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**Gale A. Brewer, Borough President**

## **Manhattan Borough President Office Testimony to the City Planning Commission**

Re: Adorama, ULURP No. C 160082 ZSM by 42 West 18<sup>th</sup> Realty Corp.

June 22, 2016

Good morning Chair Weisbrod, Commissioners. My name is James Caras and I'm here to speak on behalf of Manhattan Borough President Gale A. Brewer regarding the application for a special permit at 42 West 18<sup>th</sup> Street in the Ladies Mile Historic District.

Our office was the first and only Borough President office to recommend approval of Mandatory Inclusionary Housing, and that was in large part to its applicability for special permits. We believe that any special permit that allows developers to build significantly more residential units and floor area than they would otherwise should trigger MIH.

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 indeed to many more organizations and individuals who've weighed in on MIH why the text amendment we were approving 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 believe that the MIH program should be applied to as many special permits as able under the law. And in this case, the law states clearly that this application is within its requirements. Therefore, we recommend *denial* of the application *unless* the Mandatory Inclusionary Housing program is applied pursuant to the Zoning Resolution.

Thank you for your time and consideration.