



National Trust *for*
Historic Preservation

Philadelphia's Historic Preservation Ordinance

Baseline Review of Current Strengths, Suggestions for Further Study

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Save the past. Enrich the future.

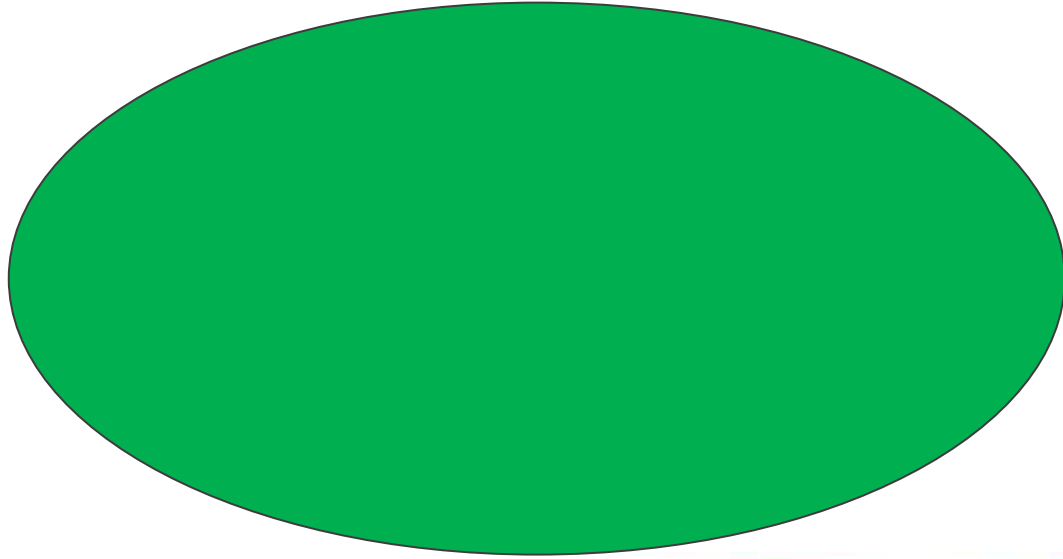
Historic Neighborhoods of Philadelphia: A National Treasure

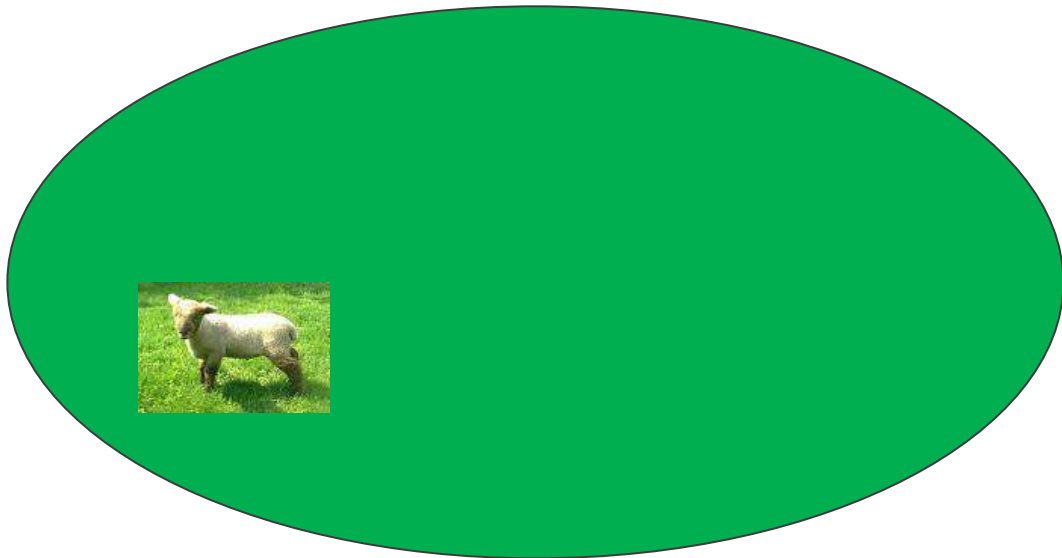


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- The slide features a decorative background with a red textured area on the left and a light blue diagonal stripe separating it from the white content area.
- 1. Why regulate?**
 - 2. Ordinance strengths**
 - 3. Issues for further study**

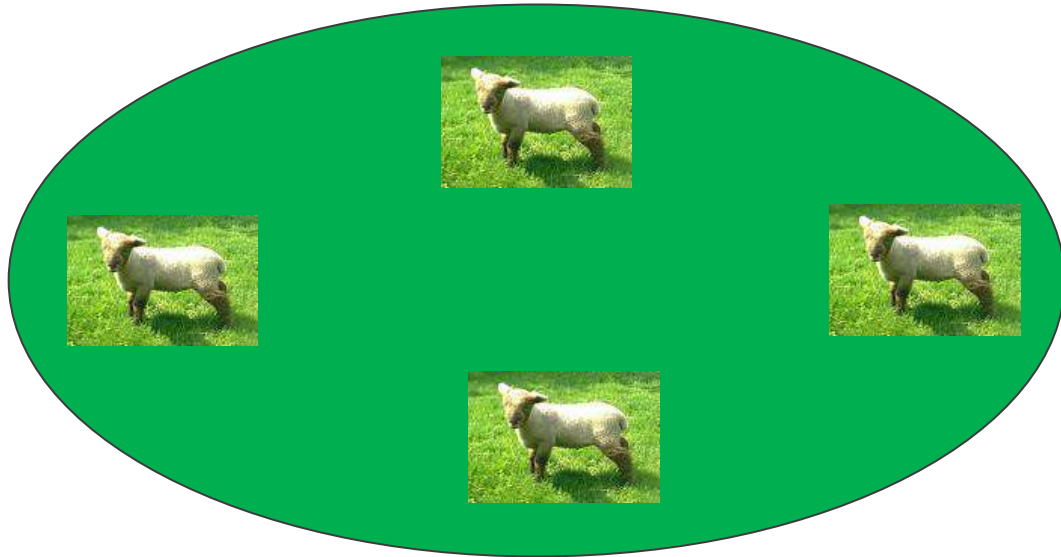
1. Why regulate?

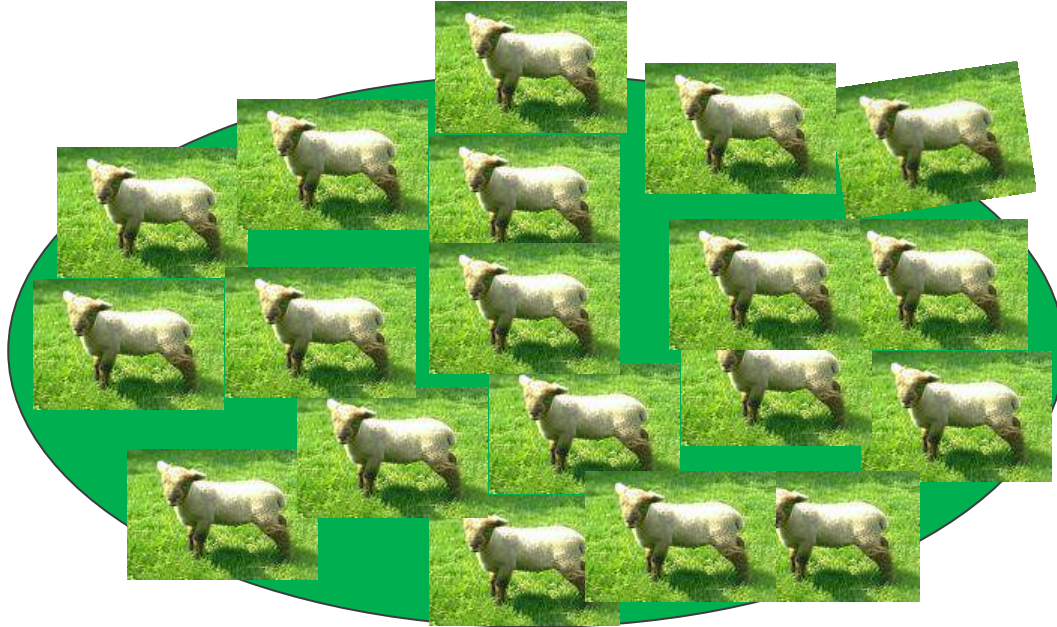
Garrett Hardin, “The Tragedy of the Commons”



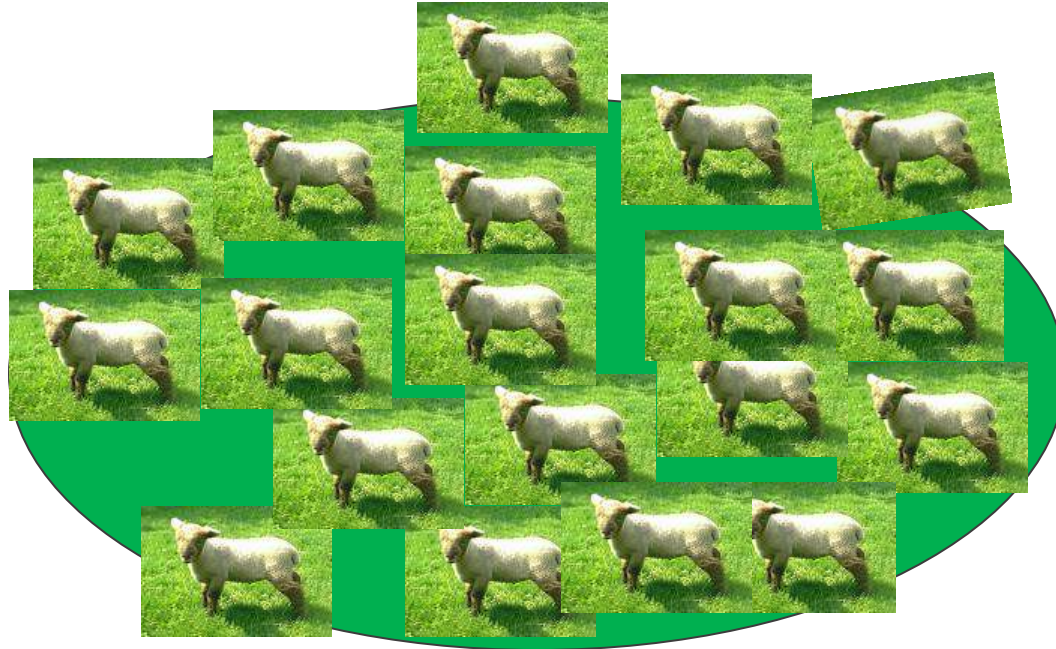








The Tragedy of the Anti-Commons



Philadelphia's "historic commons"



2. Ordinance strengths

Philadelphia's historic preservation ordinance is fundamentally strong, and includes many best practices:

- Broad jurisdiction & designation criteria
 - “It is hereby declared as a matter of public policy that the preservation of **buildings, structures, sites, objects, and districts of historic, architectural, cultural, archaeological, educational, and aesthetic merit are public necessities** and are in the interests of the health, prosperity, and welfare of the people of Philadelphia.”

Unique Visual Features



Looking northeast, Harbison's Dairies and its distinctive Milk Bottle tank. Courtesy Oscar Beisert.



Photograph by Paul R. Sullivan



- By contrast, many other local laws focus primarily on architectural designation only, creating missed opportunities for expanding preservation's reach.



Objects



More best practices

Financial hardship

- Affidavit required
- Amount paid for the property & transaction details
- Assessed value of the land and improvements
- Financial information (income, taxes, debt service, cash flow)
- Real estate marketing efforts
- Possibility for adaptive reuse
- Review by PHC technical advisory committee



Affirmative maintenance requirement

- Every historic building, structure, and object and those located in historic districts (and interior landmarks) “shall be kept in good repair,” the neglect of which “shall or tend to cause the historic portion to deteriorate . . . or fall into a state of disrepair.”

Failure to adopt or enforce affirmative maintenance requirements | Detroit example



“Unnecessary hardship”



- Literal enforcement of preservation laws can sometimes have the unintended consequence of created undue, or unnecessary, hardship on property owners of low and moderate incomes.
- “Basic form & rhythm” requirement in lieu of stricter restoration requirements
- Creates community buy-in, preserves buildings, increases PHC’s flexibility

Baltimore, MD



Redwood Street, ca. 1904

Washington, DC

2.5 Replacement windows may be double-glazed. Minors on multi-light windows should be arranged from inner-slightly and have an exterior profile. The sealant located between two panes of glass and accessible sealant are not appropriate.



The muntin and exterior glazing sealant on this apartment window (above) and below) replace the profile of the original window.

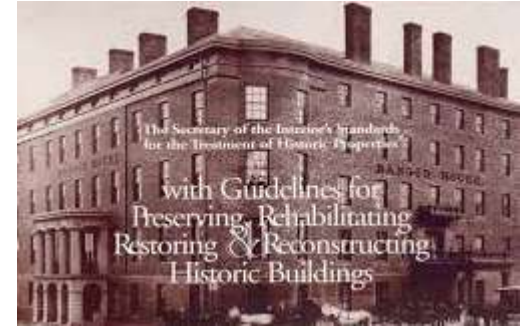


The existing window on this apartment building (top) does not fit. The replacement window (left) does not closely replicate the original appearance.

2.6 Replacement window glazing should be clear glass unless otherwise historically appropriate. Low-emissivity glazing is acceptable if it has the same general visual appearance as clear glazing. Replacement of leaded or specialty glass should match the historic glass or be historically appropriate or compatible.

2.7 Replicating the material of the historic windows is the primary objective of historic buildings in the most appropriate option. However, alternative materials may be acceptable if they can closely match the visual characteristics of the original.

Objective standards for review



- Objective standards provide certainty and consistency
- PHC adheres to the Secretary of the Interior's Standards
- Ordinance allows for substitute standards of "similar criteria"

Cities that are experimenting with tailored standards: Charleston, SC

The BAR was established in 1931 with the creation of the first **preservation** ordinance in the United States. ... In reviewing alterations to **historic** properties and proposed new structures, the BAR adheres to the principles established by the **Charleston Standards**.

Charleston, SC - Official Website - Board of Architectural Review (BAR)
www.charleston-sc.gov/index.aspx?NID=293

Washington, D.C.

- 2003.3 The Board and the staff may also apply the Secretary's Standards in the review of projects under the Historic Protection Act. Rehabilitation that meets the Secretary's Standards shall be considered compatible with the character of a historic landmark or historic district. Although conformity is encouraged, rehabilitation is not required to meet the Secretary's Standards to be considered compatible or consistent with the purposes of the Act.



3. Ways to strengthen local preservation law | Issues for further study

Potential ways to strengthen Philadelphia's existing ordinance

- Increasing nomination diversity & incentives
- “Public interest” exception
- Composition of PHC & training
- Notice to property owners
- Demolition delay
- Timing issues
- New construction
- Sustainability
- Archeological resource protection
- Appeals

Increasing nomination diversity & incentives

Los Angeles





SurveyLA

SurveyLA
Los Angeles Historic Resources Survey



Field Survey Results Master Report

Department of City Planning
Office of Historic Resources

Stilt houses



Cinderella ranch houses



Air raid sirens



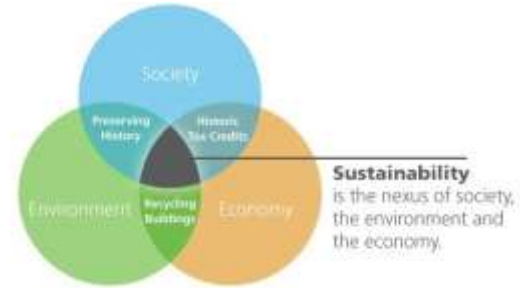
“Public interest” exception

- How to define?
- Other approaches: DC’s “special merit” projects must demonstrate “exemplary architecture, specific features of land planning, or social or other benefits having a high priority for community services”
- Annapolis, MD, and San Antonio, TX follow similar approach

Demolition delay

- Baltimore, MD
- Boston, MA
- Chicago, IL
- New York, NY
- San Francisco, CA

Sustainability



- New York City, NY;
- Charleston, SC;
- Portland, OR; and
- Annapolis, MD are looking at this issue closely, among many other cities.



[Home](#) > [The Standards](#) > [Rehabilitation Standards & Guidelines](#) > [Sustainability](#)



THE SECRETARY OF THE
INTERIOR'S **STANDARDS FOR
REHABILITATION &**

**ILLUSTRATED
GUIDELINES ON
SUSTAINABILITY
FOR REHABILITATING
HISTORIC BUILDINGS**



Archeological resource protection

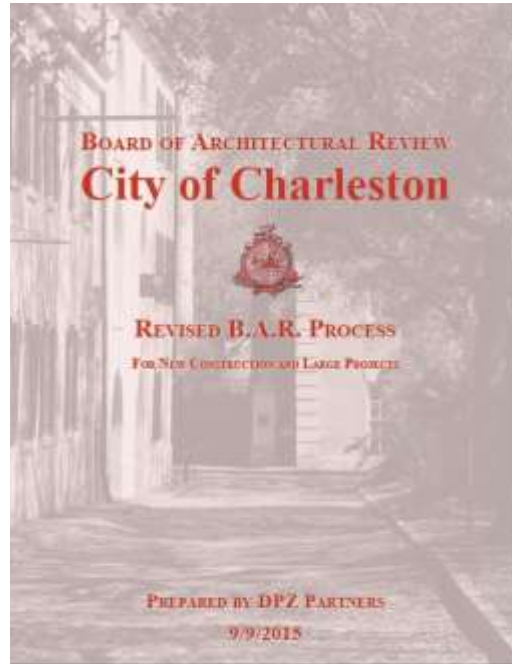
- Saint Augustine, FL
- Alexandria, VA



New construction



Form Based Codes





BOARD OF ARCHITECTURAL REVIEW

GUIDELINES: URBAN TYPES

CITY OF CHARLESTON, DEPARTMENT OF PLANNING PRESERVATION AND SUSTAINABILITY
2 GEORGE STREET, SUITE 5100, CHARLESTON, SOUTH CAROLINA 29401 843-724-3791 FAX: 843-724-3772 WWW.CHARLESTON-SC.GOV



1A. Best Practice: Charleston Single House



2A. Acceptable Practice: Charleston Warehouse



1B. Best Practice: Charleston Shopfront



2B. Acceptable Practice: In General



1C. Best Practice: Large Scale Building



2C. Discourage Practice: In General

Appeals



Additional issues

- Notice to property owners
- Composition of PHC Board & Training

Questions?

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- Tel: 202.588.6283