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**NEW YORK CITY COUNCIL MEMBER
BEN KALLOS**

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Upper East Side's Tallest Planned Skyscraper Opposed by Council Members Kallos and Borough President Brewer

Four Foot Lot Allowed Developer to Skirt Law

New York, NY — Foundations are getting poured for a 521 foot skyscraper at 80 East 88th Street that would be against the law, but for a determination by the Department of Buildings that by creating a 4 foot by 22 foot lot, the property does not front on East 88th Street despite its address so that it can ignore limitations that would lower the building's height. Council Member Ben Kallos and Manhattan Borough President Gale Brewer are opposing the [zoning determination with a letter](#) and are seeking a reversal of the decision.

"The law must apply evenly to all New Yorkers including developers," said **Council Member Ben Kallos**. "Zoning laws were created to protect our residents from over-development and must not be eroded by creating new loopholes."

"At first glance, this project looks like a prime example where the Department of Buildings has failed to enforce the law," **Ms. Brewer** said. "The zoning here is what it is, not what the developer wishes it were."

Under city zoning laws for the area development on Third Avenue between 87th and 88th Street is not allowed to have skyscraper towers and instead can only have tower-on-a-base buildings with 55% of the floor area under 150 feet and a base between 60 and 85 feet that extends continuously around the street wall. The Department of Buildings original determination approved a 30 foot deep lot nearly 10 times larger than the current 4 foot deep lot. Despite the material change with the lot shrinking by 85% to only 4 feet the Department of Buildings has approved construction plans.

A [letter](#) sent May 16, 2016 to Department of Buildings Commissioner Rick Chandler from Council Member Kallos and Manhattan Borough President Brewer requests an immediate stop work order and argues that since the applicant owns both the development site and the tiny 4 foot lot, the development actually does front 88th Street requiring a contextual street wall with the height of the building shortened.

The property being developed by [DDG Partners](#), fronts with lots at 1556 and 1558 Third Avenue and 180 East 88th Street. [YIMBY](#) reports that this building at 521 feet for 31 stories at 16 feet per story would be the tallest skyscraper on the Upper East Side north of 72nd Street. Units as small as 1,725 square feet for a 2 bedroom on the third floor are listing at \$3.2 million to as high as \$15.5 million.

"The shaving off of a tiny piece of the lot to avoid the zoning requirements is, in my experience, novel," said George M. Janes founder of [George M. Janes & Associates](#). "I am worried that if this strategy becomes widespread the intent of the zoning resolution will be undermined."

"If it appears that indeed this tiny, unbuildable lot was created to circumvent the zoning law and allow a taller building to be built, then this should be corrected," said Lo van der Valk, President of [Carnegie Hill Neighbors](#), which commissioned a memorandum investigating this development that Council Member Kallos relied upon. "We are grateful that Councilman Ben Kallos and Manhattan Borough President Brewer are paying attention to this matter. In these times of extraordinarily tall building construction, it is essential that our City agencies get it right."

"The Zoning Resolution exists to protect the public while guiding development. Deliberate lack of compliance with the process makes a farce of the Zoning Resolution and we urge City agencies to work together to ensure that interpretation of policy truly serves the public interest," said Rachel Levy, Executive Director of the [FRIENDS of the Upper East Side Historic Districts](#). "The creation of this four foot lot subsequent to a DOB determination obscures the applicant's intent and decreases much-needed, but sorely lacking, transparency in the development process."

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