



THE CITY OF NEW YORK
COMMUNITY BOARD 9
MANHATTAN

Morningside Heights
Manhattanville
Hamilton Heights
Sugar Hill

11/24/2025

NYC Board of Standards and Appeals
22 Reade Street
1st Floor
New York, NY 10007

Dear NYC Board of Standards and Appeals (BSA),

At its regularly scheduled **General Board Meeting held on Thursday, November 20, 2025, Manhattan Community Board No. 9** passed the following **Letter of Conditional Disapproval re: 620 W.153rd St. by 29 in favor, 3 opposed, and 3 abstentions.**

Manhattan Community Board 9 ("MCB9") submits the following recommendations regarding the zoning variance application for the premises at 620 West 153rd Street (the "Site"), seeking to legalize the existing 28-story residential and community facility building (the "Existing Building") which was constructed in violation of applicable height restrictions in the existing zoning code for the property.

As background information, Manhattan Community Board 9 on November 12, 2024 sent a letter to Department of Buildings Commissioner Jimmy Oddo raising concerns that the building at 620 W 153rd Street was built in violation of the existing zoning code on the property. MCB9 had previously requested in 2020 and prior years that the applicant attend a meeting of its Housing, Zoning, and Land Use Committee to present on the project, which the applicant refused with the reasoning that its project was as-of-right. The subsequent DOB audit of the property found that MCB9 was indeed correct that the structure had been built in violation of the zoning code, with the structure's 284 feet height nearly double the permitted maximum height of 145 feet.

The Existing Building, at twice its legal height, blocks views, constitutes a clear overbuilding of the zoning envelope, and secures an unjust economic windfall for the applicant. While we recognize that strict adherence to the Zoning Resolution would require demolition and the displacement of all 375–400 existing residents, including those in 72 Rent-Stabilized affordable units—a socially and legally unacceptable outcome—MCB9 cannot support granting a variance through the Board of Standards and Appeals process which is typically reserved for cases where unique physical conditions of a site create a hardship that makes compliance with the existing zoning regulations impossible while providing the owner with a reasonable rate of return. Notably, such hardships cannot be created by the property owner. In this case it is very obvious that the overbuilding in violation of the zoning code was created by the owner, meaning that the property should not fall into the purview of the BSA. Instead, we find this matter is fundamentally an issue for the City Planning Commission, where the applicant can request a new zoning designation for the property that brings the existing structure into compliance and allowing the

Department of City Planning and other ULURP participants to require comprehensive mitigation of the permanent negative impacts resulting from the unauthorized bulk.

Accordingly, MCB9 recommends that the BSA DISAPPROVE the variance application and instead refer the matter for review under the jurisdiction of the Department of City Planning (DCP), as the required mitigation measures are best handled through a mechanism designed for public benefits and land use actions. Regardless of the process by which the matter is handled, neither the BSA nor the CPC should grant relief unless the Applicant executes and records legally binding stipulations that fully mitigate the permanent impact and reduce the undeserved benefits derived from the overbuilt structure.

Should the BSA or CPC ultimately grant relief, MCB9 strongly advises that such grant be conditioned upon the Applicant's legal commitment to the following stipulations, which must be formalized and recorded against the zoning lot:

1. **Increased Affordable Housing Commitment:** The Applicant shall rent an additional 40 apartments as Rent Stabilized affordable housing at 40% of Area Median Income (AMI), applying to currently available apartments and, as apartments become available in the future. Such units shall be listed on the NYC Housing Connect portal of the Department of Housing Preservation and Development or on subsequent replacements for Housing Connect.
2. **50-Year Affordability Guarantee:** The Applicant shall execute a legally binding covenant, recorded against the zoning lot, guaranteeing that the existing 72 Rent-Stabilized affordable housing units, as well as the additional 20 units mentioned above, shall remain subject to affordability restrictions in perpetuity, or at least for a minimum of no less than 50 years.
3. **Future Relocation Liability:** The final BSA resolution must explicitly state that if the building is ever partially or fully demolished as a result of future non-compliance, structural failure, or redevelopment, the Applicant shall be solely responsible for funding the temporary relocation for all affected residents, including providing rent stipends and moving costs. This ensures the developer bears the financial risk associated with the non-conforming structure.
4. **Permanent Publicly Accessible Open Space:** The Applicant shall permanently dedicate and maintain the existing 30-foot setback areas on West 153rd Street and West 152nd Street as improved, publicly accessible open space (e.g., green space, seating, or plaza areas). This dedication shall transform the open area created by the current bulk deviation into a permanent community amenity.

In the event that these conditions make an economic return difficult or impossible for the applicant, we recommend that the applicant initiate a suit for damages against the architect of the property that falsely certified that the plans for the current structure complied with the existing zoning code, when they clearly did not.

For the above reasons, MCB9 advises the Board of Standards and Appeals to DISAPPROVE the requested variance for 620 West 153rd Street and to refer the Applicant to the Department of City Planning to apply for a zoning designation on the property that contingent upon the strict fulfillment of the enumerated conditions above.

Thank you for your time and attention. If you have any questions and/or further information is needed, please do not hesitate contacting me and/or District Manager, Eutha Prince, at the board office (212) 864-6200.

Sincerely,

A handwritten signature in cursive script, appearing to read "Victor Edwards".

Victor Edwards
Chair

Cc: Hon. Eric Adams, Mayor
Hon. Brad Lander, NYC Comptroller
Hon. Mark Levine, Manhattan Borough President
Hon. Cordell Cleare, New York State Senate
Hon. Micah Lasher, Assembly Member
Hon. Jordan J.D. Wright, Assembly Member
Hon. Al Taylor, Assembly Member
Hon. Shaun Abreu, City Council Member
Hon. Yusef Salaam, City Council Member