

September 9, 2015

Good morning, Council Member Koo, Council Member Greenfield, and members of the City Council Committee on Land Use. My name is David Burney, and I am the Interim Executive Director of the American Institute of Architects New York Chapter (AIANY). I am here to offer testimony on Intro. 775 on behalf of AIANY, AIA Bronx, AIA Brooklyn, AIA Queens, and AIA Staten Island.

New York City's five AIA chapters represent over 5,900 registered architects and associated design and construction professionals. Our mission 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.

Intro. 775 seeks to make reforms to the processes and protocols that govern the City's Landmarks Preservation Commission. We applaud the bill's intentions to make the designation processes more efficient, consistent, and predictable, in recognition that real estate development and construction 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 will have grave and unintended consequences that will hinder the Commission from properly upholding its mission. With the Department of City Planning's zoning proposal, which we believe will help to increase affordable housing development citywide and provide architects greater flexibility in design, LPC's role as an essential force that ensures the quality and character of our physical city will become more important than ever. 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, but we would prefer if the LPC would propose and adopt its own reforms. We note that in response to popular criticism, LPC recently put forward a sensible and implementable plan to address backlogged properties on the agenda. Should legislative action be inevitable, we urge you to consider the following proposed changes to the bill that would strike a proper balance between procedural efficiency and preserving NYC's architectural heritage:

- 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;
- 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 Landmarks Law (the 50th anniversary of which we celebrate this year).

We have had the opportunity to meet with some of you and your staff to discuss this bill already, and we are excited to continue to work with you, the Landmarks Preservation Commission, and other stakeholders on this important issue.

Sincerely,



David Burney, FAIA
Interim Executive Director, AIANY