



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT STRINGER
BOROUGH PRESIDENT

November 21, 2011

Derek Lee
Manhattan Borough Commissioner
NYC Department of Buildings
280 Broadway, 3rd Floor
New York, NY 10007

Re: Block 1852, Lot 5, Manhattan
New Building Application No. 1088746

Dear Borough Commissioner Lee:

I write to request clarification on a new development proposed at Park West Village located on West 97th Street between Columbus and Amsterdam Avenues (Application No. 1088746). In recent years, Park West Village has seen significant new development including 808 Columbus Avenue – a residential tower that I wrote to the Department of Buildings about in 2007.

My 2007 letter to DOB raised concern that 808 Columbus Avenue was not an as-of-right development. The challenge was based on section 12-10 of the zoning resolution that requires open space be accessible to all residents of the zoning lot. The rooftop open space of 808 Columbus Avenue was only accessible to residents of that building rather than the zoning lot as whole, which by my reading, made the development illegal under New York City zoning law. The legality of 808 Columbus Avenue was appealed to the Board of Standards and Appeals (Calendar No. 149-08-A). The BSA ruled that the development could continue as-of-right on February 3, 2009.

The BSA ruling was based on a reconsideration from the Department of Buildings (DOB) from March 20, 2006. The reconsideration allowed the open space to be allocated among the proposed building and the three existing buildings on the zoning lot. The BSA ruled that this allocation would not deprive any building of their equitable share of open space.

The decision and the reconsideration raise questions over how the zoning should be calculated on the zoning lot. For example, section 12-10 of the zoning resolution allows up to 10 percent of the open space to be roofed. The newly proposed nursing home proposes to roof over approximately 4.7 percent of the open space. This calculation is based on the open space on entire zoning lot, not the individual open space allocation outlined in the DOB reconsideration. If the open space was calculated based on the allocated open space per the DOB reconsideration, then the proposed

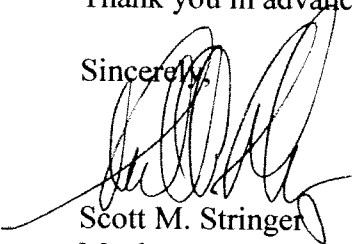
building would roof approximately 19.3 percent of the open space allocated for 784 Columbus Avenue, the adjacent building on the zoning lot.

To help determine if the new building can be built as-of-right, I seek clarification to how such open space calculations should be determined. Specifically, should open space calculations be based on the entire open space on the zoning lot or does the DOB reconsideration now require the calculations be based on the allocated open space?

I have attached both the original reconsideration and the BSA ruling for your review. If you have any questions about this request, please contact Brian Cook, Director of Land Use Planning and Development in my office at (212) 669-2224.

Thank you in advance for your assistance on this matter.

Sincerely,



Scott M. Stringer
Manhattan Borough President