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'Devil in the details' on landmarking proposal

By Andrew Hawkins



A bill is being drafted to bring more "transparency and predictability" to landmark process.

Photo: Buck Ennis

The City Council is drafting legislation to change the city's system for designating landmarks. Backers of the legislation say it will bring more clarity to a process that has been criticized for hindering development, but critics say the "devil is in the details."

The new legislation was announced Wednesday by Manhattan Borough President Gale Brewer, a critic of development and an advocate for [automatically considering any building older than 50 years for landmark status](#). It is being drafted by Councilmen Brad Lander, Stephen Levin and Daniel Garodnick.

According to Ms. Brewer, the legislation would do the following: establish an approximately five-year timetable for consideration of "calendared" items by the city's Landmarks Preservation Commission; create a database of all commission actions; update the public submission

requirements to include more documentation and rationale for landmark or historic district consideration, make those submissions possible online, and set a timetable for LPC response to the submissions (90 days for landmarks, 180 days for historic districts); publish style guides for each historic district so owners and tenants can easily learn the "dos and don'ts" for their neighborhood; require that a property's landmark status be disclosed to a commercial tenant before a lease of commercial premises is final; and codify in law the unofficial "gentlemen's agreement" that the LPC will receive notice and 45 days to act when the Department of Buildings receives an application to alter or destroy a "calendared" property.

The commission has the power to freeze development by putting a property on its calendar. And landmarking has long been a contentious topic in the city between developers and preservationists. Many leading landlords have [opposed the unbridled expansion of the number of designated landmarks](#) in the city as stifling needed new development in favor of preserving old buildings they claim are of questionable aesthetic or historical value.

The Real Estate Board of New York released a report last year that revealed [over a quarter of Manhattan was landmarked](#).

But Ms. Brewer said the proposed legislation is intended to clear the air on landmarking. "This month we are celebrating the 50th anniversary of the New York City Landmarks Law," she said. "What better time to add more transparency and predictability to the landmarks process—so it can serve us even better in the decades to come."

But the real estate industry, despite being consulted by Ms. Brewer's office on the bill, was noncommittal.

"We look forward to reviewing the legislation, and we appreciate the borough president's efforts to address some of the issues that we've long advocated for, such as creating guidelines to streamline the landmarking process for property owners and establishing time frames for LPC to act on calendared items," Steven Spinola, president of the Real Estate Board of New York, said in a statement.

Richard Anderson, president of the New York Building Congress, said the bill could be a missed opportunity by Ms. Brewer and the City Council.

"On first blush, the goals of the legislation are praiseworthy," Mr. Anderson said. "But the devil is in the details. And the question it raises in my mind is what's missing."

Mr. Anderson said he would have much rather seen a bill that better addresses the relationship between historic districts and the city's overall planning, and a formal role for the city's Planning Commission in the designation process.

"We definitely appreciate the benefits of landmarking," he added. "But there are questions about how historic districts are designated and about how buildings are identified. And we've tried to get at that to improve the process. And if the borough president wants to help, we're in favor of that."

The Landmarks and Preservation Commission contends that it has already tweaked many of its slower moving processes. Last fall, the Chester Court Historic District in Brooklyn was calendared, heard and designated within two months, a record time for the process.

"We look forward to reviewing the proposed legislation, and appreciate Borough President Brewer and the City Council's commitment to protecting our city's historic fabric," an LPC spokeswoman said. "Chair [Meenakshi] Srinivasan has a proven record of reform and a firm commitment to transparency. As the former Chair of the Board of Standards and Appeals, she instituted reforms that made the BSA more transparent and consistent, and she is committed to bringing the same level of clarity to LPC."