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Gale A. Brewer, Borough President

**Testimony of Manhattan Borough President Gale A. Brewer
L.U. No. 438: Adorama, ULURP No. C 160082 ZSM by 42 West 18th Realty Corp.
Subcommittee on Zoning and Franchises, City Council
September 6, 2016**

Good morning Chair Richards and members of the Subcommittee on Zoning and Franchises. My name is Gale Brewer and I am the Manhattan Borough President. I am here to reiterate my strongly held belief that the Adorama special permit, for the development at 42 West 18th Street in the Ladies Mile Historic District, should trigger the requirements of the Mandatory Inclusionary Housing Program or “MIH.”

Our office was the first and only Borough President’s office to recommend approval of Mandatory Inclusionary Housing, and that was in large part because of its application to special permits. Only two Manhattan neighborhoods are likely to see neighborhood rezonings that will trigger MIH – East Harlem and Inwood. However, since I took office, Manhattan has had 30 applications for special permits – more than double the amount of all other boroughs combined. That is why I believe that any special permit that allows developers to build significantly more residential units and floor area than they would otherwise should trigger MIH. The special permit process is the only way most neighborhoods in Manhattan will see any affordable housing under the MIH program.

Now, the Department of City Planning has been clear in conversations with us that they did not intend for MIH to apply to this particular special permit, even though it would allow a much bigger and taller building. But it is not clear to us, or the Community Board, or to many more organizations and individuals who’ve weighed in on MIH why the text amendment we approved would not apply in this case.

The Zoning Resolution reads that “where a special permit application would allow a significant increase in **#residential floor area#**..., the City Planning Commission, in establishing the appropriate terms and conditions for the granting of such special permit, shall apply such requirements where consistent with the objectives of the Mandatory Inclusionary Housing program.”

The text does not make reference to an increase in *residential FAR* as being required for the applicability of MIH, nor does it state that an increase in *permitted* residential floor area is required. The bulk permit sought in this application facilitates more “**residential floor area**” and

should fall within the requirements for application of the MIH program. We do not think the wording of the text lends itself to another interpretation.

We know and appreciate the fact that the City Planning Commission spent a significant amount of time debating this issue. We appreciate the discussions my office has had with City Council Land Use staff and the consideration you are giving to this question as well as the efforts of your staff to take a more proactive approach to these applications in the future. We want to work with the City Council and the City Planning Commission to review future potential applications for special permits for residential development in Manhattan to make sure we take every opportunity we can to apply MIH. But, I stand firm in my belief that the language of the MIH zoning text covers this application.

Thank you for your time and consideration.