

**MAS Testimony to NYC Planning Commission regarding ULURP Application
No. C 160082, Adorama, 38-42 West 18th Street**

June 21, 2016

The Municipal Art Society of New York (MAS) welcomes the chance to comment on the application by 42 West 18th Street Realty Corp. for a special permit to facilitate a mixed-use development at 38-42 West 18th Street. MAS has carefully reviewed this application and opposes this project unless the requirements of the Mandatory Inclusionary Housing Program (MIH) are applied.

38-42 West 18th Street, located in a C6-4A District within the Ladies' Mile Historic District in Manhattan, has the potential to be a precedent-setting project for which special permit applications would need to meet the affordable housing requirements outlined in MIH. In this case, the applicant is proposing to build a mixed-use primarily residential building and expand an existing commercial building, as well restore the facades of two historic buildings on the same zoning lot. To build the project as proposed, the developer has asked for adjustments to rear yard, height and setback, and street frontage requirements. These changes would facilitate a project with 66 residential units, a net increase of 26 residential units in addition to the 40 permitted in the as-of-right development evaluated in the project's Environmental Assessment Statement.

The question before the Commission today is whether those additional units trigger the application of MIH requirements. The applicable language of the zoning code (ZR § 74-32) states that a project is subject to MIH when a special permit application would allow a "significant increase in residential floor area" than would otherwise be permitted. The Department of City Planning has stated that MIH is triggered only by the granting of new residential floor area rather than the facilitation of floor area already permitted. The intention notwithstanding, the text as written is not clear on this distinction.

MAS recognizes that housing affordability has reached crisis levels in New York, with over half of renter households citywide classified as "rent-burdened" and 30 percent are "extremely rent burdened." Average rents have gone up dramatically in the last decade, while incomes have not risen proportionally. As such, MAS supported the City's efforts to address this crisis through the passing of MIH as part of the administration's Housing New York plan.

MAS therefore agrees with the conclusions drawn by Manhattan Borough President Gale Brewer and Manhattan Community Board Five that the additional 26 residential units allowed by this special permit represents a "significant increase" in residential floor area and would be subject to MIH requirements. In order to facilitate the goals outlined in the administration's housing plan, we urge the Commission to mandate that this application include affordable housing as specified under MIH.

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