

# FRIENDS

*of the* UPPER EAST SIDE  
HISTORIC DISTRICTS

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March 20, 2018

Rick D. Chandler, P.E., Commissioner  
Department of Buildings  
280 Broadway  
New York, NY 10007

Re: 1299 Third Avenue development permits  
Block 1429, Lot 4, Job No: 121187964

Dear Commissioner Chandler:

For 35 years, FRIENDS of the Upper East Side Historic Districts has been the leading voice for the preservation of the architectural legacy and sense of place of the Upper East Side. We are a voice for common sense development and sound planning, and we see balanced urban development as a critical aspect of neighborhood preservation. As part of our mission, FRIENDS regularly monitors ongoing development on the Upper East Side.

I write today to express our serious concern about the development site at 1299 Third Avenue (Block 1429, Lot 4) between East 74th and East 75th Streets where Premier Equities, Thor Equities, and Continental Ventures filed on March 14th to construct a six story building. This site has been on our radar for at least two years since initial stories in the press reported a likely 31-story building to be developed on an assemblage that included Lots 1 through 4 on Third Avenue, along with the adjacent Lot 103 facing East 74th Street. This low-rise block is currently comprised of historic, five-story tenements that are home to a host of local retail establishments, including the iconic J.G. Melon Restaurant at 1291 Third Avenue (Lot 1) at the southernmost end of the block, with rent stabilized housing above.

Since initial articles were published in 2016, it has been unclear whether the developers intended to subsume the entire southern portion of the block facing Third Avenue in the new development, or whether they would simply harvest the development rights, leaving Lot 1 and 2's buildings intact. But a Special Order Calendar Application with the Board of Standards and Appeals filed July 24, 2017 seemed to answer that question. The application concerned the transfer of development rights to the development site on Third Avenue from a previously granted approval of Lot 103 (203 East 74th Street), which had been constructed pursuant to a BSA variance in 1970. Although the newly

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proposed development on Third Avenue was not under BSA purview, the application conveyed the basic details of the project. According to the BSA application, the new building would sit on just Lots 3 and 4 (1297-1299 Third Avenue), with the zoning lot comprising lots 1, 2, 3, 4, 44, 48, and 103. The building would have two significant cantilevers – 12 feet to the north over Lot 48 and 19 feet to the south over Lot 2. With these specifications, zoning calculations indicated that the building would end up at around 370 feet tall.

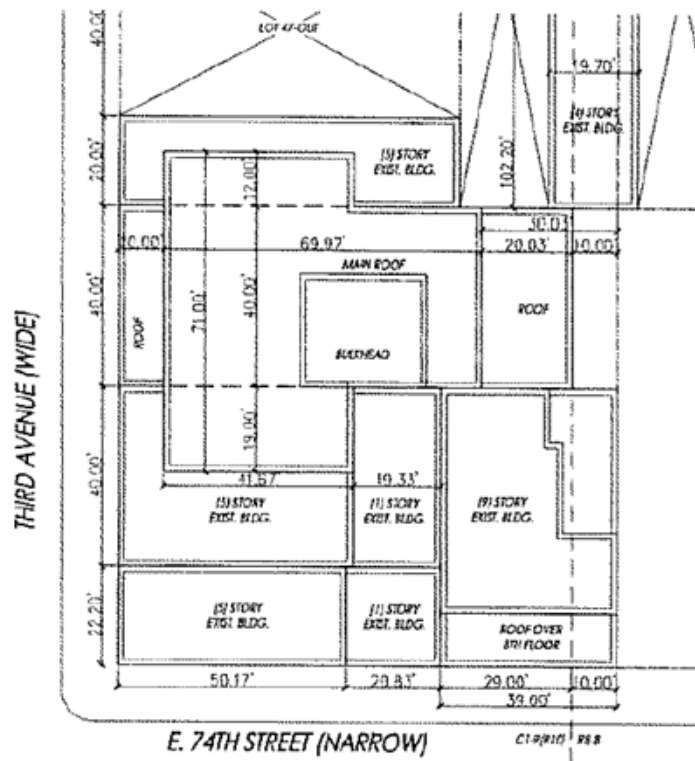


Figure 1 Site plan from BSA application dated July 24, 2017, page 32

The same information about the project represented in the BSA application was conveyed to a meeting of Community Board 8 on February 21, 2018. During that meeting, the developer’s representatives explained that the new building would be built on Lots 3 and 4, with no impact on Lots 1 and 2, or any of the other buildings on the new merged zoning lot. Members of the public asked whether J.G. Melon was part of the project, and the representatives said that it was not.

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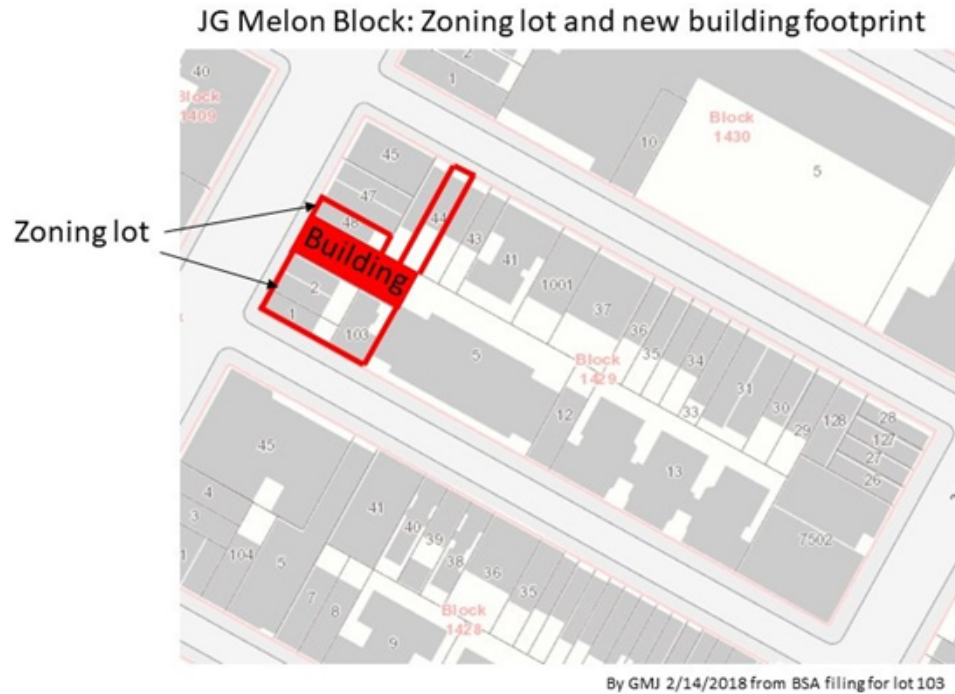
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*Figure 2 Zoning lot and new building footprint by George M. Janes & Associates, based on details from BSA application*

The developer's representatives did not disclose that they actually owned Lots 1 and 2 as real property and not only the development rights. Publicly accessible property tax records confirm Premier's ownership of Lots 1 and 2.

Now, the developer has filed an application for permits for a 6-story building on Lot 4. Given the developer's own representation of the project in front of Community Board 8 and details that show a much different project submitted to the Board of Standards and Appeals, FRIENDS has every reason to believe that the March 14th filing (Job No. 121187964) is a placeholder for the developer's real plans. We believe that Premier/Thor have no intention of building a 6-story building on this site. The prospect of demolishing a 5-story building in order to construct a 6-story building is completely illogical, especially when we know that they own significant development rights on the block. If this permit is granted, we believe the developer will follow the model of

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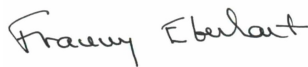
Extell on 36 West 66th Street, beginning demolition and foundation work ostensibly for a smaller building, and then file post-approval amendments that completely alter the scale of the project.

And, given the fact that Premier actually owns the buildings on Lots 1 and 2, we question the sincerity of the plans represented in the BSA application as well. At every stage of the process, the developer is presenting a different version of their plans, effectively misrepresenting their true intent from the public. It seems that this obfuscation technique has started to become standard operating procedure. In a recent interview with GlobeSt.com, Richard and Jon Kalikow of Gamma Real Estate, the firm behind 3 Sutton Place, alluded to the developer's 'smart' move on West 66th Street, claiming that communities now have to be tricked in order for developers to execute their vision.

Developers should not be allowed to propose two completely different visions of the same site to two different city agencies. Nor should they be able to radically amend DOB approvals that change the scope of a project to a point where it is unrecognizable. A meeting last week organized by FRIENDS and a group of concerned neighbors drew over 160 people who were alarmed about the prospect of this building. FRIENDS and our community are watching this project closely, and we urge you not to approve plans for a project the developers have no intention of carrying out.

We thank you for your attention, and your tremendous service to the City of New York.

Sincerely,



Franny Eberhart  
President



Rachel Levy  
Executive Director

cc:

Keith Powers, New York City Council Member  
Benjamin Kallos, New York City Council Member  
Gale Brewer, Manhattan Borough President  
Margery Perlmutter, Chair, Board of Standards and Appeals  
Alida Camp, Chair, Community Board 8