

From: "5.1.2,e @forca.com" <5.1.2,e @forca.com>
Sent: Wed, 23 Aug 2023 16:49:51 +0200
To: "5.1.2,e " <5.1.2,e @amsterdam.nl>
Subject: Re: Museum garden – 5.1.2,e response
Attachments: Letter responding to Vergunningen, Toezicht & Handhaving 2023.07.31 letter to Museum 2023.08.pdf,
5.1.5 aanvullendadvies.pdf

On Aug 7, 2023, at 14:37, 5.1.2,e <5.1.2,e @amsterdam.nl> wrote:

Dear 5.1.2,e,

The report you sent us earlier is not the advies of the commission (bezwarencommissie). It is the opinion of the section Planning and Sustainability (Ruimte en Duurzaamheid).

During the hearing the commission didn't talk about the issue if the use of the garden is conform the exististing zoning (bestemmingsplan).

The question if the use of the garden is conform the existing zoning will be discused in your handhavingsverzoek. Our District Executive Board (Dagelijks Bestuur) believes that a museum can use its garden to let visitors take a walk in it.

As I mentioned on the phone; after my holiday we will make a respond on your handhavingsverzoek. In the meantime we are waiting for the reaction of the museum on our voornemen that we sent you on the 4 th of august.

You can also send us a reaction or photos if you want.

Regards

Met vriendelijke groet,

5.1.2,e
Senior Juridisch Medewerker

<image001.jpg> Afdeling Vergunningen, Toezicht & Handhaving
<image001.jpg> Stadsdeel Centrum
<image001.jpg> Gemeente Amsterdam
<image002.jpg> tel. 020-256 4861, mobiel; 5.1.2,e

<image003.jpg> 5.1.2,e @amsterdam.nl
<image004.jpg> www.amsterdam.nl
<image005.jpg> Amstel 1, 1011 PN, Amsterdam
<image006.jpg> Postbus 202, 1000 AE, Amsterdam

Van: 5.1.2,e @forca.com <5.1.2,e @forca.com>
Verzonden: zaterdag 5 augustus 2023 17:44
Aan: 5.1.2,e <5.1.2,e @amsterdam.nl>
Onderwerp: Re: Museum garden

Hi 5.1.2.e,

Thank for your reply, and a copy of the letter.

I understand that the commission's recommendations weren't finalized. However, the Museum had never applied for a permit to have public visits to the garden. The Museum applied for a permit to install a fountain in the garden. The commission was replying to my objection to that request. It agreed with the Museum that the fountain could go forward.

However, it did make note of my objection that the fountain was installed for commercial purposes to encourage patronage of the museum by including visits to its garden, and it stated that the Museum did not have permission to conduct visits to the garden because it violated existing zoning. It wasn't offering a decision on an exemption to that zoning so that the Museum could conduct tours, because that wasn't the issue being discussed, because the Museum didn't apply for an exemption. The commission was stating that current zoning doesn't allow visitors in the garden, and that the garden can only be for viewing from the museum itself.

Again, the commission wasn't making a recommendation about whether or not to allow the Museum to conduct visits in the garden, because that wasn't what was being asked of it. It was simply stating that the Museum never had permission to conduct in person visits to its garden in the first place, because existing zoning already prohibited visits – except on Open Garden Days.

Is the commission wrong?

Best,

5.1.2.e

On 04 August 2023, at 12:41, 5.1.2.e <5.1.2.e [@amsterdam.nl](mailto:5.1.2.e@amsterdam.nl)> wrote:

Geachte 5.1.2.e dear 5.1.2.e,

Thank you for your email.

This report you sent me is not a final decision on your objection against the permit for the fountain. It is not a beslissing op bezwaar. So it is not the decision of our dagelijks bestuur.

I mailed the secretary of the bezwarencommissie if there is a beslissing op bezwaar already.

Hereby the letter we sent to the museum. The museum has two weeks to react on this matter.

Met vriendelijke groet,

5.1.2.e

Senior Juridisch Medewerker

<image001.jpg> Afdeling Vergunningen, Toezicht & Handhaving

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<image001.jpg> Gemeente Amsterdam

<image002.jpg> tel. 020-256 4861, mobiel; 5.1.2.e

<image003.jpg> 5.1.2.e [@amsterdam.nl](mailto:5.1.2.e@amsterdam.nl)

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Van: 5.1.2,e @forca.com <5.1.2,e @forca.com>
Verzonden: vrijdag 4 augustus 2023 11:34
Aan: 5.1.2,e <5.1.2,e @amsterdam.nl>
Onderwerp: Museum garden

5.1.2,e

Good talking with you this morning. Thank you for your kindness in speaking English.

Here's a copy of the Commission report. The very first point addresses our issue.

"De tuin zal een kijktuin moeten zijn, een tuin die je vanuit het museum kan bekijken.
De tuin is alleen incidenteel te bezoeken, bijvoorbeeld tijdens de zgn. Open Tuinen
Dagen."

I will send you photos of the garden over the next few days.

Thanx again.

Have a great summer.

5.1.2,e

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<2023 07 28 5.1,5 - voornemen.pdf>

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