

5410

2015-2016 Regular Sessions

I N S E N A T E

May 14, 2015

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to additional guidelines and procedures to the designation process for a landmark, interior landmark, scenic landmark and historic district

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 25-303 of the administrative code of the city of
2 New York, subdivision f as amended by local law number 22 for the year
3 2002, subdivisions g, h and j as amended by local law number 71 for the
4 year 1991, is amended to read as follows:
5 S 25-303 Establishment of landmarks, landmark sites, interior land-
6 marks, scenic landmarks and historic districts. a. For the purpose of
7 effecting and furthering the protection, preservation, enhancement,
8 perpetuation and use of landmarks, interior landmarks, scenic landmarks
9 and historic districts, the commission shall have power, after a public
10 hearing:
11 (1) to designate and, as herein provided in subdivision [j] L, in
12 order to effectuate the purposes of this chapter, to make supplemental
13 designations as additions to, a list of landmarks which are identified
14 by a description setting forth the general characteristics and location
15 thereof;
16 (2) to designate and, in order to effectuate the purposes of this
17 chapter, to make supplemental designations as additions to, a list of
18 interior landmarks, not including interiors utilized as places of reli-
19 gious worship, which are identified by a description setting forth the
20 general characteristics and location thereof;
21 (3) to designate and, in order to effectuate the purposes of this
22 chapter, to make supplemental designations as additions to a list of
23 scenic landmarks, located on property owned by the city, which are iden-

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 tified by a description setting forth the general characteristics and
2 location thereof; and

3 (4) to designate historic districts and the location and boundaries
4 thereof, and, in order to effectuate the purposes of this chapter, to
5 designate changes in such locations and boundaries and designate addi-
6 tional historic districts and the location and boundaries thereof.

7 b. It shall be the duty of the commission, after a public hearing, to
8 designate a landmark site for each landmark and to designate the
9 location and boundaries of such site.

10 c. IN ORDER TO CONSIDER A LANDMARK, INTERIOR LANDMARK, SCENIC LANDMARK
11 OR HISTORIC DISTRICT, THE COMMISSION BY MAJORITY VOTE MUST FIRST APPROVE
12 A MOTION TO PLACE IT ON THE PUBLIC CALENDAR AND NOTICE THE PUBLIC HEAR-
13 ING. AT THE TIME OF SUCH CALENDARING, THE COMMISSION SHALL MAKE AVAIL-
14 ABLE TO THE PUBLIC A DRAFT DESIGNATION REPORT THAT SETS FORTH WITH
15 REASONABLE SPECIFICITY THE SPECIAL CHARACTER OR SPECIAL HISTORICAL OR
16 AESTHETIC INTEREST OR VALUE OF SUCH PROPOSED LANDMARK, INTERIOR LAND-
17 MARK, SCENIC LANDMARK, OR HISTORIC DISTRICT, AND, IN THE CASE OF A
18 HISTORIC DISTRICT, THAT ALSO IDENTIFIES EACH BUILDING OR STRUCTURE WITH-
19 IN THE HISTORIC DISTRICT AND, AT A MINIMUM, ITS PROPOSED STYLE DESIG-
20 NATION, SIGNIFICANT ALTERATIONS, AND THE EXTENT TO WHICH IT EXHIBITS THE
21 SPECIAL CHARACTER OR SPECIAL HISTORICAL OR AESTHETIC INTEREST OR VALUE
22 OF THE PROPOSED HISTORIC DISTRICT AND THAT DESCRIBES THE RATIONALE FOR
23 THE PROPOSED BOUNDARIES OF SUCH HISTORIC DISTRICT.

24 D. THE COMMISSION SHALL PROMULGATE RULES GOVERNING THE REGULATION OF
25 CONSTRUCTION, RECONSTRUCTION, ALTERATIONS AND DEMOLITION PURSUANT TO
26 SECTION 25-305 OF THIS CODE IN ANY DESIGNATED HISTORIC DISTRICT WITHIN
27 NINETY DAYS AFTER ANY DESIGNATION.

28 E. The commission shall have power, after a public hearing, to amend
29 any designation made pursuant to the provisions of subdivisions a and b
30 of this section.

31 [d.] F. The commission may, after a public hearing, whether at the
32 time it designates a scenic landmark or at any time thereafter, specify
33 the nature of any construction, reconstruction, alteration or demolition
34 of any landscape feature which may be performed on such scenic landmark
35 without prior issuance of a report pursuant to subdivision c of section
36 25-318. The commission shall have the power, after a public hearing, to
37 amend any specification made pursuant to the provisions of this subdivi-
38 sion.

39 [e.] G. Subject to the provisions of subdivisions [g] I and [h] J of
40 this section, any designation or amendment of a designation made by the
41 commission pursuant to the provisions of subdivisions a, b and [c] E of
42 this section shall be in full force and effect from and after the date
43 of the adoption thereof by the commission.

44 [f.] H. Within ten days after making any such designation or amendment
45 thereof, the commission shall file a copy of same with the council, the
46 department of buildings, the city planning commission, the board of
47 standards and appeals, the fire department and the department of health
48 and mental hygiene.

49 [g.] I. (1) Within sixty days after such filing, the city planning
50 commission shall (a) hold a public hearing on any such designation of a
51 LANDMARK, INTERIOR LANDMARK OR historic district and (b) shall submit to
52 the council a report with respect to the relation of such designation,
53 whether of a historic district or a landmark, interior landmark, scenic
54 landmark, or landmark site, or amendment of such designation to the
55 zoning resolution, projected public improvements and any plans for the
56 development, growth, improvement or renewal of the area involved. SUCH

1 REPORT OF THE RELATION OF THE PROPOSED DESIGNATION TO THE ZONING RESOL-
2 UTION SHALL INCLUDE AN ANALYSIS OF THE IMPACT OF SUCH DESIGNATION ON THE
3 DEVELOPMENT, GROWTH, IMPROVEMENT, RENEWAL, OR ECONOMIC DEVELOPMENT OF
4 THE AREA INVOLVED, INCLUDING BOTH PUBLIC AND PRIVATE DEVELOPMENT, AND ON
5 THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE, AND SHALL SPECIFICALLY
6 CONSIDER THE RELATIONSHIP BETWEEN THE DEVELOPMENT POTENTIAL OF ALL PROP-
7 ERTIES AFFECTED BY THE PROPOSED DESIGNATION, BOTH PUBLIC AND PRIVATE,
8 AND THE EXISTING DEVELOPMENT ON SUCH PROPERTIES AT THE TIME OF DESIG-
9 NATION. The city planning commission shall include with any such report
10 its recommendation, if any, for council action with respect to any such
11 designation of a historic district.

12 (2) The council may modify or disapprove by majority vote any desig-
13 nation of the commission or amendment thereof within one hundred twenty
14 days after a copy thereof is filed with the council provided that the
15 city planning commission has submitted the report required by this
16 subdivision or that sixty days have elapsed since the filing of the
17 designation or amendment with the council. SUCH MODIFICATION OR DISAP-
18 PROVAL BY THE COUNCIL MAY BE MADE ON THE BASIS OF THE SPECIAL CHARACTER
19 OR SPECIAL HISTORICAL OR AESTHETIC INTEREST OR VALUE OF THE PROPOSED
20 LANDMARK, INTERIOR LANDMARK, SCENIC LANDMARK, OR HISTORIC DISTRICT, OF
21 FACTS REGARDING BUILDINGS OR STRUCTURES WITHIN THE HISTORIC DISTRICT, OF
22 THE RELATION OF SUCH DESIGNATION TO THE ZONING RESOLUTION, PROJECTED
23 PUBLIC IMPROVEMENTS, ANY PLANS FOR THE DEVELOPMENT, GROWTH, IMPROVEMENT
24 OR RENEWAL OF THE AREA INVOLVED, OR THE ECONOMIC DEVELOPMENT, INCLUDING
25 BOTH PUBLIC AND PRIVATE DEVELOPMENT, OF THE AREA INVOLVED, AND OF THE
26 PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE AND SHALL SPECIFICALLY
27 CONSIDER THE RELATIONSHIP BETWEEN THE DEVELOPMENT POTENTIAL OF ALL PROP-
28 ERTIES AFFECTED BY THE PROPOSED DESIGNATION, BOTH PUBLIC AND PRIVATE,
29 AND THE EXISTING DEVELOPMENT ON SUCH PROPERTIES AT THE TIME OF DESIG-
30 NATION. All votes of the council pursuant to this subdivision shall be
31 filed by the council with the mayor and shall be final unless disap-
32 proved by the mayor within five days of such filing. Any such disap-
33 proval by the mayor shall be filed by the mayor with the council and
34 shall be subject to override by a two-thirds vote of the council within
35 ten days of such filing. If the council shall disapprove such desig-
36 nation or amendment, such designation or amendment shall continue in
37 full force and effect until the time for disapproval by the mayor has
38 expired; provided, however, that if the mayor disapproves such council
39 disapproval, it shall continue in full force and effect unless the coun-
40 cil overrides the mayor's disapproval. If the council shall modify such
41 designation or amendment, such designation or amendment as adopted by
42 the commission shall continue in full force and effect until the time
43 for disapproval by the mayor has expired, and after such time such
44 modification shall be in effect; provided, however, that if the mayor
45 disapproves such council modification, the designation or amendment as
46 adopted by the commission shall continue in full force and effect unless
47 the council overrides the mayor's disapproval, and in the event of over-
48 ride the modification shall take effect on and after the date of such
49 override.

50 [h.] J. (1) The commission shall have power, after a public hearing,
51 to adopt a resolution proposing rescission, in whole or in part, of any
52 designation or amendment or modification thereof mentioned in the
53 preceding subdivisions of this section. Within ten days after adopting
54 any such resolution, the commission shall file a copy thereof with the
55 council and the city planning commission.

(2) Within sixty days after such filing, the city planning commission shall submit to the council a report with respect to the relation of such proposed rescission of any such designation, whether of a historic district or a landmark, interior landmark, scenic landmark or landmark site, or amendment or modification thereof, to the zoning resolution, projected public improvements and any plans for the development, growth, improvement, or renewal of the area involved.

(3) The council may approve, disapprove or modify such proposed rescission within one hundred twenty days after a copy of the resolution proposing same is filed with the council, provided that the city planning commission has submitted the report required by this subdivision or that sixty days have [elapsed] ELAPSED since the filing of such resolution. Failure to take action on such proposed rescission within such one hundred twenty-day period shall be deemed a vote to disapprove such proposed rescission. All votes of the council pursuant to this subdivision shall be filed by the council with the mayor and shall be final unless disapproved by the mayor within five days of such filing. Any such mayoral disapproval shall be filed by the mayor with the council and shall be subject to override by a two-thirds vote of the council within ten days of such filing. If such proposed rescission is approved or modified by the council, such rescission or modification thereof shall not take effect until the time for disapproval by the mayor has expired; provided, however, that if the mayor disapproves such rescission or modification, it shall not take effect unless the council overrides the mayor's disapproval. If such proposed rescission is disapproved by the council, it shall not take effect unless the mayor disapproves such council disapproval and the council fails to override the mayor's disapproval.

[i.] K. The commission may at any time make recommendations to the city planning commission with respect to amendments of the provisions of the zoning resolution applicable to improvements in historic districts.

[j.] L. All designations and supplemental designations of landmarks, landmark sites, interior landmarks, scenic landmarks and historic districts made pursuant to subdivision a shall be made pursuant to notices of public hearings given, as provided in section 25-313. In addition to such notice, the commission shall give notice to the city planning commission, all affected community boards and the office of the borough president in whose borough the property or district is located in advance of any public hearing relating to such designations.

[k.] M. Upon its designation of any improvement parcel as a landmark and of any landmark site, interior landmark, scenic landmark or historic district or any amendment of any such designation or rescission thereof, the commission shall cause to be recorded in the office of the register of the city of New York in the county in which such landmark, interior landmark, scenic landmark or district lies, or in the case of landmarks, interior landmarks, scenic landmarks and districts in the county of Richmond in the office of the clerk of said county of Richmond, a notice of such designation, amendment or rescission describing the party affected by, in the case of the county of Richmond, its land map block number or numbers, and its tax map, block and lot number or numbers, and in the case of all other counties, by its land map block and lot number or numbers.

S 2. Subdivision b of section 25-313 of the administrative code of the city of New York is amended to read as follows:

b. At any such public hearing, the commission shall afford a reasonable opportunity for the presentation of facts and the expression of

1 views by those desiring to be heard, and may, in its discretion, take
2 the testimony of witnesses and receive evidence; provided, however, that
3 the commission, in determining any matter as to which any such hearing
4 is held, shall not be confined to consideration of the facts, views,
5 testimony or evidence submitted at such hearing. AT ANY PUBLIC HEARING
6 FOR A DESIGNATION PURSUANT TO SECTION 25-303, SUCH PRESENTATION OF FACTS
7 AND THE EXPRESSION OF VIEWS BY THOSE DESIRING TO BE HEARD MAY INCLUDE
8 TESTIMONY AND EVIDENCE RELATED TO THE ECONOMIC IMPACT OF THE PROPOSED
9 DESIGNATION OR ANY OTHER ISSUES RELATED TO THE CITY PLANNING COMMISSION
10 OR COUNCIL REVIEW AS SET FORTH IN PARAGRAPHS (1) AND (2) OF SUBDIVISION
11 I OF SECTION 25-303 AND THIS TESTIMONY OR EVIDENCE SHALL BE PART OF THE
12 RECORD CONSIDERED BY THE CITY PLANNING COMMISSION AND THE COUNCIL PURSU-
13 ANT TO PARAGRAPHS (1) AND (2) OF SUBDIVISION I OF SECTION 25-303.
14 S 3. This act shall take effect immediately.