

LR ITEM 3. DESCRIPTION OF PROPOSAL
Application for
Special Permit for Modifications to Bulk Regulations
42 West 18th Street, Community District 5, Manhattan
October 14, 2015

I. INTRODUCTION

This is an application (“Application”) by 42 West 18th Realty Corp. (“Applicant”) for a special permit (“Special Permit”) pursuant to Section 74-711 of the Zoning Resolution of the City of New York (“Zoning Resolution” or “ZR”) to effectuate the development of a mixed use building at 42 West 18th Street (Block 819, Lot 15, or “Lot 15”) and restore, on the same zoning lot, the facades of two existing buildings that are contributing buildings to the Ladies’ Mile Historic District (Block 819, Lots 14 [“Lot 14”] and 66 [“Lot 66”]; together with Lot 15, the “Project Site”). The existing building on Lot 66 will also be enlarged.

This Special Permit requests waivers in rear yard equivalent, rear setback, minimum distance between buildings, maximum base height and setback, and narrow buildings, pursuant to ZR Section 74-711 (Landmark preservation in all districts). The proposed actions are requested to facilitate development of a new building (“Building”) of approximately 84,024 zoning square feet of mixed use development, containing approximately 68,097 zoning square feet of residential use (comprising approximately 66 market-rate units) and approximately 15,926 zoning square feet of local service/retail use, as well as 17 accessory parking spaces as a matter of right.

II. BACKGROUND: PRIOR RELATED ACTIONS

The Ladies’ Mile Historic District, bounded by West 15th Street to the south, West 24th Street to the north, and stretching east of Broadway and west of Sixth Avenue, was designated by the Landmarks Preservation Commission (“LPC”) in 1989 (N 890912 HKM). The district is named for the stretch of Broadway that was a fashionable shopping destination in the late 19th century and its designation was intended to preserve the unique architectural character of this section of Manhattan, typified by large turn-of-the-century department stores.

In 2001, the LPC issued a Certificate of No Effect (CNE 02-0492) for window replacement, façade repairs, replacement of the storefront infill, and the installation of signage on the existing building located on Lot 14. A Certificate of Appropriateness (COFA 02-0504) was also issued in 2001 for this building and the building located on Lot 66 for alterations consisting of new storefronts, new surface mounted letters on the signband, new lighting, and new security grilles inside the glass, as well as a one-and-a-half story rooftop addition to the building on Lot 66, a two-and-a-half story addition to the building on Lot 14, as well as the construction of a new building on Lot 15. A Special Permit pursuant to ZR Section 74-711 (C 020244 ZSM) for this 133,603 zoning square foot mixed use building (including residential use) and enlargement to existing buildings on the Project Site was granted by the City Planning Commission (the “Commission”) on January 7, 2004 (Calendar No. 22), pursuant to Uniform Land Use Review Procedure (“ULURP”).

In 2004 the Commission approved the following actions: (i) amendment to the zoning map (“Rezoning”) from an M1-6M to a C6-4A district for an approximately five-block area bounded by Fifth Avenue, West 17th Street, Sixth Avenue and West 22nd Street (“Rezoning Area”) (C 040331 ZMM); (ii) zoning text amendments to ZR Sections 11-44, 23-633 and 35-24 to clarify zoning text, grandfather the Special Permit previously approved for the Project Site (M 020244 ZSM) and allow street wall heights to match adjacent street walls provided that such height does not exceed 150 feet (N 040332 ZRM). The rezoning permitted the conversion to and construction of new residential uses as a matter of right within the Rezoning Area.

The previous Special Permit was modified in 2004 (M 020244A ZSM) to reconcile the drawings with those approved by the LPC. A Certificate of Appropriateness was issued by the LPC approving further design modifications in 2008 (COFA 08-8225).

The Special Permit was renewed for an additional three years on May 5, 2008 (N 080266 CMM) and for an additional three years on August 8, 2011 (N 110199 CMM). This project did not proceed and the Special Permit lapsed on February 2, 2014.

On December 3, 2014, the LPC issued a Certificate of Appropriateness (COFA 16-5428) approving the proposed Building and restoration plan for the buildings on Lots 14 and 66 (attached here to as Exhibit A).

III. DESCRIPTION OF THE SURROUNDING AREA AND PROJECT AREA

Surrounding Area Land Use

The Project Site is located within the Ladies' Mile neighborhood of Chelsea and is located approximately two blocks to the northwest of Union Square Park.

The area encompassing a 600 foot radius from the Project Site ("Surrounding Area") is characterized by loft buildings with high street walls constructed during the late 19th and early 20th centuries – prior to the adoption of the 1916 zoning ordinance. These buildings are generally in the range of 100 to 150 feet and higher in height and are typically constructed to their full heights at the lot line without setbacks. Interspersed among these loft buildings are one- to six-story commercial buildings and a number of former row houses. This building stock reflects the Surrounding Area's role as New York's late 19th century manufacturing and commercial center.

There had been little new construction in the area between the adoption of the 1916 zoning ordinance and the Rezoning. Since the early and mid-20th century, this area historically contained several parking lots on sites once formerly occupied by buildings. However, in the years since the Rezoning, the area has experienced a significant increase in residential use with new developments and conversions of existing loft buildings, including the development of several long established parking lots. Today, the area contains a lively mix of commercial, institutional and residential uses with a decreasing number of manufacturers.

The Surrounding Area has thus transitioned from its 20th Century role as a largely commercial and manufacturing center to one with a lively mix of commercial, retail, institutional and residential uses. The former loft buildings that characterize the mixed use neighborhood surrounding the Project Site are predominantly used for commercial, retail, and residential uses with a significant community facility presence. Most of the commercial uses are offices and service uses, particularly those that are media related. Ground floor retail and eating and drinking establishments are also characteristic of the surrounding neighborhood. Both Fifth and

Sixth Avenues are major retail streets, reflecting their return to their original 19th century uses. Retail stores that are characteristic of local neighborhood shopping areas are concentrated on Fifth Avenue within the Surrounding Area while Sixth Avenue, which tends to serve a wider area with larger stores, has seen a number of large industrial buildings converted to commercial use in recent years. These include 604 Sixth Avenue at the southeast corner of West 18th Street, which contains a 53,030 square foot Old Navy store, and 620 Sixth Avenue at the northeast corner of 18th Street, which contains retail uses such as Bed Bath and Beyond, TJ Maxx, and Marshalls.

The eclectic mix of building types on West 17th Street and West 18th Street are characteristic of the Ladies' Mile Historic District. They range from two- to four-story commercial buildings, including former residential brownstones, to five- to six-story commercial buildings and taller and bulkier loft buildings. The loft buildings range in height from 140 to 185 feet and are built with street walls that begin at the street line and rise without setback for the full building height. Uses on West 17th Street and West 18th Street range from residences (newly constructed and converted) and community facilities (The Center for Jewish History at 15 West 16th Street and a new public elementary school at 590 Sixth Avenue) to a range of commercial uses including a number of ground floor restaurants; furniture and design stores; book and music stores; stationery and art supply stores; and salon, spa, and fitness establishments. Union Square Park is located approximately two blocks to the southeast of the Project Site.

The Project Site is located between Fifth Avenue, a major southbound street, and Sixth Avenue, a major northbound street. The closest subway station to the Project Site is the 14th Street station for the F and M lines (at Sixth Avenue). The Project Site is also served by the 14th Street station of the N, Q and R lines (at Union Square); the 18th Street station for the 1 line (at Seventh Avenue); and the 14th Street and 23rd Street PATH stations (on Sixth Avenue). The crosstown M23 bus runs on 23rd Street and the crosstown M14A and M14D buses run on 14th Street; the northbound M5 and M7 buses run on Sixth Avenue, and the southbound M1, 2, 3, and 5 buses run on Fifth Avenue.

Surrounding Area Zoning

The Project Site is located within a 5 ½-block area that was rezoned in 2004 to a C6-4A zoning district that allows for a mix of commercial and residential uses with an FAR of 10 (bonusable to 12 with inclusionary housing). The C6-4A district is bounded by Sixth Avenue to the west, 22nd Street to the north, Fifth Avenue to the east, and the midblock of West 16th and West 17th Streets to the south. The C6-4A district within the Ladies' Mile area, as modified by ZR Section 23-633(d)(6)(ii), allows an overall building height of 185 feet and allows a street wall to exceed a maximum base height of 125 feet up to 150 feet on a narrow street — a typical street wall height in the area. On a wide street, the maximum building height is 210 feet, and the maximum base height is 150 feet. The C6-4A district was mapped in order to reflect the area's mixed use character; to allow for residential development on underutilized lots; and to strengthen and preserve the area's built character.

A C6-2M district is mapped to the south of the district, on the midblocks of West 14th, 15th, and 16th Streets, between Fifth and Sixth Avenues. The C6-2M district allows for a mix of uses: residential uses with a maximum FAR of 6.02 FAR, commercial uses with a maximum FAR of 6.0, and community facility uses with a maximum FAR of 6.5. The C6-2M district allows a maximum street wall of 85 feet or 6 stories, whichever is less; the building may rise within the sky exposure plane after setting back 20 feet from a narrow street and 15 feet from a wide street. There is no maximum building height.

A C6-2A district is mapped along Sixth Avenue between 15th Street and West 22nd Street. The C6-2A district allows for a mix of uses: residential uses with a maximum FAR of 6.02 FAR, commercial uses with a maximum FAR of 6.0, and community facility uses with a maximum FAR of 6.5. The C6-2A district allows an overall building height of 120 feet and a base with a minimum height of 60 feet and a maximum height of 85 feet.

IV. DEVELOPMENT SITE/PROJECT AREA DESCRIPTION

The Project Site is located on Block 819, bounded by West 18th Street to the north, Fifth Avenue to the east, West 17th Street to the south and Sixth Avenue to the west in Community District 5 in Manhattan. The Project Site is located in a C6-4A District within the Ladies' Mile Historic

District. The Project Site comprises one zoning lot, which includes three tax lots, Lots 14, 15, and 66 (the “Zoning Lot”). Lots 14 and 66 contain existing buildings (“Historic Buildings”), which are contributing buildings to the Ladies’ Mile Historic District.

Lot 14 is a 4,600 square foot through lot with 25 feet of frontage on West 17th and West 18th Streets. The existing Historic Building on this lot is a six-story commercial building built in 1907 as a loft and store. Its West 18th Street façade is faced in white terra cotta tiles with granite pilasters at the ground level. Its West 17th Street façade is treated with buff-colored brick. This 6 FAR building contains commercial uses and will remain and be restored as part of the proposed project.

Lot 66 is 2,100 square feet in area and has 25 feet of frontage on West 18th Street. This lot contains an existing 3.47 FAR building that will be enlarged as part of the Proposed Project. The four-story Historic Building on Lot 66 was originally built as a dwelling in 1865 and was converted to commercial use in the 1890s. Its façade includes brick and cast and galvanized iron with an ornate three-bay façade above the first story. This building, which contains commercial uses, will remain and be restored; a small one-story rear addition will be removed, and a new three-story rear addition, containing 438 square feet of commercial and storage space, will be constructed in its place.

Lot 15 is 7,100 square feet in area and is an irregularly L-shaped, through-block parcel with 25 feet of frontage on West 18th Street and 50 feet of frontage on West 17th Street, both narrow streets. It is currently operated as an at-grade parking lot with a capacity licensed by the Department of Consumer Affairs (“DCA”) of 54 spaces (DCA license number 1158884-DCA). The parking lot has ingress and egress from both West 17th and West 18th Streets; there is one curb cut each on West 17th and West 18th Streets. According to historic certificates of occupancy, the Site has been used as a parking lot since at least the 1930’s. The parking lot contains a small employee structure. This lot will be developed with a 16-story building segment fronting on West 17th Street and a 17-story building segment fronting on West 18th Street, both containing commercial and residential uses.

The proposed developments on Lots 66 and 15 (the “Development Site”) are the subject of this application for waivers. The Development Site is located 285 feet east of Sixth Avenue. The depth of Block 819 between 18th and West 17th Streets is 184 feet.

V. PROJECT DESCRIPTION

The proposed project (“Proposed Project”) includes the construction of a new building on Lot 15, the enlargement of the existing building on Lot 66, and the restoration of the facades of the existing buildings on Lots 66 and 14.

The applicant intends to restore and repair the facades of the two Historic Buildings on Lots 66 and 14 pursuant to the Certificate of No Effect (CNEs 17-7108 and 7109 issued by LPC on September 25, 2015, attached). The Historic Buildings would also be subject to a continuing maintenance plan as described in the modification of use agreement (MOU 17-1707 issued by LPC on September 25, 2015, attached). The building on Lot 14 will remain otherwise unchanged and will continue to contain commercial uses.

Additionally, the existing building located on Lot 66 will be altered to remove 184 square feet of floor area from the ground floor, of which 38 zoning square feet are in fact located on Lot 15. A three-story rear enlargement would be constructed, such that the Lot 66 building would fully occupy the tax lot. The enlargement to the Lot 66 building will total 438 zoning square feet and will result in a net increase in floor area of 292 zoning square feet of retail and storage space in the existing building, which will continue to contain commercial uses.

On Lot 15, the Applicant intends to construct an approximately 84,024 square foot mixed use building (“Building”) containing: 68,097 zoning square feet of residential use (approximately 66 market-rate dwelling units); approximately 15,296 zoning square feet of commercial use; and a below-grade, one-level parking garage with 17 accessory parking spaces and 39 bicycle parking spaces. Lot 15 will generate 71,000 zoning square feet of floor area; the Building will utilize 13,024 zoning square feet of unused development rights from the remainder of the Zoning Lot. At completion of construction, the Zoning Lot will contain 118,831 zoning square feet of development (8.61 FAR), less than the permitted maximum floor area of 138,000 zoning square feet (10 FAR).

The Building will consist of north and south wings. The north wing will front on 18th Street (“North Wing”) and the south wing will front on 17th Street (“South Wing”). The Wings will be connected by a three-story base. The South Wing, with a frontage of 50 feet on West 17th Street, will be 16 stories (166 feet) in height with no front setback. The North Wing, with a frontage of 25 feet on West 18th Street, will be 17 stories (170 feet) in height with no front setback. The building height of the South Wing will comply with the C6-4A district maximum building height for a narrow street, while the North Wing will extend above the permitted height for a narrow building on a narrow street in a C6-4A district (see Z-140 and Z-141 for location of requested bulk waivers).

The Building will have a three-story base, which will contain a separate residential lobby for each Wing; ground floor local retail use on the first floor accessed from West 17th Street; and office and retail use on the second and third floors, also accessed from West 17th Street. Both North and South Wing façades will include a full height glass storefront at the ground floor. The entrance to the below-grade automated parking garage will be located on West 17th Street and ingress and egress to the parking garage will be provided by means of the existing curb cut on West 17th Street, which will be reduced in width.

The South Wing of the Building will rise without setback to the maximum permitted height and will not provide the required front or rear setbacks at 125 feet. The three-story commercial base will exceed the permitted height of 23 feet for rear yard obstructions. A rear yard equivalent of 50 feet will be provided between the two Wings. The 17-story (170-foot) North Wing of the Building will exceed the 60 foot permitted height of a narrow building on a 60-foot wide block.

The Building will complete the continuity of the streetwall on both West 17th and West 18th Streets, providing high, loft-style streetwalls characteristic of the Ladies’ Mile Historic District (see Z-202 and Z-203 for neighborhood character diagrams). A metal-mesh screen, designed to be a contemporary evocation of classical architecture, will accent the South Wing’s façade, while the North Wing’s façade will include a grid of brick panels tapering upward from solid to void and recessed, stepped window frames that will provide depth and articulation typical of the Ladies’ Mile Historic District.

VI. ACTIONS NECESSARY TO FACILITATE THIS PROJECT

The proposed development would require a special permit pursuant to Section 74-711 of the Zoning Resolution for development within a historic district to allow the following modifications.

- **Location of a building not in compliance with the applicable base and setback regulations set forth in ZR Sections 35-24 and 23-633.**

The maximum permitted base height in a C6-4A zoning district is 125 feet, above which a 15-foot setback is required. The South Wing of the development on Lot 15 will have a base height of 166 feet, exceeding the maximum permitted base height by 41 feet, without providing the required 15-foot setback. This will result in a building facade that is consistent with the loft building architecture found in the surrounding historic district, which is characterized by buildings that rise over 150 feet without setback.

- **Location of a building not in compliance with the applicable rear setback regulations set forth in ZR Section 23-633.**

Above 125 feet, a 10-foot rear setback is required. The Building's South Wing will rise the full building height without the required ten-foot rear setback. The rear setback waiver requested will be minimally visible from either street and will have no impact on the scale of the surrounding neighborhood. The purpose of this is to allow floor plates that are usable for residential use on a block that is only 184 feet in depth in comparison to the 200 feet that is typical of the standard Manhattan block.

- **Rear yard that does not comply with ZR Section 23-532 due to obstructions that do not comply with ZR Section 23-44.**

The Zoning Resolution permits an obstruction in the rear yard of one story and requires, on a through lot, a rear-yard equivalent of 60 feet. The Building's commercial space will be located on three floors within the rear yard equivalent at the center of the Zoning Lot. The upper two of these floors are not a permitted obstruction. In addition, the residential space in the Building's

South Wing will encroach into the rear yard equivalent by 10 feet, resulting in 50 feet of rear yard equivalent.

The block on which the Development Site is located is only 184 feet in depth in comparison to the 200 feet that is typical of the standard Manhattan block. Given the shallow depth of the block, the proposed rear yard waiver will allow the construction of a building that provides usable floorplates for residential use. The lower three floors will be commercial uses that will be connected to the existing commercial uses in the building on Lot 66. The waiver would allow for the development of a mixed use building that will support the existing commercial uses on the Project Site. The rear yard obstruction would not be visible from the street. It would therefore have no adverse impact on structures or open space in the vicinity.

- **Location of building portions that do not comply with ZR Section 23-711 regarding minimum distance between windows on a zoning lot.**

The minimum required distance between buildings is 60 feet on a single zoning lot. The Building's North and South Wings will have a distance of 50 feet between them. This will allow for building footprints that provide usable floorplates for residential use. The minimum distance between windows waiver requested will be minimally visible from the street and will have no impact on the scale of the surrounding neighborhood.

- **Portion of the building with a street frontage of less than 45 feet in width to exceed permitted maximum height pursuant to ZR Section 23-692.**

The maximum permitted height for a building with less than 45 feet of frontage on a narrow street (60 feet in width) is 60 feet. The Building's North Wing would be 170 feet. This will allow for a building façade that reflects the loft buildings that are characteristic of the neighborhood. The design of the proposed building facade as approved by the LPC will provide a streetwall that is consistent with the many midblock buildings on West 18th Streets between Fifth and Sixth Avenues that rise over 150 feet without setback, including 30 West 18th Street, which rises to 180 feet (approximately 150 feet without setback) and 44 West 18th Street, which rises to 168 feet without setback.

CONCLUSION

This application seeks bulk waivers to effectuate the development of a mixed-use building containing commercial and residential uses on what is currently an underutilized site. The active street-level commercial uses will activate West 17th and West 18th Streets. The Development will also provide approximately 66 market-rate housing units. The Building will complete the streetwall along West 17th and West 18th Streets, where it is currently interrupted by a parking lot. The LPC-approved building design will complement the historic character of the loft building architecture found in the Ladies Mile Historic District. The facades of the two Historic Buildings on Lots 14 and 66, which are both contributing buildings in the Ladies' Mile Historic District, will be restored and will continue to be occupied by commercial uses.

ATTACHMENT 11
APPLICANT'S DISCUSSION OF CONDITIONS FOR A
SPECIAL PERMIT PURSUANT TO ZR SECTIONS 74-711 FOR LANDMARK
PRESERVATION IN ALL DISTRICTS

42 West 18th Street, Community District 5, Manhattan

October 14, 2015

(2/2/11)

74-711

Landmark preservation in all districts

In all districts, for #zoning lots# containing a landmark designated by the Landmarks Preservation Commission, or for #zoning lots# with existing #buildings# located within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may permit modifications of the #use# and #bulk# regulations, except #floor area ratio# regulations, provided that:

a) *the following conditions are met:*

- (1) any application pursuant to this Section shall include a report from the Landmarks Preservation Commission stating that a program has been established for continuing maintenance that will result in the preservation of the subject #building# or #buildings# and that such #use# or #bulk# modifications, or restorative work required under the continued maintenance program contributes to a preservation purpose;*

The Landmarks Preservation Commission (LPC) has approved a proposed program for restorative work to be performed on the Historic Buildings as described in the Certificate of No Effect (CNEs 17-7108 and 17-1709 issued by LPC on September 25, 2015, attached). These buildings are both contributing buildings to the Ladies' Mile Historic District. The building at 40 West 18th Street was originally built as a dwelling in 1858 and redesigned for commercial use in 1898. It features a facade of brick and cast and galvanized iron with classical details. The through-block building at 42 West 18th Street was built in the early 20th century as a store and loft building. Its northern facade is tiled in white terra cotta, with a large arched bay reaching from the 1st through 5th stories and a crenellated terra cotta cornice. Its southern facade is brick and historically featured a metal cornice, which is now missing.

The restoration work will return the Historic Buildings closer to their original appearances by restoring the limestone, brick, and terra cotta masonry and metal facades, including the replacement in kind of the majority of the terra cotta cladding at 42 West 18th Street; restoring

the missing metal cornice at 45 West 17th Street; and replacing metal windows and non-historic storefront infill with historically-appropriate wood windows and storefront infill. The restoration will reinforce the architectural and historic character of the buildings, the streetscape, and the historic district.

The Historic Buildings' owner has committed to a regular plan of maintenance, as described in the modification of use agreement (MOU 17-7107 issued by LPC on September 25, 2015, attached) to ensure that the Historic Buildings are kept in a sound, first-class condition. A Restrictive Declaration will be filed against the property, binding the current property owner and all heirs, successors, and assigns to maintain the Historic Buildings in accordance with maintenance plan in perpetuity.

(2) any application pursuant to this Section shall include a Certificate of Appropriateness, other permit, or report from the Landmarks Preservation Commission stating that such #bulk# modifications relate harmoniously to the subject landmark #building# or #buildings# in the Historic District, as applicable; and

The LPC issued a Certificate of Appropriateness (COFA 16-5428) for the Proposed Development on December 3, 2014 (attached hereto as Exhibit A). In its report, the LPC noted that the construction of the Building will complete the streetwall on West 17th and West 18th Streets, reinforcing the continuous streetwall typical of the historic district on these two streets, which is currently disrupted by the existing through-block parking lot. The massing of the Building into two distinct wings allows the facades to successfully relate to the height and scale of each streetscape. The heights of the Building's wings are in keeping with those of existing loft buildings in the historic district, many of which rise over 150 feet without setback.

The Building's southern façade will be composed of a structural glass curtain wall overlaid by metal-mesh panels that will evoke the classically-inspired ornament typical of early 20th-century loft buildings in the Ladies' Mile Historic District. The northern façade will consist of a grid of brick panels that will taper upwards from solid to void, suggestive of the progression from traditional masonry construction to steel-skeleton construction that took place in the development of the historic district in the late 19th and early 20th centuries. This façade will feature strong orthogonal lines and recessed, stepped window frames as a contemporary

interpretation of the façade articulation and detail characteristic of the area. The Building will therefore enhance the architectural character of the historic district.

*(3) the maximum number of #dwelling units# shall be as set forth in Section 15-111
(Number of permitted dwelling units).*

This finding is not applicable because no residential units are being created in the Historic Buildings.

ATTACHMENT 11
APPLICANT'S DISCUSSION OF FINDINGS FOR A
SPECIAL PERMIT PURSUANT TO ZR SECTIONS 74-711 FOR LANDMARK
PRESERVATION IN ALL DISTRICTS

42 West 18th Street, Community District 5, Manhattan

October 14, 2015

(2/2/11)

74-711

Landmark preservation in all districts

In all districts, for #zoning lots# containing a landmark designated by the Landmarks Preservation Commission, or for #zoning lots# with existing #buildings# located within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may permit modifications of the #use# and #bulk# regulations, except #floor area ratio# regulations, provided that:

b) In order to grant a special permit, the City Planning Commission shall find that:

(1) such #bulk# modifications shall have minimal adverse effects on the structures or #open space# in the vicinity in terms of scale, location and access to light and air; and

Scale

The proposed waivers would have no adverse impact on structures or open space in the vicinity.

- Base and Setback Waivers

The Building's South Wing will be 166 feet in height and will comply to the maximum building height of 185 feet, per ZR Sections 35-24 and 23-633. The requested waivers would modify the front wall so that it may rise without setback above the maximum base height of 125 feet on the West 17th Street frontage, instead of setting back 15 feet. The Building's North Wing would exceed the maximum height of 60 feet allowed for a building with less than 45 feet of frontage on a narrow street (60 feet in width), per ZR Section 23-692. The 18th Street façade would rise to 170 feet without setback. These waivers will allow for building façades that are more in accordance with the loft buildings that are characteristic of the neighborhood. The design of the proposed building facades as approved by the LPC will provide a streetwall that is consistent

with the many midblock buildings on West 17th and West 18th Streets between Fifth and Sixth Avenues that rise over 150 feet without setback. These include: the building to the immediate east of the Development Site on West 18th Street (32 West 18th Street, which rises 153 feet without setback); 30 West 18th Street, which rises to 180 feet (approximately 150 feet without setback); the building immediately to the west of the Project Site at 47 West 17th Street, which rises 168 feet without setback; and 40 West 17th Street, directly across from the Development Site, which rises 151' feet without setback. There are also several examples of buildings in the immediate vicinity with less than 45 feet of street frontage that are greater than 60 feet in height. For example, 10 West 18th Street has a frontage of 28 feet and rises to 121 feet. Likewise, 18 West 17th Street has a frontage of 25 feet and a height of 150 feet, and 11 West 17th Street has a frontage of 27 feet and a height of 138 feet.

As a formerly industrial and commercial neighborhood, there are no open spaces within proximity to the Development Site that would be affected by the proposed waivers. The nearest open spaces are the Cemetery of the Spanish-Portuguese Synagogue on West 21st Street, which is located .15 miles to the northwest of the Project Site; Union Square Park, which is located .25 miles to the southeast of the Project Site; Madison Square Park, which is located .3 miles to the northeast of the Project Site; and Gramercy Park and the Dr. Gertrude B. Kelly Playground, which are located .4 miles to the east and west, respectively, of the Project Site. The proposed project would not be visible from or adversely impact any of these open spaces.

- Rear Setback Waiver

The proposed rear setback waiver will allow the Building to rise to its full height without rear setback. The rear setback waiver requested will be minimally visible from the street and will have no impact on the scale of the surrounding neighborhood. It will permit usable building floor plates in this historic loft context.

- Rear Yard Waiver

The Building's commercial space will be located on three floors within the rear yard equivalent at the center of the Zoning Lot. The upper two of these floors are not a permitted obstruction pursuant to ZR Section 23-44. In addition, the residential space in the Building's

South Wing will encroach into the rear yard equivalent required by ZR Section 23-532 by 10 feet, resulting in 50 feet of rear yard equivalent rather than the required 60 feet.

The block on which the Development Site is located is only 184 feet in depth in comparison to the 200 feet that is typical of the standard Manhattan block. Given the shallow depth of the block, the proposed rear yard waiver will allow the construction of a building that provides usable floorplates for residential use. It would also allow a long underutilized site to be activated with street level commercial use. The three-story commercial space located in the rear yard will not be visible from the street. Therefore, the proposed rear yard waivers would have no adverse impact on structures or open space in the vicinity in terms of scale. It will permit the development of a building that will be consistent with the character of the block and the Historic District, which includes many through-block buildings.

- Minimum Distance Between Windows Waiver

In addition, the shallow rear yard equivalent will result in the location of building portions that do not comply with ZR Section 23-711 regarding the minimum distance between windows on a zoning lot. The minimum required distance between buildings is 60 feet. The Building's North and South Wings will have a distance of 50 feet between them. The minimum distance between windows waiver requested will be minimally visible from the street and will have no impact on the scale of the surrounding neighborhood. It will allow for a greater amount of light and air than would be provided by a loft conversion, which is typical of the surrounding neighborhood.

Location

The requested bulk waivers would have no adverse impact upon structures or open space in the surrounding community in terms of location. The location and footprint of the Building would be the same as that of an as-of-right building. The South Wing streetwall up to 150 feet would be the same as an as-of-right condition; the waiver would allow for only approximately 10 feet of additional height on this façade. The maximum height of the North Wing would blend seamlessly with adjacent and nearby buildings. The minimal rear yard equivalent and rear

setback waivers would not be visible from the street. Therefore, there would no adverse impact due to Building location.

Access to Light and Air

The proposed Building would have frontages on both West 17th and West 18th Streets and include a three story commercial base with two residential mid-rise wings. The South Wing on the West 17th Street frontage would rise to 16 stories at a height of 166 feet with no setbacks. The North Wing on the West 18th Street would rise to 17 stories at a height of 170 feet with no setbacks.

There is one sunlight-sensitive resource within the area in which shadows could be cast – the Church of the Holy Communion located on Sixth Avenue and West 20th Street. The Church is a designated NYC Landmark and is listed on the State and National Registers of Historic Places. It contains a rose window on the Sixth Avenue façade, which is made of stained glass. The building no longer functions as a church and is used for commercial purposes. Although the Church is located within the shadow radius, no incremental shadows would be cast on this resource as a result of the proposed action as there are several intervening buildings between the project site and the Church.

In addition, the *Ladies' Mile Rezoning Environmental Assessment Statement (EAS)* (CEQR No. 04DCP038M) identified the project area as “Projected Development Site 6” in the RWCDs for the rezoning and related applications. The development was assumed to consist of two 17-story mid-rise wings with approximately 150-foot tall streetwalls on both frontages, with 15-foot setbacks above the streetwall, and 175-foot tall total building height for each wing, which is taller than the proposed project. The shadow analysis in the Ladies' Mile Rezoning EAS concluded that the 175-foot tall building projected for this site would not cast any net incremental shadows on the Church.

The proposed Building would include three stories of commercial space located in the rear yard, the upper two of which are not a permitted obstruction. Additionally, a rear yard equivalent of 50 feet will be provided, rather than the required 60 feet. There is only one existing building containing residential use that is adjacent to the Building site, located at 32 West 18th Street,

immediately east of the proposed North Wing. This building is a converted commercial loft building that has a rear yard of only five feet (the existing commercial building to the south also provides a rear yard of five feet, for a total distance between windows of ten feet). The 50 foot rear yard that would be provided as part of the Proposed Project would allow adequate light and air to this building and would provide efficient and usable floor plates for the new Building without impinging on the historic buildings on the two adjacent lots.

Therefore, the proposed building would have no impact on access to light within the area.

(2) such #use# modifications shall have minimal adverse effects on the structures or #uses# within the #building# and in the surrounding area.

Not applicable.

The City Planning Commission may prescribe appropriate additional conditions and safeguards which will enhance the character of the #development# and #buildings# on the #zoning lot#.

Not applicable.

CONCLUSION

The discretionary actions requested in this Application will allow the development of a mixed-use building massed in two wings of 16 and 17 stories. It will contain approximately 68,097 zoning square feet of residential use (approximately 66 dwelling units); approximately 15,926 zoning square feet of commercial use; and a below-grade, one -level parking garage with 17 accessory parking spaces and 39 bicycle parking spaces. The design of the Building would more appropriately reflect the existing built character of West 17th and West 18th Streets between Fifth and Sixth Avenues than would the as-of-right building form. The building will provide new housing and active street-level commercial use on what is currently an underutilized site, supporting the City's 2004 goal, as part of the Ladies' Mile Rezoning, "to put underutilized land into productive use and make a meaningful contribution to the City's effort to address its housing shortage." In addition, the facades of the two existing buildings on the Zoning Lot, which are contributing buildings to the Ladies' Mile Historic District, will be restored to closer to their historic character and maintained in perpetuity.



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: 12/03/14	EXPIRATION DATE: 11/25/2020	DOCKET #: 158949	COFA #: COFA 16-5428
<u>ADDRESS:</u> 38-42 WEST 18TH STREET <u>HISTORIC DISTRICT</u> LADIES' MILE		BOROUGH: MANHATTAN	BLOCK/LOT: 819 / 14

Display This Permit While Work Is In Progress

ISSUED TO:

Eugene Mendlowits
42 West 18th Street Corp.
42 West 18th Street, 4th 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 November 25, 2014, following the Public Hearing and Public Meeting of September 23, 2014, voted to grant a Certificate of Appropriateness for the construction of a new building, and to restore the facades and replace windows and storefront infill at 40 and 42 West 18th Street, as put forward in your application completed on August 28, 2014.

The proposal, as approved, consists of constructing a new building with a sixteen-story frontage on West 17th Street and a seventeen-story frontage on West 18th Street and featuring a metal-mesh facade with a base-shaft-capital composition and classically inspired elements on West 17th Street and a facade composed of a grid of brick panels tapering upwards from solid to void, with stepped window frames, on West 18th Street. The approved work at the existing buildings consists of the restoration of the masonry and metal facades, including the replacement in kind of the majority of the terra cotta cladding at 42 West 18th Street, the restoration of the missing metal cornice at 45 West 17th Street, the removal of metal windows and the installation of wood windows, and the removal of non-historic storefront infill and the installation of new wood storefront infill. The proposal, as initially presented, called for an eighteen-story frontage on West 17th Street and a facade composed of a grid of cast-concrete panels on West 18th Street. The proposal was shown in physical models and in digital presentation slides labeled 1 through 47, dated September 23, 2014, and prepared by Morris Adjmi Architects, and revised physical models and digital presentation slides labeled 1 through 17, and dated November 25, 2014, submitted as components of the application, and presented at the Public Hearing and Public Meetings.

In reviewing this proposal, the Commission noted that the Ladies' Mile Historic District designation report describes the site as a vacant lot; and describes 40 West 18th Street as a building originally built in 1858 and redesigned in 1898 in a commercial style by John R. Hutchinson; and 42 West 18th Street as an early 20th century commercial style store and loft building designed by George A. Crawley and built in 1907-08. The Commission also noted that the historical development of the Ladies' Mile Historic District occurred in several phases, resulting in a variety of building heights and widths adjacent to each other, including early 19th-century residential development which included residences and stable buildings; early commercial development which included mid-rise building and the commercial adaptation of some residential buildings and stables; large turn-of-the-century department stores; large 20th-century loft buildings and older buildings converted to manufacturing use; and that many streets combine buildings from several or all of these periods, with taller buildings facing the avenues and the major cross-town streets, such as West 14th and West 23rd Streets; and that the facades of the taller buildings frequently feature a strongly articulated base, shaft, and capital composition as well as classically inspired ornament. The staff further notes that West 17th and West 18th Streets comprise a combination of mid-scale and large early 20th-century commercial buildings and small scale 19th-century rowhouses with punched masonry openings and converted commercial ground floors. The Commission further noted that Notice of Violation 99-0497 and Notice of Violation 99-0498 were both issued July 6, 1999 for the "installation of fixed awning ("Adorama") and neon signage at ground floor shopfront without permit(s)"; that Notice of Violation 08-0122 was issued September 6th, 2007, for the "installation of signage and billboards without permit(s)"; that Certificate of No Effect 02-0492 was issued July 23, 2001, for window replacement, facade repairs, replacement of the storefront infill and the installation of signage; that Modification of Use and Bulk 02-0505 was issued August 2, 2001 for modifications of use at the buildings located at 40-42 West 18th Street and the vacant lot located at 38 West 18th Street; that Certificate of Appropriateness 02-0504 was issued August 2, 2001, for the construction of a new building on vacant lot; the construction of rooftop additions at 40 and 42 West 18th Street, and the installation of a flagpole at 42 West 18th Street; that Miscellaneous/Amendments 04-5232 was issued February 26, 2004 for enlarging the interior courtyard from 40 feet to 50 feet by reducing the footprint at the rear of 38 and 40 West 18th Street, and slightly increasing the footprint at the rear of the West 17th Street side of the new building; and that Certificate of Appropriateness 08-8225 was issued April 24, 2008, for the construction of a new building on the vacant lot; the construction of rooftop additions at 40 and 42 West 18th Street, and the replacement of storefront infill.

With regard to this proposal, the Commission found that the construction of a new building on the site will complete the streetwall on West 17th and West 18th Streets and will reinforce the continuity of the streetwall on two streets, which is currently disrupted on both West 17th and 18th Streets by a through-block parking lot; that the careful massing of the building into two distinct parts allows the facades to relate successfully to the streetscape on both West 17th and 18th Streets; that the height and scale of both facades relate well to the context of the surrounding buildings in the streetscapes; that the proposed West 17th Street facade is articulated as a base, shaft and capital, recalling the typical facade composition of early 20th-century commercial buildings located throughout the historic district; that the proposed West 17th Street facade, composed of a structural-glass curtain wall overlaid by metal-mesh panels, is an innovative evocation of classical architectural features and ornament; that the proposed West 18th Street facade, composed of a grid of brick panels tapering upwards from solid to void, is evocative of the progression from traditional load-bearing masonry construction to steel-skeleton construction that shaped the development of the historic district during the late-19th and early-20th centuries; that the detailing of this brick facade, featuring strong orthogonal lines and recessed, stepped window frames, is a contemporary interpretation of the robust facade articulation and ornament characteristic of masonry buildings found within the historic district; that both facade designs incorporate an interplay of facade planes and smooth and textured surfaces, and will therefore display a level of depth and articulation comparable to what is found on historic buildings

within this historic district; that the proposed building will enhance the special architectural and historic character of the historic district; and that the restorative work to be approved pursuant to LPC 15-8949 will return the building closer to its original appearance; that the restorative work, including restoration of the brick, limestone, and terra cotta masonry facades; repair and or replacement in kind of deteriorated sheet-metal façade elements and replication of missing decorative features; replacement of windows; and installation of wood storefront infill, will bring the building up to a sound, first-class condition, aid in its long-term preservation, and reinforce the architectural and historic character of the building, the streetscape, and the historic district; that the owners of the building have committed themselves to establishing a cyclical maintenance plan; and that a restrictive Declaration ("Declaration") will be filed against the property which will bind the applicants and all heirs, successors and assigns to maintain the continuing maintenance program in perpetuity. Based on these findings, the Commission determined the proposed work to be appropriate to the Ladies' Mile Historic District and voted to approve it. Therefore, Certificate of Appropriateness 16-5428 is being issued.

The Commission notes that the applicant is applying to the Board of Standards and Appeals for certain variances. Any changes to the design required by the Board of Standards and Appeals approval must be submitted to the Landmarks Preservation Commission for review and approval prior to the issuance of the final approval letter.

PLEASE NOTE: This permit is issued contingent upon the Commission's review and approval of the final Department of Building filing set of drawings. No work can begin until the final drawings have been marked approved by the Landmarks Preservation Commission with a perforated seal. Please submit these drawings to the Landmarks Preservation Commission staff when they become available.

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 permit to inform the Department of Buildings 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 the approval. The work is limited to what is contained in the perforated document. 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 fine. This letter constitutes the permit; a copy must be prominently displayed at the site while work is in progress. Please direct inquiries to Olivia Braze.

Meenakshi Srinivasan
Chair

PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:

Page 3

Issued: 12/03/14

DOCKET #: 158949

Valerie Campbell, Kramer Levin Naftalis & Frankel LLP

cc: Jared Knowles, Deputy Director, Preservation/LPC; Katie Rice, Enforcement/LPC



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



September 25, 2015

ISSUED TO:

Carl Weisbrod, Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Re: LPC - 176168
MOU 17-7107
38 WEST 18TH STREET
aka 41-43 West 17th Street
LADIES' MILE
Borough of Manhattan
Block/Lot: 819 / 15

November 25, 2014, following the Public Hearing and Public Meeting of September 23, 2014, the Landmarks Preservation Commission ("LPC") voted to issue a report to the City Planning Commission ("CPC") in support of an application for the issuance of a special permit, pursuant to Section 74-711 of the Zoning Resolution for modifications of bulk regulations at the buildings located at 38-42 West 18th Street. The Designated Buildings consist of a building originally built in 1858 and redesigned in 1898 in a commercial style by John R. Hutchinson (no. 40); an early 20th century commercial style store and loft building designed by George A. Crawley and built in 1907-08 (no. 42); and a vacant lot. The Designated Buildings are located in the Ladies' Mile Historic District.

In voting to issue a favorable report to the CPC, the LPC found that the applicant has agreed to undertake facade work to restore the Designated Buildings and bring them up to a sound, first-class condition, that the owner of the building has agreed to establish and maintain a program for continuing maintenance to ensure that the Designated Buildings are maintained in a sound, first-class condition; and that a Restrictive Declaration ("Declaration") will be filed against the property which will bind the applicants and all heirs, successors and assigns to maintain the continuing maintenance program in perpetuity. The Declaration will be recorded at the New York County Registrar's Office.

Specifically, at the Public Meeting of November 25, 2014, following the Public Hearing and Public Meeting of September 23, 2014, the Commission approved a proposal for the restoration of the masonry and metal facades, including the replacement in kind of the terra cotta cladding at 42 West 18th Street, the restoration of the missing metal cornice at 45 West 17th Street, the removal of metal windows and the installation of wood

windows, and the removal of non-historic storefront infill and the installation of new wood storefront infill.

In reaching a decision to issue a favorable report to the CPC, the LPC found that the proposed restorative work approved pursuant to Certificate of No Effect 17-7168 (LPC 17-6064) and Certificate of No Effect 17-7109 (LPC 17-6073) will help return the building closer to its original appearance; and will reinforce the architectural and historic character of the building, streetscape, and Ladies' Mile Historic District; that the restorative work, including the restoration of the brick, limestone, and terra cotta masonry facades; repair and or replacement in kind of deteriorated sheet-metal facade elements and replication of missing decorative features; replacement of windows; and installation of wood storefront infill, will bring the buildings up to a sound, first-class condition, aid in their long-term preservation; that the implementation of a cyclical maintenance plan will ensure the continued maintenance of the building in a sound, first class condition; and that the owners of the building have committed themselves to establishing a perpetual cyclical maintenance plan which will bind all heirs, successors and assigns and subsequent owners of the building and which will be legally enforceable by the Landmarks Preservation Commission under the provisions of a Restrictive Declaration, and will be recorded against the property.

The Declaration requires the Declarant to commission a qualified preservation professional, whose credentials are to be approved by LPC, to undertake inspections every four years of the Designated Buildings' exteriors and such portions of the interior, which, if not properly maintained, would cause the Designated Buildings to deteriorate. The Declarant is required to perform all work identified in the resulting professional reports as being necessary to maintain the Designated Buildings in a sound, first-class condition within the stated time periods.

Please note that the restoration work must be completed and approved by the Landmarks Preservation Commission before the owners may apply for or accept a temporary Certificate of Occupancy or a permanent Certificate of Occupancy from the Department of Buildings for the area of the buildings and the vacant lot that are the subject of this special permit.

Please note that this Modification of Use is being issued in conjunction with Certificate of No Effect 7108 (LPC 17-6064) for facade restoration at 40 West 18th Street and Certificate of No Effect 7109 (LPC 17-6073) for facade restoration at 42 West 18th Street.

The staff of the Commission is available to assist you with these matters. Please direct inquiries to Olivia Braze.



Meenakshi Srinivasan
Chair

cc: Carly Bond, Deputy Director of Preservation/LPC; John Weiss, LPC; Eugene Mendlowits, Owner



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
1 CENTRE STREET 9TH FLOOR NORTH NEW YORK NY 10007
TEL: 212 669-7700 FAX: 212 669-7730



PERMIT

CERTIFICATE OF NO EFFECT

ISSUE DATE: 09/25/15	EXPIRATION DATE: 9/25/2019	DOCKET #: 176064	CNE #: CNE 17-7108
<u>ADDRESS:</u> 40 WEST 18TH STREET <u>HISTORIC DISTRICT</u> LADIES' MILE		BOROUGH: MANHATTAN	BLOCK/LOT: 819 / 66

Display This Permit While Work Is In Progress

ISSUED TO:

Eugene Mendlowits
42 West 18th Street Corp.
42 West 18th Street, 4th Floor
New York, NY 10011

Pursuant to Section 25-306 of the Administrative Code of the City of New York, the Landmarks Preservation Commission hereby approves certain alterations to the subject premises as proposed in your application completed on September 25, 2015.

The approved work consists of facade restoration, including the removal of non-historic metal storefront infill, security roll-down gates, awnings, and signage; the removal of the non-decorative metal fire escape at the second through fourth floors; the installation of new wood storefront infill featuring a dark-green painted finish (Sherwin Williams "Jasper", SW-6216), a projecting central bay flanked by recessed entries with single glazed doors and transoms; the application of painted signage ("The Photography People") at the glass transom above the projecting storefront; the restoration of the pressed-metal storefront cornice, and the installation of white metal sign letters ("Adorama") at the fascia of the cornice; the restoration of the cast-iron piers flanking the storefronts; the installation of two (2) recessed downlights at the soffit above the storefront entries; at the second, third, and fourth floors, the removal of through-wall HVAC louvers and vents; the repair and or replacement in-kind of deteriorated sheet-metal facade elements, including panels, pilasters, pilaster capitals, cornices, and window grillework, and the replication of missing decorative features; painting the restored sheet-metal facade elements a dark green color (Sherwin Williams "Jasper", SW-6216); selective repointing and rebuilding of the brick back-up; selective repairs to or replacement of deteriorated face brick; repointing and cleaning of the brick piers; the removal of all deteriorated historic and replacement metal and wood windows, and two doors at the second and third floors; and the installation of new wood windows, including two (2) one-over-one double-hung windows flanking a fixed single-pane

window at the second and third floors; the installation of five (5) single-pane casement windows at the fourth floor, within the existing decorative metal frames; the installation of two attic windows with decorative metal grilles at the eastern and western facade bays on the fourth floor; at the rear facade, the removal of a non-historic one-story extension; the removal of mastic from the fourth-floor setback facade, and repairs to the underlying brick; repointing and sealing of coping units; and the installation of a metal guardrail at the rear roof; as described in an exterior finish color investigation and mortar analysis replication report dated January 8, 2007 and prepared by Jablonski Berkowitz Conservation Inc.; and as described in written specifications and shown on drawings labeled G-000.00, A-100.00, A-200.00, A-201.00, A-202.00, A-203.00, A-204.00, A-205.00, A-206.00, A-207.00, A-300.00, A-301, A-401, A-402.00, A-403.00, A-404.00, A-405.00, A-406.00, and A-407.00, dated August 12, 2015, prepared by Morris Adjmi, R.A., and submitted as components of the application.

In reviewing this proposal, the Commission notes that the Ladies' Mile Historic District Designation Report describes 40 West 18th Street as a building originally built in 1858 and redesigned in 1898 in a commercial style by John R. Hutchinson; and that the building's style, scale, materials and details are among the features contributing to the special architectural and historic character of the Ladies' Mile Historic District. The Commission further notes that Certificate of Appropriateness 16-5428 (LPC 15-8949) was issued on December 3, 2014, approving the construction of a new building on the vacant portion of the site and the restoration of the two historic buildings on the site.

With regard to this proposal, the Commission finds, in accordance with the provisions of RCNY, Title 63, Section 2-13, that the fire escape is not a significant protected feature on the building; that the fire escape is not original to the building; that the fire escape does not have architectural merit in itself; that any damage to the facade will be repaired to match the adjacent fabric; that the removal of the fire escape will not leave gaps, holes, or unsightly conditions on the facade. The Commission further finds that the proposed masonry units will match the historic masonry units in terms of size, color, texture and bond pattern; that the existing joints will be raked by hand or by a method that will not cause damage to the surrounding brick; that the proposed mortar will match the historic mortar in terms of size, color, texture and tooling; that the cleaning of the brick piers will be done in the gentlest effective method without causing damage to the masonry; that the water pressure will not exceed 500 psi; and that the proposed work will protect the building's facade and structure from future damage due to water infiltration and aid in the long term preservation of the building; and, in accordance with the provisions set forth in Title 63 of the Rules of the City of New York, Section 2-17(c) that the replacement of the existing infill will not cause the removal of significant historic fabric that may have been added over time, which is evidence of the history and development of a building, structure, or site; that the design of the infill is based on historic storefront prototypes and details within the historic district for buildings of similar age, type and style; that the configuration of replacement infill will be consistent with the proportions of display window, transom, and bulkhead of historic storefront infill; that the storefront framing will feature a molding profile that recalls the articulation of historic storefront framing; that the placement of the display window, transom, and bulkhead will maintain the building street wall; that the bulkhead will be between eighteen (18) inches and two (2) feet six (6) inches in height, including a curb; that the recessed entrance will have splayed returns; that the material of the new infill will match the historic infill; that the finish will recall the finish of historic storefronts; that no interior partitions will be closer than eighteen (18) inches to the glass of the display window; that the design will include restoration of the original size of the storefront opening; that the historic storefront surround, revealed by probes, will be restored as part of the application for new storefront; and, in accordance with the provisions set forth in Title 63 of the Rules of the City of New York, Section 2-20 (c), that the installation of signage will not damage, destroy or obscure significant architectural features or material of the building or storefront; that the sign will be installed in a signage band above a storefront; that the signage consists of letters and logos applied directly on wood, metal, or opaque glass

panels mounted flat with the signband or painted directly onto the ground floor signband and lintels; that the sign panel will project no more than 3 inches from the façade, and pin-mounted letters on the sign panels will project no more than 1 inch beyond the panel for a total projection of 4 inches from the façade; that the pin-mounted letters are not installed directly into cast iron; that the sign will be proportional to the signband, but in no event exceed 90 percent of the area of the signband; that the letters will not be higher than 18 inches; that the installation of painted or vinyl signage will not exceed more than 20 percent of storefront glazing, and therefore will not substantially reduce the transparency of the display window, doors, or transom; that the signage will not be internally illuminated, nor feature neon strips outlining the display window; and that the overall amount of signage is not excessive and will not detract from the architectural features of the building, the adjacent buildings, or the streetscape; and, in accordance with the provisions set forth in RCNY, Title 63, Section 3-04 (c), that the new windows at the primary façade will match the historic windows in terms of configuration, operation, details, material and finish. Finally, the Commission finds that the basis for the design of the proposed restoration's authenticity is documented by photographic evidence and physical evidence at the building; that the restoration will not cause the removal of significant historic fabric that may have been added over time and that are evidence of the history and development of a building, structure or site; that the proposed sheet-metal facade elements will match the historic facade elements in terms of placement, material, dimension, design, and details.

PLEASE NOTE: this permit is contingent upon the Commission's review and approval of samples of masonry cleaning, joint cutting method(s), pointing, painting or coating, and replacement sheet-metal architectural features, prior to the commencement of work. Samples should be installed adjacent to clean, original surface(s) being repaired; allowed to cure; and cleaned of residue. Submit digital photographs of all samples to obrazee@lpc.nyc.gov for review.

This permit is also contingent on the understanding that the work will be performed by hand and when the temperature remains a constant 45 degrees Fahrenheit or above for a 72 hour period from the commencement of the work.

PLEASE NOTE that this permit is being issued in conjunction with Certificate of No Effect 7109 (LPC 17-6073), approving facade restoration at 42 West 18th Street; and Modification of Use 17-7107 (LPC 17-6168) approving a request that the Landmarks Preservation Commission issue a report to the City Planning Commission in support of an application for the issuance of a special permit, pursuant to Section 74-711 of the Zoning Resolution, for a Modifications of Use.

The Commission has reviewed the application and these drawings and finds that the work will have no effect on significant protected features of the building.

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 the approval. The work is limited to what is contained in the perforated document. 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 fine. This letter constitutes the permit; a copy must be prominently displayed at the site while work is in progress. Please direct inquiries to Olivia Braze.



Meenakshi Srinivasan
Chair

PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:

Jeremy Reed, Morris Adjmi Associates

cc: Carly Bond, Deputy Director of Preservation/LPC



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
1 CENTRE STREET 9TH FLOOR NORTH NEW YORK NY 10007
TEL: 212 659-7700 FAX: 212 659-7780



PERMIT

CERTIFICATE OF NO EFFECT

ISSUE DATE:	EXPIRATION DATE:	DOCKET #:	CNE #:
09/25/15	9/25/2019	176073	CNE 17-7109
<u>ADDRESS:</u> 42 WEST 18TH STREET <u>aka 45 West 17th Street</u> LADIES' MILE		BOROUGH: MANHATTAN	BLOCK/LOT: 819 / 14

Display This Permit While Work Is In Progress

ISSUED TO:

Eugene Mendlowits
42 West 18th Street Corp.
42 West 18th Street, 4th Floor
New York, NY 10011

Pursuant to Section 25-306 of the Administrative Code of the City of New York, the Landmarks Preservation Commission hereby approves certain alterations to the subject premises as proposed in your application completed on September 25, 2015.

The approved work consists of facade restoration at the north-facing (West 18th Street) facade, including the removal of non-historic metal storefront infill, security roll-down gates, awnings, and signage; the removal of a flagpole installed above the storefront; the removal of brick veneer from the masonry piers flanking the storefront; the restoration of the cast-iron storefront piers; the installation of new wood storefront infill featuring a dark-green painted finish (Sherwin Williams "Jasper", SW-6216), display windows and transoms above a molded transom bar, and a single-leaf glazed wood door with a transom above; the installation of a wood-framed metal signband above the storefront, and the installation of surface-mounted metal sign letters ("Adorama"); the installation of one (1) recessed downlight at the soffit above the storefront entry; the removal of all the terra cotta from the facade; structural repairs to the steel framing members; selective repointing and rebuilding of the brick back-up; the installation of new replica terra cotta units; the removal of metal replacement windows and deteriorated historic wood windows and wood transoms from the masonry openings at the second through sixth floors; the installation of new wood windows at the second through fourth floors, including a tripartite window composed of a fixed center pane flanked by single-pane casement sash and topped by a divided transom within the masonry opening in the center facade bay, and a single one-over-one-double hung sash topped by a transom at the flanking facade bays; the installation of new irregularly shaped wood windows at the fifth floor, within the monumental Tudor-arched masonry

opening, including a tripartite window and transoms within the center facade bay, flanked by paired single-pane fixed and casement sash; and the installation of three (3) new one-over-one double-hung wood windows within the existing masonry openings at the sixth floor; the installation of structural bracing at the parapet; selective masonry repairs at the interior lightwell facades; and facade restoration at the south-facing (West 17th Street) facade, including the removal of non-historic metal storefront infill; the installation of new wood storefront infill featuring a dark-green painted finish ("Jasper"), a paneled bulkhead, display window, and single-leaf glazed doors with sidelites and transoms; the installation of four (4) flush-mounted louvers with a dark-green finish ("Jasper") above the storefront transoms; the installation of a paneled metal fascia above the louvers; restoration of the decorative metal cornice at the second floor; selective repointing and replacement of face brick; selective cleaning of the brick facade; selective installation of Dutchman repairs at the limestone trim; repointing of the limestone sills; selective patching of spalled stone; selective replacement of failed embedded steel lintels; restoration of the missing decorative metal cornice at the sixth floor; rebuilding of the brick parapet and the installation of new cast-stone coping units; the removal of metal replacement windows and deteriorated historic wood windows from the second through sixth floors; the installation of new wood windows, including five (5) one-over-one double-hung windows with fixed transoms separated by vertical wood mullions at each floor, within the existing window openings; at the roof, the replacement of the roofing membrane; the replacement of the metal cladding and roofing material at the stair and elevator bulkheads; the replacement in kind of two skylights; the replacement in kind of the coping stones at the lightwell; repointing and sealing of coping units; and the installation of a metal guardrail at the roof perimeter; as described in an exterior finish color investigation and mortar analysis replication report dated January 8, 2007 and prepared by Jablonski Berkowitz Conservation Inc.; and as described in written specifications and shown on drawings labeled G-000.00, A-100.00, A-200.00, A-201.00, A-202.00, A-203.00, A-204.00, A-205.00, A-206.00, A-207.00, A-300.00, A-301, A-401, A-402.00, A-403.00, A-404.00, A-405.00, A-406.00, and A-407.00, dated August 12, 2015, prepared by Morris Adjmi, R.A., and submitted as components of the application.

In reviewing this proposal, the Commission notes that the Ladies' Mile Historic District Designation Report describes 42 West 18th Street (aka 45 West 17th Street) as an early 20th century commercial style store and loft building designed by George A. Crawley and built in 1907-08; and that the building's style, scale, materials and details are among the features contributing to the special architectural and historic character of the Ladies' Mile Historic District. The Commission further notes that documentation shows that the majority of the terra cotta units at the facade are in a severely deteriorated condition, warranting replacement; and that Certificate of Appropriateness 16-5428 (LPC 15-8949) was issued on December 3, 2014, approving the construction of a new building on the vacant portion of the site and the restoration of the two historic buildings on the site.

With regard to this proposal, the Commission finds that the proposed masonry units will match the historic masonry units in terms of size, color, texture and bond pattern; that the proposed mortar will match the historic mortar in terms of size, color, texture and tooling; and that the proposed work will protect the building's facade and structure from future damage due to water infiltration and aid in the long term preservation of the building. The Commission further finds, in accordance with the provisions set forth in Title 63 of the Rules of the City of New York, Section 2-17(c) that the replacement of the existing infill will not cause the removal of significant historic fabric that may have been added over time, which is evidence of the history and development of a building, structure, or site; that the design of the infill is based on historic storefront prototypes and details within the historic district for buildings of similar age, type and style; that the configuration of replacement infill will be consistent with the proportions of display window, transom, and bulkhead of historic storefront infill; that the storefront framing will feature a molding profile that recalls the articulation of historic storefront framing; that the placement of the display window, transom, and bulkhead will maintain the building street wall; that the bulkhead will be between eighteen (18) inches and

two (2) feet six (6) inches in height, including a curb; that the recessed entrance will have straight returns; that the material of the new infill will match the historic infill; that the finish will recall the finish of historic storefronts; that no interior partitions will be closer than eighteen (18) inches to the glass of the display window; that the design will include the reintroduction of piers that recall the location, size and dimension of the historic piers which were previously removed; that the design will include restoration of the original size of the storefront opening; and, in accordance with the provisions set forth in Title 63 of the Rules of the City of New York, Section 2-20 (c), that the installation of signage will not damage, destroy or obscure significant architectural features or material of the building or storefront; that the sign will be installed in a signage band above a storefront; that the signage consists of letters and/or logos applied directly on wood, metal, or opaque glass panels mounted flat with the signband; that the sign panel will project no more than 3 inches from the façade, and letters on the sign panels will project no more than 1 inch beyond the panel for a total projection of 4 inches from the façade; that the sign will be proportional to the signband, but in no event exceed 90 percent of the area of the signband; that the letters will not be higher than 18 inches; that the installation of painted or vinyl signage will not exceed more than 20 percent of storefront glazing, and therefore will not substantially reduce the transparency of the display window, doors, or transom; that the signage will not be internally illuminated, nor feature neon strips outlining the display window; that the light fixtures will be installed in areas of plain masonry, metal, or wood, and the installation will not damage, destroy, or obscure significant architectural features of the building or storefront; that the lighting conduits will be concealed; that the proposed exterior light fixtures will only illuminate storefronts and related signage; and that the overall amount of signage is not excessive and will not detract from the architectural features of the building, the adjacent buildings, or the streetscape. Finally, the Commission finds, in accordance with the provisions set forth in RCNY, Title 63, Section 3-04 (c), that the new windows at the primary façade will match the historic windows in terms of configuration, operation, details, material and finish.

PLEASE NOTE: this permit is contingent upon the Commission's review and approval of samples of representative decorative and plain replacement terra cotta units prior to the commencement of work. Samples should be installed adjacent to clean, original terra cotta units. Submit digital photographs of all samples to obrazee@lpc.nyc.gov for review.

This permit is also contingent on the understanding that the work will be performed by hand and when the temperature remains a constant 45 degrees Fahrenheit or above for a 72 hour period from the commencement of the work.

PLEASE NOTE that this permit is being issued in conjunction with Certificate of No Effect 7108 (LPC 17-6064), approving facade restoration at 40 West 18th Street; and Modification of Use 17-7107 (LPC 17-6168) approving a request that the Landmarks Preservation Commission issue a report to the City Planning Commission in support of an application for the issuance of a special permit, pursuant to Section 74-711 of the Zoning Resolution, for a Modifications of Use.

The Commission has reviewed the application and these drawings and finds that the work will have no effect on significant protected features of the building.

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 the approval. The work is limited to what is contained in the perforated document. 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 fine. This letter constitutes the permit; a copy must be prominently displayed at the site while work is in progress. Please direct inquiries to Olivia Brazee.



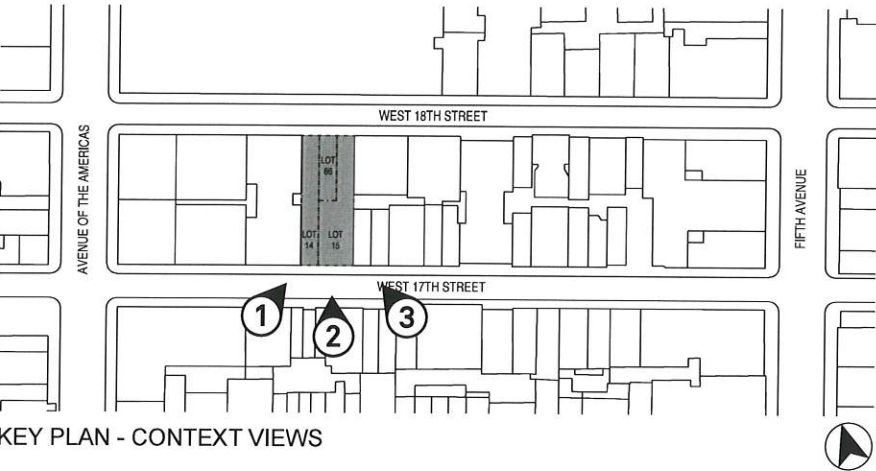
Meenakshi Srinivasan
Chair

PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:
Jeremy Reed, Morris Adjmi Associates

cc: Carly Bond, Deputy Director of Preservation/LPC

Project Area Photographs

Adorama ULURP Application - 09/17/2015



① VIEW OF 17TH ST. LOOKING EAST
(PHOTOGRAPH TAKEN 01/21/2015)



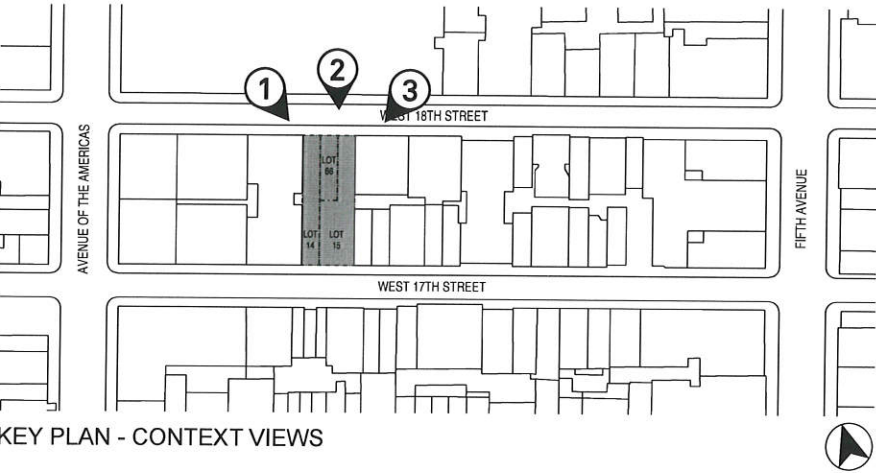
② VIEW OF SITE FROM 17TH ST. LOOKING NORTH TOWARDS 18TH ST.
(PHOTOGRAPH TAKEN 01/21/2015)



③ VIEW OF 18TH ST. LOOKING WEST
(PHOTOGRAPH TAKEN 01/21/2015)

Project Area Photographs

Adorama ULURP Application - 09/17/2015



① VIEW OF 18TH ST. LOOKING EAST
(PHOTOGRAPH TAKEN 01/21/2015)



② VIEW OF SITE FROM 18TH ST. LOOKING SOUTH TOWARDS 17TH ST.
(PHOTOGRAPH TAKEN 01/21/2015)



③ VIEW OF 18TH ST. LOOKING WEST
(PHOTOGRAPH TAKEN 01/21/2015)

Area Map

38-12 West 18th Street / 41-43 West 17th Street - Manhattan Block 819, Lots 14, 15 & 66

Project Information

- Project Area
- Development Site
- 600-Foot Radius

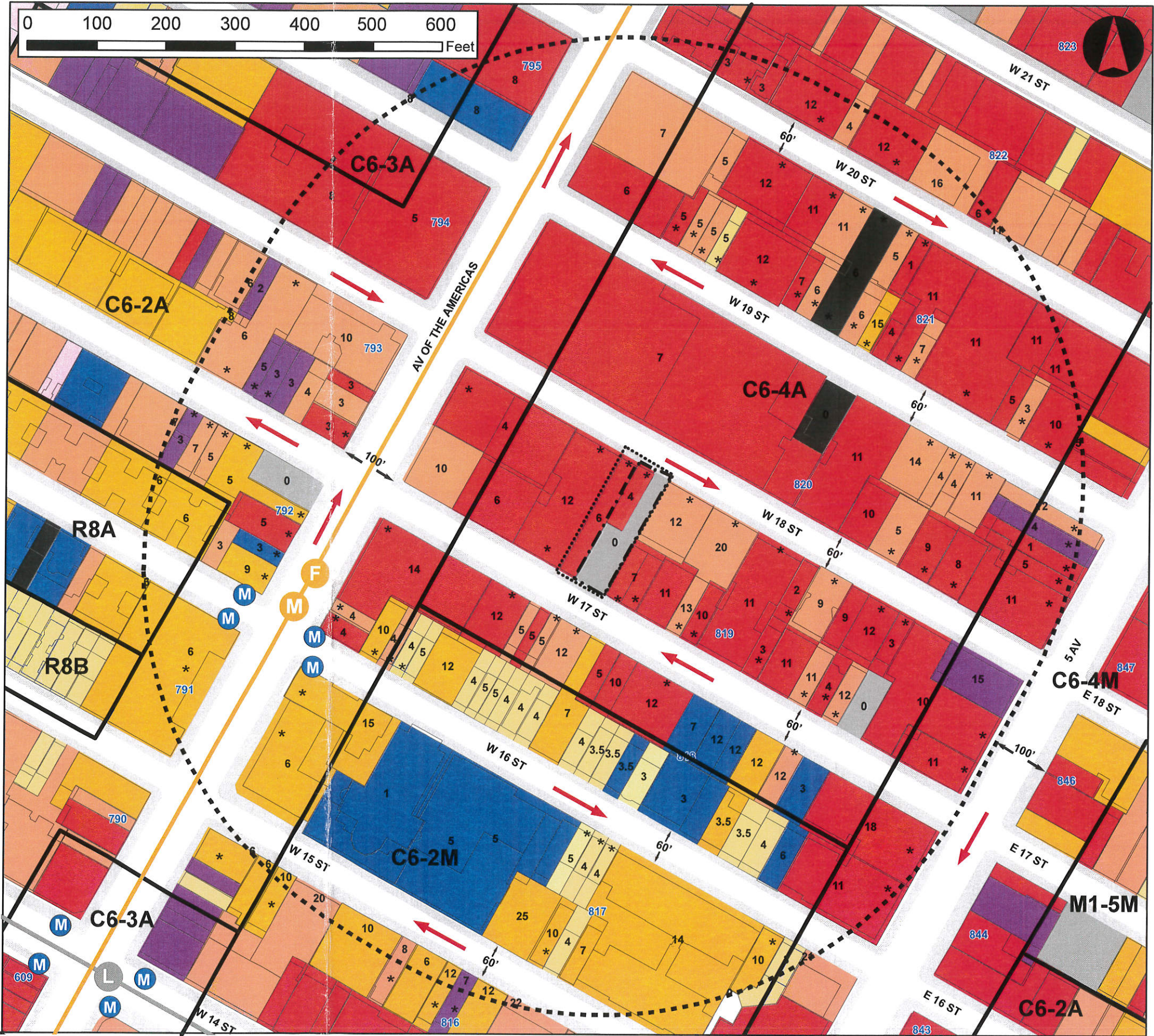
Zoning Districts

- Zoning District Boundaries

- * Ground Floor Retail
- Building Footprints
- 2 Number of Floors
- MTA Subway Lines
- MTA Subway Entrances
- 700 Tax Block Number

Land Use

- One & Two Family Buildings
- Multi-Family Walkup Buildings
- Multi-Family Elevator Buildings
- Mixed Commercial/Residential Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- All Others or No Data





NYC Digital Tax Map

Effective Date : 12-17-2013 14:02:38
End Date : Current
Manhattan Block: 819



- Legend**
- Streets
 - Miscellaneous Text
 - Possession Hooks
 - Boundary Lines
 - Lot Face Possession Hooks
 - Regular
 - Underwater
 - Tax Lot Polygon
 - Condo Number
 - Tax Block Polygon
- Project Area
- Development Site

