



THE CITY OF NEW YORK
COMMUNITY BOARD 9
MANHATTAN

Morningside Heights
Manhattanville
Hamilton Heights

March 17, 2023

Dan Garodnick
Director
Department of City Planning
120 Broadway, 31st Fl.
New York, NY 10271

Dear Director Garodnick,

At its regularly scheduled General Board Meeting held in hybrid on Thursday, February 16, 2023 Manhattan Community Board No. 9 passed the following Reso re: Calling on the New York City Department of City Planning to Initiate a Citywide Zoning Text Amendment to Make R1, R2, and R3 Zoning Variants Equivalent to R4 Zoning Variants by a vote of 23 in favor, 6 opposing, and 3 abstentions with 38 members present.

WHEREAS New York City remains in a housing crisis, with 53% New Yorker renters, more than ever, officially rent burdened (paying over 30% of their income towards housing costs), prompting Mayor Eric Adams to call for a “moonshot” goal of constructing 500,000 new housing units in the next decade, as outlined in the administration’s report *Housing Our Neighbors: A Blueprint for Housing and Homelessness*; and

WHEREAS Governor Kathy Hocu has proposed requiring cities, towns, and villages served by the Metropolitan Transportation Authority (including New York City) to increase the number of housing units in their jurisdictions by 3% over a three year cycle to address New York’s housing shortage, which includes suburban areas that historically have added only minimal housing units over the past two decades; and

WHEREAS natural evolution of cities is not just to always increase density at the core, but to expand the core geographically, as how West Harlem was developed, namely, that construction of what is now the 1 line on the subway starting around 1900 led to a dramatic transformation of a formerly rural and suburban area to the north and south of the existing town of Manhattanville that was previously characterized by freestanding homes on very large lots into modern

Morningside Heights, Manhattanville, and Hamilton Heights, which were rapidly fully developed with mostly 6 to 15 story buildings, with such speed that almost all of the buildings in Hamilton Heights were constructed in between the years 1900 and 1910, in the years around when the 1 line first opened in 1904; and

WHEREAS the City continues to prioritize rezoning that add additional density in Manhattan and areas that are already dense including East Harlem (over 60,000 people/square mile before rezoning), SoHo (over 55,000 people/square mile before rezoning), Inwood (over 40,000 people/square mile before rezoning), and Morningside Heights (over 68,000 people/square mile before rezoning), as examples in Manhattan, compared to the average population density of 27,000/square mile in New York City and a density of less than 20,000 people/square mile in areas with R1, R2, or R3 zoning variants, a; and

WHEREAS much of the new development in already-dense neighborhoods is priced at rents or sales prices unaffordable to the community that already lives in the neighborhood; and

WHEREAS there exist approximately 315,356 lots in New York City that have suburban, car-centric, low-density zoning (under the categories of R1, R2, and R3 zoning groups and their variants) that has essentially frozen the boundaries of the core city beginning in the mid-twentieth century; and

WHEREAS it is unfair that these areas are not expected to contribute to alleviate the housing crisis in the city; and

WHEREAS the R4 zoning groups and their variants allow for single and two-family housing and small multifamily housing like townhouses, triplexes, quadplexes, and other smaller multiplex housing that still offer lower-profile development that nonetheless would allow for additional housing units on lots currently zoned under the R1, R2, and R3 zoning groups without significantly changing the small-scale, low-height nature inherent to those zoning groups; and

WHEREAS the majority of these lots are concentrated in Queens (159,394) and Staten Island (118,690) in communities with significantly higher average household income; and
WHEREAS zoning serves as a restriction on property owners' ability to develop their land in order to achieve public goals; and

WHEREAS New York City's public goals have shifted significantly since the 1961 zoning code or earlier iterations that attempted to promote car-centric development and discourage dense housing development that was associated with tenement living and frequently motivated by prejudices against those who inhabited densely-developed neighborhoods; and

WHEREAS New York City must remove barriers facing property owners who would like to expand the buildings on their property to accommodate accessory dwelling units or additional housing units; and

WHEREAS no property owner would ever be forced to add housing units to their property, but instead would be given additional FAR without requiring a zoning variance if the zoning was changed to an R4 variant; and

WHEREAS many of the existing lots designated with some variant of the R1, R2, and R3 zoning groups are located near existing public transit, including approximately 13 Long Island Railroad (LIRR) stations that provide quick and convenient access to Midtown Manhattan, Downtown Brooklyn, and other employment concentrations; and

WHEREAS the regulations and restrictions of the R4 zoning group include height restrictions that go no higher than 35 feet, keeping the profile of the buildings developable under the R4 rules contextual with those under existing R1, R2, and R3 regulations and restrictions, resulting in limited or no changes to the character of the existing built environment of neighborhoods zoned with R1, R2, or R3 variants; and

WHEREAS changing the requirements and restrictions for R1, R2, and R3 variants to be equivalent to even the lowest-density R4 variant would result in lots having an FAR of 0.75, which would add an estimated 747 million square feet of developable area to the City above what is currently built on those lots; and

WHEREAS even if the average housing unit developed were a generous 2,500 square feet, this incremental FAR would allow, if maximally developed, for an estimated 298,000 new units of housing; and

WHEREAS these units in higher-income neighborhoods would likely not be priced to levels unaffordable to residents already living in the neighborhood; and

WHEREAS that is over half of the 560,000 new units of housing needed by 2030 that the Real Estate Board of New York estimates are needed to end the housing crisis and accommodate new population growth and almost two-thirds of the target for 500,000 new housing units over the next decade set by Mayor Adams in his “moonshot” goal; and

WHEREAS the additional FAR to these lots would significantly increase the property values of the lots, as a purchaser could choose to add more housing units and generate more income from the lot; and

WHEREAS increased property values will lead to rising property tax revenues over time split among more families, decreasing the property taxes paid per family on affected lots while raising City revenues available to fund more services like schools, water and sewer infrastructure, and transit infrastructure; and

WHEREAS more must be done to combat deed theft in areas where property values are rising and longtime homeowners are often elderly or otherwise susceptible to fraud, attracting criminal enterprises submitting falsified documents or documents obtained through coercion or deception to the City Register to illegally change ownership of properties; and

THEREFORE BE IT RESOLVED that Manhattan Community Board 9 calls upon the Department of City Planning to consider a text amendment or other action that would modify the regulations and restrictions of R1, R2, and R3 zoning groups to be roughly equivalent to an R4 zoning designation or a variant of R4 like R4-1, R4A, or R4B and that permit multifamily housing and accessory dwelling units on these lots; and

THEREFORE BE IT FURTHER RESOLVED that R1, R2, R3, and R4 zoning groups should be modified to allow for detached or semi-detached accessory dwelling units to be more easily added to lots with existing single- or two-family structures by modifying yard requirements or other such rules so as to not require demolition and lot subdivision in cases where existing lot and building configuration would not permit full utilization of the 0.75 to 1.35 FAR otherwise permitted; and

THEREFORE BE IT FURTHER RESOLVED that Manhattan Community Board 9 calls upon the Department of City Planning to prioritize projects and text amendments that expand the urban core of R5 zoning group or denser zoning groups into less-dense areas over projects and text amendments that increase density in already-dense parts of the existing urban core; and

THEREFORE BE IT FURTHER RESOLVED that Manhattan Community Board 9 urges additional resources for increased deed theft prevention education and deed theft prosecution from all relevant agencies and offices, including but not limited to the New York State Attorney General, borough district attorneys, borough sheriffs, the New York State Department of Financial Services, the New York City Department of Finance (including the Office of the City Register), and the New York State Courts System; and

THEREFORE BE IT FURTHER RESOLVED that Manhattan Community Board 9 calls upon New York City Transit and the New York City Department of Transportation to increase mass transit availability, particularly bus service, to areas that would have new FAR permitted to accommodate eventual development and discourage car dependency.

If you have any questions and/or further information is needed, please do not hesitate contacting me or District Manager, Eutha Prince, at the board office (212) 864-6200.

Sincerely,



Barry Weinberg
Chair

cc: Hon. Eric Adams, Mayor
Hon. Brad Lander, NYC Comptroller
Hon. Mark Levine, Manhattan Borough President
Hon. Cordell Cleare, New York State Senate
Hon. Robert Jackson, State Senator
Hon. Daniel J. O'Donnell, Assembly Member
Hon. Inez Dickens, Assembly Member
Hon. Al Taylor, Assembly Member
Hon. Shaun Abreu, City Council Member
Hon. Kristin Richardson-Jordan, City Council Member
Edith Hsu-Chen, Executive Director, DCP