

TOWNSHIP OF LOWER MERION

Building & Planning Committee

Issue Briefing

Topic: Historic Resource Inventory Amendments

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Date: May 31, 2018

I. Action To Be Considered By The Board:

Authorization to advertise and hold a public hearing to consider the amendment to the Township Code, Chapter 88, Historic Districts, Article II, Historic Resources, §88-18. Historic Resource Inventory, subsection A, Criteria for designation, and the definitions of “Class I Historic Resource” and “Class II Historic Resource” in §155-4.

II. Why This Issue Requires Board Consideration:

Amendments to the Township Code must be reviewed and approved by the Board of Commissioners.

III. Current Policy Or Practice (If Applicable):

N/A

IV. Other Relevant Background Information:

Historic resources are listed in the Historic Resource Inventory (HRI; Chapter A180 of the Township Code) as Class I or Class II resources, depending upon their historic significance and eligibility under the criteria for designation. In order to qualify for listing on the HRI, a historic resource must meet at least three of the ten criteria outlined in the Code. All criteria carry the same weight.

In order to attain Class I designation, a higher standard is outlined in the Code. A resource’s significance must be affirmed by an agency outside of the Township in order to attain this status. For example, any resource listed on or determined eligible for the National Register of Historic Places can become a Class I resource, but only the National Park Service or Pennsylvania Historical & Museum Commission (PHMC) can make such a determination. Under the requirements defined in the current Township Code, the Township is dependent upon these external groups to determine whether properties within the Township can be locally designated.

The Township has been recognized as a Certified Local Government (CLG) by PHMC and the National Park Service since 1992. CLG status is bestowed upon municipalities that make historic preservation a community priority and requires those municipalities to follow certain guidelines outlined by PHMC. Keeping in good standing as a CLG has allowed Lower Merion Township to benefit from CLG-exclusive grants, which the Township has been awarded nearly every year since the program's inception. Over the years, these grants have helped the Township's historic preservation efforts immensely by funding preservation consultants and for the implementation of special projects. As an example, the Township was awarded a CLG grant in the amount of \$18,000 for 2017-18 to create design guidelines to aid in the preservation of traditional neighborhoods and historic districts. A grant award of \$4,400 was recently announced for the 2018-19 period for the purpose of holding public workshops to present and explain the design guidelines to the community.

PHMC has announced that it will soon be updating the requirements for CLG communities. While Lower Merion Township is ahead of the curve in most respects, the new guidelines will require one major change in the way the Township designates historic resources. The new CLG guidelines state that local historic resource designation cannot require State or Federal input. In Lower Merion's case, the requirement that Class I resources have National Register listing or eligibility must be amended. A revised Requirement for Certification as outlined in PHMC's October 2017 draft "Certified Local Government Program Guidelines and Procedures for Pennsylvania Communities" reads as follows (emphasis added):

Process for the designation of historic properties. *The ordinance must articulate criteria for determining whether a resource is significant and describe the process for evaluation and designation of such resources. The ordinance shall not include the National Register listing or eligibility status of a property as a criterion for designation or classification. The ordinance may not require the express consent of the property owner, or a prescribed percentage of owners in a proposed district, to designate the property as an historic resource.*

Ever since the announcement of this change, Planning Department staff has been working with the PHMC State Historic Preservation Office to draft new designation criteria that will conform to this new guideline while maintaining an appropriate review and designation process on the Township level. By working together, a new set of criteria was created based in large part on the Township's existing criteria, with modifications to conform with the new guideline. Input from a subcommittee of the Township's Historical Commission was obtained and has been integrated.

The most significant difference between the current and proposed criteria is a separation of the criteria into two categories. The more "general" criteria are grouped together in "Category A," and "specific" criteria, those that give a resource special significance, are in "Category B."

In terms of the criteria that future resources would need to match in order to attain listing on the HRI, a potential Class II resource would need to match at least two criteria in either category, and a potential Class I resource must match at least three criteria including at least one in Category B. The four National Register criteria are encompassed within Category B, meaning that the current requirements for Class I status have been encompassed within that category.

These new criteria will allow the Historical Commission to make recommendations to designate Class I historic resources without the need for the lengthy PHMC review process. It will also allow for the local designation of historic resources without requiring irrelevant review requirements of PHMC, such as assessments of interior integrity (the Historical Commission only has purview over exteriors).

Having to depend upon PHMC's input for the local designation of properties has been a burden on staff and the Historical Commission's review process. The process of designating historic resources currently being evaluated by the Board of Commissioners has been lengthened by the requirement for such determinations (which are reviewed and evaluated by PHMC only four times per year). In the end, PHMC's review allowed for some of these potential resources to become eligible for Class I status, but it left others behind because of requirements unrelated to the local review process. Because National Register eligibility standards are determined on the state and national level, PHMC declined to determine two properties eligible because the integrity of the resources' interiors could not be assessed. Interiors have no bearing on the Historical Commission's purview of historic resources, and thus should not be a basis for a resource's ineligibility for protection on the local level. In other circumstances, historic properties might not be found eligible because they lack regional or national significance, even though they may be determined by a local review process to have a high degree of local significance.

Enacting the new criteria will streamline and shorten the amount of time required for the Township to make additions to the Historic Resource Inventory. The change will also allow the Township to take the largest possible step towards the very first Historic Preservation-related recommendation in the Comprehensive Plan: "LH1: Engage in affirmative measures designed to add properties eligible for Class I status to the local Historic Resource Inventory."

The current Code language and the proposed ordinance is attached.

V. Impact on Township Finances:

This amendment will have no impact on Township finances.

VI. Staff Recommendation:

Staff recommends that the Building and Planning Committee and Board of Commissioners authorize the advertisement and public hearing of the proposed ordinance.

Current Code Language

§ 88-18 Historic Resource Inventory.

A. Criteria for designation. A building, structure or site, or a complex of the same, may be placed on the Historic Resource Inventory if it meets any three or more of the following criteria:

- (1) Has significant character, interest or value as part of the development, heritage or cultural characteristics of the Township, county, region, commonwealth or nation or is associated with the life of a person significant in the past;
- (2) Is associated with an event of importance to the history of the Township, county, region, commonwealth or nation;
- (3) Embodies an icon associated with an era characterized by a distinctive architectural style;
- (4) Embodies distinguishing characteristics of an architectural style or engineering specimen;
- (5) Is the noteworthy 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 Township, county, region, commonwealth or nation;
- (6) Contains elements of design, detail, materials or craftsmanship which represent a significant innovation;
- (7) Is part of or related to a commercial center, park, community or other distinctive area which should be preserved according to an historic, cultural or architectural motif;
- (8) Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or Township;
- (9) Has yielded, or may be likely to yield, information important in prehistory or history;
or
- (10) Exemplifies the cultural, political, economic, social or historical heritage of the community.

§ 155-4 Definitions.

CLASS I HISTORIC RESOURCE

Any of the following:

- (1) All historic sites designated by the Secretary of the Interior as National Historic Landmarks;
- (2) All historic buildings, structures, objects, and sites listed individually in the National Register of Historic Places;
- (3) All historic buildings, objects, and structures classified as "certified historic structures" by the Secretary of the Interior;
- (4) All historic buildings, structures, objects, and sites documented as "contributing resources" in any National Register Historic District;
- (5) All historic buildings, structures, objects, and sites documented as "contributing resources" in any local historic district certified by the Pennsylvania Historical and Museum Commission (PHMC) in accordance with Pennsylvania Act 167; and
- (6) Any resources which have received a determination of eligibility (DOE) from the PHMC.

CLASS II HISTORIC RESOURCE

Any of the following:

- (1) All historic resources individually listed in the Lower Merion Township Historic Resource Inventory, not otherwise designated a Class I Historic Resource, and approved as such by the Board of Commissioners pursuant to the provisions of Chapter 88; and
- (2) All historic buildings, objects, structures and sites documented as "contributing resources" in an historic neighborhood, having received a determination of eligibility (DOE) from the PHMC.