

May 14, 2015

**Re: Intro. 775**

Dear Councilmember :

We write to express our very strong concerns about the recently-introduced Intro. 775 (Koo, Greenfield), and to urge you not to support it in its current form. We all feel strongly that the process for considering sites for landmark designation should move as swiftly as possible. But while the purported purpose of the bill is to create predictability, transparency, and explicit timeframes in the landmarking process, the bill as written would create significant obstacles to worthy landmark designations and prohibit the consideration of sites for landmark designation for years at a time without a rational basis.

Intro. 775 would impose strict deadlines for the Landmarks Preservation Commission to hold hearings and vote upon buildings, districts, and other sites under consideration for landmark designation. If those deadlines are not met, the building, district, or site would automatically not be landmarked, and could not be considered again for landmark designation for five years.

Based upon data compiled by the Historic Districts Council (attached), currently about 90% of all historic district hearings and designations take place within the timeframe mandated by the bill. But in some cases those hearings and designations, and those of individual buildings and sites proposed for designation, may take longer, and sometimes for good reason. The increasingly detailed designation reports which accompany designations (done in order to provide property owners with as much information as possible to indicate how their properties will be regulated) can be complex and take a considerable amount of time to complete. Oftentimes complicated issues can arise in considering designations which require (and benefit from) an extended period of time to consider all factors, including where boundary lines should be drawn and which parts of sites should be included in a designation and how it should be designated. Sometimes strong owner or political opposition or concern can make moving ahead swiftly with a designation difficult, or require extended negotiations or conversations to bring all stakeholders to agreement. This bill would require that such decisions be made in a timeframe which may be too short to consider all these factors, and thus either a rushed decision must be made, or by default designation does not occur and cannot again for five years.

This will no doubt have the effect in some cases of encouraging owners who are resistant to designation to stall and delay in an effort to try to run out the clock, thus ensuring that decisions are not made on the merits but simply based upon successful obstructionism. It will also no doubt have a chilling effect

upon the LPC's consideration of complex or controversial potential designations, given the consequences of a failure to act swiftly enough.

The Landmarks Preservation Commission is the smallest city agency in terms of budget and staff, in spite of its considerable responsibility of regulating tens of thousands of properties and evaluating the entire city's built environment for sites of architectural or cultural significance which merit designation. As such, it is understandable that there may be occasions where the Commission's workload may, in some cases unexpectedly, not allow it to move ahead as swiftly with some items as hoped. This bill offers no resources or assistance to prevent that from happening, but imposes stiff penalties when it does. The burden of the consequences of these penalties will not be borne by the Commission, but by the entire city, which will suffer the loss of our shared architectural and cultural legacy as a result.

For all of these reasons, we strongly urge you not to support Intro. 775.

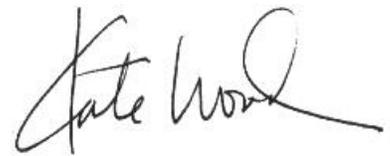
Sincerely,



Simeon Bankoff  
Executive Director  
Historic Districts Council



Andrew Berman  
Executive Director  
Greenwich Village Society  
for Historic Preservation



Kate Wood  
President  
Landmark West!