

September 27, 2018

**STATEMENT OF THE NEW YORK LANDMARKS CONSERVANCY BEFORE THE NEW YORK CITY  
CHARTER REVISION COMMISSION 2019**

Good evening Chair Benjamin and Commission members. I am Andrea Goldwyn, speaking on behalf of the New York Landmarks Conservancy. The Conservancy is a 45-year old organization dedicated to preserving, revitalizing, and reusing New York's architectural resources. Through financial and technical assistance, advocacy, and education, the Conservancy ensures that historically and culturally significant buildings, streetscapes, and neighborhoods continue to contribute to the City's economy, tourism, and quality of life. The land use issues under this Commission's review are central to our work in preservation and planning.

Planning Issues

Over the past several years, neighborhoods across the City have erupted with alarm over out-of-scale buildings and City policies that enable them. These structures hover over the edges of landmarks, historic districts, and contextual districts, threatening their character and their hard-won protections. We have heard from constituents who say that their voices are not being heard when it comes to new development in their communities, and that the Department of City Planning zones, but doesn't plan.

Overall, we urge this Commission to consider a more comprehensive approach to planning. We should have a planning agency that considers all of a community's needs, its existing resources, and its capacity, and then makes decisions based on those factors, instead of the current system, which relies on uncertain outcomes and negotiations with developers.

For now, there is not one problem, but multitudes of loopholes and workarounds that need to be fixed. There is zoning that fails to count unlimited mechanicals against FAR. There are gerrymandered and sculpted zoning lots, and buildings on stilts. There are floor-to-floor heights that let a building with 57 stories rise to some 1,400 feet. There are open floors so high that the Fire Department will have to develop new ways of evacuating anyone stuck in an elevator in an emergency.

There are aggressive interpretations by City agencies. Parks can now generate floor area. Towers and bases under tower-on-base regulations don't have to be linked. DOB applications for alterations result in demolitions. There are rezonings that are not based on well-considered plans. There are Community Boards and DOB reviewers who are constantly outgunned by very smart and sophisticated readings of the Zoning Resolution.

We are asking this Commission to consider:

- Setting a trigger for public review when a building's proposed height reaches a certain limit, proportionate to a neighborhood or Community District.
- Notification of zoning lot mergers to Community Boards, Borough Presidents, and Councilmembers
- Setting a limit on the height and location of voids and mechanical spaces and/or counting them against a building's FAR calculation.
- Setting a standard floor height and counting taller floor heights (in proportion) against total FAR.
- Requiring consistent DOB enforcement of FAR interpretations.
- Improving ULURP by establishing a consistent and transparent pre-planning process for Community Boards to review applications in their early stages.
- Providing Community Boards funding so they can engage professionals to respond to complicated land use proposals.
- Improving Community Board training on land use issues.

For too many people, the City's planning system and its 1961-era Zoning Resolution are broken. We urge you to fix them.

#### Preservation Issues

New York's Landmarks Preservation Commission is one of the strongest and most effective preservation agencies in the country. Its protection of historic resources was integral in reinvigorating the City's economy after the dark days of the financial crises in the 1970s and 80s. In the recent boom years, it has set a balance, working to maintain the dynamic mix of old and new that makes New York unique.

The Conservancy's own study on the economic impacts of designation found tremendous benefits. More than \$800 million is invested annually in New York's historic buildings, creating 9,000 jobs and providing paychecks of over \$500 million each year. Heritage tourism is a major component of the City's visitor industry, which provides jobs for 130,000 New Yorkers. Historic districts are the densest residential neighborhoods in every borough, usually having a density of two to three times that of the borough overall. And both historic office and apartment buildings use significantly less energy per square foot than their more recently built competitors.

This success leads to the conclusion that the LPC should absolutely continue as an independent agency. The Landmarks Law charges it 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 the education, pleasure and welfare of the people of the City

These goals are just as relevant now as when the Law was written over 50 years ago.

We believe that the LPC would be even more successful with several improvements. The Commission should re-establish its authority over City-owned landmarks and scenic landmarks. Buildings such as the Erasmus Hall Academy, Olmsted House, and Seaview Hospital have all suffered substantial deterioration under the neglect of the agencies responsible for them. Stronger LPC enforcement of affirmative maintenance provisions would have kept these landmarks stable, reduced renovation and restoration costs, and set the stage for re-use options, instead of creating preventable crises.

Until recently, there was a group of buildings that was on the Commission's calendar, waiting for a hearing and a vote on landmark designation. The Department of Buildings agreed to notify LPC if DOB applications were submitted on those properties. While the number of buildings in this limbo has shrunk and it is unlikely that it will ever reach the same numbers, we would like to see that agreement codified, to protect historic resources, and prevent alteration or removal of character-defining elements, or demolition.

Finally, we would like to see several tweaks to the appointed Commission. First, compensation for the Commissioners, as is the case in most other agencies. Next, prompt reappointments. According to the Green Book, only one of the Commissioners is acting under a current appointment; all others have expired. In this case, we just ask that the City enforce its own rules, and have formal and timely reappointments. Lastly, we recommend a requirement for a Commissioner to have a background in preservation. When the Law was established, this was a new field, so the requirements to have a historian, architects, and a realtor, among others, were sensible. In the decades since, the field of preservation has been professionalized, with several academic degree programs that have produced thousands of alumni. The LPC's preservation staff is required to have a degree; it should be a prerequisite for at least one appointed Commissioner.

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