

Margery Perlmutter
Testimony before the Committee on Rules, Privileges, and Elections.
August 12, 2014

Good morning Speaker Mark-Viverito, Chair Lander, and Members of the Committee on Rules, Privileges, and Elections.

My name is Margery Perlmutter and I am delighted and honored to be here today to discuss my nomination to the position of Chair of the New York City Board of Standards and Appeals.

I am a land use lawyer and an architect who, for the past 7 years has been a partner in the land use practice of the law firm of Bryan Cave LLP in New York. As a land use lawyer, I counsel property owners and lenders on zoning, building code and other pertinent laws that regulate the maintenance, improvement and development of property in New York City. Prior to becoming a lawyer in 1999, I was the managing partner for nearly 20 years of a private architecture firm that focused on healthcare facilities and affordable housing.

In 2000, I was appointed by Borough President C. Virginia Fields and Councilmember Gifford Miller to become a member of Community Board 8 in Manhattan, where I served until 2005. That year I became Co-Chair of the Board's Landmarks Preservation Committee. In 2005 I had the honor of being appointed by Mayor Bloomberg to become a member of the Landmarks Preservation Commission, where I have served until today.

My interest in becoming a BSA Commissioner and its Chair stems from my enduring interest in urbanism and land use policy as it relates to the massing of buildings and neighborhood fabric, the balance of uses and people in a neighborhood, and design quality. As a member of the Board of the New York Chapter of the American Institute of Architects for five years, I spearheaded the Chapter's first policy advocacy program, aimed at working with elected officials and related agencies to improve the quality and design of the built environment. If appointed as BSA's Chair, I would focus on ensuring that the buildings approved under my purview contribute to and are compatible with their urban character and their neighborhood context.

As you may know, the Board of Standards and Appeals is a quasi-judicial body that was created to provide relief to property owners where, due to unusually burdensome conditions at their properties, land use regulations make it impossible for such owners to realize a reasonable return on their investment. Such Boards operate in nearly every municipality in the United States as a way of ensuring compliance with the 5th Amendment of the US Constitution that prohibits the taking of property without due process of law.

The BSA also reviews challenges to Department of Buildings interpretations of the zoning regulations, building code and multiple dwelling law, providing a forum for property owners and concerned neighbors to review the application of certain land use regulations. In this capacity, the BSA is the last administrative appeals agency, similar to

OATH (the Office of Administrative Trials and Hearings), that can consider a DOB determination, after which further challenge must be taken to the New York State Supreme Court.

The Zoning Resolution of the City of New York also grants to the BSA jurisdiction over a number of special permits that are not handled by the City Planning Commission. Among these are special permits to allow schools in zoning districts where they are otherwise not permitted or limited bulk modifications to certain community facilities.

BSA decisions on DOB determinations can modify DOB's operations, realign its interpretations of regulations and impact how as-of-right buildings will be constructed in the future. BSA decisions on variances, special permits and other matters that fall within the BSA's jurisdiction can have profound effects on the form and character of neighborhoods. It is for this reason that such decisions must be made with the utmost rigor, integrity and care, requiring close, expert and impartial analyses of a wide array of technical, legal, economic, environmental, planning, aesthetic and sociological considerations in an atmosphere that encourages public participation and attentive listening. If appointed as BSA's Chair, I would ensure that the Board's decisions are consistently informed and guided by these critical and essential principles.

Many thanks for taking the time to consider my nomination for this important position.

TLC CONFIRMATION HEARING – JACQUES JIHA

Good morning members of the Rules Committee, Speaker Mark-Viverito, Chair Lander, and Chair Rodriguez. My name is Jacques Jiha.

I am honored to have been nominated for appointment to the New York City Taxi and Limousine Commission, and I thank you for allowing me to share my background and ideas on how I can best serve the Commission.

I currently serve as the NYC Commissioner of Finance and have close to 30 years of experience managing large organizations in the private and public sectors. Immediately prior to my appointment as Finance Commissioner, I served as Executive Vice President/COO & CFO of Earl G. Graves, Ltd. Before that, I served as Chief Investment Officer of the NYS Common Retirement Fund.

A staunch advocate of public service, I have also served on a number of government and not-for-profit boards, including the NYS Dormitory Authority and the Ronald McDonald House. If appointed TLC Commissioner, my tenure would be guided by the following principles: Consumer Choice, Consumer Protection, Accountability, Safety, Equity, and Opportunity.

These are not empty words; these are the fundamental values that have been the cornerstone of my personal and professional career for almost 30 years, and the commitment to these values will continue to guide my decisions going forward.

Until recently, the public had few taxi options – even less for those in wheelchairs or in the outer-boroughs. The market has now responded to that lack of choice: non-traditional taxis, e-hail apps, accessible dispatch, and service enhancements such as wheelchair accessible taxis are now available. Consumers expect more choices in this quickly evolving industry, and the

TLC should continue to play a crucial role in ensuring that consumers have viable and attractive options at various price points to meet growing consumer demand. At the same time, all market participants must be held accountable. TLC rules must be strictly and equally enforced to ensure compliance. Drivers *and* owners must strictly adhere to the regulatory framework set forth by the TLC.

Consumers rely on regulators to ensure that drivers are properly licensed, vehicles are regularly and properly inspected, adequate safeguards are in place to protect consumers against fraud, and procedures are in place to penalize those who violate the rules. Consistent and uniform enforcement of penalties is crucial to ensure compliance and protect consumers.

Passenger safety, driver safety, and the safety of the public at large are critical. The good news is NYC taxi drivers are amongst the safest drivers in the City. Long time drivers have the lowest rate of accidents and customer complaints among all taxi drivers. These are hardworking dedicated professionals who have proven their commitment to the safety of the public.

The Mayor's Vision Zero initiative provides a framework against which these safety goals can be pursued and enhanced. This means educating drivers on traffic safety, enforcing laws against unsafe driving, utilizing technology that corrects unsafe driving patterns and incentivizing drivers to practice road safety.

On equity and opportunity, driving a taxi in NYC must be viewed as a viable, attractive and economically feasible long term career opportunity. Drivers should feel that there is ultimately a path to ownership as the fulfillment of the American dream. At the same time we must ensure that owners are properly rewarded for the financial risk of investing in medallions.

My tenure as TLC commissioner would be grounded in my commitment to an open dialog with all stakeholders with the goal of ensuring that all parties are treated fairly. If

confirmed, I will strive to achieve a regulatory framework which is flexible and nimble for an industry that is quickly changing to meet new economic realities and technological advances.

I will work to align my core values with TLC's mission. My decisions will be guided by my commitment to the basic principles outlined above, and I welcome the opportunity to serve on the TLC.

Thank you.

**Opening Remarks, Adi Shamir Baron
Committee on Rules, Privileges and Elections
August 12, 2014**

Good morning Speaker Mark Viverito, Chair Lander, members of the Committee on Rules, Privileges and Elections and LPC Chair Srinivasan.

It is an honor to be considered for a commissioner role at the Landmarks Preservation Commission. Thank you for the opportunity to testify and respond to any questions you may have.

Ordinary daily life in New York City is made extra-ordinary each time natives and visitors alike encounter the rich and layered stories that its buildings, neighborhoods and public spaces tell. As steward of its special sites, the Landmarks Preservation Commission ensures that the texture of diversity, the myriad histories material culture embodies and our city's great tapestry of experience persists.

I am committed to the mandate of LPC and hope to have the opportunity to contribute my time and expertise to the mission of recognizing and protecting New York's historically, culturally and architecturally significant structures and sites.

My appreciation for the built environment has informed my work as a designer, educator, historian and administrator. But it was my architectural education at Cooper Union - the first institution to provide a public reading room for women and free advanced education for the working class - that launched a life-long attachment to New York's remarkable heritage.

As Executive Director of the Van Alen Institute, I had the privilege of leading the national membership organization and fellowship center in developing public programs dedicated to promoting and improving the design of civic architecture. The Institute, named in honor of William Van Alen, architect of the landmark Chrysler Building, sponsored programs including competitions, exhibitions, conferences and publications, engaging an interdisciplinary and international array of practitioners, policy-makers, students and community leaders in advancing "public architecture," a term that Senator Daniel Moynihan's used to reference landscape, building, planning and infrastructural works that serve as the critical underpinning of economic and cultural productivity.

After teaching in college classrooms for nearly twenty years, my work as an educator continued in a variety of new platforms: as Dean of Undergraduate Studies at the California College of the Arts, and in ongoing historical research and writing where I explore early Modernist architectural themes. Most recently in advisory work with foundations, community groups, and government agencies, my teaching 'curriculum' has focused on ecological reclamation and historic conservation as drivers in the strategic planning for urban redevelopment projects. As an appointed commissioner to the U.S. National Commission for the UNESCO, a Federal Advisory Committee to the Department of State, I have sought to bring awareness to the value of the World Heritage Program and its contribution to local and international cooperation for the preservation of our common natural and cultural legacies.

Throughout my life, in my various positions and undertakings, it is engagement with colleagues in open and robust dialogue and debate, and the

application of knowledge to complex issues, that has been most fulfilling and productive.

If appointed, I look forward to bringing my experience and expertise to the Commission. I am committed to working collaboratively with City Council, listening carefully to stakeholders, thoroughly analyzing data and seeking fair, balanced solutions to what may be challenging cases and considerations, in support of our shared aspirations for a strong and beautiful city.

Thank you.

Introductory Statement
John C. Gustafsson
August 12, 2014

Good morning Speaker Mark Viverito, Chair Lander, and members of the Committee on Rules, Privileges and Elections. My name is John Gustafsson. It is my privilege to appear before you today for your consideration as an appointee to the Staten Island position on the Landmarks Preservation Commission. I thank the members of this Committee of the City Council for your time and effort in reviewing my candidacy.

By way of background, I am a lifetime New Yorker and a first generation American. My father was a sailor from Sweden; my mother was a stay-at-home mom, born in Thailand and raised in Malaysia. I am the first person in my family to get a college degree. I earned my B.A. in Philosophy from Columbia University in 1983 and a J.D. from Harvard Law School in 1987.

Before retiring from the practice of law in 2006, I was a partner in the Business Trial Practice Group of the California-based law firm of Sheppard Mullin Richter & Hampton, where I was the Administrative Partner of the Firm's New York office which I co-founded in 2004. Prior to that, I spent 7 years as in-house counsel at Honeywell International. Just prior to leaving Honeywell, I was General Counsel of their \$4B Automation and Control Products business. Prior to my tenure at Honeywell, I spent 10 years in private practice at Simpson Thacher & Bartlett where I focused on multi-jurisdictional complex litigation.

Over the past dozen or so years, I have developed an expertise in non-profit governance. I am currently Chairman of the Board of the Historic House Trust of New York City, where I serve on the Audit & Finance, Nominating and Executive Committees. From 2004-2011, I was President and Chairman of the Board of the Staten Island Historical Society, a member of the CIG. I am also a Trustee of the Devereux Foundation, the largest nationwide non-profit provider of the full range of services to the developmentally disabled. I chair the parish council at St. Peter's Roman Catholic Church on Staten Island where I am a Lector and Eucharistic Minister. In addition to my formal affiliations and responsibilities, I have advised and acted in a variety of capacities for numerous other non-profits.

I am excited to be nominated to the LPC, and believe it is a timely opportunity. I have spent time in the corporate world. I have spent time in service of my community. It would be my privilege to embark on a new phase of my life as a public servant. My experience as a lawyer will inform my interpretation of the parameters of my decision-making. My experience and expertise in non-profit governance will inform my understanding of my fiduciary obligations to the people of the City. My years of leadership in historical organizations will inform my appreciation for what has genuine lasting value. Finally, it is my hope that a lifetime of playing on our streets, working in our buildings, living in our neighborhoods, walking on our sidewalks, and living with and among our people will guide me to making balanced decisions about the future of the architecture that makes my hometown a palace.

It would be an honor to serve the city I love. Thank you for your consideration.

**THE NEW YORK
LANDMARKS
CONSERVANCY**

August 12, 2014

**STATEMENT OF THE NEW YORK LANDMARKS CONSERVANCY BEFORE THE CITY COUNCIL
COMMITTEE ON RULES, PRIVILEGES & ELECTIONS RE: THE PROPOSED APPOINTMENT OF ADI
SHAMIR BARON AND JOHN GUSTAFSSON TO SERVE ON THE LANDMARKS PRESERVATION
COMMISSION**

Good morning, Chair Lander and Council Members.

I am Andrea Goldwyn, speaking on behalf of the New York Landmarks Conservancy. The Conservancy is a private, independent, not-for-profit organization, founded in 1973. Our mission is to preserve and protect historic resources throughout New York.

Both Adi Shamir Baron and John Gustafsson have distinguished backgrounds. They have experience with preservation and an interest in New York's built environment. We appreciate their willingness to serve on the Landmarks Preservation Commission, and look forward to working with them should the Council act favorably upon these candidacies.

New York's Landmarks Commission is the largest and the strongest in the country. We trust that these candidates will continue to fulfill the agency's mandate of protecting individual landmarks and historic districts. Districts, in particular, continue to be very popular with residents, evidenced by the long list of neighborhoods waiting for designation. These designations stabilize property values, establish connections with New York's history, and ratify communities that retain current residents and attract newcomers. We hope that the Commissioners will reject recent criticisms that there have been too many designations. For nearly 50 years, preservation has been an important land use tool, creating local jobs, encouraging tourism, and maintaining the city's unique identity.

We also would like to thank Margery Perlmutter for her service to the Landmarks Commission. We are certain that she will bring the same level of thoughtfulness and dedication that have distinguished her tenure to the Board of Standards and Appeals.

Thank you for the opportunity to present the Conservancy's views.

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I represent: Madison - Marine - Homecrest Civic Assn

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