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#### ***PA SHPO Response:***

This language of this section has been modified in response to this comment, in part to more clearly explain the rationale for this observation. PA SHPO does not feel that the draft report in any way suggested that the “Historical Commission routinely precludes or ignores public testimony”, but simply noted that in the course of moving through a fast-paced and full agenda, the Chair did not always remember to pause and ask if there were public comments on each application. As noted in the revised report, this did not appear to be intentional or malicious, and this note is intended only to serve as a reminder to the Commission about the importance of this aspect of meeting procedure.

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Page 8, Section E.8

This section about the Boyd Theater review should be deleted in its entirety. The summary is incorrect and indicates that the PHMC observer did not understand the Historical Commission’s action on the application selected for discussion in the report. The application, for 1900 and 1910 Chestnut Street, proposed the construction of a 350-foot tower at the rear of the site, a three-story addition on two undesignated lots between the historic buildings at the front of the site, and some minor alterations and rehabilitation to the facades of the two historic buildings. The bulk of the application in question, the tower proposal, was withdrawn by the applicant at the start of the review. The Commission approved the addition along Chestnut Street in concept only, meaning that it accepted the basic three-story massing of the proposed building, but rejected the details and withheld a final approval of that portion of the application. In the end, the Commission approved some window and door restoration details for 1900 Chestnut, which could have been approved administratively by the staff, and the glass storefront at the lobby entrance to the Boyd Theater, a miniscule percentage of the work originally proposed. The PHMC claim that “the Commission voted to approve the project as submitted” is simply false. This section should be entirely deleted because it is factually incorrect.

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#### ***PA SHPO Response:***

This section has been revised for clarity and to specifically address the aspect of the Boyd application and discussion that was the subject of this finding. This issue was discussed during the December 18 meeting with PHC staff and targeted for revision based upon that conversation.

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Page 9, Section G.2

The section should be revised for clarity. PHMC is required to give local governments 60 days to comment on National Register nominations. However, PHMC often fails to provide the requisite time for review. The Historical Commission meets monthly. When PHMC provides sufficient notice to the Historical Commission, the Historical Commission reviews National Register nominations at public meetings and provides opportunities for public comment on those nominations. When PHMC fails to provide sufficient notice, the staff of the Historical Commission quickly reviews and comments on the nominations without the benefit of public input. When conveying its comments on National Register nominations to PHMC, the Historical Commission indicates whether or not the public participated in the formulation of the comments. This section implies that the Historical Commission fails to meet its obligations, when, in fact, PHMC often fails to provide the regulation-mandated notice.

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#### ***PA SHPO Response:***

This section has been revised in response to this comment. PA SHPO receives more National Register nominations from Philadelphia than any other jurisdiction in the Commonwealth, many of which are for complex resources or are associated with rehabilitation tax credit applications. As such, turnaround times and transmission of these nominations to PHC are often truncated in order to meet deadlines associated with the specific development projects. PA SHPO has instituted internal procedures to help ensure that the 60 day review window is offered more consistently.

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#### Page 10, Section F.1

The section should be revised. It states that "Current practice is to evaluate the National Register eligibility of properties as individual resources and does not consider whether there may be a National Register eligible historic district in the vicinity." The statement is untrue. District eligibility is typically considered. A recent review in the Point Breeze section of the city is one example; a color-coded map showing eligible and ineligible properties was prepared to make the case that the property in question was not located in an eligible district. Likewise, the statements about the alleged incompatibility of data are incorrect. The data compatibility problem was corrected months ago through a collaborative effort between PHMC and Philadelphia's Planning and Historical Commissions. In fact, PHMC staff have routinely praised the Historical Commission's Section 106 work and held it up as a model for other jurisdictions in the Commonwealth.

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#### ***PA SHPO Response:***

While improvements have been made toward considering larger historic districts in recent submissions, the statement is not inaccurate. This need was identified as part of the PA renewal process and while efforts have been made to consider larger historic properties, the assessment is often limited to integrity assessments based on streetscape views. Little discussion is provided regarding neighborhood histories and potential significance. Therefore, improvements can be made.

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#### Pages 10-14, Part IV, Summary of Public Comments

This section should be revised to clearly indicate that it represents claims made by third parties that are not necessarily factually correct. The many statements in this section are opinions, but are often given the appearance of being factually correct and broadly accepted.

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#### ***PA SHPO Response:***

An editor's note has been added to this section of the report to address concerns raised in this comment.

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#### Recommendation 7

This recommendation should be limited to a call for better reporting on continuing education efforts by the Historical Commission.

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#### ***PA SHPO Response:***

The core text of this conclusion and associated recommendation have remained unchanged, as the Commission did not provide more detailed information to suggest that the conclusion about participation in training programs was incorrect. PA SHPO continues to believe that advising members of their annual training requirements, arranging training opportunities, and making use of available funding and technical resources for providing such training are valid recommendations, in addition to more detailed reporting.

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#### Recommendation 8

This recommendation should be deleted. The Historical Commission always complies with all relevant law and regulation with regard to public participation during application and nomination reviews under the local ordinance. The Historical Commission provides opportunity for public comment on National Register nominations whenever PHMC satisfies its 60-day notice requirement to the Commission. The problem with the sound system was a momentary occurrence corrected many months ago. Also, the Historical Commission has already moved Committee on Historic Designation meetings, which are often well-attended, to a much larger room.

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#### ***PA SHPO Response:***

The portions of this conclusion and recommendation related to the sound system in the meeting room have been removed.

Thank you again for the opportunity to comment on the draft of this report. Please note that the lack of comments proffered on other sections of the report does not indicate agreement with the claims and conclusions of those sections, but merely indicates that the Historical Commission had limited time available for this review. The Philadelphia Historical Commission looks forward to the final report and the opportunity to implement key recommendations.

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