

**NYC** Landmarks Preservation  
Commission

Sarah Carroll  
Chair

June 8, 2022

Council Member Erik Bottcher  
Assembly Member Deborah J. Glick  
State Senator Brad Hoylman  
Manhattan Borough President Mark Levine

*Via Email*

**Re: 351 – 355 W. 14<sup>th</sup> Street and 44 -54 9<sup>th</sup> Avenue**

Dear Elected Officials:

I am writing in response to a May 20<sup>th</sup> letter to you from Village Preservation, Save Chelsea, and the Historic Districts Council regarding the role of the Landmarks Preservation Commission (“LPC”) when the structurally unsound facades of buildings at the intersection of West 14<sup>th</sup> Street and 9<sup>th</sup> Avenue were deconstructed. The May 20<sup>th</sup> letter omits significant information that is crucial to understanding which city agency has jurisdiction when dangerous conditions exist at landmarks. I am writing to ensure that all interested parties understand the law and process that controls actions taken when a landmark is determined to be unsafe.

It is important to understand that the Department of Buildings’ (“DOB”) public safety role allows them to override LPC to eliminate hazards or prevent damage to neighboring properties and the public. The Landmarks Law explicitly pre-empts LPC permit requirements when a landmark threatens public safety as was the case with these buildings. LPC regularly works with DOB staff and engineers on historic buildings with hazardous conditions, and many landmarks across the city have ultimately been saved through this cooperative interagency approach. However, in this case, DOB engineers determined that the condition of the buildings was such a threat to public safety that the facades could not remain standing and ordered them deconstructed by hand, which enables the buildings to be rebuilt using original materials to the extent possible.

LPC was open and transparent about the hazardous condition and DOB’s role in advance of the public hearing and throughout the hearing process. Because the DOB overrides the normal LPC oversight, the LPC Commissioners did not consider an application to deconstruct the facades; that decision had already been made by the DOB. The issue before the Commissioners at the public hearing cited by the organizations in their letter was limited to the reconstruction of the facades and not their deconstruction; that distinction was explained to the public, including the organizations that sent the letter, before and during the hearing.

Early in this process, LPC staff asked its contract engineer to assess the conditions at West 14<sup>th</sup> Street and 9<sup>th</sup> Avenue. LPC staff shared with the Commissioners our engineer’s initial opinion after a preliminary review that the facades were technically salvageable. However, further assessment and design were required, and DOB was adamant that the facades were “precipitously close to failure,” and given the imminent threat to public safety, they determined that the facades had to be deconstructed immediately. Our engineer’s initial assessment was not disseminated to the public because it was an internal report for LPC, and, in this case, DOB had made its determination.

# NYC Landmarks Preservation Commission

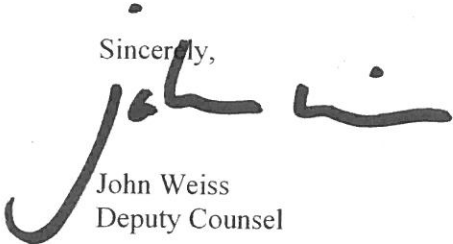
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Public safety is paramount to all of us. To that end, the Landmarks Law's deference to DOB's expertise in matters of public safety makes sense. The Landmarks Commissioners are not experts in public safety, and these risks are not theoretical. In 2019, a construction worker was tragically killed during deconstruction of a landmark façade.

Despite the allegations in the letter, LPC could not have prevented the deconstruction of the facades. However, LPC staff, DOB staff and the owner's professionals have worked together for the past 9 months to ensure that a significant number of historic bricks have been saved, cast iron elements have been salvaged, and highly detailed documentation was made of the facades before they were taken down by hand. These steps will result in an accurate reconstruction of the facades and restoration of the historic streetscape at this prominent corner in the Gansevoort Market Historic District.

Please contact me or Chair Carroll if you have any questions.

Sincerely,



John Weiss  
Deputy Counsel

cc: Deputy Mayor Maria Torres-Springer  
Department of Buildings Commissioner Eric Ulrich  
Public Advocate Jumaane Williams  
Council Member Gale Brewer  
Assembly Member Richard Gottfried  
Manhattan Community Board 4  
LPC Commissioners  
Historic Districts Council  
Save Chelsea  
Village Preservation