

**Testimony of New York City Department of Buildings  
New York City Council Hearing  
Committees on Housing and Buildings and Land Use  
May 2, 2012**

Good Morning Chairmen Dilan and Comrie, and, members of the Committees. My name is Mona Sehgal, and I am the General Counsel at the Department of Buildings. I am here today with Donald Ranshte, Director of Community Affairs, and other members of the Department. I want to thank you for this opportunity to hear our comments on bills concerning sites designated or calendared for landmarks status.

The Department of Buildings and the Landmarks Preservation Commission have existing protocols and processes in connection with calendared and landmarked properties and we work together with LPC staff on a regular basis. Specifically, the Department has Operating and Technical Policy and Procedure Notices in place that in practice allow LPC access to our Buildings Information System (BIS) so that calendared properties can be and are entered directly into BIS by LPC's staff as soon as calendaring has taken place. This is also true with respect to designated Landmarked properties and properties within Landmarked districts.

We believe the goals that the proposed legislation in Intro 20 would seek to accomplish are addressed by these protocols and processes that already exist. For example, the proposed amendment to NYC Administrative Code section 25-313 is already in place, as is the proposed change to Admin Code section 28-104.9. As stated, Landmarks directly updates BIS when a property is calendared or designated. And moreover, we send regular reports to LPC's staff indicating construction document filings on calendared properties. The Department of Buildings has staff including personnel within our Operations Unit and IT that manages this information on a daily basis.

Other aspects of Intro 20 are also satisfied by our existing practice and protocols. This bill would require that the Department undertake a full examination of the construction documents relating to the calendared property. At this time, when the Department receives an application for approval of construction documents for a property that has been calendared, no action is taken for 40 days to give Landmarks time to act. This is in keeping with our Code provision that allows DOB to take up to 40 days to approve or disapprove construction documents. We believe this is sufficient to give Landmarks time to consider designation and is consistent with our statutory requirement. In addition, Intro 20 proposes to create Admin Code Section 28-207.2.4.2, which would require a revocation of existing permits that were properly issued to properties that had complied with all existing laws at the time the permit was issued. This would not prevent a "rush to permit" on proposed calendared or proposed designation sites, but rather could create an atmosphere of rushed, shoddy and haphazard construction work, and perhaps even create a more dangerous situation where, for example, necessary maintenance work, emergency work or other needed work is being performed.

Turning to Intro 80, this proposed legislation would regulate construction operations occurring around landmarked buildings or buildings within a landmarked district. The bill creates a definition of an adjoining property to be within a lateral distance of one hundred and fifty feet of the landmarked property or historic district. Currently, under the Department's Technical Policy and Procedure Notice 10 of 1988, the Department uses the distance of ninety feet. This was originally conceived so that it would cover the street width (normally around sixty feet) and a neighboring property lot depth (averaging 30 feet). It effectively has created "adjoining properties" as defined in the proposed legislation that includes adjacent historic structures that are on either side, at the rear, and across the street. The addition of the extra sixty feet in Intro 80 pushes the perimeter further out than our engineering experts in the Department feel is necessary. TPPN 10/88 also provides that the architect or engineer for the site institute a monitoring program and support for adjacent historic structures.

Intro 80 also creates a new position of "Historic Preservation Manager". The bill states that the position would be a "registered design professional", which we would interpret to mean a NYS licensed and registered architect or engineer; however, that is unclear in the bill. Moreover, the bill proposes that such Historic Preservation Manager have "a minimum of two years of experience supervising work on major buildings". It is unclear to the Department if that means there would be another licensing or certification designation for this position, and, by including the experience clause in the proposed legislation whether there would need to be some level of background or experience check involved in the licensing or certification of this professional as an Historic Preservation Manager. If this is the case, it would create a new category of licensing/certification and would impose a heavy burden on the Department to implement. It is also unclear how we would even go about doing this.

In closing, I would like to emphasize that the Department of Buildings believes that preserving historic landmark sites is an important goal and we strive to work with LPC staff in ensuring that processes are in place to support Landmarks in meeting its goals. We have and continue to abide by our protocols and procedures that were put in place since the 1980's to protect those structures, and we feel that they have served the City well.

Thank you for this opportunity to discuss these bills. I would be happy to answer any questions you may have.

**TESTIMONY OF THE LANDMARKS PRESERVATION COMMISSION BEFORE THE CITY COUNCIL LAND USE AND HOUSING AND BUILDINGS COMMITTEES REGARDING INT. 20, INT. 80, INT. 220, INT. 222-A, INT. 357, INT. 532-A, INT. 845, INT. 846, INT. 849, AND INT. 850.**

**May 2, 2012**

Chair Comrie and Chair Dilan, and Councilmembers, my name is Jenny Fernandez, Director of Intergovernmental and Community Relations for the Landmarks Preservation Commission. On behalf of the Commission, we would like to thank you for giving us the opportunity to testify on the ten bills before you today.

Since six of the bills deal solely or primarily with the landmark designation and pre-designation process, I think it's important to put these bills into context by reviewing the Commission's recent designation efforts. Under this Administration, the Commission has designated more historic districts than any other administration. In the last ten years, LPC has created 35 new historic districts and district extensions and designated 227 individual landmarks in all five boroughs, protecting a total of 5,962 historic buildings. And, as a result of LPC's five-borough approach, 20 of the 35 districts and extensions approved since 2003 are outside of Manhattan. In 2009, we designated the largest historic district in almost two decades and, in Fiscal Year 2011, we designated the most buildings since 1990.

Landmark designations are only one aspect of the Commission's work. In addition, we currently review more than 10,000 permit applications each year, and investigate approximately 1,000 violation complaints. We believe the Commission ably manages this large volume of designations, permit applications and investigations in its current practices.

Landmark designations are the culmination of an extensive process of careful review and outreach. All are preceded by an exacting internal research and review process. There are also public hearings and outreach to property owners, the community and the Council. All this follows internal agency surveys and reviews of publicly submitted Requests for Evaluation ("RFEs") and other requests to the LPC.

The Commission currently receives approximately 150-200 RFEs each year. A staff RFE committee meets every month, and the Chair personally reviews every RFE submitted to the Commission. This Committee consists of the Chair, the Executive Director, the Director of Research and other senior staff. Each RFE is reviewed to determine its eligibility to be designated under the standards in the Landmarks Law. Packets of RFEs are sent to the Commissioners for their review and comments. Ultimately, the Chair determines which RFEs will be brought forward for a calendaring discussion, taking into consideration significance, the level of threat, policies such as ensuring designations in boroughs other than Manhattan, community and Council support, among other factors. In the past two years alone, the Commission has received 38 RFEs for historic districts. District proposals, in particular, require extensive review and study, and surveys are usually necessary in order to determine the

appropriate boundaries for a study area. In reviewing such a large volume of requests for historic districts, the Commission must consider eligibility and community support when setting priorities for future study.

Once a determination of eligibility is made, the Commission decides what action will follow, depending on the Commission's priorities in all five boroughs.

All of these processes – surveys, reviews of RFEs, research, report writing and designation -- require judgment, time and expertise. In addition, the Chair and executive staff must set priorities based on significance, potential threats to the resource, location, staff and other agency resources, and the need to make efficient use of the unpaid Commissioners' time. The fact is that our resources are limited and setting priorities is crucial.

We believe the existing law works reasonably well at enabling the Commissioners and staff to navigate complex facts and situations, and is flexible enough to allow the Commission to adapt to changing circumstances. But these bills, taken together, would significantly alter the discretionary, flexible and nuanced process that the Charter and the Landmarks Law left in the hands of a capable and expert agency. Establishing rigid timelines and processes with respect to RFEs would make it extremely difficult for the Commission to address changing conditions, set and adjust priorities and respond to true emergency situations. Passage of all these bills would adversely affect the Commission's ability to set and achieve rational priorities based on the factors discussed above.

It should also be noted that some of the provisions in these bills will dramatically impact other city agencies. Like many regulatory systems, to be effective, the landmark process interfaces with and depends on other city agencies. Intros. 20, 80 and 850 would require the Department of Buildings to audit all outstanding permits already issued when a building or district is calendared, to revoke all outstanding permits at the time of a landmark designation, to determine the qualifications of a new type of preservation professional, to stop properly permitted work without an inspection and, perhaps, to stop processing permits during the designation process. The work load of the BSA would be dramatically increased by Intro. 20, which would require building owners to apply for a determination that their pre-designation approved work should be deemed grandfathered. Intro. 846 would require the City Planning Commission to greatly expand the analysis it currently undertakes when reviewing landmark designations. We will not presume to speak for these agencies, but it's fair to say that the proposed changes will have a significant impact on their processes and workload.

The Charter makes it clear that the Commission is charged with a critical but delicate task: to decide which of the almost one million buildings in the city should be forever preserved. Community support is important, but not determinative. The buildings must merit designation. Unlike the Zoning Resolution or the Building Code, landmark designation applies to a small fraction – less than four percent – of the buildings in the city. Work on these buildings is carefully regulated in order to preserve or enhance the architectural character for which they were designated. These standards cannot, and should not, be applied to every building in the City. To decide which

buildings should be considered for landmark designation requires careful research, outreach to property owners, the community and their representatives, as well as flexibility and the discretion necessary to deal with the complex realities each designation faces. Inflexibility will make the process unwieldy and less effective.

The Commission is constantly exploring ways to improve processes, efficiency and customer service, and has already implemented or will soon be implementing initiatives that address some of the issues contained in these bills. For example, we have promulgated rules to make it easier and faster to install various types of alternative energy technologies on historic buildings, as envisioned by Intro. 357. Similarly, making RFEs available on our website, similar to what is outlined in Intro 532-A, is already underway.

Now, let me articulate some specific thoughts on several of these bills. Although we haven't had sufficient time to consider all of the implications of each of the bills and how they might interact with each other, we do have some comments that I'd like to share.

**Intro. 845** would significantly change the way the Commission regulates designated properties. In all cases it would permit an owner to use an inappropriate material to repair or replace an existing feature if that material is currently being used. One of the things that historic designation achieves is the improvement of the condition of the building and district over time by ameliorating many inappropriate conditions when they need to be replaced. For example, if a house has aluminum siding at the time of designation, when the siding wears out and needs replacing the Commission would require that the owner use a material that was used originally or historically on the property, or the owner could seek approval to use a better, more appropriate substitute material. Under Intro. 845, this would no longer be the case and will perpetually grandfather inappropriate or unsightly conditions on historic buildings. It is important to note that the Commission regularly approves the use of substitute materials that match the important details of the historic material. For example, cornices that were originally wood or metal can be replaced with new materials like glass-reinforced concrete and fiberglass. The Commission's rules also allow for the replacement of wood windows with aluminum windows if the details and operation are right. There are some situations where the Commission does not approve substitute materials because the features are too important to the architectural integrity of the building. That determination is, and should be made, on a case-by-case basis. The Commission believes the existing rules are a fair, rational and effective way to protect and enhance the City's designated historic resources.

**Intro. 846** would fundamentally change the way buildings are landmarked and would change the standards by which the Council may review a landmark designation. It would significantly delay formal, public consideration of a building or district because it requires that a detailed draft designation report be created prior to calendaring. The time and effort to create a draft report that sets forth the style, details, alterations and significance of a building is substantial; doing this for every building in a proposed 800 building district is enormous. Requiring a draft report prior to calendaring will unnecessarily slow down the Commission's process and might make it difficult to save a

threatened building. For example, currently if a building under consideration is threatened with demolition or serious alteration we can calendar immediately and use the time between calendaring and the hearing date, a minimum of 10 days, to do the research and write a report; requiring that this be done before calendaring will significantly hamper our ability to move quickly. This provision might also conflict with other bills that seek to make the Commission calendar and hold a hearing within specified time frames. Intro. 846 would also extend the time for designating historic districts by its requirement that the Commission be prepared to promulgate special rules for each district within 90 days of designation. We seriously question the assumption that each historic district needs special rules.

We currently have special rules for only certain types of work in a few districts; otherwise city-wide rules apply, and are appropriate, to the building types in most districts. There should be a demonstrable need for special rules before the agency is tasked with the time-consuming and labor intensive effort of creating them. We also question, given that the Charter grants the City Planning Commission only 60 days to compile a report, whether there is adequate time for the CPC to do the extensive analysis set forth in section (g)1 of the bill. If the Council decides to explore expanding and specifying the scope of CPC's analysis, we would request that the benefits of landmark designation, including heritage tourism, increased property values and taxes, and use of historic areas for film and the arts, be analyzed as well. As currently drafted, the inquiry is too focused on available floor area and development. And finally, section (g)2 would overturn existing judicial case law interpreting the scope of the City Council's power to rescind or modify a designation and greatly expand such power. Given the checks and balances already in place, we question the need for such a dramatic amendment to the Landmarks Law.

**Intro. 220** requires the Commission to have and staff a survey department, notwithstanding that we already do surveys as part of our regular research activities. In fact, we've surveyed more than 30,000 buildings since 2006. Intro. 220 mandates that this new Survey Department report directly to the Commission instead of to the Director of Research, the Chair and Executive Staff, who currently set priorities for surveys in light of demands from all five boroughs. We believe the agency needs the utmost flexibility to deploy its staff and resources to accomplish agency priorities. Given the current number of surveyed properties, for example, we question the need to use staff for more surveying instead of processing permit applications or doing research on items slated for a public hearing.

**Intro. 532-A** mandates that the Commission employ certain categories in its analysis of RFEs. These categories aren't currently used and don't reflect existing standards, procedures or policies. It is unclear what benefit results from using these new categories in the Commission's RFE process

**Intro. 850** sets forth time frames for determining the eligibility of resources submitted as RFEs, and mandates a public hearing within 8 months of the agency determining a resource is eligible. We don't see the need for statutorily mandated time frames. Each designation is different and involves unique situations. Moreover, the bill conflates determining eligibility with being a priority, which are not the same. Determining eligibility is a function of applying the standards set forth in the Landmarks Law to determine whether something is worthy for consideration as a landmark or historic district. Eligibility does not automatically mean it needs to be considered

within any particular time frame, in light of the Commission's efforts pursuing other landmark designations resulting from other RFEs and the 30,000 buildings surveyed by Commission staff. Conflating the two will make it difficult for the Commission to set and achieve its goals and priorities for historic designations throughout the City. For example, the Commission has made it a priority to do designations in Boroughs other than Manhattan. During the past 10 years we have achieved that; it is unclear whether we would have been able to do so if we'd been required to hold hearings, do outreach and research on other RFEs simply because they had previously been determined to be eligible. With respect to Section (c) of the bill, it is unclear what is intended by this provision. It contains an assumption that the Department of Buildings is not processing permits on buildings under consideration during the six to eight months that the Commission has to calendar and hold a public hearing. This is not the case under current law. Finally, the Law Department has advised us that the establishment of timeframes will limit the Commission's ability to set its own agenda and thereby may constitute a curtailment of the Commission's authority.

**Intro. 849** would create a new appeal process when the Chair has decided not to proceed with a RFE. It would allow a single Landmarks Commissioner to force the full Commission to consider an RFE for calendaring, even if more Commissioners were opposed to such an action. It would also allow Community Boards and Borough Boards to mandate the full Commission to consider specific RFEs for calendaring. The volunteer Commissioners attend all day public hearings and meetings approximately once a week, in addition to site visits, so the Chair must ensure that their time is as productive as possible. At these public hearings and meetings the Commissioners hear approximately 500 Certificate of Appropriateness applications, and consider dozens of designation calendarings, hearings, and votes. Hearings on high profile permit applications and large historic districts take hours, and sometimes span multiple hearings and meetings. Allowing an unknown number of RFEs to be brought forward regardless of the merits would undermine our efforts to productively use our volunteer commissioners' time. And, adding this process to the requirements in Intro. 850 for calendaring and holding hearings on eligible resources, discussed above, it will make it difficult for the Commission to control its agenda and efficiently and effectively achieve its priorities. Finally, the Law Department has expressed concerns that authorizing a Community or Borough Board to mandate that the Commissioners vote on a specific RFE would impermissibly restrict the authority of the Landmarks Commission.

**Intro. 80** concerns construction protection plans for historic buildings within 150 feet of construction or demolition activities. Currently the Department of Buildings has a protocol, TPPN 10/88, which establishes when a protection plan is required. This protocol applies to structures within 90 feet of the work site. We will let the Department of Buildings address the merits of this proposal, but we note that the current system is effective and has been in place for many years. We also think that the need for a protection plan in any particular instance should be more calibrated with the type of work being undertaken. We question whether a homeowner should have to hire a separate professional and incur an additional expense to draft a protection plan. The impact of this requirement on owners of buildings in historic districts, which will be surrounded by historic structures, should be studied. We are concerned that unless the scope of the bill is narrowed, it could significantly and unnecessarily increase the cost of working in a landmarked area.

Finally, **Intro. 20**. This bill amends the Landmarks Law by changing the definition of which DOB work permits - issued prior to designation - are grandfathered and remain valid after designation without LPC review. As previously mentioned, this bill will significantly impact the DOB and BSA. It would mandate that the DOB audit every permit already issued for a calendared building or district and, at the time of designation, to revoke all permits issued prior to designation, regardless of the type of work. We have previously testified on earlier versions of the bill, and we believe that testimony is, in general, still valid. We would add one additional comment: The bill should not apply to all DOB permits, but only to those that significantly affect a building's exterior. As written, all work permits would be revoked. That would mean, for example, that a homeowner in the middle of a bathroom or kitchen renovation with contractors on site would have to stop work until they had applied to the BSA and demonstrated that "substantial performance and substantial expenditures [had] been made in furtherance of [the] permit." It could easily take months for a final determination. We are very concerned that this process will result in significant delays and will cause a significant increase in the cost of work; this will be the first experience owners will have with the Landmarks Law and it will not be a positive one.

Thank you for the opportunity to testify on these 10 bills. We are happy to respond to any questions you have.



## FOR THE RECORD

**Testimony of  
Andrew S. Hollweck, Vice President  
New York Building Congress  
on Intros. 20 and 80  
Public Hearing of the  
New York City Council  
Housing and Buildings Committee  
May 2, 2012**



NEW YORK  
BUILDING  
CONGRESS

As the City's largest and most diverse coalition of the design, construction and real estate industry, the New York Building Congress is committed to promoting well-planned development that improves the City's economic health and quality of life.

While the Building Congress supports protecting the City's important landmarks and historic districts, we believe Intros. 20 and 80 impose undue burdens on building owners and could harm the building industry.

New York City depends on development and growth to adapt its aging building stock to modern demands. The building industry supplies the City with hundreds of thousands of quality jobs and modern structures that are the core of New York's high quality of life.

Intro 20 establishes a landmark process that can begin after a construction project is underway. If a building or district is subsequently landmarked, the construction project can be stopped and the building permits rescinded.

The intent of this bill may be to protect historic structures that may have been overlooked and are imminently threatened. Unfortunately, this objective ignores the enormous costs and risks owner and builders will have already made on a project that could be undermined by an administrative decision made well after a site has been assembled, a building design completed and workers are working onsite.

In fact, this legislation may be creating a risk that banks, owners and builders could be unwilling to take on projects in neighborhoods that *may* appear as a possible target for this bill, creating a perverse disincentive to investment.

The other provisions of this bill are only slightly less onerous, by requiring other retroactive review and approval measures that will delay work already permitted by the City, already financed, with workers on site, and force owners and builders into an opaque administrative review process that – again – may be initiated after work has already begun. This whole bill – while it may be well-intentioned – creates an unknowable risk that could freeze large portions of the real estate market.

Intro 80 would require builders to survey and devise plans of protection of historic structures up to 150 feet – or more than one city block – away from a proposed building site.

The most troubling provision of the bill states that, once the plans are complete, a stop work order may be placed on the project if the community board or the owner of a historic structure perceives that any part of the plan of protection is being violated.

The bill's intent appears to be to better protect buildings that might be harmed by significant, impactful construction. While there may be precedents where construction activity taking place 150 feet from a construction site has damaged a structure, this legislation takes this possibility to an extreme conclusion.

Any construction that takes place near a historic structure would be subject to its provisions. A project with minimal or no impact on a nearby historic structure could nevertheless be subject to a stop work order based on an assertion made by an adjacent owner or community board. Like Intro 20, this bill creates an environment where owners and builders will be subject to arbitrary enforcement actions, increasing their risks and the costs of building.

The Building Congress encourages development that respects and protects the historic character of the City; but we are opposed to Intros 20 and 80, which would add insurmountable risks and costs to some projects.

Thank you.



**Testimony of the Municipal Art Society  
Before the New York City Council Committee on Land Use and Committee on Housing  
and Buildings regarding proposed landmarks legislation  
May 2, 2012**

Good morning Chair Comrie, Chair Dilan and committee members. I am Ronda Wist, senior vice president for Policy and Advocacy at the Municipal Art Society. Thank you for allowing us the opportunity to speak on these ten, no eleven bills.

I believe that in this room many, probably most of us are friends of historic preservation—knowing that without it, we would have no Soho, no Edgar Allen Poe House, no Brooklyn Heights, no Louis Armstrong House, and no Alice Austen House—in other words a different city. Many can also agree that the Landmarks Commission could function more efficiently and more transparently, as could a variety of city agencies. We assume that these bills reflect a sense of dissatisfaction with the process and the outcomes. We would like to invite the council members to a meeting of the MAS Preservation Committee—the next one is May 31<sup>st</sup>. We offer to work with you to better understand the exact nature of reported problems that motivated these bills, and talk through the range of solutions that might address those issues. It is impossible to thoughtfully evaluate so many intros of such great magnitude in just the few days allotted before this hearing.

We recognize that the LPC calendaring and designation process could be more transparent and timely. We acknowledge the Council's efforts behind Intros 20, 222, 532 and 850. However, we want to ensure that the time lines are appropriate and that LPC staff is not left so overburdened with reporting functions that they can't get to substantive work. For Intro 80, relating to the Department of Buildings, it would be helpful to first determine whether DOB could further work with Landmarks to update its technical memo –if necessary--in a way that resolves the underlying issues without requiring that every applicant for a building permit hire a preservation consultant. Intro 357, relating to energy efficient mechanical equipment, is very important to MAS because we are actively working, as part of our Preservation and Climate Change campaign, to promote the environmental benefits of improving the efficiency of the city's older and historic buildings. In fact we are working with the Landmarks Commission and Terrapin on a manual, "Greening New York City's Landmarks: A Guide for Property Owners," to encourage investments in the energy efficiency and sustainability of the city's historic buildings while meeting preservation standards. Because we commented on City Planning's Zone Green amendments, and know that LPC promulgated a rule that expanded the definition of rooftop mechanicals, we are also concerned about whether this intro would supersede those efforts.

Several of the bills are extremely problematic and two in particular could undermine the effectiveness of the Landmarks Commission. Intro 846 requires that a draft designation report be prepared in advance of calendaring, effectively stopping the work of the research department. And if City Planning will be required to analyze any theoretically unfortunate economic impacts of designation, shouldn't they also analyze the increase in property values that often result from designation? Regarding the request for district rules 90 days after designation, we note that LPC already has many rules which allow property

owners to receive staff, not commission permits for work on their landmarks. Intro 845 would allow building owners to continue to install asphalt shingles, white vinyl single pane windows and the like in perpetuity. No owner is ever required to improve their building. This bill would completely abnegate the Commission's credo that over time, the buildings will improve as work is done sensitively.

We believe that these proposals require additional study by all stakeholders. MAS would be happy to be part of a task force or some other committee to assist the Council and the Commission. We want to ensure that any proposed solutions are not worse than the problems the bills are intended to address.

THE SENATE  
STATE OF NEW YORK



**TONY AVELLA**  
**SENATOR, 11TH DISTRICT**

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May 2, 2012

Hon. Christine Quinn  
Speaker  
New York City Council  
250 Broadway, Suite 1856  
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Dear Speaker Quinn:

Unfortunately, I am unable to attend this hearing in person, as we are presently in session in Albany.

However, I felt compelled to speak on this raft of bills being proposed by the City Council. In the eight years that I sat as Chair of the Zoning Committee of the City Council, I can't remember a situation where ten related bills that had questionable benefits at best and extremely negative consequences at worst to the general welfare of the city were being pushed through in such an undemocratic fashion. It does not serve the interests of the public to limit discussion on so many important topics that pertain to the Landmarks Preservation Commission's role in shaping the future of New York City. Clearly, several of these bills were directly influenced by developers and the powerful real estate lobby that are looking to destroy the ability of the Landmarks Preservation Commission to do its job: to protect the architecture and heritage of the City of New York.

Intro. 845 will turn the Landmarks Law on its head by demanding an economic and development discussion about each potential historic property or district, which is clearly at odds with the goal of protecting and preserving important buildings that have no quantifiable value. Intro. 846 will remove one of the most effective tools in restoring the look and feel of a building or historic district over time, which clearly is the intent of the bill, by allowing existing inappropriate coverings and materials to remain as long as they are replaced in kind. Why landmark something if it never has to be restored at all? Intro 357 will water down the ability of the Commission to incorporate "green" improvements to a building tastefully. Since good design is of paramount importance to the LPC, removing their mandate of design review, even for something potentially laudable, is a slippery slope that will effectively compromise their agency mission. Intros 222A, 532A, 849 and 850 will have the ultimate effect of increasing the rejection rate of potential landmark buildings and historic districts throughout the city. The LPC's track record has been to

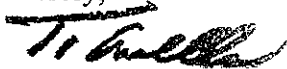
take more time, not less, when carefully considering whether to designate a property or historic district.

While I have personally been impatient with the speed of the Commission's actions - or lack thereof - imposing extremely tight time limits on them is not the answer. It will have a deleterious effect on those neighborhoods and individual buildings that deserve designation but they just haven't gotten to it yet, due to lack of staffing and budgetary constraints.

Intro. 220 is a laudable goal. However, with long term budgetary constraints it is unlikely that a survey unit will ever be permanently funded. Unless a funding stream can be guaranteed, it will only burden the LPC by having an unfunded mandate. I do support Intros. 20 and 80, which both help the LPC further their mission of monitoring and better controlling construction at and near landmarked sites and buildings.

However, if that is the trade off for the other bills to be passed, it's not worth it, as the other bills will gut the agency both financially and its mission. In summary, most of these bills are extremely detrimental to the future of the Landmarks Preservation Commission's role of protecting New York City's history. I urge the City Council and Mayor Bloomberg to oppose all of these bills except Intros. 20 and 80. Furthermore, I find it disturbing and dangerous that these 11 bills, each of which have substantial effects on landmark preservation in NYC, are be rushed through committees with very little notice and too little opportunity for public input. These proposals deserve to be fully reviewed, analyzed and deliberated – not rushed through an expedited process.

Sincerely,



Tony Avella  
State Senator  
11<sup>th</sup> Senatorial District



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May 2, 2012

**The New York City Council  
Committee on Land Use  
Public Hearing  
Testimony by Tara Kelly**

**Re: Proposed Bills**

First and foremost, the Preservation Committee at FRIENDS is deeply troubled by how little time has been provided for an analysis of these bills by the community. These are complicated ideas to parse, and they necessitate a thorough review by all parties involved. While we have long-lobbied for reform at the Landmarks Preservation Commission (LPC), important policy changes require careful consideration and should not be made in haste.

Lest we forget, the purpose of this agency is to:

- Safeguard the city's historic, aesthetic, and cultural heritage.
- Help stabilize and improve property values in historic districts.
- Encourage civic pride in the beauty and accomplishments of the past.
- Protect and enhance the city's attractions for tourists.
- Strengthen the city's economy.
- Promote the use of landmarks for the education, pleasure, and welfare of the people of New York City.

The crucial nature of the LPC's work cannot be overstated. Preservation of our city's landmarks and historic districts is of utmost importance to the vitality and stability of New York City's great neighborhoods. Historic preservation is an essential part of the city's economy, providing jobs for skilled laborers, increasing property values and enticing tourists from around the world.

Some of the bills before you today have been proposed with the best of intentions, attempting to resolve community concerns about the efficiency and transparency of the LPC. We, ourselves, have shared these concerns. However, we fear that creating additional departments, setting strict timelines, and mandating complex procedures will only prevent the Commission from performing its mission, particularly with its very limited resources.

Certain of the other bills before you, however, do not seek to improve the Landmarks Law, but to dismantle it. Intro 845 would allow for inappropriate materials to be replaced "in

kind" with inappropriate materials. Intro 846 requires that the LPC provide a draft designation report at the time of calendaring, adopt rules for any historic district within 90 days of designation, and submit an economic impact analysis to City Council within 60 days of designation. The City Council may modify or disapprove a designation based on the information supplied within this analysis.

The radical reforms proposed ~~by Council Member Carr~~ are not merely procedural amendments to the Landmarks Law. In seeking to divest the LPC of its autonomy these bills would effectively undermine the Commission, which is charged by the legislature with determining and safeguarding the city's historic resources. Requiring non-expert oversight of expert opinions flouts 50 years of Landmarks jurisprudence, as well as broader principles of agency deference, and cannot be sanctioned. Similarly, compelling the Commission to draft designation reports that would require statements of specific value, as well as pre-determinations with respect to alterations or other matters that might later come before the Commission, rob the agency of its ability to consider each matter before it on an ad hoc basis, as is its charge.

We respectfully request another hearing in due time, permitting additional public testimony, before the Council takes action on any of these 11 bills. Furthermore, we ask that the Council work with us on reform of the Landmarks Preservation Commission – not against us.

Thank you.





THE ADVOCATE FOR NEW YORK CITY'S HISTORIC NEIGHBORHOODS

232 East 11<sup>th</sup> Street New York NY 10003  
tel (212) 614-9107 fax (212) 614-9127 email hdc@hdc.org

Statement of the Historic Districts Council  
Joint Meeting of the City Council Housing and Land Use Committees  
May 2, 2012

The Historic Districts Council is a nonprofit community service organization that works with over 500 neighborhood groups to preserve New York City's historic buildings and communities. Since 1971, we have worked with, for and against the New York City Landmarks Preservation Commission to achieve this goal. We have been directly involved in the designation of over half of the 107 historic districts currently designated as well as countless individual landmarks and we regularly monitor and participate in every public meeting and hearing of the agency. It is fair to say that outside of the agency staff, HDC probably spends more time thinking about and interacting with the Landmarks Commission than any other group in New York City.

To the extent it has been possible, HDC has studied the multitude of bills currently before City Council and assessed them with the goal of encouraging the best preservation practices possible for New York. The 11 bills currently being contemplated by the City Council, if passed as written, will greatly change the workings of the Landmarks Preservation Commission.

HDC supports Intro 20, which empowers LPC to intercede in cases where unused Buildings permits are still active on Landmark buildings. This is a bill which was originally proposed in 2007 to help remedy two unfortunate situations where owners of individual landmarks were dead-set on destroying their buildings regardless of community and Council opposition. In the five years since this bill was introduced, there have been numerous instances where the process it defines would have proven incredibly useful, most recently at 339 West 29th Street at the Underground Railroad House and 315 East 10th Street, both instances of LPC being stymied by existing building permits after landmark designation.

HDC supports Intro 80 which requires better monitoring of construction near landmark buildings, although further discussion of how exactly this would be enforced would be welcome.

HDC questions if Intro 220, requiring LPC to maintain a survey department, is especially necessary. Many of the departments within the agency are not mandated by law and since there is no guaranteed funding for the department, we are concerned that a mandated department might lead to a phantom limb scenario where the agency's work is actually impeded by the requirement of a department for which has no resources.

HDC does not support Intro 357, which allows more flexibility in regulating "green" rooftop mechanicals on landmark buildings, since we believe that all rooftop mechanicals on landmark buildings should be positioned to be as minimally visible as possible.



HISTORIC DISTRICTS COUNCIL



THE ADVOCATE FOR NEW YORK CITY'S HISTORIC NEIGHBORHOODS

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HDC questions whether Intro 533, which requires LPC to maintain an online list of energy-efficient windows deemed acceptable for use in landmark properties, is truly appropriate. While well-intentioned, such an action could be perceived as a municipal agency endorsing specific products. This information could be disseminated in a more general way through other, more appropriate venues.

The current timeline proposed by the combination of Intros 222A, 532A, 849 and 850 would seem to answer the long-standing complaints about lack of attention to community requests. In truth, if these bills are adopted in tandem as written, it would risk overwhelming the LPC scant resources. Currently, there are literally thousands of buildings in potential historic districts across the city including:

Bainbridge Avenue	Kew Gardens
Bedford Stuyvesant	Madison Square North
Boerum Hill	Morningside Heights
Broadway Flushing	Moshulu Parkway
Bruckner Boulevard	Mount Morris
Carroll Gardens	Murray Hill
City Island	Park Slope
Clinton Hill	Parkway Village
Crow Hill	Richmond Hill
Crown Heights North	Ridgewood
Far Rockaway	Riverdale
Fort Greene	the Bowery
Fort Hill	the Grand Concourse
Greenpoint	the Upper East Side
Greenwich Village	the Upper West Side
Inwood	Victorian Flatbush
Jackson Heights	Wave Hill
Jamaica Estates	Westerleigh

to name only the ones which spring immediately to mind. Imagine if the LPC HAD to make decisions and designate all those districts in 33 months - they couldn't even if they wanted to. This would result in thousands of buildings being rejected based on a mandated schedule rather than merit. One must keep in mind that it is easier for a city agency to do nothing than take a positive action and this proposal, as written, seems ensured to produce negative results. It is also important to note that there is no funding attached to this scheme and it would be incredibly difficult for Council to guarantee such funding would be delivered.

If this proposed timeline was currently in place, one could easily imagine that Crown Heights North, the Park Slope Extension, the Grand Concourse, Douglaston Hill, Murray Hill NoHo, and Dumbo would have never



45 Washington Street | Box 123 | Brooklyn, NY 11201 | [www.dumbo-dna.org](http://www.dumbo-dna.org)

The New York City Council:  
Committee on Housing and Buildings/ Committee on Land Use- May 2, 2012

The DUMBO Neighborhood Alliance opposes this blatant attempt by the City Council to seriously damage the Landmarks Law and, by proxy, destroy the integrity of existing landmarked buildings and historic districts as well as future potential designations.

While several of these bills will help enforce rules on permits and construction at or near landmarked properties (Intros. 20 and 80), the other bills either weaken the ability for the LPC to enforce better design for rooftops or demand specific products for appropriate "green" replacement products (Intros. 357 and 533); and create additional bureaucracy or mandatory timelines (Intros 220, 222A, 532A, 849 and 850) that we believe will hamper the ability of the LPC to do its job, as they do not have the staff or resources to meet their current mandates, let alone the ones called for in those bills.

The two most damaging bills, however, are Intros 845 and 846. The whole point of historic districts such as DUMBO is to take off layers of siding, brickface and other inappropriate materials when buildings finally come under some sort of restoration program - which can take decades - not to allow the same inappropriate materials to be replaced over and over again, which Intro. 845 would allow. Even worse is the wholesale creation of an economic, zoning and development argument under Intro. 846 that would place a chilling effect on all new designations. That sort of study would also have no bearing on what the actual value of an historic building or district is.

For example, 15 years ago, manufacturers, small businesses and artists still mostly occupied DUMBO. Today, the value of the area has exponentially increased due to the conversion of most buildings to residential and the historic district, which clearly helped to add value to the buildings, not to the land.

These proposed bills are wrongheaded and damaging to the future of New York City's neighborhoods, including DUMBO. DNA urges you to oppose all of these bills except Intros 20 and 80.



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Committee on Housing and Buildings/ Committee on Land Use- May 2, 2012

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These proposed bills are wrongheaded and damaging to the future of New York City's neighborhoods, including DUMBO. DNA urges you to oppose all of these bills except Intros 20 and 80.



THE ADVOCATE FOR NEW YORK CITY'S HISTORIC NEIGHBORHOODS

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been designated since all of those designations took longer than 33 months to complete. This is clearly a case of an attempt to legislate around a concern where the cure is much more damaging than the problem.

Intro 845 and 846 are deliberate attacks on the Landmarks Law. They are aimed at making the LPC ineffectual and providing faulty intellectual rationales for the Council to evaluate landmark designations.

Intro 845, the Replacement Materials Bill, undermines the basic benefit of LPC oversight in helping to gradually return areas to a more historically-appropriate condition. With the advent of new material technologies and the increasing availability of local skilled building artisans, it is easier and cheaper than ever before to replace failing building materials with appropriate replacements of high quality. This bill would result in the endless replacement of white vinyl windows in designated historic districts with more of the same.

Intro 846, the Economic Argument Bill, deliberately misconstrues the economic value of landmark designation by emphasizing the false value of "property strictly as development". By enabling the sole criteria of economic value to be the highest use of a site, the bill strives to denigrate the economic value of landmark designation to property value. The most highly valued and most desirable property in New York City falls within historic districts. There are a number of factors why these areas are so successful and one of them is their landmark protection. People want to live where there is certainty and protection. Under this bill, the recent Park Slope extension could be found to have a negative economic effect on the neighborhood because it could potentially affect the FAR of rowhouse blocks, whereas commonsense and actual real world data will show the opposite to be true. If an economic analysis of landmark designation is truly deemed necessary, then it must be a robust one which takes into account all the costs and benefits of designation, such as increased property values, tax incentives for rehabilitations and development, added flexibility under the Zoning Resolution, increased ability transfer development rights, accessibility to public and private funding for development and maintenance and the like. Otherwise, this is just a pig in a poke.

When the Landmarks Law was drafted and adopted by City Council in 1965, it was intended to "stabilize and improve property value; protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided; and strengthen the economy of the city". This is how Landmark designation worked in 1965, and it's how Landmark designation works today.

The Historic Districts Council urges the City Council to reject these damaging proposals.

# FOR THE RECORD



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**TESTIMONY OF THE GREENWICH VILLAGE SOCIETY FOR HISTORIC PRESERVATION**  
**REGARDING OMNIBUS PACKAGE OF LANDMARKS BILLS**  
**BEFORE THE CITY COUNCIL'S LAND USE AND HOUSING AND BUILDINGS COMMITTEES**  
**May 2, 2012**

My name is Amanda Davis, and I am testifying on behalf of the Greenwich Village Society for Historic Preservation, the largest membership organization in Greenwich Village, the East Village, and NoHo.

It is our belief that there are serious issues with the functioning of the Landmarks Preservation Commission regarding transparency, responsiveness to requests for evaluation, and the time frame for designation of historic properties. We welcome the opportunity to work with the City Council to examine and potentially address some of these issues legislatively.

However, we are concerned that the broad-ranging package of bills before you today related to the landmarks process is being heard with so little notice to and consultation with the preservation community, and with only three minutes to comment on all eleven bills.

Councilmember Mendez's Intro. 20 has previously been heard, and GVSHP continues to support it and to applaud the intention of the bill and the very inclusive and consultative process by which it was formulated and advanced. While we do believe that the LPC is too slow or even intransigent in considering certain sites and districts for landmark designation, we believe further examination is needed to ensure that Intros 222A and 850 would not have the effect of forcing negative decisions on proposed designations too soon and making historic properties more, rather than less, vulnerable.

Intro. 845 is premised upon a false notion of property value being defined solely by the number of developed square feet, ignoring studies showing that property values in historic districts, even with their restrictions on additional construction, rise as quickly or more quickly than comparable, adjacent non-landmarked areas. We also have very serious reservations about Intro 532A, and would strongly object to its enactment. While we believe there is a greater need for transparency and speed in the LPC's responses to requests for evaluation, current landmarks law and LPC practice already gives property owners many weeks and sometimes months or years notice that landmark designation is being contemplated before any formal action is taken. In too many cases, property owners opposed to designation use this generous advance notice to pull permits or perform alteration or demolition work to prevent landmark designation. By in essence providing public notice that someone has even asked the LPC to examine a property, Intro 532A further extends the timeframe during which

bad actors could seek to prevent landmark designation with changes to their property, with very little benefit to the public or the cause of preservation.

We urge the Council to consider ways in which our city's heritage can be better recognized and preserved, so that we can all reap the benefits which go along with that, including enhanced property values and increased tourism and investment. However, many of the bills before you today require more time and consultation to examine the impact they would have on our city's historic resources and the landmarks process. Others would clearly have a harmful effect in that regard and are ill-considered, and we believe should not be advanced.

Testimony presented at City Council Landmarks Sub-Committee  
May 2, 2012

As the City Council said in enacting the Landmarks Law, the intent is to “stabilize and improve property value; protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided; and strengthen the economy of the city.” The council should be considering specific ways to further the law’s original intent and to enact such legislation that will improve both the commission’s ability to carry out the landmarks law and insure that the agency have sufficient funding with which to do so.

The council would also do well to consider that 97% of the city is not designated, but the 3% of New York City’s historic properties that are protected carry higher real estate valuations - producing higher tax revenues for the city – than those neighborhoods that are unprotected. Visitors to New York City also value that 3%, flocking to historic districts and landmarks in record numbers to see the ‘real’ New York. These facts illustrate how highly both property owners and visitors value historic neighborhoods and landmarks, and how important our historic resources are to the city’s financial and physical well-being.

As the council has not allocated time for a meaningful public review of the bills now on the table, following are yes/no positions:

Intro 20 (CM Mendez, lead sponsor) – which empowers LPC to intercede in cases where unused Buildings permits are still active on Landmark buildings. YES. This closes a loophole that has compromised designations.

Intro 80 (CM Koppell, lead sponsor) – requiring better monitoring of construction near landmark buildings. YES.

Intro 220 (CM Lappin, lead sponsor) – requiring the LPC to maintain a survey department. NO. Unnecessary and an unwarranted intrusion on the internal allocation of scarce resources in the agency.

Intro 357 (Public Advocate De Blasio, lead sponsor) – allowing more flexibility about “green” rooftop mechanicals on landmark buildings. NO. Green technology masks all manner of inappropriate changes to historic buildings.

Intro 222A (CM Lappin, lead sponsor)– requires LPC to respond to Requests for Evaluation within a maximum of 180 days (6 months). YES.

**Intro 532A (CM Garodnick, lead sponsor) – mandates a publicly accessible online database of RFEs and dictates language for LPC’s responses to requests. YES/NO**

Intro 849 (CM Lander, lead sponsor) – creates an appeals process for denied RFEs. YES.

Intro 850 (CM Lander, lead sponsor) – creates a 21/33 month maximum timeline for landmark



and historic district designations. NO.

Two bills that propose to inhibit LPC's designation and regulatory powers:

Intro 845 (CM Comrie, lead sponsor) – allows for replacement materials on landmark buildings to be those present at time of designation. NO.

This bill both ignores contemporary building practices and materials, and the professional expertise of the commission and its staff. It would prevent the LPC from doing its job of beautifying our city's historic properties through their oversight, as established in the city's landmarks law.

Intro 846 (CM Comrie, lead sponsor) – mandates City Planning Commission to analyze economic impact of designation on the development potential of proposed landmark and instructs City Council to weigh this analysis in their deliberations. The bill also requires the LPC to issue very detailed draft designation reports early in the public hearing process and promulgate rules for historic districts immediately after designation.

NO. This bill suggests that one form of economic investment be paramount over all others, and dismisses the often substantial investment property-owners have made or will make in their historic properties.

Thank you,  
Hal Bromm.



THE COMMITTEE TO PRESERVE THE UPPER WESTSIDE

**Testimony of LANDMARK WEST!  
Before the Committee on Housing and Buildings, jointly with the Committee on Land Use  
of the New York City Council  
Oversight Hearing Regarding Intros Nos. 20, 80, 220, 357, and 533  
and also Intros Nos. 222A, 532A, 845, 846, 849, and 850  
May 2, 2012**

LANDMARK WEST! is a non-profit community organization committed to the preservation of the architectural heritage of the Upper West Side from 59<sup>th</sup> to 110<sup>th</sup> Streets.

In preparing for this morning's oversight hearing about the future of landmarks legislation in our City, we looked to our recent past. In particular, a series of oversight hearings convened by the City Council Subcommittee on Landmarks, Public Siting and Maritime Uses to examine the functionality and purpose of the Landmarks Preservation Commission (LPC).

From October 2004 to May 2005, citizens, advocates, preservation and design professionals, historians, former LPC Commissioners, and, of course, members of the Council participated in these oversight hearings. And they did so in force, underscoring the importance of a transparent, well-funded, public-serving Landmarks Commission in the ongoing efforts to safeguard New York City's historic resources. Concerns were compiled in a report commissioned by the Women's City Club of New York and submitted by former LPC Commissioner and author Anthony M. Tung. Sixty-plus organizations representing neighborhoods in all five boroughs endorsed this report and its findings, which Tony Tung summarized before the City Council Subcommittee.

Findings included but were not limited to increased agency transparency and responsiveness in the landmark designation process, the need for public access to agency information, and the re-establishment of a Survey Department. On the surface, the proposed legislation seems to be an attempt at responding to these and other concerns brought to the table by our communities in 2004/2005 and more recently. But, as other organizations have and will testify, the window of time provided the public to digest the proposed legislation, conduct thoughtful review, discuss any emergent concerns, and come to consensus on what's in our best interests has been insufficient. LANDMARK WEST! concurs with our colleagues in preservation that these initiatives merit further exploration, but we cannot allow this important work to be done in haste. Doing so risks overlooking potentially unintended consequences of the local laws that would, in actuality, do more damage to the landmarks regulatory process than good.

The advocacy community is prepared and welcomes the opportunity to work collaboratively with the City Council and the leadership of the Landmarks Commission to identify opportunities for improved performance, but the proposed legislation is not the solution.

*Over, please ...*

As architectural critic Paul Goldberger once said:

[Preservation advocates] understand the nitty-gritty of the neighborhood in a way that you can't expect a city-wide agency, like the Landmarks Preservation Commission ... to do. [We're] on the ground, and [we] understand the pulse of this neighborhood. And that's critical; you need that.<sup>1</sup>

Indeed, we understand more acutely than most the impacts of landmarking on our neighborhoods. LANDMARK WEST! works tirelessly, every day, to assist Upper West Siders in navigating the regulatory process and, in doing so, brings together a dedicated roster of professionals who volunteer their time and expertise for the benefit of the larger neighborhood. Together, we protect the sense of place that attracts so many to our historic West Side neighborhood. Because of our vigilance, people stay and invest both in their properties and their community.

The following anecdote wonderfully captures the power of preservation in our neighborhoods. It comes from the proprietor's of Long's Bedding, a local business on West 72nd Street that was included in a comprehensive block-long initiative to rejuvenate this important commercial thoroughfare.

When [LANDMARK WEST!] first approached us about taking down our canopy and awning, we mistakenly thought the committee was another "ten minute wonder" that would create a lot of commotion and accomplish nothing, while burdening us with unneeded stress and costs. We thought West 72nd Street, committee or not, would remain an architectural nightmare of dirty, unsightly buildings, and that any improvements on our part would be a waste of time and money. We felt the removal of our canopy and awning was unfairly being forced upon us.

The turning point for us came the day you brought in some beautiful, historical photographs, showing West 72nd Street in the early 20th century. We were impressed with the overall elegance of the block and the purity of the architecture at the time. After you left, we looked outside our door and realized how the block had been tastelessly changed into an ugly commercial strip, and how restoration to the feeling of a bygone era might restore some of the block's former elegance. We fully understood your vision, and realized LW's intentions were the best and that restoration was not only a possibility but a probability.

We have completely reversed our thinking and happily support LW's good work.<sup>2</sup>

The Longs, they "get" it. They understand that investing in their business and supporting historic preservation goals are not mutually exclusive. People want to live and do business in safe, vibrant, and stimulating environments, and preservation is an integral part of that puzzle.

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<sup>1</sup> In an interview with LANDMARK WEST! regarding the 25th anniversary of the organization's advocacy work in service of the Upper West Side. Copy of Mr. Goldberger's interview is available upon request.

<sup>2</sup> Excerpt from a letter from Robert and Judith Long, Long's Bedding & Interiors, Inc., to LANDMARK WEST!, dated August 19, 1998. Available online at: <http://www.landmarkwest.org/retail/reviews.html>.

FOR THE RECORD

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Stephen Gottlieb, Preservation Architect

160 Bleecker Street Suite 10EE New York NY 10012

May 2, 2012

212/475-6055

sgottlieb160@earthlink.net

Speaker Christine Quinn

City Council City of New York

250 Broadway

New York, NY

re: LPC Changes

Dear Speaker Quinn,

I object to the preemptive changes proposed by the City Council to LPC procedures. For changes this extensive there should be a substantial period for reflection and public input.

Please postpone voting on these changes to permit public review and comment.

Thank you very much.

I am, very truly yours,



Stephen Gottlieb, Preservation Architect

Past President Fine Arts Federation

Former Professor Historic Preservation Columbia University

# CATHOLIC COMMUNITY RELATIONS COUNCIL

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**Testimony before the City Council**  
**Committee on Housing and Buildings jointly with the Committee on Land Use**  
**Intro. 20, 80, 220, 222-A, 357, 532-A, 533, 845-A, 846, 849, and 850**  
**Public Hearing**

May 2, 2012

FOR THE RECORD

Chairmen and members of the Committees, my name is Rosemary Ginty. I am the Executive Director of the Catholic Community Relations Council representing the Archdiocese of New York and the Diocese of Brooklyn on issues involving the City of New York – both the legislative and executive branches of government.

As the proud owner of many architecturally-distinguished buildings in New York City, the Diocese of Brooklyn and the Archdiocese of New York are significantly affected by the landmarks laws and regulations. Currently, approximately 90 of these buildings are either designated individually or located within designated historic districts. This number is bound to increase given the unprecedented number of proposed historic districts and expansion of existing districts. Many of these new districts and expansions seem to be more motivated by a desire to discourage development than a desire to preserve buildings of special architectural or historic merit. Church properties that were previously excluded from adjacent historic districts are now being included in these expansions.

Designation imposes substantial costs on owners but is particularly onerous for religious institutions that are forced to maintain buildings that may be seriously obsolete or underutilized. Church architecture, in particular, frequently incorporates carved stone work and stained glass that are extraordinarily costly to maintain and repair. There is no significant source of public or private funding to address the increased costs imposed by landmarks regulation or the institutional costs imposed when a parish cannot effectively utilize or improve its property. For all intents and purpose, this financial burden falls solely on the strained resources of a parish whose primary goal is to further its mission and serve its people.

We support historic preservation as a public policy goal. However, the current landmarks law and designation process does not have a balancing mechanism that allows the Landmarks Preservation Commission to assess and consider the real economic impacts of designation. There should be a bill to address this very important issue. One of the bills (Intro. 0020-2010) exacerbates the current burden by expanding the landmarks regulatory requirements to calendared but not designated buildings and putting validly issued building permits at risk of revocation.

We support the City Council's efforts to review the landmarks law and any those bills that would add more balance and fairness to the process. However, this review should be deliberate and take into account the unfunded costs and enormous financial constraints imposed upon religious institutions when the City or neighborhood residents want to preserve its buildings for the public benefit. This is a very serious problem which needs to be addressed. For these reasons, we request more time to review the proposed bills and for an opportunity to give additional testimony on this issue of critical importance.

Thank you.

FOR THE RECORD



**TESTIMONY OF THE BUILDING OWNERS AND MANAGERS ASSOCIATION OF GREATER NEW YORK, INC. BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON LAND USE AND COMMITTEE ON HOUSING AND BUILDINGS REGARDING BILLS TO AMEND THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK IN REGARD TO LANDMARKS**

**May 2, 2012**

Good Morning Chairmen Comrie and Dilan, members of the Committee on Housing and Buildings and Land Use, my name is Sylvester Giustino, Director of Legislative Affairs for the Building Owners and Managers Association of Greater New York, Inc. (BOMA/NY). We represent more than 700 owners, property managers and building professionals who either own or manage 400 million square feet of commercial space. We're responsible for the safety of over 3 million tenants, generate more than \$1.5 billion in tax revenue and oversee annual budgets of more than \$4 billion.

Our members proudly operate and manage landmark buildings like 280 Park Avenue, the Empire State Building and 500 Fifth Avenue. These buildings not only stand as a testament to our illustrious past but provide the best in 21<sup>st</sup> century management techniques and technology. One area of importance is making sure that these historic buildings are able to achieve maximum performance in energy efficiency and sustainability. That is why BOMA/NY supports Int. No. 357. We believe that this legislation would make it easier for the managers of our landmarked buildings to get their energy efficient projects in a landmark designated building approved in a more timely fashion. This will not only make our city more energy efficient but create jobs and improve the competitiveness of our landmark buildings and our city's commercial real estate market. We urge the City Council to swiftly enact this important piece of legislation.

However, we believe that Int. No. 20 and Int. No. 80 would run counter to the good progress that this City Council can make to improve our landmarked buildings. Int. No. 20 requires permits for calendared improvements and provides for revocation of preexisting permits and Int. No. 80 sets forth construction protection and monitoring requirements. These bills if they were to become law will impose a substantial burden on owners leading to a more expensive permitting process, which will not only slow our economic growth but stop the further enhancement of our landmark buildings. The proposed legislation would also cede too much power to local Community Boards and community groups which will act to stop construction which has been filed and approved by the New York City Department of Buildings.

On behalf of the members of the Building Owners and Managers Association of Greater New York, Inc. (BOMA/NY), we thank you for your careful consideration of these comments and urge you to reject Int. No. 20 and Int. No. 80 and pass Int. No. 357.

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Marty Markowitz  
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## FOR THE RECORD

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Robert Matthews  
Chairperson Emeritus

Michelle T. George  
District Manager

### Testimony before the City Council's Committee on Housing & Buildings and Committee on Land Use, Tuesday, May 2, 2012.

Good Morning Council Members, my name is Nizjoni Granville, Chairperson of Community Board 8 Brooklyn. In addition to my role as chairperson I have also served as the Chair of the Housing/ULURP Committee for the last nine years.

Community Board 8 has two (2) historic districts within the confines of our community district: Prospect Heights and Crown Heights North. The Council is proposing a total of ten bills that will significantly change the way that Landmarks Preservation Commission operates. I am especially concerned about the four bills that will impose strict timelines on LPC's deliberation of potential landmarks and historic districts. If there had been a requirement that LPC designate a historic district within 33 months, the residents in our District would be without a single Historic District, the way we were nine years ago. Unless, the Council intend to allocate a budget that will allow LPC to more than double the current size of its staff, the four proposed bills should be permanently removed from your discussion.

I think that it is bad public policy to package ten proposed laws together on short notice and then tell the stakeholders that they have approximately three (3) minutes to speak on such important issues. It is my understanding that several of these proposed laws have been sitting in committee for quite some time. If I did not know better, one could conclude that you never really intended to allow sufficient time for public discussion.

Given the fact that the enactment of these proposed laws will have an adverse, crippling effect on LPC for years to come, I urge you to allow more time for public comment and additional time for deliberation among your colleagues.

Sincerely,

Nizjoni Granville  
Chairperson

FOR THE RECORD

**HEIGHTS 75 OWNERS CORP.**

75 LIVINGSTON STREET BROOKLYN, NEW YORK 11201

**TESTIMONY FROM ELLEN MURPHY, PRESIDENT, BOARD OF DIRECTORS,  
HEIGHTS 75 OWNERS CORP., ON NYC COUNCIL INTRO 845**

Wednesday, May 2, 2012

Thank you Chairman Dilan, Chairman Lander and members of the Council for the opportunity to testify this morning. I am speaking today on behalf of the families of 75 Livingston Street in Brooklyn Heights, which as many of you may recall was the only major residential building included in the recently approved Brooklyn Skyscraper Historic District. And while we testified earlier this year in strong opposition to that landmark-related proposal, I am pleased to be here today to testify in support of another proposal...Intro 845, which allows property owners to use similar materials in the maintenance of their landmarked properties as were in place at the time of landmarking.

As we had shared during discussions over landmarking, many in our building are extremely concerned about the added costs inherent in being designated a landmark, especially in light of the fact that they have been buffeted by significant increases in maintenance in recent years and have been presented with thousands of dollars in capital assessments needed to assure the structural integrity of the building. And while we remain concerned that this designation will create new financial burdens for apartment owners building-wide, landmark related requirements could be especially onerous for the residents of the apartments on the high floors of the building who have installed single pane windows to take advantage of the spectacular views from their apartments.

We were advised by the Landmarks Preservation Commission that these unobstructed views will not be allowed when the windows need to be replaced because the LPC-approved window will have to look like the original 1927 windows which had at least six panes of glass. The views these apartments have today add significant value and we have consulted with real estate professionals who estimate the loss of the view in a range of 5% to 20% of the asking price, depending on the view which will be obstructed. Consequently, shareholders whose apartment value comes in part from the views will suffer a loss which will carry over to the valuation of apartments throughout the rest of the building.

That is why we are so grateful for Intro 845's responsible, common sense response to this very real economic concern. Allowing apartment owners in landmarked buildings to replace



windows with those similar to the ones in place at the time of designation will have a very positive impact on the overall finances of our building (not to mention the financial circumstances of individual apartment owners). We would like to thank the bill's sponsor, Councilman Leroy Comrie, for his responsiveness and understanding of the issue, and also express our gratitude to Speaker Quinn and all of the Council staff who worked on this important legislation. Thank you also to the Subcommittee on Landmarks for taking the time to let everyone's issues and concerns be heard and then – more importantly – taking this critical next step and responding.

Finally, I would just like to also briefly add our support for Intro 846, which we believe wisely amends the LPC's procedures for landmarking review and specifically adds the proposed designation's "economic impact" as a factor to be considered. As we shared with you during the Skyscraper District discussion, it was incredibly frustrating for residents of an economically strapped building to be told by the Landmarks Preservation Commission that their jurisdiction was solely "landmark worthiness" and not financial issues surrounding buildings or their residents. The idea that such a process could take place with absolutely no relevance given to the objective economic impacts of a City agency's actions seems, at best, high-handed. We simply wanted to say thank you for hearing our frustration on this issue as well and responding with a thoughtful legislative change.

To conclude, while the residents of 75 Livingston are now anxiously awaiting what we expect will be unwelcome cost increases as a result of our inclusion in the Brooklyn Skyscraper District, we are also grateful for the Council's very timely response to our concerns over future renovations. Throughout the entire landmarking discussion, we told our fellow residents that process does, in fact, matter, and your leadership in developing detailed legislative responses to these issues demonstrates that you were listening and are willing to help make the process work for us.

Once again, we offer our support and urge you to enact Intro 845. Thank you.

## **SENATOR BILL PERKINS SPEAKS OUT AGAINST EFFORT TO WEAKEN NEW YORK'S LANDMARKS LAW**

*“Those who cannot remember the past are condemned to repeat it...”*, wrote Santayana. During the Koch, Dinkins and Giuliani administrations and now during near the end of Mayor Bloomberg's tenure, efforts have been made to weaken our exceptional landmarks law. Just as earlier attempts to emasculate this statute failed, I hope that reason will prevail now.

Complaints that the Landmarks Preservation Commission's process is cumbersome and time consuming are not new. Nor is the illogical proposed remedy of proscribing the process within strict time limits. Even now, by asking this small modestly funded agency to consider a vast array of buildings spread over a far-flung area, among all potential landmarks only a tiny number of buildings are evaluated in a given year. Artificially limiting the time available for appraisal, will no doubt have the effect of further reducing this number.

In some neighborhoods, New York's richest neighborhoods, this wouldn't matter so much, since so much there is already protected. But in Community Board 10 in my district for instance, very little is designated. The board's jurisdiction contains 28 individual landmarks and two small historic districts, which collectively make up only 3.6 percent of CD10. Comparatively, 10.6 percent of Manhattan is protected as historic districts. Community District 2, in the West Village, is the most designated area of the city, with 45 percent of its buildings included in historic districts. Similar in age to Community District 10, on the Upper West Side, 26 percent of the area is protected by historic districts.

Apart from tax and financing advantages available to landmarked buildings, the bottom line is that such buildings provide more tax revenue and sale at a premium over unprotected buildings. So my position is the same now as when I served in the council. How can a great law be strengthened? How can citizens be empowered to better benefit from the law? In other great cities the council is on par with the mayor. They, and in some cases, even ordinary private citizens, are able to compel the landmarking agency to calendar buildings for protection. But not in conjunction with deadlines and conditions that set limits on future designation, effectively eviscerating the very outcome of preservation sought in the first place.

Instead of diminishing our famed city ordinance, this is just one way that we should strengthen our law. Above all, until every community has equality in terms of landmarking, the law must not be further diluted.

## FOR THE RECORD

### TESTIMONY OF ALBERT K. BUTZEL ON BEHALF OF CITIZENS EMERGENCY COMMITTEE TO PRESERVE PRESERVATION

May 2, 2012

I am Albert Butzel, and I am speaking today on behalf of the Citizens Emergency Committee to Preserve Preservation.

I will focus my comments on the Designation Process. But before that, I want to express CECPP's disappointment in the functioning of the Landmarks Preservation Commission and our equal disappointing in the failure of the Council to back with any degree of seriousness the values of historic preservation to the City, including its economic value. This is a City run at the moment by vested interests, especially big real estate, and there is no exception in the preservation area.

I appreciate the efforts of Council to make the designation process something other than at the Chairman's whim, and the four bills introduced to end that tyranny are certainly better than what we have. But they have been made public on such short notice as to make it difficult to assess them, and like the Historic Districts Council, I am concerned about the burdens that could be placed on the LPC, *as well as the timeframes.*

CECPP had proposed to Council Member Lander legislation paralleling that in place in Boston, which would have given any 10 citizens the right to petition the LPC, n, but only if accompanied by a report explaining and justifying the nomination. That approach has worked well in Boston and not overburdened its Commission. I will leave a copy of our proposal with the Committee and ask that it be made part of the record.

In my remaining cramped time, I want to point out how pernicious the current nominating system, controlled as it is completely by the Chairman, is. My example is

the Church of St. Vincent de Paul on West 23<sup>rd</sup> Street in Chelsea. It is the oldest and only remaining French-speaking church in the City. Its architecture has been found by the State Historic Preservation Office to be eligible for listing on the National and State Registers of Historic Places and lauded in a report by Mary Dierickx. It was also, by 70 years, the first integrated church in New York City, and today it remains a highly diverse mixed congregation of modern-day French magnates and poor immigrants from the West Indies and Africa. Edith Piaf was married here, Marlene Dietrich as her matron of honor. Charles de Gaulle came to the Church to dedicate the war memorial it houses. Within the last two years, the President of France has written the Mayor asking that the Church be designated, and last month, the French Ambassador wrote directly to the LPC asking that the Church be recognized for its historic character and importance to French-Americans and the French Nation. And there is much more, all of which has been presented three times to the LPC with a request that a hearing at least be held.

Each time, the Chairman has said no, without referring it to the full Commission for consideration, much less a hearing. Now, the roof is leaking, but the Archdiocese has refused to allow the parishioners to fix it at their own expense. The French Heritage Foundation has offered \$100,000 to help out, but been turned down. Why? Because it is a potential development site. But what does that have to do with protecting the heritage of New Yorkers? This is not an extreme example; it is what has happened regularly during the last two administrations and under the current Chair.

It is a tragedy in the making. It is a disgrace. Yet the Council has stood by allowing this to happen, allowing one man to determine what may be protected and

definitely won't be. It is arbitrariness run amok. I can only hope – and my hopes are not great – that the Council will act to change this despicable system.

Thank you.

Albert K. Butzel  
For CECPP  
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New York, NY 10001  
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**Designation Process Proposal**

## Amendments to City Administrative Code re Landmarks Preservation

Added language is shown in dark red type.

§ 25-303 Establishment of landmarks, landmark sites, interior landmarks, scenic landmarks and historic districts.

a. For the purpose of effecting and furthering the protection, preservation, enhancement, perpetuation and use of landmarks, interior landmarks, scenic landmarks and historic districts, the commission shall have power, after a public hearing:

(1) to designate and, as herein provided in subdivision 1, in order to effectuate the purposes of this chapter, to make supplemental designations as additions to, a list of landmarks which are identified by a description setting forth the general characteristics and location thereof;

(2) to designate and, in order to effectuate the purposes of this chapter, to make supplemental designations as additions to, a list of interior landmarks, not including interiors utilized as places of religious worship, which are identified by a description setting forth the general characteristics and location thereof;

(3) to designate and, in order to effectuate the purposes of this chapter, to make supplemental designations as additions to a list of scenic landmarks, located on property owned by the city, which are identified by a description setting forth the general characteristics and location thereof; and

(4) to designate historic districts and the location and boundaries thereof, and, in order to effectuate the purposes of this chapter, to designate changes in such locations and boundaries and designate additional historic districts and the location and boundaries thereof.

b. Any commission member or any 10 or more registered voters of the city may petition the commission to designate a landmark, interior landmark, scenic landmark or historic district. In the case of a petition submitted by 10 or more registered voters, such petition shall be accompanied by a report, attested to by an expert in the field of historic preservation, which report shall include a description of the proposed landmark, interior landmark, scenic landmark or historic district, and the reasons why it deserves to be designated. Within 45 days following the filing of such petition and, where applicable, report, the commission shall hold a preliminary public meeting with the petitioners, and within 30 days after such meeting, the commission shall render a preliminary decision on the petition. If, based on the materials submitted by the petitioners and any information that the commission's staff may provide, a majority of the commissioners concludes that the proposed landmark, interior landmark, scenic landmark or historic district is worthy of consideration for landmarking the commission shall prepare or arrange for the preparation of a detailed report thereon, which report shall be provided to the commission members and made available for public review not later than 90 days after the commission's decision to proceed. Not later than 30

days after such detailed report is made available for public review, the commission, on not less than 15 days advance public notice, shall hold a public hearing on the proposed designation or amendment. Within 30 days following such public hearing, the commission, by majority vote, shall determine whether or not to designate the proposed landmark, interior landmark, scenic landmark or historic district. Notwithstanding the foregoing, for good cause shown, including the complexity of the matter, the full commission, by majority vote, may extend the time for preparation of the detailed report by up to 60 additional days. The commission shall not be obligated to reconsider a proposed designation within two years of its previous hearing thereon, unless two thirds of all its members vote to do so.

c. It shall be the duty of the commission, after a public hearing, to designate a landmark site for each landmark and to designate the location and boundaries of such site.

d. The commission shall have power, after a public hearing, to amend any designation made pursuant to the provisions of subdivisions a and b of this section.

e. The commission may, after a public hearing, whether at the time it designates a scenic landmark or at any time thereafter, specify the nature of any construction, reconstruction, alteration or demolition of any landscape feature which may be performed on such scenic landmark without prior issuance of a report pursuant to subdivision c of section 25-318. The commission shall have the power, after a public hearing, to amend any specification made pursuant to the provisions of this subdivision.

f. Subject to the provisions of subdivisions g and h of this section, any designation or amendment of a designation made by the commission pursuant to the provisions of subdivisions a, b and d of this section shall be in full force and effect from and after the date of the adoption thereof by the commission.

g. Within ten days after making any such designation or amendment thereof, the commission shall file a copy of same with the council, the department of buildings, the city planning commission, the board of standards and appeals, the fire department and the department of health.

h.. Once the commission has determined, pursuant to paragraph b above, that a proposed landmark, interior landmark, scenic landmark or historic district is of sufficient merit to require the preparation of a detailed report and the holding of a public hearing, the chair of the commission shall promptly notify the New York City department of buildings of that determination, and from the date of that notice until the commission makes a final determination on the proposal, no demolition permit or permit or amended permit authorizing exterior alternations shall be issued by the department of buildings for the proposed landmark, interior landmark or scenic landmark or within the proposed historic district unless the full commission, by majority vote, shall approve the same and the chair has so certified to the department of buildings; provided that this restriction shall lapse if the commission has not made a final determination on the proposal within [210] days of its determination to proceed with preparation of a detailed report pursuant to paragraph b above.

## EXPLANATION

### Background

Currently, the Chair of the LPC controls what structures or districts will be considered by the full LPC for landmarking. If the Chair does not choose to bring a structure before the full Commission, it will not be considered. There is no mechanism for citizens to bring a proposal before the full commission, and nominations by commissioners other than the Chair are only considered by the full Commission if the Chair decides to place them on the agenda. As a result, many potentially significant buildings have never been considered by the full Commission because of the Chair's effective veto power.

Also, at present, the fact that a structure is before the LPC for consideration does not protect it against demolition until the Commission acts. As a result, a number of important structures have been effectively destroyed while under consideration.

### The Proposed Amendments

#### Nomination/Designation Process

New subsection (b) is proposed to provide an alternative nomination process to the current one, which is controlled by the Chair. Subsection (b) is patterned after a similar section of the Boston Landmarks Law, but provides a process for winnowing applications that is not included in the Boston Law. The amendments would authorize any commissioners or any 10 or more citizens to petition the LPC with a nomination, following which a procedure is set out that requires the full commission to consider the nomination at one level or another. Where a nomination is proposed by 10 or more citizens, the petition must be accompanied by an expert report explaining why designation is justified; this clause is intended to limit citizen nominations that must be considered by the commission to those significant and serious enough to justify the preparation of an expert report. Once a qualified nomination is received, time limits are specified within which the full commission votes on whether to move the nomination to the next stage – a detailed report by the Commission itself – or to deny it at this preliminary point. If the commission, by majority vote, determines to move the nomination to the next stage, the amendments prescribe time periods for the preparation of a detailed report, the holding of a public hearing and a vote on designation.

#### Stay of Demolition or Exterior Alterations

The new subsection (i) provides that once the commission has made a preliminary determination that a structure is worthy of further consideration, the Chair must notify the Department of Buildings, and until the commission completes its consideration, no permits for demolition or exterior alteration of the structure shall be issued unless the commission itself approves the same. There is, however, an outer limit of 210 days in which the stay remains effective; if the commission has not acted by then, such permits may be issued even though the structure remains under consideration for designation.





45 Washington Street | Box 123 | Brooklyn, NY 11201 | [www.dumbo-dna.org](http://www.dumbo-dna.org)

The New York City Council:  
Committee on Housing and Buildings/ Committee on Land Use- May 2, 2012

The DUMBO Neighborhood Alliance opposes this blatant attempt by the City Council to seriously damage the Landmarks Law and, by proxy, destroy the integrity of existing landmarked buildings and historic districts as well as future potential designations.

While several of these bills will help enforce rules on permits and construction at or near landmarked properties (Intros. 20 and 80), the other bills either weaken the ability for the LPC to enforce better design for rooftops or demand specific products for appropriate "green" replacement products (Intros. 357 and 533); and create additional bureaucracy or mandatory timelines (Intros. 220, 222A, 532A, 849 and 850) that we believe will hamper the ability of the LPC to do its job, as they do not have the staff or resources to meet their current mandates, let alone the ones called for in those bills.

The two most damaging bills, however, are Intros 845 and 846. The whole point of historic districts such as DUMBO is to take off layers of siding, brickface and other inappropriate materials when buildings finally come under some sort of restoration program - which can take decades - not to allow the same inappropriate materials to be replaced over and over again, which Intro. 845 would allow. Even worse is the wholesale creation of an economic, zoning and development argument under Intro. 846 that would place a chilling effect on all new designations. That sort of study would also have no bearing on what the actual value of an historic building or district is.

For example, 15 years ago, manufacturers, small businesses and artists still mostly occupied DUMBO. Today, the value of the area has exponentially increased due to the conversion of most buildings to residential and the historic district, which clearly helped to add value to the buildings, not to the land.

These proposed bills are wrongheaded and damaging to the future of New York City's neighborhoods, including DUMBO. DNA urges you to oppose all of these bills except Intros 20 and 80.

**FOR THE RECORD**

Since time is extremely limited, I would like to speak to the most egregious of the proposals, Intro 846, which would require historic properties to be assessed for their "development value".

This is such a shocking concept, that it is hard to believe that we are even discussing it! The Landmarks Preservation Commission, whose mandate it is to **identify, protect and preserve the city's historic structures**, would, under this proposal, become a developer's tool for their destruction!

In fact, it is quite clear that the LPC already serves this function, as we have witnessed in the denial of landmark status for the Ward's Bakery, 636 Pacific Street, the Spaulding Building, and the Underberg Building, all of which were demolished for what we in Brooklyn call the "Ratner blight"- the Atlantic Yards project.

Columbia University and NYU are two more examples of ruthless, city-wide destruction, fostered by the Bloomberg philosophy of short-term profits over all aesthetic, historic, or cultural considerations. We have lost so much under the Bloomberg administration, that it is difficult to find an untouched block of historic buildings anywhere in the city.

Ironically, while developers are "killing the goose that laid the golden egg", it is those areas of the city with the most intact historic architecture that are most desirable, that continue to increase in value at an astounding rate, and that draw in busloads of tourists and serve as backdrops for the multi-billion dollar film industry.

What we should be considering here instead, is a bill, introduced several years ago by Bill Perkins, that would trigger an LPC review of all buildings 80 years or older before a demolition permit is issued.

We should be talking about strengthening our preservation laws, not weakening them.

Cathy Wassylenko,  
The New York Preservation Alliance  
41 Cambridge Place, Brooklyn NY 11238

Intro 845  
May 2, 2012

This bill would permit the endless recreation of terrible modifications, such as vinyl windows and siding, that greatly impact the quality and character of an historic structure.

Instead, we should be recommending tax credits and financial aid to encourage and facilitate the work and materials that are appropriate to, and help to restore the charm and beauty of an historic building.

Cathy Wassylenko  
The New York Preservation Alliance

My name is Peter Bray. I am the Chair of the Park Slope Civic Council's Historic District Committee. I want to thank the Council in advance for ratifying the designation of the Park Slope Extension when it comes before you.

### FOR THE RECORD

I am very concerned about the hasty process that has been established today, which affords insufficient time for adequate consideration and public comment on the 10 bills before us. These issues are vitally important to the city and should not be rushed through the Council.

Let me first say that without more time to address their impacts, New York City will be deprived an important protection to rampant development that has destroyed the integrity and character of many neighborhoods.

The city's historic fabric not only makes life more livable, but differentiates New York City from countless other places in the United States. It is what makes New York City a destination for millions of visitors each year and increasingly draws people to live here. In short, our historic neighborhoods and individual landmarks are an essential part of the economic engine of the city. If you preserve this character, people will keep coming.

Intro 846 interjects concerns into the landmarking process that have no place. It undercuts the authority of the Landmarks Preservation Commission and gives powerful real estate interests undue influence with the City Council to overturn landmark designations. It wrongly introduces the development potential of a property into these considerations. It would gut the Landmarks Law, which is what I suspect are its true intention.

I also have strong concerns about the unintended consequences of four bills – 222A, 532A, 849, and 850 – that impose a strict timeline on the LPC's landmarking process. While they are meant to address the concerns that I and many others have about transparency and timely responses by the LPC, without the LPC having the necessary resources to handle their increasing workload, the agency will be forced by these bills to deny designation permanently to thousands of buildings across dozens of historic neighborhoods. They impose an unfunded mandate that will likely cause more harm than the good. I ask the Council to reconsider the proposed legislation with due regard for the LPC's capacity.

Finally, I do support Intro 20 and Intro 80. Both bills strengthen the ability to maintain the integrity of historic districts, both those already designated and those that have been calendared but not yet designated.

Thank you for this opportunity.



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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COREY JOHNSON  
Chair

ROBERT J. BENFATTO, JR., ESQ.  
District Manager

**Testimony before Subcommittee on Landmarks, Public Siting and Maritime Uses  
Wednesday, May 2, 2012**

Good morning. My name is Corey Johnson and I am the Chair to Manhattan Community Board 4.

There are a host of bills before the committee today that raise serious concerns for areas like Manhattan Community District 4. I will focus my comments on two of these bills:

1. Intro 845 – which allows for replacement materials on landmark buildings to be those present at time of designation; and
2. Intro 846 – mandates the City Planning Commission to analyze the economic impact of designation on the development potential of proposed landmarks and instructs City Council to strongly regard this analysis in their deliberations.

These bills clearly seek to inhibit the Landmark Preservation Commission's (LPC) powers to designate or regulate properties.

Intro 845, known as the Replacement Materials Bill, undercuts the point of LPC's oversight in working toward the goal of returning areas to a more historically-appropriate condition. We live today in the 21<sup>st</sup> Century where new material technologies and the growth of artisans in skilled building makes such a worthy goal easier and, yes, cheaper than ever before to replace failing building materials with appropriate replacements of high quality. What this bill would do in the long run is hinder this goal of returning areas to a more historically-appropriate condition and instead creating designated historic districts with more of the same materials and look.

Intro 846, known as the Economic Argument Bill, misreads the economic value argument behind landmark designations by looking at the value of a "property strictly as development". This is not the sole criteria of economic value of a site. The most highly valued and most desirable property in New York City falls within historic districts. There are many reasons why these neighborhoods from Douglas Manor in Queens to West Chelsea in Manhattan are so successful but one major reason is their landmark status and protection. The people who live there do so because landmarking brings certainty and protection. Obviously one could argue that limits to development in FAR, in some areas or in having to stay as an R1 and not up-zone could be found to have a negative economic effect on the neighborhood but greater potential for development is not the only thing that makes a good and highly valued neighborhood.

The Landmarks Law when drafted was intended to “stabilize and improve property value; protect and enhance the city’s attractions to tourists and visitors and the support and stimulus to business and industry thereby provided; and strengthen the economy of the city”. This is how Landmark designation worked and still works.

These two bills seek to undo all that good work and all those good benefits with specious arguments designed to pander to the development community over the community that lives and works in these areas and benefits in the value of their property with the certainty and protection of the landmarks Law.

Thank you for your attention.

# FOR THE RECORD

May 2, 2012

To distinguished members of the City Council, and all concerned New Yorkers,

My name is Suzanne Spellen, and I live in Crown Heights North, Brooklyn. I come here as a board member of the Crown Heights North Association, Inc. (CHNA), and as a concerned citizen. I am not a lawyer or a policymaker, but I am very involved in my community. I've lived in Central Brooklyn for almost thirty years, and during that time, the two communities I've lived in; Bedford Stuyvesant and Crown Heights North have gone from feared ghettos to desirable communities. Today we are hot real estate prospects, as the rest of the city has finally realized what we've known all along, we live in beautiful communities with great architectural and historical provenance. By owning the homes that make up these communities, generations of hard working families have kept Bedford Stuyvesant and Crown Heights from being destroyed like so many other lower income neighborhoods in this city.

My communities are not wealthy, but we are rich in beautiful streetscapes and architectural beauty. And we want to protect it. Landmarking is not just for the rich, it is for everyone, and we have worked hard to get it. We now have a growing Crown Heights North Historic District. In Bedford Stuyvesant, tremendous community support is behind the LPC's work in designating parts of this very worthy area. We owe this to an organized and enthused community, the invaluable support of Councilman Vann and Councilwoman James, Community Boards 8 and 4<sup>3</sup>, and dedicated volunteers. And we owe it to the Landmarks Preservation Commission, which has worked tirelessly, with reduced staff and budget to get the job done. We are but one area of a large city, and there is so much yet to be done. And so we come to the bills.

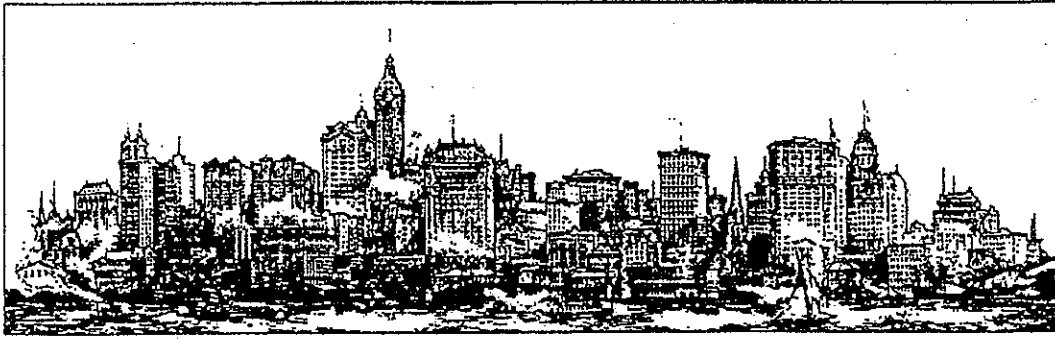
Intro 845 and 846 do nothing for creating communities, they assure that real estate value alone is the consideration for growth. We are not real estate, we are neighbors and communities. Our homes have value, not just because they sit on precious land, but because the homes have become precious to us because of what people had to do to obtain them. In spite of redlining, racist predatory lending, a lack of city services and bad schools, people worked two or more jobs, sacrificed, saved their money, and invested in our future. We came from different nations, different backgrounds, have had different educational and employment opportunities, but we all wanted homes for our families, and we persevered. I don't want to see that tossed out for the good of "real estate". These bills before the Council need time to be properly debated, not swept across the table as if they don't really matter. They matter very much, as they affect us all, and will have a great impact on the kind of city we live in. I urge you to give these bills that time.

Thank you.

Suzanne Spellen

1310 Pacific Street, Brooklyn, NY 11216

718-953-3339



## THE SOCIETY FOR THE ARCHITECTURE OF THE CITY

**Testimony before the Land Use Committee, May 2, 2012  
on Int Nos 0020, 0080, 0220, 0222, 0357, 0532, 0845, 0846, 0850 & 0849,  
concerning the Landmarks Preservation Commission.**

It was possible to enact our Landmarks Law and keep it until now because it is inherently fair, recognizing the public interest in restoring and stabilizing neighborhoods of special character, and preserving historic buildings, while also providing reasonable accommodation for legitimate concerns of real estate investors. The carefully calculated system of designation checks and balances, the hardship provisions, and the relief provided to investors through extended transfer of development rights have led the courts to uphold this law against challenges from extremists in both camps, preservation and re-development.

It's a challenge to evaluate nine or ten amendments in three minutes, so let's just be clear about the big picture. Few bills under consideration today will advance the cause of historic preservation in any way, and several are calculated to undercut existing protections, eliminate necessary checks and balances, and cripple the Landmarks Preservation Commission.

On June 29, 1988 the Real Estate Board of New York took an advertisement in the *New York Times*, in which they opined, "running a stopwatch on the commission's designation activities is a worthwhile step in the right direction." At that time, the Real Estate Board also advocated what has been called "reverse landmarking"—that is, creating a roster of buildings and areas that can never be landmarked. One way to do this is to mandate a stopwatch timetable for action on Requests for Evaluation, force the LPC to make a *final* yes-or-no determination on an artificially fixed schedule, and then decree "Any determination by the commission in opposition is a final action." (Int 0849) A negative determination is final, or as someone else put it, "It means you can't come back." A related gambit is the "survey." In the past, the LPC had a survey department, it was discontinued because it was judged to be an inefficient use of scarce resources. Why resurrect this obsolete administrative mechanism? In 1988, the Real Estate Board, steering the Cooper Committee Report, recommended that the entire city must be *surveyed* at a breath-taking rate and all eligible buildings designated—followed by a moratorium. Designations that could not meet the impossible deadlines of an unfunded mandate were expendable.

It is to the credit of the City of New York that none of these proposals was adopted in the past. They deserve to remain tabled forever. In the words of the 1988 counter-initiative, let us "SAVE THE LAW THAT SAVES LANDMARKS!"



## Comments submitted on the individual bills

1. Int 0020-2010 *Work permits previously issued by the department of buildings when a property is designated as a landmark.*

Some observers believe that the proposed amended version of §25-321 would not survive court challenge. They argue that landmark designation does not provide recognized grounds in law for invalidating a legally issued permit. Existing administrative agreements between the Building Department and the Landmarks Commission regulating applications on calendared buildings work most of the time. Treating a calendared building exactly like a landmark deprives the hostile owner of a protection built into the law, that designations must be affirmed by City Planning, the City Council and the Mayor. That affirmation is one of the reasons why the courts have found the Landmarks Law to be constitutional.

2. Int 0080-2010 *Regulating construction operations occurring near landmarks.*

We strongly support this proposal, which amends the Building Code (Section 3302.1) to provide additional protection for landmarks adjacent to construction sites. Recent landmark collapses due to improper excavation and failure to support party walls demonstrate the need for more supervision.

3. Int 0220-2010 *Local Law to amend the administrative code of the city of New York in relation to establishing a survey division within the Landmarks Preservation Commission.*

In the past, the LPC did have a survey department, it was discontinued because it was judged to be an inefficient use of scarce resources, duplicating the functions of the Research Department. Today, necessary surveys are conducted by the Research Department, for instance the recent East Village Survey. Having or not having a separate Survey Division is an administrative option that does not require legislation. We recall that in 1988, the Real Estate Board, steering the Cooper Committee Report, recommended that the entire city must be surveyed at a breath-taking rate and all eligible buildings designated immediately—followed by a moratorium. Requiring the resurrection of an obsolete administrative mechanism like the survey department strikes us as what in environmental review is called segmentation. First set up the survey, get support for that from preservation extremists who want to micromanage the commission, and then strike back with the timetable and the moratorium.

4. Int 0222-2010 \*Proposed Int. No. 222-A *Timely consideration of requests for evaluation by the Landmarks Preservation Commission.*

This legislation would create a great deal of additional paperwork for the research department and provide the volunteer commissioners with a fair amount of reading matter. It would also require the Chair and the Executive Director to read all of the Requests for Evaluation, instead of delegating that task to an advisor. We suggest that all supporters of this legislation should themselves read every one of the impressive stack of Requests for Evaluation on file, including those for buildings which were already designated years ago, and then consider whether this is a good use of everyone's time.

5. Int 0357-2010 \* *Use of green technologies in landmarked buildings.*

We appreciate the kind words in the legislative finding, that historic buildings are inherently sustainable. This green technologies bill was introduced several years ago, and in the interval serving as monitors we have seen the LPC successfully regulating and approving alternate energy installations working under the existing law. Perhaps this proposal is no longer needed: it adds a definition of “mechanicals” itemizing some alternate energy related appurtenances to the definitions section of the landmarks law. LPC already recognizes such mechanicals in practice, with an awareness of administration alternate energy policies, and has been finding ways to install them in an appropriate manner.

6. Int 0532-2011 \**Proposed Int. No. 532-A Requiring the Landmarks Preservation Commission to maintain a publicly available database for requests for evaluation.*

In appearance this could be another legislative response to the failed Article 78 litigation against the LPC for its alleged unresponsiveness to Requests for Evaluation. Certainly these are documents that could be posted on line. But it is hard to understand what preservation purpose would be served by bypassing the statutory notification process, and the prior discussions with property owners that the LPC routinely attempts to hold. On the other hand, looking online and seeing that the issue of designation has even been raised could be enough to make a certain kind of owner rush for a demolition permit, whether or not his building was in fact about to be designated. That is why the late LPC counsel, Dorothy Miner initiated the policy of treating surveys and Requests for Evaluation as internal agency documents.

7. Int 0845-2012 \* *Allowing owners of landmarked properties to use the same or similar materials in maintenance of their property.*

Under existing law, alterations to landmarked buildings that took place before designation are grandfathered, that is, the owner is entitled to keep them indefinitely. This proposal would require the LPC to allow replacement of grandfathered alterations, even those the LPC would not normally approve, such as, for instance, vinyl siding or replacement windows that are not appropriate to a particular building. Fortunately, most property owners are willing to comply with the existing law, and probably hope that their neighbors will agree to join them in improving landmarked areas of the city. The fact that this legislation has been introduced is testimony to the lack of durability of many modern “home improvement” and window replacement products. Recommendations of the LPC, so far from being a hardship, may point the way to rehabilitation that has long term economic benefits for the property owner. Our observation as monitors is that the LPC is not draconian but rather quite flexible in working out compromises with minor alterations. Believing that restoration is the best option for landmarked buildings, we cannot support this proposal.

8. Int 0846-2012 \* *Additional guidelines and procedures to the designation process for a landmark, interior landmark, scenic landmark and historic district.*

The bill requires the preparation of a detailed draft designation report before a public hearing on designation, with individual building entries for historic districts. The purpose of a public hearing is to gather information and opinion prior to a decision. It is either

cynicism or obstructionism to reverse the natural order and require the designation report to precede the public hearing that it should naturally follow. Are we to assume that public testimony is absolutely worthless and meaningless, or that preparation of designation reports that may never be used is such a useful tool to restrict designation that the waste of public money and scarce resources is a small price to pay?

The bill also dictates how the City Planning Commission should render its report. As a reminder, at present, CPC

shall submit to the council a report with respect to the relation of such designation, whether of a historic district or a landmark, interior landmark, scenic landmark, or landmark site, or amendment of such designation to the zoning resolution, projected public improvements and any plans for the development, growth, improvement or renewal of the area involved. The city planning commission shall include with any such report its recommendation, if any, for council action with respect to any such designation of a historic district.

Nothing in this language precludes the CPC from discussing the impact of designation on development, in fact, it asks for a discussion of the relation of the designation to the zoning resolution. Requiring the commission to discuss “specifically” the development rights that would be lost if designation occurred is to dictate priorities in a way very biased toward the construction industry. Economic benefits of other kinds accrue from landmark designation; existing buildings have become magnets for retail and residential investment in numerous historic districts, and the commission must consider every kind of economic activity in order to arrive at a balanced decision.

Similarly, the bill requires that

At any public hearing for a designation pursuant to section 25-303, such presentation of facts and the expression of views by those desiring to be heard may include testimony and evidence related to the economic impact of the proposed designation or any other issues related to the city planning commission or council review as set forth in subdivisions 25-303(g)(1) and (2) and this testimony or evidence shall be part of the record considered by the city planning commission and the council.

There is nothing to stop people bringing up economic issues at LPC designation hearings now, they often do, and everything said is already part of the record. People are also free to air economic issues at the CPC and Council hearings. This section of the bill is perhaps based on a misunderstanding, because although people can say what they like at hearings, in fact the landmarks commissioners are not charged to consider economic issues unless there is a hardship application. So such testimony wastes the commission’s time.

9. Int 0850-2012 \* *Requiring the landmarks preservation commission to create a timeline for the designation process.*

A cursory look at the record will show that the Landmarks Preservation Commission hardly ever meets deadlines of the kind proposed in this bill; as the proponents know, the LPC takes longer to study, longer to negotiate, longer to write the designation report, in order to arrive at a result that is viable. Section c. contains the threat: “c. If no action is taken within the timeline prescribed in subdivision b of this section, the department of buildings shall act on all permit applications for properties that are indicated within a landmark application.” Thus the industry can start their demolition. It is painfully evident that the purpose of this bill is to limit the designation of more historic districts and disfigure potentially eligible areas by premature and unregulated demolition, reconstruction and alteration. There is a huge demand for the Landmarks Commission to

intervene and protect more historic districts, particularly from homeowners in boroughs outside Manhattan, precisely because they do not want their home neighborhoods ruined.

10. Int 0849-2012 \* *Requiring the landmarks preservation commission to allow denied requests for evaluation to be nominated to the landmarks preservation commission entire body for a vote.*  
[Formerly T2012-4646 and LS1732.B.]

It is feasible to allow a community board or a single commissioner to force a vote on calendaring; other cities have similar provisions, and this is an amendment that had broad public support in the past.

Unfortunately the new version, titled as if it were the same initiative, also contains a poison pill.

§25-324 Appeals. a. Where a request for evaluation is determined "not accepted for study at this time", a completed application may be nominated by a landmarks commissioner or a motion in favor of designation may be made by the relevant community board or borough board for consideration by the entire body of the commission. If such application is nominated or such motion is approved, the commission must vote in favor or in opposition to calendaring the submission for consideration. Any determination by the commission in opposition is a final action. [our emphasis.]

This appears to be a first step toward realizing the longstanding ambition of the Real Estate Board of New York to create a roster of buildings that can never be landmarked, described in the 1980s as "reverse designation." If applied to requests for evaluation of historic districts (and there is nothing in the text to prevent that) such a compulsory "final action" could arguably create entire zones where no buildings could be heard or designated. This is a process which could rather easily be manipulated by astute operators. It was because she did not want to limit future generations in their designation choices that the late Dorothy Miner, former LPC counsel, preferred to create an informal response to RFEs that were not ready for action by saying the item was not a priority for the commission at the present time. Thus any future move to designate would not be prejudiced.

We question the value of forcing a vote on calendaring an item for a hearing, without any guarantee that it would subsequently be designated and affirmed, since the current proposal requires us to risk a negative outcome that could prevent the item from ever being heard again in the future.

One reason why certain items do not come forward for designation is that an LPC chairman is aware of opposition that can prevent designation from being affirmed. Such opposition may be neutralized at a later date, by new elections, sale of the property, or even discussion and persuasion. Attempts to micromanage agency timing while in the dark about the reasons for delay may not always produce the outcome preservationists seek.

11. Int 0533-2011 *Requiring the Landmarks Preservation Commission to make available a list of energy efficient windows.*

The commission shall make available, including on its website, a list of energy-efficient windows that will be deemed acceptable for use in landmarked buildings and in historic districts and which, if proposed for use, will not be deemed to change, destroy or affect an exterior architectural feature located on a landmark site or in an historic district.

As monitors of the proceedings of the Commission we are aware that this proposal addresses a non-existent problem. The LPC has been approving energy efficient windows by the thousands, for years, in many cases with the quick turn-around of a staff level permit. However, those windows are chosen with regard to the architectural style of the historic building because the law requires the LPC to approve only appropriate changes. Rules adopted under the City Administrative Procedure Act—changing which would require public notice, a public hearing and comment period and action by the commissioners, difficult to accomplish in sixty days—establish requirements for appropriate windows, and these rules are indeed posted online for all to see. A category of “special windows”, architecturally significant windows of unusual form and configuration or material, stained and leaded glass for instance, require special treatment. Window replacement is complex: ignoring the individual character of protected buildings by promulgating blanket product endorsements would in reality “change, destroy or affect” landmarks. Attempting to force commissioners—volunteers and experts in their field who have statutory authority to exercise judgment—to “deem” otherwise is totally unreasonable, something that one might expect from a totalitarian regime in a foreign country. What is the purpose of empowering a panel of experts and then telling them what they have to deem? And surely it is unusual for the Council to require a city agency to post product endorsements online?

**TESTIMONY OF THE REAL ESTATE BOARD OF NEW YORK, INC. BEFORE THE NYC COUNCIL COMMITTEE  
ON LAND USE AND COMMITTEE ON HOUSING AND BUILDINGS REGARDING BILLS TO AMEND THE  
ADMINISTRATIVE CODE OF THE CITY OF NEW YORK IN REGARD TO LANDMARKS.**

May 2, 2012

The Real Estate Board of New York, Inc. (REBNY) is a broadly based trade association of over 12,000 owners, developers, brokers, managers and other real estate professionals active throughout New York City. We would like to comment on a number of the bills before you to amend the landmarks law. We support reforms to the landmarks law that will make the designation process and the regulation of designated property more open, transparent and user-friendly.

The bill (Intro 845) that permits the replacement with in-kind materials present at the time of designation reaffirms an important aspect of the landmarks law, namely that the designation is of the existing conditions and that restoration is not required. We have seen a troublesome expansion of the law which goes beyond preserving a property or a district and attempts to impose a new standard of restoration in the case of minor work such as window replacement. We need to provide clear direction to owners and to the LPC that replacement-in-kind is acceptable.

We favor those bills (such as Intro 846) that provide property owners with complete, comprehensive and timely information about the basis for any proposed designation and clear guidance and direction about what renovation work or alterations are will be permitted. The amount of information now available to a property owner concerning the basis for the designation of their property, especially in an historic district, hearing is inadequate. Typically, the designation report which contains this information is only publically available on the eve of the vote to designate. This is much too late for property owners to question the soundness of the designation. This information should be available at calendaring and certainly well before any public hearing.

Once designated, a property owner is provided no written, district-specific guidance about what work--renovation, enlargement or new construction--will be permitted. This is especially important in historic districts where the range of styles, the condition of the properties and a property's contribution to the character of the district can vary widely given the enormous size of these districts and extensions. Unlike land use controls which can change over time, landmark designation is permanent and effectively prohibits the demolition of or significant additions to the vast majority of existing buildings in historic districts. . In fact, once designated, landmark properties are subject to a higher standard of upkeep. Given these additional requirements, these owners should be given guidance about what work can be approved at staff level and what work will require more time-consuming and expensive public hearings. All too often, many owners must go to multiple public meetings after an initial public hearing and receive conflicting advice from the Commissioners as to what is deemed appropriate. REBNY has been recommending for many years that each new district come with design guidelines. In fact, Councilmembers were told by Landmarks staff at a public hearing in 2003 that the Landmarks Preservation Commission would produce such guidelines for the Gansevoort Market Historic District within 8 to 24 months. Now, 9 years later, they have yet to offer the promised design guidelines.

The Landmarks Law, particularly historic district designation, has been misused to address neighborhood quality of life and development concerns that should and would be better addressed by zoning laws. This has distorted the original intent of the Landmarks Law to preserve the architectural, cultural and historic fabric of our city. You only have to look at the scope of the proposed Upper West Side extensions, especially as it compares to the original districts, to see that the application of the Landmarks Law has changed.

Unlike other land use regulations which are only adopted after the approval of the City Planning Commission and the City Council, Landmarks are designated once the Landmarks Commission acts. Economic factors (such as the condition of the building), planning considerations (such as designating low scale buildings in high density districts), and the broader needs of our city (such as housing), are omitted from the designation decision. Accordingly, unless the landmark designation process is administered by the Department of City Planning, we need to explicitly make these factors part of the designation review process at the City Planning Commission and the City Council. Ideally, a designation should not be final until the City Council has approved it. Landmarking should not take place in isolation from other planning concerns and the City Planning Commission and the Council have the expertise and broader vision required to consider and balance these factors.

We oppose the bill (Intro 20) that would rescind a valid Department of Buildings permit once a property is designated. We have opposed an earlier version of this bill. (A copy of our testimony is attached). It imposes a regulatory process before actual designation and impairs an owner's ability to contest or question the designation. As a practical matter, many properties are calendared which are either never designated or designated many years later. These properties should not be subject to a costly review process prior to designation. The amendments which offer an owner of a calendared property the opportunity to reinstate their permit after the property is designated are flawed and do not redeem this misguided bill.

We also oppose the bill (Intro 80) which is overly broad and would impose unreasonable burdens on property owners (especially on homeowners and small businesses) beyond what the Department of Buildings already requires. It gives unprecedented power to adjacent owners and community boards to halt validly permitted construction projects.

In conclusion, it is critical that the City's historic preservation efforts be fairly administered and provide clear guidance for owners whose properties are regulated under the landmarks law. Any changes to the Landmarks Law should promote this goal and recognize that preservation must be balanced with broader public policy concerns in order to allow New York City to grow and prosper in the 21<sup>st</sup> Century. Thank you.

**TESTIMONY OF THE REAL ESTATE BOARD OF NEW YORK, INC. IN OPPOSITION TO INTRO. 542-A**, a bill to require the landmarks preservation commission to issue notice to the department of buildings when a property has been calendared for designation as a landmark, requiring the department of buildings to issue notice to the landmarks preservation commission when permit applications for buildings that have been calendared for designation as a landmark are received, and revoking permits previously issued by the department of buildings when a property is designated as a landmark.

June 23, 2009

The Real Estate Board of New York, Inc. is a broadly based trade association of almost 12,000 owners, developers, brokers and real estate professionals active throughout New York City. We are here today to express our opposition to Intro. 542-A. This bill as proposed would alter longstanding policies in regard to the validity of building permits. The bill would have a number of far-reaching negative impacts on property development in this city and these are not commensurate with the benefits it hopes to attain.

Under 542-A, a building permit would lapse on the effective date of the landmark designation. The Board of Standards and Appeals would be able to grant an extension to complete the project if substantial performance and substantial expenditures have been made in furtherance of such permit. This would totally eliminate the existing protections provided under the Landmarks Law for permits issued prior to designation. A second change would cause permits based on professional certification to undergo a full Department of Buildings review if a building were to be calendared by the Landmarks Preservation Commission.

The lapse of permit provision for designated properties and the extra review of permits for calendared buildings would significantly alter the Landmarks Law and longstanding practices about the validity of permits. These practices have provided confidence to builders and lenders pursuing a project. This proposed change would undermine project development and investment throughout the city. As you know, land assemblages for development are put together over years and sometimes decades. Millions of dollars are invested in purchasing land and buildings for redevelopment. Building permits that cannot be arbitrarily revoked protect that investment and assure lenders that the project is real and proceeding. Intro. 542-A undermines the progress of



projects and strips away the protection a validly issued permit provides investors. This proposed change in established practice would jeopardize financing and add an extra element of risk not present before.

Building calendaring can come unexpectedly and quickly, making the building permits meaningless pieces of paper. Calendaring can be an uncertain and open-ended process. There is no legal requirement for owner notification nor is there an opportunity for an owner to testify. It is not always clear what buildings the LPC is considering for calendaring. In the case of historic districts, it is not clear at that stage which buildings the LPC thinks are style buildings and which are non-style buildings. After calendaring, it's unclear when, if ever, they will make a decision about the designation. It has also rarely been clear when the Landmarks Commission is finished looking at a property. Some buildings that had not been designated after several reviews still have gotten reviewed again. Years of preparation work and expenditures on the part of a developer can be lost in a few weeks when the LPC decides to take yet another look at a property. Lenders are put ill at ease by a building permit that can lapse just because LPC wants to look one more time at the building.

Government should use its regulatory power carefully and should not impose extra burdens that do not create sufficient benefit. There are relatively few buildings overall that have lost historic features because of a previously issued permit. This bill is overkill in that it would impede development and renovation, delay many desirable projects and kill construction jobs. Financing subject to this new and unexpected risk would be more difficult and costly to obtain. It's simply unfair to owners working in good faith and it's hardly a recipe for lowering development costs and revitalizing our economy.

The proposed Board of Standards and Appeals process is very expensive relief from the lapsed permit. Even if the BSA grants the extension, stopping work and going through such a process can take 3 to 4 costly months, delaying a project that is underway. And the process offers no relief to those who have made substantial investments but not started construction.

In conclusion, REBNY is strongly opposed to this bill. Thank you.

## FOR THE RECORD

The City Council Committee on Housing & Buildings and Committee on Land Use.

Joint Hearing,

Wednesday, May 2, 2012 10:00 AM at 250 Broadway, New York, N.Y. 14<sup>th</sup> Floor

[ Thank you for this opportunity to ] urge you to protect New York's historic buildings and historic neighborhoods. They are as important to the City of New York as Wall Street, the communications industry, or tourism.

New York's historic neighborhoods draw thousands of tourists to our City every year. I know, because I see them almost every day wandering the streets of the Henderson Place Historic District in Yorkville where my wife and I live, ~~maps, guidebooks and cameras in~~ hand.

Several times a year our historic district and many others serve as a set for Law and Order and other TV series, as well for feature films, key industries, which Mayor Bloomberg has wisely promoted as part of a diversified City economy.

Speaking of the economy, we are all concerned about jobs and economic growth. We hear about the “best use” of real property, defined as maximum dollar yield per square foot. But there is another way to look at best use. Small buildings and the neighborhoods they create are business incubators. A chef with a bold idea for a new restaurant can afford space in an East End Avenue or Columbus Avenue ground floor, but not in a 40-story glass tower. **P**New York supports a thriving software and Internet telecommunications industry because these businesses can rent in the older office buildings, not so far from here, in what is now called Silicon Alley.

Cross the river to Red Hook. Artists, composers, musicians, singers, and dancers, who can no longer afford Manhattan have turned this part of Brooklyn into a hot, trendy neighborhood. They export their work back across the river to the theaters and nightclubs of Manhattan.

Check out the scene in the Meat-Packing District, another major tourist destination, and a “see and be seen” magnet for celebrities. How long will either of these neighborhoods last if the “S’s” in “best use” are spelt with dollar signs?

And finally there is public safety. In The Life and Death of American Cities Jane Jacobs asserts that the greatest public safety asset that we have are eyes on the street in neighborhood communities, where the residents live in small buildings, shop in local stores, and send their kids to school.

Some of the bills before you constitute a genuine danger to the future of the Past. Two set a deadline on the time that can elapse before an application to the Landmarks Preservation Commission expires. This limitation <sup>now</sup> would create an impossible burden on the Commission, unless its resources expand dramatically.

Another bill grandfathers materials and other features that are in place in a <sup>landmarked</sup> building before it gains a landmark designation. This bill grandfathers decay. True, owning a landmarked building can be very expensive. Why not create a tax break or some other form of fiscal relief where the expense of restoring is an unbearable burden to the owner?

Again, thank you for your attention. You have the future of our City in your hands. Your fellow citizens count on you to shape it wisely.



Jonathan Piel

558 East End Avenue  
New York, N.Y. 10128

212-535-0071

**Daniel McCalla, President,**  
Linda Eskenas, Vice President Staten Island,  
*Preservation League of Staten Island*  
**Michael Perlman, Vice President Queens**  
*Rego-Forest Preservation Council*  
**Kathy Jaworski, Vice President Brooklyn**  
*Madison Marine Park Civic Association*  
**Howard Yourow, Vice President Bronx,**  
**Lewis Greenstein, Treasurer**  
*Duffield Street Block Association*  
**Raul Rothblatt, Recording Secretary,**  
*Develop Don't Destroy Brooklyn*  
**Patricia Sherwood, Assistant Treasurer**  
*Parkway Village Historical Society*

**Directors**

**James Trent, President**  
*Queens County Farm Museum*  
*Queens Civic Congress*  
**Mitchell Grubler**  
*Queens Preservation Council*  
**Steve Lavine**  
**Steven Kaye**  
*South Canarsie Civic Association*  
**Ed Jaworski**  
*Madison Marine Park Civic Association*  
**Joy Chatel**  
*Friends of 227 Duffield Street,*  
**Teresa Noonan**  
**Judith Guttman**  
*Parkway Village Historical Society*  
**James Van Westering**

**Members**

**Steve Barrison**  
*Bay Improvement Group*  
**Mary Mattner**  
*Carroll Gardens Association*  
**Mary Ann Sulestro**  
*South Canarsie Civic Association*  
**Hannah Bloch & Jerry Snowwhite**  
*South Williamsburg Historical Society*  
**Henry Euler**  
*Auburndale Improvement Association*

## **FOUR BOROUGH NEIGHBORHOOD PRESERVATION ALLIANCE CORPORATION**

Neighborhood Preservation Center  
232 East 11<sup>th</sup> Street,  
New York, NY 10003

City Councilmen Leroy Comrie,  
City Councilmen Eric Martin Dilan  
City Councilmen Brad Lander

Honorable Chairmen Comrie

My name is Daniel McCalla, President of the Four Borough Neighborhood Preservation Alliance Corporation. I am here to testify in support of Intro 20, (Mendez), Intro 80, and (Koppell). The Department of Buildings is one of the city's most dysfunctional city agencies, and changing commissioners has not provided improvements. For too long developers have brought landmark properties with the full knowledge of its designation. Intro 80 is long overdue; the original building for the proposal of the legislation has long been a city tour attraction.

I am here to testify in opposition of Intro 845, 846, 357 for simple reasons. Intro 845 creates unrealistic regulations upon the LPC, and potential landmark building applications. Intro 846 is more appropriate for the Board of Standards and Appeals, a city agency that is out of control. Requesting LPC to consider applications on an economic basis appears, outdated. If the Buildings department can't prevent developers and building owners from creating illegal conversions, Why impose regulations on LPC to cover up for the Department of Buildings. To fix the economic impacts, requires the council to pass legislation still in committee for tax breaks for property owners in proposed districts. Intro 357 also will impose an economic hardship on owners of landmark buildings, and I am curious if it conflicts with the landmarks law.

Intro 532A (Gardonick) is a bill I use to support; however it's my opinion the legislation would need further amendments.

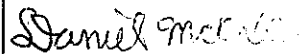
**FOUR BOROUGH NEIGHBORHOOD PRESERVATION  
ALLIANCE CORPORATION**

c/o  
Neighborhood Preservation Center  
232 East 11<sup>th</sup> Street,  
New York, NY 10003

Intro 849,850, and Intro 222a presently the legislation would force the LPC to make decisions on applications because of political expediency. The LPC would need more staff and a significant larger budget to make these bills effective, However if a legal solution can be found by the city council to make the Bloomberg administration increase the budget, it would be more than welcome.

In closing I would like to thank City Council staff, The Efforts of the Housing and Buildings Committee, whose work appears near impossible, and Councilmen Comrie for holding this hearing. I thank you for your time and patience.

Sincerely,



Daniel McCalla,  
President  
Four Borough Neighborhood Preservation Alliance Corporation



VINEGAR HILL  
NEIGHBORHOOD ASSOCIATION

FOR THE RECORD

May 1<sup>st</sup>, 2012

Dear Speaker Quinn and Members of the New York City Council:

On behalf of the Historic District of Vinegar Hill in Brooklyn, NY, the elected representatives of the Vinegar Hill Neighborhood Association are here today to express solidarity with the NY Landmarks Preservation Commission in its concerns about the eleven items of legislation under consideration at this hearing.

Specifically:

1. We would ask that action on the legislation be postponed and a reasonable timeline established to allow adequate public consideration of and comment on the bills.
2. We hereby join the LPC in its unequivocal opposition to the following six bills that, in their present form, would adversely tax the Commission's resources, impose unreasonable timelines on its activities, and unduly restrict its appropriate functions: Intro 222A, Intro 532A, Intro 849, Intro 850, Intro 845, and Intro 846.

We appreciate your continued commitment to New York's architectural heritage and to all of those whose dedication helps to help sustain it.

Sincerely,

Aldona Vaiciunas

President

Vinegar Hill Neighborhood Association

Jeffrey A. Kroessler, Chair  
Citizens Emergency Committee to Preserve Preservation

Testimony presented at City Council Landmarks Sub-Committee  
May 2, 2012

Several concerned New York preservationists formed the CECPP in 2006 to address what we considered three issues concerning the Landmarks Preservation Commission: Independence; Transparency; and Funding. Our intention was to pass out of existence once the emergency was past, but here we are, still addressing the independence of the LPC; the transparency of its processes, from designation to regulation; and funding – the LPC has more of a portfolio than ever, yet staffing and resources remain tight.

Since 2006, we have lobbied members of the City Council to introduce bills to strengthen the LPC and reaffirm the landmarks law. Imagine our disappointment in what is being proposed today. Rather than strengthening the law, some of these proposed laws aim at gutting it.

Pardon our naiveté, but we believed that our city had reached a consensus on preservation, namely that historic districts benefit our city culturally, socially, and yes, economically. Designation stabilizes neighborhoods and improves property values. We thought that was a good thing. Preservation has created destination neighborhoods, magnets for tourists international, domestic, and even local.

Weakening the LPC adds no value to our city, and is predicated on a false assumption: that the only value a property has is its development value. Such faulty reasoning ignores the new investment that is other than new construction. In Sunnyside Gardens, new homeowners are putting hundreds of thousands of dollars into their homes. Where is that number in the Real Estate Board's calculus? And it goes without saying that they bought there precisely because it was a historic district.

On the specific bills before us, with merely a YES/NO, as there is no time for detailed discussion (and I truly hope that there will be time for such in-depth analysis sometime, with someone):

Intro 20 (CM Mendez) – which empowers LPC to intercede in cases where unused Buildings permits are still active on Landmark buildings.

YES. This closes a loophole that has compromised designations.

Intro 80 (CM Koppell) – requiring better monitoring of construction near landmark buildings.

YES. In the interests of protecting our historic resources.

Intro 220 (CM Lappin) – requiring the LPC to maintain a survey department.

NO. Unnecessary and unwarranted intrusion on the internal decisions on the allocation of scarce resources.



Intro 357 (Public Advocate De Blasio) – allowing more flexibility about “green” rooftop mechanicals on landmark buildings.

NO. Green technology masks all manner of inappropriate changes to historic buildings.

Intro 222A (CM Lappin)– requires LPC to respond to Requests for Evaluation within a maximum of 180 days (6 months).

YES.

Intro 532A (CM Garodnick) -- mandates a publicly accessible online database of RFEs and dictates language for LPC’s responses to requests.

YES/NO

Intro 849 (CM Lander) – creates an appeals process for denied RFEs.

YES.

Intro 850 (CM Lander) – creates a 21/33 month maximum timeline for landmark and historic district designations.

NO.

Intro 845 (CM Comrie) – allows for replacement materials on landmark buildings to be those present at time of designation.

NO, NO, a thousand times NO. Why do we want to prevent the LPC from doing its job, that is, beautifying our city and restoring historic properties? This bill displays an ignorance of contemporary building practices and materials.

Intro 846 (CM Comrie) – mandates City Planning Commission to analyze economic impact of designation on the development potential of proposed landmark and instructs City Council to strongly regard this analysis in their deliberations. The bill also requires the LPC to issue very detailed draft designation reports early in the public hearing process and promulgate rules for historic districts immediately after designation.

NO, NO, a thousand times NO. This bill privileges one form of economic investment over all others, and dismisses the often substantial investment property-owners have made. 97% of the city is not designated. BUILD THERE. But no, historic districts are more valuable and more desirable.

CECPP has criticized the LPC; we have sued the city over the lack of timely appointment of landmarks commissioners; we have sued over specific LPC decisions. But we will be damned if we want to see the law weakened. And that is the intention of some of the ill-conceived proposals before you. As the City Council said in enacting the Landmarks Law, the intent is to “stabilize and improve property value; protect and enhance the city’s attractions to tourists and visitors and the support and stimulus to business and industry thereby provided; and strengthen the economy of the city.” We would be pleased to sit down and discuss these proposals in depth and consider specific ways to further the law’s original intent.

Thank you.

Four Borough Neighborhood Preservation Alliance  
Preservation League Of Staten Island  
The North Shore Waterfront Greenway  
The West Brighton Restoration Society

City Council Hearing  
NYC Historic Landmarks Legislation  
May 2, 2012

Protecting our historic heritage through  
Landmark designation is what protects New York's  
It is our identity It brings people from everywhere  
here. It is these buildings & sites that people come  
to be a part of. They want to be part of the energy  
that combines those who came before us with  
our present and a great future.

The Landmarks law must be protected because it  
protects New York.

Intro 20 We support  
LPC must intervene when unused  
building permits are still active in a  
designated building

Intro 80 We support  
Better monitoring of construction sites near  
Landmarked buildings

Intro 220 Creating an LPC Survey Dept.  
This has no funding & is not mandated by NYC.  
There is no way to implement this in an already  
financially strained agency.

<sup>357</sup>  
Intro 357 This would allow green roof  
mechanicals to be put anywhere on a roof  
of a historic building. It should NOT be  
visible from the street ; this is what is  
required now, it is obviously important  
that it remain that way.

\* This should not be supported.

"Greening  
a Building" — This also put a burden of the small owner  
that they cannot withstand. With  
no funding for this great expense  
it could be seen as the taking of that  
property; that house.

Additionally roofs are very sensitive  
this could be destroy a roof - especially  
a building over 100 years old, AND  
the expense is staggering -

**Preservation League of Staten Island  
West Brighton Restoration Society  
The North Shore Waterfront Greenway**

**City Council Hearing On Landmarks Legislation  
May 2, 2012**

**We support Intro 849 which would allow an Request For Evaluation that has been denied to be appealed.**

**However we do not support the following legislation:**

**The following proposed legislation would completely overwhelm Landmarks if adopted. Landmarks is the least funded NYC agency, with a small staff. With the proposed deadlines, etc even the expert small staff would not be able to deal with the thousands of proposed designations & districts.**

**The result would be that 1000's of historic buildings would not be designated and would be destroyed.**

**intro 222; All Requests For Evaluation would have to be processed in 180 days.**

**intro 532: Create a public access data base of Requests For Evaluation. It would dictate the language used in the RFE's.**

**intro 850: 21 to 33 months would be allowed to either designate a landmark or permanently deny it.**

---

**Preserving our historic building & sites is preserving New York. It is New York's identity. It is the respect for our heritage *that* constantly renews us. & brings us a great future. It makes it**

the place where the world wants to come and be a part of. It brings us a great economy a sense of life & energy that is nowhere else.

*Destructive To Landmarks Law and N.Y.C.*

Intro 845 sadly is destructive to the purpose of Landmarking. It says that the materials that need to be replaced in a historic building can only be the materials that were there when the building was designated. This does not seem to make sense. The purpose is to restore the building. If there was the blight of aluminum or vinyl siding on the house etc; then this blight would be perpetuated and never restored. The purpose is to restore the building. There are new & cheaper materials available now that Landmarks approves. The ultimate purpose is to restore historic buildings over time, and all the enormous benefits this brings.

*Note:*  
Siding  
Aluminum  
+ Vinyl are  
1. a carcinogenic  
(cancer causing)  
2. Fire Hazard  
trapping fire betw.  
wall of house/building  
and the Siding

Intro 846 seems to dismantle the Landmarks law which preserves the identity and spirit of NYC. in favor of developers. It would require City Planning to decide what the economic impact of preserving our heritage: our historic buildings.

Landmarking INCREASES the value of a neighborhood. These are the most desirable places to live, shop, to dine, places of recreation and beauty; It creates a great & thriving economy. The LPC does this. This has nothing to do with another city agency.

FJOBS Greenwich Village, Park Slope, all historic districts etc. These and our great historic icons are the great places that are NY & attract visitors and residents. This proposed legislation cannot be supported.

Preserving our heritage is preserving New York City, This creates a great economy & a great future.

*Destroying this future is not a good idea.*



## FOR THE RECORD

May 2, 2012

**West End Preservation Society Statement before the NY City Council's Committee for Land Use and Committee on Housing and Buildings regarding proposed legislation: Int 0020-2010, Int 0080-2010, Int 0220-2010, Int 0222A-2010, Int 0357-2010, Int 0533-2011, Int 0532A-2011, Int 0845-2012, Int 0846-2012, Int 0849-2012 and Int 0850-2012.**

Good morning, Chair Comrie, Chair Dilan and Members of the City Council. My name is Josette Amato and I am speaking today on behalf of the West End Preservation Society or WEPS. We are a non-profit organization, created in 2007; our mission is designation for Manhattan's West End Avenue.

We support any proposed legislation that strengthens and revitalizes the designation process and the NYC Landmarks Preservation Commission, as is the case with Intro No. 20 and No. 80.

We are concerned, however, that some of today's proposed legislation, will erode the process we want to strengthen.

A timeline is a commendable goal to make the designation process more efficient, in theory. However, as written in bills 222A and 850, these goals seem destined to fail. Without additional funding and sufficient staff, we could see landmarks or districts eliminated, not due to merit but due to technicalities and an overburdened staff.

It is worth noting that WEPS currently awaits the LPC designation vote on the proposed Riverside-West End Historic District Ext I, on June 26<sup>th</sup>. Had these proposed timelines been in effect, our districts would not have made the cut.

Our concern gives rise to opposition of Intro No 845 and Intro No 846.

A standard already exists within the Preservation Commission for replacement materials and we have seen this used successfully, in our neighborhoods. We do not believe bill No 845 as written, will achieve the desired result but rather encourage mediocrity as a rule.

The proposed changes in bill No. 846 contain language that would give the City Council cause to modify or disapprove almost any designation on the basis of the potential for development.

What building, especially the smaller to mid-sized buildings, what neighborhood in the five boroughs could not be viewed as a potential development site, in the future. These additions will skew the focus of a designation hearing and are harmful to the very foundation of preservation.

WEPS was born out of community concern for our neighborhoods. Our members want to see West End Avenue's designation. Our communities want and continue to ask for the benefits that preservation offers.

We believe there are changes that could improve the designation process. We would like the time to discuss these proposed changes with the Committees, to make our city the best that it can be, representative of all.

I thank you for your time.

## FOR THE RECORD



Councilmember Leroy Comrie, Chair  
Council Subcommittee on Land Use  
250 Broadway  
New York, NY 10007

**LEO J. BLACKMAN  
ARCHITECTS**

12 W27 St Flr 17 New York 10001  
212 337 1002 [leoblackman.com](http://leoblackman.com)

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02 May 12

Dear Councilmembers,

I am a mere architect, whose practice is focused on historic schools and churches. Today you have chosen to introduce ELEVEN bills, all targeted at the operations of the Landmarks Preservation Commission. These arrive with virtually no notice, and a very limited opportunity to comment. This is not only an ineffective way to improve policy, it is undemocratic – behavior more typical of North Korea, or worse, Albany.

Weirdly, three of these of bills were introduced by Councilmembers years ago, with good intentions and community support, but have been buried in committee since. These include Intro 20 (Mendez) – which would freeze Buildings permits while LPC studies a district, Intro 80 (Koppell) – for safety monitoring of construction adjacent to landmark properties, and Intro 220 (Lappin) requiring LPC to maintain a survey department. Most preservationists see these three legislative items as long overdue.

Two of the bills Intro 357 (De Blasio) and Intro 533 (Garodnick) seem to encourage “green” improvements to landmark buildings. The former would allow visible rooftop mechanicals and the latter would require LPC to pre-approve a list of energy-efficient windows. I believe strongly in re-using existing buildings, and minimizing heat and AC losses. However, these bills, like the newly passed “green” zoning code, are just red herrings. They institute no standards to measure the effectiveness of improvements, but would allow landmarks to be saddled with ugly mechanicals and cheap windows, whether or not they benefit the environment. Energy retrofits require smarter policy.

Four bills try to impose a timeline on LPC’s deliberations. Intro 222A (Lappin) allows 180 days to respond to Requests for Evaluation. Intro 532A (Garodnick) requires an online database of RFEs. Intro 849 (Lander) creates an appeals process for denied RFEs. Intro 850 (Lander) allows 21 months to review individual landmarks and 33 months for historic districts. While all of us are at times frustrated with the pace of designations, these proposals tellingly make no mention of increasing the LPC staff or budget as a means to accelerate their workload. Unless the Council is serious about paying for such improvements, these bills would appear disingenuous.

The last two bills, introduced yesterday by CM Comrie, impose restrictions on the Commission's powers. Intro 845 allows an owner to maintain inappropriate materials on a landmark, if they were present at time of its designation. I have to assume one of his constituents is very attached to some vinyl siding. Intro 846 is more insidious. It requires the City Planning Commission to analyze the economic impact of designation on the development potential of a proposed landmark and instructs City Council to strongly regard this analysis in their deliberations.

Despite the oft-repeated claims of the Real Estate Board, property values always rise in a historic district. The Landmarks Law has been in place for 40 years now. Every neighborhood designated since then has seen an uptick in economic activity - Soho, Greenwich Village, Brooklyn Heights. In fact, these districts are so appealing that new development clusters on their edges - Gansevoort or Ladies Mile being obvious examples. And HDC is overwhelmed with requests from block associations in all five boros, of economically diverse communities, who want to be designated. These New Yorkers, from Gowanus, Bedford Stuyvesant, Mount Morris, Moshulu Parkway, City Island, Jamaica Estates, Kew Gardens, Crow Hill and Inwood, understand that the only way to protect the character and affordability of their historic neighborhoods is through the Landmarking process. So do those of us who work in the trenches. Don't screw that up.

Thank you,



Leo J. Blackman

**City Council's Committee on Housing & Buildings and Committee on Land Use Hearing  
May 2, 2012**

**Re: Landmarks Preservation Commission and Landmarked Buildings**

My name is Jean Standish and I'm giving this testimony on behalf of the community and the Bowery Alliance of Neighbors. First of all, I would like to preface my testimony with my concerns in regard to the sheer number of bills being contemplated by this committee and that the City Council is hearing all these items with almost no notice. The time allotment of 3 minutes each member of the public is allowed to cover this extensive agenda is inadequate. It is essential that any time the workings of a city agency are being considered, there should be a thoughtful, in-depth discussion about each one of these bills and there should be public feedback regarding these deliberations.

Ever since the egregious demolition of Pennsylvania Station, the Landmarks Preservation Commission has been protecting the culturally and historically important buildings and districts in this city, many of which are especially vulnerable to demolition by real estate interests. Because of this agency and the outreach of the community, icons such as the Ansonia and Grand Central Station were saved from the wrecking ball. I would like to show you this poster, which is an example of no landmarking protections in place. This out-of-context building totally destroys and fractures the sense of place in the community and is the poster child of inappropriate development.

There are a number of bills in this agenda that are highly problematic. The rooftop mechanicals that would be allowed in Intro 357 should be as minimally visible as possible. The strict time lines imposed in Intros 222A, 532A, 849 and 850, if adopted in tandem, would risk overwhelming the LPC's scant resources and could result in thousands of potential buildings being rejected out of hand. Intros 845 and 846 would inhibit the LPC's powers to designate or regulate properties. These and many other concerns should not be taken lightly or given only a cursory attention.

The concerned public of New York City's neighborhoods deserves a real opportunity to discuss the issues raised by the bills presented in this agenda.

Jean Standish  
Vice Chair  
Bowery Alliance of Neighbors





Councilmember Leroy Comrie, Chair  
Council Subcommittee on Land Use  
250 Broadway  
New York, NY 10007

**LEO J. BLACKMAN  
ARCHITECTS**

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02 May 12

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Weirdly, three of these of bills were introduced by Councilmembers years ago, with good intentions and community support, but have been buried in committee since. [ These include Intro 20 (Mendez) – which would freeze Buildings permits while LPC studies a district, Intro 80 (Koppell) – for safety monitoring of construction adjacent to landmark properties, and Intro 220 (Lappin) requiring LPC to maintain a survey department. Most preservationists see these three legislative items as long overdue.


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The last two bills, introduced yesterday by CM Comrie, impose restrictions on the Commission's powers. Intro 845 allows an owner to maintain inappropriate materials on a landmark, if they were present at time of its designation. I have to assume one of his constituents is very attached to some vinyl siding. Intro 846 is more insidious. It requires the City Planning Commission to analyze the economic impact of designation on the development potential of a proposed landmark and instructs City Council to strongly regard this analysis in their deliberations.

Despite the oft-repeated claims of the Real Estate Board, property values always rise in a historic district. The Landmarks Law has been in place for 40 years now. Every neighborhood designated since then has seen an uptick in economic activity - Soho, Greenwich Village, Brooklyn Heights. In fact, these districts are so appealing that new development clusters on their edges - Gansevoort or Ladies Mile being obvious examples. And HDC is overwhelmed with requests from block associations in all five boros, of economically diverse communities, who want to be designated. These New Yorkers, from Gowanus, Bedford Stuyvesant, Mount Morris, Moshulu Parkway, City Island, Jamaica Estates, Kew Gardens, Crow Hill and Inwood, understand that the only way to protect the character and affordability of their historic neighborhoods is through the Landmarking process. So do those of us who work in the trenches. Don't screw that up.

Thank you,

A handwritten signature in black ink, appearing to read 'Leo J. Blackman', with a long horizontal flourish extending to the right.

Leo J. Blackman

Theodore Grunewald  
30 East 33<sup>rd</sup> Street  
New York, NY 10016  
TheodoreGrunewald@architectureNYC.com

To: The City Council of New York  
Re: Proposed Bills Governing the NYC Landmarks Preservation Commission  
Date: May 2, 2012

Afternoon, Chairman

Good Morning Speaker and Councilpersons;

I am not a preservationist, yet the heavy-handed introduction of these bills today has made me one.

While the Council can be commended for wanting to address the public's concern over perceived problems at the New York City Landmarks Preservation Commission,

However, of the (46) bills proposed, only (2) of these [Intro 20, Intro 80] will actually have a positive effect on our city.

(2) bills [Intro 220, Intro 357] have inherent flaws which, if passed in their current form will net negative results.

Of the balance of the (6) remaining bills, (4) of them [Intro 222A, Intro 532A, Intro 849, Intro 850] will disastrously paralyze the workings of the Landmarks Commission; and the (2) others [Intro 533] [Intro 845, Intro 846] will disastrously effect the responsible stewardship of our city's architectural, historic, interior, scenic, and district treasures –which, taken together, are one of the wonders of the world.

As they stand, taken together, these (6) bills will effectively hollow out the Landmarks Law from the inside out; impinging both designation and stewardship of our city's heritage to a point of complete non-functionality.

disfunction

As a private citizen, and resident of New York City for over thirty-three years, I, together with the thoughtful members of the general public and members of our city's arts and preservation communities, urge the Council to vote against all of these bills except Intro 20 and Intro 80.

To a hammer, it is said, everything looks like a nail. We call upon the City Council to use its gavel constructively: build better bills --convene a panel of experts, consisting of the public, building owners, the preservation community, and the Landmarks Commission staff and Commissioners; equitably balance the interests of the stakeholders; give the discussion of these issues the time, and the thorough, thoughtful study and public discussion that they deserve.

Please, do not pass these bills as written today.

To a hammer, everything looks like a nail. *Please do not let your gavel be the hammer that drives the first nail into the coffin of 47 years of achievement embodied in our city's present Landmarks Preservation Law.*

Respectfully submitted,

  
Theodore Grunewald

Paul Graziano  
146-24 32nd Avenue  
Flushing, NY 11354  
718.358.2535  
paulgrazianohdc@yahoo.com

Testimony for Land Use / Housing Joint Committee Hearing  
May 2nd, 2012

My name is Paul Graziano and I am an urban planning and historic preservation consultant, past president of the Historic Districts Council and the Landmarking Chair of the Queens Civic Congress, an umbrella organization that represents over 100 civic and homeowners associations in Queens County.

I want to go on the record and state that most of the proposed bills are anywhere from somewhat damaging to downright destructive to the Landmarks Preservation Commission (LPC). I oppose them all except for Intros 20 and 80; I vehemently oppose Intros. 845 and 846, which would destroy the ability of the LPC to do anything close to its City Charter-mandated job - to protect the important historical, cultural and architectural heritage of the ENTIRETY of New York City, not in just a few parts of town.

Many neighborhoods and homeowners in Queens are extremely disappointed with the actions - or inactions - of the Landmarks Preservation Commission over the past 40+ years, as they have bypassed most of our architecturally and historically important neighborhoods in favor of designating over and over again in Manhattan. Where Manhattan has over 60 historic districts and Brooklyn now has over 20, we have 10 - and most of those are in urban neighborhoods such as Ridgewood, Jackson Heights, Hunters Point and Sunnyside. Those areas are great and certainly deserve landmarking as well, but they are not located in the suburban sections of Queens which make up a large majority of the borough's land area.

Since the announcement that this hearing was going to be held, I have had numerous conversations with many civic leaders from neighborhoods all over Queens. They specifically asked me not to come out and testify at all - just as they have decided not to - in order to send a strong message to the LPC that we are tired and frustrated at having our historic neighborhoods that deserve landmark protection ignored, disregarded and rejected, thereby putting them at risk of being destroyed - frankly, it's "demolition by neglect" of the LPC, due to their refusal to do their mandated duty of protecting and preserving the historic built environment of ALL of New York City, not just in Manhattan or a few favored neighborhoods. We are not and should not be treated as second-class citizens by any agency, something that at least one agency, the Department of City Planning, has acknowledged during the past decade.

Neighborhoods, including Broadway-Flushing, Parkway Village, Kew Gardens, Richmond Hill, Bellcourt and Hollis Park Gardens, to name a few, have sent in RFEs and were rejected out of hand due to the general bias of the few elitist decision-makers on LPC staff that consistently oppose designating suburban neighborhoods as historic districts. This is a fact: there are less than a dozen suburban-type historic districts out of over 100 historic districts within New York City. And, just to clarify: these aren't your run-of-the-mill sections of Queens that we're talking about; they are special, architecturally significant neighborhoods that clearly have a vast majority of residents in favor of designation and/or already have National Register of Historic Places status. In simple terms, they are not controversial and a no-brainer.

The civic leaders that I mentioned before feel that if we can't have our long-deserved landmark designations and historic districts, the Landmarks Law might as well be essentially overturned and ruined for everyone else in the city as well, just on principle alone.

I do agree with those civic leaders in spirit and I can only hope that this entire situation is a massive wake-up call for the LPC. If they had designated landmarks truly based on merit, the way they were supposed to since their inception, they would have many more allies throughout the entire city to help make the case today against what I believe are a raft of mostly troubling bills primarily aimed at legislating the agency out of existence.

Paul Graziano

MAX YESTON  
936 WEST END AVENUE, APT. C9  
NEW YORK, NY 10025

Testimony for the City Council, Public Hearing, May 2, 2012

Good morning. My name is Max Yeston and I am a graduate student at Columbia University's Historic Preservation Program. The provisions on the table today, especially Intro 222A, 845, 846, and 850 seek to undermine the very function of the LPC. Narrowing the time window in which to respond to RFE's, and limiting timelines for historic designation to only 33 months is nothing short of a recipe for chaos and over-stretching the agency's already limited resources.

This is tantamount to removing the mandate to buy health insurance from the Affordable Care Act. It is equivalent to preventing the EPA from exercising regulations on air and water pollution. If the proposed legislation is passed, the guidelines that make preservation feasible in New York City will be tossed to the wind.

In the face of such a blatant onslaught against *all* the individuals of this city who, of their own free will, chose to take up the responsibility of maintaining their neighborhood character, I strongly advise the council to reject all the bills before you, with the exception of Intro 20 and Intro 80.

It is worth noting that not every single neighborhood has a high-profile advocacy organization. Cutting the time required to review an RFE and designate a district also cuts the time that neighborhood groups need to reach out to community members and help build a truly democratic consensus and appreciation for the built environment. This gives urban residents a vital sense that they all have a stake in sustaining a vibrant community with stabilized and improved property values.

Additionally, in this day in age, I find it hard to believe that it is impossible to have green technology that can have a less visually-intrusive impact on the rooftops of historic properties.

Yesterday was the 81st anniversary of the Empire State Building's opening day. In order for this landmark and thousands of others throughout this great city to be thoughtfully maintained for the next 81 years and beyond, this council must act to safeguard the necessary regulations that keep our historic properties and communities alive and flourishing.

**THE NEW YORK  
LANDMARKS  
CONSERVANCY**

May 2, 2012

**STATEMENT OF THE NEW YORK LANDMARKS CONSERVANCY BEFORE THE NEW YORK CITY COUNCIL LAND USE AND HOUSING AND BUILDINGS COMMITTEES REGARDING PROPOSED BILLS INT 0020-2010, INT 0080-2010, INT 0220-2010, INT 0222-2010, INT 0357-2010, INT 0532-2011, INT 533-2011, INT 0845-2012, INT 0846-2012, INT 0850-2012, INT 0849-2012**

Good morning Chair Comrie, Chair Dilan, and members of the City Council. I am Andrea Goldwyn, speaking on behalf of the New York Landmarks Conservancy. Thank you for the opportunity to speak about policies and procedures at the Landmarks Preservation Commission.

Overall, the Council has a good record on landmarks issues; however, we have found the large volume of bills and the quick timing of this hearing to be a surprise. It has likely prevented all interested parties adequate time to respond, and we will not be commenting in depth on the entire agenda.

Several of the bills address an ongoing debate about the transparency and timeliness of the landmark designation process. We believe that the bills are well intentioned, but unless the City increases the LPC budget both substantially and permanently, many of these items would be very difficult to undertake, and there needs to be much more discussion before any specific timelines are implemented.

Int 0533-2011 calls for the LPC to provide a list of energy-efficient windows, but does not specify energy-efficiency standards, or consider that in some cases, treatments less invasive than window replacement, such as repairs to weather-stripping or installation of new glazing in existing window frames, can create higher levels of energy savings and sustainability.

We have very serious reservations about Int 0845 -2012 and Int 0846-2012. Int 0845 would go against the spirit of the Landmarks Law. Currently, there are circumstances in which the LPC allows non-historic replacement materials, but we rely on their staff's guidance to judge proposals for such usage. This bill would bypass that experience and expertise.

Int 0846-2012 is the most worrisome. Of the hundreds of thousands of buildings in the City, only about 3% are designated landmarks. That leaves a good 97% available for development opportunities. The LPC should not have to become an extension of the City Planning Department or the Economic Development Corporation in order to designate landmarks. And we believe that any analysis would be incomplete without also addressing the positive economic activity that landmarking generates, from tourism and jobs, stable or increased property values, and preservation tax credits.

In enacting the Landmarks Law, the City recognized the value of its architectural heritage. The Law has served the City well by encouraging local jobs, tourism, and sustainability. And it is very popular with the dozens of neighborhood groups and thousands of citizens who request, advocate for, and welcome landmark designation. But the proposed bill would place a higher value on development. New York has never been, nor is it currently, development-deprived. Even during a mayoral administration that has nurtured a development-friendly atmosphere, there have been more historic district designations than ever before, because building owners across the City want to protect the character of their neighborhoods.

Finally, regarding the concerns voiced previously to the Council that landmarks designation will increase owners' costs. Conservancy staff has spoken to professionals at architecture and engineering firms with experience working on older buildings within and outside historic districts, and they have indicated that this is simply not the case. (A summary of those discussions is attached to the testimony.) The practitioners have told us that the costs of materials, labor, filings, and professional fees for designated buildings are not significantly higher than for unprotected properties.

We've also undertaken a study comparing façade restoration and Local Law 11 projects on similar Park Avenue co-ops within and outside the boundaries of the Upper East Side Historic District. In this case, what we've found is that there are no conclusions that can be attributable to landmark status. Of the three comparisons we've developed, some work has cost more, and some less, but this seemed to be based on the characteristics at each individual property, not on the landmarks status. (A summary is attached.)

There should be additional time to discuss any of these bills more thoroughly before they are brought to a vote. No city agency is perfect, but we believe that the Landmarks Commission performs an extraordinary task in carrying out the Landmarks Law, and protecting the remarkable architecture of our City, and we hope that the most damaging bills proposed today do not prevent them from fulfilling that mandate.

Thank you for the opportunity to present the Conservancy's views.

# THE NEW YORK LANDMARKS CONSERVANCY

In December 2011 staff of The New York Landmarks Conservancy surveyed several architecture and engineering firms on the subject of costs for façade repairs on buildings within the boundaries of historic districts designated by the NYC Landmarks Preservation Commission compared to those that are not in historic districts. Below is a summary of those discussions.

*Firm A. 12/7/2011*

We try and do a good job on all buildings. Naturally we will want to match the mortar and match the color of the brick and match the pieces we replace whether a building is a landmark or not. I want to make the repairs look as good as possible to make the client happy, not just the Landmarks Commission. I don't see a cost difference there.

Now more elaborate buildings, which tend to be the ones that are landmarked, have more ornament and more features, sometimes a wide variety of materials. Those buildings cost more because they are more complicated and more elaborate.

*Firm B. 12/7/2011*

Sometimes the landmark buildings cost more when you get assigned a staffer who perhaps is new and unsure and they keep asking you for more and more support material.

It is also true that it is annoying to wait for weeks and weeks and then get a list of fifty things you need to supply. If I had received the list more expeditiously I would have had the extra submission ready sooner. This adds costs in terms of my time, small buildings are often more problematic than large buildings. In terms of the cost of the actual repairs, I would say there is no difference. The Commission is pretty flexible in terms of substitute materials so if I have to replace one terra cotta piece with cast stone, they are OK with that.

*Firm C. 12/7/2011*

There is no real cost difference. There are the costs of preparing the application that is probably a couple of thousand dollars but no more. We would prepare material and color samples anyway for our own use and to show the client. The real cost is in the labor and materials. Brick is brick and the costs for cast stone and terra cotta are what they are in or out of a historic district. I do think there is a difference between large buildings and small buildings. The Landmarks surcharge, if we can call it that, is minimal for large buildings. No one is going to question me if I say that the top twenty floors of a residential tower needs to have all its bricks replaced. But if I'm working on a brownstone's stoop, the review can be very picky. This could add a significant amount to the overall cost of a small project.

*Firm D. 12/8/2011*

We would never tell a client that the work will cost more because they are in a historic district. That is not the driving force. The real issue is how much work does the building need, what condition is the building in and how do we phase it. We are at the site often for inspection visits so I do not visit a site more often because it is landmarked. In terms of delays, the real delays are in trying to pull all the DOB approvals and permits.



*Firm E. 12/8/2011*

There is no way of quantifying any increased costs just because a building is in a historic district. It has more to do with how the owners want to deal with the issues. To tell the truth, you can get away with not doing a very good job in a landmark building. On the other hand, the owners of a non-landmarked building may want a top-notch job done. The era of stripping buildings is over. People want their building to look good, the additional cost to a landmark building comes from perhaps a little more paperwork. In terms of delays, they are modest compared to the ones created at the DOB.

*Firm F. 12/8/2011*

The costs for mobilization, access, and scaffolding are the same in or out of a historic district. Costs for brick repair, for flat roofs are the same. The LPC will sometimes allow substitute materials, so the costs would be the same. Work required under Local Law 11 is restorative and at the LPC is handled at a staff level. I've never had a project that started as Local Law 11 and ended at a public hearing. As long as you're prepared and ready to respond to LPC staff requests, there shouldn't be time delays. If there are some, they aren't onerous.

*Firm G. 12/9/2011*

We approach our projects on older buildings like restoration projects whether or not it is an official landmark. We have added cornices to buildings that are not in historic districts and have explained to the owners how the removal of the original cornice caused damage to the façade. I usually add an administrative fee of \$500 for the paperwork at Landmarks. I could see if one is not familiar with the requirements of the Commission how it could become a complicated thing but I apply there all the time and know what sorts of things are required. Sometimes for a designated building one has to get a paint color analysis for instance, but I like getting that anyway just to give us a better understanding of the building. Those costs are not big. Bottom line I would say that the construction costs are the same. The administrative costs could be higher say \$500 to 1500 depending on how familiar your architect or engineer is with the requirements at the Commission.

*Firm H. 12/12/11*

Landmarking has been going on in the City for over 30 years. The LPC has done a lot to streamline the process. There should be no adverse effect for owners. Cost increases would be small; the amount of regulation and filings might add a small amount; the timing might be a few weeks, but there is no big impact. It increases property values because of the consistency in the fabric of the building remaining preserved. It's a synergistic effect. On co-ops done in accordance with the LPC, once the contracts got samples up, LPC staff came to the site, helped with the approvals and got the job moving. The results are phenomenal.

# THE NEW YORK LANDMARKS CONSERVANCY

In December 2011, staff of The New York Landmarks Conservancy surveyed several contractors on the subject of costs for façade repairs on buildings within the boundaries of historic districts designated by the NYC Landmarks Preservation Commission compared to those that are not in historic districts. Below is a summary of those discussions.

*Contractor A: 12/13/11*

Most of our work is in historic districts or on historic buildings. Our expertise in repairs to historic facades and roofs allows us, we believe, to be very competitive in our bidding. We would add a surcharge if we are responsible for obtaining city permits, but if we are working with an architect or engineer, they are usually the ones who pull the permits since they are the ones who prepare the drawings. So to answer your question, no. To us the most important thing is what is specified in the contract documents. We figure out the costs as competitively as possible.

*Contractor B: 12/13/11*

That's an interesting question, I really never thought about it. If we are dealing directly with the owner, then yes, we would add the cost of pulling the permits and dealing with the Landmarks Commission, but we do a lot of work in the city, and we are familiar with what the Landmarks people want. In those cases where we pull our own permits we work with an expeditor who takes care of the DOB for us. We pass his fees on to the client too. For the bigger projects there is usually an arch or PE so they do the running around to pull the permits. For us, it is just a matter of following the specs and preparing the unit costs. Usually the costs are broken down into core project and add alternate items. We are pretty good at knowing what things cost in the City.

*Contractor C: 12/13/11*

Costs can be higher when working in historic districts because we have to account for down time while we wait for approvals, say color or mortar approvals, from the Commission. Costs are usually more for materials on historic properties although that is true of most historic buildings whether or not they are designated.

*Contractor D: 12/13/11*

We generally do not differentiate because we do the same sort of work, brick, terra cotta, brownstone, and people come to us because they expect things to come out a certain way. If I have to pull the permits myself I charge \$1800 to 2000 for that but with most large projects, the design professionals have the permits in hand before we begin. On the smaller jobs I like to deal with the Landmarks Commission myself because, assuming I don't get someone right out of grad school, they know my work and well, that makes it easier.

*Contractor E: 12/13/11*

Our bids are based upon the architect's plans and specs. Period.

# THE NEW YORK LANDMARKS CONSERVANCY

In 2012, staff of The New York Landmarks Conservancy researched NYC Department of Buildings records to determine whether construction costs for Local Law 11 and façade improvement projects were more expensive for buildings within LPC-designated historic districts. Staff compared several pairs of buildings of similar size and age on Park Avenue, within or outside of the Upper East Side Historic District. (Address and Owner Information has been removed.)

## EXAMPLE 1

Within Upper East Side Historic District:

### Building A

Lot Area: 7,666 sq ft; Building Area: 88,530 sq ft

1 building, built 1917, 13 floors

12/26/97: Application for façade repair and lintel replacement work approved at an estimated cost of \$183,000.



Outside Upper East Side Historic District:

### Building B

Lot Area: 8,173 sq ft; Building Area: 80,405 sq ft

1 building, built 1916, 13 floors

4/15/96: Application for façade repair work, \$400,000.

2/22/08: Local Law 11/98 exterior repairs and window ornamentation replacement, \$206,500.00



**EXAMPLE 2**

Within Upper East Side Historic District

**Building C**

Lot Area: 16,021 sq ft; Building Area: 208,373 sq ft

1 building, built 1959, 17 floors

8/25/1994: Repair work on façade of building, \$250,000

6/5/06: Façade and terrace restoration, \$75,000



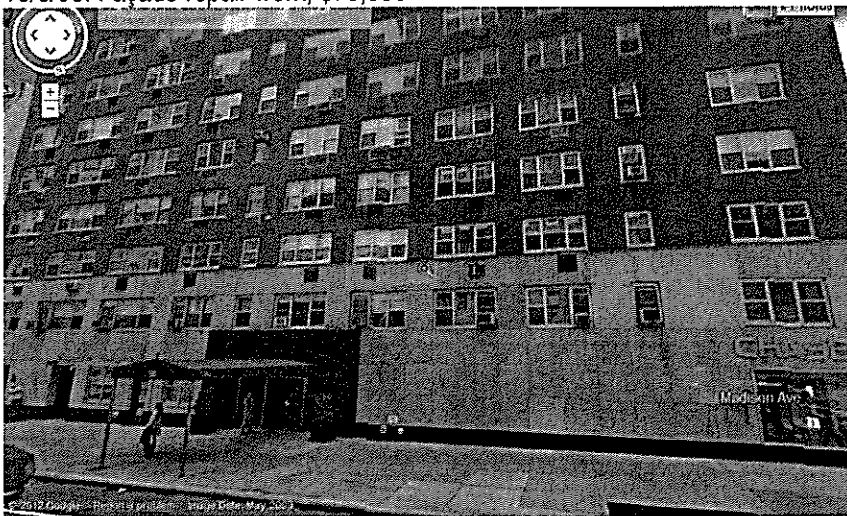
Outside of Upper East Side Historic District:

**Building D**

Lot Area: 15,050 sq ft; Building Area: 218,064 sq ft

1 building, built 1958, 20 floors

10/8/93: Façade repair work, \$76,000



**EXAMPLE 3**

Within Upper East Side Historic District:

**Building E**

Lot Area: 15,350 sq ft; Building Area: 171,207 sq ft

1 building, built 1927, 15 floors

8/6/03: Masonry restoration, \$360,000



Outside of Upper East Side Historic District:

**Building F**

Lot Area: 15,069 sq ft; Building Area: 173,873 sq ft

1 building, built 1926, 14 floors

8/6/98: Exterior renovation of apartment building, \$79,000

3/9/06: Filing for façade rehabilitation, \$740,000

9/13/11: Façade restoration, \$232,000



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: GALE HARRIS

Address: 520 83<sup>rd</sup> St Brooklyn NY 11209

I represent: Chapter 41, Local 375

Address: 125 Barclay St 10007

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. ALL Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: SUZANNE SPELLMAN

Address: 1310 PACIFIC ST

I represent: CROWN HEIGHTS NORTH ASSOC

Address: 986 STERLING PL. BKLYN, NY 11213

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: May 2 2012

(PLEASE PRINT)

Name: Al Butzel

Address: 249 W 34<sup>th</sup> St NYC

I represent: CECP

Address: Same

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 5/2/12

(PLEASE PRINT)

Name: MICHAEL SIMEONE

Address: 245 HENRY ST. BROOKLYN, NY

I represent: MYSELF AS ARCHITECT. IN ~~NY~~ NYC FOR  
20 YEARS.

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: JEFFREY KROESSLER

Address: 39-24 46th St, Sunnyside NY 11104

I represent: Citizens Emergency Committee to Preserve  
Reservation

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 20/80/other Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: May 2, 2012

(PLEASE PRINT)

Name: Daniel McCalla

Address: 585 Madison Street Apartment 1R, Bklyn NY 11221

I represent: Fow Borough Neighborhood Preservation Alliance Corp.

Address: c/o NPC · 232 East 11th Street NY 10003

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 846, 845 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Cathy Wasserman

Address: 41 Columbus Ave Fl Bklyn 11230

I represent: NY Preservation Alliance

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Bond Taylor

Address: 54 Morningside Dr Apt 52

I represent: self

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms



THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: RAUL ROTHBLATT

Address: 119 PROSPECT PLACE, BROOKLYN 11217

I represent: SELF

Address: \_\_\_\_\_

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 2 May 2012

(PLEASE PRINT)

Name: Hai Bromm

Address: 90 West Broadway

I represent: Tribeca Community Assoc.

Address: \_\_\_\_\_

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

[ ]

I intend to appear and speak on Int. No. 20,80,220 Res. No. 357,533, 222A, 532A,  
 in favor  in opposition

Date: 2 May 2012  
850  
845  
846/nd

(PLEASE PRINT)

Name: PATTI HAGAN

Address: 117 ST. MARKS AVENUE, BROOKLYN, NY 11217

I represent: PROSPECT HEIGHTS ACTION COALITION

Address: 117 ST. MARKS AVENUE, BROOKLYN, NY 11217

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor     in opposition  
INTROS 20180    TO THE BEST  
Date: MAY 2<sup>ND</sup>, 2012

(PLEASE PRINT)  
Name: PAUL GRAZIANO

Address: 146-24 32<sup>ND</sup> AVENUE, FLUSHING

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0020, 0022 Res. No. 1

in favor     in opposition  
Date: 5/2/12 suite

(PLEASE PRINT)  
Name: Barbara Ann Rogers

Address: 266. Hefferts Ave. Brooklyn

I represent: Barbara Ann Rogers, licensed NY

Address: same Real Estate

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor     in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: Michael Adams the State Senator Bill Perkins

Address: 166 West 125<sup>th</sup> Street NY 10027

I represent: Senator Bill Perkins

Address: 166 West 125<sup>th</sup> Street NY 10027

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL  
THE CITY OF NEW YORK

7222A 532A, 849  
845, 846, 850

Appearance Card



I intend to appear and speak on Int. No. 220,357 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 04.02.12

(PLEASE PRINT)

Name: Theodore Grunewald

Address: 30 East 33rd St 10th Fl

I represent: citizen NYC/10014

Address: \_\_\_\_\_

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card



I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. General

in favor  in opposition commentary

Date: MAY 2, 2012

(PLEASE PRINT)

Name: Michelle Bronsman

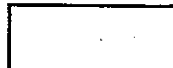
Address: 1035 Park Ave

I represent: Historic Park Ave

Address: P.O. Box 286232 NYC 10128

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card



I intend to appear and speak on Int. No. 845 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Edward S. Kintland

Address: 500 W 23rd St 2nd Fl

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 852 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Edward S. Kirkland

Address: 300 West 23rd St., New York

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 846 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Edward S. Kirkland

Address: 351 W. 23rd St. New York

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 05/02/12

(PLEASE PRINT)

Name: COREY JOHNSON

Address: 220 W- 15<sup>th</sup> ST., Apt. 29, M7, NY 10011

I represent: CHAIR of MANHATTAN COMMUNITY BOARD 4

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Mosby Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Edward S. Kirkland

Address: 300 West 33<sup>rd</sup> St., Manhattan, NY 10011

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 80 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: MERCEDES NARCISSE

Address: 105-18 Ave L

I represent: Mercedes for Council

Address: 9712 FLATLANDS AVE

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. MOST of them Res. No. \_\_\_\_\_

in favor  in opposition

Date: May 2, 2012

(PLEASE PRINT)

Name: MITCHELL GRUBLER

Address: 20 CONFUCIUS PLAZA, 40c 10002

I represent: Queens Preservation Council

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Some of a bill Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Brook Stanton

Address: 16 Evans St 11201

I represent: Brook Vinegar Neighborhood Assn

Address: Vinegar Hill Brooklyn

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 5/2/12

(PLEASE PRINT)

Name: JEAN STANDISH

Address: 308 EAST 6<sup>th</sup> ST. NYC 10003

I represent: Bowery Alliance of Neighbors

Address: 184 Bowery NYC 10012

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: Ronda Wist (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: Municipal Art Society

Address: 119 W. 57<sup>th</sup> St.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: PAUL RUBENFARB (PLEASE PRINT)

Address: BOX 554

I represent: HISTORIC PRESERVATION

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: NIZSONI GRANVUE (PLEASE PRINT)

Address: 1291 ST. MARKS AVE

I represent: CBO BKLYN

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 845 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: Michael Slattery

Address: 570 Lexington Ave

I represent: Real Estate Board of NY

Address: 570

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 20 Res. No. 270

in favor  in opposition

Date: 5.2.12

(PLEASE PRINT)  
Name: ~~XXXXXXXXXXXXXXXXXXXX~~

Address: ~~XXXXXXXXXXXXXXXXXXXX~~

I represent: HISTORIC DISTRICTS

Address: 5. 10th St, NYC

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

20 80  in favor  in opposition 845 & 846

Date: May 2 2012

(PLEASE PRINT)  
Name: BATYA LEWTON

Address: 215 W 26th St NYC

I represent: COALITION FOR A LIVABLE WEST SIDE

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms



THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card



I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 5/2/12

(PLEASE PRINT)

Name: Cristiana Peña

Address: 45 West 67th St NY NY

I represent: Landmark West

Address: same

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card



I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition 845,846  
20,80

Date: 5/2/12

(PLEASE PRINT)

Name: Josette Amato

Address: 508 West End Ave NY 10024

I represent: West End Preservation Society

Address: 514 West End Ave NY 10024

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card



I intend to appear and speak on Int. No. 0020 0222 0845 0849  
0220 0367 Res. No. \_\_\_\_\_

in favor  in opposition

Date: MAY 2 2012

(PLEASE PRINT)

Name: CHRISTABEL GOUGH

Address: 45 CHRISTOPHER ST NEW YORK NY 10014

I represent: SOCIETY FOR THE ARCHITECTURE OF THE CITY

Address: 45 CHRISTOPHER STREET NY NY 10014

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. A11 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 5/2/12

(PLEASE PRINT)

Name: Hilda Regier

Address: 325 W. 22nd St, NYC

I represent: Save Chelsea

Address: 404 W. 20th St, NYC

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 846 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: LAILA BIBELNIEKS

Address: 629 THIRD ST, BROOKLYN

I represent: SELF

Address: \_\_\_\_\_

*Intro 20 for*  
*Intro 80 for*  
*Intro 220 for*  
*Intro 357 for with conditions*  
**THE COUNCIL**  
**THE CITY OF NEW YORK**  
*222A*  
*532A*  
*849 850 for with conditions*  
*845, 846 - Against*

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 5/2/12

(PLEASE PRINT)

Name: Henry Euler

Address: 204-05 43 Ave. Bayside 11361

I represent: Auburndale Improvement Assoc

Address: PO Box 580331, Station A, Flushing 11358

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: SIMON BRONFMAN

Address: 232 E 11 STREET

I represent: HDC

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. ALL 11 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: LEO BLACKMAN

Address: 230 E 12 ST 8B NYC

I represent: MYSELF

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: PETER BRAY

Address: 237 GARFIELD PL.

I represent: PARK SCOPE CIVIC COUNCIL

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Jacqueline Pen-Duvalon  
Address: 40 E 89<sup>th</sup> ST, NYC 10128

I represent: SELF

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 5/2/12

(PLEASE PRINT)

Name: Andrea Goldwyn  
Address: 1 Whitehall St, NYC 10004

I represent: New York Landmarks Conservancy

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. all Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: PERRI DEFINO  
Address: 159 BARNBRIDGE ST

I represent: BEDFORD SYLVANNT H D

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 20, 80, 220, 637-A, 845 Res. No. 41, 54, 850  
 in favor  in opposition

Date: 5/2/2012

(PLEASE PRINT)

Name: Jenny Fernandez

Address: 1 Centre Street, 9th Floor

I represent: LPC

Address: SMA

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. All Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Margot WELLINGTON

Address: 160 E 65

I represent: Friends Upper East Side

Address: 27 E 69

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 845 Res. No. 846  
 in favor  in opposition

Date: 05/02/12

(PLEASE PRINT)

Name: Anthony C WOOD

Address: 1199 Park Avenue NYC 10128

I represent: myself

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/2/12

(PLEASE PRINT)

Name: Andrew Berman

Address: 232 E. 11th St NYC

I represent: Greenwich Village Society for Historic Preservation

Address: same

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/2/12

(PLEASE PRINT)

Name: Amanda Davis

Address: 232 E. 11th St NYC

I represent: Greenwich Village Society for Historic Preservation

Address: same

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Doreen Gallo

Address: DUMBO Alley

I represent: DUMBO Neighborhood Alliance

Address: 45 Washington St #123 Brooklyn NY

11201

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Sylvia Crestino

Address: 11 Park Place

I represent: ROMA NY

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. ALL Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10/2/12

(PLEASE PRINT)

Name: DANA KELLY

Address: 966 LEXINGTON AVENUE, 3E

I represent: FRIENDS OF THE UPPER EAST SIDE  
HISTORIC DISTRICTS

Address: SEE ABOVE

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition to the rest

of 2

Date: 5/2/12

(PLEASE PRINT)

Name: Judy Stanton

Address: 52 Garden Place, Bklyn 11201

I represent: Brooklyn Heights Association

Address: 55 Pierpont St, Bklyn 11201

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 845 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 5/3

(PLEASE PRINT)

Name: GLENN VAN BRAMER

Address: 75 LIVINGSTON ST BKLYN

I represent: 75 LIVINGSTON OWNERS

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Mona Sehgal

Address: General Counsel

I represent: Dept of Buildings

Address: 200 Broadway

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Donald RANSATE

Address: Director of Community Affairs

I represent: Dept of Buildings

Address: 200 Broadway

Please complete this card and return to the Sergeant-at-Arms



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: Claudette Brady (PLEASE PRINT)

Address: 153 Hancock St

I represent: Bedford Stuyvesant Society for

Address: Historic Preservation

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0220-2016 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 5/2/12

Name: Bessie Schachter (PLEASE PRINT)

Address: 38-50 Bell Boulevard Ste C

I represent: Senator Tony Arella

Address: same

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Linda Thomas

Address: 1674 Richmond Terrace

I represent: Preservation League St.

Address: \* The North Shore Waterfront Greenway

West Brighton Restoration Society

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Edward Kurkiant

Address: 300 W 73rd St, H16A, NY, NY 10011

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

◆ Please complete this card and return to the Sergeant-at-Arms ◆