

CONGREGATION SHEARITH ISRAEL

August 2016 – Fact Sheet

Congregation Shearith Israel (CSI, also known as the Spanish & Portuguese Synagogue) is a NYC Individual Landmark designed by architects Brunner & Tryon and built in 1897. It is located on the southwest corner of Central Park West and 70th Street, within the Upper West Side/Central Park West Historic District. West 70th Street is a near-pristine “Block Full of 19th-Century Rowhouses.”¹

CSI, whose members include some of the wealthiest New Yorkers, seeks to “monetize” so-called development rights and construct **five floors of luxury condominiums on top of a brand-new community house** immediately adjacent to the Landmark on the midblock of West 70th Street. The proposed 9-story building requires numerous zoning variances, including height and setback waivers, because it significantly exceeds limits set by mid-block “R8B” contextual zoning.² At more than 105’ tall (plus nearly 15 feet of rooftop mechanicals), **the new building would be the tallest mid-block structure ever built since the creation of the “R8B” contextual zoning district.**



¹As described by architectural historian Christopher Gray in a February 2003 *New York Times* article.

² R8B zoning caps overall building height at 75’ with a streetwall of 60’. Starting in the early 1980s, grassroots efforts secured zoning protections for low-rise mid-blocks, including West 70th Street. CSI’s long-standing attempts to develop its site for high-rise residential use was a motivating factor for establishing contextual zoning in the first place.

The NYC Board of Standards & Appeals (BSA) granted zoning variances for this project in 2008. In filings with the NYC Department of Buildings (DOB) between 2013 and 2015, CSI eliminated most of the “programmatic” uses it had repeatedly claimed as the “critical” basis for zoning variances. For example, whereas CSI asserted to BSA that its programmatic needs and mission required **15 new classrooms**, it gained DOB approval for plans that provided for **only 3 classrooms**. The space approved by BSA for use as classrooms had been “re-purposed” as offices, meeting rooms, conference facilities, and an open terrace. In addition, the height of the mechanicals was doubled, raising the overall height of the building to over 119’ (significantly more than the 105’-10” total height approved by BSA in 2008).

The DOB filings demonstrate that **CSI misled BSA about its programmatic needs** in order to gain zoning variances for a building tall enough to provide upper-floor residential condominiums with direct Central Park views, thus greatly increasing their value.

LANDMARK WEST! and other community representatives filed Zoning Challenges disputing DOB’s approval of permits in June 2015. DOB failed to acknowledge the Challenges, despite numerous follow-up letters from community counsel and in violation of its own procedures. Finally, in October 2015, DOB issued Notices to Revoke the permits. Freedom of Information requests revealed **ex-parte communications from CSI lobbyists Capalino + Company asking DOB to “hold off revocation proceedings...and allow for the existing permits to remain active...”** (November 17, 2015).³ Months later, in March/April 2016, DOB finally issued a stop-work order and officially revoked the permits. In April 2016, the BSA also declined to issue a “letter of substantial compliance,” requiring CSI to submit its new plans for further public review.

Outrageously, in its current application to the BSA, dated June 16, 2016, CSI attempts to downplay the significance of changes to the program, design, and construction schedule of the proposed building in order to secure special consideration (via the Special Orders Calendar). CSI fails to mention its attempts over the past two years to move forward with construction of a building that is materially different from the building approved by BSA in 2008 **without required public review**.

CSI claims that it is merely seeking a “minor amendment” to the 2008 plans and an “extension of time to complete substantial construction.” **The changes are far from minor.** While the June 2016 drawings have been relabeled to show more classrooms (CSI’s Fried, Frank attorney claimed, on the record, that the DOB drawings were a “mistake”), the structure and framing of the building are fundamentally different. This is essentially a new design, with impacts that have not yet been evaluated under ZR 72-21, as required.

Furthermore, given the fact that CSI’s 2008 financial analysis for the condominium component of this project is now nearly a decade old, there is no basis to assume that any hardship still

³ NYC lobbyist records show that CSI, one of the city’s wealthiest and most influential institutions, has paid Capalino + Company nearly \$85,000 to lobby DOB on this matter since June 2015. Capalino earned a record \$13 million in 2015 to influence City agencies. Its lobbyists include former DOB and BSA officials, such as Christopher Collins (Executive Vice President), a BSA Commissioner who voted on the variance granted to CSI by BSA in 2008.

exists. CSI has not yet even begun construction of the new building, despite having already received one time extension (the original deadline for substantial construction was 2012, extended by BSA to 2016). In fact, even if DOB had not revoked its 2015 building permits, CSI would not have been able to complete “substantial construction” prior to the February 2016 deadline set by BSA. CSI should be compelled to produce an updated financial analysis to prove hardship.

CSI’s persistent misrepresentations and attempts to circumvent thorough public review are reason enough for special scrutiny of this project. The altered design, programmatic claims, and socioeconomic context since this application was first submitted justify *de novo* review from the beginning of the zoning variance application process.