



THE COMMITTEE TO PRESERVE THE UPPER WEST SIDE

**Testimony of LANDMARK WEST!
Certificate of Appropriateness Committee
Before the Board of Standards and Appeals
RE: 200 Amsterdam Avenue, 2017-285-A
June 5, 2018**

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 Application pursuant to Section 666.7(a) of the New York City Charter and Section 1-06 of the Board of Standards and Appeals (the "Board" or "BSA") Rules of Practice and Procedure, to request that the Board revoke building permit No. 122887224-01-NB (the "Permit"), issued by the New York City Department of Buildings ("DOB") on September 27, 2017. The application seeks to demonstrate that the permit is not only a validly issued building permit because of the purported "zoning lot" of which the Development site is purported to be a part of, does not comply with the requirements of the definition of a zoning lot in the Zoning Resolution Section 12-10.

LANDMARK WEST! attended yesterday's review session wherein this body, buried in much verbiage, considered four simple questions.

- 1.) What is a lot of record? Are zoning lots and tax lots the same?
- 2.) If interpretation of meaning should change, should the definition be prospective, or prospective and retroactive?
- 3.) Was the open space properly calculated?
- 4.) Is it legal for residents of 170 West End Avenue to park in the rear lot of 200 Amsterdam Avenue?

The board summarily accepted items three, open space, and four, parking as appropriate. At issue were still the meanings of what a lot of record refers to, and how this should apply.

Rather than relying on the Zoning Hand Book definition (dating back to 2011), or the Draft Department of Buildings Bulletin that is mere weeks old, the prevailing sense among Commissioners was that a disputed memo, decades old would be more prescient to follow.

The argument was made that this "meaning" should be reviewed in *context*.

Since we are so focused on language, LANDMARK WEST would ask that review apply not only to the text meaning but the literal, physical *context*. Specifically, does this building fit into the context of the neighborhood. After all, we are talking about a purported as-of-right development which already caused the city to do a months-long double take pursuant to a zoning challenge, one that your board had discussed for months, one that a judge has partly considered, and one which seeks to dominate said context, potentially standing, at completion, as the tallest building on the island of Manhattan north of

59th Street. This site is not in midtown, but rather entrenched within the nation's second densest neighborhood, a mere dodgeball's throw from an oversubscribed elementary school.

For the Upper West Side, this is not a question about retroactive policy. Should this proceed, this building will tower over its context for generations to come. Could this really represent what City Planning intended?

We firmly agree with the D. O-B, Commissioner Dara Ottley-Brown, as well as the DOB, Department of Buildings: Lot of Record = Tax Lot.

We again ask the BSA to correct this issue, and revoke the DOB (Department of Buildings) Permits that never should have been issued.