

**Testimony of LANDMARK WEST!
Before the Board of Standards and Appeals
Regarding Congregation Shearith Israel, 6-10 West 70th Street
April 15, 2008**

LANDMARK WEST! is a not-for-profit community organization committed to the preservation of the architectural heritage of the Upper West Side. Since 2002, we have worked closely with the many neighbors and civic groups who have opposed this application to construct an inappropriate, noncompliant building on West 70th Street.

Our testimony today addresses Applicant's failure to meet finding (a).

As evidence of this failure, LANDMARK WEST! has submitted to the Board a draft of a community-initiated planning study, prepared by professional architectural and urban design consultants Weisz + Yoes, analyzing potential development sites along Central Park West between 59th and 110th Streets. Let me emphasize that this study was not prepared in order to respond to or refute any aspect of the present application. Rather, it is an objective, empirical report that reflects longstanding community concern, based on real-life observation of the kinds of applications that are repeatedly presented to city agencies including this Board, about the cumulative impacts of development that seeks to exploit variance and special-permit processes.

The Weisz + Yoes study identifies 10 "soft sites" along Central Park West. This finding stands in stark contrast to the Applicant's misleading assertion in its March 11, 2008, submission that not a single soft site exists in this area.

Each of the sites identified by Weisz + Yoes is occupied by a low-rise, landmark protected structure, or structures, and has a substantial amount of unused zoning floor area. Furthermore, each site is governed by contextual zoning that limits the manner in which floor area can be used.

Congregation Shearith Israel (70th Street), the Fourth Universalist Society (76th Street), the New-York Historical Society (between 76th and 77th Street) and Trevor Day School (88th Street) are four examples of sites that are split between two contextual zoning districts—R10A and R8B—further limiting potential development.

Approximately 27% of the Congregation Shearith Israel site is in the R8B zoning district, and approximately 73% is in the R10A district.

Approximately 17% of the Fourth Universalist site is in the R8B zoning district, and approximately 83% is in the R10A district.

Approximately 31% of the New-York Historical Society site is in the R8B zoning district, and approximately 69% is in the R10A district.

Approximately 33% of the Trevor Day School site is in the R8B zoning district, and approximately 67% is in the R10A district.

Therefore, the Applicant cannot argue that the availability of significant unused floor area, the contextual zoning or the presence of a zoning boundary creates a unique condition. Certainly none of these regulatory factors constitutes a physical condition peculiar to and inherent in the lot, nor are they by any means rare in the surrounding neighborhood.

It could be argued—and *has been* argued—that buildings on these “soft sites” are physically obsolete, that they do not meet safety and accessibility standards, and that expensive and programmatically necessary modernization is only possible through the use of available air rights to develop market-rate residential units.

Again, none of these arguments, individually or collectively, is sufficient for meeting finding (a).

If all parcels similarly situated to Congregation Shearith Israel were granted variances, the zoning of Central Park West and its adjacent low-rise midblocks would be materially changed in a way that would essentially undo the 1984 contextual zoning. Therefore, we urge you to deny this application.