

August 26, 2015

Re: Intro. 775

Dear Council Member,

We write to express our serious concerns about Intro. 775. **We share the desire for a swift, predictable and transparent landmark designation process and have given much consideration to how the current process could be improved to accomplish those goals. However, the bill as currently written would achieve the exact opposite. It would discourage the consideration of complicated or controversial sites and encourage obstruction rather than designation.** In fact, if the provisions of Intro. 775 had been part of the Landmarks Law, some of our city's most cherished and valued landmarks and historic districts would not have been designated (see attached). Furthermore, the Landmarks Preservation Commission (LPC) would have been prohibited from considering them again for a period of five years, during which time they would likely have been compromised or destroyed.

Intro. 775 is unnecessary.

The impetus for this bill appears to be the 95 sites currently on the LPC's backlog which were calendared more than five years ago without a final decision yet rendered by the Commission. The LPC has committed to a plan to hear and make final decisions on all of these sites by the end of 2016, thus making this bill superfluous.

Our research shows that the LPC has a solid track record of timely designation, if not within the strict limits described by Intro. 775, then nonetheless within a reasonable period of time.

Intro. 775 makes an existing problem worse.

In the instances where LPC has failed to act within the proposed limits, this failure has been in part a result of the Commission's limited resources. Designations require heavy investment of staff time towards extensive research, in-depth examination of boundaries, a full airing of all information and viewpoints on a subject, and the production of highly-detailed reports.

Intro. 775 would do nothing to expand the resources of the Commission, New York City's smallest agency charged with regulating more than 33,000 structures. Nor would it make complicated designation proposals easier or less time-consuming to vet. Instead, it would force LPC to make decisions about boundaries before they have fully considered all issues. It would prevent LPC from dedicating adequate time to complete the highly-detailed designation reports requested by property owners. At minimum, it would force LPC to make decisions before all information has been contemplated and all discussions have taken place. Far worse, LPC may simply avoid

considering sites with complicating factors that might not allow a final decision within the prescribed timeframes.


Intro. 775 creates a new problem.

Intro. 775 would also encourage an owner who is strongly opposed to designation to seek delays in the process in the hopes of “running out the clock” and avoiding landmark designation. The owners of some of our city’s most prized landmarks , from Grand Central Terminal to the interior of Radio City Music Hall, opposed designation and likely would have exploited this “do or die” timeframe.

In summary, Intro. 775 as currently written should not be approved because:

- The bill imposes an unnecessary, unrealistic, and retroactive 18-month timeframe in which to consider every property on its docket.
- The proposed timeframes for hearings and final votes are not reasonable for all cases, especially those which are complicated and controversial.
- It provides no additional resources to ensure that LPC can consider calendared sites or districts within the proposed timeframe.
- It does not allow LPC the option of continuing to consider a landmark or historic district after the deadline has been reached, regardless of the stage of consideration, negotiation, or discussion, or if new information has been introduced.
- The five year moratorium on the reconsideration of landmarks and historic districts would unduly hamper LPC and is not reflected in the regulatory frameworks of other city agencies.

Sincerely,



Simeon Bankoff
Executive Director
Historic Districts Council



Kate Wood
President
Landmark West!



Andrew Berman
Executive Director
Greenwich Village Society
for Historic Preservation



Tara Kelly
Executive Director
Friends of the Upper East Side
Historic Districts

(signed) **LIST IN FORMATION**

FRIENDS of the Upper East Side Historic Districts

Greenwich Village Society for Historic Preservation

Historic Districts Council

LANDMARK WEST!

Bay Improvement Group
Beachside Bungalows Preservation
Association
Citizens Emergency Committee to Preserve
Preservation
Coalition for a Livable West Side
Committee for Environmentally Sound
Development
Defenders of the Historic Upper East Side
East Harlem Preservation, Inc.
East Village Community Coalition
Four Borough Neighborhood Preservation
Alliance
Friends of Brook Park
Friends of Petrosino Square
Friends of Steinway Mansion
Friends of Terra Cotta

Greater Astoria Historical Society
Historic Park Avenue
Jackson Heights Garden City Society
Kew Gardens Civic Association
Morningside Heights Historic District
Committee
New York Preservation Alliance
Queens Preservation Council
Save Chelsea
Save Harlem Now!
Senator Street Historic District
Society for the Architecture of the City
Sunnyside Gardens Preservation Alliance.
Tribeca Trust
Victorian Society of New York
West End Preservation Society

Analysis of the Effects of Intro. 775 on Landmark Designation

As proposed, Intro. 775 mandates for the consideration of historic districts the LPC has:

- 12 months from a vote to calendar to hold a public hearing
- 12 months from the public hearing to vote to designate

or the district cannot be acted upon for five years.

While the City Council's own dataset shows that only 20% of historic districts have exceeded the thresholds proposed by Intro. 775 since 1998, a look back to the creation of the Landmarks Law 50 years ago demonstrates that more than one third (38%) of all districts would not have made it through the proposed timeline. Particularly troubling is the breadth and diversity of the historic districts which would have been rejected – or, at best, deferred for five years.

Under Intro. 775, the following historic districts could not have been designated when originally proposed:

Bedford-Stuyvesant	Grand Concourse	Riverside Drive-West
/Expanded Stuyvesant	Greenpoint	105th Street
Heights	Greenwich Village	Riverside Drive-West End
Bertine Block	Hamilton Heights	& Extensions I & II
Boerum Hill	Henderson Place	SoHo-Cast Iron
Carnegie Hill & Expansion	Hunters Point	South Street Seaport
Carroll Gardens	Jackson Heights	Extension
Central Park West - 76th	Ladies' Mile	St. Mark's & Extension
Street	MacDougal-Sullivan	Stuyvesant Heights
Central Ridgewood	Gardens	Tribeca East
Chelsea	Morris Avenue	Tribeca North
Clay Avenue	Morris High School	Tribeca South & Extension
Clinton Hill	Mott Haven	Tribeca West
Cobble Hill & Extension	Mott Haven East	Tudor City
Crown Heights North	Mount Morris Park	Upper East Side
Phase III	Park Slope	Upper West Side/Central
Fieldston	Ridgewood South	Park West
Fiske Terrace/Midwood	Riverdale	West 71st Street
Park	Riverside Drive-West 80th-	West End - Collegiate
Gramercy Park Extension	81st Street	Extension

Further analysis suggests that larger, more expansive historic districts take the longest for the LPC to consider for designation as they require more community education, architectural research and consensus-building. **These 53 historic districts encompass more than 17,900 buildings, approximately 54% of the total number of buildings currently protected by the Landmarks Law.**

If Intro. 775 had been in effect since 1965, half of New York City's landmark properties would not be protected and New York City would be infinitely poorer for it.