

PHILADELPHIA HISTORICAL COMMISSION
RULES & REGULATIONS

Revised 07.11.05

Revision History

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

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

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

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

Table of Contents

1. DECLARATION OF POLICY AND PURPOSES	6
2. DEFINITIONS	7
2.1 Alter or Alteration	7
2.2 Building	7
2.3 Commission	7
2.4 Construct or Construction	7
2.5 Contributing Building, Structure, Site or Object.....	7
2.6 Demolition or Demolish	7
2.7 Department	7
2.8 Design.....	7
2.9 District.....	7
2.10 Hearing	8
2.11 Historic Building	8
2.12 Historic District, Object, Site or Structure.....	8
2.13 Meeting	8
2.14 Non-Contributing Building, Structure, Site or Object	8
2.15 Object	8
2.16 Public Notice	8
2.17 Significant Building, Structure, Site or Object.....	9
2.18 Site.....	9
2.19 Special Meeting	9
2.20 Structure	9
3. THE COMMISSION	10
3.1 Commission Membership.....	10
3.2 Officers	10
3.3 Compensation.....	10
3.4 Committees.....	10
3.5 Conflict of Interest.....	11
4. CONDUCT OF MEETINGS.....	12
4.1 Meetings	12
4.2 Quorum	12
4.3 Recording.....	12
4.4 Agenda.....	12
4.5 Order of Business	13
4.6 Voting.....	14
4.7 Minutes and Reports.....	14
5. DESIGNATION OF BUILDINGS, STRUCTURES, SITES, OBJECTS AND DISTRICTS	16
5.1 Philadelphia Register of Historic Places.....	16
Philadelphia Historical Commission	3
Rules & Regulations, Revised 07.11.05	

5.2	Nomination of Buildings, Structures, Sites and Objects	16
5.3	Nomination of Districts	18
5.4	Public Hearings on Nomination to the Philadelphia Register of Historic Places	19
5.5	Amendment or Rescission	20
6.	BUILDING PERMIT APPLICATIONS FOR ALTERATIONS	22
6.1	Applications.....	22
6.2	Submission Requirements for a Building Permit Application for an Individually Listed Building, Structure, Site or Object or a Significant or Contributing Building, Structure, Site or Object within an Historic District	22
6.3	Review Process and Procedure for a Building Permit Application for an Individually Listed Building, Structure, Site or Object and for a Significant or Contributing Building, Structure, Site or Object within an Historic District ...	23
6.4	Submission Requirements for a Building Permit Application for a Non-contributing Building, Structure, Site or Object within an Historic District	29
6.5	Review Process and Procedure for a Building Permit for a Non-Contributing Building, Structure, Site or Object within an Historic District	29
6.6	Financial Hardship in the Consideration of a Building Permit Application	31
6.7	Review in Concept	34
6.8	Murals	35
7.	DEMOLITION PERMITS.....	36
7.1	Applications.....	36
7.2	Submission Requirements for a Demolition Permit Application for an Individually Listed Building, Structure, Site or Object and for a Significant, Contributing and Non-contributing Building, Structure, Site or Object within an Historic District	36
7.3	Review Process and Procedure for a Demolition Permit Application for an Individually Listed Building, Structure, Site or Object and for a Significant and Contributing Building, Structure, Site or Object within an Historic District	37
7.4	Review Process and Procedure for a Demolition Permit Application for a Non-Contributing Building, Structure, Site or Object within an Historic District	39
7.5	Demolition Owing to Financial Hardship	40
7.6	Review Process for Demolition Permit Applications Based in Whole or in Part on Financial Hardship.....	41
7.7	Demolition by a Non-Profit Organization Owing to Financial Hardship	42
7.8	Demolition Owing to Unnecessary Hardship.....	42
7.9	Demolition in the Public Interest.....	42
8.	BUILDING PERMIT APPLICATIONS FOR NEW CONSTRUCTION	43
8.1	45-Day Review and Comment Jurisdiction	43
	Philadelphia Historical Commission	4
	Rules & Regulations, Revised 07.11.05	

8.2	Submission Requirements for a Permit for New Construction	43
8.3	Review Process and Procedure for a Permit for New Construction	43
9.	FINANCIAL HARDSHIP IN THE CONSIDERATION OF PERMIT APPLICATIONS BY NON-PROFIT ORGANIZATIONS	45
9.1	Financial Hardship for Non-Profit Organizations	45
9.2	Submission Requirements	45
10.	UNNECESSARY HARDSHIP IN THE CONSIDERATION OF PERMIT APPLICATIONS	47
10.1	Unnecessary Hardship.....	47
10.2	Criteria	47
10.3	Submission Requirements Under the Unnecessary Hardship Provision.....	47
10.4	Review Process and Procedure.....	48
11.	PERFORMANCE OF WORK AND MAINTENANCE.....	49
11.1	Violations and Stop Work Orders.....	49
11.2	Demolition by Neglect	49
11.3	Ordinary Maintenance.....	49
12.	ENFORCEMENT	50
12.1	Implementation	50
12.2	Initiative.....	50
13.	TRAINING	51
13.1	Annual Training.....	51
14.	HARRY A. BATTEN MEMORIAL FUND	52
14.1	Authorization and Disbursement	52
15.	AMENDMENT	53
15.1	Amending Rules and Regulations	53

1. DECLARATION OF POLICY AND PURPOSES

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

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

The criteria and procedures defined by Section 14-2007 of the Philadelphia Code in the exercise of the Commission's powers and duties implicitly direct the Commission to make reasoned and informed judgments in the designation of resources as historic and in the review of permit applications. The Commission also, however, has an advocacy function within the municipal government in the duty to make recommendations to the Mayor and City Council and a like role with the public at large in its obligations to increase awareness of the values of historic preservation.

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

2. DEFINITIONS

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

2.1 Alter or Alteration

A change in the appearance of a building, structure, site or object which is not otherwise covered by the definition of demolition, or any other change for which a permit is required under the Philadelphia Code of General Ordinances. Alteration includes the reroofing, cleaning or pointing of a building, structure or object. Section 14-2007(2)(a).

2.2 Building

A structure, its site and appurtenances created to shelter any form of human activity. Section 14-2007(2)(b).

2.3 Commission

The Philadelphia Historical Commission. Section 14-2007(2)(c).

2.4 Construct or Construction

The erection of a new building, structure or object upon an undeveloped site. Section 14-2007(2)(d).

2.5 Contributing Building, Structure, Site or Object

A building, structure, site or object within a district that reflects the historical or architectural character of the district as defined in the Commission's designation. Section 14-2007(2)(e).

2.6 Demolition or Demolish

The razing or destruction, whether entirely or in significant part, of a building, structure, site or object. Demolition includes the removal of a building, structure or object from its site or the removal or destruction of the facade or surface. Section 14-2007(2)(f).

2.7 Department

The Department of Licenses and Inspections. Section 14-2007(2)(g).

2.8 Design

Exterior features including mass, height, appearance and the texture, color, nature and composition of materials, as well as their arrangement and relationships. Section 14-2007(2)(h).

2.9 District

A geographically definable area possessing a significant concentration, linkage, or continuity of buildings, structures, sites or objects united by past events, plan or physical development. A district may comprise an

individual site or individual elements separated geographically but linked by association, plan, design or history. Section 14-2007(2)(l).

2.10 Hearing

A formal public meeting of the Commission, pursuant to quorum, where the Commission takes an action affecting the rights of a property owner as authorized by Section 14-2007 of the Philadelphia Code. Hearings shall be held on the proposed designation of buildings, structures, sites, objects or districts and on applications for permits to alter or demolish. The formal submission of reports, testimony and recommendations shall occur at these hearings. Hearings shall be publicized and open to the public as established by law.

2.11 Historic Building

A building or complex of buildings and site which is designated pursuant to Section 14-2007 of the Philadelphia Code or listed by the Commission under the prior historic buildings ordinance approved December 7, 1955, as amended. Section 14-2007(2)(j).

2.12 Historic District, Object, Site or Structure

A district, object, site or structure which is designated by the Commission pursuant to Section 14-2007 of the Philadelphia Code. Section 14-2007(2)(k).

2.13 Meeting

Meeting includes the regular stated assembling, pursuant to quorum, of the Commission as prescribed by ordinance and these rules and regulations, as well as special gatherings of the Commission called pursuant to these rules and regulations. As applied to sessions of the Commission, the words hearing and meeting are synonymous. Inasmuch as the Commission's standing and ad hoc committees serve in an advisory capacity only, their gatherings are meetings, not hearings. Meetings shall be publicized and open to the public as established by law.

2.14 Non-Contributing Building, Structure, Site or Object

A building, structure, site or object within a district that does not reflect the historical or architectural character of the district as defined in the Commission's designation. Cf. Section 14-2007(2)(e).

2.15 Object

A material thing of functional, aesthetic, cultural, historic or scientific value that may be, by nature or design, movable yet related to a specific setting or environment. Section 14-2007(2)(l).

2.16 Public Notice

An advertisement placed in a newspaper of general circulation.

- 2.17 Significant Building, Structure, Site or Object
A building, structure, site or object within a district that warrants individual listing on the Philadelphia Register of Historic Places under the criteria established in Section 14-2007(5)(a)-(j) of the Philadelphia Code.
- 2.18 Site
The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical, cultural, or archeological value regardless of the value of any existing structure. Section 14-2007(2)(m).
- 2.19 Special Meeting
A meeting or hearing called, as needed, by the Chair or Vice Chair and limited to a particular question(s). In the public notice of such a meeting, the purpose(s) of the meeting shall be stated.
- 2.20 Structure
A work made up of interdependent and interrelated parts in a definite pattern of organization constructed by man and affixed to real property. Section 14-2007(2)(n).

3. THE COMMISSION

3.1 Commission Membership

Appointments to the Commission and the filling of vacancies on the Commission shall be made by the Mayor pursuant to Section 14-2007(3) of the Philadelphia Code.

3.2 Officers

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

3.3 Compensation

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

3.4 Committees

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

3.4.a Architectural Committee. The Commission shall maintain an Architectural Committee to review submissions and to advise the Commission on their appropriateness. This Committee shall be guided by Section 14-2007(7)(k) of the Philadelphia Code and such other portions of the Historic Preservation Ordinance that relate to permit issuance. The Commission shall select no fewer than five or more than seven persons to sit on this Committee without term at the pleasure of the Commission. The Committee may include members of the Commission as well as other qualified persons. The Committee shall consist of professionals who have knowledge of and experience with historic resources and who represent a breadth of perspective. The Chair of the Committee shall be the "architect experienced in the field of historic preservation" appointed to the Commission. Three members shall constitute a quorum.

3.4.b Committee on Historic Designation. The Commission shall maintain a Committee on Historic Designation to review proposals for the designation of buildings, structures, sites, objects and districts and to advise the Commission on their significance. This Committee shall be guided by Section 14-2007(5) of the Philadelphia Code and such other portions of the Historic Preservation ordinance that relate to the designation of buildings, structures, sites, objects and districts as historic. The Committee shall utilize such forms and

levels of documentation as established by the Commission. The Commission shall select no fewer than five or more than seven persons to sit on this Committee without term at the pleasure of the Commission. The Committee may consist of members of the Commission and other qualified persons. The membership shall include persons who have knowledge of history, architecture, cultural resources and planning as well as at least one who represents the perspective of the public. The Chair of the Committee shall be a member of the Commission. Three members shall constitute a quorum.

3.4.c Committee on Financial Hardship. The Commission shall maintain a Committee on Financial Hardship to review applications, submissions and evidence under the several financial hardship provisions of Section 14-2007 of the Philadelphia Code. The members of this Committee shall include the Chair of the Commission, the Developer member of the Commission, the Chair of the City Planning Commission or his/her designee, the Director of the Office of Housing and Community Development or his/her designee, the Architectural Historian and the Architect. The Chair of the Commission shall appoint the Chair of this Committee. Three members shall constitute a quorum.

3.5 Conflict of Interest

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

4. CONDUCT OF MEETINGS

4.1 Meetings

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

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

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

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

4.2 Quorum

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

4.3 Recording

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

4.4 Agenda

The staff shall distribute at least twenty-four (24) hours in advance a tentative agenda to the Commission and to any person who has requested receipt of it. The agenda shall contain items that require Commission action and may contain items for information and discussion. Any member of the Commission may request the placing of an item on the agenda. The staff may add items to the agenda after its distribution with the approval of the Chair and upon reasonable notice to the Commission, at least twenty-four (24) hours, in advance.

- 4.5 Order of Business
- 4.5.a The Chair shall call the meeting to order, and determine and announce the presence of a quorum. The Chair shall also announce the subject of any Executive Session held before the meeting and any changes in the agenda.
 - 4.5.b The Chair shall ask for any additions or corrections to the minutes of the preceding meeting and then for a motion to approve the minutes. The staff shall have distributed the minutes to the Commission members at least forty-eight (48) hours in advance.
 - 4.5.c Reports of the Standing Committees of the Commission. The Chair of each committee, or in his/her absence a designee from the committee or staff, shall make the report and shall present motions for action. The staff shall distribute the reports of the standing committees to the Commission at least twenty-four (24) hours in advance.
 - 4.5.d Reports of any Ad Hoc Committees of the Commission. The Chair of each committee, or in his/her absence a designee from the committee, shall make the report and shall present any motions for action. The staff shall distribute copies of Committee reports to the Commission at least twenty-four (24) hours in advance.
 - 4.5.e Report on Staff Activities. The senior staff member in attendance shall present this report which shall have been distributed in advance of the Commission meeting.
 - 4.5.f Old Business. Old business shall include matters that the Commission considered within the previous six (6) months.
 - 4.5.g New Business. New business shall include matters that the Commission has not previously considered or has not considered within the previous six (6) months.
 - 4.5.h Upon the conclusion of the presentation of each agenda item, and during the presentation at the discretion of the Chair, the Chair shall recognize Commission members who wish to raise questions or comment on the matter under consideration.
 - 4.5.i After the Commission members have had an opportunity to question and comment, the Chair shall recognize members of the public who wish to speak to the item under consideration. The Chair may impose reasonable limitations upon public participation to achieve pertinency and to avoid excessive repetition.

Parties to a matter before the Commission shall submit in writing seven (7) calendar days in advance of a Commission meeting any proposed substantial testimony, including any supporting documentation, reports and studies, to be offered at a public meeting of the Commission. Parties to a matter before the Commission include an applicant and/or organization or person who has previously evinced an interest or position on a matter. In the event of a continuance by the Commission, parties include any applicant and any organization or person who offered previous testimony before the Commission or a committee of the Commission. This rule is designed to afford the Commission members and staff sufficient time to receive, read and assess substantial testimony before a meeting or hearing. It shall not be interpreted to preclude full public participation or submission of comments at a meeting or hearing.

4.5.j Members of the Commission may make motions concerning an item under consideration before or after any public participation.

4.5.k Upon the completion of the agenda, the Chair shall request a motion to adjourn. At any time prior to the completion of the agenda, the Chair or any member of the Commission may offer a motion to adjourn.

4.5.l The order of motions shall follow Roberts Rules of Order.

4.6 Voting

4.6.a A majority of the members present at the time of voting, including any members abstaining, is required to adopt a motion.

4.6.b Voting may be by voice vote, except that the Chair or any member may request a vote by show of hands.

4.6.c The Chair may vote on all motions, but shall cast his/her vote after the other Commission members have voted.

4.7 Minutes and Reports

4.7.a Written minutes of meetings and hearings and reports of the committees and staff shall be prepared by the staff of the Commission. The written minutes of meetings and hearings shall include the date, time and place of meeting; the names of members present; the substance of the official actions or recommendations; record of roll call votes of individual members; and names of all citizens who appeared officially and the subject of their testimony.

4.7.b Minutes of meetings and reports of committees and the staff shall not be released until adopted by the Commission.

5. DESIGNATION OF BUILDINGS, STRUCTURES, SITES, OBJECTS AND DISTRICTS

5.1 Philadelphia Register of Historic Places

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

5.2 Nomination of Buildings, Structures, Sites and Objects

5.2.a Nominations of Buildings, Structures, Sites and Objects to the Philadelphia Register of Historic Places shall be submitted in such form as the Commission shall prescribe. This form shall include the current and historic names of the resource, its location, its classification, its owner as it appears in the real estate tax records of the Department of Revenue, a description of its boundaries, entry on any existing survey, a categorization of its condition, a narrative description of its physical appearance, a categorization of its significance by period and subject, its date and architect if known, builder or creator if known, a narrative statement of its significance consistent with the criteria established in Section 14-2007(5) of the Philadelphia Code, bibliographical references, black and white record photographs measuring at least 5" x 7", color slides, and the name and address of the preparer of the form. Nominations may be prepared by any person or organization or by the Commission staff.

Section 14-2007(5) provides that a building, structure, site, object or district may be designated for preservation if it:

- a. Has significant character, interest or value as part of the development, heritage or cultural characteristics of the City, Commonwealth or Nation or is associated with the life of a person significant in the past; or,
- b. Is associated with an event of importance to the history of the City, Commonwealth or Nation; or,
- c. Reflects the environment in an era characterized by a distinctive architectural style; or,
- d. Embodies distinguishing characteristics of an architectural style or engineering specimen; or,
- e. Is the work of a designer, architect, landscape architect or designer, or engineer whose work has significantly influenced the historical, architectural, economic, social, or cultural development of the City, Commonwealth or Nation; or,
- f. Contains elements of design, detail, materials or craftsmanship which represent a significant innovation; or,

- g. Is part of or related to a square, park or other distinctive area which should be preserved according to an historic, cultural or architectural motif; or,
 - h. Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or City; or,
 - i. Has yielded, or may be likely to yield, information important in pre-history or history; or,
 - j. Exemplifies the cultural, political, social or historical heritage of the community.
- 5.2.b The Commission shall maintain the confidentiality of data on archeological sites in order to protect their integrity and context against unauthorized disturbance or excavation. This data may be released for cause at the discretion of the Historic Preservation Officer. This rule is not intended to deny access to archeological information to persons with appropriate academic or professional credentials engaged in legitimate research.
- 5.2.c The staff shall review nominations for technical and substantive correctness and completeness, and shall submit them to the Committee on Historic Designation.
- 5.2.d The Committee on Historic Designation shall evaluate nominations by the criteria established in Section 14-2007(5) of the Philadelphia Code at meetings open to the public. The Committee provides an advisory and technical service to the Commission and its meetings do not constitute public hearings. Nevertheless, opportunity for public participation in these meetings shall be made available and shall be limited only by constraints of time and pertinency.
- 5.2.e The Committee shall vote to recommend the approval or rejection of nomination and shall report its recommendation to the Commission at a public hearing. If, in the judgment of the Committee, a resource appears eligible for the Philadelphia Register of Historic Places and the nomination is deficient, the Committee may recommend that the nomination be returned to the preparer for revision. This recommendation, too, shall be reported to the Commission at a public hearing.

5.3 Nomination of Districts

5.3.a Before the actual preparation of a nomination form, an applicant shall submit a summary description of the proposed district, a summary statement of significance and a map depicting the boundaries. This preliminary submission and an actual nomination may be prepared by any person or organization or the Commission staff.

5.3.b The staff shall review the preliminary district proposal for substantive correctness and completeness, and shall submit it to the Committee on Historic Designation. Members of the Committee and staff shall evaluate the written submission and conduct a site visit to determine preliminarily the eligibility of the district for listing on the Philadelphia Register of Historic Places by the criteria established in Section 14-2007(5) of the Philadelphia Code and Section 5.2.a of these Rules and Regulations.

5.3.c Nomination of Districts to the Philadelphia Register of Historic Places shall be submitted in such form as the Commission shall prescribe. This form shall include the current and historic names of the proposed district, its location, its classification, owners of all properties within the district as they appear in the real estate tax records of the Department of Revenue, a verbal description and a map delineating its boundaries, entry on any existing survey, a categorization of its condition, a narrative description of its physical appearance, a categorization of its significance by period and subject, dates and architects if known, builders or developers if known, a narrative statement of its significance consistent with the criteria established in Section 14-2007(5) of the Philadelphia Code, bibliographical references, black and white record photographs measuring at least 5" x 7", color slides, and the name and address of the preparer. In addition, a district nomination shall include a descriptive and evaluative inventory of all properties and features within the district. Each property shall be evaluated as significant, contributing or non-contributing. A significant building, structure, site or object within a district is one that qualifies for individual listing on the Philadelphia Register of Historic Places. A contributing building, structure, site or object, while not eligible for individual listing, reflects the character of the district as set forth in the statement of significance. Section 14-2007(2)(e). A non-contributing building, structure, site or object has no relationship to the character of the district through history, architecture, design or plan as set forth in the statement of significance. The inventory may also identify sites possessing archeological significance; this information shall be subject to the confidentiality provisions of 5.2.b of these

Rules and Regulations.

- 5.3.d The staff shall review nominations for technical and substantive correctness and completeness, and shall submit them to the Committee on Historic Designation.
- 5.3.e The Committee on Historic Designation shall evaluate nominations by the criteria established in Section 14-2007(5) of the Philadelphia Code at meetings open to the public. As a part of this evaluation, at least one member of the Commission and one member of the Committee shall undertake an inspection of a proposed district before its consideration by the Commission at a public hearing. The Committee provides an advisory and technical service to the Commission and its meetings do not constitute public hearings. Nevertheless, opportunity for public participation in these meetings shall be made available and shall be limited only by constraints of time and pertinency.
- 5.3.f The Committee shall vote to recommend the approval or rejection of a nomination and shall report its recommendation to the Commission at a public hearing. If, in the judgment of the Committee, a resource appears eligible for the Philadelphia Register of Historic Places and the nomination is deficient, the Committee may recommend that the nomination be returned to the preparer for revision. This recommendation, too, shall be reported to the Commission.
- 5.4 Public Hearings on Nomination to the Philadelphia Register of Historic Places
 - 5.4.a The Commission shall provide notice of public hearings on the designation of buildings, structures, sites, objects and districts as historic as prescribed in Section 14-2007(6)(a) and (b) of the Philadelphia Code.

For a hearing to consider the proposed designation of a building, structure, site or object as historic, Section 14-2007(6)(a) requires the Commission to send written notice at least thirty (30) days in advance to the owner of the property proposed for designation. Such notice shall indicate the date, time and place of the public meeting at which the Commission will consider the proposed designation. Notice shall be sent to the registered owner's last known address as the same appears in the real estate tax records of the Department of Revenue and sent to "Owner" at the street address of the property in question.

For a hearing to consider the proposed designation of a district as historic, Section 14-2007(6)(b) requires the Commission to send written notice at least sixty (60) days in advance of the proposed designation to the owners of each building, structure, site or object within the proposed district. The notice shall indicate the date, time and place of the public meeting at which the Commission will consider the proposed designation. Notice shall be sent to the registered owner's last known address as it appears in the real estate tax records of the Department of Revenue and sent to "Owner" at the street address of the property in question. The Commission shall provide public notice of the proposed designation of a district as historic in a newspaper having general circulation within the City at least sixty (60) days before the Commission holds a public meeting to consider the proposed designation. The Commission shall post notice of the proposed designation at locations within the proposed district at least sixty (60) days before the public meeting to consider the proposed designation.

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

5.5 Amendment or Rescission

5.5.a Section 14-2007(6)(f) of the Philadelphia Code permits the Commission to amend or rescind the designation of a building, structure, site, object or district as historic in the same manner as specified for designation.

5.5.b Amendment

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

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

5.5.b.3 Amendment to a district boundary may enlarge or reduce the size of a district. The alteration of a district boundary shall rest on loss of integrity, additional research

documenting that a larger or smaller district exists, or recognition of additional significance. The submission for a boundary change shall include the materials specified for a nomination in Section 5.3.c of these Rules and Regulations. In the event of a boundary enlargement, only those owners in the newly nominated but yet undesignated area need be notified pursuant to Section 14-2007(6)(b) of the Philadelphia Code.

5.5.b.4 For an amendment, the Commission, the Committee on Historic Designation and the staff shall follow the procedures established in Section 5.2, 5.3 and 5.4

5.5.c Rescission

5.5.c.1 The bases for the rescinding of an entry on the Philadelphia Register of Historic Places are 1) the resource has ceased to meet the criteria for listing on the Register because the qualities that caused its original entry have been lost or destroyed, 2) additional information shows that the resource does not meet the criteria for the Register, or 3) error in professional judgment as to whether the resource meets the criteria for listing.

5.5.c.2 A person who seeks to have a designation rescinded shall make a written and documented submission to the Commission that demonstrates one of the three bases cited in Section 5.5.c.1 of these Rules and Regulations. The content of such a submission may vary from case to case. For example, a demonstration of the loss or destruction of qualities may require a report by a structural engineer.

5.5.c.3 For rescission, the Commission, the Committee on Historic Designation and the staff shall follow the procedures established in Sections 5.2, 5.3 and 5.4 of these Rules and Regulations.

6. BUILDING PERMIT APPLICATIONS FOR ALTERATIONS

6.1 Applications

Section 14-2007(7) of the Philadelphia Code requires the submission to the Commission for review all permits to alter, as defined in Section 14-2007(2)(a), an historic building, structure, site or object, or any building, structure, site or object within an historic district. Usually, a person begins the building permit process by making application to the Department of Licenses and Inspections. The Department refers applicants to the Commission when the proposed work affects an historic building, structure, site or object, or a building, structure, site or object within an historic district. The Commission does not regulate the alteration or demolition of interiors unless the proposed undertaking has an effect on the exterior appearance or the structural integrity of a building, structure or object. Within sixty (60) days of the Receipt of the application by the Commission, the Commission must determine to approve the application, object to the application, or defer action on it for a period not to exceed six (6) months.

Pursuant to the Philadelphia Code, applications may also be subject to review and approval by other departments, departmental units, boards and commissions in addition to the Historical Commission. These include, for example, the Zoning Unit of the Department of Licenses and Inspections, the Philadelphia City Planning Commission and the Art Commission. The Department of Licenses and Inspections can provide guidance to an applicant in determining the jurisdiction of the appropriate agencies.

6.2 Submission Requirements for a Building Permit Application for an Individually Listed Building, Structure, Site or Object or a Significant or Contributing Building, Structure, Site or Object within an Historic District

6.2.a The submission requirements may vary according to the proposed scope of work.

6.2.b At a minimum, an applicant must present a completed Application for Building Permit, or such other form as the Commission and Department may adopt, for any proposed alteration which affects a change in the appearance of a building, structure, site or object or for which a permit is required under the Philadelphia Code. Sections 14-2007(2)(a) and (7)(a). Alterations that change the appearance of a building, structure, site or object include, but are not limited to reroofing, cleaning, pointing, painting of exterior surfaces other than trim, and replacing doors and/or windows. The Application for Building Permit form may be obtained from the Department of Licenses and Inspections or from the Historical

Commission.

Before any final action by the Commission to approve a proposal, to object to a proposal, or to defer action on a proposal for a designated period not to exceed six (6) months, an applicant must submit a completed building permit application to the Commission.

- 6.2.c Accurately scaled and measured drawings at a scale of one-quarter (1/4) inch to one foot or larger of all front, side and rear elevations where the proposed alterations will occur. Applicants for very large buildings should consult with the staff to determine an appropriate, smaller scale. If necessary for clarity, building sections and plans may also be required. All drawings must be annotated or be accompanied by a complete set of specifications that describe the proposed undertaking in detail. Photo-drawings with notes and/or specifications are acceptable.
- 6.2.d Detail drawings of all features to be replaced and/or reconstructed. Such features include doors, door frames, window frames, window sash, shutters, cellar bulkheads, cornices, dormers, and the like. These detail drawings should be drawn at a scale of at least one (1) inch to one foot or larger.
- 6.2.e Black and white or color photographs of all facades and specific areas where the proposed alterations will occur, and of the street context of the building, structure, site or object. All photographs shall be dated and labeled, and shall remain the property of the Commission.
- 6.2.f A plot or site plan if the project includes any site work.
- 6.2.g A cover letter that describes the proposed undertaking and any special circumstances the applicant wishes the Historical Commission to consider.
- 6.3 Review Process and Procedure for a Building Permit Application for an Individually Listed Building, Structure, Site or Object and for a Significant or Contributing Building, Structure, Site or Object within an Historic District
 - 6.3.a Applicants are urged to consult with the Commission staff early in the planning process for guidance in the preparation of a full and acceptable permit application for submission to the Commission.

The Commission, its Architectural Committee and staff shall be guided in their evaluations by The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines

for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings (1995 ed.) (Hereafter cited as Secretary's Standards) and by Section 14-2007(k) of the Philadelphia Code. A copy of the Secretary's Standards is available from the Commission upon request.

The Historical Commission staff shall review the application, ascertain its completeness and determine the necessity of submission to the Architectural Committee, and from the Committee to the Commission. An incomplete application and submission may not be accepted by the staff and may be returned to the applicant with a request for additional information.

In the event that the Committee or Commission deems an application incomplete, it may ask the staff to return the application to the applicant. The sixty (60) day response requirement prescribed by Section 14-2007(7)(g) of the Philadelphia Code and Section 6.1 of these Rules and Regulations shall not apply to an incomplete application.

6.3.b Transition Regulation for Building Permits. Section 14-2007(6)(a) of the Philadelphia Code requires the Commission to provide written notice to the owner of the proposed designation of a building, structure, site or object at least thirty (30) days in advance of the public hearing to consider the designation. Section 14-2007(6)(b) of the Philadelphia Code requires the Commission to provide written notice to owners, newspaper announcement and posted notice at least sixty (60) days in advance of a public hearing to consider the designation of an historic district. In addition, Section 14-2007(7)(l) provides for Commission review of permit applications from the date of the mailing of notices to owners. During the interval between the mailing of notices to owners and the holding of a public hearing on the proposed designation, the Commission, its committees and staff shall consider the prior existence of executed contracts, substantial design development or other evidence of a material commitment to development in the review of applications. This regulation shall not apply to buildings, structures, sites or objects within a proposed district that were previously designated individually.

6.3.c Review by the Staff

6.3.c.1 The staff shall review and may approve without referral to the Architectural Committee and Commission building permit applications for:

a. the restoration of a building or building façade

- features to the period of construction or of significance when the undertaking will not cause the removal of significant original or later architectural fabric and it is based on sufficient evidence, i.e. physical evidence of the building, original documents, old photographs and/or matching or mirror buildings;
- b. the replacement of deteriorated building features when the new features will replicate exactly the original;
 - c. the installation of new windows, doors and shutters when the proposed replacements clearly replicate the correct historical form in size, shape, material and design as demonstrated by physical evidence, original documents, old photographs and/or matching or mirror buildings;
 - d. the replacement of roofing materials when the original materials no longer remain in place and the proposed materials either better approximate the original than the existing or the applicant proposes to restore the original roof in kind; the staff may also approve the replacement of slate roofs, with the exception of mansards and turrets, with a substitute material that approximates the color and shape of the historic slate;
 - e. the alteration of non-historic storefront features when the historic storefront is not present behind the existing storefront;
 - f. the alteration of secondary elevations and site features that face service alleys and/or are not visible from public rights-of-way or that have a minimal visual effect on public rights of way;
 - g. the removal and minor alteration of siding or cladding that is not original, significant or integral to the historic design of the facade;
 - h. pointing, masonry cleaning, the removal of paint from masonry or metal building elements, and the repainting of masonry or metal building elements and of frame structures;
 - i. work that reverses alterations performed without a permit;
 - j. awnings appropriate to the historic character of the building based on the evidence of original documents, old photographs and/or comparable buildings;

- k. signage not internally illuminated;
- l. light fixtures and door hardware;
- m. the removal of fire escapes that possess no significance as historic design;
- n. the repair of chimneys or the replacement of chimneys when the proposed replacement clearly replicates the correct historical form in size, shape, material and design as demonstrated by physical evidence, original documents, old photographs and/or matching or mirror buildings, and
- o. the repair or removal of building features determined dangerous or imminently dangerous by the Department of Licenses and Inspections with a requirement that the owner restore such historic features to their original appearance and location within one year of their removal.

6.3.c.2 Interior Work. The staff shall review and shall approve without referral to the Architectural Committee and Commission building permit applications for alterations to interior spaces so long as the proposed alteration neither has an effect on the exterior appearance of the building, structure or object, nor compromises the structural integrity of the building, structure or object.

6.3.c.3 The staff shall adhere to the following procedures in the exercise of its discretion to review and approve building permit applications:

- a. The staff shall explain to the applicant that he/she has the right to bring the application before the Architectural Committee and Commission. Similarly, if the staff finds that the application does not meet the Secretary's Standards or exceeds its discretion, it shall refer the application to the Committee and Commission.
- b. Staff reviews not referred to the Architectural Committee and Commission shall be accomplished within five (5) working days of the submission of an acceptable application.
- c. In the event that the staff declines to approve an application subject to staff approval, the applicant may request a review by the Architectural Committee at its next meeting subject to the provisions of Sections 6.2 and 6.3.d of these Rules and Regulations.

- d. In the event that the Committee declines to approve an application in this category, the applicant may request a hearing before the Commission at its next meeting.
- e. The staff shall submit to the Commission a monthly report in writing that shall include the addresses and brief descriptions of the scope of work for permits issued administratively without referral to the Architectural Committee and Commission.

6.3.d Review by the Architectural Committee

6.3.d.1 The Architectural Committee is a technical review committee of the Historical Commission and consists of design professionals familiar with historic preservation, restoration, rehabilitation and adaptive reuse practices. This Committee is advisory to the Commission.

6.3.d.2 The Architectural Committee meets monthly. An applicant must submit the materials described in Section 6.2 above for review by that Committee to the staff nine (9) working days before the Committee's scheduled meeting date. The staff shall post at the Commission office one week prior to the Committee meeting a list of applications to be reviewed by the Committee. All information submitted by an applicant shall be considered public information and be available for public examination at the Commission office.

6.3.d.3 The applicant or an informed, authorized representative is expected to appear before the Committee to make a brief presentation of the proposed work and to address any questions that may arise about the submission. Attendance at this meeting facilitates the review process and avoids delay. The Committee may request additional information during the course of any preliminary review or of its meeting.

6.3.d.4 The Architectural Committee shall make a recommendation to the Commission for approval, rejection, deferral or resubmission with or without conditions and qualifications for action by the Commission. The staff may also enter a recommendation to the Commission. As prescribed in Section 14-2007(7)(g) of the Philadelphia Code, the Commission must determine within sixty (60) calendar days of the receipt of a permit application whether or not it has any objection to the proposed alteration or demolition. In the absence of an objection by the Commission, the Department of Licenses and Inspections shall issue the permit subject to other provisions of the Code; in the event of an objection by the Commission, the Department shall deny the permit. The Commission may, however, defer action on a permit application for a designated period not to exceed six (6) months from the date of its resolution to defer. The Commission may request additional information. The Architectural Committee recommendation shall be confirmed in writing to the applicant. An applicant dissatisfied with the Committee's recommendation may appear before the Commission to appeal the recommendation.

6.3.d.5 During the period, if any, that action on a permit is deferred, the Commission shall consult with the owner, civic groups, public and private agencies, and interested parties to ascertain what may be done by the City or others to preserve the building, structure, site or object w which is the object of the permit application. When appropriate, the Commission shall make recommendations to the Mayor and City Council.

6.3.e An applicant may request a postponement of the review of an application at any stage in the process. The Historic Preservation Officer has the authority to grant one such postponement of one month or until the next meeting whichever is longer; any subsequent postponements must be approved by the Commission. When an applicant requests a postponement, the schedule for review mandated by ordinance or regulation shall stop from the date of the postponement and resume at the expiration of the period of postponement or upon the earlier request of the applicant.

- 6.3.f Any person aggrieved may appeal a decision of the Commission to the Board of License and Inspection Review pursuant to Section 5-1005 of the Philadelphia Home Rule Charter and Section 14-2007 (10) of the Philadelphia Code. Such an appeal must be filed with the Board of License and Inspection Review within fifteen (15) days of written notice to the applicant of the decision.

- 6.4 Submission Requirements for a Building Permit Application for a Non-contributing Building, Structure, Site or Object within an Historic District
 - 6.4.a The submission requirements may vary according to the proposed scope of work.

 - 6.4.b A completed Application for Building Permit. This form may be obtained from the Department of Licenses and Inspections.

 - 6.4.c Accurately scaled and measured drawings at a scale of one-quarter (1/4) inch to one foot or larger of all front, side and rear elevations where the proposed alterations will occur. All drawings must be annotated or be accompanied by a complete set of specifications that describe the proposed undertaking in detail. Photo-drawings with notes and/or specifications are acceptable.

 - 6.4.d Black and white or color photographs of all facades where the proposed work will occur and of the street context of the building, structure, site or object. All photographs shall be dated and labeled, and shall remain the property of the Commission.

 - 6.4.e A plot or site plan if the project includes site work.

- 6.5 Review Process and Procedure for a Building Permit for a Non-Contributing Building, Structure, Site or Object within an Historic District
 - 6.5.a Section 14-2007(2)(i) of the Philadelphia Code defines a district as a "geographically definable area possessing a significant concentration, linkage, or continuity of buildings, structures, site or objects united by past events, plan, or physical development." By implication Section 14-2007(2)(e), defines a non-contributing building, structure, site or object within an historic district as one that does not reflect the historical or architectural character of the district as defined in the Commission's designation. In Section 14-2007(7)(j), the Code also contains a different standard of review for the proposed demolition of contributing and non-contributing buildings, structures, sites and objects within an historic district. Section 14-2007(7)(a) and (c), however, require that the

Commission review all permits for buildings within historic districts. Moreover, the very concept of an historic district suggests that the district as a whole constitutes the principal historic resource and possesses greater significance than its individual component parts.

Section 14-2007(k) provides specific directions to the Commission in "its determination as to the appropriateness of proposed alterations...." These include consideration of "the purposes of this section," "the historical, architectural or aesthetic significance of the building, structure, site or object," "the effect of the proposed work on the building, structure, site or object and its appurtenances," "the compatibility of the proposed work with the character of the historic district or with the character of its site, including the effect of the proposed work on the neighboring structures, the surroundings and the streetscape," and "the design of the proposed work."

In view of these provisions, the Commission shall employ a different process and procedure for the review of building permit applications for non-contributing buildings, structures, sites and objects within historic districts.

- 6.5.b Transition Regulation for a Building Permit Application for a Non-contributing Building, Structure, Site or Object within an Historic District. Section 14-2007(6)(b) requires the Commission to provide written notice to owners, newspaper announcement and posted notice at least sixty (60) days in advance of a public hearing to consider the designation of an historic district. In addition, Section 14-2007(7)(l) provides for Commission review of permit applications from the date of the mailing of notices to owners. During the interval between the mailing of notices to owners and the holding of a public hearing on the proposed designation, the Commission, its committees and staff shall consider the prior existence of executed contracts, substantial design development or other evidence of a material commitment to development in the review of applications.
- 6.5.c The staff shall review the application and ascertain its completeness. An incomplete application and submission shall not be accepted and shall be returned to the applicant.

- 6.5.d The staff may review and approve without referral to the Architectural Committee and Commission building permit applications for any alterations to non-contributing buildings, structures, sites and objects within historic districts. These staff reviews shall be accomplished within five (5) working days of the submission of a completed application. The staff, however, has the discretion to refer applications for such work to the Architectural Committee if the scope of the work so warrants.
- 6.5.e In the event that the staff declines to approve an application, the applicant may request a review by the Architectural Committee at its next meeting.
- 6.5.f In the event that the Committee recommends denial of the application, the applicant may request a hearing before the Commission at its next meeting.
- 6.5.g Any person aggrieved may appeal a decision of the Commission to the Board of License and Inspection Review pursuant to Section 5-1005 of the Philadelphia Home Rule Charter and Section 14-2007(10) of the Philadelphia Code. Such an appeal must be filed with the Board of Licenses and Inspection Review within fifteen (15) days of written notice to the applicant of the decision.
- 6.5.h In the conduct of the review process, the staff, Architectural Committee, and Commission shall address the criteria stipulated in Section 14-2007(k) of the Philadelphia Code with particular emphasis on the compatibility and/or appropriateness of scale, rhythm and materials.
- 6.6 Financial Hardship in the Consideration of a Building Permit Application
 - 6.6.a Section 14-2007(f) provides that financial hardship, in whole or in part, may constitute a basis for a building permit application to alter an historic property. In this instance, the applicant must demonstrate that the property cannot be used for any purpose for which it is or may be reasonably adapted. The applicant has an affirmative obligation in good faith to explore potential reuses for it.
 - 6.6.b For Financial Hardship applications by non-profit organizations, see Section 9 of these Rules and Regulations.

- 6.6.c For Unnecessary Hardship applications by low and moderate income persons, see Section 10 of these Rules and Regulations.
- 6.6.d Submission Requirements for a Building Permit under the Financial Hardship Provision
 - 6.6.d.1 The forms, photographs and drawings stipulated in Section 6.2 of these Rules and Regulations shall be submitted.
 - 6.6.d.2 The demonstration of financial hardship requires the submission, by affidavit, of the following information, as stipulated by Section 14-2007(f)(.1)-(.7) of the Philadelphia Code:
 - a. amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship, whether business or familial, if any, between the owner and the person from whom the property was purchased;
 - b. assessed value of the land and improvements thereon according to the most recent assessment;
 - c. financial information for the previous two (2) years which shall include, at a minimum, annual gross income from the property, itemized operating and maintenance expenses, real estate taxes, annual debt service, annual cash flow, the amount of depreciation taken for federal income tax purposes, and other federal income tax deductions produced;
 - d. all appraisals obtained by the owner in connection with the purchase or financing of the property, or during the ownership of the property;
 - e. all listings of the property for sale or rent, price asked, and offers received, if any; and any consideration by the owner as to profitable uses and adaptive uses for the property.
 - 6.6.d.3 The Commission may also require the owner to conduct at the owner's expense, evaluations and studies, as are reasonably necessary in the opinion of the Commission, to determine whether the building, structure, site or object has or may have alternative uses consistent with preservation. At a minimum, this shall include:
 - a. the information specified in Section 14-2007(f) of the Philadelphia Code and Section 6.6.d.2 of these Rules and Regulations;
 - b. identification of reasonable uses or reuses for the property within the context of the property and its

- location;
 - c. rehabilitation cost estimates for the identified reasonable uses or reuses, including the basis for the cost estimates;
 - d. a ten-year pro forma of projected revenues and expenses for the reasonable uses or reuses that takes into consideration the utilization of tax incentives and other incentive programs;
 - e. estimates of the current value of the property based upon the ten-year projection of income and expenses and the sale of the property at the end of that period, and
 - f. estimates of the required equity investment including a calculation of the Internal Rate of Return based on the actual cash equity required to be invested by the owner.
- 6.6.e Review Process for a Building Permit Application for Alterations Based in Whole or in Part on Financial Hardship
- 6.6.e.1 In addition to review by the Architectural Committee, building permit applications based in whole or in part on financial hardship shall be reviewed by the Committee on Financial Hardship which shall meet as needed.
- 6.6.e.2 The submission requirements for the Committee on Financial Hardship shall include the drawings, photographs and information described in Section 6.2 of these Rules and Regulations as well as the data specified in Section 6.6.d. The procedures for the Committee on Financial Hardship shall be the same as those established for the review of building permit applications by the Architectural Committee as set forth in Section 6.3 of these Rules and Regulations.
- 6.6.e.3 Inasmuch as community organizations, preservation groups, other associations and private citizens may wish to evaluate and comment on a submission made under the financial hardship provision, the documentation described in Sections 6.2, 6.6.d.2 and 6.6.d.3 of these Rules and Regulations shall not be subject to confidentiality. Should an applicant attach federal or state tax returns or other materials commonly regarded as confidential, however, these supplementary documents shall not be available to the public.

6.7 Review in Concept

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

Owing to the potential complexity of a project or the conditional nature of contractual relationships, the staff may find the participation of the Architectural Committee and the Commission warranted in the consultative process. In such instances, the staff may refer a proposed development to the Architectural Committee for review in concept, comment and advice which shall form a part of the Architectural Committee's report to the Commission.

6.7.b Submission Requirements for a Review in Concept

6.7.b.1 At a minimum, an applicant must present a completed Application for Review in Concept with a description of the proposed development, including any demolition of buildings or parts of buildings on the site;

6.7.b.2 Black and white or color photographs of all elevations of the subject property visible from a public right-of-way and of its street context;

6.7.b.3 Dimensioned and scaled plan of the site and the improvements on it with a delineation of any demolition of buildings or parts of buildings;

6.7.b.4 Schematic drawings of the proposed development, including any alterations, new additions or new construction on the site; in some instances, massing drawings may suffice.

6.7.c Review Process and Procedure for a Review in Concept

6.7.c.1 The review process and procedure for a review in concept shall follow those described in Section 6.3.d. of these Rules and Regulations.

6.7.c.2 An endorsement of a review in concept of a development program shall apply only to the proposal submitted and reviewed as a whole, shall remain valid for one (1) year, and may be renewed for one period of six (6) months without resubmission to the Commission.

6.7.c.3 An endorsement of a review in concept of a development program shall not constitute a final review for permit purposes, shall not vest a right in a permit, and shall be subject to review of the final plans by the Commission before the Commission takes final action on a permit application and before a permit may issue.

6.8 Murals

6.8.a Policy

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

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

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

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

6.8.b Public Notice

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

6.8.b.2 The poster(s) shall be placed within 24 hours of the submission of a building permit application to the Historical Commission.

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

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

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

7. DEMOLITION PERMITS

7.1 Applications

Section 14-2007 of the Philadelphia Code requires the submission to the Historical Commission for review of all permits to demolish, as defined in Section 14-2007(2)(f), an historic building, structure, site or object or any building, structure, site or object within an historic district. Usually, a person begins the demolition permit process by making application to the Department of Licenses and Inspections. The Department refers applicants to the Commission when the proposed work affects an historic resource. Within sixty (60) days of the receipt of an application by the Commission, the Commission must determine to approve the application, object to the application, or defer action on it for a period not to exceed six (6) months.

Section 14-2007(7)(j) of the Philadelphia Code states that the Commission may approve the issuance of a permit for the demolition of an historic building, structure, site or object, or of a building, structure, site or object located within an historic district which contributes, in the Commission's opinion, to the character of the district if the Commission finds that the issuance of the permit is necessary in the public interest, or if the Commission finds that the building, structure, site or object cannot be used for any purpose for which it is or may be reasonably adapted. In order to show that a building structure, site or object cannot be used for any purpose for which it is or may be reasonable adapted, the owner must demonstrate that the sale of the property is impracticable, that commercial rental cannot provide a reasonable rate of return and that other potential uses of the property are foreclosed.

Applicants are encouraged to meet with the staff of the Commission to discuss potential demolition applications and submission requirements at least three months before submitting an application.

7.2 Submission Requirements for a Demolition Permit Application for an Individually Listed Building, Structure, Site or Object and for a Significant, Contributing and Non-contributing Building, Structure, Site or Object within an Historic District

7.2.a At a minimum, the applicant must submit a completed Demolition Permit Application. This form may be obtained from the Department of Licenses and Inspections.

7.2.b Black and white or color photographs of the building, structure, site or object to be demolished, and of the street context of the building, structure, site or object to be demolished. All photographs shall be dated and labeled, and shall remain the property of the

Commission.

- 7.2.c Accurately scaled schematic drawings at a scale of one-quarter (1/4) inch to one foot or larger of the proposed development for the site with notes describing materials and colors. Applicants for very large buildings should consult with the staff to determine an appropriate, smaller scale.
- 7.2.d For applications for demolition in the public interest, see Section 7.9 of these Rules and Regulations.
- 7.2.e For application for demolition based in whole or in part on financial hardship, see Section 7.5 of these Rules and Regulations.
- 7.3 Review Process and Procedure for a Demolition Permit Application for an Individually Listed Building, Structure, Site or Object and for a Significant and Contributing Building, Structure, Site or Object within an Historic District
 - 7.3.a Applications to demolish an historic building, structure, site or object and for a building, structure, site or object within an historic district shall be made to the Department of Licenses and Inspections. The applicant shall then submit the application to the Historical Commission.
 - 7.3.b Within seven (7) days after the receipt of the application, the Department of Licenses and Inspections shall place a notice of the application upon the property.
 - 7.3.c The Historical Commission staff shall review the application for its completeness and shall conduct a preliminary assessment of the completeness of any supplementary material. An incomplete application and clearly deficient submission shall not be accepted by the staff and shall be returned to the applicant.
 - 7.3.d Except for buildings, structures, sites or objects determined "Imminently Dangerous" by the Department of Licenses and Inspections, the staff shall refer all demolition permit applications to the Architectural Committee which meets monthly. All materials for submission to the Architectural Committee must be received by the Commission staff not less than nine (9) working days before the meeting of the Committee. A list of applications to be reviewed by the Committee shall be posted at the Commission's office and shall be available to the public one week in advance of the scheduled meeting.

The Architectural Committee serves in an advisory capacity to the Commission which takes formal actions and decisions on permit applications. The Committee forwards its recommendations in the form of a report at the next meeting of the Commission.

- 7.3.e The applicant or an informed, authorized representative is expected to appear before the Committee, to make a brief presentation, and to answer any questions about the application. Attendance at this meeting facilitates the review process and avoids delay. The Committee may recommend the submission of additional information during the course of any preliminary review or of its meeting.
- 7.3.f Within sixty (60) days of the receipt of the completed application, the Commission must determine to approve or deny the application, or to postpone action on it for a period not to exceed six (6) months from the date of the resolution to postpone.
- 7.3.g The applicant shall have the opportunity to appear before the Commission before it takes any action, including a decision to postpone, to present any evidence concerning the proposed demolition. Interested organizations and persons shall also have the opportunity to appear before the Commission to present testimony.
- 7.3.h The Commission will consider no information from the applicant in reaching its decision unless it has been substantially presented in writing at least seven (7) days before the close of the sixty (60) day review period or the postponement period. Other interested parties who have previously evinced an interest or position on a matter, as described in Section 4.5.i of these Rules and Regulations, shall be bound by the same rule.
- 7.3.i An applicant may request a postponement of the review. This must be done in writing, must state the reason, and must specify the extent of the requested postponement. The Historic Preservation Officer may grant a postponement of one month or until the next meeting whichever is longer; all other postponements must be the decision of the Commission. When an applicant requests a postponement, the schedule for review mandated by ordinance or regulation shall stop from the date of the postponement and resume at the expiration of the period of postponement or upon the earlier request of the applicant.
- 7.3.j As part of its review, the Commission shall notify public and

quasi-public agencies of the application for demolition and determine whether those agencies have any potential use for the property, know of any potential users or purchasers for it, or have any financial programs that could assist in the preservation of the building, structure, site or object. The Commission shall provide this information to the owner.

- 7.3.k Upon submission, all applications and all supporting documentation, drawings, testimony and reports shall be made available for examination by the public in the offices of the Commission upon request.

- 7.3.l Transition Regulation for Demolition Permits. Section 14-2007(6)(a) of the Philadelphia Code requires the Commission to provide written notice to the owner of the proposed designation of a building, structure, site or object at least thirty (30) days in advance of the public hearing to consider the designation. Section 14-2007(6)(b) of the Philadelphia Code requires the Commission to provide written notice to owners, newspaper announcement and posted notice at least sixty (60) days in advance of a public hearing to consider the designation of an historic district. In addition, Section 14-2007(7)(l) provides for Commission review of permit applications from the date of the mailing of notices to owners. During the interval between the mailing of notices to owners and the holding of a public hearing on the proposed designation, the Commission, its committees and staff shall consider the prior existence of executed contracts, substantial design development or other evidence of a material commitment to development in the review of applications.

This regulation shall not apply to buildings, structures, sites or objects within a proposed district that were previously designated individually.

- 7.3.m Any person aggrieved may appeal a decision of the Commission to the Board of License and Inspection Review pursuant to Section 5-1005 of the Philadelphia Home Rule Charter and Section 14-2007(10) of the Philadelphia Code. Such an appeal must be filed with the Board of Licenses and Inspection Review within fifteen (15) days of written notice to the applicant of the decision.

7.4 Review Process and Procedure for a Demolition Permit Application for a Non-Contributing Building, Structure, Site or Object within an Historic District

- 7.4.a The review process and procedure described in Section 6.5 for

Building Permits for Non-Contributing Buildings, Structures Sites and Objects within an Historic District shall also apply to Demolition Permits for Non-Contributing Buildings, Structures, Sites and Objects within an Historic District.

7.5 Demolition Owing to Financial Hardship

7.5.a Section 14-2007(f) and (j) provide for financial hardship, in whole or in part, as a basis for an application for demolition. In this instance, the applicant must demonstrate that the sale of the property is impracticable, that commercial rental cannot provide a reasonable rate of return and that other potential uses of the property are foreclosed. The applicant has an affirmative obligation in good faith to attempt the sale of the property, to seek tenants for it, and to explore potential reuses for it.

7.5.b Submission Requirements for a Demolition Permit under the Financial Hardship Provision

7.5.b.1 The forms, photographs and drawings stipulated in Section 7.2 of these Rules and Regulations shall be submitted.

7.5.b.2 As provided by Section 14-2007(7)(f)(.1)-(.6) of the Philadelphia Code, the demonstration of financial hardship requires the submission, by affidavit, of the following information:

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

- 7.5.b.3 As provided by Section 14-2007(f)(.7) of the Philadelphia Code, the Commission may also require the owner to conduct at the owner's expense, evaluations and studies, as are reasonably necessary in the opinion of the Commission, to determine whether the building, structure, site or object has or may have alternative uses consistent with preservation. At a minimum, this shall include:
- a. the information specified in Section 7.5.b.2 of these Rules and Regulations;
 - b. identification of reasonable uses or reuses for the property within the context of the property and its location;
 - c. rehabilitation cost estimates for the identified reasonable uses or reuses, including the basis for the cost estimates;
 - d. a ten-year pro forma of projected revenues and expenses for the reasonable uses or reuses that takes into consideration the utilization of tax incentives and other incentive programs;
 - e. estimates of the current value of the property based upon the ten-year projection of income and expenses and the sale of the property at the end of that period, and
 - f. estimates of the required equity investment including a calculation of the Internal Rate of Return based on the actual cash equity required to be invested by the owner.

7.6 Review Process for Demolition Permit Applications Based in Whole or in Part on Financial Hardship

7.6.a In addition to review by the Architectural Committee, demolition permit applications based in whole or in part on financial hardship shall be reviewed by the Committee on Financial Hardship which shall meet as needed.

7.6.b The submission requirements and procedures for the Committee on Financial Hardship shall be the same as those established for the review of demolition permit applications by the Architectural Committee in Sections 7.2, 7.3, and 7.5 of these Rules and Regulations.

7.6.c Inasmuch as community organizations, preservation groups, other associations and private citizens may wish to evaluate and comment on a submission made under the financial hardship or the

public interest provision, the documentation described in Sections 7.2, 7.3 and 7.5 of these Rules and Regulations shall not be subject to confidentiality. Should an applicant attach federal or state tax returns or other materials commonly regarded as confidential, however, these supplementary documents shall not be available to the public.

- 7.7 Demolition by a Non-Profit Organization Owing to Financial Hardship
 - 7.7.a For Financial Hardship applications for demolition permits by non-profit organizations, see Section 9 of these Rules and Regulations.

- 7.8 Demolition Owing to Unnecessary Hardship
 - 7.8.a For Unnecessary Hardship applications for demolition permits by low and moderate income persons, see Section 10 of these Rules and Regulations.

- 7.9 Demolition in the Public Interest
 - 7.9.a Section 14-2007(j) of the Philadelphia Code provides for demolition if the Commission "finds that issuance of the permit is necessary in the public interest..."

 - 7.9.b The forms, photographs and drawings stipulated in Section 7.2 of these Rules and Regulations shall be submitted.

 - 7.9.c The applicant shall demonstrate the necessity of demolition in the public interest.

8. BUILDING PERMIT APPLICATIONS FOR NEW CONSTRUCTION

8.1 45-Day Review and Comment Jurisdiction

Section 14-2007(7)(d) provides for a forty-five (45) day period of review and comment on construction defined as the "erection of a new building, structure or object upon an undeveloped site." Section 14-2007(2)(d). This authority is explicitly limited to new construction within historic districts. Section 14-2007(7)(a) and (c). Usually, a person begins the building permit process by making application to the Department of Licenses and Inspections. The Department refers applicants to the Commission when the proposed new construction is to occur within a pending or designated historic district.

8.2 Submission Requirements for a Permit for New Construction

8.2.a At a minimum, the applicant must submit a completed Application for a Building Permit. This form may be obtained from the Department of Licenses and Inspections.

8.2.b Black and white or color photographs of the site, and of the street context of the site. All photographs shall be dated and labeled, and shall remain the property of the Commission.

8.2.c Accurately scaled schematic drawings at a scale of one-quarter (1/4) inch to one foot or larger of the proposed development for the site with notes describing materials and colors. Applicants for very large buildings should consult with the staff to determine an appropriate, smaller scale.

8.3 Review Process and Procedure for a Permit for New Construction

8.3.a The Historical Commission staff shall review the application, ascertain its completeness and, if complete, submit it to the next meeting of the Architectural Committee which shall transmit its comments for consideration by the Commission at its next meeting. The staff may also offer comments to the Commission.

8.3.b The Architectural Committee meets monthly. The materials described in Section 8.2 for review by that Committee must be submitted to the staff nine (9) working days before the Committee's scheduled meeting date.

8.3.c The applicant or an informed, authorized representative is expected to appear before the Committee to make a brief presentation of the proposed construction and to discuss any questions that may arise about the submission.

- 8.3.d The applicant or an informed, authorized representative may wish to appear before the Commission to speak to the comments recommended by the Committee.
- 8.3.e As prescribed by Section 14-2007(7)(k) of the Philadelphia Code, in rendering comment on a proposal for new construction, the Commission, Committee and staff shall consider "the purposes of this section," "the compatibility of the proposed work with the character of the historic district or with the character of its site, including the effect of the proposed work on the neighboring structures, the surroundings and the streetscape," and "the design of the proposed work," and may consider The Secretary's Standards.
- 8.3.f Transition Regulation for New Construction. Section 14-2007(6)(a) of the Philadelphia Code requires the Commission to provide written notice to the owner of the proposed designation of a building, structure, site or object at least thirty (30) days in advance of the public hearing to consider the designation. Section 14-2007(6)(b) of the Philadelphia Code requires the Commission to provide written notice to owners, newspaper announcement and posted notice at least sixty (60) days in advance of a public hearing to consider the designation of an historic district. In addition, Section 14-2007(7)(l) provides for Commission review of permit applications from the date of the mailing of notices to owners. During the interval between the mailing of notices to owners and the holding of a public hearing on the proposed designation, the Commission, its committees and staff shall consider the prior existence of executed contracts, substantial design development or other evidence of a material commitment to development in the review of applications. This regulation shall not apply to buildings, structures, sites or objects within a proposed district that were previously designated individually.

9. FINANCIAL HARDSHIP IN THE CONSIDERATION OF PERMIT APPLICATIONS BY NON-PROFIT ORGANIZATIONS

9.1 Financial Hardship for Non-Profit Organizations

Section 14-2007(7)(f) of the Philadelphia Code contains provisions for permit applications for alteration or demolition based in whole or in part on financial hardship. For a demolition permit, Section 14-2007(j) further requires an owner to demonstrate that sale of a property is impracticable, that commercial rental cannot yield a reasonable rate of return, and that other potential uses are foreclosed. In addition, Sections 6.2 and 6.3 of these Rules and Regulations describe the submission requirements and review procedures for a building permit application; Section 7.2, 7.3, 7.5 and 7.6 of these Rules and Regulations describe the submission requirements and review procedures for a demolition permit application under the financial hardship clause.

The Commission recognizes that the provisions of Section 14-2007 of the Philadelphia Code and other sections of these Rules and Regulations may not all have applicability to a property owned and used by a non-profit organization. No single set of measures can encompass the highly variegated types and contexts of buildings held by non-profit organizations. The economics of a building in the middle of a college campus may differ from that of a church, a hospital, a museum or a child care center.

9.2 Submission Requirements

9.2.a The forms, photographs and drawings stipulated in Section 6.2, 6.4 or 7.2, depending upon the type of permit sought, of these Rules and regulations shall be submitted.

9.2.b To demonstrate financial hardship an applicant who proposes to alter or demolish an historic resource must submit, by affidavit, the following information as provided in Section 14-2007(7)(f)(.1)-(.6):

1. amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship, whether business or familial, if any, between the owner and the person from whom the property was purchased;
2. assessed value of the land and improvements thereon according to the most recent assessment;
3. financial information for the previous two (2) years which shall include, at a minimum, annual gross income of the organization, itemized operating and maintenance expenses, real estate taxes or payments made in lieu of taxes if any, annual debt service, annual cash flow;

4. all appraisals obtained by the owner in connection with the acquisition, purchase or financing of the property, or during the ownership of the property;
5. all listings of the property for sale or rent, price asked, and offers received, if any, and;
6. any consideration by the owner as to uses and adaptive reuses of the property.

9.2.c The Commission may also require the owner to conduct at the owner's expense, evaluations and studies, as are reasonably necessary in the opinion of the Commission, to determine whether the building, structure, site or object has or may have alternative uses consistent with preservation. Section 14-2007(7)(f)(.7) of the Philadelphia Code. At a minimum, this shall include:

1. the information specified in Section 9.2.b of these Rules and Regulations;
2. identification of reasonable reuses for the property within the context of the property and its location;
3. rehabilitation cost estimates for the identified uses or reuses, including the basis for the cost estimates;
4. the current standard of building and maintenance costs for the performance of the mission or function of the organization, particularly in Philadelphia;
5. a comparison of the cost of the performance of the mission or function of the organization in the existing building and in a new building, and a comparison of the cost of rehabilitation of the existing building with the demolition of the existing building and the construction of a new building;
6. the impact of the reuse of the existing building on the financial condition of the organization;
7. the impact of the reuse of the existing building on the organization's program, function or mission;
8. the additional cost, if any, attributable to the building of performing the organization's service or function within the context of costs incurred by comparable organizations, particularly in Philadelphia;
9. grants received or applied for to maintain or improve the property;
10. the organization's budget for the current and immediately past fiscal year; and
11. consideration, if any, given by the organization to relocation.

10. UNNECESSARY HARDSHIP IN THE CONSIDERATION OF PERMIT APPLICATIONS

10.1 Unnecessary Hardship

Section 14-2007(k)(.7) makes specific provision for the exemption from the requirements of the historic preservation ordinance by a majority vote of the Commission in instances where its literal enforcement would result in unnecessary hardship. The legislative history of this ordinance indicates that this provision was included out of concern and consideration for low and moderate income persons. This provision also recognizes that in such instances, the preservation of basic form and rhythm rather than restoration can meet the objectives of the ordinance and the Commission.

10.2 Criteria

10.2.a In its evaluation of a request filed in conjunction with a particular permit application for an exception under the Unnecessary Hardship provision, the Commission may employ as its initial criterion the Section 8 Eligible Guidelines established by the United States Department of Housing and Urban Development (H.U.D.) of not more than eighty percent (80%) of the median income for Philadelphia as defined by H.U.D. Should H.U.D. change its definition of low and moderate income, the Commission may adopt that new definition.

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

10.3 Submission Requirements Under the Unnecessary Hardship Provision

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

The Commission staff shall work affirmatively with the applicant in

the preparation of the submission and in the provision of technical assistance to solve problems of design and materials.

10.4 Review Process and Procedure

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

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

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

11. PERFORMANCE OF WORK AND MAINTENANCE

11.1 Violations and Stop Work Orders

In the event of the alteration or demolition of an historic building, structure, site or object or of a building, structure, site or object within an historic district without a permit, without a permit issued pursuant to Section 14-2007 of the Philadelphia Code, or not in conformity with the plans and specifications approved by the Commission, the staff shall request the Department of Licenses and Inspections to issue a violation and a stop work order.

11.2 Demolition by Neglect

Section 14-2007(8)(c) of the Philadelphia Code provides that the exterior of every historic building, structure and object and of every building, structure and object located within an historic district shall be kept in good repair as shall the interior portions of such buildings, structures and objects, neglect of which may cause or tend to cause the exterior to deteriorate, decay, become damaged or otherwise fall into a state of disrepair.

In the event that the Commission staff has reason to regard a condition(s) as posing the threat of demolition by neglect as set forth in Section 14-2007(8)(c) of the Philadelphia Code, the staff shall request, within five (5) working days, that the Department of Licenses and Inspections examine the property with a Commission staff member, report its findings to the Commission staff, and, upon the request of the staff, issue an order to repair the condition(s).

11.3 Ordinary Maintenance

The provisions of Section 14-2007 shall not be construed to prevent the ordinary maintenance or repair of any building, structure, site or object where such work does not require a permit by law and where the purpose and effect of such work is to correct any deterioration or decay of, or damage to, a building, structure, site or object and to restore the same to its condition prior to the occurrence of such deterioration, decay or damage.

12. ENFORCEMENT

12.1 Implementation

The Commission and its staff shall work affirmatively with the Department of Licenses and Inspections and its Enforcement Division to assure the full implementation of Section 14-2007 of the Philadelphia Code and, in particular, Subsection (9), "Enforcement."

12.2 Initiative

The staff shall assume the initiative with the Department of Licenses and Inspections in the application of Section 14-2007(9) of the Philadelphia Code. The staff may also request the Department to enforce Section 14-2007(9)(d) as it relates to alterations in violation of the provisions of Section 14-2007 of the Philadelphia Code or in violation of any conditions or requirements specified in a permit. Section 14-2007(9)(d), as it relates to demolition, however, shall be enforced only upon the adoption of a resolution by the Commission.

13. TRAINING

13.1 Annual Training

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

14. HARRY A. BATTEN MEMORIAL FUND

14.1 Authorization and Disbursement

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

15. AMENDMENT

15.1 Amending Rules and Regulations

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