

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
TRIAL DIVISION – CIVIL

IN RE APPEAL OF JONATHAN HESSNEY, ET AL.	:	
	:	
IN RE APPEAL OF ESBERT LLC, ET AL.	:	
	:	
	:	Case Nos. 241001831
IN RE APPEAL OF SANDYCO GROUP LLC, ET AL.	:	241202813
	:	250101010 and
From Decision of the Philadelphia Historical Commission	:	250101011
	:	

ORDER

AND NOW this 6th day of October, 2026, upon consideration of the appeals of Jonathan Hessney, Esbert LLC, and Sandyco Group LLC in Case Nos. 241001831, 241202813, 250101010, and 250101011, from the designation of the Washington Square West Historic District (WSWHD) by the Philadelphia Historical Commission (PHC) on September 13, 2024, and announced by letters variously dated October 24, 2024, and December 4, 2024, and upon consideration of the briefs of the parties, oral argument on February 19, 2026, the court's prior Order dated February 26, 2026, reconsideration of that Order upon joint request of the parties by Order dated March 30, 2026, to afford Preservation Alliance for Greater Philadelphia an opportunity to brief the issues and argue the case, and upon additional oral argument by Preservation Alliance on October 1, 2026, this Court GRANTS the appeal. The PHC's designation of the WSWHD is REVERSED.¹

ORDRF-In Re: Appeal Of Hessney, Jonathan Etal [TYB]



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¹ The nomination of WSWHD was not in accordance with law. Phila. Code §20-602(1)(a), (b)(2); William Penn Sch. Dist. v. Dep't of Educ., Div. of Food & Nutrition, 902 A.2d 583, 589 n.5 (Pa.Cmwlth. 2006).

The Historic Commission's decision to designate the District was also broadly unpopular. The uncontradicted testimony at the PHC's public meeting on September 13, 2024, showed 85% of the residents opposed the designation. Tr. at p. 131, 170.

BY THE COURT:


J.

The designation was not supported by “substantial evidence.” Valley View Civic Ass'n v. Zoning Bd. of Adjustment, 462 A.2d 637, 640 (Pa. 1983). The Philadelphia Code defines a Historical District as an area “possessing a significant concentration, linkage, or continuity of buildings, structures, sites, or objects” that are united by past events, plan, or physical development. Code § 14-203(97)(a). The evidence adduced at the public meeting did not show significant concentration, linkage, or continuity. The staff member who made the assessment and recommended designation to the Commission resigned before the meeting. The Commission did not ask her to return to testify. The only testimony the Commission heard about her work on this matter was negative. Her supervisor testified he reviewed designation of parking lots as historically significant and overruled her recommendations. Tr. 59-61; see, e.g., 206 S. Camac Street, CRTR Part 5, pdf p. 81. The staff member’s testimony was especially relevant here where the nomination papers do not explain why most of the properties contributed to the District. The inventory of the properties consists of a one-page report on each location. The fields in the top third of each page call for information that would inform a judgment about how the property contributes. The fields call for the property’s historic name, the year it was built, the names of the architect, builder, and associated individuals, the historic function, the historic resource type, and miscellaneous notes. No information appears in these fields more often than not. While a nomination alone may support a designation in another case, it cannot here, where (a) one of the Commissioners represented the nominator, Tr. at p. 99, and (b) the Commission heard no testimony from the staff member who reviewed the nomination. Cf. Rector Church Wardens v. City of Philadelphia Historical Comm'n, 215 A.3d 1038, 1043 (Pa.Cmwlth. 2019) (detailed information about church’s architecture sufficient to support designation of single property that enjoyed vast community support).

Preservation Alliance asserted at oral argument on October 1, 2026, that appellants had not exhausted their administrative remedies and their appeal was not ripe. But Preservation Alliance conceded in its brief the Local Agency Law applies, no separate administrative appeal is available, and appellants could appeal to the Court of Common Pleas (and Commonwealth Court as necessary). Br. of Preservation Alliance at 13 (quoting Merriam v. Philadelphia Historical Comm'n, 777 A.2d 1212, 1219 (Pa. Cmwlth. 2001)). Preservation Alliance also conceded this point at the hearing before the Historical Commission on September 13, 2024. Paul Steinke, a representative of Preservation Alliance, agreed with appellant Jonathan Hessney that the designation of the historical district would immediately impact homeowners. Tr. at pp. 65-66, 72, ln. 22-24. Preservation Alliance is bound by Mr. Steinke’s admission.

In light of the court’s decision to reverse in appeal nos. 241001831 and 241202813, the court does not reach the arguments raised in appeal nos. 250101010 and 250101011.