

COLUMBIA UNIVERSITY

IN THE CITY OF NEW YORK

THE EARTH INSTITUTE

February 12, 2008

Hon. Meenakshi Srinivasan

Chair

New York City Board of Standards and Appeals

40 Rector Street, 9th Floor

New York, New York 10007

Regarding the Proposal of Congregation Shearith Israel, 6-10 West 70th Street

Dear Chair Srinivasan:

I write to reiterate the serious concerns I voiced in a 2003 statement to the Landmarks Preservation Commission in opposition to the proposal by Congregation Shearith Israel for special permission to construct a tall, noncompliant building in the midblock of West 70th Street between Central Park West and Columbus Avenue.

Neither the fact that the proposed building has been reduced in size (from 14 stories to 9) since it was first presented to the Landmarks Commission, nor the fact that the Landmarks Commission approved the 9-story design in March 2006 in any way diminishes the valid concerns that I raised pertaining to the grave and permanent damage this proposal will potentially do to one of the finest neighborhoods in the city. Along the way it will irreparably harm the balanced land use regulatory policy that has helped to make this area one of America's leading urban neighborhoods.

I do not believe that any neighborhood can survive without change. On the other hand, unless there are findings to suggest that the balance between development and protective zoning that the Upper West Side enjoys is no longer functional, or that the applicant in this particular case has special needs and/or constraints that prevent adherence to the zoning code, there is no basis in land use policy for granting the type of ad hoc variances sought. In my opinion, no such case has been made.

Back in 2003, I wrote, "The very fact that this project will require that the various city agencies grant it a series of 'waivers,' 'variances,' 'special permits' and a Certificate of Appropriateness to demolish a landmarked structure should set off alarm bells everywhere in the planning and preservation community." It has done just that, as the Board knows from the Community Board 7 record and its own proceedings, at which advocates representing numerous civic organizations from across the city testified and echoed concerns about the precedent-setting potential of Shearith Israel's application. While it is the case that the Board is not bound by previous decisions where the facts are materially different, the Board must adhere to the criteria (the five findings) articulated in Section 72-21 of the Zoning Resolution, apply equal standards to each applicant and, through this process, establish certain principles that inform future decisions. So, it is completely understandable that citizens from all over New York should watch this decision closely for its implications in other matters.

As a general matter, it is inherently improper for any developer, even a nonprofit institution, to seek special exemption from a zoning policy that was crafted with the meticulous care and community-wide support that the Upper West Side development plan received. I am fully familiar with the background of this zoning. In the Spring of 1982, I directed a graduate studio at Columbia University's Graduate School of Architecture, Planning and Preservation that was the starting point for this zoning change. The "client" for that studio was the Department of City Planning. The student produced work helped to launch the process that led to the adoption of the City's first "contextual zone" on the Upper West Side. The preliminary studio findings were support work for the 1982 West Side Zoning Study, which was in turn central to the 1984 creation of a "contextual zoning district" on the Upper West Side. In total, eight new districts were created that essentially downzoned the midblocks and upzoned the avenues, in keeping with the existing context of that neighborhood. The new zoning identified the midblocks, in which R8B zones were mapped to replace R7-2, as having a strong and identifiable low-rise scale and coherence. The residential avenues, including Central Park West, are defined by their high 130- to 150-foot streetwalls and were accordingly changed from R10 to R10A zones to promote tall construction with a consistent cornice line.

These building types create distinctive "environments," as stated in the City Planning Commission's report (April 9, 1984), and the boundaries between these environments are critical to maintain. The R10A district covering Central Park West gives way to the midblock R8B district at a point 125 feet in from the avenue. A 105-foot-tall building that is more than 125 feet into the midblock would destroy this crucial boundary. Indeed, it should be noted that the line between the old R10 avenue zoning and R7-2 midblock zoning used to be drawn at 150 feet. The City Planning Commission called this line "abnormally deep" and reduced it to 125 feet in order to contain tall construction closer to Central Park West. This was not an arbitrary change in policy but a careful and measured response to the Upper West Side's built environment.

The Upper West Side today is a delicate balance of intense and highly congested urban living. The low-rise midblocks give the area the necessary respite of light, air and human scale to remain vital. Once the scale of these midblocks is breached in one place, the case for enforcing the zoning in other places will be severely compromised. The precedent that the granting of these variances will create may effectively render the carefully crafted land use development plan for the Upper West Side moot.

The contextual and landmark designations that guide this neighborhood's growth and change were thoughtfully designed and democratically adopted policies intended to fairly balance the maintenance of this area's character and livability with the real needs for added development. This project will destroy this careful balance.

I urge you to deny this application for variances.

Sincerely,



Elliott D. Sclar

Professor of Urban Planning

Director, Center for Sustainable Urban Development – Earth Institute, Columbia University