STATE OF NEW YORK

2741

2017-2018 Regular Sessions

IN SENATE

January 17, 2017

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:

Section 1. Section 25-303 of the administrative code of the city of New York, subdivision f as amended by local law number 22 for the year 2002, subdivisions g, h and j as amended by local law number 71 for the year 1991, subdivision 1 as added by local law number 76 for the year 2016, is amended to read as follows:

§ 25-303 Establishment of landmarks, landmark sites, interior landmarks, scenic landmarks and historic districts. a. For the purpose of effecting and furthering the protection, preservation, enhancement, perpetuation and use of landmarks, interior landmarks, scenic landmarks and historic districts, the commission shall have power, after a public hearing:

(1) to designate and, as herein provided in subdivision [~~j~~] *l*, in order to effectuate the purposes of this chapter, to make supplemental designations as additions to, a list of landmarks which are identified by a description setting forth the general characteristics and location thereof;

(2) to designate and, in order to effectuate the purposes of this chapter, to make supplemental designations as additions to, a list of interior landmarks, not including interiors utilized as places of religious worship, which are identified by a description setting forth the general characteristics and location thereof;

(3) to designate and, in order to effectuate the purposes of this chapter, to make supplemental designations as additions to a list of

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

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scenic landmarks, located on property owned by the city, which are identified by a description setting forth the general characteristics and location thereof; and

(4) to designate historic districts and the location and boundaries thereof, and, in order to effectuate the purposes of this chapter, to designate changes in such locations and boundaries and designate additional historic districts and the location and boundaries thereof.

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

c. **In order to consider a landmark, interior landmark, scenic landmark or historic district, the commission by majority vote must first approve a motion to place it on the public calendar and notice the public hearing. At the time of such calendaring, the commission shall make available to the public a draft designation report that sets forth with reasonable specificity the special character or special historical or aesthetic interest or value of such proposed landmark, interior landmark, scenic landmark, or historic district, and, in the case of a historic district, that also identifies each building or structure within the historic district and, at a minimum, its proposed style designation, significant alterations, and the extent to which it exhibits the special character or special historical or aesthetic interest or value of the proposed historic district and that describes the rationale for the proposed boundaries of such historic district.**

d. The commission shall promulgate rules governing the regulation of construction, reconstruction, alterations and demolition pursuant to section 25-305 of this code in any designated historic district within ninety days after any designation.

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

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

[~~e.~~] **g.** Subject to the provisions of subdivisions [~~g~~] **i** and [~~h~~] **j** of this section, any designation or amendment of a designation made by the commission pursuant to the provisions of subdivisions a, b and [~~c~~] **e** of this section shall be in full force and effect from and after the date of the adoption thereof by the commission.

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

[~~g.~~] **i.** (1) Within sixty days after such filing, the city planning commission shall (a) hold a public hearing on any such designation of a **landmark, interior landmark or** historic district and (b) shall submit to the council a report with respect to the relation of such designation, whether of a historic district or a landmark, interior landmark, scenic landmark, or landmark site, or amendment of such designation to the zoning resolution, projected public improvements and any plans for the

development, growth, improvement or renewal of the area involved. **Such report of the relation of the proposed designation to the zoning resolution shall include an analysis of the impact of such designation on the development, growth, improvement, renewal, or economic development of the area involved, including both public and private development, and on the public health, safety, and general welfare, and shall specifically consider the relationship between the development potential of all properties affected by the proposed designation, both public and private, and the existing development on such properties at the time of designation.** The city planning commission shall include with any such report its recommendation, if any, for council action with respect to any such designation of a historic district.

(2) The council may modify or disapprove by majority vote any designation of the commission or amendment thereof within one hundred twenty days after a copy thereof 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 since the filing of the designation or amendment with the council. **Such modification or disapproval by the council may be made on the basis of the special character or special historical or aesthetic interest or value of the proposed landmark, interior landmark, scenic landmark, or historic district, of facts regarding buildings or structures within the historic district, of the relation of such designation to the zoning resolution, projected public improvements, any plans for the development, growth, improvement or renewal of the area involved, or the economic development, including both public and private development, of the area involved, and of the public health, safety, and general welfare and shall specifically consider the relationship between the development potential of all properties affected by the proposed designation, both public and private, and the existing development on such properties at the time of designation.** 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 disapproval by the mayor 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 the council shall disapprove such designation or amendment, such designation or amendment shall continue in full force and effect until the time for disapproval by the mayor has expired; provided, however, that if the mayor disapproves such council disapproval, it shall continue in full force and effect unless the council overrides the mayor's disapproval. If the council shall modify such designation or amendment, such designation or amendment as adopted by the commission shall continue in full force and effect until the time for disapproval by the mayor has expired, and after such time such modification shall be in effect; provided, however, that if the mayor disapproves such council modification, the designation or amendment as adopted by the commission shall continue in full force and effect unless the council overrides the mayor's disapproval, and in the event of override the modification shall take effect on and after the date of such override.

[~~h.~~] **j.** (1) The commission shall have power, after a public hearing, to adopt a resolution proposing rescission, in whole or in part, of any designation or amendment or modification thereof mentioned in the preceding subdivisions of this section. Within ten days after adopting any such resolution, the commission shall file a copy thereof with the 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 [~~elasped~~] **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.

[~~l.~~] **n.** (1) Subject to subdivisions a through [~~k~~] **m** of this section, the commission shall, upon the adoption of a motion, calendar an item to be considered for designation as a landmark, interior landmark, scenic

landmark or historic district prior to holding a public hearing on such item.

(2) The commission shall, after a public hearing, act to designate an item under consideration for designation as a landmark, interior landmark, or scenic landmark within 12 months after the date that the motion to calendar such item has been adopted by the commission. In the event the commission fails to designate the item within such 12 month period, the item shall be removed from the commission's calendar, except that the commission or the chair acting upon delegation by the commission may, upon a determination that there is a need and with the written concurrence of the owner, extend the time to designate such item for no more than 12 additional months.

(3) The commission shall, after a public hearing, act to designate an item under consideration for designation as an historic district within 24 months after the date that the motion to calendar such item has been adopted by the commission. In the event the commission fails to designate the item within such 24 month period, the item shall be removed from the commission's calendar.

§ 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 views by those desiring to be heard, and may, in its discretion, take the testimony of witnesses and receive evidence; provided, however, that the commission, in determining any matter as to which any such hearing is held, shall not be confined to consideration of the facts, views, testimony or evidence submitted at such hearing. **At any public hearing for a designation pursuant to section 25-303, such presentation of facts and the expression of views by those desiring to be heard may include testimony and evidence related to the economic impact of the proposed designation or any other issues related to the city planning commission or council review as set forth in paragraphs (1) and (2) of subdivision i of section 25-303 and this testimony or evidence shall be part of the record considered by the city planning commission and the council pursuant to paragraphs (1) and (2) of subdivision i of section 25-303.**

§ 3. This act shall take effect immediately.