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**Testimony before the New York City Council
Land Use Committee
Intros 775-2015 and 837-2015
September 9, 2015**

Good afternoon Chair Greenfield and members of the Land Use Committee. I am Manhattan Borough President Gale A. Brewer. Thank you for the opportunity to testify today on Intros 775 and 837 which respectively pertain to the process of considering and tracking the City's landmarks and historic districts.

Most of you know how important historic preservation is to me. I represent New York County -- the densest county in the United States. Without our City's Landmark Law preserving historic areas of Manhattan from Greenwich Village to Harlem, and beautiful buildings from Grand Central Station to the Cloisters, this county would look more like an impenetrable wall of steel and glass boxes, than the mix of old and new that makes our Borough so special. I strongly believe that our City's Landmarks Law can be improved but we need to be very careful that in an effort to make it more efficient we don't weaken it.

Having said that, and despite the fact that I am fond of saying I would landmark the entire Borough, I strongly believe in a balance between development and historic preservation. Recently, my colleague, Council Member Dan Garodnick and I finished working on a conceptual plan for East Midtown that balances the need for significant increases in density with the need to preserve some of our City's most historic assets. We worked closely with developers, BIDs, preservationists and community leaders to achieve a fair and balanced plan and in so doing, have added significantly to the workload of our Landmarks Preservation Commission which is now tasked with reviewing a sizeable list of potential landmarks prior to certification of the East Midtown ULURP.

As you also may know, I am a proponent of transparent and predictable government operations, so I share the goals of Chair Greenfield and Landmarks Subcommittee Chair Peter Koo on improving transparency and process at the Landmarks Preservation Commission (LPC). Reasonable timelines can and should be a part of this needed predictability. I don't think we should ever allow a backlog consisting of items up to four decades old to accumulate on LPC's calendar. In fact, as Borough President, I have met with both sides of the issue over a dozen times, with discussions going up to three hours at times, because I believe good government should be about balancing those interests while ensuring the strength of the Landmarks Law for the next 50 years.

But there is a lot of space between an item being calendared for 40 years and a time frame of 12 to 24 months, with a five year bar on reconsideration for anything that goes over this

timeframe whether or not a decision was ever reached on the merits. And those are my principal concerns with the timelines proposed by Intro 775.

While many if not most individual landmarks are calendared and designated within a year, and most historic districts are calendared within two years, almost 30 percent of historic districts have taken more than the two-year time period proposed by Intro 775. These changes would eliminate the LPC's ability to deal with more complex or negotiation-intensive landmarks applications. In order to increase efficiency we should not create a situation in which once the LPC calendars an item and holds a public hearing they must cut short substantive discussions with stakeholders to make a decision because the clock is ticking and if the clock runs out their hands will be tied from further consideration.

Historic Districts such as SoHo and Hamilton Heights in Manhattan, Bedford Stuyvesant in Brooklyn, and Mott Haven in the Bronx all were calendared for over two years before designation. Indeed, the creation of many of our historic districts have been the product of intense debate and negotiation, and once created have undergone expansion. A five year bar on reconsideration could put that careful and incremental consideration at risk.

Finally, I am troubled by the provision at the end of Intro 775 that would require the LPC to clear its entire calendar within 18 months. I am in complete agreement with the bill sponsors that to have buildings sitting in limbo for decades is a practice that must end. However, I strongly believe that mandated timelines, coupled with a fair process and transparency, will prevent a future backlog. Moreover, the LPC realized that true public input and process is the more appropriate way to go, and they have developed a strong backlog plan for the first three and a half decades of a four decade backlog. Yet even this may take 18 months to clear. I fear that superimposing a legislative drop dead date on the work that the LPC has done together with community leaders and advocates, may undermine all the hard work that has been done to clear the backlog through a timely public process.

Intro 837 of 2015, which I am proud to co-sponsor with my friend and colleague Council Member Dan Garodnick, requires the Landmarks Preservation Commission to maintain a publicly available database of all items designated as landmarks, historic districts, interior landmarks, and scenic landmarks, and items under consideration for designation. As we celebrate and reflect on the 50th Anniversary of the City's Landmarks Law, I believe this bill presents an opportunity to make government operations transparent in a way that will benefit all stakeholders in the years ahead.

Owners, preservationists and members of the community have shared with my office a variety of concerns regarding the fairness and clarity of the landmarking process. These include the unknown status of requests, unclear scope for public comments, and unclear standards for what type of work will make it through the permitting process. For example, Community Board Five submitted a Request for Evaluation of the beautiful Rizzoli Bookstore at 31 West 57 Street. They waited seven years for a response, only to learn in the press that their request had been denied. As many of you know, the building has already been demolished to make way for another glass box. The LPC now promises written responses to these requests, and the public should know of any final determinations the agency makes.

The proposed database would include information regarding the current status of consideration or designation for each item including, for items under consideration, the location of property under consideration, the person or organization who submitted a request, copies of relevant documents, any scheduled hearings or meeting dates, the date of the request and the date on which an item is calendared or designated.

The shared goal being expressed by many today is to make the operations of the LPC more transparent and provide the public with information on LPC decisions. I believe that Intro 837 accomplishes this and encourage the Committee to vote in support of the bill.

Thank you again to Chair Greenfield and the members of the Land Use Committee and Council for the opportunity to testify before you today.