



# Historic Preservation Best Practices Report for the City of Philadelphia

Philadelphia Historic Preservation Task Force

*with the*  
National Trust for Historic Preservation

September 2018

**DRAFT FOR PUBLIC COMMENT**

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# FOREWORD FROM THE CHAIR

Philadelphians are justifiably proud of the role that Philadelphia has played across more than three centuries of American history. From our founding in 1681 to today, the development of the city and its neighborhoods read as a veritable history book chronicling the story of the American city.

As the principal city of one of the thirteen original colonies, and the site of landmark events, inventions, and discoveries from our earliest days up to the present – indeed, William Penn’s and Thomas Holmes’ 1682 plan for Philadelphia itself is a seminal planning document in the history of urban development – Philadelphia’s built environment is comprised of a surfeit of momentous buildings, sites, landscapes, and objects.

Over the past decade, as Philadelphia’s economic fortunes have improved following a nearly-50-year decline, we are, for the first time in more than a generation, confronted with the impact of significant new development on the historic building fabric of the city. An exciting influx of new Philadelphians bodes well for our future urban prospects, and yet, new construction in parts of the city is, at times, testing the relationship between the character of the new and the preservation of the old Philadelphia. This is to be expected in a city as old and as well-built as ours.

To help understand the dynamics of the relationship between historic preservation and new construction in Philadelphia today, Mayor Jim Kenney convened the Philadelphia Historic Preservation Task Force in July 2017. Our charge is to put forward actionable recommendations that the city can use to help balance preservation and new construction.

We are two-thirds of the way along in this process. In the spring, we released our first report which focused on the state of preservation in Philadelphia today. Our second report, issued herein, documents promising preservation practices from across the country that can help us as we develop our recommendations. Our final report will be delivered to the Mayor and City Council in late-2018.

Projects such as this are truly team efforts. Vice Chair Dominique Hawkins has provided steady and gracious leadership. Elizabeth Okeke-Von Batten brings both exceptional administrative support and preservation knowledge to the endeavor. The National Trust for Historic Preservation has offered us a national perspective and the gift of research. The William Penn Foundation has helped to underwrite these efforts. And, PennPraxis has facilitated a conversation about what Philadelphians think is important about preservation. But, it is the labor of the 33 task force members themselves who have given generously of their time, their talents, and their wisdom to whom we are most grateful. The work is enriched by all of these contributions.

Harris Steinberg, FAIA, *Chair*  
Philadelphia Historic Preservation Task Force

# HISTORIC PRESERVATION TASK FORCE VISION

*Philadelphia in 2035 is an internationally recognized leader in historic preservation practices, celebrating the unique identity of the city's historic buildings, blocks, and neighborhoods through continued stewardship, innovative development, restoration, and reuse.*

*Philadelphians are active protectors of their neighborhood history and cultural identity. In a groundbreaking partnership, the city government, civic leaders, planners, and preservation professionals identify and protect historic resources so that they may best be leveraged as assets by businesses, developers, and residents, preserving both heritage and sense of place for current and future generations.*

*The city uses a comprehensive set of tools that include incentives, protections, education, and planning to preserve historic places in active use and contribute to the extraordinary layering of history that makes Philadelphia unique.*

# INTRODUCTION

## Background

In May 2017, Mayor Jim Kenney invited 33 members of the public – preservationists, architects, developers, community advocates, educators, and City staff – to serve on the Philadelphia Historic Preservation Task Force. As the Task Force, our charge is to review the current policies that support historic preservation in Philadelphia and provide recommendations in the following four topical areas:

### **Survey and Inventory of Historic Resources**

Create a process for identifying historic assets citywide

### **Incentives for Preservation**

Identify incentives for individual property owners and developers to preserve historic resources

### **Regulations for Preservation Outcomes**

Identify potential policy and legal reforms to strengthen the City’s Historic Preservation Ordinance while welcoming new investment

### **Outreach and Education**

Provide materials for residents, building industry professionals, City staff, and others to convey the value of historic preservation as well as Philadelphia’s preservation laws and process

## Objective

This report highlights best preservation practices from other major U.S. cities that we found relevant to the preservation challenges facing Philadelphia today. These best practices were identified by the National Trust for Historic Preservation (National Trust) through a rigorous research process and reveal an array of options for addressing Philadelphia’s challenges.<sup>1</sup>

Prior to this report, we published “Preservation in Philadelphia,” a white paper that outlines existing conditions for preservation practice and activities in Philadelphia.<sup>2</sup> Following this second report, our third and final report will provide a set of actionable recommendations for how the City and community partners can better support and improve preservation practices, policies, and processes throughout Philadelphia. The final report is scheduled to be released, in draft form, to Mayor Kenney and the Philadelphia City Council this winter.

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<sup>1</sup> The National Trust is a national nonprofit that protects significant places representing the U.S.’s diverse cultural experience by taking direct action and inspiring broad public support. Visit [savingplaces.org](http://savingplaces.org) for more information.

<sup>2</sup> “Preservation in Philadelphia” can be found at [www.phlpreservation.org/reports](http://www.phlpreservation.org/reports)

## Methodology

The following guiding principles were drafted at the beginning of our 18-month process to inform our query, research, and conclusions:

- Historic preservation is an important public good, recognized in law, policy, and practice;
- Historic preservation must be understood as part of a larger system of city growth and development – one that is regulatory as well as flexible and allows for new real estate development to be added to Philadelphia’s legendary building stock;
- Many of Philadelphia’s neighborhoods have a strong sense of place. The City needs tools to encourage growth and historic preservation. Historic preservation must expand to engage the diversity of our city; and
- Philadelphia’s buildings contain a wealth of stories. These neighborhood histories need to be captured for future generations, allowing historic preservation to be understood to be as much about people and events as it is about buildings, sites, objects, and landscapes.

Each Task Force member was assigned to one of the following working subcommittees based on areas of expertise and interest:

**Survey and Inventory:** Responsible for designing an approach for identifying, recording, and evaluating historic assets citywide.

**Regulatory:** Responsible for identifying policy and legal reforms to strengthen the City’s Historic Preservation Ordinance and other City rules and regulations that protect historic properties.

**Incentives:** Responsible for identifying incentives for property owners and developers to encourage preservation of historic properties.

**Outreach and Education:** Responsible for providing ways for residents, building industry professionals, City staff, and others to convey the value of historic preservation as well as have a thorough understanding of the City’s historic preservation laws and processes.

The subcommittees have been working both independently and together to:

- Identify and prioritize issues and challenges that must be addressed in order to improve Philadelphia’s historic preservation process and policies;
- Submit research topics to the National Trust for further study;

- Analyze the tools that City agencies and community organizations currently use;
- Review the National Trust’s research results and their applicability to the City of Philadelphia<sup>3</sup>; and
- Develop recommendations for strategies and processes that can encourage, and in some cases enhance, the City’s and the community’s ability to support robust historic preservation activities throughout Philadelphia.

Divided into five parts, this report summarizes the national best practices in historic preservation policies and programs research that each working subcommittee conducted during the spring and summer of 2018. This research responds to and is paired with the current challenges to Philadelphia’s historic preservation activities and programs that we identified. As we begin to draft final recommendations, we are analyzing and, in some cases, applying these identified best practices for the successful implementation of historic preservation policies and programs in Philadelphia – a summary which will be provided in the Task Force’s final report at the end of 2018.

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<sup>3</sup> See Appendix p. 38.

# **PART I: ASSESSING AND PROTECTING PHILADELPHIA'S HISTORIC RESOURCES**

Philadelphia lacks a comprehensive survey of its built environment, from which an inventory of the city's historic and potentially historic resources could be generated, analyzed, and used to inform preservation planning decisions. Without such a survey, Philadelphia's historic preservation program is primarily reactive. With such a survey, Philadelphia could plan for preservation holistically and allocate its scant resources more strategically and efficiently, thereby better protecting the city's historic sites.

After determining that a comprehensive citywide historic preservation survey and inventory is essential to a successful preservation planning program, we submitted the following questions to the National Trust:

- What do we know about the extent and quality of Philadelphia's current survey data and the systems and processes currently in place for managing that data?
- What are the merits of comprehensive, traditional, lot-by-lot survey research as opposed to newer survey techniques?
- How can the public, including neighborhood and community representatives, participate in the survey of historic resources and the analysis of resulting data?
- How should data on archaeological and other non-architectural resources be surveyed, stored, managed, and analyzed?

The National Trust explored best practices related to historic preservation surveys and inventories in other U.S. cities and provided us the research results. Based on these results, we identified the key challenges hindering the Philadelphia Historical Commission (PHC) from developing a comprehensive survey of Philadelphia's built environment and an inventory of its historic resources.

## **Challenge**

**There is a desire and fundamental need, but not a process, nor staffing capacity to complete a citywide survey and inventory, hence there is:**

- **Limited, uneven, and incomplete survey data and historic inventory of Philadelphia's historic structures, buildings, sites, objects, interiors, and archaeological resources;**
- **No citywide inventory and no citywide agency sharing plan; and**
- **No current digital inventory management system to collect and track historic resource data.**



## Explanation

In 2016, the National Trust released a report, *Atlas of ReUrbanism*, that compared the status of historic preservation efforts in 50 cities across the country.<sup>4</sup> The National Trust found that Philadelphia has:

- 4.2 percent of all properties listed on the National Register, compared to the national average of 6.8 percent;
- 2.2 percent of all properties listed on the Philadelphia Register of Historic Places (Philadelphia Register) compared to the national average of 4.3 percent; and
- 9.4 percent of housing units vacant, ranking 21st among the 50 studied cities.<sup>5</sup>

Although the PHC was established in 1956, neither the City of Philadelphia nor its partners in nonprofit and academic communities have ever developed a comprehensive, citywide inventory of historic resources to determine the extent of resources that might be eligible for listing on the Philadelphia Register.<sup>6</sup> Since there is not a centralized, standardized, and comprehensive inventory of Philadelphia's historic resources, we are exploring the process for developing a comprehensive, citywide survey and an inventory of historic resources that would draw from and expand upon the historic preservation memoranda prepared for Philadelphia's 2035 Citywide Plan.<sup>7</sup>

As part of our assessment, we are considering various survey methodologies, the types of data needed for subsequent analyses, potential criteria for determining historic value, ways of prioritizing resource types and geographical areas, and the needs of end users including public and private partners. We believe that this evaluative process will help the City develop and populate a digital survey system that can integrate with related systems in and out of City government and facilitate maintenance and sharing of the data. Additionally, we are examining whether these efforts should capture a broader range of data to assist other City agencies, partners, and the public involved in managing our cultural heritage.

The development of a digital inventory management system that captures legacy data, incorporates new survey data, and affords analyses of that data is essential to address Philadelphia's historic preservation challenges. To protect and manage its historic resources strategically, efficiently, and effectively, we determined that the City of Philadelphia must: (1) identify the extent and quality of existing survey data; (2) develop a system to collect, store, maintain, and analyze data the location and character of historic resources in the city; (3) populate the system with legacy and new data that comprehensively describes

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<sup>4</sup> <https://forum.savingplaces.org/act/research-policy-lab/atlas>

<sup>5</sup> Information is based on a presentation by Jim Lindberg of the National Trust to the Historic Preservation Task Force on September 14, 2017.

<sup>6</sup> The Register is the inventory of buildings, structures, sites, objects, interiors, and districts that the PHC has designated as historic. Visit <https://www.phila.gov/historical/register/> for more information.

<sup>7</sup> For more information on Philadelphia2035, visit <https://www.phila2035.org/>

all historic resources in the city; and (4) continually maintain and expand that data as ideas around historical significance evolve.

## **Best Practices**

### *Survey Methodology and Inventory Management System*

The National Trust best practices report outlines basic criteria for setting-up an effective Survey and Inventory Management System that, when applied to historic preservation, can serve as a central repository of information on historic properties and cultural resources.<sup>8</sup> Management systems store information on cultural resources, including, but not limited to: location, designation status, year built, date of last survey / inspection, and condition.

Examples of effective inventory management systems used in other cities include:

- **New York Landmarks Preservation Commission (NYLPC)** uses a combination of spatial database software to manage its cultural resource inventory of approximately 36,000+ buildings. Prior to developing this inventory, NYLPC had over 50 years of information available in a variety of formats. In 2014, NYLPC was awarded a \$50,000 grant from the New York Community Trust to digitize and compile this information into a master database. Over three years, this grant was used to hire four data fellows who, with the GIS Administrator, completed the task of digitizing over five decades of designation reports and internal research documents. This information was then merged with New York City's land use and assessor dataset (PLUTO) to create a robust, comprehensive inventory on both the City's designated historic resources and other surveyed structures. After a 2017 implementation, New York's full-time GIS Administrator focused on managing this inventory, and new information is added every year through the efforts of NYLPC research staff, who survey thousands of properties annually. These surveys and their results are not publicly available and serve as internal work products used by staff to identify potential landmark properties, monitor areas undergoing development, and to pre-emptively gather information on properties potentially undergoing regulatory review.<sup>9</sup>
- **Los Angeles' Office of Historic Resources (LAOHR)** uses Arches, an open-source, web-based heritage and inventory management system developed by the Getty Conservation Institute and World Monuments Fund.<sup>10</sup> The City of Los Angeles' Arches deployment, called Historic Places LA, is the first adoption of this inventory management system by an American city. As part of its

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<sup>8</sup> An inventory management system refers to the systems used to store, maintain, and update this type of information, as well as the systems set in place for managing the inventory itself. See Appendix p. 39.

<sup>9</sup> For more information on the New York City Landmarks Commission spatial database software, see Appendix p. 39.

<sup>10</sup> The Arches database is a collaboration between the Getty Conservation Institute and World Monuments Fund, and it is a project to develop an open source, web- and geospatially-based information system that is purpose-built to inventory and manage immovable cultural heritage. For more information, visit:

[http://www.getty.edu/conservation/our\\_projects/field\\_projects/arches/](http://www.getty.edu/conservation/our_projects/field_projects/arches/)

development and implementation as a citywide cultural resource survey, LAOHR was created in 2006 and launched a 10-year citywide survey effort called SurveyLA.

Prior to SurveyLA, only 15% of the city's 880,000 parcels had been surveyed, often for National Register nominations or by the Los Angeles Redevelopment Agency as part of revitalization initiatives. SurveyLA was conceptualized and implemented as a full-scale effort to develop a baseline of information on the city's historic resources by gathering up-to-date, comprehensive information on the entire city. It consisted of two phases: a four-year initiation phase, followed by a six-year implementation phase. Historic preservation experts and cultural resource management firms were contracted by the City to conduct the field survey. Once the field survey was complete, LAOHR used contractors to deploy their inventory management system on Arches. During the 10-year period, SurveyLA consisted of a small core team of two full-time staff at LAOHR, along with two full-time GIS staff from the City's GIS division who managed and compiled survey.

Today, Historic Places LA is managed by one GIS specialist from the City's GIS division and one full-time LAOHR staff member. The GIS specialist provides technical assistance to LAOHR and is responsible for managing the inventory platform. Together, these positions manage the Arches inventory management system for the city. (While the Historic Places LA website is open and publicly accessible, it is managed and maintained in isolation from Los Angeles' new open data portal, OpenDataLA, which is designed as a one-stop-shop for the public to access various datasets on the city.)<sup>11</sup>

In both Los Angeles and New York, the inventory initiative is owned and managed by each cities' historic preservation agency. These inventory management systems serve as central repositories of information on historic resources and cultural heritage. In both cases, historic preservation agency staff members use the inventory management system to assist in their work, and a subset of information from the full dataset is also shared with other City agencies and the public.

Both City agencies report that developing these inventory systems has had a positive impact: information is centralized and easier to view, assess, and share internally, across government agencies and with the public. Also, both cities noted that critical staff time is no longer needed to respond to public inquiries about designated properties, since this information is now easily accessible online. Sharing data with other governmental entities, such as respective state historic preservation offices, is also made easier.

### *Addressing Cultural Significance*

Together with our colleagues at the National Trust, we found that there is a desire and a fundamental need for the PHC and associated City agencies to develop a survey and inventory approach that

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<sup>11</sup> For more information about the Los Angeles' Office of Historic Resources' Arches database and Survey LA, see Appendix p. 41.

recognizes places of historic, architectural, and cultural significance as well as archaeological resources, cultural landscapes, and intangible heritage. This multi-faceted approach would expand the scope and relevance of historic preservation in Philadelphia and, given how few examples are available nationally on cultural significance incorporation, this could be an area where Philadelphia could innovate and lead.

The National Trust identified the following examples regarding how best to incorporate cultural significance more readily in historic surveys:

- **Survey of Non-Parcel Resources and Community Outreach**

The City of Los Angeles' survey initiative documents places of cultural significance in two ways:

- Recognizing that cultural resources are not limited to buildings or structures located on parcels, SurveyLA includes the survey of non-parcel resources including infrastructure, such as public stairways, air raid sirens, pedestrian tunnels, bridges, and medians. Examples of surveyed, non-parcel resources are found on the public Historic Places LA web application as well as in the LAOHR's prepared print reports for each community area.
- Prior to conducting an area field survey, the LAOHR core survey team invests at least six months' lead-time in community outreach; identifying and consulting local experts and community leaders. While depending heavily on historic preservation experts to identify resources with architectural significance, LAOHR recognizes that it is important to receive direct community input on places of cultural significance.<sup>12</sup>

- **Cultural Mapping**

The practice of encouraging residents to indicate areas of importance, either by drawing their own maps or marking provided maps, is often used for community planning exercises, as well as environmental and natural resource management. Called Public Participation GIS (PPGIS) or Participatory GIS (PGIS), the practice attempts to empower and include otherwise marginalized communities in the decision-making process by providing increased access to information and input.

The Office of Historic Preservation (OHP) in San Antonio, TX engages the community in cultural mapping to "collect shared experiences that reflect the 'intangible heritage' such as traditions, arts, spirituality, and events through storytelling and map-making." It is unclear, however, how this information is being applied to historic preservation planning efforts in the city.<sup>13</sup>

Additionally, the City also has a cultural historian on staff who is responsible for developing, implementing and facilitating initiatives to solicit public input for the purpose of identifying historic sites of cultural significance in this multicultural city.

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<sup>12</sup> For more information about how Los Angeles' Office of Historic Resources addressed cultural significance, see Appendix p. 54.

<sup>13</sup> For more information about Cultural Mapping, see Appendix p. 49.

## Staffing

We believe that historic preservation and related historic property survey and inventory work may gain more widespread support and interest if community volunteers are engaged in information collection and input. Volunteerism and partnership in surveying could yield several benefits, if well managed; it increases the amount of labor available to conduct work, and with greater economic efficiency (i.e., less expensively), and it doubles as a tool for community outreach and stakeholder involvement (though requiring rigorous quality control).

The National Trust identified the following examples from other cities that have supported staffing challenges through volunteerism:

- **The City of Alexandria, VA** sponsors a volunteer-led, City-supervised survey effort to update information of the late 18th and early 19th century properties. While other cities and organizations have also leveraged and encouraged volunteer participation in field survey efforts, Alexandria’s approach is unique with regards to the level of detail collected; it is an intensive architectural survey, as opposed to a rapid assessment, and conducted by a volunteer force. The ongoing Historic Resource Survey of Old and Historic Alexandria districts provides the City with a way to slowly update its obsolete data with detailed information, despite limited funds and staff capacity, and increase public interest and support for its historic preservation-related efforts.<sup>14</sup>
- **The City of Los Angeles, CA** structured SurveyLA with a heavy emphasis on incorporating volunteer input in the overall survey design as well as information collection, but with clearly defined roles for volunteers, preservation experts, and preservation interns. During initial survey set-up, a Community Engagement Subcommittee was organized as part of the process to conceptualize SurveyLA’s community outreach strategy. The Community Engagement Subcommittee’s work significantly shaped how SurveyLA’s workflow was structured by:
  - Defining the survey areas, using an existing boundary-type developed and actively used by the Planning Department;
  - Determining an order for surveying the community areas;
  - Conducting a minimum of six months of community outreach in the active community area by LAOHR;
  - Drafting community-area context statements; and
  - Hiring preservation consulting firms to conduct field survey work, using the context statements as a guide.

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<sup>14</sup> For more information on the City of Alexandria, VA case study, see Appendix p.51.

LAOHR staff stressed the importance of community outreach, and the initial outreach efforts focused on attending community meetings and identifying potential partner organizations and local neighborhood experts. This served as a way for SurveyLA to gain critical background information that would both inform the field survey and garner public support prior to the undertaking of the field survey in that community area.<sup>15</sup>

Expanding the types of participants involved in a survey and inventory process benefits both the City staff as well as the community. By providing volunteerism opportunities for the field survey and help with community education and advocacy, Alexandria and Los Angeles found that they could reduce costs for their survey activities and improve transparency and support for historic preservation practice.

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<sup>15</sup> For more information on the Survey LA volunteering, see Appendix p.53.

## PART II: DESIGNATION OF PHILADELPHIA'S HISTORIC RESOURCES

The Philadelphia Historic Preservation Ordinance allows for the designation of historic buildings, structures, sites, objects, public interiors, and districts. A resource can be designated if it:

- Relates to an historical event, person, or development,
- Exemplifies architectural or archaeological significance,
- Is the work of an important designer,
- Exemplifies innovation,
- Forms a familiar visual feature, and / or
- Exemplifies Philadelphia or national heritage.

Philadelphia's Historic Preservation Ordinance is unusually broad in power and scope. For example, anyone may nominate an historic resource satisfying the criteria listed above for designation and listing on the Philadelphia Register.

Once a nomination has been prepared and submitted to the Historical Commission, the process is as follows:

- PHC staff reviews the nomination to determine if it is "complete and correct." If it is not, the staff returns it to the nominator and the process ends. If it is "complete and correct," the process continues.
- The PHC staff schedules reviews of the nomination before the Committee on Historic Designation and the Historical Commission, and then the staff issues written notice to the property owner announcing the consideration of the nomination. The Historical Commission's jurisdiction over a property begins on the date of written notice.
- The Committee on Historic Designation considers the nomination and makes a non-binding recommendation to the PHC at a public meeting.
- The PHC considers the nomination and its committee's recommendation at a public meeting and decides whether to designate.
- Anyone aggrieved by a designation may appeal it to the Court of Common Pleas.<sup>16</sup>
- Designated properties are added to the Philadelphia Register.

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<sup>16</sup> The Court of Common Pleas are Pennsylvania's courts of general trial jurisdiction, and they serve as the venue to hear historic designation appeals.

Once a property is placed under the Historical Commission's jurisdiction, the Historical Commission reviews proposals to alter the property to ensure that they satisfy historic preservation standards.

- The PHC reviews for approval all applications proposing to alter a historic building, its site, and / or permanent site accessories like fences and walls. The City's Department of Licenses & Inspections (L&I) will not issue a building permit for the proposed work until the PHC has approved it.
- Proposals for interior-only work are approved administratively and automatically, unless the interior itself is designated.
- The PHC's reviews are guided by *The Secretary of the Interior's Standards for the Treatment of Historic Properties*, a set of historic preservation standards and associated guidelines issued by the federal government.
- About 90% of all applications to undertake work at designated properties are approved by the PHC staff administratively, within five days of the receipt of a complete application. The remaining projects are reviewed by the PHC's Architectural Committee and the PHC at their monthly public meetings.
- Any party distressed by a PHC decision on a permit application may appeal the decision to the Board of Licenses and Inspection Review (BLIR).

Although Philadelphia's historic preservation processes are generally considered to be thorough and straightforward, we detected some frustration among constituents, especially property owners, with regard to the building permit application review process.

During our initial review of the designation process we submitted the following scoping questions to the National Trust for further investigation pertaining to best practices for designating Philadelphia's historic resources:

- Should specific documentation be required in the nomination to guide the following regulatory reviews?
- To what extent should the City modify and clarify the Ordinance and the PHC's Rules & Regulations to address current and future needs?
- Can the PHC improve the procedures related to property owner notification of the consideration of a nomination?



The challenges outlined in this section relate not only to the processing of nominations for historic designation to the Philadelphia Register, but also to the need for outreach and education about the benefits of historic designation.

### **Challenge**

**There is not a clear and universal understanding of how the nomination and historic designation of properties to the Philadelphia Register protects these historic resources and how historic designation impacts property owners.**

### **Explanation**

Although the PHC designation process has remained essentially unchanged since it went into effect in 1985, we observed a lack of understanding about the process on the part of the general public and owners of historic properties. In particular, constituents lack an understanding of the benefits and restriction of historic preservation. Also, property owners sometimes lack an understanding of the regulatory processes that result from historic designation.

We found that there is a lack of information available to Philadelphians about navigating the designation and subsequent permit review processes, as well as the benefits and restrictions associated with historic designation (as illustrated in the first challenge in this section). Although organizations like the Preservation Alliance for Greater Philadelphia, in partnership with the PHC, have produced step-by-step nomination and permit review guides for a public audience, these guides are outdated and are readily available digitally.

Also, we found that the statistical data demonstrating the benefits and challenges of designation of historic resources are absent from the City’s website and print materials. This information is vital to potential nominators as they decide whether to pursue designation of properties to the Philadelphia Register and to property owners as they assess the impacts of the designation of their properties to the Philadelphia Register.

### **Best Practice**

As we considered education and outreach methods that would help the general understanding of the benefits of nomination, and ultimate designation to the Philadelphia Register, we reviewed the following best practice:

- **In Washington D.C.**, the Historic Preservation Office and Planning staff participate in neighborhood meetings and events to meet residents and advocate and advise about maintaining the integrity of historic resources and districts. Goals include: creating partnerships to “increase public advocacy for historic preservation and cultural heritage programs;” and to “expand public information about preservation policies, the review process and properties that

may merit protection.”<sup>17</sup> The importance of these local partnerships and participation in neighborhood meetings is highlighted in the City’s 2020 DC Historic Preservation Plan.<sup>18</sup>

When reviewing other U.S. cities’ informational guides to civic design processes, we found the following examples to have clear, step-by-step, and user-friendly text and graphics that translate seemingly complex processes into straightforward ones:

- Center for Urban Pedagogy Envisioning Development handbooks and online guides<sup>19</sup>
- The City of New Orleans Historic Districts Landmarks Commission Design Guidelines<sup>20</sup>
- The City of Pittsburgh Historic Preservation Guidelines<sup>21</sup>
- The City of San Antonio Historic Design Guidelines<sup>22</sup>

## **Challenge**

**A “one-size-fits-all” historic nomination and designation process is insufficient.**

## **Explanation**

Nominators of properties to the Philadelphia Register can be challenged by the substantial amount of research and documentation required to prepare a nomination. Since nominations are submitted by authors from various backgrounds, the quality of nominations varies greatly. Often, nominators need assistance from the PHC staff to complete nomination forms. Yet, for the PHC to justify hindering a property with regulation, thorough and well-researched information is necessary for a nomination. Moreover, good documentation helps the PHC create a more comprehensive inventory of the city’s historic resources.

We found that because the PHC is not required by its Ordinance to designate a resource, even if it satisfies all of the criteria for designation, the PHC’s nomination review process can be perceived as subjective, and, thus, the PHC’s decisions on approvals and or rejections of nominations have been viewed as inconsistent.

## **Best Practices**

When considering alternative approaches to the nomination and designation process that might solve the challenge and associated explanation listed above, we reviewed the U.S. Department of the

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<sup>17</sup> See Appendix p. 93.

<sup>18</sup> For more information about the DC 2020 Historic Preservation Plan, visit <https://planning.dc.gov/page/dc-historic-preservation-plan>.

<sup>19</sup> For more information on the Center for Urban Pedagogy resources, visit [www.welcometocup.org](http://www.welcometocup.org)

<sup>20</sup> To access the City of New Orleans Historic District Landmark Commission guide, visit [www.nola.gov/hdlc/design-guidelines/](http://www.nola.gov/hdlc/design-guidelines/)

<sup>21</sup> To access the City of Pittsburgh Historic Preservation Design Guidelines, visit [apps.pittsburghpa.gov/dcp/Pittsburgh\\_HP\\_Design\\_Guidelines.pdf](https://apps.pittsburghpa.gov/dcp/Pittsburgh_HP_Design_Guidelines.pdf)

<sup>22</sup> To access the City of San Antonio Historic Design Guidelines, visit [www.sanantonio.gov/historic/Resources/HistoricDistrictGuidelines](http://www.sanantonio.gov/historic/Resources/HistoricDistrictGuidelines)

Interior’s determination of eligibility (DOE) review process. The DOE review process includes an abbreviated step before a full nomination is created to establish whether or not criteria for nomination can be met.<sup>23</sup> This step can help nominators and City staff in two ways: (1) before nominators submit a full nomination form, they submit a shorter form that asks for baseline information about the historic resource; and (2) City staff can readily evaluate whether the historic resource is eligible based on the criteria set forth in the Historic Preservation Ordinance. If the information proves that the historic resource is eligible, then the nominator proceeds with additional research and completes the full nomination form. At this point in the process, City staff would provide more strategic assistance earlier in the nomination process. With this earlier intervention in the nomination process and early evaluation against the designation criteria, the unpredictability of the review process could be mitigated.

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<sup>23</sup> For more information on Determination of Eligibility review processes, visit <https://www.law.cornell.edu/cfr/text/36/63.2>. This process is activated via the Section 106 Review process when the City receives federal funding for housing-related projects.

## PART III: REGULATORY PROTECTIONS FOR PHILADELPHIA'S HISTORIC RESOURCES

There are many laws, regulations, programs, and policies that influence historic preservation in Philadelphia, including the Building Code, Zoning Code, tax policies, and code violation system. The law that codifies Philadelphia's historic preservation processes is the Historic Preservation Ordinance (the Ordinance), which is part of the Philadelphia Zoning Code. The Ordinance invests the authority to designate and protect historic resources in the Philadelphia Historic Commission (PHC). While the PHC regulates local historic resources under the Ordinance, historic resources in Philadelphia listed on the National Register of Historic Places and National Historic Landmarks are also regulated by the state and federal governments under the National Historic Preservation Act.<sup>24</sup>

During our review of the regulatory process, procedures, and protections related to Philadelphia's historic resources, we discovered incompatible support, or lack thereof, for historic property owners between: 1) the assessment of an historic property's significance based on its local designation criteria, 2) the regulations that govern alterations on that historic property, and 3) the incentives to aid the historic property owner in efficient and affordable ways for the support, care, and maintenance of that historic property. For this third point, other than additional regulatory review and technical assistance for any modifications to designated historic properties, we found that historic property owners experience few tangible benefits after their historic property is listed on the Philadelphia Register. (These benefits could include grants, tax credits, and exemptions from fees in situations where the historic property could receive an increased assessment, resulting in potential economic hardship).

During our initial review, we submitted the following scoping questions to the National Trust for further investigation regarding national best practices for regulatory processes, procedures, and protections:

- Is it possible to modify the current regulatory framework to ensure that historic preservation in Philadelphia's neighborhoods will not impose unrealistic and costly regulatory burdens on homeowners and neighborhood businesses?
- Are the *Secretary of the Interior's Standards for the Treatments of Historic Properties* the appropriate criteria with which to review all types of alterations for all properties?
- What revisions can be made to the Ordinance and the PHC procedures to ease regulatory and financial burdens on designated properties?
- Is there a better way to address appeals of the PHC's decisions?

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<sup>24</sup> For more information regarding nationally significant historic places designated by the Secretary of the Interior visit <https://www.nps.gov/nhl/>

- Should the Ordinance be revised to require plenary review of proposals for undeveloped sites in historic districts, replacing the current review and comment jurisdiction?
- Is it feasible or practical to establish a demolition delay process?

After reviewing other U.S. cities' historic preservation ordinances, we concurred with the National Trust's assessment that Philadelphia has a strong historic preservation ordinance. However, though the Ordinance has strong protections for historic properties on the Philadelphia Register, the City does not have regulatory policies and programs in place to appropriately incentivize the reuse of historic properties. The challenges outlined in this section address the City's current regulatory framework and suggest additional or alternative measures, based on best practices, that could further refine the historic preservation rules and policies and provide additional assistance to property owners.

### **Challenge**

**The current regulatory framework for historic resources is perceived as rigid for both individually listed historic resources and districts, but has more flexibility than is currently exercised.**

### **Explanation**

Regulation of historic resources in Philadelphia is authorized by the Ordinance and carried out by the PHC. While the PHC staff may approve permit requests for modest modifications, the PHC and its Architectural Committee must review requests for major alterations and demolitions.

The PHC processes for historic designation and permit review, as outlined in the Ordinance and associated Rules & Regulations, is complex. As outlined in the Part II of this report, navigating these processes can be time- and labor-intensive, and potentially confusing for property owners. We found this to be especially true with regard to appealing the PHC's decisions on permit applications.

We observed that property owners participating in the permit review process find it rigid, particularly for properties located within historic districts. In order to allow for uniform treatment for a wide variety of historic resources in a standard design review process, there needs to be more flexibility in the process so that an owner's preservation and development goals can be accommodated. We are investigating several different approaches to evaluating properties during and after their designation process, some of which are reflected in the best practices that follow.

### **Best Practices**

As described in the National Trust report, preservationists are exploring the use of new policies, programs, and tools for designating historic properties that allow for varying levels of subsequent

regulation, depending on a property's historical significance, integrity, and context.<sup>25</sup> While survey and regulatory tools designed for differentiated designations are atypical, a "one-size-fits-all" approach to designation and regulation of historic properties within a local district can be overly coarse and lacking in nuance to accurately assess a property within its context. Surveys designed to accommodate varying levels of designation can enable varying forms of corresponding protections, regulations, and incentives. We are considering varying levels of designation for individual properties as well as within districts. Currently, there is an informal understanding that "more significant" buildings receive a higher level of scrutiny than "less significant" buildings.

We agree that survey and regulatory tools designed for varied levels of designation could enable historic preservation to be integrated into a wider array of City policies and programs. Such a system would allow for a broader spectrum of regulations associated with older and historic properties, ranging from arts and culture, revitalization, and conservation districts to traditional historic designation and review. Through this revised process, new policies and tools could be more responsive to support diverse neighborhood contexts and cultures.

Several U.S. cities offer examples of regulatory processes that are clear to citizens as well as effective in specifying different levels of regulations for a diverse array of historic properties:

- **The City of Chicago, IL's** citywide survey process provides an example of a differentiated designation and regulation system. The process showcases how an exhaustive survey enabled local officials to apply a 90-day demolition review to buildings that have significance for the community in which they are located even though they are not listed at the highest level of designation.

By surveying and inventorying all properties constructed before 1940, the Chicago Historic Resources Survey included properties that lost much of their historic character as well as properties that were largely unaltered and carried visible historic significance. Properties were color-coded according to their "historic and architectural significance relative to age, degree of external physical integrity, and level of possible significance."

In 2003, eight years after the survey was completed, the Chicago City Council adopted a demolition delay ordinance that requires a hold of up to 90 days after a demolition permit has been issued for a non-designated orange- or red-rated building. This hold is enacted so that the Chicago's Department of Planning and Development can explore all available options to preserve properties, and the application of the hold is only possible because the City surveyed and inventoried all properties, not just those that were officially designated as "historic."

Although the Chicago Historic Resources Survey required a serious investment from the City and

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<sup>25</sup> See Appendix p.56.

took 12 years to complete, it resulted in a differentiated designation system with multiple categories of significance beyond a simple “designated/non-designated” dichotomy.<sup>26</sup>

- **The City of New Orleans, LA** has a complex system of different types of districts as well as different levels of designation within those districts. It also has clearly illustrated design guidelines that explain the review process for proposed alterations based upon the type of district and level of significance. This system determines clearly what can and cannot be approved by staff versus the Commission.<sup>27</sup>
- **Washington, D.C.** has a separate administrative legal process to adjudicate appeals of decisions of the D.C. Historic Preservation Review Board that is outside the Office of Planning and the D.C. Historic Preservation Office. A magistrate from the D.C. Court system assigned to the Historic Preservation Review Board hears appeals. This magistrate has specialized knowledge of preservation and a distance from the DC Historic Preservation Review Board decision-making which promotes objectivity.

## Challenge

**Philadelphia does not have an inventory process for identifying or a regulatory process for protecting archaeological sites.**

## Explanation

Perhaps the largest portion of Philadelphia’s history is preserved beneath the current cityscape, in the form of archaeological resources and sites that document more than 9,000 years of history and cultural change. The Pennsylvania Archaeological Site Survey (PASS) of the Pennsylvania State Historic Preservation Office (SHPO) has recorded 240 archaeological sites in Philadelphia. However, only a fraction of the known sites within Philadelphia are recorded or registered with the State. Thematic categories of these archaeological sites include: cemeteries, farmsteads, shipwrecks, pre-contact / Native American sites, military, industrial, commercial, and domestic.

Currently, the Historic Preservation Ordinance authorizes the Philadelphia Historical Commission (PHC) to designate archaeological sites and to require archaeological investigations at designated sites. However, we found that the City has not established a systematic regulatory framework necessary for the PHC to carry-out its mission with respect to archaeological resources. In addition, archaeological resources are likely to exist throughout the City, but have not been evaluated and are therefore not designated or protected.

Moreover, since 1989, the City has not employed an archaeologist and, in the absence of a trained professional to monitor the increasing pace of development over this nearly 30-year period, the City has

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<sup>26</sup> See Appendix p.46.

<sup>27</sup> See Appendix p.46.

scarce information about historic archaeological resources lost through development and in some cases, piracy. Also, there is no requirement in the Ordinance that the Commission membership include a professional archaeologist.

While local designation of archaeological sites is possible, very few resources have been listed on the Philadelphia Register. Thus, there is not a mechanism to review adverse impacts to these unique resources. Also, the Ordinance limits the PHC's jurisdiction over "undeveloped sites" in historic districts to advisory-only; what is called "review and comment," and such advisory reviews take place prior to the initiation of construction without any mandatory follow-up.

### **Best Practices**

The cities of Alexandria, VA; New York, NY; Phoenix, AZ; and St. Augustine, FL provide examples of archaeological ordinances and review procedures that have been used to identify key archaeological sites and protect them from degradation and loss. To do so, some cities have developed sensitivity maps that identify likely areas of remains and varying levels of review.

The policies and procedures used in Alexandria, VA provide a strong, relevant guide for Philadelphia to follow.<sup>28</sup> After reviewing other cities' policies and procedures, we have identified commonalities among best practices that could be applicable to the City and the PHC. They relate to regulatory processes and procedures that can further protection of historic archaeological resources, as well as to inventory and designation processes and procedures:

- Archaeological sites and resources are treated separately from above-ground resources in preservation programs and are subject to a separate review process.
- Most cities surveyed have a separate ordinance that addresses archaeology as well as separate rules and regulations addressing the preservation of archaeological resources:
  - These archaeology ordinances address historic cemeteries and human remains as a separate topic and host a separate set of rules to follow.
  - The corresponding regulations define a clear process to be followed during project reviews and establish clear guidelines needed to conclude the review process.
- The review for archaeological resources has a separate trigger than that for above-ground resources:
  - Some cities review all projects requiring a city building or other permit.
  - In New York, NY, any construction project over a certain number of square feet in size automatically triggers review.

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<sup>28</sup> For more information on the City of Alexandria's archaeological regulations, visit [www.alexandriava.gov/historic/archaeology/default.aspx?id=39208](http://www.alexandriava.gov/historic/archaeology/default.aspx?id=39208)



- Archaeological review is performed by a separate staff consisting of qualified and professional archaeologists.
  - Most cities surveyed maintain a separate Archaeology Office and archaeology staff to perform reviews.
- Archaeological review is initiated at the first submission of permit documents.
  - An initial assessment of archaeological resources is completed in advance of permit submission, with findings and recommendations determined by professional archaeological consultants as part of the initial permit submission.
- Review involves authority for archaeology staff to require archaeological investigations prior to the start of construction or in conjunction with construction.

## **Challenge**

**Demolition of historic properties damages the cohesion and compatibility of historic character.**

**Aspects of this include:**

- **Within historic districts, undeveloped sites at the time of designation, are not subject to formal PHC review, only comment; and**
- **When demolition occurs on undesignated historic properties throughout the city, infill on these sites is not regulated.**

## **Explanation**

Results from a recent study performed during PennPraxis’ Historic Preservation Citizen Engagement Project found that one of the most cited issues pertaining to Philadelphia’s current historic preservation process among residents in 19 distinct Philadelphia neighborhoods is the lack of review of demolition proposals for undesignated and visibly historic properties and the lack of design review for new construction projects on vacant lots in older neighborhoods.<sup>29</sup> Some residents explained that the lack of a review results in loss of historic resources and designs for new construction that are incompatible with their surroundings, significantly altering the character of older neighborhoods and adjacent historic properties.

As with all historic preservation ordinances in peer cities, the Ordinance can only prevent the demolition of a designated historic resource. Owing to basic principles of due process, a government cannot decide to regulate a property after a property owner has applied for a lawful demolition permit. For many reasons – lack of information, lack of political will, lack of sufficient funding – the Commission has not designated enough of our important historic resources. However, the legal tools to nominate and quickly designate properties are there. For example, once a property is nominated – by any person anywhere – and that nomination is deemed complete by the Commission’s staff, an “automatic stay” attaches to the

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<sup>29</sup> For more information on PennPraxis and the Historic Preservation Citizen Engagement Project, visit <https://www.design.upenn.edu/pennpraxis/post/historic-preservation-citizen-engagement-toolkit>

nominated property on any and all intervening building permit or demolition permit applications until the nomination is acted on by the Commission. This broad power to nominate and impose an “automatic stay” does not exist in many peer cities.

Although the Ordinance is fundamentally strong, we are investigating other tools found in other cities. For example, Chicago has a “demolition delay” ordinance that affects properties previously identified in a citywide survey that was specifically incorporated into that ordinance. However, we must point out that all regulatory regimes are not the same. For example, although Chicago has a demolition delay ordinance, they have a more difficult and arguably more political historic designation process (e.g. nominations can be vetoed by City Council), and its City Council also has the power to make decisions on demolition applications for historically designated properties.

We are exploring whether increased resources for nominations under our Ordinance may prove the most effective and the practical means for expanding regulatory protection. Here, the issue is not new regulation, but simply ensuring that the Commission has adequate financial resources in order to support an already strong Ordinance.

### **Best Practices**

When reviewing various U.S. city models for how to handle demolition of historic buildings and reviewing the design of infill construction on vacant lots in historic areas, we studied the following examples:

- **The City of St. Augustine, FL** has a policy of reviewing all proposed demolition applications for properties more than 50 years old in order to determine whether they are eligible for individual designation. The reviews occur prior to issuing demolition approval. (We acknowledge that St. Augustine is not a peer city and that the myriad of challenges that face Philadelphia are of a different magnitude.)
- As referenced in Part II, **the City of Chicago** pre-emptively surveyed and classified its historic properties citywide in order to better determine eligibility for its local historic register. In doing so, the City identified properties that require additional review before demolition permits may be issued.

### **Challenge**

**High-density zoning discourages preservation of historic properties.**

### **Explanation**

When the zoning code allows for much higher density than currently exists in built form within historic districts, we recognize that developers see this provision for higher density zoning as an incentive. Subsequently developers may seek to demolish historic buildings to maximize their development’s

square footage, resulting in higher economic returns on their real estate investment. In designated historic districts, we recognize that there may be added pressure, particularly on undeveloped sites in districts, for new construction that may be incongruous in size and massing, but allowed “as-of-right.”

Through the Philadelphia2035 planning effort, the City has created district plans that reassess and propose to remap zoning to correct issues of incompatible zoning designations across the City and especially in areas where the preservation of existing architectural forms (size and scale of buildings) is desirable to communities. While City Council members are able to initiate a remapping process where these issues are able to be addressed, we recognize that there is further work to be done to modify zoning-related decisions to consider their effect on the character of historic areas.

## PART IV: INCENTIVES TO PROMOTE HISTORIC PRESERVATION

Regulatory and financial incentives help to encourage adaptive reuse and preservation of historic properties by offsetting the additional costs property owners would incur if they maintained or restored their properties to higher architectural standards. Federal, state, and local programs are in place to incentivize historic preservation for designated buildings and other historic and cultural resources. However, these incentives are primarily for properties listed on the National Register, not locally-designated historic properties, and for larger adaptive reuse development projects.

During our initial review, we drafted the following scoping questions to the National Trust in order to identify best practices for supporting owners and developers of historic resources:

- What incentives, monetary and non-monetary, can be used to encourage preservation, and under what circumstances?
  - What incentives are currently available in Philadelphia?
  - How can these incentives be adapted to meet current historic preservation needs?
  - What incentives are available in other cities?
  - How can these tools be adapted for Philadelphia?
  - What are the impacts or outcomes of these incentives, and how are they measured?
- What are the costs and benefits of historic preservation, both for the property owners and the broader community, and how can incentives defray these costs and maximize these benefits?
- How does the City and the community determine who receives incentives?

In response, the National Trust provided best practice examples from other U.S. cities that we are assessing for their applicability to Philadelphia. The incentives that we recommend for our final report must not only encourage property owners to list their historic properties on the Philadelphia Register, but also help them maintain their properties.

### Challenge

**There is little to no City-sponsored financial assistance or tools to promote and support historic preservation activities such as restoration, rehabilitation, and adaptive reuse in Philadelphia.**

### Explanation

As stated, there are no financial, zoning, or streamlined-process incentives specifically encouraging property owners to nominate, maintain, and preserve their historic properties. Although the PHC provides free technical assistance to owners of historic properties when they apply for buildings permits and supports those who want to nominate historic resources to the Philadelphia Register, this is the extent of the assistance that owners receive from the City in support of their historic properties.

Upon examination of other U.S. cities' programs as well as Philadelphia's, we understand that regulatory incentives can help limit uncertainty and expedite and simplify approval processes to make adaptive

reuse more feasible and attractive. Review processes can be onerous, complicated, and time-consuming, often involving multiple governmental agencies and community organizations to secure approvals. These processes can increase uncertainty, time expended, and resources required, which can deter developers and property owners from pursuing rehabilitation of historic properties.

### **Best Practices**

We reviewed the National Trust research and found that cities can encourage adaptive reuse and the return of historic properties to market by offering incentives that expedite approvals.<sup>30</sup> Other U.S cities have successfully used these diverse techniques, such as:

- **Expedited Review:** A process that lets priority projects “skip to the front of the line.”
- **Flexible Codes:** Provide for increased flexibility in building and zoning codes by waiving or reducing parking requirements, waiving or modifying standards for open space, setbacks, and lot size and / or allowing alternate building code and safety measures more suitable for historic properties.
- **Waiving Fees:** Waiving permitting, impact, system development, or other local fees.
- **Flexible Uses:** Increasing opportunities for as-of-right development by allowing flexible uses as-of-right or with expedited use-variance approvals for historic properties.
- **Expedited Approvals:** Shortening approvals processes by eliminating redundant procedures, establishing concurrent application procedures, allowing simultaneous filing, and coordinating with various regulatory bodies (as well as the public), and/ or consolidating the review process into a “one-stop shop.”
- **Zoning Alignment:** Ensuring that regulations and programs do not inadvertently incentivize demolition over reuse and that zoning and historic district regulations align to protect existing form and character in priority preservation areas; removing conflicting zoning and preservation measures.

The cities of Los Angeles, CA and Phoenix, AZ have deployed many of these techniques through their Adaptive Reuse Ordinances (ARO):

- **The Los Angeles Adaptive Reuse Ordinance (ARO)** provides comprehensive regulatory relief for underused commercial structures by streamlining permitting, offering flexible zoning, and relaxing building code restrictions; and
- **The City of Phoenix’s local ARO** categorizes buildings by tiers, focusing regulations and incentives on the square footage threshold of eligible buildings.<sup>31</sup>

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<sup>30</sup> See Appendix p. 67.

<sup>31</sup> See Appendix p. 68.

Additionally, the National Trust found that specific programmatic support for homeowners encouraging building reuse and historic homeownership are often developed through:

- **Vacant Home Acquisition & Rehabilitation**<sup>32</sup>
  - Direct assistance for the purchase of formerly vacant homes, such as funding assistance for closing costs.
  - Interventions to encourage vacant buildings reuse in steady and transitioning neighborhoods (as opposed to focusing exclusively on neighborhoods of concentrated poverty), including streamlining disposition of vacant properties to create a steady pipeline of affordable projects with clean titles.
  
- **Occupied Home Rehabilitation**<sup>33</sup>
  - Targeting homes of a certain era or style that have been identified as significant to the City's identity and cultural significance.
  - Providing revolving loan funds, deferred loans, grants, and technical assistance programs to individual occupants of historic homes, small-businesses, nonprofits, and government entities through public-private partnerships.

Some specific city-led initiatives include:

- **Baltimore's Vacants to Value (V2V) program** combines several strategies to eliminate blight, bring existing properties back to market, and help homeowners acquire rehabbed homes. The V2V program streamlines disposition of available properties as well as provides direct grants and technical assistance to homeowners aiming to attract private investment in markets otherwise incapable of supporting private investment.<sup>34</sup>
  
- **Chicago's Historic Bungalow Initiative and Greystone & Vintage Home Program** are examples of public-private partnerships that combine City funding with nonprofit implementation to offer forgivable loans, grants, and technical assistance for eligible properties and homeowners to reduce the cost and complexity of rehabbing historic homes.<sup>35</sup>

We are also evaluating the activation of a Transfer of Development Rights (TDR) program to incentivize preservation of historic properties.<sup>36</sup> A TDR program would encourage voluntary transfer of an owner's development rights to a developer in order for that developer to increase the density allowed for by zoning on the developer's site. During the 1990s, this program was tested for new development in Center City Philadelphia, when the real estate market was not as strong as it is in 2018. Further evaluation is needed to determine the benefits and challenges of this practice in a stronger real estate development climate.

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<sup>32</sup> See Appendix p. 72.

<sup>33</sup> See Appendix p. 73.

<sup>34</sup> See Appendix p. 73 for more information on the Baltimore V2V program.

<sup>35</sup> See Appendix p. 73 for more information on the Chicago Historic Bungalow Initiatives and the Greystone & Vintage Home Program.

<sup>36</sup> See Appendix p. 80.

## **PART V: COMMUNITY AND CITY GOVERNMENT SUPPORT OF HISTORIC PRESERVATION**

In Philadelphia, there is multi-sector support for historic preservation activities that help to protect and manage change to historic properties. The Philadelphia Historical Commission, a City agency, implements the Historic Preservation Ordinance and protects resources listed on the Philadelphia Register. The Philadelphia City Planning Commission (PCPC) is mandated by the Philadelphia Home Rule Charter (Charter) to create and maintain a comprehensive plan for the city, and an entire section of the agency's Citywide Vision is dedicated to historic preservation planning.

Additionally, the School District of Philadelphia, and the Departments of Public Property, Parks and Recreation, Police, Fire, and Streets all occupy and are therefore stewards of historic properties, both designated and potentially eligible for designation. The City does not have any official guidelines for maintaining its City-owned historic properties. However, if the property is listed on the Philadelphia Register, the City's agency responsible for that property must apply to the PHC for review whenever work is proposed, as with any other historic property owner.

Although many of the City's agencies and departments listed above have prioritized historic preservation activities, we find that the PHC and its staff have been underfunded for years. Without adequate staffing, it is difficult for the PHC to be proactive in survey and inventory, designation, outreach and education efforts.

During our initial review, we submitted the following scoping questions to the National Trust for further investigation regarding best practices to promote and sustain City and community support for Philadelphia's Historic Resources:

- What programs have peer cities used to educate and promote preservation among elected officials, the building industry, and the public?
- What programs have proven effective in building constituencies for preservation efforts in peer cities?
- How can we create an outreach process that engages the public in a meaningful way with its limited resources, both during this 18-month Task Force process and beyond?
- How have other communities gained input on what is "historic" and what is "preservation"?
- How can we ensure that outreach efforts connect with Philadelphia's diverse constituencies?

We prioritized the following challenges when considering where community and City support could be bolstered for historic preservation activities.

## **Challenge**

**There is historic preservation activity that happens in other City offices and agencies, but currently these activities are not linked or leveraged, and historic preservation is not well represented on the many boards and committees inside City government and within other development organizations.**

## **Explanation**

We recognize that the City is not a consistent steward of its historic properties, especially for properties that are not officially designated to the Philadelphia Register and therefore in the purview of the PHC. Thus, our concern is that the City is not setting a good example by consistently supporting historic preservation activities at its historic properties. What message does that send historic property owners regarding their responsibilities to preserve and maintain their historic properties? Also, we find that there is not sufficient representation of development and preservation professionals on many built-environment-focused community boards and City commissions and boards other than the PHC.

## **Best Practices**

In order to practice good stewardship of historic properties and ensure that representatives from different perspectives are represented on City and community boards, as well as on the staff of departments that are responsible for changes to Philadelphia's built environment, we recognize that promoting historic preservation professionals' and advocates' participation in agency and board leadership roles is imperative. Examples of such proactive approaches to board representation and staffing in other cities include:

- **The nonprofit Preservation Resource Center of New Orleans** has a full scale, staffed Education and Outreach program that follows a people-centered approach to promote preservation and revitalization of historic New Orleans architecture and neighborhoods to all through brick and mortar education and cultural heritage programming.<sup>37</sup>
- **The Atlanta Urban Design Commission and the Washington, D.C. Historic Preservation Office** are City agencies that best exemplify a people-centered preservation approach to building a constituency. They each pursue a high degree of intra-governmental cooperation and intentionally engage residents as a part of their everyday operations.

## **Challenge**

**There are not enough resources dedicated to building a constituency for historic preservation. Philadelphia needs more tools (in-person and online) to engage citizens and to help them access information.**

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<sup>37</sup> See Appendix p. 97.



## Explanation

We find that the PHC provides many constituency-building and technical advisory services, but they are usually limited to one-on-one conversations with historic property owners or interested citizens, with most meetings happening at the PHC office in Center City rather than in neighborhood locations. Also, while the Philadelphia City Planning Commission (PCPC) staff conducts outreach activities through the Community Planning Division and Citizens Planning Institute, historic preservation is often just a small part of the larger issues that are addressed through these programs. We believe that additional City-sponsored-and-led outreach programs can be created with sufficient and sustainable funding that will leverage and build upon existing resources that the PHC provides.

## Best Practices

We are studying the following best practices offered by the National Trust from other city preservation agencies and affiliated nonprofits regarding how to address Philadelphia's constituency building challenges:

- **The nonprofit Preservation Resource Center of New Orleans** encourages investment in neighborhoods by providing tools, information, and resources to prospective homebuyers and renovators. Their key public message is “Historic preservation is economic development.”<sup>38</sup>
- In other U.S. cities, preservation agencies engage with citizens before, during, and after designation to advocate and advise on the continued maintenance of historic properties. Examples include:
  - **New York City's Landmarks Preservation Commission** cooperates with sister agencies to engage the community before, during, and after a historic district is designated. Prior to designation, the agency meets with owners and neighbors to educate stakeholders about the designation process and the regulatory responsibilities. After designation, the agency will remind owners of their responsibilities and return to raise awareness about the historic district and strengthen regulatory compliance. Outreach is primarily conducted by three senior staff persons who spend considerable time in the field engaging constituents, although there is no dedicated outreach staff position.<sup>39</sup>
  - **The City of New Orleans, LA** meets with neighborhood groups prior to designation; offers inspections to potential property owners to identify areas of non-compliance (i.e. vinyl windows) prior to purchase so they can negotiate repair as part of purchase price; and performs multiple inspections during the construction process to ensure compliance with approved plans.

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<sup>38</sup> See Appendix p. 97.

<sup>39</sup> See Appendix p. 94.

- Other cities have found that it is best to conduct outreach to constituents on their terms and at their locations by creating dialogues between staff and community members.
  - **The City of Atlanta Department of Planning** runs the City Studio project, a pop-up physical space that moves around the city to engage residents in conversations about their neighborhood needs. City planners spend several months listening to residents voice their needs, desires, and concerns about urban design, historic preservation, and economic development. Staff then reconvenes residents to affirm consensus before implementing strategies.<sup>40</sup>
  - The citywide nonprofit organization **Preservation Chicago** provides workshops scheduled in neighborhoods throughout the city to make training more accessible and advertises that the workshops are “At a neighborhood near you!”<sup>41</sup>
  - **The Boston Preservation Alliance**, a citywide nonprofit, provides technical assistance on the protection of historic resources to the public and general membership through neighborhood preservation workshops. Their work supports a people-centered approach with the following goals: to engage residents in learning about historic resources, to educate them on the tools available to care for their properties, and to support them as they take action to ensure preservation; to support integrating preservation into community development and planning; and to provide a forum for residents to voice their needs and priorities regarding historic resources and to foster connections between communities and agencies.<sup>42</sup>
  - The **City of St. Louis, MO Cultural Resources Office** created the “Hotspot” to serve as a satellite office for constituents. Staff is available for onsite review and approval, to provide technical assistance to help projects comply with historical standards, and to allow for expedited review and approval.<sup>43</sup>
- Neighborhood tours that have been used to help people experience and learn about a city’s history and architecture include:
  - The nonprofit **Baltimore Heritage, Inc.** offers an annual program of 70 walking tours to 35 places throughout the city. The goal of these tours is to build a constituency through face-to-face interaction, not through mass marketing.<sup>44</sup>

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<sup>40</sup> <https://www.atlantaga.gov/government/departments/city-planning/office-of-design/atlanta-city-studio>

<sup>41</sup> See Appendix p. 95.

<sup>42</sup> See Appendix p. 95.

<sup>43</sup> See Appendix p. 93.

<sup>44</sup> See Appendix p. 94.

- **The City of Chicago Landmarks Division** collaborates with nonprofit partner Chicago Architecture Foundation to conduct walking tours for the public.
- **The City of New Orleans Historic District Landmarks Commission** initiated informal neighborhood strolls to meet people and explain what the agency does and how.
- E-newsletters and social media are used in several cities to foster regular communication with agencies and constituents, including:
  - The nonprofit **Preservation Buffalo Niagara** regularly communicates with members and friends through a weekly e-newsletter, has an active social media presence, and manages a database of constituents that can be sorted by city council district.
- Other cities offer well-designed and user-friendly websites that include relevant information, such as design standards, guidance on permit applications, maps, survey information, reports, and strategic plans. Examples include:
  - **The City of New Orleans Historic District Landmarks Commission** website;<sup>45</sup>
  - **Washington, D.C. Office of Planning** website, which makes available their 2020 Historic Preservation Plan;<sup>46</sup>
  - The nonprofit **Landmarks Association of St. Louis**. Additionally, the Landmarks Association created a young friends group called Landmark Tech Urbanites, and the group then created an app that is used to survey historic resources and resulted in attracting a new audience to historic preservation;<sup>47</sup> and
  - The **City of Chicago Landmarks Division** website that makes available relevant and useful information on design standards, permit applications, maps of historic districts, survey information, and designation reports describing landmarks and historic districts.

## **Challenge**

**Historic preservation-related agencies and organizations struggle to recognize the city’s diverse cultural heritage and provide outreach to and engage Philadelphians in neighborhood preservation efforts.**

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<sup>45</sup> <https://www.nola.gov/hdlc/>

<sup>46</sup> <https://planning.dc.gov/page/dc-historic-preservation-plan>

<sup>47</sup> See Appendix p. 97.

## Explanation

Many residents and community-based organizations in the city are involved in historic preservation-related activities, but they do not readily identify as “historic preservation organizations” and their members do not readily identify as “historic preservationists.” As a result, we find that these Philadelphians may not be as involved in traditional historic preservation activities such as City boards or citywide preservation organization’s committees and boards. Thus, their stories are under-represented in traditional historic preservation literature and media.

Also, owing to insufficient resources, the PHC and PCPC staff have limited contact with immigrant groups, smaller historical societies, and other organizations that work with the diverse cultures and interests of Philadelphians, many of which may be involved in or sponsoring small-scale prospective preservation projects or advocacy efforts.

## Best Practices

Through the National Trust’s research, we identified the following best practices that other U.S. cities have employed when striving to reach their diverse constituencies about historic preservation issues and practices.

- The **Atlanta City Design: Aspiring to the Beloved Community, 2017** study calls for partnerships with nonprofit and faith-based communities to foster engagement across geographic, generational, economic, cultural, and racial barriers and to promote dialogue about the changes happening in the City, so newcomers can understand the context and challenges of the existing residents.<sup>48</sup>
- As identified in Part I, **San Antonio, TX** employs a cultural historian who performs outreach into the community, to more readily understand their needs and how best to engage community members in traditional historic preservation activities.
- Some citywide nonprofits hold discussion groups with preservation advocates and professionals as a means to foster mutual support including the nonprofit **D.C. Preservation League**. The League participates in the Historic District Coalition, an informal alliance of organizations and individuals representing D.C.’s historic districts. They conduct outreach and education activities to further preservation in D.C. This includes candidates’ forums, a historic preservation task force to address specific issues in historic districts, and symposiums on compatible architecture.<sup>49</sup>

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<sup>48</sup> See Appendix p. 93.

<sup>49</sup> See Appendix p. 95.

- **Preservation Buffalo Niagara** seeks to create a broad and diverse constituency by proactively identifying neighborhoods that merit preservation but have not been surveyed or designated.<sup>50</sup>

In some cities, residents form “affinity groups” centering on preservation to provide forums to address concerns and build constituencies, such as:

- **Baltimore Heritage, Inc.** hosts an “unconference” which aims to strengthen relationships between state, local government, and individuals who have a passion for preservation and history. Local activists, history teachers, graduate students, museum professionals, and preservationists are invited to attend and share their knowledge about how preservation and public history can make Baltimore a more vital place.<sup>51</sup>

Schools, congregations, and after-school programs have been active partners in other cities to instill a sense of community for cultural and historic assets for younger residents. Efforts involving youth are likely to also involve parents and family members. For example:

- **Atlanta Preservation Center’s** outreach and education work takes many forms, including walking tours, coordinating with possible partners, community education programs, attending public hearings, informing the public, and K-12 school outreach programs.<sup>52</sup>
- **The Preservation Resource Center of New Orleans** offers a variety of educational experiences through Heritage Education for school groups, the Cultural Heritage Preservation program, and the Jazz Plaque program.<sup>53</sup>
- **The Landmarks Association of St. Louis** provides public school programming about historic architecture for grades 4 through 12.<sup>54</sup>

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<sup>50</sup> See Appendix p. 96.

<sup>51</sup> See Appendix p. 96.

<sup>52</sup> See Appendix p. 96.

<sup>53</sup> See Appendix p. 97.

<sup>54</sup> For more information on Landmarks Association of St. Louis, see Appendix p. 91.

## NEXT STEPS

Our next steps are to evaluate the feasibility of the proposed best practices as they relate to Philadelphia and create final recommendations for how the City and community partners can better support preservation practices, policies, and processes throughout Philadelphia. Also, we will continue to consider opportunities to modify current City programs to solve the challenges outlined in this report.

We have become increasingly aware that a flexible, community-driven process must be created to ultimately protect historic resources in Philadelphia, and that the process should not be at the mercy of a single point of power at the neighborhood, district, or citywide levels. Overwhelmingly we agree that the current and existing historic preservation policies and procedures are an appropriate structure to maintain. However, we also agree that expansion of the current historic preservation framework to allow greater participation in preservation by a wider constituency will require that the existing historic preservation framework be supplemented with new processes and programs.

Our final report will provide recommendations and suggested implementation strategies to activate the recommendations. Relating to how the PHC functions versus how it is perceived to function, we will further explore and extrapolate what is currently possible through the Ordinance and its Rules and Regulations and what can be amended or enhanced within the current and existing staffing and the Historical Commission structure.

At the conclusion of this process, we will present our final recommendations to the City Council and the Mayor's Office for their review and feedback. Once members of City Council and Mayor Kenney and his staff review the document, the staff of the Department of Planning and Development will work with them to ratify the recommended roadmap and launch an action plan to correspond with the proposed strategies.

To follow this process and participate in public discussion, visit [www.phlpreservation.org](http://www.phlpreservation.org), and join us at our next public workshop on Thursday, September 20, 2018.

# ACKNOWLEDGEMENTS

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# **APPENDIX: NATIONAL TRUST FOR HISTORIC PRESERVATION BEST PRACTICE REPORTS**



## Cover Memo

DATE: MAY 17, 2018

TO: PHILADELPHIA HISTORIC PRESERVATION TASK FORCE

FROM: NATIONAL TRUST FOR HISTORIC PRESERVATION

RE: HISTORIC PRESERVATION & BUILDING REUSE: BEST PRACTICES RESEARCH

Dear Task Force Members:

As Technical Advisor to the Mayor Kenney’s Historic Preservation Task Force, the National Trust for Historic Preservation is providing the attached revised summaries of a select group of Best Practices as requested by the Task Force Sub-Committees. This in-depth research builds upon 2-3 months of preliminary research performed in the fall of 2017, presented to the Task Force in mid-January, and available on the Task Force website <https://www.phlpreservation.org/>. The National Trust undertook an additional 8-week research project to better understand and evaluate a refined list of Best Practices in four core areas – Survey, Outreach + Education, Incentives, and Regulation. Focused primarily, but not exclusively, on the Peer Cities identified earlier in the Task Force proceedings (*Chicago, St. Louis, New York, Baltimore, Buffalo, and New Orleans*), the National Trust’s Team conducted interviews with public agencies and local non-profits in each Peer City. Based on these interviews, extensive on-line research, and targeted outreach to preservation, public policy, and development professionals, as well as feedback from the Task Force subcommittees on initial drafts, the National Trust prepared the attached summaries of selected Best Practices. Included is an analysis identifying and articulating the benefits, challenges, applicability, funding, staffing requirements, and regulatory framework required for each of these Best Practices to succeed.

Based on two rounds and nearly five months of intensive research by a team of eight multi-disciplinary professionals, the National Trust found that there is no “silver bullet” for historic preservation. Instead, our research found that historic preservation success emerges from integrated, multi-faceted programs broadly supported by a diverse constituency and adequately funded over time. It is only through the incorporation and coordination of outreach efforts, survey information, and incentive programs enabled by a supportive regulatory environment that meaningful historic preservation success emerges.

Attached are models and examples worthy of careful consideration by the Task Force as it forms recommendations for the city of Philadelphia— from cities large and small and from efforts and programs both ambitious and modest. We look forward to working with the Task Force on developing recommendations for an improved preservation infrastructure in Philadelphia.

Seri Worden  
Senior Field Officer  
National Trust for Historic Preservation



**Survey Subcommittee – NTHP Best Practices Research  
Philadelphia Historic Preservation Task Force**

**Research Topic 1: Inventory Management Systems**

*What does the best practice do?*

This refers to the practice of collecting and managing cultural resource information in an inventory management system. An inventory is a database, or an organized collection of data. Inventory management systems are digital software platforms that allow for the management and administration of the data, as well as the database itself. This includes the ability to query, filter, select, and export or share the housed data, as well as the ability to integrate other related datasets. The administration of the database itself often allows for the establishment of unique accounts and privacy settings for different levels of users.

When applied to historic preservation, inventories serve as central repositories of information on cultural resources. These inventories store information on the cultural resources themselves, including but not limited to:

- Location;
- Designation status;
- Year built;
- Date of last survey/inspection;
- Condition.

An inventory management system thus refers to the systems used to store, maintain, and update this type of information, as well as the workflows set in place for managing the inventory itself.

*What challenges will it solve?*

Philadelphia suffers from a lack of up-to-date and accurate information on its historic built environment. Much of the city's existing information on, for example, locally designated landmarks as well as previously surveyed areas, are not integrated into a comprehensive database. This creates challenges for historic commission staff, other city agencies, as well as interested members of the public, when looking for information on the city's historic properties.

*Peer City Examples*

**New York, NY**

Platform: The New York Landmarks Preservation Commission (NYLPC) uses a combination of proprietary GIS software from Esri, a leading GIS software provider, and a Microsoft Access database to manage its cultural resource inventory on approximately 36,000 buildings and counting across the city. This inventory is used internally to assist NYLPC staff in their work.

Development History: Prior to developing this inventory, NYLPC had over 50 years of information available in a variety of formats. In 2014, NYLPC was awarded a \$50,000 grant from the New York Community Trust to digitize and compile this information into a master database. Over the next three years, this grant was used to hire a total of four data fellows, who together with the GIS Administrator,



completed this task. Over five decades worth of designation reports and internal research documents were digitized. In an interview with NYLPC, staff stressed the importance of faithfully reproducing the information presented in these documents as organized columns of data. This information was then merged with the city's land use and assessor dataset (PLUTO) to create a robust, comprehensive inventory on both the city's designated historic resources and other surveyed structures.

The development of this inventory was completed in 2017. The GIS Administrator now focuses on managing this inventory. New information is added annually through the efforts of NYLPC research staff, who survey thousands of properties annually. These surveys and their results are not publicly available, and serve as internal work products used by staff to identify potential landmark properties, monitor areas undergoing development, and to pre-emptively gather information on properties potentially undergoing regulatory review.

Staffing: Unlike other preservation commissions the National Trust interviewed, NYLPC has a full-time GIS Administrator in its staff. NYLPC also maintains its own ArcGIS enterprise license, separate from the rest of the city. The GIS Administrator oversaw the development of this inventory, and today, oversees its maintenance, as well as a workflow where NYLPC research staff enter survey information into a Microsoft Access database, which then is pushed to GIS layers.

Data and Data Standards: Historic designation reports are legal documents that serve as a regulatory baseline for the work of NYLPC. These reports were used as the basis for developing attribute fields in the inventory management system. NYLPC's new inventory thus aligns with the city's existing criteria for historic resource designation. The attributes in the inventory include, but are not limited to:

- From designation reports
  - Designation status;
  - Architect;
  - Builder;
  - Building use;
  - Year built;
  - Building materials;
  - Building height;
- From PLUTO
  - Unique city identifier number;
  - Tax lot number;
  - Alterations;
  - Current owner;
  - Current zoning;
  - Elevation.

Information on surveyed areas that did not lead to designation are also included in the inventory as general boundary polygons. While NYLPC has expressed interest in eventually providing building-by-building level information on this, there are currently no plans to do so.

Information Sharing: NYLPC describes this project as a data accessibility project; this project focused on aggregating decades of consistent research on the city's historic resources into a digital, master database. This database is available internally to NYLPC staff. The dataset is also shared with other city agencies. The incorporation of PLUTO information, such as its unique city identifier number and tax lot



number, allows other city agencies to link their information easily, providing an opportunity to improve overall city planning efforts. For example, NYLPC is currently examining how their database can improve the PLUTO dataset's accuracy on year built dates.

A subset of information is pulled from this inventory and shared with the public through the [Discover New York City Landmarks](#) web application. This online map provides information on designated historic landmarks within the city's 141 historic districts. It does not include internal survey results on non-designated resources. More information about the NYLPC inventory can be found [here](#).

## **Los Angeles, CA**

**Platform:** Los Angeles' Office of Historic Resources (LAOHR) uses Arches for its cultural resource inventory management system. Arches is an open-source, web-based heritage and inventory management system designed by the Getty Conservation Institute and the World Monuments Fund specifically for cultural resources. Los Angeles' Arches deployment, called Historic Places LA, is the first adoption of this inventory management system by an American city.<sup>1</sup>

**Development History:** In 2000, the Getty Conservation Institute conducted a multi-year feasibility study on the development and implementation of a citywide cultural resource survey. This resulted in the creation of LAOHR in 2006, which in turn initiated the launch of a 10-year citywide survey effort called SurveyLA.

Whereas NYLPC began their inventory project with a rich amount of information on the city's building stock, Los Angeles' records on historic resources were limited and out of date. Prior to SurveyLA, only 15% of the city's 880,000 parcels had previously been surveyed, often for National Register nomination or by the Los Angeles Redevelopment Agency as part of a prior revitalization initiative. Most of these survey results were kept as paper records. A limited number were maintained in a spreadsheet by the Community Redevelopment Agency. SurveyLA was therefore conceptualized and implemented as a full-scale effort to develop a baseline of information on the city's historic resources by gathering up-to-date, comprehensive information on the entire city.

SurveyLA consisted of two phases: a four-year initiation phase, followed by a six-year implementation phase. LAOHR staff note that the initiation phase took longer than anticipated due to the fact that at the time, there were no off-the-shelf solutions for a similar endeavor. The initiation phase focused on preparation: a project advisory committee made up of leaders from the local historic preservation, development and business communities was established to inform the survey process. Additionally, when possible, the limited legacy information available was identified and digitized for reference purposes.

Historic preservation experts and cultural resource management firms were contracted by the city to conduct the field survey (see Research Topic 4 for more details on how the field survey was conducted). Once the field survey was complete, LAOHR utilized contractors to deploy their inventory management system on Arches.

**Staffing:** During the ten-year period, SurveyLA consisted of a small core team of two full-time staff at LAOHR, along with two full-time GIS staff from the city's GIS division who managed and compiled survey

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<sup>1</sup> Starting with Arches v4.0, a mobile survey application was launched. As this mobile application was not ready at the time of SurveyLA, the field survey was conducted using a customized ArcGIS Desktop platform.



information. Today, Historic Places LA is managed by one GIS specialist from the city's GIS division and one full-time LAOHR staff member. The GIS specialist provides technical assistance to LAOHR and is responsible for managing the inventory platform. Tasks include upgrading the Arches software as new versions become available and managing security requirements. The LAOHR staff member serves as the data manager for Arches and is responsible for monitoring and managing the data itself. Together, these two positions manage the Arches inventory management system for the city of Los Angeles.

**Data and Data Standards:** SurveyLA was designed to adhere to both state standards and the Secretary of the Interior's standards for historic resources. SurveyLA also followed the National Park Service's Multiple Property Documentation approach, developing context statements for each area as well as ethnic groups. These context statements were then preloaded into the survey database, ensuring that the recording of context, themes and associated property types were part of the data collection process.

The information collected for each resource includes but is not limited to:

- Summary information
  - Names (primary and other);
  - Important Dates;
  - Images;
  - Resource Type (building, etc);
  - Architect;
  - Builder;
  - Owner;
- Location information
  - Primary addresses;
  - Alternative addresses;
  - Administrative areas (community plan area, council district, neighborhood council, neighborhood, etc)
- Resource Description
  - Classification;
    - Type (Institutional-Educational);
    - Use;
    - Architectural Style
  - Features
  - Narrative Description
  - Alterations
- Evaluation Details
  - Date Evaluated;
  - Context/Themes;
  - Eligibility Standards;
  - Periods of Significance;
  - Significance statement;
  - California Historic Resources Status Codes;
- Designation and Protection Status
  - Type of Designation;
  - Date of Designation;



- External Reference systems (linking to other city databases)
  - Property Identification Number

Information Sharing: In an interview with LAOHR, staff shared that a central goal of SurveyLA was to inform good city planning in general. To that end, LAOHR actively shares its information with external stakeholders and other city agencies, and encourages the use and application of their data in other city-related initiatives. For example, the [ReCodeLA](#) team, heading a comprehensive revision of the city's zoning code, has been actively using SurveyLA results to inform their work by analyzing development patterns across the city.

A subset of information from the inventory is available for the public to view and explore at [www.historicplacesla.org](http://www.historicplacesla.org). Publicly available information includes:

- Designated resources
- Resources identified through SurveyLA as eligible for designation (upload into platform ongoing)
- Other surveys/legacy data (upload into platform ongoing)

Reports of the survey, categorized by Community Area, are also available to download in PDF format from the LAOHR website.

The online platform also serves as workflow management system for LAOHR staff and partners. Internal staff and partners with named user accounts can access additional levels of information on [historicplacesla.org](http://historicplacesla.org) to conduct their work. LAOHR is currently customizing their Arches deployment further to allow for the electronic submission of nominations, as well as new designations. In the future, users will be able to select the appropriate online form and submit nominations through the Historic Places LA interface; LAOHR staff will be able to assess these nominations and submit designations directly into the system. LAOHR is also actively working to incorporate ongoing surveys conducted by other city agencies and stakeholders, such as the Community Redevelopment Agency, into the inventory.

Interestingly, while the Historic Places LA website is open and publicly accessible, it is managed and maintained in isolation from Los Angeles' new open data portal, OpenDataLA, designed as a one-stop-shop for the public to access various datasets on the city. LAOHR plans to explore sharing their information on OpenDataLA at a later date.

### *Determining Cost*

The two examples presented here show how the costs for setting up these inventory management systems can differ significantly, due in large part to the quality and condition of existing data prior to the development of an inventory. In the case of New York, where ongoing research had been consistently conducted for over five decades, the development of an inventory management system focused on the digitizing and aggregating of existing information. In the case of Los Angeles, where only 15% of the city's building stock had been previously surveyed and where ongoing survey had not been conducted, an intensive survey effort was needed to produce a baseline of information that can be maintained moving forward.

NYLPC's inventory management system costs include ongoing costs for the staffing of a GIS Administrator, a proprietary ArcGIS license, and server storage and hosting. A one-time \$50,000 grant



was used to fund Data Fellows, temporary positions that assisted the GIS Administrator in the creation of the inventory.

LAOHR's cost include the staffing of a data manager and a multimillion dollar investment in conducting a full citywide survey. The funding for the survey alone included:

- An initial \$5 million (\$2.5 million from the J. Paul Getty Trust matched by the city of Los Angeles) for survey field work and staff;
- \$750,000 from the Getty Conservation Institute for data management, technical assistance and the development of historic context statements;
- \$300,000 from the American Recovery Reassessment Act;
- \$350,000 in CLG grants;
- \$72,000 from the National Park Service to develop context statements specifically for Asian American communities.

In interviews with LAOHR, staff noted that the overall cost and time should decrease significantly for subsequent cities using Arches to do a similar survey, as the platform has been through several new updates, including the release of a mobile survey application, which was not available ten years ago.

Currently, the Getty Conservation Institute covers the server storage and hosting costs for Historic Places LA.

### *Summary*

In both LA and NY, the inventory initiative is owned and managed by the city's respective historical commission. These inventory management systems serve as central repositories of information on its respective city's cultural heritage. In both cases, historic commission staff members use the inventory management system to assist in their work. A subset of information from the full dataset is also shared with other city agencies and the public.

Both cities report that developing these inventory systems has had a positive impact – for one, information is centralized and easier to view, assess and share internally, across government agencies, and with the public. Both cities noted that critical staff time is no longer needed to respond to public inquiries about designated properties, as this information is now easily accessible online. Sharing data with other governmental entities, such as their respective state historic preservation offices, is also made easier.

Housing cultural resource information electronically in a GIS-based system (a geodatabase) also allows for the data to be easily integrated with other spatial data, such as zoning codes boundaries, permit issuances, transportation data, etc. Both cities noted their excitement at imagining future applications of their cultural resource information – with the underlying data digitized and stored in an easily accessible format, the data can be deployed in a variety of ways by not only their own staff, but other city agencies to inform future city planning.

The two best practices presented here demonstrate the application of two different platforms and frameworks for the development of a cultural resource inventory. As the city of Philadelphia considers its options, it should make sure to address the following before considering what platform or underlying software to use:

- The state of existing cultural resource data;





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- Envisioned primary purpose/use of cultural resource data;
- Envisioned primary audience and end users;
- Existing resources and partnerships with other city agencies;
- Benefits of updated cultural resource data for partners and stakeholders;
- Existing reporting and regulatory review requirements that would benefit from better data.

*Relevance*

10 – the development of an inventory management system that aggregates existing legacy data and incorporates new survey data is highly relevant to solving Philadelphia’s challenges. To protect and manage its resources, Philadelphia must first know 1) what has been surveyed and to what extent, and 2) how many historic resources it has across the city. Survey is an ongoing process, and a critical component is the maintenance of information in a digital platform that can be used by Historical Commission staff, government agencies, other partners, and the public to inform city planning efforts.



## Research Topic 2: Surveys Designed for Differentiated Designations

### *What does this best practice do?*

In recent years, preservationists have begun to explore the use of new policies, programs, and tools for designating properties at varying levels of protection, depending on properties' historic significance, integrity, and context. While surveys designed for differentiated, tiered, or tailored designations<sup>2</sup> are highly atypical and rare, many preservationists see a one-size-fits-all approach to designation and regulation of historic resources as overly coarse and lacking nuance. Surveying designed explicitly with varying levels of designation would afford varying forms of corresponding protections, regulations, and incentives.

### *What challenges will it solve?*

As is the case in most U.S. cities, designation on the local register confers to the local landmarks board or historic commission the authority to regulate the exterior appearance and built character of a property. While such designation and regulation is well-aligned with protection of architecturally or historically significant properties, such practices may be poorly aligned with the many other older, non-historic buildings that nevertheless play critical roles as community gathering places, affordable housing and commercial spaces, culturally significant locales, etc.

Surveys designed for varied levels of designation would allow preservation to be integrated into a wider array of city policies and programs. It would enable a broader spectrum of regulations associated with older and historic properties, ranging from arts and culture districts, revitalization districts, and conservation districts, to traditional historic designation, landmarking, and protection. Through this best practice, new policies and tools can arise that are responsive to diverse neighborhood contexts and better aligned with older and historic properties' specific community contribution.

### *Peer city examples*

#### **Chicago, IL**

One of very few cities where a citywide survey has been completed, Chicago's exhaustive survey afforded city officials the opportunity to apply a 90-day demolition review to buildings that do not rise to the highest level of designation but nevertheless have community significance. By surveying and inventorying all properties constructed before 1940, the Chicago Historic Resources Survey included properties that had lost much of their historic character through alteration over time as well as properties that are largely unaltered and carry historic significance. Properties in the survey were color-coded according to their ["historic and architectural significance relative to age, degree of external physical integrity, and level of possible significance."](#) Color-coding ranges from "blue" to "red."

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<sup>2</sup> No single term has been adopted consistently to refer to a system of varied levels of designation. Whereas "tiered" or "hierarchical" designation suggests levels of significance and higher levels of importance for some resources versus others, "tailored" or "differentiated" designation connotes different types of designation for different types of resources. This memo generally adopts use of the word "differentiated," though this is not intended as an implicit endorsement of one approach over another.



- Properties rated “blue” were constructed after 1940 and thus, were not surveyed as part of this effort.
- Properties rated “purple” or “green” have some alteration to their exterior appearance and condition.
- Properties rated “yellow-green” or “yellow” are largely unaltered (though “yellow-green” properties may be covered with artificial siding) and are located in a concentration of architecturally or historically significant properties.
- Properties rated “orange” possess some architectural or historical significance.
- Properties rated “red” possess significant architectural features or have local, state, or national historical significance.

In 2003, eight years after the survey was completed, the Chicago City Council adopted a demolition delay ordinance that requires a hold of up to 90 days following issuance of a demolition permit of a non-designated “orange-rated” or “red-rated” building, so that the city’s Department of Planning and Development can explore options for the preservation of the structure.

The creation and implementation of regulation of non-designated buildings could not occur without survey and inventory of non-designated properties. Though the Chicago Historic Resources Survey required serious investment of city resources--the survey took place over a 12-year period--that work resulted in differentiated designation beyond a simple “designated/non-designated” dichotomy.

### *Summary*

Several U.S. cities apply different levels of flexibility or scrutiny to historic resources, depending on their level of significance, extent of non-historic alteration, etc. For instance, in New Orleans, Louisiana, buildings are professionally ranked according to their historic significance in three categories: significant, contributing, and non-contributing resources. Accordingly, regulation in New Orleans varies according to each building’s ranking. For instance, rooftop additions are prohibited on “significant” buildings but only discouraged on “contributing” buildings. Palm Springs, California, and Ontario, California, have similar schemes of categorization and corresponding regulation. But while some U.S. cities may designate and regulate properties according to their significance and integrity, Chicago appears to be unique in having explicitly conducted a widespread historic resources survey with differentiated designation established as a goal at the outset.

Thinking beyond the cost of survey work itself, the costs of surveying historic resources for the purposes of tiered, varied, or differentiated designation are difficult to capture or estimate. Costs above and beyond widespread historic resource survey work in general are likely to be fairly marginal.

### *Relevance*

8 - Highly relevant. Philadelphia is undeniably one of the country’s most historically rich cities, but the city does not have a varied toolkit of regulations to appropriately protect, incentivize reuse, or selectively discourage major renovation. If Philadelphia aims to establish a continuum of historic significance and corresponding regulation, conducting a widespread survey with differentiated designation established as a goal at the outset would likely be important.



### **Research Topic 3: Surveys Designed to Document Cultural Significance**

*What does this best practice do?*

This best practice broadens the scope of survey to document not only places with architectural integrity and character but also places of social, historical and cultural significance.

*What challenges will it solve?*

The criteria for National Register designation, which in turn inform state and local designation criteria, are:

- Criterion A, "Event," the property must make a contribution to the major pattern of American history;
- Criterion B, "Person," is associated with significant people of the American past;
- Criterion C, "Design/Construction," concerns the distinctive characteristics of the building by its architecture and construction, including having great artistic value or being the work of a master;
- Criterion D, "Information potential," is satisfied if the property has yielded or may be likely to yield information important to prehistory or history.

All the peer cities cited the need for surveys that would account for and document places of cultural significance in addition to structures of architectural significance. However, the majority noted their failure to adequately address this issue, and most agreed that existing survey prioritize criterion C. This limits the range of resources that could be designated and considered historic, and limits opportunities for the inclusion or consideration of places, areas, or structures that may have strong significance for a certain community, but would otherwise not 'pass muster' for architectural significance. This best practice would turn greater attention to and expand the scope of criteria A, B, and D.

*Peer city examples*

#### **Los Angeles, CA**

Los Angeles' survey initiative sought to document places of cultural significance two ways: First, recognizing that cultural resources are not limited to buildings or structures located on parcels, SurveyLA included the survey of non-parcel resources. The types of non-parcel resources surveyed include infrastructure such as public stairways, air raid sirens, pedestrian tunnels, bridges, and medians. Examples of surveyed, non-parcel resources can be found both on the public Historic Places LA web [application](#), as well as in the LAOHR's prepared [print reports](#) for each community area.

Second, prior to conducting a field survey in an area, the core survey team of LAOHR invested at least six months lead-time in community outreach. This included identifying and consulting local experts and community leaders. While depending heavily on historic preservation experts to identify resources with architectural significance, LAOHR recognized the importance of getting direct community input on places of cultural significance:



*Historic resources surveys often focus on the architectural character of properties. SurveyLA is innovative, not only because of the new technology and methodology being developed and implemented, but because it will capture the social, historical, and cultural significance — the stories — associated with properties and places throughout the City.*

*Since professional surveyors will not necessarily know these stories, the success of SurveyLA is largely contingent upon community input. The sheer size and complexity of Los Angeles, a city of 466 square miles and 880,000 legal parcels, necessitates meaningful input from the people who live in every part of the city. ([source](#), page 9)*

The information collected through community outreach efforts were used to develop context statements for each survey area, as well as ethnic cultural context statements. The context statements, which are available [online](#) and comply with guidelines set by the National Park Service and the California Office of Historic Preservation, provided SurveyLA efforts with a consistent framework for identifying and evaluating cultural resources.

#### *Other Examples*

#### **Cultural Mapping**

The practice of encouraging residents to indicate areas of importance, either by drawing their own maps or marking provided maps, is often used for community planning, as well as environmental and natural resource management. Called Public Participation GIS (PPGIS) or Participatory GIS (PGIS), the practice attempts to empower and include otherwise marginalized groups in the decision-making process by providing increased access to information.

There are some documented examples that can apply to cultural resource survey. In 2016, the Office of Historic Preservation (OHP) for the city of San Antonio engaged in a cultural mapping to engage the community and to “collect shared experiences that reflect the ‘intangible heritage’ – traditions, arts, spirituality and events – through story-telling and map-making” ([source](#)). It is unclear however, how this information is being applied to historic preservation planning efforts in the city.

In 2007, Google’s Google Earth Outreach team partnered with the Surui tribe of the Brazilian Amazon to produce an online map of Surui cultural heritage.<sup>3</sup> Through a series of training workshops, Surui tribal members were taught how use Google Earth to create a map of highlighting places and points of importance, with links to photographs, audio and video recordings. Points of importance include the locations of Surui hunting grounds, as well as the locations of trees used in the tribe’s production of bows and arrows. The Surui also used Google Earth to develop a mobile application to monitor illegal logging and deforestation ([source](#)).

Today, firms like the [Firelight Group](#), a GIS consulting firm for Indigenous communities operating out of Canada, use PPGIS/PGIS practices to collect and convert points of interest in Indigenous communities into GIS layers that can then be used when determining, for example, the impact of potential development projects on cultural landscapes.

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<sup>3</sup> A video demonstrating the map can be found [here](#).



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### *Summary*

While Historic Preservation offices identify the incorporation of places of cultural significance to historic resource survey as a critical need, few manage to do so. SurveyLA provides one example of how community input, as well as non-parcel resources, can be incorporated into the survey process alongside traditional architectural survey. Indigenous and Tribal GIS practices provide another example of how intangible heritage can be converted into GIS layers of points, lines and polygons that can then be integrated with other spatial data layers.

### *Relevance*

8 – Developing an approach that accounts for places of historic, architectural, and cultural significance would expand the scope and relevance of historic preservation in Philadelphia. Given how few examples are available on cultural significance incorporation, this could be an area where Philadelphia can innovate and lead. Given that Philadelphia has completed so little survey in general, however, this type of survey may pose a substantial additional challenge.



## **Research Topic 4: Crowdsourcing and Volunteer Participation in Survey**

### *What does this best practice do?*

This practice concerns the active inclusion of external partners, stakeholders, and the public in the process of survey. There are two primary forms this best practice takes:

- The inclusion of volunteers directly in the data-gathering component, or field survey, as demonstrated recently in Alexandria, Detroit, and Muncie;
- The incorporation of community input into overall survey design, the development of context statements, and in the promotion of and support of a survey effort, as demonstrated recently in Los Angeles.

### *What challenges will it solve?*

This practice addresses potential complaints concerning the lack of transparency in survey processes, as well as the of community or volunteer involvement. By boosting community and volunteer input, preservation in general and survey work specifically may gain more widespread popular support and interest.

### *Peer city examples*

#### **Alexandria, VA**

Summary: In 2014, the city of Alexandria began a volunteer-led, city-supervised survey effort to update information on its collection of late 18<sup>th</sup> and early 19<sup>th</sup> century structures. While other cities and organizations have also leveraged and encouraged volunteer participation in field survey efforts, Alexandria's approach is unique with regards to the level of detail being collected; this is an intensive architectural survey, as opposed to a rapid assessment, being conducted by a volunteer force. The ongoing Historic Resource Survey of Old and Historic Alexandria District is providing the city with a way to slowly but surely update its obsolete data with detailed information, despite limited funds and staff capacity, all the while increasing public interest and support in its historic preservation-related efforts.

Alexandria's historic buildings are located within the locally-designated Old and Historic Alexandria district, within which lie the Alexandria National Historic Landmark District and the Alexandria National Register District. In total, approximately 4,000 buildings are located within these three district boundaries.

Most documentation on these buildings were completed when the districts were first designated – in 1946 for the Old and Historic Alexandria district, and the mid-1960's for its subsequent designations as a National Historic Landmark and National Register district. While staff continue to reference these paper survey records and designation reports, they recognized the need for updated information on their resources.

Development History: In 2014, the city of Alexandria's Historic Preservation Office (HPO) partnered with the National Park Service and contracted with GIS Inc., to develop CRSurveyor, a mobile architectural survey application suitable for both intensive and reconnaissance-level field survey. CRSurveyor is



informed by the standards, methodologies and tools created by the National Park Service's Cultural Resource GIS Facility (CRGIS) in response to emergency relief efforts following Hurricane Katrina. While Alexandria is still working to complete its survey, the CRSurveyor app template is available through the National Park Service for CLGs and other agencies to customize for use in their jurisdictions.

Alexandria is currently in Phase II of what is predicted to be a five-phase process. Each phase consists of the following steps:

- An open call for volunteers;
- Two training sessions consisting of 1) a presentation on the history of Alexandria and the architectural styles in the historic districts and 2) a technical demonstration of the CRSurveyor application and field session to familiarize volunteers with its usage;
- Deployment of volunteers, largely on their own time, to conduct the field survey;
- Fact-checking by staff of incoming survey data;
- Incorporation of fact-checked data into the HPO's database system.

Based on their knowledge of existing reports, HPO staff knew that buildings along the outskirts of Alexandria's Old and Historic district tended to be newer and less frequently surveyed than those in the heart of the historic district. HPO staff have therefore designed their survey to start from the outermost boundary of Alexandria's Old and Historic district, and will gradually, over the phases, move inwards into the heart of the district.

Phase I of the survey took place over the summer of 2014. In four weeks, over 400 buildings within Alexandria's Old and Historic district were documented using CRSurveyor. Phase II began in early 2017. Significant delays occurred between Phases I and II due to staffing changes at the HPO, significant software updates to the existing mobile application, and the subsequent need to transfer Phase I data over to a new database. By the end of 2017, approximately 1000 properties, out of 4000 had been surveyed.

Staffing: One full-time HPO staff member currently allocates approximately 20-25% of her time to serve as the survey coordinator. An additional five staff members, as part of their regular responsibilities, fact-check the data collected by volunteers.

Volunteers: Currently, there are approximately 30 active volunteers engaged in this effort. Past and current volunteers involved in the survey include students, preservation partners, and general members of the public. In interviews with HPO staff, staff noted that while some volunteers are familiar with historic preservation and architecture, many have limited or no prior background in either. HPO staff also noted that some of their most dedicated volunteers are those with no prior knowledge or background in architecture and historic preservation.

Volunteers self-organize and conduct the field survey on their own time. As the app shows which properties have not been surveyed yet, volunteers are able to go out into the field at their own pace to document the property and update the database. HPO staff note that many conduct the survey in the field on paper, and then stop by the HPO's office space to consult with staff and manually enter in the





information using a dedicated volunteer computer. The resulting data inputs for each building are then fact-checked by staff before being categorized as complete.

**Budget:** HPO staff describe this survey initiative as a long-term, financially “barebones” project. Approximately \$20,000 was raised through a combination of CLG and cost share grants to develop the initial mobile application platform from stakeholders such as the Virginia State Historic Preservation Office (SHPO), the Historic Alexandria Foundation, and Esri, a leading GIS software provider. Smaller amounts have since been raised to support Phase II. Due to their reliance on volunteer support, HPO staff do not have an estimate for how long Phase II or subsequent phases will take, and plan to set goals and timelines as they go.

**Results:** While HPO staff could not provide an estimate on the number of volunteer hours invested, this project would not be possible to conduct without its active volunteer force. HPO staff emphasized that while slow, this approach to survey has been largely positive for the city. HPO staff time and resources can be allocated towards other responsibilities, and the survey initiative has resulted in increased community awareness and support for preservation efforts. For example, a second, concurrent grassroots effort to survey 200 alleys in the Alexandria Old and Historic District was initiated and conducted entirely by volunteers, in consultation with HPO staff. Led by a volunteer with professional experience in preservation, this four-year effort involves approximately 10-15 volunteers doing extensive background research and field documentation. While this survey does not utilize CRSSurveyor, HPO staff note that they are in regular communication with the volunteers on their methodology. The results of this survey are currently being integrated into the city’s GIS system.

## **Los Angeles, CA**

Unlike Alexandria’s volunteer-led approach, Los Angeles’ SurveyLA was structured with a heavy emphasis on incorporating volunteer inputs into both the overall survey design as well as information collected, but with different roles defined clearly for volunteers, preservation experts, and preservation interns.

As mentioned in Research Topic 1, a Project Advisory committee was set up at the beginning of SurveyLA to help guide and inform the survey process. The Community Engagement Subcommittee was set up as part of this process to conceptualize SurveyLA’s community outreach. This led to the development of several guides and tools, including a [citizen participation guidebook](#) available online.

The work of the Community Engagement Subcommittee significantly shaped how SurveyLA’s workflow was structured:

- Breaking the city down into community areas using an existing boundary-type developed and actively used by the Planning department;
- Determining an order for surveying each community area;
- Conducting a minimum of six months of community outreach in the active community area by LAOHR;
- Drafting of community area context statement;
- Preservation consulting firms conducting field survey work, using context statement as a guide.



In interviews, LAOHR staff stressed the importance of the community outreach component. Initial community outreach efforts focused on attending community meetings and identifying potential partner organizations and local neighborhood experts. This served as a way for SurveyLA to gain critical background information that would both inform the field survey and garner public support prior to the undertaking of the field survey in that community area.

Historic Context Statements: As mentioned previously, SurveyLA engaged volunteer experts during this six-plus month outreach phase to help draft some of the historic context statements, particularly ethnic cultural context statements, that would inform and serve as the framework for SurveyLA. For example, SurveyLA's Asian American context statement was drafted through an advisory committee consisting of individuals from five Asian American communities and was funded through a National Park Service grant. Other context statements, which cover both community areas and ethnic groups, were drafted with input from volunteer individuals and/or organizations with ties to that particular area or group.

*The overall objective [of community outreach and engagement] is to provide a format to allow neighborhoods and organizations to take ownership of and manage their own contributions to SurveyLA. The information provided will be used in the field by professional surveyors as they identify and evaluate resources citywide. ([source](#), page 9)*

Speakers Bureau: The Speakers Bureau consisted of training sessions for interested members of the public to become advocates for SurveyLA. Prior to the implementation of the field survey in a community area, LAOHR staff would host workshops and trainings for residents in that area. Upon completion, residents were encouraged to, for example, give a presentation on SurveyLA at their local neighborhood council meeting. In interviews, LAOHR staff noted that the city did not have much budgeted for outreach efforts, and that the Speakers Bureau served as an effective way for the city to increase community buy-in and spread awareness around SurveyLA.

Partnerships with the Historic Preservation Community: Preservation consulting firms were contracted to conduct the actual field survey, under the supervision of SurveyLA staff. Survey teams on average consisted of two preservation experts completing the survey of one community area. LAOHR organized graduate students and interns to work under survey teams, aiding with photography and background research. In interviews, LAOHR staff noted that this system led to an unexpected bonus: working together for 10 years on this project led to a more collaborative culture among preservation consulting firms in the city. The survey process also served as a pipeline for historic preservation students, with many former interns and graduate students eventually joining these firms as staff members. This helped to grow local expertise in historic preservation. Finally, staff noted that the city overall had a stronger working relationship with both preservation firms and local colleges and universities.

### Summary

Expanding who is involved in a survey process benefits both local commissions and the public. By opening either the field survey or education and advocacy around the survey to volunteers, both Alexandria and Los Angeles could reduce costs. Increasing the involvement of non-experts can thus provide city agencies with options when balancing a budget.



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Additionally, opening the survey process can improve transparency around the practice of historic preservation and serve as an educational opportunity for members of the community. Through this, opportunities are raised to increase support and stakeholders for not just a survey, but for the larger preservation practice. Incorporating volunteers in a meaningful way can thus strengthen the quality of the overall survey process, as well as the resulting survey data, and the level of community buy-in.

#### *Relevance*

10 -- Very relevant. Given that Philadelphia is considering a new widespread survey, engaging volunteers in survey efforts offers a path to boost popular support for preservation, capture culturally significant places, and reduce costs.



## Memo

DATE: MAY 16, 2018  
TO: REGULATORY SUBCOMMITTEE | HISTORIC PRESERVATION TASK FORCE  
FROM: WILL COOK, ASSOCIATE GENERAL COUNSEL  
RE: TAILORED DESIGNATION & REVIEW

“Tailoring” is a flexible preservation tool that allows communities to employ different types of protective systems according to historic resource type and amount of regulation. In some cases, tailored designations may be based on levels of historic significance that bear a direct relationship on the level of scrutiny applied to proposed demolitions or alterations. Tailoring may also correspond to different types of regulation applied by a historic preservation commission depending on the characteristics of a particular historic district, or refer to a community’s choice to combine traditional forms of historic preservation regulation with more flexible neighborhood conservation districts. In other words, tailoring is designed to promote flexibility in a preservation commission’s application of preservation regulations, while at the same time allowing for alternative forms of regulation.<sup>1</sup>

Philadelphia already employs a form of tailoring that combines traditional historic preservation regulation—using categories of “significant,” “contributing,” and “non-contributing” properties that receive various levels of regulatory scrutiny—along with neighborhood conservation districts (Queen Village and Overbrook Farms), a special zoning overlay intended to protect a neighborhood’s unique physical characteristics through specific guidelines for new construction and alterations, and administered by the Philadelphia City Planning Commission. Representative examples of additional types of tailored approaches—including those that regulate cultural heritage—follow below. Most examples are focused on architecture because that is the predominant approach, with tailoring focused on “tiers” that correspond to levels of significance and regulation. Finally, if an example is “silent” about cultural heritage, as one commenter pointed out, the community does not regulate it.

### Federal Tailoring

The first type of a tailored approach uses the significance of the historic resource to calibrate the level of regulation needed to protect it. For example, federal law employs levels of review based on significance to the extent that there is a heightened duty to avoid harm to National Historic Landmarks pursuant to Section 110(f) of the National Historic Preservation Act, as opposed to the more flexible standard applied to properties listed or eligible for listing in the National Register of Historic Places which is the avoid, minimize, or mitigate adverse effects.

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<sup>1</sup> Conservation districts that do not correspond to traditional forms of historic preservation regulation exceed the scope of this memorandum. Please note, however, that conservation districts are sometimes used in tandem with traditional forms of historic preservation regulation, such as in Philadelphia, to address different types of resources and community preferences in regulation.

This difference is justified because National Historic Landmarks are considered to have special significance under federal law.

### U.K. Tailoring

On the international level, England employs a National Heritage List, the official register of all nationally protected historic buildings and sites, scheduled monuments, protected wrecks, “heritage areas” such as registered parks and gardens, and battlefields. These resources are assigned “grades”—Grade I (“exceptional interest,” 2.5% of listings, few of which are homes), Grade II\* (“particularly important interest,” approximately 5.8%), and Grade III (“special interest,” approximately 92%)—based on their level of historic significance. England, Northern Ireland, and Scotland also have locally listed buildings—Grade A, B, or C, which likewise correspond to a resource’s level of significance. In general, the higher the grade, the higher degree of scrutiny applied to proposed alterations by the U.K. equivalent of a local historic preservation commission in consultation with national authorities. Stated another way, changes to Grade I buildings (and World Heritage Sites) should be “wholly exceptional” versus changes to Grade II buildings, which must be “exceptional.” Administration of the program, however, is highly nuanced. For example, the distinction between grades comes with a strong proviso. Listed buildings are listed for various reasons, and significance lies in different areas of their fabric, design, and associations. Furthermore, any proposed alterations are considered in the context of justification for the change and any concurrent heritage benefits. Thus, this might mean that proposed changes are unacceptable for a Grade II building, but might be permitted for a Grade I building. For example, removal of good 1930s paneling in a 1930s Grade II house may be considered more harmful than the loss of 1930s paneling in an 18<sup>th</sup>-century Grade I-listed house. For this reason, it is difficult to make definitive statements about it being easier to alter buildings of a lower grade.

### Local Government Tailoring

#### Los Angeles, CA

Los Angeles is known for having one of the most comprehensive preservation regulatory systems in the country in terms of its jurisdiction to regulate historic and cultural resources. It is probably the best model for understanding the treatment of proposed changes to cultural sites and how the preservation commission can apply a more flexible standard of review. Los Angeles has a tailored form of regulation in that it employs Historic Preservation Overlay Zones, commonly known as historic districts, in tandem with individually listed Historic-Cultural Monuments. HPOZ areas range in size from neighborhoods of approximately 50 parcels to more than 4,000 properties. While most districts are primarily residential, many have a mix of single-family and multi-family housing, and some include commercial and industrial properties. HPOZs are established and administered by the Los Angeles City Planning Department (in concert with the City Council). Individual buildings in an HPOZ need not be of landmark quality on their own: it is the collection of a cohesive, unique, and intact gathering of historic resources that qualifies a neighborhood for HPOZ status.

HPOZs include any area of the city which is designated as containing structures, landscaping, natural features or sites having historic, architectural, cultural or aesthetic significance. To receive such designation, areas must be adopted as an HPOZ by the City Planning Commission and the City Council through a zone change procedure that includes notification of all affected and nearby property owners and public hearings. Each HPOZ area has a five-member HPOZ Board to review and make recommendations on projects and promote

historic preservation within the designated area. Most types of exterior changes or improvements to properties in an HPOZ area require written approval from the Planning Department. Proposed changes are guided by an HPOZ's individual preservation plan, or in the absence of a plan, by the Secretary of the Interior's Standards for Rehabilitation, and considering thirteen factors, including the appropriateness of proposed changes relative to existing architectural, natural, landscaping, and street features.

By contrast, Historic-Cultural Monuments are overseen by a separate Cultural Heritage Commission, a five-member, mayoral-appointed commission that considers nominations of sites as City Historic-Cultural Monuments (designated City landmarks) and reviews proposed project work affecting more than 1,000 designated properties. Recommendations of the Cultural Heritage Commission are forwarded to the City Council for final action. The Cultural Heritage Ordinance also gives the Commission the authority to temporarily delay alteration or demolition of historically significant structures until a proper review can be completed.

A Historic-Cultural Monument (Monument) is any site (including significant trees or other plant life located on the site), building or structure of particular historic or cultural significance to the City of Los Angeles. A proposed Monument may be designated by the City Council upon the recommendation of the Commission if it meets at least one of the following criteria: (1) is identified with important events of national, state, or local history or exemplifies significant contributions to the broad cultural, economic or social history of the nation, state, city or community; (2) is associated with the lives of historic personages important to national, state, city, or local history; or (3) embodies the distinctive characteristics of a style, type, period, or method of construction; or represents a notable work of a master designer, builder, or architect whose individual genius influenced his or her age.

Once a property is listed as a Monument, no permit for the demolition, substantial alteration or relocation of any Monument shall be issued, and no Monument shall be demolished, substantially altered or relocated without first referring the matter to the Commission, except where the Superintendent of Building or the City Engineer determines that demolition, relocation or substantial alteration of any Monument is immediately necessary in the interest of the public health, safety or general welfare. In reviewing applications for proposed changes, the Commission's standard of review considers whether the substantial alteration, including additional buildings on a site containing multiple buildings with a unified use (1) complies with the Standards for Rehabilitation approved by the United States Secretary of the Interior; (2) whether the substantial alteration protects and preserves the historic and architectural qualities and the physical characteristics that make the site, building or structure a designated Monument; and (c) comply with the California Environmental Quality Act. Cultural Heritage Ordinance, Sec. 22-171.14.

Finally, in terms of whether the preservation commission applies a different level of scrutiny in deciding whether to allow proposed changes to Historic-Cultural Monuments, the answer depends on the nomination and whether cultural significance is tied to architectural features and if those features have been preserved. Moreover, flexibility is the practice, but this has not been codified in the commission's ordinance or rules and regulations. For example, in the case of the Black Cat Tavern, an LGBT cultural heritage site, significant alterations had occurred over the life of the building since its early days as a bar and LGBT gathering place, complete with police raids and protests that predated Stonewall in New York City by several years. In reviewing proposed changes, although the Secretary of the Interior Standards apply, the commission has focused more on the character-defining features tied to the

building's cultural heritage, such as signage, the interior bar configuration, original outdoor lighting, and overall building framework even though little original historic integrity remains.

### Ontario, CA

Ontario's Historic Preservation Program applies to architectural, historic, and cultural resources, and has a tailored system that ranks historic resources based on significance. Review is limited to the exterior of historic buildings and alterations to public improvements, such as street trees, within historic neighborhoods. The system is divided into three levels. When a historic district meets the criteria for a certain tier, a contributing structure within that district may also be considered as part of that tier as determined by the Historic Preservation Commission. For example, upon satisfaction of various criteria related to architecture and history, Tier I consists of properties which should not be demolished or significantly altered under any circumstance. Tier I properties represent the highest level of significance for historic or cultural properties. Tier II properties consist of properties where demolition should be avoided. In addition to satisfying additional criteria related to architecture and history, these include properties listed or eligible for listing in the National Register of Historic Places or California Register of Historic Resources, as well as properties listed in the City's List of Eligible Historical Resources. Tier III properties include those properties recognized as Designated Historic Landmarks by the Historic Preservation Commission. Demolition of these properties should be avoided where possible, but may be appropriate under certain circumstances.

In determining whether to grant a certificate of appropriateness for proposed alterations, the Historic Preservation Commission evaluates whether the proposed alteration, restoration, relocation, or construction, in whole or in part, will detrimentally change, destroy, or adversely affect any significant architectural feature of the resource, that the proposed alterations is compatible with the exterior features of other improvements within the district, and that the proposal does not adversely affect or detract from the character of the district.

### San Francisco, CA

San Francisco has one of the most innovative preservation programs in terms of tailoring. First, it employs a nuanced building ratings system focused on significance architectural integrity. Second, as explained below, it provides arguably the most "state of the art" approach to the protection of cultural resources, although not all approaches depend at this time on regulation.

In terms of its regulation of the historic built environment, San Francisco rates buildings according to five categories according to a Building Rating methodology determined by the "Preservation of the Past" section of the Downtown Plan, a component of the city's General Plan. These categories affect review of proposed alterations, demolition, and eligibility for the city's TDR program.

The five categories are as follows:

- (a) Significant Buildings - Category I. Buildings that:
  - (1) Are at least 40 years old; and
  - (2) Are judged to be Buildings of Individual Importance; and
  - (3) Are rated Excellent in Architectural Design or are rated Very Good in both Architectural Design and Relationship to the Environment.
- (b) Significant Buildings - Category II. Buildings

- (1) That meet the standards in Section (a) above; and
- (2) To which, because of their depth and relationship to other structures, it is feasible to add different and higher replacement structures or additions to height at the rear of the structure, even if visible when viewing the principal facades, without affecting their architectural quality or relationship to the environment and without affecting the appearance of the retained portions as separate structures when viewing the principal facades. The designation of Category II Buildings shall identify for each building the portion of the building beyond which such additions may be permitted.

(c) Contributory Buildings - Category III. Buildings that:

- (1) Are located outside a designated Conservation District; and
- (2) Are at least 40 years old; and
- (3) Are judged to be Buildings of Individual Importance; and
- (4) Are rated either Very Good in Architectural Design or Excellent or Very Good in Relationship to the Environment.

(d) Contributory Buildings - Category IV. Buildings that:

- (1) Are located in a designated Conservation District; and
- (2) Are at least 40 years old; and
- (3) Are judged to be Buildings of Individual Importance, and are rated either Very Good in Architectural Design or Excellent or Very Good in Relationship to the Environment.
- (4) Are judged to be Buildings of Contextual Importance and are rated Very Good in Architectural Design and/or Excellent or Very Good in Relationship to the Environment.

(e) Unrated Buildings - Category V. Buildings that are not designated as Significant or Contributory.

By contrast, San Francisco has chosen to regulate cultural resources using a different set of tools outside the traditional preservation model and for this reason is considered a leader in trying to protect intangible heritage. For example, starting in 2014, the San Francisco Board of Supervisors has recognized several cultural heritage districts that are distinguished by unique social and historical associations and living traditions. While they have physical boundaries, the districts are primarily identified by the activities that occur within them, including commerce, services, arts, events, and social practices. While a cultural heritage district does not currently hold any regulatory controls, the recognition has spurred community efforts facilitated by the Planning Department and the Mayor's Office of Economic and Workforce Development to develop strategies for sustaining the living culture of these places. Moreover, each community associated with the cultural heritage districts has developed strategies tailored to the needs of their own district. In the future, this community-led work may evolve into a more formalized partnership with City agencies to implement economic, zoning, educational, marketing, and planning tools appropriate to the safeguarding of living heritage.

In addition, the Board of Supervisors established in 2015 a Legacy Business Registry—the first of its kind in the nation. The Legacy Business Registry works to save longstanding, community-serving businesses that so often serve as valuable cultural assets. In November 2015, voters approved Local Measure J, establishing the Legacy Business Preservation Fund. Measure J also expanded the definition of a Legacy Business to include those that have operated in San Francisco for more than 20 years, are at risk of displacement, and meet all other requirements of the Registry. To be eligible for preservation funding or incentives, the business must agree to maintain the physical features or traditions that define the business, including craft, culinary, or art forms.



## Aspen, CO

Aspen tailors its approach to historic preservation in a different way. Like most cities with preservation programs, Aspen has the ability to create preservation districts, of which it has two. Unlike other cities, however, its ability to list individual local landmarks is limited to two categories known as Aspen Victorian or Aspen Modern. In addition, unless staff issues a “certificate of no negative effect,” Aspen’s local preservation commission reviews proposed changes to all of these resources according to two different sets of extensive illustrated guidelines, which guide the commission in determining whether proposed changes are appropriate. Another aspect of tailoring is that Aspen Modern is a voluntary historic designation program,<sup>2</sup> unlike Aspen Victorian, which resembles a traditional historic district model. Once a property is placed on the Aspen Modern map (1940s to 1970s), the regulations allow for a 120-day negotiation period between the city and the property owner about the potential benefits of seeking historic designation, including transferable development rights, but the owner can ask that his or her property be taken off the map for 10 years. Aspen Modern buildings do not require a certain age for listing, but may include a variety of criteria for inclusion on the inventory map, such as its design or connection to a specific person. No change is permitted during the negotiation period. Once a property is listed on either inventory, tailored standards and guidelines apply, depending on whether the building is listed as Aspen Victorian or Aspen Modern.

## St. Augustine, FL

St. Augustine recognizes properties that are local landmarks and/or listed on the National Register of Historic Places (individual or contributing) with a higher level of scrutiny for demolition review. The city is currently working on a preservation master plan that makes a recommendation to consider properties with the following approach:

- Local: Historic district significant, historic district contributing, historic district non-contributing, landmark.
- NR: Historic district contributing, non-contributing, individually designated.

Architectural Guidelines for Historical Preservation of the City of St. Augustine assist the local preservation commission with application of its ordinance in determining whether proposed changes are appropriate. In general, proposed changes will be allowed so long as they do not “materially impair” the historic integrity of the designated structure. Moreover, if the building or structure is of exceptional significance, is a contributing property to a National Register of Historic Places District or has been individually listed on the National Register of Historic Places, the commission can deny the demolition if it finds the removal of such building or structure will be detrimental to the historic and architectural character of the city and the applicant has not proven the denial will cause an undue economic hardship. The destruction of colonial buildings listed on the Florida Master Site File, designated Local Landmarks, or buildings meeting the criteria for eligibility on the National Register of Historic Places must be approved by the city commission. In this way, therefore, a higher level of regulation is applied.

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<sup>2</sup> In general, the National Trust does not recommend voluntary designation programs. However, this example is offered to show a different type of tailoring.

## Columbia, SC

Columbia tailors its preservation program by having established three categories of resources, which are further tailored in terms of level of regulatory review: landmark, architectural conservation districts, and design protection areas. Columbia's Historic Preservation Division has responsibility for approving Certificates of Design Approvals for alterations to historic buildings or sites. A separate design review process for Columbia's historic and design districts is administered by the Design/Development Review Commission and the design review staff. Secretary of the Interior Standards apply to landmark reviews only. Columbia also employs a Buildings and Sites List that groups properties according to three groups. Group I listings include structures or sites that represent material visual history and are either rare, exemplary, or of national importance, and which require conservation and restoration on original sites. Group II listings include structures or sites which constitute a delineation of Columbia's visual history to a lesser degree than those of Group I, but are not necessarily unique or may have local importance only. Where at all possible, Group II resources "should be preserved on their original sites," possibly by "adaptive reuse." Group III consists of structures which "round out and extend" the material-visual history of Columbia when added to Groups I and II, and represent characteristics that are "interesting locally," "somewhat unusual," or "mediocre" but in danger of becoming extinct locally, or "too decrepit or destructively modified to constitute a prime historic document." If possible, Group III resources should be preserved by "adaptive reuse, although not necessarily on their original sites." In this way, Columbia offers a unique model for different standards of review.

## Chicago, IL

Chicago's historic preservation program is based primarily on a traditional preservation regulatory system, although the ability of its historic preservation commission to designate landmarks is advisory only to the Chicago City Council. In addition, although Chicago's preservation commission may consider a place's cultural importance, landmark designation is limited to architecture, works of art, and objects.

In terms of tailoring to provide further support to the historic preservation ordinance, Chicago employs a color-coding system that corresponds to zoning and the city's demolition delay ordinance. Completed in 1995, the Chicago Historic Resources Survey (CHRS) was an over decade-long research effort to survey of all of Chicago's buildings, objects, structures, and sites constructed in the city prior to 1940. The survey identified approximately 9,900 properties that were considered to have some historic or architectural importance. A color-coded ranking system was used to identify historic and architectural significance relative to age, degree of external physical integrity, and level of possible significance. Buildings and structures coded "red" or "orange" (unless designated as a Chicago Landmark or located within a Chicago Landmark District) are subject to the City of Chicago's Demolition Delay Ordinance. "Red" buildings and structures possess some architectural feature or historical association that made them potentially significant in the broader context of the City of Chicago, the State of Illinois, or the United States of America. About 300 properties are categorized as "Red" in the CHRS. "Orange" properties possess some architectural feature or historical association that made them potentially significant in the context of the surrounding community. About 9,600 properties are categorized as "Orange" in the CHRS.

The Demolition-Delay Ordinance, adopted by City Council in 2003, establishes a hold of up to 90 days in the issuance of any demolition permit for certain historic buildings in order that

the Department of Planning and Development can explore options, as appropriate, to preserve the building, including but not limited to landmark designation. The ordinance applies to buildings rated “red” and “orange” in the Chicago Historic Resources Survey. These buildings are designated on the city's zoning map. The delay period starts at the time the permit application is presented to the department's Historic Preservation Division offices and can be extended beyond the original 90 days by mutual agreement with the applicant. The purpose of the ordinance is to ensure that no important historic resource can be demolished without consideration as to whether it should and can be preserved.

Preservation practitioners have reported that in the past, in response to significant losses of “orange” buildings, “orange” buildings today tend to be treated in the permit review process as if they were designated following reports in the local press approximately 10 years ago about the losses.

### New Orleans, LA

New Orleans employs a complex “Building Ratings Guide” to enable another type of tailoring. Ratings correspond to the historical or architectural significance of properties and determine what will be permitted within local historic districts or at local landmarks. Categories include buildings of national importance, buildings of major architectural importance, buildings of architectural importance, important buildings that have been altered, buildings that contribute to the scene, and unrated buildings. Buildings are professionally ranked according to historic significance in three categories: (1) Significant (resources that are of national importance or major state, regional, or local significance and which retain the highest degree of architectural and historical merit), (2) Contributing (resources which are integral components of the city because they are historically or architecturally significant), or (3) Non-Contributing (resources which are not historically or architecturally significant).

Local historic districts protect the buildings and neighborhoods of New Orleans by providing regulations for changes to the exterior of all buildings within the local historic districts, reviewing new construction, demolition requests, and citing owners for demolition by neglect. The New Orleans Historic District Landmarks Commission has jurisdiction over ten residential local historic districts. In addition, a separate Central Business District Historic District Landmarks Commission has jurisdiction over four downtown local historic districts. Each commission has a separate Architectural Review Committee composed of volunteer licensed architects, experienced in the field of preservation, commission members and the Landmarks Commission staff.

### Dallas & Ft. Worth, TX

The cities of Dallas and Fort Worth each have one or more areas designated as “demolition delay” areas, which apply to old structures that have not been formally designated as historic landmarks by the passage of an ordinance by the city council. Even though a single landmarks commission has jurisdiction, Dallas has passed a separate ordinance for each landmark and district, and these ordinances are custom-tailored to the landmark or district, which the commission then applies in determining whether proposed changes are appropriate. Some ordinances are lengthy and detailed. For example, the ordinance for the Swiss Avenue Historic District is much more demanding in terms of levels of scrutiny than the ordinance for the Tenth Street Historic District.



**DRAFT Tailored Preservation Tools: A Conceptual Model Prepared by the National Trust for Historic Preservation (5.15.2018)**

**Tailored Regulation:** In the course of its research, the National Trust has identified and analyzed numerous approaches to Historic Preservation. For purposes of our model, instead of a one-size-fits all approach, “tailoring” is a flexible preservation tool that allows communities to employ different types of protective systems according to historic resource type and desired level of regulatory flexibility. Nearly all of these approaches rely on distinctions of significance, often called “tiers,” “levels,” “grades,” or “categories” – some resources are more significant than others; some resource are nationally significant, while others have local significance. In virtually all of these cases, the distinctions among tiers relate to architectural style, integrity, and quality – i.e. “significance.” For Philadelphia, understanding the full range of opportunities and challenges facing the City, its residents, and businesses, the National Trust recommends for Task Force consideration a “tailored” approach, the outlines of which appear below. Rather than distinguishing between and among resources based upon significance alone, tailoring recognizes and embraces the inherent differences among historic resources. A “tailored” approach would embody a broad range of mechanisms to protect, revitalize, and encourage continued use, adaptive re-use, appropriate infill and compatible new development. It provides the opportunity to recognize and support the preservation of community resources and historic places that matter to existing residents, diverse communities, and the City’s distinctive cultural heritage. Note that all suggestions are based on the assumption that Philadelphia’s local preservation ordinance, rules, and regulations will be applied according to their letter and spirit.

<b>REGULATION</b>	<b>“Landmark District”</b>	<b>“Conservation District”</b>	<b>“Revitalization or Preservation District” *</b>
<i>Administration</i>	<b>Historical Commission</b>	<b>Historical Commission</b>	<b>Planning Commission</b>
<i>Designation</i>	Individual, thematic, district, overlay	Thematic, District, overlay	District, overlay
<i>Demolition</i>	<b>Demolition denial</b>	<b>Demolition delay</b> Replacement plan required for demo Deconstruction requirements	Replacement plan required for demo Deconstruction requirements
<i>Design Review</i>	Historical Commission	Staff, Historical Commission	Staff, Planning Commission
<i>Design Standards</i>	<b>Sec of Interior Standards</b> overall Custom design standards for specific districts	<b>Design standards</b> Height, mass, scale Street frontage Materials	<b>Design guidelines</b> Height, mass, scale Street frontage
<i>Projects types</i>	Building and demo permits Contributing, non-contributing New infill	Building and demo permits Rehab of existing New construction	Work visible from street Rehab of existing New construction

\* Revitalization District category could also include other special districts (Arts District, Cultural Heritage District, Design District, Maker District).



**DRAFT Tailored Preservation Tools: A Conceptual Model Prepared by the National Trust for Historic Preservation (5.15.2018)**

Incentives: The National Trust for Historic Preservation has found that incentives are generally applicable to different levels of regulation and are not “tier” specific. The exception is that Federal and State Historic Tax Credits depend on National Register listing status (a form of tailoring) and San Francisco’s legacy business incentive is tied specifically to that type of cultural property. However, if a “tailoring” approach to historic resources is implemented, an analysis considering market conditions and regulation can be undertaken to determine the most appropriate and effective suite of incentives.

*Types of Incentives include the following:*

<i>Tax Credits</i>	State tax credit City Tax Credit Property tax abatement for rehab of historic properties
<i>Grants</i>	Basic home repair assistance Commercial rehab incentive grants Legacy business incentives
<i>Regulatory relief</i>	Modified parking requirements Additional uses allowed Permit fee waivers for rehab
<i>Market based</i>	TDR Sending District Incentive Zoning
<i>Technical Assist</i>	Property owner consultations Coordinated code and permit review
<i>Packaged incentives</i>	Adaptive Reuse Ordinance <ul style="list-style-type: none"> <li>• Development guidance</li> <li>• Expedited Review</li> <li>• Flexible codes</li> <li>• Permit Fee waivers</li> <li>• Expedited Entitlements</li> <li>• Zoning Alignment</li> <li>• Reduced parking</li> </ul> Legacy Business Preservation Fund (San Francisco) <ul style="list-style-type: none"> <li>• Employee retention grants</li> <li>• Lease extension grants</li> </ul>



**DRAFT: Tailored Regulation and Incentives to Reuse Based on Market Conditions.** Prepared by the National Trust for Historic Preservation (5.15.2018)

Market	Tailored Regulation		
	High (Restrictive)	Medium	Low (Flexible)
<b>Strong</b>	<ul style="list-style-type: none"> <li>Demolition risk: Low</li> <li>Cost &amp; standards for rehab: High</li> <li>Homeowner income level: High</li> <li>Reuse/Investment potential: High</li> <li>Impact of entitlement risk/zoning restrictions on project feasibility: Significant</li> </ul> <ul style="list-style-type: none"> <li>TDRs, density bonus</li> <li>Regulatory relief incentives</li> <li>Deferred or low-interest loans</li> <li>Grants, technical Assistance</li> </ul>	<ul style="list-style-type: none"> <li>Demolition risk: Moderate</li> <li>Cost &amp; standards for rehab: Moderate</li> <li>Homeowner income level: High</li> <li>Reuse/investment potential: High</li> <li>Impact of entitlement risk/zoning restrictions on project feasibility: Significant</li> </ul> <ul style="list-style-type: none"> <li>TDRs/ density bonus</li> <li>Regulatory relief incentives</li> <li>Deferred or low-interest loans</li> <li>Regulatory relief incentives</li> </ul>	<ul style="list-style-type: none"> <li>Demolition risk: High</li> <li>Cost &amp; standards for rehab: Flexible</li> <li>Homeowner income level: High</li> <li>Reuse/investment potential: High</li> <li>Impact of entitlement risk/zoning restrictions on project feasibility: Significant</li> </ul> <ul style="list-style-type: none"> <li>TDRs/ density bonus</li> <li>Regulatory relief incentives</li> </ul>
<b>Middle</b>	<ul style="list-style-type: none"> <li>Demolition risk: Low</li> <li>Cost &amp; standards for rehab: High</li> <li>Homeowner income level: Mixed</li> <li>Reuse/Investment potential: Varies</li> <li>Impact of entitlement risk/zoning restrictions on project feasibility: High</li> </ul> <ul style="list-style-type: none"> <li>Regulatory relief incentives</li> <li>Deferred or low-interest loans</li> <li>Grants, technical assistance (sliding scale)</li> <li>Vacant home acquisition assistance</li> </ul>	<ul style="list-style-type: none"> <li>Demolition risk: Moderate</li> <li>Cost &amp; standards for rehab: Moderate</li> <li>Homeowner income level: Mixed</li> <li>Reuse/investment potential: Varies</li> <li>Impact of entitlement risk/zoning restrictions on project feasibility: High</li> </ul> <ul style="list-style-type: none"> <li>Regulatory relief incentives</li> <li>Deferred or low-interest loans</li> <li>Grants, technical assistance (sliding scale)</li> <li>Vacant home acquisition assistance</li> </ul>	<ul style="list-style-type: none"> <li>Demolition risk: Moderate</li> <li>Cost &amp; standards for rehab: Flexible</li> <li>Homeowner income level: Mixed</li> <li>Reuse/investment potential:</li> <li>Impact of entitlement risk/zoning restrictions on project feasibility: High</li> </ul> <ul style="list-style-type: none"> <li>Regulatory relief incentives</li> <li>Vacant home acquisition assistance</li> </ul>
<b>Stressed</b>	<ul style="list-style-type: none"> <li>Demolition risk: Low</li> <li>Cost &amp; standards for rehab: High</li> <li>Homeowner income level: Low</li> <li>Reuse/investment potential: Low</li> <li>Impact of entitlement risk/zoning restrictions on project feasibility: High</li> </ul> <ul style="list-style-type: none"> <li>Regulatory relief incentives</li> <li>Deferred or low-interest loans</li> <li>Grants, Technical Assistance</li> <li>Vacant home acquisition assistance</li> </ul>	<ul style="list-style-type: none"> <li>Demolition risk: Moderate</li> <li>Cost &amp; standards for rehab: High</li> <li>Homeowner income level: Low</li> <li>Reuse/investment potential: Low</li> <li>Impact of entitlement risk/zoning restrictions on project feasibility: High</li> </ul> <ul style="list-style-type: none"> <li>Regulatory relief incentives</li> <li>Deferred or low-interest loans</li> <li>Grants, Technical Assistance</li> <li>Vacant home acquisition assistance</li> </ul>	<ul style="list-style-type: none"> <li>Demolition risk: High</li> <li>Cost &amp; standards for rehab: High</li> <li>Homeowner income level: Low</li> <li>Reuse/investment potential: Low</li> <li>Impact of entitlement risk/zoning restrictions on project feasibility: High</li> </ul> <ul style="list-style-type: none"> <li>Regulatory relief incentives</li> <li>Deferred or low-interest loans</li> <li>Grants, Technical Assistance</li> <li>Vacant home acquisition assistance</li> </ul>



## **Incentives Subcommittee – NTHP Best Practices Research Philadelphia Historic Preservation Task Force**

The National Trust for Historic Preservation addresses the following research topics in this memo for the Incentive Subcommittee:

1. Regulatory Incentives
2. Homeowner Support Incentives

### **Research Topic 1: Regulatory Incentives**

#### **1. What does the best practice do?**

By offering regulatory incentives that expedite entitlements, municipalities can encourage building reuse and bring historic properties back to market. Cities across the country have successfully used diverse techniques including:

- **Expedited Review:** Create an expedited review process to allow priority projects to “skip to the front of the line.”
- **Flexible Codes:** Provide increased flexibility in building and zoning codes by waiving or reducing parking requirements, waiving or modifying standards for open space, setbacks, and lot size and/or allow alternate building code and safety measures more suitable for historic properties.
- **Waiving Fees:** Waive permitting, impact, system development, or other local fees.
- **Flexible Uses:** Increase opportunities for as-of-right development, by allowing flexible uses as-of-right or with expedited approval for historic properties.
- **Expedited Entitlements:** Shorten approvals process by eliminating redundant procedures, establishing concurrent application procedures, allowing simultaneous filing, and coordination with various regulatory bodies (as well as the public), and/or consolidating the review process into a “one-stop shop”.
- **Zoning Alignment:** Ensure that regulations do not inadvertently incentivize demolition over reuse. Ensure that zoning and historic district regulations align to protect existing form and character in areas priority preservation. Remove conflicting zoning and preservation measures.

Cities such as Los Angeles and Phoenix have deployed many of these techniques through Adaptive Reuse Ordinances (ARO), while other cities have incorporated some of these regulatory incentives through a comprehensive revision of their municipal zoning code for example the Buffalo Green Code and Transform Baltimore.

#### **2. What challenges will it solve?**

Regulatory incentives can help limit uncertainty, expedite entitlements, and simplify approval processes to make property rehabilitation more feasible and attractive. Entitlement processes can be onerous, complicated, and time-consuming, often involving multiple jurisdictions and numerous governmental and community bodies to secure approvals. These processes can increase uncertainty, time expended, and resources required, which can deter developers and



property owners.<sup>1</sup> For historic properties, complex approvals can further deter developers from pursuing rehabilitation, as these projects often already face unique challenges associated with building reuse compared to new construction, particularly where existing building and zoning code requirements, or physical constraints can render 21<sup>st</sup> century uses infeasible despite otherwise promising conditions.

**3. What types of properties are covered?**

Regulatory incentives used by cities to expedite approvals and reduce costs target a range of properties from owner-occupied residences to commercial real estate. They can focus on historic properties as well as new construction to foster economic development, affordable housing, transit-oriented development, and brownfield redevelopment goals.

Cities also have targeted incentives that focus not only on designated landmarks, but buildings types identified as important to the City. The Los Angeles Adaptive Reuse Ordinance (ARO) is an excellent example of a targeted incentive that provides comprehensive regulatory relief for underused commercial structures by streamlined permitting and offering flexible zoning and relaxing building code restrictions. Incentive programs can also target properties by typology such as vacant buildings over a certain age, size and scale, programmatic use, style, etc. In Phoenix, their local ARO categorizes buildings by tiers, focusing on the square footage threshold of eligible buildings.

**4. What cities are currently using this best practice?**

Numerous cities across the country have revised local land use regulations to ensure that zoning, building code, and development practices encourage and foster public priorities. The following table highlights cities employing certain aspects of this best practice.<sup>2</sup>

Phoenix, AZ	Comprehensive Adaptive Reuse Ordinance: development guidance, reduced timeframe, and cost savings
Los Angeles, CA	Adaptive Reuse Ordinance, expedited approval process, digital tool, building and zoning code flexibility
Portland, OR	Fee reduction, parking reduction, density bonuses
New York City, NY	Expedited approval process, one-stop online permitting platform, incentive zoning
Baltimore, MD	Flexible uses, zoning that facilitates adaptive reuse, reduced parking, streamlined use conversion
Buffalo, NY	Uniform Development Ordinance, adaptive reuse permit, reduced parking
Long Beach, CA	Adaptive Reuse Incentive Program – alternative building standards, expands on the State’s Historic Building Code
New Orleans, LA	Revitalization districts, reduced parking
Orlando/El Paso County	Expedited housing development approval process, allows qualifying projects to skip to the front of the line
Chicago, IL	Expedited permitting, parking reduction, fee waiver

<sup>1</sup> National Association of Homebuilders. Development Process Efficiency: Cutting Through the Red Tape. 2015.

<sup>2</sup> New York Department of State – Division of Local Government Services. “Creating the Community You Want: Municipal Options for Land Use Control.” 2015.; National Association of Homebuilders. “Development Process Efficiency: Cutting Through the Red Tape. 2015.





Austin, TX	Expedited review, packaged fee waivers
San Diego, CA	Expedited permitting
Charlottesville, VA	Expedited permitting for affordable housing
Santa Fe, NM	Fee waivers
San Francisco, CA	One-stop online permitting platform, incentive zoning,

5. How is this best practice typically implemented? What are the barriers (if any) that other cities have experienced in implementing this best practice?

As project approvals typically involve numerous departments or multiple agencies, implementation varies depending on the program and local governance. In Los Angeles and Phoenix, the city councils initially approved their respective Adaptive Reuse Ordinances for specific districts and building types. Based on their initial success, both cities voted to expand the reach of the program. Our research identified the following implementation best practices for regulatory incentives:

- **Adaptive Reuse Ordinance:** Incentivize building reuse through an Adaptive Reuse Ordinance or other provisions that allow greater flexibility and maximize opportunities for as-of-right development.
- **Coordinated streamlining:** Agencies involved in approvals work together to holistically examine existing processes and identify opportunities to adapt, streamline, or transform approvals to provide regulatory relief for priority projects.
- **Designating an internal coordinator and team:** Appoint a lead point person solely responsible for coordinating the entities involved in the existing approvals process, and assemble a team of multidisciplinary planners, engineers, inspectors, building & safety workers, etc. to share regulatory relief policy.
- **Establishing a liaison:** Establish a key contact person to serve as a liaison between city agencies and private developers who can help manage projects eligible for expedited review or other forms of regulatory relief.
- **Transparency:** establish clear and transparent guidelines for projects eligible for expedited review or regulatory relief.
- **Leveraging technology:** Leverage technology platforms, accept online applications, or create one-stop digital permitting processes.
- **Monitoring and refinement:** Conduct routine oversight, and periodic evaluations, and enact refinements to ensure that programs function well over time
- **Funding:** Establish budget allocations to hire paid consultants, develop new platforms, and establish frameworks if in-house capacity is insufficient.

Barriers include, but are not limited to:

- Tension from developers whose projects were not expedited as a result of prioritizing other types of projects.
- Generating the political will and sustained commitment to revise existing approval systems, change planning culture, modify long-standing processes, and increase integration and coordination across departments and agencies.
- Difficulty empowering internal champions.



- Fee waivers or special exemptions in some cases required additional process and/or approvals that diminished or counteracted the benefit of the original incentive.

**6. Must this best practice be authorized by law? If so, what is the relevant ordinance or regulation and what changes to law are needed? How does that ordinance or regulation compare to Philadelphia’s legal framework?**

Many cities offer regulatory-based incentives by implementing new policies that do not require changes to existing laws or regulations. Others enact legislation through an alteration of municipal zoning and building code, or by ordinance. Chicago’s Permit Fee Waiver program for Landmark buildings was enacted in 1997 by the City Council through legislation.<sup>3</sup> Some cities, such as Loveland, CO, were able to adopt policies such as their permit fee waiver program, to implement local legislation that was already in place. Los Angeles’s ARO was passed and expanded through city council, and evolved into a comprehensive program requiring the city to incorporate a new chapter into the Los Angeles Building Code. Similar changes in Philadelphia would likely require a change to the local zoning and/or preservation ordinance.

**7. Who supervises/manages the use of the best practice?**

Depending on the type of regulatory relief offered, different and multiple agencies are involved in oversight. The City of Phoenix’s Planning & Development Department is the primary manager of the Phoenix ARO program, working closely with the Office for Customer Advocacy for streamlined permitting/communications, as well as other departments that support the policies of the ARO including the Department of Community and Economic Development. Los Angeles’s program relies on an “Adaptive Reuse Team” consisting of people in the Fire Department, including fire protection engineers, inspectors, and captains, and Building and safety- plan checkers and case managers-as well as the Planning Department, CRA, DOT, and Public Works.<sup>4</sup>

In most instances providing a discrete form of regulatory relief, such as permit fee waivers, the department issuing the permit supervises/manages the incentive, through a coordinated process with other departments whose approval is required (e.g. City Historic Commission, Department of Buildings, Planning and Development). Oversight and management varied by local governance structure, but always benefited from in-depth collaboration and coordination.

**8. What has its impact been (quantitative wherever possible)?**

Los Angeles started one of the first Adaptive Reuse Ordinances in the country, delivering a comprehensive suite of regulatory based incentives to encourage building reuse. The LA ARO has been credited with adding more than 30,000 residents and 14,000 residential units in downtown, between 1999 and 2013 alone. The ARO assured developers that their projects would not get stymied in the entitlement process and was so effective in attracting new development downtown, that the City approved expanding the ordinance to promote building reuse in neighborhoods across the city.<sup>5</sup>

Similarly, the award-winning Phoenix ARO program focused on expediting review and approvals for adaptive reuse projects, and found that this had a quantifiably positive impact on project

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<sup>3</sup> City of Chicago. “Permit Fee Waiver Info Sheet.” 2014

<sup>4</sup> Central City Development Group. “LA.’s Champion of Adaptive Reuse, Depart City Hall.”

<sup>5</sup> City of Los Angeles. “Adaptive Reuse Program Handbook Second Edition.” 2006.



performance. Program participants saved between two weeks and three months in processing time, and between \$2,000 and \$40,000 in costs in the development process.<sup>6</sup>

**9. What is the estimated cost to implement this best practice? What new resources are needed?**

The cost to implement regulatory incentives depends on the scale and scope of the initiative and local governance structure. Given that this best practice is focused on streamlining and improving the implementation of city process and regulations, costs are typically associated with leveraging and expanding City staff capacity and in some cases hiring outside contractors as needed. As noted above, this practice can range from a comprehensive overhaul of municipal zoning and building code policy, to the adoption of a new ordinance, to targeted or select regulatory interventions. In other cities, new resources needed included funding to:

- Create a dedicated team, task force, or staff lead focused on creating new regulatory processes to facilitate building reuse.
- Hire specialized staff or outside consultants to streamline, manage, and implement the new recommendations.
- Increase staff capacity for expedited review, determination of eligibility for qualifying projects, improved guidance and customer service.
- Deliver new tools to implement an expedited review process, such as an online one-stop platform, which required the cost of hiring outside contractors.

**10. How do other cities fund this best practice?**

Funding for a comprehensive evaluation and overhaul of municipal building regulation, establishing a new ordinance, or developing regulatory relief interventions typically comes from a mix of public sources, and is typically implemented in phases. While the exact source of funding varied according to availability and local governance practices, Peer Cities paid for these efforts through a combination of general funds, special revenue funds, various trust funds, and specific allocations through respective departments.

Regulatory-based incentives were consistently found to not require direct cash-outlays once they are operational, as many programs offered as-of-right development benefits, diversion of future revenue rather than existing revenue (fee waiver), and focused on delivering project-side savings in time and expense rather than direct financial payments. A few specific examples of how other cities funded efforts to establish regulatory based incentive programs:

- **Los Angeles:** A five-year reform effort to comprehensively overhaul the municipal zoning code. The first phase was valued at \$990,000 and increasing to \$5 million over the entire project. The City Planning department proposed a funding scheme that included an allocation from the local Construction Services Trust Fund and a 2% increase in the General Plan Maintenance Surcharge.<sup>7</sup>
- **Austin:** The Development Services Department and the Planning and Zoning Department developed a joint Action Plan to implement recommendations to resolve Austin's longstanding issues with permitting and development review. The report found

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<sup>6</sup> The Downtown Phoenix Journal. "Three New 'R's: Rezone, Reuse and Revitalize — The City of Phoenix's Adaptive Reuse Program." 2009.

<sup>7</sup> Curbed Los Angeles. "LA Moving Ahead With Huge Overhaul of 1946 Zoning Code." 2009.; City of Los Angeles FY 17-18 Budget



that 55 out of the 462 recommendations required additional funding, calling for \$2.7 million to hire for 15 new positions for expedited and improved permitting process support. All but \$100,000 of this request was approved by City Council.<sup>8</sup>

**11. How can this best practice be combined with other strategies? Which strategies? What are the advantages of combining it with other strategies?**

Regulatory benefits can and should be paired with available financial tools and incentives including tax incentives, grants, and loans to support the multiple and complex components of building rehabilitation and reuse. The Phoenix ARO, for example, combines regulatory relief provisions with direct grants and financial support tools, including Adaptive Reuse Fee Incentives. Combining regulatory incentives with financial incentives provides additional advantages by reducing both the time and cost of bringing properties back to market, which help target distressed markets that would not be able to support redevelopment otherwise, by mitigating barriers and promoting development in the highest-need areas of the City.

**12. How relevant is this strategy to addressing Philadelphia’s historic preservation challenges? (Rank on scale of 1-10. 10 = highest impact.)**

10 – highly relevant to addressing Philadelphia’s historic preservation challenges

**Research Topic #2: Homeowner Support**

**1. What does the best practice do?**

To address challenges facing existing and prospective homeowners of older buildings, cities have adapted programs to increase the supply of decent housing and encourage rehabilitation of existing homes through programs targeting building reuse across diverse markets. These interventions focus on bringing vacant housing stock back to market and increase the housing supply through building reuse, facilitating acquisition of existing homes, and providing rehab assistance for occupied homes.

Philadelphia currently offers homeowners a broad range of incentives and programs from property tax abatements to rehabilitation assistance programs, including a newly ramped up housing preservation loan program to assist residents with the cost of home repairs associated with maintaining one of the oldest building inventories in the country.<sup>9</sup> While many of these programs provide critical assistance to homeowners, few incentives seem to focus on building reuse and historic homeownership specifically. Other cities have strengthened and complemented their existing homeowner programs by supporting:

**Vacant Home Acquisition & Rehabilitation**

- Direct assistance for the purchase of formerly vacant homes such as funding assistance for closing costs.

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<sup>8</sup> City of Austin – Planning and Zoning Department/Development Services Department. “PRIDE Action Plan: Roadmap for Building a Better Austin.” 2015.; My Statesmen News. “Austin permitting, development officials release plan for improvement.” 2015.

<sup>9</sup> Philadelphia City Council, “Homeowners Begin Receiving Free Home Repair & Modification Assistance Authorized By City Council,” 2017.; Curbed Philadelphia, “Philly’s new Housing Preservation Loan Program: What to know,” 2018.



- Interventions to encourage reuse of vacant buildings in steady and transitioning neighborhoods (as opposed to focusing exclusively on neighborhoods of concentrated poverty), including streamlining disposition of vacant properties to create a steady pipeline of affordable projects with clean titles,

### **Occupied Home Rehabilitation**

- Targeting homes of a certain vintage or style that have been identified as significant to the City's identity and cultural significance,
- Revolving loan funds, deferred loans, grants, and technical assistance programs to individual occupants of historic homes, small-businesses, non-profits, and government entities through public-private partnerships.

Baltimore's Vacants to Value (V2V) initiative is a notable program that combines several of these strategies to eliminate blight, bring existing properties back to market, help homeowners acquire rehabbed homes. The V2V program employs strategies ranging from streamlining disposition of available properties, to providing direct grants and technical assistance to homeowners aiming to attract private investment in markets otherwise capable of supporting private investment.<sup>10</sup>

Cities have also partnered with foundations and non-profits to provide incentives that support occupied home rehabilitation. Chicago's Historic Bungalow Initiative and Greystone & Vintage Home Program are examples of public-private partnerships that combine City funding with non-profit implementation, to offer forgivable loans, grants, and technical assistance for eligible properties and homeowners to reduce the cost and complexity of rehabbing historic homes. Diverse cities including Deadwood, Pittsburgh, Providence, and New York offer notable revolving loan programs through a mix of public-private sources to provide homeowners, small businesses, and other entities with flexible low-cost financing to support rehabilitation costs when traditional financing falls short.

## **2. What challenges will it solve?**

Providing support for homeowners of older properties at the municipal level can be challenging for cities with limited capital resources. Cities that implement effective economic development policies that adopt building reuse as a preferred solution rather than demolition, can preserve neighborhood character and provide quality affordable housing in communities that need it. Baltimore's V2V program has been lauded as an effective strategy for cities with limited financial resources to address vacancy and promote rehabilitation in overlooked "middle markets." While this program has been effective in reducing vacancy, this initiative has also been criticized for not adequately addressing Baltimore's affordability crisis, thus suggesting that careful consideration of equity-focused initiatives is important.

Households with limited funds experience a disproportionate burden associated with the costs of maintaining historic property. Revolving loan programs, grants, and technical assistance are the most common ways in which cities and local organizations have provided direct support to homeowners and small businesses. Combining programs that offer gap funding for both acquisition and rehabilitation of historic properties also helps address the fundamental

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<sup>10</sup> Baltimore Housing, Vacants to Value Website Resource Center; Center for Community Progress, "Learning from Baltimore Part-I," 2017.



challenge of capital shortage. When used in complement to existing homeowner incentives, these programs can help facilitate neighborhood growth while promoting citywide economic development goals.

### 3. What types of properties are covered?

In the case of Baltimore's V2V program, the initiative targets thousands of properties within specific neighborhoods in markets capable of supporting redevelopment activity, designated as "middle markets" and "middle market stressed" based on The Reinvestment Fund's Market Value Analysis (MVA). The V2V program does not target properties located in "stressed markets" or low-income neighborhoods that lack demonstrated market potential. According to the Reinvestment Fund, 41% of Philadelphia's residents live in designated "middle markets," representing a significant portion of the City.<sup>11</sup> Incentivizing building reuse in these middle markets differs from Philadelphia's Land Bank initiative, as nearly 90% of the properties available for disposition through the Philadelphia Land Bank are in "stressed markets."<sup>12</sup>

Revolving loans, grants, and technical assistance programs such as the Providence Revolving Loan Fund, or Chicago's Greystone Initiative often serve historic owner-occupied residential properties. Some programs include an income-restriction component or focus on properties in low to moderate income neighborhoods. Some programs work in tandem with other programs targeting commercial structures and mixed-use buildings, by lending to small businesses or other entities, to further catalyze development activity in targeted neighborhoods. In addition to historic designation, eligible properties can also be determined by building typology as in the case of Chicago's Bungalow initiative and Vintage Home Repair program. Chicago's program applies to properties citywide if they meet program criteria including year built, size, material, layout, window, and entrance specifications.<sup>13</sup>

### 4. What cities are currently using this best practice?

Baltimore's V2V program has been cited as a model for other cities. Among the Peer Cities, Buffalo's Urban Homestead program similarly encourages vacant home rehabilitation as an alternative to demolition while providing homeowner support, by streamlining property acquisition and providing targeted financial resources for homeowners. Philadelphia already provides some support of homeownership through property tax relief policy and basic home repair programs. However, Baltimore's V2V program is notable as a strategy targeting middle neighborhoods, and has been recognized with a Workforce Housing award from ULI, and is featured as a best practice on numerous print and online publications including the Federal Reserve Board of Governors, Housing Policy Center's Foreclosure Response, NRDC, and Planetizen.

Chicago, Deadwood, New York, Pittsburgh, and Providence, among numerous other cities offer revolving loans, grants, and technical assistance programs.

### 5. How is this best practice typically implemented? What are the barriers (if any) that other cities have experienced in implementing this best practice?

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<sup>11</sup> The Reinvestment Fund, "Philadelphia's Middle Neighborhoods: Demographic and Market Differences by Race, Ethnicity, and Nation of Origin," May 2017.

<sup>12</sup> Philadelphia Land Bank, "Strategic Plan & Performance Report," 2017.

<sup>13</sup> Chicago Bungalow Association, "Defining Characteristics of The Chicago Bungalow," 2018.





### **Implementation:**

*Vacant Property Rehab:* Comprehensive blight removal and home acquisition incentive programs are typically implemented through municipal housing departments, pulling in various agencies and departments as needed. In the case of Baltimore's V2V program, Baltimore Housing (Department of Housing & Community Development) works with internal and external departments to implement the program. Details are provided in "7. Who supervises this best practice?"

**Streamlining disposition and code enforcement:** The V2V program has been effective in motivating developers and property owners to acquire and rehabilitate vacant and underused properties. The City establishes a reliable pipeline of affordable properties with clean titles and makes them available to developers, via a three-step process:

- **Identify:** City identifies vacant/neglected buildings and issues a Vacant Building Notice, requiring the owner to secure the building until the building receives proper treatment.
- **Notify:** If the owner neglects these responsibilities and the property is in an area targeted by V2V, the housing department issues a citation and fine as a second prompt to rehabilitate.
- **Consolidate & auction:** If the owner still fails to act, the City files for receivership via Baltimore's receivership statute, which enables the court to appoint a receiver to sell the property to a developer who will rehab the property. The City typically waits until it has amassed 25-40 properties, before it auctions off the properties to eligible developers.

**Homebuying incentives:** Additionally, Baltimore currently offers six incentive programs, in partnership with major local employers, to encourage homeownership:

- **V2V Booster:** \$10,000 towards closing costs for eligible properties that have outstanding VBNs for one year or more
- **City Employee Program:** \$5,000 for city employees purchasing first-time homes citywide
- **Buying into Baltimore & City Living Starts Here:** Live Baltimore, a private non-profit organization, offers \$5,000 to use towards purchasing a home anywhere in Baltimore City.
- **Live Near Your Work:** Partnership between 80+ employers and the City where the City matches employer contributions up to \$2,500 towards purchasing a home near work.
- **CDBG Homebuyer Assistance:** Up to \$5,000 in down payment and closing cost assistance.

These incentives are offered on a first-come first serve basis, and prospective homeowners can layer multiple incentives on a single purchase, however, relatively few homebuyers have taken advantage of this. The incentive programs require homeowners to remain in their homes for at least five years after purchase, and the City enforces this by placing a lien on the property valued at the same amount of the incentive reward. The lien is reduced by 20% each year and forgiven after five years.

*Occupied Home Rehab:* Revolving loan funds, grants, and technical assistance programs are often implemented by or in partnership with non-profit preservation/housing organizations. Many of these organizations started with *revolving funds* (acquisition funds for the same entity to perform building rehab), before establishing *revolving loan funds* (a loan fund for other preservationists to undertake building rehab) to respond to evolving needs. For example, the Providence Preservation Society determined that banks were not providing financing in specific



neighborhoods, particularly historic neighborhoods, and they responded to fill a critical gap. While these programs vary by local circumstance, the central components of implementation typically include:

**Establishment** – Loan fund programs are typically established by a private non-profit or a state or municipality. Non-profit entities can establish a loan fund capitalized through philanthropic contributions, private endowment, or a combination of public-private sources. States and municipalities may need to pass an ordinance or voter referendum to approve the funds needed to capitalize the fund, and for these reasons tend to be less flexible than privately operated funds

**Structure** – Cities and non-profits often structure their programs to target community needs by defining loan terms, interest rates, maximum/minimum loan amount, payback terms, eligibility requirements, and technical assistance provisions. The Providence fund for example targets historic neighborhoods in low- to moderate income communities that do not otherwise have access to financing, offering lending, technical assistance, and development services.

**Oversight** – Private revolving loan funds are typically incorporated as non-profit 501(c)3 entities. Cities often partner with non-profits and community organizations capable of administering the loan program (staff capacity, finance, risk assessment, etc.) who are familiar with the financial realities of the communities taking out loans. The Providence Revolving Fund for example oversees their loan program in house and has established neighborhood groups to review applications. By contrast, the City of Deadwood partners with a national organization called Neighborworks to help manage the technical loan process. Effective entities in charge of oversight work hard to ensure they have the capacity to review applications, vet potential projects, market the fund effectively, and provide technical assistance (financial counseling to understand loan risks) as needed. The NY Landmarks Conservancy for instance has staff and budget allocations allowing them to provide legal counsel, design team selection, design review, and construction project management support.

**Barriers to implementation include:**

- **Weak Market Dynamics:** Programs like V2V, rely on existing market dynamics to succeed. The recession has inhibited the V2V program, as lending institutions were reluctant to grant mortgages/loans to property owners interested in renovating homes. Lack of access to financing remains a barrier in the implementation of this program.
- **Budget Constraints:** The availability of some V2V homeowner incentives are linked directly to City budget allocations. Sudden budget cuts have resulted in an abrupt suspension of incentives, such as the V2V Booster in the past few years, which increases uncertainty to the detriment of local sales. Further, the City has lacked funding to provide complementary programs including low-interest financing, and technical support to help first time home-owners navigate the redevelopment process. Cities and non-profit organizations that offer occupied home rehabilitation assistance through low-interest loans, grants, and technical assistance also struggle with sustaining funding over time.
- **Integration Challenges:** Coordination of the numerous V2V strategies require frequent interaction between different agencies, divisions, and departments. While a more integrated approach would be beneficial, planning across different sectors of city government requires time and resources not always available.





- **Ineffective Communications:** Communication of the program, the program’s mechanics, and results must clearly convey a complex program to a broad audience. Despite efforts to manage this communication, many public misconceptions remain, especially pertaining to the intent of the program to leverage private market forces to support building rehabilitation, and the strategy to focus on middle markets.

**6. Must this best practice be authorized by law? If so, what is the relevant ordinance or regulation and what changes to law are needed? How does that ordinance or regulation compare to Philadelphia’s legal framework?**

Core elements of Baltimore’s V2V program are enabled by the city’s Receivership Statute. Other cities have adapted this program based on the tools and mechanisms they have in place, such as New Jersey’s spot blight statute, Detroit’s nuisance abatement process, or New York’s court process. Philadelphia passed legislation establishing the Philadelphia Land Bank, which is enabled to acquire and facilitate property transfer, to encourage the rehabilitation of vacant and tax-delinquent properties, however, most land bank properties are vacant land as opposed to existing buildings that afford strong rehab opportunities.

Typically, municipalities establish or appropriate public monies for a revolving loan fund by passing an ordinance or voter referendum. However, the City of Philadelphia previously funded a Historic Properties Repair Fund through the Preservation Alliance, with support from the National Trust and other foundations. The City currently offers a suite of homeowner tax, grant, and technical assistance incentives, indicating that the existing legal framework is amenable to these types of programs.

**7. Who supervises/manages the use of the best practice?**

In the case of V2V, Baltimore Department of Housing & Community Development, also known as Baltimore Housing or HCD, provides primary oversight, with management responsibilities divided among the Division of Permits & Code Enforcement, the Division of Land Resources, and the Division of Green, Healthy, and Sustainable Homes. In 2007, Baltimore Housing created a unified division of Neighborhood Investment, to streamline and expedite neighborhood revitalization initiatives. This division provides direct oversight to the Office of Land Resources (disposition of City-owned sites), Office of CDBG, Office of Homeownership, and Office of Rehabilitation, which collectively serve as a one-stop resource center to centralize all available services for homeowners. Baltimore Housing also partners with other departments including Planning and Public Works, however, a recent evaluation identified challenges in forming cross-departmental partnerships, and noted that in-depth coordination has been lacking.

Local preservation organizations and housing non-profits typically administer revolving loan funds, grants, and assistance programs, sometimes in partnership with local agencies. The New York Landmarks Conservancy, Pittsburgh History and Landmarks Foundation, and the Providence Preservation Society are all private non-profit entities that oversee their respective loan programs. In many cases, they partner with banks, other lending institutions, or government agencies for technical review, risk assessment, and delivery. In the case of Chicago’s typology based housing incentives, the Department of Housing and Economic Development (HED) created the Historic Chicago Bungalow Association to oversee the program,

**8. What has its impact been (quantitative wherever possible)?**



The V2V program has reduced the number of city-owned vacant properties and helped spur economic development in some neighborhoods. Specifically, 300 vacant houses have been rehabilitated each year since 2010, without the use of direct public subsidy. The V2V booster program assisted 600 homeowners with closing cost grants between 2010 and 2016, of whom 64% were previous Baltimore residents, while 36% moved in from outside of the City.<sup>14</sup>

While the total number of vacant and abandoned homes in the city has increased by nearly 500 since 2010, the number of City-owned sites that were vacant have decreased by over 600 sites, indicating that blight and disinvestment is a broader issue that housing and homeownership policy alone cannot solve, but the V2V program has been successful in creating a pipeline for vacant properties to be transferred and brought back to market.

Impacts from occupied home rehab programs are as follows:

- The Chicago Bungalow Initiative has aided over 4,000 homes in home repairs and renovation efforts.
- The Providence Revolving Loan Fund through its Neighborhood Loan Program has invested over \$7.4 million in low- and moderate-income neighborhoods for 460 building restorations since 1982, leveraging over \$23.75 million in additional financing.<sup>15</sup>
- Pittsburgh's Preservation Loan Fund has serviced 173 loans since 1985, and the fund has never been fully depleted.<sup>16</sup>
- NYLC's Historic Properties Fund was initially capitalized with \$7M, and has made over 220 loans since 1982.<sup>17</sup>

#### **9. What is the estimated cost to implement this best practice? What new resources are needed?**

Baltimore's FY2015 budget earmarked \$570,000 to provide homeownership incentives to 600 homebuyers, which increased to \$650,000 in 2016. In addition to direct homeownership incentives, the City also combined local, state, and federal funds to allocate \$4.8 million total towards all homeownership incentives.<sup>18</sup>

For occupied home rehabilitation support incentives, sufficient funds to capitalize a local revolving loan fund, and/or grant program is needed. As revolving loan funds are designed to be self-replenishing, the initial capitalization of a well-designed program and a strong partnership with or the establishment of an entity able to oversee the program and ensure its financial sustainability is critical. Typically, these programs require 1-5 staff members.

The New York Landmark Conservancy was initially capitalized with \$470,000, with additional contributions of over \$7M over the next two decades from the redevelopment of a former GSA property the Conservancy helped reuse.<sup>19</sup>

#### **10. How do other cities fund this best practice?**

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<sup>14</sup> Ibid.

<sup>15</sup> Providence Revolving Fund Website. <http://www.revolvingfund.org/about.php>

<sup>16</sup> Mitchell, Olivia, "An Evaluation of Historic Preservation Revolving Loan Funds, and Recommendations for the Establishment of Future Programs," Upenn Thesis 2011.

<sup>17</sup> Ibid.

<sup>18</sup> City Paper, "Vacants to Value program quietly cuts homeowner incentive." 2016.

<sup>19</sup> The New York Landmarks Conservancy. Historic Properties Fund.

[http://www.nylandmarks.org/programs\\_services/loans/historic\\_properties\\_fund/](http://www.nylandmarks.org/programs_services/loans/historic_properties_fund/)



In general, revolving loan funds, grants, and technical assistance programs are funded through a combination of public-private sources, such as the local, state, and federal governments and financial institutions, philanthropic organizations and "... options, lines of credit, program-related investments, block grant funds, fees for services, donations of property, bargain sales, and other sources of flexible funding."<sup>20</sup> The City of Philadelphia is funding its new \$100 million Housing Loan Program through a bond issuance serviced by a 0.1% increase in the local real estate transfer tax. The City is establishing a low-interest loan program in partnership with private financial institutions to encourage lenders to lend to low- moderate- and middle income households for home repair, by backstopping potential defaults through city funding.

Baltimore has an extremely limited budget for rehabilitating vacant and neglected housing, particularly housing without any income restrictions. The City allocates money through the General Fund each year to support the Baltimore Homeowner Incentive Program (B-HIP - the umbrella program for V2V and other homeownership incentive programs). In fiscal year 2018, the total \$5.3M allocated to B-HIP came from General Obligation Bonds, General Fund, and CDBG funds.

**11. How can this best practice be combined with other strategies? Which strategies? What are the advantages of combining it with other strategies?**

Baltimore's V2V program can and should be combined with other programs that offer direct and indirect assistance to homeowners. These in turn can be combined effectively with other regulatory and financial incentives, including:

- **Tax incentives:** City Historic Restoration & Rehabilitation Property Tax Credit (Baltimore), income tax credits (Maryland Sustainable Communities), Low Income Housing Tax Credits, Homestead Tax Credits, Green Tax Credits, among many others available in Baltimore.
- **Infrastructure upgrades:** Baltimore works with public/private partners to provide public realm and infrastructure upgrades, to attract investment and help prime neighborhoods for redevelopment.
- **Traditional and subsidized loans:** This program is also designed to be used in tandem with state and federal loan programs (Maryland Mortgage Program Loans, Healthy Neighborhoods Purchase & Rehabilitation Loan + others, HUD 203K Loan, etc.).
- **Inclusive and affordable housing policy:** To ensure more equitable outcomes, cities take measures such as pairing incentives with income-restrictions, and/or MWBE requirements to ensure that incentives reach the demographics they intend to serve. Cities, including Philadelphia, can increase the success of these programs by mandating educational support services such as financial counseling.

**12. How relevant is this strategy to addressing Philadelphia's historic preservation challenges? (Rank on scale of 1-10. 10 = highest impact.)**

10 – Highly relevant to Philadelphia's historic preservation challenges

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<sup>20</sup> Forum News, "Preservation Revolving Funds: Then and Now," 2015.



**Incentives Subcommittee – NTHP Best Practices Research  
Philadelphia Historic Preservation Task Force**

**Research Topic #1: Market-based Incentives for Historic Preservation**

*Incentive Zoning and Transfer of Development Rights (TDR) Best Practices*

Market-based incentives have long been an essential component of local historic preservation programs, enhancing the effectiveness of traditional land use regulation. Research shows that a balance of regulations and incentives is the most effective way to promote the protection of historic resources and encourage popular support for historic preservation. In addition, properly crafted market-based incentives can help cities to achieve their development and preservation goals without excessive reliance on taxes and fees.

**What does the best practices do?**

*Incentive Zoning and Transfer of Development Rights (TDR)* are two market-based land use regulatory techniques through which governments provide real estate developers property rights in exchange for public benefits.<sup>1</sup> Due to their voluntary nature, both incentive zoning and TDR programs must be structured in a way that entices property owners and developers to utilize them. Fundamental to the concept of market-based approaches is that the value of an incentive must exceed the cost of providing a desired community benefit; otherwise, developers are unlikely to take advantage of the incentive.

**A. Incentive Zoning**

Traditional zoning regulates property through prescriptive use, height, and bulk restrictions. Incentive zoning supplements traditional zoning by taking advantage of market forces, offering developers a range of regulatory incentives that either increase revenue or reduce costs, including flexible development regulations, parking reductions, fee waivers or reductions, and permitting priority. The most common right granted to developers is a “Density Bonus”—the right to build more space than otherwise permitted by traditional zoning. Other incentives that either reduce costs or increase revenue include the right to build more housing units, exemptions from parking requirements, and exemptions from height and setback requirements.

In recent years, incentive zoning has been most commonly used as a vehicle to encourage production of affordable housing, but a wide variety of public benefits or amenities can be incentivized, including public parks, plazas and roof gardens, day care centers, job training, and preservation of historic resources. The 2012 Philadelphia Zoning Code includes both floor area bonus and building height bonus provisions to encourage specific amenities in the public interest, including public art, public space, mixed, moderate, and low-income housing, transit improvements, underground parking and loading, and green building.

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<sup>1</sup> Public Benefit Zoning (PBZ) is another market-based approach incentive zoning that captures increased land value resulting from government action such as upzoning. Also known as Land Value Recapture, PBZ assures that landowners still benefit from the increased property value, but the community shares some of the benefits.



## **B. Transfer of Development Rights (TDR)**

A TDR program allows for the transfer of development rights from one property to another, with the goal of reducing or eliminating development potential in places that should be preserved (known as *sending sites*) and increasing development potential in places where growth is desired (known as *receiving sites*.) Owners of sending sites receive compensation for giving up their right to develop, while owners of receiving sites pay for the right to develop at greater densities or heights than would otherwise be allowed.

Like incentive zoning, TDR is entirely voluntary. If owners of eligible receiving properties chose not to participate, they are entitled to develop as permitted by current zoning. By allowing the owner of a historic property to sell the development rights, TDR programs create the opportunity for owners to realize economic gain without demolishing an historic landmark or other significant building for redevelopment.

When development rights are sold by the owner of a historic property, a preservation easement is used to ensure its permanent protection. In this regard, TDR programs can offer enhanced protection over traditional preservation protections, which offer no guarantee of permanence.

TDR programs can either operate through direct transfers of property rights between owners of sending and receiving sites, or through a TDR "bank," in which a government agency or nonprofit organization acts as an intermediary buying, holding, and selling rights. TDR banks enable property owners to sell development rights without having a buyer available who is ready to develop. If a bank is not created, a centralized registry or database of available TDR can help connect TDR buyers and sellers and enable a more dynamic market.

## **What challenges will they solve?**

### **A. Incentive Zoning**

Incentive zoning can be an effective way to provide a public benefit at little or no direct cost to local government, without resorting to increased taxes, fees, or regulation.

### **B. Transfer of Development Rights**

TDR can support a city's historic preservation and planning goals in several ways:

- They can create a financial incentive for the owner of a historic a property to preserve the property rather than selling it to a developer who might replace it with a larger structure, while providing additional financial resources to maintain or rehabilitate the building.
- Where traditional historic preservation regulations prohibit demolishing a landmark building, TDR programs create the opportunity for owners to recoup lost value by selling unused development rights attaching to the property for economic gain.
- TDR programs also address concerns that preservation regulations are anti-growth. TDR can protect individual landmarks or historic districts, but they do so by redirecting growth on a voluntary basis, not by restricting overall development.



## **What types of properties are covered?**

Any property type can be the subject of Incentive Zoning or Transfer of Development Rights. Incentive Zoning can support preservation of an onsite historic resource of any type, a specific off-site property, or developers can pay into a historic preservation fund to be distributed through competitive grants.

Most TDR programs with a historic preservation focus were developed to protect smaller scale historic properties in downtowns whose FAR was significantly less than that permitted by zoning. Recently, programs have expanded beyond downtowns to include other neighborhoods under growth pressures. TDR can be used to preserve on-site historic properties through lot mergers, historic properties on nearby parcels, or parcels in another district.

## **What cities use these best practices, and how have they been implemented?**

The adoption of market-driven land use incentives to supplement traditional land use regulation can be traced to New York City's pioneering 1961 Zoning Resolution, which introduced the concept of floor-area ratio (FAR) and allowed for bonus FAR to be utilized by office buildings in return for the creation of privately owned public plazas at the base of these buildings. In 1968, New York City adopted a transferable development rights mechanism that gave owners of historic properties the option of transferring their unused development rights in return for a payment.

Numerous cities across the country have embraced both Incentive Zoning and Transfer of Development Rights to augment their traditional regulatory efforts to promote the preservation and rehabilitation of historic buildings. Following are some examples of cities utilizing these techniques.

### **A. Incentive Zoning**

#### **i. Palo Alto, California: a focus on downtown rehabilitation**

Palo Alto, California, offers a targeted rehabilitation density bonus via preservation-related FAR bonuses in its downtown commercial district. A *Historic Rehabilitation Bonus* is available for historic buildings that are listed in the city's inventory that are undergoing historic rehabilitation. For these properties, floor area can be increased by 2,500 square feet or 25% of the existing building, whichever is greater, without having this increase count toward the FAR. (If the building is also undergoing seismic rehabilitation, the bonus is increased to 5,000 square feet or 50% of the existing building.)

#### **ii. Austin, Texas: a suite of community benefit options**

Austin Texas established its current *Downtown Density Bonus Program* (DDBP) in 2014 with the goal of promoting a vibrant, dense, and pedestrian friendly downtown area while also encouraging the development of affordable housing and other community benefits. The program allows developments in the downtown area to achieve greater height and density, allowing developers to select from a wide range of community benefits, but mandates that at least 50 percent of the bonus be achieved by providing on-site affordable housing or by paying a development bonus fee into the Affordable Housing Trust Fund.



The program offers several historic preservation options:

- *on-site historic preservation bonus*: five square feet of bonus area are offered for each one square foot of a historic building preserved;
- *off-site historic preservation bonus* by paying a development bonus fee into the Historic Preservation Fund<sup>2</sup> at a per square foot rate based on the district in which the proposed development is located;
- *enhanced density bonuses for Rainey Street district*: an area of historic bungalow-style homes adjacent to downtown under intense development pressure. Projects there can receive 25,000 square feet of bonus area for each historically significant building restored and preserved.

In the four years since the program's inception, developers have consistently selected the affordable housing options over the other benefits. This may reflect the relative ease for developers to simply increase the 50% affordable housing requirement to 100%, suggesting that the preservation bonuses need to be richer if they are to effectively compete.

### iii. Chicago, Illinois: downtown growth funds for neighborhood revitalization

In 2016, the City of Chicago's zoning code was reformed with the goal of ensuring that the growth of downtown drives equitable development throughout the City. The package of changes, coordinated as the *Neighborhood Opportunity Bonus*, leverages new downtown development to generate funds to catalyze investment along commercial corridors in underserved neighborhoods on Chicago's West, Southwest and South Sides.

The Neighborhood Opportunity Bonus accommodated ongoing downtown growth by expanding the downtown zoning district by 800 acres or roughly 20%. It also simplified and updated the downtown FAR bonus system. Previously, the zoning code provided FAR bonus in exchange for a variety of on-site amenities, such as building setbacks, winter gardens, green roofs and other design features. Under the Neighborhood Opportunity Bonus, FAR bonuses are available through a single voluntary payment into a Neighborhood Opportunity Fund. The payment made by developers is based on a formula that reflects the value of land within the surrounding area.

In its first two years, \$50 million in fees are on track to be paid into the Neighborhood Opportunity Fund. These funds are used to encourage commercial development in neighborhoods on the South and West sides lacking private investment, or to city landmarks citywide. Business and property owners in these districts may apply for grant funding to pay for the development or rehabilitation of real estate, and projects that support new or expanding businesses or cultural assets.

Funds are allocated as follows:

- 80% for commercial corridor development on the South and West sides
- 10% for a citywide "adopt-a-landmark" program

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<sup>2</sup> While no funds have been deposited in the Historic Preservation Fund through the density bonus program, the city allocated nearly \$7 million to the HPF from the Hotel Occupancy Tax.





- 10% for public realm & transit improvements within 1-mile radius of the development paying the fee.

New construction projects seeking FAR bonuses are processed as Planned Developments, a zoning designation that provides additional public oversight, including public hearings before the Chicago Plan Commission and City Council Committee on Zoning prior to a vote by the full City Council.

#### **iv. Arlington County, Virginia-Generous Bonus for Transit-Oriented Development**

Arlington County includes a number of special planning districts, each with their own set of incentives. When an entire historic structure in the Clarendon Revitalization District (around the DC Metro Station) is preserved in accordance with adopted policies, the County Board may approve a density increase of up to 500 percent of the first 10,000 sq. ft. of gross floor area preserved and up to 300 percent of any sq. ft. of gross floor area preserved beyond 10,000 sq. ft.

### **B. Transfer of Development Rights**

#### **i. Seattle, Washington: The Role of TDR Banks**

Seattle's TDR program was developed as part of a comprehensive downtown planning update in 1985, which sought to retain low income housing, preserve historic landmarks, encourage infill development, and create incentives for varying building scale in the downtown. Originally, the development rights transfer had to be simultaneous, but in 1988 Seattle authorized the creation of a TDR bank to enable the City to buy development rights and hold them in the bank, selling them at a later date to developers seeking additional density for new commercial projects.

For the first decade of its TDR program, the City was the sole purchaser of TDRs. To prime the pump, the City gave the TDR bank funds first to purchase housing TDR, and later contributed \$3.1 million for TDR from landmark performing arts theaters to assist with their preservation. The ordinance was also amended to allow proceeds from the sale of TDRs be deposited into the Low-Income Housing Fund rather than the general fund, thus creating a sort of TDR revolving fund.

The Seattle TDR program is based on districts, each with its own TDR mechanisms, guidelines and TDR calculation formulas according to the specific planning goals for the district. The city requires that at least 5% of FAR gained through TDR and bonus incentives must be gained through Landmark TDR. A 2006 provision in the Downtown Code exempts a portion of the floor area of a Landmark in the calculations of TDR, thus increasing the amount available to sell from landmark structures. In addition, TDR from landmarks structures converted to affordable housing is treated as housing TDR, which means that projects can use more landmark TDR overall. Seattle buttresses its incentives by prohibiting any projects that cause the destruction of any designated features of a Landmark structure from gaining additional FAR through the use of zoning incentives or TDR unless authorized by the Landmarks Preservation Board.





**ii. San Francisco, California: a cornerstone to growth management**

San Francisco's TDR program emerged from the 1985 Downtown Plan in response to unprecedented office growth, housing impacts, transportation impacts and the loss of historic buildings. The key goal of the Program is to maintain Downtown's development potential while protecting historic resources.

While the Program initially applied only to properties within San Francisco's Downtown, it was amended in the mid 2000's to allow for the transfer of TDR from City-owned landmarks near Downtown. The city is exploring the sale of TDRs from additional such City-owned properties to fund essential seismic safety improvements and rehabilitation projects for those properties.

Originally, the program required that TDR be transferred within a single Downtown Commercial (C-3) Zoning District to ensure that development wasn't concentrated in any one C-3 District. In 2013 legislation modified the program to permit the transfer of TDR to any development lot in a C-3 District, with the goal of equalizing the supply and demand ratio.

San Francisco's TDR program is one of the most successful in the country. As of 2013, 83 parcels with historic buildings had sold a total of 4.3 million square feet of development rights. Among the notable historic properties that have sold development rights are the Central YMCA, the Ritz-Carlton Hotel, the Pacific Exchange, the American Conservatory Theater, the Palace Hotel, the Curran Theatre, the Jessie Street Substation, Notre Dame des Victoires Church, the Hibernia Bank, the Old Mint, and the Metropolitan Club. The program's success can be traced to several factors:

- It was adopted as part of a comprehensive Downtown Plan in 1985, which simultaneously designated over 200 historic buildings, applied strict architectural controls, and made them eligible as sending parcels.
- Rights can be transferred from any sending parcel to any other lot in the zoning district.
- The Downtown Plan included significant downzoning, and TDR was the only mechanism through which developers could exceed the density restrictions set by the plan.

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***Philadelphia's Experience with TDR***

*Philadelphia had a TDR program from 1991 until 2012 when it was written out of its new zoning code. While the program does not appear to have been utilized, this does not mean that Philadelphia lacks the market fundamentals to support a TDR program in City Center. It does however suggest that a new program would have to be crafted in a way that is more attractive to both buyers and sellers of development rights.*

*Philadelphia's TDR program was introduced in response to the 1988 Plan for Center City, which included three recommendations for economic incentives for historic properties: enhance existing tax abatements*



*to include historic properties; capitalize a large revolving loan fund; and establishing zoning incentives, including a TDR program.*

*The TDR program that was implemented in 1991 allowed owners of more than 200 city-certified historic buildings scattered throughout the highest-density zoning districts of Center City to sell development rights to developers of thirty building sites of 30,000 square feet or more fronting Market Street, John F. Kennedy Boulevard, and North Broad Street.*

*The program included several constraints that may have factored against its use. Eight other community benefits amenities, including observation decks, through block connections, public museum, meeting or library space, and improvements to or construction of publicly owned facilities within 500 feet of the new building, competed with the TDR.*

*Furthermore, the proceeds of the sale of TDRs had to be placed into an escrow or trust account to be used exclusively for future maintenance or rehabilitation of the historic building, with review by the Philadelphia Historical Commission. Such a strict limit on use of proceeds likely caused potential TDR sellers to seek a higher price than would be the case in the absence of restrictions.*

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## **What barriers have other cities experienced in implementing these best practices?**

Incentive Zoning and TDR targeting historic preservation are often included among a suite of community benefits a city seeks to incentivize. When offered a range of community benefit to choose from in exchange for greater density, developers will logically opt for those benefits that cost the least to provide and have the lowest risk. In the case of on-site public benefits, a developer may also consider how the amenity, might enhance (or possibly decrease) the value of the development.

It is essential that the relative values of different market incentives be carefully calibrated to reflect relative costs to the developer. Preservation options must be competitively incentivized, or developers will opt to provide other community benefits. Developers will not take advantage of even the most generous incentive-based program if there are other less costly ways to skirt zoning and development restrictions, such as through zoning variances. Appropriate pricing of incentives requires city officials to have considerable expertise regarding the costs of providing the full range of incentive options.

Research shows that to be effective, both Incentive Zoning and TDR programs must be designed so that public benefits (such as preservation of historic buildings) outweigh social costs (such as less sunlight and more congestion.) Issues of equity can also arise if there is a perception that costs and benefits are unfairly distributed. This is especially problematic when the public benefit being created is distant from the development project receiving the incentive. In such cases, it is important that the public understands and supports the public policy goal of the incentive as well as the broader goal of assuring that the benefits of development are shared equitably across a city.

As voluntary, incentive-based strategies, both Incentive Zoning and TDR require the informed support and participation of stakeholders to succeed. Elected officials, city staff, historic property owners, developers, and community leaders must understand and support how these incentives complement

traditional land use regulation. Incentive Zoning and TDR are flexible tools that if well-designed and calibrated can direct growth where it is needed while incentivizing the preservation of historic resources.

#### **A. Incentive Zoning**

Incentive zoning will only generate the desired incentives where there is sufficient market demand for additional development beyond what is allowable by right or through other more cost-effective strategies such as zoning variances. Our research suggests that market-based incentives for historic preservation are most successful when they do not compete with a wide range of other incentives. This is partly a function a loss of impact when the resulting benefits are spread too thin to make a meaningful impact. In addition, it is very difficult to create a suite of incentives that are equally attractive to developers. Typically, as is the case in Austin, the market will determine one or two incentives that offer the best return, and other incentive options will go unused.

These challenges can be overcome through a program like Chicago's Neighborhood Opportunity Fund. Chicago's shift from an amenity-based program to a fee-based program allows the City to distribute benefits according to publicly-vetted priorities, while also offering the opportunity for neighborhoods struggling from chronic disinvestment to reap some of the benefits of a thriving downtown. However, some have expressed concern about the amount of control the ordinance gives the Mayor and Planning and Development Commissioner over how and where the funds are spent; only grants over \$250,000 require city council approval.

#### **B. TDR**

A robust TDR market requires the active participation of local government. Development rights are complex instruments whose exchange local governments can assist by generating awareness, understanding, and trust in the program, identifying buyers and sellers and facilitating their negotiations, and often by engaging as a buyer and/or seller of TDR.

Like all market-based regulatory programs, TDR programs only flourish when there is a robust local real estate market; if there is no additional demand for development rights in receiving districts, those rights will have no value, and there will be no financial incentive for owners of historic properties to participate.

Successful TDR programs also work best when the regulatory regime is stable and predictable. If it is relatively easy to obtain needed floor area through other mechanisms, or if cities offer exceptions to developers and permit projects that circumvent TDR requirements, faith in the TDR program will suffer, and/or fail.

Crafting a successful TDR program requires careful calibration to create incentives for both sellers and buyers to participate. The value of TDRs is affected by both the allocation rate (or number of TDRs each sending site can potentially sell) and the exchange rate (the amount of FAR available to a developer who purchases a TDR). These rates do not need to be 1:1 based on



current zoning; for example, some cities allow extra TDR beyond what zoning allows (effectively, a density bonus) to provide a stronger incentive for historic property owners to sell their rights.

### **Must this best practice be authorized by law?**

Yes. Most cities implement market-based incentives by ordinance and amendment to planning or zoning codes. Many cities with the most successful programs developed and implemented them as part of new or revised general plans, downtown plans, or neighborhood plans. The State of Pennsylvania already has enabling legislation for TDR, and successful programs currently operate in the Greater Philadelphia region.

### **Who supervises/manages the use of the best practices?**

Incentive Zoning and TDR programs are managed by city planning staff. In addition to day-to-day management, the programs should be evaluated and updated over time. Both a lack of demand and excessive demand could be signs that the incentives are either too rich or too poor, and require recalibration.

Incentive zoning programs can be structured either by right or through negotiated agreements. By right programs do not generally create significant administrative challenges, but negotiated agreements require more staff time and expertise.

TDR programs are generally more complex, and require robust city planning staff involvement if they are to flourish. Staff need to facilitate transactions, record conservation easements, track of TDRs, and coordinate TDR transactions with zoning and permitting processes. In addition, staff may need to actively market the program to both owners of landmarks and developers.

### **What have the impacts been?**

Since their introduction over half a century ago, both Incentive Zoning and TDR have become essential planning tools in communities across the country. Around one in five cities and towns currently use incentive zoning, and over 200 communities have adopted TDR programs. However, only a relatively small proportion of these programs are focused on historic preservation. While not a replacement for traditional land-use regulation, well-designed market-based incentives can deliver desired public benefits while reducing the need for strict regulation.

### **What are the costs of developing and implementing these best practices?**

The cost of developing Incentive Zoning or a TDR program in Philadelphia depends upon many variables. While programs can be based on models from other cities, it is essential that they be carefully tailored to fit Philadelphia's planning goals, real estate market, and political, cultural, economic, and demographic context. Operating Incentive Zoning and TDR programs need not involve any direct outlays of funds, though some cities like Seattle have actively participated in TDR markets as buyers of TDRs.

### **How do other cities fund this best practice?**

San Francisco has sold TDR on public buildings as a way of financing their rehabilitation, though this approach requires strong developer demand for TDR so as not to oversaturate the market and drive down price. Los Angeles charges a Public Benefit Transfer fee on publicly and privately transacted TDR,



while New York charges city and state real property transfer taxes on the sale price of TDR. When Philadelphia developed a TDR program in the 1990s, the effort received significant philanthropic support.

### **How relevant is this strategy to addressing Philadelphia’s historic preservation challenges?**

Neither Incentive Zoning nor TDR are entirely new concepts for Philadelphia. As noted above, current zoning code include both floor area bonus and building height bonus provisions to encourage a long menu of public amenities, but historic preservation is not on the list of eligible benefits. Likewise, Philadelphia had a TDR program on the books for two decades, but it was never utilized.

It seems an oversight that historic preservation was not included among the public benefits incentivized the bonuses in the 2012 zoning code, but the opportunity exists to add historic preservation-related bonuses, perhaps in tandem with a new TDR program.

#### **Philadelphia’s Green Roof Incentives**

Introduced in 2015, the Green Roof Density Bonus allows for the development of additional residential units in areas where such development would normally be restricted. Also in 2015, the City doubled an existing 25 per cent Green Roof Tax Credit to 50 per cent, allowing applicants to receive up to \$100,000 off their Business Income and Receipts Tax liability for approved expenses related to the installation of a green roof.

In doubling the credit, Councilwoman Blondell Reynolds Brown noted that “although we have a Green Roof Tax Credit in place, we discovered that in the last four years, only seven people applied and of those applicants, four were approved. The numbers do not lie; they are telling us that we have significant work to do getting the word out and incentivizing the construction of these roofs.”

The creation of a Green Roof Density Bonus and Tax Credit should be explored as a model for the introduction and expansion of historic reservation incentives. The experience highlights the frequent need to adjust incentives to generate market interest, as well as the importance of marketing incentives.

### **How relevant are these strategies to addressing Philadelphia’s historic preservation challenges? (Rank on scale of 1-10. 10 = highest impact.)**

**7-8.** In the past decade, Philadelphia has experienced sustained economic and demographic growth which has supported a robust real estate market, a prerequisite to successful market-based incentive programs. It appears that Philadelphia has sufficient market demand to support historic preservation incentive zoning and TDR. In principle, these are approaches that the City of Philadelphia should embrace as part of its efforts to create a historic preservation program for the 21<sup>st</sup> century.

As noted throughout this memo, however, to be truly impactful, both density bonus and TDR programs need to offer developers (and for TDR, historic property owners) something that they want that they cannot achieve more easily through other means, whether that be a more generous competing incentive or an alternative path such as a zoning variance.



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Philadelphia’s 2012 Zoning Code and subsequent zoning remapping should have resulted in a decline in variances, but the Philadelphia City Planning Commission’s Draft Five Year Review of the Zoning Code, released in January 2018, notes that “the rate at which variances are approved in Philadelphia reflects a particular and significant disconnect between planning law, policies, and enforcement.” The report concludes: “Especially with the still-recent adoption of an updated zoning code and a comprehensive rezoning effort underway in the city, it is time for the rate of approvals for zoning variances to fall, such that decisions are rooted in the finding of true legal hardship.”

As long as the Zoning Board of Appeals continues to approve 90 percent of appeals, developers are likely to continue to use the zoning appeal process rather than voluntary incentive programs as the primary means of achieving desired development. The same factors would likewise chill demand for TDR if a new program were introduced.



## **Outreach and Education Committee – NTHP Best Practices Research Philadelphia Historic Preservation Task Force**

### **Introduction:**

The National Trust for Historic Preservation is researching best practices for public outreach and education to build a knowledgeable, engaged, and activated constituency for historic preservation.

Historic preservation is a public good. Done right, historic preservation is a public-interest strategy that effectively connects the rehabilitation and reuse of older and historic places with equity, livability, sustainability, culture, and heritage. The National Trust’s research and its own outreach has shown that today’s historic preservation movement aspires to be people-centered, focusing on community needs. In our view, it is essential to reach, engage, and activate broad and diverse communities to support preservation.

A people-centered preservation movement empowers people to tell their stories and to engage in saving the places that matter to them; plays an increasingly important role in creating sustainable, resilient, equitable, and livable communities; and works collaboratively with a wide range of other fields to fulfill fundamental human needs and achieve essential social goals. ... Preservation must put people first. -- *The Future of Preservation*, May 2017.

In a nutshell, a people-centered approach for outreach and education to build a constituency for historic preservation includes these best practices:

- Go to where the people already are.
- Listen to and learn from people in a true conversation. De-emphasize the one-way presentation of technical information.
- Integrate the peoples’ input into plans and programs. Demonstrate respect for residents’ knowledge of their neighborhood needs and desires.
- Establish and maintain relationships with people who haven’t traditionally been part of the conventional preservation movement.
- A staff that is outgoing and passionate about serving their constituency leads to successful outreach and education strategies.

To achieve their preservation-related goals, Philadelphians would be wise to redouble their efforts to grow and sustain a knowledgeable, engaged, and activated constituency. A people-centered approach is essential to strengthen Philadelphia’s historic preservation apparatus and, more specifically, to accomplish the specific objectives to be identified by the Task Force in the areas of survey, regulation, and incentives.

Philadelphia’s public and private sectors should be intentional in their collaborative efforts to build a diverse and inclusive constituency of people who support historic preservation. As Philadelphians grow the local constituency for historic preservation, representatives of the preservation movement should introduce themselves to people who are principally focused on achieving social equity goals. In our view, Philadelphians who are working to reduce displacement of existing residents and Philadelphians who are encouraging equitable



development for all citizens can be natural allies for those of us who call ourselves “historic preservationists.” Many Philadelphians already are working in the public interest at this intersection of social justice and historic preservation.

The National Trust is addressing the following research topics for the Outreach and Education Committee:

1. Intra-agency cooperation between municipal Planning Departments and Historic Preservation Offices to accomplish outreach and education in order to build a preservation constituency.
2. Programming by non-profit Historic Preservation Organizations to accomplish outreach and education in order to build a preservation constituency.

In the public sector, we note that Philadelphia’s Historic Preservation Office is embedded in the Planning Division. This new structure presents an opportunity for intra-agency cooperation to benefit Philadelphians, especially through the Planning Division’s planning district-level public engagement. In the private sector, the Preservation Alliance for Greater Philadelphia, a citywide organization, has a tradition and recent experience in neighborhood-level education programming. The Preservation Alliance’s experience presents a continuing opportunity to build a preservation constituency, in collaboration with other non-profit organizations interested and active in building a constituency for historic preservation in Philadelphia.

**Research Topic 1: Intra-agency cooperation between municipal Planning Departments and Historic Preservation Offices to accomplish outreach and education to build a preservation constituency.**

In these seven peer cities, the historic preservation office is embedded in a city government department or division:

Atlanta, GA	Urban Design Commission, Office of Design; in Office of Planning
Baltimore, MD	Historical & Architectural Preservation Division - City Planning Office
Boston, MA	Landmarks Commission - Office of Planning
Buffalo, NY	Historic Preservation Board – Office of Strategic Planning - Regulatory Boards
Chicago, IL	Landmarks Division – Office of Planning and Development
St. Louis, MO	Cultural Resources Office – Office of Planning
Washington, DC	Historic Preservation Office - Office of Planning

The National Trust is learning about the ways that these municipal preservation offices cooperate with their “parent” planning departments to maximize outreach and community engagement by leveraging the internal resources of the agency.

We know that some planning departments regularly engage the public through established processes and networks while executing their core mission. In some cities, the historic preservation office also increases its effectiveness through cross-collaboration at public meetings and events to build a larger constituency through pre-existing public platforms. Typically, however, municipal historic preservation offices acknowledge that their





role is primarily regulatory, and that outreach to build a preservation constituency is not a primary role for the municipal preservation office.

*Peer City Examples:*

In Washington DC, staff to the Historic Preservation Office cooperate with Planning staff to proactively participate in neighborhood meetings and events to meet residents in order to advocate and advise about maintaining the integrity of historic districts. Among other goals, the agency's strategic plan calls for partnerships to "Increase public advocacy for historic preservation and cultural heritage programs" and to "Expand public information about preservation policies, the review process, and properties that may merit protection."

Government officials cannot fulfill the purposes of these [historic preservation] laws without the participation and support of the community at large. Government relies on the commitment and contributions of many partners working for the common good of the city. ... Preservation works best when it engages community support. Many local organizations actively pursue outreach programs aimed at raising public awareness and appreciation of Washington's cultural heritage. Public response to these activities has been strong, but more coordinated efforts could have a greater impact on a wider audience. -- *2020 DC Historic Preservation Plan*.

In Atlanta, the Department of Planning regularly engages the public through the City's formal network of Neighborhood Planning Units. In addition, the Department's Atlanta City Studio project is a pop-up physical space that moves to different locations to engage residents about their neighborhood needs. At the Studio, members of the public are invited into an open and welcoming space to share their needs, desires, and concerns on issues that revolve around urban design, historic preservation, and economic development. City planners spend several months listening to residents to determine priority projects, then reconvene residents to affirm consensus before proceeding with implementation.

Get Intentional: Partner with nonprofit community and faith-based organizations to foster engagements across geographic, economic, generational, cultural and racial barriers. Promote community dialogue about the changes happening in the city so that newcomers understand the context of change and its challenges for existing residents. ... Save Ourselves: Double down on preservation by making an economic case for civic investment in the preservation of essential properties, the defining of character in changing neighborhoods, the formation of new districts, and the creation of new tools [for historic preservation]. ... – *The Atlanta City Design: Aspiring to the Beloved Community, 2017*.

In St. Louis, the Cultural Resources Office created the "Hotspot," a special satellite office for easier access and assistance to constituents. It is located just down the hall from the Permits office, and staff is available for on-site review and approval. The Hotspot office offers technical assistance to constituents to help them bring their project into compliance with historic standards. It allows for expedited review and approval.

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In New York City, the staff of the New York City Landmarks Preservation Commission cooperates with sister agencies to regularly engage the community before, during, and after a historic district is designated. While the Commission doesn't have a dedicated outreach staff position, the agency's outreach and education is primarily conducted by three senior staff persons who spend considerable time out in the field to actively engage constituents.

**Research Topic 2: Programming by non-profit Historic Preservation Organizations to accomplish outreach and education to build a preservation constituency.**

The National Trust is learning about the ways that nonprofit historic preservation organizations currently engage in outreach and education to build a constituency. Traditionally, non-profit preservation groups seek to educate residents about historic preservation. Non-profits in nine peer cities provided responses to the following questions:

- Is outreach and education (“O & E”) highlighted in the non-profit’s strategic plan? In the non-profit’s mission statement?
- Does the non-profit’s budget allocate funding for outreach and education staff? How many staff members and what percentage of their time is devoted to outreach and education?
- Is a people-centered approach to outreach and education incorporated?

Peer City	O & E in Strategic Plan	O & E in Mission Statement	# of O & E Staff	People-Centered Approach
Atlanta	N/A	Yes - Mission	1	
Baltimore	N/A	No	2	Yes
Boston	N/A	Yes - Education	1	Yes
Buffalo	N/A	No	2	Not stated
Chicago	Yes	Yes – O & E	3	Yes
New Orleans	N/A	No – (program)	1	Yes
New York	N/A	No	1	Not stated
St. Louis	N/A	No	1	Not stated
Washington DC	N/A	Yes - Education	1	Yes

*Peer City Examples of outreach and education projects that go into neighborhoods to engage residents:*

In Baltimore, the non-profit Baltimore Heritage, Inc. offers a yearly program of 70 walking tours to 35 places throughout the city. Baltimore Heritage hosts the walking tours with the express purpose of building its constituency, in person and face-to-face – and not via mass marketing. The non-profit’s programming is designed to resonate with, and matter to neighborhood residents. Constituency building is a top priority for



Baltimore Heritage, and the group's staff and volunteers make a conscious effort year-round to broaden and diversify the group's reach.

In Boston, the Boston Preservation Alliance provides technical assistance to the public and its general membership on the protection of historic resources through its neighborhood preservation workshops. The non-profit's strategic plan highlights the following goals and people-centered approach:

To engage residents in Boston's neighborhoods in learning about local historic buildings and places, to educate them about the array of tools available to help them care for these assets, and to support them as they take action to ensure their preservation.

To offer support in integrating historic preservation into community development and planning.

To provide a forum for residents to voice their needs and priorities regarding historic resources, and to foster connections between communities and the agencies and organizations that can work with them to achieve their goals.

In Washington DC, the non-profit DC Preservation League has an Education Committee whose role is to present educational activities to inform the public about important preservation issues in Washington. DCPL also actively participates in the Historic District Coalition, an informal alliance of organizations and individuals representing Washington, DC's historic district. Through the Coalition, they conduct outreach and education activities to further preservation in DC, including candidate's forums, historic preservation task force to address particular issues in historic districts, and sponsoring symposiums on compatible architecture.

"The mission of the DCPL is to preserve, protect and enhance the historic and built environment of Washington, DC through advocacy and education." – DC Preservation League Mission Statement

In New York City, the non-profit New York Landmarks Conservancy works to build a constituency for preservation through well-publicized projects and public events, and targeted outreach to the real estate development community. Of interest is the Conservancy's regular interaction with the city's grassroots network of Community Boards. The Conservancy responds to Community Board requests for presentations and assistance about individual real estate development projects as well as about general land-use issues.

In Chicago, providing neighborhood preservation workshops is part of Preservation Chicago's strategy to engage and educate constituents. The non-profit's workshops are purposefully scheduled in local neighborhoods throughout the City to make the trainings more accessible to residents. Part of the explicit marketing for the workshops is "At a neighborhood location near you!"

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Preservation Chicago protects and revitalizes Chicago’s irreplaceable architecture, neighborhoods and urban spaces. We influence stakeholders toward creative reuse and preservation through advocacy, outreach, education, and partnership. – *Preservation Chicago Mission Statement*

Also in Chicago, the non-profit statewide preservation organization Landmarks Illinois is guided, in its work at the local and state levels, by core values that reflect the group’s “mission, culture and vision for an Illinois where people value places of the past as vital to the future.”

*Innovation:* We are at the forefront of the historic preservation field with inventive ideas and solutions that better help people to save the places of the past that matter to them. *Education:* We seek and freely share knowledge that furthers our mission and vision. *Stewardship:* We seek to inspire others to believe, as we do, that preservation is progress and that by reusing places of the past we conserve irreplaceable cultural resources for people today and into the future. *Empowering People & Improving Lives:* We seek to be inclusive and equitable in our work to inspire people to save places for people, to help them succeed, to grow our movement and to improve the quality of life in the communities that we serve. – Landmarks Illinois Statement of Values, 2017

In Atlanta, the non-profit Atlanta Preservation Center’s outreach and education work takes many forms; including walking tours, coordinating possible partners, community education programs, K-12 school outreach programs, attending public hearings and informing the public.

The mission of The Atlanta Preservation Center is to promote the preservation of Atlanta's architecturally, historically and culturally significant buildings, neighborhoods and landscapes through education and advocacy. – *The Atlanta Preservation Center Mission Statement*

In Buffalo, creating a broad and diverse constituency is part of Preservation Buffalo Niagara’s strategic plan. Preservation Buffalo Niagara provides technical assistance to existing groups and community leaders who are already working for the benefit of their neighborhoods. Preservation Buffalo Niagara also proactively identifies neighborhoods that merit preservation but have not been surveyed or designated.

*Examples of outreach and education to a broader, sometimes non-traditional audience for preservation:*

Baltimore Heritage has hosted an “unconference,” which was convened to strengthen relationships between state, local government and individuals who had a passion for history and preservation. Baltimore Heritage invited local activists, history teachers, graduate students, museum professionals and preservationists to share their knowledge about how preservation and public history could make Baltimore a better place to live, work and learn.

Boston Preservation Alliance builds relationships at the local, state and federal level with civic leaders, elected and appointed officials and their staff, as well as media. Using a people-centered approach, the Alliance actively promotes, critiques and helps formulate legislation that impacts Boston’s historic resources.

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The Boston Preservation Alliance is a nonprofit organization that protects and improves the quality of Boston's distinct architectural heritage. Through advocacy and education, we bring people and organizations together to influence the future of Boston's historic buildings, landscapes and communities. – *Boston Preservation Alliance Mission Statement*

New York Landmarks Conservancy takes a broad view of constituency. The Conservancy intentionally reaches out to elected City leadership and their professional staff to ensure that preservation starts with local issues. The Conservancy actively reaches out to the development community, and views developers as part of its constituents.

The Preservation Resource Center of New Orleans (PRC) builds relationships with property owners, developers, and architects to influence the protection of historic properties, particularly post-Katrina. The PRC also cultivates relationships with owners of historic properties for which PRC holds a preservation easement. PRC sponsored a candidates' forum in advance of the November 2017 local election specifically focused on preservation topics. The PRC's activities reflect a people-centered approach:

The PRC operates a full scale, staffed Education and Outreach program. It furthers the mission of the PRC by promoting the preservation and revitalization of historic New Orleans architecture and neighborhoods to all ages and all communities through bricks & mortar education, as well as cultural heritage programming.

Investment in neighborhoods across the city is encouraged by providing tools, information, and resources to prospective homebuyers and renovators. These programs include Renovators' Happy Hours, First Time Renovator classes, First Time Homebuyers classes, and the annual Great Neighborhood "Sellabration" event.

An enriching educational experience is provided through Heritage Education for school groups, the Cultural Heritage Preservation program, and the Jazz Plaque program. Cultural enrichment tours encouraging appreciation of our architecture, and furthering the knowledge of our history are offered to the public annually, and for private groups upon request.

St. Louis Landmark Association created a young friends group called Landmark Tech Urbanites as a result of interacting in a co-working space. The young friends created a special app that is used to survey historic resources. This attracted a new audience to historic preservation and is helping to grow advocates in St. Louis.

#### **Ongoing Analysis, Preliminary Findings, and Next Steps:**

The National Trust's ongoing inquiry into current best practices in peer cities has identified examples of outreach and education activities that serve as effective tools to build constituency for historic preservation, both through intra-agency cooperation and through non-profit programming.

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#### Analysis:

1. Historic preservation offices typically see their primary role as oversight for regulatory processes and incentive programs. Therefore, preservation agencies typically place a lower priority on outreach, education, and constituency building.
2. Nonprofit historic preservation organizations typically do engage in outreach and education activities, which tend to be limited in scope due to small staff and budget. Efforts are largely focused on educational presentations. This tends to be mostly one-way communication.
3. Colleagues in the peer cities acknowledge the benefits of a people-centered approach to preservation and recognize the power of two-way communication with the public. However, a people-centered approach is virtually “invisible” to the public if they are looking for outreach and education through an agency’s established methods of public communication.

Few agencies or non-profits have posted their strategic plan or historic preservation plan to make the documents accessible on a public website. For the interested public, these priority-setting documents provide valuable insight into the level of investment being made in outreach, education, and constituency building. The documents have little public value if “kept in a desk drawer.” By contrast, the Washington DC Office of Planning has made its 2020 Historic Preservation Plan readily accessible to the public on the City’s website. We recognize that some city agencies’ historic preservation strategies may be encompassed in city documents such as a comprehensive or framework plan. As many non-profits engage in a strategic planning process, a best practice is to make the strategic plan publicly available on the organization’s website.

Accordingly, to ensure a broad and lasting impact, Philadelphia, like other peer cities studied, should ask the following questions:

1. Is Outreach & Education a strategic priority of the Historic Preservation Office and of the nonprofit Preservation Organizations?
2. Does our financial (budget) and human resources (staffing) reflect our strategic priority?
3. Is our approach to historic preservation centered in the needs of the people we serve?

#### Findings:

From our research, there are models available to explore. We recommend looking at the following City agencies that best exemplify a people-centered historic preservation approach to building constituency:

- Atlanta Urban Design Commission, Office of Design; located in Office of Planning

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- Washington, DC Historic Preservation Office; located in Office of Planning

In both instances, these historic preservation offices have a high degree of intra-governmental cooperation. These offices stood out in the peer city study as being intentional in engaging residents as part of their everyday operations. The results can be seen in:

1. Culture – The staff are “servant leaders” in the approach to serving their constituency. The staff are friendly, outgoing and exhibit a passion for engaging people to further historic preservation goals. We acknowledge that the degree to which the staff embraces public outreach will directly impact the quality and success of outreach and education activities.
2. Planning – Through a transparent and public planning process, historic preservation plans and neighborhood framework plans are readily available and accessible to the public. Constituents know what the agency’s plans and priorities are and can engage City staff accordingly.
3. Investment – These agencies have invested in both staff and resources through budgets that allow effective and deep commitment to a vigorous historic preservation office. Planning will result in appropriate increases in staffing and resources in subsequent years of the City budget to allow for growth and capacity of the historic preservation office.

Nonprofit organizations that had exceptional outreach and education activities, core to the mission were:

- Baltimore Heritage Inc.
- Preservation Resource Center of New Orleans

These two non-profits each view outreach and education as vital to building both a broad public constituency as well as its organizational membership.

1. Culture – These organizations have staff that are dedicated to outreach and education activities, it is their job to conduct these activities on behalf of the nonprofit.
2. Plan – The outreach and education activities support the organization’s efforts in advocacy, membership and resource development.
3. Investment – These non-profits allocate budget resources to outreach and education as a priority for long term sustainability.

Philadelphia has an opportunity through the work of the Historic Preservation Task Force to support a people-centered approach to outreach and education. From the examples of the City agencies and nonprofit organizations in the peer cities, the overall environment for preserving places that are important to the people is greatly enhanced when the people come first.

Philadelphia should incorporate the best practices best suited to help achieve the goals of equity, livability, sustainability and culture. Using a blueprint drawn from community engagement, our research suggests it is

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incumbent upon the Historic Preservation Office and the network of preservation nonprofit groups to ensure that outreach efforts are both diverse and inclusive, and reach audiences that reflect the population of the City.

#### Next Steps:

The National Trust believes that Philadelphia has an exceptional opportunity to benefit from direct dialogue with the four cities identified above. Both the City agency and interested non-profits can strengthen their approach to outreach and education. Accordingly, the National Trust will act as facilitator to bring the relevant peers together to gain in-depth peer city access. We propose to:

1. Explore Programs      May – June 2018
  - Telephone Calls – Hold initial phone calls as an introductory step for Philadelphia to peer city counterparts.
  - In-depth Profiles – Begin organizational information exchange from the cities of Atlanta, Washington DC, Baltimore, and New Orleans. This information would include the details of strategic plans, work plans, budgets, training, and schedules for outreach and education programming.
  
2. Mentor Relationships    July – November 2018
  - On-site Visits – We propose to facilitate scheduling visits with counterparts in the model peer cities to learn their systems and approaches. This collaboration will not only assist Philadelphia in improving its historic preservation apparatus, but will also inform the future vision of a people-centered preservation movement.
  - Convene at the National Trust for Historic Preservation’s 2018 PastForward Conference in San Francisco, CA. This will culminate in bringing all five city representatives of both agency and non-profits together for “lessons learned” and shared outcomes from the five-month mentoring relationship.

We recommend a grant application to help cover the costs of travel for the proposed on-site visits. The National Trust for Historic Preservation’s Peter H. Brink Leadership Fund helps to build the capacity of existing preservation organizations and helps to encourage collaboration among these organizations by providing grants for mentoring and peer-to-peer learning opportunities. By linking organizations with specific programs to those seeking to develop similar abilities, the Leadership Fund promotes the sharing of expertise. Grants from the Leadership Fund support travel costs with a maximum reimbursement of \$2,500.

Finally, to build a constituency for historic preservation, it takes a commitment of strategic priority, significant resources budgeted to implement activities and, above all, a people-centered approach.

Restoring people’s needs and desires to the center of preservation realigns our priorities; gives us renewed focus, flexibility, and energy going forward; and will help re-galvanize our movement in this

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new era. ... [To achieve this goal, we must] collaborate with other fields, such as affordable housing, art, building trades, conservation, economic development, education, environmental justice, health and welfare, planning, social justice, sustainability, and urbanism, to understand and demonstrate the impact of preservation in those fields. -- *The Future of Preservation, 2017.*