



NEW YORK STATE SENATOR

Thomas K. Duane

NYS Senator Duane's Testimony Before the New York City Planning Commission Regarding Regarding the Third Avenue Corridor Rezoning

THOMAS K. DUANE September 18, 2010

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My name is Thomas K. Duane and I represent New York State's 29th Senate District, which includes the Third Avenue Corridor being discussed today. I applaud the New York City Department of City Planning (DCP) for working closely with community stakeholders, Manhattan Community Board 3 (CB3), New York City Council Member Rosie Mendez, and Manhattan Borough President Scott Stringer to draft this rezoning in order to protect this area from rampant and inappropriate overdevelopment. I, as well as many stakeholders and other elected officials, had called for its inclusion in the East Village/Lower East Side rezoning enacted in 2008, and have continued to advocate for its independent consideration. I thank the New York City Planning Commission for giving me this opportunity to testify in support of the plan.

As you know, the rezoning plan covers approximately four blocks generally bounded by East 9th and 13th Streets and Third and Fourth Avenues, as well as the east side of Third Avenue between 9th and 13th Streets, and is located within CB3. The area's current C6-1 zoning district places no height restrictions or street wall requirements on new buildings, which has

facilitated a number of noncontextual developments. A prime example is New York University's Founders Hall at 120 East 12th Street. Built on the site of the former Church of St. Ann's, this 26-story dormitory towers over the low- to mid-rise buildings that characterize this area. Its as-of-right construction illustrated the extent to which the neighborhood's character is imperiled by the current zoning and galvanized community members, elected officials and preservationists to demand that the area's zoning be changed to prevent such inappropriate development moving forward.

DCP's proposal would rezone this area to a C6-2A contextual zoning district, and amend the New York City Zoning Resolution to allow the use of the Inclusionary Housing Program within the proposed rezoned area. This would permit future developments to have a greater residential floor area ratio (FAR) if their developers provide at least 20 percent of the total floor area to housing on or near the site that will remain permanently affordable to lower-income households. The C6-2A designation and Inclusionary Housing Program would collectively limit maximum building heights, maintain continuity in the area's street walls, and foster the creation of more affordable housing.

While I applaud DCP for recognizing and responding to community concerns by advancing today's rezoning, I urge the City Planning Commission to consider CB3's June 2010 request that the Commission examine the possibility of amending its proposal to lower FARs for all new developments in this area in order to fully protect the low-rise, residential character of the neighborhood. The proposed height limits, street wall requirements and affordable housing option in the current proposal represent a tremendous step forward from existing zoning, however, further downscaling of future developments would ensure greater conformity with the neighborhood's existing buildings. In addition, as we move forward, I encourage DCP to continue working closely with CB3 to review the zoning of nearby areas that were neither included in this proposal nor the 2008 East Village/Lower East Side

rezoning, most notably the Bowery. This historic and culturally diverse street is an integral part of the East Village and Lower East Side, as well as NoHo, Little Italy and Chinatown, but its unique character is being systematically eradicated by unprecedented development. I also encourage DCP to continue working closely with the Chinatown Working Group and to move expeditiously to protect Chinatown's unique community from rampant gentrification and out-of-context development.

Again, thank you for allowing me to testify today and for your consideration of my recommendations.