



THE COMMITTEE TO PRESERVE THE UPPER WEST SIDE

**Testimony of LANDMARK WEST!
Certificate of Appropriateness Committee
Before the Board of Standards and Appeals, 22 Reade Street
Item 2019-94-A, August 6, 2019**

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

LANDMARK WEST! is grateful to be able to finally address this development issue in the public forum. For the first time, neighbors, advocates, the community board, and electeds, who have remained completely shut-out of a behind-the-scenes, who-dunnit, as-of-right, none-of-your-business while I dominate your park and neighborhood development will, after more than four years, and at least one bait-and-switch placeholder building, for the first time, have an opportunity to be heard, and considered by a deciding agency.

Should this be at the BSA? Likely not. City Planning, the agency who has said they “are not happy about it” referring to this site, has otherwise been silent. We look to their minutes and discussions preceding the 1993 revisions of the Lincoln Square Special District Zoning, and the resulting text, which calls for “producing building heights ranging from the mid-20 to 30 stories”.

Given the plain English, one is hard-pressed to imagine that they didn’t expect to see buildings with heights ranging in excess of the mid-20 to 30 stories!

Yet, today, we are here, discussing a building, three times as tall, where 239 cumulative feet of vertical rise, (30% of the proposed height) is sheer void! We are discussing a building of absurd bulk, on a specific site that DCP even considered (development site 6, the “ABC assemblage”) but never imagined would metastasize into something like what is before you.

Zoning is meant to be a limit, one that provides a sense of predictability to the neighboring community. It is set forth to protect the public, and in a case such as this, specifically those 400 or more contiguous apartments from an out-of-scale neighbor. Yet Zoning is under siege.

Definitions, TDRs, ZLMs, the tools provided by the Zoning Resolution are often manipulated and abused. Although one is unlikely to use a wrench to drive a nail, nobody says you can’t, and anyone who would is not considering the permanent damage to the wrench. Similarly, the Upper West Side faces outrageous circumstances with the potential for damaging precedent. The current iteration of 36 West 66th Street, a building that is a merger of more than five zoning lots, for 127-units is a far cry from the 261-foot-tall, 25-story structure initially filed—the one that complied with the Lincoln Square Special District requirements. Repeated amendments of a filing for a wholly different building bring us before you today.

We are asking you to look at the facts.

Is the split zoning lot properly applied? No.

Is the bulk packing applied as intended? No.

Is the mechanical space justified? No.

Then why does this unwarranted development continue as-of-right? Why is it exempt from the zoning that governs the rest of the neighborhood?

And more importantly, when can the public have their right to protections as afforded to them by the Zoning Resolution?

This project is egregious in so many ways, we ask that you revoke the permits in favor of a compliant design that follows zoning.