



March 19, 2024

Hon. Kathy Hochul
Governor, New York State
NYS State Capital Building
Albany, NY 12224

Hon. Andrea Steward Cousins
Majority Leader, New York State Senate
172 State Street, Room 330
Albany, NY 12247

Hon. Carl Heastie
Speaker, New York State Assembly
Legislative Office Building 932
Albany, NY 12248

Governor Hochul, Majority Leader Stewart Cousins, Speaker Heastie:

We write to you today as city elected officials, advocates, and community stakeholders in Manhattan to express our support for eliminating the residential 12 Floor Area Ratio (FAR) cap in the FY25 state budget agreement. New York City is facing the worst affordability crisis in our history, and eliminating the cap would give our city the flexibility we need to meet this crisis head on.

The current 12 FAR cap is a relic of the 1960s, instituted at a time when there was deep concern that the scale of new housing creation in New York City was so great that it was limiting the development of much-needed new commercial and mixed-use buildings.

Today, our city, especially Manhattan, is confronting the opposite problem. We face a severe shortage of housing—especially affordable housing. Meanwhile, many older commercial buildings lie vacant. It no longer makes sense for the state to rein in the creation of new apartment buildings.

New York City used to create large apartment buildings. In fact, there are over 1,000 buildings in Manhattan alone, built before the cap went into effect in 1961, which exceed 12 FAR. These include such icons as The Eldorado on Central Park West and 825th 5th Avenue in Lenox Hill, both so celebrated that they are designated as landmarks. Neither could be built today because of the cap.

New buildings proposed for Manhattan, including at a State-owned vacant lot (known as Site K) next to Javits Center will be distorted by the cap. While the tower expected to be built on that site could be as much as 60 floors, because of the cap, only half of the floor area will be used for housing.

Similar challenges will emerge for conversions of Manhattan's many vacant office buildings, some of which have a built FAR of more than 30. The cap means less than half of such buildings could be filled with housing.

The 12 FAR cap applies only in New York City and hinders housing creation – including affordable housing creation – in Manhattan more than anywhere else. Eliminating the cap would change nothing tomorrow. But it would give us the opportunity to maximize new housing as we make land use policy for our borough going forward. We urge you to repeal this outdated restriction to give us this tool so we can deliver the housing Manhattanites desperately need.

Sincerely,

Mark Levine, Manhattan Borough President

Henry Garrido, DC37

Carlina Rivera, NYC Council

Erik Bottcher, NYC Council

Keith Powers, NYC Council

Julie Menin, NYC Council

Shaun Abreu, NYC Council

Diana Ayala, NYC Council

Yusef Salaam, NYC Council

Open New York

Regional Plan Association

New York Housing Conference

New York Citizens Housing & Planning Council

Alex Armlovich, Niskanen Center