



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
 1 CENTRE STREET 9TH FLOOR NORTH NEW YORK NY 10007
 TEL: 212 669-7700 FAX: 212 669-7780



PERMIT

CERTIFICATE OF APPROPRIATENESS

ISSUE DATE: 05/14/2007	EXPIRATION DATE: 04/25/2011	DOCKET #: 07-2920	COFA #: COFA 07-7900
ADDRESS 599-601 BROADWAY HISTORIC DISTRICT SOHO-CAST IRON		BOROUGH: MANHATTAN	BLOCK/LOT: 512/7502

Display This Permit While Work Is In Progress

ISSUED TO:

David Topping
SoHo International Arts Condo.
599 Broadway
New York, NY 10012

Pursuant to Section 25-307 of the Administrative Code of the City of New York, the Landmarks Preservation Commission, at the Public Meeting of April 24, 2007, following the Public Hearing of the same date, voted to approve certain work at the subject premises as put forward in your application completed on March 29, 2007.

The proposal, as approved, is for infilling six (6) window openings at the 9th and 10th floors with masonry, laying new masonry cladding to raise the height of the portion of the façade to which the 1973 artwork known as "The Wall" is attached, reinstalling the artwork - comprising a grid of channels and projecting rectangular elements on a painted background - 18'-4" higher on the facade, installing four vinyl advertising signs below the sculpture, which are to be set in metal frames and indirectly illuminated, and installing a small commemorative plaque, as shown in boards 1 - 11 labeled "599 Broadway: Restoring & Maintaining The Wall", submitted as components of the application and presented at the Public Hearing and Public Meetings.

In reviewing this proposal, the Commission noted that the designation report states that 599 Broadway is a store and loft building designed by J. Odell Whitenach, and built in 1917; and that the style, scale, materials, and details of this loft building contribute to the special architectural and historic character of the SoHo-Cast Iron Historic District. The Commission further noted that in 1944 the adjacent building was demolished, exposing the party wall; that this north wall is in fact the interior wall of the building that was demolished and, therefore, was not originally designed to be an exterior wall; that the sculpture on the building's north wall was installed in 1973 to the designs of Forrest Myers; that the Commission previously approved restoring the sculpture in 1981 and 1988, as well as work on the northern facade (Permit For Minor Work 88-0436 issued 3/22/88, and Certificate of No Effect 98-3143 issued 2/16/98). Staff finally notes that 2000, the Commission voted to deny an application to permanently remove the sculpture and install advertising (Commission Denial 01-2922 issued 11/13/2000); that the owner sued the Commission and prevailed in the action in the United States District Court for the Southern District of New York and an appeal of that decision is currently pending in the Second Circuit;

and that approval of the proposal would result in settlement of the appeal.

With regard to this application, the Commission found that the sculpture will be re-fabricated in accordance with Certificate of No Effect 03-1442; that reinstalling the sculpture approximately 18 feet above its original location, making it 32 feet above grade, will make the sculpture more prominent in the streetscape; that bricking in six lot line windows will not eliminate any significant architectural features of the building; that raising the remnant of the outer wall of the building that was demolished when Houston Street was widened, to which the sculpture is attached, will maintain the sculpture's relationship to the building and the streetscape; that the owners will establish a maintenance fund to maintain the sculpture in a first - class condition; that the owners will light the sculpture at night pursuant to a future approval from the LPC; that the installation of four 8 foot x 18 foot advertising panels, which will be installed 15 feet below the bottom of the sculpture and nine feet above grade, and indirectly illuminated, will not detract from this monumental sculpture; that the commercial character of the proposed advertising signs are evocative of painted signs traditionally found on commercial buildings in this historic district; that the proportions and small size of the signs relative to the scale of the building's façade, and their location at eye level below the sculpture, will not cause them to call undue attention to themselves or overwhelm the streetscape; that the matte finish and simple aluminum framing will not call undue attention to the advertising and will help to frame the advertising as discreet objects on the building, visually separating the panels from the sculpture; that seen in context with the monumental sculpture, the presence of modestly scaled signs on this building will not diminish the special architectural and historic character of the SoHo-Cast Iron Historic District; and that the proposed work will ensure that The Wall, which the Commission found was a "gateway" and contributed to the district's special architectural and historic character, will forever be a prominent feature in the SoHo Cast Iron Historic District. Based on these findings, the Commission determined the proposed work to be appropriate to the building and to the historic district and voted to approve it. The work, therefore, is approved.

However, in voting to grant this approval, the Commission made its determination subject to the stipulation that two sets of final signed and sealed drawings be submitted to the Landmarks Preservation Commission for review and approval.

Subsequently, the Commission received drawings A-0 through A-6 dated 03/21/07 (Rev. 1) prepared by LPE Engineering, P.C.; and drawings A-0 through A-5 (not dated) prepared by John C. Hulme, Architect, drawings 1 through 9 (not dated) prepared by John C. Hulme, Architect, and a copy of a site survey. Accordingly, the staff reviewed the drawings and found that the proposal approved by the Commission has been maintained. Based on this and the above findings, the drawings have been marked approved by the Landmarks Preservation Commission with a perforated seal and Certificate of Appropriateness 07-7900 is being issued.

This permit is issued on the basis of the building and site conditions described in the application and disclosed during the review process. By accepting this permit, the applicant agrees to notify the Commission if the actual building or site conditions vary or if original or historic building fabric is discovered. The Commission reserves the right to amend or revoke this permit, upon written notice to the applicant, in the event that the actual building or site conditions are materially different from those described in the application or disclosed during the review process.

All approved drawings are marked approved by the Commission with a perforated seal indicating the date of approval. The work is limited to what is contained in the perforated documents. Other work or amendments to this filing must be reviewed and approved separately. The applicant is hereby put on notice that performing or maintaining any work not explicitly authorized by this permit may make the applicant liable for criminal and/or civil penalties, including imprisonment and fines. This letter constitutes the permit; a copy must be prominently displayed at the site while work is in progress. Please direct inquiries to William Neeley.

Robert B. Tierney
Chair

**PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:
James Power, Special Counsel, Kramer Levin Naftalis & Frankel LLP**

cc: James Power/KLN&F; Peter Murray/ABC; Lynn Levine, PE/LPE; Sarah Carroll, Director of
Preservation/LPC; Mark Silberman, Counsel/LPC