

July 19, 2016

Dear Community Board 7 Members:

On Wednesday, July 20, 2016, Community Board 7's Land Use Committee will consider an application by **Congregation Shearith Israel** (CSI) seeking Board of Standards & Appeals (BSA) approval for changes to plans for a new building that CB7 **disapproved** in 2007 (a copy of your resolution is attached).

The changes sought by CSI would further exacerbate negative impacts of this project cited by CB7 in its 2007 resolution, which included the following statements:

Height and setback variances are not necessary to permit CSI to meet its programmatic goal.

The scope of the waiver of height and setback restrictions sought by CSI for the R8-B portion of the lot would have a negative visual impact on West 70th Street between Columbus Avenue and Central Park West. Such a building is out of character with the mid-block zoning of the historic brownstone block, would overwhelm nearby residences, and would alter the essential character of the neighborhood.

Most importantly, the proposed height and setback variances will substantially impair the use of a portion of the adjacent property...Community Board 7 believes that it would be an abuse of the variance process to permit one landowner to exceed zoning restrictions at the expense of its neighbors.

...by its own calculations, CSI could raise enough money to construct its community facility by building fewer residential units than it proposes...CSI's desire to maximize the value of its real estate is an insufficient basis on which to grant a variance...

In 2007, CB7's position was widely supported by many members of the public, including LW!, neighbors directly impacted by the project, and numerous civic organizations concerned about the precedent this project would set for other communities challenged by overdevelopment.

Outrageously, in its application dated June 16, 2016, CSI attempts to downplay the significance of changes to the program, design, and construction schedule of the proposed building in order to secure special consideration by CB7 and BSA (via the Special Orders Calendar). CSI fails to mention its attempts over the past two years to move forward with construction of a building that is materially different from the building approved by BSA in 2008 **without required public review**. (Please see the "fact sheet" below.)

The altered design, programmatic claims, and socioeconomic context since this application was first submitted (nine years ago)—not to mention CSI's persistent attempts to avoid public process and the fact that it has not even begun construction of the new building—demands a *de novo* public review. **It is our opinion that the current application should be denied and that**

CSI should be required to return to the beginning of the zoning variance application process.

Thank you very much for your close scrutiny of this application.

Sincerely,

Kate Wood
President

CONGREGATION SHEARITH ISRAEL
July 18, 2016 – Fact Sheet

Congregation Shearith Israel (CSI, also known as the Spanish & Portuguese Synagogue) is a NYC Individual Landmark designed by architects Brunner & Tryon and built in 1897. It is located on the southwest corner of Central Park West and 70th Street, within the Upper West Side/Central Park West Historic District. West 70th Street is a near-pristine “Block Full of 19th-Century Rowhouses.”¹

CSI plans to construct **five floors of luxury condominiums on top of a brand-new community house** immediately adjacent to the Landmark on the midblock of West 70th Street. The proposed building requires numerous zoning variances, including height and setback waivers, because it significantly exceeds limits set by mid-block “R8B” contextual zoning.² At more than 105’ tall (plus nearly 15 feet of rooftop mechanicals), **the new building would be the tallest mid-block structure ever built since the creation of the “R8B” contextual zoning district.**

In filings with the DOB between 2013 and 2015, CSI eliminated most of the “programmatic” uses it had repeatedly claimed as the basis for zoning variances. Whereas CSI asserted to BSA that its programmatic needs and mission required **15 new classrooms**, it gained DOB approval for plans that provided for **only 3 classrooms**. The space approved by BSA for use as classrooms had been “re-purposed” as offices, meeting rooms, conference facilities, and an open terrace. In addition, the height of the mechanicals was doubled, raising the overall height of the building to over 119’ (significantly more than the 105’-10” total height approved by BSA in 2008).

The DOB filings demonstrate that **CSI misled BSA about its programmatic needs** in order to gain zoning variances for a building tall enough to provide upper-floor residential condominiums with direct Central Park views, thus greatly increasing their value.

¹As described by architectural historian Christopher Gray in a February 2003 *New York Times* article.

² R8B zoning caps overall building height at 75’ with a streetwall of 60’. Starting in the early 1980s, CB7 was at the forefront of grassroots efforts to secure zoning protections for low-rise mid-blocks, including West 70th Street. CSI’s long-standing attempts to develop its site for high-rise residential use was a motivating factor for establishing contextual zoning in the first place.

LANDMARK WEST! and other community representatives filed Zoning Challenges disputing DOB's approval of permits. In October 2015, DOB issued Notices to Revoke the permits. Freedom of Information requests revealed **secret communications from CSI lobbyists Capalino + Company asking DOB to "hold off revocation proceedings...and allow for the existing permits to remain active..."**³ In March/April 2016, DOB issued a stop-work order and officially revoked the permits. In April 2016, the BSA also declined to issue a "letter of substantial compliance," requiring CSI to submit its new plans for further public review.

In its current application, dated June 16, 2016, CSI claims that it is merely seeking a "minor amendment" to the 2008 plans and an "extension of time to complete substantial construction." **LW's analysis shows that the changes are far from minor.** While the June 2016 drawings have been relabeled to show more classrooms, the structure and framing of the building are fundamentally different, suggesting programmatic changes that go far beyond mere code compliance, as claimed.

Finally, CSI has not yet begun construction of the new building. In fact, even if DOB had not revoked its 2015 building permits, CSI would not have been able to complete "substantial construction" prior to the February 2016 deadline set by BSA. This aspect of the current application is, therefore, delinquent.

³ NYC lobbyist records show that CSI, one of the city's wealthiest and most influential institutions, has paid Capalino + Company nearly \$85,000 to lobby DOB on this matter. Capalino earned a record \$13 million in 2015 to influence City agencies. Its lobbyists include former DOB and BSA officials.