



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



ROBERT B. TIERNEY
Chair

July 22, 2005

ISSUED TO:

George Hearn
104 West 73rd Street
New York, NY 10023

Re: **PERMIT DENIAL**
LPC - 04-5272
CD 06-0250
104 WEST 73RD STREET
HISTORIC DISTRICT
UPPER WEST SIDE-CPW
Borough of Manhattan
Block/Lot: 1144/134

Pursuant to Section 25-307 of the Administrative Code of the City of New York, the Landmarks Preservation Commission, at the Public Meeting of July 12, 2005, following the Public Hearing of the same date, voted to deny a proposal to legalize work performed at the subject premises without Landmarks Preservation Commission permits, as put forth in your application completed on June 16, 2005.

The proposal consists of the legalization of the installation of signage, including pin-mounted signage above the storefront, and the installation of a garbage enclosure, all installed without Landmarks Preservation Commission permits, and the further installation of new signage, including the replacement of an illuminated sign installed without Landmarks Preservation Commission permit with a new non-illuminated plexiglass sign on a brick wall located at the sidewalk, and the installation of a flagpole, as shown in photographs and drawings A-1 and A-2 dated May 31, 2005 prepared by Daniel O'Connor, submitted as components of the application, and presented at the Public Hearing and Public Meeting.

In reviewing the proposal, the Commission noted that the Upper West Side/Central Park West Historic District Designation Report describes a Queen Anne style rowhouse designed by Thom and Wilson and built in 1884-85; and that in terms of its style, scale, materials and details, the building contributes to the special architectural and historic character for which the Upper West Side/Central Park West Historic District was designated. The Commission further noted that Warning Letter 04-0620 for "installation of illuminated signage ("Portofino Sun") above shopfront and at wall at eastern side of areaway and exterior lighting, wiring, electrical junction box and conduit without permit(s)"; and Warning Letter 04-0621 for "installation of exterior garbage storage boxes without permit(s)", were both issued on March 31, 2004.

With regard to this proposal, the Commission found that materials, internal illumination, exposed conduit and location of the existing illuminated signage are not typical of signage found on buildings of this age, style and type and detract from the building and the streetscape; that the large size of the garbage can enclosure and proposed plexiglass sign, and their orientation perpendicular to the façade detracts from the architectural features and residential character of this and the adjacent buildings and the streetscape; that flagpoles are not features typically found on buildings of this age, style and type in this historic district and will add visual

clutter to the primary façade of the building; that the pin-mounted signage above the storefront in conjunction with the other signage proposed will be excessive and will overwhelm the residential character of the building and the street; and that the proposed work will diminish the special architectural and historic character of the building and the Upper West Side/Central Park West Historic District. Based on these findings, the Commission determined the work to be inappropriate to the building and to the Upper West Side/Central Park West Historic District, and voted to deny this proposal to legalize the work.

Please note that Warning Letter 04-0620 and Warning Letter 04-0621 remain in force against the property. Failure to address these warning letters immediately will result in the issuance of Notices of Violation (NOV) originating from the Environmental Control Board in accordance with Title 63 of the Rules of the City of New York, Section 7-02 (c). These NOVs would require court appearances and a civil fine may be imposed.

The staff of the Commission is available to assist you in the resolution of these matters. Please direct inquiries to Cynthia Danza.

Robert B. Tierney
Chair

cc: Daniel O'Connor, Architect; Victor Assaf, Portofino; Anne Carlin, Violations Officer; Caroline Kane Levy, Deputy Director of Preservation