

Combined Victorian Society Testimony for May 14, 2024: Proposed rule for regulation of bus shelters; 431 7th Avenue (LPC-23-10177); 110 South Street (LPC-24-06263); 230 Central Park West (LPC-24-06259)

Approximate time: 10:30; join Zoom by: 9:30

PUBLIC HEARING ON PROPOSED RULEMAKING PURSUANT TO CITY ADMINISTRATIVE PROCEDURES ACT Proposed amendments to Chapter 2 of Title 63 of the Rules of the City of New York, consisting of amendments concerning the installation of bus shelters.

Good morning commissioners, _____ for the Victorian Society New York.

This proposed bus shelter rule is different from other Commission rules. It is deregulation masquerading as rulemaking. Instead of protecting historic districts, it would effectively eliminate the Commission's jurisdiction over bus shelters in those districts.

One of the essential functions of the Landmarks Commission is to protect the public spaces of our historic districts. These spaces act as the matrix that holds districts together. They are the foreground through which the buildings are seen. When care is taken with the designs and materials in these spaces, the historic character of the district is supported and enhanced. *[The Commission's history in this regard was misstated by counsel. Prior to his tenure and that of his immediate predecessor, the Commission took an active role in public realm design.]*

The rule is written in such a way that no matter what bus shelter design may be approved in the future by the Public Design Commission, LPC will have no role in determining the appropriateness of that design. The shelters may become taller, more opaque, covered with advertising, or incorporate 5G antennas. No matter how inappropriate the design is, this rule will forfeit the Commission's ability to review it. This seems to us a gross abdication of LPC's mandated responsibility.

Further, a revision to the City Charter in 1995 removed the Public Design Commission's jurisdiction over designated landmarks and historic districts. The only exceptions are works of art and some alterations within scenic landmarks. The Design Commission has no jurisdiction to approve a design within an historic district. A city-wide design approval does not apply to historic districts unless LPC specifically finds it appropriate and approves it.

Before approving the proposed rule, the commissioners should have satisfactory answers to these questions:

1. Why would LPC voluntarily forfeit its obligation and responsibility to review future designs for bus shelters in historic districts, no matter how inappropriate the shelters' design?
2. Why would the LPC delegate this responsibility to the Public Design Commission, an agency with no expertise or interest in historic preservation?
3. Under what authority can the LPC delegate this responsibility to the Public Design Commission when Section 854 of the New York City Charter has removed that responsibility from PDC and given it to LPC?
4. Does this rule imply that the Commission intends to remove itself from review of other public realm design features, like food kiosks, streetlights, 5G towers, signage in parks, sidewalk and street pavements? These features also receive city-wide approval from the Design Commission.
5. Does LPC believe that design in the public realm within historic districts is important and worthy of its consideration? If so, how does this rule support that belief?

Charter sec 854

h. Notwithstanding any inconsistent provision of this chapter, if an approval of a structure pursuant to subdivision e of this section primarily concerns a landmark, landmark site, landmark interior, an existing building within a scenic landmark, or an action within an historic district, and also requires a report or determination by the landmarks preservation commission pursuant to [chapter three of title twenty-five](#) of the administrative code of the city of New York, then, in that event, the powers and duties of the art commission with respect to such structures pursuant to such subdivision e and subdivisions f and g of this section shall instead be exercised by the landmarks preservation commission pursuant to its own rules and procedures. If such commission shall fail to take action upon any matter legally submitted to it within sixty days after such submission, its action shall be deemed unnecessary. Any action taken by such commission pursuant to this subdivision shall be filed with the art commission.

No action; no discussion.

lunch

Approximate time: 1:30; join Zoom by: 12:30

LPC-23-10177 -- 431 7th Avenue - Park Slope Historic District Extension, Brooklyn

Good afternoon, commissioners, _____ for the Victorian Society New York. Founded in New York City in 1966, the Victorian Society in America is dedicated to fostering the appreciation and preservation of our 19th and early 20th century heritage. The NY chapter promotes preservation of our historic districts, individual and scenic landmarks, interiors and civic art.

The Victorian Society believes that this proposed new addition to a Victorian period historic district is doing a lot of things right. Both the street and rear façades will align with their neighbors and match the overall height of the adjacent buildings. The penthouse addition will be partially visible from 7th Avenue and 14th Street, but it's been detailed in a manner so as not to draw attention to itself. The materials, the color palette, the cornice, and the punched window openings on the front façade are similar to those of the neighboring buildings but also speak of the early 21st century. And, on a block dominated by the enormous 14th Regiment Armory, there's no danger that this new building will compromise a non-existent rear-yard "donut."

We see that the applicant is proposing three different window sizes on the upper floors of the front façade. This is not typical, as most small apartment buildings in the district have consistent window sizes, reflecting uniformity of the apartments within. This variety of window sizes proposed isn't necessarily a problem for the design, but we think greater consistency in use of the terra-cotta spandrel panels between the windows would help create a more unified and coherent facade. The window glass is noted as being "reflective." Reflective glass is not appropriate.

We are more concerned about the ground floor. It looks like a storefront, but the drawings and floor plan don't actually state or account for such a use. If there's any chance this is going to be used as retail space, now is the right time to give future tenants some guidance. The applicant should amend his proposal and make provision for all of the appurtenances that typically accompany this use. These include lighting and electrical connections, awnings, unobtrusive security hardware, and signs. A new building should incorporate these features in its design. This will ensure that they're appropriate for the building and the historic district, and that a future tenant understands these design constraints.

Thank you, commissioners.

Approved 7-0; work with staff on cornice and storefront detailing. Comm. Bland said no reflective glass in discussion but left it out of his motion.

Approximate time: 2:45; join Zoom by: 1:45

LPC-24-06263 -- 110 South Street - South Street Seaport Historic District, Manhattan

Good afternoon commissioners, _____ for the Victorian Society New York.

We think raising this building to its historic height is appropriate, but the applicant needs to base his design on either the original 1819 building or the 1870 redesign, not the mish-mash of both that is proposed.

The designation report appears to be in error. The building wasn't reduced in height in 1870. At that time, the roof was raised, the windows enlarged, and it appears the façade was reclad, as the bricks are not in Flemish bond as at most of the adjacent buildings in the row. If the applicant wants to restore this 1870 building, it needs to have a flat roof, as it would have in 1870, with a possible utilitarian bulkhead addition.

If the applicant wants to recreate the original Federal building, the roof should match its neighbors in the row in height and pitch. The roofscapes in this district are very important and can be seen from many public vantage points.

The designation report states that "at numbers 110 and 112 fluted cast-iron round columns with palmette capitals are particularly noteworthy." These don't appear in the presentation photos or plans for the storefront. If they exist or were removed since designation, they should be preserved or replicated and incorporated into the storefront. The new storefront itself should be painted wood, regardless of which era the building is reconstructed to.

We hope that the historic brickwork and window lintels and sills at the existing building can be retained and incorporated into the rebuilt façade. This would preserve at least some patina of age on this building, and the inevitable differences between old and new brickwork would reflect the building's history.

Finally, the Commission must do a better job reviewing details, both on final drawings and in the field, to avoid the results seen at the recent reconstruction of the row at 9th Avenue and 14th Street. The details of windows, cornice, storefronts, and chimneys are simply dreadful.

Approved 7-0 with modifications. Work with staff on detailing of storefront; detailing and materiality of rooftop and cornice; explore ways to maintain the sloped roof profile at the edges. Chair indicated that work at the 9th Avenue buildings is not in compliance with the permit.

Approximate time: 4:45; join Zoom by: 3:45

LPC-24-06259 -- 230 Central Park West - Upper West Side/Central Park West Historic District, Manhattan

Good afternoon commissioners, _____ for the Victorian Society New York.

The Victorian Society is testifying on this post-Victorian building because of the principle involved in the replacement of its windows. The windows installed in the building in the 1970s are an architectural atrocity. The tax photos show how the original paired 8-over-8 and 6-over-6 double-hung windows enhance the façade and are stylistically appropriate to it.

The Commission should recognize that historic preservation is for the long term. The goal for this and other buildings should be improvement over time when it can't happen all at once. Piecemeal replacement of inappropriate windows with matching inappropriate windows will result in no improvement and will perpetuate the architectural mistake.

Preferably, a master plan would be adopted. But such a plan is just an administrative convenience. In its absence, individual applications still need to be reviewed in terms of architectural appropriateness. The proposed windows are not appropriate. We urge the Commission to require windows matching the configuration and operation of the originals. These windows will serve as a model for future window replacements, eventually restoring the building's architectural integrity.

No action; rethink configuration of windows; make them historic for staff approval or a variant of historic and return to the commissioners.