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**VIA EMAIL ONLY**

Jonathan E. Farnham, Ph.D.  
Executive Director  
Philadelphia Historical Commission  
[Jon.Farnham@phila.gov](mailto:Jon.Farnham@phila.gov)

**Re: Spruce Hill Historic District, Southeast Quadrant**  
**CHD Hearing: April 17, 2024**  
**PHC Hearing: May 10, 2024**

Dear Dr. Farnham:

This firm is counsel to Campus Apartments LLC, University City Housing, and numerous other owners of real property located within the boundaries of the recently-nominated Spruce Hill Historic District (the “proposed district” or “SHHD”).<sup>1</sup> As you know, on October 11, 2023, Spruce Hill Community Association (“SHCA” or the “nominator”) nominated the Spruce Hill Historic District, Southeast Quadrant (the “SE Quadrant”) for inclusion on Philadelphia Register of Historic Places (the “Register”).<sup>2</sup> By SHCA’s own admission, the SE Quadrant nomination is incomplete, insofar as it does not include a full and complete inventory of the proposed district. Notwithstanding, on February 2, 2024, the Philadelphia Historical Commission’s (the “Commission” or “PHC”) staff accepted the SE Quadrant nomination as complete. This unprecedented decision to consider the nomination of a proposed historic district in a piecemeal fashion runs contrary to the Philadelphia Code, the Commission’s Rules and Regulations, and fundamental notions of fairness and due process. On behalf of our clients, I therefore strenuously object to the Commission’s consideration of the SE Quadrant nomination as **incomplete** and **unripe** for determination. The Commission *must* return the nomination to the staff as incomplete and refrain from considering the merits of the proposed district until a complete nomination is submitted, inclusive of full inventory and description of each and every property in the proposed district.

SHCA’s fragmented approach to the historic nomination of the SHHD directly conflicts with the purpose and intent of the Philadelphia Zoning Code and is highly prejudicial to the rights of property owners within the boundaries of the proposed district. SHCA contends it separated the proposed district into quadrants “for administrative purposes . . . intended solely to ease the burden on the Philadelphia Historical Commission and staff of reviewing nearly 2,000 properties in a single nomination.” There is no precedent or authority for the Commission to review and/or approve a

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<sup>1</sup> Campus Apartments, University City Housing, and their respective affiliates, subsidiaries and related entities own over 150 properties within the proposed district; more than fifty of which are located within the “Southeast Quadrant.”

<sup>2</sup> This marks the third effort to nominate the proposed SHHD to the Register. The first two efforts – in 1987 and 2002, respectively – failed.

*partial* historic district. The nominator does not contend that the SE Quadrant stands on its own merits as a distinct historic district. To the contrary, SHCA admits that the nomination “describes the whole of the Spruce Hill Historic District, [however] only the Southeast Quadrant is currently proposed for listing. Nominations for the other three quadrants will follow as the inventories are completed.” Further adding to the incomplete nature of the nomination is the nominator’s express caveat that “the northeast, northwest and southwest quadrant boundaries are subject to change.” Once again, by the nominator’s own admission, the nomination is incomplete.

#### **A. The Nomination Is Incomplete**

The Historical Commission’s Rules and Regulations define a “District,” in relevant part, as “[a] geographically definable area possessing a significant concentration, linkage or continuity of buildings, structures, sites, objects, and/or public interior portions of buildings and structures united by past events, plan or physical development.” Rule 5.7.b of the Commission’s Rules and Regulations requires District nominations to include certain information, such as “a narrative description of the district’s physical appearance” and “a narrative statement of the district’s significance,” with citations to the specific criteria for designation that the proposed district satisfies. In addition, Rule 5.7.c further *requires* district nominations to include “a descriptive, evaluative, and photographic inventory . . . organized by street address” for each and every property within the proposed district.

The Commission’s staff is tasked with reviewing nominations for completeness. Rule 5.8 explicitly warns that “staff shall not forward incorrect and/or incomplete nominations to the Committee on Historic Designation or the Commission.” In the instant case, the nomination is incomplete by the Commission’s express standards. As noted above, a district nomination is not complete without an inventory that “shall include an entry for every property within the [proposed] district.” See Rule 5.7.c (emphasis supplied). The nomination does not contain “a descriptive, evaluative and photographic inventory” of approximately three-quarters of the properties within the proposed district. The nomination merely includes a partial inventory of only those properties in the so-called SE Quadrant. The SE Quadrant, however, does not constitute a “District.” The SE Quadrant merely reflects SHCA’s arbitrary division of the proposed district into four quadrants. By marking the piecemeal nomination of the SE Quadrant as “complete” and forwarding the nomination to the Committee on Historic Designation (the “Committee” or “CHD”), the Commission has violated the mandate of Rule 5.8 and prematurely attempted to claim jurisdiction over 379 properties within the SE Quadrant.<sup>3</sup>

There is no precedent or authority for the Commission to consider and/or designate a *partial* historic district. Nor is there any legal basis or authority to treat district nominations differently based upon the size of the proposed district. The Commission is only authorized to review *complete* nominations of proposed historic districts. The size of the proposed district is immaterial. As such, the Awbury Historic District, with its thirty-three properties, is subject to the same requirements, standards and criteria for designation as the Spring Garden Historic District, with its more than 2,000 properties. SHCA made the intentional decision to include “nearly 2,000 properties” within the

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<sup>3</sup> The Commission already maintains jurisdiction over the 193 properties within the SE Quadrant that are already listed on the Register individually, or as part of an existing historic district.

proposed district. The proposed district is smaller than and/or comparable to the existing Rittenhouse-Fitler, Society Hill, Old City and Spring Garden Historic Districts – all of which were logically reviewed and considered as complete districts at the time of designation.

**B. The Unprecedented, Piecemeal District Nomination Violates the Due Process and Property Rights of Over 1,000 Property Owners**

SHCA proposes to create the largest historic district in Philadelphia since the designation of the Old City Historic District in 2003, yet without providing the requisite notice or an opportunity to be heard to over 1,000 property owners within the proposed district. The Commission is required to send written notice of the proposed district designation “to the owners of each building, structure, site or object within the proposed district” at least sixty days prior to a public meeting to consider the nomination.” Notice of the hearing is also required to be published in a newspaper of general circulation and posted at locations within the proposed district. *See* Phila. Code § 14-1004(2)(b). The nomination proposes to designate the SHHD as a whole; however, property owners located in the so-called southwest, northeast and northwest quadrants have not been provided with the requisite notice of the hearing, nor been made aware of how their respective properties relate to the character of the proposed district through, history, architecture, design or plan. Therefore, the Commission’s consideration of the SHHD through the partial SE Quadrant nomination violates the Philadelphia Code and fundamental rights of due process guaranteed by the Pennsylvania and United States Constitutions.

SHCA prioritizes relieving the purported administrative burden that would be imposed on the Commission’s staff “reviewing nearly 2,000 properties in a single nomination” above the fundamental due process rights of thousands of taxpaying property owners. This disjointed approach denies owners of properties within the SE Quadrant the ability to assess the context, merits and basis of the proposed district as a whole by reviewing and assessing the complete inventory required by the Commission’s Rules and Regulations. Likewise, the partial nomination is highly prejudicial to property owners within the other three quadrants not presently under consideration. A determination that the SHHD meets the criteria for designation based solely on the merits of the SE Quadrant would impermissibly predetermine the merits of the district, without consideration of the remaining quadrants and without affording property owners within those quadrants with an opportunity to challenge the basis and merits of the district as a whole.

It should be axiomatic that any potential administrative burden on the Commission’s staff due to the size of the proposed district does not outweigh the fundamental due process rights of property owners to have a full, fair and complete hearing on the merits of the proposed district. It appears that the nominator’s concern for the administrative burden on the PHC staff is merely pretext and that SHCA’s true motivation is to prematurely halt or slow the demolition, alteration or construction of any building or structure within the SE Quadrant during the pendency of the Commission’s consideration of the nomination. *See* Phila. Code § 14-1005(6)(f) (prohibiting the issuance of building permits for buildings located within a district being considered by the Commission for designation.) In the nominator and staff’s rush to halt development within the SE Quadrant, they have bulldozed over the Constitutional due process and property rights of the citizens and property owners located within the proposed district.

In light of the foregoing, my clients and I strenuously object to the Commission's consideration of the SHHD – SE Quadrant nomination until such time as a complete nomination of the proposed Spruce Hill historic district is accepted by the Commission, inclusive of a detailed inventory of every property as required by Rule 5.7.c. I further demand that the Commission and/or City of Philadelphia Law Department: (i) confirm that the SHHD – SE Quadrant nomination is incomplete; (ii) return the nomination to the staff with the instruction to not forward the nomination to the Committee or Commission until such time as a complete inventory is submitted; and (iii) confirm that the Commission lacks jurisdiction over the properties within the SE Quadrant until such time as a complete nomination is accepted by the Commission.

Thank you in advance for your consideration and attention to this matter.

Respectfully yours,

*Michael V. Phillips*  
Michael V. Phillips

cc: Leonard F. Reuter, Esq.