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March 4, 2018

Dear Speaker Johnson, Council Member Kallos, and Manhattan Borough President Brewer:

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. The LPC 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.”

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.

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And

Artists Studio Affordability Project  
Audubon Park Alliance  
Bowery Alliance of Neighbors  
Brooklyn Bridge Park Defense Fund  
Central Park West Association  
Central Village Block 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 Fifties Neighborhood Association  
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 alternations 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.