

NOTICE OF PUBLIC HEARING

Subject: Opportunity to comment on proposed amendments to the rules governing the practices and procedures of the Art Commission of the City of New York, d/b/a the Public Design Commission

Date / Time: [July 26, 2011/ 1 PM to 4 PM]

Location: Spector Hall
22 Reade St, 2nd Floor
New York, NY 10007

Contact: Alicia West
Design Commission
253 Broadway, 5th Floor
New York, NY 10007
awest@cityhall.nyc.gov

Proposed Rule Amendment

Pursuant to the authority vested in the Art Commission by §853 (a) and in accordance with the requirements of §1043 of the New York City Charter, the Art Commission intends to amend its rules governing practice and procedure to more accurately reflect its standard operating procedures.

The proposed rule amendments were not included in the 2010-11 Regulatory Agenda because the need for the rule amendments were not anticipated at the time the Regulatory Agenda was formulated.

Material to be added is underlined. Material to be deleted is in [brackets].

Instructions

- Prior to the hearing, you may submit written comments about the proposed amendment to Ms. Alicia West by mail or electronically through NYC RULES at 2011 www.nyc.gov/nycrules by July 21, 2011.
- If you plan to testify, please contact Ms. Alicia West.
- Written comments and an audiotape of oral comments received at the hearing will be available for public inspection within a reasonable time after receipt between the hours of 9:00 A.M. and 5:00 P.M. at the Office of the Design Commission.
- If you need a sign language interpreter or other form of reasonable accommodation for a disability please contact Alicia West by July 19, 2011.
- "Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this commission
- Material to be added is underlined. Material to be deleted is in [brackets].

Basis and Purpose of Proposed Amendments

The Art Commission of the City of New York, which was designated the Public Design Commission by Executive Order 119 of 2008, reviews permanent works of art, architecture and landscape architecture proposed on or over City-owned property, as described in Chapter 37 of the New York City Charter.

The Commission is updating its Rules of Practice and Procedure to more accurately reflect its standard operating procedures. The revised rules:

- reflect the Commission's addition of an August public meeting and regular committee meetings to better accommodate the large number of projects submitted for review;
- enhance distribution of calendars, public meeting agendas and other materials through the use of the Commission's website in order to promote public awareness; and,
- explain revised Submission Guidelines that provide more specific guidance for applicants to streamline and expedite the design review process.

Chapter 1 of Title 57 of the Rules of the City of New York is amended to read as follows:

RULES OF THE CITY OF NEW YORK

TITLE 57: ART COMMISSION
CHAPTER 1: RULES OF PRACTICE AND PROCEDURE

§ 1-01 Commission Meetings.

Regular meetings of the Art Commission shall be held [on the second Monday of] at least once each month [except August, at 12:30 P.M., unless otherwise published in the City Record], as determined by the Commission and Executive Director. The Commission will publish the schedule of meetings in the City Record, post it on its Web site and make the schedule available upon request. Special meetings may be called by the President or Executive Director at any time, and may also be called upon request of three (3) or more members of the Commission.

§ 1-02 Notice of Commission Meetings to [Commission] Members.

Written notice of all regular meetings shall be [mailed] sent to members of the Commission [at least four days in advance of such meetings] no later than December 31st of the prior year. Notice of special meetings shall be given as long in advance as the President or Executive Director may find practicable.

§ 1-03 Quorum.

Six Commissioners shall constitute a quorum.

§ 1-04 Calendar of Submissions.

The calendar of submissions shall be closed [two] three weeks in advance of the monthly meeting date, as indicated by the Submission Deadline on the Art Commission Calendar. If there is an excusable delay for a particular submission, the Executive Director may place the submission on the calendar up to one week before the regular meeting date. Submissions may be referred to a committee appointed by the Executive Director. No submission shall be acted on that is not included in the calendar. The Commission will publish the calendar of submissions in the City Record and post it on the Commission's Web site. The calendar of submissions will be forwarded to the members of the City Council and be available upon request at least three (3) days before the meeting date.

§ 1-05 [Hearings on] Review of Pending Submissions by a Special Committee.

[Hearings on] The Commission and Executive Director may hold regular committee meetings to informally review pending submissions [may be held by a special committee in charge of the submission]. In such cases, [hearings will be subsequently held by the Commission at the request of such committee] the committee will request revisions for review from the applicant and/or recommend action to be taken on the pending submission by the full Commission. The Commission will publish notices of regular committee meetings in the City Record and post them on the Commission's Web site. The notices will also be made available upon request.

§ 1-06 Referral of Matters Presented Between Meetings to a Committee.

Any matter presented between meetings may be referred by the President or Executive Director to a [Committee] committee.

[§ 1-07 Notice of Committee Appointment.

A written notice of appointment shall be sent to each member of every committee appointed.]

[§ 1-08 Calendar of Committees.

A calendar of all committees shall be kept and called for at every regular meeting of the Commission.]

§ 1-0[9]7 Submission of Matters for [Preliminary] Approval.

Every matter required by the City Charter to be submitted to the Art Commission shall be presented first for preliminary approval as described in the Commission's guidelines for different categories of submissions ("Submission Guidelines" [, but the]. The Commission in its discretion may give [final] higher levels of approval than that which has been requested to any matter submitted. Every matter shall be submitted on [one of] the Application [forms] Form [furnished by the Commission], and [shall] include such materials as [set forth] described in the [Review] Submission Guidelines [and Gift Guidelines]. The Submission Guidelines and Application Form are available on the Commission's Website and made available upon request.

§ 1-[10]08 Additional Materials Required.

For every submission, the Executive Director shall decide whether the [sketches, plans, etc.] materials submitted are [provisionally] sufficient [. However,] and the Commission may subsequently require additional materials [in addition to those specified under § 1-10]. The Executive Director shall procure or provide such additional matter as

deemed necessary for [the record] review and [proper] certification of the Commission's action.

§ 1-[11]09 Records Kept in the Office of the Commission.

The original of every letter, communication, document, photograph, plan, sketch, print, etc., [addressed] contained in or appended to an official submission to the Commission[, or relating to matters before it], shall be kept in the office of the Commission. When it is necessary to duplicate or lend such materials, any sketch, plan, or other document may be removed for such purpose with the approval of the Executive Director [or designee].

§ 1-[12]10 Records [Kept] of Submissions and Certificates.

For every matter submitted to the Commission for approval, the Commission shall retain the original submission (including one set of plans and other materials) and a copy of the certificate [which] that records the Commission's action. The Commission certifies such action by returning to the applicant a duplicate set of submitted materials, if a duplicate set is provided, and [the original] a copy of the certificate. [In case] If materials [that] are not picked up [in] within 30 days, they may [will] be disposed of at the Executive Director's discretion.

§ 1-[13]11 [Review and Approval of Minutes; Sending] Preparation and Transmission of Certificates.

The [minutes of each meeting shall be reviewed for possible correction] certificates documenting the action taken by the Commission at each meeting shall be prepared by the Executive Director, and [approved by the Commissioners at the next scheduled monthly meeting. Certificates are] sent to the [departments or other interested] applicant[s].

§ 1-[14]12 Notice of Meetings to City Officials Having Jurisdiction.

In each case where the matter submitted comes within the jurisdiction of the head of a city [department or] agency, notice shall be given to such official or his or her designee, so that he or she [will be able to] may attend the meeting at the time of consideration.

§ 1-[15]13 Approval of Official Having Jurisdiction.

No submission shall be approved by the Art Commission unless [it] the Application Form shall have been signed by the head of the [department] agency, corporation, or person having jurisdiction and official charge of the matter, or [unless the authority of any other person or persons making such submission shall have been evidenced by the submission of a written statement of the head of such department or of such corporation] the person designated or authorized by any of these.

[§1-16 Submission of Samples of Materials to be Used.

For final approval, samples of materials which it is proposed to use on the exterior (or elsewhere if called for) of structures to be erected from approved designs, shall be submitted to the Commission, and no work shall be done until such samples have been approved in writing. Samples of materials intended for use shall be submitted showing proposed surface treatment, color and texture and such samples shall be returned to the submitting department after approval, as noted in § 1-12.]

§ 1-[17]14 Certification for Final Payment.

A request from any [department] agency for certification for final payment by the [Art] Commission under Chapter 37 of the [New York] City Charter should be made only after the conditions prescribed in the [resolution] certificate of approval are complied with, and such request shall be made in writing accompanied by three (3) 8" x 10" [inch] color archival-quality photographs[, preferably black-and-white] of the [structure or work of art] completed project for which the certificate is desired. Any certification of a project for final payment shall be first approved in writing by the Executive Director or President of the Commission.

§ 1-[18]15 Amendment of Rules.

A motion to amend these Rules may be voted on at any regular meeting of the Commission only after the Executive Director has sent a copy of the proposed amendment to each Commissioner prior to the meeting of the Commission. An amendment may be passed by a simple majority vote, and shall then be promulgated in accordance with the Citywide Administrative Procedures Act.