



Landmarks Preservation
Commission

1 Centre Street
9th Floor North
New York, NY 10007

212 669 7700 tel
212 669 7960 fax

PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 3 / 27 / 19 Item # _____

Item Address RULES CHANGE

☒

In favor of proposal

☐

Against proposal

☐

Other position

HUNTLEY GILL / GUARDIA ARCHITECTS
Name

110 WEST 40TH STREET, 29th FLOOR
Address

THE FIRM
Representing

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**Testimony before the Landmarks Preservation Commission
New Rules for Staff Review of Applications
27 March 2018
Huntley Gill**

The majority of our firm's clients are experienced and established real estate owners and investors. Much of our work also deals with retailers and retail spaces on behalf of such owners. This is a crowd not fond of regulation. Nevertheless, they recognize the value of historic preservation, and particularly of historic districts. There are important forces in the real estate industry ranged against the cause of preservation. We as preservationists must never underestimate this threat. We assume the broad cause of historic preservation is protected by our well-established public support -- just as we all knew Donald Trump could never be elected to public office. Therefore we must always be aware of the practical effects of LPC process on the real estate business.

Even owners who are supportive in principle of the Commission are frustrated by delay and unpredictability. The greatest client-frustration can come when a simple application must go before the full commission. This necessarily adds many thousands of dollars to our fees and weeks or months to the application process. I can often assure clients that I know with great certainty how the Commission will act, and that the staff knows how the Commission will act, and that the Commission knows how it will act, but this only adds to the frustration. Such delay is particularly painful for retail tenants for whom time is of the essence.

We share the concern of preservation advocacy groups that a lack of review by the Commission, and therefore a lack of comment by the public, could entrench policies and practices. We believe such policies should be subject to regular mandatory review by the Commission itself. We suggest the rules be amended to provide for a regular hearing -- at least annually -- dedicated solely to public comment on applications approved by staff. This would allow the Commission to continue to reap the benefit of input by communities and expert advocacy groups and enforce internal broad thoughtful review of goals through periodic review of your direction to staff.

While each of us would tweak details in these regulations, their goal is laudable: the many applications that follow a predictable pattern but currently must be heard before the Commission should be processed at staff level. The broad cause of preservation is best served by efficiency and predictability.



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Date 3 / 28 / 18 Item # _____

Item Address Rules Amendment

☒

In favor of proposal

☐

Against proposal

☐

Other position

Julie Liu

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Representing

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March 27, 2018 Testimony before the Landmarks Preservation Commission regarding the proposed Rules Amendments set forth in Title 63 of New York City's Rules

Commissioners:

I am the owner of a small building in the Crown Heights North Historic District.

I am also an energy efficiency professional working with homeowners to improve their home's sustainability.

I can speak from experience that balancing preservation and sustainability is a calling that is far bigger than most of us, middle-class New Yorkers, can go at it alone.

By my estimate, 80% of the landmarks are in our care. The big developers and fancy coops hold less than 20% of landmark properties in New York City.

Some of us signed up for the custodian duties consciously. We bought a home knowing that it will exhaust us in every way. We do it because we love to live in a piece of history.

Others, especially long-time residents living in low-to-moderate income communities such as Bed Stuy and Crown Heights, purchased the building before regulation was put in place. They didn't sign up for this calling.

Most homeowners like myself felt for years, that the existing LPC rules, could be used to cast a wide net to censure us for what could be subjectively considered as distasteful.

What I am calling the "judgement", is the Public Hearing process. Homeowners pay dearly in this process. Even those can navigate the process, like myself, spends at least \$500. Those who hire professionals, exhaust thousands. But the administrative burden is relatively trivial compared to its impact on the market economics. Fewer trades are willing to bid on jobs in the Historic District. Those requiring Public Hearing, receive bids few and far between. Reduced competition inflates costs.

I applaud Commission's goal to amend the existing rules, making it more enforceable at staff level. The new rules are more pragmatic. Property owners can balance the desire to restore beauty and modernize.

Let me cite two examples:

The triple pane tilt and turn windows I have installed have cut down draft and noise drastically. They were priced competitively to standard hardwood double hung windows, which would have surely be leaky as soon as they are installed and do little to mitigate street noise emanating from two bus lines and LIRR. It was a six months journey to complete the hearing process. Most homeowners would be taken the path of least resistance to choose double hung, which would not require such intense effort, forgo the better option. Tilt and turn windows is not a luxury product. It is perceived as one when only the wealthy can afford professionals to navigate the process to obtain them.

As for clean heating and cooling, trades shied away from work on my corner landmark. For years, I would receive site visit but never a return call or firm quote. The experience led me to start my company, Centsible House. I now work with the City and State to roll out air-source heat pump systems. Working at staff level, is what enabled us to complete three projects in two Historic Districts in the past

year. We are doing two more this month. Projects outside of Historic Districts adhered to the “best practice” placement guidelines provided by the LPC staff. When presented as “what would you prefer,” rather than “what the rules impose?”, homeowners’ desire for beauty is quick aligned to LPC rules.

Landmarks rules have a powerful effect on New Yorkers. It sets the bar for “the New York look and feel”. In the land where real estate is highly valuable, it is fair to say that most property owners want to protect their property value. In my 20 years living in New York, I see that properties in and out of Historic Districts are restored to meet the standard set by Landmarks. Chelsea, Harlem, Boerum Hill, Fort Green, Clinton Hill, Bed Stuy, Crown Heights, now in Jackson Heights....

Most of the work isn’t done by developers and their super wealthy clients, it is done by the middle-class who find spare time after work and using their saving to do limited scope projects.

I respect preservationists’ objection to specific subsections. We live in a democracy. We the People, are entitled to participate in the rulemaking process to refute ill-conceived proposals. Today’s proceeding will help us do that. I support the approach that civilians are giving opportunity to review reasonableness and performance from time-to-time.

In a civil and democratic society, codifying rules to serve The People should take the greatest precedent in policy making. The rules should be reasonable and enforceable. We trust civil service with the mandate to serve, to make good decision for each case that is in front of them.

In my experience with the LPC staff, they have been my advocate and the authority figure to deny requests when they contradict preservation goals. Relying on this method to govern, is what allow America to flourish.

Structure such as the Public Hearing process should be exercised sparingly to debate the reasonableness of projects that are grossly inconsistent with the preservation goals. The overall LPC and DOB rules cover vast areas of interest, the net to catch these outliers are wide and securely in place.

I believe the amended rules ought to be adopted, to widen the opportunities for homeowners with mean to pursue projects limited in scope can proceed in timely and economically feasible manner.

Thank you for your time and consideration.



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Date 3 / 27 / 10 Item # 1

Item Address LPC RULES CHANGES

☒

In favor of proposal

☐

Against proposal

☐

Other position

RICHARD OLCOTT / ELIZABETH GOLDSTEIN
Name

Address

MUNICIPAL ART SOCIETY
Representing

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MAS Testimony before the Landmarks Preservation Commission regarding the proposed Rules Amendments set forth in Title 63 of New York City's Rules

March 27, 2018

Introduction

Founded in 1984, the Preservation Committee at the Municipal Art Society of New York (MAS) advises the organization's staff and the Board of Directors. Its members are advocates, architects, land use attorneys, designers, and planners specializing in preservation issues.

The Preservation Committee at MAS understands that the proposed Rules Amendments under consideration today are intended to increase the efficiency and capacity of the Landmarks Preservation Commission (LPC) to hear and process applications for alterations to both individual landmarks and properties located in historic districts. In addition, these changes are meant to clarify and improve navigation of the permitting process for applicants and homeowners. We also recognize that preservation as a discipline must balance competing values such as accessibility, affordability, open space, sustainability, and others to achieve the goals of an equitable and livable city.

In general, MAS supports the proposed rules changes. We think the LPC is rightfully concerned about the volume of work it can expect from volunteer Commissioners, and thus it is good practice to closely define what needs their review. However, our support for this approach is conditioned on the recommendations we have outlined below and a commitment from LPC to carry out the new regulations with strong oversight. Furthermore, it is imperative that the result of these changes is a fair and transparent staff-level review process.

To that end, MAS felt that a baseline tool was needed to understand LPC decisions to date, so overall trends could be assessed and evaluated. MAS created two interactive maps to display the locations, outcomes, and types of work occurring in applications to the LPC. We hope this resource will help our partners in preservation, including the LPC, to understand the changes our city has undergone and will continue to experience over time. And so, we call upon the LPC to perform an annual study of staff-level permits to uncover application trends and determine whether decisions are consistent with policy. We also call upon LPC to make all permits public, not merely those from the previous two years.

MAS is also concerned about the number of staff and the depth of their training. We rely on the professional judgment of the staff to interpret and execute the Rules. Regardless of the careful logic and precise drafting of these new regulations, if there is not an adequately trained or large enough staff, this effort may fail. We urge the LPC to establish a per person caseload, along with an annual evaluation to determine if that caseload is being exceeded. As the volume of work surpasses this threshold, the LPC must commit to hiring additional staff.

General Comments on the Rules Amendments

First, the Preservation Committee at MAS recommends that permits for the removal of cast-iron vault lights and the demolition of any designated façade remain the exclusive purview of the full Commission, at a public hearing.

MAS is also very concerned about the implications of rules pertaining to “no style” buildings, which challenges the notion of an evolving interpretation of history. We recommend that the LPC reevaluate all buildings with such a classification on a regular basis and update each determination accordingly. In addition, the new term, “otherwise as not a building for which the district was designated,” is too broad and should be removed entirely from the proposed amendments.

We also advocate for a definition, in terms of either distance or dimension, for “minimum visibility” with regard to rear yard additions and mechanical equipment. Similarly, “partial visibility” must be given some kind of limitation. There is a lack of clarity around the quantification of “the amount of historic paving that remains,” and a rationale for determining the historic districts subject to the new *Sidewalks* section, as well.

While we have substantial concerns about many of the amendments, there are a number of positive changes proposed. For example, the added language regarding probes and samples will help encourage a more evidence-based approach towards restoration. In addition, the inclusion of “solar and wind power equipment, batteries and emergency generators” as mechanical equipment is key to greening our historic buildings. We are also gratified to see the eligibility of protective measures like flood barriers and energy efficiency upgrades in the Historic Preservation Grant Program. We are pleased that a renewed or reinstated permit would not be a defense against an enforcement proceeding.

We thank the Landmarks Preservation Commission for continued engagement on this important initiative. More detailed comments from the MAS Preservation Committee follow below.

Specific Comments on the Rules Amendments

Section 2-11: Repair, Restoration, Replacement and Recreation of Building Facades, Materials, Surfaces, Features and Elements.

There has not been enough emphasis placed on the longevity of a substitute material in comparison to the surrounding original materials (for example, fiberglass reproductions adjacent to original terra cotta units).

In addition, the language about when a facade must be taken down due to severe structural issues and/or material failures is concerning. This states a reliance on a “structural conditions report.” How will the integrity of such a report be evaluated? How will LPC prevent the use of bogus reports conducted by licensed professional engineers who know nothing about historic structures? In sum, demolition of a designated building (individual or in district) should never be considered at staff level.

p. 24 (3)(ii): With regard to the pointing of mortar joints, strength and permeability are both important properties in this matter, and we must start reinforcing this known fact in our technical rules and regulations. The rule should be amended to read, “The mortar type will be of a strength less than and permeability greater than that of the masonry unit...”

p. 23 (iii)(A)(B)(C)(D): The section on coatings needs to be developed and product types clarified, some sections seem contradictory. For clarity, more details should be added insofar as the substrate type and proposed purpose of coating.

p. 28 (2)(i): The specific criteria for substitute materials should also limit the use of Glass Fiber Reinforced Concrete (GFRC) or comparable materials.

Section 2-12: Storefronts and Commercial and Residential Awnings.

This section introduces the term “otherwise as not a building for which the district was designated.” This language can lead to some buildings/styles being excluded (e.g. the Greenwich Village Historic District was designated to protect row houses – should tenement buildings not be preserved?) and does not account for the fact that a district may now include a variety of historic styles and building types that are now deemed significant. It is too broad a term and should be removed entirely from the proposed amendments.

p. 37 (8): This rule is problematic. New infill on buildings built before 1900 must be wood, even though it may not be appropriate for a cast-iron building dating to the 1860s. Similarly, it could allow aluminum infill on post-1900 buildings that historically had wood infill and should be reconsidered.

Section 2-13: Signage.

p. 46 (8): “Any other illuminated signage must be at least 18 inches from the inside plane of the glass of the display window or transom” is not clear. It should read, “Any other illuminated signage must be at least 18 inches set back from the inside plane of the glass of the display window or transom.”

p. 48 (d)(3): It is unclear why the letters on bracket signs must be either wood or metal.

p. 49 (e): The *Signage for Storefronts Below the Sidewalk* could be expanded to include signage rules for basement commercial spaces that are not actual storefronts.

Section 2-14: Window and Door Repair and Replacement; Modified and New Window Openings.

In this section, no approval is required for “repairing and replacing window or door hardware, such as hinges, knobs and handles, but excluding ornate historic exterior hardware on special doors.” It is problematic to value ornate historic fabric only. There are plenty of simple historic knobs, handles, etc. that merit preservation. Indeed, there are many architectural styles that rely upon simplicity. History is not only significant when it is ornate. Removal of exterior, historic hardware of all types should require staff approval, if allowed at all.

p. 57 (d)(2): It is unclear if films can be applied to special windows.

p. 59 (2)(i)(B) and same on p. 60 (2)(ii)(C) and p. 62 (2)(iii)(C) and (2)(iv)(C): These rules addressing “existing non-original or non-historic window and door openings” do not deal with altered windows that may be significant in their own right. They should be amended to protect significant windows.

p. 60 (B): Specifications for hardware on new doors should be added to this rule.

Section 2-15: Additions: Rooftop and Rear Yard Additions.

p. 67 (a)(4)(ii): “Partially visible” is too broad a term and needs to be defined.

p. 69 (d)(iii): An individual landmark is no less significant if it is located inside a historic district. There should be no distinction.

p. 72 (g)(ii): “Minimally visible” should be defined in reference to rear yard additions. A minimum dimension representative of a considerable distance (two blocks or 200’ minimum) should be included in the proposed new rule.

Section 2-16: Excavation.

We recommend a new rule that would at least address backyard sanitary features associated with privately owned houses in Manhattan erected prior to 1875 (other borough-appropriate dates should also apply). New excavation deeper than 18 inches adjacent to the original rear wall or within five feet of the rear property line of such a building would require a determination if there is evidence of a subsurface water cistern or a privy pit. If so, the integrity of the feature, or features, would need to be assessed. If deemed archaeologically significant, they should either be archaeologically documented prior to impact, which is preferable, or be avoided and preserved in place.

Section 2-17: Front, Side and Rear Yards.

p. 79 (c)(2)(i): Side yard fences are not characteristic of the Sunnyside Gardens Historic District and should not be permitted. The amendment also proposes a reduction in fence height and change in material options that is inconsistent with the existing conditions.

p. 80 (d): Though common elsewhere in a historic district, a driveway may not be appropriate for certain architectural styles. Furthermore, this could result in the demolition of elements which may not be noted in designation reports as “significant” but which carry architectural merit. Over time, a regrettable reduction in landscape and permeability may develop.

Section 2-18: Barrier-Free Access.

p. 83 (b)(2): Removing three treads at the stoop or stair may be a more significant alteration at specific buildings or in certain historic districts, such as Soho Cast-Iron. A maximum measurement of grade change should be included in this rule.

Section 2-19: Sidewalks.

This new section is particularly problematic, and we are making seven substantial recommendations.

The LPC should explain how “the amount of historic paving that remains” has been and will be measured. The proposed new section refers to bluestone, granite, and brick as materials commonly used on sidewalks within historic districts where paving material is a significant feature. The LPC should expand the list of materials to include slate slabs, Belgian block, terrazzo, concrete, and other natural and man-made sidewalk materials.

Appendix A listing “historic districts where historic paving is a significant feature” should include clarifications on the features (material, texture, size, color, pattern, etc.) that make the paving a distinctive feature in each district. The LPC must also explain how the historic districts that fall under this rule have been selected. The LPC should clarify how the section will relate to review of “distinctive sidewalks” that are currently under the purview of the NYC Public Design Commission.

With regard to covering existing, deteriorated vault lights with diamond plate, this practice should only be considered as a temporary measure until restoration of deteriorated vault lights can be implemented as long as safe structural support is provided below the deteriorated vault and adequate drainage is provided between the new diamond plate steel cover and the deteriorated vault light(s).

Furthermore, approval of the removal of vault lights should never be allowed at staff level. Implemented in conjunction with the rule in the previous paragraph, this could be interpreted to allow someone to cover their vault lights, let them deteriorate, and then demolish them. The LPC should not actively promote demolition by neglect. While acknowledging the cost and limited durability of various light vault restoration, the LPC should keep in mind the extent to which the cast-iron craft industry has been revived in the United States thanks to the need for repair and in-kind replacement of historic cast iron. The proposed staff-level approval will result in the swift removal of dozens of remaining cast-iron light vaults throughout the city. This will be an irrecoverable loss of character in certain formerly commercial historic districts that the LPC should never promote.

p. 89 (b)(2): Similar to the minimum dimensions included in the LPC guidelines for stone paver at areaways, a minimum slab size or other design guidelines should be included in the Rules to warrant staff approval. And again, this section should refer to other materials referenced above.

p. 90 (c)(1): The LPC should revise the palette of material(s) to be matched as existing stone sidewalks, which may be made of something other than bluestone. The proposed 50% rule, which imposes a documentation burden on applicants and inadvertently encourages installation of non-matching concrete, should be removed. The LPC should require applicants to provide tinted concrete to match existing stone sidewalk whenever stone is present regardless of quantity.

p. 92 (f): Although the LPC should certainly promote the installation of appropriate features that improve accessibility, their design and installation should be subject to close scrutiny in order to minimize their impact on character-defining features located whether at corner or mid-block locations. Ramps and associated required guards, handrails and other related accessibility features are typically visibly obtrusive. Staff-level approval of this type of alteration should be limited to reversible interventions until a comprehensive set of guidelines is issued. Staff-level approval should only be permitted for alterations to existing concrete sidewalks. Proposed alterations of this nature to existing stone sidewalks should not be approved at staff level regardless of the percentage of stone on the property or the block.

Section 2-21: Heating, Venting and Air-Conditioning Equipment ("HVAC").

p. 98 (b): In the first paragraph about decorative masonry, the line: "but does not include entirely plain units of these materials laid up with simple non-decorative coursing" is in the middle of the paragraph and should be at the end, since it is intended as the only exclusion. Having it in the middle indicates that everything that follows it is also excluded.

p. 98 (b)(2): The LPC must clarify the meaning of "partially visible" in all subsections.

p. 104 (e)(1): The LPC must clarify the meaning of "minimally visible" in this section. Plantings should not be relied upon to obscure HVAC equipment in scenic landmarks, as the LPC is not qualified to specify or regulate vegetation.

p. 106 (g)(2): Again, "trees, plantings, and other foliage" should not be relied open to conceal HVAC equipment in scenic landmarks.

p. 107 (h)(2)(i): Again, "permanent plantings" cannot be relied upon to minimize the visibility of HVAC equipment – especially if maintained by private property owners.



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Date 3 / 27 / 2018 Item # Rule Amendments

Item Address Proposed Rule Amendments

☒

In favor of proposal

☐

Against proposal

☐

Other position

Basha Gerhards
Name

Address

REBNY
Representing

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COMMENTS OF THE REAL ESTATE BOARD OF NEW YORK BEFORE THE LANDMARKS PRESERVATION COMMISSION ON THE PROPOSED AMENDMENTS TO THE LANDMARKS PRESERVATION COMMISSION RULES

March 27, 2018

The Real Estate Board of New York, Inc. (REBNY) is a broadly based trade association of over 17,000 owners, developers, brokers, managers and real estate professionals active throughout New York. We would like to submit our comments on the proposed amendments to the Landmarks Preservation Commission rules.

We applaud the LPC on the proposed amendments as they will streamline the process for all stakeholders, and will create more transparency. The proposed amendments to codify current practices which have been routinely approved by the Commission will lessen the burden on the Commission's limited staff and volunteers that make up the Landmarks Preservation Commission.

The proposed amendments are practical and necessary. For example, extending the number of days a temporary sign may be installed from 60 to 180 days will reduce unnecessary paperwork and time devoted by all parties in preparing and reviewing these extensions. Other amendments such as barrier-free access will clarify the types of access ramps and modifications that may be approved at staff level.

We also look forward to a simplified process in regard to storefronts. Currently, it takes several months for storeowners to make simple changes to their storefront. The delegation of certain awning and signage types which have been approved routinely by the Commission will expedite the LPC process for storeowners and reduce the time it takes to open their shop.

As the Commission predicts that the number of applicants appearing at its 36 public hearings per year will only increase as more properties are designated and come under the jurisdiction of LPC, it is imperative that LPC systematize regularly approved modifications and work-types to reduce the number of applications that receive a costly, time-consuming public review. We support and welcome the proposed amendments and commend the Chair for taking action in proposing prudent rules, based on decades of commission approved actions, which will free the commission to review new proposed designations and alteration proposals that need the commission's input and evaluation.

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Date 3 / 27 / 2018 Item # _____

Item Address Rules

☒

In favor of proposal

☐

Against proposal

☐

Other position

WARD DENNIS

Name

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Address

HIGGINS QUASERBARTH + PTAS

Representing

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HIGGINS QUASEBARTH & PARTNERS, LLC

CONSULTANTS IN THE PRESERVATION AND REHABILITATION OF HISTORIC PROPERTIES



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Testimony before the Landmarks Preservation Commission regarding proposed Rules Amendments set forth in Title 63 of New York City's Rules

27 March 2018

Higgins Quasebarth & Partners is a preservation consulting firm with over 30 years of experience in New York City and beyond. Our firm represents owners of historic buildings, working with them and their architects and engineers through the review process for restoration and rehabilitation. Our work includes New York City Landmarks Preservation Commission review, and state and federal reviews utilizing the Secretary of the Interior's Standards for Rehabilitation. We work extensively with LPC staff on both staff-level reviews and public hearing items.

Revision of the LPC rules for staff-level permits is long overdue. The existing rules often lack clarity and do not always reflect either the direction of the Commission or current practices in preservation. Clearer rules will help property owners better understand and navigate the approval process, and should result in a more consistent application of LPC's historic preservation standards.

We believe that the new rules generally achieve an appropriate balance between restoration, rehabilitation and replacement and are generally in line with the approach that the Commissioners typically take to these issues. By and large, these rules changes should make the review process clearer and should keep more routine preservation work at staff level, where it belongs. But given the increase in responsibility that these rules changes will impart to the staff, we hope that LPC will continue to expand its preservation department.

The proposed changes for replacement of missing or damaged historic materials are largely consistent with historic preservation practice, and the expansion of the rules to cover the full range of historic building materials is welcome. Accommodation for common interventions such as ADA access, energy efficiency and resiliency in general are areas that historic preservation must constantly look to find balance, and we think that the proposed rule changes generally do a good job of that.

There are areas in which we believe that the Commission should take a conservative – or conservatorial – approach. For staff-level approvals, LPC should err on the side of restoration wherever feasible. We note, for instance, that the proposed rules could be taken to allow significant loss of historic fabric such as cast-iron vault lights and wooden cornices. We also recommend that LPC staff be empowered to consult independent structural engineers in assessing whether or not replacement of a building facade is warranted. Staff-level approvals for accessibility and other interventions should, wherever possible, be reversible.

The use of substitute materials is generally acceptable when restoration is no longer feasible, but it is important that replacement materials are compatible with the historic material and the design of the building. Materials such as fiberglass and aluminum have their place, but not every place.

A great deal of the burden of interpreting the rules will fall to the professional preservation staff at LPC. In our experience, LPC staff has been appropriately vigorous in its review of the replacement of historic fabric. Staff also – appropriately – reviews carefully the details and design of restoration and rehabilitation to ensure that it is consistent with the rules and best practices in historic preservation. We believe that that is a good thing for historic preservation and for New York City.



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Date 3 / 27 / 18 Item # _____

Item Address Propose Rules Amendments

☒

In favor of proposal

☐

Against proposal

☐

Other position

Mary Ann Rothman

Name

250 W 57th #730, NYC 10107

Address

CNYC Inc - Council of NY Cooperatives & Condominiums

Representing

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e-mailed yesterday

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Council of New York Cooperatives & Condominiums

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TESTIMONY TO THE LANDMARKS PRESERVATION COMMISSION ON THE PROPOSED AMENDMENTS TO THE LPC RULES

March 27, 2018

The Council of New York Cooperatives & Condominiums is a membership organization providing education and advocacy for the boards and residents of housing cooperatives and condominiums located throughout the City and beyond. Our members span every rung of the economic ladder. They are important contributors to their neighborhoods and to our City. Cooperators and condo unit owners take pride in our homes and seek to maintain them in the best condition that we can afford.

CNYC and its members congratulate the Landmarks Preservation Commission on the proposed amendments to its Rules, which are designed to facilitate and streamline necessary procedures when changes are made to landmarked structures or those in landmarked districts.

Some of the proposed amendments simply codify practices which the Commission has already implemented to make procedures more uniform and transparent. They are practical in expanding the ability of staff to approve routine requests that heretofore have been subject to multiple time consuming steps including public review.

We are pleased to see that some of the proposed amendments anticipate the need to reduce obstacles to the energy improvements that will be needed in City buildings to comply with the Mayor's ambitious goals of reducing our carbon footprint and our energy consumption.

Once approved, the proposed amendments will enable renovation requests of a routine nature to proceed quickly through Landmarks and through DoB greatly benefitting our member cooperatives and condominiums and all of New York City

Thank you for this opportunity to support the proposed amendments.

Mary Ann Rothman
Executive Director
Rothman@CNYC.coop



Landmarks Preservation
Commission

1 Centre Street
9th Floor North
New York, NY 10007

212 669 7700 tel
212 669 7960 fax

PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 3 / 27 / 18 Item # _____

Item Address _____

☒

In favor of proposal

☐

Against proposal

☐

Other position

Isabelle Silverman

Name

257 Park Avenue South

Address

ED F

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

LPC Rules

If you need additional space, please attach sheets.



**Comments of Environmental Defense Fund
before the Landmarks Preservation Commission
On Proposed Amendments to the Landmarks Preservation Commission Rules**

March 27, 2018

Good morning, Chair Srinivasan, Commissioners and staff. My name is Isabelle Silverman and I am a Senior Fellow at Environmental Defense Fund (EDF).

EDF is a not-for-profit, non-partisan, international environmental organization with headquarters in New York City. With over two million members, more than 35,000 of which are New York City residents, we work to advance market-based policy to address the world's greatest environmental challenges.

EDF applauds the Commission and Staff for the proposed revisions to the LPC Rules. EDF's main interest in the proposed Rules is the reduction of greenhouse gas emissions by buildings wasting less energy and becoming more energy efficient. For example, high-performance (energy efficient) windows, windows that allow more daylight into the apartment reducing the need for electric lighting and allowing buildings to install heat pump units are all important parts of reducing energy usage in buildings.

While we understand that it is important to preserve historic buildings, these beautiful buildings will not do us any good if they are under water due to rising sea levels. We need all hands on deck to achieve the City's goal of 80% of greenhouse gas emission reduction by 2050.

The Landmarks Preservation Commission and these proposed rules play a crucial role in our City's quest to reduce greenhouse gas emissions dramatically over the next 30 years. Given that New York City buildings account for over 70% of the City's greenhouse gas emissions, we clearly need historic buildings to be part of the solution. EDF agrees with Urban Green Council's comments and wishes to emphasize the following:

1. This difference is not noticeable from the outside but reduces electricity usage and greenhouse gas emissions. See Figure 1 below showing two types of double-hung windows where one type (the apartment in the middle with blinds down) increases the glass surface area substantially.



Figure 1 showing side-by-side/adjacent double-hung windows where one apartment (the one with the blinds down) has a substantially increased glass surface area. Those wider double-hung windows (with a narrower vertical mullion) allow more daylight to enter the apartment and hence reduce electricity usage and greenhouse gas emissions. The wider double-hung windows should be required by the LPC, not the narrower ones.

2. Electric heat pumps are promising to achieve substantial greenhouse gas emission reductions by moving from fossil fuel heating to efficient electric heating. It is important that LPC Rules permit such units to be placed on rooftops or behind buildings even when fully visible from the street.
3. Similarly, solar panels should be permitted.
4. Individual Landmarks buildings should be permitted to replace their inefficient single-pane glass windows with double-pane glass windows without requiring a condition report showing that the windows are “deteriorated beyond reasonable repair.” As long as historic features are matched and look like the original windows even if they have a metal frame, it should be allowed. For example, replace wooden frames with metal frames to allow for efficient double-pane windows. This will not only reduce heating needs but also substantially increase resident comfort due to reduced street noise and eliminated drafts. It will also ease financial burden as metal frames are more weather resistant.
5. Exterior façade insulation plays an important role with deep energy retrofits that will be necessary to achieve the 80% greenhouse gas emission reductions. This should be permitted on a Staff-level approval for secondary facades.

Thank you for the opportunity to offer comment before the Commission today. We are available to answer any questions you might have.

Isabelle Silverman
(917) 445-6385



Landmarks Preservation
Commission

1 Centre Street
9th Floor North
New York, NY 10007

212 669 7700 tel
212 669 7960 fax

PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 3 / 27 / 18 Item # _____

Item Address _____

☒

In favor of proposal

☐

Against proposal

☐

Other position

May Yu
Name

1 MetroTech North site 1003
Address

Brooklyn NY

Downtown Brooklyn Partnership
Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.



Downtown Brooklyn Partnership
1 MetroTech Center North, Suite 1003
Brooklyn, NY 11201
www.downtownbrooklyn.com

March 27, 2018

Hon. Meenakshi Srinivasen
Chairperson
Landmarks Preservation Commission
1 Centre Street
New York, NY 1007

Dear Chair Srinivasen:

On behalf of the Downtown Brooklyn Partnership, I would like to voice our strong support for the Landmarks Preservation Commission's (LPC) Rules Amendments presented today.

As a not-for-profit economic development organization that serves as the primary champion for Downtown Brooklyn, we manage three Business Improvement Districts and work to improve the environment for new and existing businesses. As such, we advocate for policies that encourage property owners to improve and maintain landmarked buildings while reducing the regulatory burden of such investments.

We believe the proposed LPC rules amendments will provide both property owners and storefront merchants with greater transparency and efficiency in navigating the approval process for standard awning, signage, ramp and railing enhancements while easing the administrative burden for private applicants as well as LPC staff. These rules would establish clear guidelines for common storefront changes, such as window replacements, to facilitate property improvements without a lengthy or costly process.

We look forward to additional projects once the proposed rule amendments are in place, and applaud the LPC for reforming their process to encourage stewardship of our district's character.

Sincerely,

Regina Myer

A handwritten signature in cursive script, appearing to read "Regina Myer".

President
Downtown Brooklyn Partnership



Landmarks Preservation
Commission

1 Centre Street
9th Floor North
New York, NY 10007

212 669 7700 tel
212 669 7960 fax

PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 3 / 27 / 2018

Item # RL - Rule (Proposed Rule-Making)

Item Address Citywide

☒

In favor of proposal

☐

Against proposal

☐

Other position

Chris Halfnight
Name

55 Broad St, 9th Floor
Address

Urban Green Council
Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.



**Comments of Urban Green Council
Before the Landmarks Preservation Commission
On Proposed Amendments to the Landmarks Preservation Commission Rules**

March 27, 2018

Good morning, Chair Srinivasan, Commissioners and staff. My name is Chris Halfnight and I am Policy Manager at Urban Green Council, a green-building nonprofit whose mission is to transform NYC buildings for a sustainable future.

Urban Green applauds the Commission and Staff for the proposed revisions to the LPC Rules. Codifying existing practices and creating more streamlined processes will ease regulatory burden and costs for applicants citywide, while also ensuring continued preservation of the city's historic landmarks.

In particular, Urban Green strongly supports the proposed changes that will better integrate sustainability and preservation, which are sister ethics. Historic buildings represent sunk carbon and they typically have durable construction, moderate window area and inherent daylighting and cross-ventilation. Preserving historic buildings while improving their efficiency is often our best sustainability strategy.

To understand the importance of these proposed Rules, it's essential to note the policy context: New York City has committed to reducing greenhouse gas emissions 80% by 2050, with an interim target of 40 percent reductions by 2030. These are highly ambitious goals. The energy used in our buildings accounts for about 70 percent of citywide greenhouse gas emissions and historic buildings make up nearly 10% of the city's building square footage. Reaching the city's climate goals will require an unprecedented level of energy efficiency work in all buildings, including historic landmarks and in historic districts.

For this reason, we are very pleased that many of the proposed changes will facilitate energy efficiency and clean energy upgrades, including:

- Increased staff-level authority for window replacements will enable more upgrades for energy efficiency. It also makes sense given the ever-increasing options for windows that closely match historic details.
- Allowing owners to install insulated window AC panels without a permit will make it easier to reduce winter heat loss in the many NYC buildings without central cooling.
- Moderate adjustments to the visibility and dimensional requirements for mechanical equipment will make it easier to install high-performance HVAC equipment like mini-splits and heat and energy recovery ventilation units.

- We are particularly pleased to see the proposed change to allow Staff-level approval for the highly efficient simulated double-hung windows used in passive house construction.

We commend the Commission for these and other sustainability-oriented updates to the Rules. We also hope in the future the Commission will consider additional sustainability improvements, including:

- Developing more lenient standards for visibility of solar installations, in particular because higher solar canopies allow owners to install solar panels above fire department access routes and other rooftop equipment;
- Extending staff-level approval for window replacements without a condition assessment to individual landmarks above a set height, which could make it easier for building owners to upgrade inefficient single-pane glass to improve energy efficiency while otherwise matching historic features; and
- Allowing staff-level approval of exterior insulation on secondary façades in historic districts, as exterior insulation creates a uniform texture with minimal difference in wall plane and often represents the most feasible retrofit strategy for efficiency, cost and comfort.

In short, Urban Green urges the Commission to implement the proposed Rules as soon as possible. The proposed changes will help facilitate energy-saving retrofits while preserving publicly visible historic fabric.

Thank you for the opportunity to offer comment before the Commission. We are available to answer any questions you might have.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Halfnight', with a stylized, sweeping flourish extending to the right.

Christopher Halfnight
Policy Manager



Landmarks Preservation
Commission

1 Centre Street
9th Floor North
New York, NY 10007

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212 669 7960 fax

PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 03 / 27 / 18 Item # _____

Item Address _____



In favor of proposal



Against proposal



Other position

Michael /NGOI, BART /NGOI ARCH.
Name

20 Vesey St
Address

BART /NGOI ARCH.
Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.

26 March 2018

NYC Landmarks Preservation Commission
1 Centre Street
New York, NY 10007

Re: The City Administrative Procedure Act, Chapter 45 of the NYC Charter

To Whom It May Concern:

My name is Michael Ingui of Baxt Ingui Architects. Our firm has been practicing architecture and interior design for over 40 years and I have been with the firm for 23 years. Many of our projects are in landmark districts and many have gone through the public hearing process.

Although I am excited about a number of the proposed changes included in the proposed rule amendments, I would like to focus on two items in particular.

The first item is the ability to gain staff level approval for multiple additions, when appropriately designed. Many of the additions we have brought in front of the commissioners have been unanimously approved at the Commissioner level as well as at community boards both in Manhattan and Brooklyn. We have been asked several times why we have to go to public hearing for some of these additions by people in the community boards, and we have had to explain that it is due to the current rules used by LPC.

The second item that I would like to advocate is the approval of simulated double hung windows at staff level. I have regularly presented installed photos of the simulated double hung windows at Passive House conferences throughout the country with the heading, "Can you tell which one is a Passive House?" The answer is always, "No". Even standing closely in front of the houses you cannot tell the difference between the two when the windows are closed. We are currently required to go to public hearing and have always been unanimously approved. Allowing Passive House approved simulated double hung windows significantly increases the thermal performance and eliminates almost all street noise. These improvements increase the useful life of these beautiful, historic buildings with little to no change visibly from the street.

For both items mentioned above, the staff level has closely scrutinized the details and trim elements, and they have carefully compared what we are proposing to the existing or original features of the home. I expect this to continue to be the case, but, removing the requirement to go to public hearing, will save our clients, the commissioners, and the community a very meaningful amount of time and money. It will also mean that our future clients, as well as all owners and builders, will more strongly consider simulated double hung windows as an option. NYC Landmarks Preservation Commission can have a major impact on the city's progress towards improving energy efficiency as a whole.

Sincerely,



Michael Ingui
Baxt Ingui Architects, P.C.



Landmarks Preservation
Commission

1 Centre Street
9th Floor North
New York, NY 10007

212 669 7700 tel
212 669 7960 fax

PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 3 / 27 / 2018

Item # Rule Amendments

Item Address Proposed Rule Changes



In favor of proposal



Against proposal



Other position

Angeline Superable
Name

Address

ABNY
Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.



LETTER OF SUPPORT FROM THE ASSOCIATION FOR A BETTER NEW YORK SUBMITTED TO THE LANDMARKS PRESERVATION COMMISSION

By Angelene Superable

March 27, 2018

The Association for a Better New York (ABNY) is a 47-year old civic organization that promotes the effective cooperation of public and private sectors to improve the quality of life for all New Yorkers. Thank you for the opportunity to submit this letter in support of the proposed amendments to the rules of the Landmarks Preservation Commission (LPC).

The designation of landmarks is a process that is critical to preserving and maintaining the character of New York City. While the City should continue to seek landmark designations that protect buildings of significant historic value, we applaud the LPC for simultaneously seeking reforms to regulations that may impede a building's ability to manage, operate, repair, and renovate. The LPC has shown through their recently proposed amendments that it aims to maintain a balance between preserving historical elements of our city and promoting efficient maintenance of such structures. If the Commission's amendments are effected, the LPC would be able to allocate their limited time and resources to the increasingly complex applications they receive.

By streamlining the landmarking process and updating regulation, the LPC is encouraging construction work, many of which will bring buildings more in line with current building code requirements and ultimately improving upon the health, safety, accessibility, resiliency, and sustainability of our city's landmarks.

We support the LPC for undertaking this effort to modernize and streamline the landmark designation and maintenance processes. It is clear that the LPC is dedicated to protecting the integrity of the structures that give New York City its character and making our city a more vibrant place to live, work, and visit.



Landmarks Preservation
Commission

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New York, NY 10007

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 3 / 27 / 18 Item # _____

Item Address _____

☒

In favor of proposal

☐

Against proposal

☐

Other position

AMY FAILLA

Name

20 Vesey St Ste 900

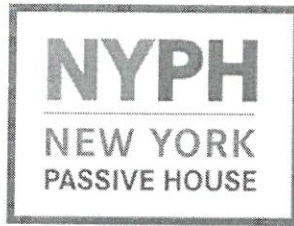
Address

NEW YORK PASSIVETHOUSE

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.



MEMORANDUM IN SUPPORT OF

**Landmarks Preservation Commission
On Proposed Amendments to the Landmarks Preservation Commission Rules**

New York Passive House Inc. (NYPH) is an organization of design, construction and associated professionals for the promotion and advocacy of a healthy, comfortable and energy efficient built environment through implementation of the international Passive House Standard.

NYPH strongly urges the Landmarks Preservation Commission to implement the proposed revisions to the LPC Rules. Simplifying the approval process will preserve our historic landmarks, while contributing to New York City committed goal to reducing greenhouse gas reduction of 80% by 2050.

Historic buildings and historic districts represent a long-term carbon challenge and require increased attention to building enclosure construction and the installation of insulation, airtightness, thermal bridge free construction and high-performance windows. NYPH strongly supports the proposed changes to improve energy efficiency and clean energy upgrades to historic landmarks, especially:

1. Increased staff-level authority for window replacements. NYC has already many high quality and high-performance window options and executed landmark retrofits to demonstrate compliance.
2. We strongly support the proposed change to allow Staff-level approval for the highly efficient simulated double-hung windows used in passive house construction.
3. We endorse to adjustments to the visibility requirements for mechanical equipment which will facilitate high-performance HVAC equipment such as heat pump systems and fresh air energy recovery ventilation units.

NYPH strongly urges the Landmarks Preservation Commission to implement the proposed Rules immediately. Improved energy efficiency is the most important measure to preserve our historic landmarks and make our historic buildings resilient and for the future.

Sincerely,

Andreas Benzing
President, New York Passive House

Jack Freeman
39-27 46th Street
Sunnyside, NY 11104
Tel. (718)786-0314

March 26, 2018

Hon. Meenakshi Srinivasan, Chair
NYC Landmarks Preservation Commission
1 Centre Street, 9th Floor North,
New York, NY 10007

RE: Proposed New Rules and Amendments to Some of Its Existing Rules in Title
63 of the Rules of The City Of New York.

Chair Srinivasan:

Although I am unable to attend the Public Hearing on March 27, 2018 regarding the above referenced matter, I felt it was important to provide some comment on the NYC Landmarks Preservation Commission (LPC) proposed new rules and amendments to existing rules in Title 63 of the Rules of The City Of New York. As a former LPC Commissioner and resident of the Sunnyside Gardens Historic District, I think that I have some qualifications to do so.

The goals that LPC seeks to achieve through the changes in the amended Rules are important and necessary. As the extent and importance of designation of individual buildings and districts within NYC has increased, since the establishment of the LPC in 1965, so have the administrative demands on the agency and its administrative experience. It is easy to see how necessary it is for the LPC to adjust its procedures to reflect these increasing burdens and provide better procedures which are informed by its over 50 years of experience.

The task is daunting, as change is often seen as the antitheses of and a threat to preservation. This is not the case here. Review of practices for consideration of LPC Applications should be undertaken periodically so that unnecessary complexity can be reduced, administrative procedures streamlined, and the likelihood of good preservation outcomes improved.

Although there is always room for further discussion on specific proposed items, for which the preservation community can be expected to have strong opinions, I think that the LPC has taken a strong step in the right direction to address the types of changes needed. These are, as stated in your presentation:

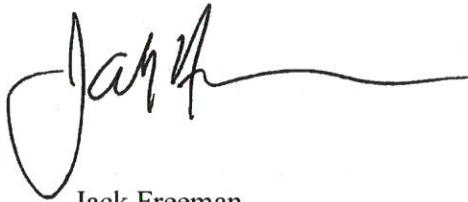
- Reorganizing the rules in Chapter 2, including consolidation of some existing rules, to make them more intuitive, practical and user-friendly;

- Codification of Staff Practices, including amending existing rules and adding new ones to reflect longstanding practices of the LPC Staff and codifying criteria used as the basis for LPC Staff approvals with some refinements;
- Delegating some Commission determinations to Staff, which would authorize the LPC Staff to approve a variety of work-types that are consistently approved by the Commission pursuant to stated and defined criteria; and
- Revising some administrative criteria for expedited CNEs and permit duration, renewal and revocation.

To make this effort successful, it is important for LPC to try and integrate constructive commentary into the final Rules and Amendments and provide a means for ongoing discussion as the new Rules and Amendments are implemented.

Please feel free to contact me if you have any questions or feel that I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jack', followed by a long horizontal flourish line.

Jack Freeman



Honorable Meenakshi Srinivasan
Chair
New York City Landmarks Preservation Commission
David N. Dinkins Municipal Building
1 Centre Street, 9th Floor North
New York, NY 10007

March 23, 2018

Statement in support of proposed rule change:

I am writing to express my support for the proposed LPC Rules Amendments. As an architect with an active practice in New York City, I have had many interactions with the LPC commission and staff going back several decades. During this time the number of properties under LPC jurisdiction has grown enormously. However, the staff, and resources available to administer this vast responsibility has barely changed.

The level of professionalism these individuals exhibit is exemplary. However, owners, architects, and other interested parties are often frustrated by the process of interacting with the commission simply because the process is so complex and the agency resources are insufficient for the task.

It is therefore welcome news that these new rules are being proposed. The rules are intended to codify practices, making outcomes more predictable. In addition certain types of application will be delegated to staff, allowing the commissioners to more appropriately focus their attention on the more substantial types of applications.

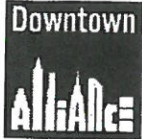
A majority of these rule changes are directed at the more or less routine and mundane types of applications involving private houses, storefronts, signage, and similar matters. This will be a great benefit to small property owners who are unable to dedicate the time and resources necessary to navigate a full public hearing.

In addition, criteria for barrier free access and flood resiliency are being updated and codified and new materials and technologies embraced where appropriate. These changes are common sense measures and are long overdue. The staff and chair of the LPC are to be commended for the thoughtful preparation and outreach that has been made to bring these into effect.

I fully endorse these changes.

Respectfully,

David West, FAIA
Hill West Architects
11 Broadway 17th Floor
New York, NY 10004
(212) 213-8007



Alliance for Downtown New York, Inc.
120 Broadway, Suite 3340
New York, NY 10271
212.566.6700
DowntownNY.com

March 20, 2018

Hon. Meenakshi Srinivasen
Chairperson
Landmarks Preservation Commission
1 Centre Street
New York, NY 10007

Dear Chair Srinivasen:

I am writing on behalf of the Alliance for Downtown New York to express our support for the proposed amendments to the Landmarks Preservation Commission's (LPC) rules being considered today. These common sense changes will make it easier for property owners to appropriately maintain landmarked buildings while protecting the important historic nature of these properties.

The proposed rule changes will streamline the approval process for smaller projects, such as the installation of ramps and railings to facilitate barrier free access to buildings. I am particularly glad to see the Commission address the concerns of storefront businesses. Allowing Commission staff to approve certain awning and signage types will reduce the regulatory burden faced by many small business owners and is a welcome reform.

Allowing this sort of work to proceed with a staff review as opposed to time consuming full commission reviews will ultimately lessen the burden on staff, while promoting appropriate stewardship of the city's historic buildings. I applaud the Commission's efforts in this area and look forward to continuing to work with LPC to protect the landmark buildings of Lower Manhattan

Sincerely,

A handwritten signature in black ink, appearing to read "Jessica Lappin".

Jessica Lappin

HUNTER

The City University of New York

Jennifer J. Raab, President

March 26, 2018

The Honorable Meenakshi Srinivasan
Chair
New York City Landmarks Preservation Commission
Municipal Building
One Centre Street, 9th Floor North
New York, NY 10007

Dear Commissioner Srinivasan:

Thank you for the opportunity to comment on the proposed rules and amendments to Title 63 currently being considered for adoption by the Commission. I commend the efforts of both the Commission and staff to bring greater transparency, efficiency and certainty to the review process.

As someone who had the privilege to Chair the LPC, I very much support the new proposed rules and amendments and your goal of more efficient regulation. With more than 36,000 landmarked properties throughout the five boroughs and a robust real estate market, the demands on the Commission are greater than ever. The proposed rules aim to address this increase in applications while maintaining the Commission's high standards of review. Delegating authority to approve work that is already regularly approved by the Commission in public hearings will allow Commission members more time to consider new construction, new designations and important policy issues. I believe that greater compliance with the Landmarks Law will result from this clearer and more streamlined process.

In addition to making LPC's rules more intuitive and user-friendly, the proposed changes provide much needed context upon which staff can base their decisions. For example, the rules regarding approval of rooftop and rear-yard additions benefit greatly from more detailed consideration of issues like building height, distance, angle of visibility and relation to significant architectural features. I also commend you for allowing property owners to retain the right to seek a Certificate of Appropriateness through a Public Hearing should they disagree with staff findings. This provision should ensure that all property owners are confident about the fairness of the process.

As a former member of Manhattan's Community Board 5 and a homeowner in an historic district, I understand the concerns regarding the reduced role of the Community Boards and other external groups in the review process. I know you have considered these concerns and that you plan to continue your dialogue with the preservation and community boards about advisory input as you streamline the process. Your commitment to use technology to expand virtual access to the decision making process is one creative approach to addressing these concerns.

Again, thank you for this opportunity to comment on this proposal to enhance the work of the LPC and for your hard work on behalf of New York City and our historical resources.

Sincerely,



Jennifer J. Raab

NEW YORK CITY BAR

COMMITTEE ON LAND USE PLANNING AND ZONING

March 23, 2018

DAVID KARNOVSKY
CHAIR
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ted.clement@friedfrank.com

Hon. Meenakshi Srinivasan, Chair
New York City Landmarks Preservation Commission
1 Centre Street, 9th Floor North
New York, NY 10007

Re: Statement in Support of Proposed LPC Rules Amendments

Dear Chair Srinivasan:

The New York City Bar Association ("City Bar"), through the Committee on Land Use Planning & Zoning (the "LUPZ Committee"), is writing to express its support for the proposed Landmarks Preservation Commission ("LPC" or the "Commission") rules amendments to Chapters 2, 5, 7 and 11 of Title 63 of the Rules of the City of New York (the "RCNY").

LPC has proposed new rules and amendments to existing rules, primarily in RCNY Chapter 2, which is proposed to be re-titled "Approval of Proposed Work on Designated Buildings and Structures." The rules in Chapter 2 would be re-organized, and rules in the existing Chapter 3 regarding repair and replacement of windows would be amended and moved into Chapter 2. Amendments are also proposed for Chapters 5 (Historic Preservation Grant Program), 7 (proposed to be re-titled Permit Duration, Renewal and Revocation), and 11 (Administrative Enforcement).

We understand that the general goals of the proposed LPC rules amendments are to make the rules more intuitive, practical and user-friendly; codify longstanding LPC staff practices and criteria; authorize LPC staff to approve certain types of work without public hearing; and revise criteria for Expedited Certificates of No Effect and permit duration, renewal and revocation. As

practitioners who regularly appear before LPC, our experience has been that the matters proposed by the rules amendments to be delegated to LPC staff are (1) subject to clearly defined guidelines/standards and (2) have been consistently approved by LPC. Under the proposed rules, the guidelines and standards for such delegated staff approvals will be even more clearly defined, thereby ensuring that such matters may be approved at the staff level without compromising the integrity of the landmark approval process. There is no need for owners to incur the additional time and cost of a public hearing when such matters are so routine as to be ministerial in nature.

The LUPZ Committee commends LPC for taking this significant step towards streamlining the approval process for work on designated properties. As you know, there are over 36,000 designated properties in the City of New York, and the LPC approval process can sometimes be a burden on property owners and businesses seeking to do repairs or alteration work on designated buildings. We support the proposed rule amendments because they have the potential, if implemented, to save time and decrease costs for property owners and businesses seeking routine approvals from LPC, which would in turn likely ensure that more work done on designated properties is performed in compliance with the Landmarks Law.

The LUPZ Committee agrees that LPC can achieve greater efficiency through delegation to staff approval of certain routine matters, while maintaining its mandate to protect New York City's architecturally, historically, and culturally significant buildings and sites. The anticipated reduction in items on the public hearing calendar resulting from these changes would allow the Commission to focus its attention and resources on more consequential matters, while similarly reducing approval time for these matters. We further commend LPC for the amendments that modernize the rules to address accessibility, energy equipment, and flood resiliency measures.

Thank you for the opportunity to comment on the proposed LPC rule amendments.

Respectfully,



David Karnovsky
Chair, Committee on Land Use Planning & Zoning
Contact: david.karnovsky@friedfrank.com



Nora Martins
Chair, Subcommittee on the Landmarks
Preservation Commission, Committee on Land Use
Planning & Zoning
Contact: nora.martins@akerman.com



Frank Chaney
Subcommittee on the Landmarks Preservation
Commission, Committee on Land Use Planning &
Zoning
Contact: fchaney@rosenbergestis.com



Frank St. Jacques
Subcommittee on the Landmarks Preservation
Commission, Committee on Land Use Planning &
Zoning
Contact: frank.stjacques@akerman.com

cc: Sarah Carroll, Executive Director, Landmarks Preservation Commission
Mark A. Silberman, General Counsel, Landmarks Preservation Commission
John Weiss, Deputy Counsel, Landmarks Preservation Commission
Lisa Kersavage, Director of Special Projects and Strategic Planning, Landmarks
Preservation Commission



160 West 71st Street, 2F
New York, NY 10023

T: 212.874.0300
F: 212.724.4163
www.projectfind.org

March 26, 2018

NYC Rules
Landmarks Preservation Commission
Municipal Building
One Center Street, 9th Floor
New York, NY 10007

RE: NYC Rules Support Letter

Dear LPC:

As an owner of publically assisted and regulated affordable housing in a historic district I am writing to **voice my agency's support for the proposed rule changes**, which will localize decision making over many of the multiple and predicable interventions building owners must undertake at the LPC staff level, where experience and knowledge of precedents resides. **These changes will eliminate uncertainty and facilitate the speed at which improvements and upgrades can proceed, thus reducing the overall cost.**

Hamilton House at 141 West 73rd Street and Hargrave House at 111 West 71st Street contain nearly 300 apartments for persons 62 and older earning less than 80% Area Median Income. Located in Community Board 7 Hargrave and Hamilton, which while a century old are not of particular note architecturally. Their age makes their upkeep both a constant project and a guarantee that the codes that governed their construction have long since been superseded by standards more appropriate to our times. As a property owner, we are under a variety of mandated and aspirational local laws governing ADA compliance, energy conservation and efficiency, and façade maintenance that are work enough by themselves without introducing at the very front end of these interventions uncertainties stemming from Landmark review.

At Hamilton and Hargrave we have replaced 100% of the 1,000+ windows, introduced new awnings and signage, modified entranceways to enhance ease of accessibility, in addition to constant and expensive local law 11 work. For example we have spent over \$800,000 for LL11 since 2016 and anticipate another \$300,000 in 2018. I mention these LL11 expenses because it speaks to the competing budgetary demands we face in buildings where the average monthly rent is under \$1,200.

The City of NY has established an aggressive target to reduce Greenhouse Gas emissions by 80% by 2050. To help fulfill this important goal Project FIND has teamed up with Solar One and Joint

Ownership Entity of NY to finance and install solar panels on the roofs of Hamilton and Hargrave, with a combined capacity of generating 50 kilowatts of clean power. In order to accommodate future roof replacement and an extant hydroponic farm at Hargrave House, we will need to install the solar panels on a raised canopy. An expeditious review at Landmarks would greatly facilitate the realization of this project.

I think that the proposed rules amendments strikes a fair balance in promoting transparency and efficiency with that of preservation. And for these reasons I encourage that they be adopted.



Sincerely,

David Gillcrist
Executive Director

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Proposed Amendments to the Landmarks Preservation Commission Rules

March 27, 2018

The New York Building Congress is a membership coalition composed of more than 550 constituent organizations in the design, construction and real estate industry, employing over 300,000 tradespeople and professionals in the New York region. We would like to submit our support of the proposed amendments to the Landmarks Preservation Commission (LPC) rules.

We applaud LPC on the proposed amendments as they will streamline the process for all stakeholders and create more transparency by authorizing LPC staff to approve a variety of work-types that are consistently approved by the Commission. The proposed amendments will lessen the burden on the Commission's limited staff and volunteers and allow the LPC to devote more energy to evaluate which buildings warrant landmark designations.

The proposed amendments are practical and necessary. For example, extending the number of days a temporary sign may be installed from 60 to 180 days will reduce unnecessary paperwork and time devoted by all parties in preparing and reviewing these extensions. Other amendments such as barrier-free access will clarify the types of access ramps and modification that may be approved at staff level.

As more properties are designed and come under the jurisdiction of LPC, it is imperative that LPC systematize regularly approved modifications and work-types to reduce the number of applications that receive a costly, time-consuming public review.

The Building Congress supports and welcomes the proposed amendments which will greatly reduce the burden placed on applicants and introduce much-needed efficiency to the agency.

CONTACT:

Justin Pascone
Director, Policy and Research
New York Building Congress
(212) 481-9230
jpascone@buildingcongress.com



March 26, 2018

RE: Testimony in Support of Proposed Amendments to the Landmarks Preservation Commission Rules

Dear Chair Srinivasan and Members of the Landmarks Preservation Commission:

In 2000, we had the opportunity to work with the LPC on the creation of the Madison Avenue Storefronts Master Plan. Since the establishment of the plan and storefront guidelines, we have found that it has given property owners and retailers a clear understanding about how contemporary design can best accommodate historic architectural fabric, leading to greater certainty when applying for permits to renovate storefronts in the district. As with the proposed rule changes, property owners adhering to what is prescribed in the Madison Avenue guidelines / master plan can be approved at the staff level, which has resulted in the preservation of Madison Avenue's human-scale and distinctive streetscape, without impeding investment due to uncertainties as to what would be permitted by your agency.

The Madison Avenue BID applauds efforts to create greater transparency for applicants regarding what preservation elements the LPC is looking for when reviewing storefront renovation applications; and greater certainty that if those mandates are indeed followed, approval shall be forthcoming. Given the many challenges that brick and mortar businesses must endure to remain prosperous, it is heartening to know that the LPC is providing a clear prescription as to how applicants can fulfill their responsibilities to their landmarked buildings, and a defined path for expeditious approval for those adhering to those directives.

Cordially yours,

Matthew Bauer, PhD
President
Madison Avenue Business Improvement District (BID)
29 East 61 Street, 3rd Floor
New York, NY 10065



Landmarks Preservation
Commission

1 Centre Street
9th Floor North
New York, NY 10007

212 669 7700 tel
212 669 7960 fax

PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 03 / 27 / 2018 Item # RL- Rule

Item Address _____

☒

In favor of proposal

☐

Against proposal

☐

Other position

Suzanne Mees

Name

536 La Guardia Place, NY, NY 10012

Address

American Institute of Architects New York Chapter

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.



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New York

The American Institute of Architects

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Hon. Chair Srinivasan
Chair, NYC Landmarks Preservation Commission
One Centre Street, 9th Floor
New York, NY 10007

Dear Chair Srinivasan, Commissioners,

AIA New York (AIANY) is testifying today regarding the proposed additions and amendments to portions of Title 63 of the Rules of the City of New York, which govern the work of the Landmarks Preservation Commission (LPC).

AIANY was proud to be part of the review process from the beginning, hosting sessions at the Center for Architecture to discuss potential rules changes. AIANY also had the honor to host a presentation by Chair Srinivasan on March 2nd of this year. She informed our membership and the general public of the proposed changes to the Rules, and their potential impact on historic preservation issues in general and the professional practice in particular.

We are here today, representing our membership, to show our support for approval of these proposed rule changes.

The Commission is responsible for protecting New York City's architecturally, historically, and culturally significant buildings and sites. The task of regulating proposed changes to these buildings and sites after designation will always be complex, and requires an efficient, fair and transparent application of the rules governing such proposed changes. We support the notion that, from time to time, these rules must be amended to make them more intuitive and practical for architects and owners, and to improve governmental transparency and efficiency.

The technical changes proposed to the Rules will codify in writing current best practices for preservation as established and consistently approved by the Commission, thus improving the clarity and transparency of the review criteria for architects advising building owners seeking to make improvements to their designated properties. The changes will also update the Rules to reflect coordination with other city-wide initiatives and mandates, including barrier free access, energy codes, and resiliency. These are practical changes that will reduce conflict between preservation goals and other contemporary design and construction regulations.

Proposed administrative changes to the Rules include the authorization of LPC staff to work with architects and building owners to apply standards consistently and to approve an expanded variety of work-types that comply with the established review criteria noted above. This will greatly improve the efficiency of the review and approval process for many architects and building owners, who will be more encouraged to maintain and upgrade their historically-significant properties in a manner consistent with best practices for preservation.

The proposed changes to the Rules will therefore reduce the number of applications that require a public hearing in order to obtain a certificate of appropriateness – a process that can often be expensive, time-consuming, and complicated. As a result, the quality and efficiency of the Commission's public hearing process will also improve, as deliberations by the Commissioners will focus on complicated preservation projects with subjective design considerations or innovative technical solutions that do not readily conform to the previously-established criteria of the Commission. Making this public discourse about the appropriateness of challenging preservation projects as robust and transparent as possible must always be a priority of the Commission, and will be a benefit to architects, their clients, and concerned citizens advocating for thoughtful stewardship of the built environment across New York City.

In conclusion, we urge the Commission to implement the proposed changes to Title 63 of the Rules of the City of New York immediately. Not doing so would be detrimental to preservation and a disservice to the architectural community.

Sincerely,

Suzanne Mecas

Managing Director, AIA New York



Landmarks Preservation
Commission

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date March / 27 / 2018 Item # Rules # 1

Item Address Proposed Rules

☒

In favor of proposal

☐

Against proposal

☐

Other position

Barbara Adler

Name

180 West 80th St. Suite 210, NY, NY 10024

Address

Columbus Avenue BID

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.



180 West 80th Street, Suite 210, New York, NY 10024 | 212 877-2678 | barbara@columbusavenuebid.org
www.columbusavenuebid.org www.tasteuws.com

The Columbus Avenue Business Improvement District (BID), located between West 67th Street and West 82nd Street, is located wholly within the Central Park West Historic District, having been designated in 1982.

Over the years, the extraordinary work the Landmarks Preservation Commission has done to preserve many districts like ours, which counts the American Museum of Natural History among its 30 blockfronts of modestly-scaled late 19th and early 20th century buildings, is something of a miracle. Our humble Columbus Avenue, which started out as low-rise multiple dwellings with shops on the ground floor catering to the needs of the tonier residents on the side streets and Central Park West, today has become one of the leading shopping and dining destinations, in high contrast to contemporary Lincoln Square, just to our south and contiguous with our BID.

Despite all the efforts of the LPC, being located in one of the protected districts is not without some challenges. Although we enthusiastically support LPC's new guidelines to shorten the regulatory process, including giving staff jurisdiction for routine matters that were formerly left to a full commission review, with the current staff loads it can still take far too long for many applicants, and we hear that sometimes months go by before LPC staff responds, frustrating many applicants. Our hope is that along with designating staff to certain matters, you plan to also increase their numbers, set guidelines for responses, and make staff members' contact information available to the applicant. We recently had a shop open and close, all while still waiting for LPC approval of their storefront signage. A dedicated committee for signage and retail storefront issues would be a great idea, as this is where most small businesses experience the most issues.

Another big frustration for owners and lessees alike concerns barrier-free access, now law for over 25 years. There remain numerous commercial storefronts that cannot easily or affordably make themselves ADA compliant. In many instances, there appears to be a Catch 22, where LPC, ADA, and DOB are at odds with one another. For instance, sometimes a ramp isn't an option, due to there being a narrow storefront with a large step or two up to the entrance. ADA requires one foot of ramp for every inch up, but to modify the sidewalk to slope up adequately often cannot be done within the span of pavers available to the landlord or lessee. The costs to continue the slope up by modifying the interior space to contain the slope inside is often a hardship, unattractive and unaffordable.

As a result of these sometimes onerous rules, we have had several of our shopkeepers slapped with lawsuits, costing them on average \$20,000 - \$30,000. Of note is that the fine given out routinely by often spurious lawsuits is not to ameliorate the ADA issue, but rather to get a hefty settlement for the law firm. A very longtime deli went out of business after being sued for \$30,000. He claimed that LPC had told him he could not ramp his storefront with two steps up.

In summation, we are very happy that you're rewriting your rules to streamline the process. We just wanted to make you aware of some of the hurdles and frustrations our landlords and merchants have experienced.

Barbara Adler,
Executive Director



1 Centre Street
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212 669 7960 fax

PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 3 / 27 / 18 Item # 1

Item Address Rules

☒

In favor of proposal

☐

Against proposal

☐

Other position

Valerie Campbell

Name

Kramer Levin

Address

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

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Valerie Campbell- 3/25/18 Testimony on LPC Rules

Good Morning. My name is Valerie Campbell and I am a partner at Kramer Levin Naftalis and Frankel LLP. While most of the current Commissioners know me from my representation of applicants, I also served as General Counsel to the Landmarks Preservation Commission before Mark Silberman assumed this position in 1999. In both roles, I have relied heavily on the Rules promulgated by the Commission. However, it is critical that the Rules evolve to reflect current and established practice and to address a wider range of applications. As the number of properties under the Commission's jurisdiction increases so does the number of applications- last year over 13,500 applications were received.

From a practical standpoint, it is essential that the Commission has the ability to process routine applications at staff level. Applications that require full Commission review at a public hearing are costly in terms of both time and money. It is not reasonable to expect a home owner or small retail establishment to spend three to six months getting a landmarks permit for a routine or ordinary alteration application but this is what is required if an applicant cannot qualify for a staff level permit. It is also in the public interest not to waste Commissioner time on routine applications since, with the exception of the Chair, Commissioners are unpaid.

As a land use attorney, I always advise my clients to investigate the possibility of getting a staff level permit. However, I have an advantage because I am familiar enough with the Rules to know how they are applied given current Commission practice and approvals. An applicant who is not regularly before the Commission and who relies on the current Rules as written will likely waste time in developing his or her proposal and may end up at a unnecessary Public Hearing.

The proposed revisions to the Rules will level the playing field and make permit regulation more transparent and fair. The improvements in the organization of the Rules will make it easier for applicants to locate the regulations applicable to their proposed alteration. The new sections on Excavation, Barrier Free Access and Health, Safety and Utility Equipment will provide essential guidance for applicants with respect to alterations that are required to conform to other applicable law or to facilitate an expansion. The revisions to the permit renewal and temporary installation rules are reasonable and easier for applicants and for Commission staff to administer.

The Commission staff devoted a lot of effort and careful consideration in developing the proposed amendments to the Rules. This is the first comprehensive reworking of the Landmark Rules and it is long overdue. The proposed revisions support historic preservation and will result in better and fairer regulation for all applicants. I urge the Commission to adopt the revised Rules.



Landmarks Preservation
Commission

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Date _____ / _____ / _____ Item # _____

Item Address Riley



In favor of proposal



Against proposal



Other position

Joseph Rosenberg
Name

80 Maiden Lane
Address

Catholic Comm. Relations, Council
Representing

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If you need additional space, please attach sheets.

CATHOLIC COMMUNITY RELATIONS COUNCIL

80 Maiden Lane, 13th Floor, New York, New York 10038

**Testimony of Joseph Rosenberg, Executive Director,
Catholic Community Relations Council
Proposed Amendments to the Landmarks Preservation Commission Rules
March 27, 2018**

Good morning, Chair Srinivasan and members of the Landmarks Preservation Commission ("LPC"). I am Joseph Rosenberg, Director of the Catholic Community Relations Council ("CCRC"), representing the Archdiocese of New York and the Diocese of Brooklyn on local legislative and policy issues. I am here in support of the proposed amendments to the Landmarks Preservation Commission ("LPC") Rules.

The Catholic Church owns over 145 landmarked structures and buildings located within historic districts in New York City, which is more than any other property owner. Accordingly, many of LPC's statutes and rules have a significant impact on us.

We strongly support the goals of historic preservation and recognize the unique character of many houses of worship. That includes taking pride in the carved stonework, statues and stained glass found in so many of our churches and working to preserve and restore them. At the same time, we are always cognizant of the financial strains on the Church caused by landmarking these properties. The financial burdens required to comply with the stringent requirements of landmarking are well known. The use of costly materials and consultants together with lengthy approvals, are required in order to make even routine improvements to these buildings.

The proposed rules contain many items that would streamline the process of restoring and maintaining landmarks. It would allow agency staff to review and approve items that are consistently approved by the Landmarks Preservation Commission. The Commission would become more efficient by ensuring that applicants do not have to go through the Certificate of Appropriateness public hearing process for standardized work that the Commission regularly approves. The rules would also simplify the process to acquire as of right permit renewals, reinstate expired permits and offer an expedited Certificate of No Effect. These last three provisions would go far in ensuring that LPC approved work can continue without administrative delays that financially burden landmark owners. Creating an efficient system that allows important and careful work to proceed is certainly a policy that can and should be embraced by everyone in our City.

The proposed rules streamline the approval of substitute materials. This important reform, acknowledges that certain treatments and materials used for decades to restore landmarks should not be the exclusive means to renovate landmarked buildings solely because they were the only options available in decades past. In many instances substitute materials are not only more economical for the owner and safer for the public, but also visually identical and longer lasting than original materials. We especially support codifying practices to incorporate existing staff criteria allowing for the repair, restoration and replacement of secondary facades and utilizing substitute materials such as fiber cement to replace wood. The rules also acknowledge the

appropriateness of using “synthetic slate and other substitute roofing materials to replace historic roofing if indiscernible due to height or discreet presence.” This would be helpful to us in determining the appropriate means to preserve and reconstruct the slate roofs of churches while having the option to use stronger, more affordable, but visually similar synthetic materials.

These are just several of the many proposed reforms that are strongly supported by us. It is clear that these rules will help make the landmarking process and compliance requirements more up to date, streamlined and efficient.

Accordingly we urge that these rules be adopted.



Landmarks Preservation
Commission

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Date 3 / 27 / 18 Item # R1-Rule

Item Address N/A

☒

In favor of proposal

☐

Against proposal

☐

Other position

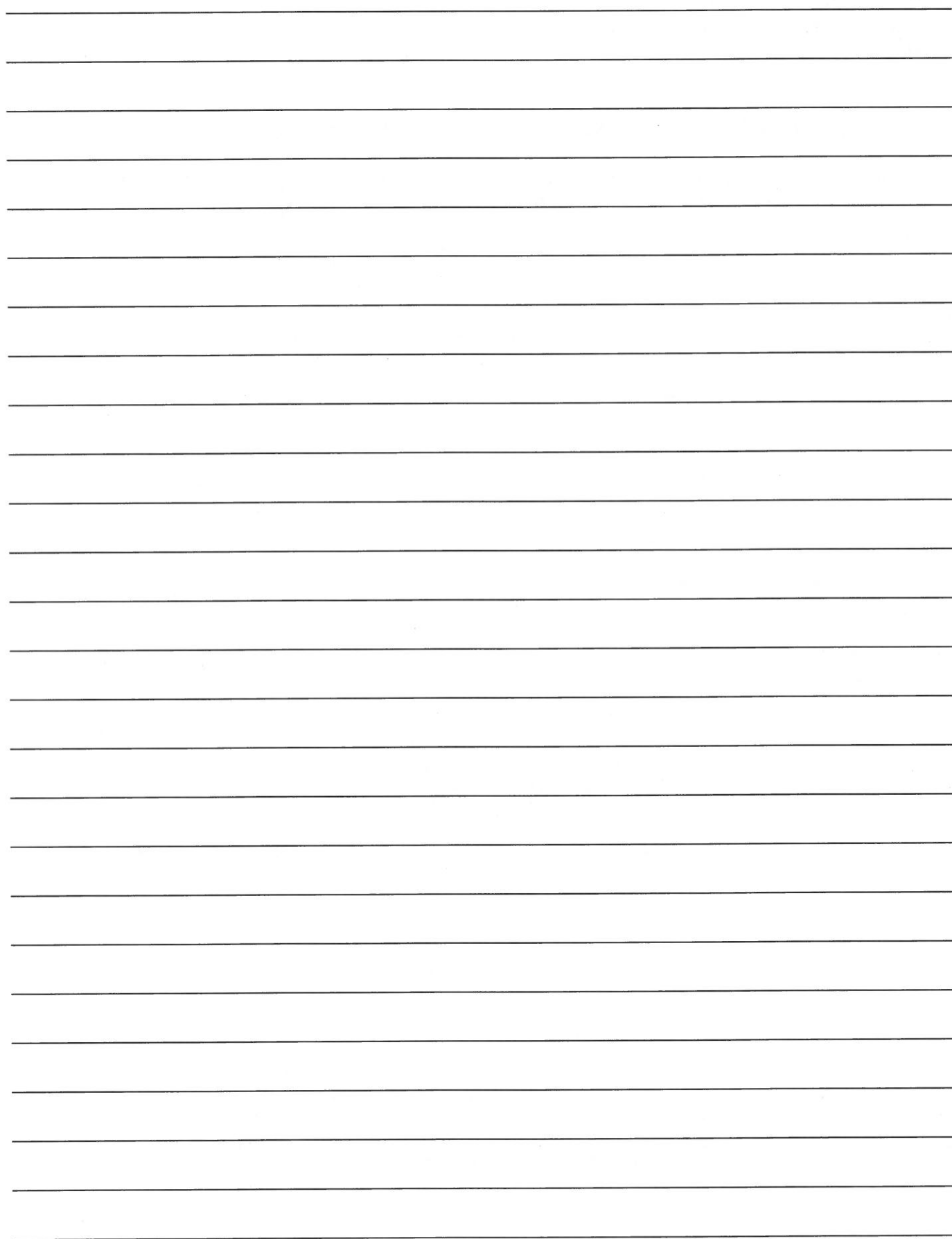
Laura Rothrock
Name

28 W 44th Street, NY NY
Address

New York coalition of Code Consultants
Representing

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Landmarks Preservation
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Date 3 / 27 / 17 Item # _____

Item Address BL-Rule Making

☒

In favor of proposal

☐

Against proposal

☐

Other position

Michael N. Meola

Name

3921 47th Street, Sunnyside, NY 11104

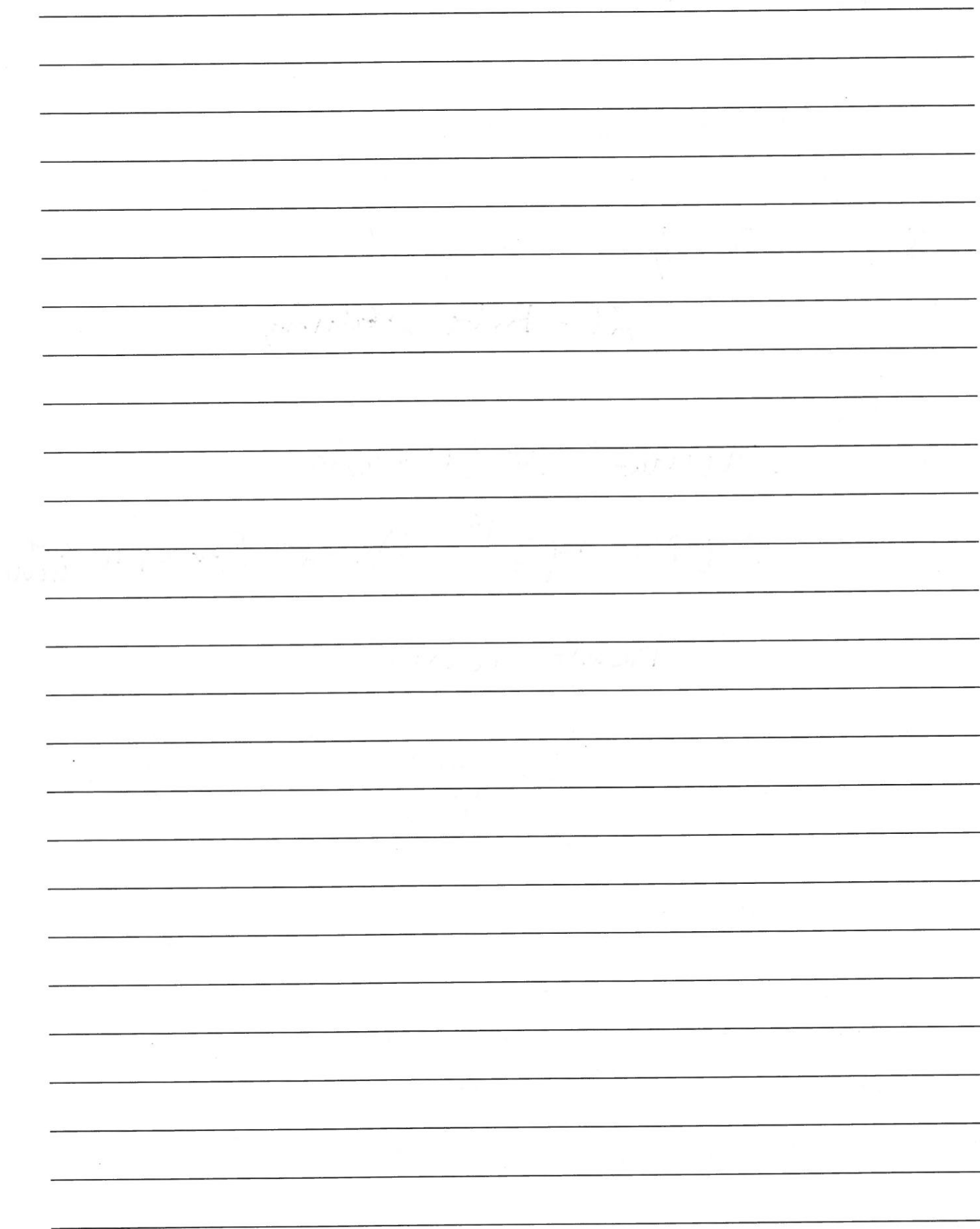
Address

home owner

Representing

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Commission

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Date 3 / 27 / 2018 Item # _____

Item Address Rules Modifications

☒

In favor of proposal

☐

Against proposal

☐

Other position

SHERIDA PAULSEN

Name

PKSB ARCHITECTS 330 W 42ND ST NYC

Address

SELF

Representing

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statement to be emailed

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Landmarks Preservation
Commission

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Date 3, 27, 2018 Item # Rules

Item Address _____

☒

In favor of proposal

☐

Against proposal

☐

Other position

BOB TIERNEY

Name

125 W. 12th

NYC

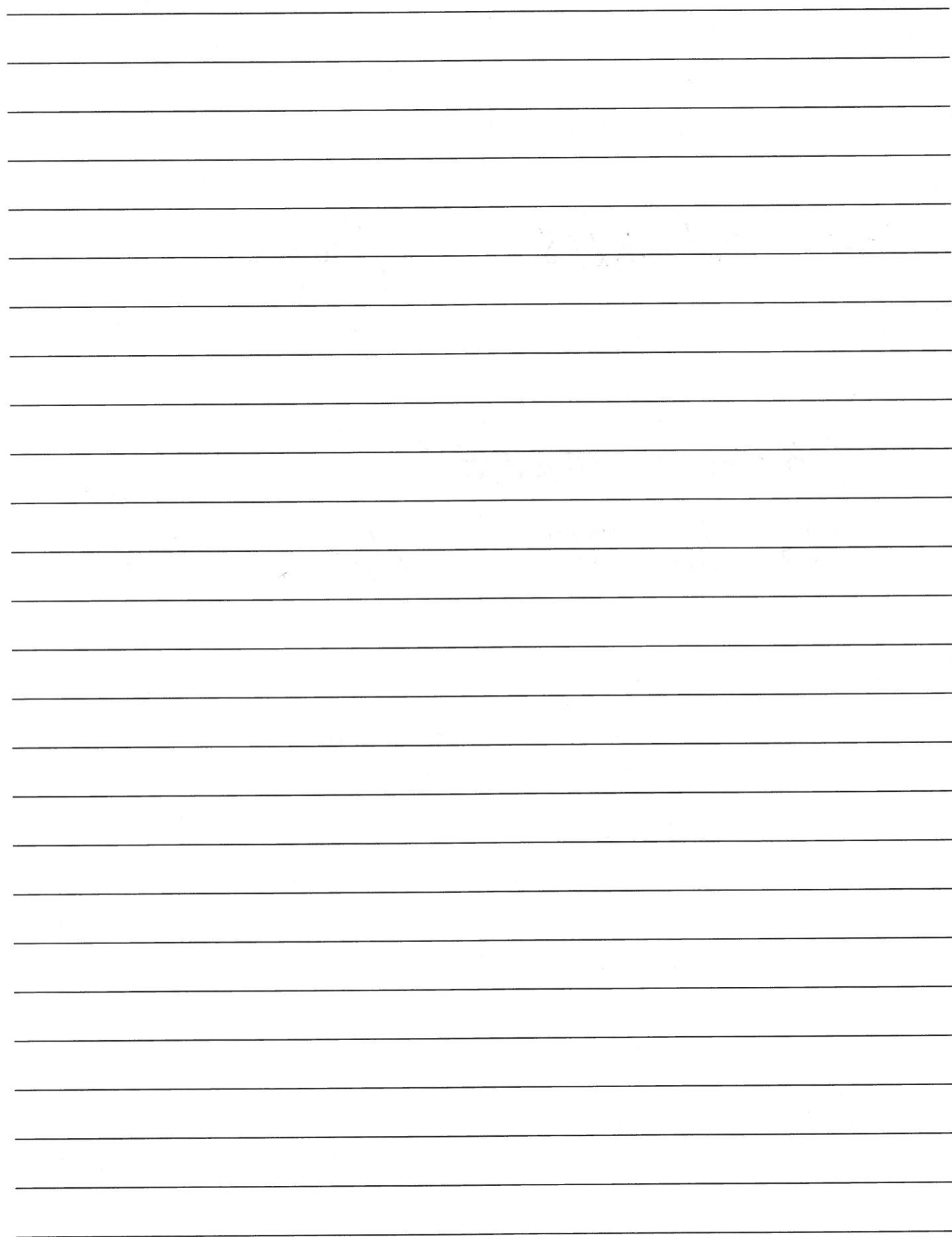
10011

Address

Representing

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Commission

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Date 3 / 27 / 2018

Item # Proposed Rule Amendments

Item Address Proposed Rule Amendments

☒

In favor of proposal

☐

Against proposal

☐

Other position

George Twill

Name

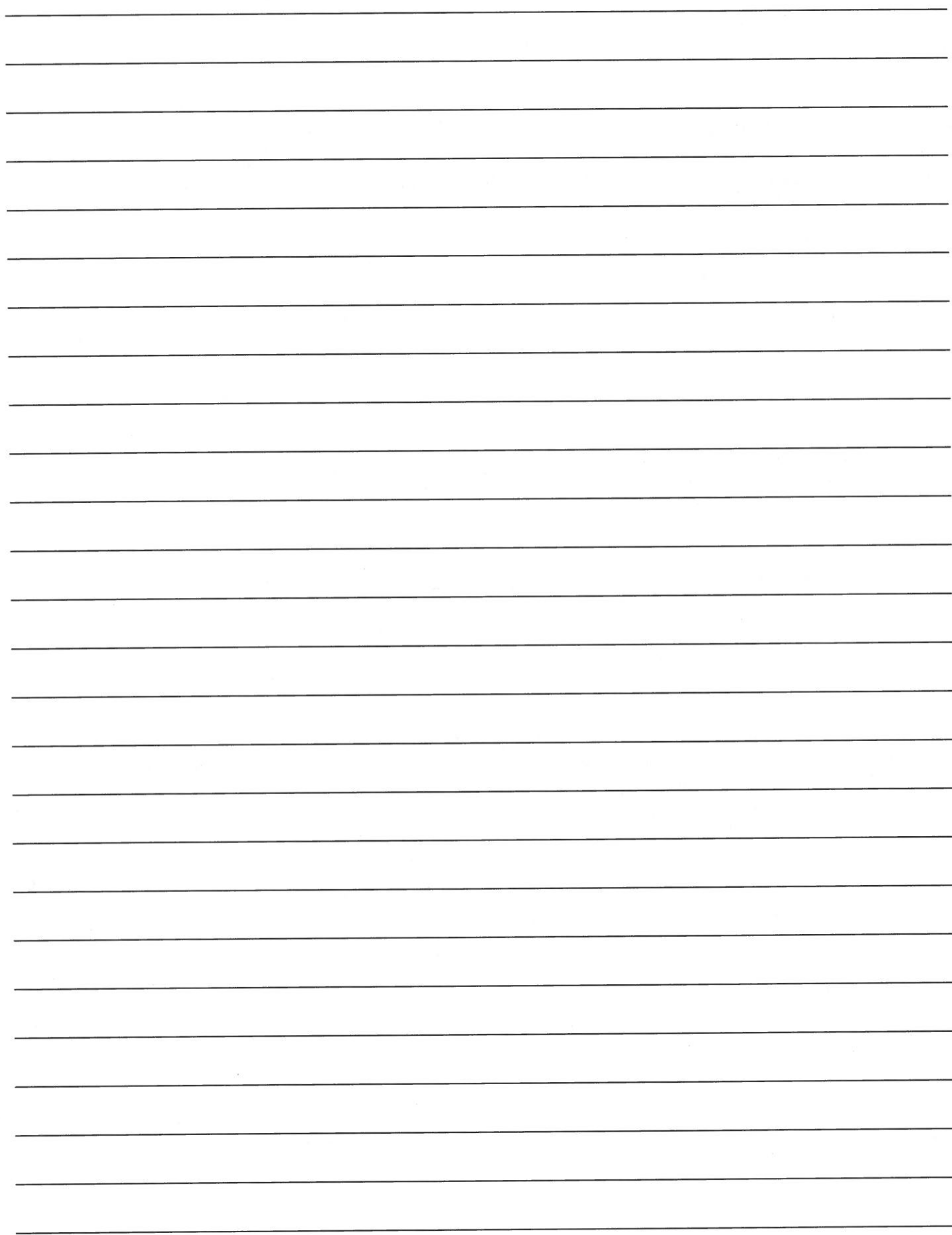
Address

Grand Central Partnership

Representing

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If you need additional space, please attach sheets.





Landmarks Preservation
Commission

1 Centre Street
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New York, NY 10007

212 669 7700 tel
212 669 7960 fax

PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 03 / 27 / 2018 Item # _____

Item Address PROPOSED RULE-MAKING UNDER THE CITY ADMINISTRATIVE PROCEDURES ACT.



In favor of proposal



Against proposal



Other position

GEORGE TWILL

Name

122 EAST 42ND ST.

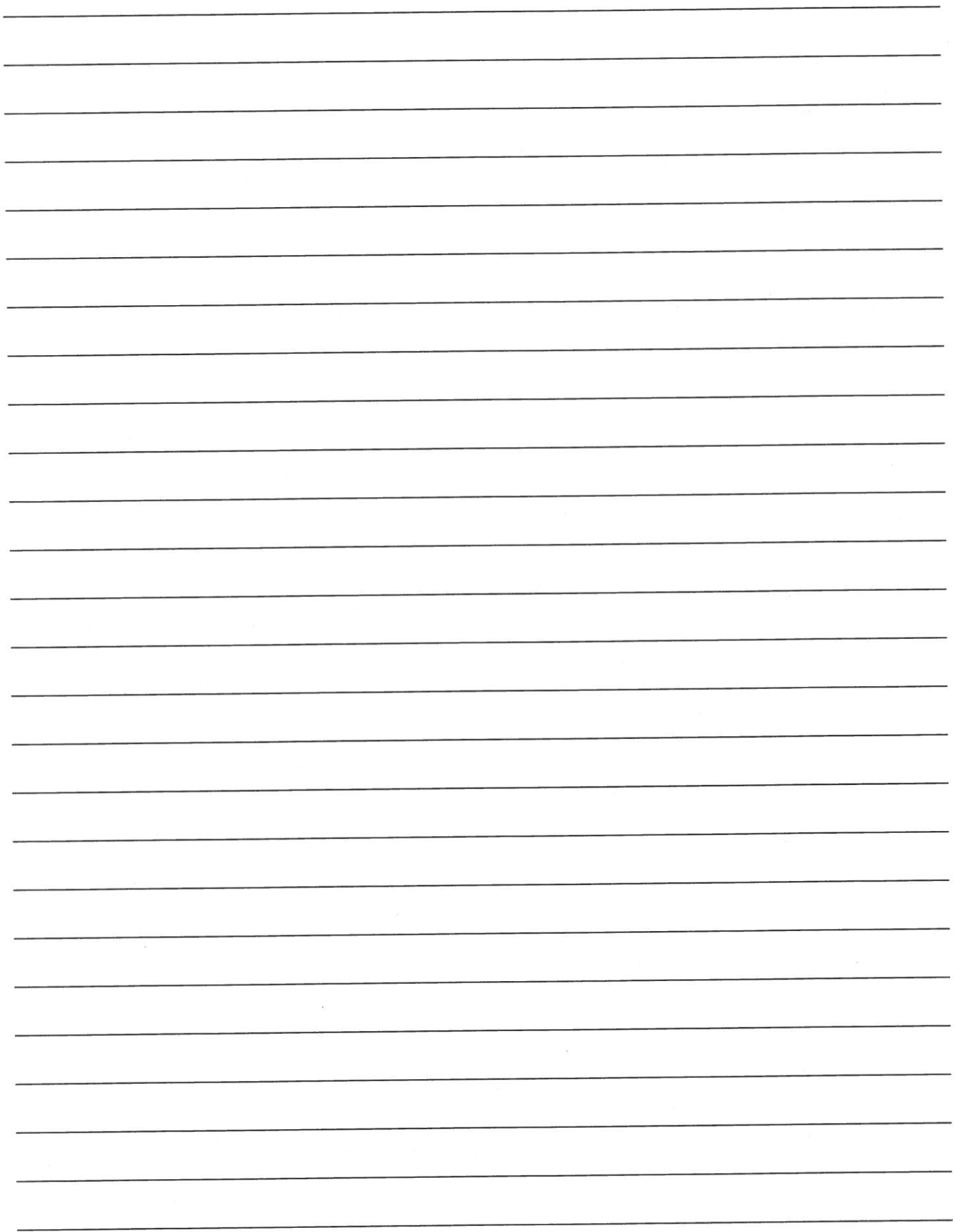
Address

GRAND CENTRAL PARTNERSHIP

Representing

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Date 3 / 27 / 18

Item # RIVES CHANGE

Item Address _____



In favor of proposal



Against proposal



Other position

KEN LEVENSON

Name

623 11th Street

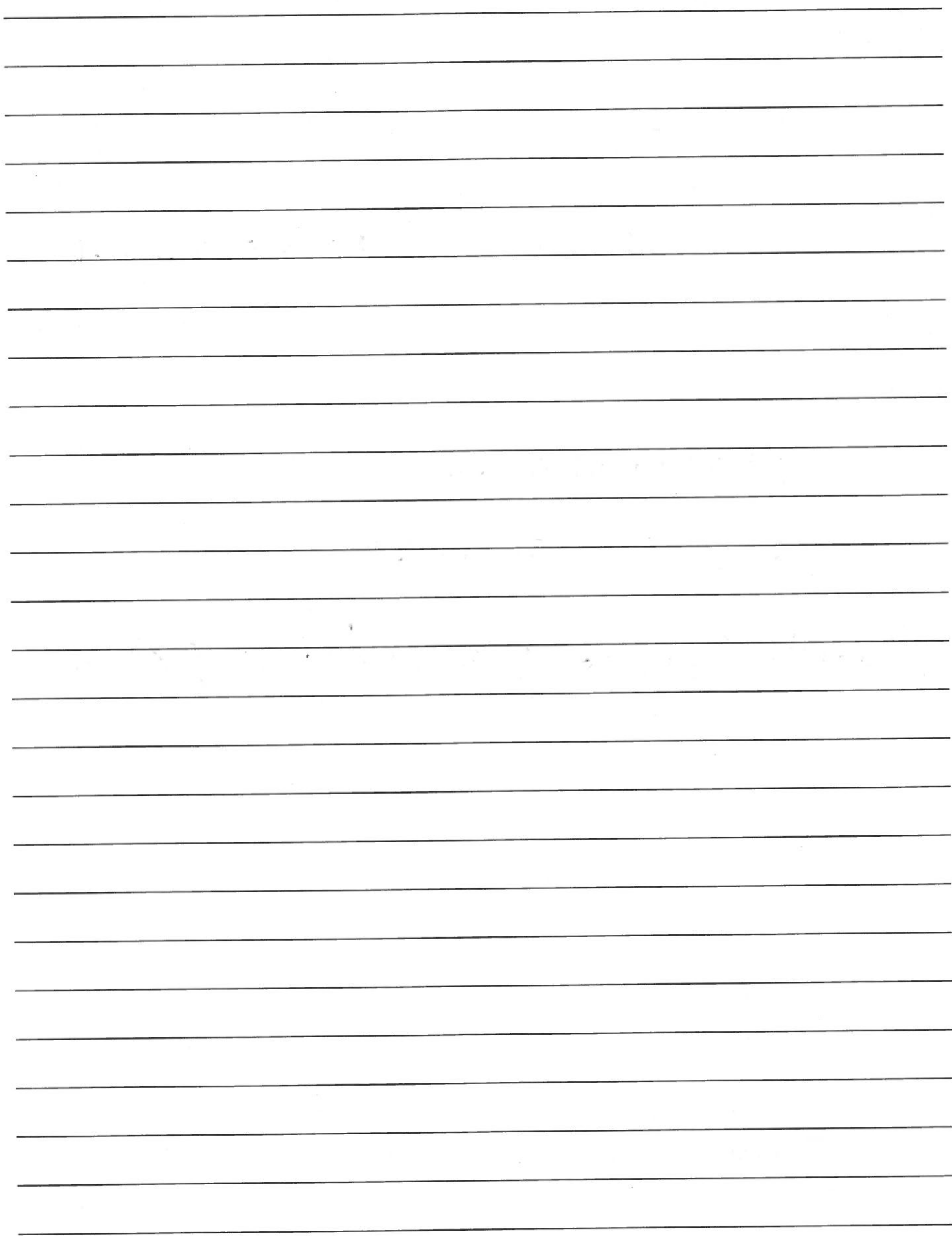
Address

North American Passive Horse Network

Representing

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Date 03.27.18 Item # 1

Item Address PROPOSED LPC RULES

☐

In favor of proposal

☒

Against proposal

☐

Other position

Theodore Grunewald

Name

232 E. 11th St.

Address

The Committee to Save the NEW YORK

Representing

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Public Library

If you need additional space, please attach sheets.

RL-Rule
City Wide
PROPOSED RULE-MAKING UNDER THE CITY ADMINISTRATIVE PROCEDURES ACT

Omnibus rules amendments, proposed amendments to Chapters 2, 3, 5, 7 and 11 of title 63 of the Rules of the City of New York, consisting of amendments, consolidation and reorganization of existing rules, and new rules, including in Chapter 2, amendments to sections 2-11 through 2-35; new rules concerning barrier-free access, sidewalks and excavation; in Chapter 3, repeal of the chapter and its reorganization, as amended, into Chapter 2; in Chapter 5, amendments to sections 5-01 through 5-03 and new section 5-04; in Chapter 7, amendments to sections 7-01 through 7-06; and in Chapter 11, amendments to sections 11-01 through 11-06.

Good Morning, Chair Srinivasan, Commissioners, and Staff,

Taken together with this week's de Blasio Administration NY State Assembly repeal of the residential FAR cap limiting height, bulk and density in residential districts without debate, today's Blasio administration deregulatory rules changes can be construed as nothing less than an attack upon historic districts; and a coordinated, concerted effort to weaken landmarks law in advance of wholesale, city-wide rezoning.

Today's de Blasio Administration deregulation is to the Landmarks Preservation Commission [LPC] what Ronald Reagan was to deregulation of the air traffic controllers—its bad, anti-progressive effects will ripple and compound in yet unforeseen ways—for years to come.

Too sprawling to appropriately address in the 3 minutes allotted, I would like to make the following (2) points on the proposed deregulatory rules changes:

1) The criteria for replacement materials as outlined in HDC's analysis presents one of many problems with the LPC proposal. One week ago, at the Commission hearing on 140 Broadway, when the building's owner and architect presented a new granite plaza, I was the only speaker present to make an impassioned stand for restoration of the original 1968 travertine of Gordon Bunshaft and Isamu Noguchi which was removed and replaced by granite in 1999. Last week, to the great surprise of many, the Commission approved the application with modifications and the proviso that the Commission "will work with LPC staff" to explore ways to execute the plaza in a more durable form of its original travertine. Bravo!

Many are watching the LPC Staff's actions with great interest. In the absence of a follow-up commission review at a Public Meeting, however, we can only hope that behind the closed doors of LPC staff offices, that there is meaningful follow-through on this declaration of last week.

This brings us back to today's proposed rules changes. For a moment, let's pretend that this world-famous plaza was above the 6th floor, and that 140 Broadway, rather than being made of steel; was made of stone.

Had this application—which requested [in part] a change of materials—been submitted under the new rules which on page 27 (A) state that for “Masonry buildings: staff can approve replacement materials above the 6th floor,” no Commissioner and no member of the public would have even known about the substitution of granite for travertine—let alone that it’s inappropriate.

It’s bad and naive to assume that an already-overburdened and overworked LPC staff can make such consequential decisions—affecting wholesale replacement of decorative stone, terra cotta, cast iron, and sheet metal—behind closed-doors, without the expertise, input, and oversight of the public—and especially of the Commissioners.

Adoption of this rule perfectly embodies the inherent dangers and weaknesses of delegation.

2) I endorse the analysis, findings, recommendations, and testimony before you today of The Historic Districts Council, the Society for the Architecture of the City, and the Greenwich Village Society for Historic Preservation. Their deeply-studied, well-reasoned recommendations should be embraced by this body.

These advocates are the Commission’s allies; not their adversaries. No organizations are better qualified to weigh-in on these proposed rules changes than these advocacy groups which are present in this hearing room and out; week after week, and year after year to witness and participate-in productive, meaningful dialogue with the Commission.

To remove the public from the Commission’s deliberative process is to rob the public.

It is deeply anti-democratic.

Respectfully,

Theodore Grunewald
Vice President
The Committee to Save the New York Public Library
232 East 11th Street
New York, NY 10003

Website: <http://www.saveNYPL.org>
Twitter: <https://twitter.com/saveNYPL> Tweet us at: @saveNYPL
Facebook: <https://www.facebook.com/SaveNYPL>

<mailto:TheodoreGrunewald@architectureNYC.com>
Office: 212-929-1373
<https://twitter.com/TedGrunewald> Tweet me at: @TedGrunewald



Landmarks Preservation
Commission

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date March 1, 27, 2018 Item # ONE

Item Address LANDMARK RULES CHANGE

☐

In favor of proposal

☒

Against proposal

☐

Other position

CYNTHIA CRANE

Name

8 SPRUCE ST #38F NY NY 10038

Address

FRIENDS of the JEFFERSON MARKET LIBRARY BELL

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

Chair Emerita MURRAY ANGLE/WEST 11TH ST Bk Ass'n
35 years -

If you need additional space, please attach sheets.

Subject: Landmarks

Date: Sunday, March 25, 2018 at 1:20:48 PM Eastern Daylight Time

From: Cynthia Crane

Stop the Landmarks Rules Changes That Cut the Public Out of the Process and Eliminate Transparency

Thank you for supporting us on this issue. Please consider inviting your friends to support us.

Your message has been sent to the following decision makers:

- Landmarks Preservation Commission
- Mayor Bill de Blasio



**FRIENDS OF THE JEFFERSON
MARKET LIBRARY BELL**
8 Spruce Street #38F
New York, NY 10038

Owner of a GV Brownstone for 45 years, Grandmother of 2 5th generation native NYers, I beg you not to violate preservation's true intent. Do not abandon to real estate developers this unique swath of NYC that is G.V. It would do the public, the process, and preservation great harm to implement these rule changes that would make a huge number of landmarks applications no longer subject to public hearings. Instead, they would be decided out of public view, behind closed doors, with "staff level" approvals.

This is an inherently anti-transparency, anti-good government, anti-public participation move. There is absolutely no justification for moving a huge number of decisions regarding landmarked properties from an open process, where the public can be aware of them and provide valuable input, to a closed process where the public is unaware that the applications are even being considered, much less able to offer information, opinion, or context.

Public review of landmarks applications allows a maximal amount of light to shine on the process, and affords interested parties a way of providing information or perspective on proposed changes. The Commission may not always agree with the input it receives, but at least with this public process there can be no denying that such input is received and considered. Once these applications move to secret "staff level" approvals, this is no longer possible.

Too often we see inaccurate or incomplete information provided with applications as the basis upon which they are judged. Through the public process, such mistakes or failings can be caught, addressed, or corrected. Once these applications are reviewed behind closed doors only, that opportunity is gone.

Do not move the landmarking process backwards or cut the public out of the process.
PLEASE! Reject the proposed rules changes.





Landmarks Preservation
Commission

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 13 / 27 / 18 Item # _____

Item Address LPC Rules Changes

☐

In favor of proposal

☒

Against proposal

☒

Other position

Charles Anderson
Name

853 Broadway, #2007
Address

Assemblymember Deborah J. Glick
Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

see attached

If you need additional space, please attach sheets.



DEBORAH J. GLICK
Assemblymember 66th District
New York County

The Assembly State of New York

CHAIR
Higher Education Committee
Intern Committee

COMMITTEES
Environmental Conservation
Governmental Operations
Rules
Ways & Means

Testimony of Assemblymember Deborah J. Glick Before the Landmarks Preservation Commission Regarding Proposed New Rules and Amendments to Title 63 of the New York City Rules

March 27th, 2018

Thank you for the opportunity to testify before the New York City Landmarks Preservation Commission (LPC) regarding the proposed rules changes that would alter the governing documents and principles of the LPC. While some aspects of these changes to the LPC rules constitute a modernization, I fear that some may do some harm to our historic communities. Our historic communities are constantly under threat of development and alteration that manifest not only in large out of scale projects, but also in the small, seemingly non-descript changes that could be relegated to staff level approval. It is imperative to highlight some parts of these rules changes that I fear may make it more difficult for the community, community boards, and other stakeholders to participate in the landmarking review process.

The proposed changes would remove certain provisions which require a public hearing and allow staff level approvals without required input through a public hearing. In the proposed rules, LPC staff would be permitted to approve the reconstruction of primary and secondary facades when there are structural issues. There have been numerous examples of property owners neglecting their buildings which results in a façade that are in danger of falling off. This is often done as a means of forcing out tenants or destroying the historic character of the building. In low rise communities, such as the Greenwich Village Historic District, secondary facades can be seen over the rooflines of other buildings, while they may not be the main façade on the street, they are highly visible from an adjoining street and therefore significant. This makes the materials used on that façade, window fenestration, and paint schemes equally important to maintaining context with the neighborhood and historic district. Many applicants have come before the LPC with proposals for elaborate single family mansions in historic districts that are inappropriate for their communities because of their size and configuration of the interior lot and space. Additionally, property owners currently try and misuse the Board of Standards and Appeals (BSA) process to claim a “hardship” over a crumbling building but would then be expedited through the LPC process under these new rules. This common used tactic allows building owners to skirt the rules without adequate public input or approval from a local community board, thus ensuring that buildings can be destroyed in historic districts without the public’s full knowledge, or participation.

Furthermore, the new rules allow for staff level approvals on rear yard additions, rooftop additions, and combinations. This is incredibly problematic in residential and mixed-use historic districts where the bulk of applications entail the redevelopment of entire buildings with additions to the roof and rear yard. A sizable portion of the applications seen by Community Boards 2 and 3 are for rooftop additions, alterations to the rear yard, or a combination of both when an entire building is purchased and then redeveloped. Applications can be complex and require a number of alterations to the roof or rear yard which can affect the surrounding community. Many streets in Greenwich Village see several construction projects at one time where an entire building is being repurposed as a single family home with expansions on the roof, into the rear yard, and below grade to make more living space available for the occupant. An in depth review process, with an option for a public session, is absolutely necessary for these approvals since they can greatly affect the immediate neighbors and surrounding community. I feel strongly, that this one area where staff can certainly consult, but the current process of allowing for community board and public input to be heard by the commission can affect the review process for the better. It is understandable that commissioners may not always recall the number of approved projects on a particular block, but community input illuminates that need and allows for the public to petition a regulatory agency in an effort to protect their homes and community.

I understand that a number of these changes have been proposed in an effort to modernize and streamline the LPC rules and codes that govern the approval process over buildings in historic districts. For many of these proposals a change may make sense such as allowing staff to approve lifts and ramps in order to achieve ADA accessibility at a storefront, some signage changes, modification of concrete sidewalk pavements for a repair, and bringing HVAC or rooftop mechanical equipment up to current building code within the “minimally visible” requirement. However, blanket removals for a public review in districts where residents have fought for years to strengthen protections and preserve their neighborhood is of extreme concern.

The Commission is tasked with reviewing applications in light of community need and historic qualities that extend beyond mere architectural significance and a lack of the public process goes against the spirit of the LPC. Some of the Commission’s own guiding principles are subjective in how they evaluate projects, and that subjectivity is further augmented by testimony from the public, not a “rubber stamp” approval process like other City agencies. With so many changes in the rules allowing staff level decisions to be decided without public input, I feel that a more user friendly database for applications should be created, similar to the Department of Buildings (DOB) Building Information System (BIS) that fosters transparency and allows users to view applications at specific locations.

I am opposed to many of the changes in these new rules that delegate greater authority to the staff at the LPC without public input. I am fully confident that LPC staff are qualified individuals, able to present clear and coherent arguments to the Commissioners for review, however the process benefits from community input. That is why I believe that staff level approvals should not be allowed for in depth or larger scale applications, like rooftop additions, rear yard, or underground alterations, and façade changes. Our communities are deeply involved in the LPC process and deserve an opportunity to make their voice heard. Thank you.



Landmarks Preservation
Commission

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 3/27 / 18 / _____ Item # Rules

Item Address _____

☐

In favor of proposal

☒

Against proposal

☐

Other position

MICHAEL GREEN

Name

249 W 34th St.

Address

NYC

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.



Landmarks Preservation Commission
Hearing on Proposed Rules Revision
March 27, 2018

Testimony of Michael S. Gruen

My name is Michael Gruen. I am President of The City Club of New York. I speak today, however, as a deeply concerned citizen who has devoted decades to supporting the Landmarks Preservation Commission, drafting and promoting the legislation that added scenic and interior landmarks to the system, and arguing countless cases to the courts in support of Commission decisions.

The proposition before you today is to give away your power as Commissioners to make basic policy decisions, and to delegate discretionary authority to your Staff which, as a matter of common sense and of law, should be restricted to carrying out your policy under strict and comprehensive guidelines that you adopt.

Here's just one, not atypical, example of the giveaway: The amended rules would allow Staff to permit additions atop any protected building so that as much as three feet of height of the addition would be visible to the public from any public thoroughfare. But these rules do not tell Staff from where on the thoroughfare they must look up, whether from the same side of the street where seeing any set-back construction is unlikely at all, or from across the street or from the elevated train passing nearby. Whether from one position or from several, as would certainly be necessary if the addition is irregular or the building is on a sloping street. Whether the addition is a single rod sticking up or a 200 foot wide continuous wall. Or whether the building is a plain brownstone or an elaborately decorated Gothic cathedral.



The Landmarks Law describes your duty, with utmost gravity, as being to preserve this City's 400 years of significant architectural and landscape heritage. That is the duty of eleven Commissioners. Staff can help. But don't give your authority away.

Here is what you should be doing to protect your authority:

- First, ask the Council to decree that, if a Commissioner's term has expired and for three months thereafter the Mayor has not replaced or reappointed the Commissioner, the term is automatically extended for another three years. Your independence is essential and that is the key to protecting it.
- Second, adopt a rule requiring that all applications to the Commission be posted on its website and e-mailed to each Commissioner. You can't control action on what you and the public don't know about.
- Third, adopt a rule enabling just two or three Commissioners to require a hearing on any application.
- Fourth, adopt a rule requiring that staff decisions on applications take effect ten business days after a copy of the proposed decision, with adequate description, has been given to all Commissioners so that two or three of them may require that it be reviewed by the Commission as a whole.

Our Preservation Committee has discerned a profound evolution in Commission administration. Its authority as a group is eroding. Preservation is taking a back seat to currying favor with owners and developers. Your priority must be to reverse that trend, not to adopt complex new rules that only promote that trend.



The best step right now would be to defer consideration of the proposed rules. Confirming your preservation mission is far more important. Rules are useful only if they carry out that mission, not disrupt it.



Landmarks Preservation
Commission

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Date 03 / 27 / 2018 Item # 1

Item Address Proposed Rule Change

☐

In favor of proposal

☒

Against proposal

☐

Other position

Jonathan Geballe
Name

Address

Manhattan CBS
Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Jenny Fernández, Director of Intergovernmental and Community Relations.

If you need additional space, please use the other side.

Terri Cude, *Chair*
Daniel Miller, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Keen Berger, *Secretary*
Erik Coler, *Assistant Secretary*

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Manhattan Community Board 2 Testimony **to the Landmarks Preservation Commission regarding Changes to its Existing** **Rules** **March 27, 2018**

Public review by members of the community is an essential step to ensure that the consideration of landmarks application decisions has the benefit of input from those who are most familiar with a neighborhood, and who have a vested interest in preservation. This is especially the case with respect to a designated landmark district. While certain guidelines are useful, the best decision with respect to the particulars of each application, the streetscape, and the neighborhood requires careful consideration of each application and its details by members of the Community Board. The pragmatic basis of the proposed amendments will remove the particular and nuanced consideration of each application. Community boards and their landmarks committees have unique expertise with respect to the district and serve as a forum for hearing the views of the public.

Criteria such as minimal visibility, scale with respect to the immediate surroundings, appropriateness of materials, and historic context within specific landmark districts such as, in the case of CB2, Greenwich Village and its extensions, SoHo, NoHo, Gansevoort and the recently designated South Village are best reviewed initially by those most closely associated with the neighborhood. Careful community review is essential in the very delicate task of making decisions that elevate the quality of newly designated districts that have undergone years of haphazard change prior to designation.

Circumvention of the public review process in order to favor a uniform codification of practices and solutions designed for the ease of the agency's administration, will inevitably result in a one size fits all standard that will negatively impact the richly varied landmarked districts in CB2.

Review by members of the community is especially important in providing a balance to applicants who are frequently from outside the neighborhood and come with commercial rather than preservation interests.

By codifying much of what is proposed in the new rules, much of what is based on the views of the incumbent Commission will become codified in a way that future commissions will be bound by the views of the commission in place and at the time the rule changes would be enacted.

We recommend an extensive review and change of the proposed rule amendments, and that changes be made to guarantee that community board review, a process fundamental to public transparency, continues in its present form and not be curtailed. We further recommend that the review and change be undertaken in collaboration with the Community Boards as representatives of the public.



Landmarks Preservation
Commission

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Date 3 / 27 / 2018 Item # 1

Item Address RULE CHANGE

☐

In favor of proposal

☒

Against proposal

☐

Other position

PAMELA WOLFF
Name

223 WEST 21ST ST. NY NY 10011
Address

Community Board 4
Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.

CB4 statement on LPC rule changes, 3/27/18 public hearing

My name is Pamela Wolff. I'm here today to speak on behalf of Community Board 4.

My comments are excerpted from our advisory letter.

CB4 voted 34 to 1 against the Commission's new rules. We are particularly concerned about increased staff approval of rooftop and rear additions without public input.

In recent years the Board has witnessed that approvals for even *modest* additions to row houses now typically result in their wholesale gut replacement, leaving only their street facades and party walls. Applications for additions are *effectively* to demolish all but these elements and build new structures, filling the original house's envelope *plus* that of the proposed "addition". Examples of this in the Chelsea Historic District alone include 460 West 22nd Street, 438 and 440 West 19th Street, and . . . tragically . . . 404 West 20th Street, Chelsea's oldest house.

As if in response to an increase in areas of New York City protected by historic district designation, an understanding has become institutionalized that only street facades within these districts must be preserved.

As blocks have been added to historic districts, the protected footprint of houses within those districts has shrunk to their outer *one-foot deep* perimeter. The interiors of these blocks are being systematically rebuilt with modern steel and concrete construction in a *novel* profile, with rooftop additions rising toward the rear of each house , leaving the open, inner core of the blocks both reduced in footprint and deprived of sky exposure and sunlight. This emerging block typology is shaped directly by the Landmarks Preservation Commission's regular practice of approving new construction not visible from the street.

When approval of significant rooftop and rear yard additions can be considered automatic – as delegation to Commission staff seems to advertise – the increase in potential profits calculated by speculators will only add to the inevitability of destruction. The Commission would better serve *true* preservation by more *assertively*, *conservatively*, and *strategically* exercising its purview over *all* exterior building surfaces and, by extension, *block profiles* . . .

For years, CB4 has included in our Annual Statement of District Needs a request for increased funding for LPC, and we have welcomed improvements such as making plans available on-line.

At the same time, we have been greatly distressed by some inexplicable, and we believe *indefensible* actions. We speak of LPC's approval of "additions", in effect the razing, of Chelsea's jewel, 404 West 20th Street. This is the type of action proposed to be delegated to staff, . . .*and removed from public view.*

Thank you.

CB4 statement on LPC proposed rule changes, 3/27/18 Public Hearing

PAMELA WOLFF

Community Board 4 voted 34 to 1 against the Commission's new rules. We are particularly concerned about increased staff approval of rooftop and rear additions without public input. These comments are excerpted from our advisory letter.

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As if in response to an increase in areas of New York protected by historic district designation, an understanding has become institutionalized that only street facades within these districts must be preserved. As blocks have been added to historic districts, the protected footprint of houses within those districts has shrunk to their outer one-foot deep perimeter. The interiors of these blocks are being systematically rebuilt with modern steel and concrete construction in a novel profile, with rooftop additions rising toward the rear of each house leaving the open inner core of the blocks both reduced in footprint and deprived of sky exposure and sunlight. This emerging block typology is shaped directly by the Landmarks Preservation Commission's regular practice of approving new construction not visible from the street.

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We have included a request for increased funding for LPC in our Annual Statement of District Needs for years, and we have welcomed improvements such as making plans available on-line. At the same time we have been greatly distressed by some inexplicable and, we believe, indefensible actions such as the approval of the effective razing of 404 West 20th Street as "additions," the type of actions proposed to be delegated to staff and removed from public view.



Landmarks Preservation
Commission

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 3 / 27 / 2018 Item # 1

Item Address Rule making Under the CAPA

☐

In favor of proposal

☒

Against proposal

☐

Other position

DAVID ACHELIS

Name

38 West 56th NYC 10019

Address

CBS

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.

TESTAMONY FOR LPC 3/27/2018

My name is David Achelis, I'm president of the West 50s Neighborhood Association, and a member of the Landmarks Committee of Community Board 5. Thank you for this opportunity to address the Board.

Everybody in this room knows who runs New York City...it's not the citizens, it's not our elected officials; it's the real estate industry and developers.

Over the last 20 years, we have seen our churches, our libraries, our colleges and universities; our concert halls and museums, all turn their backs on their original ideals and turn into Real Estate Ventures. We've seen homelessness grow by leaps and bounds. We've seen simple a studio apartment selling for a million dollars, and luxury housing selling for a hundred times that.

We've seen the terrible abuse of air rights, both in the selling and in the using. We've seen monstrous examples of brutal architecture grabbing every available inch of airspace. We are now letting developers take advantage of building codes that are 90 year out of date, and no change in sight.

We've seen developers use their power to influence politics.

And now the Administration, under the guise of transparency and clarity, wants to scrap the one remaining chance for the public to have it's voice heard.

Say NO to the new Landmarks Preservation Commission's rule changes!

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Landmarks Preservation
Commission

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 3 / 27 / 2018 Item # 1

Item Address RULE AMENDMENT

☐

In favor of proposal

☒

Against proposal

☐

Other position

CHRISTABEL GOUGH
Name

45 TUDOR CITY PLACES #185 NY NY 10017
Address

SOCIETY FOR THE ARCHITECTURE OF THE CITY
Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.



THE SOCIETY FOR THE ARCHITECTURE OF THE CITY

Omnibus rules amendments, proposed amendments to Chapters 2, 3, 5, 7 and 11 of title 63 of the Rules of the City of New York, Item #1 Landmarks Preservation Commission, March 27, 2018

We have given a lot of thought to these proposed rules, and have extensive objections, so many that we are submitting a nine thousand word statement, which we hope you will consider. If these amendments are adopted in their present form, they will effect a change that is very radical, that will transform the agency—and not for the better.

We fear that our Landmarks Preservation Commission could morph into a Landmarks Alteration Commission. The real mission of the agency is disregarded and scarcely mentioned in these amendments, because of an obsession with standards derived from industry: that is, customer service, and the speedy production of permits.

We do not agree that there is a pressing need to adopt these amendments now. Given the fairly numerous problems with the text, the surprising erosion of standards for restoration, the reduced power of the commissioners, the lost opportunities for comment by the public and the reduced notification for the press, we believe that the entire procedural and ideological approach taken should be rethought.

The new amendments are entirely based on “work-type” classification. In the existing rules, there is a balance between Chapters which have that orientation, like the window rules, and Chapters where regulation is based on the idea of accommodating the unique nature of the designated landmark. So the Broadway Theaters, and the marvelously ornate Bank Interiors were protected after long and difficult negotiations, a huge benefit to the city of New York.

In the 1980s, insufficient resources prevented a plan very different from this, individual guidelines for all our historic districts, to illuminate their special character, and guide their restoration.

Comments on the proposed rule changes

**From The Society for the Architecture of the City
Landmarks Preservation Commission, March 27, 2018**

It would be hard to bring about an immediate and total repeal of the landmarks law. But the regulated industries—construction, finance, real estate—know better than to attempt that, while the political door is open to incremental change.

To promote efficiency and transparency, packaged in a hundred and thirty-one pages of mind-numbing bureaucratese, the Landmarks Preservation Commission is offering us a complete revision of their rules, to be approved by the commissioners sometime after March 27th. Among other things, these rules govern the issuance of staff level permits for alterations, additions, excavations, material substitutions, and partial demolitions in landmarked sites, buildings, parks and neighborhoods. Those permits are called “staff-level” because they will be approved without public notice or review by the commissioners.

Do the new rules, like rust, woodworm or acid rain, have the potential to corrode the beauty and authentic character of landmarks and historic districts we thought were well protected?

Worse, will these new rules introduce procedural changes that affect certain balances of power under the law—interagency and intergovernmental relations, media coverage, and the ability of both staff and commissioners to act to protect landmarks? Does the general structural “reorganization” and “consolidation” that swells the proposal into a 131 page document serve to de-emphasize some new initiatives that might have attracted more skeptical attention had they been presented alone?

The Landmarks Preservation Commission tells us that preservationists will support their proposed new rules, because those rules will enable an increase in landmark designations, “And that’s what you want, isn’t it?”

Any port in a storm—the storm being the blitzkrieg of rezoning for the demolition that New York is experiencing. After all, people may dream of saving the world they live in and saying no to some nightmare future New York composed of nothing but chain drugstores and bank branches and glassy high-rise towers.

But with the new rules, we can assume that there is no price to pay for the promised future increase in landmark designation: designation is designation, right? Buildings will be saved?

Yes, up to a point. However, this is New York, and there will be a price, in this stark equation: more landmarks will mean less landmark regulation. That, paradoxically, will be the effect of the proposed expansion and multiplication of the landmark rules: to reduce public review, limit the jurisdiction of the commissioners, and reduce unfiltered advance notification available to the media—but streamline and greatly expedite the issuance of permits for alterations. The text of the new rules gives every indication that approvals will become not only faster but less mindful of important distinctions and very much more permissive.

The fight for preservation only begins with designation. Without proper regulation designation becomes a nullity. Here, "efficiency" becomes the enemy of "transparency," since it involves secrecy. The more applications that are resolved behind closed doors, the more the public review calendar shrinks, the faster the applications are processed, the less holistic the examination of the proposals, the fewer eyes on the prize, the greater the opportunities for a slow erosion of the architectural and cultural values that made a landmark worth preserving in the first place.

Reading 131 dense pages of proposed rules is a commitment that not everyone can or will make. The agency has given a great deal of time to drafting this proposal, and at present no crystal ball is forecasting the denial of any part of it. Nevertheless, evaluating the damaging provisions seems necessary, if only to create a public record of what will be lost from a policy standpoint, if and when it is enacted.

Probably only future historians will care to judge the present priorities of City Hall. The deregulation of landmarking and the blitzkrieg of rezoning come to us as a paired initiative, a quasi-military pincer operation for surrounding the territory to be appropriated, that territory being the historic city. Among the displaced will be those who have loved and admired their historic city, and called parts of it home.

Community consultation. Before the statutory public notice and publication of the text, the agency sponsored a series of meetings with preservation advocates, thus establishing what is sometimes called a record of community consultation, during which the agency's stated objectives were described orally and with Power Point by members of the staff. There was no copy of the amendment text, and one advocate, a retired litigation partner in a major law firm, growled, "Where's the redline?" The executive director responded that she thought it would be "easier for you" to look at the pictures on the screen.

What are the arguments for changing the existing rules? The new rules are supposed to increase transparency and efficiency, avoid administrative overload, and co-ordinate with the policies of other branches of government, while clearing the way for increased landmark designation.

Interagency co-operation. Obviously, any perceived need "to bring the Commission's rules up to date with Commission approvals concerning compliance with a wide variety of other governmental codes and criteria, including barrier-free access, energy codes and resiliency mandates" could be accomplished in a far less invasive fashion. In these rapidly evolving fields, some involving new technology, the plan to remove these applications from commissioner review may be premature. We can see no logical reason why design review should cease for "resiliency mandates" and application of "energy codes" involving alterations or new structures proposed for landmark sites and districts.

"Transparency" is probably safe for City Hall to say, based on an educated guess that few voters or homeowners will be able to face a close reading of the 131 page document, if they even know it exists, and so, there may be no overwhelming wave of complaints. For experienced professionals, the new rules make explicit what changes to landmarked buildings can be made quickly and privately, for as the architect Stanton Eckstut once remarked in an interview in *New York Newsday*, (June 30, 1988):

...private developers will do almost anything you ask, as long as they know the rules and nobody changes them. Because what that provides is certainty, which in the redevelopment process, is gold.

“Efficiency,” if that is defined as streamlined production of potentially ill-considered permits, yes. The new rules will expedite approvals, and make life easier for certain applicants, who for some years have been regarded as “clients” of the commission. Customer service for applicants can be important but it is not the mission of the agency, and need not be privileged above the best protection that can be given to historic districts and individual landmarks and those great parks we call scenic landmarks. The public interest merits consideration, as much as any applicant. “One -size-fits-all” measures of agency efficiency published in the Mayor’s Management Report are derived from industry should be only one part of a much bigger governmental picture. Whether or not the agency achieves those performance standards, meant for problems like getting the hamburger onto the bun, into the bag and out the drive-in window as fast as possible, will not tell you whether the Landmarks Preservation Commission is doing its job upholding the law.

Everyone can see that New York has changed since 1965, when the landmarks law was enacted. A well-documented transfer of wealth has reconfigured residential and commercial demographics, and people in control of landmarked properties now have names like Nora Jones and Steve Roth and Stephen A. Cohen, and they have their acolytes, their representatives, their trade associations, and their public relations spinners. That does not change the rationale stated in the law:

... many improvements, as herein defined, and landscape features, as herein defined, having a special character or a special historical or aesthetic interest or value and many improvements representing the finest architectural products of distinct periods in the history of the city, have been uprooted, notwithstanding the feasibility of preserving and continuing the use of such improvements and landscape features, and without adequate consideration of **the irreplaceable loss to the people of the city** of the aesthetic, cultural and historic values represented by such improvements and landscape features. In addition, distinct areas may be similarly uprooted or may have their distinctiveness destroyed, although the preservation thereof may be both feasible and desirable. (§25-301(a). Our emphasis.)

Giving an applicant for a permit a brief and happy experience may be reasonable or not depending on what he wants to do to his landmarked property, but the primary mission of the agency is to protect that property, not to accommodate that applicant. The proposed changes to the Landmarks Commission’s rules are shifting the balance of power from preservation to accommodation, while waving the flag of designation to distract the worried but inattentive New Yorker. “. . .the people of the city” do have a stake in the just administration of the law, and their interests merit consideration.

Overload. The agency cites a possible impending procedural problem: the agenda for meetings where commissioners review new applications, that is, the public hearing calendar, could be overwhelmed if present trends continue: anticipated new designations could increase the quantity of applications beyond the agency’s ability to process them using current methods. This, we are warned, could lead to a halt in potential designations.

The agency’s analysis of the problem depends on the projection of statistical curves: such an administrative collapse has not yet occurred. For instance, since January 2017, the commissioners have been meeting to review applications about three times a month. Counting the number of items actually heard (including the return of “no action” items to public meetings and the consideration of reports on projects from other government agencies, but not including withdrawn or laid over items listed in the

preliminary calendars issued provisionally to meet the statutory notice deadline) the average number of items per hearing has been about a dozen, making possible adjournment at the end of the normal working day in most cases, and often considerably earlier, near lunch time, if none of the public hearings are contentious. Contrary to what has been suggested, at present there may be latitude to address the same number of agenda items in fewer meetings.

According to the Mayor's Management Report there was not a significant increase in applications between fiscal 2016 and 2017, although the general five year trend was upward. In reality, there seems to be no compelling need to address the issue of potential administrative overload immediately, in March of 2018, because the perceived future overload is conjectural.

In terms of designations, it is equally arguable that over the last 50 years the majority of eligible landmarks have already been located and most eligible large historic districts designated, so that the rate of designation might well taper off instead of swelling, even if there were adequate recognition of neglected cultural landmarks and buildings that reach the required age of 30 years going forward, and even allowing for the evolution of our appreciation of historic architectural styles.

Looking back, however, it is true that the landmarks law was never intended to provide protection for so much of the city. When it was created, in 1965, there was hope that the new commission could have had a more limited role in protecting what the framers of the law called "the noble accomplishments of the past." Some of the founding advocates anticipated good government, a City Planning Commission that would join in advancing a balanced view of land use, in part through its newly minted Urban Design Group with its Special District initiatives. The history of those happier times is recounted in Anthony C. Wood's book, *Preserving New York*, how Harmon Goldstone was appointed to the City Planning Commission, while his friend and ally, Geoffrey Platt became the first head of the Landmarks Commission, and how they worked together, before Goldstone followed as second chair. In 1978, Goldstone said:

What actually happened is quite different from what was expected to happen. At the December 3, 1964 hearing before the City Council, when the landmark bill was still under consideration, James Van Derpool testified that he thought that the commission might ultimately designate about 1000 individual landmarks and perhaps three or four historic districts—Brooklyn Heights, Greenwich Village and perhaps a Cast Iron District were all that anyone had seriously considered. ("The Future of the Past" in *Village Views*, Vol. IV, No. 3.)

James Grote Van Derpool was the Avery Librarian, but left Columbia University to become the first executive director of the Landmarks Commission. Today, there are more than 30,000 protected buildings in New York City, so certainly it is arguable that a time could come when one more historic district climbing on board sinks the lifeboat, and the mechanism of government is overwhelmed.

But it is comforting to recall that the prospect of such disaster was first raised back in the 1990s, when alarms about the agency's capacity for conducting enough public hearings led to a trial of what we then dubbed the "Two Ring Circus" approach. The commissioners divided into two teams, each of which heard half of the day's calendar, meeting afterwards so that the whole commission could blindly provide legal ratification for the minority decisions. At this time, the commission was housed in the Old Police Headquarters Building at Old Slip, where space was in short supply, and initially one half of the

commission met in a room which was used to store discarded office furniture. Astonished lawyers and landowners had literally to climb over the arms of old leather sofas and stacks of chairs to reach the table and make their presentations. For whatever reason, the process proved so unwieldy that it was abandoned despite dire predictions of administrative collapse.

Meanwhile the 1988 Charter Revision had opened the door to a different approach. Revision brought us the City Administrative Procedures Act, and the Giuliani administration took advantage of it to enact rules that would enable commission staff to take more responsibility for some frequently recurring applications, notably certain window replacements. So what is new about rules delegating approvals to staff? Surely this has been going on for decades?

Undercutting the structure of the law. The enactment of the law whose protections we seem to value so little today would have been impossible without broad support—political, scholarly and social. It is not unreasonable to take the findings and statement of purpose in the opening §§ of the law as a serious analysis reflecting that widespread support and belief, and the intricate checks and balances that follow, as well calculated. The administrative structure as originally laid out acknowledged that some changes to designated buildings were inconsequential, and these were to be regulated through permits issued by staff without the supervision of the commissioners, specifically Permits for Minor Work (PMW) or Certificates of No Effect (CNE). But Certificates of Appropriateness (CoA) for more significant changes would have to be approved by the commissioners, who would find the work appropriate, or not. “Appropriateness”—a term that still leads to discussion and dispute—was to be determined through the intellectual consensus of a diverse group of commissioners voting on the merits of each case. In legal terms it was a discretionary decision which the commissioners were empowered to make, when acting in a public forum, with statutory notice given. Those one thousand precious buildings of James Grote Van Derpool’s imagination—bearers of the weight of civilization—were to have all the protection that deliberation and thought and varied expertise could forge for them.

Of course, in administrative law, the counterpart of the discretionary decision is the ministerial decision. It is a decision which does not admit of any exercise of individual judgment because it is authorized by explicit and binding rules. Such rules are to be followed by agency staff when issuing permits. The rules adopted under the Giuliani administration generally met that standard. But that is about to change.

Now the old rules are being reorganized and rewritten so that the staff will have to make multiple judgment calls, discretionary decisions behind closed doors. Under such circumstances, unfortunately, problems could arise. For one thing, the staff could be subjected to what one former staff member has elegantly called “extraneous” pressures, that is, political pressures to expedite approvals that are in conflict with best preservation practice and the stated aims of the landmarks law. At the same time, some of the wording in these rules potentially restricts the staff’s ability to advise applicants against thoughtless design decisions, and help them make better choices, a key practice for protecting landmarks. In one instance, §2-14 (h)(1) (i) describes what the staff “will” (not “may”) approve:

- (i) LPC Staff will approve a new window or door in an existing opening, provided the window or door being removed is not a special window or special door, except that if the “Special Window” is limited

to distinctive glazing, the glazing can be removed and installed in a new window and in a new location on the façade;

This rule apparently would apply no matter that the old door or window might be of superior quality and materials, and could be restored or refinished instead of being trashed. The almost universally used “staff will” formula should at least be replaced by “staff may.” Seeing the amount of discretion staff is given, in our view improperly, to make private judgments about what we see as potentially damaging alterations, surely they should not simultaneously be prevented from trying to avoid loss of historic fabric, a generally recognized preservation goal. We suppose the purpose of the “will” formula is to remove any doubt from the minds of applicants about what they can do to their property, before they have considered alternatives. This is the bias we have noted toward providing speedy service, at the expense of thoughtful decisions and best preservation practice. It is no surprise if some property owners are unfamiliar with the possibilities of preservation architecture and are working with contractors who are equally in the dark, or with suppliers or consultants who are not disinterested. Good free advice instead of a rubberstamp approval of an inferior solution should continue to be an agency policy, but cannot, if the “shall” and “will” language used in this revision is approved.

But while the staff is potentially hampered in their work, the commissioners are given a reduced role in the decision making process, relieved of many of their statutory responsibilities to judge the appropriateness of proposed alterations. One benefit of commissioner review is the sophisticated suggestions that architect members of the commission may make to improve unsuitable designs. And at public review, issues of architectural and social history can be brought to the table, potentially affecting determinations. No existing or proposed rule can mandate such consideration, as staff decisions made under rules provide no forum for discussion, and no opportunity for public awareness of issues that might arise, in contravention to the newly announced policy of increased consideration for cultural and historic landmarks. Indeed, contact between the general public and the staff of the preservation department is discouraged, and has sometimes been forbidden.

But perhaps the greatest benefit of public review—a benefit that will be reduced—has always been the notification, publication of the calendar, so that elected officials and the media can weigh in, sometimes joining crowds of angry citizens and property owners, and affecting outcomes, either by swaying votes, or by causing applicants to think again.

Despite the increased role for staff in decision making, no attempt has been made to codify internal procedures for staff approvals, or for that matter, staff reports on CoA applications. At various times, it has been customary to hold preservation staff meetings, or meetings of informal committees of preservation staff, to consider items on the calendar and arrive at some consensus, while also giving more experienced staff members an opportunity to communicate with the newly hired. Historically, staff decisions reached through this cooperative process have been treated with more or less respect under different administrations. However, in the absence of any procedural parameters, it is always possible for politically generated determinations to be represented as decisions of the professional staff when that is not the case. We agree that the courts have found there is no requirement for agency rule-making in this area, nevertheless it is a consideration of some interest under the circumstances.

The New York City Landmarks Law is widely regarded as one of the best in the nation. It has been in a leadership position for half a century. The present initiative to alter it through deregulation probably stems from an external contrarian ambition to remake the city without the interference of existing checks and balances, without what the contrarians would characterize as “red tape,” and above all without “nostalgia,” which is nostalgia for what the law calls “the city’s historic, aesthetic and cultural heritage.” From the standpoint of historic preservation, as defined in existing law, there is really no compelling reason to enact this proposed rule revision immediately, and we see a need for extensive revisions of the revision. It has been noted by others that in these proposed rules, historic preservation and the original mission of the agency are never recognized as goals, a criticism we can only call understated.

The Summary. Unfortunately, relying on the summary of changes provided by the commission would be a mistake. The summary occupies pages one through eighteen of the public notice required by the City Administrative Procedures Act (CAPA). This portion of the 131 page document does not and will never have the force of law, and it repeatedly entertains ideas that differ from what is found in the actual amendment, that is, the underlined revisions, which are the only part of the document that matters. This is “transparent” only to those experienced in the ways of government. Thus, although the summary retains a reassuring patina of preservation language that might signal good intentions, in the amendments, concepts familiar to preservationists are turned upside down to create a new structure of reduced protection.

For instance, on page 10, the summary of policy for rear yard and rooftop additions reassuringly describes a “criterion” that will be applied, “not detract from significant architectural features”:

In addition, the criterion that an addition not detract from any significant architectural features or call undue attention to itself would be determined in relation to specific factors, such as the distance it is seen [sic], whether it is seen from limited vantage points or an oblique angle, or is visible in combination with other additions or structures.

The amended text §2-15 (a)(4)(ii) reads

- (ii) . . . In determining whether an addition does not call attention to itself or detract, LPC Staff will consider the following factors:
 - (A) The addition is partially visible at a significant distance;
 - (B) The addition is partially visible from limited vantage points, including through alleyways, yards, or similar open portions of sites which are not building sites;
 - (C) The addition is partially visible from an oblique angle;
 - (D) The addition is partially visible in combination with other existing additions or structures that share a similar level of visibility; or
 - (E) The specific historic district is characterized by visibility of similar structures.

How is this language twisted? Here, subsections (A) through (C) describe visibility angles an applicant is now expected to document and map in an application for a Certificate of Appropriateness which, under existing policy, is to be reviewed by the public and the commissioners at a public hearing. They represent factors that might make an application unacceptable, and lead commissioners to require a change in size, set-back or massing of the addition, while (D) and (E) can serve as a justification for allowing the visible addition at all, based *not* on how “The specific historic district is characterized” but rather on photographs of the immediate area including the mock-up of the new structure. We would be

interested to see how and where any historic district was ever “characterized” by the visibility of its rooftop additions. Where are the designation reports that make any such claim? The characteristics of a district are normally virtues that inspire designation. No district was designated because of the number and prominence of its rooftop additions. The grammatically odd locution “determining whether an addition does not call attention to itself” certainly suggests that if “the addition is partially visible” etc. then it does *not* call attention to itself and can be approved unmodified, by staff. That would be a policy change posing as an accepted “criterion”.

Language like that in §2-15 (a)(4)(ii) also reflects clichés found in the routinely drafted staff reports that can serve as a basis for commissioner resolutions to approve. But those tentative resolutions frequently end up being part of *modified* approvals requiring changed size, set-back or massing of the addition, even though some of the boilerplate draft wording may have been retained in the resolution as read into the record. Taken separately from the evidence of the hearing video, some such resolutions could be adduced as evidence that the commissioners habitually approve additions visible under the definitions (A) through (E), although the approvals were in fact approvals of modifications to even more unacceptable applications, with changes dictated by context as presented in photographic evidence.

Using words to destroy protections. The vocabulary and phraseology of the new rules are an exercise in Orwellian newspeak. Although the City Administrative Procedures Act (at §1043(a)) calls for the use of plain English in drafting rules, the agency seemingly cannot avoid dazzling us with terms of art and preservation jargon, while failing to offer any definition at all of some dangerous and superficially misleading new terminology. There are seven separate sets of Definitions, three of which explicitly relate only to the section where they appear, while the scope of the remainder is undefined, and there is no single definitions section for the rules as a whole. Even if nothing is to be done about such fragmentation, the following terms require further discussion or amendment for the sake of clarity and the protection of landmarks: “undue attention,” “recall,” and “standard characteristics.”

Undue attention. For instance, that irritating nostrum which assures us some newly minted architectural feature “will not call undue attention to itself” has morphed. Ordinarily found in resolutions where the commissioners are approving something one might hope they would not, such as an over-sized and visible rooftop addition—which, however, “will not call undue attention to itself” because it is seen against a background of other buildings—that is a discretionary decision on an individual item that the commissioners are entitled to make.

But now these strange hypothetical demands on our attention have become criteria for staff level approvals. Rules are meant to be explicit and unambiguous to enable staff to make ministerial decisions. Perhaps that is why the formula “will not call undue attention to itself” is never used in the existing rules. But in the proposal it is used 28 times, a key factor in approval of everything from garbage enclosures to chimneys. Leaving aside the interesting semantic question of how an inanimate object can call or refrain from calling, what “undue attention” is supposed to mean is deeply ambiguous. It defies objective measurement or logical analysis.

Take §2-11(d)(2)(i)(B) found on page 27 of the proposal, which authorizes staff level permits for the use of Fiberglass Reinforced Plastic (FRP) as a replacement for sheet metal cornices in certain circumstances.

(B) Fiberglass may not be used to replace original or historic sheet metal, cast and wrought iron, and other ornamental cast or extruded metal at the sixth story or below, except if limited to a small number of discrete elements and painted on site. Above the sixth story, fiberglass may be used. Notwithstanding these considerations, elaborate sheet metal cornices above the second story may be replicated in fiberglass provided molds are taken and joints are concealed to the greatest extent feasible and the joints do not call undue attention to themselves.

“Undue attention”? Either the joints will be visible, or they will not. What concrete steps can be taken to conceal or minimize the joints? Nothing is specified, and we are left to assume that the result will depend on the skill and good will of the contractor. If the joints turn out to be prominent after the cornice is installed, what next? Apparently a wish and a prayer that nobody notices, or at least that nobody notices “unduly.” Absent is any way to determine in advance whether the joints will be visible, or a requirement to dismantle the work if they are, much less any concrete or objective standard to determine whether they attract that so-called “undue attention” that is forbidden. Because the outcome of the work apparently cannot be determined in advance and is subject to interpretation once built, this language is absolutely useless as a stipulation in rules.

In the existing rules, §2-19(a), a “minimally visible” rooftop addition is defined as being in the line of sight by not more than 12 inches, and must not call attention to itself (at all!). But in the new rules, above 60 feet, there can be a 24 inch projection, see §2-15(a)(4)(i). Suddenly we have moved from the very vague to the very specific, a cut-off line enabling a measurement of 61 feet to double the amount of permissible visibility, provided the addition does not “call undue attention to itself”. So here the “undue attention” formula is clearly back-sliding: the agency in effect admits that the new taller thing may be noticeable, but in a manner made famous in Kafka’s *The Castle*, simply decrees that staff may decide it doesn’t matter, an unseen hand can rubberstamp approval, and ours is not to reason why. Agencies are expected to demonstrate a rational basis for their actions, perhaps that basis is lacking here. There is not even a formula for measuring the 60 foot height, no defined starting point.

On 43 separate occasions, we are told that new work or synthetic materials are approvable if they “recall” original or historic architectural features. Here again, there is no definition, perhaps because definition is impossible? What substitute might trigger a memory of the real thing is a very elusive concept, subjective at best, and can only become more so with the passage of time. Does Reddi Whip “recall” whipped cream? What could it recall to a child who had never experienced cream? As real metal and stone and wood are replaced with alien substances in renovations of designated landmarks, as moldings square off and lose their ovolos and cavettos, joinery is replaced by Phillips screws on metal extrusions, windows lose their original divisions and dimensions, and stone is covered with cementitious coatings, historic building techniques will indeed drift toward being a memory, and the historic streetscape will become more and more devalued, even when there is in fact no economic hardship driving the change. We are leaving the realm of the real for the realm of the virtual, where ever more vaporous impressions of the thing replace the thing itself.

Constitutional issues make it impossible to designate private interiors in this country, and it has long been a troubling consequence of gentrification in historic districts that the buildings tend to become false fronts as a result of interior demolition and modernization. As streetscapes increasingly become

more like film sets, it may be especially important to retain some material reality, to replace in kind and use traditional building techniques. Encouraging the use of an array of synthetics by expediting permits for their use, as these rules do, is questionable policy. An earlier approach to staff level permits was to issue them for best preservation practices, in hopes that applicants would do the right thing if they could do it immediately. Permits for some substitute materials in façade restoration might better be treated as CoAs until the substitute materials have been shown to meet the test of time, and their castings and application techniques sufficiently tested and refined from an esthetic standpoint.

It is not necessarily unwise to be skeptical about the characteristics of new products. Recently in London, government and the real estate industry rushed to use inadequately tested new cladding materials, resulting in the notorious Grenfell Tower fire, where 71 people were killed. Subsequent investigations identified more than a hundred other buildings where this dangerous aluminum and polyethylene cladding had been used, available due to modified fire safety regulations. The economic damage is huge. This is a worst case illustration, but it has implications for us.

Rather than expediting the use of sometimes dubious new materials, the LPC could remember the possibility of a leadership role in the development of better restoration materials by creating demand. LPC has a large and prosperous area of jurisdiction. Requiring high standards and serious consideration of alternatives can raise the bar for available commercial products, to the benefit of all. We have seen this in the improved products the window replacement industry has created in response to restoration demand over the last 20 years.

“Standard characteristics.” §2-11(b)(3) discusses those characteristics as follows:

(3) Standard characteristics of materials and features. In all cases, except where noted, the repair, restoration, replacement or re-creation must match the original or historic materials and features in terms of its standard physical and aesthetic characteristics, including design, detail, profile, dimension, material, texture, tooling, dressing, color and finish, as applicable.

This is not a definition section, and it is unclear whether this description (such as it is) should be regarded as defining a term either here, or when used in §2-19(a)(1)(i). However, its use in §2-11 is curious. “. . . design, detail, profile, dimension, material, texture, tooling, dressing, color and finish, as applicable” is exceedingly vague and general for a specification. What are the standard characteristics of “material”? It remains mysterious what those characteristics could be or how, when or by whom they became standardized, if ever. However, such questions should not detain us because they are made irrelevant by three little words, “except as noted”. The bravado of the beginning, “repair, restoration, replacement or re-creation must match the original or historic features” is a sham. It soon becomes clear that Chapter 2 in fact contemplates extensive use of what are delicately referred to as “substitute” materials in restoration, to be approved, of course, privately, without interference from any skeptical commissioners. We see that “Standard characteristics” can dance with “recall historic features,” without, of course calling “undue attention”. Standard characteristics manage to be invoked 17 times without formal definition or adequate clarification of what they are. It is a question, to what extent the many sections in which the term is used are enforceable.

The focus on “work-types” as an organizing principle creates multiple difficulties. In Chapter 2, countless sections, subsections and subdivisions are combined into one great mixed salad of approvable practices for working on your building. Renovation, repair, restoration, routine maintenance? It’s all

there, ready to go, getting to yes. Presented as a convenience, this approach can also be seen as an obstacle to a rational administration of the law. Landmarks are various, and their complex differences are spelled out in the charter and the code. We are looking at historic districts, individual landmarks, individual landmarks located in historic districts, parks located in historic districts, paving and street furniture in historic districts, scenic landmarks, structures in scenic landmarks, and applications for Special Permits under §74-711 of the Zoning Resolution, bearing in mind that all historic districts are designated for their special character, which is distinctive, and that they include individual buildings of hotly disputed status, those called “no-style” or “non-contributing” in some (but not all) designation reports, and certain permits, as well as those later so categorized, all of which, historically, have been regulated in varying ways.

When classification and approval are based on the nature of the requested work—the “work-type”—and not on the nature of the landmark, its unique qualities, or its legal and physical context, especially in such a hugely expanded program, problems will inevitably arise. This means that the entire structural formulation and the ideological basis of the revised rules remains questionable. The problems here are not limited to the lowering of certain standards and the reduction of public and commissioner review.

The existing rules include chapters where the landmark, not the work-type, is the primary consideration. Such chapters carried forward un-amended are: Chapter 4: Designated Broadway Theaters, Chapter 6: Proposed Alterations and New Construction in the Riverdale Historic District, Chapter 8: Proposed Alterations and New Construction of Storefronts in the Jackson Heights Historic District, and Chapter 9: Alterations to Designated Bank Interiors. These are valuable examples springing from successful negotiations that have preserved landmarks important to the city.

As opposed to a staff level permit, review triggered by a CoA application is inevitably site specific and focused on the designation classification of the landmark—individual landmark, building in a historic district, scenic landmark—as well as on other important factors such as the architect, the style and the date of construction, and not least, the unity of the whole and its architectural design. But in the new rules, to a great extent, a door is a door, a window is a window, a cornice is a cornice, and a vast array of changes are approvable by staff with little or no reference to context. **The concept of appropriateness, central to the administration of the law, cannot well survive in the climate that will be produced by a huge expansion of “work-type” based approvals. If something is appropriate, it is appropriate in a particular context, which cannot be ignored.**

“Work-type” driven formulation blurs former hierarchies and definitions of character. The new rules, together with other policies, are great levelers: for instance, they counter the old belief that individual landmarks are inherently important civic monuments deserving our respect, and perhaps even our affection: we should care that they receive excellent maintenance and repair and appropriate re-use. But in the new rules their preservation is either thrown in together with everything else in Chapter 2, that aforementioned mélange of approvable practices, or appears somewhere down the chain of subdivisions as an exception.

Sometimes the “work-type” approach is hard to sustain, and the need for exceptions is addressed in proliferating subsections, in the format, you can or can’t do this, except, except, except, and even the

exceptions have their subsets of exceptions, but “notwithstanding” the above, you can in fact do it in certain circumstances, if it “does not call undue attention to itself” or an alternative is not “feasible”—discretionary decisions unsuited to a staff level permit. Some amateurs may dream of Hansel leaving a trail of breadcrumbs through the forest to help find the way back through the multiple pages of subdivisions and subsections to the section where it all started.

There is no way to view all of the subsections devoted to regulation of individual landmarks together, to get a broader picture of what can or cannot be done at staff level, including some controversial proposals about the regulation of individual landmarks in historic districts. Similar problems of fragmentation occur in other categories, such as buildings in scenic landmarks, and restoration reports for ZR 74-711 applications.

The amended rules do not consider that fragmentation could raise issues of **segmentation**, of breaking up an application into approvable segments when the total impact might call for commissioner review. One instance of such fragmentation did occur under existing rules, but will perhaps never occur again, as the new rules propose to authorize the destruction of original cast iron vault lights in the SoHo Cast Iron Historic District at the discretion of the staff, if they are thought to be deteriorated, §2-19(d)(3)(ii). Under existing rules that is a commissioner decision, but in one recent case the staff obligingly issued a permit for “temporary” removal, which became permanent when the vault lights did not survive work conducted without proper supervision or preliminary testing, causing the item to turn up at public hearing as a violation, which was legalized. Numerous multi-national corporations in SoHo will probably celebrate when they learn that their unwanted vault lights can now be “disappeared” without the inconvenience of a public hearing.

The back garden question. A troubling instance of disregard for the distinct character of historic districts arises in connection with the treatment of back gardens. For instance, on the upper east side of Manhattan, many blocks that were once lined with rowhouses from the 1860s, and so once enclosed garden centers, are by now almost solid with additions. Should historic districts there be regulated under the same standard as some almost intact garden centers surviving in blocks in Cobble Hill?

In response to public protest, there has been an attempt to apply a mathematical analysis to the problem, although perhaps a better alternative would have been to create district-specific rules. Applicants have been required to provide a map of their block showing the height, bulk and location of existing rear yard additions, to be counted and averaged out in various ways. There have been modified commission approvals that use these maps to take account of the potential damage to central garden spaces. Those spaces are precious to homeowners and neighbors, who are enraged by new incursions. Counting the existing additions and limiting expansions accordingly is a concept that has survived into the new rules in a typically reduced and ambiguous form. Rear yard additions everywhere are approvable by staff under §2-15(f) *Rear Yard Additions* (5), if

(5) Except as otherwise permitted, the depth and height of the proposed addition is not deeper than the predominant depth or taller than the predominant height of additions or els on buildings of a similar type. . .

"Predominant" is not a defined term. In the ever more frequent speculative renovations, where the square footage will drive the selling price, the pressures for expansion are intense. "Except as otherwise permitted," to the layman, has an uncertain application, does it invoke all of the other sections of §2-15, and if not, what? None of this addresses the issue of preserving intact historic gardens. The argument against their preservation is entirely applicant-centered: how can the applicant be denied an extension when someone else already has one? The resulting question is, how can the garden be preserved otherwise? As we read it, there is nothing in the text to prevent the following scenario: there are four houses with existing twenty foot two story additions in the center of a block where otherwise some 50 houses are in original condition. Those four are the "predominant" additions, as there are no others. Therefore every one of the 50-odd unaltered houses can have a twenty-foot two-story addition through a staff level permit; the immediate neighbors will learn of it when the construction crews start; surrounding districts, probably never. In one block, the potential loss of garden space would ultimately be measured in the tens of thousands of square feet, and the buildable square footage gained, twice that. Consider multiplying an average number of buildable garden sites per block by all the protected brownstone blocks in Brooklyn, and perhaps it will become clear why this is an interesting opportunity. §2-15(h) *Cumulative impact of additions* does not address the problem discussed above, but rather forbids huge rooftop and rear yard additions to be built on top of each other and the house itself with a staff level permit. This is of course a useful section: there is a need for it in today's New York.

Clinging to a curious classification of facades, lacking broad applicability. Rules that depend on classification of facades into primary, secondary, or secondary with street frontage are problematic for several of our historic districts; now that they are to be used to weaken protections for original design, historic fabric and historic building techniques, they are a problem everywhere. This classification of walls creates pretexts for unsuitable changes, and removes the hope that visible walls will be regulated to an adequate standard. The thinking dates back to a time when historic districts were still groups of town houses or commercial buildings standing side by side. When the Riverdale Historic District was proposed there was considerable anxiety, because the freestanding buildings of the suburban district created new visibility issues. The problem was never fully resolved, because already the policy of leaving applicants the option to demolish the backs of their buildings was entrenched, a capitulation to expansion demands that could be defended in terms of visibility from the street. The suburban districts, Riverdale, Douglaston, and Fieldston, were problematic and each has received special treatment. But in the new rules, there is even a failure to guide applicants to such old rules, manuals, and masterplans as will still exist, or call out special features of individual historic districts, like Greenwich Village, where rear walls are often visible because of the history of cutting avenues through the old street pattern.

A missed opportunity. In the new rules, there is a missed opportunity to offer guidance about the special character of individual historic districts. By failing to provide any systematic consideration of the differences among historic districts that theoretically are designated because of their special character, or calling out architectural features that are characteristic to certain districts, like say the studio windows in Greenwich Village, or the embedded rail tracks in Dumbo, the new rules may encourage homogenization, already too evident in the widespread formulaic restoration of townhouses remodeled to be flipped by investors. In the 1980s there was much discussion of creating separate rules for every individual historic district, but such rules were never produced, because of a lack of resources. Now we

see extensive resources applied to a rules revision that does little to advocate for the uniqueness of historic districts.

The Chapter 6 enigma: the elusive “List of District Masterplans.” §2-15 Additions (a) (2) notes:

(2) This section does not apply to any building already subject to a District Master Plan that includes criteria for additions. (See Chapter 6 for a list of District Master Plans.)

Chapter 6 of the existing Rules does not contain any such list, and is not undergoing revision: the LPC is “proposing both new rules and amendments to existing rules in Chapters 2, 5, 7 and 11 of Title 63” and does not include Chapter 6 in the (untitled) chart of revisions on page 3. Existing Chapter 6 is not even a district master plan in itself, but rather the “Rules” (as stated in §6-01) for the Riverdale Historic District, rules which were enacted before District Master Plans were codified. Chapter 12, also not to be revised, defines District Master Plans (§12-01). Subsections 12-02 through 12-07 are implementation rules for six districts or portions of districts, three relate to storefronts only, the others are Stone Street, Douglaston and Fieldston. Chapter 12 could be regarded as a list, perhaps, but not one exhaustive or relevant to concerns about additions, since implementation rules are there to authorize the creation of masterplans, and nothing else. The actual masterplans, according to §12-01(b), are approved as CoAs or other permits, not CAPA rules, and therefore are not published as such. Since the last implementation rule in Chapter 12 dates from 2006, one may wonder what became of this initiative, but more to the point, there is no information for the public on where or how to find the masterplans for Stone Street, Douglaston or Fieldston, or any other master plans that might include “criteria for additions.” There is no indication that some district plans were adopted as rules before masterplans were codified, and there is no mention of the Sunnyside Manual, a third type of district plan which would be relevant. In fact, the amended document refers to but does not include a list of existing district master plans, gives no directions for locating district masterplans, and does not indicate that two district plans were adopted in the past as rules, not masterplans. Google, more helpful than these rules, would assist the applicant in his search, but surely the rules are meant to be self-contained. Also, it is not resolved whether §2-15 Additions (a)(2) would apply to plans that are rules, or are described as “manuals”, like the Sunnyside Manual, not masterplans. Such imprecision is what has been described as making “the regulatory process more efficient and transparent for applicants, neighbors and the public.”

Lack of clarity about parks. “Work-type” organization has caused buildings in scenic landmarks to be lumped in with historic districts. In the new rules, multiple types of alterations to windows and doors in §2-14 are staff level approvals for buildings in scenic landmarks. Scenic landmarks by law are located on property owned by the city, and all are city parks or parkways. Where are the scenic landmarks that include “Large residential and commercial buildings” that are seven stories or more in height or have a street frontage of more than forty feet? or for that matter the “small residential and commercial buildings” six stories or less with street frontage of less than 40 feet—or any street frontage at all? Because buildings in scenic landmarks to which the stated “applicability” conditions could apply perhaps do not exist, or are very few, any damage from the new rule should be minimal. However, we do not support further reducing public review of items brought forward by the Department of Parks. Old buildings in parks are architectural fantasies not suitable for rigid solutions under rule-making—

buildings like the Belvedere, the Dairy, the Boathouse. Seen in the round in a landscape context they are ineligible to be regulated as if they were the historic district buildings that make up streetscapes. Buildings in Scenic Landmarks should not be included alongside historic districts in §2-14.

Losing the scope of research in the original Restoration Rule. At present, we have a compact §2-17 usually referred to as the Restoration Rule. At the time it was enacted, under Mayor Giuliani, the rationale was to make it easier for owners to undertake an evidence-based restoration of their properties to an earlier historic or original condition. There were detailed specifications for the research required to create an eligible application: instructions and requirements for searching for images in various museum and library collections were included as Appendix A of Chapter 2. In the proposed new rules that requirement for broad based research has been removed, omitting Appendix A, though the new §2-11(f) (1) cites “photographic evidence” as one possible source for recreation of missing façade features, it does not identify collections of images to be searched. Already, in CoA applications, we are often seeing only the relatively recent and quick-to-obtain city tax photos as evidence of historic conditions, sometimes in inadequate Xerox copies. It is ironic that this rule modification comes just when NYPL and MCNY have made digitized historic image collections available to the public, widening opportunities for more comprehensive research in major collections.

“Codifying existing practice?” The agency has claimed that the new rules are based on the usual approvals granted in commissioner review at public hearing. This reassuring assertion is offered with no documentation, and to the degree that it has a basis in fact, it may misrepresent a complex reality.

A recent accusatory *Daily News* opinion piece (“De Blasio vs. NYC’s Historic Buildings,” by Eric Uhlfelder, February 25, 2018) alleges that “A recent study commissioned by the New York Landmarks Conservancy showed the Landmarks Commission in a typical year approved more than 99.5% of all applications in historic districts.” We do not endorse this analysis, which betrays unfamiliarity with the history of procedure at the agency, and is presumably conflating staff level permits with appropriateness decisions for the sake of rhetorical effect. But the “approval” issue is relevant here.

In the 1980s, the Real Estate Board of New York had a policy of complaining about LPC permit denials, which in their view were ruining the economy of New York. Seeing that evasive action was called for, the agency gamed the denial statistics in a simple way: they did not always deny inappropriate applications, but neither did they approve them. Thus the “no action” item was born. Originally, if an item was denied, for the applicant to return with a modified version involved a new application which could not be heard without statutory notification, and depending on various factors, could lead to a delay of several months, whereas a “no action” item can remain pending, be modified, and return a Public Meeting much sooner.

Because of this practice of limiting outright denials, “approvals” can be the outcome of split votes and vehement arguments, not the routine consent that is invoked. Usually applications subject to “no action” have to be substantially modified before the necessary six votes to approve can be obtained, and compromises are made. It should be noted that given the voting composition of the commission, this can occur without the assent of any of the architect members, whose knowledge and experience in certain areas, such as those involving substitute materials, may exceed that of other political

appointees. Recall that by law, the mayor appoints three architects, one landscape architect or city planner, one architectural historian, one realtor, and one resident of every borough to the agency. It should also be remembered that the commissioners are given discretion to shape their approvals to the circumstances.

Underlying the assumption that public opinion doesn't matter, and need not be heard, even if based on esthetic or cultural concerns, is the theory that if there have been decisions to approve in cases perceived as a comparable work-types, it is predictable that every future commission would take the same action, no matter what or where the building, without concern for its place in history, why it is a landmark, or anything else. This is a radical mistake. Commissioners are not interchangeable programmed robots, at least not yet.

Further, the agency concedes that its record keeping is not categorized in such a way as to provide data-based evidence of how often commissioners approve certain work-types. And indeed creating such a data base might be impossible. It would entail considering all the variables involved in commissioner judgments, many of which, to use a real estate industry term, are "intangibles." But an anecdotal approach to what commissioners "do" is not really sufficient to justify the broad policy changes we are seeing, especially if recent decisions under this administration were to be privileged over longstanding policies.

Instead of anonymous voices proclaiming an undocumented record of decisions to be used as a basis for predicting the future actions of commissioners, possibly with a cloudy crystal ball, perhaps it is the commissioners who should identify the agenda items that could have been resolved at a lower level, and propose rule changes addressing specific situations they have experienced, providing a more concrete basis for determining the need for delegation to staff. As monitors, we know that commissioners do sometime ask, why is this before us? Ultimately, it is up to the commissioners to review the validity of such an extensive re-classification of permit applications.

Why these rule changes are proposed now. The question arises, why did the Real Estate Board of New York put their shoulder to the wheel for these new rules? John Banks, the president of REBNY, has published a statement in the *Real Estate Weekly*, March 22, 2018:

The proposed measures are a win-win for all stakeholders involved in the process. Property owners will benefit from a speedier, more ministerial process for routine applications that currently are lengthy and expensive for taxpayers.

This will in turn, free up more of the Commission's time, allowing LPC to devote more energy to evaluate which buildings warrant landmark designation—a win for the preservation community.

Perhaps the primary purpose of these rule changes from the real estate point of view is the potential for commodification of townhouses and townhouse districts in New York, though they also provide useful accommodations for "luxury" renovations in downtown Manhattan. Renovation permits available quickly and certainly, without publicity, would probably be seen as a benefit, and the changes permitted would no doubt appear "routine," as many of them would respond to familiar conventional renovation formulas.

Landmark townhouse prices are now counted in the millions. All over New York, investors are buying them to flip, and today we see them at public review. To these investors it is indeed "routine" to destroy

the garden center of a rowhouse block with a plethora of rear yard additions, pile their party rooms with wet bars, elevators and powder rooms onto the roofs of dignified old houses, dig down just a little deeper in the basements for their swimming pools, wine cellars, lobster tanks and dog grooming rooms. Such “routine” alterations are often accompanied by a private interior “gut renovation”, filling dumpsters with fine old woodwork, and tearing out partitions and floors and staircases and fireplaces, which of course the landmarks law does not prevent.

Allowing almost everything one might need to satisfy the cravings of the marketplace, the new rules will remove many such investment projects from scrutiny. Public awareness of their destructiveness will become more difficult to achieve, and the possibility of changing attitudes and policies, more remote.

So why this should be considered a “win” for the preservation community is unclear. There are distinct losses from the point of view of the original mission of the Landmarks Preservation Commission—some of the balance between preservation and development that was intended when the landmarks law was enacted is being lost. Thirty-five years ago, our group, the Society for the Architecture of the City, published this observation in our periodical, *Village Views* (Vol. I, No. 1, *Introduction.*):

Preservation policy is made and unmade according to definite, if often tacit, philosophies and principles. The public needs to know what the principles and policies are, to take part in debate over them, to join in formulating them. They affect our city, and thus all of us.



Landmarks Preservation
Commission

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 3 / 27 / 2018 Item # _____

Item Address Proposed Rules Changes

☐ In favor of proposal ☒ Against proposal ☐ Other position

LAYLA LAU-GISIKO.
Name

M CB5
Address
Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.

David Holowka statement on LPC rule changes – 3/27/18, Public Hearing

The Commission's permit allowing demolition of the oldest house in Chelsea touches on: approval of additions; façade replacement on structural grounds; substitute materials; staff involvement; and, above all, trust.

The claims of its new owner's architect that "this whole house is just falling apart" after years of neglect were never challenged, but instead clung to for dear life by the Commission in the face of a mountain of contradicting evidence from CB4. The application contained no structural report, just probe photos uncovering normal historic construction on sheets *labeled* "structural deficiencies." One showed where a foot-long section of siding was missing.

CB4 pressed the Commission to have a DOB engineer inspect the house. I contacted the Commission's Deputy Council to ask for this, and that he question the owner's structural engineer of record, whose testimony was conspicuously absent. He said this wasn't necessary, because he himself had been in the house with a DOB engineer and *no one* found that it remotely warranted condemnation. He even wrote of this visit to its previous owner, "I can attest that the house was not . . . in a neglected state as has been alleged." I can't imagine he failed to share this with the Chair, but having been on the receiving end of her total disregard of input from CB4, I can just imagine how she accepts it from her staff.

Structural deficiency is never a reason to demolish a landmark and structural repair is a routine part of preservation. Clearly, the house stood in the way of the new owner's plans for a mansion twice its size and some other reason had to be trumped up to justify its removal. What does it say that the Chair appears to have conspired with him against the public interest? The permit for its demolition is a guilty cover-up in itself, officially a permit to "construct additions and excavate the rear yard." It belabors "serious structural issues, including structural deficiencies at the framed side wall" which will be "rectified" and says work will "*include* restoration of the primary façade." No one would guess "rectified" means by-obliterating-the-house or that *only* the brick front façade will be preserved. Even it will lose its special significance, which comes of the contrasting side wall's two-century old wood clapboards, highlighted in the Chelsea Historic District Designation and so especially targeted. They're headed for a dumpster. The permit allows their replacement with a token area of fiber cement siding in a dark finish to visually recede, a helpful suggestion of Commissioner Bland's.

This Commission can't be trusted to change its own rules. We need new rules to prevent another one like it.

MANHATTAN COMMUNITY BOARD FIVE

Vikki Barbero, Chair

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Wally Rubin, District Manager

March 16, 2018

Meenakshi Srinivasan
Chair
Landmarks Preservation Commission
One Centre Street, 9th Floor North
New York, NY 10007

Dear Ms. Srinivasan,

Community Board Five has received and reviewed LPC's "Rules Amendments" document dated February 13, 2018 as well as an e-mail from LPC's Ali Rasoulinejad to CB5 District Manager Wally Rubin on February 2nd. While we appreciate receiving these communications, we are writing today to strongly disagree with the proposed changes and are deeply concerned about the impact they are sure to have on our district and the city as a whole.

LPC is proposing to give its staff the sole power to review and make decisions on the vast majority of applications for Certificates of Appropriateness. Currently these applications are reviewed and approved by the Commission as part of a public review process that involves input from community boards and the public at large.

Community Board Five has already noted a disturbing trend toward allowing some of these applications to be approved "at staff level." In the last 12 months, CB5's landmarks committee received only 35 applications for review. By our analysis, had the new rules been in effect, only 8 of those applications would have been submitted to us, which means that at our community board alone some 27 applications would have been handled at staff level, with no transparency, no accountability, nor even an ability for us to know what requests had been filed.

The changes being proposed by LPC will, without question, reduce the ability of the public and the community board to weigh in on permanent alterations to individual landmarks and landmark districts, alterations that will have a lasting and irreversible impact on our communities.

The long list of items that, under this proposal, would be approved at staff level are noted as those being "consistently approved" and "nearly always approved" by staff. These include storefronts, signage, windows, railings, ramps, canopies, fire escapes, and much more. The problem with this blanket change is that, while many of these items may indeed be "nearly always approved," there are always exceptions. A ramp or lighting fixture that is fine in midtown can be seen in an altogether different light (pardon the pun) in the Ladies Mile Historic District. A façade alteration that dispenses with historic material is

different from a change in façade structure where there is no architectural significance. Allowing all such items to be reviewed at staff level will potentially allow items of importance to slip through the cracks and be changed forever.

In a recent email exchange, one of your staffers, Mr. Rasoulinejad, indicated to our board office that LPC is an “expert agency with expert staff that is responsible for identifying and proposing items for designation” and has “unique resources.” We appreciate that LPC’s staff is expert at its job but community board members have their own expertise. Often our members have lived and worked in the district for many years, and have intimate knowledge of the buildings on which we comment. Indeed, this is the very point of allowing for community input.

Over the years community boards have played an important role in considering changes in landmark structures and areas and has been able to request and achieve both small and large revisions to applications in support of LPC’s own stated goals. We take this work extremely seriously.

It has often been said that democracy isn’t neat; it is messy and unwieldy. We agree that reducing the review time and presumed inefficiencies of the LPC process is an important goal. However, cutting out the twelve commissioners, the public and the community board from the process is not an acceptable answer. We look forward to working with you on appropriate alternatives.

Thank you for the opportunity to comment on this matter.

Sincerely,



Vikki Barbero
Chair



Layla Law-Gisiko
Chair, Landmarks Committee

Cc: Borough President Gale Brewer
Deputy Mayor Alicia Glen
Hon. Brad Hoylman
Hon. Liz Krueger
Hon. Richard Gottfried
Hon. Speaker Corey Johnson
Hon. Keith Powers
Hon. Carlina Rivera
Hon. Letitia James

Testimony by Manhattan Community Board Five

March 27, 2018

Good morning

Thank you for the opportunity to testify. My name is Layla Law-Gisiko. I'm the Chair of the landmarks committee of community board five. We are submitting a letter and for the sake of efficiency, I will ~~very briefly~~ summarize CB5's position. We strongly oppose the proposed rules changes. We share the views of our preservation friends and I will let them use more of the testimony time for eloquence.

~~Very briefly~~, the proposed rules changes would make the works of the commission opaque. If the rules were already in effect, out of the 37 applications CB5 reviewed in the past 12 months, we would only have seen 8. *it's almost 90% decrease.*

If these rules were approved, we would have No opportunity to be informed of alterations. (By the way, this is already the case to some extent, although we're not sure what authority the staff currently has to make these "staff approvals"),

We would have no opportunity to comment and opine. Finally we would have no opportunity to know what exactly has been

approved. (Once again, we suspect that it's already the case to some extent).

~~I will spare you a long testimony, metaphors or quotes by~~
~~obscure philosophers.~~ You can read our letter at your convenience. We are opposed to the rules changes. They do not serve the public. They do not serve the purpose of LPC's mission to landmark and preserve. They do not serve transparency. They do not serve independence. If LPC wants to improve their review efficacy, the commission should advocate for a budget increase rather than a deep cut into the core of its work.

Thank you.



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Date 3, 27, 18 Item # 1

Item Address LANDMARKS RULE CHANGE

☐

In favor of proposal

☒

Against proposal

☐

Other position

JOHN MASSENGALE

Name

277 BROADWAY, 10007-2012

Address

CNU NYC

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

ATTACHED

If you need additional space, please attach sheets.

Massengale Architecture PLLC

March 27, 2018

John Massengale AIA
john@massengale.com

Meenakshi Srinivasan, Chair
Landmarks Preservation Commission

REVISED

Oppose LPC Procedural Changes that Decrease Public Input & Process

Dear Commissioner Srinivasan:

I am an architect and urban designer in New York City; co-author with Robert A.M. Stern and Gregory Gilmartin of *New York 1900, Metropolitan Architecture and Urbanism 1890-1915*; and Chair of CNU NYC, the local chapter of the Congress for New Urbanism. Our 3,000 members nationwide include urban designers, architects, engineers, developers, elected officials, and plain old citizens. CNU NYC opposes any procedural changes that decrease public input and process.

In his first month in office, Mayor de Blasio came out of a meeting with the Real Estate Board of New York and famously told the press that New York will build as high as it has to to provide affordable housing for the city. In retrospect, it is clear that this policy is making the cost of living in New York City more expensive rather than less.

Mayor de Blasio, whom I voted for, tied the planning policy of the city to the wishes of the richest and most powerful special interest group in the state, and the city has suffered. REBNY is outspoken in their belief that New York has too many historic landmarks and districts. Parasitically, they want to use the value created by historic neighborhoods to add to the value of their buildings at the same time that they erode the quality of life by adding gleaming towers to traditionally-scaled neighborhoods with masonry buildings.

I recently attended a meeting of preservationists and neighborhood activists from across the city. A passionate community leader from the Lower East Side got a standing ovation from the group when she said that she knew Mayor de Blasio was concerned about what he called a "tale of two cities."

"What we didn't know," she said, "was that he wanted to get rid of *our* city."

This goes against the historic mission of the Landmarks Preservation Commission. We all know the role the destruction of Pennsylvania Station in 1963 played in the creation of the LPC in 1965. But Mayor Giuliani's Planning Commissioner, Joe Rose, tells us that New York City's 1961 Zoning Resolution was equally instrumental in the creation of Historic Districts and the LPC.

Rose called the Zoning Resolution an ideological statement of Modernism. When New Yorkers saw the building it produced, they wanted to save whole neighbor-

The Broadway Chambers, 277 Broadway, Studio 1300, New York, New York 10007-2012
<http://architect.massengale.com>

Massengale Architecture PLLC

hoods as much as individual buildings, because the development of the time was destroying the character of the neighborhoods and the city they loved. Three-and-a-half months before the Landmarks Preservation Commission began, the residents of Brooklyn Heights successfully concluded their fight to make their neighborhood the first Historic District in the city.

Other neighborhoods quickly applied to become historic districts. New York now has 141 historic districts. Every one of them is an implicit statement that the residents prefer what they have to what the Real Estate Board of New York and the New York City Planning Commission want to give them.

Current city policy is giving enormous short-term profits for many developers, at great long-term cost to the city. Historic preservation preserves neighborhoods where people want to live and work.

Public interest created the Landmark Preservation Commission. CNU NYC hopes that New York City will respect the history of the LPC itself as a watchdog for the public and the common good against private interests.

Sincerely,



John Massengale AIA
Chair, CNU NYC



Landmarks Preservation
Commission

1 Centre Street
9th Floor North
New York, NY 10007

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 3 / 27 / 18 Item # 1

Item Address rules change

☐

In favor of proposal

☒

Against proposal

☐

Other position

Kirsten Theodos

Name

333 e. 14th ST 17K 10003

Address

private citizen

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.

My name is Kirsten Theodos, I live in the East Village and I strongly oppose the proposed LPC rules changes.

The LPC under a de Blasio administration has proven to be hostile towards historic preservation. Shortly after de Blasio was elected, the LPC tried to erase 95 backlogged properties in calendar limbo. Only after public outcry, did they devise a plan to address the backlog. This set a precedent for opposing the recommendations of our preservation experts, and greenlighting highly questionable projects.

Near where I live, the LPC rejected the Friends Seminary school's proposal to add a rooftop addition. Weeks later the LPC inexplicably reversed course and gave the school nearly everything they wanted. Friends Seminary records show James Capalino's retainer agreement that specifically lists the LPC as a target to lobby on their behalf. James Capalino is the lobbyist who has been involved in dozens of pay to play scandals including Rivington House.

The proposed LPC rules changes will shift a large number of decisions from an open process to a process where decisions are being made behind closed doors. Since the public would no longer be notified about neighboring facade and addition applications, the only way you would know if an application had been submitted and approved would be when you notice the scaffolding going up. Even worse, you would have no idea what was actually being changed until the scaffolding came down. This is the exact opposite of transparency, which is ironic because one of the stated purposes of the LPC rules changes is to "improve transparency."

Last week Curbed reported on the proposed rules changes and the CEO of REBNY, John Banks weighed in. He said: "The proposed measures are a win-win for all stakeholders involved in the process. Property owners will benefit from a speedier, more ministerial process for routine applications that currently are lengthy and expensive for taxpayers."

Also weighing in on the proposed rules changes are the expert preservation groups and NYC Council Speaker Corey Johnson. GVSHP said: "This proposal is an unacceptable attempt to hide these important decisions from public view, and cut neighbors, elected officials, community boards, and preservationists out of the process."

Speaker Johnson wants the LPC to specifically remove the provisions delegating to staff approval for facades, signage, rooftop and rear additions and sidewalks. The Speaker also emphasized the importance of public review, he said: "The participation of the public adds value to our civic processes. Reducing public input is not the appropriate solution to a workload problem". And Speaker Johnson would know, considering some of the most egregious assaults on historic neighborhoods have happened right in his district on Jane, Perry and Gansevoort Streets.

NYC deserves a LPC that's going to keep their preservation hats on. So before you vote ask yourself, are you are going to vote based on the recommendation of John Banks or are you going to vote based on the recommendation of the preservation experts and Speaker Johnson? Please do not move the landmarking process backwards, reject the proposed rules changes.

Kirsten Theodos
kirstentheodos@gmail.com



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PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 3 / 27 / 18 Item # Rules

Item Address _____

☐ In favor of proposal ☒ Against proposal ☐ Other position

Alison Arzenberg
Name

57 W 8th St NY NY 10011
Address

Human Scale NYC
Representing

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 3, 27, 18 Item # 1

Item Address rules changes

☐

In favor of proposal

☒

Against proposal

☐

Other position

Alison Greenberg
Name

Address

NYERS fir a Human Scale
Representing City

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.

3/27/18

Testimony on LPC Rule Changes
Lynn Ellsworth, for Humanscale NYC
March 12, 2018

Human-scale NYC is a non-profit that seeks neighborhood livability, human-scale urbanism, and democratic control over the built environment through research, education, and policy advocacy. Human-scale NYC has its origins in the Alliance for a Human-Scale City, a network of over 100 allied neighborhood organizations.

Our view is that the present rule change hearing ought best to be adjourned and the process of modifying LPC rules given a total reboot by the City Council. We propose that the City Council empanel the salaried non-profit preservation organizations to collectively articulate their own ideas for changes in the LPC. Those ideas then need to be compared page for page with what the LPC has presented. We urge this reboot because our confidence in the Landmarks Preservation Commission has been utterly destroyed under the current Chair. The decisions and statements by the Chair that we have documented in our letter to the City Council Speaker (attached) illustrate why we no longer think the Commission can act to defend the Landmarks Law. Nor do we think the LPC can, under the current regime, consider itself an organization concerned with historic preservation. We ask the City Council join us in a call for a new Chair to be appointed, one with professional competence and education in the academic field of preservation as well as one with greater willingness to defend the commission from the constant assaults of the Real Estate Board of New York.

In general these rule changes are excessively dangerous to the built environment of NYC. They defeat the purpose of transparency by relegating hugely important decisions to the staff, who have their own set of biases – as any staff would – but whose professionalism is compromised by fear in this regime of incurring the Chair's displeasure. The LPC is now a work environment in which at least one staff member has been formally told "not to disagree with the Chair." The proposed changes actually grant even more power to the Chair, and take it away from the wider Commission which has the legal regulatory power. We know the Landmarks Law is in trouble when the Chair tells staff to "remove their preservation hats," and admits in public hearings that her decisions are political and "not about the merits." We know the law is in trouble when the Chair insists that staff rewrite recommendations contrary to their professional reasoning so as to conform to whatever anti-preservation opinion the Chair has at the moment. We think these are clear signs that we no longer have a regulatory agency suitable to a democracy, but one suitable instead to Monarchy. In such a situation, the Landmarks Law cannot be properly upheld. We conclude that a change of leadership is necessary before any rules are changed. Thank you.



www.humanscale.nyc

March 12, 2018

Dear Speaker Johnson, Borough President Brewer, Councilmember Kallos:

Under the current administration, we believe there is a pattern of decision-making such that the Landmarks Preservation Commission (LPC) is actively undermining the intent and purpose of the Landmarks Law. Many problematic LPC decisions and changes took place under Bloomberg, but the situation under Mayor De Blasio has become intolerable. In fact, the Commission gives every appearance of following mayoral directives to “stand down” on historic preservation and to operate as if it were entirely under the control of the real estate industry. The Chair has even been quoted in the *Daily News* as telling the LPC staff and Commissioners to “take off their preservation hats for a while.” See the reasons for our concern annexed below, with underlined links to press reports.

We are therefore all the more dismayed by the new proposal to overhaul the internal rules of the Landmarks Preservation Commission, under the seemingly apple-pie notion of rule simplification and transparency. These rationales for the proposed LPC rule changes are Trojan Horses that will actually prohibit transparency and give more decision-making to the anti-preservation Chair and to staff who can be fired for disagreeing with her. There are two reasons to put a halt to this. First, more decisions affecting historic neighborhoods will now be heard out of public view, thus limiting input from the actual members of the Commission, from Community Boards, the public at large, and neighborhood residents. Why do this now? Shocking facade changes and rooftop “additions” the size of new buildings already get approved without community or full Commission input: the new rules will only worsen the problem. Second, removing so many decisions from public scrutiny continues the trend toward abuse of the Chair’s discretionary power. This is especially dangerous given how hostile the de Blasio administration and the current Chair have proven to be towards historic neighborhoods.

If rule changes are actually needed - and we question whether or not they are necessary - a better solution would be for the LPC to ask the preservation watchdog organizations of the city to collectively present their own ideas for rule changes. Then compare their ideas with the City's proposal in an honest public hearing. That would permit a more even-handed discussion of the issue. We call on your offices to make these requests.

For these reasons, we ask your offices to oppose the rule changes as announced and to insist upon a more balanced public discussion that allows our non-profit preservation organizations to field their own proposals. The hearing about the rule changes is scheduled for March 27th, so time is of the essence.

We also request each of you and the City Council to ask the Mayor to replace the current Chair with someone with a proven track record and expertise in historic preservation. We demand a qualified Chair who will demonstrate integrity and uphold the spirit, purpose, intent, and letter of the Landmarks Law rather than serve the interests of big real estate.

Lynn Ellsworth, for Humanscale NYC
165 Duane Street, NYC 10013
212-732-1025

And

Artists Studio Affordability Project
Audubon Park Alliance
Bowery Alliance of Neighbors
Brooklyn Heights Association
Brooklyn Bridge Park Defense Fund
Central Park West Association
Chelsea Reform Democratic Club
Committee for Environmentally Responsible Development
East Harlem Preservation
Inwood Preservation
Lower East Side Dwellers
Moving Forward Unidos
Neighbors for the Preservation of 158th Street
Riverside Edgecombe Neighborhood Association
Save Central Park

Save Inwood Library
Tribeca Trust
29th Street Association
Queens Preservation Council
Riverside Oval Association
Union Square Community Coalition Board
Save Chelsea
West Village Committee

Annex 1: Evidence of LPC Hostility to the Historic City: Eleven Points

1. In 2014, Mayor de Blasio appointed Meenakshi Srinivasan as Chair of the LPC. Ms. Srinivasan had been chair of the New York City Board of Standards and Appeals for 14 years under Bloomberg. There, she oversaw a developer-friendly agency that routinely granted exemptions to zoning constraints at unprecedented rates (Mashayekhi 2017). The press at the time reported Srinivasan's appointment as "friendly to developers and the mayor's pro-development agenda." *Real Deal* even reported, "Real Estate Board of New York chief Steven Spinola said Srinivasan is expected to be receptive to developers' needs." We see Chair Srinivasan's appointment as a negative starting point that launched a new level of attacks on the historic neighborhoods of New York that included a new, REBNY-backed effort to rollback the Landmarks Law.
2. The Chair has said in a public hearing that her decision-making over historic properties and historic districts is in fact political. In her own words, "it's not really about the merits of the case" (City Council Hearings 47-52). Moreover, the Chair was quoted in the Daily News as telling her staff and Commissioners that "they will have to take off their preservation hats for a while." What then is the point of having a Landmarks Preservation Commission under such a regime?
3. One of the first acts of the new Chair after appointment was to propose elimination of over 100 properties from their list of potential landmarks on the grounds that the buildings had been in their pipeline for a long time. The LPC was cheered on by the Real Estate Board of New York in this decision. Only a public outcry stopped the Chair from carrying it out. The LPC's effort to remove protections from so many properties that were slated for consideration constituted a hostile act towards the mission of the LPC and the Landmarks Law.

3. Chair Srinivasan has greenlighted an unprecedented number of major, out-of-context and controversial alterations to designated buildings. The alterations clearly undermine the purpose, intent, and spirit of the Landmarks Law and the policy guidance that the City Council gave to that law. We cite just seven examples in the appendix to this document. A great many more can be provided.

4. Chair Srinivasan has seized unprecedented arbitrary and authoritarian powers of decision-making under the framework of “staff decisions” and executive discretion. This is documented by the LPC’s own court filings. Requests for evaluation are no longer shared with appointed Commissioners. The opinion of the other Commissioners is no longer sought during hearings. Instead the Chair presents her opinion first and then - in what sounds to our ear as outright intimidation - expects the Commissioners to fall in line with her decision. Debate is thus stifled. Listen to any number of recorded hearings to understand what we mean. Indeed, in the Commission’s own legal documents for the Tribeca Trust case, all landmarks and historic district evaluation requests are described as being under *the sole and complete discretion* of the Chair, *not* the full Commission as specified in the law (Memorandum of Law, 2017). Should we not be aggrieved at this? The Landmarks Law did not intend for the LPC to operate as a dictatorship.

5. The LPC has stalled, shrunk, or outright rejected proposals to designate or extend historic districts if there is any buildable airspace within them that is valuable to developers. The two most well-known examples are two Upper West Side historic districts that were approved (after years in the pipeline prior to the Chair’s tenure), but were “shrunk” in size at the request of the Real Estate Board of New York and the Chair’s insistence. Other examples include the refusal to extend Tribeca’s Historic Districts, NOMAD’s historic District, Little Syria, Tin Pan Alley, and a modest Bowery extension. Nor would the LPC consider designations in East Harlem, Inwood, and Chinatown, all places targeted for the administration’s upzonings. We do not even list the many individual landmarks denied protection and slated for demolition after intense public controversy.

6. The LPC has arbitrarily decided the following: if in their internal historic district designation reports a building is described as “no style” - a meaningless term among architectural historians - then the term is a cover to greenlight demolition and replacement, specifically with a glass design that is deliberately designed to be as jarring and out-of-context as possible. Designation reports are now written to favor this kind of “demolition-from-within”. The Sullivan Street Historic District is a case in point (Society for the Architecture of the City 2018).

7. The LPC has voluntarily relinquished its role in protecting historic parks, making it clear that its response to applications regarding scenic landmarks is only advisory and in no way legally binding (Kroessler 2018).
8. The LPC has argued to the courts that it does even not have certain regulatory powers over interior landmarks, which it in fact does, to the puzzlement of the judges themselves who heard the case in point: the Clocktower lawsuit. Why does the LPC try to refuse powers it in fact does have, if it does not seek to relinquish them and undermine the Landmarks Law?
9. The LPC has invented an argument that neighborhoods have a Chair-determined "period of significance," an attempt at periodization that has no basis in national best practice and which instead facilitates demolition of properties deemed not to be of the 'right' period. This utterly ignores the multi-layered character of New York's historic neighborhoods (Save Gansevoort 2017).
10. When the Real Estate board of New York pushed through the City Council anti-Landmarks Commission legislation in the form of "Bill 775", Chair Srinivasan barely defended the Commission. We need a Chair who defends the LPC and the law, not one who stands down in the face of such attacks.
11. Prior to public hearings, the LPC initiated the practice of mailing property owners an announcement that their building may become part of a historic district. This is unnecessary and not even remotely required by law. Property owners have repeatedly taken the LPC "heads-up" opportunity to vandalize the historic elements of their building. The LPC then removes the property from the proposed district, on the grounds that the building no longer has "integrity." A recent case of this took place in the Bowery, but it has happened with excessive frequency. Why would the LPC undermine the historic district designation process? How is this upholding the Landmarks Law?

Works Cited

1. Mashayekhi Rey. "City Council Seeks to Reform 'The Most Powerful Agency that No One Has Heard Of,' *Commercial Observer*, October 11, 2017.
2. Kroessler, Jeffrey. Speech to the Historic District Council's Conference, March 3, 2018
3. Society for the Architecture of the City. "Undoing Historic Districts" The Society for the Architecture of the City available at the Historic Districts Council, 2018.
4. City Council Public Hearings on Bill 775, September 9, 2016, pages 49-52.

Appendix 2: Partial List of Inappropriate Alterations in Historic Districts Greenlighted by the LPC

(underline indicates weblink)

1. The LPC issued a permit allowing demolition of the oldest house in the Chelsea Historic District and its replacement with a new building twice the size of the original, over the objections of Community Board 4, elected officials and many community groups.
2. In Greenwich Village, the LPC rubber stamped two large out-of-context structures on Jane and Perry Streets, and also permitted an egregiously inappropriate addition on Gansevoort Street. The latter went in front of the LPC twice with minimal changes before being approved.
3. Neighbors of the Friends Seminary School were incredulous after the LPC reversed its prior decision rejecting the school's application to build taller buildings, after the school hired power lobbyist and donor to Mayor de Blasio, James Capalino.
4. Brooklyn Heights Cinema owner was permitted to add a 3-story addition of luxury condos, after similar plans for the building were rejected twice before by the Commission.
5. The former Arbuckle Brothers Sugar Refinery at 10 Jay Street, where, after requesting some minor changes, the LPC approved a striking and controversial ODA-designed crystalline facade for a restoration of the 19th century factory in 2015.
6. At the landmarked Dime Savings Bank building in Downtown Brooklyn, which the LPC allowed to be structurally connected to the borough's future tallest tower at 9 Dekalb Avenue, calling the proposal "flawless."
7. The Domino Sugar Refinery at 292 Kent will lose its roof and innards to accommodate a glass-walled building inside the original structure, turning it into a "ruin," in the testimony of one dissenting commission member, to adapt it as an office building.



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Commission

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Date 3 / 27 / 18 Item # 6

Item Address LPC Rules Change

☐

In favor of proposal

☒

Against proposal

☐

Other position

SUSAN NIAL

Name

2166 Broadway

Address

London West

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.



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Date 3, 27, 2018 Item # RL

Item Address Proposed Rules Changes

☒

In favor of proposal

☒

Against proposal

☒

Other position

Anna Siftar

Name

45 West 67th Street

Address

Landmark West!

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to comments@lpc.nyc.gov.

Attached.

If you need additional space, please attach sheets.



THE COMMITTEE TO PRESERVE THE UPPER WEST SIDE

**Testimony of LANDMARK WEST!
Certificate of Appropriateness Committee
Before the Landmarks Preservation Commission
Proposed Rule-Making Under the City Administrative Procedures Act
March 27, 2018**

LANDMARK WEST! is a not-for-profit community organization committed to the preservation of the architectural heritage of the Upper West Side.

The Certificate of Appropriateness Committee wishes to comment on the Omnibus Rules Amendments, proposed amendments to Chapters 2, 3, 5, 7, and 11 of title 63 of the Rules of the City of New York, consisting of amendments, consolidation and reorganization of existing rules, and new rules, including in Chapter 2, amendments to sections 2-11 through 2-35; new rules concerning barrier-free access, sidewalks and excavation; in Chapter 3, repeal of the chapter and its reorganization, as amended, into Chapter 2; in Chapter 5, amendments to sections 5-01 through 5-03 and new section 5-04; in Chapter 7, amendments to sections 7-01 through 7-06; and in Chapter 11, amendments to sections 11-01 through 11-06.

LANDMARK WEST! has carefully reviewed and discussed the proposed rules changes with our board, members, and constituents, making efforts to reach the public at large—who was largely unaware of these proposed changes. We have also attended all available presentation and discussion sessions lead by Cory Herrala and Mark Silberman. We understand the LPC's concerns of clogged calendars, efficient use of staff time and their desire to pave a clearer path for applicants. Through the process, we have developed many concerns, and have a few suggestions.

Our over-arching concern is that under these rules, the public is eliminated from the process. A foremost stated goal of the rules is transparency, yet by removing more applications from public view, they skirt the Community Board, Online Posting, and Public Hearing. This signifies a large breach of public participation. In our shared interest of transparency, LW! suggests making all applications digitally available to the public so that comments may still be considered, if only by preservation staff.

A second goal of the rules is to increase efficiency. Landmarks are theoretically, "not going anywhere" so where's the rush? The average American is expected to move 11.4 times in their life, and New Yorkers are anything but average. If every new occupant of a landmark resulted in more and more less considered alterations, there would be an inherent reduction in historic quality. Landmarks are three dimensional, and on the Upper West Side, our namesake historic district is defined not just by the syncopated street rhythm of row houses, but by a private internal doughnut rhythm of doglegs. Easing alterations encourages domino changes until there is a diminished sense of place, ultimately compromising the original intent of designation. The standards as currently exist require considered decisions by both applicant and commission. Theoretically, a lowered bar would invite additional

applications. As it stands, even now unfortunate proposals get through. We hesitate to consider the landscape under a more permeable barrier.

Another stated need of the rules change was to address clogged calendars, in order “to ensure that the Commission has the capacity at future public hearings and meetings to review an increasing number of applications...” In response, may we suggest encouraging—and requiring—windows masterplans more regularly? This would alleviate piecemeal alterations. Another time saver: not consuming precious Commissioner time by even entertaining legalizations which disregard the process, and penalize those who do follow the laws in the first place? Timing applicant presentations and limiting *them* to a set length would surely speed things along as well. In general, it is our sense that making alterations easier will further encourage an increase in applications. A section-by-section comment sheet with feedback on specific areas of concern from replacement materials to windows on secondary facades is being submitted for the record.

LW! does not see all the changes as deleterious, but feels there are several ways to continue to safeguard the buildings and places that represent New York City’s cultural, social, economic, political and architectural history [in order] to:

- Stabilize and improve property values
- Foster civic pride
- Protect and enhance the City’s attractions to tourists
- Strengthen the economy of the City
- Promote the use of historic districts, landmarks, interior landmarks, and scenic landmarks for education, pleasure and welfare of the people of the city

These ideals are possible without undermining the public in the process. The landmark should always remain the number one concern.

LW!

	Section/Item	Pages	Comments
Statement of Basis and Purpose of Proposed Rules	Introduction: Item 1	2/131	Allowing the staff to make decisions without public involvement does not promote transparency. The DOB has BIS, the LPC could do something similar.
	Introduction: Item 2		Time and again the Commission as stated that its decisions are not precedent, yet now those decisions are being engrained as rules which will bypass public review.
	Introduction: Item 3		Time and again the Commission as stated that its decisions are not precedent, yet now those decisions are being engrained as rules which will bypass public review.
	Introduction: Item 4		Time and again the Commission as stated that its decisions are not precedent, yet now those decisions are being engrained as rules which will bypass public review.
	Introduction: Item 5		Agreed.
	Introduction: Item 6	3/131	We believe there are other ways to make public hearings and meetings more efficient. Reference testimony.
Summary of Proposed Changes to Title 63		3-5/131	Organization seems reasonable.
	Chapter 2		
	Section 2-04	5/131	What is the legal implication of changing a Notice of Violation to a Summons? Does this remove authority from the LPC?
	Section 2-06	6/131	We can understand an extension without renewal, but why 180 days and not 120?
	Section 2-11	6-7/131	We are concerned about many of the replacement elements, how they will age with respect to original historic fabric. For example, a cornice of painted metal may flake but can be repainted. A fiberglass section will crack and fade. Due to the fabrication involved, it invites larger sums of replacement than may be needed for repair. When adjacent to original fabric, the replacement will likely look different as time goes on, further encouraging replacement rather than repair resulting in an overall loss of historic material.
	Section 2-12	7/131	We would need to review the case typologies. Our concern is that this would invite a catalog of repairs that then become the homogenous standard by default.
			We feel that films should specifically exclude advertising akin to buswrap or similar.
			We would like to see a conditions check list. In the past we have seen non-original yet still historic features such as mosaic entries with addresses and art deco curved glass lost because it was not original to the building. There should be a threshold of consideration, especially in districts like the Upper West Side where there was not necessarily originally planned street level retail. Under any other guise, it almost always is allowed to be eradicated then.
			We believe that scissor-style security gates which are always somewhat visible and do not retract to an awning hood should not be sanctioned.
			Regarding sidewalk canopies, we agree that this is reasonable for buildings that historically featured canopies but would suggest limits on name/address and font scale.
	Section 2-13	7-8/131	Agreed.
	Section 2-14	8-9/131	We understand the removal of half-round, elliptical arch and quarter-round and pointed windows from the "special" category, our concern remains that often there is a cumulative impact. We would suggest that when more than 15% of the windows are deemed "special" that the ENTIRE package go before the Commission rather than part of it be considered and approved by staff. This would not further burden the Commission and could result in a very different outcome. This is especially true for the primary facade.
			We have reservations about tilt/turn sash in lieu of double-hung at rowhouses especially where the sense of rhythm along the street will be changed when opened. We would prefer an exception be made for windows of row houses of three or fewer floors on the primary facade.

		With respect to one-over-one windows on visible secondary facades in historic districts, we have reservations. Coincident with our many rows of mid-block rowhouses, many avenues from Central Park West, to Columbus, to West End Avenue and Riverside Drive have larger buildings with visible secondary facades. We feel these should be reconsidered.
		Regarding rowhouse rear yard elevations, we would ask that language be included to exclude cases where there are decorative bays and special windows, whether visible or not. Such cases would raise the application to the Commissioner level.
Section 2-15	9-12/131	Agreed, consolidating HVAC seems logical.
		We would ask that you define "minimally visible" for rear yard additions.
	10/131	Does this mean that the staff cannot approve an addition of non-occupiable space i.e. a bulkhead?
	10/131	These rules seem to preclude visible elevator bulkheads on rowhouses meaning those would continue to go before the commission, correct?
	11/131	Rear Yard rules seem clear. We would ask that bullet three be clarified. It states "an addition of not more than two stories". Please clarify that this is two over-all, or two on top of any addition that may already exist.
	11-12/131	In regards to Cumulative Impact, please clarify that it is two story rear yard over-all, not an addition of two stories on top of any addition that may already exist.
Section 2-16	12/131	We are concerned that this has safety implications for the neighbors and public notice should be required beyond the posting of a permit. The BSA requires proof of notification of items, the LPC could do something similar. The neighbors should really be warned in advance.
Section 2-17	13/131	Agreed, no objections
Section 2-18	13-14/131	We ask that these be considered in conjunction with all storefront proposals so that they can be integrated from the start rather than retro-fit after the design is implemented for least invasive, most cohesive results.
		We ask that the LPC consider UK precedents like the Sesame Stair.
		We ask that a chair lift addition to an individual landmark be considered at Commissioner level.
Section 2-19	14-15/131	We would consider that in an instance of historic sidewalks or vault lights where they exist, they are indeed a feature. Erradicating these features dilutes the streetscape. Diamond plate is not a parallel to vault lights.
Section 2-20	15/131	Agreed, no objections
Section 2-21	15-16/131	We disagree that through-wall HVAC installations should not be held to a pattern or standard.
Section 2-22	16/131	Swing stairs are much more visible but safety triumphs. We would ask the the color to be consistent.
Section 2-23	16/131	Agreed, no objections
Section 3-31	16/131	Unclear of implications
Section 3-32	16/131	Agreed, no objections
Section 3-34	16/131	Unclear of implications



Landmarks Preservation
Commission

1 Centre Street
9th Floor North
New York, NY 10007

212 669 7700 tel
212 669 7960 fax

PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 31 27 118 Item # Rule Change

Item Address Rule Change

☐

In favor of proposal

☒

Against proposal

☐

Other position

Henry Euler
Name

204-05 43 Ave. Bayside, NY 11361
Address

BAYSIDE HISTORICAL SOCIETY
Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.

204-05 43rd Avenue
Bayside, NY 11361-2617
March 24, 2018

NYC Landmarks Preservation Commission
1 Centre Street, 9th Floor
New York, NY 10007

To the Landmarks Preservation Commission:
Re: RL Rule Change, Proposed Rule-Making Under
the City Administrative Procedures Act, March 27, 2018 Hearing Testimony

My name is Henry Euler and I am the Recording Secretary of both the Bayside Historical Society and the Olde Towne of Flushing Burial Ground Conservancy. I am also a member of the Queens Preservation Council as well as a member of the Queens Community Board 11 Landmarks Committee.

I am very concerned about some proposed rule changes that the Landmarks Preservation Commission (LPC) is considering. I have been told that those changes will result in the loss of public participation in certain decisions by this agency.

There are supposed to be significant changes to rules governing how applications for changes to landmarked sites and properties in historic districts are decided. The proposal would take many such applications out of the public review and approval process.

At this time, these applications come before local community boards and the public is notified and has the opportunity to testify or submit comments or evidence about the applications and why they should or should not be approved. If these changes are passed, these applications would then be decided behind closed doors, at staff level, by the Commission.

How is that fair? What are the benefits of changing the rules to limit public participation? Wouldn't these changes result in more work for the LPC staff and wouldn't that slow down the way that these applications are processed?

The LPC should be encouraging public participation, not discouraging it. Decisions should be transparent, not decided upon by LPC staffers alone. I am very opposed to the passage of any rules that would result in the public, community boards, and preservation organizations losing their ability to offer input into LPC decisions.

Thank you for the opportunity to testify today.


Henry Euler



Landmarks Preservation
Commission

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 3, 27, 18 Item #

Item Address Proposed Rules Changes

☐

In favor of proposal

☒

Against proposal

☐

Other position

Brice Payne, office of NYS Assembly Member Gottfried
Name

2.14 W. 29th St. #1002, NY 10001
Address

Assembly Member Rozland Cottfried and Senator Liz Kruger
Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

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NEW YORK STATE LEGISLATURE

Statement on the NYC Landmarks Preservation Commission's Proposed New Rules and Amendments to Existing Rules

Joint Testimony by State Senator Liz Krueger and Assembly Member Richard N. Gottfried
Before the New York City Landmarks Preservation Commission
March 27, 2018

We offer this testimony to express my reservations about many of the new rules and amendments to Title 63 of New York City Rules proposed by the Landmarks Preservation Commission (LPC).

We oppose the proposed rule changes that would remove a significant portion of landmark applications from public review by eliminating the requirement for public hearings or that the outcome of such applications be determined at the Commissioner level. If many of the proposed rules are adopted, an unacceptably high number of applications would be largely decided at the staff level, leading to minimal or even zero participation by the public – resulting in a less transparent, open, and accessible City government.

The current process -- allowing for ample public review of landmarks applications -- gives members of the public the opportunity to express their opinions, present facts, and provide context to the members of the LPC before they rule on an application. This process can provide valuable insight and perspective to the Commissioners, while also educating the public on aspects of a given application. It serves to increase the sense of public participation in the landmarking process while also reducing second-guessing of the LPC and its work, an unfortunate outcome that will follow if many of the new rules and amendments are adopted.

Eliminating public hearings on landmarks applications will remove an important check on dishonest building owners. Public hearings are an important opportunity for advocates to challenge an owner's false claims and present facts, analysis, and opposing arguments. Unscrupulous applicants, knowing that decisions on applications will be subject to little if any public scrutiny, will have less incentive to provide accurate and truthful data to the Commission, doing a disservice to the Commission and to the people of New York City. When Commission rulings are later discovered to have been based on inaccurate or fraudulent data or applications, blame will be placed solely on the Commission, its newly less transparent process, and its staff.

We also strongly oppose the proposed rules that would allow even more rooftop and rear yard additions to structures on historic blocks while limiting public review of such applications. The Commission should follow its stated criterion that such construction "does not substantially diminish the presence of a rear yard." In the communities that we represent, there are many historic row houses with back yards whose architectural and historic significance would be fundamentally diminished with such changes. In one recent example of "additions" to historic structures, the oldest house in Chelsea, at 404 West 20th Street, was almost completely rebuilt except for its façade as the result of Commission approval. Imposing further curbs on public review of similar applications in the future will lead to heightened public suspicion of the

Commission and to ever louder charges that its members are tacitly condoning "façadism" that undermines the very spirit and intent of the agency's mission. We join Manhattan Community Boards 4, 5 and 8, the Historic Districts Council and important community-based organizations such as the Greenwich Village Society for Historic Preservation and Save Chelsea in standing unalterably opposed to any rules or amendments that would loosen standards for applications that entail rooftop and rear yard additions to historic structures or diminish public review and input on such applications.

We are opposed to proposed rules changes that would relax preservation standards that have been in place for years or that would allow increasing numbers of applications to be decided at the staff level, without Commissioner or public review. Applications involving questions that are critical elements of landmarking and historic preservation, such as approval of substitute building materials, window replacements, and sidewalk and curb replacement should provide for public review and should largely be decided at the Commissioner level, not solely by the staff.

Public review plays a critical role in the landmarking process. Even when a Commission ruling conflicts with the public sentiment expressed on a given application, there is still significant value in allowing the members of the public to express their opinions at public hearings, and helps underpin continuing public support for the LPC and its vital mission. Such public participation is a basic underpinning of our democracy.

Thank you for affording us the opportunity to submit this testimony



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Commission

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date MARCH, 27, 2018 Item # LPC Rules change

Item Address Municipal Building 9th Floor

☐

In favor of proposal

☒

Against proposal

☐

Other position

PATTI HAGAN

Name

117 ST. MARKS AVENUE, BROOKLYN, NY 11217

Address

Prospect Heights Development Council + SELF (3 min.)
(3 min.)

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.

UDMARKS PRESERVATION COMMITTEE
7 MARCH 2018

2D morning Landmarks Preservation Commission.
name is Patti Hagan, resident in the Prospect
Heights Historic District, Brooklyn. I take issue with the
LPC's proposed rules changes re. the decision-making
on alterations to landmarked buildings.

I am alarmed by what looks like an effort to fast track
LPC decision by reducing public participation in them.
(Even at 3 minutes per public person, public participation
adds great value to LPC deliberations.) We live in
historic 'hoods. We care passionately about preserving
historic New York. (We know from "THE MUSIC MAN" that
"you gotta know the territory." We do! In the past we've
been able to correct the record re. existing precedents
when an applicant has supplied inaccurate, imprecise
or incorrect information.

We in the Prospect Heights Hist Dist want to continue
to be part of the LPC public review process, partic-
ularly concerning rear yard and rooftop add-ons. We
welcome staff level approval for rear yard
when the current yardstick for comparison with
majority of... buildings in the block is changed
vague "predominant depth... predominant height"

FEAR OUR PARKLIKE BACKYARD DONUT HOLE SPACE
SUBJECTED TO SHADOWS CAST BY CREEPING INFIL-

WE CHOOSE TO CONTINUE TO BE PART OF RE-

ROOFTOP ADDITIONS AS WELL. (ROOFTOP ADDIT-

ION BY THE COMMUNITY BOARD WOULD

COMMUNITY REVIEW, BUT NOT ENO-

UGH BECAUSE WE HAVE TO

Community



March 27, 2018

STATEMENT OF THE NEW YORK LANDMARKS CONSERVANCY BEFORE THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION REGARDING OMNIBUS RULES AMENDMENTS, PROPOSED AMENDMENTS TO CHAPTERS 2, 3, 5, 7 AND 11 OF TITLE 63 OF THE RULES OF THE CITY OF NEW YORK

Good day, Chair Srinivasan and Commissioners. I am Andrea Goldwyn speaking on behalf of the New York Landmarks Conservancy in regards to the proposed Rules amendments.

First, we would like to thank the Chair and LPC staff for the lengthy engagement and outreach process they have conducted over the last year. Our staff and board have attended multiple meetings and we appreciate the work to educate the public on this proposal. The Conservancy is fortunate to have several staff members who previously worked here at the Commission. They have been invaluable in reviewing the many pages of amendments, parsing terms, evaluating impacts and considering potential scenarios of how these new Rules will work in the real world.

We support the goals that the Commission has laid out for these amendments: greater transparency and predictability for the public and a more efficient schedule for the Commissioners, who donate their time nearly every week. The reorganization of existing Rules, and codification of staff practices and Commission decisions is a sound idea. After poring over the pages, however, we do not believe that the amendments will meet those goals.

Instead, they will add a complicated layer of bureaucracy to the permit process. We cannot imagine how an applicant who does not have some combination of architectural, legal or expediting experience will be able to interpret the expanded Rules. At a minimum, we hope that LPC will be updating its Rowhouse manual and Permit Application Guide, which both feature very useful plain language and illustrations. We would also recommend additional guides that organize the Rules for other building types, such as free-standing houses, large and small apartment buildings and commercial buildings, and storefronts, so that applicants do not have to wade through the entire Rules text. The presentations of amendments that codify staff practices or Commission decisions show successful examples; these would be good illustrations. Some Rules and guides, for instance, storefronts, should be translated into multiple languages. LPC should also provide training sessions for practitioners.

We are also concerned that the amendments will create burdens for the staff. The decrease in Commission workload is likely to increase the staff's. They will need training on the amendments. And there are several instances where staff will have to make determinations that might be outside of their expertise. On accessibility, the Rules will ask staff to make appropriateness determinations on applications that follow ADA-standards, but also applications in which the applicant is defining accessibility. On health, safety, and utility equipment, the new Rules leave it to staff to approve DOB-compliant applications even if they are not appropriate or ask them to devise feasible alternatives. The Rules allow staff to make more decisions on use of substitute materials; does all staff receive consistent training on new products and technologies?

We are sensitive to the concerns of the public, local advocates, and Community Boards who will have fewer opportunities to learn about and comment on construction in their neighborhoods. These constituencies often know local buildings very well, and are able to make valuable contributions at Commission hearings. Some of the most high-profile applications are those that affect the street-level experience of living or visiting a historic district, such as canopies, rooftop and rear yard additions and excavations. We would like to know how many applications are currently reviewed at staff-level, and how many are expected to move from a public hearing to staff-level review due to the amendments.

In order to balance this loss of public review, we recommend that applications that will no longer go to a public hearing should still go to the Community Board for advisory review. There are also several ways to provide and solicit more complete information on the agency's website:

- Combine sections that list Commission decisions made prior to a permit being issued, and that show all permits over the previous two years.
- Instead of listing applications in progress as "pending," include a brief description of the proposed work.
- Follow DOB's example and include all documents submitted as part of the application.
- If necessary, start by prioritizing high-profile applications, such as excavations, and rear yard and rooftop additions.
- Create a stronger option for public comment on the home page or Quick Links section, and staff this section with public information officers, who are versed in the intricacies of the Rules.

We have comments on specific language in the Rules that will be submitted as written testimony, but would like to call out one item in particular here. The Storefronts and Awnings section introduces the term: "Where a building in a historic district is... **not a building for which the district was designated.**" Many district designation reports don't have one specific rationale for designation, and many districts have multiple building types and styles. This language is not in the Landmarks Law and it could set a dangerous precedent. It should be removed.

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

Comments are organized in page order generally; there are a few exceptions where similar issues are grouped.

§2-11 Repair, Restoration, Replacement and Re-creation of Building Façades and Related Exterior Elements.

p. 23 (c)(2)(i)(B) "A particular finish that is already required pursuant to an LPC Modification of Use or Bulk, or was an important criteria for an approval of a Certificate of Appropriateness application, will be maintained."

We recommend that similar language be used throughout the proposed Rules to prevent restorative work from being removed or undone, for example, "Vault lights restored pursuant to an LPC Modification of Use or Bulk, or was an important criteria for an approval of a Certificate of Appropriateness application, will be maintained." p.27 & 28 appropriately call out MOU projects as exceptions. All exceptions noted for Individual Landmarks should also apply to MOU projects, for example at p.58 (B).

p.27 (d) *Replacement of Deteriorated Architectural Features.*(1)(iii)(B) For wood-sided buildings the use of fiber cement board or another substitute material on primary facades will be allowed only if applicable building, fire or other code(s) prohibit the use of wood, provided the use of such substitute material is the minimum required by such code(s).

This puts a burden on staff to know fire and building code requirements and will require additional staff training.

p.28 (1)(v)(2)(i) Fiberglass (also known as Fiberglass Reinforced Plastic ("FRP")).

We recommend providing an explanation as to why fiberglass is being called out in particular and the properties of the material and installation that the staff is focused on when evaluating its appropriateness in a project.

p.30 (e) *Reconstruction of Facades.* (2) "If the building is characterized in the designation report as not having a style or otherwise does not contribute to the landmark or historic district, LPC Staff will not be authorized to approve the re-creating of the existing façade, but can approve a restoration of the original or historic façade, if such restoration satisfies the requirements of subdivision (f) of this section."

We recommend that "or otherwise does not contribute to the landmark or historic district" should be changed to "or otherwise has been determined by the Commission at a Public Hearing as not a building for which the district was designated."

§2-12 Storefronts, Awnings and Canopies

p. 35 (c) *Storefront infill*. (1) 'Where a building in a historic district is identified in the designation report as "Style: None" or otherwise as not a building for which the district was designated, the design of a storefront must be consistent with the design of the building or buildings in the district, or does not detract from adjacent buildings in the district.'

We recommend that "or otherwise as not a building for which the district was designated" should be changed to "or otherwise *has been determined by the Commission at a Public Hearing* as not a building for which the district was designated."

p.37 (8) "Where a building in a historic district is identified in the designation report as "Style: None" or otherwise as not a building for which the district was designated, LPC Staff may approve either wood or metal."

See recommendation above.

p.37 (9) "New storefront infill must have a finish that recalls the finish of historic storefronts. Where a building in a historic district is identified in the designation report as "Style: None" or otherwise as not a building for which the district was designated, the finish is consistent with the existing finish or does not detract from adjacent buildings or buildings on the street in the district.

See recommendation above.

p.36 (c) *Storefront infill*. (3)(i)(D) "In the case of a serving window,..."

We recommend defining "serving window" in (a) *Definitions*.

p.36 (c) *Storefront infill*. (3)(ii)

There are many places in the amendments where a drawing would be very helpful – this item is a good example.

p. 36 (5) Orientation. "New infill must be installed parallel to the building's sidewalk and consistent with the plane of the facade, and must be set back from the face of the existing storefront surround the minimum dimension required to avoid concealing any significant architectural feature, including features previously concealed by existing storefront infill, but in no event less than four (4) inches from the face of the storefront surround.

Change to "New infill must be installed parallel to the building's sidewalk *and/or* consistent with the plane of the façade,..."

p.36 (6) Bulkhead. "The bulkhead must be between eighteen (18) and thirty (30) inches in height, including a stone or masonry curb, unless the historic storefront prototype indicates a lower or higher bulkhead, in which case the bulkhead may match the height of the historic prototype, and must feature details or materials that recall the

articulation of historic storefronts except: (i) Where the infill is based on a traditional example or model, the bulkhead must feature panels and stiles, rails, and moldings that match historic prototypes; or"

Provide drawings or description of "historic storefront prototype" and "traditional example or model."

p.37 (10) (v) Dropped soffits at the ceiling may be no closer than twelve (12) inches to the glass of the display or transom window and may be dropped the minimum distance necessary to address the structural or other issues requiring such dropped soffit.

This puts a burden on staff to know necessary minimum distance.

p.38 (12)(B) "If a significant portion of the historic storefront surround exists underneath the cladding, but no historic storefront infill remains, the storefront surround must be restored, pursuant to § 2- 11(f), as part of the application for new storefront infill under this paragraph."

We recommend defining "storefront surround" in (a) *Definitions*.

p.38 (13) Restoration of the original storefront opening. If the original storefront opening has been reduced or increased in size the design must include the restoration of the height and width of the original opening, except that: (i) The existing storefront opening may be maintained where the size, and organization of storefront bays and entrances were altered in a way that is consistent with other buildings within the historic district that include storefronts, or

In (i) the comma after "size" is confusing.

p.38 (14) (ii) The new door opening will not be installed through decorative cladding;

We recommend defining "decorative cladding" in (a) *Definitions*.

p.38 (14)(iii) The width of the new door opening is the minimum necessary to provide for an accessible door and, if needed, sidelight, and the height of the door opening is aligned with the height of the storefront or other storefront feature and does not call undue attention to itself; and

Define "accessible door." Is this an ADA compliant door? Should this read "aligned with the height of the storefront?"

p.39 (14) (iv) The design of the new door is consistent with existing storefront doors or is consistent with this the criteria for a replacement door.

This sentence is very confusing: "or is consistent with this the criteria for a replacement door."

p.39(B)(b) The housing for the roll-gates is installed so as not to protrude, or protrudes the least amount feasible, beyond the face of the storefront display window or transom, and it is finished to match the storefront framing;

Change "roll-gates" to "roll-down security gates" for consistency. The outline format becomes complicated to follow in this and many other sections.

p.39 [(1)] (i) LPC [staff shall] Staff will issue a certificate of no effect or a permit for minor work for recladding [of] existing awnings and sidewalk canopies if the proposed recladding meets both of the following criteria:

p.41 [(f)] (3) Installation of new awnings on storefronts, display windows and doorways. LPC [staff shall] Staff will issue a certificate of no effect or a permit for minor work for new awnings on ground story storefronts, display windows and doorways if the proposed work meets all of the following criteria applicable for such installation:

Capitalize names of permit types.

p.40 [(2)] (ii) [In the event]If a new storefront is being installed, an existing storefront awning or canopy in noncompliance with the criteria set forth in [subsection] paragraph [(f)](3) below cannot be retained unless the applicant can demonstrate to [LPC] Commission staff that the new storefront installation will not require even the temporary removal of the existing awning or [awnings] canopy. [€] (2) [Installation of new awnings on residential windows, doors and porches] Installation of new awnings on windows, doors and porches that are not associated with storefronts. LPC [staff shall] Staff will issue a certificate of no effect or a permit for minor work for new awnings on residential windows, doors and porches if the proposed awning meets all of the following criteria applicable for such installation:

Is it "Commission staff" or "LPC Staff?"

p.42 [(7)] (vii) The lowest framed portion of the awning [shall] will be at least [8] eight (8) feet above the sidewalk. The lowest unframed portion [shall] will be at least [7] seven (7) feet above the sidewalk or otherwise meet applicable Department of Buildings and/or Department of Transportation criteria.

Staff will have to know what otherwise meets DOB/DOT criteria.

p.42 (xii) (A) Have a "lean-to" frame with no connecting part between the top bar and the horizontal back projection bar; (B) The horizontal back projection bar is round in shape;

Define or rephrase "horizontal back projection bar." Perhaps "side bar perpendicular to the façade."

§2-14 Windows and Doors

p.53 (b) **Molding.** "Molding" means a piece of trim that introduces varieties of outline or curved contours in edges or surfaces as on window or door jambs and heads. Moldings are generally divided into 3 categories: rectilinear, curved and composite-curved.

Define to rephrase "composite-curved." This reinforces the need for an illustrated appendix.

p.53 (b) **Noncontributing building.** "Noncontributing building" means a building that is identified or characterized in the designation report as having no architectural style and or otherwise is not a building for which the historic district or landmark was designated.

We recommend that "or otherwise as not a building for which the district was designated" should be changed to "or otherwise *has been determined by the Commission at a Public Hearing* as not a building for which the district was designated."

p.54 **Rail.** "Rail" means a horizontal sash member.

Elaborate on definition so that general public understands. This is best illustrated.

P. 55 **Stile.** "Stile" means a vertical sash member.

See recommendation above. Both terms have always been a source of confusion for the general public.

p.55 **Special window or special door.** "Special window" or "special door" means a window or door that possesses rare or distinctive traits reflective of its style and age, including but not limited to:

This section elaborates with regard to windows, but not doors.

p. 55 (1) A rare shape and distinctive pattern, including but not limited to true arch-headed window sash; square sash with complex arched paneling; diamond and oval sash; sash with intersecting curved muntins; and multi-light sash with densely-gridded window panes of thirty (30) square inches or less. Unless otherwise classified as a special window, the following window types are not considered special windows: square sash; square sash with simple arched paneling (e.g., halfround arch, elliptical arch, quarter-round arch, pointed arch); sash with simply curved muntins; and multi-light sash with large panes of more than thirty (30) square inches.

This reinforces the need for an illustrated appendix. What is "sash with simply curved muntins?"

p. 57 *Special Windows and Special Doors; Any Façade.* (1) If existing original or historic windows or doors are deteriorated beyond reasonable repair, as described in a condition assessment submitted by the applicant, or need to be replaced to meet functionality or code requirements, new windows or doors may be approved if they

match the original or historic windows and doors in terms of details, materials, operation, configuration and finish. For purposes of this subdivision, the criteria established for window replacement at Primary Facades of Individual Landmarks will be used, with the additional variations and exceptions as described in paragraph (f)(1).

How should staff determine if windows "need to be replaced to meet functionality or code requirements?" What does "functionality" mean? Can special casement windows be removed to allow for window ac units that are easier to insert into double-hung windows?

p.59 (2)(i)(A) Existing original or historic window and door openings. If original or historic windows or doors are deteriorated beyond reasonable repair due to physical conditions as described in a condition assessment submitted by the applicant, or need to be replaced to meet functionality or code requirements, new windows or doors will be approved if they match the original or historic windows and doors in terms of configuration, operation, details, material and finish.

See above.

p.58 (D) Except at Individual Landmarks, the historic operation of a pivot window may be changed to a hinged operation matching the vertical or horizontal orientation of the pivot operation; and

Does this mean that a pivot window can be replaced with a casement window?

p. 62 (g)(1)(i) and p.63 (2)(B) "...At large residential and large commercial buildings only, if all of the existing windows on a secondary facade are non-historic, new windows may match the existing or the predominant condition on that facade, if fewer than ten percent of the windows are being replaced at the same time and the proposal is not for a master plan."

How will it be determined that fewer than 10 percent of the windows are being replaced at the same time? Can only one permit be issued like this every four years? If not, will a NOC be required for the first permit before others can be issued? The cumulative effect will be the same over time.

p. 62 (g)(1)(ii)(A) and P. 64 (1)(ii) p.64(2)(i)(A) "...Notwithstanding the foregoing, original or historic window openings at the top floor of a building built as part of a row cannot be filled in," and similar language.

Clarify that this applies to the original top floor of the building, not a roof top addition. What about a building that had a full floor added?

p. 63 (h) *Secondary Facades; Nonvisible and Minimally Visible Facades.*

Minimally visible should be defined to be consistent if mechanical equipment and additions rules are going to lay out specific guidelines.

p.64(2)(i)(B) With respect to the bottom two floor levels, a modified window and door opening can combine all windows and doors on a floor, and may span vertically between the bottom two floor levels to create a single large opening, if the modified opening will maintain at least 24 inches of masonry or wall cladding at the outer piers and between the floors above the modified opening, and provided there is a spandrel or horizontal element of at least twelve (12) inches that marks the location of the missing floor; and

Clarify if this applies to bottom floor levels created as a result of excavation.

p.66 (6)(i) The new entrance will be accessible if feasible or required by law; and

Insert "the applicant can prove" before "required by law."

§2-15 Additions: Rooftop and Rear Yard Additions or Enlargements

p.68 (ii)(E) The specific historic district is characterized by visibility of similar structures.

p.70 (i) "...and the historic district is characterized by buildings with elevator bulkheads adjacent to the front façade;"

We recommend listing which historic districts these items refer to, and following language found on p.79 (2) Garden historic districts, which is helpful: *This paragraph applies to proposals to install walls and fences in garden-style houses and apartment buildings in districts designated in part for the relationship between gardens and plantings and the buildings, including but not limited to buildings in the Sunnyside Gardens Historic District and the Jackson Heights Historic District.* Language on p.80 (d)(1)(i) New driveway is another good example: *LPC Staff will approve a new driveway only in districts where driveways are a common feature. As a general matter, these districts are comprised of what were historically detached single-family dwellings.*

p. 71 (4) Except as otherwise permitted, a majority of the buildings of a similar type that share the open space within the interior of the block, within the historic district, feature rear yard additions or els;

Change "els" to "extensions."

p.71 (5)" Except as otherwise permitted, the depth and height of the proposed addition is not deeper than the predominant depth or taller than the predominant height of additions or els on buildings of a similar type..."

See above.

p.71 (5) "except that parapets and railings may extend above the predominant height of additions, to the minimum height above the roof surface of the addition required by the Building or Fire Codes,"

Does this mean 42"? If so, perhaps just say that.

§2-17 Front, Side and Rear Yards

p.79 (iii) Jackson Heights Historic District. In the case of a single- or two-family house in the Jackson Heights Historic District, LPC Staff will approve a low brick retaining wall at the border of the sidewalk and front yard if:

Change to "*an originally* single- or two-family house" to account for those that have been divided into more units since they were constructed.

§2-18 Barrier-Free Access

p.84 (vi) The replacement doors and accompanying elements must recall the historic condition in terms of configuration, detailing, material, if it meets code, and finish; and

This sentence is awkward-the historic condition in terms of if it meets code?

§ 2-19 Sidewalks.

p.88 (b)(2) Other approvals. In addition to the requirements set forth in this section, all methods and materials for sidewalk work must conform to all applicable rules, requirements and guidelines of the Department of Transportation ("DOT") and the Department of Design and Construction.

Staff will need to know requirements and guidelines of those agencies.

p.89(b)(2) (ii) The edges of the pavers can be sawn, rubbed or thermal.

Photos are needed to illustrate these options.

p.89(3)(v) For purposes of this paragraph (3), if the enlargement of a sidewalk tree pit requires the removal of some or all of a bluestone paver:

Who determines whether a tree pit needs to be enlarged? The Parks Department?

p.90 (c)(3) Unique or decorative scoring patterns may be used at front entryways of large apartment buildings, hotel or commercial buildings in historic districts, provided the use of such decorative patterns is a characteristic of the building or historic district and does not call undue attention to itself or detract from the significant architectural features of the building or streetscape.

In what historic districts are decorative patterns a characteristic?

p.91 (3) (iv) In considering the replacement material in accordance with subparagraphs (ii) and (iii), LPC Staff may permit new concrete instead of diamond plate if the historic district in which the building exists is not characterized.

Which historic districts are characterized by vault lights and/or diamond plate and which are not?

p.91 (2) Protection of existing, uncovered and deteriorated vault lights. Existing uncovered vault lights that are in a deteriorated state and are no longer water-tight may be protected by covering the vault lights with dark-finished diamond plate steel. Vault lights at vertical surfaces and lower-traffic areas such as steps and landings should remain uncovered where feasible. However, LPC Staff may approve the removal of up to two (2) panels of vault lights if the vault lights are deteriorated beyond repair and no other vault lights exist in any sidewalk on the same side of the block in the historic district, and replaced with concrete or granite to match the adjacent sidewalk instead of diamond plate steel.

(ii) If the existing vault lights underneath the diamond plate or concrete are highly deteriorated or broken, they may be removed and replaced with new vault lights in accordance with subdivision (a), or may be removed altogether, and new dark finished diamond plate steel reinstalled where the diamond plate or concrete had previously existed;

This section focuses more on removal of existing vault lights than protection. Insert language that prevents an applicant from covering deteriorated vault lights, and then saying they are highly deteriorated and may be removed.

p. 92 (f)(1)(iii) Detectable warning units may be surface applied or imbedded into the concrete or stone; and

Define "detectable warning units" just as "neckdown" is helpfully defined in the prior paragraph.

(iv) The dimensions and slope of the ramp, and color differentiation for detectable warning units comply with applicable federal, state and city codes and requirements. (2) Sloping sidewalks. LPC Staff will issue an approval to slope a concrete sidewalk in order to make a store or space accessible if the color and scoring pattern of the concrete matches the existing sidewalk and the work complies with all applicable federal, state and city codes and requirements, including the requirements of § 2-18 of these rules, provided that the work will not result in damage to or concealment of significant architectural features of the building.

Staff will need to know "all applicable federal, state and city codes and requirements."

p. 93 Appendix A.

A list of historic districts to which these Rules do not apply would accommodate future district designations more easily and be more user-friendly.



Landmarks Preservation
Commission

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Date MAR / 27 / 2018 Item # 1

Item Address RULES CHANGES

☐

In favor of proposal

☒

Against proposal

☐

Other position

JOHN ARBUCKLE

Name

308 W. 109TH ST., #3, NEW YORK, NY 10025

Address

DOCOMOMO NY/TRI-STATE

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.

March 27, 2018

Honorable Meenakshi Srinivasan, Chair
New York City Landmarks Preservation Commission
One Centre Street, 9th floor
New York, NY 10007

Re: Proposed Amendments to the Landmarks Preservation Commission Rules

DOCOMOMO New York/Tri-State is a local chapter of an international organization working in over 60 countries to document and preserve buildings, sites and neighborhoods of the Modern Movement.

We understand and support the goals of reducing the burden placed upon volunteer commissioners and of streamlining the approvals process for alterations and maintenance. However, in general we are concerned that the proposed changes would result in the reduction of both opportunities for public input and the transparency of the approvals process. Of particular concern to our organization, the proposed changes may, intentionally or unintentionally, put buildings of the Modern Movement at a disadvantage in terms of regulation.

We have serious concerns about the LPC's use of "contributing", "non-contributing", and "no style" language. Examples include on page 30, Section 2-11 (iii) D (e) (1), and on page 53, Section 2-14 (b) "Definitions". Specifically with the definition on page 53: "Noncontributing building means a building that is identified or characterized in the designation report as having no architectural style and or otherwise is not a building for which the historic district or landmark was designated."

Thanks to our friends at the Historic Districts Council, we know that 717 buildings within all existing historic districts are listed as "no-style" or "non-contributing". Possibly solely because of their age at the time of designation, many buildings of the Modern Movement were given these terms in the district designation reports. Prominent examples include 923 Fifth Avenue (1949-51, Sylvan Bien), 700 Park Avenue (1959, Kahn & Jacobs), 711 West End Avenue (1950-52, Horace Ginsbern & Associates), 65 West 11th Street, part of the New School for Social Research (1955-60, Mayer Whittlesey & Glass), and Public School No. 41 (1955, Michael Radoslovich). Despite the way these buildings have been misidentified, they are clearly Modern, they are often relatively rare examples of that style within their districts, and some were designed by firms well known as committed Modernists.

Further enshrining "no-style" and "non-contributing" into the rules will allow these buildings and dozens of others like them to possibly be inappropriately altered with no public input. Permitting the Commissioners and organizations such as DOCOMOMO to weigh in allows for participation by those with expertise and knowledge of buildings of the Modern Movement, their defining characteristics, and their materials.

Within the rules, we also identified problematic language featured in reference to additions or enlargements on Section 2-15 starting on page 68 and in reference to fire escapes on Section 2-22 starting on page 108, with the phrase "Characteristic of the Specific Historic District". As New York City has unfortunately yet to designate a district for its Modern architecture, this language, especially as it is not defined, puts buildings of a Modern style on unequal footing with styles which may be more prevalent in the district. We'd like to see this language defined, or better yet removed.

mis-
no
style

DOCOMOMO US New York/Tri-State respectfully requests that the proposed rules changes be revised to address the issues we have identified so that New York City's Modern landmarks will continue to receive the protection they well deserve.

Sincerely,

A handwritten signature in black ink, appearing to read "John S. Arbuckle". The signature is fluid and cursive, with the first name "John" being the most prominent.

John Shreve Arbuckle
President
DOCOMOMO US New York/Tri-State
info@docomomo-nytri.org



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Date 3 / 27 / 2018 Item # 1

Item Address OPPCRE CHANGES

☐

In favor of proposal

☒

Against proposal

☐

Other position

ANDREW RAI

Name

Address

SAVE CHURCH

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.

Save Chelsea statement on LPC proposed rule changes, 3/27/18 Public Hearing

ANDREW RAI

Save Chelsea objects to the proposed rule changes which would reduce transparency and public participation at a time when the Commission has lost the public trust to an unprecedented degree.

We're especially concerned that more approvals of rooftop and rear additions would be issued at staff level without a public hearing. These additions alter the character of open block centers and entire block cross-sections. They also draw the greatest public turnout and participation in hearings. Increasingly, construction of an addition is made the occasion to gut an entire row house and rebuild it to the standards of new luxury construction, maximizing market value. The word "addition" has become a misnomer. It now refers to the new, larger envelope to which a demolished historic house will be re-built behind its façade, which is the only part actually preserved.

We take hard lessons from the Commission's permit to demolish all but the façade of the oldest house in Chelsea. The applicant's architect claimed the house had structural deficiencies making it unsalvageable. This was taken at face value by the Commission despite ample evidence presented to it that this was not so. There is proof its staff was aware the Commission was being misled by the applicant's representatives about the condition of the house. Community Board 4, elected officials, Save Chelsea and many other community and preservation groups objected to the house's demolition to no avail. In issuing a misleading permit "to construct additions" which actually allows demolition, the Commission appears rightly ashamed of its own actions, and further erodes public trust in it.

Alarmingly, the rule changes under consideration would allow staff-approved replacement of building facades on the basis of unproven structural deficiency and would allow even more so-called "additions" which demolish everything *but* a façade to be approved out of public view. Given the deaf ear the Commission turned to the public and likely its own staff in the case of the oldest house in Chelsea, we fear the current LPC Chair would not respect the expertise of staff in reaching their decisions and would use the rule changes to dictate decisions herself with less public scrutiny.

The current unprecedented development climate calls for the Commission and public to review *all*, not fewer, roof and rear additions and stop the rising tide of façadism, which is no one's idea of true preservation. The Commission must more fully exercise its oversight of building exteriors to make gutting of landmarks a less rewarding alternative.



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Date 3/27/12 / / Item #

Item Address LPC RULES CHANGE

☐

In favor of proposal

☒

Against proposal

☐

Other position

BILL BOROCK

Name

Address

COUNCIL OF CITELSER BLOCK ASSOCIATIONS CCBA

UNION SQUARE COMMUNITY

Representing
coalition

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COUNCIL OF CHELSEA BLOCK ASSOCIATIONS

C/O BILL BOROCK

165 WEST 20TH STREET -1D

NEW YORK, NY 10011

646-637-5775

March 27, 2018

Hon. Meenakshi Srinivasan

Chair

New York City Landmarks Preservation Commission

Municipal Building, 9th Floor

One Centre Street

New York, NY 10007

Re: Proposed Amendments to the Landmarks Preservation Commission {"LPC"} Rules

Dear Chair Srinivasan:

We the Council of Chelsea Block Associations [CCBA] are submitting this letter to you and the rest of the LPC commissioner to express our alarm and concern regarding your proposed rule changes.

CCBA is a coalition of 15 block associations covering 25 blocks in our Chelsea neighborhood. Our coalition has been around for over 50 years and throughout these years we along with others have among other things, fought to create our Chelsea Historic Districts, fought to landmark many of our precious inimitable homes, fought to stop over-development ~~that~~ that has seen the rise of glass Towers of Babel, fought to attain reasonable appropriate zoning and now we are fighting along with our sister/brother community group Save Chelsea, fighting along with our Manhattan Community Board 4 and fighting along with our City Council member Speaker Corey Johnson to stop your proposed inappropriate LPC rule changes.

For the purpose of this hearing, we will not talk about technical matters, What we have to say is plain and simple. What you want to do is wrong and hurtful, the fruits of which will be very bitter.

We the people want to save pieces of our history. It is said that people learn from history. We trust that you the LPC will learn today that what you are proposing will not, we repeat not increase transparency, but will in fact dilute and stifle it.

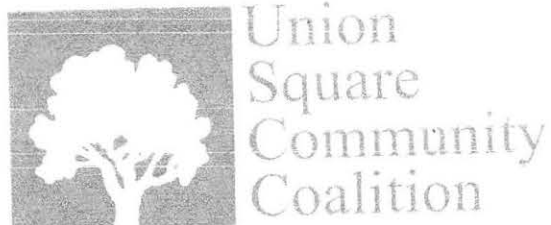
And with regard to our community input, it is so important for you the LPC to hear what we have to say, to hear our constructive suggestions and yes to even hear our objections. Dialogue with pros and cons being discussed is so important. There may be a political divide in Washington with voices and opinions not being allowed to be expressed, but it has no place here in New York City.

Thank you.

Bill Borock

Bill Borock, President

Council of Chelsea Block Associations



March 27, 2018

Hon. Meenaksi Srinivasan
Chair
New York City Landmarks Preservation Commission
Municipal Building 9th Floor
One Centre Street
New York NY 10007

Re: Proposed Amendments to the Landmarks Preservation Commission {"LPC"} Rules

Dear Chair Srinivasan:

The Union Square Community Coalition[USCC] is submitting this written testimony to you the LPC at today's Public Hearing because we are troubled, upset and very concerned about your proposed rule changes that will affect in a very negative way, the input of those of us who are working not just in the Union Square area but in communities city-wide, trying to create Historic Districts and to get landmark status for appropriate buildings.

The USCC was established in 1980 by community residents to help reverse the deterioration of Union Square Park. The Coalition monitors development resulting from the zoning laws and we work to maintain an environment low in density to preserve the light, air and green space that characterizes the area, thus reviving its historically significant role as one of the great open spaces in New York City.

Preservation of the architecturally and historically significant buildings on and in the vicinity of the Square which give the area its character and identity is an aspect of great concern to us. We take pride in our efforts that helped to gain the Square's designation as a national Historic Landmark.

USCC has also been a champion of historic preservation, resulting in the landmarking of many structures within a three block radius of the Square. We also joined with other groups to secure the designation of the Ladies Mile Historic District and the ten building East 17th Street/Irving Place Historic District. Why are we mentioning this now?

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P.O. Box 71, Cooper Station, New York, NY 10276 • 212-613-6235
A non-profit advocacy group founded in 1980
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Union
Square
Community
Coalition

Why? Because what is described above exemplifies the involvement of concerned residents striving to preserve parts of our history to go along with the changes coming to our neighborhood.

Two changes that have no place in coming to fruition are the rule changes you and the LPC Commissioners are asking us to accept, changes that will result in a lack of transparency by your agency and the important loss of community involvement/input in the preservation process.

The loss of knowing what is going on, coupled with disallowing community participation would be steps going backwards.. This direction is unacceptable and we ask that you give second thoughts to what you are proposing and to reverse the direction your proposed rule changes will take us. It's the wrong direction. Let's work together for the betterment of our city.

Sincerely,

Bill Borock for the USCC Board of Directors

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The Columbus Avenue Business Improvement District (BID), located between West 67th Street and West 82nd Street, is located wholly within the Central Park West Historic District, having been designated in 1982.

Over the years, the extraordinary work the Landmarks Preservation Commission has done to preserve many districts like ours, which counts the American Museum of Natural History among its 30 blockfronts of modestly-scaled late 19th and early 20th century buildings, is something of a miracle. Our humble Columbus Avenue, which started out as low-rise multiple dwellings with shops on the ground floor catering to the needs of the tonier residents on the side streets and Central Park West, today has become one of the leading shopping and dining destinations, in high contrast to contemporary Lincoln Square, just to our south and contiguous with our BID.

Despite all the efforts of the LPC, being located in one of the protected districts is not without some challenges. Although we enthusiastically support LPC's new guidelines to shorten the regulatory process, including giving staff jurisdiction for routine matters that were formerly left to a full commission review, with the current staff loads it can still take far too long for many applicants, and we hear that sometimes months go by before LPC staff responds, frustrating many applicants. Our hope is that along with designating staff to certain matters, you plan to also increase their numbers, set guidelines for responses, and make staff members' contact information available to the applicant. We recently had a shop open and close, all while still waiting for LPC approval of their storefront signage. A dedicated committee for signage and retail storefront issues would be a great idea, as this is where most small businesses experience the most issues.

Another big frustration for owners and lessees alike concerns barrier-free access, now law for over 25 years. There remain numerous commercial storefronts that cannot easily or affordably make themselves ADA compliant. In many instances, there appears to be a Catch 22, where LPC, ADA, and DOB are at odds with one another. For instance, sometimes a ramp isn't an option, due to there being a narrow storefront with a large step or two up to the entrance. ADA requires one foot of ramp for every inch up, but to modify the sidewalk to slope up adequately often cannot be done within the span of pavers available to the landlord or lessee. The costs to continue the slope up by modifying the interior space to contain the slope inside is often a hardship, unattractive and unaffordable.

As a result of these sometimes onerous rules, we have had several of our shopkeepers slapped with lawsuits, costing them on average \$20,000 - \$30,000. Of note is that the fine given out routinely by often spurious lawsuits is not to ameliorate the ADA issue, but rather to get a hefty settlement for the law firm. A very longtime deli went out of business after being sued for \$30,000. He claimed that LPC had told him he could not ramp his storefront with two steps up.

In summation, we are very happy that you're rewriting your rules to streamline the process. We just wanted to make you aware of some of the hurdles and frustrations our landlords and merchants have experienced.

Barbara Adler,
Executive Director



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Date 3 / 27 / 18 Item # 1

Item Address Rules

☒

In favor of proposal

☐

Against proposal

☐

Other position

Valerie Campbell

Name

Kramer Levin

Address

Representing

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If you need additional space, please attach sheets.



Valerie Campbell- 3/25/18 Testimony on LPC Rules

Good Morning. My name is Valerie Campbell and I am a partner at Kramer Levin Naftalis and Frankel LLP. While most of the current Commissioners know me from my representation of applicants, I also served as General Counsel to the Landmarks Preservation Commission before Mark Silberman assumed this position in 1999. In both roles, I have relied heavily on the Rules promulgated by the Commission. However, it is critical that the Rules evolve to reflect current and established practice and to address a wider range of applications. As the number of properties under the Commission's jurisdiction increases so does the number of applications- last year over 13,500 applications were received.

From a practical standpoint, it is essential that the Commission has the ability to process routine applications at staff level. Applications that require full Commission review at a public hearing are costly in terms of both time and money. It is not reasonable to expect a home owner or small retail establishment to spend three to six months getting a landmarks permit for a routine or ordinary alteration application but this is what is required if an applicant cannot qualify for a staff level permit. It is also in the public interest not to waste Commissioner time on routine applications since, with the exception of the Chair, Commissioners are unpaid.

As a land use attorney, I always advise my clients to investigate the possibility of getting a staff level permit. However, I have an advantage because I am familiar enough with the Rules to know how they are applied given current Commission practice and approvals. An applicant who is not regularly before the Commission and who relies on the current Rules as written will likely waste time in developing his or her proposal and may end up at a unnecessary Public Hearing.

The proposed revisions to the Rules will level the playing field and make permit regulation more transparent and fair. The improvements in the organization of the Rules will make it easier for applicants to locate the regulations applicable to their proposed alteration. The new sections on Excavation, Barrier Free Access and Health, Safety and Utility Equipment will provide essential guidance for applicants with respect to alterations that are required to conform to other applicable law or to facilitate an expansion. The revisions to the permit renewal and temporary installation rules are reasonable and easier for applicants and for Commission staff to administer.

The Commission staff devoted a lot of effort and careful consideration in developing the proposed amendments to the Rules. This is the first comprehensive reworking of the Landmark Rules and it is long overdue. The proposed revisions support historic preservation and will result in better and fairer regulation for all applicants. I urge the Commission to adopt the revised Rules.



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Commission

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Date 03 / 27 / 2018

Item # RL- Rule

Item Address _____

☒

In favor of proposal

☐

Against proposal

☐

Other position

Suzanne Mees

Name

536 La Guardia Place, NY, NY 10012

Address

American Institute of Architects New York Chapter

Representing

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Hon. Chair Srinivasan
Chair, NYC Landmarks Preservation Commission
One Centre Street, 9th Floor
New York, NY 10007

Dear Chair Srinivasan, Commissioners,

AIA New York (AIANY) is testifying today regarding the proposed additions and amendments to portions of Title 63 of the Rules of the City of New York, which govern the work of the Landmarks Preservation Commission (LPC).

AIANY was proud to be part of the review process from the beginning, hosting sessions at the Center for Architecture to discuss potential rules changes. AIANY also had the honor to host a presentation by Chair Srinivasan on March 2nd of this year. She informed our membership and the general public of the proposed changes to the Rules, and their potential impact on historic preservation issues in general and the professional practice in particular.

We are here today, representing our membership, to show our support for approval of these proposed rule changes.

The Commission is responsible for protecting New York City's architecturally, historically, and culturally significant buildings and sites. The task of regulating proposed changes to these buildings and sites after designation will always be complex, and requires an efficient, fair and transparent application of the rules governing such proposed changes. We support the notion that, from time to time, these rules must be amended to make them more intuitive and practical for architects and owners, and to improve governmental transparency and efficiency.

The technical changes proposed to the Rules will codify in writing current best practices for preservation as established and consistently approved by the Commission, thus improving the clarity and transparency of the review criteria for architects advising building owners seeking to make improvements to their designated properties. The changes will also update the Rules to reflect coordination with other city-wide initiatives and mandates, including barrier free access, energy codes, and resiliency. These are practical changes that will reduce conflict between preservation goals and other contemporary design and construction regulations.

Proposed administrative changes to the Rules include the authorization of LPC staff to work with architects and building owners to apply standards consistently and to approve an expanded variety of work-types that comply with the established review criteria noted above. This will greatly improve the efficiency of the review and approval process for many architects and building owners, who will be more encouraged to maintain and upgrade their historically-significant properties in a manner consistent with best practices for preservation.

The proposed changes to the Rules will therefore reduce the number of applications that require a public hearing in order to obtain a certificate of appropriateness – a process that can often be expensive, time-consuming, and complicated. As a result, the quality and efficiency of the Commission's public hearing process will also improve, as deliberations by the Commissioners will focus on complicated preservation projects with subjective design considerations or innovative technical solutions that do not readily conform to the previously-established criteria of the Commission. Making this public discourse about the appropriateness of challenging preservation projects as robust and transparent as possible must always be a priority of the Commission, and will be a benefit to architects, their clients, and concerned citizens advocating for thoughtful stewardship of the built environment across New York City.

In conclusion, we urge the Commission to implement the proposed changes to Title 63 of the Rules of the City of New York immediately. Not doing so would be detrimental to preservation and a disservice to the architectural community.

Sincerely,

Suzanne Mecas

Managing Director, AIA New York



Landmarks Preservation
Commission

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Date 3 127 12018 Item # 1

Item Address Proposed Rule Change

☐

In favor of proposal

☒

Against proposal

☐

Other position

Sarah Bean Apmann
Name

Address

GVSHIP
Representing

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Date 3 127 12018 Item # 1

Item Address Proposed Rule Change

☐

In favor of proposal

☒

Against proposal

☐

Other position

Andrew Berman
Name

Address

GVSHIP
Representing

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Date 03 / 27 / 2018 Item # 1

Item Address Proposed Rule Change

☐

In favor of proposal

☒

Against proposal

☐

Other position

Brittney Thomas
Name

Address

GVSHIP
Representing

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Item Address Proposed Rule Change

☐

In favor of proposal

☒

Against proposal

☐

Other position

Katherine Schoonder
Name

GUSH P
Address
Representing

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Marilyn Sobel
Judith Stonehill
Naomi Usher
Linda Yowell
F. Anthony Zunino III

TESTIMONY OF THE GREENWICH VILLAGE SOCIETY
FOR HISTORIC PRESERVATION
IN OPPOSITION TO PROPOSED
LANDMARKS PRESERVATION COMMISSION RULES CHANGES
March 27, 2018

I am testifying on behalf of the Greenwich Village Society for Historic Preservation. As we have stated from our earliest conversations with the Commission about this proposal, we believe strongly that the planned rules changes are the wrong thing to do, and will undermine transparency, public participation, good government, and preservation. By cutting the public out of the process for landmarks applications which currently come before the Commission, the proposed changes will produce worse outcomes, not better; generate more friction between the public and the Commission, not less; and breed distrust, not cooperation. I urge you in the strongest of terms to reconsider.

The proposed rules changes would move many applications which currently go through the public review and approval process into the exclusive domain of staff level review. Unlike now, the public would not be notified of such applications, would be unable to view the applications or know their content, and would have no opportunity to comment upon or provide information about such applications. This is simply wrong.

The current public review process benefits from the voices and opinions of all interested parties, and most importantly benefits from the information they can provide. Most applicants to the LPC do their best to offer complete and accurate information. Some unintentionally fall short. Other purposely leave out information, skew diagrams, or selectively cherry pick data or comparisons. In the public hearing process, such shortcomings can be addressed or corrected. Behind closed doors, in the proposed staff level approval process, there is no opportunity to do so. Isn't it better for the Commission to receive as complete and accurate information as possible *before* a decision is made, rather than after, when it is often extremely difficult correct or undo?

Neighbors, block associations, community boards, elected officials, and preservation groups can and do provide valuable information and perspective which should continue to be part of these applications. No one expects the Commission to agree with every piece of public testimony it receives. But you should at least hear it, so the public knows it was considered, before a decision is rendered.

Finally, our opposition to this proposal is not based upon a belief that Commissioners always make the right decision, or that staff always make the wrong ones. We are all fallible, and that is why continuing to keep these important kinds of landmarks applications, which hundreds of people comment upon each year, in the public view is so critical. We would be just as opposed to the proposed changes if Commissioners were still making the decisions, but the public was no longer allowed to view or comment upon the applications, as is currently proposed. It is the secrecy of the proposed process, its lack of transparency, and its impermeability to additional information or perspective that we find so troubling and disturbing.

We should be making this a more open system, not a less open one, where more information and perspectives can be considered. Don't cut the public out of the process. Please reject the proposed rules changes before you today.

In addition to our overarching concern about the proposed rules changes cutting the public out of the process and reducing transparency, we have some ^{serious} ~~series~~ concerns with some of the specific proposed changes and language. As well attached to our testimony is a supplement to our testimony with specific proposed text and areas of concern.

The proposed rules rely heavily upon subjective language for criteria for staff to approve alterations. Some examples include "does not detract from significant architectural features," "doesn't call attention to itself," or "improves the relationship of the addition to the building," to name just a few. Such subjective language is wildly open to interpretation. And while the landmarks review process is without a doubt a subjective process, when such subjective review takes place in the open, with differing viewpoints represented and heard through the public review process, we believe the outcome is vastly better.

In other cases, the new rules offer a standardized formula for approving changes and additions to buildings, such as storefronts, windows and rear additions that would apply across a broad array of buildings, types, and locations, particularly for storefronts and rear yard additions. We fear this will simply lead to a homogenization of design, where fitting a rote formula will allow applicants to avoid a public hearing.

We also have serious issue with the proposed rules definition of "noncontributing" buildings, which determines applicable criteria for staff approval. As defined in the proposed rules, "'Noncontributing' means a building that is identified or characterized in the designation report as having no architectural style and *or otherwise is not a building for which the historic district or landmark was designated.*" This would allow the staff to, on its own, determine which buildings in historic districts may not be "a building for which the historic district was designated" and therefore be regulated significantly more loosely. Any decision about whether or not a building in a historic district is "contributing" or is part of the reason why the district was designated that is not spelled out in the designation report should remain subject to public review and discussion.

The proposed rules would allow staff to approve paint schemes for the front façades of landmarked buildings "provided that the proposed paint scheme matches the original historic color palette." Paint schemes can be key elements of the design of a building and can be a significant part of a streetscape, such as in the MacDougal Sullivan Gardens Historic District. Where there is incomplete or inaccurate information, mistakes can be made about the historic color palate. However, by keeping these applications in the realm of public review, there is once again a stronger chance for a better and more historically accurate outcome.

In some places the rules offer benchmark construction dates for determining which criteria staff should apply in approving alterations. Some of these dates are entirely arbitrary and would allow the staff to approve the destruction of significant historic material. For instance, in the case of storefront infill, those built on or before 1900 must be restored in wood, whereas those built or altered after 1900 may be replaced in metal. However, in many of our historic districts, we have incredibly intricately designed and intact early 20th century wooden storefronts, which landmark designation should be designed to preserve through restoration or replication.

The proposed rules change includes relocating the 2013 rule which allowed storefront designs based on historic prototypes to be approved by staff. However, the term 'historic prototype' used in the rule is vague and ill-defined, and such changes should not be allowed at staff level outside of public view on this basis. Storefronts can be integral to both districts and streetscapes, and "historic prototypes" vary significantly from street to street and building type to building type. Given this wide berth, public input and review should be reinstated for storefront changes.

Windows and doors are typically also significant features of the historic design of a landmark building, and every effort should be made to encourage the retention of original and historic windows and doors. The proposed rules change would allow replacement of original or historic windows and doors in many cases at the discretion of the staff, with no conditions report to justify such a decision.

Of all of the changes in the proposal, the expansion of staff approvals for rear and rooftop additions and enlargements are among the most troubling. Besides permits for demolitions and new buildings, it is addition and enlargement work types which the public has, in our experience, participated the most with comments both at community board and at LPC public hearings. Rooftop and rear yard additions have the potential to significantly alter a landmark's architectural integrity, regardless of whether said alteration is visible. Moving these important decisions out of the public realm and putting it behind closed doors, where the public can neither comment upon or even know about such an application, should absolutely not be allowed.

The proposed rules changes would allow a broad range of significant changes to landmarked properties without the public knowing about, much less being able to have input upon, such proposed changes, in many cases based upon highly subjective guidelines. These would affect every element of buildings, from their rooftops to their basements, from storefronts to rear facades, windows to doors. We strongly urge the Commission to fundamentally rethink this proposal, and ensure that the participation of the public and the best outcomes possible are not sacrificed in the name of expediency.

For these reasons, ~~and more to follow~~, we urge you to reject the proposed rules changes.

Greenwich Village Society for Historic Preservation

LPC Rules Change

Public Hearing March 27, 2018

Supplement to GVSHP Testimony – Specific Proposed Text and Areas of Concern

1). **Subjective Language without meaningful definition which is open to interpretation:**

- “Historic condition” as seen in: 2-11(e)(2), 2-14(f)(1)(i), 2-14(f)(1)(ii)(B), 2-18(c)(2)(iv), 2-18(c)(2)(vi), 2-18(e)(2)(i)
- “Not detract from the significant architectural feature” as seen in: 2-12(d)(3)(C), 2-13(d)(3), 2-14(g)(2)(ii)(C), 2-14(h)(3)(iv), 2-18(e)(1)(ii), 2-21(c)(2)(i)(B)(e), 2-21(c)(2)(ii)(E), 2-21(d)(1)(ii)(B)(a)(6), 2-21(e)(5), 2-21(f)(7), 2-21(h)(1)(v)
- “Does not call attention to itself” as seen in: 2-11(d)(1)(iv), 2-11(d)(2)(iii)(B), 2-11(d)(2)(iii)(C), 2-13(d)(4), 2-14(f)(1)(i), 2-14(h)(2)(iii), 2-15(a)(4)(ii), 2-15(d)(1)(ii)(B), 2-21(b)(2), 2-21(e)(4), 2-21(h)(1)(iv), 2-21(h)(2)(iv)
- “Does not call undue attention to itself” as seen in: 2-11(d)(2)(i)(B), 2-11(d)(2)(i)(C), 2-12(c)(14)(iii), 2-13(f)(1)(iv), 2-13(f)(2)(iv), 2-13(f)(3)(iv), 2-15(c)(2)(i)(C), 2-15(d)(2)(i), 2-15(g)(2)(iii)(B), 2-17(a)(2)(iv), 2-17(a)(3)(iii), 2-18(d)(1)(iv), 2-19(c)(3), 2-19(c)(4), 2-20(b)(5), 2-20(b)(8), 2-20(c)(6), 2-20(c)(8)(iv), 2-20(c)(9)(ii), 2-20(c)(11)(ii), 2-20(c)(12), 2-21(d)(2)(ii)
- “Does not Significantly Increase Visibility” as seen in: 2-15(g)(2)(iii)(A)
- “Integrated into the Design” as seen in: 2-21(f)(5)
- “Small number of discrete elements” as seen in: 2-11(d)(1)(iii), 2-11(d)(2)(i)(B)

2). **Criteria for staff approval offers a standardized formula for approval which could lead to homogenization of design:**

- Storefronts design criteria: 2-12(c)(1)-(9)
- Windows: 2-15(h)(2)(i)(B)
- Rear Yard Addition design criteria: 2-15(f)(4)-(7)

3) **‘Non-Contributing’ in the proposed rules:** As defined in the proposed rules 2-14(b), “‘Noncontributing’ means a building that is identified or characterized in the designation report as having no architectural style and *or otherwise is not a building for which the historic district or landmark was designated.*” This would allow the staff to, on its own, determine which buildings in historic districts may not be “a building for which the historic district was designated” and therefore be regulated significantly more loosely.

4). **Paint Approval:** The proposed rules would allow staff to approve paint schemes for the front façades of landmarked buildings “provided that the proposed paint scheme matches the original historic color palette.” 102 Bedford Street was issued staff approved CNE (LPC16-2399) which included approval for what they considered to be an acceptable interpretation of the historic paint scheme of gray and white and minus many of the assorted colors that were part of the 1925 whimsical design for this former artist housing. Had this come before public review, the proposal could have benefited from the input of members of the public and historians and perhaps this building would have been more accurately restored.

5). **1900 as a benchmark for storefront infill approval 2-12(c)(8):** Storefronts in buildings built on or before 1900 must be restored in wood and those built or altered after 1900 may be wood or metal. However, in many of our historic districts, we have incredibly intricately designed and intact early 20th century wooden storefronts, which landmark designation should be designed to preserve through restoration or replication. Such districts include Sullivan Thompson, South Village, East Village/Lower East Side, Greenwich Village, and Greenwich Village Extension II.

6). **Storefront ‘Historic Prototypes’:** The proposed rules change includes relocating the 2013 rule which allowed storefront designs based on historic prototypes to be approved by staff. However, the term ‘historic prototype’ is vague and ill-defined, and such changes should not be allowed at staff level outside of public view on this basis. A recent example of such an approval which has sparked outrage within the surrounding community is at 162 West 4th Street (LPC-197413).

7). **Replacement of original and historic windows and doors:** A conditions report is not included in the criteria for staff approval of replacement of original and historic windows and doors for buildings in historic districts:

- 2-14(f)(1): General criteria. New windows or doors may be approved if they match the original or historic windows and doors in terms of details, materials, operation, configuration and finish. For purposes of this subdivision, the following variations and exceptions apply, except as noted in each provision.

8). **Rooftop Additions:** In 2-15 (d)(1)(B)(iii), individual landmarks within historic districts would be assessed with the same lesser criteria afforded buildings in districts rather than the more stringent criteria assigned to individual landmarks outside of historic districts. If we are using the Commissioners’ decisions as part of the basis for these new rules, it should be noted that the Commission typically views changes to individual landmarks with a higher scrutiny than buildings in historic districts. One example of this was seen at the certificate of appropriateness hearing for 4 St. Mark’s Place where the applicant was instructed to modify the plan for a rooftop addition so that the rear of the original gabled roof and the original dormers could remain intact. This was in spite of the fact that the rear of the roof was not visible from a public thoroughfare. Pitched roofs and dormers in historic districts have not been afforded this benefit, unfortunately.

- 2-15 (d)(1)(B)(iii): With respect to an individual landmark that is within a historic district, the criteria set forth in paragraph (2) of this subdivision will apply.
- Paragraph (2): Building within a historic district: (i) The addition or structure is no more than minimally visible in connection with the primary façade, provided the applicant demonstrates that it is not feasible to make the addition not visible, except that LPC Staff will approve work that increases visibility of an existing addition or structure if such increase is required by the Building Code or Fire Code and there is no feasible alternative. For purposes of this paragraph, LPC Staff will approve an elevator bulkhead adjacent to the front façade that is more than minimally visible where the elevator shaft is in its historic location, the bulkhead is the minimum necessary to meet relevant codes, the bulkhead is in a material and with a finish that relates to the primary façade or is utilitarian and does not call undue attention to itself, and the historic district is characterized by buildings with elevator bulkheads adjacent to the front façade; (ii) The addition or structure may be minimally visible in connection with a secondary façade of the building or neighboring buildings.



Landmarks Preservation
Commission

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Date 3 / 27 / 18

Item # _____

Item Address _____

☐

In favor of proposal

☒

Against proposal

☐

Other position

Justine Leguizamo

Name

51 W. 9th St

Address

GVHP

Representing

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Justine Leguizamo
Trustee of Greenwich Village Society for Historic Preservation
longtime resident of the Village where I have lived for 30 yrs and
raised my family
I strongly oppose the proposed LPC rules

changes which cut the public out of
the process and eliminate transparency

It would do the public, the process and
preservation great harm to implement these
changes. They would make a huge number
of landmarks applications no longer subject
to public hearings. Instead they would be decided
behind closed doors

There is no justification for moving such
a huge number of decisions regarding landmarked
properties from an open process, where the public
can be aware of them and provide valuable
input, to a closed process where the public
is unaware of applications which are being
considered much less able to offer information,
options and context

Please Do not move the landmarking process backwards
or cut the public out of the process. Reject
the proposed rules changes, thank you

public review of landmarks applications allows
~~at a maximum~~

a maximal amount of light to shine on
the process



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Item Address Ruley



In favor of proposal



Against proposal



Other position

Joseph Rosenberg
Name

80 Maiden Lane
Address

Catholic Community Relations Council
Representing

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CATHOLIC COMMUNITY RELATIONS COUNCIL

80 Maiden Lane, 13th Floor, New York, New York 10038

**Testimony of Joseph Rosenberg, Executive Director,
Catholic Community Relations Council
Proposed Amendments to the Landmarks Preservation Commission Rules
March 27, 2018**

Good morning, Chair Srinivasan and members of the Landmarks Preservation Commission ("LPC"). I am Joseph Rosenberg, Director of the Catholic Community Relations Council ("CCRC"), representing the Archdiocese of New York and the Diocese of Brooklyn on local legislative and policy issues. I am here in support of the proposed amendments to the Landmarks Preservation Commission ("LPC") Rules.

The Catholic Church owns over 145 landmarked structures and buildings located within historic districts in New York City, which is more than any other property owner. Accordingly, many of LPC's statutes and rules have a significant impact on us.

We strongly support the goals of historic preservation and recognize the unique character of many houses of worship. That includes taking pride in the carved stonework, statues and stained glass found in so many of our churches and working to preserve and restore them. At the same time, we are always cognizant of the financial strains on the Church caused by landmarking these properties. The financial burdens required to comply with the stringent requirements of landmarking are well known. The use of costly materials and consultants together with lengthy approvals, are required in order to make even routine improvements to these buildings.

The proposed rules contain many items that would streamline the process of restoring and maintaining landmarks. It would allow agency staff to review and approve items that are consistently approved by the Landmarks Preservation Commission. The Commission would become more efficient by ensuring that applicants do not have to go through the Certificate of Appropriateness public hearing process for standardized work that the Commission regularly approves. The rules would also simplify the process to acquire as of right permit renewals, reinstate expired permits and offer an expedited Certificate of No Effect. These last three provisions would go far in ensuring that LPC approved work can continue without administrative delays that financially burden landmark owners. Creating an efficient system that allows important and careful work to proceed is certainly a policy that can and should be embraced by everyone in our City.

The proposed rules streamline the approval of substitute materials. This important reform, acknowledges that certain treatments and materials used for decades to restore landmarks should not be the exclusive means to renovate landmarked buildings solely because they were the only options available in decades past. In many instances substitute materials are not only more economical for the owner and safer for the public, but also visually identical and longer lasting than original materials. We especially support codifying practices to incorporate existing staff criteria allowing for the repair, restoration and replacement of secondary facades and utilizing substitute materials such as fiber cement to replace wood. The rules also acknowledge the

appropriateness of using “synthetic slate and other substitute roofing materials to replace historic roofing if indiscernible due to height or discreet presence.” This would be helpful to us in determining the appropriate means to preserve and reconstruct the slate roofs of churches while having the option to use stronger, more affordable, but visually similar synthetic materials.

These are just several of the many proposed reforms that are strongly supported by us. It is clear that these rules will help make the landmarking process and compliance requirements more up to date, streamlined and efficient.

Accordingly we urge that these rules be adopted.



Landmarks Preservation
Commission

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Date 3 / 27 /

Item # 1 LPC Rule Change

Item Address _____

☐

In favor of proposal

☒

Against proposal

☐

Other position

Michele BIRNBAUM

Name

1035 Park Ave NYC

Address

Historic Park Avenue

Representing

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March 27, 2018

TESTIMONY ON NEW LANDMARK RULES

Good morning Commissioners. Thank you for hearing my testimony today on the new Rules you plan to implement.

While I understand your contemplative need to unburden your calendar, I don't understand why you would pair that with the implementation of new Rules that would lower preservation standards, which is what your new proposal does. So, without re-iterating all of the proposed changes, i.e. relaxing site line requirements, window shape changes and use of original materials, etc., I would like to say that **I oppose all of these changes.**

Chipping away at our preservation protocols is of utmost concern, as what is lost can never be returned.

Additionally, of enormous concern and of great importance, is that your proposal significantly diminishes the role of community input in the regulatory and designation process.

Community Boards, community groups, preservation organizations and individuals all over the city have taken their responsibility on landmark applications very seriously and have spent long and sometimes agonizing hours analyzing plans, material boards and proposals in a sincere effort to give the best commentary and feedback to the Commission with regard to any project that comes before them, whether it be for the total development of a site to roof top additions, to fire-escapes, to the mechanicals, to the replacement of existing windows and doors, or to awnings, canopies, signage, planters and pavers. No application is too small or insignificant to be given serious scrutiny with respect to preservation and appropriateness.

I see no reason why this community oversight cannot be maintained even if the Commission feels the need to hand more of their applications to their staff for decision-making.

Just as Community Boards, Community groups and preservation organizations send their commentary to the Commissioners, they can now send their commentary to the staff. All applicants should still be required to come before their Community Boards prior to a decision made by staff, and applications should be available to all interested parties in advance so that they, too, can offer commentary. Written testimony and Community Board resolutions should continue to be added to the record and be seriously considered before a vote. I think that an in-person public hearing event in front of staff should be set up for each application that would have been heard by the Commissioners under the previous guidelines.

Public oversight and input are vital to the whole process and **can and should** be included in any Rule change.

Also, I was pleased to have been informed last night that the comment period for these Rules changes will remain open to allow for maximum input from our elected officials, Community Boards, community groups and preservationists, as the time between the original launch and this hearing was very short.

- **Don't change any of the preservation protocols, as those changes lower the preservation standards.**
- **Make sure there is Community Board input and public oversight for any application process protocol that you implement.**

These are **not** incompatible with your interest in unburdening your hearing calendar and having increased decision-making on the staff level.

Thank you!

Sincerely,

A handwritten signature in dark ink, appearing to read "Michele Birnbaum", with a long horizontal flourish extending to the right.

Michele Birnbaum
President



Landmarks Preservation
Commission

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Date 3, 27, 18 Item # 1

Item Address Rules

☐

In favor of proposal

☒

Against proposal

☐

Other position

Jeremy Woodoff
Name

221 8 Ave
Address

myself
Representing

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If you need additional space, please attach sheets.

I'm Jeremy Woodoff. I was a deputy director in the Preservation Department and on the Commission's staff for 20 years. I've submitted extensive comments electronically.

The purpose of any rule-making by the Commission should be to strengthen the implementation of the Landmarks Law and to encourage best preservation practices. Yet, not one of the 6 stated goals for the proposed rulemaking refers to advancing the goals of historic preservation embodied in the Landmarks Law.

For historic preservation to be successful it is crucial to engage the public. By revising the rules to sharply limit applications that are reviewed at a hearing, the participation of the public (not to mention of the commissioners) in the regulatory process will likewise be sharply limited. The practical need to limit C of A reviews suggests the Commission explore new mechanisms to give the public a means to review and comment on certain categories of applications that are not subject to a public hearing or a full commissioners' review.

A problem throughout the rules is a lack of definitions. Terms like "would not detract from," "would not call attention to itself," and "recalls" can lead to inconsistent and arbitrary actions based on extraneous factors.

Likewise, terms such as "no-style" confuse lack of *style* with lack of *significance*; and the differentiation in treatment between so-called "contributing" and "non-contributing" buildings does not account for the fact that most designation reports do not use those terms and that whether a building contributes or has architectural, historic, or cultural significance can change, either with the passage of time or through new research.

The Commission's professional staff can ensure that proposals meet preservation standards, and well-designed rules would help staff work

with applicants to accomplish that with maximum efficiency. But the proposal in too many cases turns the concept of rules on its head: rather than require applicants to meet preservation standards, the rules require the staff to issue permits that do not. Using the rules to redefine inappropriate alterations as appropriate subverts the purpose of the law. When objectives outside of landmarks preservation—whether for energy savings, access, real estate development, or politics—conflict with historic preservation objectives, those conflicts should be addressed in the light of day at a public hearing.

Two specifics: The proposed rules include scenic landmarks. They should not. The relationships within and among their constituent parts are delicate and complex. Rules for scenic landmarks should be based on standards specific to them.

There are several problems with the proposed rule for sidewalks, one being that instead of developing a consistent and harmonious treatment over time appropriate to each district, the rule creates a complicated application and review process that will guarantee an ever-changing array of mismatched sidewalks.

Managing change is not the same as allowing the slow chipping away of historic character and fabric. These rules make too easy the wholesale replacement of historic windows and other historic fabric on flimsy evidence, of punching holes in facades, installing security gates and illuminated signs. The Landmarks Commission should be an advocate for the Landmarks Law and historic preservation.

Jeremy Woodoff
Brooklyn, NY
March 27, 2018



Landmarks Preservation
Commission

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Date 3 / 27 / '18 Item # RULES

Item Address _____

☐

In favor of proposal

☒

Against proposal

☐

Other position

Jay Adolf

Name

607 WEA, NYC 10024

Address

CB 7

Representing

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If you need additional space, please attach sheets.

Testimony of Marilyn Rosenberg
Before the Landmarks Preservation Commission
March 27, 2018

Re: LPC-19-20028
17 West 67th Street –
Upper West Side/Central Park West Historic District
Block 1120 - Lot 17

I have lived in 17 West 67th Street for over 50 years.

I oppose replacement of front facade casement windows with divided light double-hung windows in apartment 5A.

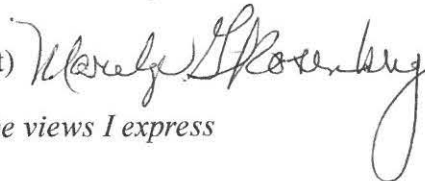
The casement windows are the most important design feature of the front façade of the building. It is the metal casement windows more than any other feature of our façade that evokes the style characteristic of the time #17 was built in 1929. Even with the simulated divided light configuration proposed, plain double hung windows make the building look undistinguished and unworthy of being part of the Upper West Side/Central Park West Historic District or the companion 67th Street Historic District (designated by the National Park Service).

Residents started putting in the double hung windows in the 80's, I believe, but in any event long before the Upper West Side/Central Park West Historic District was designated, when there were no viable alternative casement windows to conserve heat or address practical considerations such as child guards or window screens. Hence, the up and down, unattractive, out-of-context windows were popular. From the late 90's until very recently, several of those poorly constructed replacement windows have been re-replaced with contextual casements.

Now you can have your cake and eat it too: historical yet insulated casement windows. The desire, expressed by the applicant to have screens and child guards can be easily accommodated by modern replacement window manufacturers - there might have been a time when that was not the case, but it is now possible.

The handsomeness of true casement windows is obvious to anyone who approaches our building from either end of the block. The historic condition is both an integral part of the design of the building and the street, and is a key part of the "sense of place" that the Historic District was designated to preserve. Members of the Building Co-op Board have told me that the Commission's decision on this application would be pivotal when discussing a master plan for the building windows, which will begin soon. This very extensive renovation is being short sighted in regard to the building and one of the most beautiful and historical blocks of apartment buildings in the city.

Respectfully submitted – Madge (Marilyn) Rosenberg (soutine@verizon.net)



Please note that while I am a member of Community Board 7/Manhattan, the views I express through this testimony are my own and not on behalf of the Board.



Landmarks Preservation
Commission

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Item # Proposed Rules Changes

Item Address _____

☐

In favor of proposal

☒

Against proposal

☐

Other position

Schellie Hagan

Name

60 Downing St.

Address

Bklyn NY 11238

Representing

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Good ~~morning~~ ^{afternoon}, Commissioners,

Testimony of Schellie
60 Downing St. 10258
March 27, 2018

It is my understanding that the rules change ~~is~~ being contemplated because the LPC is overburdened by ~~its~~ workload.

I have a suggestion: Add more commissioners.

Additional sympathy is asked on the grounds that the LPC is all volunteer. Commissioners you have our full sympathy. We don't think it's even remotely fair that important, in-demand professionals feel obliged to give time they don't have to this involving, critical duty. My second suggestion is to change the LPC charter so the commission becomes full time and the commissioners paid the decent salary they deserve.

very well heard The LPC, ~~it~~ for some reason

I understand I've been told the LPC has refused ~~of~~ increased funding. I suggest funding be handsomely increased to give the treasures of NYC a fighting chance against the hordes of developers ~~with in fact~~ ~~trying~~ to tear them down. Exhaustion by the LPC should not be the last, worst threat to NYC's endangered historic buildings.

Waiting



Landmarks Preservation
Commission

1 Centre Street
9th Floor North
New York, NY 10007

212 669 7700 tel
212 669 7960 fax

PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 3 / 27 / 10 Item # _____

Item Address LPC Rules

☐ In favor of proposal ☒ Against proposal ☐ Other position

Charles D. Warren

Name

210 W. 101st

Address

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.



March 25, 2018

Meenakshi Srinivasan, Chair
New York City Landmarks Preservation Commission
1 Centre Street, 9th Floor, North
New York, NY 10007

Re: NYC LPC rules changes

Dear Commissioner Srinivasan:

There are many aspect of the proposed changes to LPC rules that should be revised and reconsidered, but I urge you and the commission to reject there in particular. Among these three the rule changes that move more projects from consideration in public hearings to invisible staff meetings is the most important.

Each landmark district and individually designated property is unique and the public's interest in its varied characteristics are complex and diverse. There is no substitute for a public hearing to draw forth the many points of view that bear on changes to these carefully guarded civic assets. Neighbors often bring fresh perspectives to the Commission's deliberation as do architects and historians with specialized knowledge of the proposed districts and structures. Open, public consideration may seem cumbersome, but eliminating it or diminishing it will deprive the Commission of the broad perspective that hearings make available. Without hearings, important issues will be overlooked. Without public participation the work of LPC staff will be shrouded in secrecy that is contrary to the transparent process that both LPC and the de Blasio administration have promised. I urge you not to approve moving any considerations from a system of public hearings to closed consideration by staff. Moreover, I urge you to make deliberations now conducted by LPC staff a matter of public record.

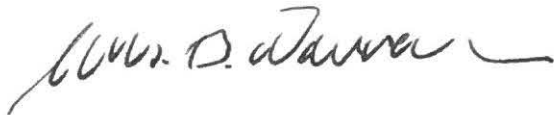
Secondly, the proposed changes to language regarding "no syle" and "non-contributing" buildings in historic districts threaten to undermine the integrity and underlying intention of the preservation principles governing their administration. The character of each district is defined not only by the significance and quality of the individual buildings it contains, but by the scale, texture, and context provided by all the buildings that comprise it. By altering or diminishing protections extended to "no style" and "non-contributing" structures the wholeness of the designated district environment is

undermined. Changing definitions and processes for some buildings within historic districts undermines protection of the whole and I urge you to reject these changes.

The third change I ask you to reconsider is the proposed criteria for replacement materials. While I know the Commissioners and the expert staff give careful consideration to each project that comes before them, it is important to maintain the highest standard to guide their decision-making. We must not, in the interest of expedience and false economy, allow the quality and stability of historic buildings to be compromised by inappropriate substitutions of modern and experimental materials for authentic ones. Architectural preservation is a living art encompassing knowledge of historic materials and the techniques by which they are assembled. This knowledge base must be maintained by practice and implementation of craft techniques. These practices are kept alive through restoration of buildings, or parts of buildings. Training programs such as the one formerly conducted at St. John the Divine and the one currently underway at The Woodlawn Cemetery in the Bronx demonstrate how workforce training and craft traditions can be brought together. These projects enrich individual lives as well as our city's built environment. They model the social and economic benefits of preservation. Diminishing rigorous standards for materials and the techniques they require will erode the motivation that has made these programs possible.

In addition to the foregoing, I urge you and the other Commissioners to reconsider proposed other changes to the rules governing the New York City Landmarks Preservation Commission that have been singled out by community and preservation groups. It is crucial that the commission heed the accumulated wisdom of these experts and other concerned citizens.

Sincerely,

A handwritten signature in dark ink, appearing to read "Charles D. Warren", followed by a long horizontal flourish.

Charles D. Warren, AIA



Landmarks Preservation
Commission

1 Centre Street
9th Floor North
New York, NY 10007

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212 669 7960 fax

PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 3 / 27 / 18 Item # Rules

Item Address _____

☐

In favor of proposal

☒

Against proposal

☐

Other position

Lucy KOTEN

Name

138 Lafayette Ave

Address

Self

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.

Lucy Koteen
138 Lafayette Av
Brooklyn, NY 11238

The Mayor came in saying this would be the most transparent administration ever and it would listen to the community on development issues. Nothing could be further from the truth.

To do away with the public is do away with the whole purpose of Landmarks hearings. It is the public who knows the neighborhoods. Without them we would have already lost ~~our~~ so many significant buildings and even whole historic neighborhoods. Every day those who believe in preservation fight against the destruction of historic buildings. The Landmarks Commissioners do not have the time to do the research and advocacy that the public brings to them.

Why would the Landmarks even want to make decisions behind closed door? Why do they not want the public participating in the review process? This undermines the whole intention of Landmark Commission. It is the public who knows their neighborhoods. It has been the public who has done the work to identify the significant buildings and areas of the City and brings them to the attention of the Landmarks Commission. We can not allow closed door hearings where the threat of further loss of cultural and historic buildings and districts that create a vibrant diverse city to be lost.

As we know the city is under attack by developers who have an oversized power to persuade our agencies and electeds. We need the people's voice to attempt to balance this power. Do not shut them out.

FGA

Preserve Our Brooklyn Neighborhoods

Citizens for Responsible Neighborhood Planning

Steward of historic buildings

Certificate of No Effect



Landmarks Preservation
Commission

1 Centre Street
9th Floor North
New York, NY 10007

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 3 / 27 / 18 Item # 1

Item Address LPC RULE CHANGE

☐

In favor of proposal

☒

Against proposal

☐

Other position

CAROL PUTRE-CZYK
Name

306 E 5th St NY NY
Address

The City of NY - Resident
Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

left statement

If you need additional space, please attach sheets.

Item #1

Rules Amendment

Carol Puttre-Czyz
306 East 5th Street
New York, NY 10003

I find it unconscionable that the LPC has the audacity to think they have the singular, unchallenged right to make decisions that will affect the entire City of New York regarding the preservation of our precious architectural history.

The rich textures and architecture of our neighborhoods are being slowly but surely destroyed by developers who have no regard for preserving our history - rather they are thinking only of their profits. And unfortunately they are not challenged by, but rather aided by a committee who has "taken off their preservation hats" and sadly has approved over 99% of developers plans in historic districts.

This proposal, if put into effect, would give developers free reign to destroy our precious heritage.

You should all should hang your heads in shame for not representing the name of your committee – Landmark Preservation.

Carol Puttre-Czyz
306 East 5th Street
New York, NY 10003

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306 East 5th Street
New York, NY 10003

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Landmarks Preservation
Commission

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212 669 7960 fax

PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 3 / 27 / 2018 Item # 1

Item Address Proposed rule changes

☐

In favor of proposal

☒

Against proposal

☐

Other position

David Mulkins ~~David Mulkins~~
Name

184 Bowery, #4
Address

Bowery Alliance of Neighbors
Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.



184 Bowery, #4 New York, NY 10012
www.boweryalliance.org
David Mulkins, President
mulbd@yahoo.com 631-901-5435

President
David Mulkins

Vice Presidents
Michele Campo
Jean Standish

Secretary
Sally Young

Treasurer
Jean Standish

Landmarks Committee Chair
Mitchell Grubler

Co-Founders
Anna L. Sawaryn
David Mulkins

Board of Advisors:

Simeon Bankoff
Executive Director
Historic Districts Council

Kent Barwick
President Emeritus
Municipal Arts Society

Leo Blackman
Architect

Kerri Culhane
Architectural Historian

Doris Diether
Zoning Consultant

Eric Ferrara
Historian & Director
Lower East Side History
Project

PI Gardiner
Executive Director
Merchant's House Museum

Michael Geyer
Architect

Bob Holman
Poet & Proprietor
Bowery Poetry Club

Keith McNally
Restaurateur
Balthazar / Cherche Midi

Joyce Mendelsohn
Historian/Writer/Educator

Mick Moloney
Musician, Historian

Luc Sante
Historian

March 27, 2018

Hon. Meenakshi Srinivasan, Chair
and Landmarks Preservation Commissioners
Municipal Building
One Centre Street, 9th Floor N
New York, NY 10007

Dear Landmarks Preservation Commission,

The Bowery Alliance of Neighbors strongly opposes the elimination of the LPC's public hearing process. Let us be clear, there is precious little transparency in the LPC as it is, with many key landmarks proposals never even being run past the commissioners themselves.

Maintaining the public's ability to review and give input on these issues is not just an aesthetic issue, it is also an issue of public safety.

Example:

A developer who recently bought 84 Second Avenue, which is in the East Village Historic District, has been trying to get approval to tear off the building's back wall and build over the green garden space that multiple buildings look out onto. In addition to taking away air and light and beauty from hundreds of residents, these plans would also endanger the next door residents at 82 Second Avenue, whose building has some major structural problems. If such applications are taken out of the public review process how will such issues come to the attention of the LPC and how will the endangered residents know that such a radical scorched earth policy is about to be carried out?

On a more personal level, as a 25 year public high school history and government teacher, I find it abhorrent that such changes would even be up for discussion. **This is not Moscow.** Issues of public interest that impact our communities are not supposed to be handled behind closed doors.

As a 35-year resident of the Lower East Side and Bowery, I have always been proud of how history is writ large in our community. The historic character in our communities attracts visitors and brings big revenue. As such, it is a precious commodity that the LPC is entrusted to preserve and protect, not leave to the whims of whatever fly-by-night developer might come and want to bulldoze out of existence.

Sincerely,

A handwritten signature in dark ink, appearing to read "David Mulkins".

David Mulkins, President



Landmarks Preservation
Commission

1 Centre Street
9th Floor North
New York, NY 10007

212 669 7700 tel
212 669 7960 fax

PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 3 / 27 / 2018 Item # 1

Item Address RULE CHANGE

☐

In favor of proposal

☒

Against proposal

☐

Other position

JEAN STANDISH
Name

308 EAST 6TH ST.
Address

BOWERY ALLIANCE OF NEIGHBORS
Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.

LPC Public Hearing - LPC Rules Changes

3/27/18

As a member of the Bowery Alliance of Neighbors and a long-time resident of the East Village, I strongly oppose the proposed LPC rules changes that cut the public out of the process and eliminate transparency.

It would do the public, the process, and preservation great harm to implement the proposed rule changes that would make a huge number of landmarks applications no longer subject to public hearings. Instead, they would be decided out of public view, behind closed doors, with "staff level" approvals.

This is an inherently anti-transparency, anti-good government, anti-public participation move. There is absolutely no justification for moving a huge number of decisions regarding landmarked properties from an open process, where the public can be aware of them and provide valuable input, to a closed process where the public is unaware that the applications are even being considered, much less able to offer information, opinion, or context.

Public review of landmarks applications allows a maximal amount of light to shine on the process, and affords interested parties a way of providing information or perspective on proposed changes. The Commission may not always agree with the input it receives, but at least with this public process there can be no denying that such input is received and considered. Once these applications move to secret "staff level" approvals, this is no longer possible.

Too often we see inaccurate or incomplete information provided with applications as the basis upon which they are judged. Through the public process, such mistakes or failings can be caught, addressed, or corrected. Once these applications are reviewed behind closed doors only, that opportunity is gone.

Please do not move the landmarking process backwards or cut the public out of the process. Reject the proposed rules changes. Thank you.

Jean Standish
308 East 6th Street
New York, NY 10003



JACQUELINE PEU-DUVALLOON
HISTORIC PRESERVATION CONSULTING, LLC

917.612.2909
jackie@jpdpreservation.com
www.jpdpreservation.com

March 26, 2018

Hon. Meenakshi Srinivasan
Chair
The City of New York Landmarks Preservation Commission
One Centre Street
9th Floor North
New York, NY 10007

R.e.: Proposed Amendments to Landmarks Preservation Commission Rules

Dear Chair Srinivasan:

I write regarding the proposed amendments to the Rules that will be heard at public hearing on March 27, 2018. I cannot attend the hearing as I am out of state.

Having had the honor of working as a staff preservationist, I understand the need to reduce the number of hearing items that the commissioners see each year. However, I do not agree that the acceptability of certain replacement materials should be codified in the Rules. I believe it is part of the commission's mission to encourage replacement of historic materials in-kind. I also do not agree with the proposal to allow for the removal of historic vault lights without replacement in-kind at staff level. I can tell you from experience having worked as a consultant these past 8 years, applicants always choose the option that is more expedient and cost effective. Vault lights are not appreciated by those unfamiliar with their original purpose and therefore their significance in the streetscape. It's the commission's job to educate as well as mandate. I strongly encourage the commission to re-consider these proposed amendments for the welfare of our city.

Thank you for your time and consideration.

Regards,

Jacqueline Peu-Duvallon
Consultant



Eric Adams
Borough President

COMMUNITY BOARD NO. 8

1291 ST. MARKS AVENUE • BROOKLYN, NEW YORK 11213

TEL.: (718) 467-5620 • FAX: (718) 778-2979

Nizjoni Granville
Chairperson

Robert Matthews
Chairperson Emeritus

Michelle T. George
District Manager

BROOKLYN CB 8 COMMENTS ON PROPOSED CHANGES TO LPC's RULES 3/2018

March 14, 2018

In response to the new rules and amendments to existing rules proposed by the Landmarks Preservation Commission (LPC), **Brooklyn Community Board 8 (BCB 8)** makes the following statement, and recommends the following changes to the proposals for new rules.

Basis for BCB 8 Recommendations

The wealth of our community is made visible in our collective efforts and artifacts of historic preservation, and is most whole-heartedly realized through the enlivened and accessible engagement process—a legacy of local level innovation in citizenship passed down to us by previous administrations and fellow stewards of NYC neighborhoods for over half a century.

We believe that historic preservation means more than maintaining the irreplaceable physical characteristics that give each neighborhood its identity. It means preserving a neighborhood's most precious assets: its people, their interactions, and the civic process that enables them to speak with a unified voice. Preservation activities bring us closer together. They create the space for live discourse and mutual understanding where a District's soul resides. The act of working together to preserve a neighborhood's buildings is thus an essential component of the historic preservation process.

The current proposal appears to favor City-wide objectivity and economy over rooted localized and idiosyncratic attention to the details of neighborhood place-making; the social and collegial relationships and affairs that go beyond the role of experts and professionals. We recognize that historic preservation is a uniquely challenging field that must balance theory and practice. Its impact goes far beyond physical dimensions and involves the value laden sweat-equity of people: community members, property owners, and all New Yorkers who take part in forming social cohesion through public engagement. Hence, we ask the Commission to respect that

specific balance across individual districts in both prosperous and austere times of periodic circumstance.

We are a Community District with a comparatively modest median household income.¹ Today, we are advocating to honor the accomplished efforts of the Crown Heights North, Park Place and Prospect Heights Historic Districts which the residents of BCB 8 worked to help establish. The approximately 2550 buildings designated for historic preservation is a symbol of our active socio-cultural heritage and gainful community wealth.² Land, air rights, architectures, and our emotion-rich landscapes stand as much more than our dignified history, it is our chosen path into the 21st century.³ We proudly wish to continue to co-create the future by sustaining meaningful input directly in partnership with our Landmarks Preservation Commission. Together with other City agencies like LPC, we align as tireless advocates to expand the public sphere. We believe the long standing participatory process that we conduct locally “in our back yard” to offer insights on who we are and what we wish to be, deeply contributes to the meaning of ‘neighborhood’ for all New Yorkers.

Recommendations

Overall, given the proposed exclusion of direct Community Board advisory input into LPCs approval process for changes that will purportedly be appropriate for the Communities’ architectural fabric, data sharing will allow community stakeholders to continue to preserve their neighborhoods’ unique sense of place, historic fabric, and cultural relevance.

- LPC should create a dashboard that reports in real time all new and amended (if applicable) applications. This would further LPCs goals of efficiency and transparency and provide community members with contemporary information on potential changes to their neighborhoods. The dashboard should offer subscription-based alerts to interested parties.
- Approved applications should be made available through the NYC OpenData Portal. Doing so would make data on community level changes available to individuals, elected officials and research institutions.

¹ AMI Source: <https://datausa.io/profile/geo/crown-heights-north-%26-prospect-heights-puma-ny/> and CB8 metrics: <https://communityprofiles.planning.nyc.gov/brooklyn/8>

² See LPC’s Designation Maps at <http://www1.nyc.gov/site/lpc/designations/historic-district-brooklyn.page> for building footprint maps of the Crown Heights North, Park Place, and Prospect Heights Historic Districts. Also see <http://phndc.org/content/preservation> and http://www.crownheightsnorth.org/uploads/3/4/1/2/34126703/crown_heights_north_hd_nrn.8_16_2013_update_1.pdf for specific counts of contributing buildings.

³ A global model of community innovation originating for over half a century: the 59 community districts of New York City. (source: http://www.nyc.gov/html/qnscb1/html/explained/explained_history.shtml)

- The proposed Rules changes should provide an opportunity for those impacted by rooftop and rear yard additions, and other related applications, to hear such plans in advance. Not everyone is able to access a computer for applications that may impact them.
- Under §2-15(h)(2), the proposed revisions that will govern rooftop and rear yard additions appear to grant blanket permission for two-story rear yard additions throughout historic districts. Such an advance blanket approval will create a domino-effect for all subsequent applications. Blanket approvals for second story and occupiable rooftop additions will substantially decrease and cast shadows on the shared open space of the back-yard 'donut-hole' that characterizes the rowhouse blocks in the Historic Districts of BCB 8. For example, increased building bulk in terms of preserving the Brooklyn "donut" yields shadow and daylight changes that will likely induce intrusive behaviors among a communal open space.
- The language in the proposal provides Staff with an unbridled measure of discretion to issue CNEs. Changes to §2-11, §2-14 and §2-15 use conditional / discretionary language such as 'may' or 'should' or 'recall(s)' all of which will allow Staff to approve out-of-character changes to primary facades and new patterns of fenestration without notice to the Community Board or to neighbors.

In theory, individuals seeking to understand changes in their existing or potential neighborhood, elected officials charged with representing the interests of their districts, and research institutions that look at trends across NYC would have access to information that will promote informed discourse and potentially inform LPC when there is a micro or macro neighborhood level issue with an application or trend.

Conclusion

Administrative and/or budgetary short comings cannot be allowed to jeopardize the legacy of a New Yorker's public forum for meaningful expression. LPC must consider other alternatives for effective application review proceedings that do not undermine decades of New York City public participation innovation for the livelihood of current and future generations.

We are committed to upholding the lasting physical and social integrity, and livelihood of the community evident in our preservation efforts to date. The tyranny of the urgent and the tragedy of the commons exist as urban myths that condition individual apathy and are responsible for paralyzing community engagement.



284 Park Place
Brooklyn, NY 11238

646.847.9720
www.phndc.org

March 26, 2018

Ms. Meenakshi Srinivasan
Chair
NYC Landmarks Preservation Commission
Municipal Building
1 Centre Street, 9th Floor
New York, NY 10007

Re: Proposed LPC Rules Amendments

Dear Ms. Srinivasan:

The Prospect Heights Neighborhood Development Council submits the following comments with regard to the proposed LPC Rules Amendments.

During the designation process of the Prospect Height historic district, residents voiced alarm that large scale rear-yard additions under construction would overwhelm historic structures and cast shadows on the deep rear-yards that are a special characteristic of our neighborhood. The landmarks review process has been an important check on the construction of such additions, and has contributed to the protection of rear-yard light and air. Now we are concerned that the proposed changes to review of rear-yard additions will undermine those protections and negatively impact the quality of life for residents.

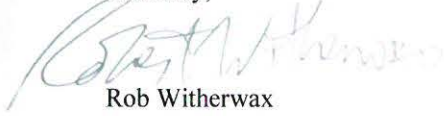
We note that under the proposed rules, staff would be allowed to approve rear-yard additions based upon “predominant depth” and “predominant height” of existing extensions, a subjective criteria. We are concerned that decisions about future rear-yard additions could be based on the dimensions of those massive additions that were constructed before designation—which were the very impetus that drove such overwhelming support for the district’s creation in the first place—with no opportunity for public comment. Further, because the decision making on rear-yard additions is contextual, public participation offers an important correction to the record when an applicant has supplied inaccurate, imprecise or incorrect information about neighborhood precedent. The changes proposed would remove that check and could incentivize misrepresentations in applications.

LPC should find alternatives to streamline the application process without reducing public input. One option would be to have certain applications that currently require COAs to continue to be reviewed by the community boards, with applications that receive community board approval referred to LPC staff and those that do not sent to the Commissioners for a public hearing.

The Prospect Heights Neighborhood Development Council believes the success of our New York City Landmark Districts depends to a great degree on the participation of the residents of historic districts—their promotion and support of the districts—as well as their voluntary compliance with LPC regulations. We believe the public hearing process leads to better outcomes and greater transparency that gives the designation process credibility. The new rules propose a decision making process that in many ways appears to be arbitrary, is more likely to produce non-contextual alterations and may ultimately reduce the credibility of the Landmarks Law and its support by the public.

Thank you for the opportunity to submit these comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rob Witherwax", is written over the printed name.

Rob Witherwax
Chair

cc: Borough President Eric Adams
Council Member Laurie Cumbo
Brooklyn Community Board 8



**Parks, Recreation
and Historic Preservation**

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

March 26, 2018

Meenakshi Srinivasin, Chair
NYC Landmarks Preservation Commission
Municipal Building
1 Centre Street
New York, NY 10007

Re: Proposed New Rules and Amendments

Dear Ms. Srinivasin:

I am writing regarding the proposed new rules and amendments found in Title 63 of the Rules of the City of New York. According to the website of NYC Landmarks Preservation Commissions, the proposed rule changes are *intended to streamline the process for approving every day work on designated properties, and to make the regulatory process more efficient and transparent for applicants, neighbors and the public.*

Staff reviewed the available documentation and have concerns on how the proposed changes will impact New York City's preservation planning efforts and the protection of local landmarks and historic districts. The proposed changes also have the potential of impacting the City's status as a Certified Local Government (CLG), which entitles the City to dedicated SHPO technical assistance and access to federal grant dollars through set-asides of our federal Historic Preservation Fund. New York City currently has \$48,750 in CLG funds committed for the Update of the 2002 LPC Guidelines for Archaeology in New York City project.

The CLG program is a federal program administered at the state level by our office. The intent of the program is to encourage, enable and support local historic preservation efforts, using "best practice" models in both legislation and process. Chief among these goals is to enable local governments to understand and protect historic resources as a part of their efforts to protect their unique sense of place. As has been amply demonstrated in New York City, including historic preservation as an integral part of municipal government responsibilities has proven a strong element of economic revitalization efforts, potentially stabilizing property values, attracting investment, and raising the visibility of the city and its historic assets.

We will be soon providing more detailed comments in our role in administering the CLG program.

Thank you for your time and attention.

Sincerely,

R. Daniel Mackay
Deputy Commissioner for Historic Preservation
Deputy State Historic Preservation Officer

RANKING MINORITY MEMBER

JUDICIARY
INVESTIGATIONS &
GOVERNMENT OPERATIONS

COMMITTEES

CODES
CULTURAL AFFAIRS, TOURISM,
PARKS & RECREATION
ENVIRONMENTAL CONSERVATION
HEALTH



SENATOR
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e-mail:
hoylman@nysenate.gov
website:
hoylman.nysenate.gov

**TESTIMONY OF STATE SENATOR BRAD HOYLMAN BEFORE THE NEW YORK CITY
LANDMARKS PRESERVATION COMMISSION REGARDING PROPOSED CHANGES
TO THE ALTERATION APPLICATION PROCESS**

March 27, 2018

Thank you to Chair Srinivasan and the Landmarks Preservation Commission (LPC) for the opportunity to submit testimony on the proposed amendments to the LPC rules. Thank you as well to our city's great historic preservation groups including Historic Districts Council, New York Landmarks Conservancy, Greenwich Village Society for Historical Preservation, Landmark West!, and the Lower East Side Preservation Initiative for their efforts to celebrate and preserve our city's architecture and neighborhoods. I write to strongly oppose any changes that would eliminate transparency and cut the public out of the landmark alteration process, including the proposed "staff-level" approvals for alterations with no public notification or input.

The existing rules ensure a public review and approval process, including input from the local community board, public notification, and public comments. While some minor alteration applications already go through staff review, the remaining public comment opportunities on proposed and existing landmarks provide the LPC important perspectives from residents, advocates, elected officials, and other stakeholders.

The public hearing and review process is a valuable source of on-the-ground information and discussion for the LPC, and I cannot fathom a fair or contextual landmarking process without it. Countless individual landmarks and historic districts would lack the protections they have today were it not for the impact of community input and testimony.

I appreciate your efforts to increase efficiency and eliminate burdensome processes. However, removing more applications from public review and designating them for "staff-level" approval puts our city's historic and cultural fabric at risk. With no public notice, communities would remain uninformed about upcoming changes and unable to provide valuable community context for the Commission's decision making process.

Please do not cut the public out of the process. At a minimum, I ask that the Commission continue to give public notice and accept written comments on alterations. Transparency and public engagement is paramount to the LPC's mission of protecting the integrity of our city's history and architecture. Please maintain an open and inclusive process that gives voice to those who live and work amongst our city's historic buildings.

Thank you for your time and consideration.



COMMUNITY BOARD No. 3, Q.
82-11 37th Avenue, Suite 606
Jackson Heights, New York 11372
Telephone: (718) 458-2707 Fax: (718) 458-3316
Website: www.CB3QN.NYC.GOV
Email: Communityboard3@nyc.rr.com

Commissioner Meenakshi Srinivasan, Chair
New York City Landmarks Preservation Commission
1 Centre Street, 9th Floor North
New York, NY 10007

March 26, 2018

Dear Commissioner Srinivasan,

I write on behalf of the Landmarks Committee of Queens Community Board Three, to voice our **deep concern over this proposal to alter the current procedure regarding review of Landmarked sites in our district without involvement of the community board.** We are firmly opposed to this proposal for the reasons outlined.

- The community board is composed of local residents or business owners, who are the individuals most familiar with our neighborhood. We are the most knowledgeable of the area's structures and demographics. We live our lives here and know the district in a very palpable way. We are the experts in its nuances, intricacies and consistent patterns. Excluding the board from reviews will compromise any decisions made by doing so without the adequate contextual information required.
- The community board advocates for local residents, hearing their concerns and helping them understand the procedure called for in their hearings. We provide a low-stress, welcoming panel of peers who educate applicants on Landmark protocols and facilitate the exploration of possible resolutions to their issues. Removing community boards from the process will leave applicants with no local resource. By omitting proper preparation by applicants for their hearings, it also could potentially slow the Commission's procedures.
- The community board committee review is a transparent process, open to public attendance. The board does not render any rulings; instead we merely provide information to applicants regarding their cases. This represents a vital first step in the review process, where applicants can simply begin to assess their rights and their accountability.
- Finally, excluding the community board from a process such as review of Landmark status undermines the very reason the boards were created in the first place. This proposal excises the voice that was given to communities to facilitate participation in matters that determine the quality of life in the places they call home. If realized, this alteration will disenfranchise communities and sow seeds of distrust and discontent, the very conditions community boards were created to address.

We respectfully submit these points in an urgent plea that community boards remain a contributor to the Landmarks Preservation Commission's review process. We feel we play an integral role, supplementing the data available to the Commission with empirical insights so that the best rulings may be reached in each case. It is our strongly held wish that we be allowed to continue our work to support the Commission's efforts.

Sincerely,
Philip Papas
Chairman
Community Board 3

MANHATTAN COMMUNITY BOARD FIVE

Vikki Barbero, Chair

450 Seventh Avenue, Suite 2109
New York, NY 10123-2199
212.465.0907 f-212.465.1628

Wally Rubin, District Manager

March 16, 2018

Meenakshi Srinivasan
Chair
Landmarks Preservation Commission
One Centre Street, 9th Floor North
New York, NY 10007

Dear Ms. Srinivasan,

Community Board Five has received and reviewed LPC's "Rules Amendments" document dated February 13, 2018 as well as an e-mail from LPC's Ali Rasoulinejad to CB5 District Manager Wally Rubin on February 2nd. While we appreciate receiving these communications, we are writing today to strongly disagree with the proposed changes and are deeply concerned about the impact they are sure to have on our district and the city as a whole.

LPC is proposing to give its staff the sole power to review and make decisions on the vast majority of applications for Certificates of Appropriateness. Currently these applications are reviewed and approved by the Commission as part of a public review process that involves input from community boards and the public at large.

Community Board Five has already noted a disturbing trend toward allowing some of these applications to be approved "at staff level." In the last 12 months, CB5's landmarks committee received only 35 applications for review. By our analysis, had the new rules been in effect, only 8 of those applications would have been submitted to us, which means that at our community board alone some 27 applications would have been handled at staff level, with no transparency, no accountability, nor even an ability for us to know what requests had been filed.

The changes being proposed by LPC will, without question, reduce the ability of the public and the community board to weigh in on permanent alterations to individual landmarks and landmark districts, alterations that will have a lasting and irreversible impact on our communities.

The long list of items that, under this proposal, would be approved at staff level are noted as those being "consistently approved" and "nearly always approved" by staff. These include storefronts, signage, windows, railings, ramps, canopies, fire escapes, and much more. The problem with this blanket change is that, while many of these items may indeed be "nearly always approved," there are always exceptions. A ramp or lighting fixture that is fine in midtown can be seen in an altogether different light (pardon the pun) in the Ladies Mile Historic District. A façade alteration that dispenses with historic material is

different from a change in façade structure where there is no architectural significance. Allowing all such items to be reviewed at staff level will potentially allow items of importance to slip through the cracks and be changed forever.

In a recent email exchange, one of your staffers, Mr. Rasoulinejad, indicated to our board office that LPC is an "expert agency with expert staff that is responsible for identifying and proposing items for designation" and has "unique resources." We appreciate that LPC's staff is expert at its job but community board members have their own expertise. Often our members have lived and worked in the district for many years, and have intimate knowledge of the buildings on which we comment. Indeed, this is the very point of allowing for community input.

Over the years community boards have played an important role in considering changes in landmark structures and areas and has been able to request and achieve both small and large revisions to applications in support of LPC's own stated goals. We take this work extremely seriously.

It has often been said that democracy isn't neat; it is messy and unwieldy. We agree that reducing the review time and presumed inefficiencies of the LPC process is an important goal. However, cutting out the twelve commissioners, the public and the community board from the process is not an acceptable answer. We look forward to working with you on appropriate alternatives.

Thank you for the opportunity to comment on this matter.

Sincerely,



Vikki Barbero
Chair



Layla Law-Gisiko
Chair, Landmarks Committee

Cc: Mayor Bill de Blasio
Deputy Mayor Alecia Glen
Borough President Gale Brewer
Hon. Brad Hoylman
Hon. Liz Krueger
Hon. Richard Gottfried
Hon. Speaker Corey Johnson
Hon. Keith Powers
Hon. Carlina Rivera
Hon. Letitia James

COMMUNITY BOARD 7 Manhattan

March 27, 2018

Hon. Meenakshi Srinivasan
Chair
New York City Landmarks Preservation Commission
One Centre Street, 9th Floor
New York, NY 10007

Re: Proposed LPC Rules Amendments 2018

Dear Chair Srinivasan and Commissioners:

On behalf of Community Board 7/Manhattan and our Upper West Side community, we offer the following comments on the proposed Rules Amendments 2018 (the "Proposed Amendments") of the Landmarks Preservation Commission ("LPC"). Our comments consist of responses to the overall scope and thrust of the Proposed Amendments in this letter, as well as reactions to the text of specific Proposed Amendments in the accompanying chart.

In formulating these comments, we have considered the information provided by the Commission during presentations attended by several members of our Preservation, Land Use, Steering and other committees; a line-by-line review of the text of the Proposed Amendments by several CB7 members; testimony and comments by members of the public and representatives of various organizations active in the Preservation community; comments from colleagues on other Community Boards; as well as written comments received by the CB7 office.

Exclusion of the Community Voice

One of the most troubling aspects of the Proposed Amendments is that they will deprive our community and our Community Board of any meaningful participation or voice in the vast majority of applications to modify individual landmarks and buildings in Historic Districts, and the resulting impacts of such work on the character, context, and composition of the historic fabric that knits together our community. By excluding the public, the Community Board, and the volunteer Commissioners (who will no longer have visibility to such applications) from this crucial component of preserving our cultural, social and architectural treasures, the LPC will deprive itself and the decision-making process of key information about the current conditions of the subject properties as well as the relationship of the subject buildings to the character of the neighborhood and the sense of place of which it is a part.

At present, only approximately 500 (or less than 4%) of 14,000 annual applications are referred to a public hearing, which in turn triggers Community Board review. The LPC staff briefing revealed that there is no process by which Commissioners are even made aware of the substance or number of the

almost 95% of submitted applications they never see -- no report, no summary, no visibility to the lion's share of determinations made under their aegis. Last year, our Board reviewed 43 such applications (significant share of the Citywide total), and acted on them expeditiously and professionally. As you are aware, the majority of CB7's district lies within several designated HistoricDistricts.

As we understand them, the Proposed Amendments will reduce the number of applications that CB7 reviews to a mere handful. The rest would be reviewed and determined by LPC Staff without having been seen by CB7 members, our public, or the Commissioners. Neither CB7, the Commissioners nor neighbors and surrounding building owners would receive any notice of the proposed changes until literally a contractor began work. While applications may appear on the LPC website, without the notice to the community that accompanies our review, no interested party would know enough to look on the LPC site. The Proposed Amendments would truly eliminate the opportunity for public awareness of, let alone input in, decisions regarding work on such structures.

The vice of such a process is manifold. CB7's Preservation Committee brings various forms of expertise to the consideration of proposed work, and most applicants find the discussion our committee meetings will help them improve their applications. Those same committee meetings also provide an opportunity for the community to weigh in, ask questions and share context, history and relevant experiences. Some community input concerns the historic character that informs a decision about appropriateness and is essential to the core of the Certificate of Appropriateness process. Some community input concerns collateral issues such as the noise, dust and debris of construction, concerns for the safety of their neighboring structures, and impacts of proposed additions on non-design issues that still affect quality of life and neighborhood character. CB7 plays a vital role in the latter category of providing opportunities to allay fears, establish lines of communications between contractors and neighbors, and when appropriate engage in CB7 District Staff oversight of particularly challenging projects.

Public input at Community Board Preservation meetings and at LPC public hearings, whether from Community Board members or neighbors and community members, provides first-hand information on current conditions, including those that originated pre- or post-designation, and the impacts of proposals. It is simply not reasonable to assume that the talented and hard-working LPC Staff who handle a full caseload could ever spend the time on site and in the neighborhood to acquire that same information.

All of those benefits would be lost under the Proposed Amendments. Openness and a feeling of participation in a collaborative process would be replaced by the fear and suspicion that results when potentially major changes are made to the historic fabric without advance notice to those affected or an opportunity to be heard.

The Proposed Amendments Would Freeze Criteria for Approval that Have Long Fluctuated, and Should Not Be Locked In

While the presentations of the Proposed Amendments assert that they would simply codify existing practice, this rationale ignores that existing practice on various interpretations of appropriateness in

various settings has evolved and should continue to evolve over time. Work proposed by applicants with the pre-public-hearing oversight of Staff has been frequently challenged by the Commissioners. Those challenges and views have resulted in establishing nuanced variations and interpretations based on particular elements of context, style and other factors. One example that is relevant to the Historic Districts within our CB7 District 7 concerns applications affecting the “donuts” formed by rows of townhouses on side streets, which are frequently either not visible or minimally visible from the public way, but which define the core essence of these residential structures deemed worthy of preservation. Codifying one interpretation of what is thought to be existing practice without any opportunity for input either by the public, affected neighbors, our Preservation community colleagues, the Community Board or even the Commissioners themselves, as those issues are implicated going forward, negates the necessarily elastic and individual, site-specific nature of appropriateness, and accomplishes the opposite of the stated intent.

The exclusion of the Commissioners from these considerations is particularly troubling as the intentionally fluid nature of approvals would be lost. Such a loss would be inconsistent with the statutory mandates under which the preservation of historic structures is assured.

The Proposed Amendments Would Promote Homogeneity

Establishing a formula for quick approval will inevitably lead some applicants to take a path of least resistance and adopt a solution to a design problem purely because it fits within the Proposed Amendments. CB7 has already seen this in practice in the years since the adoption by the LPC of modified rules for storefront infill in Historic Districts – a concept we endorsed in principle, but that in practice has resulted too often in cookie-cutter arrangements that prize expedience over harmony with context and history. A great example concerned the proposed replacement storefront infill on the Broadway commercial facades of the Hotel Belleclaire. The applicant initially sought to install routine metal and glass infill of a type that could be found anywhere, missing an opportunity to carry to the ground the Beaux-Arts decoration and sense of substance found in the building above. The community was spared this result only when the developer had a change of heart, and opted for a composition that honored the finery that is the decorative essence of the building as a whole.

In similar fashion, CB7 is concerned that, especially in cyclical “hot” real estate markets, the zeal for speed will lead to conformity and a lack of unique or individualized approaches to designated buildings ranging from missed opportunities to a loss of the very character intended to be protected.

Further Erosion of Protection for Historic Districts Supposedly “Non-Contributing” Structures

CB7 is particularly concerned that the Proposed Amendments would all but strip of protection buildings deemed “non-contributing” to Historic Districts, and those designated as “no style.” CB7 has been concerned that certain Historic District designation reports include references to buildings as “no-style” or otherwise considered non-contributing because such references do not take into account buildings whose design and appearance are simple, clean or unadorned but nonetheless become part of a beloved whole. Inclusion of such buildings in Historic Districts achieves the important purpose of preservation the totality of a sense of place that the statute Historic District was adopted to protect. Maintaining the scale, materials, composition and interaction with such structures is crucial to

preserving a whole that is more than the sum of its parts, while the Proposed Amendments signals exposure to the devastation of Historic Districts by a thousand cuts rather than a single blow.

It is important to note in this context that designation reports written decades ago did not comprehend the consequences under these Proposed Amendments of buildings listed as non-contributing or “no-style.” Ascribing new intentions to actions taken without such consequences having been even contemplated by the long-ago drafters is at best unwarranted and bad policy.

The Proposed Amendments Would Actually Change Current Practice

While the presentations claim that the intent of the Proposed Amendments is to codify existing criteria, they actually would work a change to the status quo that will deeply affect our District. For example, hundreds of buildings in the Historic Districts within our Board’s jurisdiction consist of rows of mid-block townhouses – many are original “brownstones” – whose abutting rear yards form “donuts” of varying degrees of original features.

Current practice calls for referral to public hearings (and to the Community Boards) of applications that seek both a rear yard and a rooftop addition, or which seek one such addition where the building already has the other. This is an important protection for such townhouses and the mini neighborhoods and environments they form, as the rear yards and rooftops are as essential to their character as the more ornate front facades. The Commission on several occasions has sent back for further design modification applications that, for example, call for additions that cumulatively overwhelm or obfuscate the original structure, even if none of those additions is visible from any public way.

While the Proposed Amendments do contain a single sentence calling for consideration of this potential cumulative effect, it does so without qualification, example or individual criteria, and then lays out a handful of bulk and composition criteria that mirror those for each of rooftop and rear yard additions when considered individually. Assessing the cumulative impact of such additions and the impact they will have on the character of one of the defining elements to be protected based on such scant criteria will deprive the community, its Community Board and the Commissioners of the chance to weigh in precisely when its contributions and local knowledge are most needed.

Eliminating Community Board Review Deprives Applicants of Key Feedback

The institutional knowledge of other successful projects in our community brought to the table by Community Board members, local residents and grass-roots organizations when considering a new application often results in a productive discussion that opens new possibilities and collaborative thinking. The Proposed Amendments, by eliminating public review at every level, deprives the applicants, the community and the Commission itself of the benefits of this added collaboration.

Reorganization at OATH Undermines the Proposed Amendments

The changes proposed for adjudication of LPC violations at OATH, and the prospect that such changes will result in precedent that competes with LPC’s Staff’s jurisdiction and expertise, is equally troubling. LPC violations raise issues far more complex and sophisticated than those typically adjudicated by

OATH. At best, appropriate coordination must be thought out and provided before the Proposed Amendments are adopted, but that seems a more than daunting task.

While we were considering our response to the Proposed Amendments, we learned that OATH will hold a public hearing on March 28, 2018, the day after LPC's hearing on the Proposed Amendments, on a proposal to repeal LPC's penalty schedule for violations of its rules.

The proposal includes no indication on how such violations will be redressed going forward, or whether such penalties will run with the land to ensure that non-conforming conditions are corrected (and not simply the subject of a fine).

Enforcement of the Landmarks law should remain within the jurisdiction of the LPC and should be strengthened as both a proper redress of improper actions and a deterrent for the future.

Most Applications Are Already Handled with Dispatch

While applicants doubtless would like faster and faster approvals, the work for which they seek approval will last for generations and affect community character forever. LPC already handles truly ministerial applications relating to truly minor changes with great speed, and moves the small percentage of applications that are brought to public hearing in a process that balances the desire for short-term speed against their long-term consequences.

It is important to note in this regard that LPC review typically follows the review and approval of many aspects of a project at the Department of Buildings, whose pace and substance of review is beyond the scope of this letter.

The stated goals of this proposed rulemaking include making the work of the Commission "more transparent" and "efficient". It is hard to see how eliminating applications from public review and Commissioner determination could ever qualify as enhancing "transparency." While the Proposed Amendments may make the processing of applications more expeditious, the notion of "efficiency" should embrace more than speed, and should have an equal focus on reaching the best possible result on matters that cannot be undone.

The stated goals also include ensuring that applicants will not need to go through the "time-intensive Certificate of Appropriateness process for work types that are regularly approved by the Commission". The discussion above demonstrates that "regularly" approved is not "always" approved and suggests there are often exceptions, many after revision at the behest of the Commissioners. And "regularly" approved is not a fixed point but the result of a collaborative process that will be severely restricted under the Proposed Amendments.

At the previously mentioned LPC staff briefings it was suggested that volunteer Commissioners meeting only three times per month were hard-pressed to deal with even the small percentage of applications currently qualified for public review. Our experience is that the Commissioners with existing Staff are fully able to determine applications in a manner and with timing that strikes an

Hon. Meenakshi Srinivasan
March 27, 2018
Page 6

appropriate balance between competing interests of time and attention to detail without the need for additional meeting dates for Commissioners, although that could be an option as well.

CB7 has long advocated for a budget priority to add Staff to the LPC, even in fiscal years in which LPC itself did not ask for such funding. CB7 will be pleased to incorporate such a budget priority for the next fiscal year, and to advocate for such a priority among other Community Boards to mitigate this concern.

In any event, speed of disposition of applications should not be accomplished by depriving communities of their only opportunity to review, comment upon and influence the application process nor of the Commissioners having the opportunity to shape the contours of Landmarks protection for the future.

Since both individual landmark and Historic District designation preserves property values as much as it does neighborhood character, an LPC process that ensures such changes benefit from a truly transparent and fair review process that includes robust and effective public participation and honors the Charter and Code mandate for public accountability is in everyone's interest.

Our accompanying chart attached as Exhibit 1 provides representative specific instances of concerns tied to the text of the Proposed Amendments.

For the above reasons, as well as those expressed by our Manhattan Community Board and Borough Board colleagues, Community Board 7/Manhattan urges that the Proposed Amendments remove too many projects and applications from public hearing and community review, and should therefore not be adopted.

Respectfully submitted,



Jay Adolf and Gabrielle Palitz
Co-Chairs, CB7 Preservation Committee

Roberta Semer
Chair, Community Board 7/Manhattan

Hon. Meenakshi Srinivasan

March 27, 2018

Page 7

Copies:

Hon. Gale A. Brewer, Manhattan Borough President
Hon. Corey Johnson, Speaker, New York City Council
Hon. Helen Rosenthal, New York City Council, 6th District
Hon. Mark Levine, New York City Council, 7th District
Hon. Scott M. Stringer, Comptroller of the City of New York
Hon. Letitia James, New York City Public Advocate

Josette Amato, West End Preservation Society
Sean Khorsandi, Landmark West!
Simeon Bankoff, Historic Districts Council
Peg Breen, Landmarks Conservancy

Exhibit 1 to
Community Board 7/Manhattan
Letter Dated March 27, 2018 to
Hon. Meenakshi Srinivasan

Selected Items of Concern
Regarding the Proposed Amendments to LPC Rules for
Enhanced Staff-Level Approvals

Reference	Amendment	Concern/Revision
2-11(a), page 21 Introduction – under Repair, restoration, replacement and re-creation of building facades and related exterior elements	Facades and exterior elements - "repair, restore and re-create building facades and related exterior elements in order to <i>maintain, restore, replace, re-create and, in certain instances, recall</i> original or historic exterior architectural elements."	It is possible to "maintain," "replace" and even "recall" elements without fidelity to the historic/original. Should add that in each instance that the work must not materially alter the historic or original appearance of the architectural elements.
2-11(c)(6)(i), page 25 under repair or restoration of façade materials and features	(6) repair of stucco – requires patching compound to match the original or historic stucco	if only a minor patch or repair is needed, Staff should have the option to approve use of a patching compound that will match the existing condition even if non-original rather than match
2-11(c)-(e), pages 23-31	Staff level approval criteria vary markedly depending on whether a building is considered "contributing" or "non-contributing" to an Historic District	The use of "no-style" or other terms now interpreted to refer to buildings that are "non-contributing" were not applied in designation reports issued decades ago without this distinction in treatment in mind. Also, the lower level of protection for so-called "non-contributing" buildings ignores the impact of such structure on their contributing neighbors and the overall sense of place to be protected by designation.

Reference	Amendment	Concern/Revision
2-14(f)(i)(ii)(A-B), page 58 Windows and Doors / Materials	Permits replacement of certain of windows and doors with non-original materials including aluminum with certain provisions on primary facades.	This provision would remove nearly all windows on primary facades in Historic Districts from public hearing review regardless of their relationship to historical precedent or pre-designation condition.
2-15, beginning on page 67 Rooftop and rear yard additions or enlargements		
2-15(c)(1) – rooftop additions to individual landmarks and 2-15(c)(2) – rooftop additions to buildings in historic districts	Staff "will approve" rooftop additions if the addition is not visible from a public way [in the case of historic districts – visibility is limited to connections with the primary façade, ignoring the donut completely]	<ul style="list-style-type: none"> • No requirement to match or complement <u>materials</u> or avoid <u>inappropriate materials</u> based on context -- compare 2-15(e)(1) for dormers, which addresses "style and materials" in addition to other features • Ignores any consideration of context as an element of historic character – freezing a restrictive view of visibility for the future
2-15(d), page 69 rooftop additions of non-occupiable space	Staff to approve if EITHER – minimally visible in connection with the primary façade (or on individual landmarks, is above 60' from the ground) -- is necessary for Code compliance and does not call attention to itself	Approval if the addition "blend[s] with the predominant finish of the predominant material of the secondary façade or adjacent structures or comparable adjacent features so as not to call attention to itself" – too many variables Discussion of placement of elevator bulkheads with multiple permutations and limitations to ensure they are "utilitarian" and "do not

Reference	Amendment	Concern/Revision
		call undue attention to itself" are precisely what the community should review.
2-15(f), page 70		
Rear Yard additions		
2-15(f)(2), page 70	Staff approval available for projects that involve excavation without a public hearing provided separate rules are followed	Excavation is both a source of significant concern in historic districts, and for immediate neighbors -- Neighbors will not know until the blasting/digging starts!
2-15(f)(3), page 70	Staff approval if key architectural features are preserved -- BUT NOT corbelled brickwork	So destruction of corbelled brickwork can be destroyed via staff level approval -- NOT codifying status quo.
2-15(f)(4), page 71	Allows staff level approval if a majority of buildings sharing the donut feature rear yard additions or L-extensions	Ignores whether the context used for a basis of comparison was constructed pre-designation
2-15(f)(5), page 71	Staff level approvals available if the rear yard addition if it is not deeper or taller than the predominant height/depth of similar type buildings in the donut (does preclude full-height additions)	Ignores even the possibility of the impact of full-width additions as a topic of conversation and discussion – full-width additions are routinely approved (but not always) -- should at least be part of the discussion
2-16, page 74	Criteria for excavation	Does not include any notice to the neighbors.
2-19, pages 88-92 Sidewalks	The Proposed Amendments would permit replacement of existing historic blue stone or granite details with concrete rather than in-kind, including consolidating the remaining historic condition in a smaller area and infilling the balance with concrete.	The rule would create a significant expedience as well as cost incentive for applicants to repair and replace distinctive paving conditions with concrete that will erode the historic feel and sense of place of Historic Districts as these surfaces age and require

Reference	Amendment	Concern/Revision
		treatment or replacement.



CENTRAL VILLAGE BLOCK ASSOCIATION

The Central Village Block Association is a forum for residents of Barrow, Jones, Cornelia, Leroy, Bleecker, West 4th Streets & Sheridan Square

E-MAIL: CVBA_NYC@YAHOO.COM

MARCH 22, 2018

MEENAKSHI SRINIVASAN, CHAIR
LANDMARKS RESERVATION COMMISSION
DAVID N. DINKINS MUNICIPAL BUILDING
1 CENTRE STREET, 9TH FLOOR NORTH
NEW YORK, NY 10007

RE: PROPOSED LPC RULES CHANGES

DEAR CHAIR SRINIVASAN AND COMMISSIONERS,

THE CENTRAL VILLAGE BLOCK ASSOCIATION IS A RECOGNIZED GROUP OF ACTIVE MEMBERS IN THE AREA OF BLEECKER STREET AND WEST 4TH STREET BETWEEN 6TH AND 7TH AVENUES WITHIN THE GREENWICH VILLAGE HISTORIC DISTRICT. CVBA OPPOSES THE PROPOSED LPC RULES CHANGES DUE TO THE OMISSION OF THE PUBLIC REVIEW PROCESS AND THE SIGNIFICANT REDUCTION OF COMMUNITY BOARD RESOLUTIONS THAT SAFEGUARD OUR AREA FROM MID-TOWN STYLE ALTERATIONS TO OUR STREETScape. THE PROPOSED RULES MAKE REFERENCE TO TRANSPARENCY BUT THROUGH A ONE-WAY MIRROR WITH ONLY LPC STAFF DETERMINING ALTERATIONS THAT ARE NOT ONLY AESTHETIC OR HISTORICAL BUT OFTEN HAVE QUALITY-OF-LIFE ASPECTS FOR OUR NEIGHBORHOOD.

RECENT ALTERATIONS TO 162 WEST 4TH STREET (POKE RICE) WERE APPROVED AT LPC STAFF LEVEL AND DESCRIBED AS A "PROTOTYPE" BY THE SAME STAFF. THERE WAS NO PUBLIC REVIEW AND NO PRESENTATION TO THE LANDMARKS COMMITTEE OF COMMUNITY BOARD 2 FOR A RESOLUTION. THE RESULT IS AN ARTIFICIAL ATTEMPT AT CREATING A VILLAGE STOREFRONT IN THE STYLE OF AN AMUSEMENT PARK. THIS ALTERATION IS INAPPROPRIATE AND CALLS UNNECESSARY ATTENTION TO ITSELF IN AN OTHERWISE COHESIVE STREETScape. THIS TANGIBLE EXAMPLE OF LPC STAFF APPROVAL IS UNSUCCESSFUL ON EVERY LEVEL, HAS DIMINISHED A STREETScape IN OUR NEIGHBORHOOD, AND WILL REMAIN LONG AFTER THE TRANSIENT TENANT VACATES.

THE CENTRAL VILLAGE BLOCK ASSOCIATION CANNOT SUPPORT THE PROPOSED RULE CHANGES.

RESPECTFULLY,

DOROTHY GREEN, CO-CHAIR CVBA
DAN LEIGH, CO-CHAIR CVBA
ROSEMARY BELLA, VICE PRESIDENT CVBA



Landmarks Preservation
Commission

1 Centre Street
9th Floor North
New York, NY 10007

212 669 7700 tel
212 669 7960 fax

PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 3 / 27 / 2018 Item # RULES

Item Address _____

☐

In favor of proposal

☒

Against proposal

☐

Other position

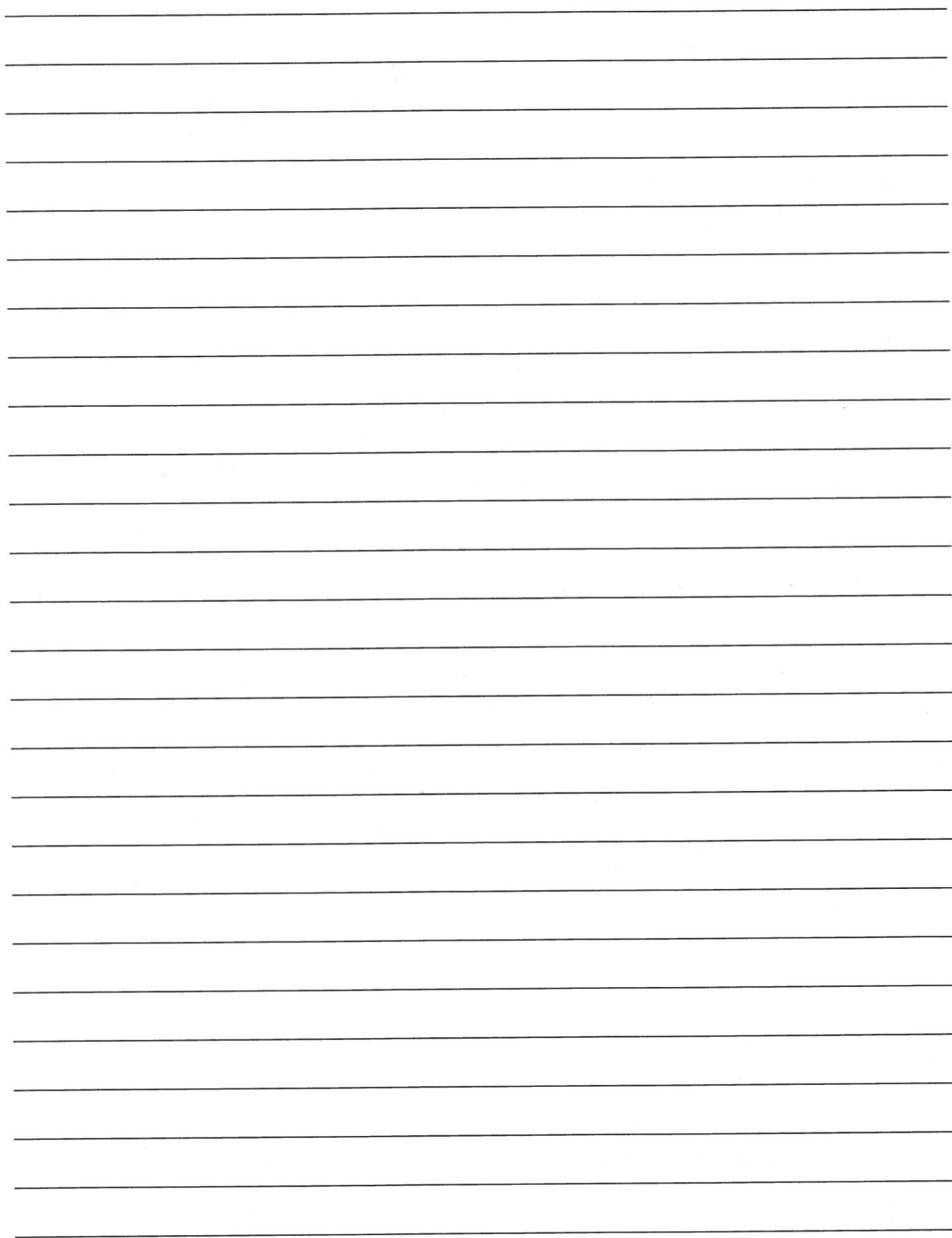
JEFFREY KROESSLER
Name

Address

CITY CLUB OF NEW YORK
Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.





Landmarks Preservation
Commission

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New York, NY 10007

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date Tuesday 3, 27, 2018 Item # 1

Item Address PROPOSED RULE CHANGE

☐

In favor of proposal

☒

Against proposal

☐

Other position

ANNE MITCHELTREE
Name

237 EAST 5TH STREET NYC NY 10003
Address

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

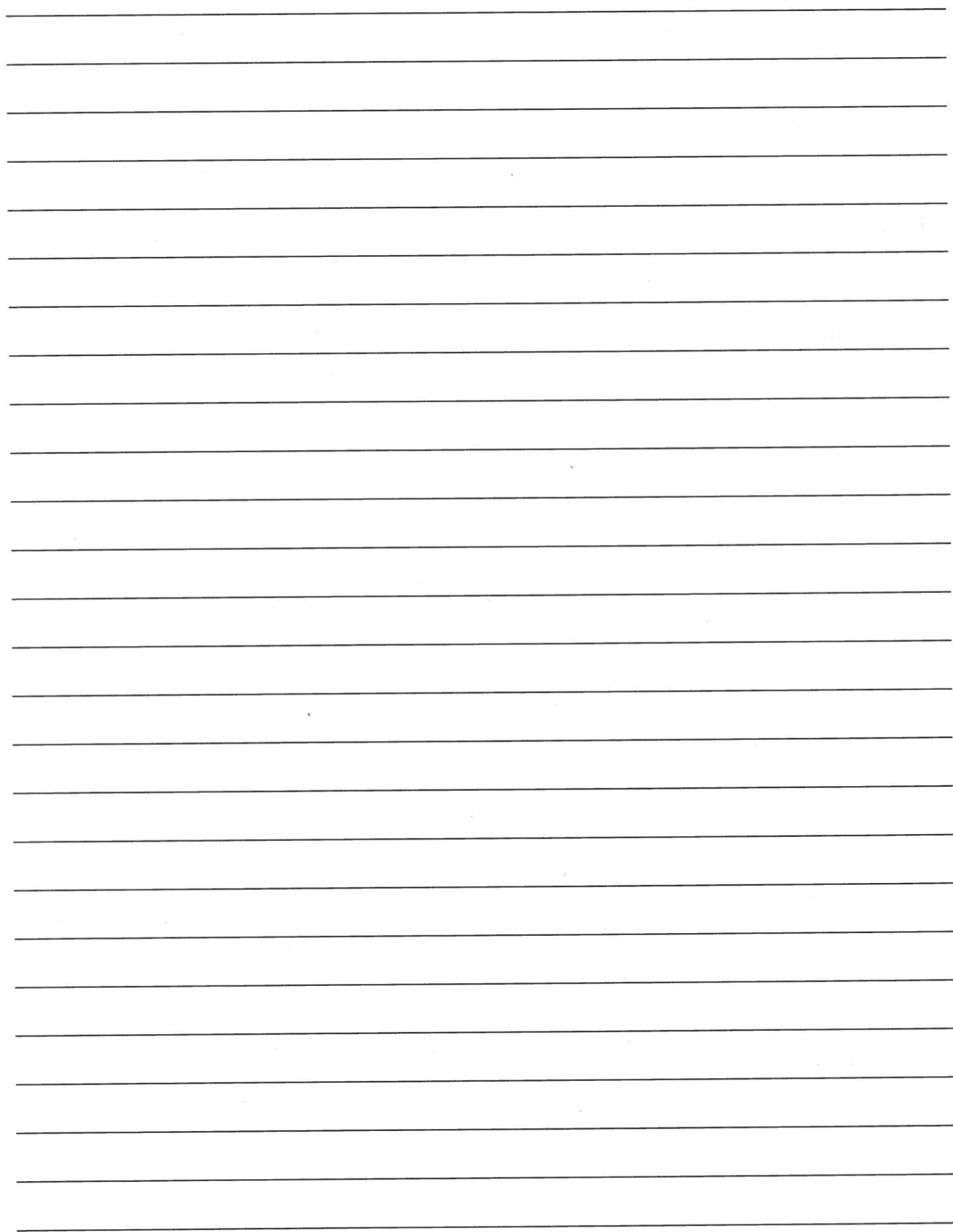
The reason we maintain our landmarks is to create
historical monuments for the beauty and
education of the public - the adults and
children who walk the streets of our city.

By refusing to hear their comments you've already
signalled that you don't care what they think -

It defeats the whole purpose of creating a historical

If you need additional space, please attach sheets.

presentation for public viewing.





Landmarks Preservation
Commission

1 Centre Street
9th Floor North
New York, NY 10007
212 669 7700 tel
212 669 7960 fax

PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 3 / 27 / 18

Item # _____

Item Address _____

☐

In favor of proposal

☒

Against proposal

☐

Other position

Michelle K. Perez

Name

40 W. 27th Street #1201 New York NY 10001

Address

Gladding, McBean

Representing

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LPC should uphold the highest standards in preservation practices. Buildings that have been allowed to use alternate materials have been butchered both aesthetically but also physically. These materials do not work in concert with the rest of the buildings materials. often the material shrinks & creeps allowing massive water infiltration & causing serious degradation to the steel structure and adjacent historic material.

If you need additional space, please attach sheets.

I have witnessed the damage 1st hand on all building surveys I have performed. I can provide multitudes of

Photo examples to the commission

Our skyline is being bleached but more importantly
our historic structures are losing their character
and suffering structurally as a result of these
poor choices



Landmarks Preservation
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PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 3 / 27 / 2018 Item # _____

Item Address 350 Bleecker St

☐

In favor of proposal

☒

Against proposal

☐

Other position

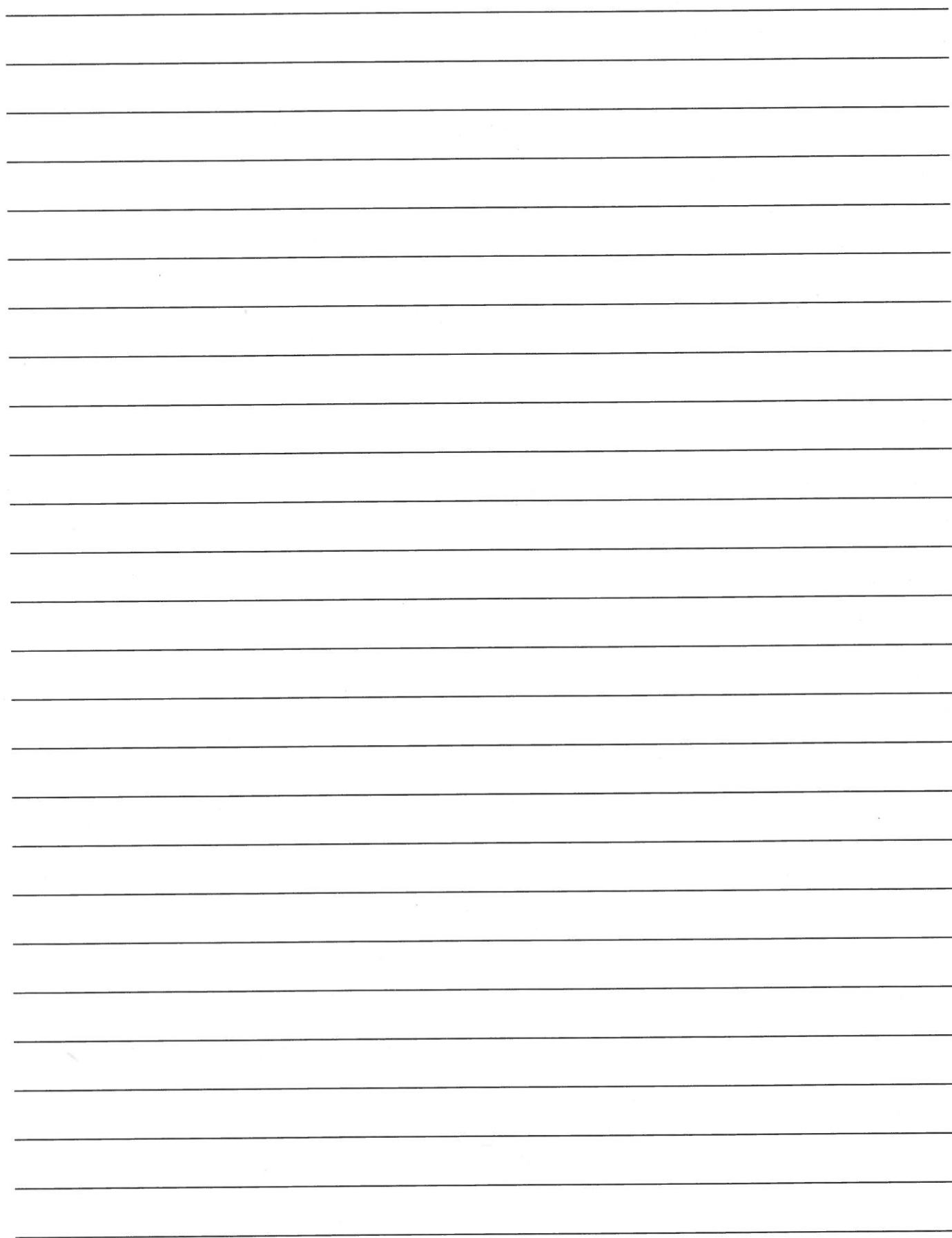
Carole Mavity
Name

350 Bleecker St. # 5P NY, NY
Address

myself
Representing

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If you need additional space, please attach sheets.





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Commission

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212 669 7960 fax

PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 3 / 27 / 18

Item #

Hiding LPCs actions

Item Address _____

☐

In favor of proposal

☒

Against proposal

☐

Other position

TRINA SEMORILE
445 WEST 46 STREET, APT. 1E
NEW YORK, NY 10036-3535

ime

Address

Myself and other members of the concerned
Representing public.

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

I will turn in written comments
after speaking

If you need additional space, please attach sheets.

... ..

... ..

... ..



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Commission

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 3, 27, 2018 Item # _____

Item Address _____

☐

In favor of proposal

☒

Against proposal

☐

Other position

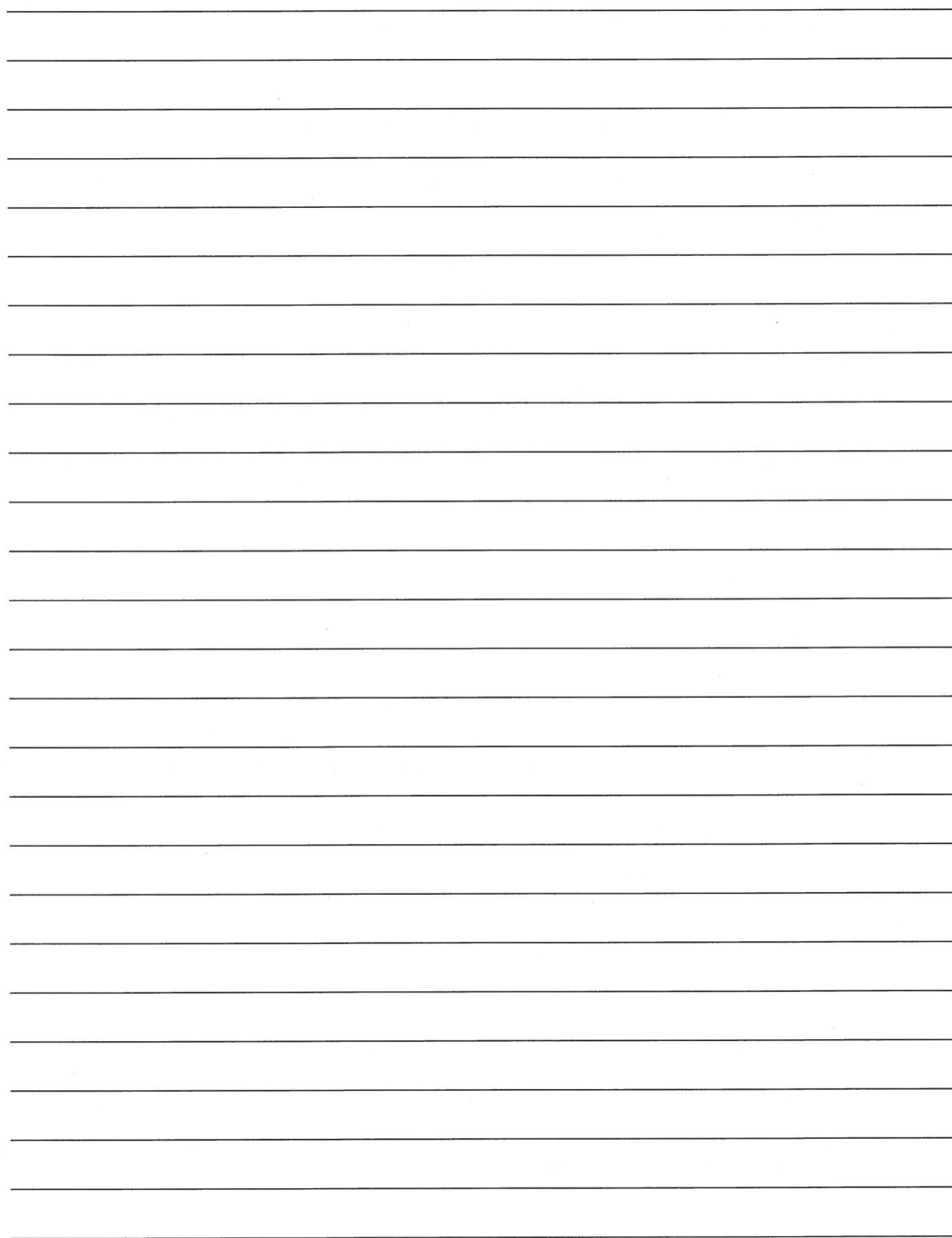
Amanda Yaggy
Name

476 Decatur St. # 2
Address

Self / NYC public
Representing

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 3 1 27 118 Item # 1

Item Address LPC RULE CHANGES

☐

In favor of proposal

☒

Against proposal

☐

Other position

RICHARD DUANE

Name

80 SECOND AVENUE NY, NY 10003

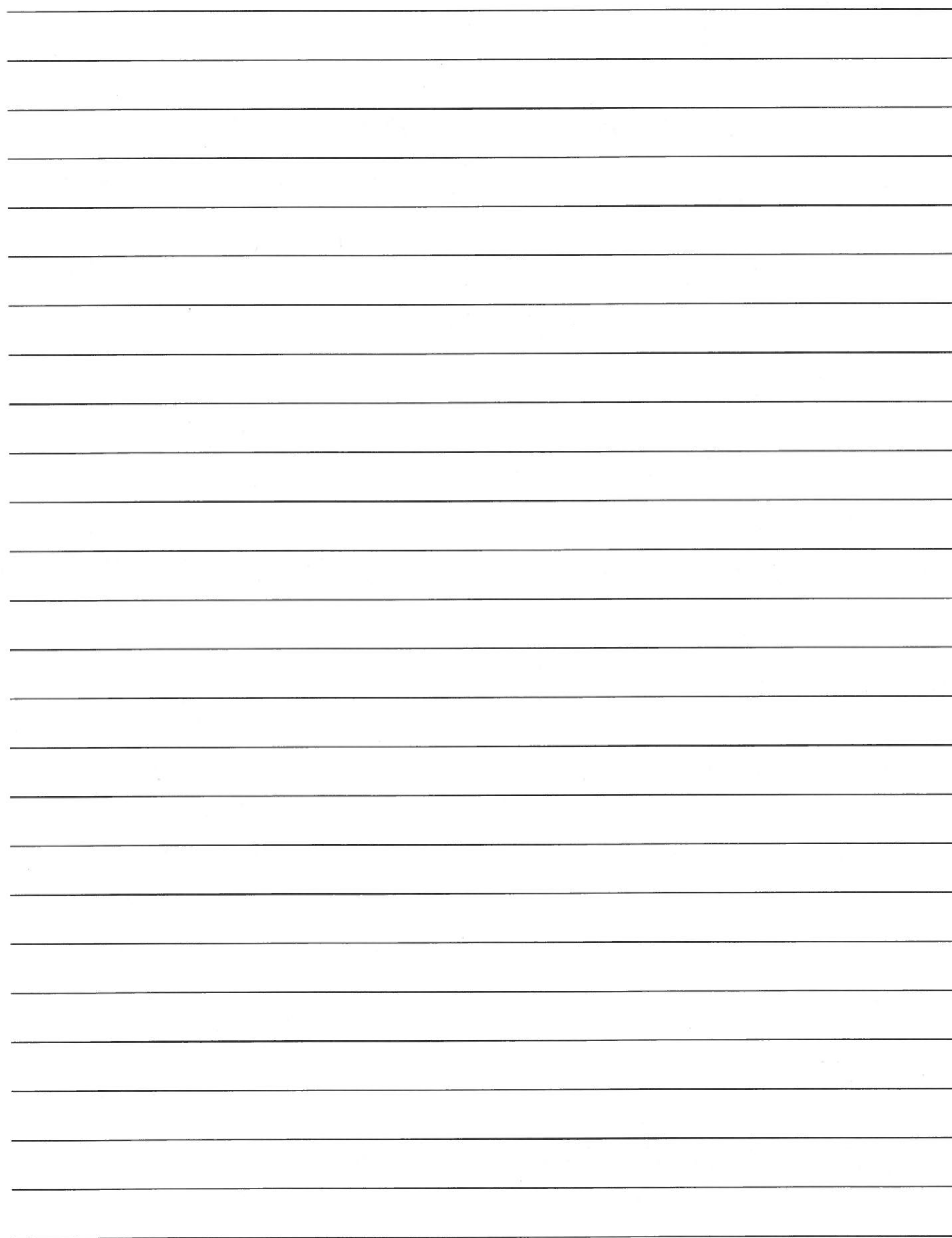
Address

SELF

Representing

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date MARCH / 27 / 2018 Item # #1

Item Address RULE CHANGE - PRESERVATION DEPT.

☐

In favor of proposal

☒

Against proposal

☐

Other position

LAURA BRADDOCK

Name

105 DUANE ST. APT. 6F

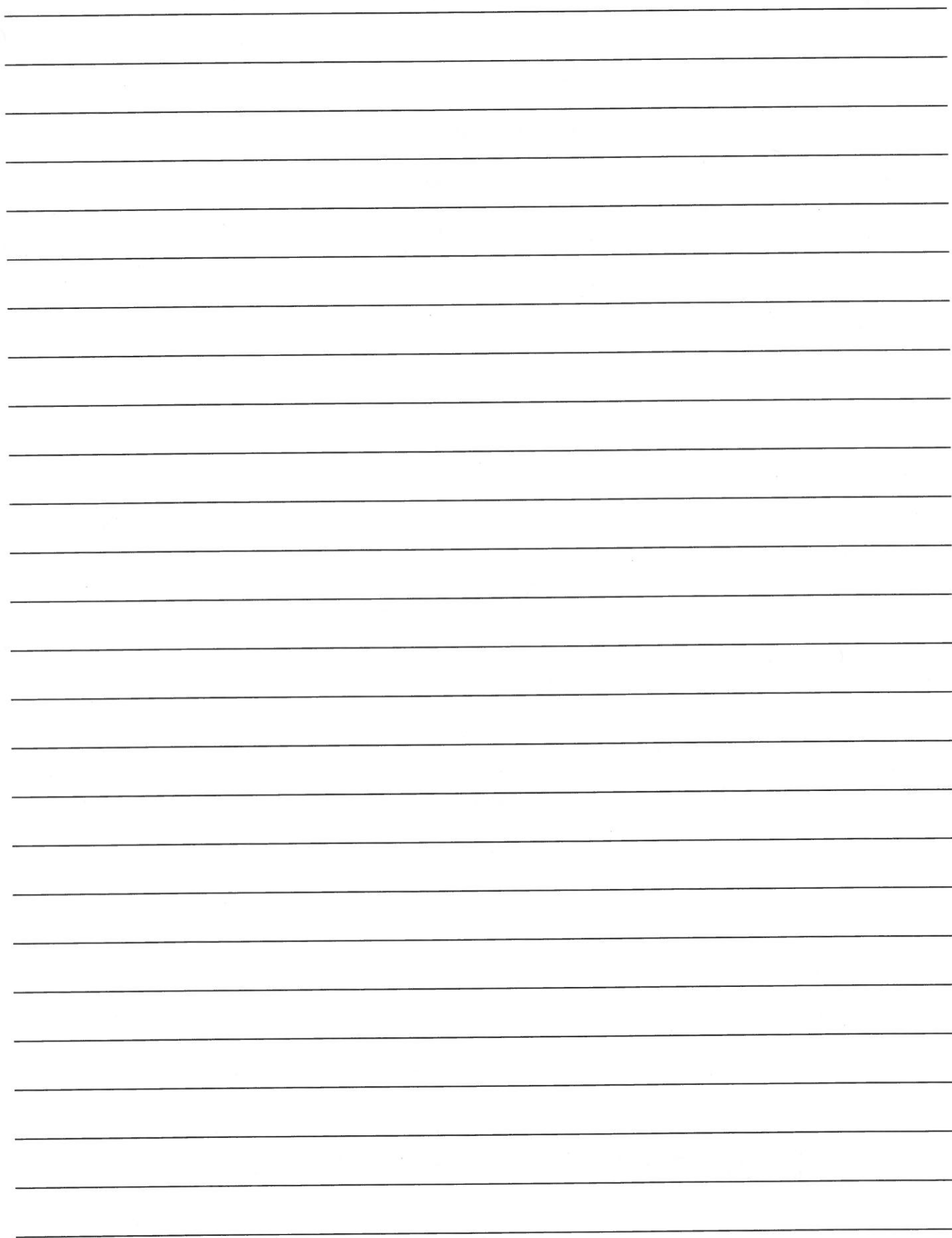
Address

NEW YORK, NY 10007 - SELF

Representing

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 3, 27, 2018 Item # 1

Item Address RULE CHANGE

☐

In favor of proposal

☒

Against proposal

☐

Other position

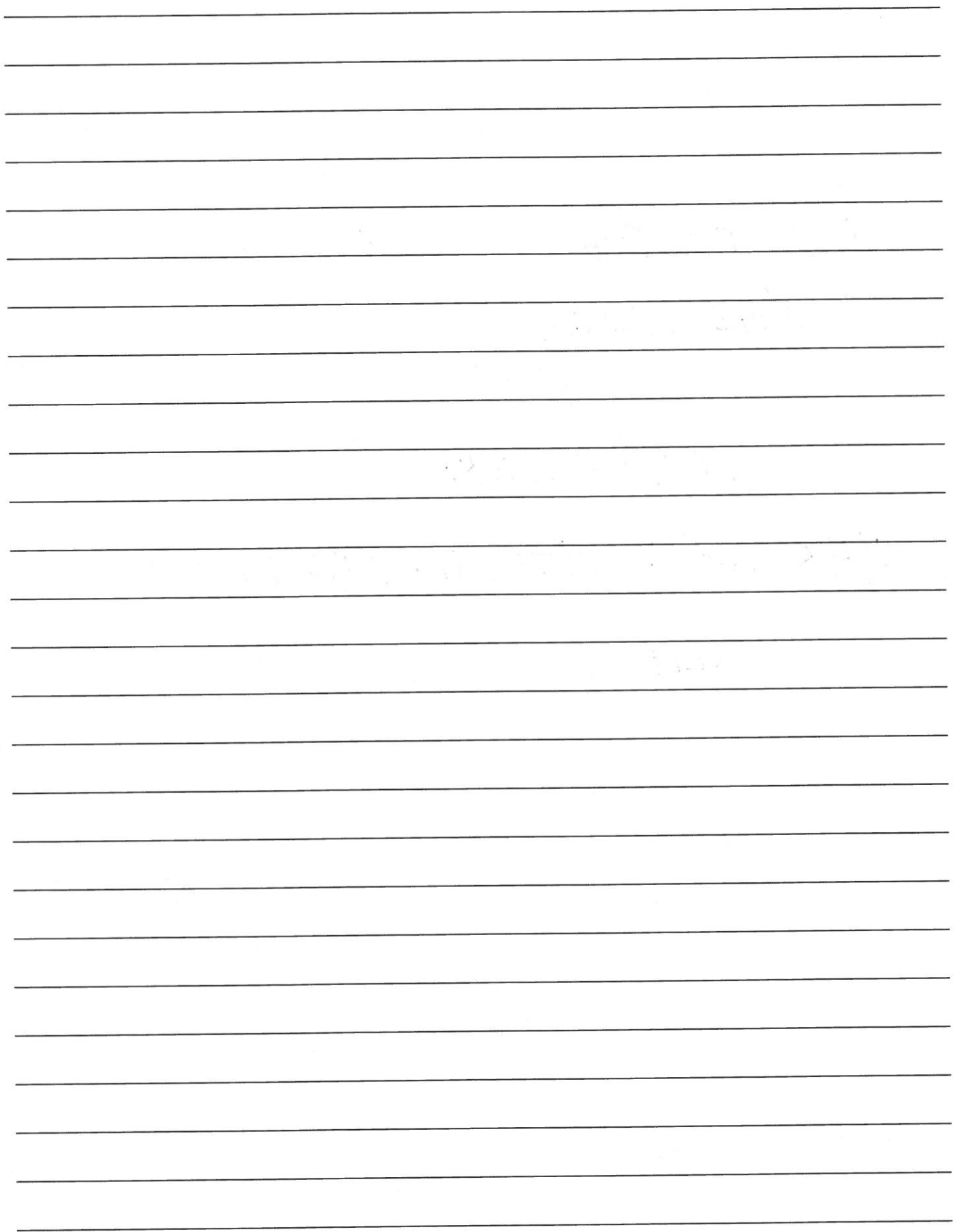
DAVID HOLOWKA
Name

445 WEST 19TH ST., NYC 10011
Address

SELF
Representing

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 3, 27, 18 Item # RULES

Item Address N/A

☐

In favor of proposal

☒

Against proposal

☐

Other position

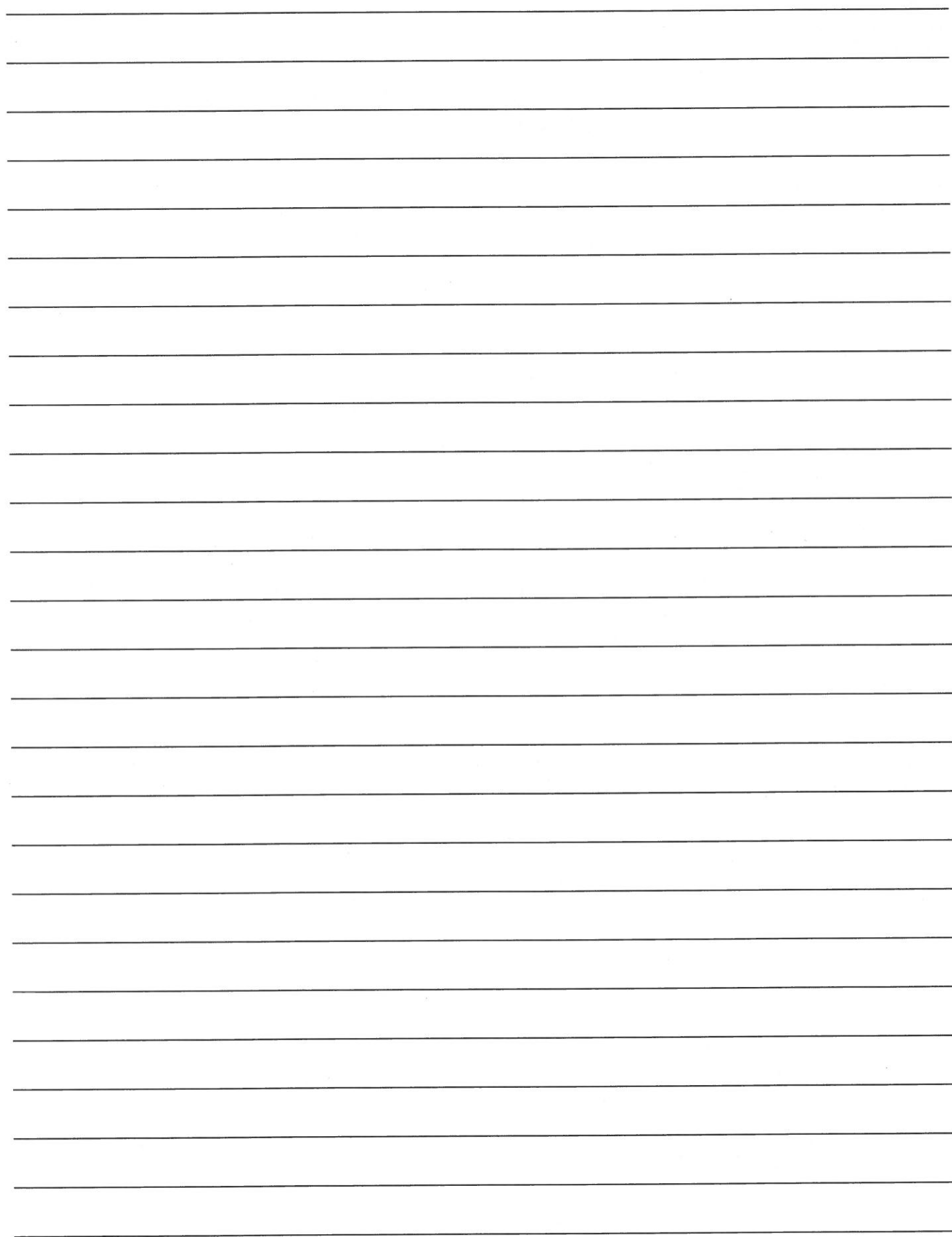
Christian Emanuel
Name

720 De Graw St BROOKLYN
Address

SELF
Representing

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212 669 7960 fax

PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 3 / 27 / 2018 Item # File Changes

Item Address LPC's Proposed Amended Rules

☐

In favor of proposal

☒

Against proposal

☐

Other position

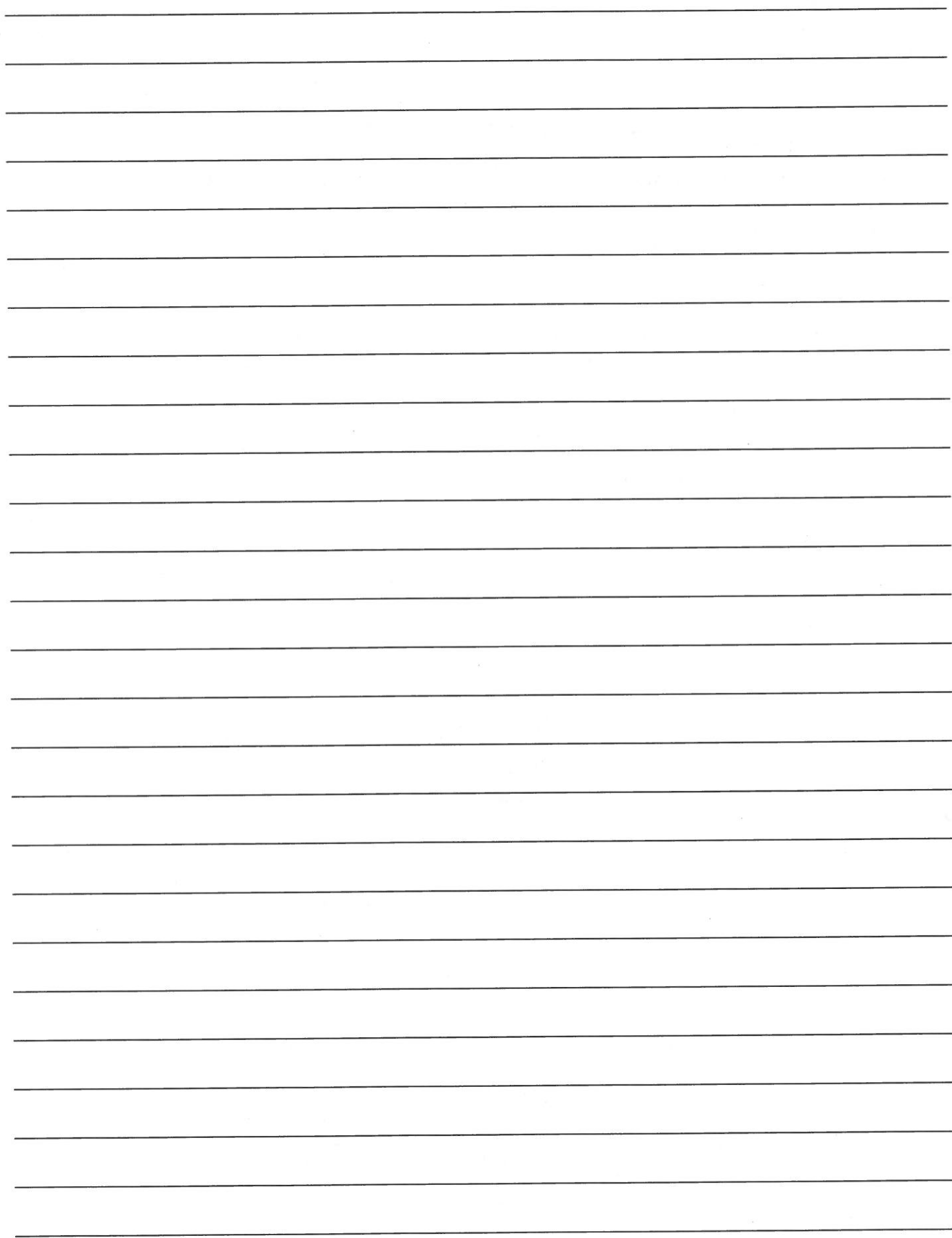
Jason Zaka
Name

600 Madison Ave, NY, NY 10022
Address

Hiller, PC
Representing

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 2/27/18 Item # 1

Item Address proposed rule change

☐

In favor of proposal

☒

Against proposal

☐

Other position

Hoxha E. Jurek

Name

411 XKA 100C 10024

Address

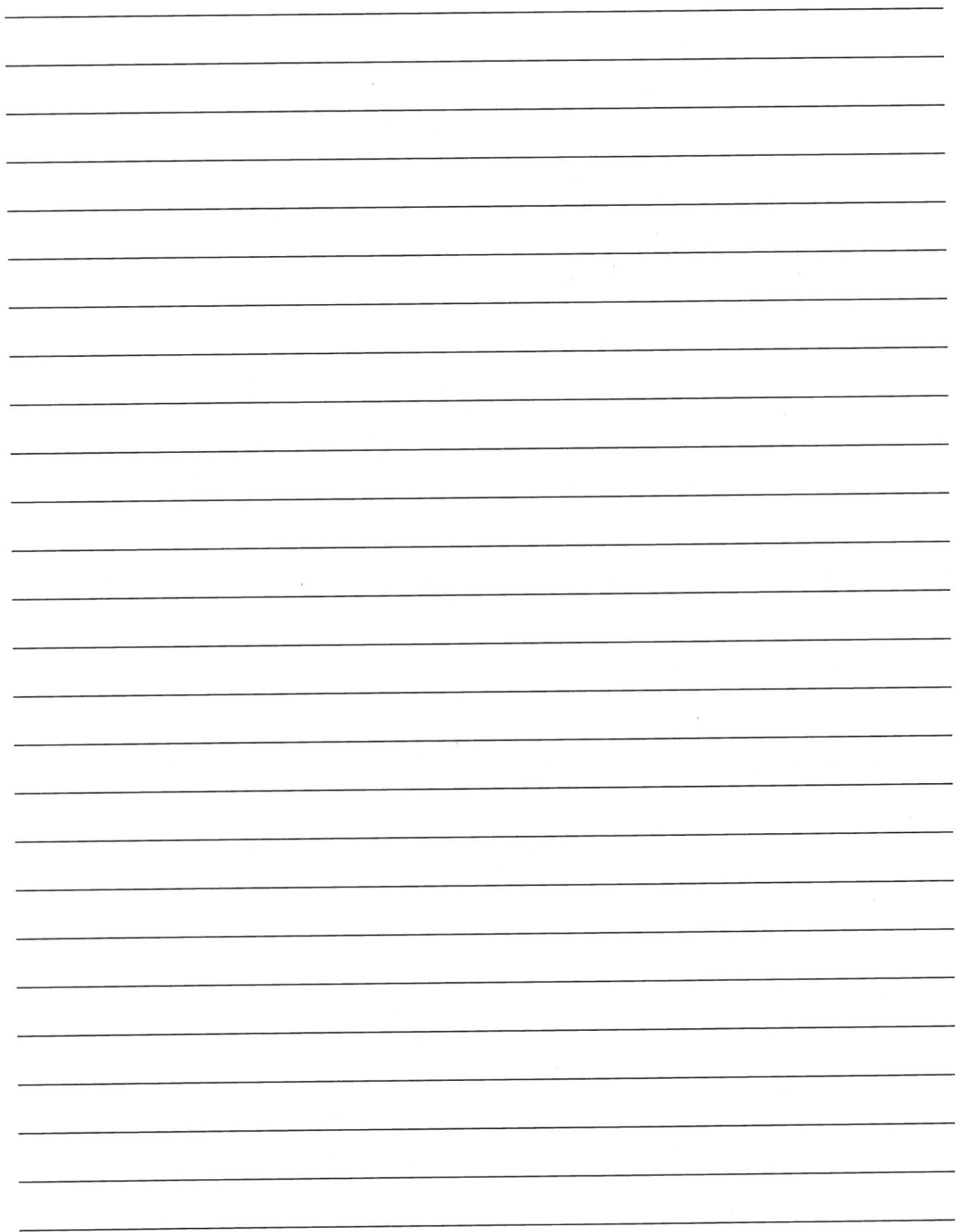
4 Boro 12 neighborhood alliance

Representing

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oral testimony

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date March / 27 / 2017 Item # 0106

Item Address _____

☐

In favor of proposal

☒

Against proposal

☐

Other position

Michael Henry Adams

Name

41 CONVENT AVENUE

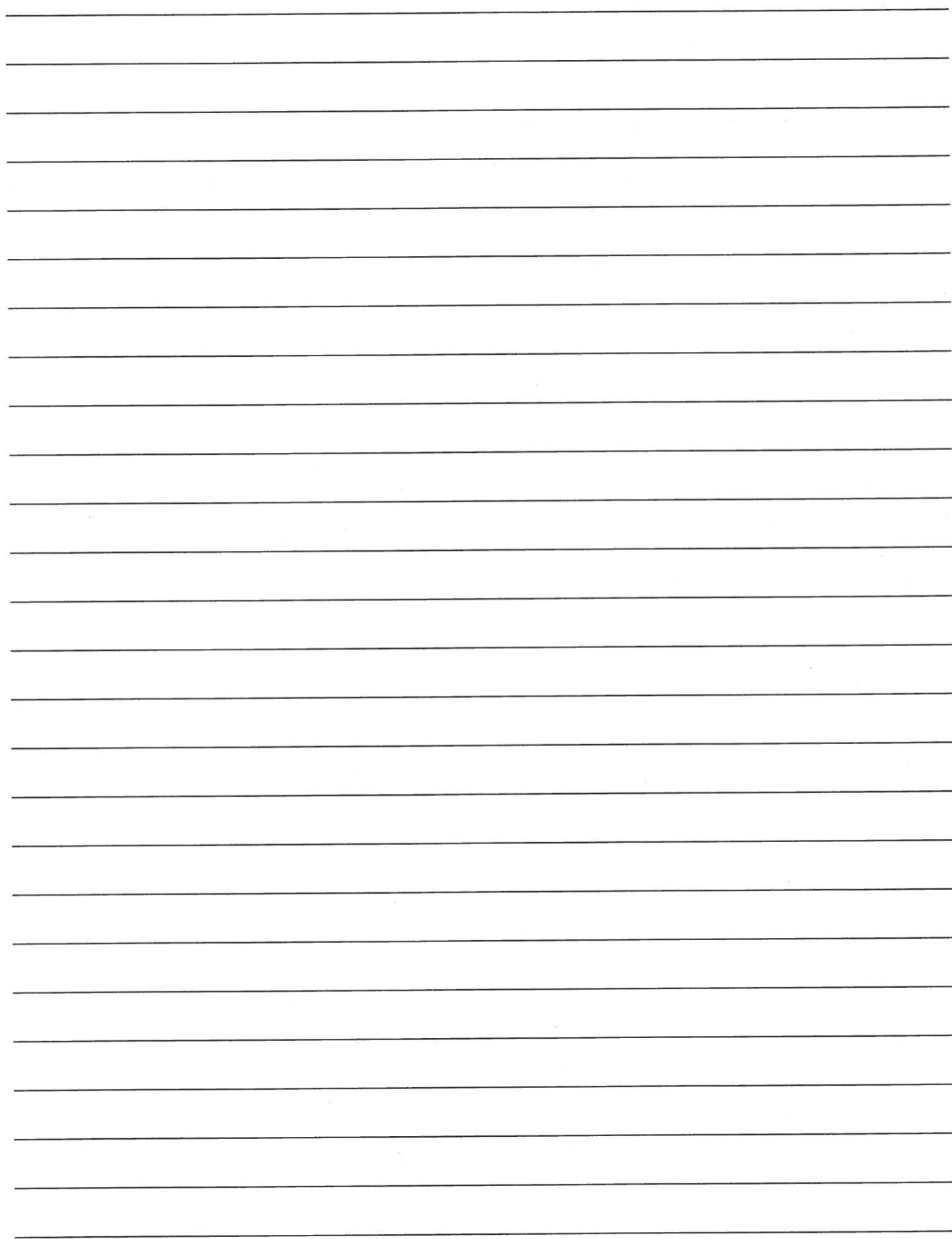
Address

Harlem

Representing

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date Mar / 27 / Item # _____

Item Address Propy change to ref

☐

In favor of proposal

☒

Against proposal

☐

Other position

Judy Richdine

Name

415 W 23rd

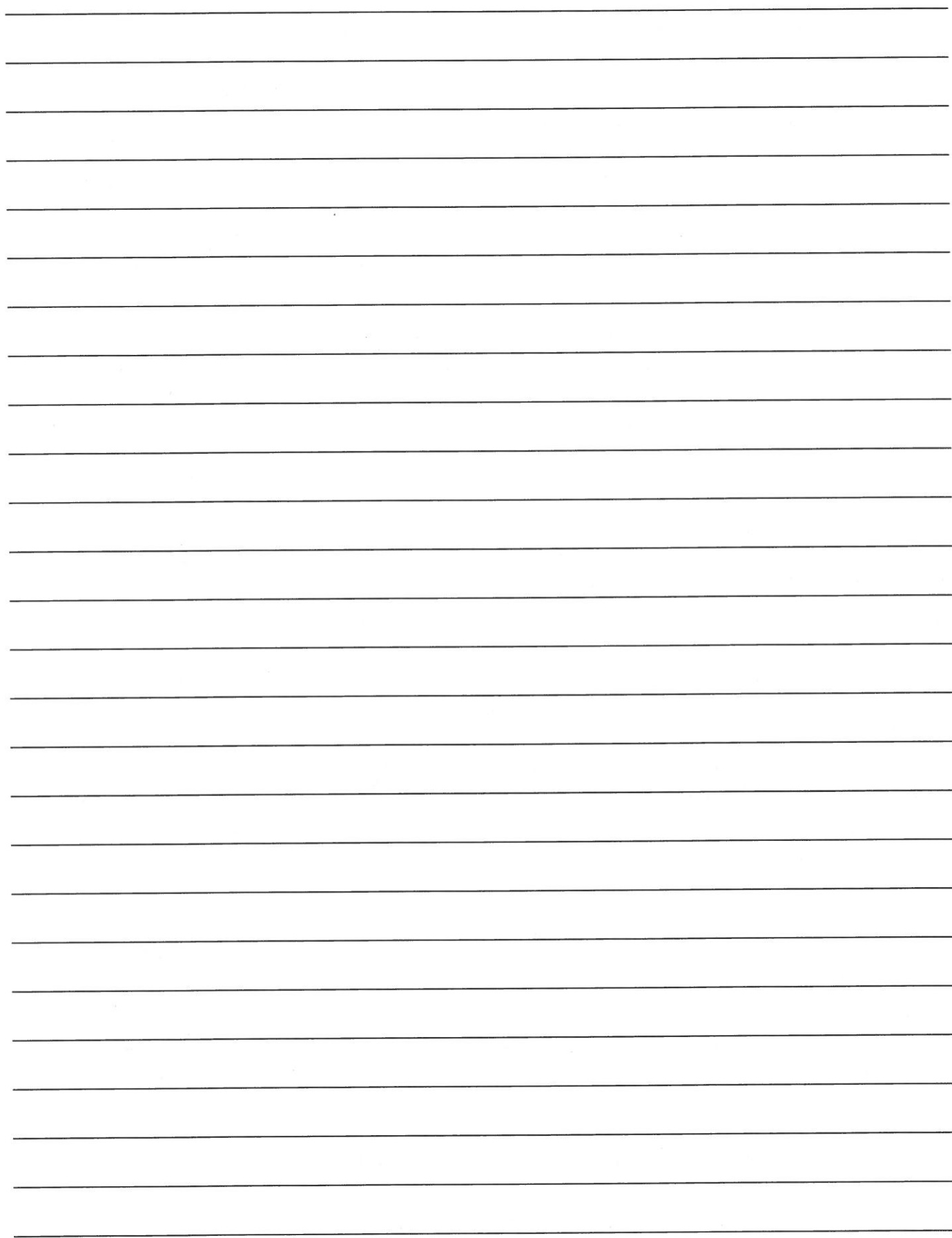
Address

Chelsea Democrat

Representing

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 3 / 27 / 2018 Item # _____

Item Address PROPOSED AMENDMENTS TO RULES

☐

In favor of proposal

☒

Against proposal

☐

Other position

MARK DILLGE
Name

171 WEST 79th STREET - MANHATTAN
Address

SELF
Representing

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MARK (1) 1175

MA776444M - 7002 N4PF 72W 1 FI

WJ



Landmarks Preservation
Commission

1 Centre Street
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New York, NY 10007

212 669 7700 tel
212 669 7960 fax

PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 3 / 27 / 10 Item # _____

Item Address _____

☐

In favor of proposal

☒

Against proposal

☐

Other position

CORY ROUILLARD

Name

43-09 SKILLMAN AVE, SUNNYSIDE, NY

Address

Representing

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If you need additional space, please attach sheets.

10/10/2021

10/10/2021 10/10/2021



Landmarks Preservation
Commission

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 3 / 27 / 2018 Item # _____

Item Address _____

☐

In favor of proposal

☒

Against proposal

☐

Other position

KATHLEEN NULLEY

Name

505 La Grancha Pl NY, 10014

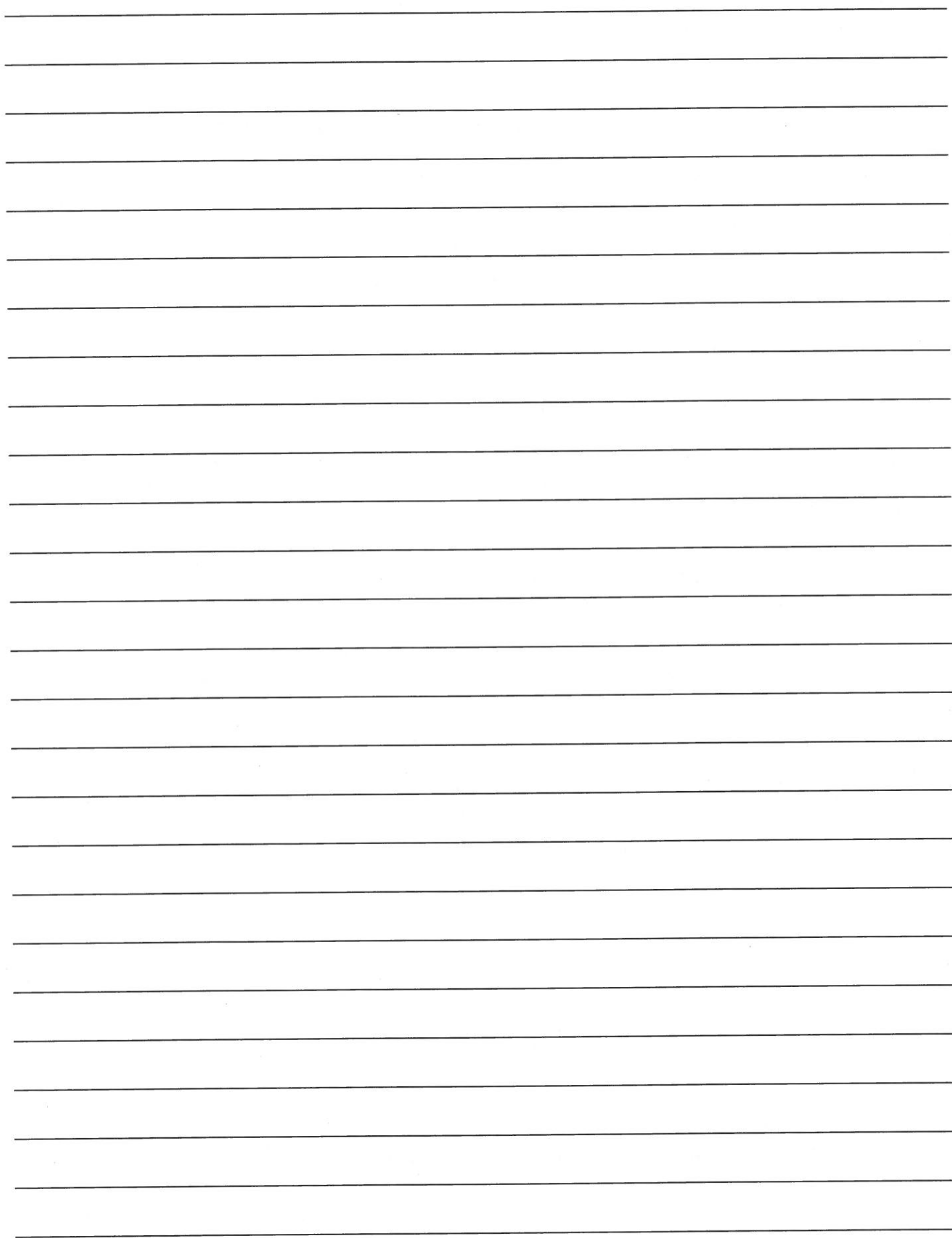
Address

Citizen of Democracy

Representing

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 3 / 27 / 18 Item # _____

Item Address LPC rules change

☐

In favor of proposal

☒

Against proposal

☐

Other position

Michele Herman

Name

380 W 12th St 2c

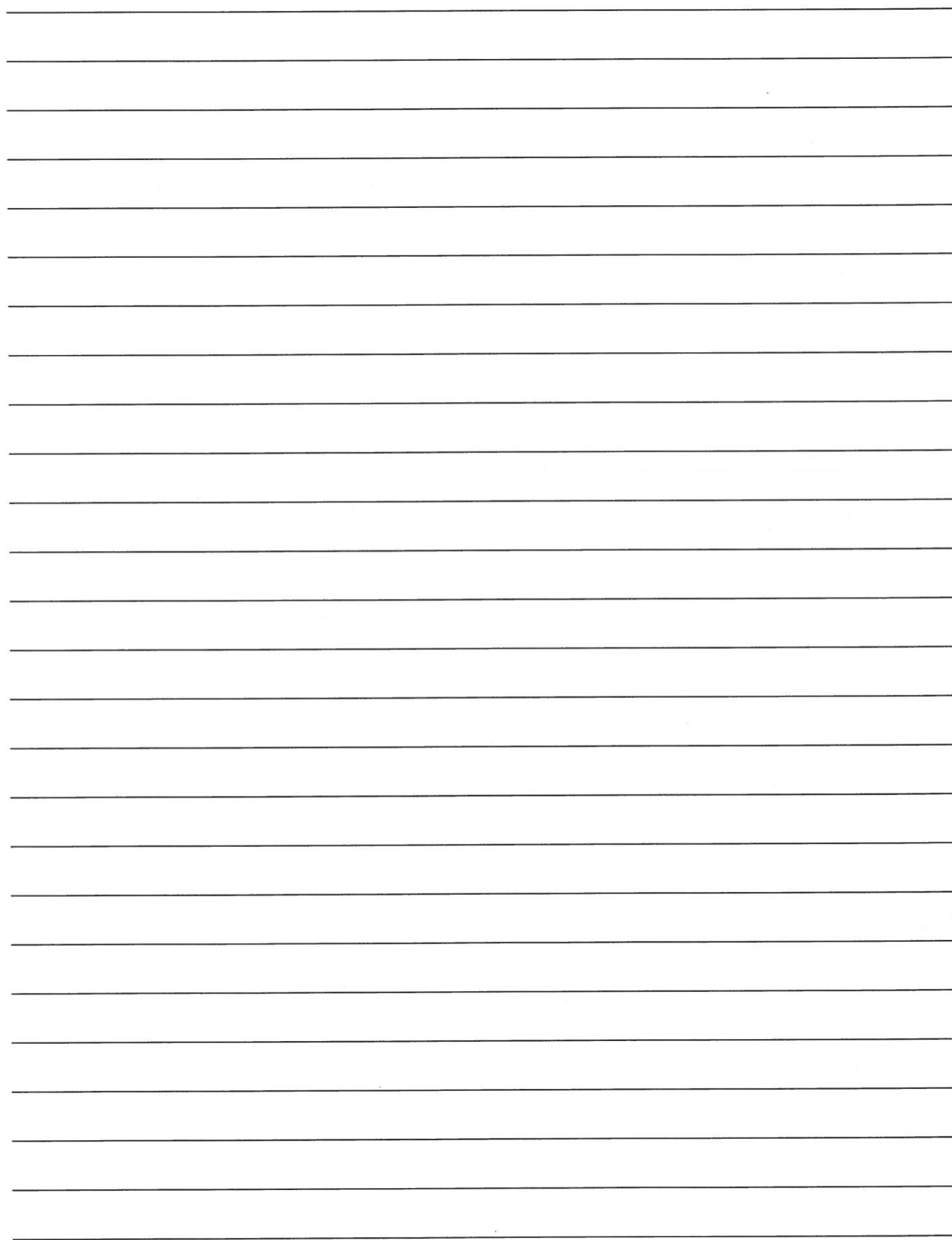
Address

self, The Willager

Representing

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 3 / 27 / 18 Item # 1

Item Address Rules changed

☐

In favor of proposal

☒

Against proposal

☐

Other position

Kate Deimling

Name

167 Bainbridge St.

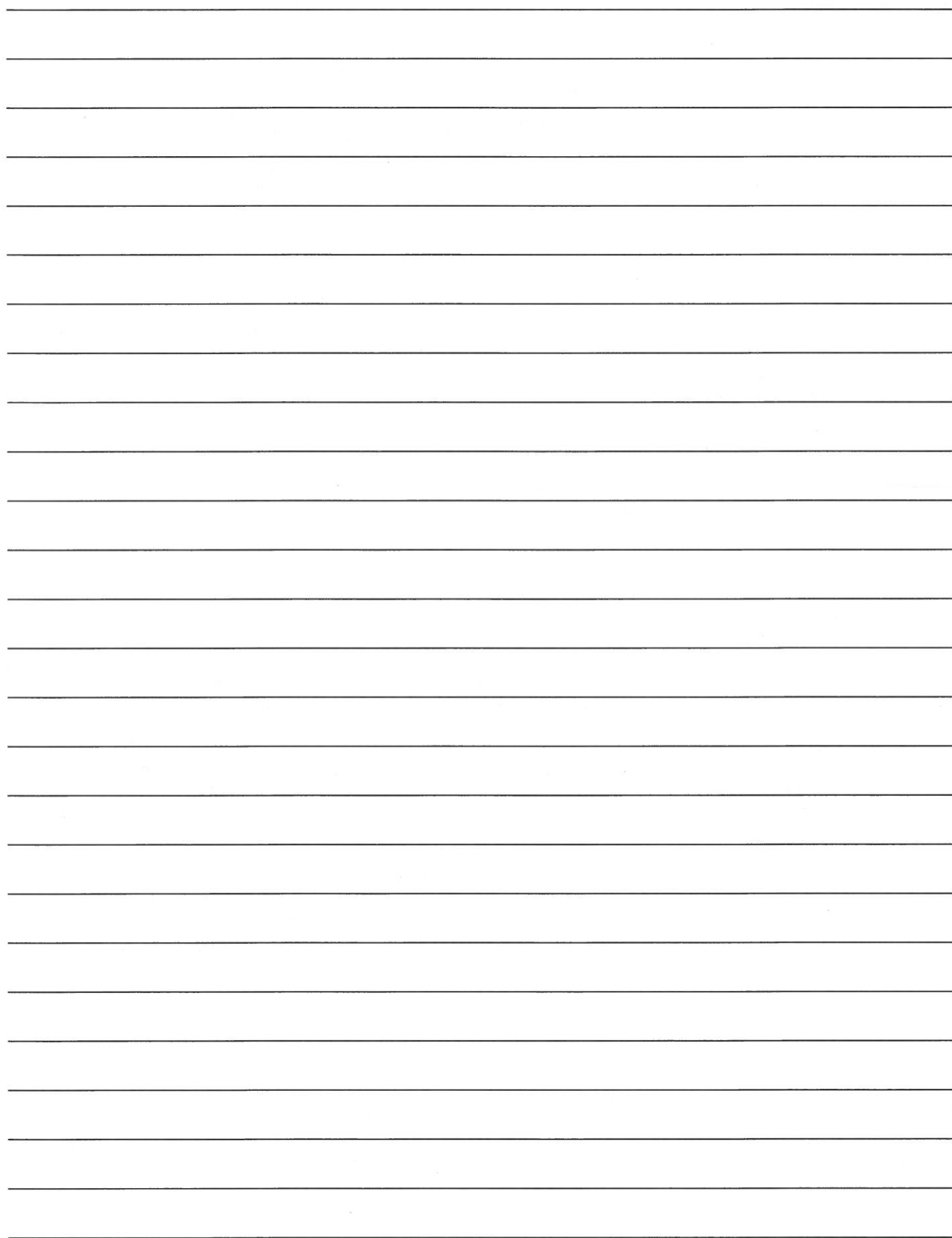
Address

Stuyvesant Heights Historic District

Representing

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 3 / 27 / 18 Item # 1

Item Address public notification of
how how landmark hearings/keep community
informed

☐

In favor of proposal

☒

Against proposal

☐

Other position

Nancy Rosenfeld

Name

69 Greene St 3RD Fl

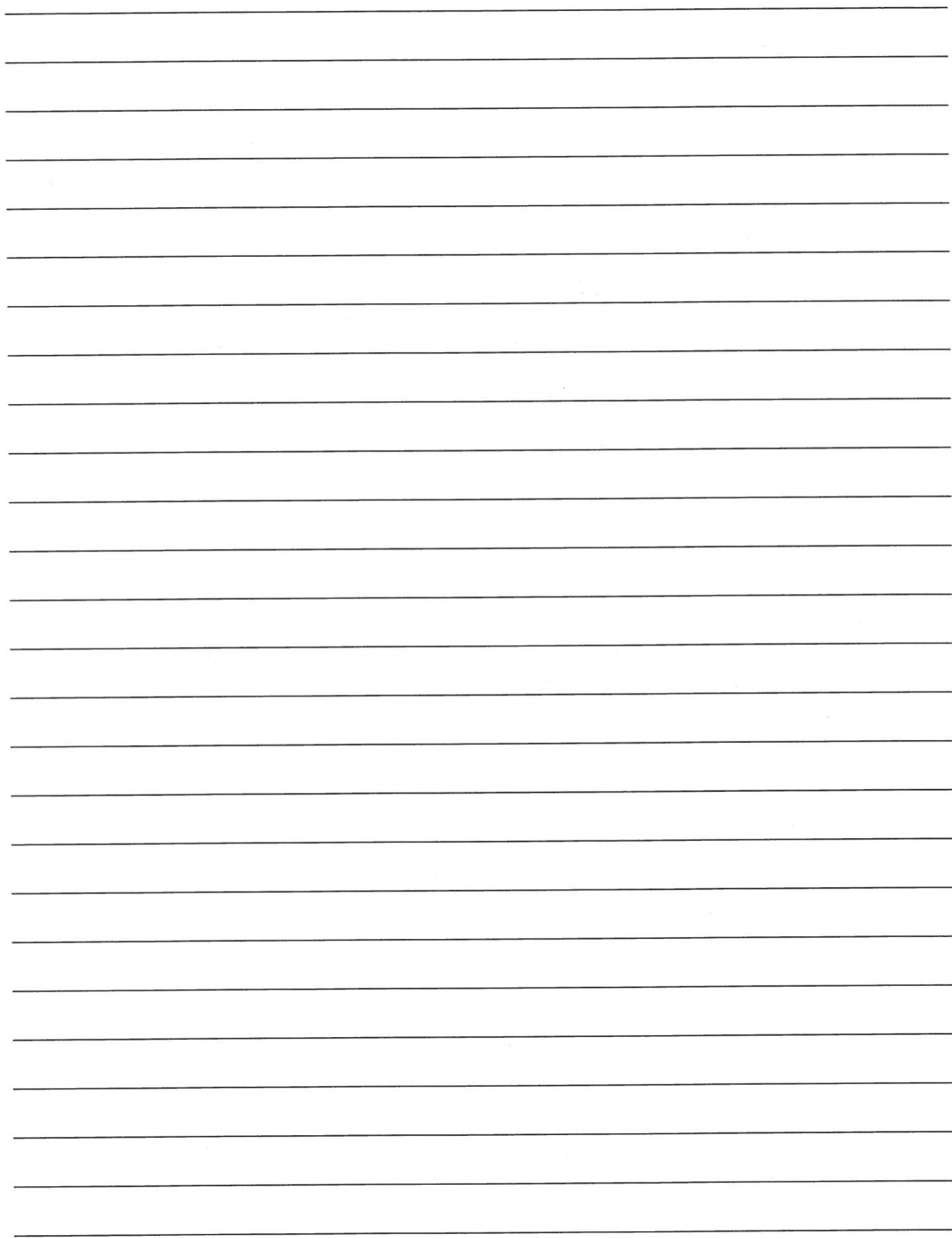
Address

my building

Representing

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Date 3 / 27 / 2018 Item # LPC Rules

Item Address _____

☐

In favor of proposal

☒

Against proposal

☐

Other position

Susan Simon

Name

370 Central Park W NY 10025

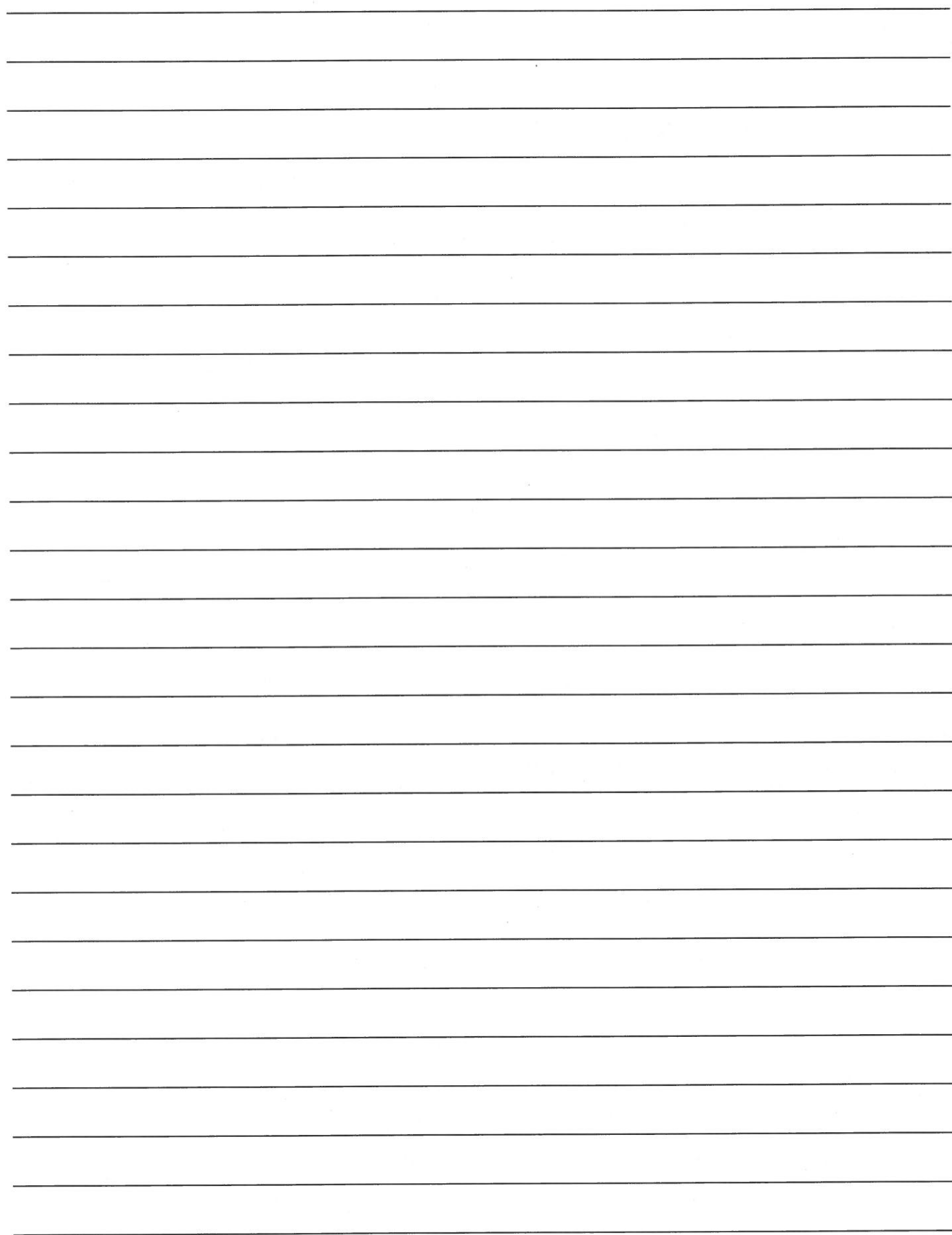
Address

CPW Neighbors Assn.

Representing

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

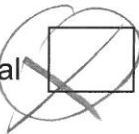
If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 3 / 27 / 18 Item # _____

Item Address _____

☐

In favor of proposal



Against proposal

☐

Other position

ZACH WINESTONE

Name

92 HORATIO ST

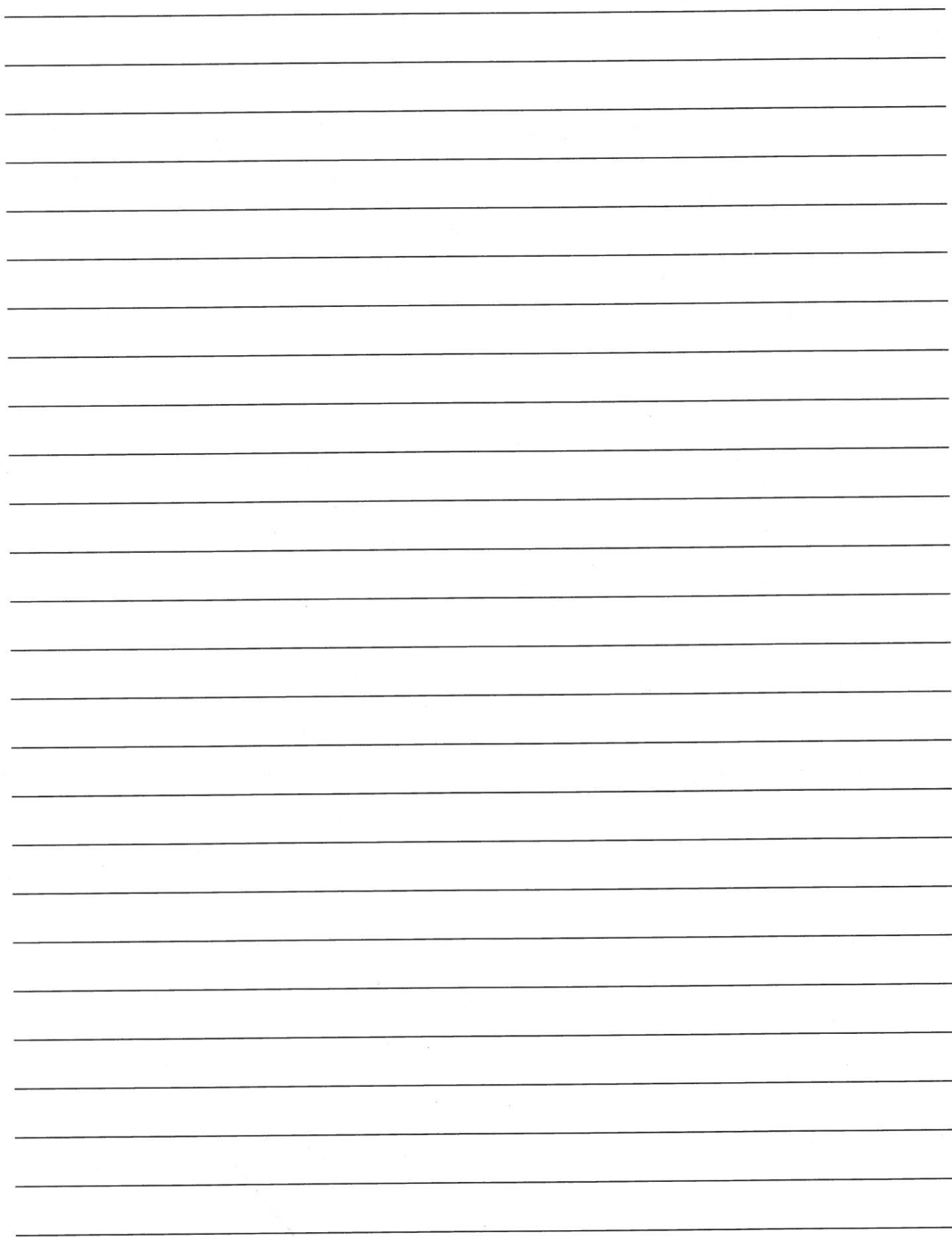
Address

GREENWICH VILLAGE Community Trust Force

Representing

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 3 / 27 / 18 Item # RULES CHANGE

Item Address MUNICIPAL BLDG

☐

In favor of proposal

☒

Against proposal

☐

Other position

ZACK WINESTINE

Name

92 HORATIO ST

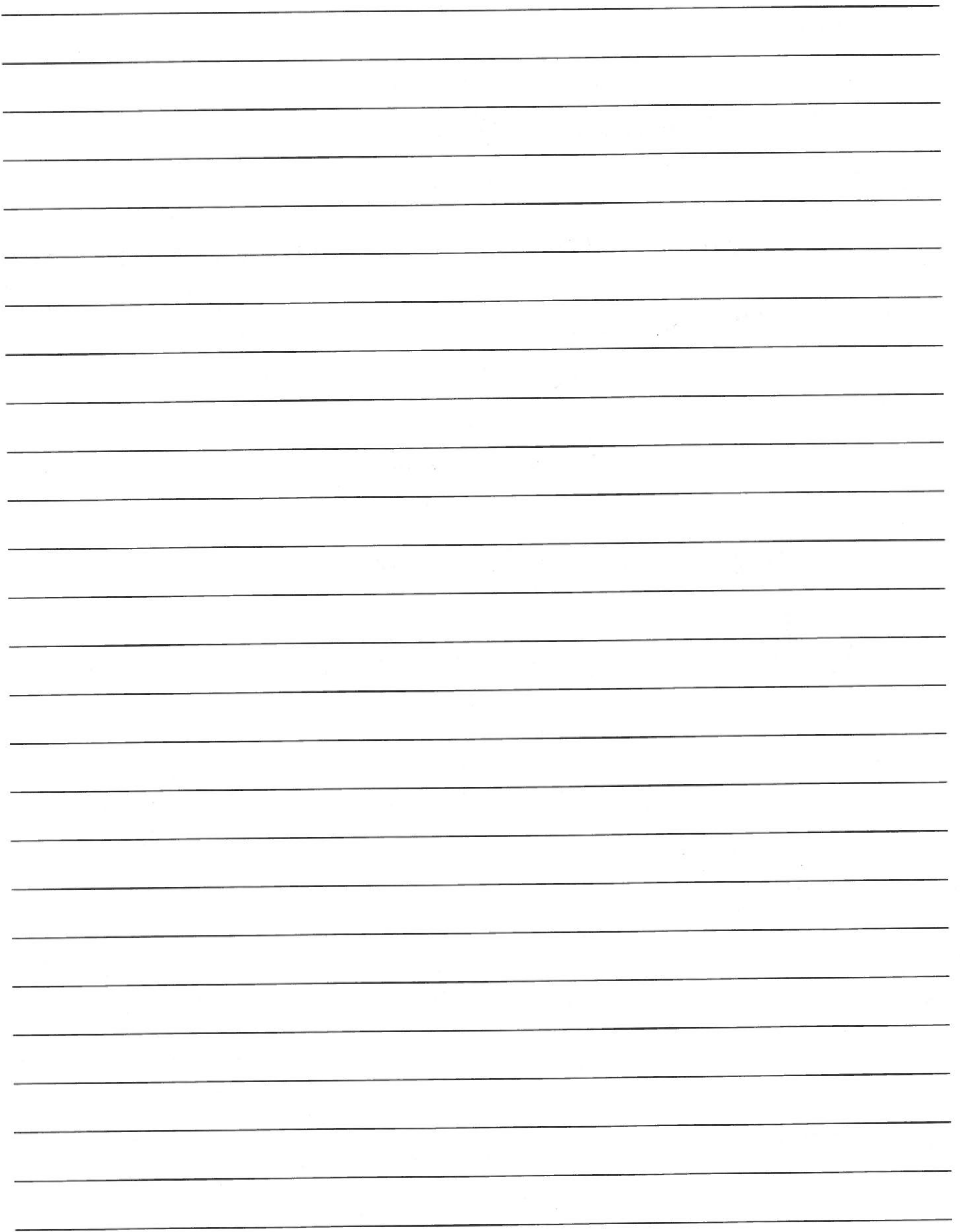
Address

GREENWICH VILLAGE COMMUNITY TASK FORCE

Representing

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 3 / 27 / 2010 Item # LPC rules

Item Address _____

☐

In favor of proposal

☐

Against proposal

☒

Other position

Erica Baptiste

Name

1 Centre Street, 19th FL South Bldg

Address

Manhattan Borough President Office

Representing

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OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN
THE CITY OF NEW YORK

1 Centre Street, 19th floor, New York, NY 10007
(212) 669-8300 p (212) 669-4306 f
431 West 125th Street, New York, NY 10027
(212) 531-1609 p (212) 531-4615 f
www.manhattanbp.nyc.gov

Gale A. Brewer, Borough President

Testimony of Manhattan Borough President Gale A. Brewer's Office on Landmark Preservation Commission Rules Amendments

March 27, 2018

Good morning Chair Srinivasan and Commissioners. On behalf of Manhattan Borough President Gale A. Brewer, our office would like to thank the Commission for agreeing to our written request to extend the comment submission deadline for six weeks to allow the public sufficient time to consider and become informed on the proposed landmarks rule changes.

My office has heard concerns from landmarks advocates and community boards about the impact these proposed rules will have on the public engagement process. Questions have been raised about the effect on transparency that the **modification** of public review could have on the decision-making process. There are so many development, construction and quality of life issues facing every neighborhood in Manhattan that it is often difficult to get information to residents in a meaningful manner. We need to make sure that changes to the landmarks decision-making process are accompanied by an increase – and certainly not a decrease – in transparency.

Last week we were happy to host your staff for a presentation on the proposed rule changes at a monthly meeting **generally only attended by community board staff. We had four community board chairs attend this meeting which only underscores the importance of the landmarks process** to our community boards and the neighborhoods they represent.

We would like to work with the Commission, community boards and landmarks groups over the next six weeks to achieve the goals of the rules changes: To improve the efficiency of the Commission's review process; reorganize the rules so they are user-friendly; and reduce some of the time and expense burden on owners of landmark buildings for routine applications such as those seeking approval for the use of widely accepted materials. In this regard it would be helpful to have more information for each category of action where the proposed rules would transfer decision-making responsibility from the Commission to staff; for example, what percentage of the applications in each category does the Commission accept the staff recommendation; in what percentage of the applications in each category does the Commission alter or reject the staff recommendation; and what types of applications in each category tend to be the subject of Commission decisions that differ from staff recommendations.

In addition, we believe that in all instances where decisions are transferred from the Commission to the staff, the rules should include a process by which the community boards and public are notified of the pending applications and given a chance to make their views known to LPC staff. We are willing to entertain the general proposition that some decisions now made by the

Commission could be made by staff. **BUT** community boards, interested neighborhood organizations, and individual neighbors of landmark buildings must continue to have the right to be apprised of changes.

Finally, a number of community boards and landmarks groups have raised specific concerns with us over the transfer of certain specific types of actions from the Commission to LPC staff. These actions include applications for rooftop extensions, rear yard additions and excavation work. We urge you to provide detailed and case specific information on how these decisions have been made, and how they would be made under the proposed changes. It is important that you continue to work with all stakeholders, and that any changes in these sensitive areas not move forward unless communities and neighboring buildings are sufficiently protected.

The Manhattan Borough President and Manhattan's community boards care deeply about maintaining the contextual and historic integrity of their neighborhoods. We know the Commission does as well. We are confident that with additional time to comment on these proposed rules, and the continued responsiveness of the Commission to everyone's concerns, we can increase both efficiency and transparency without sacrificing landmarks preservation.

Thank you for your time and consideration.



OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN
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Gale A. Brewer, Borough President

March 22, 2018

Meenakshi Srinivasan, Chair
Landmarks Preservation Commission
1 Centre Street, 9th Floor North
New York, NY 10007

Dear Chair Srinivasan:

I write in regard to LPC's Proposed Rules, which are the subject of public comment and a public hearing on March 27th. I understand that these rules, some new and some amendments to existing rules, will significantly affect the regulatory process for applicants and the review process for the public. My office has had several discussions with our Manhattan Community Boards, and members have expressed a number of substantive and procedural concerns. Given the density, breadth, and implications of the 131-page Proposed Rules, I ask that the comment period be significantly extended beyond March 27th so stakeholders will have adequate opportunity to give their informed input on the changes.

I have long been a proud supporter of LPC and its mission, and I would wholeheartedly endorse initiatives to improve efficacy and empower the agency to do more of their good work. However, the Proposed Rules raise certain questions about transparency and process that should be properly addressed. Many approvals that were previously reviewed by the Commission would instead be moved to the staff level. While we understand that these are items "consistently approved" or "regularly approved" by the Commission, we would like to better understand cases that might be exceptions, and how they should be resolved. We would also like to explore ways in which the public can still be notified of these changes at staff level, as currently the Community Boards are only alerted to applications heard by the Commission. Further, seeing as the Proposed Rules are meant to improve transparency and efficiency for LPC staff, we would be interested to learn more about how the work of the agency would change in terms of metrics and output should these new rules be adopted.

I hope we will have the sufficient time to consider and address these important issues.

Sincerely,

Gale A. Brewer
Manhattan Borough President

MOLLY HOLLISTER
CHAIR

CLAUDE L. WINFIELD, FIRST VICE-CHAIR
AHSIA BADI, SECOND VICE CHAIR



THE CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD SIX
P.O. BOX 1672
NEW YORK, NY 10159-1672

JESÚS PÉREZ
DISTRICT MANAGER

BRIAN VAN NIEUWENHOVEN, TREASURER
BEATRICE DISMAN, ASST. TREASURER
KATHY THOMPSON, SECRETARY
DAVID COLBY REED, ASST. SECRETARY

VIA E-MAIL

March 15, 2018

Meenakshi Srinivasan
Commissioner
New York City Landmarks Preservation Commission
1 Centre Street, 9th Floor North
New York, NY 10007

Resolution Calling on the Landmarks Preservation Commission to Extend the Comment Period for Proposed Rule Changes

Dear Commissioner Srinivasan:

At the March 14, 2018 Full Board meeting of Manhattan Community Board Six, the Board adopted the following resolution:

WHEREAS, the Landmarks Preservation Commission (LPC) has proposed rule changes for the purpose of allowing more LPC applications to be approved at staff level rather than have those Certificate of Appropriateness applications reviewed at public hearings and by the public and community boards;

WHEREAS, the LPC announced this proposal on January 26, 2018 with a public hearing scheduled for this month, requiring all comments to be submitted by March 27, 2018;

WHEREAS, the proposed rule changes contain 131 pages;

WHEREAS, this review and comment period is insufficient for interested parties (especially Community Boards) to fully review the proposal and issue an informed opinion;

WHEREAS, the LPC is making no provision to increase staff even though existing staff would have a significantly increased workload if this rule change is adopted;

THEREFORE, BE IT RESOLVED that Manhattan Community Board Six calls on the Landmarks Preservation Commission to substantially expand the comment period so that

Community Boards and other interested organizations can fully review the changes and issue an informed position on this proposal;

BE IT FURTHER RESOLVED that if the LPC does not extend the comment period,
Community Board Six would have no choice but to oppose adoption of these rule changes.

VOTE: 38 in Favor o Opposed o Abstention o Not Entitled

Best regards,



Jesús Pérez
District Manager

cc: Hon. Gale Brewer, Manhattan Borough President
Hon. Carlina Rivera, Council Member
Hon. Keith Powers, Council Member
Hon. Ben Kallos, Council Member
Mark Thompson, Chair, CB6 Parks, Landmarks & Cultural Affairs Committee
Amber Nowak, External Affairs Coordinator, Landmarks Preservation Commission



Landmarks Preservation
Commission

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 3, 27, 2018 Item # _____

Item Address _____

☐

In favor of proposal

☐

Against proposal

☒

Other position

Alida Camp

Name

114 East 84 Street

Address

Community Board 8

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.

Alida Camp
Chair

Will Brightbill
District Manager



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**The City of New York
Manhattan Community Board 8**

March 23rd, 2018

Meenakshi Srinivasan, Chair
Landmarks Preservation Commission
One Centre Street, 9th Floor North
New York, NY 10007

Re: Amendments to the Landmarks Preservation Commission Rules

Dear Chair Srinivasan and Members of the Landmark Preservation Commission,

As Chair of Community Board 8 Manhattan (CB8M), I write on behalf of its Landmarks Committee to request an extension to the public comment period and share broad, general feedback from our initial review. CB8M represents the Upper East Side of Manhattan from 59th Street to 96th Street from Fifth Avenue to Roosevelt Island. We are proud of our active, engaged, and expert Landmarks Committee which holds public hearings to review Certificate of Appropriateness applications, designations, and related matters for the 129 individual landmarks and buildings within the seven historic districts in our architecturally rich and diverse neighborhoods – the most of any community district. Our community district deeply values our historic resources and our well-attended meetings feature careful and detailed evaluations of the applications before us.

It is because our Landmarks Committee is so vigorously engaged in preservation issues that we are requesting this extension. Our members are a group of volunteers who commit their free time to working on a broad range of issues that affect our community. The Landmarks Committee meets once a month with a very full agenda as Community District 8 is home to a significant number of historic districts and individual landmarks. We have not had the time necessary to evaluate the *Proposed Amendments to the Landmarks Preservation Commission Rules* (hereafter, Proposed Amendments) with the line, detailed examination for which our Committee is known. Given the complexity and breadth of architectural resources in our district and the deep regard in which our community holds them, we believe that we cannot effectively serve the community we represent without a more fulsome investigation of the amended rules.

Upon a preliminary review of the 131 page Amendments to the LPC Rules, we have identified some general areas of reflection which we believe require further study and discussion with the LPC.

- **Impact of Amendments to the Role of the Community Board.** The Public Hearing Process established in the LPC *Permit Application Guide*¹ creates a requirement that all proposals requiring a public hearing must first be reviewed by the community board. The LPC website further states that the Community Board subsequently issues a letter to LPC stating its support, opposition, or recommendation for modifications to the application.² This step is so important that the applicant is warned that “failure to appear before the community board may result in a negative recommendation by the Community Board, and delay the LPC public hearing date.” We understand that one of the goals of the Proposed Amendments is to make the LPC process more efficient and less time intensive for applicants,³ but the consequence of bringing the process in-house is the reduction and limitation of the external public process. We feel that any changes to the process should retain a significant and proportional mechanism for community input. **Has the LPC considered how it will preserve the Community Board’s role in providing input under the Proposed Amendments?**
- **Amended Rules Appear to Establish Assumptions Regarding Community Character.** The Proposed Amendments appear to liberalize the approval of specific building features in specific historic districts. For example, amendments to §2-20 expands the LPC Staff’s jurisdiction over the communities of Tribeca East, Tribeca West, Tribeca North, Tribeca South, SoHo Cast-Iron, and Ladies’ Mile Historic Districts, but not for other districts.⁴ Under the Proposed Amendments, LPC Staff would also have expanded jurisdiction over features of walls and fences in the garden historic districts of Sunnyside and Jackson Heights. The Proposed Amendments makes community specific assumptions by codifying certain building features by the district in which they reside, even if these features are not exclusive to those districts. This process effectually removes certain features from the community level public comment process and usurps the role of community boards, especially community boards with landmarks committees. **How will the LPC ensure equal protections across communities when it appears that the treatment of features varies by geographic location?**

¹ New York City Landmarks Preservation Commission, *Permit Application Guide*, (2012) available at https://www1.nyc.gov/assets/lpc/downloads/pdf/pubs/App_Guide_Complete_Version.pdf.

² New York City Landmarks Preservation Commission, *Frequently Asked Questions*, available at <http://www1.nyc.gov/site/lpc/hearings/for-applicants.page>.

³ New York City Landmarks Preservation Commission, *Notice of Public Hearing and Opportunity to Comment on Proposed Amendments to the Landmarks Preservation Commission Rules*, p.2, available at <https://www1.nyc.gov/assets/lpc/downloads/pdf/LPC%20Rules%20Amendments%202018.pdf>. (Hereafter, Proposed Amendments).

⁴ *Proposed Amendments*, p.44.

The LPC Rules are meant to be universal and broadly serve the entire City of New York and the diverse neighborhoods in its five expansive boroughs. They are not specific to the Upper East Side Historic Districts or our individual landmarks and therefore, CB8M plays an important role in helping the LPC distill, interpret, and determine which aspects of the document apply to the historic architecture that we hold dear. While community boards don't have the opportunity to comment on each of the approximately 12,000 applications submitted to the LPC, they bear an incredible burden and significant opportunity in understanding the LPC Rules and what is expected of architects, applicants, and developers within this process and to weigh in. It is because of our conviction to uphold our responsibility to our community and our duty to preserve and protect our historic architectural legacy that we feel that our role would be so diminished and the liberalization of the rules so expanded that without more time to analyze and discuss the Proposed Amendments, we would not be able to support the proposal and would therefore oppose them.

CB8M welcomes the opportunity to develop a more comprehensive response to the Amendments to the LPC Rules. We greatly appreciate the work of the LPC and our shared commitment to preserving the architectural treasures of our city. Please give us the opportunity to support the LPC's need to improve efficiency while remaining inclusive of our role in providing community input.

Sincerely,

 (WR)

Alida Camp

Chair, Community Board 8 Manhattan



Landmarks Preservation
Commission

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PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 3 / 27 / 18 Item # 1

Item Address Rules Amendment

☐

In favor of proposal

☐

Against proposal

☒

Other position

Judy Stanton
Name

Brooklyn Heights Assoc.
Address
Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

See online submission as well
as oral testimony today -

If you need additional space, please attach sheets.



BROOKLYN
HEIGHTS
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Peter L. Bray

Executive Assistant

Katherine Davis

March 27, 2018

Oral Testimony For the Public Hearing of the NYC Landmarks Preservation
Commission Re: Proposed Rule-Making Under The City Administrative
Procedures Act

Good Morning Commissioners: I am Judy Stanton, speaking on behalf of the Brooklyn Heights Association which has already submitted longer written comments online.

Our principal concerns are as follows: We are opposed to relaxing the rules for substitute materials like fiberglass or HardiePlank, as well as the rules for visible additions, bulkheads, and dormers. We hope you will consider these concerns, and those which have been expressed by others on this same topic, by updating the rules before their adoption. For detail, please refer to our online submission.

We wish to focus now on an aspect of the amendments that would have an especially negative impact on the Brooklyn Heights Historic District.

We believe that, overall, the amendments shift too much review authority from the Commissioners to staff. Where the aim of the rules changes may be for process efficiency, there seems to be less consideration of end result quality. We disagree with the assumption behind many of the proposed rules that the subject matter is so routine that a public hearing is unnecessary and inefficient. Public hearings aren't just a token of transparency, rather they assist both applicants and the Commission in arriving at the proper balance between owners' desires and serving the public purpose of architectural and cultural preservation.

We're particularly concerned about the disproportionate effect on the older historic districts and older individual landmarks by shifting so much more review authority to staff. The designation reports for these districts and landmarks are often short, lacking in building histories and architectural details. As all know, Brooklyn Heights was the City's first designated historic district. Brooklyn Heights contains over 1,200 buildings, but the Brooklyn Heights Historic District Designation Report is a brief narrative, descriptive of the district's boundaries and representative architectural styles, but without any individual building histories or descriptions. We question staff capacity to properly regulate changes to such districts and landmarks, when the Commissioners themselves of years past did not establish an adequate factual record at the time of designation.

We at the BHA have been active participants in the public hearing process especially as it concerns the applications in our district. We regularly meet with applicants at the pre-hearing stage, often finding that they've prepared very little historic and photographic research, and it has been our experience that, without a useful designation report, LPC staff is limited to reviewing whatever little background information an applicant chooses to present.

We're deeply concerned that a gradual erosion of the architectural integrity of Brooklyn Heights and other districts will follow from the proposed elimination of public input and Commissioner review for so many types of applications. The additional step of a public hearing encourages applicants to make the best case for their alterations and it is the only opportunity for the BHA or other members of the public to add to the historical record. We might not always agree with the public hearing outcomes, but we strongly support the process.

Thank you for the opportunity to comment.



BROOKLYN
HEIGHTS
ASSOCIATION

55 Pierrepont Street, Box 17D Brooklyn, NY 11201 (718) 858 9193 info@thebha.org www.thebha.org

March 26, 2018

Re: Proposed Rule-Making Under the City Administrative Procedures Act
Public Hearing, March 27, 2018
Testimony Submitted By The Brooklyn Heights Association

The Brooklyn Heights Association Landmarks Committee has had the opportunity to review the Proposed Amendments to the Landmarks Preservation Commission Rules and consider their impact on the Brooklyn Heights Historic District.

We urge that the Proposed Amendments be modified in several important respects before adoption, including regarding (1) new delegations of approval authority to staff level, (2) new allowances for the use of substitute materials in certain cases, and (3) new definitions of allowable additions, bulkheads and dormers. We provide specific examples of why the Proposed Amendments in these areas would have a negative impact on the Brooklyn Heights Historic District.

1. Staff Level Approval Authority in General

While we applaud the Commission's efforts to make the permit application process more user-friendly and predictable, which we view as satisfying the stated goals under the proposed rulemaking of increased transparency and efficiency, we believe transparency is actually decreased regarding those aspects of the proposed rules which eliminate valuable public input for, and Commission review of, certain specific types of permit applications.

We disagree that authorizing the LPC Staff to approve all of the additional work-types described in the rulemaking, without the benefit of a public hearing, will accomplish the transparency goal. The proposal states that these additional work-types are those consistently approved by the

Commission and implies that establishing criteria for these work-types in the Commission's rules rather than as result of public hearing approval precedent will be more transparent than current practice. However, we believe that often, even if these work-types are ultimately approved by the Commission, the approvals are informed by the public hearing process, both in the comments and testimony received by the Commission, and the debate of the Commission itself at the hearings. We fear that eliminating public hearings will actually decrease transparency by not allowing the public to comment.

We also disagree with certain of the criteria proposed to be established to guarantee staff-only review. We believe these aspects of the proposed rules will weaken the Commission's mandate under the Landmarks Law to protect New York City's architecturally, historically, and culturally significant buildings and sites by granting them landmark or historic district status, and regulating them after designation.

We are particularly concerned about the disproportionate effect of this aspect of the proposed rules on older historic districts and individual landmarks. We believe that as a general matter, it is not appropriate for the LPC to decrease the level of Commissioners' attention to landmarks whose designation reports are short and lacking important details regarding architectural or cultural significance. It will be impossible for the LPC to properly regulate changes to these designated landmarks at staff level when the Commissioners themselves did not review, accept public testimony, publicly discuss and approve the designations based on an adequate factual record.

We remind the Commission that the designation report for the City's first designated historic district, the Brooklyn Heights Historic District, which contains over one thousand buildings, is a mere three pages – one-third of which is a recital of the district's boundaries! The report contains no historic preservation research or architectural history data at all, let alone for any specific buildings or sites within the district. Other early designation reports are similar; some may not be as extreme, but many are lacking. We appreciate the fact that this means the permit application process in these cases will necessarily be an ad hoc process that depends for success on a combination of input from the LPC's professional staff, information presented by applicants, and comment from the public, all of which is properly synthesized by the Commissioners at a public hearing. We are deeply concerned that the landmarks preservation process will be severely compromised for a historic district like Brooklyn Heights by eliminating public input and the weighing function of the Commissioners for many applications that would be able to be approved at staff level under the proposed rules.

2. Substitute Materials

We believe some of the proposed rules regarding substitute materials go beyond shifting responsibility for approval from Commissioners to staff, and instead relax the circumstances for allowing substitute materials in ways that would have significant negative impacts on historic districts like Brooklyn Heights.

For example, in Section 2-11(d), "Replacement of Deteriorated Architectural Features," proposed subsection 2(i) allows staff to approve fiberglass replacement for "elaborate" wood cornices above the second story. This would affect nearly every building in the Brooklyn Heights Historic District that originally had a wood cornice (a substantial majority of all of the buildings). We believe there is a substantial likelihood that over time, the entire stock of buildings in the Historic District could lose their wooden cornices as a direct result of this relaxation of standards, which would be a significant and most likely irreversible loss. This is true regardless of whether the rule is set at two stories or some higher number. We do not believe the conditions imposed in the proposed rules for such staff-level approval (where the applicant has provided adequate documentation and assessment that an existing wood cornice cannot be repaired and retained, and certain criteria for the fiberglass replacement) are nearly as significant an impediment to applicants seeking fiberglass replacement as a routine matter as is the current process of requiring Commission approval. In fact, not only do the proposed rules provide a roadmap for promoting substitute materials (by encouraging applicants to bolster their case for irreparably damaged existing fabric), but provide a loophole for them to do so by which they can

argue a cornice is not “elaborate” and therefore not even subject to the minimal criteria for staff approval.

As another example, proposed subsection 2(ii) of Section 2-11(d) would allow staff to approve substitute materials for replacement of existing non-original siding, such as replacing vinyl or aluminum siding with an in-kind replacement or a new replacement like fiber cement board (e.g. HardiePlank), when the historic siding material (e.g. wood clapboard or shingles) has been removed or damaged “beyond practical repair” – even on a primary façade. We feel that the Brooklyn Heights Historic District has been well-served by existing Commission precedent which consistently has not allowed the use of HardiePlank as a substitute material on primary facades in cases of restoring wood-frame houses in our district that had dubious 20th century alterations involving vinyl, aluminum or asbestos siding. So while we’re pleased that in the proposed rules, the Commission seems to affirm that retaining EXISTING wood siding on buildings is an important preservation goal (subsection 1 doesn’t allow the use of substitute materials like fiber cement board on a primary façade below the second story unless a building or fire code prevents the use of wood), we are baffled and concerned that the Commission nevertheless relaxes its rule in the case of MISSING wood siding. That the rule limits replacement of more than 50% of a primary façade only to materials that “better recall” the original siding (fiber cement board but not in-kind vinyl or aluminum) does little to stop the thrust of the new rules that encourages the wholesale conversion of formerly wood-sided buildings from vinyl/aluminum/asbestos to HardiePlank, instead of promoting their full restoration to the original wood cladding.

A third example is proposed Section 2-14(f)(1)(ii) regarding windows, which would allow staff to approve replacement of double-hung wooden windows with metal substitutes on “small buildings” if they are straight or arched-headed and do not have divided lights. The majority of buildings in the Brooklyn Heights Historic District would count as “small buildings,” many of which have the window types covered by this proposed rule. Therefore a significant portion of wood windows in the Brooklyn Heights Historic District could be replaced, without any public input or Commission review, with types for which there does not exist a consensus within the architecture or preservation community as to suitability, durability or appropriateness as a general matter, let alone on a building-by-building basis. We are similarly concerned with the treatment of windows in “large” buildings in the Brooklyn Heights Historic District, for which staff approval does not need to take materiality into consideration at all, removing an important element of applicant proposals from public review.

3. Additions

In the Brooklyn Heights Historic District, a large number of applications that our Landmarks Committee reviews contain proposed rear yard extensions, rooftop additions, new or enlarged bulkheads, and new or enlarged dormers. The reality is that many owners want to combine restoration or rehabilitation with enlargements of their buildings. In the Brooklyn Heights Historic District, that desire plays out under almost unique circumstances, in that most of our Historic District is also subject to one of the City’s few Limited Height zoning districts. The general 50-foot height limit has caused some applicants to propose enlargements that attempt to use the permitted exceptions to the height limit as a way to add more space that otherwise

wouldn't be allowed, or to propose rear yard enlargements as an alternative to building up, or both. We don't believe that any relaxation of the current Commission standards governing visible additions or a shift to more staff-level approvals is necessary; to the contrary, the existing standards, and their weighing by the Commissioners at public hearings, serve as an effective counterweight to the pressures for expansive alterations. Moreover, we believe any shift to more staff-level approvals regarding additions will actually be counter-productive to the rule-making goal of reducing the overall burden on the Commission, as relaxing the standards will only encourage more and more applications for enlargements.

* * *

Thank you for the opportunity to submit these comments for the Commission's consideration.

PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date March, 27, 2018 Item # Rules

Item Address LPC Rule

☐

In favor of proposal

☐

Against proposal

☒

Other position

Simeon Bankoff

Name

232 E 11th St.

Address

HDC

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.



Landmarks Preservation
Commission

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212 669 7960 fax

PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date March 27, 2018 Item # Rules

Item Address LPC Rules

☐

In favor of proposal

☐

Against proposal

☒

Other position

Barbara Zay

Name

232 E 11th St

Address

HDC

Representing

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Date March, 27, 2018 Item # Rules

Item Address LPC Rules

☐

In favor of proposal

☐

Against proposal

☒

Other position

Kelly Carroll
Name

232 E 11th St
Address

HDC
Representing

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Date March, 27, 2018 Item # Rules

Item Address LPC Rules

☐

In favor of proposal

☐

Against proposal

☒

Other position

Enka Walburg

Name

232 E 11th St

Address

HDC

Representing

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If you need additional space, please attach sheets.



THE ADVOCATE FOR NEW YORK CITY'S HISTORIC NEIGHBORHOODS

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

Statement of the Historic Districts Council
March 27, 2018

Item I

PROPOSED RULE-MAKING UNDER THE CITY ADMINISTRATIVE PROCEDURES ACT

The Historic Districts Council is the advocate for New York City's designated historic districts, landmarks and buildings meriting preservation.

The Historic Districts Council has analyzed these proposed rules with the foreknowledge that once adopted, they will most likely serve as a standard or specification for applicants proposing work on designated properties. When dealing with historic properties, one must think about the effects of regulations not over years, but over decades. Therefore, HDC closely looked at the potential ramifications of these guidelines as they will or might be interpreted over the long term. Most of the rules being amended have been in effect for at least twenty years, and in some instances, we are still learning how they shape our historic cityscape. Approaching with caution, rather than expediency, is rewarded with a better long-term outcome for our city's historic buildings.

We have broken down our concerns with the proposed rules change into four categories: Unclear and Shifting Standards of Regulation, Substitute Materials, Major Changes and Visibility, and Miscellaneous Concerns.

Unclear and Shifting Standards of Regulation

The LPC is an agency of immense but limited power. On one hand, it has the power to regulate private property within its own discretion and to its own self-ascribed standards. On the other hand, it can only regulate designated landmark properties, which are 3.5% of the total properties in New York City. The agency has no power over any other properties regardless of their age or historic significance. Additionally, the LPC only has authority over the physical form of the structure and not its use or function. HDC is very concerned about a drifting standard of regulation being inserted into the proposed rules, which actually diminishes the agency's authority to oversee those rare properties it does regulate. Specifically:

EXAMPLES

- "Contributing" language: There are several instances of language such as "if the building contributes to the landmark or historic district" {e.g. page 30, Section 2-II, D(I); page 37 (9); page 53 "Definitions", page 60 (D), page 61 (D)}. This language is damaging to the integrity of the Landmarks Law and introduces a sliding scale of regulation. HDC made a study of the designation reports and there are, generously, 717 buildings within all existing historic districts and extensions which are specifically listed as "no style" or "non-contributing". Rounding up, this means that 2% of the existing landmark properties might be designated "non-contributing" by their regulatory documents. There is no need to introduce ambiguity into all regulation in order to account for these few outliers. Furthermore,



THE ADVOCATE FOR NEW YORK CITY'S HISTORIC NEIGHBORHOODS

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HDC understands that certain buildings will be considered “non-contributing” if deemed so in previously-issued Certificates of Appropriateness. This would compound the sliding scale of regulation and further obscure the public’s understanding of the landmark regulation process. If this practice is instituted, and we strongly recommend that it is not, it needs to be properly defined, and a public method of determining the status of these buildings must be created.

- “Characteristic of the Specific Historic District”: This language, which is used with reference to additions (page 68) and fire escapes (page 108), is an additional weakening of the Landmarks Law, especially in its lack of definition. Specific lists of which historic districts are characterized by which features should be created, much the same way the specific historic districts which possess historic sidewalks and paving, (page 93, Appendix A) are listed.

Substitute Materials

Although they are regarded as being of mainly technical interest to the general public, replacement materials for historic buildings are among the most important aspects of preservation work. The materials which constitute our historic buildings are what give these sites their significance and resonant power. Whenever historic fabric is missing, in proper preservation practice, great pains are made to replicate the missing elements to retain or restore the historic design intent. This is the basic requirement of historic preservation as it has been practiced in the United States since its emergence as an ethic more than 100 years ago. Questions of differentiating replacement materials from original finishes for repair work have been debated by professionals for decades and will probably never reach universal consensus, however, all practitioners agree that the best practice in working with historic structures is to retain historic materials or, with very few exceptions, replace them in kind. This practice is enshrined in the U.S. Secretary of Interior Standards for Preservation, Rehabilitation, Restoration and Reconstruction. While the Landmarks Preservation Commission is not required to hew to those standards, they are a good starting place especially if the project being reviewed does not go through a public review process. Materials on a historic building are meant to last a long time, and inappropriate replacement materials can mar a structure for decades. It is imperative that the LPC requires the highest standard if it plans to forgo the expert and discretionary guidance of the Commissioners. This is unfortunately not the case in many instances proposed in the new rules:

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Generally, HDC finds the relatively lax approach to replacement materials to be problematic. As the nation’s premier and largest regulatory body of historic properties, it is a missed opportunity to not require higher standards for our built environment, especially in the most expensive real estate market in the United States, where cost and burden are not significant factors to preservation. In an economically depressed city, replacement materials could potentially make more sense, as their cheaper cost could help encourage investment in and revitalization of historic structures. However, in New York, it should not be permissible to sully our historic buildings with plastic applications and it certainly should not be encouraged with a staff-level permit. LPC must encourage the use of quality materials, not just for aesthetic purposes, but for the long-term physical preservation of buildings. It is well known that inferior



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rules loosen oversight over historic properties in allowing more visible change to happen without public review, rather than strengthening the standards of what can be allowed at staff level.

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Miscellaneous Concerns

- Excavations and Archaeology

One of the few sweeping powers of the Landmarks Preservation Commission is its authority as the local lead agency for archaeological matters. Archaeology is an important tool for understanding our history and can illuminate aspects of our city's development that would be otherwise invisible and forgotten. Although they have shared goals, archaeological techniques differ from preservation techniques in that they are more focused on documentation and understanding than on the physical retention of historic fabric in situ. Currently, archaeological supervision is only activated by publicly-funded excavation projects. However, excavation of private property, undertaken by private entities, is equally likely to impact potentially significant buried cultural resources as projects utilizing public funds. This has been demonstrated in multiple instances in New York City. With this goal in mind, HDC suggests the following language and ideas to be incorporated into page 73, Section 2-I6:

 - Private properties within historic districts should be subject to all historic preservation laws including archaeological guidelines.
 - With regard to archaeological resources that may be exposed during any excavation, their potential significance is not known until they are exposed. Private properties that are subject to consideration of architectural preservation standards and guidelines should also be subject to consideration of potential archaeological resources during excavation-related activities.
 - If archaeological resources are exposed during the excavation of private properties, the property owner should be required to inform the LPC. In turn, the LPC should develop guidelines to make an assessment of potential significance and documentation of the exposed resources.



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- Permit Renewals

In HDC's review of the proposed rules changes, we noticed that certain of the technical aspects of the permits are being altered, such as their duration. This is not the first time they have been altered - Certificates of Appropriateness originally had no expiration date, which led to unfortunate situations such as the Plaza Hotel, where permits for alteration of the dormers issued in the 1980s were still valid 20 years later despite several changes in ownership and programmatic use.

On page 123, in Section 7-03, (2)ii, it is proposed that a Certificate of Appropriateness be allowed to be extended for an additional 3 years after its initial term of 6 years – for a maximum allowance of 9 years validity without public review. As the NYC mayoral term is limited to 8 years, this would mean that all CofAs would perforce outlast the Commission which issued them. This doesn't seem to us to be the most accountable practice, to either the public or the Landmarks Commissioners. We strongly recommend that CofAs expire after 6 years, at which point they should be required to go for a public hearing for a renewal.

- Public Notification

There is broad concern about lack of public involvement in the LPC's permitting process. As landmark designation is a public good which serves the public trust, this is a concern which the Historic Districts Council feels warrants attention and, where possible, amelioration. At the same time, we are fully aware that bringing the more than 13,000 permit requests the agency receives annually to public hearings would paralyze the agency and cause undue hardship for applicants. Based on what we hear from our constituents and neighborhood partners, much of the concern is about transparency and expectation. Simply put, people who have an interest in and are invested with New York City's landmarks and historic districts wish to know what is being proposed for their future.

With this in mind, we would strongly encourage the LPC's continued efforts to increase transparency by making permit applications available for review by the public. It is a valuable service and an important one to encourage the better public understanding of the landmarks process. Furthermore, in order to both encourage public participation in the process and strengthen public investment in that process, we would recommend that the LPC investigate the possibility of incorporating some level of public review into staff-level permits. While this might sound like a bridge too far, we would suggest that the Landmarks Commission look at the how the Buildings Department deals with these types of permits through the Development Challenge Process. In this process, there is an opportunity for the public to review submitted plans *before approval* and challenge them if felt necessary. This triggers a further review by Buildings professional staff and, if necessary, the Building Borough and First Deputy Commissioners. Obviously this system would need to be adapted to the Landmarks Permitting Process, but we believe that it would be a worthwhile avenue of consideration for the agency.



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Statement of the Historic Districts Council
March 27, 2018

Item I

PROPOSED RULE-MAKING UNDER THE CITY ADMINISTRATIVE PROCEDURES ACT

The Historic Districts Council is the advocate for New York City's designated historic districts, landmarks and buildings meriting preservation.

The Historic Districts Council has analyzed these proposed rules with the foreknowledge that once adopted, they will most likely serve as a standard or specification for applicants proposing work on designated properties. When dealing with historic properties, one must think about the effects of regulations not over years, but over decades. Therefore, HDC closely looked at the potential ramifications of these guidelines as they will or might be interpreted over the long term. Most of the rules being amended have been in effect for at least twenty years, and in some instances, we are still learning how they shape our historic cityscape. Approaching with caution, rather than expediency, is rewarded with a better long-term outcome for our city's historic buildings.

We have broken down our concerns with the proposed rules change into four categories: Unclear and Shifting Standards of Regulation, Substitute Materials, Major Changes and Visibility, and Miscellaneous Concerns.

Unclear and Shifting Standards of Regulation

The LPC is an agency of immense but limited power. On one hand, it has the power to regulate private property within its own discretion and to its own self-ascribed standards. On the other hand, it can only regulate designated landmark properties, which are 3.5% of the total properties in New York City. The agency has no power over any other properties regardless of their age or historic significance. Additionally, the LPC only has authority over the physical form of the structure and not its use or function. HDC is very concerned about a drifting standard of regulation being inserted into the proposed rules, which actually diminishes the agency's authority to oversee those rare properties it does regulate. Specifically:

EXAMPLES

- "Contributing" language: There are several instances of language such as "if the building contributes to the landmark or historic district" {e.g. page 30, Section 2-II, D(I); page 37 (9); page 53 "Definitions", page 60 (D), page 61 (D)}. This language is damaging to the integrity of the Landmarks Law and introduces a sliding scale of regulation. HDC made a study of the designation reports and there are, generously, 717 buildings within all existing historic districts and extensions which are specifically listed as "no style" or "non-contributing". Rounding up, this means that 2% of the existing landmark properties might be designated "non-contributing" by their regulatory documents. There is no need to introduce ambiguity into all regulation in order to account for these few outliers. Furthermore,



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HDC understands that certain buildings will be considered “non-contributing” if deemed so in previously-issued Certificates of Appropriateness. This would compound the sliding scale of regulation and further obscure the public’s understanding of the landmark regulation process. If this practice is instituted, and we strongly recommend that it is not, it needs to be properly defined, and a public method of determining the status of these buildings must be created.

- “Characteristic of the Specific Historic District”: This language, which is used with reference to additions (page 68) and fire escapes (page 108), is an additional weakening of the Landmarks Law, especially in its lack of definition. Specific lists of which historic districts are characterized by which features should be created, much the same way the specific historic districts which possess historic sidewalks and paving, (page 93, Appendix A) are listed.

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One of the few sweeping powers of the Landmarks Preservation Commission is its authority as the local lead agency for archaeological matters. Archaeology is an important tool for understanding our history and can illuminate aspects of our city's development that would be otherwise invisible and forgotten. Although they have shared goals, archaeological techniques differ from preservation techniques in that they are more focused on documentation and understanding than on the physical retention of historic fabric in situ. Currently, archaeological supervision is only activated by publicly-funded excavation projects. However, excavation of private property, undertaken by private entities, is equally likely to impact potentially significant buried cultural resources as projects utilizing public funds. This has been demonstrated in multiple instances in New York City. With this goal in mind, HDC suggests the following language and ideas to be incorporated into page 73, Section 2-I6:

 - Private properties within historic districts should be subject to all historic preservation laws including archaeological guidelines.
 - With regard to archaeological resources that may be exposed during any excavation, their potential significance is not known until they are exposed. Private properties that are subject to consideration of architectural preservation standards and guidelines should also be subject to consideration of potential archaeological resources during excavation-related activities.
 - If archaeological resources are exposed during the excavation of private properties, the property owner should be required to inform the LPC. In turn, the LPC should develop guidelines to make an assessment of potential significance and documentation of the exposed resources.



THE ADVOCATE FOR NEW YORK CITY'S HISTORIC NEIGHBORHOODS

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- Permit Renewals

In HDC's review of the proposed rules changes, we noticed that certain of the technical aspects of the permits are being altered, such as their duration. This is not the first time they have been altered - Certificates of Appropriateness originally had no expiration date, which led to unfortunate situations such as the Plaza Hotel, where permits for alteration of the dormers issued in the 1980s were still valid 20 years later despite several changes in ownership and programmatic use.

On page 123, in Section 7-03, (2)ii, it is proposed that a Certificate of Appropriateness be allowed to be extended for an additional 3 years after its initial term of 6 years – for a maximum allowance of 9 years validity without public review. As the NYC mayoral term is limited to 8 years, this would mean that all CofAs would perforce outlast the Commission which issued them. This doesn't seem to us to be the most accountable practice, to either the public or the Landmarks Commissioners. We strongly recommend that CofAs expire after 6 years, at which point they should be required to go for a public hearing for a renewal.

- Public Notification

There is broad concern about lack of public involvement in the LPC's permitting process. As landmark designation is a public good which serves the public trust, this is a concern which the Historic Districts Council feels warrants attention and, where possible, amelioration. At the same time, we are fully aware that bringing the more than 13,000 permit requests the agency receives annually to public hearings would paralyze the agency and cause undue hardship for applicants. Based on what we hear from our constituents and neighborhood partners, much of the concern is about transparency and expectation. Simply put, people who have an interest in and are invested with New York City's landmarks and historic districts wish to know what is being proposed for their future.

With this in mind, we would strongly encourage the LPC's continued efforts to increase transparency by making permit applications available for review by the public. It is a valuable service and an important one to encourage the better public understanding of the landmarks process. Furthermore, in order to both encourage public participation in the process and strengthen public investment in that process, we would recommend that the LPC investigate the possibility of incorporating some level of public review into staff-level permits. While this might sound like a bridge too far, we would suggest that the Landmarks Commission look at the how the Buildings Department deals with these types of permits through the Development Challenge Process. In this process, there is an opportunity for the public to review submitted plans *before approval* and challenge them if felt necessary. This triggers a further review by Buildings professional staff and, if necessary, the Building Borough and First Deputy Commissioners. Obviously this system would need to be adapted to the Landmarks Permitting Process, but we believe that it would be a worthwhile avenue of consideration for the agency.

Substitute Materials

Nationwide, practitioners agree that the best practice is to retain historic building materials or replace in kind, not just for aesthetic purposes, but for the physical preservation of buildings. This ethic is enshrined in the U.S. Secretary of Interior Standards for Preservation, Rehabilitation, Restoration and Reconstruction. While the LPC is not required to hew to those standards, it is imperative that the LPC requires the highest standard if it plans to forgo the guidance of the Commissioners. This is unfortunately not the case in many instances proposed in the rules. The only instance where HDC might countenance substitute materials would be the replication of a lost architectural feature proposed to be restored, excepting elements of a restorative program mandated by a Modification of Use or Bulk.

Concerning architectural elements (p. 27-28), we are opposed to the installation of substitute materials above the sixth story for masonry buildings, above the second floor for discrete elements on cast-iron buildings, above the sixth floor for other elements on cast-iron buildings, and to the use of fiberglass in place of sheet metal and iron above the sixth story and as a replacement for elaborate wood cornices above the second story. In-kind replacements should be the standard; these locations would be too visible from the public way; and sheet metal cornices are readily available, lightweight, and more durable than fiberglass.

Concerning windows (p. 58-60), the proposed would allow sweeping replacement of wood windows with aluminum on smaller buildings, even though it is well-established in preservation practice that aluminum windows are an inferior and short-performing product compared with wood. If removed, there will no longer be a precedent for wood windows to ever return. For larger buildings, windows may be replaced if they match in configuration, operation, details and finish, but materiality is omitted. HDC is concerned that large buildings with steel casement windows or other specialized windows endemic to an architectural style will be allowed to replace them with inferior windows, resulting in the loss of crucial historic details and profiles.

Concerning sidewalks (p. 89), if a sidewalk is missing some of its bluestone pavers or some are beyond repair, an applicant may consolidate the usable stone and install tinted concrete in the remaining area. Bluestone or granite curbs in need of repair may also be replaced with concrete. This rule would remove all incentive for applicants to ever replace in-kind. Looking to the future, as these historic materials inevitably deteriorate, historic paving would be a thing of the past. Vault lights (p. 91), a defining feature of former manufacturing districts, would also be in grave peril, as staff may approve the removal of up to two panels of exposed vault lights that are deteriorated, if no other vault lights exist on the block, and replace them with diamond plate steel or concrete/granite. For covered vault lights that are deteriorated, applicants can either replace them with new vault lights or remove them altogether. Given the cost differential, the public would now have to rely on the owner's discretion to safeguard this feature. HDC believes this should fall within the mission of this public agency.

Major Changes & Visibility

As this Commission knows, landmark properties are constantly being altered. It is important, however, to be aware of the public perception that changes to landmarks are not permitted, and if they are, they are minimal. This perception, while not quite accurate, helps to temper expectations and deters applicants from proposing massively inappropriate changes. Setting a high standard that additions be invisible reinforces public expectations and encourages public faith in the security of historic buildings. Unfortunately, many of the proposed rules loosen oversight over historic properties in allowing more visible change to happen.

Concerning rear yard additions (p. 71-72), increasing the scope of permissible construction in the rear will have a substantial impact on historic blocks. Under the new rules, a rear yard addition would be permitted for blocks where the “majority” of buildings include els or additions, and cannot project deeper or taller than those existing accumulations. We suggest that the staff base its decision about a new addition on the configuration of historic els and LPC-approved additions, not grandfathered ones. Also, allowing construction to cover an entire rear yard with the exception of five feet is an enormous building footprint directly at odds with the LPC’s criteria of “does not substantially diminish the presence of a rear yard”. A block’s interior is an important quality-of-life issue for residents, many of whom choose to live in a designated area for the historic rear yard amenity, so the neighbors should not be cut out of the review process.

Concerning storefronts (p. 35), the proposed states that new storefront infill is allowed if the design is based on historic “prototypes.” HDC believes that such prototypes should be based on historic photographs that reveal the original storefront’s configuration. In cases where photographs cannot be found, the features of historic storefronts should be codified in the rules, such as requiring the presence of bulkheads, transoms, and a recessed or splayed entryway.

Concerning window openings (p. 64), HDC is concerned about the rules providing a prescriptive design for rear façade treatments. We firmly believe that properties under LPC regulation generally benefit from public and Commission comments, with better-designed outcomes for proposed work. Creating a loose design blueprint may encourage repeated, banal interventions. Similar to our critique of the storefront prototype, HDC suggests creating more parameters or prototypes for rear facades, or doing away with this basic one.

Concerning HVAC units (p. 102), the proposed would allow staff to approve through-wall HVAC equipment centered below window openings on primary facades of large buildings in historic districts. This means that a tenant in a large apartment building – a very common typology – may apply to punch a hole beneath their window without public review, even if it is visible from the public way. HDC believes that such incursions, even if no decorative or significant features are damaged or removed, should not be allowed without a hearing. At the very least, applicants should be required to apply for a Master Plan to avoid a pock-marked effect on the building, and such installations on primary facades should be limited to the upper stories.

When dealing with historic properties, one must think about the effects of regulations not over years, but over decades. Therefore, HDC closely considered the potential long-term ramifications of this proposed change to the rules, and, while we believe that in some instances the proposed changes will have the desired effect of increasing efficiency and transparency, others should be approached with caution. We have also analyzed these rules with the foreknowledge that once adopted, they will most likely serve as a standard or specification for applicants proposing work on designated properties. In the interest of time, we will focus our testimony on those issues of which we feel the Landmarks Preservation Commissioners should be aware.

We have broken down our concerns into four categories, one statement for each: Unclear and Shifting Standards of Regulation, Substitute Materials, Major Changes and Visibility, and Miscellaneous Concerns.

Unclear and Shifting Standards of Regulation

The LPC is an agency of immense but limited power. On the one hand, it has the power to regulate private property at its own discretion and to its own self-ascribed standards. On the other hand, it can only regulate designated properties, which constitute 3.5% of the total properties in New York City. HDC is concerned about a drifting standard of regulation being inserted into the proposed rules, which actually diminishes the agency's authority to oversee those rare properties it does regulate. Specifically:

"Contributing" language: There are several instances of language, such as "if the building contributes to the landmark or historic district," which is damaging to the integrity of the Landmarks Law and introduces a sliding scale of regulation. HDC surveyed the designation reports and found 717 buildings within all existing historic districts and extensions that are specifically listed as "no style" or "non-contributing" – roughly 2% of all landmark properties. There is no need to introduce ambiguity into all regulation in order to account for these few outliers. Furthermore, HDC understands that some buildings will be considered "non-contributing" if deemed so in previously-issued Certificates of Appropriateness. This would compound the sliding scale of regulation and further obscure the public's understanding of the landmark regulation process. If this practice is instituted, and we strongly recommend that it is not, it needs to be properly defined, and a public method of determining the status of these buildings must be created.

"Characteristic of the Specific Historic District": This language, which is used with reference to additions (p. 68) and fire escapes (p. 108), is an additional weakening of the Landmarks Law, especially in its lack of definition. Specific lists of which historic districts are characterized by certain features should be created, much the same way the historic districts with historic sidewalks and paving are listed.

Miscellaneous Concerns

Excavations and Archaeology: One of the few sweeping powers of the LPC is its authority as the local lead agency for archaeological matters. Archaeology is an important tool for understanding our history and can illuminate aspects of our city's development that would otherwise be invisible and forgotten. Currently, archaeological supervision is only activated by publicly-funded excavation projects. However, excavation of private property, undertaken by private entities, is equally likely to impact potentially significant buried cultural resources as projects utilizing public funds. With this goal in mind, HDC suggests the following ideas be incorporated into Section 2-16 (p. 73):

- Private properties within historic districts should be subject to all historic preservation laws including archaeological guidelines.
- With regard to archaeological resources that may be exposed during any excavation, their potential significance is not known until they are exposed. Private properties that are subject to consideration of architectural preservation standards and guidelines should also be subject to consideration of potential archaeological resources during excavation-related activities.
- If archaeological resources are exposed during the excavation of private properties, the property owner should be required to inform the LPC. In turn, the LPC should develop guidelines to make an assessment of potential significance and documentation of the exposed resources.

Permit Renewals (p. 123): The proposed would allow a Certificate of Appropriateness to be extended for three years after its initial term of six years – for a maximum allowance of nine years. CofAs originally had no expiration date, which led to unfortunate situations such as the Plaza Hotel, where permits for alteration of the dormers issued in the 1980s were still valid 20 years later, despite changes in ownership and programmatic use. As the NYC mayoral term is limited to eight years, this would mean that all CofAs would perforce outlast the Commission that issued them. This is not the most accountable practice, to either the public or the Commissioners. We strongly recommend omitting this change.

Public Notification: There is broad concern about lack of public involvement in the LPC's permitting process. We are fully aware that bringing the more than 13,000 permit requests the agency receives annually to public hearings would paralyze the agency and cause undue hardship for applicants. But because people who have an interest and are invested in New York City's landmarks and historic districts wish to know what is being proposed, we strongly encourage the LPC to make staff-level permit applications available in some way for public review. While this might sound like a bridge too far, this service would have the added public benefits of increasing understanding, encouraging participation, and strengthening investment in the landmarks process. We suggest that the LPC look at how the Department of Buildings deals with these types of permits through the Development Challenge Process, which provides an opportunity for the public to review submitted plans *before approval* and challenge them if felt necessary. This triggers a further review by DOB staff and, if necessary, the Building Borough and First Deputy Commissioners. Obviously this system would need to be adapted to the Landmarks Permitting Process, but it would be a worthwhile avenue of consideration.

Major Changes & Visibility

As this Commission knows, landmark properties are constantly being altered. [it is important, however, to be aware of the public perception that changes to landmarks are not permitted, and if they are, they are minimal. This perception, while not quite accurate, helps to temper expectations and deters applicants from proposing massively inappropriate changes.] Setting a high standard that additions be invisible reinforces public expectations and encourages public faith in the security of historic buildings. Unfortunately, many of the proposed rules loosen oversight over historic properties in allowing more visible change to happen.

Concerning rear yard additions (p. 71-72) [increasing the scope of permissible construction in the rear will have a substantial impact on historic blocks.] Under the new rules, a rear yard addition would be permitted for blocks where the “majority” of buildings include els or additions, and cannot project deeper or taller than those existing accumulations. We suggest that the staff base its decision about a new addition on the configuration of historic els and LPC-approved additions, not grandfathered ones. Also, allowing construction to cover ~~an entire rear yard with the exception of five feet~~ ^{all but 5 feet of a rear yard} is an enormous building footprint directly at odds with the LPC’s criteria of “does not substantially diminish the presence of a rear yard”. A block’s interior is an important quality-of-life issue for residents, many of whom choose to live in a designated area for the historic rear yard amenity, so the neighbors should not be cut out of the review process.

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Concerning window openings (p. 64), HDC is concerned about the rules providing a prescriptive design for rear façade treatments. We firmly believe that properties under LPC regulation generally benefit from public and Commission comments, with better-designed outcomes for proposed work. Creating a loose design blueprint may encourage repeated, banal interventions. Similar to our critique of the storefront prototype, HDC suggests creating more parameters or prototypes for rear facades, or doing away with this basic one.

Concerning HVAC units (p. 102), the proposed would allow staff to approve through-wall HVAC equipment centered below window openings on primary facades of large buildings in historic districts. This means that a tenant in a large apartment building – a very common typology – may apply to punch a hole beneath their window without public review, even if it is visible from the public way. HDC believes that such incursions, even if no decorative or significant features are damaged or removed, should not be allowed without a hearing. At the very least, applicants should be required to apply for a Master Plan to avoid a pock-marked effect on the building, and such installations on primary façades should be limited to the upper stories.



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Date 3, 27, 2018 Item # Rules

Item Address _____

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In favor of proposal

☐

Against proposal

☒

Other position

Lo van der Valk
Name

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Carnegie Hill Neighbors
Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.

CARNEGIE HILL NEIGHBORS

PROPOSED REVISED LPC RULES STATEMENT TO LANDMARKS PRESERVATION COMMISSION BY LO VAN DER VALK, PRESIDENT, CARNEGIE HILL NEIGHBORS (Public Hearing – March 27, 2018)

Carnegie Hill Neighbors thanks the Commission for this opportunity to give our reactions to the proposed amended LPC Rules, which we understand to be the first such major revision since 2012.

There is much to commend in this new proposal, which we see as a coherent codification of minimal standards when seeking alterations in landmarked structures. Not only does it present a useful framework, but it codifies concepts and provides a useful catalogue of areas of concern for alterations of historic properties.

The scope of the changes is daunting and in the limited timeframe for consideration somewhat overwhelming. We therefore decided to limit our focus and comments on the two areas that we feel occupy our major attention for approvals at the Commission level: these are rearyards and to a lesser extent rooftop additions.

The stated goal of the Rules is to allow a delegation to staff to make approvals that are specifically delimited as per the Rules approved by the Commission, in order to allow staff to give approvals that otherwise would require Commission approval with its associated public review process at both the Community Board and Commission level.

Conceptually that goal is praiseworthy in reflecting modern management practices that seek greatest efficiency in terms framing the issues and in terms of rationalizing the use of Commissioners time, staff time and professionals (hired by the applicants) time and costs. However, we are concerned (apart from the issues identified by HDC that in certain areas allow a relaxation of historic material and design standards) that that greater efficiency could come with at least two identifiable drawbacks: the tendency to a one size fits all approach that does not take into full account local conditions; and the very real potential for a loss of transparency. We feel that efficiency in preservation should be tempered in order to arrive at approval processes that are more optimally balanced taking into account local conditions and provides the opportunity for greater input from local and preservation stakeholders.

We would like to draw attention to specific examples of alterations at the two largely intact common central rearyard space on the south side of the Goat Hill block of East 95th Street between Park and Lexington Avenues in the Carnegie Hill Historic District.

An early (ca. 1996) staff approval for a two-story, 12-foot rearyard addition at 125 East 94th Street, would later form the precedent for similar additions approved by the Commission, while the vast majority of the rowhouses had no additions, except for the 10-foot els on the 95th Street side of the open space.

(Continued on page 2)

That would not likely happen with the newly proposed Rules which offers a mathematical protocol that would determine and therefore limit the height and depth of additions that could be approved at staff level. Yet how would the public know that the formulas were faithfully followed. There is no transparency mechanism suggested that would allow public participation and review. (It might bear pointing out that the els on the north side of the common rear space are not additions, but were part of the originally built Queen Anne rowhouses and therefore treating them as additions could lead to distortions of the historic development with implications when mathematical formulas are used.) But it is far from clear that a mechanism exists to even allow such a challenge; and this might suggest a useful modification of the approval process even under Staff.

A regrettable reality of landmarks approvals is that “mistakes” (or rather, approvals that in retrospect turn out to be disappointing to the local community) are legitimized and become a precedent for future additions, whether approved by Staff or the Commission. This is not just theory. As mentioned earlier on the 94th Street side of the above Goat Hill inner open space (between 94th and 95th Streets) a two-story and roughly 12-foot rearyard extension was approved by Staff around 1996 as indicated above for 125 East 94th Street. Yet there were no extensions of this magnitude for the other eight rowhouses on this side of the block. Regrettably that example became the template that was followed by a Commission approval for 123 East 94th Street around 2010, and similarly for 121 East 94th a few years later. The latter being totally understandable because its rearyard was wedged in by a tall apartment building to the west and the neighbor’s new rearyard extension to the east. We understand, of course, that such an initial Staff approval is not likely to occur today.

Still the public review process associated with Commission approvals serves to alert and sensitize the immediate community. Because the process is open it allows neighbors to reach out to applicants when plans are announced and made public. Such occurred in 2014 when 129 East 94th Street on the same block got Commission approval for a three-story addition of similar depth (as mentioned above). Ensuing discussion with neighbors on both sides (who had been involved in the public review process) resulted in a modification of the plans to only a one-story additional. It is doubtful that this result could have come about without a public review process.

Two additional cases of rearyard additions for rowhouses on the north side of the 95th Street Goat Hill Block, also illustrate a pull-back of the originally planned rear extensions by the applicants which both occurred during the public review process for Commission approval with one (131 East 95th Street; 2014) involving also a rooftop addition.

Conclusion: While the above offers only limited anecdotal evidence, it does serve to illustrate the value of public involvement in shaping alterations in a way that is more in keeping with the existing historic fabric. It is hoped that the LPC will attempt to find a way to incorporate in the Rules a procedure that would allow the public to be informed of upcoming Staff level reviews that are significant in impact and also that ways be explored to allow for public input (though not necessarily involving the Commission). Should that not be possible we would suggest that the scope of staff level reviews/approvals be made more restrictive for rearyard and rooftop additions.



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Date 3 / 27 / 18 Item # 1

Item Address Rules changes

☐

In favor of proposal

☐

Against proposal

☒

Other position

Sara Kamillatos
Name

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FRIENDS of the Upper East Side
Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Jenny Fernández, Director of Intergovernmental and Community Relations.

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March 27, 2018

Landmarks Preservation Commission Certificate of Appropriateness Public Hearing Testimony by FRIENDS of the Upper East Side Historic Districts

Re: Proposed Rules Changes

Madam Chair and Honorable Commissioners:

Introduction

FRIENDS' Preservation Committee appreciates the Commission's desire to codify determinations routinely being made by LPC staff and to expedite the application process for the benefit of the volunteer Commission's time. However, it seems that the only clear justification for the changes to these rules is a customer-fronting efficiency that will ease this process for applicants and their architects.

FRIENDS' concerns include the physical ramifications for historic structures, especially the proposed hierarchy of designated buildings; the justification for and genesis of the proposed new rules, and their lack of clarity and explication for implementation; and the lack of transparency or public process and participation. We feel strongly that the public, including dedicated Community Boards, the professional preservation community, and local stakeholders, deserves a larger role than backseat observation. The engaged and spirited public review process is one of the most valuable and constructive safeguards for the citywide character of historic districts, and any proposal to streamline the process must start with that premise.

Physical Ramifications

The new rules place significant weight on individual staff members to determine the appropriateness of proposed alterations. The rules significantly expand the authority of LPC staff but conversely limit the opportunity for critical thought and a nuanced approach to individual applications based on their particular context. The rules are fixated on regulating individual buildings but do not account for the cumulative impact that incremental changes may have on the character of streetscapes and broader historic districts. At times the rules contradict themselves by being overly prescriptive, but still vague. For example, there are areas that award the staff undue discretion in considering an application by inserting loopholes such as item (E) in General criteria for replacement materials in restoration and façade repairs on page 27 in Chapter 2-11. This stipulation allows a staff member to approve any substitute material that has been previously approved by the Commission "provided the substitute material is an acceptable match" where acceptability is determined by a single staff member.

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These rules do not foster critical thought on the best practices of preservation work, but instead introduce a check list for automatically approved work. Moreover, there is no consideration given to the long-term compatibility and quality of performance of substitute materials.

Another character-altering determination that would now be handed over to staff is the oversight of building envelopes in the case of excavation and rooftop and rear yard additions. These are major interruptions, not only to the mass of a building, but on the overall composition of a block within a historic district. It is distressing to think that excavation and rear façade reconstruction may be deemed appropriate by staff particularly as it is only suggested that an engineer signs off on the work, but only required for an architect to do so.

FRIENDS also finds it troublesome that a regulatory hierarchy in the treatment of buildings within historic districts is being established in the text of the rules. The distinction of treatment of individual landmarks within and outside historic districts, and introduction of exceptions made to the allowances on no-style and non-contributing buildings are both illogical. The total number of no-style and non-contributing buildings make up a miniscule portion of protected historic architecture, and as stylistic outliers, we could argue that they should be treated with even more care than examples of well-defined styles. For buildings deemed no-style or non-contributing, additions or subtractions have the potential for a greater impact, particularly if opportunities for alteration are limitless. Re-facing a building has a proportionally greater impact on a streetscape than a smaller change to a highly regulated “styled” building, and offers the chance to completely alter the way such a building fits into its surroundings. FRIENDS maintains that impactful changes to the appearance of no-style and non-contributing buildings certainly deserve the level of nuanced review that a public hearing before the full Commission can offer. Additionally, since the determination that a building is non-contributing can apparently be made informally by Commissioners at a public hearing, it would be all too easy for this stock to expand, and could subsequently result in an overwhelming class of designated yet loosely-regulated non-contributing buildings.

Justification of Intent

The new rules are not rooted within any discernable preservation philosophy, nor are the newly codified staff-level allowances intuitive enough to be presented with no justification. The City Planning Commission, for example, is required to document the decision-making process of all its actions in publically accessible reports, which often outline the historical and political context behind its decisions. These reports can be invaluable in illuminating the plain English intent and justification behind new zoning rules, for example, when the regulatory text can be indiscernible to the layperson. Absent a similar companion document, the reasoning and thought process behind the components of the proposed LPC rules remains completely opaque. In order for the LPC rules to maintain their relevance and provide clarity for future staff, Commissioners, and applicants, a similar record should be produced and be easily accessible for future reference.

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Rachel Levy
EXECUTIVE DIRECTOR

Similarly, the Commission has not shared any data which might aid in analyzing the overall impact of this new text. It would be helpful to know which percentage of applications that came in front of the Commission at public hearings would now fall under the umbrella of staff-level approvals, as well as the threshold number of past Certificate of Appropriateness applications that had to be consistently approved by the Commissioners in order to consider moving such determinations to the staff. The LPC has made the claim that the review of applications will be expedited by these new rules, but has not referenced a metric beyond internal conjecture by which this was determined. The LPC ought to compile this data, and disseminate it alongside the proposed rules in order for this claim to be better examined.

We are appreciative of the thorough list of definitions that accompany each chapter section but we feel that the rules would be much more successful with clearly illustrated and annotated appendices. Carefully explained diagrams will remove subjectivity from the survey and evaluation process for both LPC staff as well as applicants. And just as illustrations would increase clarity and decrease subjective interpretations by staff and applicants, the proposed rules are peppered with vague terminology which makes it difficult for a reader to visualize the true result of the application of the rules. Staff may now determine the appropriateness of changes provided that they "do not otherwise detract from historic character," "recall a historic character," do not call "undue attention" to themselves, etc. and this is the area which puts great weight on an individual staff member's subjective interpretation of such guidelines. Clarifying such terms, or abandoning their use altogether, would create a clearer and higher set of standards to strive toward for staff and applicants. Clearly documented intentions and justifications in tandem with clear, illustrated graphics and appendices would mitigate the potential abuse of this subjectivity.

The documentation of internal thought processes as well as a complete record of work that takes place under the control of these rules would establish a two-pronged system for LPC accountability. Not only will the agency have to back up the reasoning for its regulatory text, but work approved by staff will be on display for the public as well. This opens an avenue for communication that currently does not exist in a formal capacity, and would benefit both the public and our shared historic resources.

Transparency and Accountability

Discrepancies in the text and lack of accountability in the drafting process allude to what is, in our opinion, the biggest shortcoming of these proposed rules which is a lack of transparency that would be systematically introduced to the landmarks process. As mentioned prior, the thought process behind the rulemaking process is unclear, the ramifications of the cumulative effect of easily approved, prescriptive staff level judgements are difficult to determine, and the intent of the language requires clarification. Furthermore, much more of the workings of the LPC will be brought behind closed doors.

FRIENDS

of the UPPER EAST SIDE
HISTORIC DISTRICTS

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Rachel Levy
EXECUTIVE DIRECTOR

Under the mask of efficiency, the LPC and its staff are cutting the ties to the public review process which makes the issuance of Certificates of Appropriateness permits collaborative and egalitarian.

Our Preservation Committee was similarly disappointed that the LPC seemingly missed its opportunity to propose a database of active applications that outline the scope of work and projected date of completion beyond just notification of work "in progress." To ensure sensitivity in regards to community interests, the public should have access to information regarding the full spectrum of ongoing alterations that happen year-round but never see a public hearing. Furthermore, we recommend that all applications should be subject to an appeal process that allows individuals to challenge staff level decisions, similar to advisory testimony at a public hearing. Such a system would open a revolutionary line of communication between the public and the LPC in the interest of constant collaboration from multiple perspectives that would keep staff decisions in check.

It is important for the LPC to consider who the "client" of their work truly is. This set of rules suggests that it is the Commission's job to cater to the needs of applicants and their architects. The rules create a checklist which applicants may reference to 'tick all of the boxes,' so to speak, before coming forth with an application, knowing all the while that it will receive a speedy and guaranteed approval. The basis of concern over the new breadth of staff-level approvals could culminate in a slowly sustained erosion of the very composition of the city's Historic Districts. The cumulative effect of readily-approved staff-level Certificates of Appropriateness permits that are issued from behind closed doors is the subtle, but sustained, rebuilding of the fabric of our historic districts that will mar the character that is transmitted through the level of authenticity in preservation work.

This presumption of approval does not give the appropriate level of consideration for a landmark or building within a historic district for its own special character and merit, but instead reduces it to a canvas for all of the pre-approved changes that are allowed to be made to it. Applicants will be actively discouraged from potentially unique and contextual approaches if there is any chance of being taken to a public hearing. Instead, they will likely rely on the pre-approved guidelines requiring only cursory staff-level consideration.

If, as predicted, these rules result in fewer public hearings the work of the Commission will recede even further from the public eye. Public review cannot be seen as a hindrance to the work of the LPC. That is a failure, not in the expediency of the approval process, but in the priorities of the agency. Despite the claim that staff members will be relieved of the burden of preparing presentation materials for public hearings, without a massive infusion of funding it simply cannot be possible that the staff won't be even more overloaded with the influx of applications being rerouted their way. But again, we have not seen any study to quantify the new staff-level workload, only the assumption that it will be more "efficient."

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Board of Advisors

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Andrew S. Dolkart
Annie MacRae
Judith Price
Gretchen Siebel
Anthony C. Wood

Rachel Levy
EXECUTIVE DIRECTOR

Conclusion

FRIENDS understands and believes rules to be a good thing. However, the rules must be clear to remove any guesswork from process, not reinforce and codify it. The rules do not appear to take their directive from a clear preservation philosophy, or from a logical and quantifiable methodology. Dates and measurements appear arbitrary, material requirements are lax, and the expansion of LPC staff's ability to singularly determine, a proposal's appropriateness threatens to conceal more of these applications from public view.

Rules are not the place to sacrifice the integrity of our historic building stock. The agency's rules should require and uphold the highest standards of preservation practice, fitting of the nation's first and most comprehensive landmarks ordinance, as opposed to setting a low bar that will, over time, erode the integrity of our city's character. Any lesser standard than the absolute highest undermines the Landmarks Law.



Landmarks Preservation
Commission

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9th Floor North
New York, NY 10007

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212 669 7960 fax

PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 3 / 27 / 18 Item # _____

Item Address Proposed Rule Changes

☐

In favor of proposal

☐

Against proposal

☒

Other position

Josette Amato

Name

Address

West End Preservation Society

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

If you need additional space, please attach sheets.



West End Preservation Society (WEPS) Statement to the NYC Landmarks Preservation Commission Proposed Rules Changes and Amendments

March 27, 2018

Good morning Chair Srinivasan, Commissioners and Staff,

In 1965, the newly conceived Landmarks Preservation Commission was primarily concerned with imminent demolitions. Thirty-seven individual landmarks and one historic district were designated. Individual Landmark designation reports consisted of one or two pages. Early historic districts reports were written in two or three pages, rarely touching on individual buildings. It is doubtful the planners could have conceived that thousands of applications would be received every year at Landmarks.

In 2018, it is not surprising that the work load of the Commission has grown exponentially. We are confronted here with a way to remedy that as well as make the process more expedient, transparent and user friendly for owners and developers.

Perhaps in the 21st Century it is time to revisit the City Charter. Instead of depending on the kindness of strangers maybe we should compensate this Commission for all the work they provide. Barring compensation, perhaps expand the number of Commissioners in order to hold additional days of public hearings.

But rather than increase capacity to meet the new normal, we are reducing those items coming before this Commission. The sweeping move to staff is based on the premise that the Commission generally approved these types of changes in past applications. So, let's write the rules to fit the desired outcome and cut out the middleman.

But an indispensable point has been removed from that premise. Up until now, most approval has relied on and included conversation and debate: from the public, the community board and yes, the Commissioners themselves. Removal of the public is reckless and shortsighted.

Applications are located in our neighborhoods, yet if these rules are enacted there will be no way to find out about the rooftop addition or the window replacement until the scaffold goes up around the building.

The majority of applications are within historic districts. The same historic districts that are being segregated into the "good buildings" and the no-style ones; greater latitude allowed for no style buildings.

Who will oversee that the streetscape is not adversely affected? An overburdened staff member who will be there to tick all the boxes with little time or consideration for aesthetic or design.

We also have concerns regarding specific rules. We have listed them below but in the interest of time we will move on. WEPS has particular concern regarding rooftop and rear yard additions and ask they be reconsidered and brought back to the public view.

This is essentially a manual for how to avoid a public hearing at LPC. The majority will take advantage of it, leaving this process locked behind closed doors. The antithesis of transparent.

There is something inherently amiss in favoring a quick return over a thoughtful one.

And exactly how much time is being saved by this? With all the other costs and variables to consider in this City when it comes to building, are we honestly saying the LPC's public hearing is a bridge too far?

We urge the Commission to reconsider our listed amendments but foremost we ask you not to remove the public from the public good.

Areas of particular concern:

§2-11: Repair, Restoration, Replacement and Recreation of Building Facades, Materials, Surfaces, Features and Elements.

We are concerned with expanding substitute materials and placing this in the hands of staff, alone

p 27: (1) General criteria.

(iii) Substitute materials should not be used below the third story, unless limited to a small number of discrete elements, and as follows:

(C) For cast iron buildings, substitute material that is not metal will be limited to discrete elements above the second story. Wider use of substitute materials that are not metal is permissible above the sixth story.

Even for discrete elements, second story still clearly visible from street level. These are cast iron buildings that have been preserved. Allowing substitutions could lead to the loss of the integrity of the building, certainly its historic value.

p 28: (iv) ... For secondary facades fronting on a publicly accessible thoroughfare, substitute materials may be used above the second story.

Again, second story clearly visible.

(D) Fiberglass may be used for the re-creation or restoration of significant missing façade features, where the feature was missing at the time of designation and where re-creation or restoration will serve to complete the original or historic composition of the building and/or unify buildings of a similar type in a row...

West End Preservation Society

If we are restoring or recreating significant features should we not request original material if at all possible.

§2-12 [Rules for Installation of Awnings] Storefronts, Awnings and Canopies.

p35. (1) Design. The design of the new infill is based on the historic storefront prototypes and details within the specific historic district... Where a building in a historic district is identified in the designation report as "Style: None" or otherwise as not a building for which the district was designated, the design of a storefront must be consistent with the design of the building or buildings in the district, or does not detract from adjacent buildings in the district. In all cases the design may be modified to make the storefront meet accessibility requirements.

Unnecessary to call out no style building in historic district.

p 43: (4) New sidewalk canopies on certain types of buildings. Installation of new sidewalk canopies on residential, hotel and former residential buildings or buildings historically constructed with an accessory residential component, including private clubs. LPC Staff will approve the installation of a sidewalk canopy where:..

A canopy can significantly change the front entrance to a building. We believe this should be undertaken with public review.

§2-14 Windows and Doors

p 60: (D) New window or door openings in noncontributing buildings. New window or door openings must align with the existing pattern of window or door openings and not otherwise call attention to themselves or detract from adjacent buildings. Windows and doors installed in such new openings must meet the requirements of clause (B) of this subparagraph (ii).

p 62: (i) Except for Individual Landmarks, if the visible portion of the secondary façade is not characterized by a predominance of historic windows or doors the new window or door may match the configuration of the historic window or door, or may have a simplified period-appropriate configuration (i.e., a double-hung window with equal sashes, but elimination of the muntin configuration may be acceptable, resulting in typical 1-over-1 window) that will not detract from the existing windows or doors on the secondary façade and/or the primary façade if the window or door is seen in conjunction with the primary facade.

This will dramatically change streetscapes in historic districts and should not be proposed at will.

p 67: §2-15 Additions: Rooftop and Rear Yard Additions or Enlargements.

We do not believe it is in the best interest of Landmarks and the community to have rooftop additions approved without public input, regardless of how minimally visible from an oblique angle they are.

We are also concerned that rear yard additions, without public review will tilt toward removal of green space and the donut in historic districts.

p 73: §2-16 Excavation.

We do not believe that excavations, regardless how shallow should be made without public hearings or notification.

p 88: § 2-19 Sidewalks.

p 89: (3) Consolidation of existing bluestone pavers. If the existing sidewalk is missing bluestone pavers, or some of the existing bluestone pavers are beyond the point of reasonable repair due to cracking or other conditions, the existing bluestone pavers that meet DOT standards for thickness and size may be consolidated and tinted concrete pavers installed in the remaining area, provided...

West End Preservation Society

p 90: (d) *Vault Lights*. LPC Staff will issue an approval to repair or replace existing vault lights, re-create missing vault lights, or recall the presence of missing historic vault lights with diamond plate if the proposed work satisfies all of the following relevant criteria...

(ii) If the existing vault lights underneath the diamond plate or concrete are highly deteriorated or broken, they may be removed and replaced with new vault lights in accordance with subdivision (a), or may be removed altogether, and new dark finished diamond plate steel reinstalled where the diamond plate or concrete had previously existed;

In areas where blue stone or vault lights are part of the fabric of a historic district, removal of or changes to these will ultimately affect the historic district. There are few enough examples today. This will only incentivize owners to loose the historic fabric and substitute materials.

We find the need to distinguish, in writing, non-contributing buildings troubling. Only in the recent past have buildings been classified as such. Buildings in historic districts have always been handled on a property by property basis. By codifying these buildings as such they are being reduced to second class status and could consequently result in changing the very streetscape they were designated to preserve.

Thank you for your consideration.

West End Preservation Society

514 West End Avenue Suite 15B New York, NY 10024
westendpreservation.org



Landmarks Preservation
Commission

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Date 3 / 27 / 18 Item # Ruley

Item Address _____

☐

In favor of proposal

☐

Against proposal

☐

Other position

Erik Bottcher (Chief of Staff)

Name

Address

Speaker Corey Johnson

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

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THE COUNCIL OF
THE CITY OF NEW YORK

CITY HALL
NEW YORK, NY 10007

COREY JOHNSON
SPEAKER

TELEPHONE
(212) 788-7210

March 22, 2018

Hon. Meenakshi Srinivasan
Chair
New York City Landmarks Preservation Commission
Municipal Building, 9th Floor
One Centre Street
New York, NY 10007

Re: Proposed Amendments to the Landmarks Preservation Commission ("LPC") Rules

Dear Chair Srinivasan:

We write to share with the Commission our comments on the proposed amendments to the Landmarks Preservation Commission Rules ("Proposed Rules") for which a public hearing before LPC is scheduled on March 27, 2018.

While we applaud the Commission's efforts to update the existing rules in order to comply with other criteria such as barrier-free access, energy codes, and resiliency mandates, we do not support the portions of the Proposed Rules that diminish opportunities for public input and delegate discretionary functions away from the Commission to staff. In particular, we urge the Commission to remove from the Proposed Rules those provisions delegating to staff approval of work related to these areas: primary facades (Section 2-11, Section 2-14), duration of temporary signage (Section 2-05), rooftop additions and rear yard additions (Section 2-15), and sidewalks (Section 2-19).

The participation of the public adds value to our civic processes and, in the case of LPC, ensures that the Commission's determinations are based upon the best possible information. Contrary to the stated goals of the Statement of Basis and Purpose, the Proposed Rules will not increase transparency, but rather will reduce it. Under the Proposed Rules, there is no provision for any kind of public review of these delegated determinations.

The Statement of Basis and Purpose also states that the Proposed Rules, by delegating approval authority to staff, would ensure that the Commission has the capacity to review an increasing number of applications. Reducing public input and diminishing the discretion of the Commission is not the appropriate solution to a workload problem.

If the challenge is a staffing one, we look forward to working with you and the Office of Management and Budget and our Finance division to ensure that the necessary resources are secured for the LPC to undertake its important work, while still ensuring appropriate oversight over our landmark buildings and historic districts.

We're fortunate to represent Council Districts that have hundreds of beloved landmarks, for which thousands of people have fought hard to preserve, over the course of many decades. We, and our communities, feel a special responsibility to be faithful caretakers of these treasured buildings and historic districts. For the reasons noted above, we don't believe portions of the proposed rules are appropriate. We welcome a conversation with you or your staff to ensure that as we make improvements to LPC processes, we don't undermine the role of public participation in these decisions.

Sincerely,



Corey Johnson
Speaker

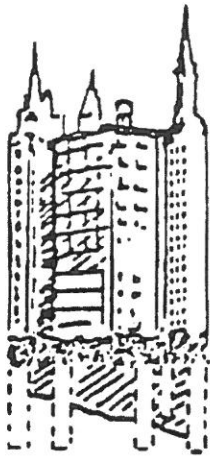


Rafael Salamanca, Jr.
Chair, Land Use Committee



Adrienne E. Adams
Chair, Landmarks, Public
Siting & Maritime Uses
Subcommittee

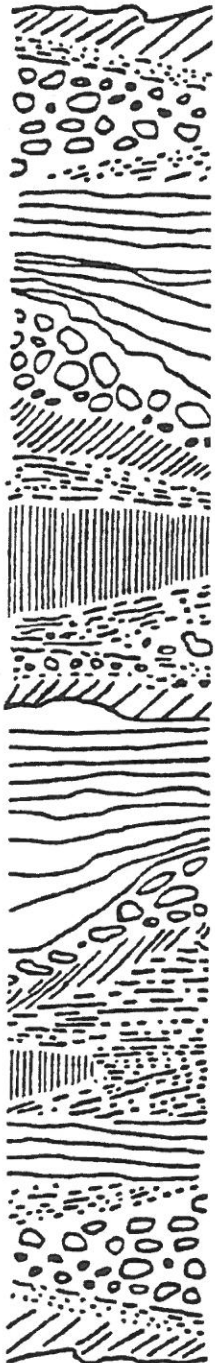
cc: Sarah Carroll, LPC
Mark Silberman, LPC
Raju Mann, New York City Council Land Use Division
Julie Lubin, New York City Council Land Use Division



Professional Archaeologists of New York City, Inc.

Good morning. I am Joan Geismar and I thank the Chair and Commissioners for the opportunity to speak on behalf of Professional Archaeologist of New York City, Inc., appropriately known as PANYC with a "Y."

PANYC



Let me say we applaud the Landmarks Commission and its mandated protection of the city's irreplaceable properties. As we see it, archaeology has always been a part of the Commission's mandate but not of its practice. We at PANYC feel it's time to address this.

I quote from the Commission's founding principle: "(It is) a matter of public policy that the protection ... perpetuation, and use of improvements ...and features of special historical or aesthetic interest or value is a public necessity."

Since Landmark's is currently considering amending its Rules, we are proposing a new Rule under Section 2-16, the section that addresses excavation in the backyards of privately owned landmarked houses, or houses in landmark districts. We propose that the Landmarks mandate should now require either archaeological excavation or avoidance and protection of archaeological features not institutionally recognized under current agency practice.

The features of major concern are abandoned water cisterns in proximity to the back of age-appropriate buildings, and privy pits in the rear 5 feet of the yard. These are both features that contain invaluable historical information. Privies and cisterns fit the Landmark definition of "improvements" as well as "features of special historical interest" and require the Commission's attention.

We propose that a property owner of an age-appropriate building—for example, in Manhattan one constructed before 1875—have two options to address these features: one, to archaeologically evaluate and excavate the feature prior to construction, or, two, to preserve and protect it in

place to allow for future excavation. It is vital that we not ignore these sources of unique historical information but have tried to be reasonable in defining these options so as not to add an undue or unnecessary burden on private property owners.

To endure and remain relevant, a city and its agencies must evolve and Landmarks is a positive example: currently, it is not only age and aesthetics that determine landmark eligibility, but also cultural significance. And now it's time for Landmarks to embrace its responsibility to archaeological features on privately owned property in its purview if only with the suggested protocol. These relics from the city's past offer information available only through archaeological investigation. They should not be ignored. Once archaeological features are impacted, invaluable information is lost forever and our city and its history are diminished.

Thank you.

Respectfully submitted, March 27, 2018

Joan H. Geismar
PANYC President
40 East 83 Street
New York, NY 10028
212 734-6512
joan.geismar@gmail.com



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Commission

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Date 3 / 27 / 18 Item # _____

Item Address UPL Rules Amendments

☐

In favor of proposal

☐

Against proposal

☒

Other position

Andrea Goldwyn

Name

1 Whitehall St

Address

NY Landmarks Commission

Representing

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Date 3 / 27 / 18 Item # Rules

Item Address _____

☐

In favor of proposal

☐

Against proposal

☐

Other position

Abigail Bressler

Name

Address

CM Powers

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Director of Intergovernmental and Community Affairs, or email to testimony@lpc.nyc.gov.

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THE COUNCIL OF THE
CITY OF NEW YORK

March 26, 2018

Hon. Meenakshi Srinivasan
Chair
New York City Landmarks Preservation Commission
Municipal Building, 9th Floor
One Centre Street
New York, NY 10007

Dear Chair Srinivasan:

We write today to express our concern with certain proposed rule changes to the Landmarks Preservation Commission. While many of the proposed changes will be beneficial to both the landmarks process and the internal operation of the Commission, rule changes designed to delegate more decisions to LPC staff may undermine the power of community boards to act as a voice for the public on important landmarks issues.

While we appreciate the need for expediting LPC decision-making and applaud you for proposing a solution, this change would have the effect of taking community boards out of the review process—and therefore the public out of the process. We believe that more public input and more transparency in our government is always beneficial. Therefore, we stand in agreement with the community boards in our districts, as well as with a letter sent to the Commission last week by Speaker Johnson and Council Members Salamanca and Adams.

We ask that on behalf of our communities—and on behalf of the landmarks our communities hold dear—the Commission reconsider these rule changes to ensure community boards continue to have real input. Thank you for your consideration, and please reach out to us with any further questions or concerns.

Sincerely,

Handwritten signature of Keith Powers in black ink.

Council Member Keith Powers
District 4

Handwritten signature of Carlina Rivera in black ink.

Council Member Carlina Rivera
District 2



Landmarks Preservation
Commission

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Date 3 / 28 / 2018 Item # _____

Item Address Rules

☐

In favor of proposal

☐

Against proposal

☒

Other position

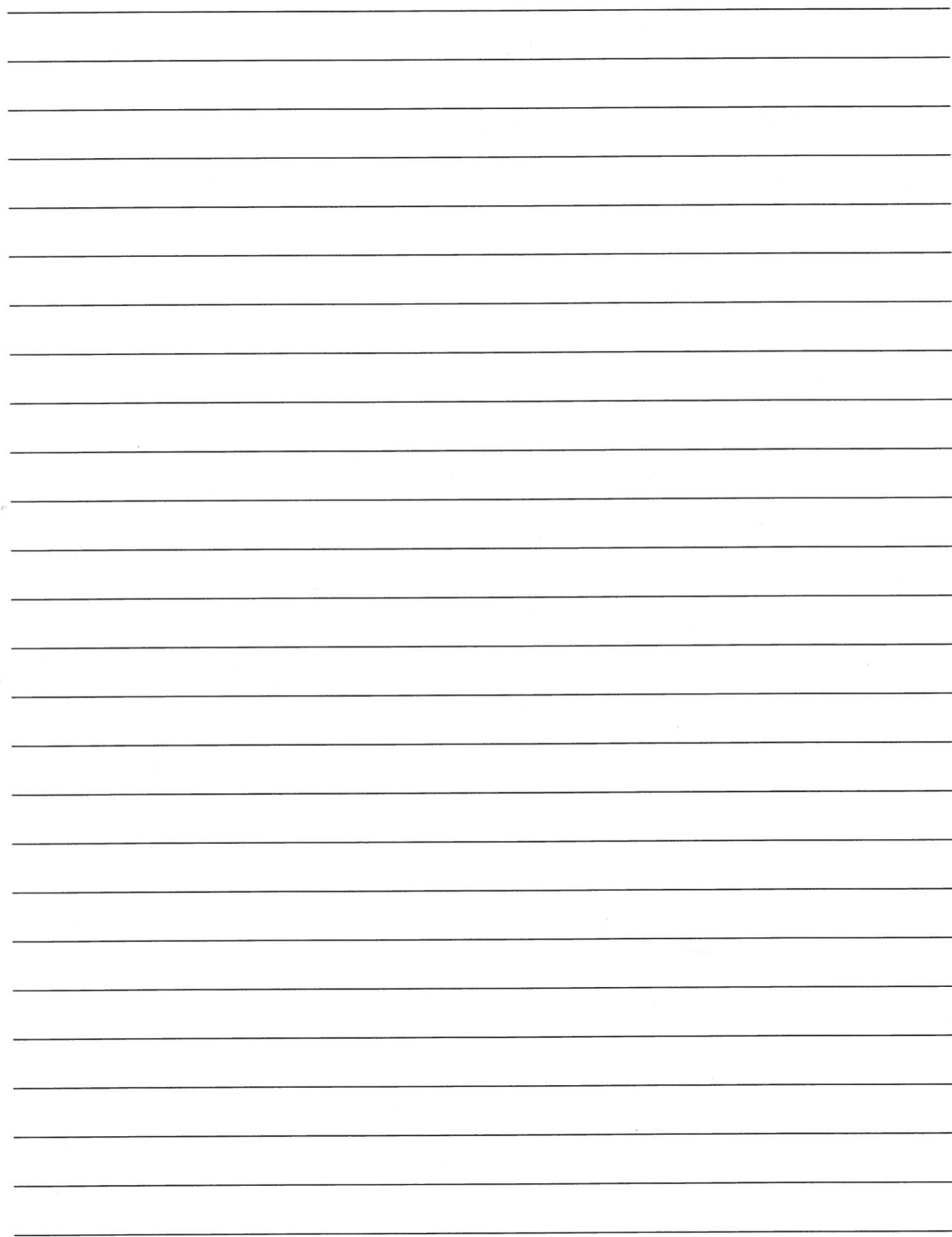
Linda C. Jones, Chair, CB3 Landmarks
Name

212 E Broadway #62004
Address

Community Board 3
Representing

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Date 3 / 27 / 2018

Item # _____

Item Address _____

☐

In favor of proposal

☐

Against proposal

☐

Other position

Monica Ritter Spain

Name

46 Stuyvesant St

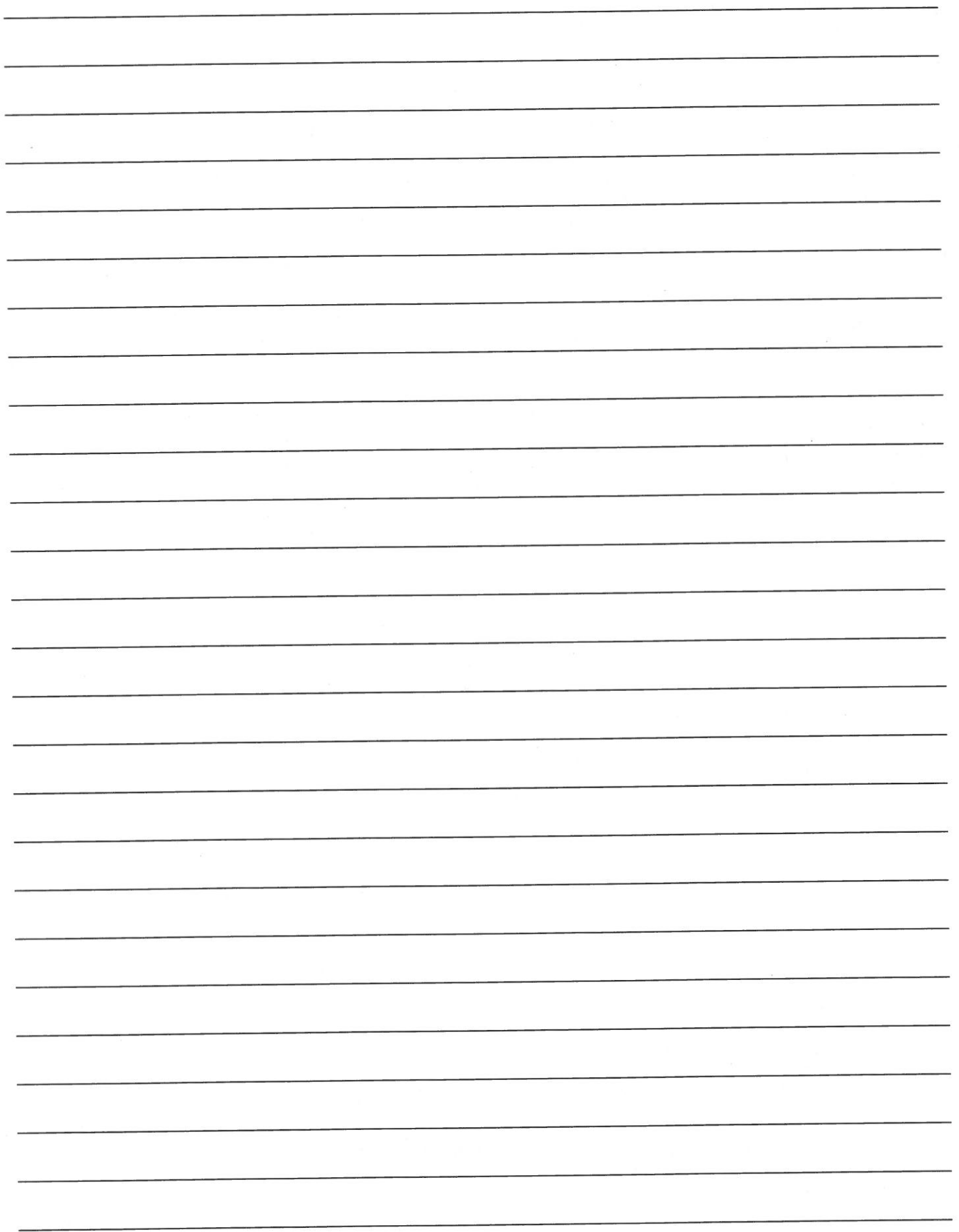
Address

10th St & Stuyvesant St Block Assoc.

Representing

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Date 3 / 27 / 2012 Item # Rules

Item Address _____

☐

In favor of proposal

☐

Against proposal

☐

Other position

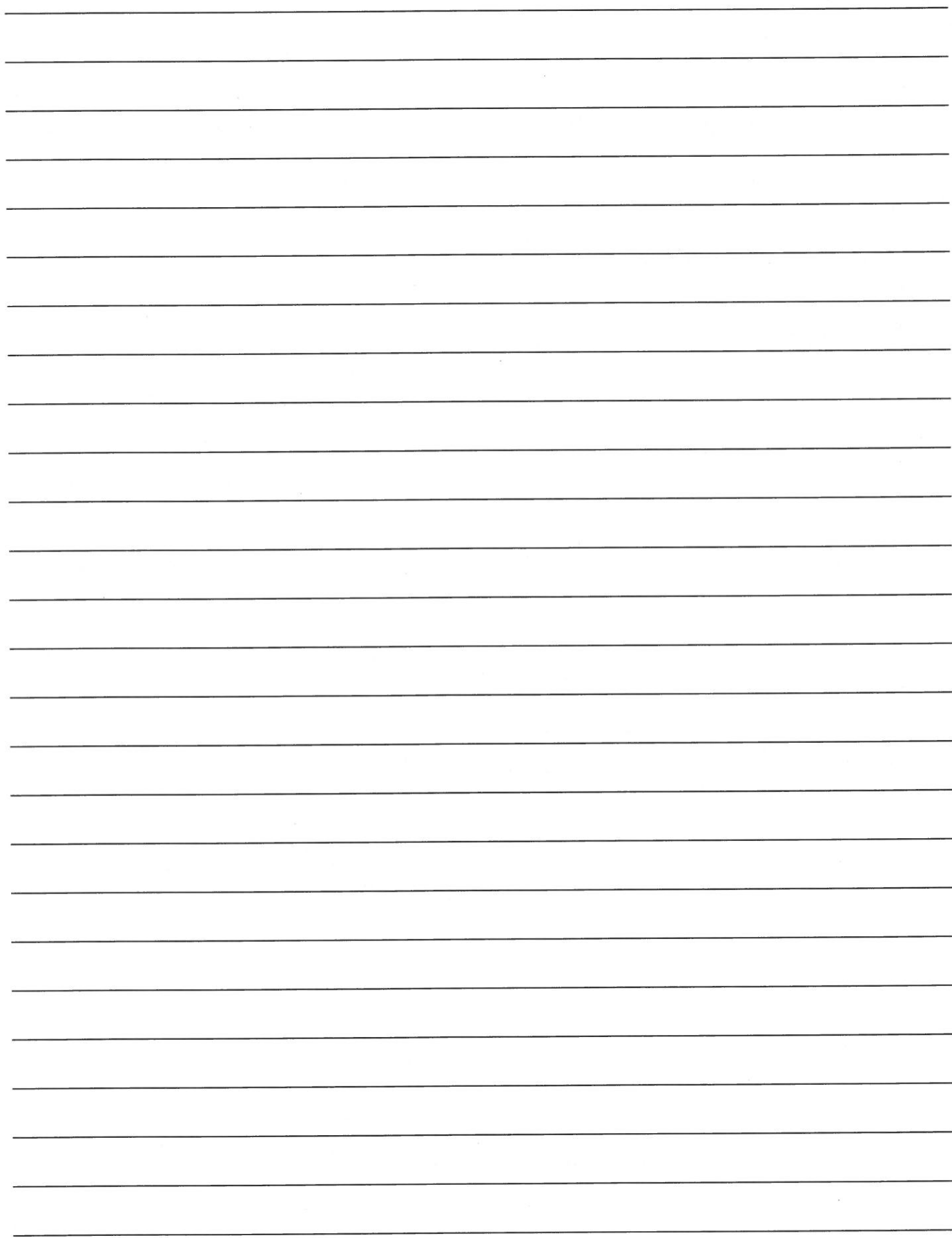
Joan Geismar
Name

40 E 83 ST
Address

NY NY 10028
Representing

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Date 3, 27, 2018 Item # -1

Item Address _____

☐

In favor of proposal

☐

Against proposal

☐

Other position

George ROSENFIELD

Name

69 GREEN ST #3

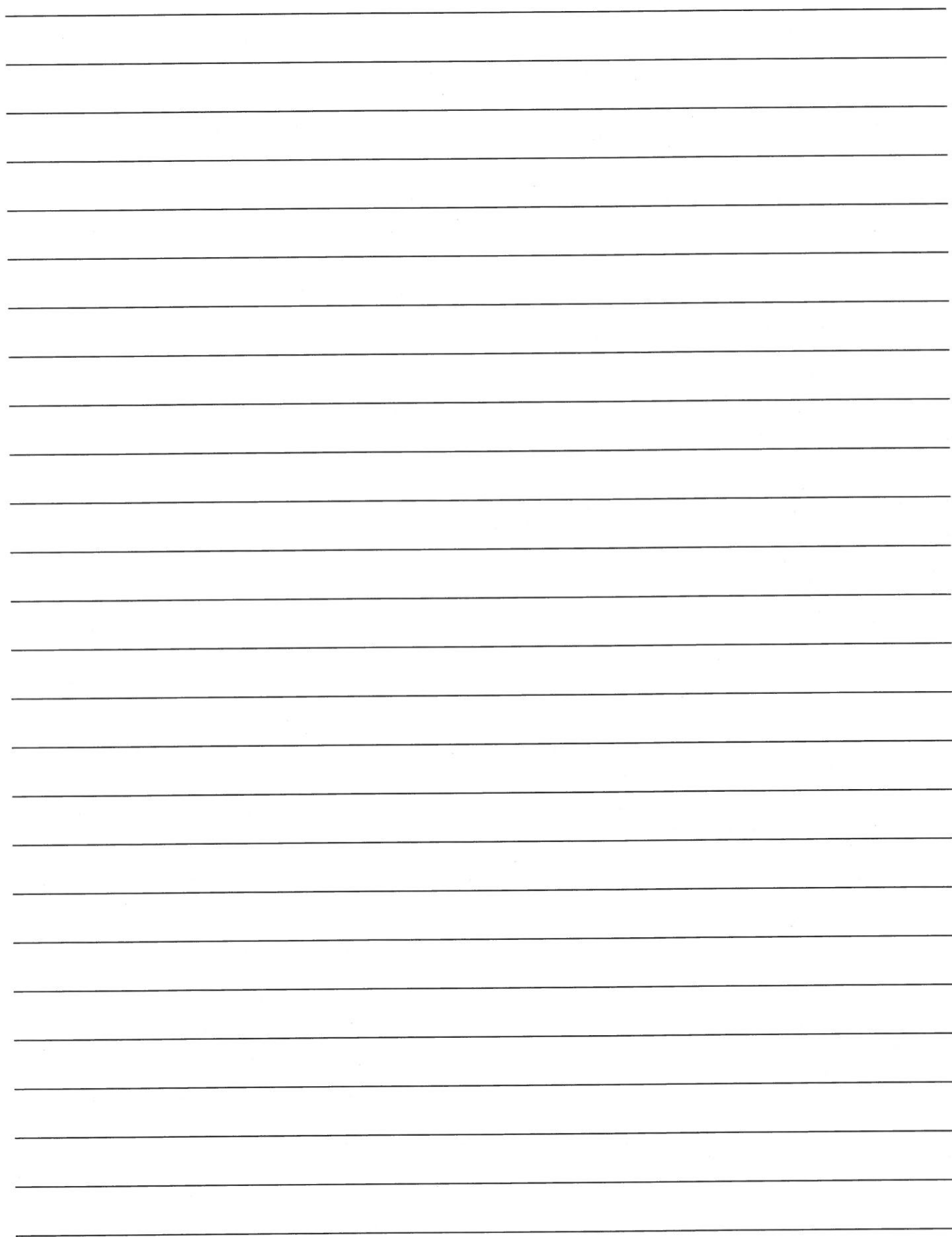
Address

myself

Representing

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NYC Landmarks – Title 63 proposed rule change

Pilkington North America comments

Proposal

The Landmarks Preservation Commission (“LPC”) is considering amending its rules, which are set forth in Title 63 of New York City’s Rules. Pilkington North America would like the LPC to consider including language regarding the use of VIG technology, such as Pilkington **Spacia™**, in the replacement of existing windows.

Summary

Vacuum insulated glazing (VIG) is a relatively new concept to the window market in North America; however this technology has been commercially available since 1997. The benefit of this technology on existing window restoration and impact energy efficiency could be significant. Vacuum insulated glazing allows the creation of an insulated glazing unit (IGU) with an overall thickness of ¼” (6.2mm). The vacuum layer provides both an excellent insulation value (U-factor of 0.25 BTU/hr.sq ft.°F or less) and significant noise reduction (STC rating of 33 or greater). As such, vacuum insulated glazing and other thin profile IGU construction should be considered as restoration alternatives before window replacement is approved.

Vacuum insulated glazing technology can achieve targeted energy efficiency improvements while maintaining the existing window sash and design authenticity.

Background

Glass and window details are often defining characteristics to a building. As window design and the drive for energy efficiency have evolved, the challenge to understand and evaluate possible restoration/replacement alternatives has become increasingly complex in regard to historic window alternatives.

There are three key components that determine the heat transfer through the glazing portion of a historic window.

- Coating - Type of glass coating used / number of different coated surfaces (typically a low-e).
- Number of existing panes - Number of panes of glass in the window.
- Gas type – The type of gas between panes of glass

Most historic windows are often monolithic, uncoated glass. As such, they are often highly energy inefficient, especially compared to modern replacement windows which are often two panes of glass, at least one coating of a high performance low-e coating, and often a high performance gas between the two panes.

However, outright replacement of the historic panes and window sash are not the only alternatives. Within the existing components, the following types of restoration methods are available that can provide energy efficiency improvements while maintaining the existing window design;

- Re-glazing existing monolithic glass with a coated monolithic glass (low-e)
- The addition of an additional pane of glass (interior or exterior storm window).
 - o This can be done with coated or uncoated glass.
- Thin design insulated glazing units (IGU) that are capable of fitting within the existing sash.
 - o Vacuum insulated glazing (VIG) allows for thin IGU manufacturing with very high insulation levels.

From: outgoingagency@customerservice.nyc.gov
To: [testimony_LPC](#)
Subject: City of New York - Correspondence #1-1-1540386676 Submit Public Hearing Meeting Comments
Date: Wednesday, March 21, 2018 7:34:30 PM

Your City of New York - CRM Correspondence Number is 1-1-1540386676

DATE RECEIVED: 03/21/2018 19:33:45

DATE DUE: 04/04/2018 19:34:19

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 03/21/2018 19:33:06
To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>
Subject: < No Subject >

From: ()
Subject: Submit Public Hearing Meeting Comments

Below is the result of your feedback form. It was submitted by
() on Wednesday, March 21, 2018 at 19:33:06

This form resides at
<http://www1.nyc.gov/site/lpc/about/submit-public-hearing-meeting-comments.page>

First Name: Robert

Last Name: Schwinger

Address: 11 Fifth Avenue Apt 6K

Phone Number: 2124605470

Email: rschwinger@nyc.rr.com

Item: N/A

HearingDate: 3/27/18

Message: Stop the Landmarks Rules Changes That Cut the Public Out of the Process and Eliminate Transparency

The City's assault on its residents as it seeks to change every rule in favor of real estate development over every countervailing public interest and consideration is killing the City and will ultimately destroy the very things that give this City its value in the world.

The proposed change to make rule changes that would make a huge number of landmarks applications no longer subject to public hearings would do the public, the process, and preservation great harm. Such matters would be decided out of public view, behind closed doors, with staff level approvals.

This is an inherently anti-transparency, anti-good government, anti-public participation move. There is absolutely no justification for moving a huge number of decisions regarding landmarked properties from an open process, where the public can be aware of them and provide valuable input, to a closed process where the public is unaware that the applications are even being considered, much less able to offer information, opinion, or context.

Public review of landmarks applications allows a maximal amount of light to shine on the process, and affords interested parties a way of providing information or perspective on proposed changes. The Commission may not always agree with the input it receives, but at least with this public process there can be no denying that such input is received and considered. Once these applications move to secret staff level approvals, this is no longer possible.

Too often we see inaccurate or incomplete information provided with applications as the basis upon which they are judged. Through the public process, such mistakes or failings can be caught, addressed, or corrected. Once these applications are reviewed behind closed doors only, that opportunity is gone.

Do not move the landmarking process backwards or cut the public out of the process. Reject the proposed rules changes.

REMOTE_HOST: 23.215.130.239

HTTP_USER_AGENT: Mozilla/5.0 (Windows NT 6.1; Win64; x64; rv:59.0) Gecko/20100101 Firefox/59.0

From: outgoingagency@customerservice.nyc.gov
To: [Chair \(LPC\)](#)
Subject: City of New York - Correspondence #1-1-1540838296 Message to Agency Head, LPC - Landmarking Process
Date: Thursday, March 22, 2018 6:00:22 PM

Your City of New York - CRM Correspondence Number is 1-1-1540838296

DATE RECEIVED: 03/22/2018 17:58:28

DATE DUE: 04/05/2018 18:00:12

SOURCE: eSRM

RELATED SR# OR CASE#: N/A

EMPLOYEE NAME OR ID#: N/A

DATE/TIME OF INCIDENT:

LANGUAGE NEED:

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: Albert.Bennett@msplvw-ctwprtl1.t3mgmt.nycnet
Sent: 03/22/2018 17:58:08
To: <sbladmp@customerservice.nyc.gov>
Subject: Message to Commissioner, LPC

Below is the result of your feedback form. It was submitted on Thursday 22nd of March 2018 05:58:08 PM

This form resides at
<http://www1.nyc.gov/site/lpc/about/email-the-chair.page>

Form: Customer Comment

Organization Name: LPC

Message Type: Misc. Comments

Topic: Landmarking Process

Message: Dear Meenakshi Shrinivasan:

I would like to offer an individual protest against your proposed changes of the LPC rules. I will be unable to attend the hearing next Tuesday.

I have been a Public Member of the Landmarks Committee of Community Board 2 Manhattan for more than twenty years. During the LPC Chairmanships of both Jennifer Raab and Sherida Paulsen I represented CB2 at every Public Hearing.

For over two decades I have been proud to play a role in the vitally important work of the LPC. And now you want to virtually eliminate that role.

Please reconsider!

I would like to: enter my contact information below

Prefix: Mr.

First Name: Albert

Mi: S

Last Name: Bennett

Suffix: Morton Street Block Association

Company: Morton Street Block Association

Street Address: 50 Morton St

Apt /Suite: Apt 2R

City: New York

State: NY

Country: United States

Postal Code: 10014-4029

Phone: (212) 924 5053

Extension:

Email Address: albertsb25@yahoo.com

REMOTE_HOST: 23.215.131.13

HTTP_ADDR: www1.nyc.gov

HTTP_USER_AGENT: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko)

Chrome/65.0.3325.181 Safari/537.36

From: outgoingagency@customerservice.nyc.gov
To: [Chair \(LPC\)](#)
Subject: City of New York - Correspondence #1-1-1541018961 Message to Agency Head, LPC - Landmarking Process
Date: Friday, March 23, 2018 10:01:07 AM

Your City of New York - CRM Correspondence Number is 1-1-1541018961

DATE RECEIVED: 03/23/2018 09:59:15

DATE DUE: 04/06/2018 10:01:04

SOURCE: eSRM

RELATED SR# OR CASE#: N/A

EMPLOYEE NAME OR ID#: N/A

DATE/TIME OF INCIDENT:

LANGUAGE NEED:

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-----Original Message-----

From: Gloria.Daini@msplvw-ctwprtl3.t3mgmt.nycnet
Sent: 03/23/2018 09:59:00
To: <sbladmp@customerservice.nyc.gov>
Subject: Message to Commissioner, LPC

Below is the result of your feedback form. It was submitted on Friday 23rd of March 2018 09:59:00 AM

This form resides at
<http://www1.nyc.gov/site/lpc/about/email-the-chair.page>

Form: Customer Comment

Organization Name: LPC

Message Type: Misc. Comments

Topic: Landmarking Process

Message: Dear Commissioner Srinivasan:

The Queensboro Houses Associaton is a group of 85 co-op buildings located within the Jackson Heights Historic District. It has come to our attention that the Landmarks Preservation Committee is intending to propose amendments to the LPC rules. While we understand and applaud the need for the review process to be improved, we are writing to express our strong objection to any change to the process regarding historically landmarked buildings and districts.

We believe that community input, through local community boards along with public testimony at an LPC hearing, provides the LPC with information from the community that it might otherwise not receive. Likewise, it gives people the opportunity to learn about and share in changes within their community. We urge the Commission to continue a policy of public inclusion in this regard so it can make a more informed decision.

Thank you for your consideration.

Gloria Daini, President

Queensboro Houses Association

I would like to: enter my contact information below

Prefix: Mrs.

First Name: Gloria

Mi:

Last Name: Daini

Suffix:

Company:

Street Address: 37-39 84 Street

Apt /Suite: 42

City: Jackson Heights

State: NY

Country: United States

Postal Code: 11372

Phone: 718-899-3066

Extension:

Email Address: gloriadaini@gmail.com

REMOTE_HOST: 184.28.17.155

HTTP_ADDR: www1.nyc.gov

HTTP_USER_AGENT: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko)

Chrome/65.0.3325.181 Safari/537.36

From: outgoingagency@customerservice.nyc.gov
To: [Chair \(LPC\)](#)
Subject: City of New York - Correspondence #1-1-1541287391 Message to Agency Head, LPC - Landmarking Process
Date: Friday, March 23, 2018 7:34:23 PM

Your City of New York - CRM Correspondence Number is 1-1-1541287391

DATE RECEIVED: 03/23/2018 19:33:33

DATE DUE: 04/06/2018 19:34:11

SOURCE: eSRM

RELATED SR# OR CASE#: N/A

EMPLOYEE NAME OR ID#: N/A

DATE/TIME OF INCIDENT:

LANGUAGE NEED:

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: Sharon.Sullivan@msplvw-ctwprtl3.t3mgmt.nycnet
Sent: 03/23/2018 19:33:00
To: <sbladmp@customerservice.nyc.gov>
Subject: Message to Commissioner, LPC

Below is the result of your feedback form. It was submitted on Friday 23rd of March 2018 07:33:00 PM

This form resides at
<https://www1.nyc.gov/site/lpc/about/email-the-chair.page>

Form: Customer Comment

Organization Name: LPC

Message Type: Complaint

Topic: Landmarking Process

Message: Opposition to Rule Change Permitting "Staff" to Review Building Alterations without Public Review

I am strongly opposed to the LPC proposition to have "staff" approve/disapprove "some" alterations to buildings which will be done without public review. This review procedure clearly intends to relegate LPC decisions to the shadowy world or behind-the-scenes bureaucracy, where influence and "old friends and comrades" can influence decision-making with virtually no input from local Community Board's, civic groups, and knowledgeable proponents of architecture, history, and art. This is clearly a blatant give-away to the real-estate industry. There will be NO building changes that LPC will classify as protected by the Landmark laws once decision-making returns to the "back rooms." This is not a short-hand change to "improve efficient handling." It has every earmark of being used to muck up the review procedure into a non-transparent travesty. Please do NOT pass this change.

Sharon Sullivan
8 Jones Street, #4B
NY NY 10014

sharonmary12@gmail.com
917-636-9749

I would like to: enter my contact information below

Prefix:

First Name: Sharon

Mi: M

Last Name: Sullivan

Suffix:

Company: Newsweek

Street Address: 8 Jones St

Apt /Suite: 4b

City: NY

State: NY

Country: United States

Postal Code: 10014

Phone: 917-6736-9749

Extension:

Email Address: sharonmary12@gmail.com

REMOTE_HOST: 23.215.131.13

HTTP_ADDR: www1.nyc.gov

HTTP_USER_AGENT: Mozilla/5.0 (Macintosh; Intel Mac OS X 10_13_2) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/63.0.3239.132 Safari/537.36

From: outgoingagency@customerservice.nyc.gov
To: [Chair \(LPC\)](#)
Subject: City of New York - Correspondence #1-1-1542406796 Message to Agency Head, LPC - Landmarking Process
Date: Monday, March 26, 2018 11:02:15 PM

Your City of New York - CRM Correspondence Number is 1-1-1542406796

DATE RECEIVED: 03/26/2018 23:01:00

DATE DUE: 04/09/2018 23:02:03

SOURCE: eSRM

RELATED SR# OR CASE#: N/A

EMPLOYEE NAME OR ID#: N/A

DATE/TIME OF INCIDENT:

LANGUAGE NEED:

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-----Original Message-----

From: RitaSue.Siegel@msplvw-ctwprtl3.t3mgmt.nycnet
Sent: 03/26/2018 23:00:00
To: <sbladmp@customerservice.nyc.gov>
Subject: Message to Commissioner, LPC

Below is the result of your feedback form. It was submitted on Monday 26th of March 2018 11:00:00 PM

This form resides at
<http://www1.nyc.gov/site/lpc/about/email-the-chair.page>

Form: Customer Comment

Organization Name: LPC

Message Type: Complaint

Topic: Landmarking Process

Message: If the largest Landmarks Commission in the world can't protect its own architectural heritage, then something is fishy. Especially since once acquired, too many of buildings we love, in the five boroughs, are about to or have become high rise towers. NYC residents have made clear we do not need more of. Why do rich developers have such an easy time getting demolition and building permits? Something is wrong with this picture. The only way to keep this game honest is to keep and reinforce the public approval process, which has protected some of our greatest buildings for so many years. Hip Hip Hooray for the notification process that invites the public to review the proposals, prevent alterations to landmarked properties, and to continue to allow testimony on each case. Don't kill it.

Yes, it's a messy process, but that's what happens when people are involved. This is not a paper-pushing situation. It takes longer than anyone wants, but that's fine. We have lots of buildings in great shape because they have been protected by the laws of the Landmarks Preservation Commission—and you bet, we want more of them protected.

I would like to: enter my contact information below

Prefix: Ms

First Name: RitaSue

Mi:

Last Name: Siegel

Suffix:

Company: RitaSue Siegel Resources

Street Address: 17 West 54 Street

Apt /Suite: 9B

City: New York

State: NY

Country: United States

Postal Code: 10019

Phone: 9178063947

Extension:

Email Address: ritasue@ritasue.com

REMOTE_HOST: 184.28.17.155

HTTP_ADDR: www1.nyc.gov

HTTP_USER_AGENT: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko)

Chrome/65.0.3325.181 Safari/537.36

From: outgoingagency@customerservice.nyc.gov
To: [Chair \(LPC\)](#)
Subject: City of New York - Correspondence #1-1-1542406880 Message to Agency Head, LPC - Landmarking Process
Date: Monday, March 26, 2018 11:27:17 PM

Your City of New York - CRM Correspondence Number is 1-1-1542406880

DATE RECEIVED: 03/26/2018 23:26:05

DATE DUE: 04/09/2018 23:27:13

SOURCE: eSRM

RELATED SR# OR CASE#: N/A

EMPLOYEE NAME OR ID#: N/A

DATE/TIME OF INCIDENT:

LANGUAGE NEED:

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: Marci.Glotzer@msplvw-ctwprtl1.t3mgmt.nycnet
Sent: 03/26/2018 23:25:46
To: <sbladmp@customerservice.nyc.gov>
Subject: Message to Commissioner, LPC

Below is the result of your feedback form. It was submitted on Monday 26th of March 2018 11:25:46 PM

This form resides at
<http://www1.nyc.gov/site/lpc/about/email-the-chair.page>

Form: Customer Comment

Organization Name: LPC

Message Type: Complaint

Topic: Landmarking Process

Message: I'm distressed that the Landmarks Preservation Committee is trying to gut legislation that means they no longer have to present requests for proposed new construction for public review, either in open hearings, or through Community Boards. The communities need a voice in the process because it affects them most directly. I urge you to reconsider the practice of "approval at staff level" and invite community input back into the process.

I would like to: enter my contact information below

Prefix:

First Name: Marci

Mi:

Last Name: Glotzer

Suffix: Ms

Company:

Street Address:

Apt /Suite:

City:

State: NY

Country: United States

Postal Code:

Phone:

Extension:

Email Address: marcigee@earthlink.net

REMOTE_HOST: 23.215.131.13

HTTP_ADDR: www1.nyc.gov

HTTP_USER_AGENT: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/58.0.3029.110 Safari/537.36 Edge/16.16299

From: [Jordan Dentz](#)
To: [Nyc RulesLpc \(LPC\)](#)
Subject: New LPC Rules
Date: Tuesday, March 13, 2018 9:31:12 AM

To LPC:

I am writing in support of the new rules proposed for LPC. Our firm is involved in energy efficiency retrofits in New York City. These proposed new rules and procedures will help streamline the approval process for projects we are involved in that help NYC work towards its energy efficiency and emissions reductions goals, without compromising the look and feel of historic districts or properties.

Thanks you for the opportunity to comment on these rules.

Sincerely,

Jordan Dentz



The Levy Partnership

1776 Broadway, Suite 1250, New York, NY 10019
Phone (212) 496-0800 Ext 130 :: Fax (212) 496-5389 :: Cell (917) 750-7305
JDentz@LevyPartnership.com :: www.LevyPartnership.com

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Preservation League of Staten Island
54 Port Richmond Avenue
Staten Island, NY 10302

March 25, 2018

Commissioner Meenakshi Srinivasan, Chair
NYC Landmarks Preservation Commission
Municipal Building
One Centre Street, 9th Floor North
New York, NY 10007

Dear Commissioner Srinivasan:

While the Preservation League of Staten Island fully supports efforts by the Agency to streamline the permit and approval process for landmark property owners, it stands firm against any Rule changes governing the LPC that would *decrease* transparency and public input into the process currently used with respect to permit applications for work on landmark properties, including those located within historic districts throughout New York City.

Our organization is particularly concerned that the proposed changes in the Rules may impact the opportunity presented to the public to testify before the LPC on proposed permit applications for work on landmark properties.

If permit applications for some work on landmark properties will be handled at the LPC staff level, under the proposed new rules, how will concerned members of the public become aware of submitted work applications and comment – either at public hearings or via written testimony?

We urge the Agency and City Council to find a balance between the goal of reducing city bureaucracy and protecting the many historic districts and individual landmarks throughout the City for today and future generations.

Thank you for consideration of this important matter.

Sincerely,



John Kilcullen
Board member and past President of the Preservation League of Staten Island



www.preservestatenisland.org

The Preservation League of Staten Island is a 501(c)(3) not-for-profit organization, chartered by the Board of Regents of the State of New York.

DISTRICT OFFICE:
101 LAFAYETTE ST., SUITE 903
NEW YORK, NY 10013
212-587-3159
FAX: (212) 587-3158

CITY HALL OFFICE:
250 BROADWAY, SUITE 1762
NEW YORK, NY 10007
(212) 788-7259



THE COUNCIL OF
THE CITY OF NEW YORK
MARGARET S. CHIN
COUNCIL MEMBER, 1ST DISTRICT, MANHATTAN

CHAIR
AGING

COMMITTEES
HOUSING AND BUILDINGS
CONSUMER AFFAIRS
RULES, PRIVILEGES, AND ELECTIONS
STANDARDS AND ETHICS
YOUTH SERVICES

April 3, 2018

Meenakshi Srinivasan, Chair
Landmarks Preservation Commission
1 Centre Street, 9th Floor North
New York, N.Y. 10007

Dear Chair Srinivasan:

I am writing today to express my deep concern in regards to Rules Amendments proposed in March 2018 by the Landmarks Preservation Commission. While I appreciate LPC's efforts to increase the efficiency of the regulatory process for applicants, I believe these proposed changes come too much at the expense of transparent and robust public review.

After a review of the Rules Amendments, I have serious doubts about whether determinations on a variety of important applications could be made at the staff level without drastically reducing opportunities for Community Boards and the general public to provide comment on changes made to historic properties in their neighborhoods. Though I believe determinations on some applications covered under the proposed changes could be appropriately made at the staff level, others, such as approvals for rooftop and rear yard additions, should continue to be determined by the Commission as part of a robust public review process.

It is clear that more time and public input is required in order to establish the necessary support to justify such sweeping changes in how LPC reviews and approves many applications. That is why I support the call of the Manhattan Borough President, as well as several Community Boards, for an extended comment period to allow for meaningful public input.

It is my hope that you take my concerns, and this request for additional time, into account before moving forward with these proposed Rule Amendments. If you have any questions or concerns, please contact me directly at (212) 788-7259 or mchin@council.nyc.gov.

Sincerely,

A handwritten signature in black ink that reads "Margaret S. Chin".

Margaret S. Chin
Council Member, District 1

cc: Hon. Gale Brewer, Manhattan Borough President

MOLLY HOLLISTER
CHAIR

CLAUDE L. WINFIELD, FIRST VICE-CHAIR
AHSA BADI, SECOND VICE CHAIR



JESÚS PÉREZ
DISTRICT MANAGER

BRIAN VAN NIEUWENHOVEN, TREASURER
BEATRICE DISMAN, ASST. TREASURER
KATHY THOMPSON, SECRETARY
DAVID COLBY REED, ASST. SECRETARY

THE CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD SIX
P.O. BOX 1672
NEW YORK, NY 10159-1672

VIA E-MAIL

May 2, 2018

Meenakshi Srinivasan
Commissioner and Chair
New York City Landmarks Preservation Commission
1 Centre Street, 9th Floor North
New York, NY 10007

Dear Chair Srinivasan,

We would like to thank Ali Rasoulinejad, Cory Herrala, and Mark Silberman from the Landmarks Preservation Commission (LPC) for meeting with us on April 12th, where a subcommittee of the Parks, Landmarks and Cultural Affairs Committee of Manhattan Community Board Six (CB6) explored issues about the Proposed Amendments to the LPC Rules.

Overall, our meeting reassured us that most of these proposed changes aim at a benign streamlining of the landmarks process that will benefit landmarks owners and the larger community. Unfortunately, the clarifications provided about questions of definition and discretionary staff decision-making did not eliminate our concerns.

The meeting's major theme revolved around the LPC position that the bulk of the proposed amendments are codifications of work currently being performed at the staff level, which includes Certificates of No Effect and Permits for Minor Work. The number of applications that would be moved from a public hearing with commissioners to the staff level were described as "minimal," but significant enough to free staff from the time-consuming process needed to prepare applicants seeking Certificates of Appropriateness and allow them to process more applications more quickly.

We understand that the staff is highly qualified, since most have graduate-level degrees such as Master's Degrees in Historic Preservation or Urban Planning. We found it reassuring that each staff person is supervised by an experienced manager, and that the staff-level permitting process may go through several layers of reviews between staffer and manager if the application itself proves to be layered.

We also were glad to learn that these proposed amendments would apply mostly to historic districts, where rulings about proposed changes are already largely determined by LPC staff, and would not apply to individual buildings outside those districts, which is one of our ongoing concerns.

But most importantly, from our perspective, we were repeatedly assured that any applications requiring a Certificate of Appropriateness would continue to be presented to the appropriate Community Board (and thus the community) for review. We realize fewer than 1000 of the 14,000 or so applications that come before LPC are currently referred to community boards. We were surprised and relieved when, contrary to many reports, we were told that the proposed LPC rules changes would not significantly diminish that local input about the types of serious, large-scale projects that most concern us (and the historical and preservationist communities), such as anything dealing with extensive façade renovation or destruction.

That said, we still have concerns. We are reviewing our meeting in such detail here because it contrasted so dramatically with the responses of the plethora of community boards, architectural societies, and public officials opposing many of the proposed amendments. It worries us that there appears to be such a huge disconnect about this between the LPC and the city's historical and preservationist stakeholders, its community board partners, and the public.

A major concern we share with many stakeholders stems from LPC's proposed redefinition of "minimally visible." For example, in Section 2-15: Rooftop and Rear Yard Additions, the ability of a staffer to determine 'visibility' without the input of the community board or neighbors who will be affected seems to leave too much to technocratic decision-making, which could sidestep any assessment of the potential impact on the surrounding community and foster avoidable detrimental effects.

A similar concern applies to Section 2-21: Heating, Venting and Air-Conditioning Equipment, where staffers will determine the appropriate placement of an HVAC system without public input.

Again, we understand that LPC already has fairly clear guidelines for staff approval of inevitable changes that will need to occur to historic buildings in regard to storefronts, signage, windows, ramps, canopies, fire escapes, intercoms, sidewalks, and the seemingly small but vital like. We were glad to hear that any application that exceeds the definitions allowing staff approval would still be submitted to community boards. But those staff templates, presented to us as clear and transparent, in fact seem to leave significant discretion for interpretation. With all due respect for the LPC's highly trained and motivated staff and its undeniable accomplishments, that concerns us.

The reason for our concern is widely shared: the potential "slippery slope" that some of these proposed rules changes might create. While we understood, for instance, that replacing part of a masonry façade with fiberglass above the lower few stories would be cheaper, hardly visible or invisible from street level, and streamline the approval process, we worry that over time such patchwork replacements may transform a truly historic structure into an ersatz one.

In our view, these proposed guidelines will benefit from an ongoing process of debate and redefinition. We look to and encourage historical and preservationist organizations like the Municipal Arts Society, whose response to LPC's proposed rules changes struck us as measured, pointed, and persuasive, to monitor and call to public attention any situations where they feel those "gray areas" in the proposed rules have been overstepped by LPC. We would strongly urge LPC to be truly open and responsive to such knowledgeable feedback, thereby creating a process that will improve mutual understanding and agreement. In short, we view many of LPC's proposed rules changes as "works in progress."

New York famously thrives on reinvention. A century ago, the Woolworth Building dominated the skyline. Now that landmark skyscraper is overshadowed by its descendants. As CB6 works with LPC, we recognize the need to balance the demands of progress with respect for the past. Our goal is to maintain a cityscape that is innovative but diverse and livable, that mingles promising future visions with our rich history's vital symbols. In order to fulfill that mission, we believe it is essential to continue to clarify what LPC's views on the role of community boards and its own commissioners will be under the proposed rules changes, before those changes are fully acceptable and the widespread concerns voiced by so many are convincingly answered.

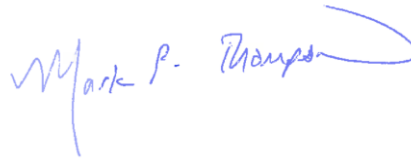
Thank you.

Respectfully,



Molly Hollister

Chair, Manhattan Community Board 6



Mark Thompson

Chair, Parks, Landmarks and Cultural Affairs

Cc: Hon. Bill de Blasio, Mayor of New York City
Hon. Corey Johnson, Speaker of the New York City Council
Hon. Gale Brewer, Manhattan Borough President
Hon. Carlina Rivera, Council Member
Hon. Keith Powers, Council Member
Hon. Ben Kallos, Council Member
Ali Rasoulinejad, Director of Community and Intergovernmental Affairs, Landmarks Preservation Commission



OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN
THE CITY OF NEW YORK

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431 West 125th Street, New York, NY 10027
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www.manhattanbp.nyc.gov

Gale A. Brewer, Borough President

May 8, 2018

Meenakshi Srinivasan, Chair
Landmarks Preservation Commission
1 Centre Street, 9th Floor North
New York, NY 10007

Dear Chair Srinivasan:

I write in regard to the Landmarks Preservation Commission's (LPC) Proposed Rules, which are the subject of a public comment period ending today, and were discussed at a public hearing held on March 27th. Subsequent to our letter of March 22, 2018, the LPC extended the comment period from March 27th until today. In addition, LPC staff attended a Manhattan Borough Services Cabinet meeting on March 23, 2018 and conducted outreach to community boards. My office greatly appreciates this responsiveness to date.

The proposed rules represent a significant change from current procedure in which certain categories of applications for changes involving façade work, rear yard and rooftop extensions, window replacement, materials selection and more have gone through a public review process and been voted on by the members of the Commission. The proposal to make some of these decisions staff decisions has engendered an enormous amount of opposition from Manhattan Community Boards, landmarks advocacy organizations and elected officials.

I understand the Commission's desire to improve both efficacy and efficiency as well as provide relief from some of the burdens associated with owning landmarked properties but I have serious concerns that the current proposal swings too far in the direction of efficiency and relief from any perceived burdens and away from transparency and the ability of communities to have meaningful input.

Because of this I believe it may be wisest to decline to publish a final rule and continue the process with additional discussions with Community Boards and landmarks advocacy organizations.

Any changes that are ultimately put forward (which I would urge be subject to another public hearing and comment period), should create transparency and a public process for staff level decisions and begin with a significantly smaller set of the less controversial categories of landmarks applications. They should at a minimum conform to the following:

First, I believe as a threshold matter that no applications that are currently made by the Commission after public review should be shifted to staff level determinations without advance notice of each application to the relevant community board and the opportunity for interested parties to provide written comments to LPC staff.

Second, the categories of decisions that have generated the most controversy, including those related to: (1) Removal or reconstruction of primary facades; (2) Rear yard extensions; (3) Rooftop additions; and (4) Excavations, should be removed from any proposed rules changes.

Third, if the LPC proceeds, I strongly urge them to sunset the rules after perhaps an 18 month period. At the end of one year they should reach out to community boards and landmarks groups, issue a report and conduct a public hearing on how the new amendments have worked. That will give them time to consider extending the rules if they have worked to enhance efficiency without negatively impacting the mission of the agency and our historic resources.

Finally, if the rules are continued after the initial sunset, the LPC should conduct a public hearing every two years to consider the rules and any updates necessary. New technologies and materials necessitate a periodic review so that we can be certain we are not shortchanging our historic resources and our neighborhoods by allowing the use of products, materials and techniques that may be outdated.

Again, I thank you for your responsiveness thus far throughout this process and urge you to continue to work with the organizations and officials expressing concerns.

Sincerely,

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive, flowing style.

Gale A. Brewer
Manhattan Borough President

May 7, 2018

Meenakshi Srinivasan
NYC Landmarks Preservation Commission
1 Centre Street, 9th Floor
New York, NY 10007

Re: Proposed LPC Rule Changes

Dear Chair Srinivasan,

We would like to commend the LPC for undertaking the much-needed endeavor of amending the existing rules.

After careful review of the proposed rule changes, we have prepared the attached comments for your review and consideration. In general, we think that the rules could be strengthened by providing a more flexible framework for evaluation that does not preclude the specific needs of a project. We'd also like to bring to light some conflicts between the Building Code and the LPC Rules that we have encountered on some of our landmark projects. We hope that these comments are helpful as the Commission continues to refine the rule changes with the goal of providing a set of efficient and user-friendly rules.

The reorganization and codification of existing practices is a worthwhile task and is a commendable effort on the Commission's part. We welcome a discussion to review our comments and concerns.

Sincerely,
PBDW Architects

LPC Proposed Rules Comments

Rule #	Rule name	Comment/Concern
Chapter 2		
02-04	Proposed amendments	<p>In our experience, the current language used when a property Owner is issued a violation is somewhat confusing. We suggest that "Warning of Violations" letter be retitled as "Notice of Violation" this creates consistency with what is reported within the NYC DOB BIS. The following "Summons" that arrives after no action on the part of the Owner, then makes sense in the increasing degrees of severity.</p>
2-11	Restoration Rule	<p>The rule changes regarding the use of fiberglass/FRP seem to have several challenges:</p> <ol style="list-style-type: none">1. The implementation of the criteria for which the use of alternative materials seems to be inconsistent with previous staff level determinations, particularly pertaining to the use of fiberglass. Previously, fiberglass cornices have been approved at staff level on rowhouse applications where an existing sheet metal cornice had deteriorated to a point of replacement.2. The implementation of alternative materials might be a section that has a more flexible framework really to allow the applicant and preservationist to figure out how to best meet the needs of a specific project. The decision to only allow the use of alternative materials on a larger scale above the 6th floor is unclear and penalizes owners of small scale buildings who are typically not as financially well heeled as owners of larger buildings. Taking a project through Public Hearing can be very expensive for a building owner. Additionally, the cost of a fiberglass cornice for a rowhouse is about 1/4 the cost of a sheet metal cornice, which is financially meaningful to a homeowner. We believe that by making a clear delineation of where alternative materials begin may deter owners of these smaller buildings leading them to defer maintenance, which could lead to demolition by neglect. Also, note that these small buildings are not being watched over by the FISP (Local Law 11) program, which is a helpful tool in protecting historic buildings. <p>Suggestions on how to address specific items:</p> <p>On how possibly to address cornices: Perhaps, a length stipulation is a better way to approach the discouragement of wholesale replacement, say, the staff can approve up to 25'-0" in length of cornice replacement, with no height requirement; provided that the cornice is an exact match to the existing cornice and is visibly indistinguishable against traditional building materials.</p> <p>On how possibly to address cast iron: Cost is a major factor in the restoration of cast iron and typically the original detailing was poor, which contributed to the failure of the cast iron. In using fiberglass to recreate failed or fragile cast iron components, if the applicant can demonstrate that the either the cost to repair the original cast iron is financially unfeasible or the original detailing of the element was poor and cannot be corrected to prevent the failure from occurring again; then the staff should be allowed to approve the fiberglass substitution.</p> <ol style="list-style-type: none">3. We have concerns that delegating to staff level the approval of reconstruction of "primary facades of building in historic districts when the facade must be taken down due to structural issues and/or material failure," that the weight of the act of demolition is diminished and the Public is removed from a very public process. We suggest that the determination as to whether a facade requires removal and reconstruction remain at Public Hearing level with Commission required approval of the proposed facade design; similar to the current process where the proposed design is then administered by LPC staff.4. Perhaps the enforcement of replacement materials in-kind should not be dependent upon whether it is discernible from street level or not, but based on whether the item is also a "significant feature" of the building's composition; whether it is a good representation of the aesthetic, materials, technology and craftsmanship of its time. It may not be discernible from street level, but perhaps it is discernible from a terrace or adjacent buildings.5. The acceptance of materials that "recall" the original is a vague idea open for interpretation and manipulation on the part of future applicants, which is concerning for buildings of heightened significance. This may be a particular area where buildings should be viewed on more of a case-by-case basis, where character defining features are given more weight in retainage of historic fabric.
2-12	Awnings	<ol style="list-style-type: none">1. Under item: 6.iii.10, "interior quality finish" is confusing; we suggest using "finish that is consistent with the interior" or specify what materials are acceptable. For example, if the interior of the store is exposed brick, is it acceptable for the wall 18-inches behind the window to be brick? Maybe a list of exclusions is better?

LPC Proposed Rules Comments

Rule #	Rule name	Comment/Concern
		2. Lighting conduit can not always be concealed and at the same time not damage the historic fabric.
2-14	Windows & doors	Round headed window replacement in aluminum often does not match the profile of a historic round headed wood window. Should this rule should consider the location of the windows, such as only applying for an upper floor?
2-15	Additions; rooftop and rear yard	We have general concern about staff level approvals for rooftop additions. The height requirements noted in 2-15.4.i seem hard to judge in the field and sight-line diagrams or other computer generated studies could be easily manipulated to be misleading. The other factors listed in 2-15.4.ii are very subjective and could benefit from more objective parameters. We would like to see additional language to specify how the height requirements in 2-15.4.i are to be executed and documented and that all additions must meet the requirements of both section 2-15.4.i and (not "or") 2-15.4.ii. In addition, a clear definition is "partially visible" as noted in section 2-15.4.ii is needed to consistently judge the requirements listed in that section.
2-17	Front yards & area ways	We suggest that trash enclosures, when moveable (like outdoor furniture), should remain outside LPC's jurisdiction. If a building owner wants a permanent built-in trash enclosure that cannot be moved by pushing it around an area way; then, yes, that could be permitted.
2-19	Sidewalks	We believe that sidewalk vaults with historic prism light vault covers are a character defining feature of a district and in general should not be allowed to be replaced with diamond plate.
2-20	Health, safety and utility equipment	Pertaining to security cameras, how these elements function is that they need to be positioned to see the street and faces of pedestrians. According to a 2014 study, " <i>Analyzing the Influence of Micro-Level Factors on CCTV Camera Effect</i> ," published in the Journal of Quantitative Criminology, streets maintain a higher level of safety to persons when security cameras are visible. Cameras do not have to be obnoxiously located to be functional, but they need to be located in a practical and thoughtful location. Most security cameras are also reversible elements with surface applied conduit and do not cause significant damage to historic fabric. Consider revising this rule to allow flexibility for camera locations to be located in a position where they serve the best interest of the people within the community, while being considerate to the historic facade. By making them as small as possible, we've found that we need to drastically increase the quantity to get full coverage, making for a more complex security system for an owner to maintain.
2-21	HVAC	Similar to our concerns about the proposed rooftop additions, there is no way to execute with any certainty as requested in the proposed Rules how to measure the visible distance. We believe that if the Staff member does not feel comfortable with making the judgement call on the proposed exposure of a HVAC system, then it should go to Public Hearing.

General Notes

1. Overall, the numbering system needs improvement. Unlike the Building Code, it is not easy to reference a point using a unique number.
2. When referring to attachments as not being allowed to damage original or historic fabric, this should not mean that any mechanical fasteners can not be attached to the building facade. Life safety issues come about by certain devices not having mechanical attachment and doesn't comply with Electrical Building Code requirements. A fastener can be removed and hole plugged with minimal damage.
3. The language of contributing vs non-contributing buildings is something that NYC landmark designation reports do not define. How is the clarification between contributing/non-contributing building going to be implemented?

COMMUNITY BOARD 7 Manhattan

April 19, 2018

Hon. Meenakshi Srinivasan
Chair
New York City Landmarks Preservation Commission
One Centre Street, 9th Floor
New York, NY 10007

Re: Proposed LPC Rules Amendments 2018

Dear Chair Srinivasan and Commissioners:

As a result of the meeting held on April 11 with your staff as a Q&A session for Community Boards, we are writing on behalf of Community Board 7/Manhattan to supplement our letter of March 27, 2018.

First, we reiterate our strong objections and many concerns relating to the Proposed Amendments for the reasons articulated in our original submission, including that they would severely diminish the participation of our community and our Community Board in the process of evaluating applications for modification of individual landmarks and other buildings in Historic Districts. The vast majority of our district falls within designated Historic Districts so we would be especially impacted by these proposed rules changes.

We were requested, at the above mentioned meeting, to present specific areas of concern and suggestions for changes to the Proposed Amendments. This letter is submitted in response to that request but should in no way be construed as an endorsement of any portion of those Proposed Amendments not addressed by the points raised below:

- A process should be instituted whereby Community Boards are notified at an early stage after applications are to the LPC submitted for projects within their districts which are considered eligible for disposition at the staff level. While such applications would continue to bypass the public hearing process, this would at least afford the community an opportunity to communicate any concerns to LPC staff and the applicants, and would allow Community Boards the chance to address non-preservation concerns relating to construction management and the safety of existing structures.
- Staff should report such applications to the Commissioners on a regular basis (perhaps weekly). The Commissioners should then be given the opportunity to “flag” individual applications for public review.
- Full width, rear yard additions: Any application for a full width rear yard addition in a “donut” not containing a majority of such additions, should require a public hearing.
- The requirement that applications for both rear yard and rooftop additions require a public hearing should be retained. Likewise, applications for one or the other where there is one or the other existing, should also require a public hearing.
- Canopies: All applications for canopies, which are always completely visible, (and ubiquitous in our district) should require public review.

250 West 87 Street New York, NY 10024-2706
Phone: (212) 362-4008 Fax: (212) 595-9317
Web site: nyc.gov/mcb7 e-mail address: office@cb7.org

- Rather than present a single safe harbor design option for modifications such as rooftop additions, rear yard additions, storefront infill, sidewalk restorations, and other changes to the essential character of designated properties, several alternative designs should be proposed to prevent the homogenization of design choices for historic structures.

These suggestions, if adopted, might mitigate to a very small degree the harm the Proposed Amendments would cause in terms of transparency and community participation in LPC's approval process.

We would again call to your attention the fact that currently less than 500 (4%) of LPC's approximately 14,000 annual applications are referred for a public hearing, and our view that these Proposed Amendments are attempting to solve issues of delay that originate in other City Agencies, who should shoulder the task of reforming their rules rather than eliminating the opportunity for community engagement at the LPC. The enactment of the Proposed Amendments would reduce this number to a level where the impact of the Commission itself and the opinions of the Commissioners would become de minimus.

For the above reasons, as well as those expressed in our March 27, 2018 letter, Community Board 7/Manhattan urges that the Proposed Amendments not be adopted.

Respectfully submitted,



Jay Adolf and Gabrielle Palitz
Co-Chairs, CB7 Preservation Committee

Roberta Semer
Chair, Community Board 7/Manhattan

Copies:

Hon. Gale A. Brewer, Manhattan Borough President
Hon. Corey Johnson, Speaker, New York City Council
Hon. Helen Rosenthal, New York City Council, 6th District
Hon. Mark Levine, New York City Council, 7th District
Hon. Scott M. Stringer, Comptroller of the City of New York
Hon. Letitia James, New York City Public Advocate

Josette Amato, West End Preservation Society
Sean Khorsandi, Landmark West!
Simeon Bankoff, Historic Districts Council
Peg Breen, Landmarks Conservancy

From: outgoingagency@customerservice.nyc.gov
To: [testimony_LPC](#)
Subject: City of New York - Correspondence #1-1-1543287043 Submit Public Hearing Meeting Comments
Date: Wednesday, March 28, 2018 7:25:23 PM

Your City of New York - CRM Correspondence Number is 1-1-1543287043

DATE RECEIVED: 03/28/2018 19:25:01

DATE DUE: 04/11/2018 19:25:16

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 03/28/2018 19:24:11
To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>
Subject: < No Subject >

From: mak221@aol.com ()
Subject: Submit Public Hearing Meeting Comments

Below is the result of your feedback form. It was submitted by
(mak221@aol.com) on Wednesday, March 28, 2018 at 19:24:11

This form resides at
<http://www1.nyc.gov/>

First Name: mark

Last Name: koppel

Organization: NEW YORK CITY

Address: 174 W 79TH ST

Email Address: mak221@aol.com

Address of Item Under Consideration: ALL OF NEW YORK

Hearing Date: Select a Date

Message: YOU MUST STOP GIVING IN TO REBNY. WITHOUT LANDMARKS, OUR CITY IS DESTROYED.

IT IS IN YOUR NAME.

EVERY LANDMARK DESIGNEE MUST BE GIVEN A FAIR AND RAPID HEARING.

AND p r e s e r v e d.

Do your job and SAVE NEW YORK. ONE LANDMARK AT A TIME.

ONCE ITS GONE, ITS GONE.

DONT GIVE IN TO DEVELOPER GREED. SHOW YOUR HUMANITY AND SAVE NEW YORK

Thank you.

We dont contact you because its fun. ITS VITAL.

REMOTE_HOST: 23.216.10.10

HTTP_USER_AGENT: Mozilla/5.0 (Macintosh; Intel Mac OS X 10.10; rv:59.0) Gecko/20100101 Firefox/59.0

From: outgoingagency@customerservice.nyc.gov
To: [testimony_LPC](#)
Subject: City of New York - Correspondence #1-1-1543331542 Submit Public Hearing Meeting Comments
Date: Wednesday, March 28, 2018 9:59:10 PM

Your City of New York - CRM Correspondence Number is 1-1-1543331542

DATE RECEIVED: 03/28/2018 21:58:23

DATE DUE: 04/11/2018 21:59:08

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 03/28/2018 21:58:02
To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>
Subject: < No Subject >

From: ndh@gardensnyc.net ()
Subject: Submit Public Hearing Meeting Comments

Below is the result of your feedback form. It was submitted by
(ndh@gardensnyc.net) on Wednesday, March 28, 2018 at 21:58:02

This form resides at
<http://www1.nyc.gov/site/lpc/about/submit-public-hearing-meeting-comments.page>

First Name: Nikolas

Last Name: Dando-Haenisch

Address: 72 PTW

Email Address: ndh@gardensnyc.net

Address of Item Under Consideration: Proposed Rule Changes

Hearing Date: Select a Date

Message: Please allow this note to express my great concern for any proposed rule changes with regards to the Commissions procedures. At a time when New York City is losing vital historic fabric at a rapid-fire pace, this is hardly the moment to suggest any type of weakening or supposed streamlining of the publics ability to safeguard our collective landmark buildings and districts.

REMOTE_HOST: 23.215.131.95
HTTP_USER_AGENT: Mozilla/5.0 (Windows NT 10.0) AppleWebKit/537.36 (KHTML, like Gecko)
Chrome/65.0.3325.181 Safari/537.36

From: outgoingagency@customerservice.nyc.gov
To: [testimony_LPC](#)
Subject: City of New York - Correspondence #1-1-1543421496 Submit Public Hearing Meeting Comments
Date: Thursday, March 29, 2018 8:36:34 AM

Your City of New York - CRM Correspondence Number is 1-1-1543421496

DATE RECEIVED: 03/29/2018 08:34:57

DATE DUE: 04/12/2018 08:36:30

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 03/29/2018 08:34:19
To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>
Subject: < No Subject >

From: tamsen01@gmail.com ()
Subject: Submit Public Hearing Meeting Comments

Below is the result of your feedback form. It was submitted by
(tamsen01@gmail.com) on Thursday, March 29, 2018 at 08:34:19

This form resides at
<http://www1.nyc.gov/site/lpc/about/submit-public-hearing-meeting-comments.page>

First Name: Tamsen

Last Name: Young

Address: 449 Troutman Street 2-6

Phone Number: 3476780258

Email Address: tamsen01@gmail.com

Address of Item Under Consideration: Proposed Rules Changes

Hearing Date: Select a Date

Message: Wow. THIS is a terrible idea! Whose interest does it serve to cut public hearings and community boards out of the approval process?? What happened to accountability in public service? Please dont make changes that serve the monied interests of this city. Can we not value things beyond making a few people richer? Can we not still value things that serve the public interest? I implore you not to take the public out of the review process.

REMOTE_HOST: 23.215.130.239

HTTP_USER_AGENT: Mozilla/5.0 (Macintosh; Intel Mac OS X 10.10; rv:59.0) Gecko/20100101 Firefox/59.0

From: outgoingagency@customerservice.nyc.gov
To: [testimony_LPC](#)
Subject: City of New York - Correspondence #1-1-1543421493 Submit Public Hearing Meeting Comments
Date: Thursday, March 29, 2018 8:35:33 AM

Your City of New York - CRM Correspondence Number is 1-1-1543421493

DATE RECEIVED: 03/29/2018 08:33:57

DATE DUE: 04/12/2018 08:35:29

SOURCE: eSRM

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-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 03/29/2018 08:33:44
To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>
Subject: < No Subject >

From: parkerhead@earthlink.net ()
Subject: Submit Public Hearing Meeting Comments

Below is the result of your feedback form. It was submitted by
(parkerhead@earthlink.net) on Thursday, March 29, 2018 at 08:33:44

This form resides at
<http://www1.nyc.gov/site/lpc/about/submit-public-hearing-meeting-comments.page>

First Name: Margaret Julie

Last Name: Finch

Organization: Friends of Hopper Gibbons Underground Railroad site

Address: co Finch 165 West 26th St NY NY 10001

Phone Number: 917-613-3788

Email Address: parkerhead@earthlink.net

Address of Item Under Consideration: Review of LPC standards March 27th 2018

Hearing Date: Mar 27, 2018

Message: I support my co-chair Fern Luskins statement.

I also support Historic Districts Councils statement, in all its specificities.

Thank you,

M. Julie Finch,

co-chair,

Friends of Hopper Gibbons Underground Railroad site

Lamartine Place Historic District

REMOTE_HOST: 23.216.10.16

HTTP_USER_AGENT: Mozilla/5.0 (Macintosh; Intel Mac OS X 10_12_6) AppleWebKit/603.3.8 (KHTML, like Gecko) Version/10.1.2 Safari/603.3.8

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New York, New York 10022
(212) 319-4000

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Web Address: www.hillerpc.com

Facsimile: (212) 753-4530

May 8, 2018

By Email: nycrules@lpc.nyc.gov

Hon. Meenakshi Srinivasan
Landmarks Preservation Commission
1 Centre Street, Ninth Floor
New York, New York 10007

Re: LPC Proposed Rule Changes

Dear Chair Srinivasan:

Hiller, PC is a land-use and preservation law firm that regularly appears before the LPC, and that litigates landmarks preservation issues, including the interpretation of the Landmarks Law. We strongly oppose the LPC's proposed new rules and amendments to existing rules ("Proposed Rules").

The Proposed Rules run afoul of the Landmarks Law, which clearly requires that the Commission hold a public hearing on each request for a certificate of appropriateness ("C of A") (N.Y.C. Admin. Code §25-308). Yet, the Proposed Rules would allow projects subject to the C of A process to be considered by LPC Staff, instead of the Commission, and without such a public hearing. This is made clear in the summary of the Proposed Rules, which states that one of the purposes of the amendments is to ensure that "applicants do not have to go through the more time-intensive Certificate of Appropriateness public hearing process for work types that are regularly approved by the Commission utilizing established criteria" (Proposed Rules, at p. 2). However, nowhere in the Landmarks Law does it state that exceptions to the public hearing requirement can be made – even when work types are regularly approved by the Commission or otherwise. There is a reason that public scrutiny was made a part of the Landmarks Law – it is a hallmark of our democracy.

Further, through these Proposed Rules, the Commissioners would abdicate their statutory responsibilities to review applications, and would instead put decisions in the hands of LPC Staff. Clearly, this was not what was intended by the Landmarks Law, which requires that: "the Commission shall determine whether the proposed work would be appropriate for and consistent with the effectuation of this chapter" (N.Y.C. Admin. Code §25-307(a)).


It is especially disturbing that the Proposed Rules are written in such a way that instructs the LPC Staff that certain proposed work “will be approved” rather than “may be approved” if criteria are met. *See, e.g.*, Proposed Rules at pp. 71-72. This falsely creates the impression that all criteria are objective, when clearly there are subjective criteria involved that require the Commissioners’ deliberation. For example, whether an addition/installation would call “undue attention” to itself – a phrase that is not defined – is subjective and requires input and deliberations by the Commissioners themselves. The Commissioners are obligated to make such determinations and should do so after a public review process.

Another major problem with the Proposed Rules is that they attempt to define the term “non-contributing buildings” and make special carve-outs for such buildings. But this term is not defined in the Landmarks Law and it remains ambiguous, even in the definition set forth in the Proposed Rules. And, whether a building is deemed contributing or not is extremely controversial, and can have enormous consequences on landmarks preservation, as seen in recent litigation in the Courts. It would be an affront to the Landmarks Law, and to the public, to attempt to settle the question of the meaning of “non-contributing building” in these Proposed Rules, rather than in the Landmarks Law itself through the legislative process.

Lastly, this is the absolute worst time to take away public participation from LPC procedure. This is a time of great distrust by the public regarding real estate development in the City, when many citizens believe developers are making back-room deals with public officials. Taking away the public review and participation regarding LPC approvals will not promote transparency, as the LPC hopes to achieve; rather, it will have the opposite effect. It will create more skepticism, more cynicism and more public distrust. Real estate projects would be approved behind closed doors, where the public won’t find out about them until construction already begins; by then, it would be too late to do anything about it. It’s no wonder REBNY approves the Proposed Rules wholeheartedly, and the preservation community is vehemently opposed to them. To be clear, we do not suggest that the LPC Staff is corrupt or dishonest; but keeping the process truly transparent would allow the public to know what’s being approved before it happens and allows citizens to exercise their right to participate in the process.

We respectfully call upon the LPC to listen to the New York City preservation community, which has uniformly and unequivocally opposed the proposal, and refrain from adopting the Proposed Rules.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Jason E. Zakai', is written over a large, loopy blue oval. The signature is fluid and stylized, with the first name 'Jason' being particularly prominent.

Jason E. Zakai, Esq.
Hiller, PC



April 13, 2018

Hon. Meenakshi Srinivasan, Chair
New York City Landmarks Preservation Commission
One Centre Street, 9th Floor
New York, NY 10007

Dear Chair Srinivasan,

We write to urge the Landmarks Preservation Commission to withdraw the proposed Rules Amendments heard at the public hearing on March 27, 2018, about which we have a variety of very serious concerns, for some of us fundamental.

The functioning of the Landmarks Preservation Commission affects many constituencies. As the LPC is the principal overseer of over 36,000 properties throughout New York City and typically responds to over 13,000 permit applications affecting these properties annually, exactly how the agency makes its decisions is of great concern to neighborhood residents, property owners, community boards, building professionals, local groups, preservation organizations, and elected officials. Indeed, all New Yorkers who care about our city's shared physical heritage have a stake in how that irreplaceable resource is managed.

The Rules of the Landmarks Preservation Commission must serve a number of goals. They must establish a baseline standard of appropriateness which emphasizes best practices (as developed by the professional preservation community) for the preservation and restoration of historic buildings. The Rules must provide clear, easily understood parameters for the appropriate

redevelopment of designated landmark properties, such that stakeholders in the preservation of New York's recognized historic buildings (applicants and the public alike) can have a reasonable sense of what may and may not be permitted. Finally, the Rules must allow truly appropriate work to be performed on landmark buildings in order to permit the agency to efficiently function. These goals are stated as part of the preamble of the currently proposed amendments to the Rules. Unfortunately, as currently brought forward, the Landmarks Preservation Commission's proposal falls short of these objectives and risks pushing the Commission away from both its mission and its long history of engaging the public.

At the March 27, 2018 public hearing on the proposed rules, dozens of organizations and individuals testified about the rules, demonstrating the depth of interest in this issue. While there was a diversity in focus over specific concerns, the majority of speakers objected to a number of basic changes proposed in the Rules, viz.:

1. The overall diminution of public review of projects - estimated in the LPC's presentation to be up to 20% of proposals which are currently brought to public hearing.
2. Procedural incentives for the use of substitute and faux materials in restorative work.
3. A broader allowance of more visible and larger additions to buildings.
4. The new characterization of landmark properties which are deemed to be "not...building(s) for which the district was designated" and other administrative terminology with no basis in the Landmarks Law.
5. A decision to organize the new rules by "work-types" without adequate consideration of the impact of standardization on the unique character of our diverse historic districts and individual landmarks.

Any one of these concerns should be enough to cause this proposal to be re-examined. All five of them, echoed by design professionals, community groups, concerned neighbors and preservation experts speaks to fundamental flaws in the proposal. The cumulative effects of these 112 pages of proposed changes on New York City's designated landmarks are essentially unknowable, especially if the desired outcome is achieved and more proposals become Balkanized between staff-level and Commissioner decisions. Rather than assurances, these changes to the Rules create more uncertainty for the public and bargain away the future of our landmark buildings to save time during the application process. Furthermore, putting more pressure on the staff in order to alleviate workload of the commissioners only compounds the agency's perennially strained resources.

We join with Manhattan Community Boards 3, 4, 5, 7, and 8, Brooklyn Community Board 8, Queens Community Boards 3 and 10, City Council Speaker Corey Johnson, City Council Land Use Chair Rafael Salamanca, City Council Landmarks Subcommittee Chair Adrienne Adams, Council Members Ben Kallos, Keith Powers and Carlina Rivera, Manhattan Borough President Gale Brewer, State Senators Brad Hoylman and Liz Krueger, Assembly Members Deborah Glick and Richard Gottfried, dozens of our preservation colleagues and the New York State Historic Preservation Officer in raising serious concerns about this proposal. There are layers of questions which have been raised and interlocking concerns which must be answered. We therefore urge the Landmarks Preservation Commission to withdraw this application.

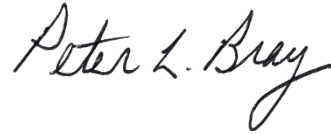
Sincerely,



Simeon Bankoff
Historic Districts Council



Andrew Berman
Greenwich Village Society for
Historic Preservation



Peter Bray
Brooklyn Heights Association



Peg Breen
The New York Landmarks
Conservancy



Elizabeth Goldstein
Municipal Art Society



Christabel Gough
Society for the Architecture of
the City



Michael Gruen
The City Club of New York



Sean Khorsandi
Landmark West!



Rachel Levy
FRIENDS of the Upper East
Side Historic Districts

cc: Mayor Bill de Blasio
Deputy Mayor Alicia Glen
Landmarks Commissioner Adi Shamir Baron
Landmarks Commissioner Fred Bland
Landmarks Commissioner Diana Chapin
Landmarks Commissioner Michael Devonshire
Landmarks Commissioner Wellington Z. Chen
Landmarks Commissioner Michael Goldblum
Landmarks Commissioner John Gustafsson
Landmarks Commissioner Jeanne Lutfy
Landmarks Commissioner Kim Vauss
Brooklyn Community Board 8
Manhattan Community Board 3
Manhattan Community Board 4
Manhattan Community Board 5
Manhattan Community Board 7
Manhattan Community Board 8
Queens Community Boards 3 and 10

City Council Speaker Corey Johnson
City Council Land Use Chair Rafael Salamanca
City Council Landmarks Subcommittee Chair
Adrienne Adams
Council Member Ben Kallos
Council Member Keith Powers
Council Member Carlina Rivera
Manhattan Borough President Gale Brewer
State Senator Brad Hoylman
State Senator Liz Krueger
Assembly Member Deborah Glick
Assembly Member Richard Gottfried



Department of Anthropology and Archaeology

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March 21, 2018

The Honorable Meenakshi Srinivasan
Commissioner/Chair
New York City Landmarks Preservation Commission
1 Centre Street - 9th Floor North
New York, NY 10007

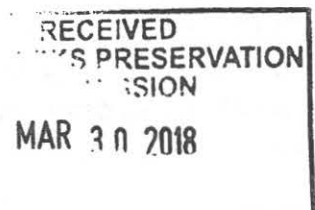
Dear Ms. Srinivasan,

I am writing to request that LPC incorporate archaeology in the amended Rules currently under consideration. Excavation Rule 2-16 presents an unprecedented opportunity to address the issue of archaeology on privately owned property in historic districts and on individual properties. While total backyard excavation may not be feasible, it would be reasonable for LPC to ask that cisterns adjacent to the back of the building and privy pits in the rear 5 ft. of a backyard, both backyard areas considered in the Excavation Rule, be addressed. This could be accomplished with the option to archaeologically document and, if necessary, destroy these features, or avoid and preserve them for future investigation—the owner's choice. As you know, both features associated with dwellings of an appropriate age (as late as 1875 in Manhattan, a borough appropriate date in other boroughs)...offer historical information obtainable only through archaeology. Without LPC's intervention, this information will be lost forever. To ignore these historical, irreplaceable features and the unique information they offer negates an aspect of LPC's purpose that has so successfully preserved our past.

Thank you for your kind attention,

Sincerely,

Kelly M. Britt, PhD
Assistant Professor of Urban Archaeology
Brooklyn College, CUNY





The City of New York
Manhattan Community Board 1

Anthony Notaro, Jr. CHAIRPERSON | Lucian Reynolds DISTRICT MANAGER

April 26, 2018

Mayor Bill de Blasio
City Hall
New York, NY 10007

Dear Mayor De Blasio,

Below is a resolution adopted by Manhattan Community Board 1 on April 24, 2018 regarding proposed rule changes by the New York City Landmarks Preservation Commission. Community Board 1 is deeply concerned that, if adopted, these rule changes would have an adverse impact on designated individual buildings and buildings in historic districts in our community and City-wide.

The proposed rule changes would remove most reviews for Certificates of Appropriateness from the public process which requires a community board hearing prior to a Landmarks Preservation Commission public hearing that involves input from community boards and the public at large. For these reasons, Community Board 1 recommends that the Landmarks Preservation Commissions table consideration of this suggested amendment and allow for further discussion of a more transparent process that both improves efficiency and also protects the spirit and intent of the Landmarks Law.

BOARD VOTE: 38 In Favor 0 Opposed 0 Abstained 1 Recused

RE: Landmarks Preservation Commission Proposed Rule Changes

WHEREAS: The Landmarks Preservation Commission has proposed rule changes that will allow a significant number of applications that had previously been subject to the public review process to be reviewed at the staff level, and

WHEREAS: Manhattan Community Board 1 is deeply concerned that the proposed changes will have a major negative impact on landmark designated buildings and buildings in historic districts in Manhattan Community Board 1 and throughout the City, and

WHEREAS: The proposed rule changes would remove most reviews for Certificates of Appropriateness from the public review process which requires a community board review prior to a Landmarks Preservation Commission public hearing that involves input from community boards and the public at large, and

WHEREAS: The staff level approvals that would bypass the public review process include storefronts, storefront doors, glass vault lights, granite pavers, signage, windows, railings, ramps, canopies, fire escapes, one story rooftop additions and many more alterations that can dramatically change the character of designated landmark buildings and historic districts, and

WHEREAS: The changes proposed could lead to greater efficiency in the Landmarks Preservation Commission review process, but the changes proposed will reduce the ability of the public and the community board to review and weigh in on permanent alterations to individual landmarks and buildings in historic districts whose alterations will have a lasting and irreversible impact on our communities, and

WHEREAS: There is no regularly updated open data set or proposed process to be put in place to allow to inform the community board of all changes that are approved at the staff level and what criteria were used in the staff level review process, now

THEREFORE

BE IT

RESOLVED

THAT: Community Board 1 is strongly opposed to the Landmarks Preservation Commission's proposed rulemaking that would remove most reviews from the public process and resolve them at the level of staff review, and

BE IT

FURTHER

RESOLVED

THAT: CB1 recommends the LPC table this suggested amendment and allow for further discussion of a more transparent process that both improves efficiency but also protects the spirit and intent of the Landmarks Law, and

BE IT

FURTHER

RESOLVED

THAT: CB 1 requests that the Mayor and elected officials act to allow for further discussion and revisions to the proposed rulemaking.

Sincerely,



Anthony Notaro, Jr.
Chairperson

cc: Landmarks Preservation Commission
Manhattan Borough President Gale Brewer
New York State Senator Brian Kavanagh
New York State Assembly Member Deborah Glick
New York State Assembly Member Yuh-Line Niou
New York City Council Member Margaret Chin

/ML

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**THE COUNCIL
OF
THE CITY OF NEW YORK**

HELEN ROSENTHAL

COUNCIL MEMBER
6TH DISTRICT, MANHATTAN

CHAIR
COMMITTEE ON WOMEN

COMMITTEES
CIVIL AND HUMAN RIGHTS
CONTRACTS
ECONOMIC DEVELOPMENT
FINANCE
HOUSING AND BUILDINGS

May 7, 2018

Hon. Meenakshi Srinivasan
Chair
New York City Landmarks Preservation Commission
One Centre Street, 9th Floor
New York, NY 10007

Re: Proposed LPC Rules Amendments 2018

Dear Chair Srinivasan and Commissioners:

I write to express my hope that the Landmarks Preservation Commission will work with the community to ensure that its 2018 Rules Amendments strike the proper balance and preserve community input in the LPC process.

On April 19, Community Board 7 of Manhattan submitted a letter enumerating its specific concerns with the proposal amendments. The concerns the Community Board raised are measured and informed, and I urge you to give each of them careful consideration.

Specifically, I wish to amplify the Community Board's concern about the proposed removal of full-width rear yard additions from the public review process. This type of proposal has come up time and time again on the Upper West Side. These encroachments into the open space of a block's "donut" can have a detrimental effect on the light and air of an entire block. Given its substantial impact on the surrounding community, this is exactly the sort of project that demands a public review process.

As a Council Member whose district is fortunate to include nine Historic Districts and Extensions, I appreciate that the Commission has undertaken to reform its process. It is a difficult balance that LPC must strike to preserve neighborhood character while ensuring that the bureaucracy involved does not unduly burden property owners. It is my view that the Rules Amendments as proposed do not yet strike that balance appropriately. I encourage the Commission to incorporate community input before moving forward.

Sincerely,

A handwritten signature in black ink that reads "Helen Rosenthal." The signature is written in a cursive, flowing style.

Helen Rosenthal

April 13, 2018

Hon. Meenakshi Srinivasan, Chair
New York City Landmarks Preservation Commission
One Centre Street, 9th Floor
New York, NY 10007

RE: Rule Amendments as it relates to the use of alternative materials

Dear Chari Srinivasan and Landmark Preservation Commissioners,

As a practicing member of the preservation community, I climb all over our city landmark buildings inspecting, cataloging, and surveying terra cotta. This has given me and my team an up-close view the effects alternative materials have on our landmark structures. This testimony provides photo illustrations of how these materials further destroy our landmarked protected neighborhoods and structures.

As you consider the testimony below, please know it does not come from a single source. The National Parks Preservation Brief No.7, multiple Columbia and UPENN theses, Historic Districts Council, and many reputable practicing preservationists all agree that the preferred method of properly restoring a building is to replace in kind. This means, if terra cotta was the original material, terra cotta should be used in a buildings restoration.

The new amended Landmark rules should not allow a staff level employee to approve anything BUT replacement in kind. Additionally, the LPC's current practice of allowing alternative materials to be used on an application that is entered "with no effect" should no longer be approved.

Terra Cotta vs. Cast Stone, GFRC, FRP, or Resin Based materials (Micro-Cotta)

One of the largest problems with any of our historic structures is the infiltration of moisture that ultimately leads to the corrosion of the steel superstructure and attachment hardware. The steel will rust jack and bloat thereby causing stress on the terra cotta and ultimately result in terra cotta cracks. Therefore, a good maintenance program is required by owners to mitigate water from entering the structure. If not, the steel will continue to consume itself and cause further degradation.

Compression vs. Tension

Most of our terra cotta buildings are made of steel, brick, and terra cotta. Brick and Terra Cotta are both made from clay and kiln fired at roughly 2,000 degrees. When the material exits the kiln it is bone dry. The material expands and presses the mortar joints into compression effectively sealing up the joints. It is a time proven system that has lasted 100+ years.

Cementitious materials are manufactured differently. This is a cementitious aggregate, poured or dry tamped into molds. Water and pigments for color are added and the material is left to cure. There is no kiln. The dryers, depending on the product, are roughly 150 degrees. When the materials are in use, they absorb moisture and then shrink. This pulls the mortar joints into tension. In order to control the pulling and eventual cracking, a control joint is placed to accommodate this tension. At the control joint,

a sealant will be used. If not installed perfectly, the sealant will lift and separate from the material, thereby allowing moisture behind the ornament.

The cementitious materials will all creep, GFRG (Glass Fiber Reinforced Concrete) has the worst reputation. If sealant joints are not maintained regularly, then moisture has an easy entry point that will corrode steel and cause further damage.

Historic Detail

When terra cotta manufacturers replace in kind, they have the talent to reproduce the original terra cotta in its exact likeness. The method for manufacturing employs classically trained sculptors and hand finishing to recreate everything from simple ashlar, lintels, water tables, to very ornate panels, cornices, finials, and sculptures; with or without texture.



Terra Cotta Model Sculpting by trained artisans



Terra Cotta Hand Finishing of each piece as it is extracted from the mold



GFRP has a negative mold that is typically cast from the original. The casting does not always pick up every detail. The cementitious glass fiber is spray applied into the mold. A roller is used for compaction and left to cure overnight. There is no hand finishing.



Cast Stone has a mold sometimes cast from the original piece and also loses the original terra cotta's detail. In the above photos the cementitious mix is dry tamped into the mold. There are no artisans. Unique hand finishes can be lost. Compare this to making a copy of a copy. As you continue to make the next copy, the level of detail reduces.

Recent instances at 400 Madison and John Jay, Haaran Hall are examples where alternative replacement materials were used and now during the terra cotta replacement campaign, we are replacing the cast stone (400 Madison) and GFRP (John Jay) and the ornament has been lost. The previous alternative materials did not capture the texture or level of detail of the original material. Now during the terra cotta replacement, the ornament is gone.

Aesthetics

The aesthetic differences between these materials is also apparent. Terra Cotta is stable due to its glazing and firing process. GFRP, FRP, and Resin Based materials fade drastically under Ultra Violet exposure. A quick glance at dusk will illuminate these products and make them stick out like a sore thumb. The time frame for color failure can be as quick as 1 to 3 years.

Cast Stone has a pigment that is added but the aggregate can quickly reveal itself. It very easy to spot cast stone replacement following a rain while walking down the street and simply looking up.

As you consider the aesthetic changes that occur with alternative materials, I invite you to read this testimony following a rainy day while looking out from the LPC's meeting room to the Woolworth

Building where a hodgepodge of terra cotta, cast stone, GFRC have all been used over the years for one repair campaign or another. Cass Gilbert did not intend for the building to look like a spotted leopard.

There are hundreds of buildings we could use to illustrate the problems above. Below are some recent projects that we have had the privilege of working on and examining up close how these materials have exacerbated further terra cotta failure.

17 Battery Place



The repair campaign called for GFRC above the window lintels. Terra Cotta is to the right and left. Not only does the GFRC window lintel glow and can be spotted from the ground, but its scale is also incorrect. The developer and design team are using the LPC loop holes to cut around the proper care of this building as terra cotta and GFRC are continually mixed and inappropriately used.

John Jay College, Haaran Hall



From 10th Avenue, you can easily spot the GFRC. It is bleached and looks plastic. When this repair campaign was done, the GFRC manufacturer and the architect did not replace in kind with material OR ornament. The original design included highly sculptural finials at the top, a characteristic of the Flemish Renaissance Revival architecture used by CB Snyder as illustrated by other CB Snyder projects, Intermediate School 319 in the Bronx or Public School 157 in Brooklyn.



Upon closer inspection, we see that the sealant joint is wide open on the sky facing joint. This just invites moisture to come in and wreak havoc on the rest of the structure below.



The brick below is completely cracked. The GFRP is efflorescing down the face causing salt damage to the rest of the structure and contributing to the corrosion.



Directly below the gables, almost the entire 6th floor lintels have completely corroded and rust jacked causing the terra cotta to crack under the pressure of the corroded steel.

Lyric Theater



All cementitious type materials have what is known as “creep”. As mentioned earlier, in many cases, it pulls the mortar joints into tension. The creep is notably bad in GFRC as seen here at the Lyric theater. My hand fit where this sky facing joint once held sealant.

Cast Stone



610 Park Avenue used cast stone replacement on the balconies. The cast stone absorbed moisture and corroded additional steel. Now ownership has to re-replace the balconies in their entirety. The material has continued to shrink over its lifespan and caused the joints to increase in size from its typical 3/8" joint to over an 1" thick.



400 Madison



In the case of 400 Madison, the cast stone was a repair campaign that lasted 5 years!

Following a rainy day, you can visually see the differences between the two materials. The cast stone has absorbed so much moisture and effloresced to a point where it destroyed good terra cotta below as seen in the photo above.



In this photo you can see the difference between the cast stone decorative panel and the terra cotta cap left in place. The 5 year old cast stone did not maintain its pigment color.



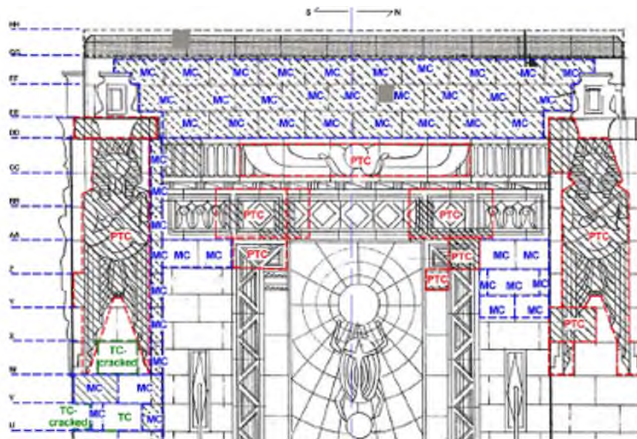
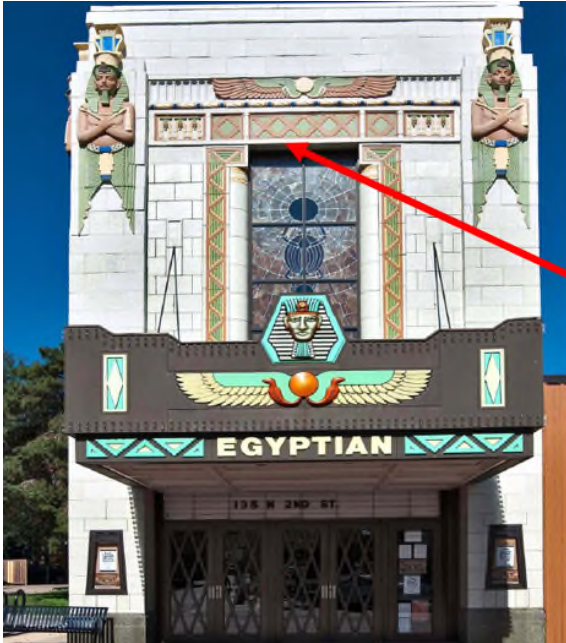
Salt deposits have collected and corroded the steel behind and the lintel now needs to be replaced.



Here you see water running down the face of the terra cotta but absorbed into the cast stone. The result is that the steel column has rust jacked and now the entire column's terra cotta ashlars require replacing. **What would have been a 300 piece terra cotta replacement has now turned into 5,646 pieces of replacement terra cotta.** This is due to the infiltration of water via the cast stone pieces and other open joints that corroded the supporting steel and ultimately cracked terra cotta that was in good shape prior to the last repair campaign.

Resin Based materials (Micro-Cotta)

Another material gaining popularity is resin based materials that have a different manufacturing technique but have similar results. Below is a project in DeKalb, IL. The non-profit historic theatre raised funds for its replacement campaign and ultimately lost. The material joints opened up due to material instability. Moisture entered and corroded steel AND destroyed some of the historic interior. The photo below is taken from the façade inspection report and the replacement material is grey and marked MC at the top.



Conclusion:

Given all the research, work, and effort that is invested into landmarking our districts and buildings, it seems a shame that the Landmark Preservation Commission would grant shortsighted developers the option to replace with alternative materials. If LPC is going to allow the Amended Rules to stand, then at the very least LPC should only allow the staff level approval the ability to approve replacement in kind and not alternative materials. The adverse effects alternative materials have on our buildings is clear and replacement in kind is supported nationally by National Parks, Historic Preservation organizations, the practicing professional, and higher quality contractors who prefer to work in this medium. Additionally, many Columbia and UPenn Historic Preservation theses have been written in support of replacement in kind.

During the testimony on March 27th at the LPC, there were only two people who testified in favor of the use of alternative materials. One was a developer who had a financial stake in "shortcutting" the system and allowing him to not preserve his buildings according to best practice. Financially, the developer is NOT gaining. There have been many studies by reputable NYC contractors who have illustrated the cost difference between the terra cotta replacement in kind and alternative materials. All things being equal, cost differences range from 10% to 30% on the materials alone. However, the developer must factor in the following added costs:

1. Maintenance to seal the sky facing joints by way of scaffolding and providing access to the contractor. This requires site safety permit, scaffold, remobilization, etc.
2. Longevity of the cast stone and GFRC is a fraction of the 100 year life cycle of terra cotta
3. Material "creep" and the ability to allow moisture to infiltrate the building envelope causing additional degradation

Additionally, our beloved LPC should heavily weigh the loss of ornamentation and massive fading.

Thank you for considering this testimony. I hope the job site photos help the Landmark Preservation Commissioners clearly see the effects of alternative materials have on our landmark buildings and thereby reconsider their stance when confronted with an application that begs for the use of the material, be it with the new amended landmark rules OR when an application is presented "with no effect"

Sincere Regards,

A handwritten signature in dark ink, appearing to read "Michelle K. Perez". The signature is fluid and cursive, with the first name being the most prominent.

Michelle K. Perez
40 West 27th Street
#1201
New York, NY 10001
(732) 312-0983

Queens Preservation Council

204-05 43rd Avenue
Bayside, New York 11361

March 31, 2018

Hon. Meenakshi Srinivasan , Chair
New York City Landmarks Preservation Commission
Municipal Building, 9th Floor
One Centre Street
New York, NY 10007

RE: Proposed LPC Rules Changes

Dear Chair Srinivasan:

I write today to express the concerns of the Queens Preservation Council with certain proposed rule changes to the Landmarks Preservation Commission. While some of the proposed changes will be beneficial to both the landmarks process and the internal operation of the Commission, rule changes designed to delegate more decisions to LPC staff may undermine the power of community boards and the voice of the general public on important landmarks issues.

While we appreciate the need for expediting LPC decision-making and applaud you for proposing a solution, this change would have the effect of taking community boards and the general public out of significant issues regarding the review process. We believe that more public input and more transparency in our government is always beneficial. Therefore, we stand in agreement with the many preservation organizations and elected representatives who have spoken out in opposition to the proposed changes in their current form. We ask that on behalf of our Queens communities—and on behalf of the landmarks our communities hold dear—the Commission reconsider these rule changes to ensure community boards and the general public continue to have real input. Thank you for your consideration.

Sincerely,



Mitchell Grubler
Chair

**Alida Camp
Chair**

**Will Brightbill
District Manager**



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**The City of New York
Manhattan Community Board 8**

April 18, 2018

**Hon. Meenakshi Srinivasan, Chair
NYC Landmarks Preservation Commission
Municipal Building
One Centre Street, 9th Floor North
New York, New York 10007**

Dear Commissioner Srinivasan,

Thank you for extending the comments period for the proposed "Amendments to the Landmarks Preservation Commission Rules." Three members of our Landmarks Committee and I were present at the March 27, 2018 hearing (my testimony is attached). We now have a clearer understanding of the impact of the proposed "Amendments" on the buildings within our seven historic districts as well as the 129 individual landmarks scattered throughout the Upper East Side.

After reading much of the material provided by interested parties, including the article published by The Architects Newspaper, "Here's what NYC architects need to know about changes to Landmarks rules" (copy attached), CB8M favors the points laid out in the Historic District Council's "Comprehensive Analysis of LPC Rules" (copy attached). In addition to the serious concerns HDC raises, which we share but will not duplicate here, we object to the adoption of the Amendments because we fear they will reduce and/or eliminate public input.

Historic preservation represents an ethos combined with balance: how to uniquely deliver to the public and to the city streetscape a public interest-favored consideration of preservation of the best of our past and economic interests that drive our city forward. However, we view the LPC as having a special responsibility toward preservation of our disappearing past.

The LPC is charged with representing the public and preservation. We support that mission through our resolutions, which include input from members of the public as well as the Community Board. Our input is the unique resource we can provide your agency and includes specifics of our neighborhoods that can only be gleaned from residing and working in and near these historic districts and landmarks.

April 18, 2018

The proposed Amendments affecting replacement materials, rear yard additions, rooftop additions, window replacement, sidewalk replacement and signage, for example, need more detailed discussion. We oppose these Amendments as currently written.

In addition, there are important questions about the extent of public input into application of these Amendments that need to be answered. Will the proposed Amendments loosen oversight over applications in historic districts by allowing visible change without public review? By permitting the Commission to move items off its public hearing calendar, is community input being deleted? A mechanism needs to be put in place to allow for public input.

The LPC stated in its March 26, 2018 letter to Manhattan Borough President Gale Brewer granting more time for public comments, that Community Boards have an established and important role in the LPC process. However, if the proposed Amendments are adopted, we are gravely concerned that the public process will be significantly weakened, and, in some cases, abolished. This would result in a loss of our role in the preservation process and the specialized public input for buildings within our community, which only residents of CB8 can provide. We do not see any mechanism to preserve our input when decisions are made at the staff level.

We ask that the LPC include in the proposed Amendments a method for ensuring the same level of Community Board input and review as it currently has under the existing rules. Further, if any of the proposed Amendments do go into effect, we ask for the establishment of a working committee composed of representatives of Community Boards with historic districts or landmarked buildings within their areas and the LPC to create a method to enable the same level of input, and that the proposed Amendments not take effect until such method is incorporated into them.

We are very grateful to the Commission for allowing us to participate in this continued discussion. We understand that there are areas within the Landmarks Commission Rules that cry out for simplification; however, modernization of the Rules, while increasing efficiency, does not always benefit preservation. All of us on CB8M are privileged to live in an area enhanced by historic districts and landmarked buildings. Visible changes to the built environment within our seven historic districts must be held to the very highest standard and public input is vital.

Thank you for considering our concerns and recommendations.

Sincerely,

A handwritten signature in cursive script that reads "Alida Camp" followed by a small circular mark.

Alida Camp

Chair, Community Board 8 Manhattan

cc: Honorable Bill de Blasio, Mayor of the City of New York
Honorable Carolyn Maloney, 14th Congressional District Representative
Honorable Liz Krueger, NYS Senator, 26th Senatorial District
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District
Honorable Ben Kallos, NYC Council Member, 5th Council District
Honorable Keith Powers, NYC Council Member, 4th Council District

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The City of New York
Manhattan Community Board 8

March 27, 2018

Testimony of Alida Camp, Chair of Manhattan Community Board 8, given to the members of the Landmarks Preservation Commission regarding the proposed amendments to the Landmarks Preservation Commission Rules

Good morning members of the Commission. My name is Alida Camp. I am Chair of Manhattan's Community Board 8. Last week, the Landmarks Committee of CB8 prepared and sent a letter to the Landmarks Preservation Commission requesting more time to study and comment upon the proposed rule changes. We were very pleased to learn that the LPC has granted additional time for comments.

While CB8 intends to prepare another letter with a detailed analysis of the proposed Rules, at this point, we have serious concerns about the proposed Rules. These concerns can be categorized in several ways.

First, we are concerned about the reduction of public input into the approval process. CB8's Landmarks Committee meets monthly, reviewing several applications per meeting. We pass resolutions approving or disapproving the proposed changes to the buildings based on appropriateness. The resolutions are then voted on by the full Board. The applications range from awnings, to window materials, to rooftop additions to backyard additions, and more. We are concerned that if the proposed Rules become effective, we will lose the ability to review and comment upon many of these applications.

The public attends our meetings too, and often has comments upon the changes the applicants are seeking to make. We live in and near seven historic districts. We live near 129 landmarked buildings. We know the context of the buildings. The Committee doesn't always agree, but we have the opportunity to ask questions of the architects and sometimes owner, to inform them right at our meetings of our concerns. The architects and owners at times take our concerns to heart and come back with changes when we have a disapproval.

We do not want to lose the ability to have input and to make our concerns known to the LPC.

As the LPC's letter granting more comment time stated, Community Boards have an established and important role in the LPC process. This role must be preserved. We do not know how our role will be preserved in the proposed Rules which delegate many important approvals to the staff level without providing an opportunity for community input.

The Landmarks Committee, on which I sit, works hard and takes our work seriously. We are passionate and concerned about the context of buildings in our community.

Further, we are concerned about the relaxation and liberalization of preservation standards. There is a slippery slope nature to this. For instance, one building with modern window frames may not be terrible, but two buildings with modern window frames start to project a modern tilt. Liberalization of preservation standards diminishes the beauty and integrity of these buildings. While we understand that

the LPC would like to be more efficient, we do not agree that efficiency should come at the price of preservation.

The Board has grave concerns about the particulars of the Rules that will allow certain important decisions to be made at the staff level. The Rules proposal is a dense document, requiring many hours of analysis and consideration. We have not yet been able to sort through and parse the Rules because of the document's density. However, we are concerned that there is a certain new uniformity of rules that do not take into account the individual particulars of blocks, districts and neighborhoods. We know our neighborhoods and historic districts and landmarks better than anyone. We do not believe that an opaque process of loosened standards that are homogenous throughout the city are the best answer for the community of CB8 or the City as a whole.

The argument is between economics and preservation. Is the LPC to assist in enhancing the growth of capital or the preservation of NYC history.

EASY AS LPC?

Here's what NYC architects need to know about changes to Landmarks rules

By AUDREY WACHS (@GRIDWACHS) • March 26, 2018

East News



NYC Landmarks is making big changes to its rules. Here's what architects need to know. Pictured here: The Empire State Building, one of New York City's better-known landmarks. (William Wachter/Unsplash)

This week the New York City Landmarks Preservation Commission (LPC) is holding a public hearing on changes to its rules of operation. Among other modifications, the new rules would allow the agency to move items off its public hearing calendar, a change the LPC says would alleviate pressure on the almost all-volunteer commissioners who meet weekly to debate and vote on new landmarks, as well as changes to historic properties. Many leading

preservation groups, however, believe that channeling more items to agency staffers would deprive New Yorkers of the opportunity to meaningfully weigh in on changes to the historic built environment.

Right now, select LPC applicants go through a public hearing, a Tuesday meeting at the LPC's Manhattan office where architects and owners present their plans to the agency's 11 commissioners and to the public. These meetings let stakeholders weigh in on small items like the window replacement scheme for a private home in Crown Heights, Brooklyn, and on headline-grabbing proposals like the landmark potential of Philip Johnson and John Burgee's [AT&T Building](#). Discussions on each item can last twenty minutes or one-and-a-half hours, depending on how controversial the item is or if the commissioners debate the owner's request vigorously. Other more minor issues, like small storefront build-outs in a landmarked building or railing replacement on a private home in a historic district, get evaluated by LPC staff and approved behind the scenes. The items in public hearings are seeking a [Certificate of Appropriateness](#), while the items processed by staff are awarded either a [Certificate of No Effect](#) or a [Permit for Minor Work](#).

The draft of the new rules ([PDF](#)) addresses both changes to the public hearing process as well as issues like sidewalk modifications, appropriate materials, and "no style" buildings, to name a few. Together, they cover more nuts-and-bolts preservation issues than can be discussed in a single article, so *The Architect's Newspaper* (AN) reached out to preservation leaders to get their take on the key issues the public, especially architects, should watch out for ahead of [tomorrow's hearing](#) on the proposal.

Many leading preservation groups are worried that the proposed rules would silence the public's voice on changes that have a cumulative impact on the city's historic fabric. Simeon Bankoff, executive director of preservation advocacy group the [Historic Districts Council](#), was concerned about what he sees as a softening of requirements around materials for repairing and replacing historic building components. After six stories on masonry buildings, for example, the new rules would allow owners to use substitute materials like fiberglass in lieu of original stone or terra-cotta when replacing historic building elements.

"Rather than lowering the standards—which we felt was being done in many cases in these rules—you want to raise them," Bankoff said. "People are going to build to whatever standard you give them. If the reward is they don't have to go through a public hearing, they should be held to the highest standards possible."

Under the new rules, rear yard additions, which can be contentious, would be heard by staff only, provided they met certain requirements. HDC believes that rear-yard addition should go before the public, because neighbors have a right to comment on what is (literally) going on in their backyards.

On the plus side, Bankoff said, the proposal includes “nice language” on the collective impact of rooftop and rear yard additions, as well as signage.

Andrew Berman, executive director of the [Greenwich Village Society for Historic Preservation](#) (GVSHP), a leading downtown preservation group, expressed concern that, under the new public hearing rules, more buildings could wind up like [Twin Peaks](#), an unusually proportioned Greenwich Village co-op that exemplified the neighborhood's bohemian spirit. The owner got staff approval last year to repaint the structure and its distinctive brown half-timbering beige and dark grey, a move that Berman believes could have been avoided had the public been given a chance to weigh in on the significance of the original contrasting color scheme.

He was blunt about the impact of the changes to the public hearing. “The proposed rules are fundamentally anti-democratic, anti-transparency, and anti-public participation. This is the opposite direction the commission should be moving in.”

[Landmark West!](#) Executive Director Sean Khorsandi echoed GVSHP's concerns. “The New York City landmarks commission has been trendsetters, nationwide and globally,” he said. “The commission is in a league of its own; people have been looking to it to set the standards. We see these proposed changes as a little bit of a backtrack.”

On the Upper West Side, the neighborhood for which Landmark West! advocates, Khorsandi said the new rules would have a substantial impact on current and future landmarks. The rules would allow alterations to features not mentioned in the designation report, a change that would disproportionately impact earlier designations like [The Belnord](#). The apartment complex's one-page report doesn't mention the property's distinctive vault lights, as the LPC used to require short-and-sweet reports on all items, regardless of their size or importance. This leaves historic features on early designations vulnerable to inappropriate changes or outright removal. To ensure sensitive treatment of protected items, Landmark West! would like to see the agency hire more staff, instead of moving items away from public hearings.

Architecture and urbanism advocates at the Municipal Arts Society (MAS) also believe the new rules might unintentionally incentivize removal of these vault lights, among other historic features. Tara Kelly, MAS's vice president of policy and programs, explained that the group was concerned about the language around “no style” buildings, vague wording that covers structures that are undistinguished or don't contribute to the look and feel of a historic district. The term originated in the Upper East Side Historic District around three decades ago, but, a “no style” structures of yesteryear might become historically significant years later. Kelly (a former executive director of Friends of the Upper East Side Historic Districts) cited [966 Lexington Avenue](#), a simple mixed-use building that wasn't named in the original historic district, but probably would have been included had the district been designated today.

"It takes time to appreciate a new style," Kelly said. "We want to see the commission take a harder look at those buildings, not make exceptions for them."

To help the public understand all the changes afoot, MAS has released a set of [interactive maps](#) for each category of permit to help the public understand what landmarks currently exist and how they've been modified over time.

Unlike other preservation groups *AN* consulted, however, MAS conditionally supports the changes that would move items out of the public hearings. "As long as these rules are strong, robust, and thoughtful and take into consideration the recommendations that we have for the rules, and the staff is well-trained and well-supported in their ability to execute the regulation, we don't have a problem with the staff doing so," Kelly said.

Although the chatter around the changes to the public hearing is loud (especially on preservation Twitter), the new meeting rules would affect relatively few items. A LPC spokesperson said that each year, the vast majority of the approximately 14,000 permit applications are decided by staff, while fewer than 1,000 items get discussed at the public meetings. Right now, the agency has 36 staff members reviewing permits, and they will welcome three new permit-reviewing staffers in fiscal year 2019, which begins in July. Taken together, the number of permit-reviewing staff has increased 44 percent between fiscal years 2013 and 2019. Even so, the increasing number of permit applications places stress on the commissioners at the public hearing—only LPC Chair Meenakshi Srinivasan is paid for her work. The other ten commissioners take time away from their practices as architects and planners to serve in a volunteer capacity on the commission nearly every week. Of the items that go to public hearing, the LPC contends in its summary of the new rules that agency staff could "approve a variety of work-types that are consistently approved by the Commission utilizing established criteria."

AN spoke with a government insider familiar with the proceedings who confirmed that the changes are intended to save staff time and increase efficiency so LPC staffers can process more applications. Overall, the insider said the intended goal is to make the process easier for homeowners and developers.

The rules changes were a long time coming. Beginning in February 2017, the LPC convened multiple meetings with eight leading preservation groups to discuss the agency's ideas. A LPC spokesperson confirmed that representatives from the New York Landmarks Conservancy, MAS, the Brooklyn Heights Association, HDC, Society for the Architecture of the City, Friends of the Upper East Side Historic Districts, Landmarks West!, and GVSHP were shown criteria for specific types of work and asked for input on the criteria. As part of its outreach, agency representatives also met with community boards, members of the public, and other preservation groups, as well as AIA New York (AIANY), Urban Green Council, the NY Bar Association, and REBNY. In addition to those groups, LPC staffers solicited input from

window manufactures, expeditors, and preservation architects on the rules. The current draft was released in January of this year.

Suzanne Mecs, managing director of AIANY, delivered a statement in support of the rule changes. The organization characterized the public hearings in pursuit of a Certificate of Appropriateness as “a process that can often be expensive, time-consuming, and complicated.” With more items decided on by staff, AIANY believes the public hearing process will improve because, it reasoned, the commission will have more time to focus on “complicated preservation projects with subjective design considerations or innovative technical solutions that do not readily conform to the previously-established criteria of the Commission.” The AIA held a forum on the changes with its members and Srinivasan in early March.

For those who want to weigh in on the rules, the meeting begins tomorrow, March 27, at 9:00 a.m. The agenda and more details can be found [here](#).

Edward Gunts contributed reporting.

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 HISTORIC DISTRICTS COUNCIL

THE ADVOCATE FOR NEW YORK CITY'S HISTORIC NEIGHBORHOODS

HDC's Comprehensive Analysis of LPC Rules

Posted by [Historic Districts Council](#) on Friday, March 23, 2018 · [Leave a Comment](#)

Please continue reading for our testimony regarding the latest LPC Rules change under consideration.



The Historic Districts Council (HDC) reviews every public proposal affecting New York City's landmarks and historic districts and provides testimony to the Landmarks Preservation Commission (LPC) whenever it is needed.

Please continue reading for our testimony regarding the latest Rules change under consideration by the Commission.

Although they are regarded as being of mainly technical interest to the general public, replacement materials for historic buildings are among the most important aspects of preservation work. The materials which constitute our historic buildings are what give these sites their significance and resonant power. Whenever historic fabric is missing, in proper preservation practice, great pains are made to replicate the missing elements to retain or restore the historic design intent. This is the basic requirement of historic preservation as it has been practiced in the United States since its emergence as an ethic more than 100 years ago. Questions of differentiating replacement materials from original finishes for repair work have been debated by professionals for decades and will probably never reach universal consensus, however, all practitioners agree that the best practice in working with historic structures is to retain historic materials or, with very few exceptions, replace them in kind. This practice is enshrined in the U.S. Secretary of Interior Standards for Preservation, Rehabilitation, Restoration and Reconstruction. While the Landmarks Preservation Commission is not required to hew to those standards, they are a good starting place especially if the project being reviewed does not go through a public review process. Materials on a historic building are meant to last a long time, and inappropriate replacement materials can mar a structure for decades. It is imperative that the LPC requires the highest standard if it plans to forgo the expert and discretionary guidance of the Commissioners. This is unfortunately not the case in many instances proposed in the new rules:

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- Page 27 (1) General criteria for replacement materials

Generally, HDC finds the relatively lax approach to replacement materials to be problematic. As the nation's premier and largest regulatory body of historic properties, it is a missed opportunity to not require higher standards for our built environment, especially in the most expensive real estate market in the United States, where cost and burden are not significant factors to preservation. In an economically depressed city, replacement materials could potentially make more sense, as their cheaper cost could help encourage investment in and revitalization of historic structures. However, in New York, it should not be permissible to sully our historic buildings with plastic applications and it certainly should not be encouraged with a staff-level permit. LPC must encourage the use of quality materials, not just for aesthetic purposes, but for the long-term physical preservation of buildings. It is well known that inferior materials have to be replaced and do not have comparable life spans to authentic materials. Over the long-term, requiring quality materials will eliminate work for the LPC staff, as quality materials almost always have life spans exponentially greater than inferior replacement products. The only instances where HDC might countenance substitute materials being approved without Commissioner oversight would be the replication of a lost architectural feature that is proposed to be restored. It is important to note that this lesser standard would not be acceptable as an element of a restorative program mandated by a Modification of Use or Bulk (under Section 74-711). For those special permits, only the highest quality work and materials should be allowed.

- Page 27 (A) Masonry buildings: Staff can approve replacement materials above the 6th floor, which will affect all work to skyscrapers, and historic districts characterized by large buildings, such as the Upper West and Upper East Side, TriBeCa, Noho, Soho and the Downtown Brooklyn Skyscraper district.
- Page 27 (C) Cast iron buildings: above the 2nd floor for discrete elements; rest: above the 6th floor. Given the inherent age and finite stock of cast-iron buildings in New York, in-kind replacements should be the standard for these buildings' longevity.
- Page 28 (B): The rules would permit staff to approve fiberglass as a replacement for sheet metal and iron above the sixth story. HDC encourages the use of sheet metal cornices, which are readily available, lighter weight, and more durable.
- Page 28 (C): The rules would permit staff to approve fiberglass replacement for elaborate wood cornices above the second story. This proximity is immediately in the public view, and elaborate craftsmanship should be repaired and replaced in kind.

Windows

- Page 58 (B): This rule change allows replacement of all double-hung wooden windows with aluminum at staff level on small buildings as long as they are straight or arched-headed and do not have divided lights. Small buildings are defined as being six stories or less and having a frontage of forty feet or less, which makes up the majority of building stock in New York City's historic districts. Thus, this rule change equates to a wholesale removal of windows from public review. It is well-established in historic preservation practice, including practitioners in the historic window sash industries, that aluminum replacement windows are an inferior and short-performing product compared with wood. There is rampant misinformation in the replacement window

industry and this lax rule will allow the removal of historic fabric even where it may not be meritorious. Consequentially, once original windows have been replaced in aluminum, there will no longer be a precedent for wood windows to ever return.

- Page 60 (A): Similar to staff-level window replacement on LPC-defined “small” buildings, “large” buildings, or buildings that are seven stories or more with frontages greater than forty feet, windows may be replaced as long as they match in configuration, operation, details and finish, but materiality was omitted. HDC is concerned with larger buildings that have steel casement windows or other specialized windows endemic to an architectural style will receive staff-permitted replacement windows replicated in inferior materials.

Sidewalks

- Page 89 (3): This section stipulates that if a sidewalk is missing some of its bluestone pavers or some of them are beyond repair, an applicant may consolidate the usable bluestone and install tinted concrete pavers in the remaining area. Bluestone or granite curbs in need of repair may also be replaced with concrete. Pavers and curbs in historically accurate materials like bluestone and granite contribute to the special character of those historic districts that feature them. Why should the LPC staff not encourage their replacement in-kind, rather than allowing for banal concrete in their place? This rule would short-change our historic districts and remove all incentive for applicants to ever replace in-kind. Looking into the future, as these historic materials inevitably deteriorate, and if this rule change goes into effect, historic paving will become a thing of the past.
- Page 91 (2-3): Vault lights are a defining feature of former manufacturing districts like SoHo and Tribeca, providing evidence that these districts were once industrial powerhouses, as opposed to the domain of wealthy property owners, shoppers and tourists that we see today. This rule change states that the staff will approve the removal of up to two panels of exposed vault lights that are deteriorated beyond repair if no other vault lights exist on the same side of the block. They may be replaced with diamond plate steel or concrete/granite to match the adjacent sidewalk. For covered vault lights that are deteriorated beyond repair, applicants would now be given the choice to replace them with new vault lights or remove them altogether. Similar to the issue of replacing bluestone pavers with concrete, this would remove all incentive for applicants to replicate this historic detail. Further, given the cost differential between vault lights and diamond plate steel, the public would now have to rely only on the owner's discretion to safeguard this feature. HDC believes this should fall within the mission of this public agency.

Major Changes & Visibility

Landmark properties in New York City are constantly being altered. Every year, the LPC issues over 13,000 permits for work, which is impressive when one considers the agency only oversees around 36,000 properties. In this churn of change, it is important to be aware of the public perception that landmark buildings are not permitted to change, and if they are, those changes are minimal. While this public perception is not quite accurate, it is helpful to preservation goals overall as it tempers expectations for what is allowed for historic buildings. Keeping high expectations for permitted work deters applicants from proposing massively inappropriate changes that the LPC would be forced to deny even at a public hearing. As denials of proposals tend to lead to public frustrations with government oversight, it benefits the LPC to set a very high standard for allowable additions and alterations that are permitted without public review. Setting a high standard that additions be invisible reinforces the public expectation that additions are the exception, not the rule, and encourages public faith in the security of historic buildings – that what a property owner purchases is what they get. Unfortunately, many of the proposed rules loosen oversight over historic properties in allowing more visible change to happen without public review, rather than strengthening the standards of what can be allowed at staff level.

EXAMPLES

Additions

- Page 71 (4) (5): HDC understands that current rules allow for rear yard additions at staff level. However, increasing the scope of permissible construction in the rears will have a substantial impact on historic blocks. While the Commission will allow a staff-level rear yard addition for blocks with a “majority” of els or additions, and while the proposed project cannot project deeper or taller than existing accumulations, HDC is concerned about large projects basing their square footage on large, modern additions that were constructed prior to LPC designation. HDC suggests that in these cases, the LPC staff form their decision based on the comparison of historic els and LPC-approved additions, not grandfathered ones.
- Page 72 (a) Allowing construction to cover an entire rear yard with the exception of leaving five feet is an enormous building footprint and seems directly at odds with the LPC’s criteria of “does not substantially diminish the presence of a rear yard”. A five foot strip of a yard is not a yard, but rather an alley. A block’s interior is an important quality of life issue for residents, whether for privacy, greenery, or the benefits of the micro climates that block interiors produce. Thus, rear yard projects are a crucial part of public participation and neighbors need to take part the process of change that occurs next to their homes. Rear yard additions are regularly modified after public hearings, and a large part of these modifications is due to the public process and intimate knowledge that residents bring to the Commission’s attention. If public process is truly honored by the LPC, then some concession needs to be made to allow the public to still participate in public hearings regarding rear yards.

Storefronts

- Page 35 (1): New storefront infill is allowed if the design is based on historic “prototypes.” HDC believes that any new storefront infill should be approached the same way many applicants often approach design, which is researching what the original configuration was and beginning the design process from historic photographs. In cases where historic photographs cannot be found, HDC would like to have the features of historic storefronts codified in the rules, such as requiring the presence of bulkheads, transoms, and a recessed or splayed entryway.

Window openings

- Page 64 (B): HDC is concerned about the Rules codifying a prescriptive design for staff-level rear façade treatments, with the only basic criteria being that 24 inches of cheekwalls be retained and that 12 inches recalling a missing floor be retained. We firmly believe that properties under LPC regulation generally benefit from the Commission’s and public’s comments, and as a result, the proposed interventions are usually more attractive and better-designed. Creating a loose design blueprint for rear façade design, in our opinion, may encourage banal design and a general erosion of aesthetics on rear facades. Similar to our critique of the spare storefront prototype, HDC suggests creating more parameters or prototypes for rear facades, or doing away with this basic one.

HVAC

- Page 102 (B): This rule change would allow staff to approve through-wall HVAC equipment centered below window openings on primary facades of buildings within historic districts, given the building is seven or more stories tall or has 40 or more feet of street frontage. This means that a tenant in a large apartment building may apply to punch a hole beneath their window without public review, even if it is clearly visible from the public way. HDC believes that such incursions, even if the rules stipulate that no decorative or significant features are damaged or removed, should not be allowed without a hearing. At the very least, applicants should be required to apply for a Master Plan to avoid a pock-marked effect on the building, and such installations on primary

façades should be limited to only the upper stories. However, due to the fact that large apartment buildings, hotels and other types of large multiple dwellings are extremely common in the city's historic districts, we feel that each situation should be assessed for its appropriateness at a public hearing.

Unclear and Shifting Standards of Regulation

The LPC is an agency of immense but limited power. On one hand, it has the power to regulate private property within its own discretion and to its own self-ascribed standards. On the other hand, it can only regulate designated landmark properties, which are 3.5% of the total properties in New York City. The agency has no power over any other properties regardless of their age or historic significance. Additionally, the LPC only has authority over the physical form of the structure and not its use or function. HDC is very concerned about a drifting standard of regulation being inserted into the proposed rules, which actually diminishes the agency's authority to oversee those rare properties it does regulate. Specifically:

EXAMPLES

- “Contributing” language: There are several instances of language such as “if the building contributes to the landmark or historic district” {e.g. page 30, Section 2-11, D(1); page 37 (9); page 53 “Definitions”, page 60 (D), page 61 (D)}. This language is damaging to the integrity of the Landmarks Law and introduces a sliding scale of regulation. HDC made a study of the designation reports and there are, generously, 717 buildings within all existing historic districts and extensions which are specifically listed as “no style” or “non-contributing”. Rounding up, this means that 2% of the existing landmark properties might be designated “non-contributing” by their regulatory documents. There is no need to introduce ambiguity into all regulation in order to account for these few outliers. Furthermore, HDC understands that certain buildings will be considered “non-contributing” if deemed so in previously-issued Certificates of Appropriateness. This would compound the sliding scale of regulation and further obscure the public's understanding of the landmark regulation process. If this practice is instituted, and we strongly recommend that it is not, it needs to be properly defined, and a public method of determining the status of these buildings must be created.
- “Characteristic of the Specific Historic District”: This language, which is used with reference to additions (page 68) and fire escapes (page 108), is an additional weakening of the Landmarks Law, especially in its lack of definition. Specific lists of which historic districts are characterized by which features should be created, much the same way the specific historic districts which possess historic sidewalks and paving, (page 93, Appendix A) are listed.

Miscellaneous Concerns

Excavations and Archaeology

One of the few sweeping powers of the Landmarks Preservation Commission is its authority as the local lead agency for archaeological matters. Archaeology is an important tool for understanding our history and can illuminate aspects of our city's development that would be otherwise invisible and forgotten. Although they have shared goals, archaeological techniques differ from preservation techniques in that they are more focused on documentation and understanding than on the physical retention of historic fabric in situ. Currently, archaeological supervision is only activated by publicly-funded excavation projects. However, excavation of private property, undertaken by private entities, is equally likely to impact potentially significant buried cultural resources as projects utilizing public funds. This has been demonstrated in multiple instances in New York City. With this goal in mind, HDC suggests the following language and ideas to be incorporated into page 73, Section 2-16:

- Private properties within historic districts should be subject to all historic preservation laws including archaeological guidelines.
- With regard to archaeological resources that may be exposed during any excavation, their potential significance is not known until they are exposed. Private properties that are subject to consideration of architectural preservation standards and guidelines should also be subject to consideration of potential archaeological resources during excavation-related activities.
- If archaeological resources are exposed during the excavation of private properties, the property owner should be required to inform the LPC. In turn, the LPC should develop guidelines to make an assessment of potential significance and documentation of the exposed resources.

Permit Renewals

In HDC's review of the proposed rules changes, we noticed that certain of the technical aspects of the permits are being altered, such as their duration. This is not the first time they have been altered – Certificates of Appropriateness originally had no expiration date, which led to unfortunate situations such as the Plaza Hotel, where permits for alteration of the dormers issued in the 1980's were still valid 20 years later despite several changes in ownership and programmatic use.

On page 123, in Section 7-03, (2)ii, it is proposed that a Certificate of Appropriateness be allowed to be extended for an additional 3 years after its initial term of 6 years – for a maximum allowance of 9 years validity without public review. As the NYC mayoral term is limited to 8 years, this would mean that all CofAs would perforce outlast the Commission which issued them. This doesn't seem to us to be the most accountable practice, to either the public or the Landmarks Commissioners. We strongly recommend that CofAs expire after 6 years, at which point they should be required to go for a public hearing for a renewal.

Public Notification

There is broad concern about lack of public involvement in the LPC's permitting process. As landmark designation is a public good which serves the public trust, this is a concern which the Historic Districts Council feels warrants attention and, where possible, amelioration. At the same time, we are fully aware that bringing the more than 13,000 permit requests the agency receives annually to public hearings would paralyze the agency and cause undue hardship for applicants. Based on what we hear from our constituents and neighborhood partners, much of the concern is about transparency and expectation. Simply put, people who have an interest in and are invested with New York City's landmarks and historic districts wish to know what is being proposed for their future.

With this in mind, we would strongly encourage the LPC's continued efforts to increase transparency by making permit applications available for review by the public. It is a valuable service and an important one to encourage the better public understanding of the landmarks process. Furthermore, in order to both encourage public participation in the process and strengthen public investment in that process, we would recommend that the LPC investigate the possibility of incorporating some level of public review into staff-level permits. While this might sound like a bridge too far, we would suggest that the Landmarks Commission look at the how the Buildings Department deals with these types of permits through the Development Challenge Process. In this process, there is an opportunity for the public to review submitted plans before approval and challenge them if felt necessary. This triggers a further review by Buildings professional staff and, if necessary, the Building Borough and First Deputy Commissioners. Obviously this

system would need to be adapted to the Landmarks Permitting Process, but we believe that it would be a worthwhile avenue of consideration for the agency.

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From: Laurel Hulley
To: [testimony, LPC](#)
Subject: Proposed Transparency Rule Change 3/27/18
Date: Tuesday, March 27, 2018 9:32:13 PM

To The Director of Intergovernmental and Community Affairs:

There is only one reason for the LPC to want to end transparency of their decision process—it is to not have to deal with the messiness and inconvenience of Democracy.

Your decisions effect us profoundly and in the age of Trump it is unconscionable that you would do anything to so undercut the normal and expectable institution of public input. Such anti-democratic rule making normalizes the erosion of citizen rights beyond the precincts of the LPC, is dangerous and creates distrust.

It's a shame that you have a mind-set that sees checks and balances as only inconvenient. Don't volunteer for the board if you can't bear the heat of sunshine and open debate. I think we should better look at who are you volunteers? Why are you there? How did you get there? What interests do you represent? Why do you want and need secrecy? Do you take care to be economically and professionally diverse? How, as volunteers, do you have time to study these issues? At this point, we might feel less suspicion with an LCP on salary who can spend the time needed to interact with the public and bear the inefficiency of the Democratic process.

May I point out that the room you used for such an important meeting, is so small and badly microphoned, that it structurally cuts out and prevents public access. You, who are supposed to see and care about the use of space, should surely have noticed the improper size of the room. There must be *at least one* larger room in the building that you could arrange for, in these critical meetings.

Too bad you do not have the temperament to see that checks and balances, while at times, inefficient, is also a way to protect you from your own bad decisions. I have four words for such a situation: Penn Station. Gone forever.

Thank you,
Laurel Hulley
Citizen and born New Yorker
10012

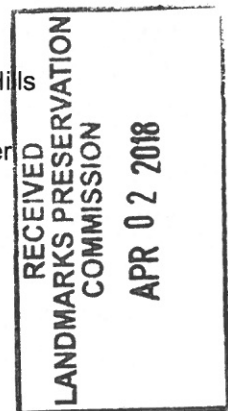


The City of New York

Queens Community Board 11

Serving the Communities of Auburndale, Bayside, Douglaston, Hollis Hills
Little Neck and Oakland Gardens

Christine L. Haider Chairperson / **Joseph Marziliano** District Manager



March 23, 2018

Landmarks Preservation Commission Rules
Municipal Building
One Centre Street
9th Floor North
New York, NY 10007

**Re: New Rule Proposal and Amendments To Existing Rules in Chapters 2, 5, 7 and 11
of Title 63**

Dear Landmarks Preservation Commission,

It is the understanding of Community Board 11 that the proposed rule changes would allow more applications for changes to landmarked properties and properties in historic districts to be approved at staff level rather than to go before public hearings and review by the public and community boards.

It is our belief that under these proposals, there would be a loss of transparency. There would be no public notification, and no opportunity for the public and community boards to comment upon or provide evidence about applications dealing with exterior changes to landmarked properties.

Unfortunately, the LPC announced this proposal in February with a public hearing this month with all comments required to be submitted by March 27th. In addition, the proposed rule change is 131 pages long. This gives Community Board 11 insufficient time to fully review the proposal and issue a detailed opinion.

We believe the LPC is making no provision to increase staff if the rule changes are enacted, even though existing staff would have a lot more work if this rule change is adopted. The increase in work by the LPC staff could result in a delayed decision for applications by landmarked property owners and could even slow down the actual landmarking of deserving buildings and districts.

From: Kathleen Hulley
To: [testimony, LPC](#)
Subject: Rule Changes to LPC
Date: Tuesday, March 27, 2018 8:12:48 PM

Dear members of the Landmarks Preservation Commission,

I strongly protest any changes to the Rules guiding the work of the LPC that will in any way exclude the public from your decision making process at any step along the way.

The specific issue that I have in mind is the democratic process itself. In your justification for the rule change, two key words came up more than once:

1. Interpretation
2. Efficiency.

1) As we all know facts are usually *interpreted* through the value system and unique perspective of the interpreter. That is why when you make decisions about how the citizens of New York live in their city, a commission with the power of the LPC cannot exclude the public whom your decisions affect!

The LPC must consider multiple perspectives that contribute not only alternative possibilities but also additional facts that should contribute to your final considerations. Without public transparency, the LPC becomes an autocratic, not a democratic body.

2) As we also know, DEMOCRACY IS NOT EFFICIENT. It can be cumbersome and time consuming to attentively consider the insights of citizens who are not on the commission. However, If you volunteer to be on the LPC, then you must be committed to spending the time it takes to make your decisions through a transparent and democratic process. If the work for this commission seems too demanding unless it shuts out the public, then you should not be on it.

Finally I want to mention a third key term:

3. INTEGRITY: If the process is not transparent, democratic, and open to the public there is no reason to believe in the integrity of the members of the LPC. What are the interests of those who participate? Could some (or all) of them be members of REBNY? Could some of them be architects looking for new projects? Could some of them be investors looking for places to sequester their money? Why should the public grant the LPC their trust?

A long set of rules is can never guarantee transparency; indeed, these rules can become bureaucratic obfuscation. With that, democracy dies. And so does the unique city you are commissioned to preserve.

Thank you for your attention,
Kathleen Hulley

Lynn Rakos
230 6th Ave., Apt 4
Brooklyn, NY 11215
May 3, 2018

The Honorable Meenakshi Srinivasan, Commissioner/Chair
New York City Landmarks Preservation Commission
1 Centre Street - 9th Floor North
New York, NY 10007

Dear Ms. Srinivasan:

I am writing to request that Landmarks Preservation Commission (LPC) incorporate archaeology in the amended Rules currently under consideration by your agency. Excavation Rule 2-16 presents an unprecedented opportunity to address the issue of archaeology on privately owned property in historic districts and on individual landmark properties. Fortunately, the proposed rule already highlights excavation of the rear five feet of a backyard and the five feet immediately adjacent to a structure. As you realize, these portions of an historic lot have the potential to contain remains of rear yard features such as privies, cisterns, middens and historic landscaping. While total backyard excavation may not be feasible it would be reasonable for LPC to require that features adjacent to the back of a building and in the rear five feet of a backyard be addressed.

The new rule should require that 1) a property owner archaeologically evaluate and excavate any features present in these two backyard zones prior to construction, or, 2) to preserve and protect any such features in place to allow for future excavation. Archaeological features associated with dwellings of a certain age offer historical information obtainable only through archaeology. Unique insights to our City's past are lost forever through current regulations and practices. LPC's vigilance and intervention would provide valuable opportunities to add to the rich historical record of New York City.

I urge you to strengthen the Landmark Rules by adding archaeology to Section 2-16.

Thank you for your consideration,

Lynn Rakos

CC:

Mark Silberman, LPC
Amanda Sutphin, LPC
Kathy Howe, NY Office of Parks, Recreation and Historic Preservation
Joan Geismar, Professional Archaeologist of New York City

Preservation League of Staten Island
54 Port Richmond Avenue
Staten Island, NY 10302

March 25, 2018

Commissioner Meenakshi Srinivasan, Chair
NYC Landmarks Preservation Commission
Municipal Building
One Centre Street, 9th Floor North
New York, NY 10007

Dear Commissioner Srinivasan:

While the Preservation League of Staten Island fully supports efforts by the Agency to streamline the permit and approval process for landmark property owners, it stands firm against any Rule changes governing the LPC that would *decrease* transparency and public input into the process currently used with respect to permit applications for work on landmark properties, including those located within historic districts throughout New York City.

Our organization is particularly concerned that the proposed changes in the Rules may impact the opportunity presented to the public to testify before the LPC on proposed permit applications for work on landmark properties.

If permit applications for some work on landmark properties will be handled at the LPC staff level, under the proposed new rules, how will concerned members of the public become aware of submitted work applications and comment – either at public hearings or via written testimony?

We urge the Agency and City Council to find a balance between the goal of reducing city bureaucracy and protecting the many historic districts and individual landmarks throughout the City for today and future generations.

Thank you for consideration of this important matter.

Sincerely,



John Kilcullen
Board member and past President of the Preservation League of Staten Island

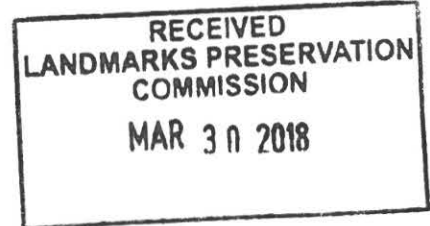


www.preservestatenisland.org

The Preservation League of Staten Island is a 501(c)(3) not-for-profit organization, chartered by the Board of Regents of the State of New York.



PO Box 1315 Old Chelsea Station New York, NY 10113-1315
website: www.savechelseany.org email: savechelseanyc@gmail.com



March 21, 2018

Manhattan Borough President Gale Brewer
One Centre Street, 19th floor South
New York, NY 10007

Re: LPC Proposed Rule Changes

Dear Borough President Brewer:

On behalf of the Board of Save Chelsea, I write to express our objection to rule changes proposed by the Landmarks Preservation Commission. They would reduce transparency and public participation in its decisions at a time when the Commission has lost the public trust to an unprecedented degree. While characteristic of a citywide problem, the Commission's actions in Chelsea are both especially condemning and pertinent to the rules.

We are particularly concerned that more approvals of rooftop and rear additions would be issued at staff level without a public hearing. Particularly on row house blocks characteristic of historic districts, such additions are altering the historic character of open block cores and entire block cross-sections. It is just such alterations which draw the greatest public turnout and expression of concern. Increasingly, approval for construction of an addition is made the occasion to gut an entire row house, saving only the street façade - the minimum actual preservation needed to avoid a violation - to achieve the greatest possible resale value or profit margin by bringing the property up to the standards of new luxury construction. We have observed that "addition" has become a misnomer. It now refers to the new, larger envelope to which a demolished historic house will be re-built in modern concrete and steel construction.

We take difficult lessons from the Commission's handling of an application to "enlarge" 404 West 20th Street, the oldest house in the Chelsea Historic District. The applicant claimed that the house had structural deficiencies which made it unsalvageable. These claims were taken at face value by the Commission despite ample and detailed evidence presented to it by others that this was not so. There is proof that staff knew the Commission was being misled by the applicant's representatives about the condition of the house. If it was shared with the Chair - and we must assume it was - it was suppressed by her. Community Board 4, elected officials, Save Chelsea and many other community and preservation groups vociferously objected to the house's demolition to no avail. In issuing a misleading permit "to construct additions," which actually allows demolition, the Commission appears rightly ashamed of its own actions, and further degrades public trust in it.

Alarming, the rule changes under consideration would allow staff-approved replacement of building facades on the basis of the applicant's own assessment of deteriorated conditions and would allow even more "additions" which demolish everything *but* a façade to be approved out of public view. Given the deaf ear the Commission turned to the public and likely its own staff in the case of the oldest house in Chelsea, we fear the current LPC Chair would not even respect the expertise and judgement of her staff in reaching their decisions but would use the rule changes to dictate decisions herself with less public scrutiny.

If anything, the current unprecedented development climate should have the Commissioners and public reviewing *all*, not fewer, roof and rear additions to preserve the full character of historic districts and stop the rising blight of façadism, which is no one's idea of true preservation. To do so the Commission must leverage its purview over building exteriors to make gutting a less irresistibly lucrative alternative.

Sincerely,

A handwritten signature in black ink, appearing to read "Laurence Frommer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Laurence Frommer
President
Save Chelsea

cc: New York City Mayor Bill de Blasio
Meenakshi Srinivasan, New York City Landmarks Preservation Commission
Corey Johnson, New York City Council
Richard Gottfried, New York State Assembly

THE SENATE
STATE OF NEW YORK



TONY AVELLA
SENATOR, 11TH DISTRICT

ASSISTANT CONFERENCE LEADER
FOR POLICY AND ADMINISTRATION OF THE
INDEPENDENT DEMOCRATIC CONFERENCE

CHAIR

CHILDREN AND FAMILIES
TASK FORCE ON THE
DELIVERY OF SOCIAL SERVICES IN NYC

COMMITTEES

CITIES
CULTURAL AFFAIRS, TOURISM,
PARKS AND RECREATION
EDUCATION
ELECTIONS
ENVIRONMENTAL CONSERVATION
FINANCE
HOUSING
JUDICIARY
TRANSPORTATION
LIBRARIES SELECT COMMITTEE

ALBANY OFFICE: ☐

ROOM 902, LOB
ALBANY, NEW YORK 12247
(518) 455-2210 OFFICE
(518) 426-6736 FAX

DISTRICT OFFICE: ☒

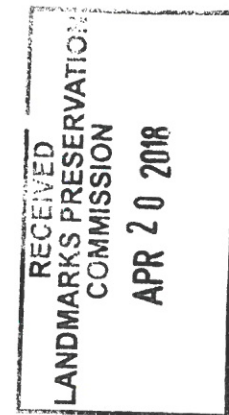
38-50 BELL BOULEVARD
SUITE C
BAYSIDE, NEW YORK 11361
(718) 357-3094 OFFICE
(718) 357-3491 FAX

INTERNET ADDRESS:

AVELLA@NYSENATE.GOV

April 17, 2018

Mrs. Meenakshi Srinivasan
Chair & Planner
Landmarks Preservation Commission
1 Centre Street, 9th Floor
New York, NY 10007



Fax and Mail

Dear Mrs. Srinivasan:

I am writing to you on behalf of the Queens community regarding the Landmarks Preservation Commission (LPC) proposed rule changes, specifically the process of filing applications for changes to landmarked sites and properties in historic districts.

I understand that LPC's proposed rule will make LPC staff responsible for property change applications. The current procedure encourages public participation as it allows local community boards and the public to testify or submit comments in favor of or against the applications. However, the proposed rule would no longer allow public input, and instead permit a "closed-door" approach to crucial changes.

Preservation and Community leaders as well as the Historic Districts Council are extremely concerned of the proposed rule's repercussions, specifically the low standards of allowable work to be done outside of public purview.

Public participation regarding landmarked sites is crucial. By closing the door on these voices, the LPC places the community and landmark sites and properties in a very perilous situation.

Therefore, I strongly urge LPC to reconsider the proposed rule changes to assure LPC aligns with the community's best interests.

Sincerely,

Tony Avella
State Senator
11th Senatorial District



TA: im



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

April 23, 2018

Meenakshi Srinivasan, Chair
Landmarks Preservation Commission
Municipal Building
1 Centre Street, 9th Floor
New York, NY 10007

Re: Proposed LPC Rules Amendments

Dear Ms. Srinivasan:

As a follow-up to our March 26, 2018 letter, and in our role of administering the Certified Local Government (CLG) program, the New York State Historic Preservation Office (SHPO) is providing more detailed comments on the proposed new Rules and amendments. Per the agreement between our agency and certified local governments, the Landmark Preservation Commission (LPC) is required to submit proposed amendments and consult with SHPO to ensure those changes are consistent with the requirements and intent of the CLG program.

We have reviewed the proposed Amendments to the LPC Rules found in Title 63 of the Rules of the City of New York. Though we have concerns as outlined below, overall we feel that this could be a positive step for the administration of landmark law in New York City.

We find that the Amended Rules are greatly expanded and respond to needs to address accessibility and sustainability as new areas of concern for historic preservation. Furthermore, the Rules respond to the pressing need to codify previously unwritten regulatory practices of the Commission. Notably, new sections have been added to address barrier-free access, work in areaways, excavation, the installation of health and safety and utility equipment, and sidewalks.

Additionally, the amended rules are organized in a more logical and user-friendly way, many more definitions are provided for terminology found in the rules, and appropriate repair practices are described in detail. Errors in the text have been corrected, and references to other relevant municipal regulations are made throughout. We consider each of the above to be improvements that will support the LPC's mission and facilitate the agency's day-to-day regulatory workload.

Our primary area of concern is that certain rules prohibiting the removal and replacement of historic fabric that currently require the full review of the Commission and an accompanying public hearing will be weakened to allow the replacement of historic fabric, in more instances, with a staff-level permit.

Specifically, we are concerned that historic windows (including "Special windows" as defined within the rules), cast-iron sidewalk vault lights, other historic paving materials such as bluestone and granite, and architectural features at primary facades may be removed and replaced with other materials for reasons not limited to physical deterioration.

It is our understanding that under the existing rules, a proposal to replace historic windows in sound condition or any Special windows for any reason, would go before the full Commission at a public hearing. Under the proposed new Rules, historic windows - including Special windows - at both individual Landmarks and buildings within Historic Districts may be authorized for replacement at the staff level purely for code and energy-performance reasons (proposed Section 2-14 vs. current section 3-04).

Of further concern is that the proposed Rules (Section 2-19) will decidedly weaken protections for cast-iron sidewalk vault lights, an increasingly rare historic resource throughout the city. Under proposed new rules, staff could approve wholesale removal of "already covered" deteriorated cast-iron vault lights and could approve the removal of up to two panels of uncovered deteriorated vault lights. Current Rules do not expressly address cast-iron vault lights, but it is our understanding that the proposed removal of any historic cast-iron vault lights would require review and approval by the full Commission. Past Commission-level approvals notwithstanding, making the removal of these features effectively "as-of-right" sets a poor precedent.

Our secondary areas of concern are as follows:

- the use of the term "non-contributing" and related definitions throughout the proposed Rules;
- the rules relating to excavation make no reference to the potential for discovery of archaeological resources;
- the rules expanding allowances for "minimally visible" rooftop additions and visible mechanical equipment; and,
- the need for additional training for both Commission members and staff.

"Non-contributing" and related definitions (throughout):

As emphasized by many of city's preservation advocacy groups, the lack of a clear and consistently applied definition for what constitutes a "non-contributing" building, a "no style" building, or a building that is "otherwise not a building for which the historic district was designated", leaves the Commission and staff vulnerable to inconsistent (and therefore flawed) decision-making when it comes to proposals to demolish, alter, or "restore" these categories of building. The opportunity for public comment is crucial in determining the outcome of these types of challenging projects. We recommend that in cases where a building's historic status is unclear to staff, proposals for alterations or demolitions should go before the full Commission.

Excavation (new Section 2-16):

The entirely new Rules section dealing with Excavation acknowledges a new trend of major construction activities in the city's historic districts; it's unclear how the rules might take into account the increased potential for discovery of archaeological resources within areas of historic districts already identified as having archaeological sensitivity.

Roof-top Additions (new Section 2-15):

The amended Rules would allow staff to approve minimally visible rooftop additions (occupiable and non-occupiable space, as well as mechanical equipment) in more instances, and according to the heights of buildings. Over the long term, this expansion of the rules will have cumulative impacts to streetscapes and could harm the character of certain historic districts.

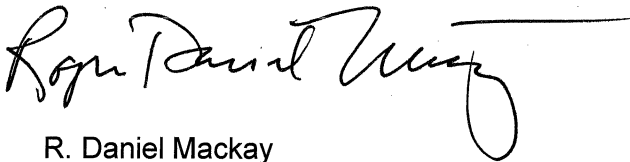
Training:

With the expansion of the LPC Rules and the increased regulatory burden on staff, we feel it is imperative that LPC implement a program of regular and consistent training. With respect to Commission training, it is our understanding that the City does not require the Commission to attend training workshops or keep track of Commissioners' involvement in training workshops. Rather, Commissioners are provided training at the start of their respective terms.

An orientation at the beginning of the term is an excellent start; however, per the CLG Agreement, training is a requirement: *commission members shall maintain or augment their knowledge through participation in historic preservation training at least annually or as provided by the SHPO*. One of the benefits of being a CLG is receiving SHPO training at no cost to LPC, and training can be modified to fit the needs of the commission. Other sources of training include National Park Service webinars and online training videos, and the Commission Assistance and Mentoring Program (CAMP) offered by the National Alliance of Preservation Commissions (NAPC). This workshop is a featured component of our Statewide Historic Preservation Conference in Albany on April 26th.

In summary, we recognize the extraordinary challenges facing LPC and we appreciate the sustained efforts of the Commission and LPC staff to undertake the significant task of proposing amendments to the Rules to advance the effectiveness of the LPC in administering the city's landmark law. We look forward to working further with you as these changes are evaluated for possible implementation.

Sincerely,



R. Daniel Mackay
Deputy Commissioner
Office of Parks, Recreation, and Historic Preservation
roger.mackay@parks.ny.gov
(518) 268-2171

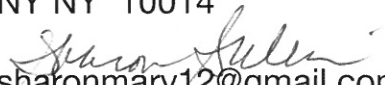
Madam Chair:

(The "submit" button on the NYC LPC website for "Message" turns out to be an ineffective "dump line" of the entire NYC.gov website. As a former Newsweek employee, I can attest that this is bad PR. Below is my "Message"

Opposition to Rule Change Permitting "Staff" to Review Building Alterations without Public Review

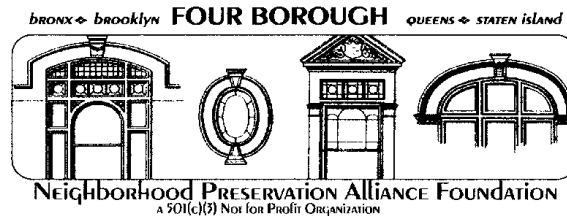
I am strongly opposed to the LPC proposition to have "staff" approve/disapprove "some" alterations to buildings which will be done without public review. This review procedure clearly intends to relegate LPC decisions to the shadowy world or behind-the-scenes bureaucracy, where influence and "old friends and comrades" can influence decision-making with virtually no input from local Community Board's, civic groups, and knowledgeable proponents of architecture, history, and art. This is clearly a blatant give-away to the real-estate industry. There will be NO building changes that LPC will classify as protected by the Landmark laws once decision-making returns to the "back rooms." This is not a short-hand change to "improve efficient handling." It has every earmark of being used to muck up the review procedure into a non-transparent travesty. Please do NOT pass this change.

Sharon Sullivan
8 Jones Street, #4B
NY NY 10014


sharonmary12@gmail.com
917-636-9749



From: Anna Bohart
To: [Amber Nowak \(RPC\)](#); [testimony_LPC](#)
Subject: Testimony on proposed changes to alteration review procedures
Date: Monday, May 07, 2018 11:23:29 AM
Attachments: [Embedded1525692177932.png](#)



**232 East 11th Street
New York, NY 10003
718-343-8830
jtrent8830@aol.com**

May 7, 2018

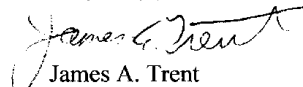
Hon. Meenakshi Srinivasan, Chair
New York City Landmarks Preservation Commission
1 Centre Street - 9th Floor
New York, NY 10007

Dear Ms Srinivasan:

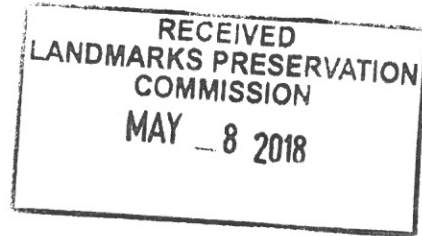
Four Borough Neighborhood Preservation Alliance is adding its voice to the legions of other preservation-minded individuals and groups opposed to reducing transparency in the landmark alteration process by adopting procedures that would lessen the number of public hearings.

The goal of reducing red tape and bureaucracy is a good one and we don't mean to discourage those efforts, but less notification to the public of intended changes to a landmark site seems not a good place to achieve that goal given the past history of developers and individuals in this City who are not sensitive to architecture, aesthetics, our past history, or any other consideration that keeps our neighborhoods liveable and pleasant.

Very truly yours,


James A. Trent
President

May 2, 2018



The Honorable Meenakshi Srinivasan
Commissioner/Chair
New York City Landmarks Preservation Commission
1 Centre Street - 9th Floor North
New York, NY 10007

Dear Ms. Srinivasan,

I am writing to express my strong support for the incorporation of archaeology in the amended LPC Rules currently under consideration. Excavation Rule 2-16 presents an unprecedented opportunity to address the issue of important archaeological resources on privately owned property in historic districts and on individual properties.

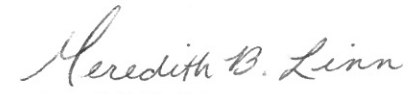
As you know, cisterns, privies, and other backyard features like drainage systems, offer information about the city's past obtainable only through archaeology. After the introduction of running water and sewers (the dates of which vary by borough and individual building) that eliminated the need for backyard cisterns and privies, these underground structures became convenient places for residents to deposit objects, and, simultaneously, treasure troves of information about their lives. Archaeological studies of backyard features have successfully brought to light the stories of ordinary citizens-- including working people, women, immigrants, and other minorities-- who were left out of or misrepresented in written records. The study of more of these features is critical if we wish to be able to discover and celebrate a more accurate and inclusive history of our city.

Because these backyard features are so important, it would be reasonable for LPC to request in the Excavation Rule that developers and homeowners address these features when they conduct work that would disturb them. Cisterns and privies, for example, are usually located in very predictable locations, the former adjacent to the back of the building and the latter in the rear 5 ft. of a backyard. The Rule could provide the owner with the options of either archaeologically documenting and, if necessary, excavating these features, or avoiding and preserving them for future investigation.

Without LPC's intervention, so many stories of New Yorkers, so many aspects of the city's history now quietly waiting in these backyard features will be lost forever. To ignore these irreplaceable features and the unique information they offer is contrary to LPC's mission and the good work that the commission has done for decades to preserve our past. As not only an archaeologist, but also an educator and citizen of our city, I strongly urge you to incorporate archaeology into the amended Landmarks Rules.

Thank you for your consideration of this important matter.

Sincerely,

A handwritten signature in cursive script, reading "Meredith B. Linn".

Meredith B. Linn

Assistant Professor of Historical Archaeology
Bard Graduate Center
38 West 86th Street
New York, NY 10024

cc: Mark A. Silberman, General Counsel



The City of New York
Community Board No. 3
Bedford Stuyvesant Restoration Plaza
1360 Fulton Street, 2nd Floor ■ Brooklyn, New York 11216

718-622-6601 Phone ■ 718-857-5774 Fax ■ nyc.gov/bkcb3

ERIC ADAMS
BOROUGH PRESIDENT

RICHARD FLATEAU
CHAIRPERSON

HENRY L. BUTLER
DISTRICT MANAGER

May 7, 2018
Hon. Meenakshi Srinivasan, Chair
New York City Landmarks Preservation Commission
One Centre Street 9th Floor
New York, NY 10007

Dear Chair Srinivasan,

Brooklyn Community Board 3 strongly opposes the proposed Rules Amendments presented at the March 27, 2018, Public Hearing. We join with many community boards from across the city and nine distinctive preservation leaders, including the Historic Districts Council and New York Landmarks Conservancy in the rejection of this proposed amendment, urging the Landmarks Preservation Commission to withdraw the Proposed Rules Amendments.

We oppose the Proposed Rules Amendments based on the following concerns:

- 1.) Changing the rules removes or minimizes the public review process.
- 2.) Eliminating transparency and keeping the public out of the process would dramatically increase the number of Landmarks applications handled and approved at the staff level. Important items will be decided behind closed doors and the LPC will no longer encourage the public to provide valuable contextual feedback and information. Public reviews submitted by Community Boards will not be necessary, removing neighbors' opportunity to be informed about proposed projects.
- 3.) Under the current rule, Applicants must notify owners of adjoining properties about filed Certificate of Appropriateness filings. Even as it stands, many applicants fail to do so. The amendments are likely to make this situation worse.
- 4.) The public needs to be informed as to what changes will be made in their neighborhoods. In the past, the Commission did not prevent the public from participating in the process; inviting comments, and often incorporating public input. The public role is important. Residents are the eyes and ears of the Landmarks Preservation Commission. If the Proposed Rules Amendments are approved, the public will be unaware of filed applications and the secret process will do away with public opportunity to voice concerns or give input.
- 5.) The public process supports the works of the Commission. Neighborhood stakeholders, property owners, community boards, preservationists, residents and elected officials-are deeply connected to their communities and have unique knowledge about historic building that cannot be replaced. During the public process, these stakeholders often identify discrepancies or incomplete information filed on applications.
- 6.) The public cares deeply about the use of sub-standard materials, and the substitution of faux materials in restorative work.
- 7.) The public cares about Rear Yard Extensions, maximum additions to building mass, constructed bulkheads, and their impact on sunlight or sight line view. Replacing bluestone sidewalks, adding HVAC units and installing roof decks are all items of great concern which should not be approved at a staff level without public scrutiny.

- 8.) The Commission's decision to organize the new rules by "Work-types" without adequate consideration of the impact that it will have on the character of historic districts and individual landmarks is unacceptable.
- 9.) The new rules would decrease post-hearing transparency. The public will not find out about final agreements until after the Commission has posted the Commission's Decision or after the construction has begun. In addition to expended staff level approvals, the rules provide minimal follow-up by Landmarks Preservation Commission, to ensure that the project has followed the agreed upon staff level decision or if the Applicant is following LPC's guidelines. All follow-up is complaint driven.

The Commission's Proposed Rule Amendments create more uncertainty for the public, and as a tradeoff to save time to process the applicant's application, we lose the ability to protect the fundamental landmarks protection process, leaving the future of landmarks in the hands of a few, eliminating a layer of checks and balances from the process.

While, this new process the Commission hopes to implement seeks to help the Applicants on some levels, it fails to consider the impact. If approved, many New Yorkers will be unaware of the Proposed Rules Amendment until their neighbor adds a 3-story rear yard extension. They will not have input or stop it from happening, possibly receiving damage to their property because they were not notified that the work requires scaffolding or vibration monitoring.

This can be avoided by ensuring the public maintains its opportunity to provide input or can stop egregious additions from happening.

We live in the Bedford Stuyvesant Community, and we have three historic districts. Although not all of our beautiful row houses are protected by the designation process, we still have a sense of pride for all of our historic row houses in the community and are deeply concerned about how these changes will affect the architectural character of the neighborhood. We need more districts to be designated.

Please hear our voices. Stop the process that will keep the community in the dark, that will push the landmarks process backward, and most of all diminish transparency. We the community, the public, the elected officials, the preservationists and all who have a vested interest, want the Landmarks Preservation Commission to know that "We love where we live. We love New York." Let's continue to protect it.

Sincerely,

Richard Flateau

Richard Flateau, Chair
CB3 Brooklyn

Evelyn Collier

Evelyn Collier, Chair
CB3 Brooklyn Landmarks & Preservation Committee



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD 10
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CICELY HARRIS
Chairperson

ANDREW LASSALLE
District Manager

Manhattan Community Board 10 Resolution regarding the Proposed LPC Rules Amendments:

WHEREAS the New York City Landmarks Preservation Commission (LPC) announced in January 2018 that it would be issuing a set of proposed amendments to its governing rules. These rules amendments are outlined in a 131-page document, with the overwhelming majority of proposed changes to Chapter 2 of LPC rules entitled “Alteration of Landmarks and Historic District Buildings;” and

WHEREAS LPC listed six goals it aims to achieve through these Proposed Rules Amendments: (1) “authorizing the LPC Staff to approve a variety of work-types that are consistently approved by the Commission utilizing established criteria;” (2) “ensuring that applicants do not have to go through the more time-intensive Certificate of Appropriateness public hearing process;” (3) “bring the Commission’s rules up to date with Commission approvals concerning compliance with a wide variety of other governmental codes and criteria;” (4) “amend existing rules, as well as add new ones, to reflect current and established practices of the Commission;” (5) “reorganize the rules comprising Subchapter B of Chapter 2, including consolidation of some existing rules;” and (6) “delegating to the LPC Staff the authority to approve work that is consistently approved by the Commission;” and

WHEREAS LPC aims to eliminate the current requirement for LPC applications to be reviewed by its Commission in a public hearing setting, which would in turn allow LPC applications to be subject to any formal public review and effectively eliminate presentations to community boards to facilitate a community discussion on the appropriateness of LPC applications in their respective districts; and

WHEREAS We are extremely concerned that LPC is attempting to drastically modify its processes to eliminate the requirement of LPC public hearings and effectively community board public hearings and advisory recommendations. Currently, at LPC public hearings, community members, elected officials, and concerned residents of New York City have the ability to submit public testimony, letters or support or dissent, or even signed petitions regarding all applications scheduled at a particular hearing. LPC’s rules amendments will eliminate the ability of the general public and elected officials to submit public testimony before a public hearing; and

WHEREAS On March 27, 2018, LPC convened a public hearing on the Proposed Rules Amendments, at which dozens of organizations, residents, and elected officials submitted testimony and protested against the Proposed Rules Amendments; and

WHEREAS in a joint letter issued on April 13, 2018, nine preservation groups urged the LPC to withdraw the Proposed Rules Amendments. These nine groups included Historic Districts Council,

the Greenwich Village Society for Historic Preservation, the Brooklyn Heights Association, the New York Landmarks Conservancy, the Municipal Art Society, the Society for the Architecture of the City, the City Club, Landmark West!, and FRIENDS of the Upper East Side Historic Districts. This joint letter criticized the LPC's efforts to diminish public review of LPC applications, LPC's usage of landmarks process categorization that had no relevance or reference to the Landmarks Law, and LPC's introduction of incentives for the use of substitute and faux materials on historic buildings. This joint letter was co-signed by dozens of elected officials, advocates, community groups, and community boards; and

WHEREAS the Chair of the New York City Landmarks Preservation Commission Meenakshi Srinivasan announced her resignation on April 19, 2018 amid much controversy and criticism involving these LPC Rules Amendments and other issues; and

WHEREAS the CB10 Transportation, Historic Preservation, and Landmarks Committee discussed the proposed LPC rules amendments in the April 2018 committee meeting and determined that these proposals will compromise the transparency of LPC reviews of LPC applications and will ultimately compromise the integrity of the historic districts and buildings across the City of New York; and

WHEREAS LPC is proposing an unprecedented overhaul of current LPC rules and procedures that were originally set to ensure the transparency of the review process of proposed work in historic districts and on historic buildings; and

WHEREAS Manhattan Community Board 10 urges LPC and the Mayor's Office to withdraw the LPC Proposed Rules Amendments as it diminishes the transparency, trust, and accountability that the LPC review process should have; and

WHEREAS on April 25, 2018, the CB10 Executive Committee voted on this resolution with a vote of 29 YES; 0 NO; 0 ABSTENTIONS against the LPC's Proposed Rules Amendments; and

THEREFORE BE IT RESOLVED that Manhattan Community Board 10 urges the New York City Landmarks Preservation Commission to discard the proposed LPC Rules Amendments and uphold its existing rules without amendments.

From: [Amber Nowak \(LPC\)](#)
To: [Amber Nowak \(LPC\)](#)
Subject: FW: Written Comments on the Proposed Rule Changes
Date: Wednesday, May 09, 2018 5:28:08 PM

From: Cory Rouillard [<mailto:Rouillard@jhpokorny.com>]
Sent: Tuesday, March 27, 2018 4:00 PM
To: Nyc RulesLpc (LPC)
Subject: Written Comments on the Proposed Rule Changes

Dear members of the LPC:

Please note: I presented these comments in person at about 2:15 this afternoon at the public hearing. This the written transcript of my comments. Thank you for your time and consideration.

Hi. My name is Cory Rouillard. I'm an architect at Jan Hird Pokorny Associates.

I'm here to add my voice as one of concern about the proposed rule changes.

As a preservation architect practicing in the city, I work every day to restore and to design sensitive and appropriate interventions to the heritage buildings in our city. **I depend on the LPC** to be the backbone, to uphold responsible stewardship of our cultural heritage. **I rely** on the ability to point to the rules and oversight of the LPC to ensure that my clients fully understand our insistence upon best practices and respect for the character-defining features of their buildings.

For this to work – for the translation of policy into best physical practices –

1. I need my clients to understand **what** is being upheld, and why.
2. I need them to understand that we – and the LPC – are working in their best interest, and in the best interest of their city as a whole.
3. I need my clients to know **how** the LPC arrives at their determinations, and
4. I need my clients to **trust** in the consistency and reasonability of the LPC's determinations.

For this to happen, the LPC needs to be **clear and transparent** in their process, and open to public comment.

In this political climate (nationally), where opinions are so fractured, and the government is trusted less than ever, we need to have as much transparency as possible, to **foster trust** and **facilitate public involvement**.

At this point in time, any modification that could remove transparency, or even create the **perception of a reduction in transparency**, does not seem wise.

The number of people speaking here today is a testament to the strength of the public process in New York City. It is a testament to the citizens of our city, and their interest and involvement in the decisions made about their built environment. This is a **strength to be fostered**, not something to be cut short.

In this city that is at the forefront of so many issues, let's be sure that we remain strongly at the forefront in **protecting and valuing** our open and engaged democratic processes, **and the trust and respect they foster**, including the clear and publicly transparent reviews by the Landmarks Preservation Commission.

Thank you.

Cory Trembath Rouillard, AIA, LEED AP
Associate Partner
JAN HIRD POKORNY ASSOCIATES, INC.

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