

**Testimony of LANDMARK WEST!
Certificate of Appropriateness Committee
Before the Landmarks Preservation Commission
15 West 68th Street
June 2, 2009**

LANDMARK WEST! is a not-for-profit community organization committed to the preservation of the architectural heritage of the Upper West Side.

The Certificate of Appropriateness Committee wishes to comment on the applications to modify a window opening to accommodate an at-grade entrance, and to request that the LPC issue a report to the City Planning Commission relating to an application for a Modification of Use pursuant to Section 74-711 of the Zoning Resolution, at 15 West 68th Street, a Beaux Arts-style rowhouse designed by Buchman & Fox and built in 1909-10.

First, our committee addresses the proposal for window modification. In short, we find the proposed work to be inappropriate, as it would necessitate the removal of original building fabric. In our estimation, one need take but two vertical steps to reach the level of the existing façade opening. Given our understanding of the intended use of the building, the frequency with which at-grade entry will be utilized at No. 15 does not justify such an extreme intervention. A removable ramp would meet the occasional needs of the applicant and obviate the need to destroy this exquisite townhouse's façade.

ATTN: C of A Committee

Please review the documents posted online along with the following outline to help shape the next section of our testimony

Next, we look to the request for a 74-711 for the purpose of modification of use.

From April 14th C of A meeting notes

Committee Presentation

- Some committee members felt that not enough info was provided for the committee to make a sound judgment
- Please review the “Preservation Plan” posted on the C of A website. This document outlines existing conditions of 68th Street façade, proposed cleaning methods, etc.
- Those with hands-on, technical conservation knowledge, please feel encouraged to articulate in what ways the plan meets our standards, or falls short. We’re relying on your experience!

Fulfilling the “preservation purpose”

- Should this proposed restoration be “rewarded” with a 74-711 for modification of use? Is the proposed work anything beyond what should be expected of an owner of this building, as a responsible steward?

- Where does the LPC set the bar for adequately meeting the “preservation purpose” component of the 74-711 application?

Intent/spirit of the 74-711 (copy of the Zoning text follows)

- Committee believes that the provision was intended to encourage outstanding care of landmarks—does approving this application send the message of “Let it fall into extreme disrepair, then come for a 74-711 AND get a bulk or use ‘bonus’ to boot!”
- In January 2009 LW! testified on 161 W 78, 74-711 app for modification of bulk. From our statement: Our Committee believes that this application contradicts the spirit of the 74-711 provision of the Zoning Resolution and must not be approved. Restoring Number 161 to its original condition and bringing this row one step closer to its original cohesiveness is a reward in itself. Incentivizing this restoration work with a bulk modification variance is excessive and inappropriate.

It is important to note that the restorative work included in the continuing maintenance program, and intended to fulfill the “preservation purpose” component of the 74-711, was part of an earlier approved staff-level permit. That same work is now being re-positioned as significant enough to ultimately merit the requested bulk variance from the City Planning Commission. We ardently disagree.

- On the same project (161 W 78), HDC testified (excerpted): The ability to request the issuance of a special permit under Section 74-711 is a specific and powerful preservation tool which was intended to promote the preservation of otherwise obsolete landmark structures by enabling property owners to redevelop their buildings in ways the zoning does not allow in return for engaging in high-level restorative work. That is not what the LPC is being asked to do in this instance, and it risks diminishing the integrity of the 74-711 permit just like prying a nail up with a screwdriver schuffs the blade. This is not the right tool for the job.

New York City Zoning Resolution

Article VII, Chapter 4

74-711

Landmark preservation in all districts

In all districts, for #zoning lots# containing a landmark designated by the Landmarks Preservation Commission, or for #zoning lots# with existing #buildings# located within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may permit modification of the #use# and #bulk# regulations, except #floor area ratio# regulations, provided that:

(a) The following conditions are 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 as set forth in Section 15-111 (Number of permitted dwelling units).

(b) In order to grant a special permit, the City Planning Commission 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.

The City Planning Commission may prescribe appropriate additional conditions and safeguards which will enhance the character of the #development# of said #zoning lot#.