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**Testimony of State Senator Liz Krueger  
Before the New York City Council Subcommittee on Zoning and Franchises  
Regarding Land Use Review Application N180082 ZRM  
East River Fifties/Sutton Place Text Amendment by the East River Fifties Alliance  
November 20, 2017**

Thank you Chairperson Richards, and members of the City Council Subcommittee on Zoning and Franchises, for the opportunity to testify. My name is Liz Krueger and I represent the 28th State Senate District, which includes the Upper East Side and East Midtown areas of Manhattan, and the neighborhood that is the subject of today's hearing. I strongly urge the City Council to approve the proposed text amendment submitted by the East River Fifties Alliance (ERFA), and to remove a clause added by the City Planning Commission that would exempt a single site in the rezoning area from the new zoning provisions.

Along with ERFA, Borough President Gale Brewer, and Council Members Ben Kallos and Dan Garodnick, I am a co-applicant on this rezoning application. This application seeks to preserve the low- and mid-rise residential character of the neighborhood east of First Avenue between 51<sup>st</sup> and 59<sup>th</sup> Streets, while providing sufficient flexibility to facilitate reasonable future development. It is supported by Community Board 6 and numerous civic organizations including the Municipal Arts Society, Sutton Area Community, CIVITAS, and Friends of the Upper East Side Historic Districts.

The text amendment would change the height and bulk regulations that apply to new development in R10 zones on the narrow streets east of First Avenue between 51<sup>st</sup> and 59<sup>th</sup> Streets. It would require all new buildings in the area to comply with modified tower-on-a-base regulations with street wall, setback, rear yard, and building packing requirements. While the text amendment does not establish absolute height limits, the changes would require at least 45% of allowable bulk to be under 150 feet, leading to much shorter buildings than would be permitted under existing zoning. This would result in squatter buildings that match the existing context of the area. Because the text amendment would prohibit the construction of skinny supertall towers, which tend to be filled with large apartments for the extraordinarily wealthy, a greater number of residential units are likely to be buildings constructed following the rezoning. The application does not change any existing permissible uses, or reduce base or maximum allowable FAR.

ERFA, the community coalition leading this application, represents 45 co-op and condominium boards and individual owners within the rezoning area, and has more than 2,600 individual supporters living in more than 500 buildings. Over the more than two years that I have been working with ERFA and my fellow elected officials on this rezoning effort, I have been extremely impressed by ERFA's professional, thoughtful, and comprehensive approach. While an individual building proposal first brought the area's outdated zoning to the attention of local residents and elected officials, ERFA has always focused on planning for the future of the entire neighborhood. ERFA has been fighting to ensure that new development in the community does not increase displacement pressures on existing residents, increases affordable housing, and creates homes for New Yorkers rather than often-vacant *pieds-a-terre*.

Through an accident of history, the Sutton Area is the only residential neighborhood in the entire city zoned R10 still subject to standard tower regulations on narrow streets. Every other residential neighborhood zoned R10 has some kind of height limit or contextual protection—either historic district designation, R10A contextual zoning, or tower-on-a-base controls on wide streets. As a result, the Sutton Area is uniquely vulnerable to the development of supertall towers of unlimited height mid-block on narrow side-streets, a building form that was neither contemplated nor architecturally possible when R10 zoning was created in 1961.

Supertall towers do not match the low-and mid-rise residential character of the East 50s, often lead to the displacement of long-time rent regulated residents from the community, and all too frequently are filled with vacant apartments that primarily serve as bank accounts for international real estate investors and LLCs. While the Sutton Area has a reputation among outsiders as an enclave of the wealthy, it is actually a vibrant mixed-income community with many rent regulated tenants and apartment owners who have lived in the neighborhood for decades. The predominant building type in the 50s east of First Avenue is a mid-rise apartment building of 20 floors or less on a large lot; there are also multiple lower-rise residential buildings in of six floors and under. According to the Environmental Assessment Statement for this application, all but eight buildings in the project area are less than 300 feet and only a single building, at 485 feet, exceeds 400 feet. 87% of the buildings are consistent with the city's Quality Housing limits of 210 feet on wide streets and 185 feet on narrow streets.

The text amendment being considered today is the second application submitted by ERFA and the other co-applicants, and is the result of over 18 months of discussion and compromise with the Department of City Planning. I was also a co-applicant on the original application, certified by the City Planning in June 2017, which included height limitations, street wall articulation, a bonus for community facility space, and a higher minimum of affordable housing units than required under the existing 1987 R10 Inclusionary Housing Program. While the other co-applicants and I still support the more far-reaching aims of the first application, we agreed to submit a new application after extensive feedback from the Department of City Planning and the Commission. Despite the more limited nature of the current application, it still promotes the same goals and accomplishes the primary objective of establishing contextual protections for a mid-rise residential community.

However, one change was made to the application by the City Planning Commission that I believe is unnecessary and inappropriate. Following the Commission's hearing last month, the Commission modified the proposed text to add a special vesting provision that will benefit a single property owner and undermine the uniform application of the new rule. I oppose that modification and urge the Council to remove it. As the members of this Committee know, existing law already exempts developers from zoning changes if a building's foundation is completed before the effective date of a zoning change. The Zoning Resolution also provides an opportunity for developers to apply to the Board of Standards and Appeals for authorization to continue a project as originally planned if a building's foundation was started, but not completed, before the effective date of a zoning change. There is simply no reason to create a special exemption for any developer impacted by this rezoning.

The application before you today is the result of more than two years of community organizing, extensive work by urban planners and land use experts, and discussion among residents, elected officials, and city agencies. It establishes contextual protections for a vibrant residential community without limiting reasonable new development, promotes the creation of new housing for New Yorkers, and reduces the displacement pressures on existing residents. I hope this community-driven application, and all of the organizing that went into making it a reality, can serve as a precedent for prudent community-based city planning in other parts of my Senate District and the city.

I thank you for your time and strongly urge the City Council to support this text amendment.