

TESTIMONY OF THE REAL ESTATE BOARD OF NEW YORK, INC. IN OPPOSITION TO THE PROPOSED RIVERSIDE-WEST END HISTORIC DISTRICT EXTENSION 1.

March 22, 2011

The Real Estate Board of New York, Inc. (REBNY) is a broadly based trade association of over 12,000 owners, developers, brokers and real estate professionals active throughout New York City. We oppose the proposed Riverside-West End Historic District Extension Part 1, running generally from West 79th Street to West 87th Street generally from Broadway to Riverside Drive and we question the designation process for the entire "West End Avenue Study Area" that is the subject of today's and two future public hearings. We will submit this written statement as well two additional statements from REBNY President Steven Spinola.

What's wrong with the designation process? It's arbitrary, it's not transparent and it does not offer owners a fair opportunity to comment on the proposal.

Starting in 1981, Landmarks staff surveyed the entire Upper West Side building by building. In 1989, the Landmarks Preservation Commission designated the Riverside-West End Historic District. This district encompasses Riverside Drive from West 85th to West 95th Street and stretches to the east side of West End Avenue from West 94th to West 87th Streets. The Landmarks Law defines a "historic district" as, among other things, "a distinct section of the city." While many may debate the exact boundaries of a particular district, it seems absurd that the earlier staff and Commission simply missed the 16 blocks that we are looking at today. It's hard to miss 190 buildings as well as the 600 additional buildings in the other expansions. Why, suddenly after 20 years, should we believe that these buildings really belong in the historic district? Twenty of the buildings are already individual landmarks so we think the Commission has already done important preservation work here and should not expand the district so dramatically.

In the 1989 designation report, the Commission articulated some rationale for the selected boundaries. It noted that *"the apartment buildings have a consistent architectural form and height that creates the uniform streetwall, which is reinforced by the boundaries. North of 94th Street (outside the district boundary) there is a clear change in topography, as well as in building height and type. The uniform street wall extends to*

87th Street, immediately south of which are lower-scaled religious and institutional buildings (not within the district boundary.)” The fact that the current proposal seeks to overturn the earlier boundaries highlights how arbitrary the process is.

We also strongly oppose the inclusion of any buildings fronting onto Broadway. The original historic district was focused on residential development along residential corridors. The report made no mention of Broadway, which has a different function and character. Broadway is a vibrant mixed use avenue that includes ever-changing storefronts. Broadway does not fit in with the other parts of the district and was very clearly excluded when the Commission studied the area in the past. We also fear, that a few years from now, someone will complain about the other side of Broadway not being designated, since it seems that the boundaries are arbitrary and new preservation rules are suggested all the time to suit the anti-development spirit of the day. We saw this in SoHo where people were complaining that only one side of West Broadway had been previously designated.

We recommend that the City Council institute a moratorium on historic district designation until such time as clearer and less arbitrary designation standards can be established.

During the community meeting with property owners in September 2010, the Chair stated that the process would be transparent. That is hardly the case. The public has been given very little information about this large area other than a two-page summary and an online slideshow that depicts a tiny percentage of the properties proposed for designation. In addition to doing our own research and field work, we attempted to prepare for this hearing by submitting a Records Access Request to see more detailed information about specific properties. This request was submitted in November 2010 and was denied in February 2011 on the ground that survey reports were internal documents that could not be shown to the public. (We did receive other information such as correspondence with property owners.) We recommend that the LPC hold a public hearing after a draft designation report has been released to the public. The city of Boston has a process whereby there is a preliminary hearing before the Commission, a release of a study report (a detailed document similar to a designation report) and then a formal designation hearing. Under such a process, everyone would be informed as to the condition of the buildings and any historic or architectural significance and could present information that might support or refute the report.

The Upper West Side already has 9 historic districts covering just about every period and type of development. In fact 68% of tax blocks in Community Board 7 already contain designated property. These include the vast Upper West Side – Central Park West Historic District containing around 2000 buildings as well as many smaller districts that preserve unique enclaves. We don't see the need to designate additional large areas which would cover almost the entire Community District.

For those concerned with the scale of buildings, most of the area is covered by contextual zoning which mandates streetwalls and restricts the height of any new construction. As confirmed by Planning Commissioner Amanda Burden, the R10A zoning on West End Avenue accurately reflects the built character and is appropriate. There are very few development sites. In any case, it's normal and natural for a neighborhood to have some infill development. While we might support the designation of small areas or individual landmarks here, we are against the broad brush approach taken. The extra burdens of maintaining these properties and going through the landmarks permit process fall upon the owners and the Landmarks agency itself can get overwhelmed by the administrative work of overseeing all the property in its jurisdiction. We believe that tax credits, grants or other incentives and assistance will encourage preservation of the facades of the large apartment buildings as well as many brownstones and we think that would be a better strategy. Thank you.