

**CITY OF PHILADELPHIA****PHILADELPHIA HISTORICAL
COMMISSION**

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Chair

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Executive Director

17 November 2008

Matthew McClure, Esq.
Ballard Spahr Andrews & Ingersoll, LLP
1736 Market Street, 51st Floor
Philadelphia, PA 19103

Re: 1910 Chestnut Street
Rehabilitate theater, construct 28-story addition

Dear Mr. McClure:

On 14 November 2008, the Philadelphia Historical Commission reviewed your application for 1910 Chestnut Street and its Architectural Committee's report and recommendation of 28 October 2008. At that time, the Historical Commission voted to adopt the recommendation of its Architectural Committee and the mutually proposed condition for the stagehouse and:

1. Approve the removal of the stagehouse, provided the remainder of the theater is restored as proposed, the removal is not undertaken until a new construction permit is issued, and no removal or demolition to the stagehouse area shall be permitted unless and until the developer has arranged for construction financing of the hotel tower and replacement stagehouse, pursuant to Standards 2, 5, and 9. The stagehouse does not "characterize the property." Because it is not a "character-defining feature," its removal is not a "razing or destruction ... in significant part." Therefore, the removal of the stagehouse is an "alteration," not a "demolition," in the eyes of the historic preservation ordinance [§14-2007(2)(a, f)].
2. Approve the hotel tower, pursuant to Standards 9 and 10 and the New Additions Guidelines.
 - a. The tower "will not destroy historic materials, features, and spatial relationships that characterize the property. The new works shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment." The tower will be constructed "so that there is the least possible loss of historic materials and so that the character-defining features are not obscured, damaged, or destroyed."
 - b. The "new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired."
 - c. The tower will be designed "in a manner that makes clear what is historic and what is new." The tower will not imitate "a historic style or period of architecture."
 - d. The "new addition to the historic building" is "required by the new use."
 - e. The "new building" is not "out of character or otherwise inappropriate to the setting's historic character."
3. Approve the restoration of the exterior of the theater building including the removal of the non-historic marquee and the reconstruction of the historic marquee, with the staff to review details, pursuant to Standards 1, 2, 3, 5, 6, and 7.

4. Approve the vestibule screen, provided the screen is transparent and is inconspicuous when closed, with the staff to review details, pursuant to Standards 9 and 10.
5. Deny the banners. If a vertical marquee is added, it should replicate the historic marquee.

To complete the processing of your application, please call the Commission's staff to schedule an appointment. For the processing, you must provide the staff with an original (not a copy) of the double-sided building permit application and four sets of plans and/or specifications reflecting the proposal approved by the Commission. If the Commission's approval authorizes the staff to review details, you must present those details for review as well. Once the staff has approved all details and verified that the documents reflect the Commission's approval, it will place the approval stamp on the application and related plans and/or specifications. The Commission will retain a copy of the application and one set of the plans and/or specifications. You then take the approved application and three sets of the approved plans and/or specifications to the Department of Licenses and Inspections, which will conduct its review before issuing a permit.

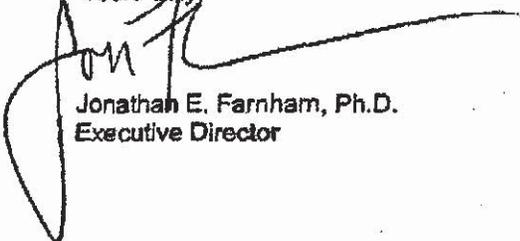
Pursuant to Section 14-2007(10) of the Philadelphia Code, you have the right to appeal the Commission's decision. The appeals section of the historic preservation ordinance reads:

Appeals. Any person aggrieved by the issuance or denial of any permit reviewed by the Commission may appeal such action to the Board of License and Inspection Review. Such appeal must be filed within fifteen (15) days of the date of receipt of notification of the Commission's action. The Board of License and Inspection Review shall give written notice of any such appeal to the Commission within three (3) days of the filing of the appeal.

To file an appeal, contact the Board of License and Inspection Review at 215-686-2427.

If you have any questions regarding the review or appeal processes, please do not hesitate to contact the staff of the Philadelphia Historical Commission at 215-686-7660.

Yours truly,



Jonathan E. Farnham, Ph.D.
Executive Director