



Armando Bencomo &lt;armando.bencomo@lacity.org&gt;

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**Public Comments Not Uploaded Council File 21-0119**

1 message

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**Corrie Siegel** <csiegel@neonmona.org>

Mon, Dec 6, 2021 at 2:09 PM

Reply-To: clerk.plumcommittee@lacity.org

To: clerk.plumcommittee@lacity.org, gilbert.cedillo@lacity.org, debby.kim@lacity.org, councilmember.blumenfield@lacity.org, lisa.hansen@lacity.org, councilmember.rodriquez@lacity.org, christine.jerian@lacity.org, councilmember.harris-dawson@lacity.org, solomon.rivera@lacity.org, councilmember.lee@lacity.org, hannah.lee@lacity.org

Please include this letter in the record for Council File 21-0119

Taix is a place that holds many happy memories for me of gathering, celebrating, creating, and eating huge plates of fries and tureens of soup in the warmth of a place that has fostered community for so many years. Taix is also a historic and important resource to Los Angeles and has been recognized as such by the Cultural Heritage Commission. The amendment that was suggested to HCM is a dangerous precedent and reduces a historic treasure to a few symbols. It conveys no regard to the important role Taix plays in the community, and seems to fast track a development project without any thought of preservation. The current plan is not preservation, it is using the word preservation as a smokescreen to fast track an ill-considered development. There is a way to grow and develop as a city together. Using language and amendments as a tactic to fast-track development is not the way. The development plan needs to be reconsidered. This is about so much more than Taix, it is about the soul of our city and the importance of preservation.

**Corrie Siegel**



Armando Bencomo &lt;armando.bencomo@lacity.org&gt;

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## Public Comments Not Uploaded Taix Redevelopment

1 message

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**space** <space@reddesert.la>

Mon, Dec 6, 2021 at 12:05 PM

Reply-To: clerk.plumcommittee@lacity.org

To: clerk.plumcommittee@lacity.org, hannah.lee@lacity.org, christina.jerian@lacity.org

Please include this letter in the record fore Council File 21-0119.

Dear Council Members and Others,

I am strongly opposed to the current plans for the redevelopment of the Taix restaurant building site, especially the "amendment" proposed by Councilman O'Farrell, which allow the building to be demolished and will set a terrible precedent for the the management of designated historic resources in the city. We need housing, yes, but this makes Councilman O'Farrell's amendment makes a mockery of our architectural, historic and zoning laws. The site can be more densely developed without wholesale removal of the restaurant building save a bar, a sign and a chair.

Thank you

Lindon Schultz  
1809 1/2 Edgecliffe Drive  
LA, CA 90026  
CD13



Armando Bencomo &lt;armando.bencomo@lacity.org&gt;

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**Public Comments Not Uploaded re: Council File 21-0119**

1 message

**Brian Dyer** <bwdyer@hotmail.com>

Mon, Dec 6, 2021 at 11:52 AM

Reply-To: clerk.plumcommittee@lacity.org

To: "clerk.plumcommittee@lacity.org" <clerk.plumcommittee@lacity.org>, CD 1 Gilbert Cedillo <gilbert.cedillo@lacity.org>, CD 1 Chief of Staff Debby Kim <debby.kim@lacity.org>, CD 3 Bob Blumenfield <councilmember.blumenfield@lacity.org>, CD 3 Chief of Staff Lisa Hansen <lisa.hansen@lacity.org>, "CD 7 Monica Rodriguez," <councilmember.rodriguez@lacity.org>, CD 7 Chief of Staff Christine Jerian <christine.jerian@lacity.org>, CD 8 Marqueece Harris-Dawson <councilmember.harris-dawson@lacity.org>, CD 8 Chief of Staff Solomon Rivera <solomon.rivera@lacity.org>, CD 12 John Lee <councilmember.lee@lacity.org>, CD 12 Chief of Staff Hannah Lee <hannah.lee@lacity.org>

To Whom It May Concern:

Please include this letter and its attachment in the record for Council File 21-0119.

Those who cannot remember the past are condemned to repeat. Satayana.

I am in support of the full preservation of Taix.

In addition I would request that the PLUM committee of the City Council fully understand the use and misuses of the Department of the Interior's "Standard Nine," and work with the Department of the Interior to come up with a written document as guidance for the application of Standard Nine for the City. There is guidance only peripherally through a link from Cultural Resources to the Department of the Interior, but this leaves a nebulous interpretation at best. Many City's have grappled with understanding historic preservation. With the recent change, barely a decade ago, of Hollywood being named a regional center by the City Council, it has opened up, and left vulnerable historic gems to redevelopment of land by their owners. With the City also encouraging density to help solve the housing crisis, it has put increased pressure on the City, causing loss of our History. I would point the City towards Philadelphia's adoption and interpretation of this Standard. It can be found at <https://www.phila.gov/media/20190327101224/Historical-Commission-rules-regulations.pdf>, and is included as an attachment.

Best,

Brian Dyer



**Historical-Commission-rules-regulations.pdf**

586K

# PHILADELPHIA HISTORICAL COMMISSION RULES & REGULATIONS

Revision: 3-12-2021

## Revision History

The Philadelphia Historical Commission adopted the original Rules & Regulations on 8 August 1990.

The Philadelphia Historical Commission revised the Rules & Regulations, effective 4 December 1997, with amendments to Sections 6.1, 6.2, and 6.3 and the addition of Section 6.7 (applications, submission requirements, review process, review in concept).

The Philadelphia Historical Commission revised the Rules & Regulations, effective 17 July 2003, with an amendment to Section 6.3.c.1.d (staff review of slate roofs).

The Philadelphia Historical Commission revised the Rules & Regulations, effective 11 July 2005, with the addition of Section 6.8 (murals).

The Philadelphia Historical Commission revised the Rules & Regulations, effective 23 March 2009, replacing Section 6.3.c.1 (staff review).

On 11 December 2009, the Philadelphia Historical Commission voted to revise the Rules & Regulations, effective 11 February 2010, amending and adding sections related to interior designation and regulation.

On 12 March 2021, the Philadelphia Historical Commission voted to revise the Rules & Regulations, adding Section 5.16 on postponing the reviews of nominations. At that time, the numbered citations to the preservation ordinance in the Rules & Regulations were updated to reflect the numbering in the current Philadelphia Code.

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1. DECLARATION OF POLICY AND PURPOSES

Pursuant to Section 14-2007(4)(h) of the Philadelphia Code, "Historic Buildings, Structures, Sites, Objects and Districts," 16 U.S.C., Sections 470-470w-6, "The National Historic Preservation Act of 1966, as amended," 36 C.F.R. 61.5, and the Pennsylvania Bureau for Historic Preservation, "Guidelines for Implementation of the Certified Local Governments Program in Pennsylvania," the Philadelphia Historical Commission originally adopted the following Rules & Regulations on 8 August 1990. The Rules & Regulations have subsequently been amended. See page 2 for a revision history.

Section 14-2007 of the Philadelphia Code, "Historic Buildings, Structures, Sites, Objects and Districts," replaced with Chapter 14-1000 of the revised zoning code, effective 22 August 2012, established the Philadelphia Historical Commission as the municipal historic preservation agency. The Commission bears the responsibility to designate buildings, structures, sites, objects, public interior portions of buildings and structures, and districts as historic, to review and act upon all permit applications for the alteration or demolition of designated historic resources, to make recommendations to the Mayor and City Council to further historic preservation in the city, and to promote public awareness of the values of historic preservation.

The criteria and procedures defined by Section 14-1000 of the Philadelphia Code in the exercise of the Commission's powers and duties implicitly direct the Commission to make reasoned and informed judgments in the designation of resources as historic and in the review of permit applications. The Commission also, however, has an advocacy function within the municipal government in the duty to make recommendations to the Mayor and City Council and a like role with the public at large in its obligations to increase awareness of the values of historic preservation.

The Historical Commission may undertake other activities to further historic preservation and to assure the integration of historic preservation in the planning and development processes. Among these are participation in the National Register of Historic Places program, cooperation with federal and state historic preservation agencies in the implementation of all applicable statutes and regulations, and assistance to other municipal offices in complying with historic preservation considerations and goals. Here, too, the Commission may perform an administrative and regulatory function, an advocacy role, or both.

## 2. DEFINITIONS

The following words and phrases shall have the meaning ascribed to them in this section.

### 2.1 Alter or Alteration

A change in the appearance of a building, structure, site or object which is not otherwise covered by the definition of demolition, or any other change for which a permit is required under the Philadelphia Code of General Ordinances. Alteration includes the reroofing, cleaning or pointing of a building, structure, or object. Section 14-203(15).

### 2.2 Building

A structure, its site and appurtenances created to shelter any form of human activity, including a public interior portion of a building. Section 14-203(43).

### 2.3 Commission

The Philadelphia Historical Commission. Section 14-203(146).

### 2.4 Construct or Construction

The erection of a new building, structure, or object upon an undeveloped site. Section 14-203(76).

### 2.5 Contributing Building, Structure, Site or Object

A building, structure, site, or object within a district that reflects the historical or architectural character of the district as defined in the Commission's designation. Section 14-203(78).

### 2.6 Demolition or Demolish

The razing or destruction, whether entirely or in significant part, of a building, structure, site, or object. Demolition includes the removal of a building, structure, or object from its site or the removal or destruction of the facade or surface. Section 14-203(88).

### 2.7 Department

The Department of Licenses and Inspections. Section 14-203(89).

### 2.8 Design

Features including mass, height, appearance, volume, and the texture, color, nature and composition of materials, as well as their arrangement and relationships. Section 14-203(92).

### 2.9 District

A geographically definable area possessing a significant concentration,

linkage, or continuity of buildings, structures, sites, objects, and/or public interior portions of buildings and structures united by past events, plan or physical development. A district may comprise an individual site or individual elements separated geographically but linked by association, plan, design, or history. Section 14-203(92).

2.10 Fixture

An article which has been so annexed to and/or affixed to a public interior portion of a building or structure that it is regarded as a part of the public interior portion of the building or structure. An article is deemed to be annexed to and affixed to a public interior portion of a building or structure when it is attached to it by roots, embedded in it, permanently resting upon it, or permanently attached to what is thus permanent, by means including but not limited to cement, plaster, nails, bolts, or screws.

2.11 Hearing

A formal public meeting of the Commission, pursuant to quorum, where the Commission takes an action affecting the rights of a property owner as authorized by Section 14-1000 of the Philadelphia Code. Hearings shall be held on the proposed designation of buildings, structures, sites, objects or districts and on applications for permits to alter or demolish. The formal submission of reports, testimony, and recommendations shall occur at these hearings. Hearings shall be publicized and open to the public as established by law.

2.12 Historic Building

A building or complex of buildings and site, or the public interior portion of a building, which is designated pursuant to Section 14-1004 of the Philadelphia Code or listed by the Commission under Section 14-2007 of the prior zoning code or the prior historic buildings ordinance approved December 7, 1955, as amended. Section 14-203(147).

2.13 Historic District, Object, Site or Structure

A district, object, site, or structure, or a public interior portion of a structure, which is designated by the Commission pursuant to Section 14-1004 of the Philadelphia Code or Section 14-2007 of the prior zoning code. Section 14-203(148).

2.14 Meeting

Meeting includes the regular stated assembling, pursuant to quorum, of the Commission as prescribed by ordinance and these Rules & Regulations, as well as special gatherings of the Commission called pursuant to these Rules & Regulations. As applied to sessions of the Commission, the words hearing and meeting are synonymous. Inasmuch

as the Commission's standing and ad hoc committees serve in an advisory capacity only, their gatherings are meetings, not hearings. Meetings shall be publicized and open to the public as established by law.

- 2.15 **Non-Contributing Building, Structure, Site or Object**  
A building, structure, site, or object within a district that does not reflect the historical or architectural character of the district as defined in the Commission's designation. Cf. Section 14-203(78).
- 2.16 **Object**  
A material thing of functional, aesthetic, cultural, historic, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment. Section 14-203(195).
- 2.17 **Public Interior Portion**  
An interior portion of a building or structure that is, or was designed to be, customarily open or accessible to the public, including by invitation. Does not include an interior portion of a building or structure that was designed to be customarily open or accessible to the public, which interior portion has been significantly altered physically such that a substantial portion of the features reflecting design for public use no longer remain. Terminating use of an interior portion of a building or structure by the public shall not in and of itself constitute conversion of the design of such interior portion. Does not include the interior portions of a building, which building was designed to be, and is still, used exclusively as one or more private residences. Section 14-203(252).
- 2.18 **Public Notice**  
An advertisement placed in a newspaper of general circulation.
- 2.19 **Significant Building, Structure, Site, or Object**  
A building, structure, site, or object within a district that warrants individual listing on the Philadelphia Register of Historic Places under the criteria established in Section 14-1004(1)(a)-(j) of the Philadelphia Code.
- 2.20 **Site**  
The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical, cultural, or archeological value regardless of the value of any existing structure. Section 14-203(298).
- 2.21 **Special Meeting**  
A meeting or hearing called, as needed, by the Chair or Vice Chair and

limited to a particular question(s). In the public notice of such a meeting, the purpose(s) of the meeting shall be stated.

2.22 Structure

A work made up of interdependent and interrelated parts in a definite pattern of organization constructed by man and affixed to real property, including a public interior portion of a structure. Section 14-203(323).

2.23 Undeveloped Site

An undeveloped site is a property within an historic district which is not individually designated, to which the inventory in the historic district nomination attributes no historical, cultural, or archaeological value, and upon which no building or structure stood at the time of the designation of the historic district. Non-historic foundations and other below-grade constructions; surface parking lots; non-historic parking kiosks and other kiosks, storage sheds, and other impermanent constructions without foundations; and non-historic walls, fences, and gates shall not be construed as buildings or structures for the purposes of this definition.

### 3. THE COMMISSION

#### 3.1 Commission Membership

Appointments to the Commission and the filling of vacancies on the Commission shall be made by the Mayor pursuant to Section 14-1002(1) of the Philadelphia Code.

#### 3.2 Officers

The members of the Commission shall choose among themselves a Chairperson, a Vice-Chairperson and such other officers as they may determine.

#### 3.3 Compensation

Each appointed member of the Commission shall receive compensation as provided by ordinance of City Council.

#### 3.4 Committees

The Commission may, by a majority present and voting, create such standing and *ad hoc* committees as it deems necessary for the conduct of the Commission's work.

3.4.a Architectural Committee. The Commission shall maintain an Architectural Committee to review applications and to advise the Commission on their appropriateness. This Committee shall be guided by Section 14-1005(6)(e) of the Philadelphia Code and such other portions of the Historic Preservation Ordinance that relate to permit issuance. The Commission shall select no fewer than five or more than seven persons to sit on this Committee without term at the pleasure of the Commission. The Committee may include members of the Commission as well as other qualified persons. The Committee shall consist of professionals who have knowledge of and experience with historic resources and who represent a breadth of perspective. The Chair of the Committee shall be the "architect experienced in the field of historic preservation" appointed to the Commission. Three members shall constitute a quorum. The Architectural Committee shall meet monthly or as needed.

3.4.b Committee on Historic Designation. The Commission shall maintain a Committee on Historic Designation to review nominations for the designation of buildings, structures, sites, objects, public interior portions of buildings and structures, and districts and to advise the Commission on their significance. This Committee shall be guided by Section 14-1004 of the Philadelphia Code and such other portions of the Historic Preservation ordinance that relate to the



designation of buildings, structures, sites, objects, public interior portions of buildings and structures, and districts as historic. The Committee shall utilize such forms and other documentation as established by the Commission. The Commission shall select no fewer than five or more than seven persons to sit on this Committee without term at the pleasure of the Commission. The Committee may consist of members of the Commission and other qualified persons. The membership shall include persons who have knowledge of history, architecture, cultural resources, and planning as well as at least one who represents the perspective of a civic or community organization. The Chair of the Committee shall be a member of the Commission. Three members shall constitute a quorum. The Committee on Historic Designation shall meet as needed.

3.4.c Committee on Financial Hardship. The Commission shall maintain a Committee on Financial Hardship to review applications claiming financial hardship under the several financial hardship provisions of Section 14-1000 of the Philadelphia Code. The members of this Committee shall include the Chair of the Commission, the Developer member of the Commission, the Chair of the City Planning Commission or his/her designee, the Director of the Office of Housing and Community Development or his/her designee, the Architectural Historian and the Architect. The Chair of the Commission shall appoint the Chair of this Committee. Three members shall constitute a quorum. The Committee on Financial Hardship shall meet as needed.

### 3.5 Conflict of Interest

In the event that any member of the Commission or its Committees has a personal or a business interest in any property or activity under consideration by the Commission or its Committees, that member shall declare said interest or its potential appearance, shall disqualify himself/herself from participation in discussion of the matter and from voting on it, and shall comply with Section 20-600 of the Philadelphia Code, "Standards of Conduct and Ethics," and the provisions of the Department of the Interior's Grants Manual.

## 4. CONDUCT OF MEETINGS

### 4.1 Meetings

The Commission shall meet monthly or as required. Special meetings may be held, as needed, upon the call of the Chair or Vice-Chair.

Public Notice shall be published in a newspaper of general circulation annually to specify the day, hour, and place of the regularly scheduled meetings of the Commission for the ensuing year. At least three days' notice in writing shall be given to members of the date, time, place, and purpose of all special meetings, unless such notice is waived in writing by all members. Public notice of a special meeting shall be given of the date, time, and place of such meeting at least twenty-four (24) hours prior to the time of the meeting.

In addition, the Commission may hold Briefing Sessions to receive and discuss information that does not require action. Briefing Sessions shall be open to the public; however, inasmuch as they are intended for the exchange of information and ideas among the Commission and staff, the public is not invited to participate in these discussions. The Commission shall take no action during Briefing Sessions.

From time to time, the Commission may also hold Executive Sessions, closed to the public, in accordance with the provisions of applicable law.

### 4.2 Quorum

A quorum of the Commission shall consist of eight members. An abstention for any reason shall not affect the presence of a quorum.

### 4.3 Recording

Each public hearing and meeting of the Commission shall be recorded as established by law.

### 4.4 Agenda

The agenda shall list items including but not limited to nomination and permit application items that require Commission action and may list items for information and discussion. Any member of the Commission may request the placing of an item for information and discussion on an agenda. The staff shall distribute agendas of regular monthly Commission meetings at least five (5) working days in advance to the Commission and to any person who has requested receipt. The staff shall distribute agendas of special Commission meetings at least twenty-four (24) hours in advance to the Commission and to any person who has requested receipt.

#### 4.5 Order of Business

4.5.a The Chair shall call the meeting to order, and determine and announce the presence of a quorum. The Chair shall also announce the subject of any Executive Session held before the meeting and any changes in the agenda.

4.5.b The Chair shall ask for any additions or corrections to the minutes of the preceding meeting and then for a motion to approve the minutes. The staff shall have distributed the minutes to the Commission members at least forty-eight (48) hours in advance.

#### 4.5.c Consent Agenda

The Consent Agenda allows the Commission to act expeditiously on applications for which there is general consent, thereby streamlining its meetings.

4.5.c.1 All applications for which neither the applicant nor an interested party has objected to the Architectural Committee's recommendation shall be included on the Consent Agenda section of the meeting agenda.

4.5.c.2 The applications included on the Consent Agenda shall also be listed in their normal positions on the agenda and clearly marked as Consent Agenda matters.

4.5.c.3 Any Commissioner may remove an application from the Consent Agenda and place at its normal position on the agenda to allow for discussion.

4.5.c.4 The Commission shall request comments on the Consent Agenda from the staff and public. In reaction to such comments, any Commissioner may remove an application from the Consent Agenda and place it at its normal position on the agenda to allow for discussion.

4.5.c.5 After the contents of the Consent Agenda are finalized, the Commission may, with a single motion, adopt all of the Architectural Committee's recommendations for applications on the Consent Agenda.

4.5.c.6 If the Commission fails to adopt the Consent Agenda, the applications on the Consent Agenda shall be placed at their normal positions on the agenda.

4.5.d Reports of the Standing Committees of the Commission. The Chair of each committee, or in his/her absence a designee from the

committee or staff, shall make the report and shall present motions for action. The staff shall distribute the reports of the standing committees to the Commission at least twenty-four (24) hours in advance.

- 4.5.e Reports of any Ad Hoc Committees of the Commission. The Chair of each committee, or in his/her absence a designee from the committee, shall make the report and shall present any motions for action. The staff shall distribute copies of Committee reports to the Commission at least twenty-four (24) hours in advance.
- 4.5.f Report on Staff Activities. The Executive Director shall present a report of the staff activities, which shall have been distributed in advance of the Commission meeting.
- 4.5.g Permit Approval Log. The staff shall submit to the Commission a monthly report in writing that includes the addresses and brief descriptions of the scopes of work for permit applications approved administratively, without referral to the Architectural Committee and Commission.
- 4.5.h Upon the completion of the agenda, the Chair shall request a motion to adjourn. At any time prior to the completion of the agenda, the Chair or any member of the Commission may offer a motion to adjourn.

#### 4.6 Conduct of Business

- 4.6.a Upon the conclusion of the presentation of each agenda item by the committee chair or designee and/or the staff, and during the presentations at the discretion of the Chair, the Chair shall recognize Commission members who wish to raise questions or comment on the matter under consideration.
- 4.6.b After the Commission members have had an opportunity to question and comment, the Chair shall recognize the applicant and then other members of the public who wish to speak to the matter under consideration. The Chair may impose reasonable limitations upon public participation to ensure relevance and to avoid excessive repetition.

Parties to a matter before the Commission shall submit in writing seven (7) calendar days in advance of a Commission meeting any proposed substantial testimony, including any supporting documentation, reports and studies, to be offered at a public

meeting of the Commission. Parties to a matter before the Commission include an applicant and/or organization or person who has previously evinced an interest or position on a matter. In the event of a continuance by the Commission, parties include any applicant and any organization or person who offered previous testimony before the Commission or a committee of the Commission. This rule is designed to afford the Commission members and staff sufficient time to receive, read, and assess substantial testimony before a meeting or hearing. It shall not be interpreted to preclude full public participation or submission of comments at a meeting or hearing.

- 4.6.c Members of the Commission may make motions concerning an item under consideration before or after any public participation.
- 4.6.d The order of motions shall follow Roberts Rules of Order.
- 4.6.e A majority of the members present at the time of voting, including any members abstaining, is required to adopt a motion.
- 4.6.f Voting may be by voice vote, except that the Chair or any member may request a vote by show of hands.
- 4.6.g The Chair may vote on all motions, but shall cast his/her vote after the other Commission members have voted.

#### 4.7 Minutes and Reports

- 4.7.a Written minutes of meetings and hearings and reports of the committees and staff shall be prepared by the staff of the Commission. The written minutes of meetings and hearings shall include the date, time, and place of meeting; the names of members present; the substance of the official actions or recommendations; record of roll call votes of individual members; and names of all citizens who appeared officially and the subject of their testimony.
- 4.7.b Minutes of meetings and reports of committees and the staff shall not be released until adopted by the Commission. Draft versions of minutes and reports may be released, provided they are clearly marked on every page as drafts subject to change.

4.8 Public Access to Nomination and Application Materials

The Commission shall provide public access to all nomination and application materials, except those documents identified as confidential in Section 9.8 of these Rules & Regulations.

## 5. DESIGNATION OF HISTORIC RESOURCES

### 5.1 Philadelphia Register of Historic Places

The list of buildings, structures, sites, objects, public interior portions of buildings and structures, and districts designated as historic by the Commission shall be called the Philadelphia Register of Historic Places.

### 5.2 Criteria for Designation

Section 14-1004(1) of the Philadelphia Code provides that the Commission may designate a building, structure, site, object, public interior portion of a building or structure, or district for preservation if it:

- a. Has significant character, interest or value as part of the development, heritage, or cultural characteristics of the City, Commonwealth, or Nation or is associated with the life of a person significant in the past; or,
- b. Is associated with an event of importance to the history of the City, Commonwealth, or Nation; or,
- c. Reflects the environment in an era characterized by a distinctive architectural style; or,
- d. Embodies distinguishing characteristics of an architectural style or engineering specimen; or,
- e. Is the work of a designer, architect, landscape architect or designer, or engineer whose work has significantly influenced the historical, architectural, economic, social, or cultural development of the City, Commonwealth, or Nation; or,
- f. Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or,
- g. Is part of or related to a square, park, or other distinctive area which should be preserved according to an historic, cultural, or architectural motif; or,
- h. Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community, or City; or,
- i. Has yielded, or may be likely to yield, information important in pre-history or history; or,
- j. Exemplifies the cultural, political, social, or historical heritage of the community.

### 5.3 Nominators

Any person or organization including the Commission and its staff may prepare a nomination for submission to and consideration by the Commission.

#### 5.4 Nomination Submission Requirements

Nominators shall submit one paper copy and one electronic copy of the nomination to the Commission. If the electronic copy of a nomination is formatted with customized or non-standard computer software, the nominator shall provide the software necessary to amend the electronic copy to the Commission.

#### 5.5 Nomination of Buildings, Structures, Sites, and Objects

5.5.a Nominations of Buildings, Structures, and Sites to the Philadelphia Register of Historic Places shall be submitted in such form as the Commission shall prescribe. This form shall include:

1. the current and historic names of the resource;
2. the street address of the resource and the name and mailing address of the owner as they appear in the real estate tax records of the Department of Revenue;
3. a categorization of the type of resource, i.e. building, structure, or site;
4. a narrative description of the resource's boundaries and a graphic description of those boundaries delineated on a site or plot plan;
5. categorizations of the resource's condition, occupancy, and use;
6. the date or period of significance;
7. the dates of construction and major alteration, if known;
8. the names of architect, engineer, designer, builder, original owner, and/or other significant persons involved with the resource, if known;
9. a narrative description of its physical appearance;
10. a narrative statement of its significance citing all Criteria for Designation set forth in Section 14-1004(1) of the Philadelphia Code that the resource satisfies;
11. bibliographical references;
12. photographs of the resource and its site and surroundings; and,
13. the name and contact information of the nominator.

5.5.b Nominations of Objects to the Philadelphia Register of Historic Places shall be submitted in such form as the Commission shall prescribe. This form shall include:

1. the current and historic names of the resource;
2. the street address of the setting or environment of the resource and the name and mailing address of the owner as they appear in the real estate tax records of the Department of Revenue;



3. a categorization of the type of resource as an object;
4. a narrative description of the boundaries of the object and the boundaries of its specific setting or environment, and a graphic description delineating the object's location and the boundaries of the setting or environment;
5. categorizations of the resource's condition and use;
6. the date or period of significance;
7. the dates of creation and major alteration, if known;
8. the names of artist, architect, engineer, designer, builder, original owner, and/or other significant persons involved with the resource, if known;
9. a narrative description of the physical appearances of the object and its setting or environment;
10. a narrative statement of its significance citing all Criteria for Designation set forth in Section 14-1004(1) of the Philadelphia Code that the resource satisfies;
11. bibliographical references;
12. photographs of the object and setting or environment; and,
13. the name and contact information of the nominator.

5.5.c Public interior portions of buildings and structures may be nominated for designation in a nomination proposing the designation of a building or structure. However, the designation of a building or structure shall not constitute the designation of any public interior portion in the building or structure unless that public interior portion is specifically identified in the nomination for the building or structure. A separate nomination form for the public interior portion as defined in Section 5.6 of these Rules & Regulations must be attached to the building or structure nomination as an addendum.

## 5.6 Nomination of Public Interior Portions of Buildings and Structures

5.6.a No public interior portion of a building or structure shall be considered designated for preservation pursuant to Section 14-1000 of the Philadelphia Code unless the Commission has specifically designated it after 28 December 2009.

5.6.b The Commission may designate an interior portion of a building or structure that is, or was designed to be, customarily open or accessible to the public, including by invitation. The Commission shall not designate an interior portion of a building or structure that was designed to be customarily open or accessible to the public, but has been significantly altered physically such that a substantial portion of the features reflecting its design for public use no longer

remain. Terminating the use of an interior portion of a building or structure by the public shall not in and of itself disqualify it from designation. The Commission shall not designate the interior portions of a building, which building was designed to be, and is still, used exclusively as one or more private residences.

- 5.6.c The Commission may designate a public interior portion, or any part of a public interior portion, of a building or structure for preservation regardless of whether the remainder of the building, structure, site, or appurtenances with which it is associated has been so designated.
- 5.6.d When designating a public interior portion of a building or structure, the Commission may designate realty and fixtures, as defined in Section 2.10 of these Rules & Regulations. Articles within a nominated public interior portion of a building or structure that do not constitute fixtures may not be designated as part of the public interior portion, but may be nominated for designation as objects, as defined in Section 2.16 and as prescribed in Section 5.5.b of these Rules & Regulations. A nomination to designate an object or objects located within a public interior portion of a building or structure that is itself under consideration for designation may be attached to the nomination of the public interior portion as an addendum.
- 5.6.e Nominations of Public Interior Portions of Buildings and Structures to the Philadelphia Register of Historic Places shall be submitted in such form as the Commission shall prescribe. This form shall include:
  - 1. the current and historic names of the resource;
  - 2. the street address of the resource and the name and mailing address of the owner as they appear in the real estate tax records of the Department of Revenue;
  - 3. a narrative description of the boundary or boundaries of the public interior portion(s) and a graphic description of the boundary or boundaries of the public interior portion(s) delineated on architectural plan(s);
  - 4. an inventory of all features including fixtures proposed for inclusion within the designation with their locations within the public interior portion(s) indicated on architectural plan(s) and/or annotated photographs;
  - 5. categorizations of the building's or structure's overall condition, occupancy, and use;
  - 6. the date(s) or period(s) of significance;

7. the dates of construction and major alteration, if known;
8. the names of architect, engineer, designer, builder, original owner, and/or other significant persons involved with the resource, if known;
9. annotated photographs describing all aspects of the physical appearance(s) of the public interior portion(s) including but not limited to floors, ceilings, and walls, and their relations to the overall building or structure, with a key showing the locations from which each photograph was taken;
10. a narrative statement of significance citing all Criteria for Designation set forth in Section 14-1004(1) of the Philadelphia Code that the public interior portion(s) satisfies;
11. bibliographical references;
12. photographs of the primary exterior façade of the building or structure and its site and surroundings; and,
13. the name and contact information of the nominator.

5.6.f Objects may be nominated for designation in a nomination proposing the designation of a public interior portion of a building or structure. However, the designation of a public interior portion of a building or structure shall not constitute the designation of any object within that public interior portion unless that object is specifically identified in the nomination for the public interior portion. A separate nomination form for the object(s) as defined in Section 5.5.b of these Rules & Regulations must be attached to the public interior portion nomination as an addendum.

## 5.7 Nomination of Historic Districts

5.7.a Nominators of historic districts are urged to consult with the Commission's staff early in the district nomination planning process. The staff can provide guidance regarding feasibility, eligibility, significance, boundaries, formatting, and other aspects of the potential district nomination to avert investments in untenable nominations and to promote efficient, effective designation processes and successful designations.

5.7.b Nomination of Districts to the Philadelphia Register of Historic Places shall be submitted in such form as the Commission shall prescribe. This form shall include:

1. the current and historic names of the proposed district;
2. a graphic description of the district's location on a map of the City of Philadelphia;
3. a narrative description of the district's boundaries and a graphic description of those boundaries delineated on a

- map;
- 4. a narrative description of the district's physical appearance;
- 5. a narrative statement of the district's significance citing all Criteria for Designation set forth in Section 14-1004(1) of the Philadelphia Code that the proposed district satisfies
- 6. bibliographical references;
- 7. photographs of the characteristic streetscape; and,
- 8. the name and contact information of the nominator.

- 5.7.c In addition, a district nomination shall include a descriptive, evaluative, and photographic inventory. The inventory shall be organized by street address and shall include an entry for every property within the district as it appears in the real estate tax records of the Department of Revenue. The inventory may also include entries for features without street addresses including but not limited to bridges and horse troughs. Each entry shall include:
- 1. the current and historic names of the resource;
  - 2. the dates of construction and major alteration, if known;
  - 3. the names of architect, engineer, designer, builder, original owner, and/or other significant persons involved with the resource, if known;
  - 4. a brief description of the physical appearance of the resource;
  - 5. a photograph of the primary public view of the resource;
  - 6. a classification of the resource as significant, contributing, or non-contributing. A significant building, structure, site, or object within a district is one that qualifies for individual listing on the Philadelphia Register of Historic Places. A contributing building, structure, site, or object, while perhaps not eligible for individual listing, reflects the character of the district as set forth in the statement of significance. A non-contributing building, structure, site, or object has no relationship to the character of the district through history, architecture, design or plan as set forth in the statement of significance.
  - 7. previous individual and district listings on the National and Philadelphia Register of Historic Places including designation date(s); and,
  - 8. a statement of archeological significance, if any; this information shall be subject to the confidentiality provisions of 5.13 of these Rules & Regulations.

- 5.7.d Public interior portions of buildings and structures may be included as resources in a nomination proposing the designation of a district,

provided the inclusion of each public interior portion is justified in the Statement of Significance for the district. However, the designation of a district shall not constitute the designation of any public interior portion of a building or structure unless the public interior portion is specifically identified in the nomination for the district. For every public interior portion of building and structure included in a district nomination, a separate nomination for that interior portion as defined in Section 5.6 of these Rules & Regulations must be attached to the district nomination as an addendum.

5.8 Review of Nominations by the Staff

5.8.a The staff shall review nominations for technical and substantive correctness and completeness. The staff shall return incorrect and/or incomplete nominations to the nominators with written explanations of the deficiencies. The staff shall not forward incorrect and/or incomplete nominations to the Committee on Historic Designation or the Commission. The staff shall advise the Commission of all nominations deemed incorrect and/or incomplete.

5.8.b The staff shall evaluate the significance of nominated resources using the Criteria for Designation set forth in Section 14-1004(1) of the Philadelphia Code. The staff shall refer correct and complete nominations to the Committee on Historic Designation with an advisory recommendation for or against designation, with or without amendments to the nomination. When recommending for designation, the staff shall cite the Criteria for Designation upon which the recommendation is based.

5.9 Written Notice to Property Owners of Proposed Designations

5.9.a The Commission shall provide notice of public meetings at which the Commission and the Committee on Historic Designation will consider proposed designations of buildings, structures, sites, objects, public interior portions of buildings and structures, and districts as historic.

5.9.b At least thirty (30) days before holding a public meeting to consider the proposed designation of a building, structure, site, object, or public interior portion of a building or structure as historic, the Commission shall send written notice to the owner of the property proposed for designation. The notice shall indicate the dates, times, and places of the public meetings at which the Commission and the Committee on Historic Designation will consider the proposed

designation. Notice shall be sent to the registered owner's last known address as the same appears in the real estate tax records of the Department of Revenue and sent to "Owner" at the street address of the property in question.

5.9.c At least sixty (60) days before holding a public meeting to consider the proposed designation of a district as historic, the Commission shall send written notice of the proposed designation to the owners of each building, structure, site, object, and public interior portion of a building or structure within the proposed district. The notice shall indicate the dates, times, and places of the public meetings at which the Commission and the Committee on Historic Designation will consider the proposed designation. Notice shall be sent to the registered owner's last known address as the same appears in the real estate tax records of the Department of Revenue and sent to "Owner" at the street address of the property in question. The Commission shall provide public notice of the proposed designation of a district as historic in a newspaper having general circulation within the city and shall post notice of the proposed designation at locations within the proposed district at least sixty (60) days before the first public meeting to consider the proposed designation.

5.10 Review of Nominations by the Committee on Historic Designation

5.10.a The Committee on Historic Designation shall review nominations at meetings open to the public. The Committee provides technical advice to the Commission and its meetings do not constitute public hearings. Nevertheless, opportunity for public participation in these meetings shall be made available and shall be limited only by constraints of time and pertinence.

5.10.b The Committee on Historic Designation shall evaluate the significance of nominated resources using the Criteria for Designation set forth in Section 14-1004(1) of the Philadelphia Code. The Committee shall refer nominations to the Commission with an advisory recommendation for or against designation, with or without amendments to the nomination. When recommending for designation, the Committee shall cite the Criteria for Designation upon which the recommendation is based. If, when recommending against designation, the Committee determines that the resource may be eligible for designation but the nomination is deficient, the Committee may also recommend that the Commission return of the nomination to the preparer with a request for revision and subsequent resubmission. The recommendation shall be reported to the Commission for consideration at a public hearing.

5.11 Review of Nominations by the Commission

5.11.a The Commission shall conduct its public hearings on the designation of buildings, structures, sites, objects, public interior portions of buildings and structures, and districts as historic in the manner prescribed in Section 4 of these Rules & Regulations.

5.11.b Section 14-1004(1) of the Philadelphia Code provides that the Commission may designate a building, complex of buildings, structure, site, object, public interior portion of a building or structure, or district for preservation if the nominated resource satisfies one or more of the Criteria for Designation.

5.11.c The Commission may designate as historic a building, complex of buildings, structure, site, object, public interior portion of a building or structure, or district with or without the consent of the owner(s).

5.12 Written Notice of Designations

The Commission shall send written notice of the designation as historic of a building, structure, site, object, public interior portion of building or structure, or district to the owner of each separately designated building, structure, site, object, or public interior portion of building or structure, and to the owners of each building, structure, site, object, or public interior portion of building or structure within a district designated historic, which shall include reason for the designation. Notice shall be sent to the registered owner's last known address as the same appears in the real estate tax records of the Department of Revenue and sent to the "Owner" at the street and address of the property in question. The Commission shall send written notice of historic designation to any person appearing at the public hearing who requests notification.

5.13 Archaeological Sites

The Commission shall maintain the confidentiality of data on archeological sites in order to protect their integrity and context against unauthorized disturbance or excavation. This data may be released for cause at the discretion of the Executive Director. This rule is not intended to deny access to archeological information to persons with appropriate academic or professional credentials engaged in legitimate research.

5.14 Amendment and Rescission of Designations

Section 14-1004(5) of the Philadelphia Code permits the Commission to amend or rescind the designation of a building, complex of buildings, structure, site, object, public interior portion of a building or structure, or district as historic in the same manner as specified for designation.

#### 5.14.a Amendment

5.14.a.1 Amendment presupposes that the historic resource under consideration continues to meet the criteria for entry on the Philadelphia Register of Historic Places. Amendment includes the substantial revision or amplification of the description or statement of significance of a designated property or district, the revision of a district classification, or the alteration of the boundary of a district.

5.14.a.2 Amendment to a description or statement of significance may be made either by revising the existing nomination or by submitting a supplement to the file.

5.14.a.3 The Commission may amend a district boundary to enlarge or reduce the size of a district. The submission for a boundary change shall include the materials specified for a nomination in Sections 5.7.b and 5.7.c of these Rules & Regulations. Before considering a nomination to enlarge an historic district, the Commission shall notify those owners in the newly nominated but yet undesignated area, pursuant to Section 14-1004(2)(b) of the Philadelphia Code.

5.14.a.4 For an amendment, the Commission, Committee on Historic Designation, and staff shall follow the procedures established in Section 5 of these Rules & Regulations.

#### 5.14.b Rescission

5.14.b.1 The Commission may rescind the designation of a building, structure, site, object, public interior portion of a building or structure, or district and remove its entry or entries from the Philadelphia Register of Historic Places if:

- a. the resource has ceased to satisfy any Criteria for Designation because the qualities that caused its original entry have been lost or destroyed;
- b. additional information shows that the resource does not satisfy one or more Criteria for Designation; or,
- c. the Commission committed an error in professional judgment when it determined that the resource satisfied one or more Criteria for Designation.

5.14.b.2 A person who seeks to have a designation rescinded shall



make a written and documented submission to the Commission that demonstrates one of the three bases cited in Section 5.14.b.1 of these Rules & Regulations. The content of such a submission may vary from case to case. For example, a demonstration of the loss or destruction of qualities may require a report by a structural engineer.

5.14.b.3 For rescission, the Commission, the Committee on Historic Designation and the staff shall follow the procedures established in Section 5 of these Rules & Regulations.

5.15 Subdivision, Consolidation, and Condominium Conversion

When a property designated as historic and listed on the Philadelphia Register of Historic Places is subdivided into multiple properties, the Commission shall list all addresses assigned to the subdivided properties on the Philadelphia Register of Historic Places. For the purposes of these Rules & Regulations, a subdivision is the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines.

When a property designated as historic and listed on the Philadelphia Register of Historic Places is consolidated into another property, the Commission shall list all addresses assigned to the consolidated property on the Philadelphia Register of Historic Places. For the purposes of these Rules & Regulations, a consolidation is the integration or reintegration of two or more lots, tracts, or parcels of land by any means into a lot, tract, parcel, or other division of land including changes in existing lot lines.

When a property designated as historic and listed on the Philadelphia Register of Historic Places is converted into a condominium, the Commission shall list all addresses and unit numbers assigned to the condominium units on the Philadelphia Register of Historic Places. For the purposes of these Rules & Regulations, a condominium is real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions.

As with any listing on the Philadelphia Register of Historic Places, a property owner may petition to amend or rescind a listing resulting from subdivision, consolidation, or condominium conversion, as specified in Section 5.14 of these Rules & Regulations.

## 5.16 Postponing Reviews of Nominations

### 5.16.a Requests from Property Owners to Postpone Reviews of Individual Nominations

A property owner or owner's representative who wishes to postpone the review of a nomination proposing individual designation that is pending before the Committee on Historic Designation or the Historical Commission may request a postponement in writing to the Executive Director at least 3 business days in advance of the start of the public meeting at which the nomination will be reviewed. The request shall:

1. indicate that it is made by the property owner or a duly appointed representative of the owner;
2. indicate the length of the proposed postponement;
3. acknowledge that the property remains subject to the Historical Commission's jurisdiction as though it were designated throughout the continuance period; and
4. acknowledge that permit applications submitted for the property during the continuance period are not subject to the 90-day time limit for permit review set forth in Section 14-1000-(6)(f) of the historic preservation ordinance.

The Executive Director may grant one or more such postponement requests totaling not more than 12 months. If the Executive Director declines to grant a postponement or the request does not comply with the requirements stipulated above, the first postponement request shall be presented to the Historical Commission for consideration at its next meeting without review of the request or nomination by the Committee on Historic Designation. Reviews of the nomination by the Committee on Historic Designation shall proceed notwithstanding all subsequent requests for postponements not approved by the staff.

### 5.16.b Requests from Third Parties to Postpone Reviews of Individual Nominations

All requests for postponements of reviews of individual nominations submitted by anyone other than the property owner or owner's representative shall be presented to the Historical Commission for consideration at its next meeting. Reviews of the nomination by the Committee on Historic Designation shall proceed notwithstanding such requests for postponements.

### 5.16.c Requests to Postpone the Reviews of Historic District Nominations

All requests for postponements of reviews of historic district nominations shall be presented to the Historical Commission for

consideration at its next meeting. Reviews of the nomination by the Committee on Historic Designation shall proceed notwithstanding such requests for postponements.

5.16.d Reporting on Postponements of Reviews of Nominations

The Executive Director shall report in writing all grants of postponements and ongoing postponements of the reviews of nominations to the Committee on Historic Designation and the Historical Commission prior to their public meetings. Such reports shall be made available to the public.

5.16.e Time Limits to Review Building Permit Applications during Postponements

By submitting a request for a postponement of the review of an individual nomination, the property owner agrees to waive the time limit for the review of building permit applications for that property mandated by Section 14-1000-(6)(f) of the historic preservation ordinance.

## 6. REVIEW OF PERMIT APPLICATIONS

### 6.1 Permit Review Authority

Pursuant to Section 14-1005 of the Philadelphia Code, a property owner or authorized representative must obtain a permit from the Department of Licenses and Inspections before altering or demolishing a historically designated building, structure, site, object, or public interior portion of a building or structure; constructing a building, structure, or object within a historic district; or performing work that requires a building permit on a building or structure, if such building or structure contains an historic public interior portion. To obtain such a permit, one must first apply to the Department. Before the Department may issue such a permit, it is required by Section 14-1005(2) of the Philadelphia Code to forward the permit application to the Commission for its review.

### 6.2 Alteration

Section 14-203(15) of the Philadelphia Code defines an alteration as any change in the appearance of a building, structure, site, object, or public interior portion of a building or structure; or any work for which a permit is required under the Philadelphia Code. Alterations include but are not limited to reroofing, cleaning and pointing masonry, and replacing doors and windows.

### 6.3 Demolition

Section 14-203(88) of the Philadelphia Code defines a demolition as the razing or destruction, whether entirely or in significant part, of a building, structure, site, object, or public interior portion of a building or structure. The removal of a building, structure, or object from its site and the removal or destruction of a facade may be considered demolitions. Section 14-1005(6)(d) of the Philadelphia Code states that the Commission may approve the issuance of a permit for the demolition of a building, structure, site, object, or public interior portion of a building or structure that is individually designated or contributes to a historic district only if the Commission finds that the issuance of the permit is necessary in the public interest, or if the Commission finds that the historic resource in question cannot be used for any purpose for which it is or may be reasonably adapted. In order to show that a historic resource cannot be used for any purpose for which it is or may be reasonable adapted, the owner must demonstrate that the sale of the property is impracticable, that commercial rental cannot provide a reasonable rate of return, and that other potential uses of the property are foreclosed.

### 6.4 Maintenance

Section 14-1006(4) of the Philadelphia Code stipulates that the historic

preservation ordinance shall not be construed to prevent the ordinary maintenance or repair of a historically designated building, structure, site, object, or public interior portion of a building or structure when the maintenance or repair work does not require a permit by law and where the purpose and effect of such work is to correct any deterioration or decay of, or damage to, a building, structure, site, object, or public interior portion of a building or structure and to restore the same to its condition prior to the occurrence of such deterioration, decay, or damage.

- 6.5 Summary of the Building Permit Application Review Process
- Applicants are urged to consult with the Commission staff early in the planning process for guidance in the preparation of permit applications that are correct and complete and satisfy the Commission's review standards. When the Commission receives a building permit application, it reviews the application as follows:
- 6.5.a The staff determines whether the Commission holds jurisdiction over the property in question. If the property is not under the Commission's jurisdiction, the staff informs the Department of the lack of jurisdiction and the process is complete.
  - 6.5.b The staff then determines whether the application is complete. If it is not complete, the staff identifies the deficiencies, returns the application to the applicant, and the process is complete.
  - 6.5.c The staff then determines whether the work proposed in the application requires review. If the proposed work does not require review, the staff approves the application without additional evaluation and the process is complete.
  - 6.5.d The staff then determines whether the proposed work falls within the staff's purview to review according to Section 6.10.c of these Rules & Regulations. If the proposed work does fall within the staff's purview, the staff then determines whether it satisfies the review criteria set forth in Section 14-1005(6)(e) of the Philadelphia Code and Section 6.9 of these Rules & Regulations. If it does, the staff approves the application and the process is complete. If it does not fall within the staff's purview and/or does not satisfy the review criteria, the staff forwards it to the Architectural Committee for review with an advisory recommendation.
  - 6.5.e If the application proposes a mural or demolition, the property is posted with the appropriate public notification as required in Section 6.15 or 6.16 of these Rules & Regulations respectively.
  - 6.5.f The Architectural Committee reviews applications forwarded

to it by the staff. If the proposed work falls within the staff's purview, but was not approved by the staff, and the Architectural Committee determines that it satisfies the review criteria set forth in Section 14-1005(6)(e) of the ordinance and Section 6.9 of these Rules & Regulations, the Committee approves the application and returns it to the staff for final processing, after which the process is complete. If it does not fall within the staff's purview and/or does not satisfy the review criteria, the Architectural Committee reviews the application, formulates a non-binding recommendation, and forwards the application and recommendation to the Commission for review.

- 6.5.g If an application makes a claim of financial hardship, the staff forwards the application to the Committee on Financial Hardship as well as Architectural Committee. Like the Architectural Committee, the Committee on Financial Hardship formulates a non-binding recommendation, which it forwards to the Commission. See Section 9 of these Rules & Regulations for guidance regarding financial hardship applications.
- 6.5.h The Commission reviews all applications referred to it by the Architectural Committee. During its review, the Commission considers the recommendation of the Architectural Committee and, if the applicant has claimed financial hardship, the recommendation of the Committee on Financial Hardship, and bases its action on the review criteria set forth in Section 14-1005(6)(e) and Section 6.9 of these Rules & Regulations as well as the financial hardship, unnecessary hardship, and public interest provisions (Sections, 9, 11, and 12). For all but review-and-comment applications (see Section 7), the Commission must, within sixty (60) days of receipt of a complete application, approve it, object to it, or defer action on it for a period not to exceed six (6) months. For review-and-comment applications, i.e. applications proposing the erection of a new building, structure, or object on an undeveloped site in an historic district, the Commission does not have plenary jurisdiction, but only the authority to comment on the application within forty-five (45) days of its receipt.
- 6.5.i After the Commission acts on an application, it returns it to the staff for final processing, during which the staff verifies that the final construction drawings comply with the Commission's action. Once the staff has verified the compliance, the process is complete.

Pursuant to the Philadelphia Code, applications may also be subject to review for approval by other City of Philadelphia departments, departmental units, boards, and commissions in addition to the Historical Commission. These include, for example, the Zoning Unit of the Department of Licenses and Inspections, the Philadelphia City Planning Commission, and the Art Commission. The Department of Licenses and Inspections directs applicants to agencies with potential jurisdiction.

6.6 Early Consultation

Applicants are urged to consult with the Commission's staff early in the planning process for guidance in the preparation of correct and complete permit applications for submission to the Commission. The staff can advise applicants on the preparation of applications that will satisfy the Commission's review standards.

6.7 Submission Requirements

The submission requirements may vary according to the proposed scope of work. The staff can advise the applicant on specific submission requirements. At a minimum, an applicant must submit the following:

- 6.7.a A completed Application for Building Permit, or such other form as the Commission and Department may adopt. The Application for Building Permit form may be obtained from the Department of Licenses and Inspections or the Historical Commission. Before any final action by the Commission to approve a proposal, to deny a proposal, or to defer action on a proposal for a designated period not to exceed six (6) months, an applicant must submit a completed building permit application to the Commission.
- 6.7.b A cover letter describing the proposed undertaking and any special circumstances.
- 6.7.c Copies of any historic documentation related to the project, for example, historic maps, photographs, or insurance surveys.
- 6.7.d Photographs of all elevations and areas proposed to be altered or demolished; of the street or interior context of the building, structure, site, or public interior portion of the building or structure; and, in the case of an object, of the specific setting or environment. All photographs shall be dated and labeled, and shall remain the property of the Commission.
- 6.7.e For applications proposing work to designated exteriors, a legible, dimensioned, accurately-scaled plot or site plan and legible,

dimensioned, accurately-scaled drawings of all elevations to which alterations are proposed. Depending on the nature of the project, section drawings and plans may also be required. If demolition is proposed, the area(s) of demolition must be clearly delineated on the drawings. All drawings must be annotated and/or be accompanied by a complete set of specifications that describe the proposed undertaking in detail. For less complex projects, annotated photographs and/or photomontages with notes and/or specifications may be acceptable in lieu of drawings.

- 6.7.f For applications proposing work to designated interiors, a legible, dimensioned, accurately-scaled interior plan with the interior designation boundary clearly demarcated and legible, dimensioned, accurately-scaled drawings of all elevations, floors, ceilings, and other features to which alterations are proposed. Depending on the nature of the project, section drawings may also be required. If demolition is proposed, the area(s) of demolition must be clearly delineated on the drawings. All drawings must be annotated and/or be accompanied by a complete set of specifications that describe the proposed undertaking in detail. For less complex projects, annotated photographs and/or photomontages with notes and/or specifications may be acceptable in lieu of drawings.
- 6.7.g Legible, dimensioned, accurately-scaled, detail or shop drawings of all features to be replaced and/or reconstructed. Such features may include but are not limited to doors, door frames, window frames and sash, shutters, cellar bulkheads, cornices, dormers, mantels, and stairways.
- 6.7.h Manufacturer's specifications and/or catalog cut-sheets for all off-the-shelf elements including but not limited to lighting and door hardware. The features enumerated in Section 6.7.g of these Rules & Regulations are not considered off-the-shelf elements.
- 6.7.i For applications claiming financial hardship, see Section 9 of these Rules & Regulations for additional submission requirements.
- 6.7.j For applications claiming unnecessary hardship, see Section 11 of these Rules & Regulations for additional submission requirements.
- 6.7.k For applications claiming necessity in the public interest, see Section 12 of these Rules & Regulations for additional submission requirements.



## 6.8 Submission Completeness

The Historical Commission staff shall review the application and ascertain its completeness pursuant to the submission requirements delineated in Section 6.7 of these Rules & Regulations. An incomplete application and submission may not be accepted by the staff and may be returned to the applicant with a request for additional information.

In the event that the Architectural Committee or Commission deems an application incomplete, it may direct the staff to return the application to the applicant. The sixty (60) day response requirement prescribed by Section 14-1005(6)(a) of the Philadelphia Code and Section 6.12 of these Rules & Regulations shall not apply to an incomplete application.

## 6.9 Review Criteria

### 6.9.a Review Criteria for Properties Designated as Historic pursuant to Section 14-1000 of the Philadelphia Code

In making a determination as to the appropriateness of proposed alterations, demolition, and/or construction for properties designated as historic pursuant to Section 14-1000 of the Philadelphia Code, the Commission, its committees, and staff shall consider the following:

- 6.9.a.1 The purposes of Section 14-1000 of the Philadelphia Code, the City of Philadelphia's historic preservation ordinance;
- 6.9.a.2 The historical, architectural, or aesthetic significance of the building, structure, site, object, or public interior portion;
- 6.9.a.3 The effect of the proposed work on the building, structure, site or object and its appurtenances;
- 6.9.a.4 The compatibility of the proposed work with the character of the historic district or with the character of its site, including the effect of the proposed work on the neighboring structures, the surroundings and the streetscape; and,
- 6.9.a.5 The design of the proposed work.
- 6.9.a.6 In addition to the above, the Commission, its Architectural Committee, and staff shall be guided in their evaluations by the most recent edition of *The*

*Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*, hereafter cited as the Secretary's Standards.

- 6.9.a.7 In specific cases as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this section would result in unnecessary hardship so that the spirit of this section shall be observed and substantial justice done, subject to such terms and conditions as the Commission may decide, the Commission shall by a majority vote grant an exemption from the requirements of Section 14-1000 of the Philadelphia Code, the historic preservation ordinance.
- 6.9.a.8 With respect to designated public interior portions, the Commission may grant an exemption when, owing to special consideration of the mission and financial status of a non-profit organization, the Commission determines that a literal enforcement of the provisions of Section 14-1000 of the Philadelphia Code would not be in the public interest and the spirit of Section 14-1000 of the Philadelphia Code will be substantially observed, subject to such terms and conditions as the Commission may establish.
- 6.9.a.9 In their review of applications proposing work to historic public interior portions of buildings and structures, the Commission, Architectural Committee, and staff shall not regulate the following:
- a. the positioning or placing, but not affixing, of personal property including but not limited to furniture, artworks, rugs, carpets, and curtains within the public interior portion, except when the positioning or placing of such personal property would result in material injury to the public interior portion;
  - b. the use and/or occupancy of the public interior portion;
  - c. the public accessibility of the public interior portion; and,
  - d. the environmental conditions of the public interior

portion including but not limited to temperature and humidity, except when the environmental conditions would result in significant material injury to the public interior portion.

- 6.9.a.10 When reviewing permit applications, the Commission may consider development plans in place at the time of the issuance of the notice announcing the consideration of a designation. Section 14-1004(2)(a) of the Philadelphia Code requires the Commission to provide written notice to the owner of the proposed designation of a building, structure, site, object, or public interior portion at least thirty (30) days in advance of the public hearing to consider the designation. Section 14-1004(2)(b) of the Philadelphia Code requires the Commission to provide written notice to owners, a newspaper announcement, and notices posted in the proposed district at least sixty (60) days in advance of a public hearing to consider the designation of an historic district. In addition, Section 14-1005(6)(f) authorizes the Commission to review permit applications from the date of the mailing of notices to owners. The Commission, its committees, and staff may consider development plans in place at the time of the issuance of the notice announcing the consideration of a designation including but not limited to executed contracts, substantial design development, or other evidence of a material commitment to development in the review of applications. This regulation shall not apply to buildings, structures, sites, objects, and public interior portions within a proposed district that were previously designated individually.
- 6.9.a.11 The Commission, Architectural Committee, and staff shall employ different criteria when reviewing permit applications for non-contributing buildings, structures, sites, and objects within historic districts. Section 14-203(97) of the Philadelphia Code defines a historic district as a "geographically definable area possessing a significant concentration, linkage, or continuity of buildings, structures, site, or objects united by past events, plan, or physical development." By implication, Section 14-203(78) defines a

non-contributing building, structure, site, or object within a historic district as one that does not reflect the historical or architectural character of the district as defined in the Commission's designation. In Section 14-1005(6)(d), the Code also contains a strict standard of review for the proposed demolition of contributing buildings, structures, sites, objects, and public interior portions within an historic district, but not for non-contributing buildings, structures, sites, and objects. Sections 14-1005(1) and (2), however, require that the Commission review all permits for buildings within historic districts. Moreover, the very concept of a historic district suggests that the district as a whole constitutes the principal historic resource and possesses greater significance than its individual component parts. Section 14-1005(6)(e) provides specific directions to the Commission in "its determination as to the appropriateness of proposed alterations." These include consideration of "the purposes of this section," "the historical, architectural or aesthetic significance of the building, structure, site or object," "the effect of the proposed work on the building, structure, site or object and its appurtenances," "the compatibility of the proposed work with the character of the historic district or with the character of its site, including the effect of the proposed work on the neighboring structures, the surroundings and the streetscape," and "the design of the proposed work." When reviewing applications for non-contributing buildings, structures, sites, and objects within an historic district, the Commission, its committees, and staff shall place particular emphasis on the compatibility of materials, features, size, scale, proportion, and massing with the historic district.

- 6.9.b For properties located in the Main Street Manayunk National Register Historic District, placed under the jurisdiction of the Historical Commission by Chapter 7 of the Philadelphia Property Maintenance Code, and not designated as historic pursuant Section 14-1000 of the Philadelphia Code, the Commission, its committees, and staff shall consider the following in making a determination as to whether the proposed alterations, demolition, and/or construction preserve the character of the historic district:
  - 6.9.b.1 Repair: Original architectural features such as

- cornices and bays shall not be removed. Deteriorated features shall be repaired where possible. Replacement material where necessary shall duplicate the original as closely as possible.
- 6.9.b.2 Facings: Refacing of facades, bays, cornices with inappropriate materials such as aluminum siding, or brick veneer shall be prohibited. Existing inappropriate facade facings shall be removed at the termination of the useful life of the facing. Any inappropriate facing material lawfully in existence shall not be repaired or altered in any substantial manner.
- 6.9.b.3 Elements: Original window and door openings, sills, lintels, and sashes shall be retained and repaired whenever possible. Replacement elements shall match the original appearance in proportion, form, and materials as closely as possible.
- 6.9.b.4 Storefronts: Original existing storefronts contributing to the character of the district shall be retained and repaired. New storefronts shall be compatible with the proportion, form and materials of the original building.
- 6.9.b.5 Design: Additions, alterations, and new construction shall be designed so as to be compatible in scale, building materials, and texture, with contributing buildings in the historic district.

## 6.10 Review by the Staff

### 6.10.a Staff Responsibilities

The staff shall adhere to the following procedures in the exercise of its discretion to review and approve permit applications.

1. The staff shall be forthright and act in good faith with applicants. The staff has an affirmative obligation to disclose all pertinent information in its possession to applicants.
2. The staff shall fully and clearly explain all Commission processes and procedures to applicants. The staff shall offer to provide copies of the historic preservation ordinance and these Rules & Regulations.
3. The staff shall provide applicants with access to all Commission-held documents related to their properties including but not limited property files, meeting minutes, designation records, and district inventories.
4. The staff shall fully and clearly explain the extent of the Commission's, Architectural Committee's, and staff's

authority to applicants. The staff shall fully and clearly explain that the staff is not authorized to deny any application, but only to approve some applications and refer all others to the Architectural Committee and Commission.

5. The staff shall fully and clearly explain that the Commission's authority is limited to review within the scope of work defined by the applicant.
6. The staff shall fully and clearly explain that alterations undertaken prior to designation are grandfathered and may be retained when outside the scope of the proposed work.
7. The staff shall complete reviews not referred to the Architectural Committee and Commission within five (5) working days of the submission of a complete application.

#### 6.10.b Applications for Undesignated Interior Spaces

The staff shall review and shall approve without referral to the Architectural Committee and Commission building permit applications for alterations to interior spaces that are not designated as historic, provided the proposed alteration has no effect on a designated public interior portion of the building or structure; has no effect on the exterior appearance of the building or structure, if such building, structure, or object is designated as historic; and does not compromise the structural integrity of the building or structure. The staff shall complete such reviews within five (5) working days of the submission of a complete application.

#### 6.10.c Staff Approval Authority

In reviewing permit applications, the staff shall comply with the standards set forth in §14-1005(6)(e) of the Philadelphia Code and, as mandated in Section 6.9 of these Rules & Regulations, shall be guided in their evaluations by The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings. The staff shall base its reviews on sufficient evidence including but not limited to physical evidence at the site or similar sites and historic documents such as photographs, architectural plans, insurance surveys, and maps. The staff shall review and may approve without referral to the Architectural Committee and the Commission permit applications proposing:

1. the restoration of the historic resource to a period of significance, provided the restoration is based on sufficient evidence and the undertaking will not cause the damage or removal of significant original or later historic fabric;
2. the replacement of deteriorated features including, but not

- limited to, windows, doors, shutters, cornices, mantels, and stairways, provided the severity of deterioration requires replacement, the design of the replacement features is based on sufficient evidence, and the replacement features replicate the appearance of the historic features;
3. the replacement of roofing materials when the original materials are not extant, provided the proposed materials are based on sufficient evidence and closely approximate or replicate the historic roofing materials;
  4. the replacement of slate roofing materials, with the exception of mansards, turrets, and other character-defining features, provided the severity of deterioration requires replacement and the substitute materials closely approximate the color and shape of the historic slate roofing materials;
  5. the alteration of non-historic storefront features when the historic storefront is not extant;
  6. the alteration of secondary elevations and site features that face service alleys and/or are not visible or have limited visibility from public rights-of-way;
  7. the alterations of public interior portions including but not limited to plumbing, electrical, mechanical, and weatherproofing work, provided the alterations are not visible to the public and do not cause the damage and/or removal of significant historic fabric;
  8. the removal and/or alteration of features that are not original, historically significant, or integral to the historic resource including exploratory removals;
  9. the alteration or addition of minor, non-historic features including but not limited to awnings, signage, light fixtures, door hardware, window boxes, mechanical equipment, railings, fences, walls, gates, fire-suppression systems, and alarm and security systems, provided the new features are compatible with the character of the historic resource, do not block views of its character-defining features, and do not cause the damage and/or removal of significant historic fabric;
  10. standard maintenance not exempted from review by §14-1006(4) of the Philadelphia Code including but not limited to pointing, masonry cleaning, repainting, and paint removal;
  11. work that reverses alterations performed without a permit;
  12. the repair or removal of features determined Unsafe or Imminently Dangerous by the Department of Licenses & Inspections, provided that the permit is issued with the condition that the owner is required to restore such historic

features to their original appearance and location within one year of their removal; and,

13. alterations to and demolitions of non-contributing buildings, structures, sites, and objects within historic districts not also individually designated as historic, provided such alterations and demolitions do not adversely impact public interior portions designated as historic.

6.10.d Staff Referral of Applications to the Architectural Committee

In the event that the staff is not authorized or declines to approve an application, the staff shall forward the application to the Architectural Committee for review at its next meeting. The staff shall make a recommendation on the application to the Architectural Committee for approval, denial, or deferral, with or without conditions and qualifications. The staff may also enter a recommendation directly to the Commission.

6.11 Review by the Architectural Committee

6.11.a The Architectural Committee is a technical advisory committee of the Historical Commission. The Architectural Committee is established and defined in Section 3.4.a of these Rules & Regulations.

6.11.b For review at an Architectural Committee meeting, a complete application as described in Section 6.7 of these Rules & Regulations, and Section 9.2 of these Rules & Regulations if financial hardship is claimed, must be submitted to the staff at least nine (9) working days prior to the meeting. The staff shall release a list of applications to be reviewed by the Committee to all interested parties at least five (5) working days prior to the Committee meeting. All application materials, with the exception of some hardship documentation as defined in Section 9.8 of these Rules & Regulations, shall be considered public information and shall be available for public examination at the Commission office at least five (5) working days prior to the Committee meeting.

Supplemental materials may be submitted during the review process, provided such materials are submitted at least three (3) working days prior to the Committee meeting at which the application will be heard. Such materials, with the exception of some hardship documentation as defined in Section 9.8 of these Rules & Regulations, shall be considered public information and shall be available for public examination at the Commission office upon submission.



- 6.11.c The applicant or an informed, authorized representative is expected to appear before the Committee to make a brief presentation of the proposed work and to address any questions that may arise about the application. Attendance at this meeting facilitates the review process and avoids delay.
- 6.11.d The Architectural Committee shall review the application based on the criteria set forth in Section 14-1005(6)(e) of the Philadelphia Code and Section 6.9 of these Rules & Regulations.
- 6.11.e The Architectural Committee shall review and may approve without referral to the Commission applications that are subject to staff approval but which the staff has declined to approve. If the Committee declines to approve such an application, it shall formulate an advisory recommendation for approval, denial, or deferral, with or without conditions and qualifications; and refer the application with recommendation to the Commission for review at its next meeting. The Architectural Committee approval or recommendation shall be confirmed in writing to the applicant.
- 6.11.f The Architectural Committee shall review applications that are not subject to staff approval; formulate an advisory recommendation for approval, denial, or deferral, with or without conditions and qualifications; and refer the application with recommendation to the Commission for review at its next meeting. The Architectural Committee recommendation shall be confirmed in writing to the applicant.
- 6.12 Review by the Commission
  - 6.12.a The Commission shall review all applications and recommendations referred to it by the Architectural Committee. For applications claiming financial hardship, the Commission shall additionally consider the Committee on Financial Hardship's recommendation.
  - 6.12.b As prescribed in Section 14-1005(6)(a) of the Philadelphia Code, the Commission must determine within sixty (60) calendar days of the receipt of a permit application whether or not it has any objection to the proposed alteration or demolition. In the absence of an objection by the Commission, the Department of Licenses and Inspections shall issue the permit subject to other provisions of the Code; in the event of an objection by the Commission, the Department shall deny the permit. The Commission may, however,

defer action on a permit application for a designated period not to exceed six (6) months from the date of its resolution to defer. The Commission may request that the applicant provide additional information during the deferral period.

6.12.c Supplemental materials may be submitted during the review process, provided such materials are submitted at least three (3) working days prior to the Commission meeting at which the application will be heard. Such materials, with the exception of some hardship documentation as defined in Section 9.8 of these Rules & Regulations, shall be considered public information and shall be available for public examination at the Commission office upon submission.

6.12.d During any deferral period, the Commission may consult with the owner, civic groups, public and private agencies, and interested parties to ascertain what may be done by the City or others to preserve the building, structure, site or object which is the object of the permit application. When appropriate, the Commission may make recommendations to the Mayor and City Council.

#### 6.13 Withdrawals and Continuances

##### 6.13.a Withdrawal

An applicant may withdraw an application at any time prior to the Commission's action on the application. An applicant may withdraw an application on the record during an Architectural Committee or Commission meeting or in writing to the Executive Director at any time prior to the Commission's action on the application.

##### 6.13.b Continuances

An applicant who wishes to postpone the review of an application after its submission but before its review at the Architectural Committee meeting must withdraw the application in writing to the Executive Director. The applicant may resubmit the application for consideration during a subsequent review cycle. An applicant who wishes to postpone the review of an application by the Commission following its review by the Architectural Committee must make a request in writing to the Executive Director, who may grant one postponement to the subsequent Commission meeting. If the Executive Director declines to grant a postponement, the staff will present the postponement request to the Commission at its next meeting before it considers the application. The Commission may grant the postponement or commence with its review.

Applicants may make requests for longer postponements and subsequent postponements in writing to the Executive Director or in person at the Commission meeting. The staff shall present such written requests for postponements to the Commission at its next meeting before it considers the application.

When an applicant requests a postponement that is granted, the clock measuring the time limit for review mandated by Section 14-1000 of the Philadelphia Code and/or these Rules & Regulations shall be paused at the start of the postponement and shall resume at the end of the postponement.

#### 6.14 Appeals

Any person aggrieved by the issuance or denial of any permit reviewed by the Commission may appeal such action to the Board of License and Inspection Review pursuant to Section 5-1005 of the Philadelphia Home Rule Charter and Section 14-1008 of the Philadelphia Code. Such an appeal must be filed with the Board of License and Inspection Review within fifteen (15) days of written notice to the applicant of the decision.

#### 6.15 Murals

##### 6.15.a Policy

6.15.a.1 This policy applies to murals and other similar forms of outdoor visual art.

6.15.a.2 Murals shall not be placed directly upon historic fabric.

6.15.a.3 Murals shall not be placed in a manner that obscures historic fabric.

6.15.a.4 The Philadelphia Historical Commission, its committees, and staff shall not consider a mural's content as a part of its review of any application for a building permit, but may consider size, scale, and relationship to the historic context.

##### 6.15.b Public Notice

6.15.b.1 The applicant for a mural or other similar form of outdoor visual art shall place a poster(s) provided by the Philadelphia Historical Commission on the premises notifying the public of the times and dates when the Architectural Committee and the full Commission will meet to consider the application.

6.15.b.2 The poster(s) shall be placed within 24 hours of the

submission of a building permit application to the Historical Commission.

6.15.b.3 The poster(s) shall be placed on each street frontage of the premises and shall be clearly visible to the public.

6.15.b.4 The poster(s) shall remain on the premises until the date that the full Commission holds a hearing to consider the application.

6.15.b.5 The applicant shall take time-dated photographs of the poster(s) and present the photograph(s) to the Architectural Committee at its hearing.

6.16 Notice of Demolition Application

Within seven (7) days after the receipt of a demolition application, the Department of Licenses and Inspections shall place a notice of the application upon the property indicating that the owner has applied for a permit to demolish the property; that the property is historic or is located within an historic district; and that the application has been forwarded to the Commission for review. The notice shall be posted on each street frontage of the premises with which the notice is concerned and shall be clearly visible to the public. Posting of a notice shall not be required in the event of an emergency which requires immediate action to protect the health or safety of the public. No person shall remove the notice unless the permit is denied or the owner notifies the Department that the property will not be demolished.

## 7. REVIEW IN CONCEPT

### 7.1 Overview of Review In Concept

The Commission seeks to work affirmatively with owners, developers, architects, and contractors in the preparation of plans that meet the goals of both historic preservation and the property owner. Prospective applicants are encouraged to consult with the Commission staff early in the planning and design process before actually applying for a permit.

Owing to the potential complexity of a project or the conditional nature of contractual relationships, the staff may find the participation of the Architectural Committee and the Commission warranted in the consultative process. In such instances, the staff may refer applications for proposed developments to the Architectural Committee and Commission for reviews in concept. During such reviews, the Architectural Committee and Commission provide advice and guidance, but do not provide any final approvals.

### 7.2 Submission Requirements for a Review in Concept

At a minimum, an applicant must submit the following:

- 7.2.a A completed Application for Review in Concept with a description of the proposed development, including any demolition of buildings or parts of buildings on the site.
- 7.2.b A cover letter describing the proposed undertaking and any special circumstances.
- 7.2.c Copies of any historic documentation related to the project, for example, historic maps, photographs, or insurance surveys.
- 7.2.d Photographs of all elevations and areas proposed to be altered or demolished, and of the street and/or interior context of the building, structure, site, object, or public interior portion of the building or structure. All photographs shall be dated and labeled, and shall remain the property of the Commission.
- 7.2.e For applications proposing work to designated exteriors, a legible, dimensioned, accurately-scaled plot or site plan.
- 7.2.f For applications proposing work to designated interiors, a legible, dimensioned, accurately-scaled interior plan with the interior designation boundary clearly demarcated.
- 7.2.g Legible, dimensioned, accurately-scaled drawings of the proposed alterations. If demolition is proposed, the area(s) of demolition must

be clearly delineated on the drawings. Detailed drawings are not required, but the drawings must convey the concept. In some instances, massing drawings may suffice. For less complex projects, annotated photographs and/or photomontages may be acceptable in lieu of drawings.

7.3 Review Process and Procedure for a Review in Concept

7.3.a The review process and procedure for a review in concept shall follow those described in Section 6 of these Rules & Regulations.

7.3.b An endorsement of a review in concept of a development program shall apply only to the proposal submitted and reviewed as a whole, shall remain valid for one (1) year, and may be renewed for one period of six (6) months without resubmission to the Commission.

7.3.c An endorsement of a review in concept of a development program shall not constitute a final review for permit purposes, shall not vest a right in a permit, and shall be subject to review of the final plans by the Commission before the Commission takes final action on a permit application and before a permit may issue.

## 8. REVIEW OF NEW CONSTRUCTION IN HISTORIC DISTRICTS

### 8.1 45-Day Review and Comment Jurisdiction

The Commission asserts plenary jurisdiction over most new construction. However, the Commission exerts a limited form of jurisdiction, called review-and-comment jurisdiction, over new construction on one type of site in historic districts. Sections 14-203(76) and 14-1005(1) and (4) of the Philadelphia Code limit the Commission's jurisdiction to "a forty-five (45) day period of comment" for the "erection of a new building, structure or object upon an undeveloped site" that is "within an historic district." To conform to these provisions, the Commission exerts review-and-comment jurisdiction, not plenary jurisdiction, over construction on lots in historic districts that satisfy the definition of "undeveloped site." Section 2.23 of these Rules & Regulations defines the term "undeveloped site," which can be summarized as "a property within an historic district which is not individually designated, to which the inventory in the historic district nomination attributes no historical, cultural, or archaeological value, and upon which no building or structure stood at the time of the designation of the historic district." The Commission shall review applications proposing construction on undeveloped sites in historic districts within 45 days of submission of a complete application and shall offer advisory, non-binding comments on such applications. The Commission shall not approve or deny such applications.

### 8.2 Submission Requirements for a Permit for New Construction

At a minimum, an applicant must submit the following:

- 8.2.a A completed Application for a Building Permit. This form may be obtained from the Department of Licenses and Inspections.
- 8.2.b A cover letter describing the proposed undertaking and any special circumstances.
- 8.2.c Copies of any historic documentation related to the project, for example, historic maps, photographs, or insurance surveys.
- 8.2.d Photographs of the undeveloped site, and of its street context. All photographs shall be dated and labeled, and shall remain the property of the Commission.
- 8.2.e A legible, dimensioned, accurately-scaled plot or site plan and legible, dimensioned, accurately-scaled drawings of the proposed construction. All drawings must be annotated and/or be accompanied by specifications that describe the proposed undertaking.

- 8.3 Review Process and Procedure for a Permit for New Construction
- 8.3.a An application for new construction in historic districts shall be reviewed for completeness as stipulated in Section 6.8 of these Rules & Regulations.
  - 8.3.b The staff shall forward the application for new construction in an historic district with comments to the Architectural Committee for review at its next meeting. The staff may also offer comments on application for new construction in an historic district directly to the Commission.
  - 8.3.c The Architectural Committee shall review the application for new construction in an historic district as stipulated in Sections 6.11.a to 6.11.d of these Rules & Regulations.
  - 8.3.d The Architectural Committee shall comment on the application for new construction in an historic district and refer the application with comments to the Commission for review at its next meeting. The Architectural Committee comments shall be confirmed in writing to the applicant.
  - 8.3.e Within forty-five (45) days of the receipt of a complete application for new construction in an historic district, the Commission shall review the application applying the review criteria stipulated in Section 14-1005(6)(e) of the ordinance and Section 6.9 of these Rules & Regulations and comment. The Commission's comments shall be confirmed in writing to the applicant.



## 9. FINANCIAL HARDSHIP AND PERMIT APPLICATIONS

### 9.1 Financial Hardship in the Consideration of Permit Applications

9.1.a Pursuant to Sections 14-1005(5)(b) and (6)(d) of the Philadelphia Code, the Commission may determine that a building, structure, site, object, or public interior portion of a building or structure cannot be used for any purpose for which it is or may reasonably be adapted. Such a finding, commonly referred to as a finding of financial hardship, allows the Commission to consider the approval of an application to alter or demolish an historic property that may not otherwise satisfy the Commission's review standards. However, such a finding does not release the historic resource from the Commission's regulation, but only allows the Commission to consider relaxing its review standards.

### 9.2 Additional Submission Requirements for Financial Hardship

9.2.a In addition to the standard submission documents required by Section 6.7 of these Rules & Regulations, an applicant claiming financial hardship shall submit, by affidavit, the following information for the entire property, as stipulated by Section 141005(5)(b)(.1)-(.7) of the Philadelphia Code:

1. amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship, whether business or familial, if any, between the owner and the person from whom the property was purchased;
2. assessed value of the land and improvements thereon according to the most recent assessment;
3. financial information for the previous two (2) years which shall include, at a minimum, annual gross income from the property, itemized operating and maintenance expenses, real estate taxes, annual debt service, annual cash flow, the amount of depreciation taken for federal income tax purposes, and other federal income tax deductions produced;
4. all appraisals obtained by the owner in connection with the purchase or financing of the property, or during the ownership of the property;
5. all listings of the property for sale or rent, price asked, and offers received, if any; and,
6. any consideration by the owner as to profitable uses and adaptive uses for the property.

9.2.b As provided by Section 14-1005(5)(b)(.7) of the Philadelphia Code,

the Commission may also require the owner to conduct, at the owner's expense, evaluations and studies, as are reasonably necessary in the opinion of the Commission, to determine whether the building, structure, site, object, or public interior portion has or may have alternative uses consistent with preservation. If the Commission requires an owner to conduct additional evaluations and studies, these shall, at a minimum, include:

1. identification of reasonable uses or reuses for the property within the context of the property and its location;
2. rehabilitation cost estimates for the identified reasonable uses or reuses, including the basis for the cost estimates;
3. a ten-year pro forma of projected revenues and expenses for the reasonable uses or reuses that takes into consideration the utilization of tax incentives and other incentive programs;
4. estimates of the current value of the property based upon the ten-year projection of income and expenses and the sale of the property at the end of that period, and
5. estimates of the required equity investment including a calculation of the Internal Rate of Return based on the actual cash equity required to be invested by the owner.

#### 9.3 Financial Hardship Submission Completeness

The Historical Commission staff shall review the financial hardship documents and ascertain their completeness pursuant to the submission requirements delineated in Sections 6.7 and 9.2 of these Rules & Regulations. An incomplete application and submission may not be accepted by the staff and may be returned to the applicant with a request for additional information.

In the event that the Committee on Financial Hardship or Commission deems the financial hardship documents incomplete, it may direct the staff to return the entire application to the applicant. The sixty (60) day response requirement prescribed by Section 14-1005(6)(a) of the Philadelphia Code and Section 6.12 of these Rules & Regulations shall not apply to an incomplete application.

#### 9.4 Review Criteria

To substantiate a claim of financial hardship to justify an alteration, the applicant must demonstrate that the property cannot be used for any purpose for which it is or may be reasonably adapted. The applicant has an affirmative obligation in good faith to explore potential reuses for it.

To substantiate a claim of financial hardship to justify a demolition, the applicant must demonstrate that the sale of the property is impracticable, that commercial rental cannot provide a reasonable rate of return, and that other potential uses of the property are foreclosed. The applicant has an affirmative obligation in good faith to attempt the sale of the property, to seek tenants for it, and to explore potential reuses for it.

9.5 Review by the Committee on Financial Hardship

9.5.a The Committee on Financial Hardship is a technical advisory committee of the Historical Commission. The Committee on Financial Hardship is established and defined in Section 3.4.c of these Rules & Regulations.

9.5.b For review at a Committee on Financial Hardship meeting, a complete application as described in Section 6.7 of these Rules & Regulations and Section 9.2 of these Rules & Regulations must be submitted to the staff at least nine (9) working days prior to the meeting. The staff shall release a list of applications to be reviewed by the Committee to all interested parties at least five (5) working days prior to the Committee meeting. All application materials, with the exception of some hardship documentation as defined in Section 9.8 of these Rules & Regulations, shall be considered public information and shall be available for public examination at the Commission office at least five (5) working days prior to the Committee meeting.

Supplemental materials may be submitted during the review process, provided such materials are submitted at least three (3) working days prior to the Committee meeting at which the application will be heard. Such materials, with the exception of some hardship documentation as defined in Section 9.8 of these Rules & Regulations, shall be considered public information and shall be available for public examination at the Commission office upon submission.

9.5.c In addition to the Architectural Committee and Commission, the Committee on Financial Hardship shall review all permit applications claiming financial hardship. The staff shall forward complete applications to the Committee on Financial Hardship. The staff shall also forward an advisory recommendation on the application to the Committee on Financial Hardship. The recommendation shall advise the Committee on Financial Hardship to recommend that the Commission find that the application does or does not demonstrate that the property cannot be used for any

purpose for which it is or may be reasonably adapted, or that the application should be tabled for the submission of additional information. The staff may also enter a recommendation directly to the Commission.

9.5.d The applicant or an informed, authorized representative is expected to appear before the Committee on Financial Hardship to present the application and to address any questions that may arise about it. Attendance at this meeting facilitates the review process and avoids delay.

9.5.e The Committee on Financial Hardship shall review the application and formulate an advisory recommendation to the Commission for review at its next meeting. The recommendation shall advise the Commission to find that the application does or does not demonstrate that the property cannot be used for any purpose for which it is or may be reasonably adapted, or that the application should be tabled for the submission of additional information. The recommendation shall be confirmed in writing to the applicant.

9.6 Review by the Architectural Committee  
The Architectural Committee shall review applications claiming financial hardship according to Section 6.11 of these Rules & Regulations.

9.7 Review by the Commission  
The Commission shall review applications claiming financial hardship according to Section 6.12 of these Rules & Regulations.

9.8 Public Access to Hardship Documents  
Inasmuch as community organizations, preservation groups, other associations, and private citizens may wish to evaluate and comment on a submission made under the financial hardship provision, the application materials described in Sections 6.7 and 9.2 of these Rules & Regulations shall not be subject to confidentiality. Should an applicant attach federal or state tax returns or other materials commonly regarded as confidential, however, these supplementary documents shall not be available to the public.

9.9 Financial Hardship and Non-profit Organizations  
For Financial Hardship applications by non-profit organizations, see Section 10 of these Rules & Regulations.

9.10 Unnecessary Hardship

For Unnecessary Hardship applications by low- and moderate-income persons, see Section 11 of these Rules & Regulations.

## 10. FINANCIAL HARDSHIP AND NON-PROFIT ORGANIZATIONS

### 10.1 Financial Hardship for Non-Profit Organizations

Section 14-1005(5)(b) of the Philadelphia Code contains provisions for permit applications for alteration or demolition based in whole or in part on financial hardship. For a demolition permit, Section 14-1005(6)(d) further requires an owner to demonstrate that sale of a property is impracticable, that commercial rental cannot yield a reasonable rate of return, and that other potential uses are foreclosed. In addition, Sections 6.7 of these Rules & Regulations describe the submission requirements and review procedures for a permit application; Section 9 of these Rules & Regulations describes the submission requirements and review procedures for an application under the financial hardship clause.

The Commission recognizes that the provisions of Section 14-1000 of the Philadelphia Code and other sections of these Rules & Regulations may not all have applicability to a property owned and used by a non-profit organization. No single set of measures can encompass the highly variegated types and contexts of buildings held by non-profit organizations. The economics of a building in the middle of a college campus may differ from that of a church, hospital, museum, or child care center.

### 10.2 Additional Submission Requirements

10.2.a The forms, photographs, drawings, and documents stipulated in Sections 6.7 and 9.2 of these Rules & Regulations shall be submitted.

10.2.b A copy of the IRS letter recognizing the organization as tax-exempt, proof of the organization's registration status with the Commonwealth of Pennsylvania's Bureau of Charitable Organizations, or equivalent documentation evidencing the organization's charitable or non-profit status.

10.2.c The Commission may also require the owner to conduct, at the owner's expense, evaluations and studies, as are reasonably necessary in the opinion of the Commission, to determine whether the building, structure, site, object, or public interior portion has or may have alternative uses consistent with preservation. Section 14-1005(5)(b)(.7) of the Philadelphia Code. If the Commission requires an owner to conduct additional evaluations and studies, these shall, at a minimum, include:

1. identification of reasonable reuses for the property within the context of the property and its location;

2. rehabilitation cost estimates for the identified uses or reuses, including the basis for the cost estimates;
3. the current standard of building and maintenance costs for the performance of the mission or function of the organization, particularly in Philadelphia;
4. a comparison of the cost of the performance of the mission or function of the organization in the existing building and in a new building, and a comparison of the cost of rehabilitation of the existing building with the demolition of the existing building and the construction of a new building;
5. the impact of the reuse of the existing building on the financial condition of the organization;
6. the impact of the reuse of the existing building on the organization's program, function or mission;
7. the additional cost, if any, attributable to the building of performing the organization's service or function within the context of costs incurred by comparable organizations, particularly in Philadelphia;
8. grants received or applied for to maintain or improve the property;
9. the organization's budget for the current and immediately past fiscal year; and
10. consideration, if any, given by the organization to relocation.

## 11. UNNECESSARY HARDSHIP

### 11.1 Unnecessary Hardship

Section 14-1005(6)(e)(.7) makes specific provision for the exemption from the requirements of the historic preservation ordinance by a majority vote of the Commission in instances where its literal enforcement would result in unnecessary hardship. The legislative history of this ordinance indicates that this provision was included out of concern and consideration for low and moderate income persons. This provision also recognizes that in such instances, the preservation of basic form and rhythm rather than restoration can meet the objectives of the ordinance and the Commission.

### 11.2 Eligibility Criteria

11.2.a As its initial criterion for evaluating a request for an exception under the Unnecessary Hardship provision, the Commission may employ the Section 8 eligibility guidelines of the United States Department of Housing and Urban Development (HUD), which defines a low or moderate-income household as one with an income of not more than eighty percent (80%) of the median family income for the Philadelphia-Camden-Wilmington, PA-NJ-DE-MD Metropolitan Statistical Area. Should HUD change its definition of low and moderate income, the Commission may adopt that new definition.

The Commission also recognizes the existence of circumstances under which the rigid application of this standard could result in unnecessary hardship. Examples of this include, but are not limited to, extraordinary medical or education expenses, the cost of maintenance contrasted with the cost of alterations, and the financial ability of persons on fixed incomes, particularly in areas with markedly appreciating values. In view of these and similar situations, the Commission shall consider requests for exemptions under this provision from persons who do not meet the standard of the HUD or other formula.

### 11.3 Submission Requirements under the Unnecessary Hardship Provision

11.3.a To apply for the exemption under the Unnecessary Hardship provision, a low or moderate income person should submit a building permit application, a description of the scope of work, drawings if available, cost estimates for the proposed work and Federal Income Tax Returns for the previous two years demonstrating household income or other evidence to demonstrate qualification for this exemption. The personal financial information shall be kept confidential.



The Commission staff shall work affirmatively with the applicant in the preparation of the submission and in the provision of technical assistance to solve problems of design and materials.

11.4 Review Process and Procedure

11.4.a The staff shall evaluate the submission for completeness and shall discuss with the applicant possible methods and materials to achieve a higher degree of authenticity within the applicant's budget and needs.

11.4.b The staff shall prepare a recommendation on the application and submit it to the Architectural Committee which shall limit its review to design and refer the matter to the Commission.

11.4.c The Commission shall hear the application, recommendations and any public testimony in the manner prescribed in Section 4 of these Rules & Regulations.

## 12. DEMOLITION IN THE PUBLIC INTEREST

### 12.1 Necessity in the Public Interest

Section 14-1005(6)(d) of the Philadelphia Code authorizes the Commission to approve a permit application for demolition that may not otherwise satisfy the Commission's review criteria if the Commission "finds that issuance of the permit is necessary in the public interest."

### 12.2 Submission Requirements

The applicant must submit the forms, photographs, drawings, and other documents stipulated in Section 6.7 of these Rules & Regulations. The applicant must provide documentation demonstrating the necessity of demolition in the public interest.

### 12.3 Review Process

The Commission shall process the application according to the procedures established in Section 6 of these Rules & Regulations.

### 13. PERFORMANCE OF WORK AND MAINTENANCE

#### 13.1 Violations and Stop Work Orders

In the event of the alteration or demolition of an historic building, structure, site, or object, or of a designated public interior portion of a building or structure, or of a building, structure, site, or object within an historic district without a permit, without a permit issued pursuant to Section 14-1000 of the Philadelphia Code, or not in conformity with the plans and specifications approved by the Commission, the staff shall request the Department of Licenses and Inspections to issue a violation and a stop work order.

#### 13.2 Demolition by Neglect

Section 14-1006(3) of the Philadelphia Code provides that the exterior of every historic building, structure and object and of every building, structure and object located within an historic district, and every historic public interior portion of a building or structure, shall be kept in good repair as shall the interior portions of such buildings, structures and objects, neglect of which may cause or tend to cause the historic portion to deteriorate, decay, become damaged or otherwise fall into a state of disrepair.

In the event that the Commission staff has reason to regard a condition(s) as posing the threat of demolition by neglect as set forth in Section 14-1006(3) of the Philadelphia Code, the staff shall request, within five (5) working days, that the Department of Licenses and Inspections examine the property with a Commission staff member, report its findings to the Commission staff, and, upon the request of the staff, issue an order to repair the condition(s).

#### 13.3 Ordinary Maintenance

The provisions of Section 14-1000 shall not be construed to prevent the ordinary maintenance or repair of any building, structure, site, object, or public interior portion, where such work does not require a permit by law and where the purpose and effect of such work is to correct any deterioration or decay of, or damage to, a building, structure, site, object, or public interior portion of a building or structure and to restore the same to its condition prior to the occurrence of such deterioration, decay or damage.

## 14. ENFORCEMENT

### 14.1 Implementation

The Commission and its staff shall work affirmatively with the Department of Licenses and Inspections and its Enforcement Division to assure the full implementation of Section 14-1000 of the Philadelphia Code and, in particular, Subsection (9), "Enforcement."

### 14.2 Initiative

The staff shall assume the initiative with the Department of Licenses and Inspections in the application of Section 14-1007 of the Philadelphia Code. The staff may also request the Department to enforce Section 14-1007(3) as it relates to alterations in violation of the provisions of Section 14-1000 of the Philadelphia Code or in violation of any conditions or requirements specified in a permit. Section 14-1007(3), as it relates to demolition, however, shall be enforced only upon the adoption of a resolution by the Commission.

## 15. TRAINING

### 15.1 Annual Training

Each member of the Commission and of the staff shall participate in a training program that totals at least eight (8) hours annually and has received approval of the State Historic Preservation Officer.

16. HARRY A. BATTEN MEMORIAL FUND

16.1 Authorization and Disbursement

The Commission may maintain a fund to receive gifts and donations to further the work of the Commission to be called the Harry A. Batten Memorial Fund. Disbursements from this fund may be made only upon the approval of the Commission.

## 17. AMENDMENT

### 17.1 Amending Rules & Regulations

The Commission may amend these Rules & Regulations with the approval of five-sevenths of the full membership and as provided by the Philadelphia Home Rule Charter and any applicable statutes, ordinances and regulations.

## 18. MAIN STREET MANAYUNK NATIONAL REGISTER HISTORIC DISTRICT

### 18.1 Applicability of Rules & Regulations

For properties located in the Main Street Manayunk National Register Historic District, placed under the jurisdiction of the Historical Commission by Chapter 7 of the Philadelphia Property Maintenance Code, and not designated as historic pursuant Section 14-1000 of the Philadelphia Code, the Commission, its committees, and staff shall apply these Rules & Regulations except where they conflict with Chapter 7 of the Philadelphia Property Maintenance Code.

For properties located in the Main Street Manayunk National Register Historic District, placed under the jurisdiction of the Historical Commission by Chapter 7 of the Philadelphia Property Maintenance Code, and also designated as historic pursuant Section 14-1000 of the Philadelphia Code, the Commission, its committees, and staff shall apply these Rules & Regulations regardless of conflict with Chapter 7 of the Philadelphia Property Maintenance Code.