



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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JOHN WEIS
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

September 21, 2010

Hon. Amanda M. Burden, AICP
Chair
City Planning Commission
22 Reade Street
New York, NY 10007

**Re: Riverside Center, ULURP Nos.: N 100294 ZRM, N 100294 (A) ZRM,
C 100296 (A) ZSM**

Dear Chair Burden:

Manhattan Community Board 4 (CB4) is pleased to submit comments on the above-referenced ULURP Action, specifically in response to the modifications to section 74-74 *General Large Scale Development* that eliminate minimum distribution requirements for affordable housing units developed under the Inclusionary Housing Program. As the proposed changes apply only to C4-7 districts in Manhattan Community District 7, CB4 was not made aware of the proposed changes until recently and is therefore submitting comments for consideration in lieu of oral testimony.

CB4 finds the proposed amendments troubling. Under the proposed ZR 74-743(a)(8)(ii), a developer may, by special permit, be released from its obligations to distribute affordable units throughout 65% of the floors of any inclusionary development, as specified in Section 23-96(b). The proposed amendment has the potential to unacceptably reduce the public benefit received in exchange for the increased FAR by giving the developer too much latitude to concentrate the affordable units on less desirable floors in a development. For a development the size of the proposed Riverside Center to which the modification will apply, the result could be that all affordable units are segregated in a completely separate building, thus defeating the purpose and intent of the *Inclusionary* Housing program

In its April 27, 2009 resolution opposing modifications to the Inclusionary Housing section of the Zoning Resolution, CB4 clearly articulated its position that affordable units should be integrated fully throughout a building. One of the main reasons for CB4's opposition to the text amendment was that the modifications lessened the distribution requirements for the affordable units, as follows:

“Integration of affordable units creates a healthy mixed community in the building . . . CB4 cannot support distribution limited to 65% of the floors (Section 23-96(b)(1)), as it segregates the affordable units on the lower floors and does not encourage integration within the building. ***Inclusionary housing should be inclusionary.*** We reject the argument that this 65% distribution limit is necessary for the financial viability of a project. During the Lower Income Housing Plan review process, CB4 has successfully negotiated the full integration of affordable units on **all** floors proposed projects. Examples include the Clinton Park development at 770 11th Avenue (Two Trees), 330 West 38th (Glenwood) and 440 West 42nd (Related). These projects have successfully financed and some are under construction.”

The proposed amendment is too far-reaching and creates a dangerous precedent citywide. In this economic recession, there is a real concern that too much latitude will be granted to developers in reducing required public amenities because of financing concerns. Similar arguments could be made in neighborhoods throughout the city. We are concerned that the requested modification will set a precedent for future changes in other districts. We therefore ask that the Planning Commission not approve the proposed changes to ZR 74-743(a)(8) that eliminate distribution requirements set forth under 23-96(b). At the very least, the proposed changes must be limited to C4-7 districts located in Community District 7 and under no circumstance shall such modifications apply to any Special District citywide.

Thank you for your time and consideration.

Sincerely,



John Weis, Chair
Manhattan Community Board 4