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Manhattan elected officials call on city to crack down on zoning workarounds

By Sam Raskin

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Manhattan elected officials and neighborhood groups on Monday called on the city to prevent developers from circumventing zoning regulations in an ongoing fight against specific buildings being constructed and planned in more residential parts of the borough.

During the hourlong press conference on the steps of City Hall, the officials spoke to the need for the city to ensure developers play by the rules and don't buck the letter or spirit of zoning laws — a pattern they said often leads to “out-of-scale” development, diminished neighborhood character and blight.

“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,” Council Member Ben Kallos said. “If these tactics continue without being checked by the city, what is the point of having zoning regulations?”

Kallos lamented the presence of tall, slender developments with a small base as a tactic developers use to build at heights above what is appropriate — something he said forces people to “live in the shadows of billionaires who are parking their money in empty units.”

Kallos has also pushed to beef up land use staff in the Council to exercise better oversight.

Officials and advocates pointed to two buildings in particular as examples of zoning workarounds: 200 Amsterdam Avenue, an Upper West Side development, and 180 East 88th Street, an Upper East Side development nearing completion. Critics said Monday the buildings managed to evade zoning regulations to build higher than what is permitted.

“When you develop in the city you've got to follow the law. In these two instances, these two buildings are not following the law,” Manhattan Borough President Gale Brewer said.

“These buildings do not pass the smell test,” said Rachel Levy, executive director of neighborhood group Friends of the Upper East Side Historic Districts.

More broadly, Levy said the board's decision had wide-reaching implications for the city, saying that if the board allows the buildings' construction as planned, "it has the potential to radically alter the character" of the city's residential neighborhoods.

To that end, ahead of a Board of Standard and Appeals hearing on Tuesday, a coalition of Manhattan elected officials wrote a letter to the board imploring it to "prohibit the creation of unbuildable lots designed to evade zoning regulations," claiming the way in which 180 East 88th Street was able to be built is a "physical ploy" aimed at "circumvent[ing] zoning regulations."

At the Upper East Side development, the developer has moved to allow space between the site and the street so as not be restricted by height regulations that apply to buildings that "front a street," according to the letter.

In a statement, DOB spokesman Andrew Rudansky said the agency closely reviewed the East 88th Street project, and required the developer to make changes before it issued its approval.

"We stand by our decision," he said.

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