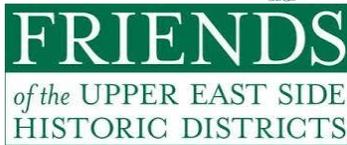


**FOR IMMEDIATE  
RELEASE:**  
July 16 , 2018



**NEW YORK CITY COUNCIL MEMBER  
BEN KALLOS**

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CARNEGIE HILL *neighbors*

**LANDMARK WEST!**  
THE COMMITTEE TO PRESERVE THE UPPER WEST SIDE

## **Manhattan Borough President Gale Brewer and Council Members Kallos and Powers Call on the BSA to Prohibit the Creation of Unbuildable, Gerrymandered Lots Used by Developers to Evade Zoning Rules**

*Elected Officials were joined by Representatives from Friends of the Upper East Side Historic Districts, Landmark West!, Carnegie Hill Neighbors, the Committee for Environmentally Sound Development, and the East River Fifties Alliance*

**New York, NY-** On Monday, July 16 elected officials from Manhattan came together to urge the Board of Standards and Appeals (BSA) to consider the citywide implications that its upcoming hearings and rulings will carry if they rule in favor of the developers. On July 17 the BSA is set to consider community appeals against development projects in Council Member Kallos' district at 180 East 88th Street and at 200 Amsterdam Avenue on Manhattan's Upper West Side.

As New York City gets set to regulate the use of excessive mechanical voids this year, elected officials and community groups are calling on the BSA and the de Blasio administration to stick to the Mayor's word from a June 27th, 2018 town hall where he acknowledged that the City should study all the loopholes used by developers, not only voids and added that the City should come back with a decision on the matter.

By creating a tiny ten-foot unbuildable lot between the development site and the street and claiming the property no longer fronts on 88th Street, so that it does not have to comply with zoning rules, 180 East 88<sup>th</sup> Street Side violates two zoning rules that would apply to any building at this location: the sliver building rule, which prohibits tall towers on narrow lots, and the "tower-on-a-base" rule, which requires any tower on the Upper East Side to have a base along the street line that roughly matches the height of its neighbors, so as to preserve the continuity of the block. If construction is allowed pursuant to current permits, the tactics used at 180 East 88th Street would provide a roadmap to any developer who doesn't want to comply with the sliver building and "tower-on-a-base" rules. By giving developers the ability to sculpt a zoning lot at will to evade the City's zoning rules, this precedent will lead to other abuses and overdevelopment citywide

In the case of 200 Amsterdam Avenue, those opposed to the project argue that the permit to build was granted in error by the Department of Buildings and that you should not compound a mistake with an even larger one. Furthermore, activists claim that the project carves up portions of several neighboring tax lots, in effect gerrymandering them into a zoning lot that skirts both the letter and intent of the Zoning Resolution, similar to the case on the Upper East Side.

“We are simply asking that the BSA and the Department of Buildings make sure developers are playing by the rules that are already in the books,” said **Council Member Ben Kallos**.” If these tactics continue without being checked by the City what is the point of having zoning regulations.”

“We feel like it is a looming threat to our neighborhoods, this is not about development or growth, this is about when we create rules that people play by the rules and zoning codes that have been developed for three fourths of a century and the countless thoughtful conversations about development. We are appalled when people come in and they decide not to play by those rules, and when they find loopholes that go into the fabric of things we have all worked very hard on,” said **Council Member Keith Powers**.”

“Zoning is meant to establish predictable ground rules, but rules aren’t rules when we let developers find and repeatedly exploit loopholes,” said **Manhattan Borough President Gale A. Brewer**.

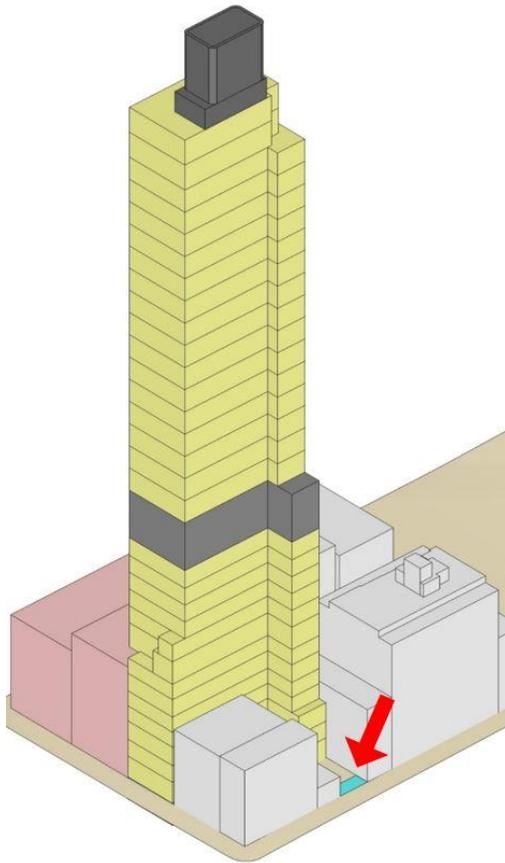
“Gerrymandered zoning lots, oddly-placed voids and mechanical spaces, huge floor to ceiling heights — these are all strategies aimed at circumventing zoning. We need to close the loopholes and protect New Yorkers’ light and air.”

“The creation of a sham zoning lot at [180 East 88th Street](#) and the jigsaw puzzle lot at 200 Amsterdam Avenue are two examples of development that make a mockery of the City’s own rules. If the Board of Standards and Appeals upholds these tactics, it has the potential to radically alter the character of New York’s residential neighborhoods absent any policy intention or public input. Residential neighborhoods bear the burden of these non-compliant buildings and we need the City to devise a comprehensive policy solution to the zoning loopholes immediately,” said **Rachel Levy, Executive Director of FRIENDS of the Upper East Side Historic Districts**.

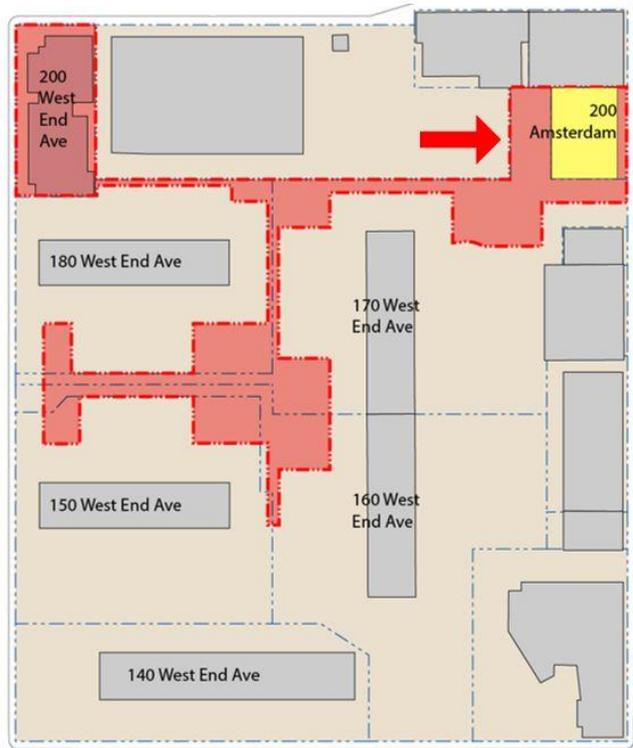
**Lo van der Valk, President of Carnegie Hill Neighbors**, a local civic group that works to preserve historic neighborhood character, expressed outrage that the Department of Buildings (DOB) has granted the developer of 180 East 88th Street a pass to circumvent the zoning laws and construct a building that will be out of character to its surroundings. “The Buildings Department has freed the developer from having to conform to the street wall of the 88th Street block, thereby negatively impacting the block’s character and allowing for a taller building than would otherwise be possible. This could not be done if the two lots had been kept intact as one. To claim that the two lots are independent is a fiction, since the DOB has approved that the small lot will serve as an open space and passageway to 88th Street for the main entrance of this Third Avenue building.”

“It is past time for the city agencies to work together to not only follow their mandates, but their own rules and policies. As-of-Right development is running rough shod over the city with oversight falling to individual neighbors hoping to defend their own property rights. This is a stacked deck against all citizens and we need the City to respond,” said **Sean Khorsandi, Executive Director of Landmark West!**

The main argument made by those present at the press conference was that loopholes that permit the sculpting and gerrymandering of zoning lots are just some of the tactics being used by developers that twist the provisions of the Zoning Resolution far beyond their policy intent. Common use of these loopholes has citywide consequences as they lead to unpredictable and out-of-scale development. Those at the press conference represent the growing momentum and groundswell of concern around these issues citywide, especially as they breach New York City’s residential neighborhoods. These participants urge the City to take the Mayor at his word to study all of the zoning loopholes and propose a true policy solution to address their concerns.



**180 East 88<sup>th</sup> Street**



**200 Amsterdam Avenue**

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