

MEMORANDUM

TO: HISTORICAL COMMISSION
FROM: JON FARNHAM, EXECUTIVE DIRECTOR
DATE: 6 NOVEMBER 2020
SUBJECT: POSTPONEMENTS OF THE REVIEWS OF NOMINATIONS

At the August 2020 meeting, the Historical Commission resolved to end the practice of continuing the reviews of nominations to the “next in-person meeting” and directed the staff to begin to notify property owners that the Historical Commission would restart the reviews of nominations that had been continued in that manner. At the September 2020 meeting, the Historical Commission informally approved a plan for moving forward with postponed reviews including the Jewelers’ Row Historic District. It also directed the staff to provide the Historical Commission with draft regulations delegating authority to the staff to postpone the reviews of some types of nominations.

DRAFT REGULATIONS DELEGATING SOME CONTINUANCE AUTHORITY TO THE STAFF

To overcome some of the burden of managing continuance requests for nominations, the staff suggests that the Historical Commission adopt regulations delegating the authority to grant some reasonable continuance requests to the staff. Moving some continuance requests offline, outside of the public meetings of the Historical Commission and Committee on Historic Designation, would not only save time during the meetings for more pressing matters and reduce time spent by the staff on clerical work related to administering the requests, but would also open up space at meetings to consider additional nominations. Because the Historical Commission’s jurisdiction persists throughout the continuance period when the property owner makes the request, the continuance poses no risks to historic resources; the Commission has the same authority over the property during an owner-requested continuance as it would have if the property were designated. At the Historical Commission’s direction, the staff and attorney drafted proposed regulations delegating some requests to postpone the reviews of nominations to the staff. The proposed regulations are attached. The staff is not suggesting that the Historical Commission officially adopt them at its November 2020 meeting, but is asking the Commission to consider them and possibly allow the staff to implement them prior to any official adoption on a trial basis. Nothing in the current Rules & Regulations precludes the proposed regulations, so they could be implemented informally now.

JEWELERS’ ROW HISTORIC DISTRICT NOMINATION

At its September meeting, the Historical Commission informally directed the staff to restart the review of the Jewelers’ Row Historic District, scheduling it for the December Historical Commission meeting. The staff contacted the attorney representing most of the property owners in the proposed district to discuss restarting of the review. The attorney observed that many of his clients are older and not technologically adroit and therefore would likely strenuously object to any consideration of the nomination at a remote meeting. The attorney is requesting that the Historical Commission maintain the continuance of the review to the first in-person meeting, rather than restarting the review. To restart the Jewelers’ Row review, the Historical Commission will need to send about 110 paper letters to the owners. If the review will likely be continued again owing to the owners’ objections, the Historical Commission could offer new direction to the staff at its November 2020 meeting, potentially saving the time and cost of unnecessarily restarting the review and, more importantly, avoiding an appeal of a designation based on claim that the property owners were unable to participate effectively in a remote meeting.

SUMMARY

The staff suggests the following course of action:

- Authorizing the staff to implement the draft continuance regulations and report back on them at the February 2021 Historical Commission meeting.
- Maintaining the continuance of the review of the Jewelers’ Row Historic District nomination to the first in-person meeting of the Historical Commission in light of the potential inability of some property owners to participate effectively in a remote meeting.

**DRAFT REGULATION FOR POSTPONING REVIEWS OF NOMINATIONS
PHILADELPHIA HISTORICAL COMMISSION
6 NOVEMBER 2020**

A property owner who wishes to postpone a review pending before the Committee on Historic Designation or the Historical Commission of a nomination proposing the individual designation of that property shall make a request in writing to the Executive Director at least 24 hours in advance of the start of the public meeting at which the nomination will be reviewed. The request shall:

1. indicate the length of the proposed postponement;
2. acknowledge that the property remains subject to the Historical Commission's jurisdiction as though it were designated as historic and listed on the Philadelphia Register of Historic Places throughout the continuance period; and
3. acknowledge that the clock allotting 90 days to the Historical Commission to review permit applications during considerations of designations mandated in Section 14-1000-(6)(f) of the historic preservation ordinance is paused during the continuance period.

The Executive Director may grant one or more postponements of a review totaling not more than 12 months. If the Executive Director declines to grant a postponement, the postponement request shall be presented to the Historical Commission for consideration at its next meeting.

Property owners may request postponements beyond 12 months in writing; such requests shall be presented to the Historical Commission for consideration at its next meeting.

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

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

When reviewing postponement requests, the Historical Commission may grant a postponement, remand the nomination to the Committee on Historic Designation, or commence with its review.

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

When a postponement of the review of an individual nomination requested by the property owner is granted, the clock measuring the time limit for review of building permit applications mandated by Section 14-1000-(6)(f) of the historic preservation ordinance and/or the Rules & Regulations shall be paused at the start of the postponement and shall resume at the end of the postponement.