



Legislation Details (With Text)

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4/1/2004	*	City Council	Referred to Comm by Council	
2/8/2005	*	Subcommittee on Landmarks, Public Siting and Maritime Uses	Hearing Held by Committee	
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Int. No. 317

By Council Members McMahon, Avella, Clarke, Gentile, Gerson, Gioia, Gonzalez, Koppell, Lopez, Martinez, Nelson, Quinn, Recchia, Sears, Stewart, Jackson, Seabrook, Sanders, Liu, Gennaro, Comrie, Addabbo, Brewer, James, Yassky, Weprin, DeBlasio, Oddo, Lanza and Gallagher

A Local Law to amend the administrative code of the city of New York, in relation to requiring review by the landmarks preservation commission before a demolition permit may be issued.

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 25 of the administrative code of the city of New York is amended by adding

a new section 25-323 to read as follows:

§25-323 Delay of demolition of historically significant buildings. a. No demolition permit for a building any portion of which is fifty or more years old shall be issued without following the provisions of this section. If a building is of unknown age, it shall be presumed for the purposes of this section that the building is fifty or more years old.

b. A building is significant if (i) in the opinion of the chair of the commission it meets the criteria for a landmark, an interior landmark, a landmark site or part of an historic district pursuant to section 25-302 of this code; or (ii) the building is listed on, or is within an area listed on, either the national or state register of historic places; or the building has been found eligible for listing on either the national or state register of historic places.

c. The commissioner of buildings shall within seven days of receipt of an application for a demolition permit for a building which is fifty or more years old forward a copy of the application to the chair of the commission. The chair of the commission shall within fifteen days after receipt of the application make a written determination of whether the building is significant.

d. Upon determination by the chair of the commission that the building is not significant, the chair of the commission shall so notify in writing the commissioner of buildings and the applicant and the commissioner of buildings may thereafter issue a demolition permit.

e. Upon determination by the chair of the commission that the building is significant, the chair of the commission shall so notify in writing the commissioner of buildings and the applicant.

f. If the chair of the commission fails to notify the commissioner of buildings within fifteen days after receipt of the application, the commissioner of buildings may issue the demolition permit.

g. If the chair of the commission finds that the building is significant, the commission shall hold a public hearing within thirty days from the written notification to the commissioner of buildings and the applicant.

h. The commission shall decide at the public hearing or within fourteen days after the public hearing whether the building shall be preferably preserved and shall so notify the commissioner of buildings in writing within seven days. If agreed to in writing by the applicant, the determination of the commission may be postponed.

i. A building shall be preferably preserved if the commission makes a preliminary determination that the building meets the criteria for designation as a landmark, an interior landmark, a landmark site or part of an historic district pursuant to section 25-302 of this chapter, and that it is in the public interest to be preserved rather than demolished until the formal designation process is completed in accordance with section 25-303 of this chapter.

j. If the commission determines that the building shall not be preferably preserved, the commission shall so notify in writing the commissioner of buildings and applicant and the commissioner of buildings may thereafter issue a demolition permit.

k. If the commission determines that the building shall be preferably preserved, the commission shall notify the commissioner of buildings and the applicant in writing. No demolition permit may be issued for a period of twelve months from the date of the determination unless otherwise agreed to by the commission.

l. Upon determination by the commission that any building which is the subject of an application for a demolition permit is a preferably preserved building, no building permit for new construction or alterations on the same property shall be issued for a period of twelve months from the date of such determination unless otherwise agreed to by the commission.

m. Following a determination that the building is significant and shall be preferably preserved, the commission may designate the preferably preserved building as a landmark, an interior landmark, a landmark site or part of an historic district, pursuant to section 25-303 of this code.

n. Following the expiration of the twelve-month period established in accordance with subdivision j or k of this section, the commissioner of buildings may issue a demolition permit if the building has not been

calendared for a public hearing for designation as a landmark, interior landmark, a landmark site or part of an historic district by the commission.

§2. Section 27-167 of the administrative code of the city of New York is amended to read as follows:

§27-167 General requirements. All applications for demolition or removal permits shall be subject to the requirements of article ten, section 27-156 of article eleven, section 27-198 and section 27-198.1 of article nineteen of this subchapter and section 25-323 of title 25 of this code.

§3. This local law shall take effect immediately upon its enactment into law.

SJM
LS 385