



CITY OF NEW YORK  
**MANHATTAN COMMUNITY BOARD FOUR**

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**JEFFREY LEFRANCOIS**  
Chair

**JESSE R. BODINE**  
District Manager

December 19, 2023

Hon. Eric Adams  
Mayor, City of New York  
City Hall  
New York, NY 10007

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

**Re: MCB4 12 FAR Working Group Recommendations**

Dear Mayor Adams and Chair Garodnick,

Manhattan Community Board 4 (MCB4) is acutely aware of the crisis of housing in the city – more notably the crisis of affordable housing. MCB4 has been a champion of affordable housing and want more in our backyard, having worked on the issue for nearly half a century. We are also cognizant of pressures at the State level to address these concerns through a variety of steps to change housing construction laws.

MCB4 has concerns about discussions regarding a potential amendment to Section 26.3 of the New York State Multiple Dwelling Law<sup>1</sup> (MDL) which currently restricts residential Floor Area Ratio (FAR) to 12. If any change to this law allows the City to exceed a residential FAR of 12, MCB4 feels the City is not prepared to address any consequences of such an action. We urge the City to begin planning for this possible change and develop a plan to protect neighborhoods from misguided development and poor city planning.<sup>2</sup>

At its regularly scheduled full Board meeting on December 6, 2023, MCB4, by a vote of **21** in favor, **16** opposed, **2** abstaining and **0** present but not eligible to vote, voted to adopt the following recommendations.

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<sup>1</sup> [https://www.nyc.gov/assets/buildings/pdf/multiple\\_dwelling\\_law.pdf](https://www.nyc.gov/assets/buildings/pdf/multiple_dwelling_law.pdf)

<sup>2</sup> Demolition of original Penn Station for MSG; destruction of Hell's Kitchen for Lincoln Tunnel; highways in the Bronx, etc.

## Background

Beginning in 1960, New York City and State governments took major steps to limit residential density in new construction, passing an amendment to the State Multiple Dwelling Law to cap residential floor area at a ratio of 12.0 and passing the 1961 Zoning Resolution to create citywide zoning rules to ensure that massive buildings did not hinder access to light and air on the streets below. At the time, New York City and others like it across the country were losing population to the suburbs, and limitations on density were thought to be key to preserving the public welfare. More than 60 years later, New York City's fortunes have reversed—gaining hundreds of thousands of jobs and over 600,000 people between the 2010 and 2020 censuses alone.<sup>3</sup> The Department of City Planning's most recent estimates for growth between 2000 and 2010 indicate that Community District 4 grew at a rate far exceeding the City average growth rate, making it harder for residents and those moving to the community to find suitable housing at nearly any income.<sup>4</sup>

While this letter is about Manhattan Community District 4, the board acknowledges that the housing market that keeps rents high is a regional one—no single community board can fix our housing affordability crisis and a regional crisis may demand solutions beyond the scope of this letter.

In 2013, Manhattan Community Board 4 established its Affordable Housing Plan. In 2022, that plan was updated and proposes the preservation and development of over 30,000 apartments, 30% of which would be income-restricted affordable housing units.<sup>5</sup> The plan makes recommendations based on current and existing zoning and building codes.

During the past two annual State budget cycles, there were proposals made by the Governor to amend the MDL to change the FAR cap to allow for greater density in residential construction and overbuilt conversions. In those years, MCB4 conducted six public meetings through its Chelsea Land Use Committee, its Clinton/Hell's Clinton Land Use Committee and its Housing, Health and Human Services Committee to discuss the issue. After the 2023 cycle, the Board Chair convened the 12 FAR Working Group to further review the potential ramifications of a proposed amendment.

The Working Group convened many public meetings to discuss potential ramifications of an amendment to allow higher density in our city, and sought information from different stakeholders, community members, preservationists, housing developers, and public officials. Some of the presenters include:

- Vicki Been, Former Deputy Mayor for Economic Development and current faculty director at NYU Furman Center
- Frank Fish, BFJ Planning
- Kevin Lalezarian, Lalezarian Development

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<sup>3</sup> [Department of City Planning: Population Information](#)

<sup>4</sup> [New York City Community District Profiles](#)

<sup>5</sup> [MCB4 Affordable Housing Plan](#)

- Anna Levin, Former City Planning Commissioner and former MCB4 Clinton/Hell’s Kitchen Land Use Committee Chair
- George M. Janes, Urban Planner, George M. Janes & Associates Urban Planning Consultancy
- Andrew Schwartz, Senior Vice President, Residential Asset Management, Taconic Partners
- Nicole Simmons and Lucy Joffe, NYC HPD

The MCB4 12 FAR Working Group focused on how an amendment to increase density could be applied as one means to address the city’s affordable housing crisis and came up with recommendations on how such an amendment could be applied in New York City. The following recommendations are in two areas:

- (I) Institute a special permit process in case the FAR density cap is raised, and
- (II) Examine existing regulations and special permit applications to guarantee protections and establish criteria before allowing higher density.

## **Recommendations**

### **I. Institute a Special Permit for Any Developments that Exceed Current FAR Cap**

The City of New York should institute a Special Permit as the way to allow residential developments to exceed 12 FAR. By instituting a Special Permit process, the city can appropriately evaluate applications on a case-by-case basis.

- Identify neighborhoods where increased residential density would be most suitable, that would integrate into existing high-density areas, and where more housing is needed. Proactively identifying these areas will allow the city to undertake comprehensive community planning processes in appropriate neighborhoods and protect neighborhoods not suited for increased residential density.
- Mandate an environmental review process that evaluates public infrastructure necessities (e.g.: schools, public safety, transit) to ensure that if higher density residential development is permitted, existing infrastructure is adequate. If there is a strain on public infrastructure, it must be addressed in the development proposal.
- Require a minimum of 30% of all units to be permanently affordable with no disparity in materials, finishes, or amenities. Higher density residential developments will not provide more income-restricted affordable housing unless required to do so through regulation.
- Modify Mandatory Inclusionary Housing (MIH) regulations so that in the case of a 12 FAR cap density increase, affordable housing must be built only on site.
- Higher density residential development as part of a commercial conversions must meet the habitability requirements of current residential apartment building regulations, and at least 30% of units must be permanently affordable.

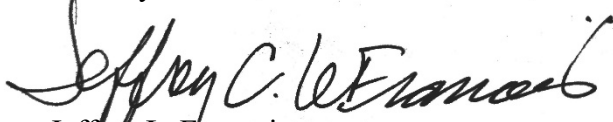
## II. Considerations in Establishing a 12 FAR Density Increase Special Permit

- a. Do not override zoning regulations of existing Historic Districts and Special Zoning Districts when proposing higher density residential development that is not contextual adjacent to carefully designed and calibrated zoning requirements.
- b. Maintain balanced commercial and residential development goals.
- c. Ensure that increased residential development results in a significant increase in whole housing units to address housing needs by regulating maximum apartment sizes, a wide variety of income bands for the affordable units, and minimum number of units per building.
- d. Establish and enforce appropriate development guidelines to ensure urban and architectural form-based design standards in any high-rise areas for height, streetscape connectivity, open space, architectural appearance, and community facility components to address public concerns.

### Conclusion

Community Board 4 makes these recommendations to both the legislature of the State of New York and the New York City Department of City Planning as proactive measures for them to address and consider in any potential amendment of Section 26.3 of the New York State Multiple Dwelling Law<sup>6</sup> (MDL). We urge the consideration of any unintended consequences of movements towards increased density as a means to increase housing stock in our city and to take proactive steps to avoid negative ramifications.

Thank you,



Jeffrey LeFrancois

cc: Hon. Andrea Stewart-Cousins, NYS Senate Majority Leader  
Hon. Carl E. Heastie, NYS Assembly Speaker  
Hon. Adrienne Adams, Speaker, City Council  
Hon. Mark Levine, Manhattan Borough President  
Hon. Erik Bottcher, City Council  
Hon. Gale A. Brewer, City Council  
Hon. Brad Hoylman-Sigal, New York State Senate  
Hon. Linda B. Rosenthal, New York State Assembly  
Hon. Tony Simone, New York State Assembly

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<sup>6</sup> [https://www.nyc.gov/assets/buildings/pdf/multiple\\_dwelling\\_law.pdf](https://www.nyc.gov/assets/buildings/pdf/multiple_dwelling_law.pdf)