



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.