



OFFICE OF THE PRESIDENT  
BOROUGH OF MANHATTAN  
THE CITY OF NEW YORK

1 Centre Street, 19th floor, New York, NY 10007  
(212) 669-8300 p (212) 669-4306 f  
431 West 125th Street, New York, NY 10027  
(212) 531-1609 p (212) 531-4615 f  
[www.manhattanbp.nyc.gov](http://www.manhattanbp.nyc.gov)

**Gale A. Brewer, Borough President**

**November 25, 2019**

**Testimony of Manhattan Borough President Gale Brewer to the New York State Assembly  
Committees on Housing and Cities  
Affordable Housing Development and Policies Relating to Building Density**

Good morning Chairs Cymbrowitz and Braunstein. My name is Lizette Chaparro and I am here on behalf of Manhattan Borough President Gale Brewer to deliver a statement regarding lifting of the FAR cap in high density residential districts.

New York City is in the midst of an affordable housing crisis. We have consistently failed to meet our need for below-market units. According to the Coalition for the Homeless, homelessness has doubled since 2009. Affordable housing lotteries for new units routinely receive several times more applications than there are spots.

It has been proposed that raising the FAR in high density residential districts would create new opportunities to provide affordable housing. However, at the same time that we are having this affordable housing crisis, some of these very same high-density residential neighborhoods have seen brazen attempts by developers to circumvent the intent of the City's Zoning Resolution. We've seen mechanical voids, unenclosed voids, cantilevered structures, superfluous floor-to-floor heights, and even a 39-sided zoning lot. And while the Department of City Planning has begun the work of addressing these zoning loopholes, I expect that developers will continue to seek other ways to build larger buildings than the Zoning Resolution intends.

There are examples of older residential buildings that exceed the residential FAR of 12 and examples of commercial-to-residential conversions that have led to a higher-than-allowed residential FAR. However, these precedents should not justify changes that would in one fell swoop allow for greater density throughout entire residential districts that are already dense. This is especially true when we find that the public review process that aims to ensure developments provide a net benefit for the community often falls short.

I understand the dire need for affordable housing, and I believe that every square foot of increased FAR should go toward it. We need tight controls on building envelopes to ensure that the fabric of each neighborhood is not ruined. And we need a more robust environmental review of the impacts that these buildings would have on their surroundings, on quality of neighborhood life, schools, parks and transportation, as well as the impact on light and air, power, and sewer infrastructure. These are all elements that are outlined in the City Environmental Quality Review (CEQR), but CEQR has often proven to be insufficient in protecting communities.

Since 2014, my office has reviewed over 120 ULURP applications. While in some instances we have been able to achieve much better projects that respond to the community's needs, we have also been frustrated to learn that our hands are tied when it comes to some of the larger, underlying issues that are raised by a new development. Until we have CEQR requirements that truly hold developers accountable for identifying all the impacts of large-scale construction, and for implementing effective mitigation strategies, we should not start doing away with longstanding zoning practices that have protected our neighborhoods.

In short, buildings in excess of 12 FAR must *responsibly* create more affordable housing. It is not enough to say that developments exceeding the maximum FAR cannot be as-of-right; any policy change must also guarantee requisite improvements for the community to accommodate an increase in density. Unless these issues are addressed, we should not be considering lifting the residential FAR cap.

Thank you for your time and consideration.