

# Borough President Recommendation

City Planning Commission  
22 Reade Street, New York, NY 10007  
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## INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Docket Description: C 180273 ZSM

**IN THE MATTER OF** an application submitted by Burlington Coat Factory of Texas, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 32-652 (Permitted projection in all other Commercial Districts) to allow one illuminated blade sign and 13 double-sided non-illuminated flag signs to project more than the permitted 18" across a street line, and Section 32-655 (Height of signs in all other Commercial Districts) to allow the illuminated blade sign to exceed the maximum permitted height of 40' above curb level, on property located at 116 W 23<sup>rd</sup> Street (Block 798, Lot 41), in C6-2A, C6-3A, and C6-3X Districts, within the Ladies' Mile Historic District, Borough of Manhattan, Community District 4.

COMMUNITY BOARD NO:

4

BOROUGH: Manhattan

## RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)
- EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached

*John A. Brewer*

July 13, 2018

\_\_\_\_\_  
BOROUGH PRESIDENT

\_\_\_\_\_  
DATE



OFFICE OF THE PRESIDENT  
BOROUGH OF MANHATTAN  
THE CITY OF NEW YORK

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Gale A. Brewer, Borough President

July 13, 2018

**Recommendation on  
ULURP Application No. C 180273 ZSM – Burlington Coat Factory Sign  
by Burlington Coat Factory of Texas, Inc.**

**PROPOSED ACTION**

Burlington Coat Factory of Texas, Inc. (the “applicant”) seeks a special permit to modify Zoning Resolution (“ZR”) Sections 32-655 (Height of signs in all other Commercial Districts) and 32-652 (Permitted projection in all other Commercial Districts) to allow for the legalization of an existing accessory double-sided illuminated sign, and another modification of ZR 32-652 to allow for the legalization of nine existing accessory double-sided non-illuminated flag signs as well as the installation of four proposed non-illuminated flag signs at the building located at 116 West 23<sup>rd</sup> Street (Block 798, Lot 41) in Manhattan Community District 4. This building is located within the Ladies’ Mile Historic District and is under the jurisdiction of the Landmarks Preservation Commission (“LPC”) pursuant to ZR 74-711.

In order to obtain a special permit pursuant to ZR 74-711, the following conditions must be met:

- (1) any application pursuant to this Section shall include a report from the Landmarks Preservation Commission stating that a program has been established for continuing maintenance that will result in the preservation of the subject *building* or *buildings*, and that such *use* or *bulk* modifications, or restorative work required under the continuing maintenance program, contributes to a preservation purpose;
- (2) any application pursuant to this Section shall include a Certificate of Appropriateness, other permit, or report from the Landmarks Preservation Commission stating that such *bulk* modifications relate harmoniously to the subject landmark *building* or *buildings* in the Historic District, as applicable; and
- (3) the maximum number of *dwelling units* shall be set forth in Section 15-111 (Number of permitted dwelling units).

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

- (1) such *bulk* modifications shall have minimal adverse effects on the structures or *open space* in the vicinity in terms of scale, location and access to light and air; and
- (2) such *use* modifications shall have minimal adverse effects on the conforming *uses* within the *building* and in the surrounding area.

## **BACKGROUND**

In 1995, LPC granted the owner of the building at 116 West 23<sup>rd</sup> Street a Certificate of Appropriateness permitting the installation of a projecting vertical sign (COFA# 95-1066). Shortly after, the existing accessory double-sided illuminated sign was installed at its current location at the northwest corner of West 22<sup>nd</sup> Street and Sixth Avenue. In 2012, LPC approved thirteen flag signs in Certificate of No Effect 12-8752 (LPC 13-5636). However, despite these approvals, the Department of Buildings never issued permits for the illuminated sign or the flag signs.

In 2014, LPC issued a Modification of Use/Bulk 16-2959 (LPC 16-1461) report to CPC in support of an application for a special permit pursuant to ZR 74-711 seeking waivers necessary to maintain the existing illuminated sign. LPC advised the applicant that it is unlikely LPC would approve an application for the existing sign as-of-right, as it would be disproportionate to the building. In 2017, LPC issued Miscellaneous Amendments 19-12252 to modify the language in the 2014 report to include signs hanging from thirteen historic flagpoles.

In 2013, the applicant's attorneys advised the Department of Buildings that the applicant intends to legalize signage by pursuing this application. There have not been any sign violations issued to this location.

### **Site Description**

The building at 116 West 23<sup>rd</sup> Street is located on a 29,021 square foot corner lot on the easterly end of Block 798 bounded by Sixth Avenue, Seventh Avenue, West 23<sup>rd</sup> Street and West 22<sup>nd</sup> Street. The building was referenced in LPC's 1989 Designation Report for the Ladies' Mile Historic District and its design follows in the tradition of commercial palace design through its use of large show windows and Italian Renaissance ornament.

The building is located within C6-3X, C6-2A and C6-3A zoning districts. It is five stories tall with approximately 169,500 zoning square feet of Use Group 6 and Use Group 10 floor area. The illuminated sign is located at the southeast corner on the Sixth Avenue frontage at the corner of West 22<sup>nd</sup> Street within the C6-2A portion of the zoning lot, and the thirteen flag signs are located in the C6-2A and C6-3X portions of the zoning lot.

The Burlington Coat Factory occupies approximately 82,480 square feet of floor area on the first through third floors, as well as approximately 9,700 square feet in the cellar. The existing illuminated dual-faceted accessory sign reads "Burlington Coat Factory" and begins approximately 25 feet above curb level and continues to a height of 56 feet and 4 inches above curb level. In addition, there are seven non-illuminated double-sided flag signs measuring 14 square feet located at the ground level of the Sixth Avenue façade, and two more flag signs at the ground level of the West 22<sup>nd</sup> Street façade.

### **Area Context**

The building is located in the Flatiron District of Manhattan Community Board 4, within the Ladies' Mile Historic District. The Historic District encompasses many buildings built in the early 1900s, and the area was historically a major retail destination, particularly between the

Gilded Age and World War I. Several former department stores have converted to various commercial and residential uses while maintaining their original facades. The area today is characterized primarily by commercial, light manufacturing, and mixed commercial and residential uses.

The building is very well-served by public transit; 23<sup>rd</sup> Street is a major corridor with multiple subway stations, including the 23<sup>rd</sup> Street Station for the F and M subway lines directly at the corner of 23<sup>rd</sup> Street and Sixth Avenue. The 1 subway line is one block west, the C and E subway lines are two blocks west, the N and R subway lines are one block east, and the 6 subway line is two blocks east. There is also a PATH train station one block south of the building, and multiple bus lines serve the immediate area.

### **PROJECT DESCRIPTION**

The applicant is seeking a special permit pursuant to ZR 74-711 to authorize the existing illuminated sign by waiving the requirements of ZR 32-362 (Permitted projection in all other Commercial Districts) and ZR 32-655 (Height of signs in all other Commercial Districts) and to authorize thirteen flag signs (nine of which are existing) by waiving the requirements of ZR 32-652.

### **COMMUNITY BOARD RECOMMENDATION**

At its regularly scheduled Full Board meeting on June 6th, 2018, Manhattan Community Board 4 (CB4) voted to adopt a resolution recommending approval of the application by a vote of 36 in favor, 0 in opposition, 0 abstentions, and 0 voting Present Not Eligible.

CB4 commended the applicant for pursuing the appropriate legalization of the existing signage, and expressed appreciation for their commitment to maintain the historic nature of the neighborhood.

### **BOROUGH PRESIDENT'S COMMENTS**

The application meets all the findings necessary for a special permit pursuant to ZR 74-711. In September 2014, LPC issued a report stating that a continuing maintenance program had been established that will result in the preservation of the building and that the restorative work under the program contributes to a preservation purpose. Under this program, the applicant has restored a portion of the ground floor façade and major portions of the Sixth Avenue façade and the 22<sup>nd</sup> Street façade, and agreed to execute a restrictive declaration to maintain the restoration work.

The Borough President joins CB4 in commending the applicant for doing the right thing and contributing to the preservation of the historic character of the neighborhood.

**BOROUGH PRESIDENT'S RECOMMENDATION**

Therefore, the Manhattan Borough President recommends **approval** of ULURP Application No. C 180273 ZSM.

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive style with a large initial "G" and "A".

Gale A. Brewer  
Manhattan Borough President