



## City Environmental Quality Review

### ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) FULL FORM

Please fill out and submit to the appropriate agency ([see instructions](#))

#### Part I: GENERAL INFORMATION

**PROJECT NAME** Burlington Coat Factory Signs

##### 1. Reference Numbers

CEQR REFERENCE NUMBER (to be assigned by lead agency)  
16DCP204M

BSA REFERENCE NUMBER (if applicable)

ULURP REFERENCE NUMBER (if applicable)  
180273ZSM

OTHER REFERENCE NUMBER(S) (if applicable)  
(e.g., legislative intro, CAPA)

##### 2a. Lead Agency Information

NAME OF LEAD AGENCY

New York City Planning Commission

NAME OF LEAD AGENCY CONTACT PERSON

Robert Dobruskin, AICP

ADDRESS 120 Broadway - 31<sup>st</sup> Floor

CITY New York,

STATE NY

ZIP 10271-3424

TELEPHONE 212-720-3423

EMAIL

rdobrus@planning.nyc.gov

##### 2b. Applicant Information

NAME OF APPLICANT

Burlington Coat Factory of New Yorkk LLC

NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON

Richard G. Leland, Esq.

ADDRESS 666 Fifth Avenue, 20<sup>th</sup> Floor

CITY New York

STATE NY

ZIP 10103

TELEPHONE 212-259-6417

EMAIL

richard.leland@akerman.com

##### 3. Action Classification and Type

###### SEQRA Classification

UNLISTED  TYPE I: Specify Category (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended): 6 NYCRR 617.3(b)(9)

**Action Type** (refer to [Chapter 2](#), "Establishing the Analysis Framework" for guidance)

LOCALIZED ACTION, SITE SPECIFIC

LOCALIZED ACTION, SMALL AREA

GENERIC ACTION

##### 4. Project Description

See Attachment

##### Project Location

BOROUGH Manhattan

COMMUNITY DISTRICT(S) 4

STREET ADDRESS 116 W. 23<sup>rd</sup> Street a/k/a 695-709 Sixth Avenue

TAX BLOCK(S) AND LOT(S) Block 798. Lot 41

ZIP CODE

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Sixth Avenue between W. 22<sup>nd</sup> and W. 23<sup>rd</sup> Streets

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY C-2A, C6-3A & C6-3X

ZONING SECTIONAL MAP NUMBER

##### 5. Required Actions or Approvals (check all that apply)

**City Planning Commission:**  YES  NO  UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

CITY MAP AMENDMENT

ZONING CERTIFICATION

CONCESSION

ZONING MAP AMENDMENT

ZONING AUTHORIZATION

UDAAP

ZONING TEXT AMENDMENT

ACQUISITION—REAL PROPERTY

REVOCABLE CONSENT

SITE SELECTION—PUBLIC FACILITY

DISPOSITION—REAL PROPERTY

FRANCHISE

HOUSING PLAN & PROJECT

OTHER, explain:

SPECIAL PERMIT (if appropriate, specify type:  modification;  renewal;  other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION ZR 74-711, 32-652

**Board of Standards and Appeals:**  YES  NO

VARIANCE (use)

VARIANCE (bulk)

SPECIAL PERMIT (if appropriate, specify type:  modification;  renewal;  other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

**Department of Environmental Protection:**  YES  NO If "yes," specify:

**Other City Approvals Subject to CEQR** (check all that apply)

- |  |  |
|--|--|
| <input type="checkbox"/> LEGISLATION                       | <input type="checkbox"/> FUNDING OF CONSTRUCTION, specify: |
| <input type="checkbox"/> RULEMAKING                        | <input type="checkbox"/> POLICY OR PLAN, specify:          |
| <input type="checkbox"/> CONSTRUCTION OF PUBLIC FACILITIES | <input type="checkbox"/> FUNDING OF PROGRAMS, specify:     |
| <input type="checkbox"/> 384(b)(4) APPROVAL                | <input type="checkbox"/> PERMITS, specify:                 |
| <input type="checkbox"/> OTHER, explain:                   |  |

**Other City Approvals Not Subject to CEQR** (check all that apply)

- |   |  |
|---|--|
| <input type="checkbox"/> PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC) | <input checked="" type="checkbox"/> LANDMARKS PRESERVATION COMMISSION APPROVAL |
|   | <input type="checkbox"/> OTHER, explain:                                       |

**State or Federal Actions/Approvals/Funding:**  YES  NO If "yes," specify:

**6. Site Description:** The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.

**Graphics:** The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> SITE LOCATION MAP  | <input checked="" type="checkbox"/> ZONING MAP  | <input checked="" type="checkbox"/> SANBORN OR OTHER LAND USE MAP |
| <input checked="" type="checkbox"/> TAX MAP  | <input type="checkbox"/> FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S) |   |
| <input checked="" type="checkbox"/> PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP |   |   |

**Physical Setting** (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 29,061 sf lot  
 Waterbody area (sq. ft.) and type: 0  
 Roads, buildings, and other paved surfaces (sq. ft.): approx 170,000 sf building  
 Other, describe (sq. ft.): 406 sf of signage

**7. Physical Dimensions and Scale of Project** (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 405 sf

NUMBER OF BUILDINGS: \_\_\_\_\_ GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): \_\_\_\_\_  
 HEIGHT OF EACH BUILDING (ft.): \_\_\_\_\_ NUMBER OF STORIES OF EACH BUILDING: \_\_\_\_\_

Does the proposed project involve changes in zoning on one or more sites?  YES  NO

If "yes," specify: The total square feet owned or controlled by the applicant:

The total square feet not owned or controlled by the applicant:

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading?  YES  NO

If "yes," indicate the estimated area and volume dimensions of subsurface disturbance (if known):

AREA OF TEMPORARY DISTURBANCE: \_\_\_\_\_ sq. ft. (width x length) VOLUME OF DISTURBANCE: \_\_\_\_\_ cubic ft. (width x length x depth)  
 AREA OF PERMANENT DISTURBANCE: \_\_\_\_\_ sq. ft. (width x length)

**8. Analysis Year** [CEQR Technical Manual Chapter 2](#)

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2018

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS:

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE?  YES  NO IF MULTIPLE PHASES, HOW MANY?

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

**9. Predominant Land Use in the Vicinity of the Project** (check all that apply)

- |                                      |  |  |   |  |
|--------------------------------------|--|--|---|--|
| <input type="checkbox"/> RESIDENTIAL | <input type="checkbox"/> MANUFACTURING | <input checked="" type="checkbox"/> COMMERCIAL | <input type="checkbox"/> PARK/FOREST/OPEN SPACE | <input type="checkbox"/> OTHER, specify: |
|--------------------------------------|--|--|---|--|

**DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS**

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
<b>LAND USE</b>				
<b>Residential</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Describe type of residential structures				
No. of dwelling units				
No. of low- to moderate-income units				
Gross floor area (sq. ft.)				
<b>Commercial</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
Describe type (retail, office, other)	Retail	Retail	Retail	0
Gross floor area (sq. ft.)	170,000	170,000	170,000	0
<b>Manufacturing/Industrial</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type of use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities, specify:				
<b>Community Facility</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type				
Gross floor area (sq. ft.)				
<b>Vacant Land</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
<b>Publicly Accessible Open Space</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):				
<b>Other Land Uses</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
<b>PARKING</b>				
<b>Garages</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Attended or non-attended				
<b>Lots</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
<b>Other</b> (includes street parking)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
<b>POPULATION</b>				
<b>Residents</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify number:				
Briefly explain how the number of residents was calculated:				

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
<b>Businesses</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
No. and type	retail clothing, food and hair saolon	Same	Same	0
No. and type of workers by business				0
No. and type of non-residents who are not workers	n			0
Briefly explain how the number of businesses was calculated:	Visual Inspapection			
<b>Other</b> (students, visitors, concert-goers, etc.)	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If any, specify type and number:	Retail customerss	Samei	Same	0
Briefly explain how the number was calculated:				
<b>ZONING</b>				
Zoning classification	C6-3X, C-2A and C6-3A	C6-3X, C6-2A and C6-3A-	C6-3X, C6-2A and C6-3A	0
Maximum amount of floor area that can be developed	N/A	N/A	N/A	N/A
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	Commercial, light manufacturing and residential	Same	Same	0
Attach any additional information that may be needed to describe the project.				
If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

**Part II: TECHNICAL ANALYSIS**

**INSTRUCTIONS:** For each of the analysis categories listed in this section, assess the proposed project’s impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the “no” box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the “yes” box.
- For each “yes” response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a “yes” answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Full EAS Form. For example, if a question is answered “no,” an agency may request a short explanation for this response.

	YES	NO
<b>1. LAND USE, ZONING, AND PUBLIC POLICY:</b> <a href="#">CEQR Technical Manual Chapter 4</a>		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Is there the potential to affect an applicable public policy?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) If “yes,” to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City’s Waterfront Revitalization Program boundaries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” complete the <a href="#">Consistency Assessment Form</a> .		
<b>2. SOCIOECONOMIC CONDITIONS:</b> <a href="#">CEQR Technical Manual Chapter 5</a>		
(a) Would the proposed project:		
o Generate a net increase of more than 200 residential units or 200,000 square feet of commercial space?		
▪ If “yes,” answer both questions 2(b)(ii) and 2(b)(iv) below.		
o Directly displace 500 or more residents?		
▪ If “yes,” answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
o Directly displace more than 100 employees?		
▪ If “yes,” answer questions under 2(b)(iii) and 2(b)(iv) below.		
o Affect conditions in a specific industry?		
▪ If “yes,” answer question 2(b)(v) below.		
(b) If “yes” to any of the above, attach supporting information to answer the relevant questions below. If “no” was checked for each category above, the remaining questions in this technical area do not need to be answered.		
<b>i. Direct Residential Displacement</b>		
o If more than 500 residents would be displaced, would these residents represent more than 5% of the primary study area population?		
o If “yes,” is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population?		
<b>ii. Indirect Residential Displacement</b>		
o Would expected average incomes of the new population exceed the average incomes of study area populations?		
o If “yes:”		
▪ Would the population of the primary study area increase by more than 10 percent?		
▪ Would the population of the primary study area increase by more than 5 percent in an area where there is the potential to accelerate trends toward increasing rents?		
o If “yes” to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?		
<b>iii. Direct Business Displacement</b>		
o Do any of the displaced businesses provide goods or services that otherwise would not be found within the trade area, either under existing conditions or in the future with the proposed project?		
o Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve,		

	YES	NO
enhance, or otherwise protect it?		
<b>iv. Indirect Business Displacement</b>		
o Would the project potentially introduce trends that make it difficult for businesses to remain in the area?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the project capture retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?	<input type="checkbox"/>	<input type="checkbox"/>
<b>v. Effects on Industry</b>		
o Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?	<input type="checkbox"/>	<input type="checkbox"/>
<b>3. COMMUNITY FACILITIES: <a href="#">CEQR Technical Manual Chapter 6</a></b>		
<b>(a) Direct Effects</b>		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, health care facilities, day care centers, police stations, or fire stations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(b) Indirect Effects</b>		
<b>i. Child Care Centers</b>		
o Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in <a href="#">Chapter 6</a> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in a collective utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input type="checkbox"/>
<b>ii. Libraries</b>		
o Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in <a href="#">Chapter 6</a> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the additional population impair the delivery of library services in the study area?	<input type="checkbox"/>	<input type="checkbox"/>
<b>iii. Public Schools</b>		
o Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in <a href="#">Chapter 6</a> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 100 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input type="checkbox"/>
<b>iv. Health Care Facilities</b>		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of health care facilities in the area?	<input type="checkbox"/>	<input type="checkbox"/>
<b>v. Fire and Police Protection</b>		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of fire or police protection in the area?	<input type="checkbox"/>	<input type="checkbox"/>
<b>4. OPEN SPACE: <a href="#">CEQR Technical Manual Chapter 7</a></b>		
<b>(a)</b> Would the project change or eliminate existing open space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(b)</b> Is the project located within an under-served area in the <a href="#">Bronx</a> , <a href="#">Brooklyn</a> , <a href="#">Manhattan</a> , <a href="#">Queens</a> , or <a href="#">Staten Island</a> ?	<input type="checkbox"/>	<input type="checkbox"/>
<b>(c)</b> If "yes," would the project generate more than 50 additional residents or 125 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
<b>(d)</b> Is the project located within a well-served area in the <a href="#">Bronx</a> , <a href="#">Brooklyn</a> , <a href="#">Manhattan</a> , <a href="#">Queens</a> , or <a href="#">Staten Island</a> ?	<input type="checkbox"/>	<input type="checkbox"/>
<b>(e)</b> If "yes," would the project generate more than 350 additional residents or 750 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
<b>(f)</b> If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
<b>(g)</b> If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following:		
o If in an under-served area, would the project result in a decrease in the open space ratio by more than 1 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If in an area that is not under-served, would the project result in a decrease in the open space ratio by more than 5	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
percent?		
o If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered? Please specify:	<input type="checkbox"/>	<input type="checkbox"/>
<b>5. SHADOWS: <a href="#">CEQR Technical Manual Chapter 8</a></b>		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above questions, attach supporting information explaining whether the project's shadow would reach any sunlight-sensitive resource at any time of the year.		
<b>6. HISTORIC AND CULTURAL RESOURCES: <a href="#">CEQR Technical Manual Chapter 9</a></b>		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the <a href="#">GIS System for Archaeology and National Register</a> to confirm)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources.		
<b>7. URBAN DESIGN AND VISUAL RESOURCES: <a href="#">CEQR Technical Manual Chapter 10</a></b>		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	<input type="checkbox"/>	<input type="checkbox"/>
(c) If "yes" to either of the above, please provide the information requested in <a href="#">Chapter 10</a> .		
<b>8. NATURAL RESOURCES: <a href="#">CEQR Technical Manual Chapter 11</a></b>		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of <a href="#">Chapter 11</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," list the resources and attach supporting information on whether the project would affect any of these resources.		
(b) Is any part of the directly affected area within the <a href="#">Jamaica Bay Watershed</a> ?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," complete the <a href="#">Jamaica Bay Watershed Form</a> and submit according to its <a href="#">instructions</a> .		
<b>9. HAZARDOUS MATERIALS: <a href="#">CEQR Technical Manual Chapter 12</a></b>		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in <a href="#">Appendix 1</a> (including nonconforming uses)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (e.g., gas stations, oil storage facilities, heating oil storage)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Has a Phase I Environmental Site Assessment been performed for the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	<input type="checkbox"/>	<input type="checkbox"/>
(i) Based on the Phase I Assessment, is a Phase II Investigation needed?	<input type="checkbox"/>	<input type="checkbox"/>
<b>10. WATER AND SEWER INFRASTRUCTURE: <a href="#">CEQR Technical Manual Chapter 13</a></b>		
(a) Would the project result in water demand of more than one million gallons per day?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
(c) If the proposed project located in a <a href="#">separately sewerred area</a> , would it result in the same or greater development than that listed in Table 13-1 in <a href="#">Chapter 13</a> ?	<input type="checkbox"/>	<input type="checkbox"/>
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input type="checkbox"/>
(e) If the project is located within the <a href="#">Jamaica Bay Watershed</a> or in certain <a href="#">specific drainage areas</a> , including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input type="checkbox"/>
(f) Would the proposed project be located in an area that is partially sewerred or currently unsewerred?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or contribute contaminated stormwater to a separate storm sewer system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) If "yes" to any of the above, conduct the appropriate preliminary analyses and attach supporting documentation.		
<b>11. SOLID WASTE AND SANITATION SERVICES:</b> <a href="#">CEQR Technical Manual Chapter 14</a>		
(a) Using Table 14-1 in <a href="#">Chapter 14</a> , the project's projected operational solid waste generation is estimated to be (pounds per week): 0		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project comply with the City's Solid Waste Management Plan?	<input type="checkbox"/>	<input type="checkbox"/>
<b>12. ENERGY:</b> <a href="#">CEQR Technical Manual Chapter 15</a>		
(a) Using energy modeling or Table 15-1 in <a href="#">Chapter 15</a> , the project's projected energy use is estimated to be (annual BTUs):		
(b) Would the proposed project affect the transmission or generation of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>13. TRANSPORTATION:</b> <a href="#">CEQR Technical Manual Chapter 16</a>		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in <a href="#">Chapter 16</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," conduct the appropriate screening analyses, attach back up data as needed for each stage, and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? <i>**It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of <a href="#">Chapter 16</a> for more information.</i>	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway/rail trips per station or line?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	<input type="checkbox"/>	<input type="checkbox"/>
<b>14. AIR QUALITY:</b> <a href="#">CEQR Technical Manual Chapter 17</a>		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in <a href="#">Chapter 17</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 in <a href="#">Chapter 17</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in <a href="#">Chapter 17</a> ? (Attach graph as needed)	<input type="checkbox"/>	<input type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
<b>15. GREENHOUSE GAS EMISSIONS:</b> <a href="#">CEQR Technical Manual Chapter 18</a>		
(a) Is the proposed project a city capital project or a power generation plant?	<input type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project fundamentally change the City's solid waste management system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project result in the development of 350,000 square feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in <a href="#">Chapter 18</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See <a href="#">Local Law 22 of 2008</a> ; § 24-	<input type="checkbox"/>	<input checked="" type="checkbox"/>

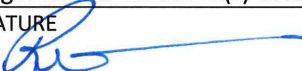


	YES	NO
803 of the Administrative Code of the City of New York). Please attach supporting documentation.		
<b>16. NOISE:</b> <a href="#">CEQR Technical Manual Chapter 19</a>		
(a) Would the proposed project generate or reroute vehicular traffic?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project introduce new or additional receptors (see Section 124 in <a href="#">Chapter 19</a> ) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
<b>17. PUBLIC HEALTH:</b> <a href="#">CEQR Technical Manual Chapter 20</a>		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in <a href="#">Chapter 20</a> , "Public Health." Attach a preliminary analysis, if necessary.		
<b>18. NEIGHBORHOOD CHARACTER:</b> <a href="#">CEQR Technical Manual Chapter 21</a>		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in <a href="#">Chapter 21</a> , "Neighborhood Character." Attach a preliminary analysis, if necessary.		
<b>19. CONSTRUCTION:</b> <a href="#">CEQR Technical Manual Chapter 22</a>		
(a) Would the project's construction activities involve:		
o Construction activities lasting longer than two years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o The operation of several pieces of diesel equipment in a single location at peak construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closure of a community facility or disruption in its services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Activities within 400 feet of a historic or cultural resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Disturbance of a site containing or adjacent to a site containing natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in <a href="#">Chapter 22</a> , "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.		

**20. APPLICANT'S CERTIFICATION**

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME Richard G. Leland	SIGNATURE 	DATE April 3, 2018
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PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

**Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)**

**INSTRUCTIONS:** In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

<p>1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.</p>	<p><b>Potentially Significant Adverse Impact</b></p>	
<b>IMPACT CATEGORY</b>	<b>YES</b>	<b>NO</b>
Land Use, Zoning, and Public Policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socioeconomic Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community Facilities and Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Open Space	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shadows	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Historic and Cultural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Urban Design/Visual Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Natural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous Materials	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water and Sewer Infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Solid Waste and Sanitation Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greenhouse Gas Emissions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public Health	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Neighborhood Character	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials?

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--	--------------------------	-------------------------------------


3. Check determination to be issued by the lead agency:

**Positive Declaration:** If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

**Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.

**Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see [template](#)) or using the embedded Negative Declaration on the next page.

**4. LEAD AGENCY'S CERTIFICATION**

<p>TITLE Director, Environmental Assessment and Review Division</p>	<p>LEAD AGENCY Department of City Planning, acting on behalf of the City Planning Commission</p>
<p>NAME Olga Abinader, Deputy Director</p>	<p>DATE 4/06/2018</p>
<p>SIGNATURE </p>	



# ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

## Major Zoning Classifications:

**R** Residential Single-Family  
**C** Commercial, Office, Professional, and Retail  
**M** Medium-Density Residential  
**GC** General Commercial  
**MT** Medium-Density Residential  
**CS** Community School  
**RA** Residential Medium-Density  
**CA** Community Center  
**CB** Community Business  
**CC** Community Center  
**CD** Community District  
**CE** Community Center  
**CF** Community Center  
**CG** Community Center  
**CH** Community Center  
**CI** Community Center  
**CJ** Community Center  
**CK** Community Center  
**CL** Community Center  
**CM** Community Center  
**CN** Community Center  
**CO** Community Center  
**CP** Community Center  
**CQ** Community Center  
**CR** Community Center  
**CS** Community School  
**CT** Community Center  
**CU** Community Center  
**CV** Community Center  
**CW** Community Center  
**CX** Community Center  
**CY** Community Center  
**CZ** Community Center

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**CH** Community Center  
**CI** Community Center  
**CJ** Community Center  
**CK** Community Center  
**CL** Community Center  
**CM** Community Center  
**CN** Community Center  
**CO** Community Center  
**CP** Community Center  
**CQ** Community Center  
**CR** Community Center  
**CS** Community School  
**CT** Community Center  
**CU** Community Center  
**CV** Community Center  
**CW** Community Center  
**CX** Community Center  
**CY** Community Center  
**CZ** Community Center

## Effective Date(s) of Rezoning:

1968  
1973  
1977  
1980  
1984  
1988  
1992  
1996  
2000  
2004  
2008  
2012  
2016  
2020

## Special Requirements:

1. The applicant must submit a site plan showing the proposed use and any special requirements.  
2. The applicant must submit a site plan showing the proposed use and any special requirements.  
3. The applicant must submit a site plan showing the proposed use and any special requirements.  
4. The applicant must submit a site plan showing the proposed use and any special requirements.  
5. The applicant must submit a site plan showing the proposed use and any special requirements.

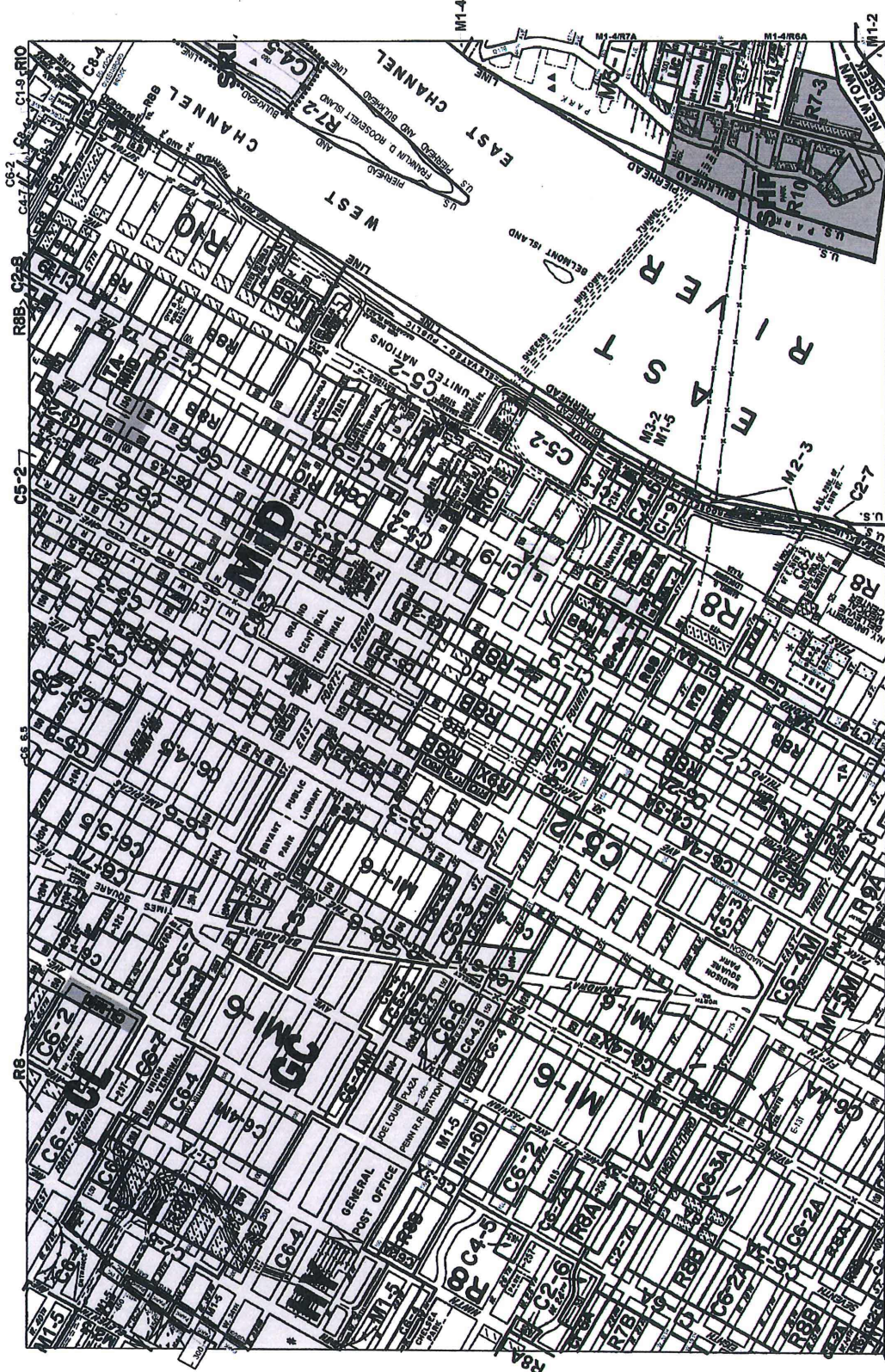
# ZONING MAP 8d

## MAP KEY

- 8a
- 8b
- 8c
- 8d
- 9a
- 9b
- 12a
- 12c
- 13a

Copyrighted by the City of New York

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for the map, visit the Zoning section of the Department of City Planning website at [www.dcp.nyc.gov/zoning](http://www.dcp.nyc.gov/zoning) or contact the Zoning Information Desk at (212) 312-3231.



# NOTE: STREETS FOR THE STREET MAP CHANGE C 6550 W/1 ARE SHOWN ON THIS MAP AS BEING EFFECTIVE IN ORDER TO LOCATE ZONING DISTRICT BOUNDARIES.

## PROPOSED PROJECT AREA

- C1-1
- C1-2
- C1-3
- C1-4
- C1-5
- C2-1
- C2-2
- C2-3
- C2-4
- C2-5
- C2-6
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- C2-96
- C2-97
- C2-98
- C2-99
- C2-100

NOTE: Where the dimensions for zoning district boundaries appear on this zoning map, such dimensions are obtained from Article VII, Chapter 24, Location of District Boundaries of the Zoning Resolution.



**NYC Digital Tax Map**

Effective Date: 01-29-2013 16:12:15  
 Era/Date: Current  
 Manifestation: Block 798

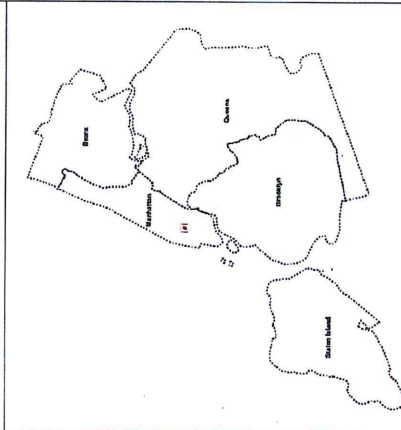
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- Grants
  - Miscellaneous Text
  - Possession Hooks
  - Boundary Lines
  - Lot Face Possession Hooks
  - Regular
  - Underwater
  - Tax Lot Polygon
  - Cents Number
  - Tax Block Polygon
  - Project Area Boundary
  - Zoning District Line
  - Existing Zoning District

Scale: 0 10 20 30 40 Feet

DRAWING TITLE: AREA MAP  
 MANHATTAN / BLOCK: 798 / LOT: 41

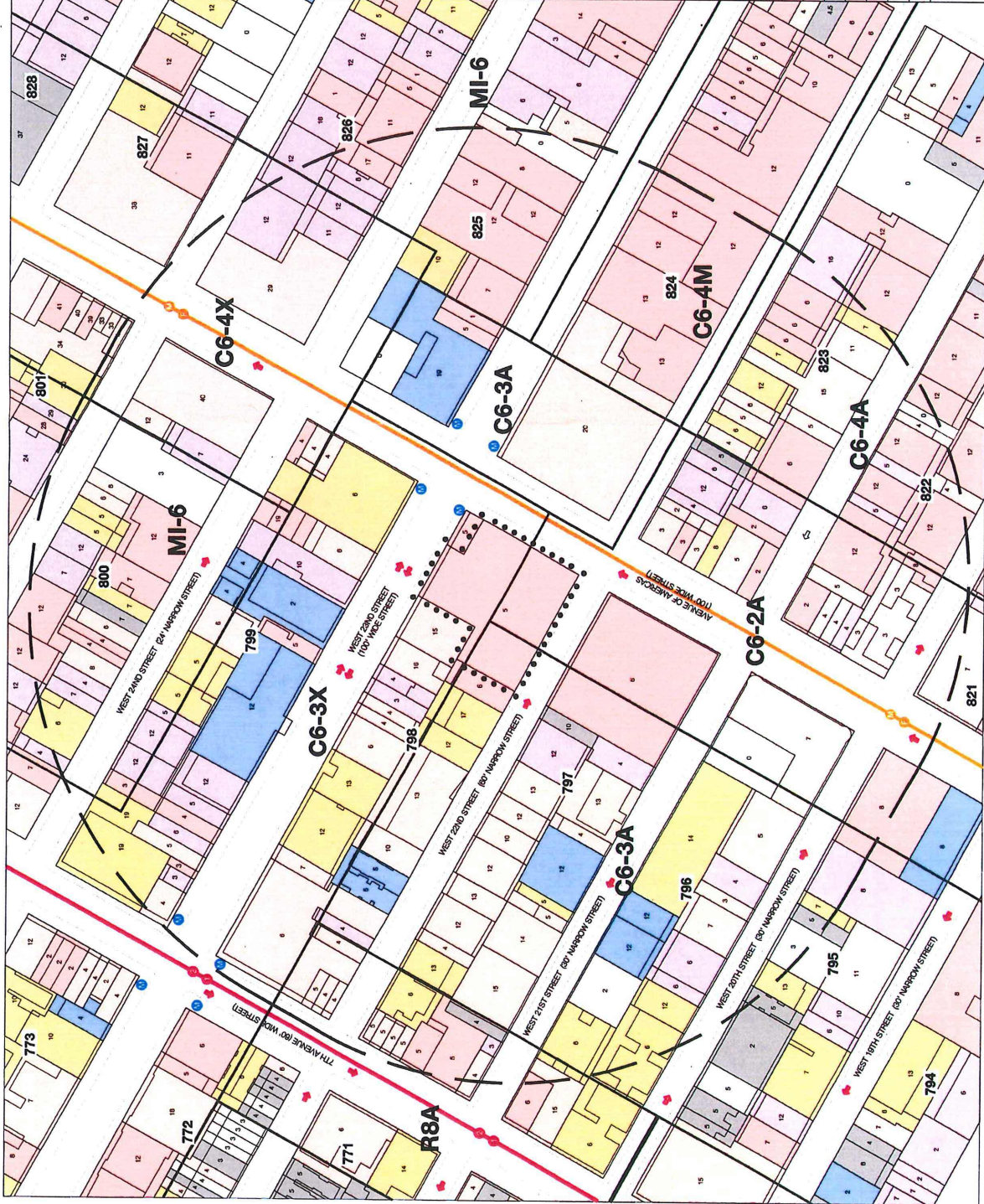
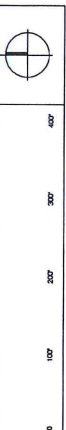
**LEGEND**

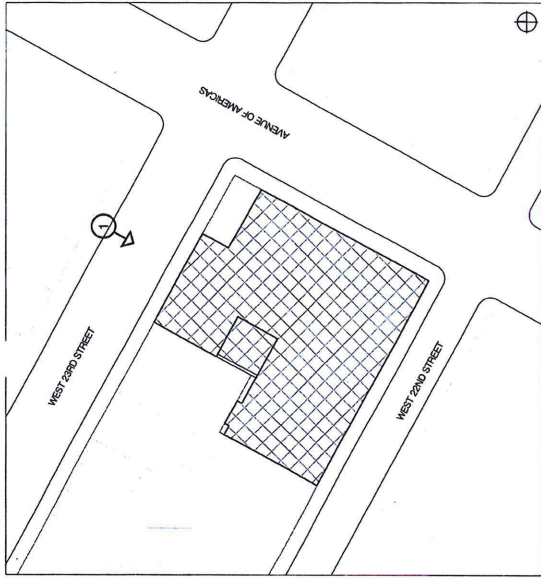
.....	PROJECT AREA BOUNDARY
---	60' BUFFER
---	ZONING DISTRICT BOUNDARY
---	ZONING DISTRICT
5	BLOCK NUMBER / NUMBER OF FLOORS
---	PROPERTY LINES
---	SUBWAY ENTRANCE
---	SUBWAY LINES
---	TRAFFIC DIRECTION



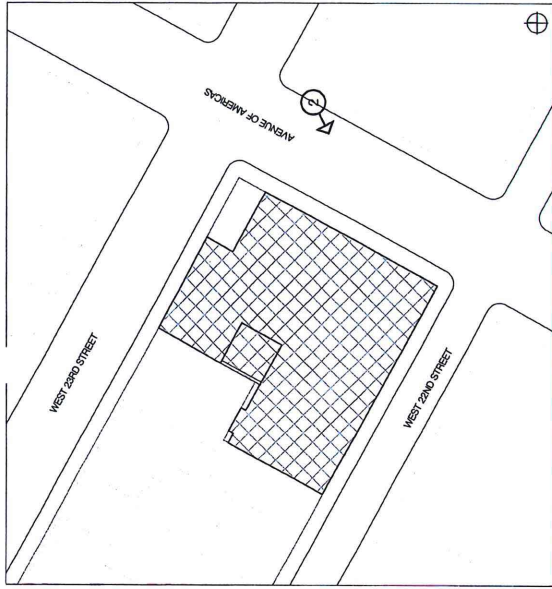
**LAND USE**

[Pink]	ONE & TWO FAMILY BUILDINGS
[Light Blue]	MULTIFAMILY WALKUP BUILDINGS
[Light Green]	MULTIFAMILY ELEVATOR BUILDINGS
[Light Purple]	MIXED COMMERCIAL / RESIDENTIAL BUILDINGS
[Light Yellow]	COMMERCIAL / OFFICE BUILDINGS
[Light Orange]	INDUSTRIAL / MANUFACTURING
[Light Cyan]	TRANSPORTATION / UTILITY
[Light Blue-Gray]	PUBLIC FACILITIES & INSTITUTIONS
[Light Green-Gray]	OPEN SPACE
[Light Purple-Gray]	PARKING FACILITIES
[Light Yellow-Gray]	VACANT LAND
[Light Orange-Gray]	ALL OTHER OR NO DATA

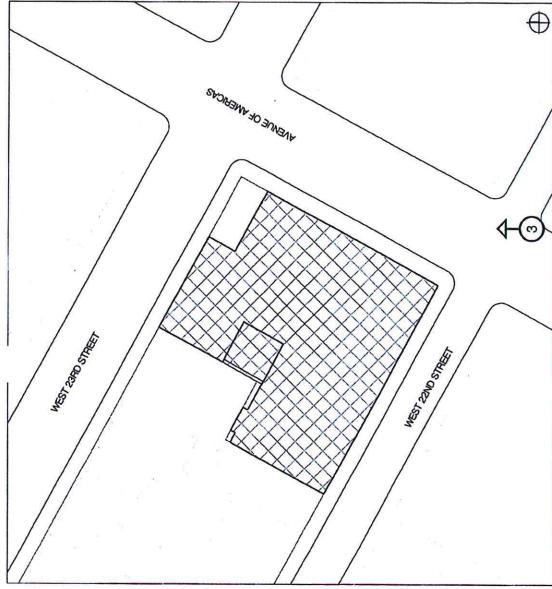




**PHOTO 1**  
DATE TAKEN: 06/30/2015  
VIEW: SOUTH  
CAPTION:  
WEST 23RD STREET ELEVATION

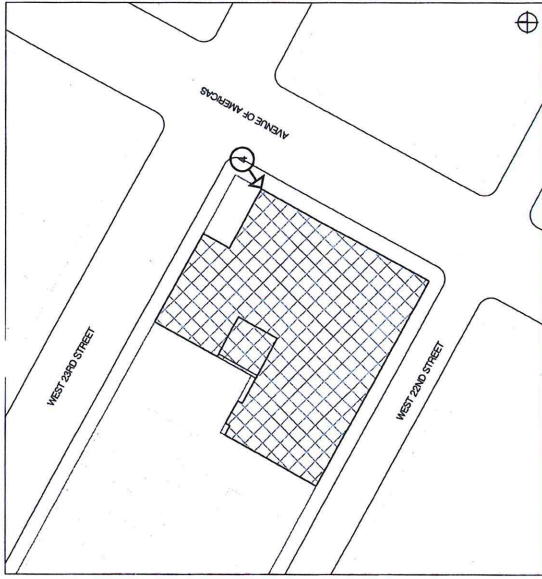


**PHOTO 2**  
DATE TAKEN: 02/1/2017  
VIEW: SOUTH WEST  
CAPTION:  
AVENUE OF AMERICAS PART ELEVATION



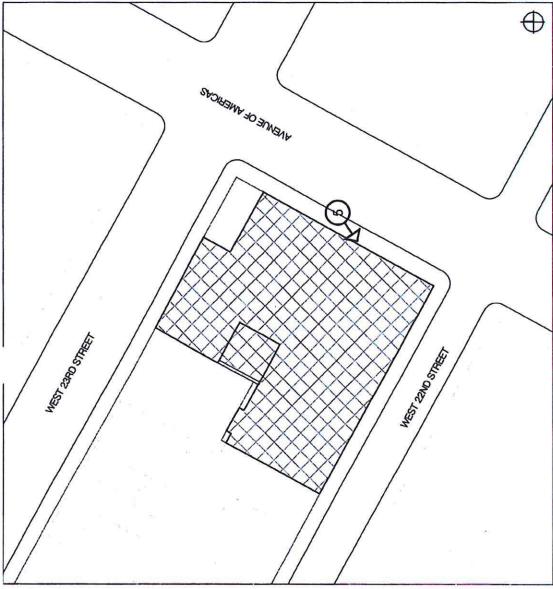
**PHOTO 3**  
DATE TAKEN: 12/1/2017  
VIEW: NORTH  
CAPTION:  
AVENUE OF AMERICAS PART ELEVATION



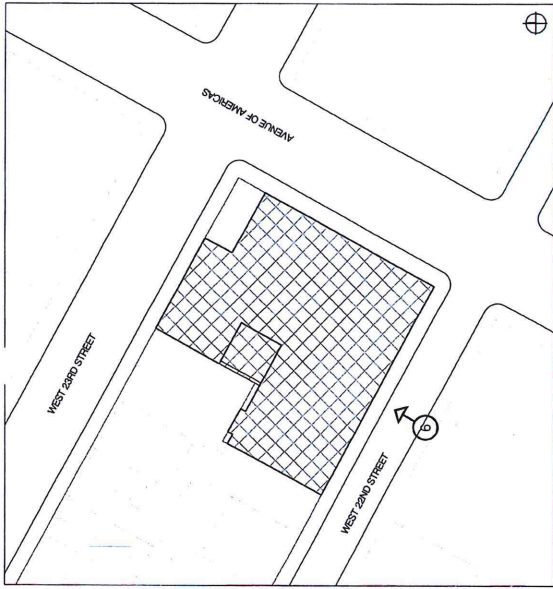


**PHOTO 4**  
DATE TAKEN: 12/21/2017  
VIEW: SOUTH WEST

CAPTION:  
AVENUE OF AMERICAS PART ELEVATION

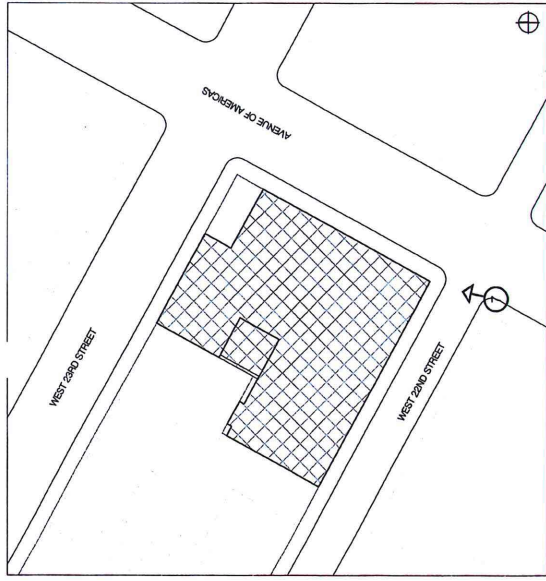


**PHOTO 5**  
DATE TAKEN: 12/21/2017  
VIEW: SOUTH WEST  
CAPTION:  
AVENUE OF AMERICAS PART ELEVATION



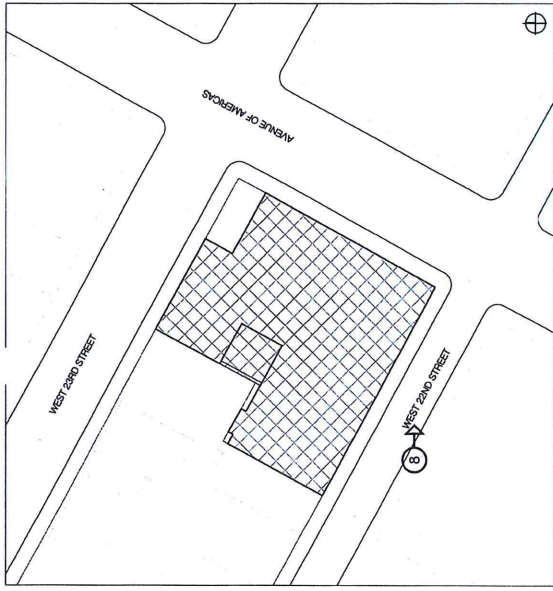
**PHOTO 6**  
DATE: 06/02/2015  
VIEW: NORTH EAST

CAPTION:  
WEST 28ND STREET PART ELEVATION



**PHOTO 7**  
DATE TAKEN: 06/30/2015  
VIEW: NORTH

CAPTION:  
CORNER OF WEST 22ND AND AVENUE OF AMERICAS



**PHOTO 8**  
DATE TAKEN: 05/26/2015  
VIEW: SOUTH EAST  
CAPTION:  
28ND STREET PART ELEVATION

TITLE

# BURLINGTON COAT FACTORY - SIGN

116 WEST 23RD STREET  
NEW YORK 10010

### PROJECT DESIGN DATA

ADDRESS		116 WEST 23RD STREET NEW YORK, 10010	
DOB BUILDING NUMBER	10492	BOROUGH	Manhattan
BLOCK	798	LOT	41
ZONING	CR-3A, CR-3A-C, CR-3A-C	YEAR BUILT	1910
ZONING MAP	5c	NUMBER OF BUILDINGS	1
HISTORIC DISTRICT	LuXury-Mid	NUMBER OF FLOORS	5
CROSS FLOOR AREA	170,000 sq ft	LAND USE	Commercial and Office
LOT AREA	20,071 sq ft	Buildings	
CONSTRUCTION CLASSIFICATION (EXISTING)	PA-4 HOUR PROTECTED	OCCUPANCY CLASSIFICATION (PRIMARY, DISTING)	E-BUSINESS
COMMUNITY BOARD DISTRICT	104		

### ZONING CODE ANALYSIS

ZONING DISTRICT	PERMITTED	EXISTING TO REMAIN	PROPOSED	COMMENTS
28-12-42	NON-ILLUMINATED SIGNS NON-ILLUMINATED SIGNS WITH TOTAL SURFACE AREA NOT EXCEEDING FIVE TIMES THE STREET FRONTAGE OF APPLICABLE LOT FRONTAGE, BUT IN NO EVENT MORE THAN 50 SQ. FT. FOR REAR OR THROUGH LOTS OR 100 SQ. FT. FOR CORNER LOTS.	181 SQ. FT.	NO CHANGE	181 SQ. FT. TOTAL CONCERNING
28-12-41	NON-ILLUMINATED SIGNS NON-ILLUMINATED SIGNS WITH TOTAL SURFACE AREA NOT EXCEEDING FIVE TIMES THE STREET FRONTAGE OF APPLICABLE LOT FRONTAGE, BUT IN NO EVENT MORE THAN 50 SQ. FT. FOR REAR OR THROUGH LOTS OR 100 SQ. FT. FOR CORNER LOTS.	80 SQ. FT.	14 SQ. FT.	66 SQ. FT. TOTAL CONCERNING
28-12-44	NON-ILLUMINATED OR FLASHING SIGNS ILLUMINATED OR FLASHING SIGNS WITH TOTAL SURFACE AREA NOT EXCEEDING FIVE TIMES THE STREET FRONTAGE OF APPLICABLE LOT FRONTAGE, BUT IN NO EVENT MORE THAN 50 SQ. FT. FOR REAR OR THROUGH LOTS OR 100 SQ. FT. FOR CORNER LOTS.	495 SQ. FT. MAX PER SIGN 90 FT. LOT FRONT. OR = 460 SQ. FT.	495 SQ. FT. MAX PER SIGN	495 SQ. FT. TOTAL CONCERNING
28-12-43	HEIGHT OF SIGNS HEIGHT OF SIGNS LIMITED TO 12 FEET ABOVE CURB LEVEL AT A POINT NOT MORE THAN 40 FEET FROM THE SIGN.	40' OF ABOVE CURB LEVEL	NO CHANGE	117 SQ. FT. TOTAL CONCERNING
28-12-41	LANDMARK PRESERVATION SPECIAL PERMIT PURSUANT TO 28-12-41 REQUIRED TO MODIFY PERMITTED PROTECTION AND HEIGHT OF SIGN.			

### PERMITTED SIGNS

IN ALL DISTRICTS, AS INDICATED, SIGNS OTHER THAN ADVERTISING SIGNS ARE PERMITTED SUBJECT TO THE PROVISIONS OF THE FOLLOWING SECTIONS. HOWEVER, NOTWITHSTANDING ANY PROVISION OF THIS SECTION, FLAGS, BANNERS OR PERMITS OTHER THAN THOSE THAT ARE ADVERTISING SIGNS, LOCATED ON ANY ZONING LOT, USED PRIMARILY FOR THE PURPOSES OF A BUSINESS, PROFESSION, OCCUPATION, SERVICE OR TRADE, ARE PERMITTED IN ALL DISTRICTS, AS INDICATED, WITHOUT DIMENSIONAL RESTRICTIONS.	AVE OF AMBIGUOUS 1 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 2 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 3 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 4 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 5 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 6 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 7 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 8 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 9 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 10 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 11 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 12 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 13 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 14 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 15 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 16 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 17 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 18 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 19 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 20 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 21 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 22 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 23 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 24 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 25 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 26 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 27 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 28 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 29 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 30 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 31 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 32 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 33 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 34 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 35 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 36 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 37 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 38 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 39 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 40 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 41 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 42 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 43 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 44 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 45 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 46 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 47 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 48 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 49 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 50 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 51 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 52 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 53 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 54 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 55 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 56 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 57 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 58 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 59 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 60 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 61 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 62 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 63 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 64 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 65 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 66 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 67 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 68 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 69 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 70 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 71 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 72 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 73 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 74 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 75 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 76 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 77 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 78 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 79 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 80 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 81 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 82 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 83 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 84 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 85 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 86 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 87 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 88 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 89 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 90 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 91 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 92 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 93 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 94 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 95 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 96 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 97 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 98 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 99 EXISTING FLAG SIGN: 11 SQ FT PER SIGN 100 EXISTING FLAG SIGN: 11 SQ FT PER SIGN
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Owner

Architect  
SBLM Architects  
545 West 45th Street, New York, NY 10036  
T: 212.865.5800 F: 212.875.4228  
Mechanical, Electrical, Plumbing

Structural Engineer

116 WEST 23RD STREET  
NEW YORK, NY 10010

ISSUED FOR DEPARTMENT OF	28-12-41
RESERVED FOR PAUL ROBINSON	

Project Information  
**BURLINGTON COAT FACTORY**  
116 West 23rd Street  
New York, NY 10011  
Manhattan Block 798 Lot 41  
Job Number: 10177



Scale: AS SHOWN  
Drawing No.: T-001.00  
Sheet 01 of 05



Owner



**Burlington Co. Architects**  
 415 West 58th Street, New York, NY 10019  
 Telephone: (212) 692-9000  
 Mechanical, Electrical, Plumbing

Structural Engineer

DATE: 02/23/2018 ISSUED FOR DEPARTMENT OF CITY PLANNING  
 RESERVED FOR PIA REVISION

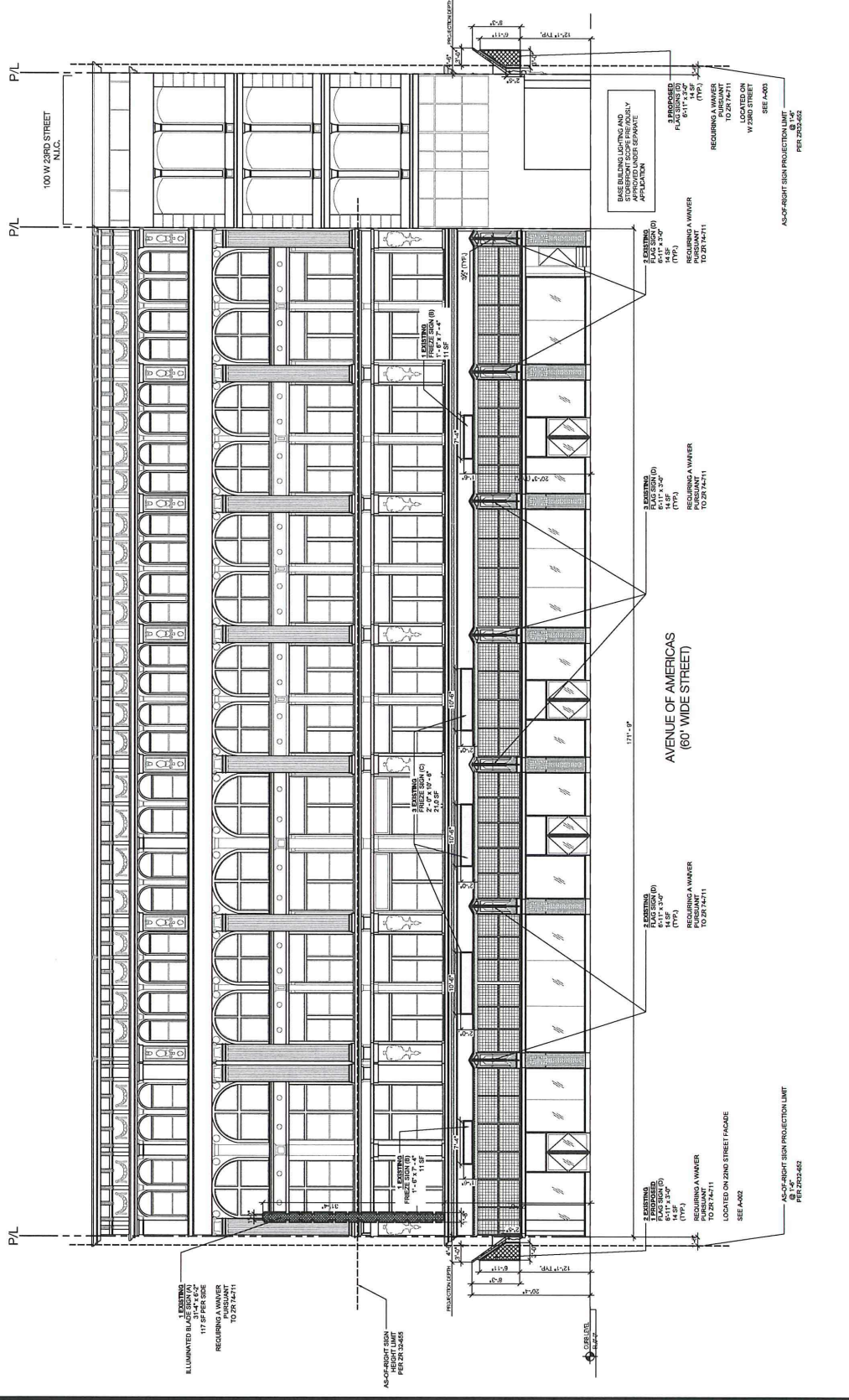
Key Plan: AREA OF WORK



Project Information  
**BURLINGTON COAT FACTORY**  
 Manhattan, Block 798 Lot 41  
 New York, NY 10011  
 Job Number: 10177  
**BUILDING ELEVATION - AVE OF AMERICAS**  
 - SIGNAGE  
 Scale: AS SHOWN  
 Drawing Date: 02/04/15  
 Drawing No.

**A-001.00**

Sheet 03 of 05



SIGN #	SIGN COUNT	SIGN TYPE	LOCATION	AREA	PROJECTION FROM PROPERTY LINE	POWER	MOUNTING	COMMENT	NOTES
A	1 EXISTING	1'-6" FACED BLAZE SIGN	AVE OF AMERICAS FACADE; 25'-0" ABOVE THE CURB LEVEL	117 SF PER SIDE (1'-6" THICK)	PROJECTS 7'-0" FROM PROPERTY LINE	ILLUMINATED BOTTOM	WALL MOUNTED	LOWERING ALUMINUM SIGN; 1" DEEP - CHANNEL LETTERS. SIGN & LETTERS ARE NOT INTERNALLY ILLUMINATED, THERE ARE SPOT LIGHTS ON THE TOP AND BOTTOM DISCHARGE FOR ILLUMINATION	REQUIRING A WAIVER PURSUANT TO ZR 24-711
B	2 EXISTING	FREZE SIGN	AVE OF AMERICAS FACADE; 20'-0" ABOVE THE CURB LEVEL	11 SF EACH (1'-6" x 7'-4")	PROJECTS 6'-0" FROM PROPERTY LINE	NOT ILLUMINATED	FREZE MOUNTED	-	CONFORMING
C	3 EXISTING	FREZE SIGN	AVE OF AMERICAS FACADE; 20'-0" ABOVE THE CURB LEVEL	21 SF EACH (2'-0" x 10'-6")	PROJECTS 6'-0" FROM PROPERTY LINE	NOT ILLUMINATED	FREZE MOUNTED	-	CONFORMING
D	7 EXISTING	DOUBLE-SIDED FLAG SIGN	AVE OF AMERICAS FACADE; 72'-1" ABOVE THE CURB LEVEL	14.5 SF PER SIDE (6'-11" x 3'-0")	PROJECTS 4'-0" FROM PROPERTY LINE	ILLUMINATED	OUTRIGGER WALL MOUNT (3/8" THICK)	-	REQUIRING A WAIVER PURSUANT TO ZR 24-711

**LEGEND**

[Symbol]	SIGN (AS OF RIGHT)
[Symbol]	SIGNS REQUIRING A WAIVER PER ZR 24-711
[Symbol]	PROPERTY LINE
[Symbol]	SIGN PROJECTION LIMITS PER ZR 24-652

**1 BUILDING ELEVATION - AVENUE OF AMERICAS - SIGNAGE**

SCALE: 1/8" = 1'



Owner



**Burlington Coat Factory**  
 1300 Route 19 North - Burlington, NJ 08016

**SBLM Architects**  
 245 West 45th Street, New York, NY 10036  
 T: 212.265.3500 F: 212.275.4228  
 Mechanical, Electrical, Plumbing

Structural Engineer

Permitted by  
 ISSUED FOR DEPARTMENT OF  
 1 - 02/13/2018  
 RESERVED FOR PAUL REUSSEN

May Show Area of Work



Scale

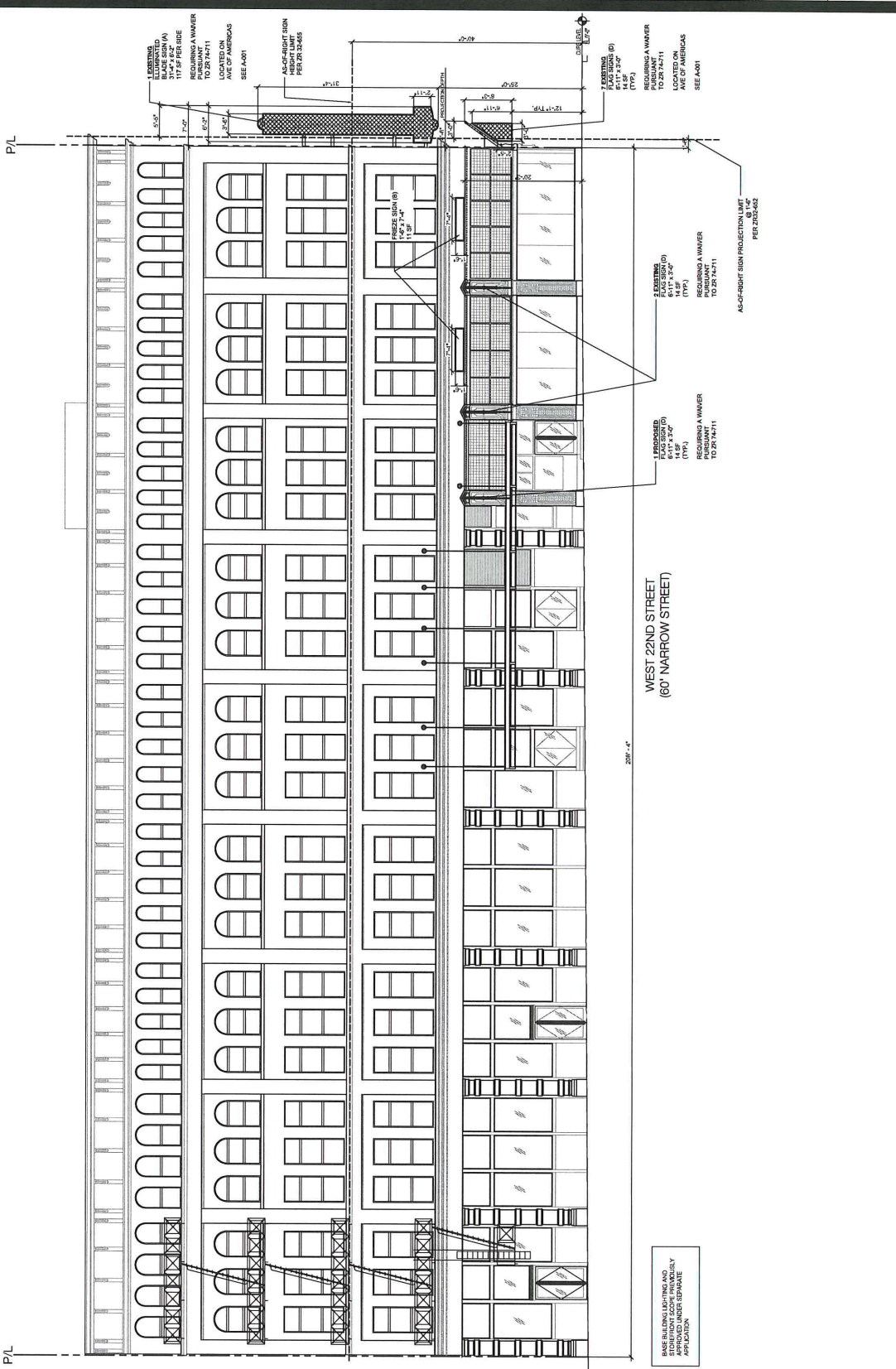


**Project Information**  
**BURLINGTON COAT FACTORY**  
 118 West 22nd Street  
 New York, NY 10011  
 Manhattan Block 798 Lot 41  
 Job Number: 16177  
 Drawing Title:

**BUILDING ELEVATION - WEST 22ND STREET**  
**- SIGNAGE**  
 Scale: AS SHOWN  
 Date: 02/13/18  
 Drawing No.:

**A-002.00**

Sheet 04 of 05



SIGN #	SIGN COUNT	SIGN TYPE	LOCATION	AREA	PROJECTION FROM PROPERTY LINE	POWER	MOUNTING	COMMENT	NOTES
B	2 EXISTING	FRIZE SIGN	AVE OF THE AMERICAS FACADE: 20' - 3" ABOVE THE CURB LEVEL	11 SF	PROJECTS 0'-3" FROM PROPERTY LINE	NOT ILLUMINATED	MOUNTED	-	CONFORMING
D	2 EXISTING 1 PROPOSED	FLAG SIGN DOUBLE-SIDED	W. 22ND STREET FACADE: 12'-1" ABOVE THE CURB LEVEL	14.8 SF PER SIDE	PROJECTS 4' - 6" FROM PROPERTY LINE	NOT ILLUMINATED	CURBSIDE WALL MOUNT (3 1/2" THICK)	-	REQUIRING A WAIVER PURSUANT TO 24-271

LEGEND	
[Symbol]	SIGN (AS OF RIGHT)
[Symbol]	PORTION OF THE SIGN REQUIRING A WAIVER
[Symbol]	PROPERTY LINE
[Symbol]	SIGN PROJECTION LIMITS PER 24-252-452

**1 BUILDING ELEVATION - 22ND STREET**  
 SCALE 1/8" = 1'

Owner:



Architect:  
SBLM Architects  
100 West Street, New York, NY 10036  
Tel: 212.395.5000 Fax: 212.375.4225

Mechanical, Electrical, Plumbing

Structural Engineer

Revised: 02/13/2013 ISSUED FOR DEPARTMENT OF CITY PLANNING  
RESERVED FOR P/A REVIEW

FOR P/A REVIEW OF RECORD  
AREA: 500 SQ. FT.  
MANHATTAN  
LOT 41



Scale



Project Information  
BURLINGTON COAT FACTORY  
100 West Street, New York, NY 10036

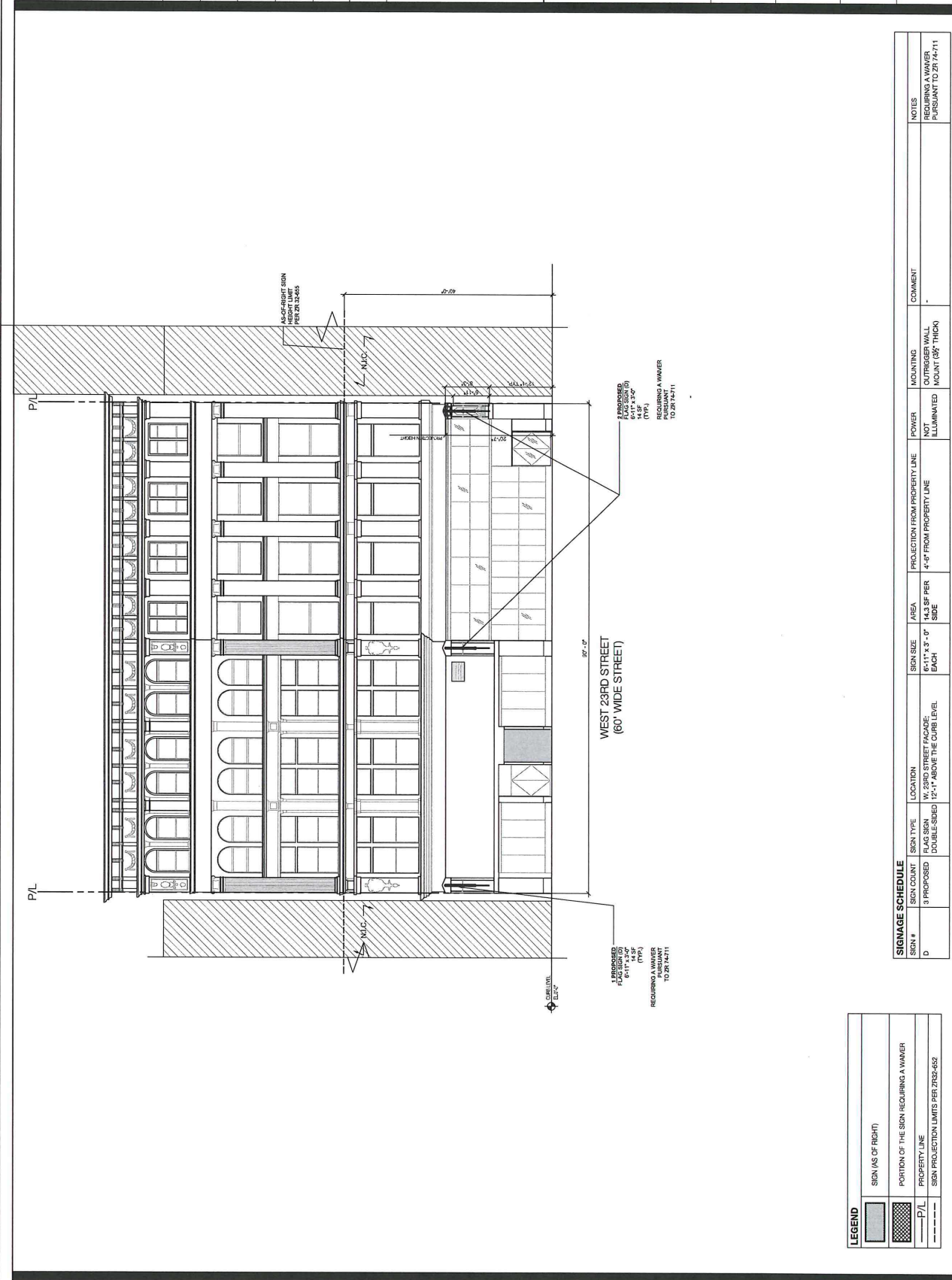
Manhattan Block 788, Lot 41  
Job Number: 10177  
Drawing Title

BUILDING ELEVATION - WEST 23RD STREET / PHOTOGRAPHS

Scale: AS SHOWN  
Drawing Date: 02/04/15  
Drawing No.

A-003.00

Sheet 05 of 05



SIGN #	SIGN COUNT	SIGN TYPE	LOCATION	SIGN SIZE	AREA	PROJECTION FROM PROPERTY LINE	POWER	MOUNTING	COMMENT	NOTES
D	3 PROPOSED	FLAG SIGN DOUBLE SIDED	W. 23RD STREET FACADE; 12'-1" ABOVE THE CURB LEVEL	6'-11" X 3'-0" EACH	143.57 SF PER SIDE	4'-0" FROM PROPERTY LINE	NOT ILLUMINATED	MOUNT OUTRIGGER WALL		REQUIRING A WAIVER PURSUANT TO ZR 74-711

LEGEND	DESCRIPTION
[Symbol]	SIGN (AS OF RIGHT)
[Symbol]	PORTION OF THE SIGN REQUIRING A WAIVER
[Symbol]	PROPERTY LINE
[Symbol]	P/L
[Symbol]	SIGN PROJECTION LIMITS PER ZR 74-711

1 BUILDING ELEVATION - WEST 23RD STREET  
SCALE: 1/8" = 1'

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**Burlington Coat Factory Signs**  
**116 West 23<sup>rd</sup> Street - 695-709 Sixth Avenue**  
**Block 798, Lot 41, Manhattan**  
**Attachment to EAS Full Form**

**Proposed Actions**

The Applicant, Burlington Coat Factory of New York LLC, seeks a special permit, pursuant to Zoning Resolution ("ZR") § 74-711, for modification of ZR § 32-655 (Height of signs in all other Commercial Districts) and ZR § 32-652 (Permitted projection in all other Commercial Districts) sign regulations to: (1) legalize an existing non-complying 117 square foot accessory blade sign (the "blade sign"); (2) legalize nine existing non-complying 14 square foot double sided accessory flag signs; and (3) permit four additional non-complying 14 square foot double sided accessory flag signs (the "flag signs") at 116 West 23rd Street (a/k/a 695-709 Sixth Avenue) in the borough of Manhattan (Block 798, Lot 41) (the "Premises"). The Premises is situated partially within C6-2A, C6-3A, and C6-3X zoning districts within the Ladies' Mile Historic District and is under the jurisdiction of the Landmarks Preservation Commission ("LPC"). The blade sign is located at the northwest corner of West 22<sup>nd</sup> Street and Sixth Avenue. Two of the existing flag signs are on the Premises West 22<sup>nd</sup> Street frontage between Sixth and Seventh Avenues, together with seven existing flag signs fronting on Sixth Avenue between West 22<sup>nd</sup> and West 23 Streets. An additional 14 square foot flag sign is proposed to be installed at the location of a historic flag pole anchor on the West 22<sup>nd</sup> Street façade to the west of the two existing flag signs. Three flag signs, each measuring 14 square feet are proposed to be installed at the locations of historic anchors on the West 23<sup>rd</sup> Street façade. Both the existing and proposed flag signs begin at a height of 12-feet one inch above curb level extend to a complying height of 20-feet 4-inches above curb level, and include supports projecting a non-complying 54-inches across the street line. There are also five complying frieze signs on the Sixth Avenue frontage together with two complying frieze signs on the West 22<sup>nd</sup> Street frontage. The requested special permit will allow part of the existing blade sign to extend above 40-feet of curb level and for both the blade sign and the flag signs to project more than 18-inches across a street line.

The Applicant has obtained a permit from the LPC by unanimous approval and has completed a restoration of the subject building's Sixth Avenue frontage. The restoration work, including the blade sign, was approved by the LPC on December 7, 2012 (Certificate of No Effect 13-8752; LPC 13-5636). A Notice of Compliance for the restoration work on the Sixth Avenue storefront was issued on August 14, 2014.

On September 24, 2014, LPC issued a report, Modification of Use/Bulk 16-2959 (LPC 16-1461), to the City Planning Commission ("CPC") in support of an application for a special permit pursuant to ZR § 74-711 seeking waivers necessary to maintain the Blade Sign. On July 5, 2017, LPC issued another report, Miscellaneous/Amendments 19-12252,

to modify the language in the September 24, 2014 report to include approval of the flag signs to be hung from 13 historic flagpoles; 3 on the West 22<sup>nd</sup> Street façade, 7 along the 6<sup>th</sup> Avenue façade and 3 along the West 23<sup>rd</sup> Street façade. There was no opposition in any public hearing before the LPC or Community Board 4 to the subject application which was unanimously approved. Seven flag signs currently exist along the Sixth Avenue façade and two signs currently exist along the West 22<sup>nd</sup> Street façade. New flagpoles have been installed in the location of the historic flagpole anchors.

The Applicant seeks a waiver, pursuant to ZR § 74-711, of sign requirements under (i) ZR § 32-652 which allows a maximum 18-inch projection of a sign across a street line whereas the existing blade sign projects up to seven-feet over the street line, and the flag signs project up to 54.5-inches over the street line; and (ii) ZR § 32-655 which allows a maximum permitted height above curb level of 40-feet whereas the height of the existing blade sign extends to 56-feet 4-inches above curb level. Both the existing and proposed 14 square foot flag signs extend to a complying height of 20-feet 4-inches above curb level.

Due to the subject building abutting the street line, the limiting nature of the aforementioned height and projection requirements and the position of the cornices on the subject building, a complying blade sign's area as a practical matter, cannot be greater than 12 square feet while complying flag signs are limited to 18-inches in width. The historic building was designed and constructed with the historic 13 historic flagpole anchors and accompanying flagpoles projecting in excess of 18-inches beyond the street line.

The signs in issue otherwise comply with zoning regulations. Pursuant to ZR § 32-642, the maximum permitted areas of the signs on each of the Premises three frontages is 500 square feet. The existing 117 square foot blade sign together with all other Sixth Avenue frontage signs totals a complying 492 square feet. The sign areas on both the 22<sup>nd</sup> and 23<sup>rd</sup> Street Premises frontages are considerably below the 500 square foot permitted maximums. A complying 12 square foot blade sign would be too small and out of context with the historic facade of the building and would not be approvable by the LPC. Likewise, complying flag signs of only 18-inches in width would be out of context with the building's façade and with the flagpoles originally designed for the façade. Therefore, the Applicant requests, pursuant to ZR 74-711, a waiver of the projection requirements for the blade sign and the flag signs, as well as a height waiver for the blade sign.

The proposed action will allow the applicant to keep the currently existing blade and nine flag signs in place, to install an additional four flag signs in the historic anchors included in the historic buildings original design and construction, and to preserve the existing and historic character of the building.

There are no other land use action approvals that directly affect the Premises. Recent actions within the surrounding area include several special permits. On February 4, 2015 CPC approved a special permit with various waivers to facilitate the development of

a new mixed use building at 7 West 21<sup>st</sup> Street (C 150078 ZSM) and a special permit for additional parking (C 150077 ZSM). On May 27, 2015 City Council adopted a CPC approval of a special permit to allow an accessory parking garage with up to 50 spaces in a mixed use building located at 39-41 West 23<sup>rd</sup> Street/20-22 West 24<sup>th</sup> Street (C 140405 ZSM) and a special permit to modify bulk requirements to construct the mixed use building (C 140404 ZSM).

### **Project Description**

The existing blade sign affixed to the Premises projects up to 7-feet across the street line and extends to 56-feet 4-inches above curb level. The flag signs project up to 4-feet 6.5-inches beyond the street line. ZR § 32-652 allows an 18-inch maximum projection of a sign while ZR § 32-655 allows a maximum permitted height above curb level of 40-feet. Thus the existing blade sign is out of compliance regarding its height above curb level and its projection beyond the street line, while the flag signs are out of compliance regarding their projections beyond the street line.

Due to the limiting nature of the aforementioned height and projection requirements and the position of the cornices on the subject building, a complying blade sign's area as a practical matter, cannot be greater than 12 square feet.

Pursuant to ZR § 32-642, the maximum permitted area of signage on each of the building's three frontages is 500 square feet. The existing 117 square foot blade sign together with all other flag signs and complying frieze signs are in compliance with this area requirement. A complying 12 square foot blade sign would be out of context with the building's historic façade and not approvable by the LPC. Likewise, complying flag signs of only 18-inches in width would be out of context with the building's façade and the flagpoles originally designed for the façade. The Applicant has been advised of this position regarding the blade sign by both the Counsel's Office and the Executive Director of the LPC. Therefore, the Applicant is requesting, pursuant to ZR § 74-711, a waiver of these height and projection requirements.

### **Analysis Framework**

The 2014 CEQR Technical Manual, Chapter 2-320 states in part: "discretionary actions sometimes permit a range of project characteristics, or development scenarios to occur, even though the action may be sought in order to facilitate a specific development. From the range of possible scenarios that are considered reasonable and likely, the scenario with the worst environmental consequences is chosen for analysis. This is considered the Reasonable Worst Case Development Scenario (RWCDs), the use of which ensures that,

regardless of which scenario actually occurs, its impacts would be no worse than those considered in the review." A range of possible, reasonable, likely development scenarios were considered. The analysis framework, including the existing conditions, future without, and future with the proposed action scenarios is presented below.

### **Existing Condition**

The Premises is in the Flatiron neighborhood of Manhattan Community Board 4 and within the Ladies Mile Historic District, at 116 West 23<sup>rd</sup> Street (a/k/a 695-709 Sixth Avenue). The subject building is on a 29,021 square-foot corner lot situated on the easterly end of Block 798, which is bounded by Sixth Avenue, Seventh Avenue, West 23<sup>rd</sup> Street and West 22<sup>nd</sup> Street. The Premises occupies nearly the entirety of the easterly block front and has 170-feet 9-inches of frontage on Sixth Avenue, 208-feet 4-inches of frontage on West 22<sup>nd</sup> Street and 90-feet of frontage on West 23<sup>rd</sup> Street.

The building is referenced in the LPC 1989 Designation Report. The building was constructed between 1889 and 1911 for use as a department store. The building is faced in cast iron, stucco, brick and granite with two bays on Sixth Avenue and four bays on 23<sup>rd</sup> Street. The design followed in the tradition of commercial palace design in its use of large show windows, organized into regular bays on a twenty-three foot module and with Italian Renaissance ornament.

The Premises is located within C6-3X, C6-2A and C6-3A zoning districts and is improved with a 5-story, landmarked commercial building with approximately 169,500 zoning square feet of Use Group 6 and Use Group 10 floor area. The blade sign is located at the southeast corner of the building on the Sixth Avenue frontage at the corner of West 22<sup>nd</sup> Street, and is within the C6-2A portion of the Zoning Lot. The flag signs are located in the C6-2A and the C6-3X portions of the Zoning Lot.

There are multiple commercial establishments on the ground floor of the Premises. The Burlington Coat Factory occupies the northern portion of the building, a DXL Men's Apparel and an 'Essen deli occupy storefronts on the midblock and a Blue Mercury has a storefront on the southern portion of the building that fronts on both Sixth Avenue and West 22<sup>nd</sup> Street. In addition to the blade sign, seven non-illuminated double-sided Flag Signs consisting of three "Burlington", two "DXL Men's Apparel Now Open," one "'Essen" and one "blue mercury makeup skincare spa" measuring 14 square feet each are located at the ground level of the Sixth Avenue façade. Two non-illuminated flag signs ("blue mercury makeup skincare spa") measuring 14 square feet each are located at the ground level of the West 22<sup>nd</sup> Street façade. The existing flag signs, including sign poles, project 54-inches across the street line, begin at a height of 12'-1" above curb level and extend to a height of 20'-4" feet above curb level. Non-illuminated writing located in a window is

not a "sign" pursuant to the ZR § 12-10 "sign" definition, and therefore is not included in the calculation of square footage of signs.

On June 30, 1995, the LPC granted the owner of the building a Certificate of Appropriateness permitting the installation of a projecting vertical sign (the blade sign). Soon thereafter the subject blade sign was installed and has been in place for 22 years and is essential to the building's economic viability. A final sign permit was never received from the Department of Transportation because the sign violated two sections of the ZR, Sections 32-655 and 32-652. The historic building was also designed and built with the existing 13 flagpoles together with ornate flagpole anchors from which nine flag signs have been hung.

On March 6, 2013, The Landmarks Preservation Commission sent a letter to the DOB in support of the continuation of the existing signs subject to the approval of Department of City Planning (DCP). On September 24, 2014, LPC issued a report, Modification of Use/Bulk 16-2959 (LPC 16-1461), to the City Planning Commission ("CPC") in support of an application for a special permit pursuant to ZR § 74-711 seeking waivers necessary to maintain the Blade Sign. On July 5, 2017, LPC issued another report, Miscellaneous/Amendments 19-12252, to modify the language in the September 24, 2014 report to include approval of the flag signs hanging from 13 historic flagpoles; 3 on the West 22<sup>nd</sup> Street façade, 7 along the 6<sup>th</sup> Avenue façade and 3 along the West 23<sup>rd</sup> Street façade. New flagpoles are installed in the location of the historic flagpole anchors.

### **Future No-Action Scenario**

In the No-Action scenario it is assumed that the existing signs would be removed due to the fact that a complying blade sign as well as complying flag signs would be out of context with the historic building's façade and the flagpoles originally designed for the building façade. As previously stated, the Applicant was advised by both the Counsel's Office and the Executive Director of the LPC that a complying blade sign would not be approved by the LPC; thereby creating a lack of sufficient accessory signage for the commercial establishments occupying the subject building.

### **Future With-Action Scenario**

The RWCDs With-Action Scenario would be the continuance of the currently existing 117 square foot blade sign projecting 7-feet across the street line with a height extending to 56-feet 4-inches above curb level as well as 13 flag signs protruding up to 54.5-inches beyond the street line.

In the event that the application for the special permit is granted the signs will remain in place. The requested modification would have no other significant effect, including effects on land use, zoning and public policy, socioeconomic conditions,

community facilities, open space, shadows, historic and cultural resources, urban design and visual resources, natural resources, hazardous materials, water and sewer infrastructure, solid waste and sanitation services, energy, transportation air quality, greenhouse gas emissions, noise, public health, neighborhood character and construction, and would not permit another zoning non-compliance.

The incremental difference between the No-Action and With-Action Scenarios is: (1) the continuance of the 117 square foot blade sign extending 56-feet 4-inches above curb level with the afore-mentioned non-complying projection of up to seven feet beyond the street line; (2) the continuance of the nine 14 square foot flag signs projecting 54 inches across the street line at a height of 12-feet 1-inch above curb level and extending to a complying height of 20-feet 4-inches above curb level; and (3) the addition of four 14 foot square flag signs secured from historic anchors projecting 54 inches across the street line at a height of 12-feet 1-inch above curb level and extending to a complying height of 20-feet 4-inches above curb level.

### **Purpose and Need for the Proposed Action**

The Applicant seeks approval of a special permit, pursuant to ZR § 74-711, modifying the regulations of (i) ZR § 32-652, which allows a maximum projection of a sign of 18-inches across the street line whereas the existing blade sign projects 7-feet, and the flag signs project up to 54.5-inches, and (ii) ZR 32-655 which allows a maximum permitted height above curb level of 40-feet whereas the height of the existing blade sign extends to 56-feet 4-inches above curb level. The proposed action would permit continuance of the historic building's originally designed and constructed flag pole signs as well as continuance of the accessory blade sign that has been in place for over 20 years without complaint. The subject signs have been deemed appropriate by the LPC to both the historic building and the neighborhood and are necessary accessory signage for the commercial establishments within the building.

### **Technical Analyses**

#### **A. Land Use, Zoning and Public Policy**

##### **INTRODUCTION**

According to the 2014 CEQR Technical Manual guidelines, a land use analysis should evaluate the uses and development trends in the area that may be affected by a proposed project, and determine whether the proposed project is compatible with, or may



affect, those conditions. The analysis should consider the project compliance with, and effect on, the area zoning and other applicable public policies.

The subject application seeks a waiver of sign requirements under: (1) ZR § 32-652 allowing a maximum sign projection of 18-inches beyond the street line whereas the existing blade sign projects 7-feet, and the existing flag signs project up to 54.5-inches; and (2) ZR § 32-655 allowing a maximum permitted height above curb level of 40-feet whereas the height of the existing blade sign extends to 56-feet 4-inches above curb level.

## **EXISTING CONDITIONS**

The Premises is situated in the Flatiron District in the borough of Manhattan, Community Board 4, within the Ladies' Mile Historic District. The surrounding area consists primarily of commercial, light manufacturing and mixed commercial and residential uses. Sixth Avenue, upon which the Premises fronts, is a heavily-trafficked major thoroughfare.

The surrounding area to the northeast, east and south of the Premises along Sixth Avenue is located within the Ladies' Mile Historic District, which was designated on May 2, 1989. It is mid- to high-rise and historic in character, with many buildings built in the early 1900s. This area was historically a principal retail destination, particularly between the Gilded Age and World War I. This is reflected in the built fabric, particularly along Sixth Avenue, where several former department stores have been converted to various commercial and residential uses while maintaining their ornate, turn-of-century facades. The landmarked Church of the Holy Communion Complex is a few blocks away, at Sixth Avenue and West 20<sup>th</sup> Street. The Premises are also within the Flatiron-23<sup>rd</sup> Street Partnership Business Improvement District, as is the area northeast, east, and south of the Premises along Sixth Avenue. The area to the north, west, and south of the Premises are FRESH program areas with discretionary tax incentives.

There is a small concentration of light manufacturing uses in the loft buildings east of Sixth Avenue, which are also located within the Ladies Mile Historic District. The surrounding area to the Premises' west is similarly mid-rise and historic in character, and is primarily residential and mixed-use commercial and residential.

The Premises are located at the confluence of a number of high-bulk commercial and light manufacturing districts, some of which have restrictions on residential use. The surrounding area to the north of the Premises, clockwise from the Premises' northwest, is zoned C6-3X, M1-6 and C6-4X, while the Surrounding Area to the East is zoned C6-3A, M1-6, C6-4M and C6-4A. The surrounding area south of the Premises is zoned C6-2A along Sixth Avenue and C6-3A on the interior portions.

The Premises is well-served by mass transit, as the 23<sup>rd</sup> Street Station for the F/M subway lines is directly in front of the Premises, at the corner of 23<sup>rd</sup> Street and 6<sup>th</sup> Avenue; the 23<sup>rd</sup> Street station for the 1 subway line is approximately 1 block west of the Premises, the 23<sup>rd</sup> Street station for the C/E subway lines is approximately 2 blocks west of the Premises; the 23<sup>rd</sup> Street station for the N/R subway lines is approximately 1 block east of the Premises; the 23<sup>rd</sup> Street station for the 6 subway line is approximately 2 blocks east of the Premises; and the PATH train station for trains to Hoboken and Journal Square is a block south of the Premises. In addition, the Premises is accessible via multiple bus lines, including the M1, M2, M5, M7, BxM6, BxM7, BxM8, BxM10, M20, M23, X1, X7, X9, X12, X14, X17, X27, X28, X37, X38, X42, and X63.

Madison Square Park is approximately two blocks east of the Premises. In addition, major institutions in the neighborhood include Beth Israel Medical Group – Chelsea, which is approximately two blocks west of the Premises; the Institute of Culinary Education, which is across the street from the Premises; the Fashion Institute of Technology, which is approximately six blocks northwest of the Premises; and Manhattan Village Academy high school, which is approximately a block and a half south of the Premises.

The subject five-story building is located at 116 West 23<sup>rd</sup> Street / 695-709 Sixth Avenue and was a department store designed and built in phases between 1889 and 1911. The lot area is 29,021 square feet. The area of the existing blade sign is 117 square feet and has been affixed to the building at the corner of 22<sup>nd</sup> Street and Sixth Avenue for more than 20 years. The 13 flag pole signs, which project across the street line, and their supporting flag pole anchors are part of the building's original historic design and construction. Land uses in the 400 foot study area are predominantly retail along Sixth Avenue and a mix of multi-family residential, commercial, institutional, and some light manufacturing on the side streets.

## **FUTURE NO-ACTION SCENARIO**

### **Land Use**

The conforming building and its commercial use would remain unchanged. Absent the requested special permit the commercial accessory blade sign would be removed to eliminate the non-compliance. A complying replacement blade sign would not be installed as the LPC has deemed a complying blade sign to be out of context with the historic building's façade and would, therefore, not be approved. The non-complying flag signs would also be removed and not be replaced with unrealistically small 18-inch wide flags and shorter supporting poles that would also be out of context with the historic building's façade.

## **Zoning**

No change in zoning would occur as a result of a no-action scenario.

## **Public Policy**

No change in public policy would occur as a result of a no-action scenario.

## **FUTURE WITH-ACTION SCENARIO**

### **Land Use**

The structure and commercial use of the building would remain unchanged together with the existing blade sign, flag signs and the four proposed flag signs. There would be no effect on land use as the subject signs have been reviewed by the LPC on multiple occasions and deemed appropriate to the historic building and neighborhood. Furthermore, the existing signs have adorned the building for over 20 years without complaint or issued violations, and the proposed additional flag signs were designed as part of the historic building. Thus, land use will remain unchanged as a result of the requested special permit.

### **Zoning**

No change in zoning would occur as a result of the requested special permit.

### **Public Policy**

The proposed waiver neither includes the creation or modification of an urban renewal plan, is not within an area covered by a 197-a plan, nor is it within a designated Coastal Zone. Therefore, the requested special permit would not have the potential to affect applicable public policy. Moreover, as previously stated, LPC on multiple occasions has deemed the subject signs to be appropriate for both the historic building and neighborhood. Commercial accessory signs are necessary and widely used within the study area. Therefore, no changes related to public policy would be expected to occur as a result of maintaining the existing signs.

## **B. Historic and Cultural Resources**

### **INTRODUCTION**

The historic, subject building is a Commercial Palace-style department store building constructed in phases between 1889 and 1911, with portions designed by William Schnickel & Company, Buchman & Deisler, Buchman & Fox and Taylor &

Levi. The LPC noted that the building's age, scale, style, type, materials and details are among the features that contribute to the architectural and historic character of the Ladies' Mile Historic District in which it is located.

The Ladies' Mile Historic District was designated by the LPC in May 1989 to preserve an irregular district of 440 buildings on 28 blocks and parts of blocks in Manhattan. It runs from 15<sup>th</sup> Street on the South to 24<sup>th</sup> Street on the North and from Park Avenue South to West of Sixth Avenue (Avenue of the Americas).

Between the 1860s and the First World War, the district was the location of some of the city's most famous department stores, including Lord & Taylor, B. Altman, W. & J. Sloane, Arnold Constable, Best & Co. and Bergdorf Goodman. The district also includes Daniel H. Burnham's Flatiron Building, at Fifth Avenue and 23<sup>rd</sup> Street. Most of the district lies within the neighborhood named after Flatiron building.

#### **FUTURE NO-ACTION SCENARIO**

Although removal of the non-complying blade sign would have no impact on the historic building's original design, removal of the non-complying flag signs and their supporting poles that were part of the building's original design would affect the original architectural design of the building's façade.

#### **FUTURE WITH-ACTION SCENARIO**

The Landmarks Preservation Commission has deemed the blade and flag signs to be appropriate to the historic building and would have no impact on the building or to its historic district. Therefore, there should be no impact to historic and cultural resources.

### **C. Neighborhood Character**

#### **FUTURE NO-ACTION SCENARIO**

No change in neighborhood character would occur as a result of a no-action scenario. Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation or Noise would remain the same.

#### **FUTURE WITH-ACTION SCENARIO**

No change in neighborhood character would occur as a result of a with-action scenario. Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation or Noise would remain the same. Neither the blade sign nor the flag signs

block public view corridors or significantly alter the pedestrian experience of the predominantly commercial area. The existing blade sign has been on the building for over 20 years and has received no complaints from the community or any DOB violations. Similarly, the nine existing flag signs the additional four proposed flag signs do not obstruct views and are part of the building's original design. Therefore there would be no significant impact to Neighborhood Character.



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION  
1 CENTRE STREET 9TH FLOOR NORTH NEW YORK NY 10007  
TEL: 212 669-7700 FAX: 212 669-7780



July 5, 2017

ISSUED TO:

**Richard Aibel**  
**Majestic Rayon Corporation & Cudge Realty, LLC**  
**116 West 23rd Street**  
**New York, NY 10011**

Re: **MISCELLANEOUS/AMENDMENTS**  
LPC-19-12252  
MISC-19-12252  
116 WEST 23RD STREET  
Ladies' Mile Historic District  
Manhattan  
Block/Lot: 798 / 41

At the Public Meeting of September 23, 2014, following the Public Hearing of the same date, the Landmarks Preservation Commission voted to issue a report to the City Planning Commission ("CPC") in support of an application for a Special Permit pursuant to Section 74-711 of the Zoning Resolution seeking waivers necessary to maintain an existing large bracket sign at 116 West 23rd Street, Manhattan, Block 798, Lot 1 (the Designated Building). The Designated Building is in the Ladies' Mile Historic District. The report, Modification of Use/Bulk 16-2959 (LPC 16-1461), was issued on September 24, 2014.

Subsequently, the LPC received an application on April 11, 2017, to modify the language in the September 24, 2014, report to include signs hanging from 13 historic flagpoles; 3 on the West 22nd Street façade, 7 along the 6th Avenue façade and 3 along the West 23rd Street façade. Specifically, these 13 signs hanging from restored historic flagpoles do not comply with zoning in that they exceed the maximum projection permitted under Zoning Resolution section 32 – 652. The 13 signs will protrude up to 38.4 inches from the property line which is more than the maximum 18 inch projection allowed for double-faced signs under ZR 32-652. Accordingly the applicant is requesting that the previously issued favorable report to the CPC be amended to include a waiver of section 32-652 for these 13 flagpole signs.

The 13 flagpole signs have already been approved by LPC staff in Certificate of No Effect 13-8752 (LPC 13-5636) issued on December 7, 2012. The new flagpoles are to be installed at the location of the historic flagpole anchors.

Page 1

Issued: 07/5/17

DOCKET #: LPC-19-12252

This amendment does not change the scope of restoration work or the obligations to maintain the designated building in a sound, first-class condition as required in the restrictive declaration issued in connection with the favorable report issued on September 24, 2014. The restrictive declaration has been modified to reflect the above-change.



Misha'el Shabrami

cc: Caroline Kane Levy, Deputy Director; S. nicholas hockens, Greenberg Traurig, LLP



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION  
1 CENTRE STREET 9TH FLOOR NORTH NEW YORK NY 10007  
TEL: 212 669-7700 FAX: 212 669-7780



September 24, 2014

ISSUED TO:

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

Re: LPC - 161461  
MOU 16-2959  
116 WEST 23RD STREET  
HISTORIC DISTRICT  
LADIES' MILE  
Borough of Manhattan  
Block/Lot: 798 / 41

At the Public Meeting of September 23, 2014, following the Public Hearing of the same date, the Landmarks Preservation Commission voted to issue a report to the City Planning Commission ("CPC") in support of an application for a Special Permit pursuant to Section 74-711 of the Zoning Resolution seeking waivers necessary to maintain an existing sign. The Designated Building consists of a Commercial Palace-style department store designed in phases between 1889 and 1911 by a series of architecture firms, including William Schickel & Co., Buchman & Deisler, Buchman & Fox, and Taylor & Levi. The Designated Building is located in the Ladies' Mile Historic District.

In reviewing this proposal, the Commission noted that Certificate of Appropriateness 94-0085 (LPC 94-1852) was issued on December 6, 1993 for the replacement of storefronts and the installation of awnings at the southern portion of the building; that Permit for Minor Work 95-0019 (LPC 94-1098) was issued on July 11, 1994 for the restoration of all facades, including the mosaic tilework at the storefront piers; that Miscellaneous/Amendments 95-0002 (LPC 95-0071) was issued on July 11, 1994 to amend Certificate of Appropriateness 94-0085 to include the replacement of two storefronts at the northern portion of the building; that Certificate of Appropriateness 95-0166 (LPC 95-2902) was issued on June 30, 1995 for the installation of metal and glass canopies, the installation of three flagpoles at historic sockets, the installation of canvas awnings at the upper stories, and the installation of a vertical sign at the southeast corner of the building; that Certificate of No Effect 13-8752 (LPC 13-5636) was issued on December 7, 2012 for the removal of non-historic storefront infill and a Commission-approved metal canopy at the Sixth Avenue entrance for the installation of new metal and glass storefront infill the restoration of historic storefront elements, and repair and repainting of the upper stories of the building.

Page 1

Issued: 09/24/14


DOCKET #: 161461



In voting to issue the report, the Commission found that the applicant, with the support of the building owner, has undertaken facade work, pursuant to LPC 13-5636 and LPC 14-2785, to restore the Designated Building and bring it up to a sound, first-class condition, including the removal of non-historic storefront infill and a Commission-approved metal canopy at the 6th Avenue entrance for the installation of new metal and glass storefront infill featuring transom signage, signbands within the fascia at the storefront cornices, and leaded-lite clerestory windows; the restoration of historic storefront elements, including cornices and fascia, awning housings and armatures, decorative piers with brackets and flagpole supports; and repair and repainting of the upper stories of the building, including selective repair to decorative metal elements and stone trim, work which has brought the building up to a sound, first-class condition, aided in its long-term preservation, and reinforced the architectural and historic character of the building, the streetscape, and the historic district; that the applicant, with the support of the building owner, has agreed to establish and maintain a program for continuing maintenance to ensure that the Designated Building is maintained in a sound, first-class condition; that a Restrictive Declaration ("Declaration") will be filed against the property which will bind the applicants and all heirs, successors and assigns to maintain the continuing maintenance program in perpetuity; and that the proposal is supportive of the preservation of the building and the special architectural and historic character of the Ladies' Mile Historic District. Based on these findings, the Commission determined the work to be appropriate to the building and voted to approve it.

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

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



Meenakshi Srinivasan  
Chair

cc: John Weiss, Deputy Counsel/LPC; Richard Aibel, Majestic Rayon Corp.



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION  
1 CENTRE STREET 9TH FLOOR NORTH NEW YORK NY 10007  
TEL: 212 669-7700 FAX: 212 669-7780



July 5, 2017

ISSUED TO:

**Richard Aibel**  
**Majestic Rayon Corporation & Cudge Realty, LLC**  
**116 West 23rd Street**  
**New York, NY 10011**

Re: **MISCELLANEOUS/AMENDMENTS**  
LPC-19-12252  
MISC-19-12252  
116 WEST 23RD STREET  
Ladies' Mile Historic District  
Manhattan  
Block/Lot: 798 / 41

At the Public Meeting of September 23, 2014, following the Public Hearing of the same date, the Landmarks Preservation Commission voted to issue a report to the City Planning Commission ("CPC") in support of an application for a Special Permit pursuant to Section 74-711 of the Zoning Resolution seeking waivers necessary to maintain an existing large bracket sign at 116 West 23rd Street, Manhattan, Block 798, Lot 1 (the Designated Building). The Designated Building is in the Ladies' Mile Historic District. The report, Modification of Use/Bulk 16-2959 (LPC 16-1461), was issued on September 24, 2014.

Subsequently, the LPC received an application on April 11, 2017, to modify the language in the September 24, 2014, report to include signs hanging from 13 historic flagpoles; 3 on the West 22nd Street façade, 7 along the 6th Avenue façade and 3 along the West 23rd Street façade. Specifically, these 13 signs hanging from restored historic flagpoles do not comply with zoning in that they exceed the maximum projection permitted under Zoning Resolution section 32 – 652. The 13 signs will protrude up to 38.4 inches from the property line which is more than the maximum 18 inch projection allowed for double-faced signs under ZR 32-652. Accordingly the applicant is requesting that the previously issued favorable report to the CPC be amended to include a waiver of section 32-652 for these 13 flagpole signs.

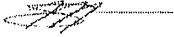
The 13 flagpole signs have already been approved by LPC staff in Certificate of No Effect 13-8752 (LPC 13-5636) issued on December 7, 2012. The new flagpoles are to be installed at the location of the historic flagpole anchors.

Page 1

Issued: 07/5/17

DOCKET #: LPC-19-12252

This amendment does not change the scope of restoration work or the obligations to maintain the designated building in a sound, first-class condition as required in the restrictive declaration issued in connection with the favorable report issued on September 24, 2014. The restrictive declaration has been modified to reflect the above-change.



Misha'el Shabrami

cc: Caroline Kane Levy, Deputy Director; S. nicholas hockens, Greenberg Traurig, LLP



LANDMARKS PRESERVATION COMMISSION  
100 OLD SLIP, NEW YORK, NY 10005  
(212) 487-6800

CERTIFICATE OF APPROPRIATENESS

Date: June 30, 1995 Address: 695-709 6th Avenue; aka 116 West 23rd Street  
 Borough: Manhattan Block/Lot: 798/41  
 Docket #: 95-2902 COFA #: 95-0166  
 LADIES' MILE HISTORIC DISTRICT

THIS PERMIT EXPIRES ON: November 29, 2000

Mr. Gilbert Yesnowitz, A.V.P.  
 Harry Irwin, Inc. & Majestic Rayon Corp.  
 116 West 23rd Street  
 New York, NY 10011

Dear Mr. Yesnowitz:

Pursuant to Section 25-907 of the Administrative Code of the City of New York, the Landmarks Preservation Commission at the public meeting of November 29, 1994, following the public hearing and public meeting of November 1, 1994, voted to grant a Certificate of Appropriateness for proposed work at the subject premises, as put forward in your application completed on September 27, 1994.

The proposed work consisted of alterations related to the opening of a new "Burlington Coat Factory" store at the subject premises; including installing two cantilevered glass and metal open-sided sloped canopies with ornamental brackets at the second- and third-most northern ground-floor storefront bays at the 6th Avenue facade; installing three flag-poles with pennants at historic sockets in related existing first-floor-mezzanine-level cast-iron piers; installing medium-blue, canvas-type, open-sided sloped fixed awnings at windows at the second and third floors and bubble-shaped awnings at windows at the fourth floor at the 6th Avenue and partial West 22nd Street facades; and installing a projecting vertical sign ("Burlington Coat Factory") to extend from the second to the third floors at the south corner of the 6th Avenue facade. The proposal was shown in current and historic photographs of the premises and in miscellaneous rendered presentation boards prepared by Burlington Coat Factory in conjunction with Iffland, Kavanaugh Waterbury, Architects-Engineers, and Higgins & Quasebarth, Consultants, all of which were presented at the public hearing and public meetings.

In reviewing this proposal, the Commission noted that the designation report describes the building as a Commercial Palace-style department-store building constructed in phases between 1889 and 1911, with portions designed by William Schickel & Company, Buchman & Delster, Buchman & Fox, and Taylor & Levi; and that the building's age, scale, style, type, materials, and details are among the features that contribute to the special architectural and historic character of the Ladies' Mile Historic District. The Commission also noted that the building contains developed facades with ground-floor storefronts along 6th Avenue and West 22nd and West 23rd Streets; that current inspections of the subject storefronts revealed that the building originally contained heavily rusticated granite columns at these locations; that although the building's ground-floor and mezzanine-level facades have been heavily altered over time, historic multi-light steel transoms and decorative metal pier cladding remain at the mezzanine, and corresponding historic polychrome terra-cotta pier cladding and metal cornices remain at the ground floor; that these elements are in partially deteriorated condition and metal components have been painted black;

June 30, 1995  
 695 7th Avenue; LPC 95-2902  
 Mr. Gilbert Yesnowitz, page 2.

and that the building retains historic ornamental iron awning-support brackets at the West 22nd Street facade. The Commission finally noted that Certificate of Appropriateness 94-0085 was issued December 6, 1991, for work related to the opening of a "Staples" store at the south portion of the ground-floor at the subject premises, including replacing storefronts and installing a series of red, canvas-type, open-sided sloped retractable awnings at the 6th Avenue and West 22nd Street facades; and that Miscellaneous permit 95-0002 was issued July 11, 1994, to amend Certificate of Appropriateness 94-0085 to include alterations related to "Burlington," including the replacement of storefronts at two northerly ground-floor bays to match those approved to the south for "Staples;" and that Permit for Minor Work 95-0019 was issued July 11, 1994, for cleaning and restoration work at all facades.

With regard to this proposal, the Commission found that the materials, size and locations of the entrance canopies are in keeping with the materials, sizes and locations of entrance canopies found occasionally at other buildings of this age, style and type in this historic district; that the single-bay installation and sloped profile of the window awnings are similar to those of awnings originally installed at buildings of this age, type and style in this historic district; that the red trim color of the awnings matches the red color of other awnings previously approved for installation at this building; that the location, scale and installation of the projecting sign are in keeping with those of other signs found on buildings in this historic district; and that the installation of flagpoles at the first floor will be at existing historic flagpole holders. Based on these findings, the Commission determined these aspects of the proposed work to be appropriate to the building and to the Ladies' Mile Historic District, and voted to approve them.

However, the Commission found that the medium-blue color proposed for the awning fabric would not harmonize with the strong color scheme established by the previously approved existing awnings; that the shallow, bubble-type profile of the fourth-floor awnings would not match the sloped profiles of awnings originally installed on buildings of this age, type and style in this historic district; and that the shallow depth of the third-floor awnings would not match that of the second-floor awnings.

Therefore, the Commission required that the fourth-floor bubble-shaped awnings be deleted from the proposal; that the awning color scheme be revised to better harmonize with that of the existing awnings at the facade; that the third-floor awning depths be revised to harmonize with those at the second floor; and that prior to the issuance of the Certificate of Appropriateness, two unmounted sets of properly-dimensioned stamped final working drawings incorporating these revisions be submitted to staff of the Commission for review and approval. Subsequently, staff of the Commission received Astrup Webton "Ocean Blue" CP2746 and Pro-Teo "Bright Red" 1329/529 awning fabric samples. Staff reviewed these samples and found them to be in keeping with the spirit of the Commission's approval. In addition, staff received preliminary working drawings related to the awnings, entrance canopies and brackets. Staff reviewed these drawings and found that they were insufficiently detailed with regard to installation. Furthermore, staff visited the site and reviewed an awning mock-up incorporating exterior framing elements, which deviated from the spirit of the Commission's approval.

The Commission notes that Status Update Letter 95-0057 was issued January 23, 1995, regarding the Commission's action at the November 29, 1994, public meeting, the subsequent receipt and approval of revised awning color samples, the receipt of preliminary glass canopy drawings, and the awning mock-up inspection; and that the Status Update Letter stipulated that prior to the issuance of the Certificate of Appropriateness, the canopy drawings be further developed to include installation details, and the awning mock-up be revised to reflect the spirit of the Commission's approval. The Commission also notes that Miscellaneous permit 95-0108 was issued April 10, 1994, amending Status Update Letter 95-0057 to include the subsequent receipt and approval of drawings regarding the proposed 6th Avenue corner sign; that Notices of Violation 95-0369 and 95-0370 were issued April 10, 1995, for the "installation of signage

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June 30, 1995  
 695-709 6th Avenue, LPC 95-2902  
 Mr. Gilbert Yesnowitz, page 3.

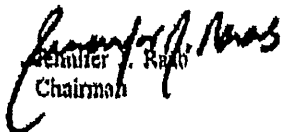
(on 23rd Street) without permit(s)" and "alterations to sidewalk (including removal of cast-iron vault lights) without permit(s)," respectively; and that subsequently, the cornice and mezzanine-level transom areas above the "Burlington" storefront bays were demolished without Landmarks Preservation Commission permits.

Today, staff of the Commission received final drawings related to the approved work and including details regarding the restoration of the demolished cornice and transom areas. Staff reviewed these drawings and found that they accurately reflect the work approved by the Commission at the public meeting; and that they accurately depict the design, configuration and dimensions of the historic cornice and transom areas. As a result, and contingent on the following stipulations, Certificate of Appropriateness 95-0166 has been issued.

In issuing this permit, the Commission stipulates that a revised awning installation mock-up be provided for review and approval by staff of the Commission; that the demolished storefront cornice and mezzanine transom areas be restored in keeping with the above-referenced drawings; that material and finish samples related to this restoration work be submitted to staff of the Commission for review and approval; and that ground-floor terra-cotta pier elements at the subject storefronts be restored in accordance with shop drawings and material samples to be submitted to staff of the Commission for review and approval. In addition, the Commission repeats its strong recommendation that the plan for building-wide restoration be realized and that in particular all historic ground-floor terra-cotta elements be restored without further delay.

The approved work is limited to that described above. All approved drawings have been marked approved by the Commission with a perforated seal indicating the date of approval. Other work or amendments to this filing must be approved pursuant to a separate application. Post the enclosed permit card at a prominent location at the premises while work is in progress. Direct inquiries to Katherine E. Khan, Associate Landmarks Preservationist.

Sincerely,

  
 Jennifer A. Neas  
 Chairman

JJR/KHK/wp

cc: Robert Gnoski/Burlington Coat Factory  
 William J. Higgins/Higgins & Quasebath, Consultants  
 Frank Gencorelli A.I.A./Hiland Kavanaugh Waterbury, P.C., Architects-Engineers  
 Torri Rosen-Deutsch, Dir., Gov't. & Community Affairs/NYC LPC  
 Jeremy Woodoff, Dep. Dir., Preservation Dept./NYC LPC

**NOTE: THE PERMIT CARD AND PERFORATED DRAWINGS HAVE BEEN SENT TO HIGGINS & QUASEBARTH. ATTN: WILLIAM HIGGINS.**



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION  
 1 CENTRE STREET 9TH FLOOR NORTH NEW YORK, NY 10007  
 TEL: 212 669-7700 FAX: 212 669-7780



# PERMIT

## CERTIFICATE OF NO EFFECT

<b>ISSUE DATE:</b> 12/07/12	<b>EXPIRATION DATE:</b> 12/07/2016	<b>DOCKET #:</b> 135636	<b>CNE #:</b> CNE 13-8752
<b>ADDRESS</b> 116 WEST 23RD STREET <b>HISTORIC DISTRICT</b> LADIES' MILE		<b>BOROUGH:</b> MANHATTAN	<b>BLOCK/LOT:</b> 798 / 41

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

**ISSUED TO:**

**Richard Aibel**  
**Majestic Rayon Corp. & Cudge Realty LLC**  
**116 West 23rd Street**  
**New York, NY 10011**

Pursuant to Section 25-306 of the Administrative Code of the City of New York, the Landmarks Preservation Commission hereby approves certain alterations to the subject premises as proposed in your application completed on December 6, 2012.

The approved work consists of removal of non-historic storefront infill at the ground story of the Sixth Avenue, West 22nd Street, and West 23rd Street facades, including roll-down security gates and an LPC-approved modern metal canopy at the Sixth Avenue facade; cleaning and repairing of the stone plinths at the piers at the base of the building and installation of new stone bulkheads to match the stone plinths at all storefronts on all facades; installation of new metal and glass storefront infill featuring cast-metal molding profiles to match the historic profiles, pairs of glazed metal-framed doors at each retail entry, and multi-light paneled transoms; restoration of the c. 1911 decorative storefront piers featuring mosaic tile and cast-metal escutcheons with integral awning armature housing and flagpole anchors; installation of new flagpoles at the location of historic flagpole anchors; painting of all new metal storefront framing and decorative elements with a copper-finished paint (Scuffmaster SM 8109); continuation of the new copper-finished paint color at the first-story cornice on the West 22nd Street facade; painting of the cast-iron and masonry piers a terra-cotta color (Benjamin Moore "Mayflower Red", HC-49) and the masonry bulkheads a tan color on the West 22nd Street facade; performance of probes at the polished stone fascia on all facades, and restoration of historic fascia material and details contingent upon findings of probe (with the exception of the unpolished stone fascia at the c. 1902 building, which shall be retained); installation of flat metal

sign bands at the fascia, one per retail establishment, and installation of 18"-tall pin-mounted metal sign letters on the sign bands, finished in one of three colors (black, white, or dark brown [Pantone 476]); installation of 12"-tall glass-mounted plastic or metal sign letters on the interior of the transoms above the retail entries, with the letters to be black, white, or dark brown (Pantone 476); at the West 23rd Street facade, removal of sheet-metal enclosures at the two historic storefront piers at the c. 1886 building, prior to their restoration; installation of three pairs of metal mullions at the new storefront on the c. 1902 building, to be aligned with the historic interior cast-iron columns visible through the storefront glazing; at the West 22nd Street facade, installation of pairs of metal doors within existing door openings at the fifth, sixth, and seventh bays (reading west to east), removal of stairs and relocation of an existing door opening at the first bay and removal of a section of masonry bulkhead for creation of a new door opening at the third bay (reading west to east), and installation of two pairs of glazed metal-framed doors within the new or relocated door openings, and installation of louvers within existing transoms at the sixth and seventh bays (reading west to east), with the louvers painted copper to match the new storefront finish; and painting of the upper floors at all facades (with the exception of the stone facade the c. 1902 building facing West 23rd Street), with all cast-iron columns and fascia to be painted Benjamin Moore "Shaker Beige" HC-45, all window spandrels to be painted Benjamin Moore "Lenox Tan" HC-44, and all window sash and frames to be painted Benjamin Moore "Texas Leather" AC-3, as shown in material, finish, and paint samples and drawings labeled A9, dated revised September 7th, 2012; A4, dated revised October 5th, 2012; A2, A3, A5, A6, A14, and A19, dated revised November 9th, 2012; A13, A15, A17, A20, and A21, dated revised November 27th, 2012; and A7 and A18, dated revised December 6th, 2012, prepared by SawickiTarella Architecture + Design, PC, and submitted as components of the application

In reviewing this proposal, the Commission notes that the Ladies' Mile Historic District designation report describes 116 West 23rd Street (aka 106-116 West 23rd Street, 695-709 Sixth Avenue, and 101-117 West 22nd Street) as a Commercial Palace-style department store owned by the Ehrich Brothers and designed in phases between the years 1889 and 1911 by a series of architecture firms, including William Schickel & Co., Buchman & Deisler, Buchman & Fox, and Taylor & Levi; and that in terms of its style, scale, materials, and details, the building contributes to the special architectural and historic character for which the Ladies' Mile Historic District was designated. The Commission also notes that Certificate of Appropriateness 95-0166 (LPC 95-2902) was issued on June 30th, 1995, for installation of the modern metal canopy at the Sixth Avenue facade.

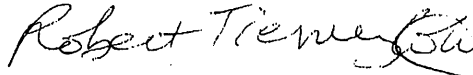
With regard to this proposal the Commission finds, in accordance with the provisions set forth in RCNY, Title 63, Section 2-17, (c)(3), that the design of the infill is based on the criteria in subparagraphs (i-iv) of paragraph (1) of this subdivision; that the configuration of replacement infill will be consistent with the proportions of display windows, transoms, and bulkheads of historic storefront infill; that the storefront framing will feature a molding profile that recalls the articulation of historic storefront framing; that the placement of the bulkhead, display window and transom will maintain the building street wall; that the bulkhead will be between eighteen (18) inches and two (2) feet six (6) inches in height, including a curb, or that the bulkhead height will be consistent with the height of the bulkhead in the traditional storefront prototype; that the recessed entrance(s) will have either splayed or straight returns; that the material of the new infill will match the historic infill; that the new storefront infill will have a finish that recalls the finish of historic storefronts, and that the metallic copper paint will evoke the unfinished copper of the historic storefronts; that no interior partitions will be closer than eighteen (18) inches to the glass of the display window; (If historic piers removed) that original or historic piers have been previously removed, and the design will include the reintroduction of piers that recall the location, size and dimension of such piers; that the design will include restoration of the original size of the storefront opening; and that the applicant has performed probes of the cladding material to see if historic material or elements of the infill or surround exist behind the modern cladding, and will restore the significant historic storefront infill that exists underneath the cladding.



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

This permit is issued on the basis of the building and site conditions described in the application and disclosed during the review process. By accepting this permit, the applicant agrees to notify the Commission if the actual building or site conditions vary or if original or historic building fabric is discovered. The Commission reserves the right to amend or revoke this permit, upon written notice to the applicant, in the event that the actual building or site conditions are materially different from those described in the application or disclosed during the review process.

All approved drawings are marked approved by the Commission with a perforated seal indicating the date of approval. The work is limited to what is contained in the perforated documents. Other work or amendments to this filing must be reviewed and approved separately. The applicant is hereby put on notice that performing or maintaining any work not explicitly authorized by this permit may make the applicant liable for criminal and/or civil penalties, including imprisonment and fines. This letter constitutes the permit; a copy must be prominently displayed at the site while work is in progress. Please direct inquiries to Olivia Klose.



Robert B. Tierney  
Chair

**PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:  
Joseph Tarella, SawickiTarella Architecture + Design PC**

cc: Jared Knowles, Deputy Director, Preservation/LPC



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION  
1 CENTRE STREET 9TH FLOOR NORTH NEW YORK, NY 10007  
TEL: 212 669-7700 FAX: 212 669-7780



April 8, 2013

ISSUED TO:

**Richard Aibel**  
**Majestic Rayon Corp. & Cudge Realty LLC**  
**116 West 23rd Street**  
**New York, NY 10011**

Re: **MISCELLANEOUS/AMENDMENTS**  
**LPC - 142785**  
**MISC 14-2674**  
**116 WEST 23RD STREET**  
**HISTORIC DISTRICT**  
**LADIES' MILE**  
**Borough of Manhattan**  
**Block/Lot: 798 / 41**

Pursuant to Section 25-306 of the Administrative Code of the City of New York, the Landmarks Preservation Commission approved a proposal for storefront restoration at the subject premises. A copy of Certificate of No Effect 13-8752 (LPC 13-5636) which approved the work is appended.

Subsequently, on April 8th, 2013, the Commission received a proposal for an amendment to the work approved under that permit. The proposed amendment consists of expanding the scope of work to include replication of cast-metal storefront elements in fiberglass; installation of recessed light fixtures within the soffits above the Sixth Avenue retail entries; installation of a lightbox behind the clerestory glazing at the southwest lobby; replacement of louvers above the retail entries on the Sixth Avenue facade; patching and crack repair of deteriorated limestone cladding at the 23rd Street facade; capping of two skylights and installation of dunnage and mechanical equipment on the roof; and related interior alterations, as shown in drawings A-001.00 through A-300.00, A-500.00 through A-803.00, and A-805.00 through A-809.00, dated March 25th, 2013; A-301.00 and A-804.00, dated revised April 10th, 2013, prepared by Joseph S. Tarella, R.A.; DM-100.00, DM-200.00, SP-100.00, SP-200.00, P-100.00 through P-400.00, EN-100.00, M-100.00 through M-500.00, and FA-100.00, dated March 25th, 2013, prepared by Ramez Afify, P.E.; and S101.00 through S-113.00, dated March 25th, 2013, and prepared by Anthony T. Volpe, P.E..

Accordingly, the Commission reviewed the proposed modifications and finds that the fiberglass will match the cast-metal storefront components in terms of its profiles, dimensions, details, and painted finish; that the recessed light fixtures will be of a simple design that will not call attention to the installation; that the lightbox behind the clerestory glazing at the southwest lobby will help identify the non-retail entry at the building and will not detract from the restored storefront features; that, in accordance with the provisions set forth in RCNY, Title 63, Section 2-19(e)(1), the rooftop addition will consist solely of mechanical equipment; that its installation will not result in damage to or demolition of a significant architectural feature of the roof; that it will not be visible from any public thoroughfare; and that it will not adversely affect significant architectural features of adjacent improvements; that the proposed masonry repair mortar will match the historic mortar in terms of size, color, texture and tooling; that the proposed patching mortar will match the color, texture, finish and details of the

original limestone; and that the proposed work will protect the building's façade and structure from future damage due to water infiltration and aid in the long term preservation of the building; and that the revised scope of work is in keeping with the intent of the original approved. Based on these findings, Certificate of No Effect 13-8752 is hereby amended.

PLEASE NOTE: this permit is contingent upon the Commission's review and approval of samples of limestone patching and crack repair prior to the commencement of work. Samples should be installed adjacent to clean, original surface(s) being repaired; allowed to cure; and cleaned of residue. Submit digital photographs of all samples to [oklose@lpc.nyc.gov](mailto:oklose@lpc.nyc.gov) for review.

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

This permit amendment is issued on the basis of the building and site conditions described in the application and disclosed during the review process. By accepting this permit amendment, the applicant agrees to notify the Commission if actual building or site conditions vary or if the original or historic fabric is discovered. The Commission reserves the right to amend or revoke this permit amendment, upon written notice to the applicant, in the event that the actual building or site conditions are materially different from those described in the application or disclosed during the review process.

All approved drawings are marked approved by the Commission with a perforated seal indicating the date of approval. The approved work is limited to what is contained in the perforated documents. Other work to this filing must be reviewed and approved separately. The applicant is hereby put on notice that performing or maintaining any work not explicitly authorized by this permit amendment may make the applicant liable for criminal and/or civil penalties, including imprisonment and fines. This letter constitutes the permit amendment; a copy must be prominently displayed at the site while work is in progress. Any additional work, or further amendments must be reviewed and approved separately. Please direct inquiries to Olivia Kose, Landmarks Preservationist, at (212) 669-4146.



Olivia Klose

cc: Jared Knowles



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION  
 1 CENTRE STREET 9TH FLOOR NORTH NEW YORK NY 10007  
 TEL: 212 669-7700 FAX: 212 669-7780



# PERMIT FOR MINOR WORK

<b>ISSUE DATE:</b> 09/29/14	<b>EXPIRATION DATE:</b> 9/29/2018	<b>DOCKET #:</b> 163006	<b>PMW #:</b> PMW 16-3163
<b>ADDRESS:</b> 116 WEST 23RD STREET <u>HISTORIC DISTRICT</u> LADIES' MILE		<b>BOROUGH:</b> MANHATTAN	<b>BLOCK/LOT:</b> 798 / 41

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

ISSUED TO:

**Richard Aibel**  
**Majestic Rayon Corp**  
**116 West 23rd Street**  
**New York, NY 10011**

Pursuant to Section 25-310 of the Administrative Code of the City of New York, the Landmarks Preservation Commission hereby approves certain alterations to the subject premises as proposed in your application completed on September 23, 2014.

The approved work consists of the installation of flat white metal sign letters ("Burlington") at the copper signband above the second northernmost storefront bay on the Sixth Avenue facade; the application of two interior-applied white vinyl decal signs ("Burlington") at the transoms above the two retail entrances at the second northernmost storefront bay on the Sixth Avenue facade; and the installation of three (3) silver-painted metal flagpoles at the three northernmost historic flagpole mounts on the Sixth Avenue facade, to support three red fabric flags; as shown in an annotated site plan and unlabeled drawings dated revised September 8th, 2014, prepared by Blair Sign Programs, and submitted as components of the application.

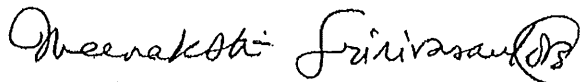
In reviewing this proposal, the Commission notes that the Ladies' Mile Historic District designation report describes 116 West 23rd Street (aka 106-116 West 23rd Street, 695-709 6th Avenue, and 101-117 West 22nd Street) as a Commercial Palace-style department store owned by the Ehrich Brothers and designed in phases between the years 1889 and 1911 by a series of architecture firms, including William Schickel & Co., Buchman & Deisler, Buchman & Fox, and Taylor & Levi; and that the building's style, scale, materials, and details are among the features that contribute to the special architectural and historic character of the Ladies' Mile Historic District. The Commission further notes that Certificate of No Effect 13-8752 (LPC 13-5636), issued on December 7th, 2012, approved the removal of non-historic storefront infill and a Commission-

approved metal canopy at the Sixth Avenue entrance for the installation of new metal and glass storefront infill the restoration of historic storefront elements, including flagpole mounts and flagpoles, and repair and repainting of the upper stories of the building.

With regard to the proposal, the Commission finds, in accordance with the provisions set forth in Title 63 of the Rules of the City of New York, Section 2-20 (c), that the installation of signage will not damage, destroy or obscure significant architectural features or material of the building or storefront; that the sign will be installed in a signage band above a storefront; that the signage consists of letters applied directly on metal panels mounted flat with the signband; that the sign panel will project no more than 3 inches from the façade, and mounted letters on the sign panels will project no more than 1 inch beyond the panel for a total projection of 4 inches from the façade; that the sign will be proportional to the signband, but in no event exceed 90 percent of the area of the signband; that the letters will not be higher than 18 inches; that the installation of painted or vinyl signage will not exceed more than 20 percent of storefront glazing, and therefore will not substantially reduce the transparency of the display window, doors, or transom; that the signage will not be internally illuminated, nor feature neon strips outlining the display window; and that the overall amount of signage is not excessive and will not detract from the architectural features of the building, the adjacent buildings, or the streetscape. Based on these findings, the work is determined to be appropriate to the building and to the Ladies' Mile Historic District. The work, therefore, is approved.

This permit is issued on the basis of the building and site conditions described in the application and disclosed during the review process. By accepting this permit, the applicant agrees to notify the Commission if the actual building or site conditions vary or if original or historic building fabric is discovered. The Commission reserves the right to amend or revoke this permit, upon written notice to the applicant, in the event that the actual building or site conditions are materially different from those described in the application or disclosed during the review process.

All approved drawings are marked approved by the Commission with a perforated seal indicating the date of approval. The work is limited to what is contained in the perforated documents. Other work or amendments to this filing must be reviewed and approved separately. The applicant is hereby put on notice that performing or maintaining any work not explicitly authorized by this permit may make the applicant liable for criminal and/or civil penalties, including imprisonment and fines. This letter constitutes the permit; a copy must be prominently displayed at the site while work is in progress. Please direct inquiries to Olivia Brazee.



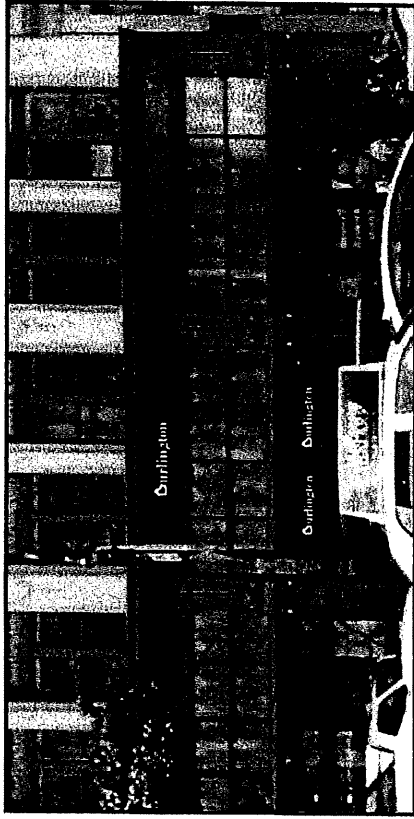
Meenakshi Srinivasan  
Chair

**PLEASE NOTE: A COPY OF THIS PERMIT HAVE BEEN SENT TO:**

Howard Zipser, Esq., Akerman LLP

cc: Jared Knowles, Deputy Director, Preservation/LPC

3



# Burlington

707 6th Avenue • New York (Chelsea), NY  
September 15, 2014

- Design / Build
- Master Sign Programs
- Tenant Criteria
- Property Branding
- Sustainable Relevance
- UB - Green Contract

Scott Ribrey

1510 572-3559 1510 232-1111

BLAIR SIGN PROGRAMS



**BLAIR SIGN PROGRAMS**  
 95 AZ Properties, LLC  
 100 Park Ave  
 Suite 1000, New York, NY 10017

Hertzman Collaborative  
 (516) 337-9020  
 33 Liberty Street, 4th Floor  
 Chelsea, NY 10013  
 (619) 772-1600  
 info@hertzman.net  
 CA License #677503

**CLIENT:**  
 Burlington  
**PROJECT:**  
 Chelsea, NY  
**ADDRESS:**  
 707 6th Avenue  
 New York, NY

**STARTING DATE:**  
 09/27/2014  
**BY:**  
 K. Bessert  
**REVISIONS:**  
 09/09/2014 (14)

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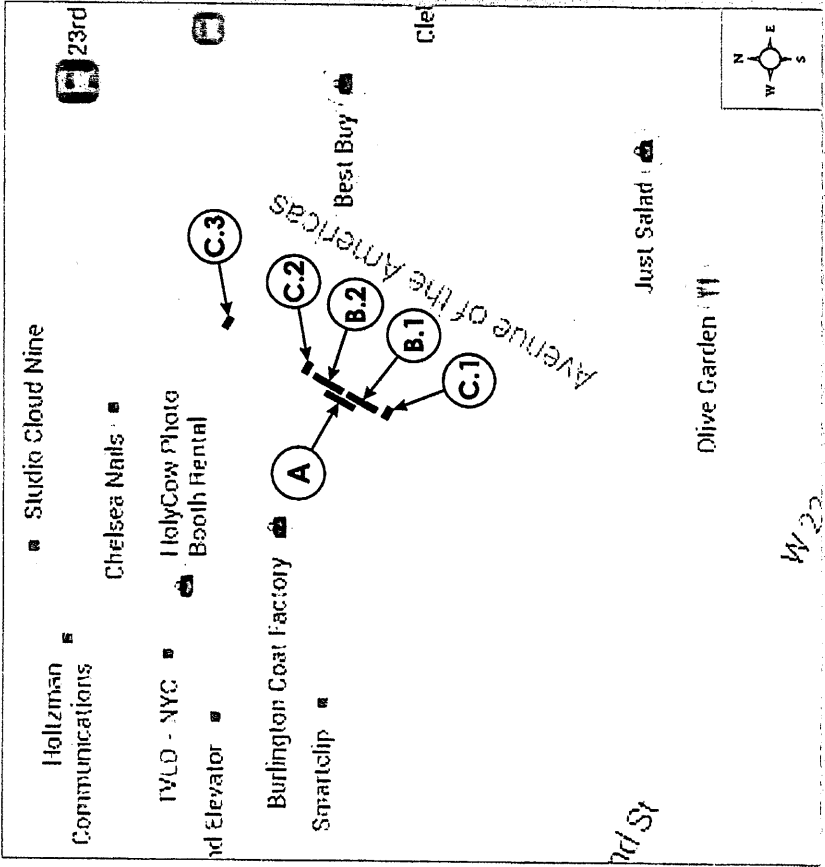
MEMBER SINCE 2008

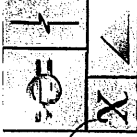
Site Plan

**CONTENTS**  
 SECTION I  
 Proposed Signs

Sign Number	Sign Description	Allowed	Proposed
A	Non-Illuminated Channel Letters	15 Sq. Ft.	8 Sq. Ft.
B.1	FCO	5.6 Sq. Ft.	3.5 Sq. Ft.
B.2	FCO	5.6 Sq. Ft.	3.5 Sq. Ft.
C.1	Mast Arm Banner		21 Sq. Ft.
C.2	Mast Arm Banner		21 Sq. Ft.
C.3	Mast Arm Banner		21 Sq. Ft.
	<b>Total</b>		<b>78 Sq. Ft.</b>

Notes:





**BLAR SIGN PROGRAMS**

2932 Equestrian Ave.  
Suite 113  
Stamford, CT 06907  
Hartford, Connecticut  
(810) 337-9020  
Stamford, Connecticut  
(810) 792-1600  
info@blarsign.com  
CA License #077503

**CLIENT:**  
Durlington

**PROJECT:**  
Chelsea, NY

**ADDRESS:**  
707 6th Avenue  
New York, NY

**STARTING DATE:**  
09/27/2014

**BY:**  
K. Bessert

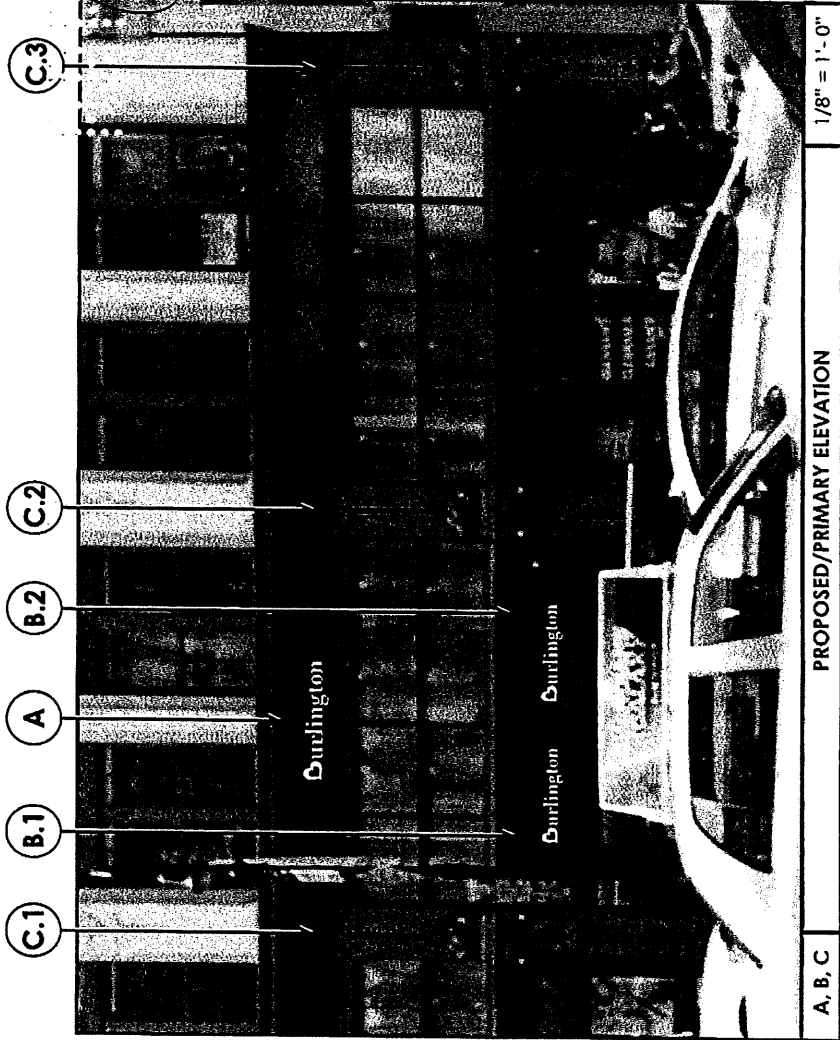
**REVISIONS:**  
09/09/2014 (LB)

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**Section I**  
**Sheet # 1**



**PROPOSED/PRIMARY ELEVATION**

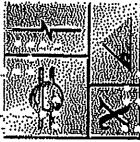
A, B, C



**EXISTING**

**Notes:**





**BLAIR SIGN PROGRAMS**  
 9932 Prospect Ave  
 Studio 137  
 San Jose, CA 95071

Heriberto Callierín,  
 (610) 337-9020  
 Ya-ibon Callierín  
 (619) 792-1600  
 info@blairsign.net  
 CA License #677503

**CLIENT:**  
 Burlington

**PROJECT:**  
 Chelsea, NY

**ADDRESS:**  
 707 6th Avenue  
 New York, NY

**STARTING DATE:**  
 08/27/2014

**BY:**  
 K. Bossert

**REVISIONS:**  
 09/09/2014 (LB)

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Section I  
 Sheet # 2

**SCOPE OF WORK:**

**Sign(s) Type: A**

**Manufacture and Install:**  
 (1) One Set of Non-Illuminated Channel Letters

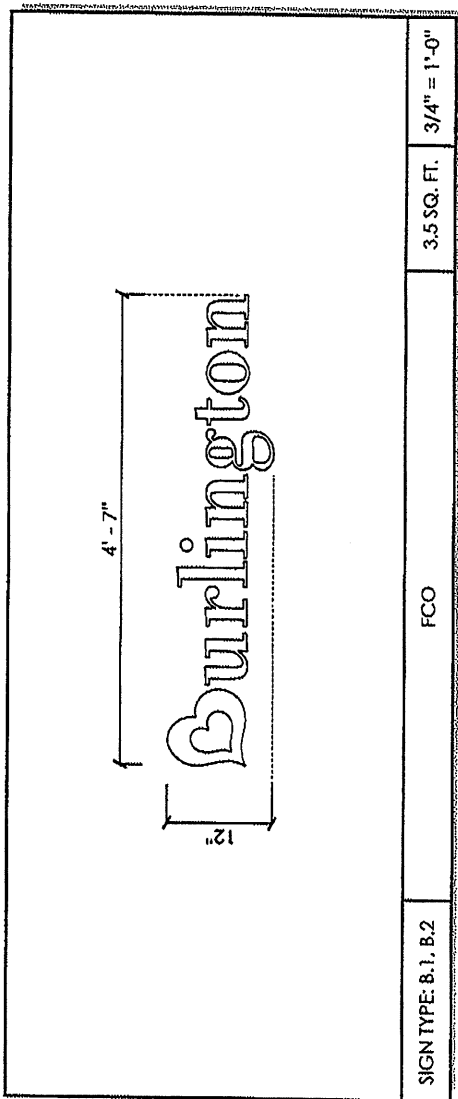
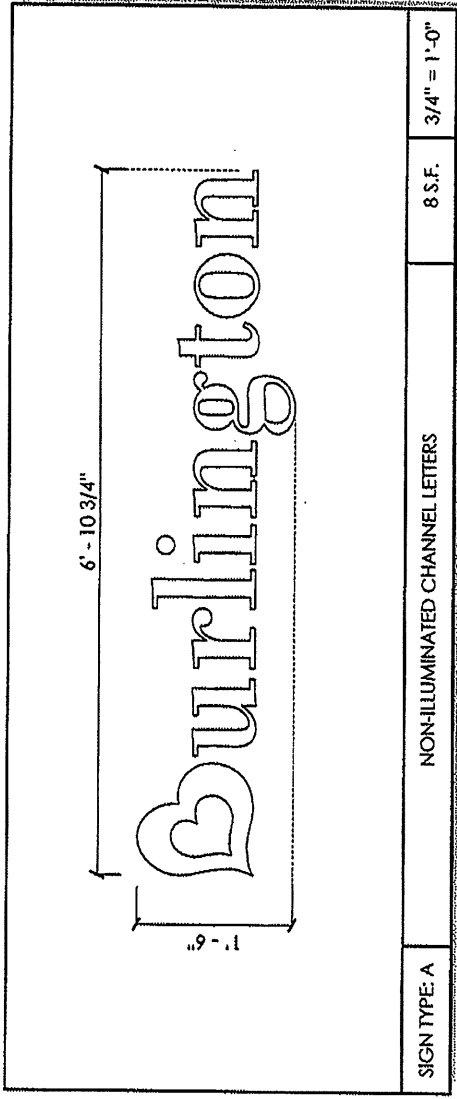
**Letters:**  
 .090 Aluminum face and 1" deep returns (PTM) Satin White. Attached w/ VHB Tape & Silicon.

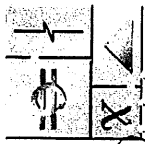
**SCOPE OF WORK:**

**Sign(s) Type: B.1, B.2**

**Manufacture and Install:**  
 (2) Two Sets of FCO's

**Letters:**  
 Metal FCO's (PTM) Satin White. applied 1st surface. Attached w/ VHB Tape & Silicon. Back w/ Opaque Satin White vinyl. applied 2nd surface.





**BLAIR SIGN  
PROGRAMS**

9532 Roosevelt Ave.  
Suite 110  
New York, NY 10019  
Tel: (212) 792-6671

Herbman, Callie  
(510) 337-7020  
Sales: (212) 792-6671  
(619) 772-1600  
info@blairsign.com  
CA License #677503

**CLIENT:**  
Burlington

**PROJECT:**  
Chelsea, NY

**ADDRESS:**  
707 6th Avenue  
New York, NY

**STARTING DATE:**  
08/27/2014

**BY:**  
K. Beckett

**REVISIONS:**  
09/09/2014 (1/5)

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MEMBER SINCE 2008

**Section I  
Sheet # 3**

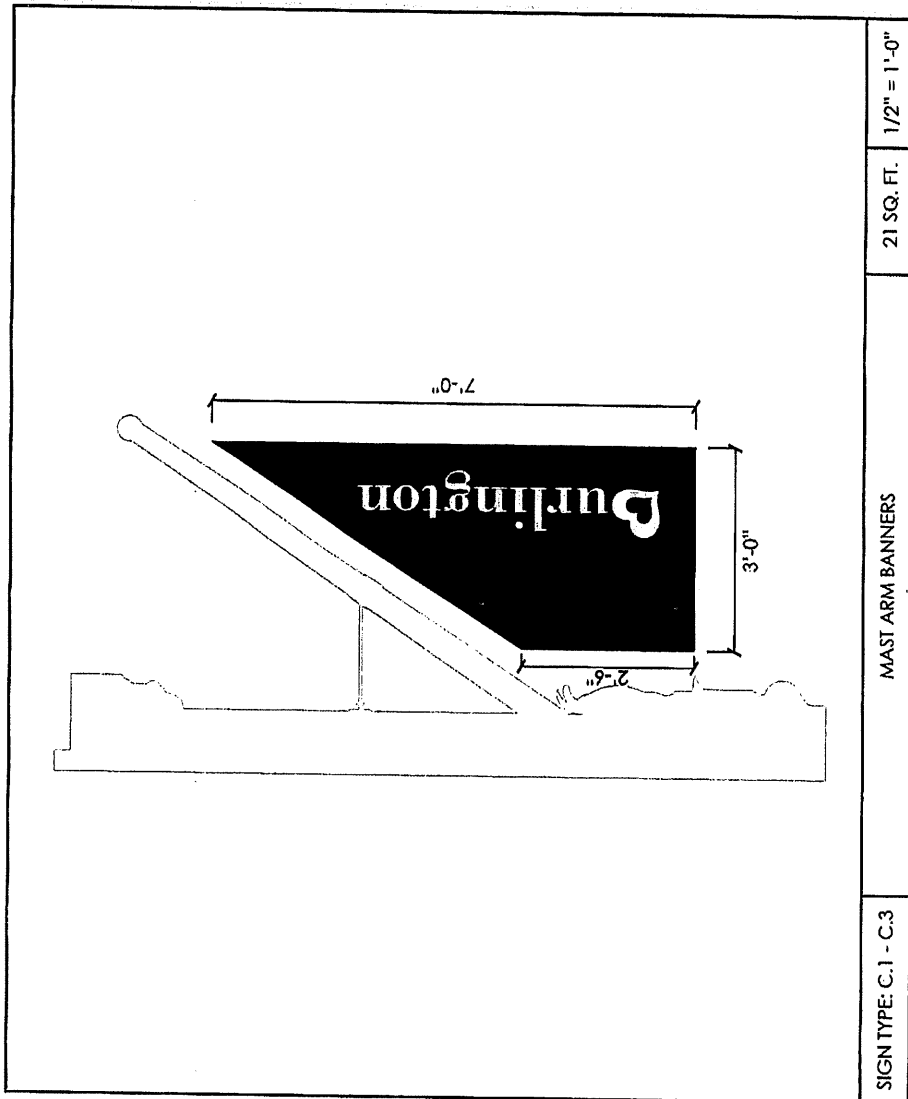
**SCOPE OF WORK:**

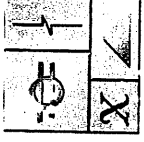
**Sign(s) Type:** C.1, C.2, C.3

**Mast-Arm Banners: (3) Three req'd**  
1.5oz White Fabric Banner, Digitally  
Printed Double-Sided W/ UV Inks.  
Background to match PMS 207C Red,  
White copy.

**Flag Pole:**  
Painted Metallic Silver to match  
store front pier paint scheme.  
(Specs TBD)

PMS 207C





**BLAIP SIGN PROGRAMS**  
9532 Friarwood Lane  
Suite 101  
San Diego, CA 92121

Head Office:  
(619) 337-9020

New York Office:  
(212) 792-1600

San Francisco Office:  
(415) 435-4675

**CLIENT:**  
Burlington

**PROJECT:**  
Chelsea, NY

**ADDRESS:**  
707 6th Avenue  
New York, NY

**STARTING DATE:**  
09/21/2014

**BY:**  
K. Bosert

**REVISIONS:**  
09/09/2014 (B)

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Section I  
Sheet # 4



EXISTING/PRIMARY ELEVATION

8



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION  
 1 CENTRE STREET 9TH FLOOR NORTH NEW YORK, NY 10007  
 TEL: 212 669-7700 FAX: 212 669-7780



# PERMIT

## CERTIFICATE OF NO EFFECT

<b>ISSUE DATE:</b> 12/07/12	<b>EXPIRATION DATE:</b> 12/07/2016	<b>DOCKET #:</b> 135636	<b>CNE #:</b> CNE 13-8752
<b>ADDRESS</b> 116 WEST 23RD STREET <b>HISTORIC DISTRICT</b> LADIES' MILE		<b>BOROUGH:</b> MANHATTAN	<b>BLOCK/LOT:</b> 798 / 41

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

**ISSUED TO:**

**Richard Aibel**  
**Majestic Rayon Corp. & Cudge Realty LLC**  
**116 West 23rd Street**  
**New York, NY 10011**

Pursuant to Section 25-306 of the Administrative Code of the City of New York, the Landmarks Preservation Commission hereby approves certain alterations to the subject premises as proposed in your application completed on December 6, 2012.

The approved work consists of removal of non-historic storefront infill at the ground story of the Sixth Avenue, West 22nd Street, and West 23rd Street facades, including roll-down security gates and an LPC-approved modern metal canopy at the Sixth Avenue facade; cleaning and repairing of the stone plinths at the piers at the base of the building and installation of new stone bulkheads to match the stone plinths at all storefronts on all facades; installation of new metal and glass storefront infill featuring cast-metal molding profiles to match the historic profiles, pairs of glazed metal-framed doors at each retail entry, and multi-light paneled transoms; restoration of the c. 1911 decorative storefront piers featuring mosaic tile and cast-metal escutcheons with integral awning armature housing and flagpole anchors; installation of new flagpoles at the location of historic flagpole anchors; painting of all new metal storefront framing and decorative elements with a copper-finished paint (Scuffmaster SM 8109); continuation of the new copper-finished paint color at the first-story cornice on the West 22nd Street facade; painting of the cast-iron and masonry piers a terra-cotta color (Benjamin Moore "Mayflower Red", HC-49) and the masonry bulkheads a tan color on the West 22nd Street facade; performance of probes at the polished stone fascia on all facades, and restoration of historic fascia material and details contingent upon findings of probe (with the exception of the unpolished stone fascia at the c. 1902 building, which shall be retained); installation of flat metal

sign bands at the fascia, one per retail establishment, and installation of 18"-tall pin-mounted metal sign letters on the sign bands, finished in one of three colors (black, white, or dark brown [Pantone 476]); installation of 12"-tall glass-mounted plastic or metal sign letters on the interior of the transoms above the retail entries, with the letters to be black, white, or dark brown (Pantone 476); at the West 23rd Street facade, removal of sheet-metal enclosures at the two historic storefront piers at the c. 1886 building, prior to their restoration; installation of three pairs of metal mullions at the new storefront on the c. 1902 building, to be aligned with the historic interior cast-iron columns visible through the storefront glazing; at the West 22nd Street facade, installation of pairs of metal doors within existing door openings at the fifth, sixth, and seventh bays (reading west to east), removal of stairs and relocation of an existing door opening at the first bay and removal of a section of masonry bulkhead for creation of a new door opening at the third bay (reading west to east), and installation of two pairs of glazed metal-framed doors within the new or relocated door openings, and installation of louvers within existing transoms at the sixth and seventh bays (reading west to east), with the louvers painted copper to match the new storefront finish; and painting of the upper floors at all facades (with the exception of the stone facade the c. 1902 building facing West 23rd Street), with all cast-iron columns and fascia to be painted Benjamin Moore "Shaker Beige" HC-45, all window spandrels to be painted Benjamin Moore "Lenox Tan" HC-44, and all window sash and frames to be painted Benjamin Moore "Texas Leather" AC-3, as shown in material, finish, and paint samples and drawings labeled A9, dated revised September 7th, 2012; A4, dated revised October 5th, 2012; A2, A3, A5, A6, A14, and A19, dated revised November 9th, 2012; A13, A15, A17, A20, and A21, dated revised November 27th, 2012; and A7 and A18, dated revised December 6th, 2012, prepared by SawickiTarella Architecture + Design, PC, and submitted as components of the application

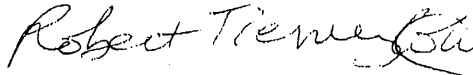
In reviewing this proposal, the Commission notes that the Ladies' Mile Historic District designation report describes 116 West 23rd Street (aka 106-116 West 23rd Street, 695-709 Sixth Avenue, and 101-117 West 22nd Street) as a Commercial Palace-style department store owned by the Ehrich Brothers and designed in phases between the years 1889 and 1911 by a series of architecture firms, including William Schickel & Co., Buchman & Deisler, Buchman & Fox, and Taylor & Levi; and that in terms of its style, scale, materials, and details, the building contributes to the special architectural and historic character for which the Ladies' Mile Historic District was designated. The Commission also notes that Certificate of Appropriateness 95-0166 (LPC 95-2902) was issued on June 30th, 1995, for installation of the modern metal canopy at the Sixth Avenue facade.

With regard to this proposal the Commission finds, in accordance with the provisions set forth in RCNY, Title 63, Section 2-17, (c)(3), that the design of the infill is based on the criteria in subparagraphs (i-iv) of paragraph (1) of this subdivision; that the configuration of replacement infill will be consistent with the proportions of display windows, transoms, and bulkheads of historic storefront infill; that the storefront framing will feature a molding profile that recalls the articulation of historic storefront framing; that the placement of the bulkhead, display window and transom will maintain the building street wall; that the bulkhead will be between eighteen (18) inches and two (2) feet six (6) inches in height, including a curb, or that the bulkhead height will be consistent with the height of the bulkhead in the traditional storefront prototype; that the recessed entrance(s) will have either splayed or straight returns; that the material of the new infill will match the historic infill; that the new storefront infill will have a finish that recalls the finish of historic storefronts, and that the metallic copper paint will evoke the unfinished copper of the historic storefronts; that no interior partitions will be closer than eighteen (18) inches to the glass of the display window; (If historic piers removed) that original or historic piers have been previously removed, and the design will include the reintroduction of piers that recall the location, size and dimension of such piers; that the design will include restoration of the original size of the storefront opening; and that the applicant has performed probes of the cladding material to see if historic material or elements of the infill or surround exist behind the modern cladding, and will restore the significant historic storefront infill that exists underneath the cladding.

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

This permit is issued on the basis of the building and site conditions described in the application and disclosed during the review process. By accepting this permit, the applicant agrees to notify the Commission if the actual building or site conditions vary or if original or historic building fabric is discovered. The Commission reserves the right to amend or revoke this permit, upon written notice to the applicant, in the event that the actual building or site conditions are materially different from those described in the application or disclosed during the review process.

All approved drawings are marked approved by the Commission with a perforated seal indicating the date of approval. The work is limited to what is contained in the perforated documents. Other work or amendments to this filing must be reviewed and approved separately. The applicant is hereby put on notice that performing or maintaining any work not explicitly authorized by this permit may make the applicant liable for criminal and/or civil penalties, including imprisonment and fines. This letter constitutes the permit; a copy must be prominently displayed at the site while work is in progress. Please direct inquiries to Olivia Klose.



Robert B. Tierney  
Chair

**PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:  
Joseph Tarella, SawickiTarella Architecture + Design PC**

cc: Jared Knowles, Deputy Director, Preservation/LPC