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MEMORANDUM

To: New York City Council Members and Interested Parties

From: The Five Independent Chapters of the AIA of NYC

Date: August 24, 2015

Re: Intro. 775 and Improving the Landmarks Process

Intro. 775, which will be heard in the coming weeks, seeks to make broad reforms to the processes and protocols that govern the City's Landmarks Preservation Commission. We applaud the bill's intentions to seek procedural changes to make the designation processes for individual buildings and districts more efficient, consistent, and predictable in recognition that real estate development and construction greatly contribute to the economy of our city through new projects and adaptive reuse and restoration of historic structures. However, we believe that some of the provisions of the proposed legislation will have grave and unintended consequences that will hinder the Commission from properly upholding its mission to safeguard the very best of our communal architectural heritage. The bill as written will compromise our City's seminal Landmarks Law that so greatly contributes to the uniqueness of our urban realm, gives definition to communities, and increases the value of real estate.

We are sympathetic to the desire of the Council to focus on the protocols of the LPC to ensure that this important regulatory body acts efficiently; however, we would prefer if the LPC would propose and adopt reforms by its own volition rather than through legislative action. We note that the LPC has recently put forward a sensible and implementable plan to address the backlogged properties that have languished on the Commission's agenda in response to popular criticism. This promising development makes us believe that the LPC is best suited to propose and adopt other reforms unilaterally. While mindful that the proposed bill represents a call for action, we hope that the Commission will put forward its own reforms before Intro. 775 reaches the Council floor.

Should legislative action be inevitable, we urge the Council to consider the following changes to the bill to strike a proper balance between procedural efficiency and keeping NYC's architectural heritage preserved and alive:

- Remove moratoriums that prevent the Commission from exercising its discretion;
- Consult with LPC to determine if the stipulated time limit on judgements is reasonable. In many instances, the time limits proposed are too strict to allow for the nuanced consideration, community engagement, and scholarly research necessary to properly make appropriate judgments;
- Allow exceptions to the determined timelines of up to one year, as additional research or outreach is often necessary, particularly in the review of Historic District designations;
- At the end of the predetermined time limits, there should be an action on the part of the Commission to designate, de-calendar, or issue a no-action determination. The cut-off should not be used to stall potential designations;
- Under certain circumstances, LPC should be allowed to revisit projects that were previously not designated within a reasonable timeframe;



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- If LPC is held to provide judgements more expeditiously, we urge that the Council consider the work required, and, in consultation with LPC, determine if more funding is necessary to achieve the goals of the bill;
- LPC should consider a special process (perhaps a staff-level review) for expediting the least controversial projects, thereby freeing up the full Commission to focus exclusively on the most challenging and pressing applications.

We recognize that there are procedural difficulties at LPC and believe that the designation process should be more efficient and consistent. If the above changes are made to the bill, we think it would create legislation that does not diminish the hallmark 1965 Landmarks Law (the 50th anniversary of which we celebrate this year) and will preserve the Commission's role as an essential force that ensures the quality and character of our physical city.

We are excited to work with the bill's sponsors, Council Members Greenfield and Koo, the Speaker, the full City Council, the Landmarks Preservation Commission, and all other stakeholders on this important issue.

AIA New York, AIA Bronx, AIA Brooklyn, AIA Queens, and AIA Staten Island together represent over 5,900 registered architects and associated design and construction professionals. Our organizations are comprised of a diverse coalition that includes small and large practitioners, interior designers, architects, planners, real estate developers, and others. Our mission, as it relates to legislation, is to advocate for laws that allow New York City to remain the premier global city for architecture and an exemplar of progressive urbanism, while ensuring the economic welfare of our professional class.

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