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April 5, 2024

VIA EMAIL ONLY

Jonathan E. Farnham, Ph.D.
Executive Director
Philadelphia Historical Commission
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”).¹ 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”).² 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

¹ 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.”

² 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.³

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

³ 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.

From: [LiLing Choing](#)
To: [preservation](#)
Subject: 4208-30 Chester Avenue Historic District, 4204 Chester Ave
Date: Tuesday, April 16, 2024 10:47:04 AM

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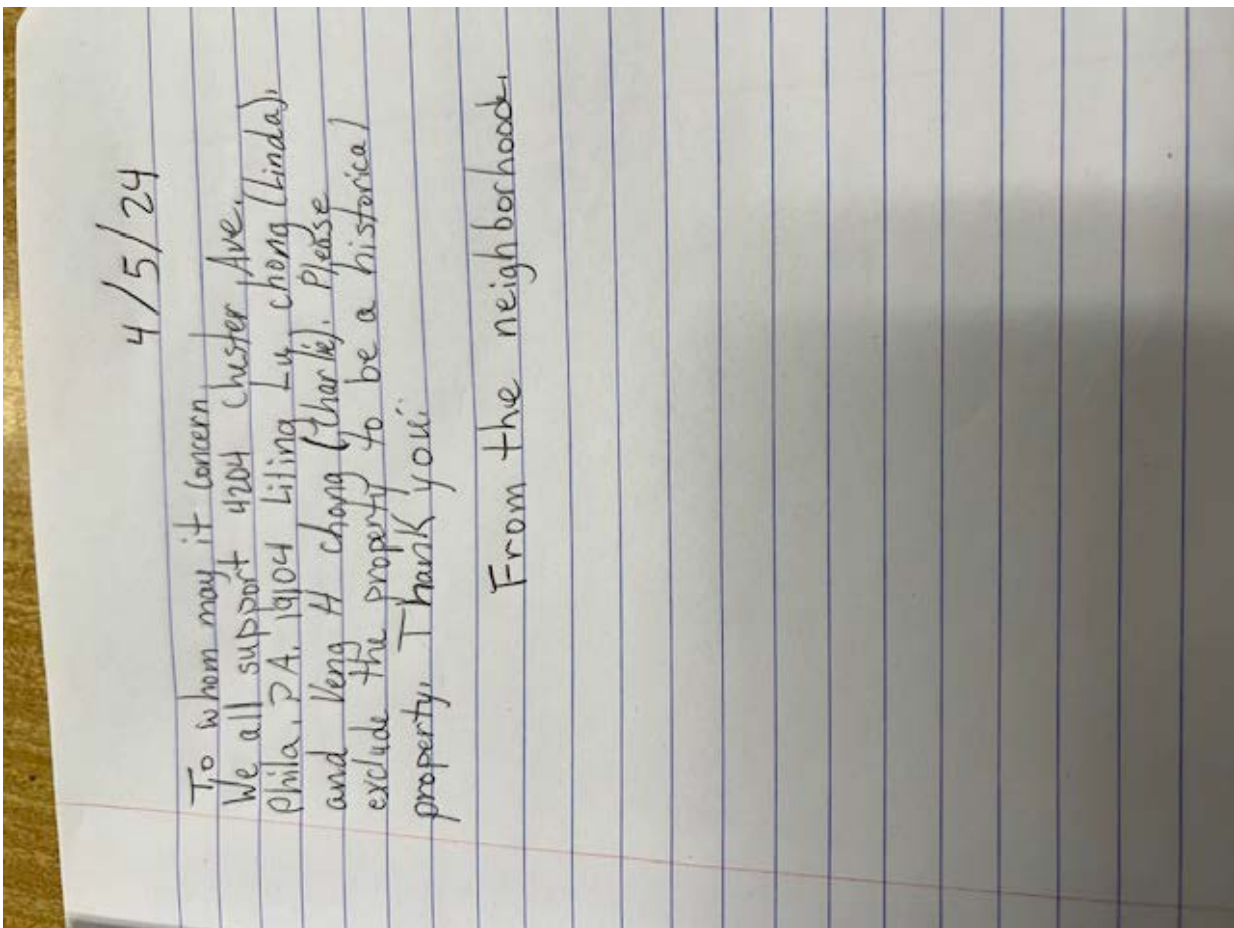
To whom it may concern:

We are writing to inform you that we would like to have 4204 Chester, Philadelphia PA 19104 excluded from the Historical Commissions Regulation.

Attached are pictures of signatures, references, support with names and contact information from the various members of our community who support us in this decision.

Please let us know if you have any questions. We look forward to to joining the Committee of Historical Designation call on 4/17 at 9:30am.

Best,
Linda and Charlie
Five Star Deli



(7) Gabriel West 215-834-6012 (1)
506 S. 41st St, Philly PA 19104
- A ridiculous an unnecessary burden,
don't do this to regular people
If you want historic status
PAY Linda & Charlie COMPENSATE
don't dictate.

(8) Jadelyn Watkins 509 S 42nd St.

ASHPEN WHITE 523-SOUTH
42nd St

267-732-83-80

Rajesh Kumar Singh, 4207, Apt. 104 (4)

(9) 4205 Chester Avenue Apt 402 (2)

Hannah Dendi

516-406-6478

It would make the process of
filing a small business difficult
~~XXXX~~

(0)

10 Laura Fernandez 2-14-24
4205 Chester Ave. (11)
Apt. 405
(215) 738-9960

(11) This stove is an important
small business in our neighborhood.
It should be a single step
process for them to be NO
registered historic site.

Thank you,
L. Fernandez (21)

(12) DAVID BYRO (21)
611 S. 42ND ST.
856-309-5659

AS A CUSTOMER OF FIVE STAR
DELI, I WANT TO COMMENT
THAT A HISTORICAL DESIGNATION
WOULD NOT BENEFIT ALL SMALL
BUSINESS OWNERS IN THE AREA

(13) Zachary Johnson
4207 Chester Ave
202-306-0189

(14) in support of the convenience store
-4124 Chester Ave
Krisztopherschumann
krisztopherschumann.20@gmail.com
itankara15@gmail.com
Ibrahim Tankara

~~207-34~~

(15) (215) 341-1100
Rob

(16) 555 South ^{4th} St

(17) Stephanie M. 19104
4943 Chester Ave
Phila PA 19143
484 425 3124

(18) Mackenzie Eltine
1734 monument st
215-776-7269

(19) Lisa Lu
4206 3rd Floor
Phone 267-535-1050

(20) Johny 267-535-1050
Sarah 215-435-0781
Love this store

(21) Hannah Harvey
555 S 43rd St
215 685 7529
very nice store!

(22) Richard Procel Jr
215-908-9469
6416 Akron St
RP

(25) Damian Hammond (25)
417-310-5020

Great selection and prices
42nd St

(26) Ken Dixon (15)

267-338-6641
Great service

(27) Lawrence Seels (15)

215-725-3455
great Service (Nice Personality)
2660 N. 31. St

(28) Collins, Isaac (25)

641 So YEWDELL
215-3817035

(29) Charlese House (25)

1609 S. 60th St
267 8790830

so convient and affordable
Please do not is histunal. Hardship for
the owner

- (41) Haven Kielbka
973-747-2520
- (41) 4204 Chester Ave 3rd floor
Vimal Bheem
- (42) 609-676-1999
1217 S 46th St
- (43) Brandon Chin
(956) 779-1100
620 S 42nd
- (44) Ian Glass
445-998-2244
6205 42nd Street
- (45) Ricardo Rodriguez
4129 Woodland Ave
610-299-1245
- (46) De Yang Lu
4204 Chester Ave 2nd Floor
(215) 538-9397
- (47) Chris Chung
4204 Chester Ave 3rd Floor
(215) 833-6439
- (48) Kristy Chung
4204 Chester Ave 3rd Floor
(215) 927-1364

- (49) Chau
- (50)
- (51)
- (52)
- (53)
- (54)

(30) Edeci McFadden
8030 Mickener Avenue
Phila, PA 19150

(31) Health Center #5
267-498-8708
My lunch spot in an area there
are not alot of stores. Very needed
for access to food in area.

(32) Ethna Smith
4607 Chester Ave
Phila Pa 19104
565-990-0814

(33) Harold Battista
4209 Chester Ave #B11
561-234-9834

(34) BILL ALEXANDER
4213 BALTIMORE
PHILA. PA 19104
215-677-1733

(55) Samantha M Monroe
4208 Chester 19107
267 648 9590

(56) Haleigh Bunting
1926 S. Bowie
604-332-1974

(57) John Thomas
607 S 42nd St
267-206-7557

(58) Reginald Gayle
4224 Baltimore Ave
610 772 4997

(59) George McHale
4224 Baltimore Ave
267-262-4067

(60) Brian Stewart
4209 Chester Ave Blk
215-680-2252

- (41) Haven Kielbka
973-747-2520
- (41) 4204 Chester Ave 3rd floor
Vimal Bhowm
- (42) 609-676-1999
1217 S 46th St
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(956) 779-1100
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- (48) Kristy Chung
4204 Chester Ave 3rd Floor
(215) 927-1364

- (49) Chau
- (50)
- (51)
- (52)
- (53)
- (54)

73 Cole Schaffer
856-630-5062

74 Stefan Filipovski
970-972-9104
4209 Chester Ave

75 Geri Paige
(215) 222-5568
4107 Chester Ave.

76 VAN Crawley
215-688-3031
2607 N 23rd St

77 Alice Ascher
4107 Chester Ave B-1
Phila PA 19104

78 Chae Rouse
4209 Chester Ave
Phila Pa 19104
215 454-7190

(79) Kendall Utley
4209 Chester Ave
570-561-5890

(80) Malik Bright
4203 Chester Ave
610-304-9777

(81) Sammy Rivera
4219 Baltimore Ave
732-948-3835

(82) Pooja Philip
4212 Chester Ave
484-678-6428

(83) Jesse Dewald
4203 Chester Ave Apt 2B
412-818-9342

(84) Alexander Boyd
4107 Chester Ave Apt 1-A
215-382-3679

85 Tyler Jones
4215 Chester Ave
484-547-1232

OP

IP

86 Alphonse Hill
4203 Chester Ave
1267-504-1427
David Gordon
1232-S Willville St
267-770-3015

SP

87 Barbara Warnock
4223 Regent Sq.
Philadelphia, PA 19104
(215)-964-4078

signage for the store is not retained in any case.
modern store-front;
store does not retain
original appearance in
any case.

88 Tobias Brown
4228 Chester Ave #F
267-496-4717

89 Tyler Fankin
4205 Chester Ave

(90) Raphael Rivera
537 S 42nd St
215-917-6787

(91) Bradley Teaira
4207 Chester Ave. Apt. 206
(267) 271-2341

(92) Jennifer Wyse
4205 Chester Ave. Apt. 406
(757) 374-9786

(93) KEVRA LYONS
4124 Chester Ave Apt 2M
kevelry@proton.me

(94) VANESA JACKSON
~~#5~~ SJU
2150765

(95) SHARICA HARRIS
267-650-8152

(96)

Michael Permutathi
443-942-7070
4105 Spruce St

Jerome Gallman
215-789-1071
4207 Chester Ave., 102

Gladys Thomas
215-251-7738
4207 Chester Ave. 102

Jameson Cooper - Jameson.L.Cooper@gmail.com
267-816-1281
4207 Chester Ave. 102

Monica Withers
506 S 41st St Apt LJ
Philadelphia, PA 19104 monicaalise@hotmail.com
267-978-2022

(66) Joshua Morris
4224 Chester Ave
617-704-7565

(67) Imani Curtis
6025 Bliss Ave
215-594-5532

(68) Deja Paines
4228 Chester Ave
315-430-8120

(69) Myron James
1232 S. 51 St.
267-678-9587

(70) Jeffrey Sessoms

(71) 4510 Nehemiah camp
267-495-9321

(72) Delfine Brown
215-475-1646
AMEEN DEVAH
(267) 249-7467

(61) Deborah Walker
4525 Kingsessing Apt #1
Phila, Pa. 19143
215-779-7643

(62) Manra Okeefe
516 S 42nd St (B)
Philadelphia, PA 19104
908-967-2402

(63) Michael Grandison
523 S 42nd St Philadelphia Pa 19104
485-237-5423

(64) Cosmere Tuck
1207 Chester ave
215-618-6506

(65) Loren T. Bussay
91 Buena Vista Drive
New Castle DE 19720
610 726 4057