



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION

1 CENTRE STREET 9TH FLOOR NORTH NEW YORK NY 10007

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# PERMIT CERTIFICATE OF APPROPRIATENESS

<b>ISSUE DATE:</b> 04/24/2008	<b>EXPIRATION DATE:</b> 08/07/2013	<b>DOCKET #:</b> 08-5445	<b>COFA #:</b> COFA 08-8225
<b>ADDRESS</b> 38-42 WEST 18TH STREET <b>HISTORIC DISTRICT</b> LADIES' MILE		<b>BOROUGH:</b>  MANHATTAN	<b>BLOCK/LOT:</b>  819/14

**Display This Permit While Work Is In Progress**

**ISSUED TO:**

**Eugene Mendlowitz**  
**42 West 18th Street Realty Corporation**  
**42 West 18th Street**  
**Second Floor**  
**New York, NY 10011**

Pursuant to Section 25-307 of the Administrative Code of the City of New York, the Landmarks Preservation Commission, at the Public Meeting of August 7, 2007, following the Public Hearing of August 7, 2007, the Landmarks Preservation Commission voted to approve certain work at the subject premises, as put forth in your application completed on July 12, 2007, as you were informed in a Status Update Letter dated November 8, 2007.

The proposal, as approved, consists of alterations to two existing historic buildings, 40 West 18th Street, and 42 West 18th Street, a through-block building with street facades on 17th and 18th streets, and also the construction of a new through-block building on an existing parking lot, consisting of two parts separated by an interior courtyard.

The alterations at the existing building at 40 West 18th Street consist of the removal of the existing modern infill at the ground floor and the installation of a new painted wood storefront, with wood and glass doors, a display window with paneled bulkhead and transoms, and a signband, and the construction of a one story rooftop addition. The alterations at 42 West 18th Street consist of the removal of the modern ground floor infill on both the 17th and 18th Street facades and the installation of new painted wood storefronts, with wood and glass doors, display windows with paneled bulkheads and transoms, and a signband, with 17th Street storefront to have opaque glass at the transoms, an overhead door detailed to look like ganged single-leaf doors, and painted metal louvers set into the upper transoms; the installation of an flagpole at the second floor window sill of 42 West 18th Street; and the construction of a one-story rooftop addition. The alterations at the existing parking lot consist of the construction of a two-part building with a tower facing each street, separated by an interior courtyard set on the roof of a one-story through-block building, with a fifteen story tower with a one-story penthouse and rooftop mechanical bulkheads with the street address 45 West 17th Street, and a twelve story tower with a one-story penthouse and rooftop mechanical bulkheads with the street address 38 West 18th Street, each featuring cast stone facades with metal spandrel panels, gray- finished, one-over-one double-hung aluminum windows, painted

metal storefronts with transoms and bulkheads, and an integral roll-down security gate at the eastern-most loading bay on the West 17th Street façade. The proposal was shown in historic and existing condition photographs, material samples, finish samples, a paint analysis prepared by Jablonski Berkowitz Conservation, Inc. dated December 16, 1999; an existing conditions survey dated May 2000, drawings 1 through 19, all dated August 7, 2007, and undated elevation drawings comparing the current proposal with previously approved designs for these sites, titled "45 West 17th Street" and "38 West 18th Street", all presented at the Public Hearing and Public Meeting, by Karl Fischer, Architect.

In reviewing this proposal, the Commission noted that the Ladies Mile Historic District designation report describes 40 West 18th Street as a building which was built in 1858 and redesigned in the late 19th century in a commercial style by John R. Hutchinson; that the designation report describes 42 West 18th Street as an early 20th century commercial style store and loft building designed by George A. Crawley; that these buildings' style, scale, materials and details are among the features that contribute to the special architectural and historic character of the Ladies' Mile Historic District; and that the through-the-block site at 45 West 17th going through to 38 West 18th Street was an empty lot at the time of designation. The Commission further noted that Warning Letters 99-0497 and 99-0498 were issued February 26, 1999 for "the installation of a fixed awnings ("Adorama") and neon signage at the ground floor shopfronts without Landmarks Preservation Commission Permits; that Certificate of Appropriateness 02-0504 was issued August 2, 2001, for alterations at 40 West 18th Street consisting of the installation of new storefronts, with new surface mounted letters at the signband, new lighting and new security grilles inside the glass, and the construction of a one-and-a-half-story rooftop addition; alterations at 42 West 18th Street, consisting of the installation of new storefronts, with new surface mounted letters at the signband, new lighting and new security grilles inside the glass, construction of a two-and-a-half story rooftop addition, and the installation of an eight foot long flagpole at the second floor window sill; and the construction of a new building on the existing parking lot, with towers constructed on the roof of a three story through-block section; that Modification of Use 02-0505 was issued July 23, 2001, approving a request that the Landmarks Preservation Commission issue a report to the City Planning Commission relation to an application for a Modification of Use and Bulk pursuant to section 74-711 of the zoning resolution; that Certificate of No Effect 07-4895 issued February 15, 2007 for facade probes; and that the work approved pursuant to Certificate of Appropriateness 02-0504 was not started.

With regard to this proposal, the Commission found that the removal of the modern ground floor infill at 40 and 42 West 18th Street will not cause damage to any significant features of these historic buildings; that the design of the new storefront infill is similar to the design of storefronts found at many buildings of these ages and types within this and adjacent historic districts; that the installation of the flagpole and banner into the wood window frame at 42 West 18th Street will not cause damage to significant historic fabric; that the presence of a flagpole and banner at 42 West 18th Street will not overwhelm this facade and will be consistent with the commercial character of the side streets in this historic district; that the construction of the proposed rooftop additions on 40 and 42 West 18th Street will also not cause damage to any significant features of these historic buildings; that the proposed rooftop additions will be concealed from view by the new building, and will therefore not detract from the architectural character of the buildings or the streetscape; that the height of the proposed rooftop additions will not overwhelm or significantly alter the character of the historic buildings on which they are constructed; that the careful massing of the proposed new building into two distinct but architecturally integrated parts will allow the facades to relate successfully to the streetscapes on both West 18th Street and West 17th Street; that the street-wall heights of the proposed new building will relate to the height of the shorter historic buildings directly adjacent to it on West 18th Street and the taller buildings elsewhere on both West 17th and West 18th Streets; that the facades of the new building are composed in a traditional arrangement of base, shaft and capital which is characteristic of the majority of the buildings in the streetscape; that the proposed facades of the new building are composed of architectural elements that are harmonious with the proportions, materials, articulation and street-wall of the other buildings in the streetscape; that the granite detailing at the base, cast stone cladding, and painted metal windows will be harmonious with the material, color, and surface textures of the other buildings in this historic district; that the proportions and shapes of the masonry openings will relate well to the storefronts and windows found throughout the historic district; that the design, configuration and materials of the three-story base, which contains the building's entrance, a garage entrance, and commercial space, will harmonize with the base treatment of most large buildings in this historic district; that the presence of the garage bay will be in

keeping with the architectural character of the commercial buildings in this historic district which often featured loading bays; that the design of the stone cladding of the upper two floors, with a cast stone spandrel panel, full-width string, and a stepped parapet, will recall the design of the three-story base, visually separate the top floors from the shaft of the building, and provide a termination to the facades that is evocative of the large buildings in this historic district; and that the proposed penthouses on the new building will be concealed by the minimally visible elevator bulkhead which will be in keeping with the size, shape and finishes of other utilitarian rooftop features typically found on large buildings in the streetscape. Based on these findings, the Commission determined the proposed work to be appropriate to the buildings and to the Ladies' Mile Historic District, and voted to approve it.

It should be expressly noted that the work was approved as a whole, that this approval is conditioned upon the rooftop additions on the two historic buildings and the construction of the new building being completed at roughly the same time, and that the construction of the rooftop additions on 40 and 42 West 18th Street will be in violation of this approval if the new building is not constructed. Furthermore, by accepting this approval the applicant agrees to not apply for or accept any temporary or permanent Certificate of Occupancy for the two rooftop additions without first obtaining a sign-off from the Landmarks Preservation Commission. Furthermore, by accepting this approval, the applicant agrees to not apply for or accept any temporary or permanent Certificate of occupancy for the rooftop additions without first obtaining a sign-off from the Landmarks Preservation Commission.

In voting to grant this approved, the Commission made its determination subject to the condition that two sets of the final signed and sealed Department of Buildings filing drawings be submitted to the staff of the Commission for review and approval.

Subsequently, on January 23, 2008, staff received drawings G-002 through G-006, A-100, A-201, A-201a, A-202 through A-207, A-301, A-302, A-303, A-401, A-402, A-407 through A-410, S-001, S-101, S-102, S-103, S-201, S-202, and a cover sheet, all dated November 30, 2007, and on March 28, 2008, staff received drawings G-001, EX-403 through EX-406, and A-403 through A-406, all dated March 28, 2008, all prepared and submitted by Karl Fischer Architect, PLLC. Staff has reviewed these materials and finds that they include the proposed removal of the modern storefront infill on both 40 and 42 West 18th Street, and the installation of the new storefronts, and the installation of the flagpole on 42 West 42nd Street, exclusive of the construction of the one-story rooftop additions on either 40 or 42 West 18th Street, or the construction of the new building on the existing parking lot; that the drawings also include restoration work which was not reviewed at the public hearing, which conforms to Commission Rules for a staff level permit; and that the proposal approved by the Commission for the storefronts and flagpole has been maintained. Based on this and the above findings, the drawings have been marked approved with a perforated seal, and Certificate of Appropriateness 08-8225 is being issued.

The restorative work shown on these drawings includes repairs in kind to any damaged historic material discovered upon removal of the modern storefront elements, including the ground floor infill and also modern elements in place in other locations on these facades, including but not limited to exhaust pipes extending through the a second floor window and a spandrel panel at 40 East 18th Street; the existing modern fire escape at 40 East 18th Street; signage, roll-down security gates, the security gate housing and tracks, and through-the-window HVAC units; removal of deteriorated masonry units and mortar, including but not limited to brick, terra cotta, coping stones, column capitals at 40 West 18th Street, and stone, with the new masonry units to match the historic units in terms of size, color, texture, and bond patter, and the mortar matching the historic mortar in terms of color, texture, and tooling; restoration or replacement in kind of the historic metal cornices on both the 17th and 18th Street facades, matching the location, materials, profiles, painted finish, and details of each cornice; reconstruction of the parapet on the 17th Street façade of 42 West 18th Street; removal of all of the existing terra cotta cladding on the façade at 42 West 18th Street, with the work to include photographic documentation of the block pattern on the façade, making molds from sound historic blocks, salvaging and cleaning historic units to use in matching the existing color and texture; removing the existing units, and any deteriorated back-up material discovered during construction, installing a new spandrel beam above the windows at the fifth floor, and installing the new terra cotta, tied back to sound material, with all required flashing, weep holes, mortar, and

related material to provide a sound installation; removal of the existing painted wood windows and transoms, including the decorative windows above the fourth floor at 40 West 18th, and the installation of new painted wood windows and transoms, in configurations to match the existing conditions; inspecting, scraping, repairing in kind, priming, and repainting decorative metal spandrels, or replicating and replacing severely deteriorated sections;

Please note that when the staff of the Commission receives the required two sets of signed and sealed Department of Building construction drawings showing the approved rooftop additions, and the construction of the new building, and, after reviewing them, determines that the submitted drawings conform to the designs approved by the Commission, this Certificate of Appropriateness will be amended to include the drawings showing the rooftop additions and new building. However, no work related to the construction of the rooftop additions or the construction of the new building should be started until this Certificate of Appropriateness is amended and issued.

The approved work is limited to that described above. Please salvage and clean a minimum of three historic bricks, terra cotta units, and mortar samples, prepare a minimum of three sample patches showing the proposed materials, and notify the Commission to arrange for an inspection of the proposed materials to determine if they match the original, prior to ordering material or completing the final phases of the facade work. Please also submit paint samples for all proposed paint colors, noting the location where each sample is to be used, catalog cuts of the proposed exterior light fixtures, and shop drawings for signage, for review and approval prior to ordering materials. This permit is issued with the understanding that the work will take place when the temperature remains a constant 45 degrees Fahrenheit for 72 consecutive hours.

Also, as the approved work consists of subsurface work, the applicant is required to strictly adhere to the Department of Buildings' TPPN 10/88 governing in-ground construction adjacent to historic buildings. It is the applicant's obligation at the time of applying for their DOB permit to inform DOB that the TPPN applies.

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 John Graham.

Robert B. Tierney  
Chair

**PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:  
Karl Fisher, Karl Fisher Architect**

cc: Karl Fisher Architect