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**Gale A. Brewer, Borough President**

August 16, 2016

**VIA HAND DELIVERY**

Hon. Melissa Mark-Viverito  
Speaker  
New York City Council  
City Hall  
New York, NY 10007

Carl Weisbrod  
Chair  
City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271

**RE: Objection to ULURP Application No. C 160082 ZSM (Adorama) pursuant to Section 197-d(b)(2)**

Dear Speaker Mark-Viverito and Chair Weisbrod:

This letter constitutes my objection, pursuant to section 197-d(b)(2) of the New York City Charter, to the City Planning Commission's decision, dated August 15, 2016, to approve ULURP Application Nos. C 160082 ZSM – 42 West 18th Street (the "Adorama Special Permit") by a vote of 7 in favor with 3 abstentions.

On May 16, 2016 the City Planning Commission received Manhattan Community Board 5's recommendation against approval of the special permit, following their public hearing on the application. On June 15, 2016 I also issued a recommendation that the application be denied unless the requirements of the Mandatory Inclusionary Housing program were applied. Therefore, with the filing of this objection, Charter section 197-d(b)(2) requires that the City Council review and act on this application without the necessity of a vote to review the Commission's decision.

As stated in the testimony presented on my behalf at the City Planning Commission's public hearing, I believe it is clear from the language of the Zoning Resolution that the Mandatory Inclusionary Housing Program applies to this application for a special permit which will result in an increase of 25,450 square feet of residential floor area. The MIH text is clear 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.” Here the special permit sought by the applicant would allow an increase in the number of units from 40 to 66, yet no requirement for affordable housing has been applied.

I know that my colleague, Council Member Corey Johnson, agrees that the application of Mandatory Inclusionary Housing to special permits such as this one is an issue of such importance that he would request that his colleagues in the City Council vote to review this decision, which would weaken the Mandatory Inclusionary Housing program. And, given all the good work that my colleagues in the Council have done to strengthen the program, I have no doubt that they would take this up.

However, he and I agree that this formal objection is nonetheless necessary to set the precedent that this and future City Councils must review all special permits in the Borough of Manhattan that increase the amount of residential development above the thresholds in the provisions of the Mandatory Inclusionary Housing Program, whenever those provisions have not been applied by the City Planning Commission.

Sincerely,



Gale A. Brewer

Cc: Gary Altman, Legislative Counsel, City Council  
Raju Mann, Director, Land Use Division, City Council  
Danielle DeCerbo, Director of Intergovernmental Affairs, Department of City Planning