



**Greenwich
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Society for
Historic
Preservation**

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**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 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.