

May 4, 2023

State Senate Majority Leader Andrea Stewart-Cousins
Assembly Speaker Carl Heastie
State Senate Housing Committee Chair Brian Kavanagh
Assembly Housing Committee Chair Linda Rosenthal
State Senator Liz Krueger
State Senator Jose Serrano
State Senator Cordell Cleare
State Senator Robert Jackson
Assemblymember Grace Lee
Assemblymember Deborah Glick
Assemblymember Edward Gibbs
Assemblymember Daniel O'Donnell
Assemblymember Inez Dickens
Assemblymember Al Taylor
Assemblymember Manny De Los Santos
Assemblymember Alex Bores
Assemblymember Harvey Epstein
Assemblymember Tony Simone
Assemblymember Rebecca Seawright
via e-mail

Dear State Senators and Assemblymembers:

We write regarding the proposal by Governor Hochul to remove the current floor area ratio (FAR) cap of 12 for residential uses in New York City. We strongly urge you not to lift the cap for new residential development.

The existing cap provides a guardrail and reasonable limit on the size of new residential developments in New York City. The arguments for eliminating the cap ignore the serious potential downsides of doing so and are based upon what are frequently specious or inaccurate arguments. These include:

- The cap should be lifted because it is overly restrictive in limiting the size of new residential developments;
- New York City has a housing shortage which the cap prevents from being addressed;
- Lifting the cap will positively impact the increasing unaffordability of housing in New York City;
- Lifting the cap is necessary to apply mandatory affordable housing requirements in areas of New York City with already high-density residential zoning

However, these arguments ignore several inconvenient truths undermining the rationale for lifting the cap. This includes:

- Under the current cap and existing zoning, New York City can add approximately 2.7 billion square feet of additional residential capacity — the equivalent of 1,200 Empire State Buildings, and sufficient space to more than comfortably house over 5 million additional New York City residents. Zoning changes not requiring lifting the cap could add billions more potential square feet of residential development, and house millions more residents.
- Under the “restrictive” current cap, the 1,550 ft. tall Central Park Tower, the tallest residential building in the world, has been constructed, along with two more of the ten tallest buildings in America. Altogether, under the “restrictive” cap, seven residential buildings over 1,000 ft tall, 14 residential buildings over 900 ft tall, and 23 residential buildings over 800 ft tall have been built in New York City, most in the last few years. The tallest buildings in Brooklyn, Queens, the Bronx, and Staten Island are all residential buildings constructed under the existing cap.
- Under the “restrictive” current cap, the double-towered 1,359-unit ‘Silver Towers’ complex, and the 1,175 unit ‘The Sky’ — the largest single residential building in the country — were both built on West 42nd Street, speaking to the size of developments allowable under the cap.
- New York City has an ample supply of luxury housing, which is what these extra-large buildings tend to contain. By contrast, the city has a very large and growing shortage of affordable housing, which removing the cap will in no way address but, in fact, likely exacerbate.
- Lifting the cap alone will not require or cause a single unit of affordable housing to be built.
- New York City can require the inclusion of affordable housing in new residential developments right now, even in areas already zoned for high density. But as policy, the city chooses not to, and instead insists upon ONLY applying mandatory affordable housing requirements if and when a very large upzoning (typically involving a doubling of residential FAR or more) has been applied. Other jurisdictions already require affordable housing in new developments without requiring large upzonings.
- The large upzonings which would be allowed by and result from lifting the existing cap provide increased incentive for owners to demolish existing housing containing affordable rent regulated units, displacing what are disproportionately less-well-off and older New Yorkers.
- As is [well documented](#), larger new residential buildings in New York City, especially in centrally-located neighborhoods, often only have about the same or sometimes fewer units than the much smaller buildings they replace, as there is significant demand for very large apartments in the luxury market. The new units are often also vastly more expensive than those they replace.
- The [proposal to lift the cap is based upon wildly inaccurate population projections for New York City](#), which assumed the city’s population growth spurt of the 2010s would continue unabated. In fact, [according to census estimates](#), since 2020, New York City’s population has decreased by almost half a million people, or nearly 6%, to 8,335,897 from the census-recorded high 8,804,190 in 2020, nearly wiping out all population growth in the city of the last decade. As of the most recent census estimates, that population decline is continuing, and all five boroughs have lost significant population since the 2020 census, with the declines most precipitous in Manhattan and the Bronx. The projected “need” for an additional half million units of housing in NYC was based upon the assumption that the city’s population would continue to grow at the rate it had during the 2010s beyond 2020, rather than shrink to pre-2012 levels, and possibly keep shrinking.

For all these reasons, we urge you not to remove the residential FAR cap, which will do little or nothing to increase housing supply, and nothing to increase affordability. By contrast, it will detract from more meaningful measures which can actually address the housing affordability crisis, and allow the City to continue to refuse to utilize essential and necessary tools in its kit for creating affordable housing.

Additionally, it will incentivize the demolition of good existing older and more affordable housing stock and encourage the overdevelopment of residential neighborhoods, including those which are already among the densest in the country and which, in many cases, have already seen a tremendous amount of new development.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew Berman".

Andrew Berman, Executive Director
Village Preservation

A handwritten signature in blue ink, appearing to read "Sean Khorsandi".

Sean Khorsandi, Executive Director
Landmark West!