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Good morning. Thank you for inviting me to join you for this important discussion and conference. It’s a pleasure and an honor for me to speak with you about New York City’s perspective on preservation and economic development.

There are some owners and others who believe preservation is a hindrance to economic growth. But my experience has demonstrated that preservation and economic development are by no means incompatible. More often than not, preservation is understood to enhance economic development in New York City.

Part of the reason why preservation is seen as having an integral role in the City’s economy is that New York City’s Landmarks Law holds the view that it is a critical component of robust economic activity. The framers of this groundbreaking legislation believed preservation is consistent with economic development. They believed this so strongly that they provided the mechanism, if you will, to preserve the City’s historic resources. That mechanism is the agency I oversee, the Landmarks Preservation Commission.

The Landmarks Law was enacted 1965 in response to the growing concern of New Yorkers that important physical elements of the City’s history and heritage were being lost. Equally alarming was the fact that many of those buildings could be reused.

This law, which is considered among, if not the most powerful preservation law in the United States, is quite clear about the nexus between preservation and economic development.

The purpose of the Landmarks Law is to effect and accomplish the protection, enhancement and perpetuation of such improvements and landscape features and of districts which represent or reflect elements of the city’s cultural, social, economic, political and architectural history; safeguard the city’s historic, aesthetic and cultural heritage, as embodied and reflected in such improvements, landscape features and districts; stabilize property values; foster civic pride in the beauty and accomplishments of the past; make the city attractive to tourists and support economic benefits; strengthen the city’s economy and promote the use of designated properties for the “education, pleasure and welfare of the people of the city.

It was the belief of the framers of the Landmarks Law said that the standing of New York City as a worldwide tourist center and world capital of business, culture and government could not be maintained or enhanced by disregarding the historical and architectural heritage of the city and by countenancing the destruction of such cultural assets.

This view started to take shape around the turn of the 20th century. Not just in New York City, but throughout New York State. So in 1957 the State of New York officially recognized the importance of
historic preservation and passed a law that enabled the state’s cities to establish commissions to protect their heritage.

In New York City, the momentum for government intervention had been steadily growing. As I said earlier, some of the City’s most treasured buildings were being lost. The most infamous of these losses was the destruction of Pennsylvania Station. This monumental train station was designed in the Beaux Arts style by the renowned firm of McKim, Mead and White, and modeled after the 3rd-century Baths of Caracalla in Rome. It covered two blocks bounded by 33rd Street, Seventh Avenue, 31st Street and Eighth Avenue.

Tragically, it was demolished to make room for an underground train station, also known as Pennsylvania Station, and Madison Square Garden, an entertainment and sports complex. There had been a decline in ridership, due to the rise of the automobile and the owner of the station, Penn Central Railroad, was struggling financially. The property under the station was too valuable. It was destroyed despite public outcry.

The New York Times called the demolition of this treasure a “monumental act of civic vandalism.”

Vincent Scully, an architect and scholar at Yale University, once famously wrote that it “seemed odd that we could ever have been persuaded that Penn Station was no good, and, finally, permitted its destruction. Through it one entered the City like a god.”

But the fact of the matter was that there was nothing the City of New York could do to stop the owners from taking down the building.

Since the Landmarks Law was passed, the Landmarks Preservation Commission, the largest municipal preservation agency in the United States, has protected over 29,000 buildings and sites. These include some of the most recognizable structures and neighborhoods in the world, like the Empire State Building, the Brooklyn Bridge and Greenwich Village.

Yet New York City has thrived, even as the inventory of landmarked buildings has expanded. As the head of the agency that has overseen that expansion, I want to share with you some examples and explain what we do to ensure that robust economic activity go hand in hand.

We’re surrounded by evidence that New York City’s landmarked neighborhoods and buildings are thriving. Much of Madison Avenue, for example, is located in the Upper East Side Historic District. This stretch of Madison Avenue forms one of the most prosperous retail districts in the City, and plays host to some of the world’s most renowned fashion houses and art galleries.

The SoHo Cast Iron and Tribeca historic districts also are flourishing. Upscale galleries and boutiques have found equally hospitable homes in these districts, as well.

Other examples are the Ladies’ Mile Historic District, where a number of national retailers have established a presence and the Gansevoort Market Historic District, formerly known as the Meatpacking District.
I would argue that a large part of the reason why these businesses have chosen to locate in the city’s historic districts is because of their distinctive architecture and history. They want to be as distinctive as the buildings they occupy.

Our job is to make sure that those historic districts and buildings which have proven so appealing to businesses and residential owners retain their special characteristics.

We do this by reviewing and writing permits for most alterations to a building that’s landmarked. We are just like any other regulatory agency in New York City, like the Department of Buildings, the Department of Environmental Protection, the Department of Consumer Affairs and the Fire Department. All of these bodies and others are responsible for issuing permits that allow New Yorkers for operating a restaurant or constructing a new building. This is one of the ways the Landmarks Preservation Commission differs from UNESCO and ICOMOS. We regulate the actual work. We are a bricks and mortar regulatory agency.

The agency is comprised of a panel of 11 commissioners, and a 70-person professional staff that consists of architects, archaeologists, historians, preservationists, attorneys, researchers and administrators.

The Commission has 11 members, who are appointed by the Mayor, with the advice and consent of the Council, for staggered three year terms. The Commission must have at least 3 architects, one planner or landscape architect, one historian, one realtor and one representative of each borough. The Chair, that’s me, is appointed by the Mayor and is the only paid member; the rest are volunteers. The Commission meets approximately three to four times a month.

The Commission is charged with designating individual landmarks, historic districts, interior landmarks and scenic landmarks. It also reviews applications for permits that are outside of the agency’s rules.

Within the agency, we have a research department that’s responsible for doing survey and research work and writing designation reports. Our preservation department is responsible for processing permits for work that is allowed under our rules. Our enforcement department investigates complaints of illegal work and issues Warning Letters and Notices of Violation. Our archeology department reviews certain projects involving excavation in the event subsurface artifacts are discovered.

The Commission is authorized to designate an “improvement,” that is, any building, structure, place, work of art or other object constituting a physical betterment of real property.

There are four categories of landmarks. An individual landmark is an “improvement” that is at least 30 years old (in part) and has a “special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation.” Examples include the Empire State Building, Brooklyn Bridge, streetplan of Old Amsterdam, and the fence around Bowling Green. Even a tree. There are nearly 1,300 individual landmarks across New York City.

The second category is a historic district. This is defined as an area that has improvements that have “special historical or aesthetic interest or value”; and represent one or more periods and have a special
sense of place. Examples include some of the ones I mentioned earlier, SoHo, Tribeca and the Upper East Side historic districts.

There are 106 historic districts (plus 16 extensions to those districts) in all five boroughs, containing approximately 27,600 buildings.

The Commission also designates interior landmarks. To become an interior landmark a space or part of it must be at least 30 years old and to which the public is customarily invited. Like an individual landmark, it also must have special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation. Interiors used for religious worship may not be designated. Examples include Grand Central, theaters, bank interiors, restaurants and office building lobbies. We don’t designate private interiors or interiors of apartment buildings. There are 113 Interior Landmarks.

Finally, the Commission designates scenic landmarks. These are defined as any landscape feature or aggregate of landscape features, any part of which is at least 30 years old, has “special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation.” They must be located on city-owned property. A landscape feature includes a grade, body of water, rock, plant, walkway fountain, sculpture or natural or artificial landscaping. Examples are Central Park, Prospect Park and Eastern Parkway. There are 10 Scenic Landmarks.

Potential landmarks and historic districts are recommended through our own staff surveys or by the public or through our own staff surveys. Owner consent is not required, but we do extensive outreach to owners. There are three formal steps that follow this process. The first involves a vote by the full Commission on whether to hold a public hearing on a proposed designation. The second is the public hearing itself, where any interested party may testify on the proposal, and the third and final formal step is the actual vote.

Designations are reviewed by the City Planning Commission for consistency with Zoning Resolution, projected public improvements and plans for the development, growth or improvement of the area involved. The Planning Commission has 60 days to review and it submits a report to the City Council.

The City Council then reviews the designation. The Council is empowered to rescind or modify a designation, and there is no requirement that the Council approve it. The Council must act within 120 days of the Commission’s vote.

There are two basic obligations of owners of landmarked properties. They must get a permit prior to performing any work and maintain the building in a state of good repair.

LPC regulates work. We review what owner proposes to do. We don’t require that something be restored or removed; if owner is proposing to change these conditions then we can decide what type of change is most appropriate.

LPC doesn’t regulate use. We can review changes that are required by new use, and decide that such changes are inappropriate, but we cannot decide in advance how a property is used.
Our staff reviews 95 percent of all of the permits issued by the Landmarks Commission. The full Commission reviews the remaining five percent.

The Commission, both the staff and the commissioners, are flexible in terms of what kinds of changes are allowable. We are protective, but we understand buildings have to evolve and expand as long as the changes are appropriate. Commission evolvs as well. Its views about how visible an addition can be, for example, change over time.

The Commission issues approximately 10,000 permits each year, for simple projects such as replacing a window or stoop railing, to constructing a new building in a historic district. We have approved hundreds of new buildings throughout New York City’s historic districts since 1965.

The Commission has under its jurisdiction only 3 percent of New York City’s one million or so buildings. Yet they have an enormous impact on the look and the feel of the City. They’re a large part of the reason why New York draws record-breaking numbers of tourists each year and why New York City is the capital of so many industries.

There’s even evidence that shows that property values rise at a slightly higher rate in historic districts than in areas that are not landmarked.

Yet the Landmarks Law anticipates there are instances where a building’s landmark status can impose a hardship on the owner. The law features a provision that allows work, including demolition, that is not appropriate if an owner cannot able to make a “reasonable return,” which is defined as a net profit equal to a 6% return on the assessed value of the property. For non-profits, the exemption will be granted if the maintenance of the landmark seriously interferes with their ability to carry out their mission.

The Commission demonstrates every day that changes are permissible, as long as they are appropriate. The Landmarks Law recognized there’s always going to be changes, and was written to ensure that the changes are sympathetic with the character and style of a particular building or surrounding buildings.

That’s because changes to landmark buildings are inevitable. Brownstone doesn’t last forever. Cornices, pediments, columns and other architectural features erode over time.

In New York, I believe we have found the right balance between protecting our historic buildings and places, and the rights of property owners. In so doing, we protect the essence of New York City, but not at the expense of economic activity.