

HISTORIC DISTRICTS COUNCIL

AND THE LEAGUE OF PRESERVATION VOTERS IN THE 2ND COUNCIL DISTRICT

Fall 2009 Election Voter Guide

Coalition Members:

- Greenwich Village Society for Historic Preservation
- East Village Community Coalition



Lower East Side



Murray Hill



PS 64



Gramercy Park



St. Brigid's



LEAGUE OF PRESERVATION VOTERS

New York City Council District 2 Voter Guide

Council District 2 includes a great number of historic neighborhoods and buildings, as well as a special sense of place that local residents are fighting to preserve. The undersigned community-based organizations are all concerned about preservation and development issues that affect the neighborhoods of the East Village, Lower East Side, Union Square, Kips Bay, Gramercy Park and parts of Murray Hill and NoHo. Out-of-scale development is destroying the fragile historic resources that make each community unique, and the pressures are only increasing. This coalition believes that it is imperative that our elected officials commit to helping preserve our neighborhoods before it is too late.

This coalition believes that an understanding and appreciation of these issues is critical. All candidates for the 2nd Council District were sent the following questionnaire dealing with preservation and development in the 2nd District. Candidates who responded to this questionnaire are listed alphabetically as such: **Rosie Mendez** and **Juan Pagan**.

The League of Preservation Voters hopes that its efforts have made a difference in the way that the candidates understand preservation and development issues. We strongly believe that, whichever candidate is elected to office, they will be more fully educated to serve their diverse constituency in the 2nd District as a result of this coalition's efforts. If you have any questions regarding the voters' guide, please contact the Historic Districts Council at 212-614-9107 or hdc@hdc.org.

Sincerely,

Historic Districts Council
Greenwich Village Society for Historic Preservation
East Village Community Coalition



NEW YORK CITY COUNCIL DISTRICT 2 VOTER GUIDE

PRESERVATION

I: How do you define neighborhood preservation? Have you personally been involved in any specific preservation projects inside or outside the district? Please describe your role(s).

Mendez: Neighborhood preservation requires a multi-faceted approach to protect and maintain the character of community - community that is defined both by people and by physical structures. A community's spirit must be maintained by allowing it to grow, prosper and change, while never losing its essence and connections with its history and culture.

I have been involved in neighborhood preservation since 1987 when I was employed as a community/tenant organizer at St. Nicholas Neighborhood Preservation Corporation in my native Williamsburg, Brooklyn. I worked to prevent evictions and crime through building tenant and block associations and organizing strategies like the Crime Watch Program. In 1988, I became involved in my first landmarking endeavor, joining my neighbors in trying to secure designation of McCarren Park and Pool by the LPC. In 2007, nearly 20 years later, I was proud to cast my "yes" vote in City Council in favor of designation of McCarren Park and Pool and look forward to its eminent restoration.

While living in District 2, I have been actively involved in trying to save CHARAS and St. Brigids Church from alteration and demolition. More than 10 years ago, I was a member of the Save CHARAS Committee and then the effort to landmark the Former PS 64/CHARAS. By the time I was elected to the Council, I had the pleasure of shepherding the item through the Land Use Committee toward a City Council vote in favor of CHARAS's designation in September of 2006. As a former parishioner, I became a member of the Coalition to Save St. Brigids Church that fought to stop its demolition. Ultimately our efforts led to an anonymous donation of \$20 million that will renovate and re-open the building as a church.

As a City Councilwoman, I have personally given testimony in favor of designation for a multitude of buildings, as well as historic districts which were under consideration by Landmarks Preservation Commission (LPC). I have actively supported more than a dozen individual buildings and one expanded district that have been designated in my District during my tenure. I have advocated for calendaring or designation for several other buildings that should be, but have not yet been, acted upon by LPC. These include St. Brigids Church, the Horse Mart, Mezeritz Synagogue, the Old Tammany Hall on 17th St. and the Pyramid Club.

I am a member of the Council's Subcommittee on Landmarks, Public Siting and Maritime Uses and the Committee on Land Use. I have supported City Council initiatives to provide additional funding to the LPC. And I have introduced legislation that would protect landmarked buildings and historic districts by eliminating the loophole in the existing law that allows Department of Buildings (DOB) permits to be used after designation.

Pagan: My definition of neighborhood preservation is the diligent perseverance of the preservation of the true or original character of our neighborhoods; preventing developers from destroying the character of our neighborhoods as they cleverly use loopholes to circumvent the laws that are meant to protect and preserve the uniqueness and beauty of the areas in which we live.



Within my district (around 2004/2005) I have convened meetings with community residents and leaders with the sole intent to explore ways to designate the Dr. Simon Baruch bath house into a NYC and National Landmark; and also to explore ways to renovate and convert the old bath house into a community center while preserving its historic and architectural value.

2: How would you use your position on the City Council to get the Landmarks Preservation Commission to advance existing requests for historic district and individual landmark designations in District 2 ?

Mendez: As a sitting Councilmember, I call Chairman Tierney and the LPC staff on a regular basis to inquire about the status of buildings and sites in my district. I have established an excellent working relationship with Chairman Tierney. I have successfully advocated for standstill agreements when necessary to keep an owner from moving ahead with work that could endanger a building of landmark quality and have advised the LPC and DOB when I believed that construction was endangering the architectural integrity of a building.

Pagan: I would request to be appointed to the sub-committee of Landmarks & Historic Districts and submit a formal request to the chair to convene a hearing and ask representatives of the NYC Landmarks Preservation Commission to testify and update us on the progress of the existing requests, and find out the causes of the delays and take action so that we can move forward.

a: What steps, if any, do you think should be taken to expedite the process of landmark protection?

Mendez: First and foremost, we must adequately fund the LPC to hire staff to do the research on each and every request for consideration. Funding alone would go a long way. In addition, I am a co-sponsor of Intro I020, A Local Law recently introduced by Jessica Lappin to amend the administrative code of the city of New York, requiring the consideration of Requests for Evaluation (RFEs) by the Landmarks Preservation Commission within 120 days of receipt.

Pagan: To expedite this process, the issue should be addressed to the City Council by the NYC Landmarks Preservation Commission; their representatives should be prepared to testify on the specifics of expediting landmark protection.



3: Though city law allows the Landmarks Commission to prosecute owners for “demolition by neglect,” a number of designated buildings sit in devastating states of disrepair. How would you help to save these neglected landmarks?

Mendez: The threshold to determine and prosecute an owner for “demolition by neglect” is a high standard. Although the law has become a useful tool in the most egregious cases, LPC has been unwilling to use it as often as I would like. I would want to do more research to determine if there is room within the legal standard of “demolition” to use the law when there is on-going damage if not actual demolition. A possible interim measure to force better maintenance would be the imposition of sizable monetary fines that would discourage owners from speculating and neglecting landmarked buildings.

Pagan: First of all, it’s not enough to prosecute owners; it’s up to NYC council to increase the penalties against private property owners who, by way of neglect, demolish designated buildings. But we have to explore positive ways to save these neglected landmarks (i.e. Adopt a Landmark Program that the private owner would fund in lieu of a hefty fine, or private funding, etc).

4: After many years of waiting, the remainder of NoHo was finally designated as an historic district in 2008. Still, other proposed extensions of historic districts within the 2nd Council District await designation, including Gramercy Park and Madison Square North. How do you propose to move these applications forward?

Mendez: The most effective way to designate extensions to an existing historic district is for the community organizations and not-for-profits to first identify the character and quality of the districts and then to join forces with the elected officials in the area to actively push the Commission to give them consideration. Based on the documentation, we can meet with LPC to determine what impediments there may be to calendaring or passage. We could also meet with the Chair of the Landmarks Subcommittee to urge passage.

Pagan: First, I need to understand what entity is pushing this forward; who are the ones that submitted the applications, and I would seek consultation from organizations such as the Greenwich Village Society for Historic Preservation. Furthermore, historic districts that want to expand should call upon or go directly to the NYC Landmarks Preservation Commission. And if the applicants want me to testify on their behalf as a member of council, I’d be more than happy to do so; I would review the applications and other details or files in regard to the Gramercy Park & Madison Square North Historic District’s.

5: Do you support the efforts to landmark the former Tammany Hall building on Union Square East?

Mendez: As the Councilwoman representing this district, in March 2009 I wrote to Commissioner Tierney in support of landmarking the old Tammany Hall at 17th Street. I have also indicated to CB#5, my support for this measure since it appears on the current agenda of the Board.

Pagan: Yes, I do support the land marking of the former Tammany Hall. In spite of its dark and most interesting history in New York City politics, Tammany Hall deserves to be land marked because it represents a significant wealth of political history that must be preserved.



6: The Landmarks Preservation Commission is still greatly underfunded as compared to twenty years ago, but recent modest increases in the agency's budget have shown it can have a great positive impact on the work it does. Would you support further increases in the LPC's budget, and restoring its budget to levels comparable to twenty years ago?

Mendez: As a councilperson, I have had a voice in the last four fiscal year budgets and on every occasion I have, under the leadership of Jessica Lappin, been one of the most outspoken supporters of additional funding for LPC. I will continue to do that.

Pagan: Yes, I do support increasing the LPC's budget; the City's commitment toward designating Historic Districts should go beyond changing signs from green to red. Representatives of the LPC should present a proposed budget and be prepared to justify the budget to the city council's sub-committee for Land Marking & Historic Districts so that I can be prepared to defend and support their proposed budget before the city council. And we must take into consideration the economic times.

DEVELOPMENT

7: In trying to balance preservation and development in your district, where do you think that proper balance lies? Please be as specific as possible.

Mendez: There are many diverse needs in the Council District, the proper balance lies in trying to preserve the character of the community while simultaneously creating opportunities to address the need for additional housing and commercial development. Based on the recent building boom in Manhattan, the balance must be shifted from overdevelopment to a need for more affordable housing. In the East Village/Lower East Side Rezoning, we struck that balance by achieving contextual rezoning with height caps, reductions in community facility FAR, but allowing for some more bulk on wide avenues in exchange for additional units of affordable housing.

Pagan: Balance lies in zoning, in how well we enforce the zoning laws and how well they are written. If an area is zoned as "Low-rise" then development must follow the zoning patterns of the particular neighborhood. But developers have used "community facilities" a.k.a. "bonus" as a loophole to build above or to get around the zoning laws; we have to find ways to close the gaps which might mean amending current zoning laws.



8: New York City allows architects to certify their own building and construction plans. What, if any, revisions should be implemented to ensure this process is not abused?

Mendez: I believe that New York City should eliminate self-certification for anything other than the most routine filings. This procedure was greatly expanded under the Guiliani Administration to expedite development, and it has allowed the construction process to become virtually unregulated in New York. With the help of skilled technical advisors, my office has become aware of dozens of non-compliant self-certified plans that exceed zoning restrictions and break safety codes. We are in constant communication with DOB attempting to get them to audit and finally enforce these codes. I have also pressured DOB to sanction certain professionals who blatantly submit non-compliant filings. I was a co-sponsor of Councilmember Jimmy Vacca's bill which penalized architects by not allowing them to self-certify if there were problems with three previous self-certified filings. Vacca's bill was passed and it was a good step in the right direction, but we need to do more.

Pagan: If in fact a licensed architect self-certifies and violates any of the existing zoning laws or building codes then his license should be immediately revoked. And, depending on how far construction has gone, they must de-construct the violation (i.e. if an extra floor was constructed above what the zoning law requires, it is to be taken down or de-constructed).

9: Some areas in District 2 have already been appropriately rezoned to protect the character of the community. However, other neighborhoods are still zoned in a way that threatens their historic resources. Would you work to have these areas contextually rezoned?

Mendez: The East Village/Lower East Side rezoning was one of the most comprehensive rezonings in Manhattan. It rezoned III city blocks, two thirds of which was in District 2. However, the community and I were unsuccessful in obtaining a contextual rezoning of the 3rd/4th Avenue Corridor and the Bowery. As a part of the final approval of the rezoning, I negotiated with DCP to reconsider the zoning for this corridor and in April, DCP agreed to rezone the area from 9th to 13th Street to a C-6a district. Although we are still attempting to get DCP to consider further modifications to the mid-block areas to reduce the density, community leaders and I agree that this is a very positive step. I am hopeful that City Council will approve new zone in this area within 18 months. While I only have a few blocks on the Bowery, this area is also in need of contextual rezoning. I pledge to work with the Councilperson of District I to obtain a rezoning of the Bowery.

Pagan: Yes, absolutely. If it's out of my district or in a neighboring district I would work closely with my fellow councilperson(s) involved in the re-zoning of the particular area. If it's within my district I will make certain that the community boards are in accord one with the other toward achieving our goals of getting the particular communities in need to be appropriately re-zoned.



I0: Do you support the Parks Department's current plans to privatize the Pavilion in Union Square Park?

Mendez: In general, I do not support privatization of public spaces. As for the Union Square Pavilion, based on the need to move ahead on the overdue plans to renovate the playground and the fact that a restaurant operated in this location for approximately 15 years, I have supported the current plans for the Pavilion. I send to you as an attachment, my official statement on this issue.

Pagan: I do not support the privatization of public land. If the NYC Department of Parks leases the Pavilion then all revenue generated from its lease is to be specifically earmarked and used solely for the maintenance of the public areas of Union Square Park and toward the expansion of the park to make up for the loss of the Pavilion.

II: There has been much criticism of the regulations of the zoning text which allow community facilities such as dorms to be built as much as twice as large as other buildings in your districts. Have you supported/would you support legislation to change this regulation, so that bonus is eliminated or reduced?

Mendez: Yes, I support legislation eliminating the community facility "bonus". We have been successful in eliminating the "bonus" by changing the zoning in most areas to contextual zones, but if legislation were a practical alternative I would also support that.

Pagan: I would support legislation to change this regulation to either have bonus significantly reduced when it comes to dorms and hotels, or reduced across the board, or eliminated altogether. I think I would lean more towards the latter.

I2: NYU is the largest private university in the country, located in some of the most historic, low-scaled neighborhoods in all of New York City, and it is undergoing tremendous growth. The university proposes to double its rate of facility growth over the next twenty years. Is that too much development for these neighborhoods? Do you support reducing that growth? How have you pushed for that, or how would you?

Mendez: I have been an active participant in the NYU Task Force and believe that NYU's proposed growth cannot be sustained in the neighboring communities. I have supported a plan to encourage NYU to redirect its future growth to other areas. One very interesting possibility is Governor's Island, a concept I would very much like to see pursued.

Pagan: It is far too much development, and if NYU succeeds in its plans it will inflict a massive amount of significant damage to the characters of our neighborhoods. I would push to amend zoning laws by eliminating bonus, particularly when it comes to hotels and dorms.



PUBLIC INVOLVEMENT

I3: What steps would you take to foster greater transparency and accountability from the Department of Buildings, Department of City Planning and the Landmarks Preservation Commission?

Mendez: I have been a leader in the effort to promote transparency especially within the Department of Buildings. Earlier this year DOB proposed new regulations to restrict the public's ability to challenge building plans that they believe do not comply with zoning law. I intervened and organized a coalition of elected officials and advocates to force DOB to reconsider this process. Although the new procedure was put into effect, largely as originally proposed, my office continues to work with others to hold DOB accountable for the fair implementation of this rule.

Pagan: Each of all these entities (DOB, DCP, and LCP) should have a website that is user-friendly accessible to the public; all complaints, requests, accomplishments, and dispositions should be posted; this would allow for the people to check for a pattern of complaints and determine how well it is being handled by the particular agency.

I4: If community groups organized to promote a stronger preservation agenda in your district, how would you propose to support those efforts?

Mendez: I currently provide discretionary funding through my own allocation or through the Manhattan Delegation to the Municipal Arts Society, Historic District Council and Greenwich Village Society for Historic Preservation. I believe that the work of these not-for-profits have been absolutely vital in my district. Likewise, I would consider funding for another group or a coalition if that work dovetailed with needs in my district. I would support a campaign for stronger preservation efforts, after a review of its mission and agenda. If I believed in its principles, such I do of MAS' Campaign for Community Based Planning, I would most definitely support it. In addition, I would work with said group to introduce legislation that would achieve common goals.

Pagan: It depends on the economic health of the City, which at the moment is not at its best. Perhaps using discretionary funds (also known as Pork) might be an option, but I prefer private funding in which I would encourage and help the community groups to secure on their own (i.e. revenues created from the leases of privately owned venues in public areas).

I5: In what ways will you encourage the DOB to aggressively monitor the safety of local construction sites within the District and ensure that what is built actually adheres to approved plans?

Mendez: My staff and I meet regularly with DOB and maintain ongoing communication with them regarding all community concerns about safety, code compliance, and neighborhood disruption caused by construction in my district. My office has worked very closely with community residents and advocacy groups to successfully challenge DOB's ruling on the application of the Sliver Law and the how the Multiple Dwelling Law should be interpreted when buildings are made higher. We have been instrumental in the initiating Board of Standards and Appeals rulings necessary to overturn improper DOB actions. I have and will continue to aggressively monitor DOB, work with them to resolve problems and legally challenge them when necessary.

Pagan: The ratio of inspectors and worksites are imbalanced; I would acquire funds to hire more inspectors to create the necessary balance. And I would hold contractors liable for violating labor laws.



I6: There is currently a bill before City Council that would allow the Landmarks Commission to temporarily halt Department of Buildings permits on historic structures if the permits were issued prior to LPC's consideration of the property. What is your stance on such legislation?

Mendez: I am proud to state that I introduced and have aggressively pursued this legislation. I have worked closely with advocates to make sure there are no unintended consequences with passage of this legislation, and I am currently working with City Council legal staff to amending the legislation so that it is a fair and better bill. I hope to enact this measure as law during the upcoming legislative session.

Pagan: I would absolutely support this legislation; it would greatly help protect from the destruction, defacing and pillaging of historic pieces from its facades or internal structure.

I7: The Landmarks Preservation Commission often does not act within the 40 days it is allotted after calendaring to prevent demolition, alteration, or new construction within a proposed historic district without a full public review. What would you do to make the LPC to act within 40 days if needed to prevent such changes within proposed historic districts?

Mendez: Currently Operations Policy & Procedure Notice (OPPN) #I3/88 requires DOB and LPC to coordinate and review a permit for 40 days before allowing it to go into effect. This procedure has generally been adhered to, but there have been failures. If one were to come to my attention I would use the working relationship that I have established with both Commissioner Tierney and Commission LiMandri to address the problem immediately.

Pagan: Why wait 40 days? Let's put a halt to all building permits until there is a full public review within a reasonable amount of time, which may be less than 40 days or more.