

**THE NEW YORK
LANDMARKS
CONSERVANCY**

April 8, 2008

STATEMENT OF THE NEW YORK LANDMARKS CONSERVANCY BEFORE THE N.Y.C. LANDMARKS PRESERVATION COMMISSION REGARDING THE TRANSFER OF UNUSED DEVELOPMENT RIGHTS FROM 678 FIFTH AVENUE, ST. THOMAS CHURCH AND PARISH HOUSE, AND 1 WEST 54TH STREET, THE UNIVERSITY CLUB, TO A RECEIVING SITE WEST OF THE MUSEUM OF MODERN ART TO BE KNOWN AS 53RD STREET.

Good day, Chair Tierney and Commissioners. I am Ken Lustbader speaking on behalf of The New York Landmarks Conservancy.

In this complicated real estate deal, the applicants are requesting a report pursuant to Section 74-79 of the zoning resolution to transfer bulk from The University Club, and a separate report pursuant to Section 74-711 to transfer bulk from St. Thomas Church. The 74-79 procedure requires a finding of a "harmonious relationship" between the landmark in question and the proposed building, while the 74-711 procedure requires a finding of a preservation purpose. In both cases, the landmarks are to be restored to a state of sound, first-class condition based on assessments by preservation architects.

First of all it must be noted that prior to the transfer of any development rights, both landmarks are for the most part already in sound, first-class condition. This raises the bar in terms of what restoration work should occur at the buildings and what continuing preservation plan needs to be put in place to ensure that an adequate "preservation purpose" is achieved. It should also be noted that the new building, a 1200-foot high-rise, will have a dramatic impact on all the surrounding blocks.

Even though the proposed building is sited several hundred feet west of the Church and the Club, its proposed 1200-foot height will certainly have an impact on the visual perception of the entire vicinity including the landmarks. We find it troubling that a portion of the proposed building will impinge on a City Planning Commission's Special Midtown Preservation Subdistrict that was specifically put in place to restrict over-development on the side streets surrounding MOMA.

As part of the application for the two special permits the Conservancy has reviewed the preservation plans for the church and the club. We find both somewhat lacking.

The church's plan, which is the superior one, calls for a very ambitious stained glass window campaign which we believe meets a very high level of preservation stewardship. The Club's plan on the other hand offers little by way of any special preservation campaign that would satisfy the same requirements. Neither plan calls for a restricted endowment that would set aside a certain portion of the air rights sale for the enforcement in the future of the restrictive declaration and the building's commitment to keep the landmarks in sound first-class condition in perpetuity. The Conservancy strongly believes that such an endowment is crucial for both landmarks.

In conclusion, the Conservancy believes that the new building should not impinge on the preservation sub-district regardless of whether the balance of the sub-district is underbuilt; that The University Club needs to enhance its restoration campaign; and that both landmarks need to set aside a portion of the proceeds of the sale of air rights into an endowment specifically dedicated to continued maintenance of the buildings.

Thank you for the opportunity to present The New York Landmarks Conservancy's views.