THE NEW YORK LANDMARKS CONSERVANCY

MEMO OF OPPOSITION
Senate Bill 5469 and Assembly Bill 7807
June 15, 2016

Senate Bill 5469 and Assembly Bill 7807 have recently been introduced by the New York State Legislature. Both bills essentially amend the multiple dwelling law of New York State, which currently caps the floor area ratio (FAR) of all buildings in any municipality of the State to a FAR of 12. The amendments would eliminate the applicability of the law to New York City.

The New York Landmarks Conservancy respectively asks the Legislature to vote "no" on the amendments to eliminate the FAR 12 cap in New York City. There are several reasons for our request:

1. Any vote is premature

There has been little notice or time for discussion of these amendments. We are not aware of any study or even purpose and intent paper to explain the rationale for such a change. We believe many citizen groups, community boards and government officials are not acquainted with the bill or knowledgeable about it. There has simply not been time for reasonable discussion of the need for the amendments, the merits of them or the impact of them should they be passed. Normally, changes to state law of a land use nature would allow for enough time for groups such as the Association of Towns, the N.Y. State Council of Mayors, and the N.Y. State Planning Federation to at least discuss such a bill at their respective board meetings or annual meetings. The New York City Council, to our knowledge, has also not had the opportunity to fully vet this legislation. In essence, the vote on these amendments is premature. This issue needs reasonable disclosure and discussion and should be held over to the 2017 session.

2. There is no emergency

There is no pressing need that this amendment be rushed through the legislature without due deliberation. One of the first articles to appear in New York to explain the rationale for this bill was just published in the current June 13-16 edition of *Crain's New York*. The article is entitled "De Blasio pushes for change in state law to increase apartment tower sizes". The City Council of New York has just modified and passed both Zoning for Quality and Affordability (ZQA) and Mandatory Inclusionary Housing (MIH) after a 6-8 month process of discussion and debate. To our knowledge the need to change or modify State law to accomplish affordable housing was never mentioned, let alone debated, in this process. In essence, it appears to be an afterthought as a corrective amendment solely to address one particular element of MIH that has an application only in the highest density areas of the City (parts of Manhattan, the Queens waterfront and downtown Brooklyn). There is not only no need to do this now but, indeed, it may be better to wait and see some of the results of ZQA and MIH, which are both new laws and are untested.

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3. Environmental Impacts have not been analyzed

There has been no analysis that we are aware of, of the environmental impact of these amendments. The impacts could be significant on both the neighborhoods of these already high density areas and on the infrastructure that supports them. The apparent reason for these amendments is to create larger and taller buildings in areas that can now achieve a FAR of 12. Currently zoning districts such as the R-10 or its equivalents allow a FAR of 10, which is bonus able to 12 for such benefits as affordable housing. In order to get more affordable housing than currently provided, it is argued that rezonings to allow higher FAR are needed. Apparently, this is the rationale behind the amendments. However, the amendments would allow high apartment towers with largely unlimited heights as just described in the June 11th New York Times magazine. This would add tremendous density to the already densest areas of the City. This could overwhelm the neighborhood fabric, hinder light by affecting shadow impacts and significantly increase transportation impacts on the mass transit and auto/truck system. It could also have impacts on schools, public services (police, fire, ambulance) and parks. In summary, none of these have been studied or even thought about in any depth because the legislation is so new and unexpected. While we recognize that the State Environmental Quality Review Act (SEQR) exempts legislative actions from formal environmental impact statements, it's still incumbent on legislators to know the impact of that they are doing. We would posit that this is not currently possible because no study or even significant discussion of these issues has occurred.

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