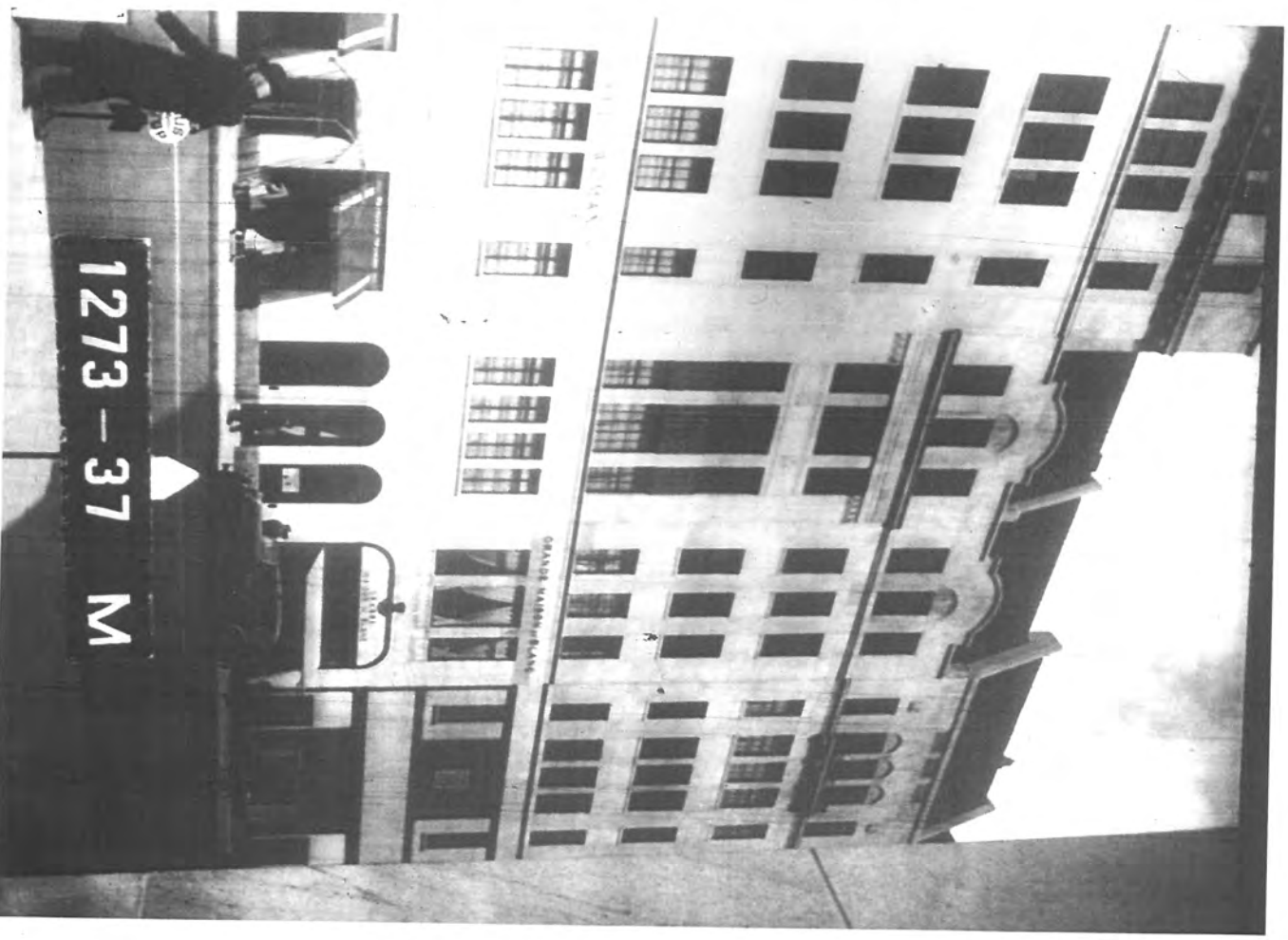


Request for Evaluation
Bergdorf Goodman (754 Fifth Avenue) (Manhattan)





FROM: FRANK B. GILBERT, SECRETARY
TO: THE COMMISSIONERS OF THE CITY OF NEW YORK
SUBJECT: LANDMARKS PRESERVATION COMMISSION
RE: BERGDORF & GOODMAN COMPANY
754 FIFTH AVENUE, MANHATTAN
(LP 0735), BLOCK 1273, LOTS 33
THROUGH 40

April 3, 1971

COMMUNICATIONS SECTION
CITY OF NEW YORK

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CITY OF NEW YORK

OUR REFERENCE

653-18

Landmarks Preservation Commission
305 Broadway
New York, New York

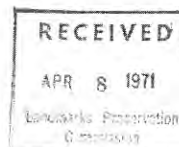
Re: Bergdorf & Goodman Company
754 Fifth Avenue, Manhattan
(LP 0735), Block 1273, Lots 33
through 40

Gentlemen:

The above matter came on to be heard as Calendar No. 15, at the hearing held on July 21, 1970, at City Hall, New York. Mr. Frank B. Gilbert, Secretary of the Commission, has permitted us to file this letter containing new and vital developments in the above matter.

At the present moment an agreement in principle has been reached between Bergdorf & Goodman Company and 754 Fifth Avenue, Inc. on the one hand, and Broadway-Hale Stores, Inc., of Los Angeles, California, on the other hand, which will assure the continuance of Bergdorf & Goodman Company as a specialty shop on Fifth Avenue until January 31, 1994. The agreement is contingent upon the approval of the Federal Trade Commission, but almost certainly cannot be accepted by 754 Fifth Avenue, Inc. unless and until a decision is made by this Commission that the property should not be designated as a Landmark.

The agreement in principle provides that a lease will be entered into by Broadway-Hale Stores, Inc. for a term ending January 31, 1994 at a percentage rental with an extremely low minimum.



Page 3
April 9, 1971

At the present moment, the business is not operating at a profit. This Commission must be aware of the plight of large high-class retail establishments on Fifth Avenue in the light of heavy real property taxes, high rentals and diminishing profit margins. Without the agreement with Broadway-Hale Stores, Inc., the future of Bergdorf & Goodman Company will be very dark indeed, if not impossible.

It is clear that if the continuance of Bergdorf & Goodman Company in its present form is desirable, the proposed agreement with Broadway-Hale Stores, Inc. must be made. Nevertheless, if this Commission designates the Bergdorf & Goodman buildings as a Landmark, the entire transaction will have to be reconsidered because the basic foundation upon which it is based will have been destroyed. The overwhelming probability is that the agreement will be cancelled. The basic reasons for such a cancellation have already been advanced to the Commission in our original presentation. In addition, however, the potential limitation on Broadway-Hale's freedom of action could very well cause it to reconsider the transaction from the Broadway-Hale point of view.

The issue is simple. If this Commission determines that the proposed designation should be made, the agreement with Broadway-Hale Stores, Inc. will almost certainly not go forward. On the other hand, if this Commission determines that the proposed designation should not be made, the owners fully intend to proceed promptly and urgently to complete the agreement with Broadway-Hale, subject only to the consent of the Federal Trade Commission.

We wish to reiterate the following points:

1. As shown by affidavit previously submitted, the Bergdorf Goodman buildings were erected in 1928, being of varying heights and of a modified French Renaissance character, the style being eclectic, representing no significant period, having no degree of antiquity and representing nothing more than a refined, commercial character common to many New York store buildings erected during the 1920s. The buildings have no special character, are not unique and have no special historical or esthetic interest or value as part of the development, heritage, or cultural characteristics of the City, State or Nation.

April 6, 1971

2. Neither the Municipal Art Society nor any of the architects present at the two hearings (June 23rd and July 21st, 1970) saw fit to argue that the Bergdorf & Goodman buildings should be designated as a Landmark. In connection with the hearings on most of the properties subject to proposed designations, voices were heard in support of the designations, but none at all were raised in favor of the designation of the Bergdorf Goodman buildings as a Landmark.

3. None of the extensive literature dealing with the subject of New York Landmarks contain any reference to the Bergdorf Goodman buildings.

4. In this letter we will not repeat the other arguments previously made. The Commissioners are well aware of the problems faced today by high-class retail establishments on Fifth Avenue. Without the Broadway-Hale Stores, Inc. agreement, we can not assure the continuance of Bergdorf & Goodman Company.

This is the opportunity for the future of the buildings and the business in its present form to be assured. If there is to be a designation as a Landmark, the agreement with Broadway-Hale Stores, Inc. will not go through and the future of Bergdorf & Goodman Company and of the buildings will then be limited.

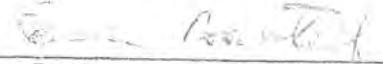
The time sequence for the proposed agreement is as follows:

Application is going to be made to the Federal Trade Commission within the next ten (10) days. It is anticipated that this application will take two to three months to process. Once the consent of the Federal Trade Commission has been obtained, the final agreement with Broadway-Hale Stores, Inc. will be entered into, provided only that this Commission has by that time made a determination that the Bergdorf Goodman buildings should not be a Landmark.

We respectfully request that the Bergdorf Goodman buildings should not be declared a Landmark.

Respectfully submitted,

FRIED, FRANK, HARRIS, SHRIVER & JACOBSON

By: 

Laurence Rosenthal

LR:ss



NYC Department of Buildings

Property Profile Overview

754 FIFTH AVENUE

MANHATTAN 10019

Health Area : 48

Census Tract : 11201

Community Board : 105

Buildings on Lot : 2

BIN# 1081141

Tax Block : 1273

Tax Lot : 33

Condo : NO

Vacant : NO

View All Addresses...

Browse Block

Browse Lot

View Certificates of Occupancy

DOB Special Place Name:

DOB Building Remarks:

Landmark Status:

C - CALENDARED

Loft Law:

NO

SRO Restricted:

NO

UB Restricted:

NO

Little 'E' Restricted:

N/A

Legal Adult Use:

NO

Historic Block:

1273

Other BINs:

NONE

Special Status:

N/A

Local Law:

NO

TA Restricted:

NO

Special District:

N/A

Grandfathered Sign:

NO

City Owned:

NO

Historic Lots:

33

Department of Finance Occupancy Code:

K3-STORE BUILDING

Please Note: The Department of Finance's building classification information shows a building's tax status, which may not be the same as the structure. To determine the legal use of a structure, research the records of the Department of Buildings.

Total

Open

Complaints

3

0

Violations-DOB

8

2

Violations-ECB

1

0

Jobs/Filings

163

PRA / ARA Jobs

0

Total Jobs

163

Actions

12

Elevator Records

Electrical Applications

Permits In-Process / Issued

Illuminated Signs Annual Permits

Plumbing Inspections

Open Plumbing Jobs / Work Types

Facade Status Information

Marquee Annual Permits

Boiler Compliance

DEP Boiler Information

OR Enter Action Type:

OR Select from List:

Select...

AND Show Actions

If you have any questions please review these [Frequently Asked Questions](#), the [Glossary](#), or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.

Department of Buildings Home Page • NYC.gov Home Page • Mayor's Office

City Agencies • Services • News and Features • City Life • Contact Us • Search

12/8/2005

Bergdorf-
Cre,

May 20, 1971

William I. Riegelman, Esq.
Fried, Frank, Harris, Shriver & Jacobson
120 Broadway
New York, N. Y. 10005

Dear Mr. Riegelman:

At its May meeting, the Landmarks Preservation Commission reviewed the proposed designation of the Bergdorf-Goodman building. The Commission discussed the architectural features of the building which were commented upon at our public hearing at City Hall and in material submitted in connection with this matter.

On behalf of the Commission, I am writing to inform you that it is the Commission's intention not to designate as a Landmark the Bergdorf-Goodman building. The Landmarks Commission will be taking formal action at a later meeting. While this matter was pending, we have appreciated your cooperation in keeping all the interested parties informed about the Commission's consideration of this item.

As you know, members of the Commission and individuals on its staff regularly advise many property owners and their leasees on the most appropriate way to make exterior alterations to New York City's distinguished buildings. The Commission hopes that the parties having control over the Bergdorf-Goodman building in the future will want to maintain its character and its significant contribution to the beauty of the square on which it is located and that these parties will want to consult regularly with the Commission on proposed exterior alterations.

Sincerely yours,

Frank B. Gilbert
Secretary

FBC:ag

cc: Hon. Harmon H. Goldstone
Hon. William R. Fisher
Hon. Alan Burnham
Library Files ✓

Bergdorf-Goodman
(rejected)

May 20, 1971

William I. Riegelman, Esq.
Fried, Frank, Harris, Shriver & Jacobson
120 Broadway
New York, N. Y. 10005

Dear Mr. Riegelman:

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Sincerely yours,

Frank B. Gilbert
Secretary

FBC:ag

bcc: Hon. Harmon H. Goldstone
Hon. William R. Fisher
Hon. Alan Burnham
Library Files ✓



LANDMARKS PRESERVATION COMMISSION

20 VESEY STREET, NEW YORK, NEW YORK 10007

566-7577

October 2, 1985

James R. Bond
240 West Street #44
New York, NY 10014

Dear Mr. Bond,

Thank you for your request that Bergdorf Goodman's, the Roosevelt Hotel and 90 West Street be considered for designation as New York City Landmarks.

The Bergdorf building was reviewed by the Commission, and a public hearing held in 1970. No action was taken at that time. The building was reviewed again in 1980, once more without further action taken. Given the ground floor alterations to the building, it seems unlikely that the Commission will proceed any further in this matter.

The Roosevelt Hotel was also reviewed by the Commission. It was considered in 1981 at which point no decision was made regarding a public hearing. At this point it does not seem as if the Commission will take any further action on the building.

In response to your recommendation of 90 West Street, please find a "Request for Evaluation." Upon completion of the form and its return to this office, the building will be evaluated by staff.

Thank you for your interest in preservation and in the work of the Commission.

Sincerely,

Marjorie Pearson
Director of Research

10/2
may be -
for response -
Frank.

240 West 10 Street, #44
New York, N.Y. 10014

Landmarks Preservation Commission
20 Vesey Street
New York, N. Y. 10007

Dear Landmarks Commission:

I would like to bring to your attention the following property for review by your board. I believe that the property has significant landmark quality and age. Your review and consideration of this property for landmark status would be greatly appreciated by me.

The property is located as follows:

*Bergdorf Goodman
5th Ave at 57 St.
New York City*

Your time and effort with this matter is appreciated.

Sincerely,

James R. Bond

James R. Bond

Sept 25, 1985

gb

*Reviewed by Comm - public hearing 1970, no decision
Reviewed again 1980 - no action*

06/27/01 16:59 FAIRTAX NYC DOF : N & A INQUIRY LIS NLPC008 F144 F1M0099

BBL : 1-01273-0033/0 LOCATION : 742 5 AVENUE
CITY : NEW YORK APT # :

NDEED OWNR MEYER JAMES F 03/16/1999
754 5TH AVE
NEW YORK NY 10019-2503 BILLING

NDEED OWNR 754 5TH AVENUE ASSOCIATES 09/08/2000
650 MADISON AVE
NEW YORK NY 10022-1029 OWNER REGI

INREM REG CREDIT LYONNAIS NY BRANCH 08/04/1993
1301 AVENUE OF THE AMERIC
NEW YORK NY 10019-6022 OWNER REGI
LEGAL DEPT

01-HELP 08-NEXT 09-CANCEL 24-PRINT

NEXT FUNCTION : DATA :

fashionable section, the northern border falling at Fifty-eighth Street following the completion of Bergdorf Goodman's block of shops in 1928.

By 1928 the advertising and merchandising potential of the new Modernism, already understood by many of the more sophisticated smaller retailers, was taken up in earnest by Adam Gimbel, who ran Saks Fifth Avenue, and set in motion a succession of renovations in his new building that would unalterably change the course of retailing. The first and most highly visible area of department store design innovation was the show windows. Show window design had been an increasing preoccupation with merchants since the war. In 1921 the *Decorative Furnisher* observed, "The show window is the merchant's best salesman. It speaks a more eloquent message to the customers of any store than hundreds of pages of advertising. It stands in the same relation to the customer of the store as the manufacturer's salesman, with his samples, stands in relation to the dealer himself."¹²⁹

Not surprisingly, New York show windows were the first to take on a theatrical, stagelike attitude; to the window designer it was "a place where merchandise may 'act out' its particular qualification in the same way as a stage setting 'acts out' a part in the theater."¹³⁰ The conception of window display was first transformed by Joseph Cummins Chase, whose windows for McCreery's on Thirty-fourth Street pioneered simplified design, replacing the jumble of merchandise that previously characterized the windows with a few objects placed to create a dramatic backdrop for, say, a woman's dress or coat, and using furniture instead of the traditional ornamental fixtures to hold merchandise in place.¹³¹

Saks Fifth Avenue carried Chase's principle much further, employing the architect Frederick Kiesler in 1927 and the sculptor Alexander Archipenko in 1929 to design simple, striking displays. The Vienna-born Kiesler dramatically transformed what had been "window dressing" into "window designing," developing an advanced theory of window display.¹³² A typical Kiesler window featured a stark geometric backdrop against which a minimum of merchandise was displayed. Archipenko made a mannequin of abstract design in glazed ceramics. The Franklin Simon store at Thirty-eighth Street and Fifth Avenue quickly followed in 1928-29, retaining Norman Bel Geddes to startle passersby with its radically plain windows that used a set of neutral-colored, interchangeable display units to focus attention on the merchandise. Together with the windows at Saks, Geddes's designs, which he claimed "inaugurated the modern simplified and abstract trend" in the United States, initiated a trend that swept through the retailing industry and lasted until the depths of the Depression, when merchants returned to more traditional techniques. But, as Geddes noted, for three years following his 1929 windows for Franklin Simon, "Fifth Avenue windows became more and more exciting to look at—and the passer-by looked."¹³³

The confluence of art and window dressing culminated almost ten years later, in 1939, with Bonwit Teller's invitation to Salvador Dalí to design two windows.¹³⁴ Dalí, already a celebrity at age thirty-five, put "Day" in the south window and "Night" in the north. In the first, a mannequin garbed in "flowing red hair and some green feathers" was poised to step into a hairy bathtub in which wax hands floated. In the second, a mannequin slept on a bed that had a water buffalo as its headboard; the buffalo's mouth was stuffed with a bloody

pigeon, while the mannequin's head was made of glowing coals. Passersby complained that the windows were risqué on the first morning they were unveiled, and the management toned them down by the afternoon. Dalí discovered the changes a few hours later and, attempting to alter the arrangement, sent the furry bathtub through the show window. Dalí was arrested for malicious mischief, but his sentence was suspended.¹³⁵

Adam Gimbel was quick to see that more was needed than eye-catching window displays. In the flashy elegance of the French Modern Classical style he found a perfect complement to the glamorous clothing and accessories in which Saks specialized. In 1929 Gimbel retained Whitman & Goodman to design an appropriate interior for Saks's Salon Moderne, a department specializing in up-to-date couture. Whitman & Goodman's design employed concealed cove lighting, dramatically lit ministages for the mannequins, and an absence of ornamental detail.¹³⁶ Saks also retained Walter F. March to design its special Antoine de Paris salon in a similarly adventurous, almost Constructivist manner, employing walnut, birch, and German silver.¹³⁷

In 1926 George B. Post and Richard Morris Hunt's Vanderbilt mansion, occupying one of New York's most prestigious locations at Fifty-eighth Street and Fifth Avenue, was torn down to make way for a coordinated complex of stores designed by Buchman & Kahn. Bergdorf Goodman, the ladies' specialty shop, was the largest tenant in the group.¹³⁸ As designed by Buchman & Kahn to replace the Vanderbilt mansion and completed two years later, the various components were united by the use of a single cladding of South Dover marble and a green tile mansard roof that contained at its northern end an apartment for Bergdorf's owners. Kahn described the design as a

group of eight individual buildings [with] an arcade arranged to connect Fifty-seventh and Fifty-eighth streets. The units were restricted to six stories in the main; one on Fifty-eighth Street, rented at the outset, was raised to eight with an apartment on its roof as additional area. In spite of the fact that experts had gathered at weekly meetings and in these carefully organized conferences were realty figures, engineers, architects' representatives, owners—the problem was so difficult that when the actual buildings were finished there was still the question as to whether the development was entirely what the circumstances warranted. Curiously enough, a tenant did arrive who rented three buildings of the group, representing over 50 percent of the unrented balance, and before the elevators in the completed structure had been used, or a single citizen used the arcade, already lined with its marble and bronze, the entire group is being rebuilt to meet the economic conditions requested by the particular tenant.¹³⁹

The principal entrance to Bergdorf's was on Fifty-eighth Street and led to an elliptical domed Empire-style foyer whose mirrored and marbled surfaces testified to the refinement of traditional French taste and its association in the public mind with haute couture. Traditional French themes were carried out in most of the store's departments, although the fur department with its freestanding torchères and sandblasted mirrors reflected Kahn's interest in contemporary French developments. Throughout the store, as *Architecture and Building* observed, the "effect is of beautifully decorated and furnished salons wherein no merchandise is displayed.

----- X

In the Matter of the Proposed	:	
Designation by the Landmarks	:	
Preservation Commission of the	:	Memorandum in Opposition
City of New York of the Property	:	<u>to the Proposed Designation</u>
owned by 754 Fifth Avenue	:	
Corporation in the City of New	:	
York at 742 through 754 Fifth	:	
Avenue (Block 1273, Lots 33	:	
through 40).	:	

-----X

Statement of Facts

Bergdorf Goodman is a specialty store located on Fifth Avenue between 57th and 58th Streets, New York City (block 1273, Lots 33 through 40). 754 Fifth Avenue Corporation is the owner of said real property which consists of seven separate buildings erected in 1928 and subsequently joined together for the purpose of the specialty store. This property has been proposed to be designated as a Landmark by the Landmarks Preservation Commission of the City of New York (hereinafter referred to as "the Commission").

By letter dated June 4, 1970, signed by the Executive Director of the Commission, Andrew Goodman, President of Bergdorf Goodman, was notified of the proposed designation of the subject property as a Landmark and that a public hearing on the proposed designation would be held by the Commission on June 23, 1970. On that date the Commission offered to hear

anyone concerning the proposed designation of Bergdorf Goodman. When no one came forward, the Commission accepted the owners' written request to postpone the hearing until July 21, 1970.

At the hearing on July 21, 1970 Bergdorf Goodman appeared by counsel and by its President, Andrew Goodman, in opposition to the proposed designation of this property as a Landmark and Landmark Site. No one appeared in favor of the proposed designation. This memorandum is submitted in accordance with the permission of the Chairman of the Commission allowing Bergdorf Goodman thirty days from the date of the hearing to submit additional papers. At the time of the hearing there was submitted a letter from Andrew Goodman to the Commission dated July 17, 1970, and affidavits from 1) W. Francis FitzGerald, Senior Vice President and head of the mortgage department of William A. White and Sons, sworn to the 16th day of July 1970, 2) Howard F. Sunshine, former head of the Real Estate and Mortgage Department of the Manufacturers Hanover Trust Company sworn to July 16, 1970, and 3) August A. Strung, Executive Vice President of the Bowery Savings Bank and chief mortgage officer, sworn to the 16th day of July, 1970. In addition to this memorandum there is herewith submitted the affidavit of Theodore J. Young, a noted

architect sworn to August 3, 1970 and the affidavit of Sigmund Waldman sworn to the 6th day of August, 1970 showing the amounts owed by the owners to the various banks. All of these papers are submitted in support of the owner's opposition to the proposed designation.

At the hearing on July 21, 1970, Andrew Goodman, President of Bergdorf Goodman, pointed out that these seven buildings were built in 1928 and that they have no special character or special historical or aesthetic interest or value and cannot be considered in any way as part of the architectural heritage of this city. He further stated that a designation of this property as a Landmark would substantially diminish its market value and that this was particularly true since the property is presently improved for the specialty store which uses less than half of the floor space allowable under applicable zoning regulations. The notion of selling "air rights" is purely theoretical in this case, since the adjacent properties are skyscrapers already constructed. In fact, this property represents an underdeveloped one surrounded by a sea of skyscrapers. He stated that the designation would be clearly equivalent to a condemnation without just compensation. He further stated that the present mortgage on the property, which matures in 1973, is in the amount of approximately \$3,000,000. Recently, the interior and exterior of the

place have been altered at a cost of an additional \$4,000,000, financed by short-term bank loans. Mr. Goodman pointed out that because of the low interest rate on the present mortgage and the present high interest rates in the commercial market, refinancing of the mortgage and the short-term bank loan is going to be done at a favorable time within the next few years, but not later than 1973. If, however, the Commission designates this property as a Landmark, it may be impossible to refinance to the necessary extent, since lending institutions may be unwilling to lend substantial funds if they will not be able to alter or demolish the specialty store in the event of foreclosure.

In support of Mr. Goodman's statement, the affidavits of prominent mortgage experts in New York City were annexed to Mr. Goodman's letter, stating unequivocally that the designation of this property as a Landmark would substantially affect both the amount of money which could be obtained and the terms of any mortgage obtainable. This statement appears in the three affidavits of the prominent bankers and mortgage broker referred to above.

Consequently, as Mr. Goodman in his statement pointed out, the designation of this property as a Landmark could well lead to financial disaster for the owners.

There is submitted herewith the affidavit of Theodore John Young, a prominent architect and a fellow of the American Institute of Architects. He indicates in his affidavit that the architectural character of the property is derivative and not consistent throughout the seven buildings. In general, he states that the architecture is of a modified French Renaissance character with some details of the Louis XV and Louis XVI periods. The design, he found, was restrained in its ornamental detail and somewhat severe compared with other commercial buildings on Fifth Avenue and adjacent streets. He found that these buildings do not in any sense fulfill, from an architectural point of view, what might be expected of the term "Landmark". He found the buildings to be simple structures of "uneven architectural merit" which in his opinion have neither "the special character or special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation". He found that the units varied in height and were of the eclectic period, having been erected in 1928.

As compared with other buildings previously designated as Landmarks and those presently proposed as Landmarks, there were significant omissions in the case for designation of these buildings as a Landmark. At the public hearings

after the owners in many cases had spoken in opposition to the designation, voices were raised by representatives of the Municipal Arts Society or by prominent architects in favor of proposed designations. At the public hearings on June 23, 1970 and July 21, 1970, although representatives of the Municipal Arts Society and architects were present, no one saw fit to argue that the Bergdorf Goodman buildings should be designated as a Landmark.

Many other buildings designated as Landmarks or proposed as Landmarks have been referred to in architectural studies. For instance, a book entitled New York Landmarks, by Alan Burham A.I.A., published in 1963, contains lists of architecturally notable structures in New York City. No reference in that book is made to the Bergdorf Goodman buildings.

There is a pamphlet entitled "Four Walking Tours of American Architecture in New York City" published by Modern Art Society and prepared by Ada Louise Huxtable. There is no reference in that pamphlet to the Bergdorf Goodman buildings.

There is a book entitled "The A.I.A. Guide to New York City" edited by Norval V. White and Elliot Wallensky, published in 1969. The book refers to thousands of buildings in New York City which the editors feel have architectural and/or historical significance. As stated on page one, the book

includes "more human points of interest than any other such reference work ever prepared or published for New York City or any other American city." Nevertheless, this most recent and extremely comprehensive book fails to contain any reference to the Bergdorf Goodman buildings.

There is nothing historical in the Bergdorf Goodman buildings. No one has come forward to state at the public hearing or in any of the various books that have been published that the Bergdorf Goodman buildings have in any way any special characteristic or special historical architectural or aesthetic interest or value as part of the development, heritage or cultural characteristics of this city or state or nation.

The fact is that the buildings were erected in 1928. They are of varying heights and are of a modified French Renaissance character, with some details borrowed from the Louis XV and the Louis XVI periods. The style is clearly eclectic. They thus represent no significant period, have no degree of antiquity and represent nothing more than a refined commercial character common to many New York store buildings erected during that period.

POINT I

THE SUBJECT PROPERTY AND THE IMPROVEMENTS
THEREON DO NOT COME WITHIN THE STATUTORY
DEFINITION OF A LANDMARK.

A Landmark is defined in Paragraph 207.1.0(k) of Chapter 8-A of the Administrative Code of the City of New York as follows:

" 'Landmark', any improvement, any part of which is thirty years old or older, which has a special character or special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation and which has been designated as a Landmark pursuant to the provisions of this Chapter."

The only element of the statutory definition that is met by the Bergdorf Goodman buildings is that they are more than thirty years old, having been built in 1928.

The buildings have no "special character". They are of a refined commercial character common to many New York store buildings erected in that period. There is nothing unique about these buildings. They have no "special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation." (See affidavit of Theodore John Young, sworn to August 3, 1970).

The fact is that the Bergdorf Goodman buildings are

of French Renaissance design - an eclectic form of architecture borrowed from parts of the Louis XV and Louis XVI periods and transplanted into Twentieth Century New York City. The buildings have no connection historically or aesthetically with the development, heritage or cultural characteristics of the City of New York or of the State of New York or of the Nation. The buildings are uneven, both in height and in architectural merit.

As stated above, neither the Municipal Art Society nor any of the architects present saw fit to argue at the public hearings that the Bergdorf Goodman buildings should be designated as a Landmark. As also pointed out above, none of the extensive literature dealing with the subject of New York Landmarks contains any reference to the Bergdorf Goodman buildings. The fact is that there is absolutely no evidence before the Commission to support the proposed designation. Clearly the Bergdorf Goodman buildings fail to meet the requirements of the statutory definitions as a Landmark.

POINT II

THE PROPOSED DESIGNATION OF THIS
PROPERTY AS A LANDMARK WOULD IN
FACT DESTROY ITS MARKETABILITY AND
SERIOUSLY IMPAIR ITS MORTGAGEABILITY.

The owners of this property are faced with serious problems. In order to improve the property they have recently spent almost \$4,000,000 on a renovation of the interior and the exterior of the property. In addition to that there is a \$3,000,000 mortgage which matures in 1973. It will be necessary for the owners within the next three years to refinance the mortgage and the short-term bank loans on favorable commercial terms in order for the business to continue. (See affidavit of Sigmund Waldman as to the amounts owed by the owners to the banks). The affidavits of the experts familiar with mortgage loans demonstrate that the designation of the property as a Landmark would seriously inhibit the ability of the owners to obtain a mortgage in the appropriate amount and on reasonable terms. The reason for this is crystal clear. Lending institutions when considering mortgage applications, first consider the use that can be made of the property in the event of foreclosure. If the property is confined to an underdeveloped group of buildings surrounded by skyscrapers,

they will hesitate to lend money on ordinary commercial terms. Thus, the value of this property will be diminished by several million dollars by the mere designation. The owners may be faced with financial disaster due to their inability to obtain the proper mortgage loans if a designation occurs.

It is idle to say that on a proper showing the Commission will cooperate in proceedings for permission to demolish or alter the exterior. At best such proceedings, even with the utmost in cooperation on the part of the Commission, are costly and time consuming--at least sufficiently to vitiate the interest of possible purchasers. Certainly the members of this Commission will realize that a purchaser of business property of this magnitude would be purchasing for a specific purpose; more to the point, he would not be purchasing if his ability to devote the property to his contemplated use is contingent upon the future rulings of an administrative agency of the city. Clearly a prospective mortgagee will have in mind the same limitations.

The fact is that it is one of the results of the statute that the real marketability of a property designated as a Landmark is destroyed. Section 207.20(j) requires the

Commission to cause to be recorded in the office of the Register of the City of New York notice of its designation as a Landmark indexed against the appropriate block and lot number. This is proof positive that the statute imposes an encumbrance upon the property and gives notice to the world that the property cannot be demolished without the consent of the Commission. There need be no further proof of the complete destruction of the free and ready marketability of a property so designated and so encumbered.

In our case the destruction of marketability has an immediate affect in the impairment of mortgageability. This may well result in financial disaster to Bergdorf Goodman.

POINT III

THE COMMISSION SHOULD NOT MAKE THE PROPOSED DESIGNATION IN THE ABSENCE OF A PREPONDERANCE OF EVIDENCE TO SUPPORT IT, PARTICULARLY IN VIEW OF THE SERIOUS LEGAL QUESTIONS THAT MAY BE INVOLVED.

This is not the forum in which to argue the many legal questions which arise under the enabling legislation (Section 96-a of the General Municipal Law) and under Chapter 8-A of the Administrative Code of the City of New York. For the present purposes it is sufficient to mention but a few of the serious legal questions which must ultimately be determined by the courts.

Does the Legislature itself have the constitutional power to delegate to cities, as it purports to do under Section 96-a of the General Municipal Law, the authority to regulate private property and deprive an individual property owner of his right to demolish an improvement on his property just because such improvement is thought to have "special historical or aesthetic interest or value"?

Is Section 96-a of the General Municipal Law a constitutional delegation of legislative power, in that it permits cities to regulate private property and deprives its

owner of his untrammelled use, thereof, without providing any standards or guidelines for the determination of the type of property and extent of regulation intended by the legislature in its delegation?

Is not Chapter 8-A of the Administrative Code itself of dubious constitutional validity when:

(a) It redelegates purported legislative authority to an administrative body without providing standards or guidelines by which the administrative agency may exercise this authority?

(b) It is devoid of procedural provisions to protect individual property owners in their vested property rights, and

(c) It goes far beyond the power purportedly delegated by the enabling act (Section 96-a of the General Municipal Law)?

Does not the provision of Chapter 8-A of the Administrative Code requiring the Commission to file notice of a designation in the Office of the Register of the City of New York indexed under the block and lot number of the property affected, thereby imposing an encumbrance upon private property, permit an unconstitutional taking without compensation?

Is not a single site designation as distinguished from the designation of an historic district tantamount to "spot zoning" which has been repeatedly condemned by the courts?

The legal questions enumerated above are only a few of the questions that would arise from the designation in this case and they cannot be finally answered by the Commission. Ultimately, as stated, they will be tested by the courts.

They are, nevertheless, of sufficient gravity to make the proposed designation imprudent particularly when, because of the complete absence of evidence to support the proposed designation, this would be an extremely poor case in which to test the legal questions raised above from the viewpoint of those interested in the preservation of real Landmarks.

CONCLUSION

The proposed designation should not be made for the following reasons:

1. The Bergdorf Goodman buildings do not come within the statutory definition of a Landmark.
2. Because the said buildings fail to meet the definition of a Landmark, the proposed designation of these buildings would be arbitrary, capricious and unjust in that the marketability of the buildings would be tremendously impaired and the ability of the owners to obtain suitable mortgage financing would be seriously jeopardized.
3. The proposed designation would be imprudent in view of the many legal questions outlined above and others which are certain to be raised if designations like the one here contemplated are made.

Dated: August 10, 1970
New York, N.Y.

Respectfully submitted,

STRASSER, SPIEGELBERG, FRIED & FRANK
Attorneys for Bergdorf-Goodman
120 Broadway
New York, N.Y. 10005

Laurence Rosenthal,
Of Counsel.

In the Matter of the Proposed
Designation by the Landmarks
Preservation Commission of the
City of New York of the Property
owned by 754 Fifth Avenue
Corporation in the City of New
York at 742 through 754 Fifth
Avenue (Block 1273, Lots 33
through 40).

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

THEODORE JOHN YOUNG, being duly sworn, deposes
and says:

I reside at 521 Field Point Road, Greenwich, Conn.

I am a partner in the architectural firm of The Eggers
Partnership, having offices at 100 Park Avenue, New York,
N.Y.

I was graduated with the degree of Bachelor of
Architecture from the University of Toronto in 1921 and
from the American Academy at Fontainebleau, France, in 1924.
I have been continually engaged in my profession as an
architect since that time.

I am a registered architect of the State of New
York and in many other states and am a Fellow of the American
Institute of Architects and a member of the New York State
Society of Architects. Since 1938 I have been a partner in
the firm of Eggers and Higgins and The Eggers Partnership.
For many years I have been consulting architect for Indiana
University and for the Tri-Borough Bridge and Tunnel

Authority of the City of New York. Examples of recent work in which I have engaged are

Canada House, Fifth Avenue and 54th Street, New York City;

Morgan Guaranty Bank and office building, 522 Fifth Avenue, New York City;

Indiana University Main Library, Fine Arts Building and Lilly Rare Book Library at Bloomington, Indiana;

St. Joseph's Roman Catholic Cathedral at Hartford, Connecticut;

The home office of the Mutual Benefit Life Insurance Company at Newark, New Jersey;

First National State Bank Building at Newark, New Jersey.

At the request of Bergdorf Goodman in the City of New York I have examined its buildings at Fifth Avenue between 57 and 58 Streets, Manhattan, New York City (Block 1273, Lots 33 through 40) which, I am informed, is under consideration for designation as a landmark by the Landmarks Preservation Commission. These buildings were erected from plans prepared by Ely Jacques Kahn and construction was completed in 1928. The units vary in height from 6 to 9 stories, and are of a modified French Renaissance character.

I have inspected the 7 buildings comprising the Bergdorf Goodman store on Fifth Avenue between 57 and 58 Streets. The buildings, derived from a historic style, were designed in the closing phases of the eclectic period, and were erected in 1928.

The exterior material is white, unpolished marble with a mansard roof covered with clay tile. The lower story has undergone some alterations from the original concept.

The architectural character is derivative and not consistent throughout the 7 buildings. In general, it can be described as a form of French Renaissance with some details of the Louis XV and XVI periods. The design is restrained in its ornamental detail and somewhat severe compared with other commercial structures of its period on Fifth Avenue and adjacent streets.

Many buildings of the early part of this century will properly take their place in our architectural, historical or cultural heritage and deserve to be so preserved, but surely only when they have special character or historic or aesthetic significance. It would seem that to qualify as a designated landmark the structure should at least evoke some nostalgia for things past, or must have some reasonable degree of antiquity, or some special character plus aesthetic quality, or uniquely represent a period in our cultural development. These buildings do not fulfill any of these criteria. While these buildings do represent a refined commercial character common to many New York store buildings of this period, they do not in any sense fulfill from an architectural point of view what might be expected of the term "landmark". There is no doubt that the strategic location of the group of buildings enhances its appearance, but this should not be a factor in any judgment of its qualification as a landmark.

The several buildings are simple structures of uneven architectural merit and, in my opinion, have neither "the special character or special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation".

Sworn to before me this

2nd day of August, 1970.

Allen D. Coleman

ALLEN D. COLEMAN
Notary Public, State of New York

No. 24-1483985

Qualified in Kings County

Certificate filed in New York County
Commission Expires March 30, 1971

Theodore John Young

Theodore John Young

AFFIDAVIT

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

SIGMUND WALDMAN, being duly sworn, deposes and

says:

1. I am Assistant Controller of the Bergdorf Goodman Corporation located at 754 Fifth Avenue, and I also handle all of the account books and financial ledgers of the 754 Fifth Avenue Corporation.
2. The 754 Fifth Avenue Corporation is the owner of the property located on 754 Fifth Avenue, between 57th and 58th Streets. This property is the corporation's sole asset and source of revenue.
3. I have been an employee of the Bergdorf Goodman Corporation for the past 18 years, and have held the position of Assistant Controller for the past 3 years.
4. The following is the amount, due date, credit institution, and interest rate of the mortgage with The Equitable Life Assurance Society of the United States and all loans to which the 754 Fifth Avenue Corporation is committed to repay (as of January 31, 1970).

<u>Amount</u>	<u>Due Date</u>	<u>Institution</u>	<u>Rate</u>
\$1,600,000.	4/30/73	Chase Manhattan Bank	9%
1,200,000.	4/30/73	Bankers Trust Co.	9%
1,200,000.	4/30/73	Manufacturers Hanover Trust Co.	9%
2,709,016.	6/1/73	The Equitable Life Assurance Society of the United States	4 1/8%

Subscribed and sworn to
before me this 6th day
of August, 1970

Sigmund Waldman
SIGMUND WALDMAN

Victor Schaffhauser
Notary Public
VICTOR SCHAFFHAUSER
Notary Public, State of New York
No. 31-878875
Qualified in New York County
Commission Expires March 30, 1972



THE CITY OF NEW YORK LANDMARKS PRESERVATION COMMISSION
100 OLD SLIP, NEW YORK, NEW YORK, 10005 TEL: (212) 487- 6800 FAX: (212) 487-6723

REQUEST FOR EVALUATION

F-34

The Landmarks Preservation Commission is responsible for safeguarding the architectural, historical and cultural heritage of New York City.

The Commission's Research Department is pleased to accept requests from the public for the evaluation of the architectural, historical or cultural significance of properties throughout the five boroughs. If a property appears to meet the criteria for designation as a Landmark, the staff may recommend it for consideration by the Commission.

To request an evaluation, please fill out this form and return it to the address below. Please provide as much information about the property as you can and, if possible, include a photograph.

Thank you for your interest in the work of the Commission.

PLEASE TYPE OR PRINT

Your Name	John S. Jurayjz		Daytime Telephone No.
Mailing Address	347 Lorimer St.		718-782-2007
City	Brooklyn	State	NY
Zipcode	#3B 11206		
Today's Date	September 16, 1998		

PROPERTY TO BE EVALUATED

5th Ave. Btw. 57th St. and 58th St.

Address

Bergdorf Goodman

Name (if any)

Ladies Specialty store

Building Type (Original Use)

Buchman & Kahn

Architect (if known)

ADDITIONAL INFORMATION

PLEASE INDICATE BELOW ANY ADDITIONAL INFORMATION YOU MAY HAVE CONCERNING THE PROPERTY:
HISTORY, SIGNIFICANCE, PRESENT CONDITIONS, CURRENT STATUS, CURRENT USE, etc.

Built in 1928 on the site of the Vanderbilt mansions this building was designed to complement the existing Plaza Hotel (current landmark) and the formalism of Grand Army Plaza (current landmark). Built with sympathetic materials, South Dover marble and a green tiled mansard roof the design is evocative of a series of townhouse referring to what had been a primarily residential area.

Currently there ^{are} plans to modify the lower flower of the 5th Ave. facade.

PLEASE RETURN THIS FORM TO: Marjorie Pearson, Director of Research
Landmarks Preservation Commission
100 Old Slip, New York, N.Y. 10005

Rev. 9/94

May 20, 1971

William I. Riegelman, Esq.
Fried, Frank, Harris, Shriver & Jacobson
120 Broadway
New York, N. Y. 10005

Dear Mr. Riegelman:

At its May meeting, the Landmarks Preservation Commission reviewed the proposed designation of the Bergdorf-Goodman building. The Commission discussed the architectural features of the building which were commented upon at our public hearing at City Hall and in material submitted in connection with this matter.

On behalf of the Commission, I am writing to inform you that it is the Commission's intention not to designate as a Landmark the Bergdorf-Goodman building. The Landmarks Commission will be taking formal action at a later meeting. While this matter was pending, we have appreciated your cooperation in keeping all the interested parties informed about the Commission's consideration of this item.

As you know, members of the Commission and individuals on its staff regularly advise many property owners and their leasees on the most appropriate way to make exterior alterations to New York City's distinguished buildings. The Commission hopes that the parties having control over the Bergdorf-Goodman building in the future will want to maintain its character and its significant contribution to the beauty of the square on which it is located and that these parties will want to consult regularly with the Commission on proposed exterior alterations.

Sincerely yours,

Frank B. Gilbert
Secretary

FBG:ag

bcc: Hon. Harmon H. Goldstone
Hon. William R. Fisher
Hon. Alan Burnham
Library Files

Bergdorf-Goodman 1864.



LANDMARKS PRESERVATION COMMISSION

305 BROADWAY, NEW YORK, N. Y. 10007

AGENDA

COMMISSIONERS' MEETING
Tuesday, November 25, 1980
Committee of the Whole Room, City Hall

I. Executive Meeting 9:30 A. M.

A. Review of New Items

1. Bergdorf Goodman Building, 754 Fifth Avenue, Manhattan
2. Greenwood Cemetery and Chapel, Fifth Avenue and 25th Street, Sunset Park, Brooklyn

B. Reports on Items Previously Heard for Designation

1. St. James Episcopal Church, 2500 Jerome Avenue, The Bronx (Heard July 12, 1979)
2. Edgehill Church of Spuyten Duyvil, 2550 Independence Avenue, Riverdale, The Bronx (Heard July 12, 1979)
3. Marine Air Terminal, Exterior and Interior, La Guardia Airport, Queens (Heard December 11, 1979)
4. Old Administration Building, U. S. Coast Guard Base, 1 Bay Street, Staten Island (Heard December 11, 1979)

II. Public Hearing 10:30 A. M.

SEE ATTACHED

III. Review of C of A Items on Calender

1. Stanhope Hotel, 995 Fifth Avenue, Manhattan

IV. Review of C of A Items Previously Heard--Action Pending

1. 117 Beekman Street; South Street Seaport Historic District--alterations to existing building (Heard 9/23/80)
2. 122 Greenwich Avenue, Manhattan, Greenwich Village Historic District--new building (Heard October 28, 1980)
3. 59-61 Barrow Street, Manhattan, Greenwich Village Historic District--infill on ground floor, windows resolved (Heard October 28, 1980)
4. 80 Irving Place, Manhattan--review of new addition on ground floor (Heard September 23, 1980)
5. Papp proposal--roof-top addition (Heard January 22, 1980)
6. Central Park Items--(Heard October 28, 1980)
 - a. Cherry Hill--landscaping
 - b. Bethesda Terrace, Bridge and Steps--restoration of stonework and paving, arcade ceilings and restrooms.
 - c. Bethesda Slopes to the Loeb Boat House--Landscape rehabilitation

V. Discussion of Proposed Upper East Side Historic District

VI. Adoption of Items for January 13, 1980 Public Hearing

VII. Review of Items Previously Heard by Commission--No Action Taken

ROBERT A. ACKMAN
FRANKLIN L. BASS
WALTER P. CLERND
ANTHONY A. FEDER
JOHN C. FIRM, JR.
ARTHUR FLEISCHER, JR.
HARRY J. FRANK
WALTER J. FRIED
VICTOR S. FRIEDMAN
HERBERT L. GALANT
ROBERT S. GREENBAUM
SAM HARRIS
EDWIN HELLER
HERBERT HIRSCH
ARNOLD HOFFMAN
LESLIE A. JACOBSON
WILLIAM JOSEPHSON
RICHARD G. LOENGARD, JR.
FREDERICK LUSCHER
BENJAMIN NASSAU
DANIEL B. POSNER
ROBERT H. PREISKEL
SHELDON RAAB
WILLIAM L. RIEGELMAN
LAURENCE ROSENTHAL
PETER J. RYAN
LEON SILVERMAN
HERMANN E. SIMON
LEWIS A. STERN
GEORGE A. SPIEGELBERG
COUNSEL

April 8, 1971

WASHINGTON, D.C. 20004
CABLE "STUDIO NEW YORK"
TELEPHONE 202-462-1000

RICHARD B. JOHNSON
PETER G. KILPATRICK
MILTON SCHWARTZ
JOEL H. FORDYHAM
PATRICIA B. HARRIS
MAX M. KAMPELMAN
ARTHUR LAZARUS, JR.
RICHARD SCHWARTZ
DANIEL M. SINGER

HAROLD F. GREEN
COUNSEL

OUR REFERENCE

653-18

Landmarks Preservation Commission
305 Broadway
New York, New York

Re: Bergdorf & Goodman Company
754 Fifth Avenue, Manhattan
(LP 0735), Block 1273, Lots 33
through 40

Gentlemen:

The above matter came on to be heard as Calendar No. 15, at the hearing held on July 21, 1970, at City Hall, New York. Mr. Frank B. Gilbert, Secretary of the Commission, has permitted us to file this letter containing new and vital developments in the above matter.

At the present moment an agreement in principle has been reached between Bergdorf & Goodman Company and 754 Fifth Avenue, Inc. on the one hand, and Broadway-Hale Stores, Inc., of Los Angeles, California, on the other hand, which will assure the continuance of Bergdorf & Goodman Company as a specialty shop on Fifth Avenue until January 31, 1994. The agreement is contingent upon the approval of the Federal Trade Commission, but almost certainly cannot be accepted by 754 Fifth Avenue, Inc. unless and until a decision is made by this Commission that the property should not be designated as a Landmark.

The agreement in principle provides that a lease will be entered into by Broadway-Hale Stores, Inc. for a term ending January 31, 1994 at a percentage rental with an extremely low minimum.



62-7
April 10 1971

At the present moment, the business is not operating at a profit. This Commission must be aware of the plight of large high-class retail establishments on Fifth Avenue in the light of heavy real property taxes, high rentals and diminishing profit margins. Without the agreement with Broadway-Hale Stores, Inc., the future of Bergdorf & Goodman Company will be very dark indeed, if not impossible.

It is clear that if the continuance of Bergdorf & Goodman Company in its present form is desirable, the proposed agreement with Broadway-Hale Stores, Inc. must be made. Nevertheless, if this Commission designates the Bergdorf & Goodman buildings as a Landmark, the entire transaction will have to be reconsidered because the basic foundation upon which it is based will have been destroyed. The overwhelming probability is that the agreement will be cancelled. The basic reasons for such a cancellation have already been advanced to the Commission in our original presentation. In addition, however, the potential limitation on Broadway-Hale's freedom of action could very well cause it to reconsider the transaction from the Broadway-Hale point of view.

The issue is simple. If this Commission determines that the proposed designation should be made, the agreement with Broadway-Hale Stores, Inc. will almost certainly not go forward. On the other hand, if this Commission determines that the proposed designation should not be made, the owners fully intend to proceed promptly and urgently to complete the agreement with Broadway-Hale, subject only to the consent of the Federal Trade Commission.

We wish to reiterate the following points:

1. As shown by affidavit previously submitted, the Bergdorf Goodman buildings were erected in 1928, being of varying heights and of a modified French Renaissance character, the style being eclectic, representing no significant period, having no degree of antiquity and representing nothing more than a refined, commercial character common to many New York store buildings erected during the 1920s. The buildings have no special character, are not unique and have no special historical or esthetic interest or value as part of the development, heritage, or cultural characteristics of the City, State or Nation.

2. Neither the Municipal Art Society nor any of the architects present at the two hearings (June 23rd and July 21st, 1970) saw fit to argue that the Bergdorf & Goodman buildings should be designated as a Landmark. In connection with the hearings on most of the properties subject to proposed designations, voices were heard in support of the designations, but none at all were raised in favor of the designation of the Bergdorf Goodman buildings as a Landmark.

3. None of the extensive literature dealing with the subject of New York Landmarks contain any reference to the Bergdorf Goodman buildings.

4. In this letter we will not repeat the other arguments previously made. The Commissioners are well aware of the problems faced today by high-class retail establishments on Fifth Avenue. Without the Broadway-Hale Stores, Inc. agreement, we can not assure the continuance of Bergdorf & Goodman Company.

This is the opportunity for the future of the buildings and the business in its present form to be assured. If there is to be a designation as a Landmark, the agreement with Broadway-Hale Stores, Inc. will not go through and the future of Bergdorf & Goodman Company and of the buildings will then be limited.

The time sequence for the proposed agreement is as follows:

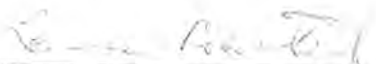
Application is going to be made to the Federal Trade Commission within the next ten (10) days. It is anticipated that this application will take two to three months to process. Once the consent of the Federal Trade Commission has been obtained, the final agreement with Broadway-Hale Stores, Inc. will be entered into, provided only that this Commission has by that time made a determination that the Bergdorf Goodman buildings should not be a Landmark.

We respectfully request that the Bergdorf Goodman buildings should not be declared a Landmark.

Respectfully submitted,

FRIED, FRANK, HARRIS, SHRIVER & JACOBSON

By:


Laurence Rosenthal

July

Calendar No

July 21st 1970

Testimony

- #13 No Speakers
- #14 N.Y. Yacht Club, Louis Stanton (Atty) ag
Kent Barwick Man Art for
Theresa Bingham " " for
F.B.I. roads. Wm Shoben to General V for
#15 Bergdorf Goodman, Andrew Goodman^{Pres.} ag
↓ Lawrence P. (Atty) ag
#16, 17, 18. Cramm 7-7 for
No is 16, 20, 24 Dm (for, for, for)
19 Holm & Co (for, for)
Weg. Adj. @ 2:15 PM

—H—



THE CITY OF NEW YORK LANDMARKS PRESERVATION COMMISSION
100 OLD SLIP, NEW YORK, NEW YORK, 10005 TEL: (212) 487- 6800 FAX: (212) 487-6723

REQUEST FOR EVALUATION

F-34

The Landmarks Preservation Commission is responsible for safeguarding the architectural, historical and cultural heritage of New York City.

The Commission's Research Department is pleased to accept requests from the public for the evaluation of the architectural, historical or cultural significance of properties throughout the five boroughs. If a property appears to meet the criteria for designation as a Landmark, the staff may recommend it for consideration by the Commission.

To request an evaluation, please fill out this form and return it to the address below. Please provide as much information about the property as you can and, if possible, include a photograph.

Thank you for your interest in the work of the Commission.

PLEASE TYPE OR PRINT

Your Name JOHN JURAYJ		Daytime Telephone No. 718.782.207	
Mailing Address 347 LORIMER ST. #8B		Apartment 3B	
City BROOKLYN	State NY	Zipcode 11206	
Today's Date 3.19.01			

PROPERTY TO BE EVALUATED

SEE ALL BUILDINGS ON
Address
ATTACHED SHEET

Name (if any)

Building Type (Original Use)

Architect (If known)

ADDITIONAL INFORMATION

PLEASE INDICATE BELOW ANY ADDITIONAL INFORMATION YOU MAY HAVE CONCERNING THE PROPERTY:
HISTORY, SIGNIFICANCE, PRESENT CONDITIONS, CURRENT STATUS, CURRENT USE, etc.

REQUEST FOR EVALUATION

From John Jurayj
347 Lorimer Street, #3B
Brooklyn, NY 11206
718-782-2007

- * Tiffany & Co. Building & interior first floor, 732 Fifth Avenue
1940, Cross & Cross
- * Chickering Hall, 29 West 57th Street
1924, Cross & Cross
- * Squibb Building & interior lobby, 745 Fifth Avenue
1930, Ely Jacques Kahn
- * **Bergdorf Goodman**, 742 Fifth Avenue
1927, Ely Jacques Kahn
- * L.P. Hollander & Co Building, 3 East 57th Street
1930, Shreve, Lamb & Harmon
- * 5 East 57th Street, (where Joseph Urban's studio was located)
1927, Emery Roth
- * Crown Building/ a.k.a. Heckscher Building, 730-34 Fifth Avenue
1920-22, Warren & Wetmore
- * Aeolian Building/now Elizabeth Arden Building, 689 Fifth Avenue
1925-27, Warren & Wetmore
- * Ritz Tower, 461 Park Avenue/101-115 East 57th Street
1925-26, Emery Roth



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
100 OLD SLIP NEW YORK, NY 10005 TEL: 212-487-6800 FAX: 212-487-6723 TTY: 212-487-6745



September 30, 1998

John S. Jurayi
347 Lorimer Street
Brooklyn, New York 11206

Re: Ritz Tower, 461 Park Avenue; Tiffany & Co. Building, 727 Fifth Avenue; Bergdorf
Goodman Building, 742 Fifth Avenue; Crown Building, 734 Fifth Avenue, Manhattan

Dear Mr. Jurayi:

Thank you for the information you recently submitted to the Landmarks Preservation Commission regarding the items referenced above. These properties will be evaluated in the context of the criteria for designation contained in the Landmarks Law and the Commission's overall priorities for New York City. I would note that the Fifth Avenue facade of Bergdorf Goodman was extensively modified by architect Allen Greenberg in 1985. We will contact you when we have completed our preliminary review of the properties.

We appreciate your interest in historic preservation and the work of the Landmarks Preservation Commission.

Sincerely yours,

Marjorie Pearson
Director of Research

MP:mp

cc: J.J. Raab, Chairman



THE CITY OF NEW YORK LANDMARKS PRESERVATION COMMISSION
100 OLD SLIP, NEW YORK, NEW YORK, 10005 TEL: (212) 487- 6800 FAX: (212) 487-6723

REQUEST FOR EVALUATION F-34

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Thank you for your interest in the work of the Commission.

PLEASE TYPE OR PRINT

Your Name JOHN JURAYJ		Daytime Telephone No. 718.782.207	
Mailing Address 347 LORIMER ST. #8B		Apartment 3B	
City Brooklyn	State NY	Zipcode 11206	
Today's Date 3.19.01			

PROPERTY TO BE EVALUATED

SEE ALL BUILDINGS ON
Address
ATTACHED SHEET

Name (if any)

Building Type (Original Use)

Architect (if known)

ADDITIONAL INFORMATION

PLEASE INDICATE BELOW ANY ADDITIONAL INFORMATION YOU MAY HAVE CONCERNING THE PROPERTY:
HISTORY, SIGNIFICANCE, PRESENT CONDITIONS, CURRENT STATUS, CURRENT USE, etc.

REQUEST FOR EVALUATION

From John Jurayj
347 Lorimer Street, #3B
Brooklyn, NY 11206
718-782-2007

- * Tiffany & Co. Building & interior first floor, 732 Fifth Avenue
1940, Cross & Cross
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- * 5 East 57th Street, (where Joseph Urban's studio was located)
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1925-26, Emery Roth



The New York City Landmarks Preservation Commission

100 Old Slip New York NY 10005 TEL: 212-487-6763 FAX: 212-487-6776 TTY: 212-487-6745



MARY BETH BETTS
DIRECTOR OF RESEARCH
MBETTS@LPC.NYC.GOV

July 3, 2001

Mr. John Jurayj
347 Lorimer St., #3B
Brooklyn, NY 11206

Re: Tiffany & Co. Building & interior first floor, Chickering Hall, **Squibb Building** and lobby,
Bergdorf Goodman, L. P. Hollander & Co., 5 East 57th Street, Crown Building, Aeolian Building,
and Ritz Tower

Dear Mr. Jurayj:

A senior staff committee of the Commission has reviewed the information you submitted. Tiffany & Co., Chickering Hall, L. P. Hollander & Co., 5 East 57th Street, the Aeolian Building and Ritz Tower will be presented for further discussion to the Commission's Designation Committee, which will determine whether to recommend calendaring a designation hearing for this property. We will keep you informed about the status of this matter.

At this time the Squibb Building and lobby, and Bergdorf Goodman do not appear to meet the criteria for designation and will not be recommended to the Commission's Designation Committee for further consideration as an individual New York City landmark. The decision to not recommend consideration at this time is based on our current assessment of the property's architectural and historical qualities. The Commission may reconsider the property at a later date should additional information about the property's significance become available.

Please understand that the Landmarks Preservation Commission must exercise a high degree of selectivity in regard to the properties that it considers for designation as landmarks.

We appreciate your interest in historic preservation and in the work of the Landmarks Preservation Commission.

Sincerely,

Mary Beth Betts



LANDMARKS PRESERVATION COMMISSION

20 VESEY STREET, NEW YORK, NEW YORK 10007

566-7577

October 2, 1985

James R. Bond
240 West Street #44
New York, NY 10014

Dear Mr. Bond,

Thank you for your request that Bergdorf Goodman's, the Roosevelt Hotel and 90 West Street be considered for designation as New York City Landmarks.

The Bergdorf building was reviewed by the Commission, and a public hearing held in 1970. No action was taken at that time. The building was reviewed again in 1980, once more without further action taken. Given the ground floor alterations to the building, it seems unlikely that the Commission will proceed any further in this matter.

The Roosevelt Hotel was also reviewed by the Commission. It was considered in 1981 at which point no decision was made regarding a public hearing. At this point it does not seem as if the Commission will take any further action on the building.

In response to your recommendation of 90 West Street, please find a "Request for Evaluation." Upon completion of the form and its return to this office, the building will be evaluated by staff.

Thank you for your interest in preservation and in the work of the Commission.

Sincerely,

Marjorie Pearson
Director of Research



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
100 OLD SLIP NEW YORK, NY 10005 TEL: 212-487-6800 FAX: 212-487-6723 TTY: 212-487-6745



September 30, 1998

John S. Jurayi
347 Lorimer Street
Brooklyn, New York 11206

Re: Ritz Tower, 461 Park Avenue; Tiffany & Co. Building, 727 Fifth Avenue; Bergdorf
Goodman Building, 742 Fifth Avenue; Crown Building, 734 Fifth Avenue, Manhattan

Dear Mr. Jurayi:

Thank you for the information you recently submitted to the Landmarks Preservation Commission regarding the items referenced above. These properties will be evaluated in the context of the criteria for designation contained in the Landmarks Law and the Commission's overall priorities for New York City. I would note that the Fifth Avenue facade of Bergdorf Goodman was extensively modified by architect Allen Greenberg in 1985. We will contact you when we have completed our preliminary review of the properties.

We appreciate your interest in historic preservation and the work of the Landmarks Preservation Commission.

Sincerely yours,

Marjorie Pearson

Marjorie Pearson
Director of Research

MP:mp

cc: J.J. Raab, Chairman



The New York City Landmarks Preservation Commission

100 Old Slip New York NY 10005 TEL: 212-487-6763 FAX: 212-487-6776 TTY: 212-487-6745



MARY BETH BETTS
DIRECTOR OF RESEARCH
MBETTS@LPC.NYC.GOV

July 3, 2001

Mr. John Jurayj
347 Lorimer St., #3B
Brooklyn, NY 11206

Re: Tiffany & Co. Building & interior first floor, Chickering Hall, Squibb Building and lobby,
Bergdorf Goodman, L. P. Hollander & Co., 5 East 57th Street, Crown Building, Aeolian Building,
and Ritz Tower

Dear Mr. Jurayj:

A senior staff committee of the Commission has reviewed the information you submitted. Tiffany & Co., Chickering Hall, L. P. Hollander & Co., 5 East 57th Street, the Aeolian Building and Ritz Tower will be presented for further discussion to the Commission's Designation Committee, which will determine whether to recommend calendaring a designation hearing for this property. We will keep you informed about the status of this matter.

At this time the Squibb Building and lobby, and Bergdorf Goodman do not appear to meet the criteria for designation and will not be recommended to the Commission's Designation Committee for further consideration as an individual New York City landmark. The decision to not recommend consideration at this time is based on our current assessment of the property's architectural and historical qualities. The Commission may reconsider the property at a later date should additional information about the property's significance become available.

Please understand that the Landmarks Preservation Commission must exercise a high degree of selectivity in regard to the properties that it considers for designation as landmarks.

We appreciate your interest in historic preservation and in the work of the Landmarks Preservation Commission.

Sincerely,

Mary Beth Betts

John S. Jurayj
347 Lorimer St. #3B
Brooklyn, NY 11206

February 10, 2000

Mary Beth Betts
Director of Research
New York City Landmarks Preservation Commission
100 Old Slip
New York, NY 10005

Dear Mary Beth,

First let me thank you for being so gracious in regards to my phone calls for the 54th St. - 55th St. houses.

I am writing in reference to the status of a number of Request for Evaluations that I submitted under Marjorie Pearson. It has been well over a year and half, and I am wondering whether I need to re-submit these forms.

The buildings are as follows:

Ritz Tower, 461 Park Avenue

Tiffany & Co. Building & interior first floor, 732 Fifth Avenue

✓ Bergdorf Goodman, 742 Fifth Avenue

Crown Building/ a.k.a. Heckscher Building, 734 Fifth Avenue

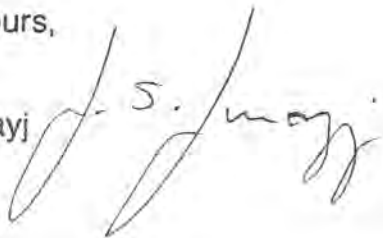
Squibb Building & interior lobby, corner of 58th St. and 5th Avenue

I appreciate that the Commission receives a great number of requests and can only act on a few, but I would like to express my concern for these unprotected icons of New York City. One has to wonder with the current explosive growth being experienced in mid-town how long these important structures can survive either demolition or (maybe worse) mutilation. A prime example of the latter is the Warner Brothers store at 57th and 5th Ave by Cross & Cross. It has been continuously mauled in the last decade. I understand that some of these buildings have had their store level facades altered (generally sympathetically), yet hope that (the recent designation of the Gorham Building is a prime example) this will not prevent Landmarking.

My number is 718-782-2007 if I you have any questions.

Sincerely yours,

John S. Jurayj

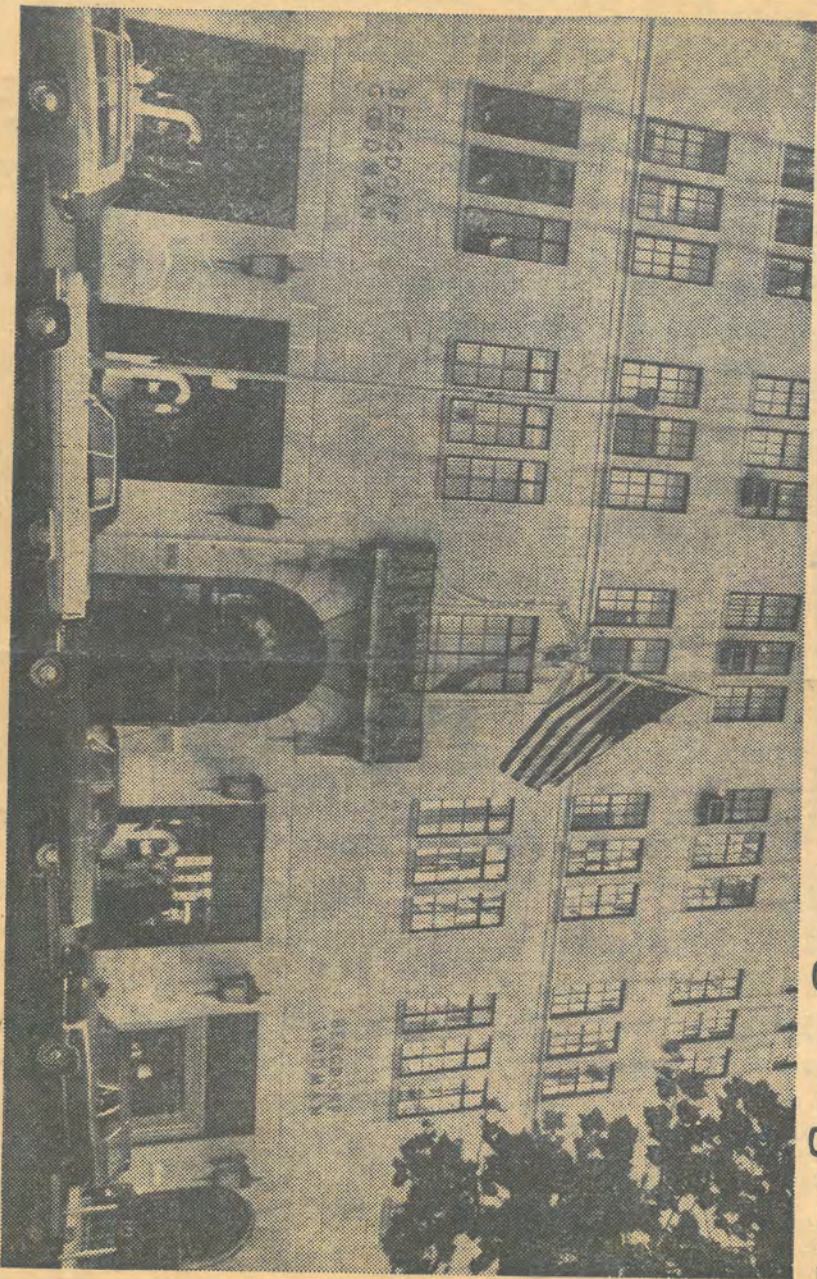




WEDNESDAY, FEBRUARY 2, 1972

The New York Times

Broadway-Hale Defends Seeking Bergdorf



Bergdorf Goodman reportedly may close if proposed purchase by Broadway-Hale Stores is not approved by F.T.C. United Press International

Fifth Ave. Store Said to Warn on Outlook

By ISADORE BARMASH
Special to The New York Times

WASHINGTON, Feb. 1—Bergdorf Goodman, New York's fashionable retail establishment, has indicated that it may close the Fifth Avenue store and convert it to a high-rise office building to obtain maximum "economic use" if the Federal Trade Commission disapproves Bergdorf's proposed purchase by Broadway-Hale Stores, Inc., a public hearing on the acquisition was held here today.

In testimony before the commission, Edward W. Carter, Broadway-Hale's president, said that Andrew Goodman, president of Bergdorf, had approached him through an investment banker to buy the single-store company and avoid the need to convert the property.

Mr. Carter said that Bergdorf has a low profit level, mainly because it has no branch stores rather than because of management failure. Bergdorf's sales are about \$30-million a year, but its profit is "well below" the 4 per cent after taxes that should be a minimum, Mr. Carter said.

Plans Disclosed

If the purchase is approved, he said, Broadway-Hale plans to invest \$40-million to \$50-million to open three large Bergdorf branches, ranging in size from 100,000 to 120,000 square feet, in the New York area.

"This would be a monumental undertaking, lasting perhaps 10 years," he said, "but it would put Bergdorf on a much more attractive profit footing long-term."

The hearing here, set to last at least four days, has been delayed pending a six-month investigation by the F.T.C. staff, which has reportedly advised the commission to reject the purchase of Bergdorf as being

Continued on Page 59, Column 4

BERGDORF

5TH AVENUE 57 TO 58TH STREETS

ON THE PLAZA

GOODMAN

NEW YORK, NEW YORK 10019

ANDREW GOODMAN
PRESIDENT

July 17, 1970

Landmarks Preservation Committee
305 Broadway
New York, N. Y. 10007

Gentlemen:

I write to express my strong opposition to the designation of the Bergdorf Goodman Store buildings as a Landmark. The very fact that you are considering such a designation is in my opinion antithetical to the intent with which the Landmarks Preservation Act was passed and the spirit in which it should be administered. These specialty store buildings have no historical value whatsoever. In fact, it is a relatively modern building, having been built in 1928; and although it may be more pleasing to some people's eyes and taste than other buildings would be, it clearly lacks architectural distinction. It is not a building that has special character or special historical or aesthetic interest or value, nor can it be considered in any way as part of the architectural heritage of this City.

A designation of this building as a Landmark will substantially diminish its market value. This is particularly true since the property is presently improved with a specialty store which uses less than one-half of the floor space allowable under applicable zoning regulations. The notion of selling these "air rights" is purely theoretical in our case, as a survey of the adjacent properties will indicate. Furthermore, if such a sale were possible it would effectively prevent utilization of the relief provisions

BERGDORF

5TH AVENUE 57 TO 58TH STREETS

ON THE PLAZA

GOODMAN

NEW YORK, NEW YORK 10019

ANDREW GOODMAN
PRESIDENT

Landmarks Preservation Committee

page #2.

of the Landmarks Law (Section 207-6.0 and 207-8.0) if the present or future owner ever wanted to erect a taller structure. Due to the location of the property, the lost market value will be in the millions of dollars. This building will remain an underdeveloped one in a prized location in New York City, surrounded by a sea of skyscrapers. The designation would thus be clearly equivalent to a condemnation without just compensation.

The present mortgage on the property matures in 1973, at which time approximately three million dollars will be due. Moreover, the interior and exterior of this property have recently been altered at a cost of over four million dollars, financed by short-term bank loans. Because of the low interest rate on the present mortgage and the high interest rates now being charged, we have deferred refinancing the existing mortgage but had expected to take care of the bank loans and the mortgage balance still due by refinancing at a favorable time within the next few years. If, however, the Commission should designate the building as a Landmark, it may be impossible to refinance to the necessary extent since lending institutions will be unwilling to look to the property for security if they will not be able to alter or demolish the stores in case of foreclosure. I am very much afraid that designation as a Landmark would diminish the amount of the obtainable loan by several million dollars and could lead to financial disaster for the owners.

If the Commission establishes a record of designating as Landmarks commercial buildings with so little architectural or historical significance, lending institutions may well hesitate to make mortgages on buildings in New York City which are over thirty

BERGDORF

5TH AVENUE 57 TO 58TH STREETS

• ON THE PLAZA •

GOODMAN

NEW YORK, NEW YORK 10019

ANDREW GOODMAN
PRESIDENT

Landmarks Preservation Committee

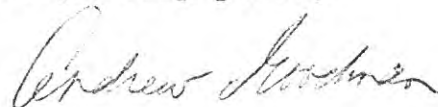
Page #3.

years old or which are approaching that age. Thus, the effect of the designation on the Bergdorf Goodman Store would be to put in jeopardy the value of millions of dollars worth of real estate in New York City.

I might also note that notice was improperly given in this case since notice was sent to me in my own name even though the property is owned by 754 Fifth Avenue Corporation. Furthermore, lot 33 in block 1273 refers to only one building, namely 742 Fifth Avenue at 57th Street rather than the seven separate buildings occupied by Bergdorf Goodman.

For the foregoing reasons, I am opposed to the proposed designation of the Bergdorf Goodman Store and will not hesitate to challenge any such designation in the courts. I am sure that I would be supported by many of the large property owners in the City in stating that if it is possible for the Landmarks Commission to make such a designation, its statutory powers must be curtailed. It is one thing for a City to preserve significant features of its historical or architectural heritage; it is quite another for it to take a man's property without just compensation because some citizens like the appearance of a building erected a mere forty years before.

Very truly yours,



Andrew Goodman

AG:jb

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF NEW YORK) SS:.

W. FRANCIS FITZGERALD, being duly sworn, deposes
and says:

1. I am a Senior Vice President and head of the Mortgage Department of William A. White & Sons, a real estate brokerage firm established in 1868, having an office at 51 East 42nd Street, New York, N.Y.
2. I have been a mortgage broker for over 20 years specializing in large institutional mortgages mostly in New York City. Prior to my engaging in the mortgage brokerage business I was an officer of the Emigrant Savings Bank and assistant to the President and Chairman of the Board. I am a graduate of Harvard College and attended the Harvard Business School. I am 63 years of age.
3. I have been personally involved in negotiating and closing at least \$20,000,000 of mortgages per annum over a period of many years.
4. Based upon my experience, I can say without qualification that the designation of the Bergdorf-Goodman property on Fifth Avenue between 57th and 58th Streets as a landmark by the Landmarks Preservation Commission would substantially affect the amount of money which could be obtained when, as and if mortgage financing is undertaken. The fundamental question which any responsible lending institution considers in making a mortgage loan is "what can we do with this property if we have to foreclose?"
5. It follows inevitably that any limitation

placed upon the use of land and/or building substantially affects the amount and the terms of any mortgage which is issued.


W. Francis Fitzgerald

Subscribed and sworn to before
me this 16th day of July, 1970


Notary Public

ALICE LLOYD
Notary Public, State of New York
No. 41-7575625
Qualified in Queens County
Certificate filed in New York County
Commission Expires March 30, 1972

A F F I D A V I T

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

HOWARD F. SUNSHINE, being duly sworn, deposes
and says:

1. For twenty years and until my retirement in 1969 I was in charge of the Real Estate and Mortgage Department of Manufacturers Hanover Trust Company and its predecessor.

2. During the time of my employment Manufacturers Hanover Trust Company was an active mortgage lender, handling many millions of dollars in mortgage loans per annum. It was my responsibility to supervise these loans.

3. Based on my experience, I can say without qualification that the designation of the Bergdorf-Goodman property on Fifth Avenue between 57th and 58th Streets as a landmark by the Landmarks Preservation Commission would substantially impair the amount and the terms of any mortgage obtainable by the owner of the Bergdorf-Goodman property.

Howard F. Sunshine

Howard F. Sunshine

Subscribed and sworn to before me this 20th
day of July, 1970.

Peter A. Tomback

Notary Public

PETER A. TOMBACK
Notary Public, State of New York
No. 60-9352450
Qualified in Westchester County
Term Expires March 30, 1971

AFFIDAVIT

STATE OF NEW YORK)
 : ss:
COUNTY OF NEW YORK)

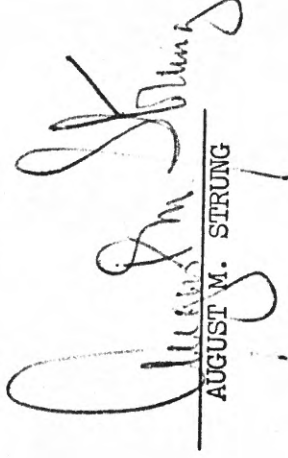
AUGUST M. STRUNG, being duly sworn, deposes and says that:

1. I am Executive Vice President of The Bowery Savings Bank and Chief Mortgage Officer.
2. The Bowery Savings Bank is one of the largest bank mortgage lenders in the United States. The Bank has over two billion dollars (\$2,000,000,000) worth of mortgages in its portfolio, a substantial portion of which are on properties in New York City.
3. I am of the opinion that the designation of the Bergdorf Goodman property on Fifth Avenue between 57th and 58th Streets as a landmark would impair its mortgagability.

Subscribed to and sworn to
before me this 16th-day of
July, 1970


NOTARY PUBLIC

RUTH A. L. ALFELIX
NOTARY PUBLIC, State of New York
No. 41-6050150
Qualified in Queens County
Commission Expires March 30, 1972


AUGUST M. STRUNG

In the Matter of the Proposed
Designation by the Landmarks
Preservation Commission of the
City of New York of the Property
owned by 754 Fifth Avenue
Corporation in the City of New
York at 742 through 754 Fifth
Avenue (Block 1273, Lots 33
through 40).

STATE OF NEW YORK)

: ss.:

COUNTY OF NEW YORK)

THEODORE JOHN YOUNG, being duly sworn, deposes
and says:

I reside at 521 Field Point Road, Greenwich, Conn.
I am a partner in the architectural firm of The Eggers
Partnership, having offices at 100 Park Avenue, New York,
N.Y.

I was graduated with the degree of Bachelor of
Architecture from the University of Toronto in 1921 and
from the American Academy at Fontainebleau, France, in 1924.
I have been continually engaged in my profession as an
architect since that time.

I am a registered architect of the State of New
York and in many other states and am a Fellow of the American
Institute of Architects and a member of the New York State
Society of Architects. Since 1938 I have been a partner in
the firm of Eggers and Higgins and The Eggers Partnership.
For many years I have been consulting architect for Indiana
University and for the Tri-Borough Bridge and Tunnel

Authority of the City of New York. Examples of recent work in which I have engaged are

Canada House, Fifth Avenue and 54th Street, New York City;

Morgan Guaranty Bank and office building, 522 Fifth Avenue, New York City;

Indiana University Main Library, Fine Arts Building and Lilly Rare Book Library at Bloomington, Indiana;

St. Joseph's Roman Catholic Cathedral at Hartford, Connecticut;

The home office of the Mutual Benefit Life Insurance Company at Newark, New Jersey;

First National State Bank Building at Newark, New Jersey.

At the request of Bergdorf Goodman in the City of New York I have examined its buildings at Fifth Avenue between 57 and 58 Streets, Manhattan, New York City (Block 1273, Lots 33 through 40) which, I am informed, is under consideration for designation as a landmark by the Landmarks Preservation Commission. These buildings were erected from plans prepared by Ely Jacques Kahn and construction was completed in 1928. The units vary in height from 6 to 9 stories, and are of a modified French Renaissance character.

I have inspected the 7 buildings comprising the Bergdorf Goodman store on Fifth Avenue between 57 and 58 Streets. The buildings, derived from a historic style, were designed in the closing phases of the eclectic period, and were erected in 1928.

The exterior material is white, unpolished marble with a mansard roof covered with clay tile. The lower story has undergone some alterations from the original concept.

The architectural character is derivative and not consistent throughout the 7 buildings. In general, it can be described as a form of French Renaissance with some details of the Louis XV and XVI periods. The design is restrained in its ornamental detail and somewhat severe compared with other commercial structures of its period on Fifth Avenue and adjacent streets.

Many buildings of the early part of this century will properly take their place in our architectural, historical or cultural heritage and deserve to be so preserved, but surely only when they have special character or historic or aesthetic significance. It would seem that to qualify as a designated landmark the structure should at least evoke some nostalgia for things past, or must have some reasonable degree of antiquity, or some special character plus aesthetic quality, or uniquely represent a period in our cultural development. These buildings do not fulfill any of these criteria. While these buildings do represent a refined commercial character common to many New York store buildings of this period, they do not in any sense fulfill from an architectural point of view what might be expected of the term "landmark". There is no doubt that the strategic location of the group of buildings enhances its appearance, but this should not be a factor in any judgment of its qualification as a landmark.

The several buildings are simple structures of uneven architectural merit and, in my opinion, have neither "the special character or special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation".

Sworn to before me this

8th day of August, 1970.

Ellen D. Goldman

ELLEN D. GOLDMAN
Notary Public, State of New York
No. 24-148385
Qualified in Kings County
Certificate filed in New York County
Commission Expires March 30, 1971

Theodore John Young

Theodore John Young

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

SIGMUND WALDMAN, being duly sworn, deposes and says:

1. I am Assistant Controller of the Bergdorf Goodman Corporation located at 754 Fifth Avenue, and I also handle all of the account books and financial ledgers of the 754 Fifth Avenue Corporation.
2. The 754 Fifth Avenue Corporation is the owner of the property located on 754 Fifth Avenue, between 57th and 58th Streets. This property is the corporation's sole asset and source of revenue.
3. I have been an employee of the Bergdorf Goodman Corporation for the past 18 years, and have held the position of Assistant Controller for the past 3 years.
4. The following is the amount, due date, credit institution, and interest rate of the mortgage with The Equitable Life Assurance Society of the United States and all loans to which the 754 Fifth Avenue Corporation is committed to repay (as of January 31, 1970).

<u>Amount</u>	<u>Due Date</u>	<u>Institution</u>	<u>Rate</u>
\$1,600,000.	4/30/73	Chase Manhattan Bank	9%
1,200,000.	4/30/73	Bankers Trust Co.	9%
1,200,000.	4/30/73	Manufacturers Hanover Trust Co.	9%
2,709,016.	6/1/73	The Equitable Life Assurance Society of the United States	4 1/8%

Subscribed and sworn to before me this 6th day of August, 1970

Sigmund Waldman
SIGMUND WALDMAN

Victor Schaffhauser
Notary Public

VICTOR SCHAFFHAUSER
Notary Public, State of New York
No. 31-878875
Qualified in New York County
Commission Expires March 30, 1972

In the Matter of the Proposed
Designation by the Landmarks
Preservation Commission of the
City of New York of the Property
owned by 754 Fifth Avenue
Corporation in the City of New
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Avenue (Block 1273, Lots 33
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STATE OF NEW YORK)

COUNTY OF NEW YORK) ss.:

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I have been continually engaged in my profession as an
architect since that time.

I am a registered architect of the State of New
York and in many other states and am a Fellow of the American
Institute of Architects and a member of the New York State
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For many years I have been consulting architect for Indiana
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The home office of the Mutual Benefit Life Insurance Company at Newark, New Jersey;

First National State Bank Building at Newark, New Jersey.

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The exterior material is white, unpolished marble with a mansard roof covered with clay tile. The lower story has undergone some alterations from the original concept.

The architectural character is derivative and not consistent throughout the 7 buildings. In general, it can be described as a form of French Renaissance with some details of the Louis XV and XVI periods. The design is restrained in its ornamental detail and somewhat severe compared with other commercial structures of its period on Fifth Avenue and adjacent streets.

Many buildings of the early part of this century will properly take their place in our architectural, historical or cultural heritage and deserve to be so preserved, but surely only when they have special character or historic or aesthetic significance. It would seem that to qualify as a designated landmark the structure should at least evoke some nostalgia for things past, or must have some reasonable degree of antiquity, or some special character plus aesthetic quality, or uniquely represent a period in our cultural development. These buildings do not fulfill any of these criteria. While these buildings do represent a refined commercial character common to many New York store buildings of this period, they do not in any sense fulfill from an architectural point of view what might be expected of the term "landmark". There is no doubt that the strategic location of the group of buildings enhances its appearance, but this should not be a factor in any judgment of its qualification as a landmark.

The several buildings are simple structures of uneven architectural merit and, in my opinion, have neither "the special character or special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation".

Sworn to before me this

3rd day of August, 1970.

Ellen D. Goldman

ELLEN D. GOLDMAN
Notary Public, State of New York
No. 24-1423985
Qualified in Kings County
Certificate filed in New York County
Commission Expires March 30, 1971

Theodore John Young

Theodore John Young

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF NEW YORK) : ss.:

SIGMUND WALDMAN, being duly sworn, deposes and says:

1. I am Assistant Controller of the Bergdorf Goodman Corporation located at 754 Fifth Avenue, and I also handle all of the account books and financial ledgers of the 754 Fifth Avenue Corporation.
2. The 754 Fifth Avenue Corporation is the owner of the property located on 754 Fifth Avenue, between 57th and 58th Streets. This property is the corporation's sole asset and source of revenue.
3. I have been an employee of the Bergdorf Goodman Corporation for the past 18 years, and have held the position of Assistant Controller for the past 3 years.
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1,200,000.	4/30/73	Manufacturers Hanover Trust Co.	9%
2,709,016.	6/1/73	The Equitable Life Assurance Society of the United States	4 1/8%

Subscribed and sworn to before me this 6th day of August, 1970

Sigmund Waldman
SIGMUND WALDMAN

Victor Schaffhauser
Notary Public

VICTOR SCHAFFHAUSER
Notary Public, State of New York
No. 31-878875
Qualified in New York County
Commission Expires March 30, 1972

In the Matter of the Proposed Designation by the Landmarks Preservation Commission of the City of New York of the Property owned by 754 Fifth Avenue Corporation in the City of New York at 742 through 754 Fifth Avenue (Block 1273, Lots 33 through 40).

STATE OF NEW YORK)

COUNTY OF NEW YORK)
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I am a partner in the architectural firm of The Eggers Partnership, having offices at 100 Park Avenue, New York, N.Y.

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Sworn to before me this

8th day of August, 1970.

Ellen D. Goldman

ELLEN D. GOLDMAN

Notary Public, State of New York

No. 24-1483885

Qualified in Kings County

Certificate filed in New York County
Commission Expires March 30, 1971

Theodore John Young

Theodore John Young

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1,200,000.	4/30/73	Manufacturers Hanover Trust Co.	9%
2,709,016.	6/1/73	The Equitable Life Assurance Society of the United States	4 1/8%

Subscribed and sworn to before me this 6th day of August, 1970

Sigmund Waldman
SIGMUND WALDMAN

Victor Schaffhauser
Notary Public

VICTOR SCHAFFHAUSER
Notary Public, State of New York
No. 31-878875
Qualified in New York County
Commission Expires March 30, 1972

MEETING
of the
LANDMARKS PRESERVATION COMMISSION
of the
CITY OF NEW YORK

July 21, 1970 - 10:30 A.M.
CITY HALL, NEW YORK, NEW YORK

PRESENT:

HARMON H. GOLDSTONE, Chairman

GEOFFREY PLATT, Vice-Chairman

TERENCE H. BENBOW
MARTIN H. COHEN
J. CLARENCE DAVIES
WILLIAM R. FISHER

EVELYN G. HAYNES
HAWTHORNE E. LEE
JOSEPH M. SHELLEY
HELEN W. SWENSON

ALAN BURNHAM, Executive Director

FRANK B. GILBERT, Secretary

ACME REPORTING SERVICE
SHORTHAND AND STENOGRAPHIC REPORTERS
NOTARIES PUBLIC
140 NASSAU STREET
NEW YORK CITY
TELEPHONES: BEEKMAN 3-0664-0665-0666

(Opening minutes of the hearing of the Landmarks Preservation Commission of the City of New York, held at City Hall, New York, New York, on July 21, 1970)

THE CHAIRMAN: The meeting will please come to order.

THE SECRETARY: Chairman Goldstone, Vice-Chairman Platt, Commissioners Fisher, Haynes and Lee:

"Pursuant to the provisions of Chapter 63 of the Charter of the City of New York and Chapter 8-A of the Administrative Code of the City of New York, public hearings are being held by the Landmarks Preservation Commission on the following properties within the City of New York:

PROPOSED FOR DESIGNATION AS HISTORIC DISTRICTS - Borough of Manhattan - Calendar No. 1 (LP-0711): Cast Iron Historic District; the property bounded by Canal Street, Broadway, West Houston Street and West Broadway.

"Calendar No. 2 (LP-0768): Cast Iron His-

"toric District, Manhattan; the property bounded by Canal Street, Broadway, Howard Street, Crosby Street, West Houston Street and West Broadway."

These hearings have been duly advertised.

"The proposed alternative Cast Iron District (Calendar No. 2, LP-0768), as described above, includes a number of buildings in the tier of blocks between Broadway and Crosby Street, from Howard Street to West Houston Street. This alternative Cast Iron Historic District contains these buildings in addition to the buildings included in the proposed Historic District considered at the public hearing on June 23, 1970 and being considered at today's hearing (Calendar No. 1, LP-0711).

THE CHAIRMAN: Before calling on any of the speakers, I would like to clarify two points in connection with Calendar items Nos. 1 and 2 of today.

In the first place, the Cast Iron, the

proposed Cast Iron Historic District, is quite different in its nature from any of the City's other historic districts; or, for that matter, really, from any historic districts in any other city that I know of, because it contains an extraordinary mixture of buildings and of uses.

This Commission is well aware that, in addition to its own special interest in the Cast Iron buildings as well as some notable contemporary masonry buildings in the area, there is a very complex situation in the area involving industries that have been long-established there, artists, who have more recently moved into abandoned and old, loft buildings, galleries - there are serious traffic problems; there are needs for all sorts of social amenities if this district is to become, again, a really viable part of the City.

This is by way of preface to the boundaries we are hearing. The Commission has drawn these as widely and as broadly as possible in order to consider, after very careful joint study with the City Planning Commission and with other agencies of the City, the problem in its broadest

aspects. We will undoubtedly draw narrower lines when the final determination is made of just which are the buildings most worth saving in the district.

I give you this preface so that you do not become unduly alarmed, to feel that the boundaries as described in the Calendar are going to be the ultimate boundaries of the district which we will evolve in collaboration with other City agencies.

Now, as to hearing two alternatives, this is an extension of the same idea. After the first boundary was calendared, stopping at the eastern side along Broadway, a number of interested persons pointed out that there were notable Cast Iron buildings (which we were aware of) on the east side of Broadway, and therefore as an alternative, under Calendar No. 2 we extended the district to Crosby Street so as to have the option of including any of those structures within an ultimate Cast Iron District that we will, hopefully, be able to evolve.

(Whereupon, the Chairman called the first speaker to speak on Calendar No. 1)

P R O C E E D I N G S

THE CHAIRMAN: Calendar No. 15, Bergdorf Goodman.

THE SECRETARY: Bergdorf Goodman, 754 Fifth Avenue, Manhattan. (LP-0735) Landmark Site; Tax Map Block 1273, Lot 33. This hearing has been duly advertised.

THE CHAIRMAN: Mr. Laurence Rosenthal.

MR. ROSSENTHAL: Mr. Chairman and Commissioners: may I submit the papers and, in addition, may I request thirty days to submit some additional papers and affidavits which we wish to submit?

THE CHAIRMAN: That is satisfactory.

Do you also wish to make a brief verbal summary?

MR. ROSSENTHAL: Yes, and I have Mr. Andrew Goodman who would like to also make a statement. Mr. Goodman just arrived.

THE CHAIRMAN: Would Mr. Goodman like to speak first, before you present your remarks?

MR. ROSSENTHAL: Yes.

MR. GOODMAN: I walked up the steps and I am catching my breath.

I would like to express my opposition to the designation of the Bergdorf Goodman store buildings as a landmark. The very fact that you are considering such a designation is, in my opinion, a threat to the intent with which the Landmarks Preservation Act was passed and the spirit in which it should be administered.

The store buildings have no historical value whatsoever. In fact, it is a relatively modern building, having been built in 1928; though it may be more pleasing to some people's eyes and tastes than other buildings, it clearly lacks architectural distinction. It is not a building of special character or special historical or esthetic value, nor can it be considered in any way part of the architectural heritage of the City. A designation of this building as a landmark will substantially diminish its market value. This is particularly true since the property is presently improved with a specialty store which uses less than one-half of the floor space allowed under applicable zoning regulations. The notion of selling the air rights is purely theoretical in our case as a survey of the adjacent

property will indicate.

Furthermore, if such a sale were possible, it prevents the utilization of the relief provisions of the Landmarks law - Section 207-6 and 207-8. If the present or future owner ever wanted to erect a taller structure, due to the location of the property, the lost market value would be in the millions of dollars. This building would remain an undeveloped one in a prized location in New York City, surrounded by a sea of skyscrapers. The designation would be thus equivalent to condemnation without just compensation.

The present mortgage on the property matures in 1973, at which time approximately \$3 million will be due. Moreover, the interior and exterior of this property has been recently altered at the cost of over \$4 million. It is financed by short-term bank loans because of the low interest rate on the present mortgage and the high interest rates now being charged. And we have deferred financing of the existing mortgage that has been expected to take care of the bank loans and mortgage balance still due by refinancing at a favorable time, within the

next few years.

If, however, the Commission does designate the building as a landmark, it may be impossible to refinance it to the necessary extent since lending institutions will be unwilling to look to the property for security if they will not be able to alter or demolish the stores in case of foreclosure.

I am very much afraid the designation as a landmark would diminish the amount of obtainable loans by several million dollars and could lead to financial disaster for the owners.

If the Commission establishes a record ^{of designating} as Landmarks ~~commercial~~ buildings with so little architectural or historical significance, lending institutions may hesitate to make mortgages on buildings in New York City which are over 30 years old or which are approaching that age. Thus, the effects of the designation on the Bergdorf Goodman stores would be to put in jeopardy the value of millions of dollars in real estate in New York City.

I might also note that notice was improperly given, since, in this case, notice was sent to me in my own name, even though the property is owned

by the 754 Fifth Avenue Corporation; and, furthermore, Lot 33 in Block 173 refers to one building - namely 742 Fifth Avenue at 57th Street, rather than the seven separate buildings occupied by Bergdorf Goodman.

For the foregoing reasons, I am opposed to the proposed designation, and I will not hesitate to challenge any such designation in the courts. I am sure that I would be supported by many of the large propertyowners in this City, and further stating that, if it is possible for the Landmarks Commission to make such a designation, its statutory powers must be curtailed. It is one thing for the City to preserve significant features of the historical and architectural heritage, but it is quite another for it to take a man's property without just compensation, because some citizens happen to like the appearance of a certain building erected a mere 40 years before.

Thank you very much.

THE CHAIRMAN: Thank you.

Mr. Rosenthal?

MR. ROSSENTHAL: I want to say that we are

not out of sympathy with the work of this Commission. Mr. Goodman, I think, has shown by his record over the years that he has been a good friend of the City of New York and the development of the City of New York, but we feel that the consequence of the designation here would be disastrous. We feel that the Bergdorf Goodman buildings are not a part of any historical, cultural or architectural heritage of the City, of the State, or of the Nation. The buildings are barely 40 years old and the architecture has been determined pseudo-French.

Incidentally, there are seven buildings and they were erected as seven separate buildings. Now, they have been brought together on a patchwork basis and if you look along the Fifth Avenue side, you will see that they are far from symmetrical. They are different levels, different buildings, patchwork, brought together.

Secondly, over the years Bergdorf Goodman has turned down many offers to erect a skyscraper over those premises. They are now surrounded by skyscrapers; General Motors, which is across the street, and the new Sobelow building, going up right

next door; and Bergdorf Goodman does not have the present intention of changing its structures, but amazingly enough, the designation by this Commission of those buildings as a landmark, may have that effect. Because Bergdorf, by reason of its heavy debt to banks and lending institutions requires new mortgages, and we are told by banks that if this Commission designates these as a landmark, they will hesitate to lend money on mortgages; and the reason is very obvious: because banks look not only to the property itself, but what can be done with the property in case of foreclosure.

In case of foreclosure, the use of the property would be so severely limited by the designation as a landmark that banks would hesitate to lend the amount of money that Bergdorf Goodman now needs to finance itself.

As Mr. Goodman told you, the main mortgage comes due in 1973. We have submitted affidavits from some of the biggest banks and real estate men in this City that our ability to get new mortgages would be very severely jeopardized if this designation is made by this Commission.

There is one other thing that might be of interest that Mr. Goodman didn't mention: the return on the property to the owners is now about two per cent. This property is assessed quite highly and pays very substantial real estate taxes to the City of New York.

Under the rules of this Commission, if this property is designated as a landmark, I believe that under your rules there will be a tax abatement which will amount to a tremendous amount of money that the City of New York will be called upon to pay since, as I say, the return right now, on the property, is less than two per cent before taxes. I think that one thing about the Landmarks Commission - I think all of us New Yorkers agree in the idea of preserving historical, architectural and cultural landmarks. This is nothing but a commercial store. Not old - forty years old - and not architecturally fine.

Next to us is now going up a building. That is the Sobelow building. That is going to take away a great deal of our appearance because it is coming in on all sides and is towering over us.

Mr. Goodman, over the years, he and his family have done a great deal to upgrade that part. As I said, they have turned down offers to make their building into a skyscraper.

Now, if this Commission chooses to designate those seven buildings as landmarks, he will be pushed into doing what is not a great thing for the City of New York. I don't believe the Landmarks Commission wants to do this sort of thing to decent property owners who are trying to do their best for this City.

As I said, in the long run, a designation, first would cost the City a great deal of money, and secondly, may cause the very thing to happen to Mr. Goodman that the Commission doesn't want to happen and the community doesn't want to happen; and that is that, without the mortgage and without the return, that the whole thing would collapse.

Lastly, I ask that you do not designate Bergdorf Goodman's as a landmark.

THE SECRETARY: Do your papers make clear the different institutions which are involved in the 1973 financings?

MR. ROSENTHAL: We would be glad to give it. Right now there are \$7 million owing by Bergdorf Goodman to the banks and lending institutions.

THE SECRETARY: What I am most especially interested in, because the Commission does hear this type of presentation, the specific institutions involved, rather than the amounts which are filed in the records, but we do hear representations and I take it that your papers include representations by the different bankers. I think it would be important for us to know the particular institutions with which you are presently involved and who made the representations.

MR. ROSENTHAL: The representations are in there. Let me make one thing clear: we have not been to the bank that holds the \$3 million mortgage. There is a good reason we haven't gone to them because we don't want them to say no right away, but we have been to the competitors and they have turned us down on the basis of the landmarks, and we have affidavits from dependable people, from reputable people, and they have indicated that mortgage ability is going downhill if they have the designation.

THE CHAIRMAN: After we have had a chance to study the subject mentioned, we may be back to you for further questions on it.

MR. ROSENTHAL: If you would like, we would be happy to open up the records and show you just to whom we owe the money and when it is due. It may be in our papers.

THE SECRETARY: You understand the context in which we ask it. This is a presentation that is made to the Commission on the question of mortgage. If you were here earlier today, other attorneys representing clients have also spoken to it on the same subject. Some rather specifically and some in more general terms.

MR. ROSENTHAL: You see, in some periods of the day, mortgages have been fairly simple to come by. Today, as you well know, to borrow money from the bank is not the easy job it was five or ten years ago. Today it is an entirely different story, and we know that we are faced here with short-term loan of \$4 million, and a mortgage coming due in 1973, and \$3 million. And where is the money coming from if the lending institutions say that because of the

designation as a landmark, the value of the property will be so depreciated that they can't lend us the money. This is our problem.

Thank you.

THE SECRETARY: Commissioner Swenson moves to close the hearing, and the motion is seconded by Commissioner Cohen.

(Whereupon a voiced roll call was taken and the hearing on Calendar Item No. 15 was closed)

BERGDORF
5TH AVENUE 57 TO 58TH STREETS

GOODMAN
NEW YORK, NEW YORK 10019
ON THE PLAZA

ANDREW GOODMAN
PRESIDENT

July 17, 1970

Landmarks Preservation Committee
305 Broadway
New York, N. Y. 10007

Gentlemen:

I write to express my strong opposition to the designation of the Bergdorf Goodman Store buildings as a Landmark. The very fact that you are considering such a designation is in my opinion antithetical to the intent with which the Landmarks Preservation Act was passed and the spirit in which it should be administered. These specialty store buildings have no historical value whatsoever. In fact, it is a relatively modern building, having been built in 1928; and although it may be more pleasing to some people's eyes and taste than other buildings would be, it clearly lacks architectural distinction. It is not a building that has special character or special historical or aesthetic interest or value, nor can it be considered in any way as part of the architectural heritage of this City.

A designation of this building as a Landmark will substantially diminish its market value. This is particularly true since the property is presently improved with a specialty store which uses less than one-half of the floor space allowable under applicable zoning regulations. The notion of selling these "air rights" is purely theoretical in our case, as a survey of the adjacent properties will indicate. Furthermore, if such a sale were possible it would effectively prevent utilization of the relief provisions

BERGDORF
5TH AVENUE 57 TO 58TH STREETS

GOODMAN
NEW YORK, NEW YORK 10019
ON THE PLAZA

ANDREW GOODMAN
PRESIDENT

Landmarks Preservation Committee

page #2.

of the Landmarks Law (Section 207-6.0 and 207-8.0) if the present or future owner ever wanted to erect a taller structure. Due to the location of the property, the lost market value will be in the millions of dollars. This building will remain an underdeveloped one in a prized location in New York City, surrounded by a sea of skyscrapers. The designation would thus be clearly equivalent to a condemnation without just compensation.

The present mortgage on the property matures in 1973, at which time approximately three million dollars will be due. Moreover, the interior and exterior of this property have recently been altered at a cost of over four million dollars, financed by short-term bank loans. Because of the low interest rate on the present mortgage and the high interest rates now being charged, we have deferred refinancing the existing mortgage but had expected to take care of the bank loans and the mortgage balance still due by refinancing at a favorable time within the next few years. If, however, the Commission should designate the building as a Landmark, it may be impossible to refinance to the necessary extent since lending institutions will be unwilling to look to the property for security if they will not be able to alter or demolish the stores in case of foreclosure. I am very much afraid that designation as a Landmark would diminish the amount of the obtainable loan by several million dollars and could lead to financial disaster for the owners.

If the Commission establishes a record of designating as Landmarks commercial buildings with so little architectural or historical significance, lending institutions may well hesitate to make mortgages on buildings in New York City which are over thirty

BERGDORF

5TH AVENUE 57 TO 58TH STREETS

ON THE PLAZA

GOODMAN

NEW YORK, NEW YORK 10019

ANDREW GOODMAN
PRESIDENT

Landmarks Preservation Committee

Page #3.

years old or which are approaching that age. Thus, the effect of the designation on the Bergdorf Goodman Store would be to put in jeopardy the value of millions of dollars worth of real estate in New York City.

I might also note that notice was improperly given in this case since notice was sent to me in my own name even though the property is owned by 754 Fifth Avenue Corporation. Furthermore, lot 33 in block 1273 refers to only one building, namely 742 Fifth Avenue at 57th Street rather than the seven separate buildings occupied by Bergdorf Goodman.

For the foregoing reasons, I am opposed to the proposed designation of the Bergdorf Goodman Store and will not hesitate to challenge any such designation in the courts. I am sure that I would be supported by many of the large property owners in the City in stating that if it is possible for the Landmarks Commission to make such a designation, its statutory powers must be curtailed. It is one thing for a City to preserve significant features of its historical or architectural heritage; it is quite another for it to take a man's property without just compensation because some citizens like the appearance of a building erected a mere forty years before.

Very truly yours,



Andrew Goodman

AG:jb



LANDMARKS PRESERVATION COMMISSION
PARKS, RECREATION AND CULTURAL AFFAIRS ADMINISTRATION
305 BROADWAY, NEW YORK, N. Y. 10007
Telephone: 566-7577

February 2, 1972

Hon. D. Kenneth Patton
Administrator
Economic Development Administration
225 Broadway
New York, N. Y. 10007

Dear Commissioner Patton:

On behalf of the Landmarks Preservation Commission, I am writing to express our support for the work you are doing to help the preservation of the Bergdorf-Goodman Store. The City Government's active role in this matter is very significant. In meeting its responsibilities under the City's Landmarks Preservation Law, our Commission met last spring with a representative of Bergdorf-Goddman. After a thorough discussion of the subject, we understand that the proposed purchase by Broadway-Hale Stores, Inc. will make it possible for the Bergdorf-Goodman Store to continue to operate in its distinguished building.

In this location, the Bergdorf-Goodman building makes an important contribution to one of the City's most beautiful open areas. In addition, the Store faces the Plaza Hotel, a designated New York City Landmark. Any new construction in that location might very well damage the setting of the Plaza Hotel, which stands as a symbol of New York City at its best.

After our meetings with the representative of Bergdorf-Goodman, the Commission wrote to its attorney calling attention to the fact that we "... regularly advise many property owners and their leasees on the most appropriate way to make exterior alterations to New York City's distinguished buildings. The Commission hopes that the parties having control over the Bergdorf-Goodman building in the future will want to maintain its character and its significant contribution to the beauty of the square on which it is located and that these parties will want to consult regularly with the Commission on proposed exterior alterations."

In recent days, a member of your staff has reviewed with us the pending matter before the Federal Trade Commission and the City Government's role in presenting testimony. We hope that you will be in touch with our office if we may be of further assistance to you.

Sincerely yours,

Frank B. Gilbert
Secretary

FBG:mg
cc: Alan Brutton, Esq.

CHAIRMAN—HARMON H. GOLDSTONE

VICE-CHAIRMAN—WILLIAM R. FISHER

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TERENCE H. BENBOW
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EXECUTIVE DIRECTOR—ALAN BURNHAM

SECRETARY—FRANK B. GILBERT

DIRECTOR OF OPERATIONS—MICHAEL W. GOLD

To Frank Gilbert

STRASSER, SPIEGELBERG, FRIED & FRANK

ARTHUR L. STRASSER (1905-1967)

120 BROADWAY, NEW YORK, N.Y. 10005

212-964-6500

CABLE "STERIC NEW YORK"

TELEX 620223

WASHINGTON OFFICE
STRASSER, SPIEGELBERG, FRIED,
FRANK & KAMPELMAN
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WASHINGTON, D.C. 20006
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PETER J. RYAN
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LEWIS A. STERN
GEORGE A. SPIEGELBERG
COUNSEL

RICHARD B. BERRYMAN
PETER D. EHRENHAFT
MILTON EISENBERG
JOEL R. FEIDELMAN
PATRICIA R. HARRIS
MAX M. KAMPELMAN
ARTHUR LAZARUS, JR.
RICHARD SCHIFTER
DANIEL M. SINGER

HAROLD P. GREEN
COUNSEL

July 22, 1970

OUR REFERENCE

Alan Burnham, Esq.
Executive Director
Landmarks Preservation Commission
305 Broadway
New York, N.Y. 10007

Dear Mr. Burnham:

I would appreciate having a portion of the transcript of the public hearing of the Landmarks Preservation Commission, held on July 21, 1970, for our files. The portion I am interested in is the entire record on Calendar No. 15, the Bergdorf Goodman property. Please also include the portion of the transcript containing Commissioner Goldstone's, Esquire, initial statements convening the hearing, prior to the consideration of Calendar No. 1. I understand there is a charge for this service, and it shall be promptly remitted.

Thank you for your assistance.

Sincerely yours,

STRASSER, SPIEGELBERG, FRIED & FRANK

By: Stephen L. Pevar
Stephen L. Pevar

SLP:mm



STRASSER, SPIEGELBERG, FRIED & FRANK

ARTHUR L. STRASSER (1905-1967)

120 BROADWAY, NEW YORK, N.Y. 10005

212-964-6500

CABLE "STERIC NEW YORK"

TELEX 620223

August 10, 1970

WASHINGTON OFFICE
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HAROLD P. GREEN
COUNSEL

OUR REFERENCE

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PETER J. RYAN
LEON SILVERMAN
HERMANN E. SIMON
LEWIS A. STERN

GEORGE A. SPIEGELBERG
COUNSEL

BY HAND

Mr. Alan Burnham
Executive Director
Landmarks Preservation Commission
305 Broadway
New York, N.Y. 10007

Dear Mr. Burnham:

At the public hearing held on July 21, 1970
Bergdorf Goodman was allowed 30 days in which to submit
additional papers.

We are submitting herewith the following:

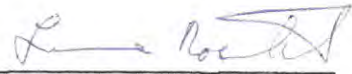
- 1) Fifteen (15) copies of memorandum in
opposition to the proposed designation
of Bergdorf Goodman as a Landmark.
- 2) Fifteen (15) copies of the affidavit of
Theodore John Young sworn to the 3rd day
of August, 1970.
- 3) Fifteen (15) copies of affidavit of
Sigmund Waldman sworn to the 6th day
of August, 1970.

All of the foregoing papers are submitted in
opposition to the proposed designation of Bergdorf Goodman.



LR:jma
Encs.

Respectfully submitted,
STRASSER, SPIEGELBERG, FRIED & FRANK

By 
Laurence Rosenthal

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF NEW YORK) SS:.

W. FRANCIS FITZGERALD, being duly sworn, deposes and says:

1. I am a Senior Vice President and head of the Mortgage Department of William A. White & Sons, a real estate brokerage firm established in 1868, having an office at 51 East 42nd Street, New York, N.Y.
2. I have been a mortgage broker for over 20 years specializing in large institutional mortgages mostly in New York City. Prior to my engaging in the mortgage brokerage business I was an officer of the Emigrant Savings Bank and assistant to the President and Chairman of the Board. I am a graduate of Harvard College and attended the Harvard Business School. I am 63 years of age.
3. I have been personally involved in negotiating and closing at least \$20,000,000 of mortgages per annum over a period of many years.
4. Based upon my experience, I can say without qualification that the designation of the Bergdorf-Goodman property on Fifth Avenue between 57th and 58th Streets as a landmark by the Landmarks Preservation Commission would substantially affect the amount of money which could be obtained when, as and if mortgage financing is undertaken. The fundamental question which any responsible lending institution considers in making a mortgage loan is "what can we do with this property if we have to foreclose?"
5. It follows inevitably that any limitation

placed upon the use of land and/or building substantially affects the amount and the terms of any mortgage which is issued.


W. Francis Fitzgerald

Subscribed and sworn to before
me this 16th day of July, 1970


Notary Public

ALICE LLOYD
Notary Public, State of New York
No. 41-7575625
Qualified in Queens County
Certificate filed in New York County
Commission Expires March 30, 1972

A F F I D A V I T

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

HOWARD F. SUNSHINE, being duly sworn, deposes
and says:

1. For twenty years and until my retirement in 1969 I was in charge of the Real Estate and Mortgage Department of Manufacturers Hanover Trust Company and its predecessor.
2. During the time of my employment Manufacturers Hanover Trust Company was an active mortgage lender, handling many millions of dollars in mortgage loans per annum. It was my responsibility to supervise these loans.

3. Based on my experience, I can say without qualification that the designation of the Bergdorf-Goodman property on Fifth Avenue between 57th and 58th Streets as a landmark by the Landmarks Preservation Commission would substantially impair the amount and the terms of any mortgage obtainable by the owner of the Bergdorf-Goodman property.

Howard F. Sunshine

Howard F. Sunshine

Subscribed and sworn to before me this 20th
day of July, 1970.

Peter A. Tomback

Notary Public

PETER A. TOMBACK
Notary Public, State of New York
No. 60-9352450
Qualified in Westchester County
Term Expires March 30, 1971

AFFIDAVIT

STATE OF NEW YORK)
 : ss:
COUNTY OF NEW YORK)

AUGUST M. STRUNG, being duly sworn, deposes and
says that:

1. I am Executive Vice President of The Bowery Savings
Bank and Chief Mortgage Officer.

2. The Bowery Savings Bank is one of the largest
bank mortgage lenders in the United States. The Bank has over
two billion dollars (\$2,000,000,000) worth of mortgages in its
portfolio, a substantial portion of which are on properties in
New York City.

3. I am of the opinion that the designation of the
Bergdorf Goodman property on Fifth Avenue between 57th and 58th
Streets as a landmark would impair its mortgagability.

Subscribed to and sworn to
before me this 16th-day of
July, 1970

Ruth A. L. Alfelix
NOTARY PUBLIC

RUTH A. L. ALFELIX
NOTARY PUBLIC, State of New York
No. 41-6650450
Qualified in Queens County
Commission Expires March 30, 1972

August M. Strung
AUGUST M. STRUNG

For June 23, 1970 Hearing

<u>NAME and ADDRESS</u>	<u>DATE</u>	<u>ARCHITECT</u>	<u>ARCHITECTURAL STYLE</u>	<u>HISTORY</u>
<u>Manhattan - uptown:</u>				
New York Yacht Club, 37 West 44th St. (Betw. 5th & 6th)	1899-1900	Warren & Wetmore	Beaux Arts, with windows designed to recall the sterns of Federal ships.	Erected as a clubhouse for this Club.
Cartiers' (former Morton F. Plant Mansion), 651 5th Ave & adjoining No. 4 E. 52d St. (former Edward Holbrook house)	1903-05 1904-05	Robert W. Gibson. C.P.H. Gilbert.	Modified Italian Renaissance (1916 Alt. for Cartier by (archt. W. W. Bosworth).	Erected for residence of Morton F. Plant (1852-1918), V.P. of Plant Investment Co., sportsman & philanthropist. #651 Cartier's since 1916.
Bergdorf Goodman, 754 5th Ave. (entire blockfront 57-58th Sts)	1907 1927	Buchman & Kahn	moderne. 6, 7 & 9 stories. Built as a row to permit separate occupancy.	On the site of the former Cornelius Vanderbilt chateau.
Swedish Consulate (former Jonathan Bulkley Mansion) 600 Park Ave (NW cor. E. 64th St)	1915	Jas. Gamble Rogers	Italianate palace	Built as residence for Jonathan Bulkley,
Payne Whitney Mansion, 972 5th Ave. (Betw. 78-79th Sts.)	1902-06	McKim, Mead & White.	Classical tradition	Built as residence for Payne Whitney Then the home of his widow Helen Hay Whitney, poetess. Now a Division of the French Embassy.
Thirtieth Police Precinct Bldg., 1854 Amsterdam Ave (SW cor. of 152d St.)	1871-72	N.D. Bush	French Second Empire, with mansard roof & iron cresting.	Built for police station and prison.
West 74th St. houses: Nos. 18, 22 & 24 (Betw. Central Park West & Columbus Ave.)	1902	Percy Griffin	Neo-Georgian	Part of row of 17 houses built for the Ambrose Clark estate.

AFFIDAVIT

STATE OF NEW YORK)
 : ss:
COUNTY OF NEW YORK)

AUGUST M. STRUNG, being duly sworn, deposes and
says that:

1. I am Executive Vice President of The Bowery Savings
Bank and Chief Mortgage Officer.

2. The Bowery Savings Bank is one of the largest
bank mortgage lenders in the United States. The Bank has over
two billion dollars (\$2,000,000,000) worth of mortgages in its
portfolio, a substantial portion of which are on properties in
New York City.

3. I am of the opinion that the designation of the
Bergdorf Goodman property on Fifth Avenue between 57th and 58th
Streets as a landmark would impair its mortgagability.

Subscribed to and sworn to
before me this 16th day of
July, 1970

Ruth A. L. Altfelix
NOTARY PUBLIC

RUTH A. L. ALTFLIX
NOTARY PUBLIC, State of New York
No. 415980450
Queens County
Commission Expires March 30, 1972

August M. Strung
AUGUST M. STRUNG

A F F I D A V I T

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

 HOWARD F. SUNSHINE, being duly sworn, deposes
and says:

1. For twenty years and until my retirement
in 1969 I was in charge of the Real Estate and Mortgage
Department of Manufacturers Hanover Trust Company and
its predecessor.

2. During the time of my employment Manufacturers
Hanover Trust Company was an active mortgage lender,
handling many millions of dollars in mortgage loans
per annum. It was my responsibility to supervise these
loans.

3. Based on my experience, I can say without
qualification that the designation of the Bergdorf-Goodman
property on Fifth Avenue between 57th and 58th Streets
as a landmark by the Landmarks Preservation Commission
would substantially impair the amount and the terms of
any mortgage obtainable by the owner of the Bergdorf-
Goodman property.



Howard F. Sunshine

Subscribed and sworn to before me this 20th
day of July, 1970.



Notary Public

 **PETER A. TOMBACK**
Notary Public, State of New York
No. 60-9352450
Qualified in Westchester County
Term Expires March 30, 1972.

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF NEW YORK) SS:.

W. FRANCIS FITZGERALD, being duly sworn, deposes and says:

1. I am a Senior Vice President and head of the Mortgage Department of William A. White & Sons, a real estate brokerage firm established in 1868, having an office at 51 East 42nd Street, New York, N.Y.
2. I have been a mortgage broker for over 20 years specializing in large institutional mortgages mostly in New York City. Prior to my engaging in the mortgage brokerage business I was an officer of the Emigrant Savings Bank and assistant to the President and Chairman of the Board. I am a graduate of Harvard College and attended the Harvard Business School. I am 63 years of age.
3. I have been personally involved in negotiating and closing at least \$20,000,000 of mortgages per annum over a period of many years.
4. Based upon my experience, I can say without qualification that the designation of the Bergdorf-Goodman property on Fifth Avenue between 57th and 58th Streets as a landmark by the Landmarks Preservation Commission would substantially affect the amount of money which could be obtained when, as and if mortgage financing is undertaken. The fundamental question which any responsible lending institution considers in making a mortgage loan is "what can we do with this property if we have to foreclose?"
5. It follows inevitably that any limitation

placed upon the use of land and/or building substantially affects the amount and the terms of any mortgage which is issued.


W. Francis Fitzgerald

Subscribed and sworn to before
me this 16th day of July, 1970


Notary Public

ALICE LLOYD
Notary Public, State of New York
No. 41-7575625
Qualified in Queens County
Certificate filed in New York County
Commission Expires March 30, 1972

May 20, 1971

William I. Riegelman, Esq.
Fried, Frank, Harris, Shriver & Jacobson
120 Broadway
New York, N. Y. 10005

Dear Mr. Riegelman:

At its May meeting, the Landmarks Preservation Commission reviewed the proposed designation of the Bergdorf-Goodman building. The Commission discussed the architectural features of the building which were commented upon at our public hearing at City Hall and in material submitted in connection with this matter.

On behalf of the Commission, I am writing to inform you that it is the Commission's intention not to designate as a Landmark the Bergdorf-Goodman building. The Landmarks Commission will be taking formal action at a later meeting. While this matter was pending, we have appreciated your cooperation in keeping all the interested parties informed about the Commission's consideration of this item.

As you know, members of the Commission and individuals on its staff regularly advise many property owners and their leasees on the most appropriate way to make exterior alterations to New York City's distinguished buildings. The Commission hopes that the parties having control over the Bergdorf-Goodman building in the future will want to maintain its character and its significant contribution to the beauty of the square on which it is located and that these parties will want to consult regularly with the Commission on proposed exterior alterations.

Sincerely yours,

Frank B. Gilbert
Secretary

FBG:ag

bcc: Hon. Harmon H. Goldstone
Hon. William R. Fisher
Hon. Alan Burnham
Library Files ✓

July 13, 1971

Hon. John V. Lindsay
Mayor
City Hall
New York, N. Y. 10007

Dear Mayor Lindsay:

Harmon Goldstone thought that you would like to see this letter which was sent to the attorney for Bergdorf-Goodman. As Harmon indicated at the swearing-in on Thursday, the Landmarks Commission will not be designating the Bergdorf-Goodman building.

We understand from Clarence Davies that Mr. Riegelman was pleased with the text of this letter, as well as the decision reached by the Commission. Before the Commission reached its decision, members of the Commission had a long, informal meeting with Mr. Riegelman and had carefully reviewed the situation. It has been our pattern in carrying out the letter and the spirit of the Landmarks Law to understand the problems of each property owner before we act.

Sincerely yours,

Frank B. Gilbert
Secretary

FBG:ag
Enclosure

bcc: Hon. Harmon H. Goldstone
Library Files ✓



LANDMARKS PRESERVATION COMMISSION
PARKS, RECREATION AND CULTURAL AFFAIRS ADMINISTRATION
305 BROADWAY, NEW YORK, N. Y. 10007
Telephone: 566-7577

February 2, 1972

Hon. D. Kenneth Patton
Administrator
Economic Development Administration
225 Broadway
New York, N. Y. 10007

Dear Commissioner Patton:

On behalf of the Landmarks Preservation Commission, I am writing to express our support for the work you are doing to help the preservation of the Bergdorf-Goodman Store. The City Government's active role in this matter is very significant. In meeting its responsibilities under the City's Landmarks Preservation Law, our Commission met last spring with a representative of Bergdorf-Goddman. After a thorough discussion of the subject, we understand that the proposed purchase by Broadway-Hale Stores, Inc. will make it possible for the Bergdorf-Goodman Store to continue to operate in its distinguished building.

In this location, the Bergdorf-Goodman building makes an important contribution to one of the City's most beautiful open areas. In addition, the Store faces the Plaza Hotel, a designated New York City Landmark. Any new construction in that location might very well damage the setting of the Plaza Hotel, which stands as a symbol of New York City at its best.

After our meetings with the representative of Bergdorf-Goodman, the Commission wrote to its attorney calling attention to the fact that we "... regularly advise many property owners and their leasees on the most appropriate way to make exterior alterations to New York City's distinguished buildings. The Commission hopes that the parties having control over the Bergdorf-Goodman building in the future will want to maintain its character and its significant contribution to the beauty of the square on which it is located and that these parties will want to consult regularly with the Commission on proposed exterior alterations."

In recent days, a member of your staff has reviewed with us the pending matter before the Federal Trade Commission and the City Government's role in presenting testimony. We hope that you will be in touch with our office if we may be of further assistance to you.

Sincerely yours,

Frank B. Gilbert
Secretary

LIBRARY ✓

FBG:mg
cc: Alan Brutton, Esq.

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VICE-CHAIRMAN—WILLIAM R. FISHER

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FRIED, FRANK, HARRIS, SHRIVER & JACOBSON
(STRASSER, SPIEGELBERG, FRIED & FRANK)

ARTHUR L. STRASSER (1905-1967)

120 BROADWAY, NEW YORK, N. Y. 10005

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HERMANN E. SIMON
LEWIS A. STERN
GEORGE A. SPIEGELBERG
COUNSEL

212-964-6500

CABLE "STERIC NEW YORK"
TELEX 620223

April 8, 1971

WASHINGTON OFFICE
STRASSER, SPIEGELBERG, FRIED,
FRANK & KAMPELMAN
1700 K STREET, N.W.
WASHINGTON, D. C. 20006
202-296-3300

RICHARD B. BERRYMAN
PETER D. EHRENHAFT
MILTON EISENBERG
JOEL R. FEIDELMAN
PATRICIA R. HARRIS
MAX M. KAMPELMAN
ARTHUR LAZARUS, JR.
RICHARD SCHIFFER
DANIEL M. SINGER

HAROLD P. GREEN
COUNSEL

OUR REFERENCE

653-18

Landmarks Preservation Commission
305 Broadway
New York, New York

Re: Bergdorf & Goodman Company
754 Fifth Avenue, Manhattan
(LP 0735), Block 1273, Lots 33
through 40

Gentlemen:

The above matter came on to be heard as Calendar No. 15, at the hearing held on July 21, 1970, at City Hall, New York. Mr. Frank B. Gilbert, Secretary of the Commission, has permitted us to file this letter containing new and vital developments in the above matter.

At the present moment an agreement in principle has been reached between Bergdorf & Goodman Company and 754 Fifth Avenue, Inc. on the one hand, and Broadway-Hale Stores, Inc., of Los Angeles, California, on the other hand, which will assure the continuance of Bergdorf & Goodman Company as a specialty shop on Fifth Avenue until January 31, 1994. The agreement is contingent upon the approval of the Federal Trade Commission, but almost certainly cannot be accepted by 754 Fifth Avenue, Inc. unless and until a decision is made by this Commission that the property should not be designated as a Landmark.

The agreement in principle provides that a lease will be entered into by Broadway-Hale Stores, Inc. for a term ending January 31, 1994 at a percentage rental with an extremely low minimum.



Landmarks Preservation Commission

Page 2

April 8, 1971

At the present moment, the business is not operating at a profit. This Commission must be aware of the plight of large high-class retail establishments on Fifth Avenue in the light of heavy real property taxes, high rentals and diminishing profit margins. Without the agreement with Broadway-Hale Stores, Inc., the future of Bergdorf & Goodman Company will be very dark indeed, if not impossible.

It is clear that if the continuance of Bergdorf & Goodman Company in its present form is desirable, the proposed agreement with Broadway-Hale Stores, Inc. must be made. Nevertheless, if this Commission designates the Bergdorf & Goodman buildings as a Landmark, the entire transaction will have to be reconsidered because the basic foundation upon which it is based will have been destroyed. The overwhelming probability is that the agreement will be cancelled. The basic reasons for such a cancellation have already been advanced to the Commission in our original presentation. In addition, however, the potential limitation on Broadway-Hale's freedom of action could very well cause it to reconsider the transaction from the Broadway-Hale point of view.

The issue is simple. If this Commission determines that the proposed designation should be made, the agreement with Broadway-Hale Stores, Inc. will almost certainly not go forward. On the other hand, if this Commission determines that the proposed designation should not be made, the owners fully intend to proceed promptly and urgently to complete the agreement with Broadway-Hale, subject only to the consent of the Federal Trade Commission.

We wish to reiterate the following points:

1. As shown by affidavit previously submitted, the Bergdorf Goodman buildings were erected in 1928, being of varying heights and of a modified French Renaissance character, the style being eclectic, representing no significant period, having no degree of antiquity and representing nothing more than a refined, commercial character common to many New York store buildings erected during the 1920s. The buildings have no special character, are not unique and have no special historical or esthetic interest or value as part of the development, heritage, or cultural characteristics of the City, State or Nation.

Landmarks Preservation Commission

Page 3

April 8, 1971

2. Neither the Municipal Art Society nor any of the architects present at the two hearings (June 23rd and July 21st, 1970) saw fit to argue that the Bergdorf & Goodman buildings should be designated as a Landmark. In connection with the hearings on most of the properties subject to proposed designations, voices were heard in support of the designations, but none at all were raised in favor of the designation of the Bergdorf Goodman buildings as a Landmark.

3. None of the extensive literature dealing with the subject of New York Landmarks contain any reference to the Bergdorf Goodman buildings.

4. In this letter we will not repeat the other arguments previously made. The Commissioners are well aware of the problems faced today by high-class retail establishments on Fifth Avenue. Without the Broadway-Hale Stores, Inc. agreement, we can not assure the continuance of Bergdorf & Goodman Company.

This is the opportunity for the future of the buildings and the business in its present form to be assured. If there is to be a designation as a Landmark, the agreement with Broadway-Hale Stores, Inc. will not go through and the future of Bergdorf & Goodman Company and of the buildings will then be limited.

The time sequence for the proposed agreement is as follows:

Application is going to be made to the Federal Trade Commission within the next ten (10) days. It is anticipated that this application will take two to three months to process. Once the consent of the Federal Trade Commission has been obtained, the final agreement with Broadway-Hale Stores, Inc. will be entered into, provided only that this Commission has by that time made a determination that the Bergdorf Goodman buildings should not be a Landmark.

We respectfully request that the Bergdorf Goodman buildings should not be declared a Landmark.

Respectfully submitted,

FRIED, FRANK, HARRIS, SHRIVER & JACOBSON

By:



Laurence Rosenthal

: In the Matter of the Proposed
: Designation by the Landmarks
: Preservation Commission of the
: City of New York of the Property
: owned by 754 Fifth Avenue
: Corporation in the City of New
: York at 742 through 754 Fifth
: Avenue (Block 1273, Lots 33
: through 40).

MEMORANDUM IN OPPOSITION TO
THE PROPOSED DESIGNATION

LANDMARKS PRESERVATION COMMISSION

Re: Bergdorf-Goodman Specialty
Store

STRASSER, SPIEGELBERG, FRIED & FRANK
COUNSELORS AT LAW
120 BROADWAY
NEW YORK

----- x

In the Matter of the Proposed	:	
Designation by the Landmarks	:	
Preservation Commission of the	:	Memorandum in Opposition
City of New York of the Property	:	<u>to the Proposed Designation</u>
owned by 754 Fifth Avenue	:	
Corporation in the City of New	:	
York at 742 through 754 Fifth	:	
Avenue (Block 1273, Lots 33	:	
through 40).	:	

-----X

Statement of Facts

Bergdorf Goodman is a specialty store located on Fifth Avenue between 57th and 58th Streets, New York City (block 1273, Lots 33 through 40). 754 Fifth Avenue Corporation is the owner of said real property which consists of seven separate buildings erected in 1928 and subsequently joined together for the purpose of the specialty store. This property has been proposed to be designated as a Landmark by the Landmarks Preservation Commission of the City of New York (hereinafter referred to as "the Commission").

By letter dated June 4, 1970, signed by the Executive Director of the Commission, Andrew Goodman, President of Bergdorf Goodman, was notified of the proposed designation of the subject property as a Landmark and that a public hearing on the proposed designation would be held by the Commission on June 23, 1970. On that date the Commission offered to hear

anyone concerning the proposed designation of Bergdorf Goodman. When no one came forward, the Commission accepted the owners' written request to postpone the hearing until July 21, 1970.

At the hearing on July 21, 1970 Bergdorf Goodman appeared by counsel and by its President, Andrew Goodman, in opposition to the proposed designation of this property as a Landmark and Landmark Site. No one appeared in favor of the proposed designation. This memorandum is submitted in accordance with the permission of the Chairman of the Commission allowing Bergdorf Goodman thirty days from the date of the hearing to submit additional papers. At the time of the hearing there was submitted a letter from Andrew Goodman to the Commission dated July 17, 1970, and affidavits from 1) W. Francis FitzGerald, Senior Vice President and head of the mortgage department of William A. White and Sons, sworn to the 16th day of July 1970, 2) Howard F. Sunshine, former head of the Real Estate and Mortgage Department of the Manufacturers Hanover Trust Company sworn to July 16, 1970, and 3) August A. Strung, Executive Vice President of the Bowery Savings Bank and chief mortgage officer, sworn to the 16th day of July, 1970. In addition to this memorandum there is herewith submitted the affidavit of Theodore J. Young, a noted

architect sworn to August 3, 1970 and the affidavit of Sigmund Waldman sworn to the 6th day of August, 1970 showing the amounts owed by the owners to the various banks. All of these papers are submitted in support of the owner's opposition to the proposed designation.

At the hearing on July 21, 1970, Andrew Goodman, President of Bergdorf Goodman, pointed out that these seven buildings were built in 1928 and that they have no special character or special historical or aesthetic interest or value and cannot be considered in any way as part of the architectural heritage of this city. He further stated that a designation of this property as a Landmark would substantially diminish its market value and that this was particularly true since the property is presently improved for the specialty store which uses less than half of the floor space allowable under applicable zoning regulations. The notion of selling "air rights" is purely theoretical in this case, since the adjacent properties are skyscrapers already constructed. In fact, this property represents an underdeveloped one surrounded by a sea of skyscrapers. He stated that the designation would be clearly equivalent to a condemnation without just compensation. He further stated that the present mortgage on the property, which matures in 1973, is in the amount of approximately \$3,000,000. Recently, the interior and exterior of the

place have been altered at a cost of an additional \$4,000,000, financed by short-term bank loans. Mr. Goodman pointed out that because of the low interest rate on the present mortgage and the present high interest rates in the commercial market, refinancing of the mortgage and the short-term bank loan is going to be done at a favorable time within the next few years, but not later than 1973. If, however, the Commission designates this property as a Landmark, it may be impossible to refinance to the necessary extent, since lending institutions may be unwilling to lend substantial funds if they will not be able to alter or demolish the specialty store in the event of foreclosure.

In support of Mr. Goodman's statement, the affidavits of prominent mortgage experts in New York City were annexed to Mr. Goodman's letter, stating unequivocally that the designation of this property as a Landmark would substantially affect both the amount of money which could be obtained and the terms of any mortgage obtainable. This statement appears in the three affidavits of the prominent bankers and mortgage broker referred to above.

Consequently, as Mr. Goodman in his statement pointed out, the designation of this property as a Landmark could well lead to financial disaster for the owners.

There is submitted herewith the affidavit of Theodore John Young, a prominent architect and a fellow of the American Institute of Architects. He indicates in his affidavit that the architectural character of the property is derivative and not consistent throughout the seven buildings. In general, he states that the architecture is of a modified French Renaissance character with some details of the Louis XV and Louis XVI periods. The design, he found, was restrained in its ornamental detail and somewhat severe compared with other commercial buildings on Fifth Avenue and adjacent streets. He found that these buildings do not in any sense fulfill, from an architectural point of view, what might be expected of the term "Landmark". He found the buildings to be simple structures of "uneven architectural merit" which in his opinion have neither "the special character or special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation". He found that the units varied in height and were of the eclectic period, having been erected in 1928.

As compared with other buildings previously designated as Landmarks and those presently proposed as Landmarks, there were significant omissions in the case for designation of these buildings as a Landmark. At the public hearings

after the owners in many cases had spoken in opposition to the designation, voices were raised by representatives of the Municipal Arts Society or by prominent architects in favor of proposed designations. At the public hearings on June 23, 1970 and July 21, 1970, although representatives of the Municipal Arts Society and architects were present, no one saw fit to argue that the Bergdorf Goodman buildings should be designated as a Landmark.

Many other buildings designated as Landmarks or proposed as Landmarks have been referred to in architectural studies. For instance, a book entitled New York Landmarks, by Alan Burham A.I.A., published in 1963, contains lists of architecturally notable structures in New York City. No reference in that book is made to the Bergdorf Goodman buildings.

There is a pamphlet entitled "Four Walking Tours of American Architecture in New York City" published by Modern Art Society and prepared by Ada Louise Huxtable. There is no reference in that pamphlet to the Bergdorf Goodman buildings.

There is a book entitled "The A.I.A. Guide to New York City" edited by Norval V. White and Elliot Wallensky, published in 1969. The book refers to thousands of buildings in New York City which the editors feel have architectural and/or historical significance. As stated on page one, the book

includes "more human points of interest than any other such reference work ever prepared or published for New York City or any other American city." Nevertheless, this most recent and extremely comprehensive book fails to contain any reference to the Bergdorf Goodman buildings.

There is nothing historical in the Bergdorf Goodman buildings. No one has come forward to state at the public hearing or in any of the various books that have been published that the Bergdorf Goodman buildings have in any way any special characteristic or special historical architectural or aesthetic interest or value as part of the development, heritage or cultural characteristics of this city or state or nation.

The fact is that the buildings were erected in 1928. They are of varying heights and are of a modified French Renaissance character, with some details borrowed from the Louis XV and the Louis XVI periods. The style is clearly eclectic. They thus represent no significant period, have no degree of antiquity and represent nothing more than a refined commercial character common to many New York store buildings erected during that period.

POINT I

THE SUBJECT PROPERTY AND THE IMPROVEMENTS
THEREON DO NOT COME WITHIN THE STATUTORY
DEFINITION OF A LANDMARK.

A Landmark is defined in Paragraph 207.1.0(k) of Chapter 8-A of the Administrative Code of the City of New York as follows:

" 'Landmark', any improvement, any part of which is thirty years old or older, which has a special character or special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation and which has been designated as a Landmark pursuant to the provisions of this Chapter."

The only element of the statutory definition that is met by the Bergdorf Goodman buildings is that they are more than thirty years old, having been built in 1928.

The buildings have no "special character". They are of a refined commercial character common to many New York store buildings erected in that period. There is nothing unique about these buildings. They have no "special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation." (See affidavit of Theodore John Young, sworn to August 3, 1970).

The fact is that the Bergdorf Goodman buildings are

of French Renaissance design - an eclectic form of architecture borrowed from parts of the Louis XV and Louis XVI periods and transplanted into Twentieth Century New York City. The buildings have no connection historically or aesthetically with the development, heritage or cultural characteristics of the City of New York or of the State of New York or of the Nation. The buildings are uneven, both in height and in architectural merit.

As stated above, neither the Municipal Art Society nor any of the architects present saw fit to argue at the public hearings that the Bergdorf Goodman buildings should be designated as a Landmark. As also pointed out above, none of the extensive literature dealing with the subject of New York Landmarks contains any reference to the Bergdorf Goodman buildings. The fact is that there is absolutely no evidence before the Commission to support the proposed designation. Clearly the Bergdorf Goodman buildings fail to meet the requirements of the statutory definitions as a Landmark.

POINT II

THE PROPOSED DESIGNATION OF THIS
PROPERTY AS A LANDMARK WOULD IN
FACT DESTROY ITS MARKETABILITY AND
SERIOUSLY IMPAIR ITS MORTGAGEABILITY.

The owners of this property are faced with serious problems. In order to improve the property they have recently spent almost \$4,000,000 on a renovation of the interior and the exterior of the property. In addition to that there is a \$3,000,000 mortgage which matures in 1973. It will be necessary for the owners within the next three years to refinance the mortgage and the short-term bank loans on favorable commercial terms in order for the business to continue. (See affidavit of Sigmund Waldman as to the amounts owed by the owners to the banks). The affidavits of the experts familiar with mortgage loans demonstrate that the designation of the property as a Landmark would seriously inhibit the ability of the owners to obtain a mortgage in the appropriate amount and on reasonable terms. The reason for this is crystal clear. Lending institutions when considering mortgage applications, first consider the use that can be made of the property in the event of foreclosure. If the property is confined to an underdeveloped group of buildings surrounded by skyscrapers,

they will hesitate to lend money on ordinary commercial terms. Thus, the value of this property will be diminished by several million dollars by the mere designation. The owners may be faced with financial disaster due to their inability to obtain the proper mortgage loans if a designation occurs.

It is idle to say that on a proper showing the Commission will cooperate in proceedings for permission to demolish or alter the exterior. At best such proceedings, even with the utmost in cooperation on the part of the Commission, are costly and time consuming--at least sufficiently to vitiate the interest of possible purchasers. Certainly the members of this Commission will realize that a purchaser of business property of this magnitude would be purchasing for a specific purpose; more to the point, he would not be purchasing if his ability to devote the property to his contemplated use is contingent upon the future rulings of an administrative agency of the city. Clearly a prospective mortgagee will have in mind the same limitations.

The fact is that it is one of the results of the statute that the real marketability of a property designated as a Landmark is destroyed. Section 207.20(j) requires the

Commission to cause to be recorded in the office of the Register of the City of New York notice of its designation as a Landmark indexed against the appropriate block and lot number. This is proof positive that the statute imposes an encumbrance upon the property and gives notice to the world that the property cannot be demolished without the consent of the Commission. There need be no further proof of the complete destruction of the free and ready marketability of a property so designated and so encumbered.

In our case the destruction of marketability has an immediate affect in the impairment of mortgageability. This may well result in financial disaster to Bergdorf Goodman.

POINT III

THE COMMISSION SHOULD NOT MAKE THE PROPOSED DESIGNATION IN THE ABSENCE OF A PREPONDERANCE OF EVIDENCE TO SUPPORT IT, PARTICULARLY IN VIEW OF THE SERIOUS LEGAL QUESTIONS THAT MAY BE INVOLVED.

This is not the forum in which to argue the many legal questions which arise under the enabling legislation (Section 96-a of the General Municipal Law) and under Chapter 8-A of the Administrative Code of the City of New York. For the present purposes it is sufficient to mention but a few of the serious legal questions which must ultimately be determined by the courts.

Does the Legislature itself have the constitutional power to delegate to cities, as it purports to do under Section 96-a of the General Municipal Law, the authority to regulate private property and deprive an individual property owner of his right to demolish an improvement on his property just because such improvement is thought to have "special historical or aesthetic interest or value"?

Is Section 96-a of the General Municipal Law a constitutional delegation of legislative power, in that it permits cities to regulate private property and deprives its

owner of his untrammelled use, thereof, without providing any standards or guidelines for the determination of the type of property and extent of regulation intended by the legislature in its delegation?

Is not Chapter 8-A of the Administrative Code itself of dubious constitutional validity when:

(a) It redelegates purported legislative authority to an administrative body without providing standards or guidelines by which the administrative agency may exercise this authority?

(b) It is devoid of procedural provisions to protect individual property owners in their vested property rights, and

(c) It goes far beyond the power purportedly delegated by the enabling act (Section 96-a of the General Municipal Law)?

Does not the provision of Chapter 8-A of the Administrative Code requiring the Commission to file notice of a designation in the Office of the Register of the City of New York indexed under the block and lot number of the property affected, thereby imposing an encumbrance upon private property, permit an unconstitutional taking without compensation?

Is not a single site designation as distinguished from the designation of an historic district tantamount to "spot zoning" which has been repeatedly condemned by the courts?

The legal questions enumerated above are only a few of the questions that would arise from the designation in this case and they cannot be finally answered by the Commission. Ultimately, as stated, they will be tested by the courts.

They are, nevertheless, of sufficient gravity to make the proposed designation imprudent particularly when, because of the complete absence of evidence to support the proposed designation, this would be an extremely poor case in which to test the legal questions raised above from the viewpoint of those interested in the preservation of real Landmarks.

CONCLUSION

The proposed designation should not be made for the following reasons:

1. The Bergdorf Goodman buildings do not come within the statutory definition of a Landmark.
2. Because the said buildings fail to meet the definition of a Landmark, the proposed designation of these buildings would be arbitrary, capricious and unjust in that the marketability of the buildings would be tremendously impaired and the ability of the owners to obtain suitable mortgage financing would be seriously jeopardized.
3. The proposed designation would be imprudent in view of the many legal questions outlined above and others which are certain to be raised if designations like the one here contemplated are made.

Dated: August 10, 1970
New York, N.Y.

Respectfully submitted,

STRASSER, SPIEGELBERG, FRIED & FRANK
Attorneys for Bergdorf-Goodman
120 Broadway
New York, N.Y. 10005

Laurence Rosenthal,
Of Counsel.

BERGDORF

5TH AVENUE 57 TO 58TH STREETS

* ON THE PLAZA *

GOODMAN

NEW YORK, NEW YORK 10019

ANDREW GOODMAN
PRESIDENT

July 17, 1970

Landmarks Preservation Committee
305 Broadway
New York, N. Y. 10007

Gentlemen:

I write to express my strong opposition to the designation of the Bergdorf Goodman Store buildings as a Landmark. The very fact that you are considering such a designation is in my opinion antithetical to the intent with which the Landmarks Preservation Act was passed and the spirit in which it should be administered. These specialty store buildings have no historical value whatsoever. In fact, it is a relatively modern building, having been built in 1928; and although it may be more pleasing to some people's eyes and taste than other buildings would be, it clearly lacks architectural distinction. It is not a building that has special character or special historical or aesthetic interest or value, nor can it be considered in any way as part of the architectural heritage of this City.

A designation of this building as a Landmark will substantially diminish its market value. This is particularly true since the property is presently improved with a specialty store which uses less than one-half of the floor space allowable under applicable zoning regulations. The notion of selling these "air rights" is purely theoretical in our case, as a survey of the adjacent properties will indicate. Furthermore, if such a sale were possible it would effectively prevent utilization of the relief provisions

BERGDORF

5TH AVENUE 57 TO 58TH STREETS

ON THE PLAZA

GOODMAN

NEW YORK, NEW YORK 10019

ANDREW GOODMAN
PRESIDENT

Landmarks Preservation Committee

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of the Landmarks Law (Section 207-6.0 and 207-8.0) if the present or future owner ever wanted to erect a taller structure. Due to the location of the property, the lost market value will be in the millions of dollars. This building will remain an underdeveloped one in a prized location in New York City, surrounded by a sea of skyscrapers. The designation would thus be clearly equivalent to a condemnation without just compensation.

The present mortgage on the property matures in 1973, at which time approximately three million dollars will be due. Moreover, the interior and exterior of this property have recently been altered at a cost of over four million dollars, financed by short-term bank loans. Because of the low interest rate on the present mortgage and the high interest rates now being charged, we have deferred refinancing the existing mortgage but had expected to take care of the bank loans and the mortgage balance still due by refinancing at a favorable time within the next few years. If, however, the Commission should designate the building as a Landmark, it may be impossible to refinance to the necessary extent since lending institutions will be unwilling to look to the property for security if they will not be able to alter or demolish the stores in case of foreclosure. I am very much afraid that designation as a Landmark would diminish the amount of the obtainable loan by several million dollars and could lead to financial disaster for the owners.

If the Commission establishes a record of designating as Landmarks commercial buildings with so little architectural or historical significance, lending institutions may well hesitate to make mortgages on buildings in New York City which are over thirty

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Landmarks Preservation Committee

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years old or which are approaching that age. Thus, the effect of the designation on the Bergdorf Goodman Store would be to put in jeopardy the value of millions of dollars worth of real estate in New York City.

I might also note that notice was improperly given in this case since notice was sent to me in my own name even though the property is owned by 754 Fifth Avenue Corporation. Furthermore, lot 33 in block 1273 refers to only one building, namely 742 Fifth Avenue at 57th Street rather than the seven separate buildings occupied by Bergdorf Goodman.

For the foregoing reasons, I am opposed to the proposed designation of the Bergdorf Goodman Store and will not hesitate to challenge any such designation in the courts. I am sure that I would be supported by many of the large property owners in the City in stating that if it is possible for the Landmarks Commission to make such a designation, its statutory powers must be curtailed. It is one thing for a City to preserve significant features of its historical or architectural heritage; it is quite another for it to take a man's property without just compensation because some citizens like the appearance of a building erected a mere forty years before.

Very truly yours,



Andrew Goodman

AG:jb

Return on property = $\pm 29\%$. This assessment - Tax
abatement will be given due to city.
\$7,000,000 ~~per~~ - { Names of Buick. }

have not been to meet with \$3,000,000

LANDMARKS PRESERVATION COMMISSION

BUILDING Beltzoff Goodman

CALENDAR NO. 15-207

FOR DESIGNATION AS A LANDMARK

AGAINST DESIGNATION AS A LANDMARK

X

NAME LAURENCE ROSENTHAL

ADDRESS STRASSER, SPIEGELBERG, FRIED & FRANK
100 BROADWAY, N.Y.N.Y.

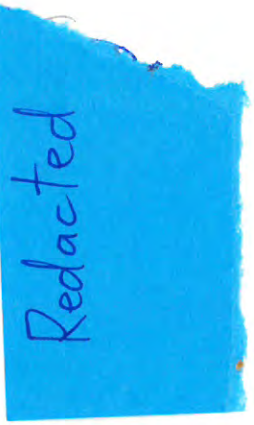
REPRESENTING MR. ANDREW GOODMAN and the 754-FIFTH AVE. CORP
~~Beltzoff Goodman~~

ADDRESS 754-FIFTH AVENUE

Everyone of designati and to discretion. Preso-
French 7 Beltzoff Partikel. Now Sumner by
Skyscraper. Designati and see 500. Belter will
be able to lead.
The top part of this form goes to the Chairman of the meeting.

0700197 5 Avenue

07/01/97 APPLICATION - DISPLAY BISMOD10
742 5 AVENUE 1 MANHATTAN
BIN# : 1901628 STREET CODE: 10410 TAX BLOCK: 01273 TAX LOT: 00033



APPLICATION TYPE : ALT
APPLICATION NUMBER : 477-82
APPLICATION STATUS :
APPL FILE DATE : 00 / 00 / 1982
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ANY KEY TO CONTINUE