



232 East 11th Street, NY NY 10003



Greenwich Village
Society for Historic
Preservation

232 East 11th Street, NY NY 10003



45 West 67th Street, NY NY 10023

Dear Councilmember,

We write on behalf of the more than 100 organizations and individuals representing communities throughout the Bronx, Brooklyn, Manhattan, Queens and Staten Island who have signed on in opposition to Introduction 775. We appreciate the City Council's interest in ensuring a fair, transparent, and accountable landmarks designation process, a goal we enthusiastically share. The following letter reiterates our key concerns about Intro. 775 as written and highlights what we believe are more reasonable recommendations for reforming the Landmark Preservation Commission's deliberative process.

Intro. 775 will not create a "fast track" for landmarks designation, or even decisions. The bill introduces the idea of timelines (a maximum of one year for individual landmarks and two years for historic districts) on the premise that they will force the Landmarks Preservation Commission (LPC) to move quickly to designate. On the contrary, "do or die" deadlines will discourage the LPC from considering or voting on potentially controversial or otherwise challenging buildings and neighborhoods—for example, sites of historical or cultural significance that may take more time to research or larger historic districts. Instituting these type of timelines does not address the desire for more predictability in the agency's response to Requests for Evaluations. This is a concern voiced by several council members during the September 9, 2015 hearing and shared by New Yorkers, the real estate industry and the preservation community.

Intro. 775 will penalize the public for the LPC's inaction. If the LPC votes to deny designation or fails to act within the timelines, the bill prescribes a five-year moratorium that would prevent the proposed landmark or historic district from being reconsidered. This provision disenfranchises the public, elected officials and the agency because, during this period, no recourse would exist to prevent the destruction of denied sites, if new information concerning their significance comes to light or for any other reason. Even worse, the moratorium would leave sites on which the LPC deems worthy of consideration but defaults through inaction, incapable of being protected. The only beneficiaries of this process would be those seeking to avoid landmark designation.

Intro. 775 will result in landmark and historic district designations that represent a skewed version of our city's cultural, historical and architectural heritage. The moratorium would serve no constructive government purpose on its own. In combination, the moratorium and timelines are poised to sacrifice quality and diversity for the sake of streamlined efficiency and finality. Speakers at the September 9 public hearing raised concerns that less affluent neighborhoods—increasingly targeted for real estate development but underrepresented by current landmark protections—would be placed at a disadvantage by changes to the law that favor the designation of traditional or non-controversial sites. Given how much work remains to be done to recognize and protect places that reflect the rich history and culture of our city, these new constraints would risk indirect economic and cultural discrimination.

The LPC's current "backlog" of calendared designation items on which it has not acted represents less than .3% of all items ever considered for designation by the LPC. In the past 50 years, the Landmarks Preservation Commission has designated over 34,000 sites and considered even more. Furthermore, the LPC has begun an accelerated public hearing process to bring the less than 100 sites still under

consideration to resolution. At best, Intro. 775 is unnecessary. At worst, it creates new obstacles to the designation and protection of worthy landmarks, as described above. In order to achieve the goals of accountable and transparent government, any modification to the current rules and practices of the landmarks designation process should:

- **Not include a moratorium on decision-making.** Any moratorium on agency action, however brief, is sufficient time for those seeking to obstruct landmark designation to obtain permits, destroy potentially landmark-worthy sites, and thwart the public interest.
- **Allow the Landmarks Preservation Commission to extend its consideration of a landmark or historic district with cause.** Timelines can be useful if their purpose is to ensure transparency, accountability and due process. An improvement to the existing process would compel the LPC to hold a public hearing within a reasonable timeframe and vote to a) approve designation, b) deny designation, or c) continue to evaluate.
- **Not affect any sites currently under consideration.** Again, these items make up less than .3% of all landmarks ever considered. They deserve due process according to the rules under which they were originally calendared. For those items that have been on the calendar for more than five years, the LPC is already set to begin a special process that will result in decisions by the end of 2016.
- **Provide protections for properties under consideration.** Currently, properties which have been calendared and are under official consideration by the LPC have no legal protection save what is afforded them by Department of Buildings rules. In order to fully activate the LPC's abilities to protect and regulate potential landmark buildings, a demolition delay provision of no less than 6 months should be imposed on any property which the LPC actively considering, in order to allow the agency time to properly consider an emergency designation if necessary.

Fifty years ago, in 1965, the New York City Council empowered the Landmarks Preservation Commission to designate and protect landmarks as **"a public necessity required in the interest of the health, prosperity, safety and welfare of the people of New York."** In 1973, the City Council expanded the agency's powers in order that it could act in a timely and efficient manner. Intro. 775 threatens to undercut landmark designation efforts throughout the city and, as currently proposed, should not be approved.

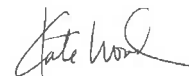
Sincerely,



Simeon Bankoff
Executive Director
Historic Districts Council



Andrew Berman
Executive Director
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Preservation



Kate Wood
President
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