

Rules of the New York City Landmarks Preservation Commission, Title 63, Rules of the City of New York

Effective August 21, 2023

**Eric Adams, Mayor
City of New York**

**Sarah Carroll, Chair
New York City Landmarks Preservation Commission**

Introduction

The Rules of the Landmarks Preservation Commission (the “Commission” or the “LPC”) set forth the processes, procedures and standards of the agency. They include the practice and procedures of public hearings and meetings, the application process, the standards for work on designated properties, fees for various types of work, enforcement and standards for the agency’s preservation grant program. Additional standards and definitions are set forth in the Landmarks Law, which is found in Title 25, Chapter 3, sections 301 to 322 of the New York City Administrative Code.

A significant aspect of the rules is that they set forth what work may be approved by the Commission’s staff, without having to take the application to a public hearing before the full Commission for a Certificate of Appropriateness. Staff approval is the most efficient and cost-effective way to obtain a permit to do work on designated property and structures.

Owners and architects are strongly urged to carefully review the rules, and work with LPC staff, to determine whether and how proposed work can or could meet them. The rules should also be used to help understand what materials are required for a staff approval to be issued. The more complete an application is at the time of submission, the faster the work can be approved.

The LPC provides a few different processes for expedited review for certain types of work: an Expedited Certificate of No Effect for certain types of interior work, which can be issued within two days (see sections 2-31 to 2-34), and the “FasTrack” program, which applies to many simple exterior work types on non-visible facades, where a permit can be issued in 10 working days if the application is complete when submitted. For more information on FasTrack use this link to the LPC’s website: <https://www1.nyc.gov/site/lpc/applications/fast-track-service.page>

The official rules for the Landmarks Preservation Commission are published in Title 63 of the Rules of the City of New York (the “RCNY”), the official compendium of rules for all New York City agencies. They can be found through an [online portal](#) that contains all of the city rules. Click on “Rules” and then scroll down to Title 63. You can also access the Landmarks Law, referenced above, through this website: click on “Administrative Code” and then scroll down to Title 25, Chapter 3.

DISCLAIMER: Because reading the official version of the rules can be difficult for members of the public, staff has reformatted the rules to provide a more user-friendly document to help owners, architects and members of the public understand the criteria for staff level approval of work, as well as other procedures and processes at the Commission. **Please note that if there is a discrepancy between the language of the rules in the RCNY and this document, the language in the RCNY is binding.**

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CHAPTER 1: PRACTICE AND PROCEDURE PUBLIC HEARINGS AND MEETINGS OF THE COMMISSION

§1-01 QUORUM

§1-02 CALENDARING

§1-03 WITHDRAWING AND LAYING OVER CERTIFICATE OF APPROPRIATENESS ITEMS

§1-04 FINAL ACTIONS

§1-05 SUBMISSIONS TO THE RECORD

§1-01 QUORUM.

A quorum of the Landmarks Preservation Commission shall consist of six Commissioners. Public hearings and public meetings may be conducted without a quorum.

§1-02 CALENDARING.

The Landmarks Preservation Commission may, upon the adoption of a motion, calendar an item to be considered for landmark designation. A motion to calendar must be approved by the majority of the Commissioners present in order to be adopted. The date of the public hearing on the proposed designation may be set by the motion to calendar or it may be set at some later time by the Chairman, acting at his or her discretion.

§1-03 WITHDRAWING AND LAYING OVER CERTIFICATE OF APPROPRIATENESS ITEMS.

Once an application has been included on a Certificate of Appropriateness public hearing calendar, it may be withdrawn or laid-over as follows:

- (a) **Lay-Overs (requests prior to being heard).** If an application has been included on a Certificate of Appropriateness calendar and the hearing has not yet occurred, the applicant may request that the application be laid-over to a subsequent public hearing. The applicant must send the Landmarks Preservation Commission a letter indicating that he or she would prefer to be heard on a subsequent hearing and stating that the Commission's time to act on the matter is being extended for an equivalent length of time. Upon receipt of this request staff will withdraw the item and hold it for the following month's hearing. Where the application concerns, in whole or in part, the legalization or curing of a violation, the applicant shall be allowed to lay over the item only once as of right. If the applicant requests a subsequent lay-over, the Chair may at his or her own discretion consider the request a request for withdrawal and may

withdraw the item pursuant to the procedure set forth in subsection 1-03(b)(1), or, if the application seeks to legalize a violation, the Chair may keep the item on the calendar and the Commission may act on it at the public hearing. Withdrawal of an application to legalize or cure a violation, in whole or in part, shall be deemed a disapproval for purposes of service of a second or subsequent notice of violation pursuant to section 25-317.1b(4)(a)(ii).

- (b) **Withdrawals (requests prior to being heard).** If an application has been included on a Certificate of Appropriateness public hearing calendar and the hearing has not yet occurred, the application may be withdrawn from the calendar as follows;
- (1) by the applicant if the applicant sends a letter to the Landmarks Preservation Commission indicating that he or she wishes to abandon the application as proposed. Staff withdraws the item and generates the "Withdrawn at Staff Level" number from "Permit Application Tracking System," a withdrawal letter is sent to the applicant and the application is closed.
 - (2) by the staff if new information or design modifications are provided that enable the staff to issue a staff-level permit. Staff withdraws the item from the calendar and issues a staff permit to close the application.
 - (3) by the staff at the direction of the Director of Preservation if the status of the application changes with respect to scope and completeness.
- (c) **Withdrawals from calendar (after having been heard).** If an application has been included on a Certificate of Appropriateness public hearing calendar and the hearing has taken place, the application can only be withdrawn by the applicant if he or she sends a letter to the Landmarks Preservation Commission indicating that the application is being abandoned as proposed. Upon receipt of this request staff will withdraw the item from the calendar, generate a "Withdrawn at Staff Level" number from "Permit Application Tracking System" and send the applicant a withdrawal letter to close the application. Where the application concerns, in whole or in part, the legalization of a violation, the Chair may, at his or her own discretion, reject the applicant's request to withdraw and the Commission may continue to consider and act on the application as submitted. Withdrawal of an application to legalize or cure a violation, in whole or in part, shall be deemed a disapproval for purposes of service of a second or subsequent notice of violation pursuant to section 25-317.1b(4)(a)(ii).

§1-04 FINAL ACTIONS.

No final determination or action will be made or taken except by concurring vote of at least six Commissioners.

§1-05 SUBMISSIONS TO THE RECORD.

The Commission may, upon the adoption of a motion, close the hearing and leave the Record open on a particular item until a stated date to allow for the submission of additional written information. Submissions received after the stated date will be included in the Record provided they are received prior to the Commission's determination or action on the item.

The Commission will neither make a final determination nor take any final action on an item while the Record is open on that item.

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CHAPTER 2: ALTERATION OF LANDMARK AND HISTORIC DISTRICT BUILDINGS

SUBCHAPTERS:

- A: APPLICATION PROCEDURE**
- B: SPECIFIC ALTERATIONS**
- C: EXPEDITED REVIEW OF CERTAIN APPLICATIONS FOR CERTIFICATES OF NO EFFECT**

SUBCHAPTER A: APPLICATION PROCEDURE

- §2-01 APPLICATION SIGNATURES NECESSARY FOR WORK PERMITS**
- §2-02 MASTER PLANS**
- §2-03 PROCESS FOR COMPLETING APPLICATION: STAFF WITHDRAWAL OF THE APPLICATION**
- §2-04 SUMMONSES - NEW APPLICATIONS**
- §2-05 TEMPORARY INSTALLATIONS**

§2-01 APPLICATION SIGNATURES NECESSARY FOR WORK PERMITS.

All application forms to perform any work on a designated landmark or on a property in a designated historic district must be signed by the owner of the property. An application for work on or in a cooperative building must be signed by the President or other appropriate officer of the Co-op Board. The signature of the managing agent of the cooperative building is not sufficient. An application for work on or in the areas and portions of a condominium building in common ownership must be signed by the President or other appropriate officer of the Condominium Association. An application for work on or in an individual condominium unit must be signed by the owner of that unit.

§2-02 MASTER PLANS.

An owner of a designated property may apply for approval of a master plan when the proposal involves repetitive alteration of architectural features (such as windows, through-wall air conditioning installations, storefronts, etc.) and when those alterations are not planned to occur all at once, but rather in increments through time. A master plan can be approved by a Certificate of Appropriateness (“CofA”), Certificate of No Effect (“CNE”), Permit for Minor Work (“PMW”) or Report depending on the work which it covers.

In both cases the master plan sets a standard for future changes involving the architectural features in question and specifically identifies drawings and other documents which contain the approved design in detail. Once a master plan is approved and the owner wishes to move forward with a portion of the work covered by the master plan, a completed application form is filed with the Commission describing the scope of work (for example: 8 front windows on the 12th floor) and stating that the work will conform to the approved master plan drawings and other documents on file with the Landmarks Preservation Commission. The staff of the Preservation Department will review the application to ascertain that all proposed work is covered by a master plan, and will issue a CNE, PMW or Report as required. For master plans approved by a CofA or a Commission Report, the staff shall issue a CNE, PMW or Report, depending on the type of work being proposed.

§2-03 PROCESS FOR COMPLETING APPLICATION: STAFF WITHDRAWAL OF THE APPLICATION.

- (a) All applications for work on designated properties received by the Landmarks Preservation Commission are assigned to a professional staff member in the Preservation Department who will handle the project. The staff person will review the proposal to ascertain whether the materials submitted are sufficient for a determination to be made. If the materials are sufficient, staff will certify the application as complete and issue the appropriate permit or take other action.

If the completed application requires a Certificate of Appropriateness, staff will arrange for the item to be included in the next scheduled Certificate of Appropriateness public hearing calendar. If the application requires further clarification and/or additional documentary materials, staff will contact the owner and/or applicant by telephone to discuss the proposal and, if necessary, arrange a meeting or site visit. Staff will follow the conversation up by providing a materials checklist calling out those supplementary materials required to certify the application as complete. If contact has been limited to a telephone conversation, the checklist will be mailed to the applicant. If a meeting is set up, the checklist may be supplied during the course of the meeting. As soon as all the materials requested have been received, staff will certify the application as complete and process the application. However, if the required materials have not been received 60 working days from the date on the materials checklist, staff will send a follow-up letter to the applicant reminding him/her that the application is still incomplete and informing him/her that unless the materials required are received within the next 30 working days the application will be deemed withdrawn. A copy of the most recent materials checklist will be included with the letter.

If the applicant does not submit sufficient material within 90 days of the date on the materials checklist, staff should withdraw the application by sending a staff withdrawal letter including the docket number of the application and a "Withdrawn at Staff Level" number generated by "Permit Application Tracking System." The

application will then be closed. The staff withdrawal letter will be sent to the owner and applicant with copies forwarded to the file, supervisor, and the Director of Preservation. Along with the withdrawal letter a blank "Application for Work on Designated Properties" will be included for the use of the applicant should he or she wish to re-apply.

- (b) Notwithstanding the time periods set forth in subdivision (a), where an application seeks to legalize or cure a violation, an applicant must submit all materials required by the materials checklist within 20 working days of the date of the materials checklist. If the materials are not submitted, the staff shall send a follow-up letter that shall inform the applicant that the application may be withdrawn by the staff unless all required materials are submitted within 15 working days of the date of the follow-up letter. If the applicant fails to submit all required materials within 55 working days of the date of the first materials checklist, the staff may withdraw the application as set forth in subdivision (a). Withdrawal of an application to legalize or cure a violation, in whole or in part, shall be deemed a disapproval for purposes of service of a second or subsequent notice of violation pursuant to section 25-317.1b(4)(a)(ii).

§2-04 SUMMONSES -- NEW APPLICATIONS.

The Landmarks Preservation Commission will not process an application for work on a designated property when a Landmarks Preservation Commission Summons is in effect against that property. A Summons in effect against that property indicates non-compliance with the Landmarks Law. With respect to Chapter 63¹ of the Rules of the City of New York and sections 25-301 through 25-322 of the Administrative Code, the term "Summons" will be construed to include and apply to any previously issued "Notice of Violation."

- (a) **Effect of a Summons on Processing of a New Application.** Upon receipt of an application, LPC Staff must verify that no Summons is in effect against the property. If a Summons is in effect, LPC Staff will:
 - (1) Obtain copies of all Summonses, previously issued Notices of Violation and Notices to Stop Work for the file.
 - (2) Contact the owner/applicant to inform them that because a Summons is in effect LPC Staff cannot process an application for new work until the Summons has been rescinded.

¹ Typographical error in adopted text should be "Title 63"

- (3) Send a letter to the applicant explaining that LPC Staff cannot process the new application because a Summons is in effect against the property, that processing can only commence upon rescission of the Summons or when the applicant begins to address the conditions described in the Summons. Along with the letter send copies of the Summons, an application form, and instructions for filing. Send copies of the letter to the Supervisor, and the Director of Enforcement.
- (b) **Exceptions to this Procedure.** LPC Staff may issue permits for new work when a Summons is in effect in the following instances:
- (1) The proposed work will correct a hazardous condition.
 - (2) The proposed work will address deterioration affecting the building, and the work will clearly further the continuing preservation of the building.
 - (3) A permit has been issued to correct work cited in a Summons, and an escrow agreement or other acceptable form of assurance has been established to provide a mechanism, acceptable to the Landmarks Preservation Commission, that ensures that the corrective work approved under the permit to address the Summons will be completed within a specified time period.

§2-05 TEMPORARY INSTALLATIONS.

LPC Staff is authorized to approve and issue a Certificate of No Effect (CNE) or Permit for Minor Work (PMW) for proposals calling for the temporary installation of signs, banners or other temporary installations such as various forms of artwork or kiosks, if the following criteria are met:

- (a) "**Temporary Installation**" is defined as an installation for one hundred eighty (180) days or less for signs and banners or one (1) calendar year or less for other temporary installations. The duration of any temporary installation authorized under this rule will be specified in the CNE or PMW. Any temporary installation must be for a single period not to exceed one hundred eighty (180) days for signs and banners or one (1) calendar year for other temporary installations. An approval for a temporary installation cannot be renewed pursuant to Chapter 7 of these rules, nor shall such installation be the subject of a subsequent application for a temporary approval. However, approvals of temporary installations related to approved construction on the property and temporary installations on publicly owned properties may be renewed for up to two additional installation periods. With respect to temporary installations related to approved construction on the property, LPC Staff will make a determination, prior to renewing the approval, that the project is proceeding with reasonable promptness; and
- (b) the installation will cause no damage to protected architectural features of the property; and

- (c) an acceptable plan and time schedule for the dismantling of the installation has been submitted to the Commission as a component of the application, along with specifications for any repair work that might be required after dismantling of the installation. In the case of artwork, the applicant is also required to submit a written instrument signed by the artist and the building owner that evidences the owner's authority to remove the artwork when the temporary installation permit expires and that waives any protection under applicable federal or state law afforded to the artist or artwork that would prevent such removal at the expiration of the temporary permit, including but not limited to, the Visual Artists Rights Act of 1990, 17 U.S.C. 101 et seq. and Article 14 of the New York State Law on Arts and Cultural Affairs; and
- (d) with respect to temporary installations related to approved construction work, an acceptable plan for dismantling, storing and reinstalling any significant features that had to be removed to perform such work has been submitted to the Commission; and
- (e) if the applicant is not a public or quasi-public agency, an escrow agreement or other adequate assurance acceptable to the Commission is provided to establish that a mechanism is available for the removal of the installation upon expiration of the permit should the applicant fail to remove the installation.
- (f) The time period for an approval of a temporary installation will commence upon issuance of the temporary permit, unless the approval explicitly provides for a different commencement date.

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SUBCHAPTER B: SPECIFIC ALTERATIONS

- §2-11 REPAIR, RESTORATION, REPLACEMENT AND RE-CREATION OF BUILDING FAÇADES AND RELATED EXTERIOR ELEMENTS**
- §2-12 STOREFRONTS, AWNINGS AND CANOPIES**
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§2-11 REPAIR, RESTORATION, REPLACEMENT AND RE-CREATION OF BUILDING FAÇADES AND RELATED EXTERIOR ELEMENTS.

- (a) **Introduction.** This section authorizes LPC Staff to approve applications for work to repair, restore and re-create building facades and related exterior elements in order to maintain, restore, replace, re-create and, in certain instances, recall original or historic exterior architectural elements. LPC Staff reviews these applications with the presumption that historic materials should be maintained, repaired and replaced in-kind whenever possible. This approach results in the most authentic and sympathetic interventions and preserves the design, materiality and engineering of the historic building or improvement and its features. Furthermore, the use of historic materials and methods typically ensures compatibility with surrounding materials in terms of expansion and contraction, permeability and absorption, and structural capacity, among other things. Most historic material are proven to be long-lasting and durable when properly maintained, and will age and perform in a predictable way in support of the long-term economic viability of their continued use. Notwithstanding the preference for original and historic materials, LPC Staff may consider alternative repair methods and substitute materials in certain situations as set forth in this subdivision, while in other situations use of substitute materials is prohibited.

For purposes of this section, the term “**primary façade**” means: (1) a façade fronting a street or public thoroughfare that is not a street, such as a mews or court; (2) A visible façade that possesses a level of design or significant architectural features that are commensurate with the building’s street-fronting façade(s), and where such façade (i) faces but does not front a street, such as a setback façade, or (ii) is part of a dominant massing element where at least one façade is street-fronting or street-facing, such as a tower element; or (3) A façade with a primary entrance to the building.

(b) **General Conditions and Requirements.**

- (1) **Probes and other investigative work.** No permit is required for non-intrusive investigative work or probes, provided the work is fully reversible and does not damage any historic fabric, and further provided that the existing condition is reinstated upon completion. LPC Staff may approve and issue an approval for selective intrusive investigative work or probes in order to assess the current condition of building materials and systems, or for the temporary removal of a feature or portion of a feature in order to make a mold for replication, if the proposed work meets all of the following applicable criteria:
- (i) The probes or removal(s) are requested in connection with an anticipated or open application for work, or for an approval that has been granted;
 - (ii) No more material will be removed than is necessary to discover the underlying condition or make the mold for replication and, where possible, removal will be limited to non-character defining features and materials;

- (iii) The probe(s) or removal(s) will be performed in an unobtrusive location;
 - (iv) Temporary protection of the area being probed will be provided; and
 - (v) Where original fabric is removed in connection with the probe, it will be re-installed to match the original condition, or if necessary the material will be replaced in-kind. For removals in connection with making a mold for replication, the original fabric will be re-installed or adequate protective measures will be taken to ensure that the façade is kept watertight until such time as the reinstallation or replacement of the feature is complete.
- (2) **Documentation and assessment of deteriorated conditions.** The applicant must provide current photographs of the building as documentation of deteriorated conditions, along with a written scope of work summary. Where replacement of large quantities of materials and/or significant architectural features is proposed, the applicant must provide an assessment of the deteriorated conditions warranting such replacement(s). Repair will be given priority over replacement if feasible.
- (3) **Physical and aesthetic characteristics of materials and features.** In all cases, except where noted, the repair, restoration, replacement or re-creation must match the original or historic materials and features in terms of its physical and aesthetic characteristics, including design, detail, profile, dimension, material, texture, tooling, dressing, color and finish, as applicable.
- (4) **Specifications.** The specifications, methods and materials for the repair, restoration, replacement or re-creation must be identified and described by the architect, engineer or contractor as part of a written scope of work or specifications manual or on the filing drawings.
- (5) **Samples.** LPC Staff may, prior to commencement of the work and as a condition of approval or as a stipulation for continuing work, require that samples of work, including samples of materials, methods and finishes, be prepared for review and approval. The applicant may notify the LPC Staff by letter or email that the samples are ready for review. LPC Staff may request photographs of the samples or delivery of the samples to the LPC Staff member prior to the site visit. Work may not commence or proceed until LPC Staff has approved the sample(s). With respect to a request for samples:
- (i) Samples of joint preparation for repointing work at primary facades of a small size and at locations requiring repointing will be provided prior to raking or cutting the entire façade(s);

- (ii) The applicant must provide at least two (2) samples of pointing, masonry repairs, and/or replacement unit masonry, of a size to be determined by LPC Staff, and the samples must be located at areas requiring the repairs where reasonable and feasible;
 - (iii) Samples must be adequately set or dried prior to photographing or contacting LPC Staff to arrange for a site inspection;
 - (iv) Samples approved by LPC Staff will serve as the standard for the entire job; and
 - (v) For certain scopes of work, such as large amounts of masonry replacement or façade reconstruction, LPC Staff may require a separate sign-off of the samples, including stopping work and submission of photographs or a site visit, once a portion of the work, as stipulated by LPC Staff, has been completed.
- (6) **Shop drawings.** LPC Staff may, prior to issuance of a permit, or prior to commencement of the work and as a condition of approval or as a stipulation for continuing work, require the submission and approval of shop drawings for the in-kind replacement of significant architectural features.
- (7) **Environmental conditions.** The repair, restoration, replacement, or reconstruction of mortar joints and unit masonry will be performed only when the temperature remains at a constant 45 degrees Fahrenheit or above for a 72-hour period from the commencement of the work. Other means and methods for providing a comparable controlled environment, such as providing heated enclosures or heating the material itself, may be considered on a case-by-case basis subject to review and approval by LPC staff.
- (c) **Repair or Restoration of Façade Materials and Features.** Where the applicant has provided documentation, assessment, and specifications, as applicable, LPC Staff will approve repair or restoration of deteriorated façade materials and features as provided below.
- (1) **Cleaning and removal of paint and coatings.** LPC Staff will approve cleaning and removing paint and coatings from exterior masonry and cast iron facades if the proposed work meets all of the following applicable criteria:
 - (i) Cleaning and paint removal products and methodologies will provide for the gentlest effective method to avoid causing damage to the masonry; and
 - (ii) Water pressure will be the lowest necessary to clean and remove paint or coatings and will not exceed 300 psi for cast iron or 500 psi for masonry.

(2) **Painting and coating of facades.**

- (i) Painting facades and features that were originally or historically painted and are currently unpainted. LPC Staff will approve painting facades and building features that historically were painted in order to protect them from damage or return them more closely to their historic appearance if the proposed work meets all of the following applicable criteria:
 - (A) The paint will match original or historic paint in terms of physical and aesthetic characteristics, and the color will be in keeping with the historic color palette of the building's type, style, and age, except that in the case of historic masonry the proposed color will match the color of the underlying masonry, unless the color is part of a significant later alteration. For Individual Landmarks, if a substantial portion of the paint on a primary façade is being removed, the applicant must perform a paint analysis unless one already exists;
 - (B) A particular finish that is already required pursuant to an LPC Modification of Use or Bulk, or was an important criterion for an approval of a Certificate of Appropriateness application, will be maintained.
- (ii) Painting non-original or altered features or facades. LPC Staff will approve the painting of facades or features that are not original, or were altered or damaged prior to designation, in order to improve their appearance or conceal non-original materials, if the proposed work meets all of the following applicable criteria:
 - (A) The paint will blend with the surrounding materials, helping the feature recede from view; or
 - (B) The paint will be harmonious with other elements on the building or adjacent buildings, thereby helping unify the appearance and relationship of the elements.
 - (C) Repainting a façade or feature to match the existing condition does not require a permit, provided the existing condition is grandfathered or approved by the Commission. Any perceptible change in color will require a permit, subject to the conditions set forth in paragraph (2) (A) and (B) of this subdivision. See subparagraph (iii) below for use of non-paint coatings, as applicable.

- (iii) Coating masonry facades and features. LPC Staff will approve coating masonry facades and building features with non-paint material, such as a mineral coating or stain that is absorbed into the substrate and/or bonds with it, in order to protect them from damage, if the proposed work meets all of the following applicable criteria:
 - (A) Water infiltration has occurred or is occurring through the façade or feature due to its deteriorated surface condition; or
 - (B) The base of the façade has been subjected to graffiti on a recurring basis; and
 - (C) The coating will be highly breathable, and in most cases will be clear with a dull finish to maintain the appearance of the underlying masonry unless some coloration is desirable to conceal prior non-matching repairs or surface damage; and
 - (D) The coating will not be a waterproofing product, unless such product already exists on the building façade or feature and cannot be removed without damaging the underlying material, and the scope of recoating is limited to touching up small areas. A larger scope of recoating, or complete recoating, may not be approved if there is potential for diminishing breathability and damaging the façade or feature due to build-up of multiple layers of the coating.

- (3) **Pointing of mortar joints.** LPC Staff will approve raking, cutting and pointing mortar joints with a cementitious mortar mix, if the proposed work meets all of the following applicable criteria:
 - (i) The mortar will match original or historic mortar in terms of physical and aesthetic characteristics. For Individual Landmarks a mortar analysis must be performed if a substantial amount of the primary façade is being repointed;
 - (ii) The mortar type will be of a strength less than, and permeability greater than, that of the masonry unit, and the mortar mix will typically consist of lime, white or gray Portland cement, and sand, plus pigments as required;
 - (iii) If the façade has been previously pointed in a color, texture or tooling not matching the original or historic mortar, and only limited areas of the façade require repointing, the mortar may match the existing mortar;
 - (iv) If the majority of mortar joints have been previously widened by improper cutting to the extent that it changes the character of the brickwork, the mortar may be an alternative color, texture or tooling that helps to unify the appearance of the façade; and

- (v) The joints will be raked by hand without power tools, except that wide joints may be mechanically cut with power tools if specifications for execution are provided to ensure there will be no over-cutting into masonry or widening of mortar joints which would cause irreversible damage to the brick.
- (4) **Repair of natural and cast stone.** LPC Staff will approve the repair of natural and cast stone (concrete mixtures that employ molded shapes, decorative aggregates, and masonry pigments to simulate natural stone) elements if the proposed work meets all of the following applicable criteria:
- (i) For rusticated stone, special decorative elements, and types of stone which are difficult to recreate with a cementitious patch, LPC Staff will approve an application to reset, re-tool or consolidate the significant fabric, or install Dutchmen. As used in this subparagraph, the term "Dutchman" refers to any new or matching salvaged stone fitted into the existing facade stone as follows:
 - (A) The Dutchman repair will match original or historic stone in terms of its physical and aesthetic characteristics; and
 - (B) Materials and methods for adhesives and/or anchoring will be compatible with the stone, and will be discreet or concealed from view.
 - (ii) For other types of stone, LPC Staff will approve an application to remove the original stone surface and patch or resurface it with a cementitious mix, if the proposed work meets all of the following applicable criteria:
 - (A) The deteriorated portions of the stone will be cut back to sound stone and the new surface keyed into the sound stone with a tinted cementitious patching compound or built up in successive layers using a cementitious mix with the top layer tinted, and will match original or historic stone in terms of its physical and aesthetic characteristics;
 - (B) Materials and methods for anchoring will be compatible with the stone and the cementitious patching compound or mix, and will be discreet or concealed from view.

- (5) **Repair of fired clay and ceramic unit masonry (including brick and terra cotta).** LPC Staff will approve an application to repair brick, glazed terra cotta or other fired unit masonry surfaces if the proposed work meets all of the following applicable criteria:
- (i) Repairs will match the original or historic brick or terra cotta in terms of physical and aesthetic characteristics;
 - (ii) Repairs are limited to minor spalling or chipping of the brick or terra cotta glazing;
 - (iii) Deteriorated areas of glazing are painted with a compatible coating to match the original glaze finish.
- (6) **Repair of stucco.** LPC Staff will approve an application to repair stucco elements and surfaces, including any underlying wood or metal lathe, if the proposed work meets all of the following applicable criteria:
- (i) The stucco or cementitious patching compound will match original or historic stucco in terms of physical and aesthetic characteristics;
 - (ii) Materials and methods for anchoring, fasteners, control or expansion joints, and/or sealants will be compatible with the stucco and the underlying material, and will be discreet or concealed from view.
- (7) **Repair of ornamental sheet metal.** LPC Staff will approve an application to repair sheet metal elements by removing, repairing and reinstalling existing elements, if the proposed work meets all of the following applicable criteria:
- (i) The sheet metal repair will match original or historic ornamental sheet metal in terms of physical and aesthetic characteristics; and
 - (ii) Materials and methods for anchoring, fasteners, soldering, patching, filling and/or sealants will be compatible with the ornamental sheet metal, and will be discreet or concealed from view.
- (8) **Repair of cast and wrought iron and other cast or extruded ornamental metals.** LPC Staff will approve an application to repair cast, wrought or extruded metal elements by removing, repairing and reinstalling existing elements, if the proposed work meets all of the following applicable criteria:
- (i) The cast, wrought or extruded metal repair will match original or historic cast and wrought iron and other cast or extruded ornamental metals in terms of physical and aesthetic characteristics;

- (ii) Materials and methods for anchoring, fasteners, welding, patching, filling and/or sealants will be compatible with the cast and wrought iron and other cast or extruded ornamental metals, and will be discreet or concealed from view.
- (9) **Repair of wood features.** LPC Staff will approve an application to repair wood elements by removing, repairing and reinstalling existing elements, if the proposed work meets all of the following applicable criteria:
- (i) The wood repair will match original or historic wood in terms of physical and aesthetic characteristics; and
 - (ii) Materials and methods for anchoring, fasteners, patching, filling, piecing-in (“Dutchmen” repairs), consolidating, or other reinforcement will be compatible with the wood, and will be discreet or concealed from view.
- (10) **Repair of other materials.** LPC Staff will approve the repair of other materials or building facades that do not fall into any of the previously described categories, including but not limited to laminates, plastic and synthetic rubbers, curtain walls, and poured concrete, if the repair will match original or historic material in terms of physical and aesthetic characteristics. In connection with such repairs, LPC Staff may approve the repair of minor portions of these other materials with substitute materials that otherwise match the physical and aesthetic characteristics, provided the use of substitute materials will not detract from the original materials.
- (d) **Replacement of Deteriorated Architectural Features.** Where the applicant has provided adequate documentation and assessment that an architectural feature cannot be repaired and retained, typically in the form of a descriptive analysis and photographic and/or other evidence, LPC staff will approve replacement of such a feature as provided below. For purposes of this subdivision, “architectural feature” means both the individual components (e.g., cornice, lintel, band course or column) and the material (e.g., brick, stone, wood or terra cotta) that comprise the basic façade material.
- (1) **Criteria.**
- (i) Replacement materials and features should match the original or historic material or feature in terms of physical and aesthetic characteristics. For purposes of this subdivision, this means that replacement material should be “in-kind” in terms of using the actual original or historic material and installation techniques. In-kind replacement should be prioritized and fully considered prior to proposing substitute materials.

- (ii) Materials other than the original or historic material (hereinafter “substitute materials”) may be approved in some cases where the substitute material matches or recalls the appearance of the original or historic material in terms of texture, finish, color and details, with the expectation that it will be long-lasting and maintained, provided the substitute material and installation methods do not directly or indirectly damage the surrounding original or historic material, the substitute material and/or its installation methods are not discernible or otherwise call attention to the work, and as provided for, and limited by, this subdivision and subdivisions (e) and (f). Unless otherwise authorized, a substitute material may not be used to replace all or a substantial portion of an entire façade. LPC Staff may request a written explanation describing the reason(s) for proposing to use a substitute material in lieu of an in-kind replacement.
- (iii) Substitute materials may not be used at buildings seeking or subject to a special permit (“Modification of Use and Bulk” or “MOU”), except where the approval requires or anticipates the use of substitute materials, and except if the original or historic material is no longer commercially available and replacement in-kind is infeasible. In addition, substitute materials may not be used on a building or portions of a building where in-kind replacement was an important aspect of an approval of a Certificate of Appropriateness application.
- (iv) Requirements for the replacement of historic materials in-kind and the use of substitute materials are as follows:
 - (A) **Cast iron.** Replacement of cast iron with a painted finish must be in-kind at or below the sixth story at the primary façade(s), except that cast aluminum or another cast metal with a painted finish may be used. In addition to these provisions, above the sixth story at primary façade(s) and at secondary facades, substitute materials may also be used for limited quantities of discrete elements. At Individual Landmarks, substitute materials may not be used.
 - (B) **Cast metals and sheet metals.** Replacement of cast metals and sheet metals with a natural finish, and wrought metals, must be in-kind at or below the sixth story at the primary façade(s). Above the sixth story at primary façade(s), substitute materials may be used. At Individual Landmarks, substitute materials may not be used.
 - (C) **Brick and stucco.** Replacement of brick and stucco must be in-kind at any location on the building. At Individual Landmarks, substitute materials may not be used.

- (D) **Cast and natural stone.** Replacement of (historic) cast stone and natural stone (other than brownstone) must be in-kind at or below the sixth story at the primary façade(s), except substitute materials may be used for coping elements. In addition to these provisions, above the sixth story at primary façade(s), substitute materials may also be used at projecting cornices and balconies with weight and/or attachment issues when in-kind replacement has the potential to cause additional loss of surrounding materials, as determined by a licensed engineer; and for limited quantities of other discrete elements that are not part of a cladding field of similar units where physical and visual compatibility is critical. At Individual Landmarks, substitute materials may not be used, except for coping elements.
- (E) **Brownstone.** Replacement of brownstone may be in-kind at the primary façade(s), or cast stone may be used for façade elements and features, and cast stone or stucco over backup masonry may be used at stoops and areaway walls. At Individual Landmarks, stucco over backup masonry may not be used.
- (F) **Terra cotta.** Replacement of terra cotta must be in-kind at or below the sixth story at the primary façade(s), except substitute materials may be used for coping elements, as well as for limited quantities of other discrete elements that are not part of a cladding field of similar units where physical and visual compatibility is critical. In addition to these provisions, above the sixth story at primary façade(s), substitute materials may also be used at projecting cornices and balconies with weight and/or attachment issues when in-kind replacement has the potential to cause additional loss of surrounding materials, as determined by a licensed engineer. At Individual Landmarks, substitute material may not be used, except for coping elements, as well as for limited quantities of other discrete elements that are not part of a cladding field of similar units where physical and visual compatibility is critical.
- (G) **Wood siding.** Replacement of wood siding must be in-kind at the primary façade(s) and at Individual Landmarks, except that fiber-cement board may be used only if applicable building, fire or other code(s) prohibit the use of wood siding, provided the use of the substitute material is the minimum required by such code(s).
- (H) **Painted wood and sheet metal.** Replacement of painted wood and sheet metal elements must be in-kind at the primary façade(s), except that painted wood and sheet metal elements may be used interchangeably at façade elements that were historically used in a similar manner, such as cornices and bay windows; and other

substitute materials may be used at elaborate top floor cornices less than 25 feet in length where any joints in the material would be hidden or obscured by the design elements. Above the sixth story at primary façade(s), substitute materials may be used. At Individual Landmarks, substitute materials may not be used.

- (I) **Roofing material.** Replacement of original or historic roofing, flashing, gutters, leaders, and/or decorative elements, or replace roofing where the original or historic roofing material has been removed, must meet all of the following applicable criteria:
- (a) The new roofing components will match the original or historic roofing components in terms of their physical and aesthetic characteristics; or
 - (b) If the original or historic roofing is existing, LPC Staff may approve a substitute material at roofs of buildings six stories tall or less at the primary façade if the material is not visible from a public thoroughfare. For buildings seven stories tall or greater, substitute materials may be used at the primary and secondary facades if the material is not visible or minimally visible from a public thoroughfare, where because of the height or discreet presence the substitute material will not be discernible or will not call attention to itself or detract from the significant historic features of the building, or district if the building is in a historic district. In all cases, new visible flashing, gutters, leaders and/or decorative elements will match the original or historic materials. All substitute materials must satisfy the criteria of clause (c) below. This clause (b) does not apply to Individual Landmarks or buildings seeking or subject to a special permit (“Modification of Use or Bulk” or “MOU”).
 - (c) If the original or historic roofing is missing, LPC Staff may approve a substitute material that recalls, but does not necessarily match, the original or historic roofing in terms of its visual characteristics (including artificial slate or clay shingles, architectural asphalt shingles, and “solar shingles”, which are designed to look like and function as conventional roofing material while also producing electricity), if the substitute material will not call attention to itself or detract from the significant historic features of the building, or district if the building is in a historic district, provided that any new visible flashing, gutters, leaders and/or decorative elements will match the original or historic materials. This clause (c) does not apply to buildings seeking or subject to a special permit (“Modification of Use or Bulk” or “MOU”). For purposes of this clause (c):

- (1) *If the existing roofing material is asphalt shingles, the new roofing material can be asphalt shingles provided it is an architectural shingle that better recalls the historic roofing material; and*
- (2) *Standing seam metal roofing may be replaced in kind.*
- (d) If the roof is a flat roof, no LPC permit is required to replace the flat roof, including proposals to install or increase insulation as part of the replacement. However, any alterations or replacement of visible flashing, gutter, leaders and/or decorative elements, or raising or installing of visible railings, associated with the flat roof replacement will be subject to LPC Staff and Commissioners' review and must meet applicable criteria as identified in this section.
- (J) Where a substitute material has previously been approved as an aspect of a Certificate of Appropriateness application, LPC Staff may continue the use of the same or other comparable substitute material in new applications for the same building or structure consistent with that approval, provided the substitute material has proven to be an acceptable match in terms of appearance and compatibility over time with the surrounding original or historic material.
- (v) Except as otherwise prohibited by the criteria of this subdivision, substitute materials may be approved at any location on a secondary facade not fronting on a publicly accessible thoroughfare if the substitute material will not be discernible or will not call attention to itself or detract from the significant historic features of the building, or district, if the building is in a historic district.
- (e) **Reconstruction of Facades.** For buildings in historic districts, if the entire façade cannot be stabilized and repaired in-place, the applicant must provide a structural conditions report from a licensed professional engineer, an assessment of the existing materials and potential for unit masonry and other features to be salvaged and re-used, and fully-dimensioned survey drawings of the façade. The recommendation for reconstruction of a primary facade made by the engineer will be subject to peer review by an structural engineer contracted with by the Commission, who must concur with the recommendation in order for LPC staff to approve the application. Historic façade material must be salvaged and reused to the greatest extent feasible at primary facades. This subdivision (e) does not apply to Individual Landmarks or buildings seeking or subject to a special permit ("Modification of Use and Bulk" or "MOU").
 - (1) The façade must be reconstructed in kind in terms of wall construction, including full-width brick and stone at the outer wythe, except that back-up masonry can be

either brick or concrete masonry units. Existing modified architectural features that are not significant later alterations must be recreated to match their original or historic appearance at primary facades and visible secondary facades. For example, if the lintels or sills have been stripped, and the modification is not a significant later alteration, the proposal must include recreating the original or historic sills or lintels. Substitute materials may be employed in recreating these historic details, as provided for by subdivision (d).

- (f) **Re-Creation and Restoration of Missing Façade Features.** LPC Staff will approve the re-creation and restoration of building facade element(s) (including but not limited to roofs and cornices, stoops, storefronts, window and door openings, window and door enframements, ironwork, porches and siding) to their original or historic appearance if they determine that the proposed work satisfies the following conditions:
- (1) The restoration would not cause the removal of original fabric or significant historic fabric (such as Victorian period features on an earlier structure) that may have been added over time, and the authenticity of the restoration is documented by:
 - (i) Photographic evidence;
 - (ii) Physical evidence on the building;
 - (iii) Original or historic drawings or documents; or
 - (iv) Matching buildings.
 - (2) If there is no available documentary evidence as described in paragraph (1) of this subdivision, the design of the missing feature, including its physical and aesthetic characteristics, may be based on that found on buildings of a similar age and style that contain stylistic elements that follow a set pattern or type, in consultation with LPC Staff. This provision does not apply to Individual Landmarks or buildings seeking or subject to a special permit (“Modification of Use and Bulk” or “MOU”).
 - (3) Materials for re-creating and restoring missing façade features must match the original or historic materials in kind or be a substitute material that meets the requirements of subdivision (d) of this section.
 - (4) The work will not result in the substantial reconstruction of the façade, unless also meeting the requirements of subdivision (e).

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§2-12 STOREFRONTS, AWNINGS AND CANOPIES.

- (a) **Definitions.** As used in this section, the following terms have the following meanings:

Awning. "Awning" means a metal frame clad with fabric attached above or within an opening, or within an integral housing, at a window, door, porch or storefront to provide protection from the weather.

Back-of-house programming. "Back-of-house programming" means that part of a commercial or manufacturing establishment not intended for display, public use or viewing, such as food preparation, security, storage and/or employee areas.

Bulkhead. "Bulkhead" means the part of the storefront that forms a base for one or more display windows.

Canopy. "Canopy" means a metal frame clad with fabric that extends from a building entrance over the sidewalk to the curb, where it is supported on vertical posts.

Display window. "Display window" means the large glazed portion of the storefront infill, and the associated framing, above the bulkhead and below the transom, extending pier to pier. The display window is typically used for the display of goods and to provide daylight and visibility into the commercial space.

Facade. "Facade" means an entire exterior face of a building. See "primary façade" definition below.

Fixed awning. "Fixed awning" means an awning with a non-retractable metal frame clad with fabric.

Historic fabric. "Historic fabric" means a building's original or significant historic facade construction material or ornament, or fragments thereof.

Historic Storefront. "Historic storefront" means the visual appearance of a storefront as originally built or at a point in time after it has undergone alterations or additions that enhance or contribute to the building's or site's special architectural, aesthetic, cultural or historic character.

Landmarks Law. "Landmarks Law" refers to §3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York.

Lintel. "Lintel" means the horizontal member or element above a door, window or storefront opening.

LPC staff. "LPC staff" means the staff of the Landmarks Preservation Commission acting in the Commission's agency capacity.

Pier. “Pier” means an exterior vertical member(s) or element(s), usually of brick, stone or metal, placed at intervals along a wall that typically separates storefront openings within a single building or define a single storefront opening.

Primary facade. "Primary facade" means a facade facing a street or a public thoroughfare that is not necessarily a municipally dedicated space, such as a mews or court.

Residential awning. "Residential awning" means any awning on a residential building and any awning on a commercial or mixed-use building except for storefront awnings.

Retractable awning. "Retractable awning" means an awning attached to a frame which allows it to be extended out or folded or rolled back tight against the building facade.

Roll-down gate. “Roll-down gate” means a security gate with a retracting mechanism that allows it to roll up and down.

Security gate. “Security gate” means a movable metal fixture installed in front of a storefront opening or bay, or inside the display window or door, to protect the store from theft or vandalism when the store is closed.

Security gate housing (or housing). “Security gate housing,” or “housing,” means the container that houses the rolling mechanism of a roll-down security gate.

Security gate tracks. “Security gate tracks” means the interior or exterior tracks along the sides or top and bottom of the storefront opening or bay that hold the edges of the roll-down gate.

Serving window. “Serving window” means an operable storefront display window, or window assembly within a larger window or assembly, that allows direct commercial interaction between the public and the purveyor of goods or services.

Significant feature. "Significant feature" means an exterior architectural component of a building that contributes to its special historic, cultural, and/or aesthetic character, or in the case of an historic district, that reinforces the special characteristics for which the historic district was designated.

Skirt. "Skirt" means a bottom finishing piece of fabric that hangs from the lower edge of an awning.

Storefront. "Storefront" means the first or second story area of the facade that provides access or natural illumination into a space used for retail or other commercial purposes.

Storefront bay. “Storefront bay” means the area of a storefront defined by and spanning two piers.

Storefront infill. “Storefront infill” means the framing, glazing and cladding contained within a storefront opening in the façade, including but not limited to display windows, bulkheads and entranceways.

Storefront opening. "Storefront opening" means the area of the facade between the piers and lintel which contains storefront infill. Steps and platforms in front of, and leading up to, an entry door are not part of the storefront opening.

Storefront surround. “Storefront surround” means decorative elements or treatment on the façade around the storefront opening.

Transom. "Transom" means the glazed area above a display window or door separated from the display window or door by a horizontal framing member (“the transom bar”). The glazing in the transom may be fixed or operable.

Terms not otherwise defined in these rules have the meanings given them in the Landmarks Law.

(b) **General.**

- (1) **Type of storefront work.** This section sets forth criteria and other standards for proposals for new storefronts that are not re-creations or restorations of original or historic storefronts, which instead are addressed in § 2-11(f).
- (2) **Related storefront work.** Storefront work often involves other work that is covered by different sections of the Commission’s rules. Specifically, applicants for new storefronts and storefront components may also want to consult the following rule sections for the applicable standards:
 - (i) Signage. The design and installation of signage and lighting must meet the criteria set forth in § 2-13.
 - (ii) Heating, venting and air-conditioning. The installation of heating, venting and air conditioning equipment and grilles must meet the criteria set forth in § 2-21.
 - (iii) Restoration of storefront façade features. Restoration of storefronts and specific architectural features must meet the criteria set forth in § 2-11(f).
 - (iv) Barrier-free access. Work to make storefronts accessible must meet the criteria set forth in § 2-18.

- (3) **This section does not apply to:**
- (i) Individual landmarks, except where specifically indicated.
 - (ii) Buildings subject to a building or district master plan, or other special rule approved by the Commission, governing the installation and characteristics of a storefront or awning.
 - (iii) Buildings with three or more uniform storefront openings, where the Commission after a Public Hearing already has approved a new storefront but not a storefront master plan
 - (iv) Awnings on windows that, due to their shape, size or location, will result in an awning that will detract from the special architectural features of the building.
- (4) **No permit is required for the following types of ordinary repair and routine maintenance work on awnings:**
- (i) Seasonal removal and installation of Commission approved window awnings;
 - (ii) Fabric patching in a matching material;
 - (iii) Minor repairs or adjustments to the rolling or folding arm mechanism of an awning's frame; and
 - (iv) Cleaning of awning material.
- (c) **Storefront Infill.** LPC Staff will issue an approval for new storefront infill for existing storefront openings, including openings that have been infilled, for buildings in historic districts that were designed with storefronts, and buildings that were altered historically by the construction of ground floor storefronts, and at service entrances as provided in paragraph (7)(iii) of this subdivision, where no significant historic fabric exists, if the proposed work meets all of the relevant criteria set forth below:
- (1) **Design.** The design of the new infill matches the original or historic appearance determined pursuant to the requirements of section 2-11(f)(1) or is based on historic storefront prototypes and details within the specific historic district and for buildings of similar age, type and style, except that storefront infill for a building that already has storefront infill approved pursuant to this section must match the previously approved storefront infill in terms of the location, design and materials of piers, the proportions of the elements of storefront infill and finish, but allowing for minor variations in detail and finish. If the building contains three or more uniform storefronts and at least one of the storefronts contains most of its historic elements, a new storefront must match the historic

design pursuant to the requirements of section 2-11(f)(1). Where the historical, architectural or cultural significance of the building or storefront is reflected in changes to the storefront after the initial construction, the new storefront may be required to match the historic appearance as represented by such changes pursuant to the requirements of section 2-11(f)(1). In all cases the design may be modified to make the storefront meet accessibility requirements.

- (2) **Configuration.** The configuration of the new infill is consistent with the proportions of display windows, transoms (if necessary, given the size of the display windows) and bulkheads of historic storefront infill.
- (3) **Display windows.**
 - (i) Display windows must be fixed, except that the new infill may consist of operable doors and/or operable windows over a fixed bulkhead provided:
 - (A) Operable doors feature bottom rails that match the height, and maintain the design intent, of storefront bulkheads required by subdivision (6) of this section;
 - (B) Operable windows are installed over storefront bulkheads required by this section;
 - (C) The infill includes either mullions, piers, fixed display windows, or a combination of these elements to avoid creating the appearance of a void at the base of the building when the storefront windows and doors are open; and
 - (D) The width of individual operable doors or windows are as large as practicable, and when closed the operable doors or windows will read as display windows over a bulkhead and will maintain a sense of transparency at the base of the building. In the case of a serving window, such window is no larger than fifty (50) percent of the width of the storefront bay, and any mullion or other structural element necessary to accommodate the operable window must match the material and finish of, and be consistent with, the storefront framing; and
 - (ii) Glazing in display windows and transoms must be clear, except that:
 - (A) a reversible, gray-scale translucent treatment may be applied to the interior face of display window glazing, the lesser of forty-eight (48) inches above the sidewalk or half of the height of the display window, exclusive of transom windows; or to the interior face of a transom window where existing interior conditions preclude the installation of clear transom windows; or where a dropped ceiling or

security roll-gate housing is installed in conformance with this subdivision; or

- (B) In cases where “back-of-house programming” cannot be located anywhere other than adjacent to a storefront window, and where if left visible to the public it would detract from the commercial establishment, building or streetscape, or could otherwise cause a security issue, staff may approve the application of a reversible grey-scale translucent film to fully or partially block one (1) or (2) display windows, subject to the following requirements: Staff may approve the application of grey scale to one (1) display window if the establishment has only two (2) display windows, and no more than two (2) display windows if the establishment has three (3) or more display windows. No grey scale may be approved if the establishment has only one (1) display window. In approving the installation of grey scale, the staff will consider the overall reduction of transparency of the storefront. The construction of any temporary partitions behind the approved greyscale film must be removed when the film is no longer needed for the commercial establishment that installed it. This subdivision shall also apply to individual landmarks.
- (4) **Framing.** Storefront framing must feature profiled trim that recalls the articulation of historic storefront framing, and may be a traditional or contemporary type.
 - (5) **Orientation.** New infill must be installed parallel to the building’s sidewalk and/or consistent with the plane of the facade and the location of the historic infill, and must be set back from the face of the existing storefront surround the minimum dimension required to avoid concealing any significant architectural feature, including features previously concealed by existing storefront infill, but in no event less than four (4) inches from the face of the storefront surround, unless conditions indicate otherwise.
 - (6) **Bulkhead.** The bulkhead must be between eighteen (18) and thirty (30) inches in height, including a stone or masonry curb, unless the historic storefront prototype indicates a lower or higher bulkhead, in which case the bulkhead may match the height of the historic prototype, and must feature details or materials that recall the articulation of historic storefronts except:
 - (i) Where the infill is based on a traditional example or model with paneled bulkheads, the bulkhead must feature panels and stiles, rails, and moldings that match historic prototypes; or
 - (ii) Where a limited amount of existing non-original infill is being modified, the new bulkhead may match the existing.

(7) **Entrance and Doors.**

- (i) Recessed entrances may have either splayed or straight returns.
- (ii) The width of the entrance will match the proportions of entryways to display windows found in historic storefronts, and will also meet minimum requirements for accessibility.
- (iii) The design of the new door will maintain the design intent of new entrance infill required by this section, or will be a re-creation or restoration of the original or historic door pursuant to the requirements § 2-11(f). New infill in service entrances, such as those that historically provided egress or access to freight elevators or had other utilitarian uses and were not historically used for storefronts or residential entrances, may vary in design, configuration and material in keeping with similar service entrances found in the particular historic district where the installation occurs. Alternatively, provided there is no significant historic fabric, a service entrance that was not a garage opening or loading bay for vehicles, may be removed and replaced with a storefront entrance, display window or other storefront infill pursuant to this section.

(8) **Material.** If the building was constructed prior to 1900, the material of the new infill must either match the historic material, if known, or be wood; for buildings constructed in or after 1900, or built before and altered in or after 1900 to include storefronts, the material of the new infill may be wood or metal or match the historic material.

(9) **Finish.** New storefront infill must have a finish that recalls the finish of historic storefronts.

(10) **Interior Partitions and/or Built-In Features.** Interior partitions, built-in features and vitrines built parallel to a display window must be a minimum of eighteen (18) inches behind the glass of the display window and:

- (i) Have a surface area that blocks no more than fifty (50) percent of the area of the display window (exclusive of the transom), not including dropped soffits;
- (ii) Have an interior quality finish and/or materials on the street facing side and feature non-illuminated, or indirectly illuminated display(s) of graphics or merchandise;
- (iii) Are limited to a first floor storefront, except a partition or built-in feature may also be allowed at second story storefronts of commercial buildings;

- (iv) Where such partition or built-in feature is a free-standing partition or vitrine within the display window below the transom, the horizontal dimension shall not block more than seventy-five (75) percent of the width of the display window; and
 - (v) Dropped soffits at the ceiling may be no closer than twelve (12) inches to the glass of the display or transom window and may be dropped the minimum distance necessary to address the structural or other issues requiring such dropped soffit.
 - (vi) This subdivision shall also apply to individual landmarks.
- (11) **Piers.** If original or historic piers have been previously removed, the design must include the restoration of the piers or the introduction of features that recall the location, size, and dimension of such piers.
- (12) **Removal of modern cladding.** If an applicant is proposing to remove modern cladding on the storefront or the area surrounding the storefront, the applicant must first perform probes of the material to see if historic material or elements exist behind the modern cladding.
- (i) If significant historic storefront material or elements exists underneath the cladding, the historic material must be restored and the new storefront can only be approved pursuant to § 2-11(f).
 - (ii) If a significant portion of the historic storefront surround exists underneath the cladding, but no historic storefront infill remains, the storefront surround must be restored, pursuant to § 2-11(f), as part of the application for new storefront infill under this paragraph.
- (13) **Restoration of the original storefront opening.** If the original storefront opening has been reduced or increased in size the design must include the restoration of the height and width of the original opening, except that:
- (i) The existing storefront opening may be maintained where the size and organization of storefront bays and entrances were altered in a way that is consistent with other buildings within the historic district that include storefronts, or
 - (ii) Where interior conditions preclude restoration to the original height (e.g., later structural elements or existing interior roll-gate housing or mechanical systems) the existing storefront opening shall be enlarged or reduced to the greatest extent feasible, and:
 - (A) The design of the surround is consistent with the materials and details of the historic base of the building; and

(B) If necessary, given the size of the display windows, the design features an opaque glazed transom window.

(14) **New door and door opening.** A new door opening and door may be constructed to provide access to an existing storefront where:

- (i) The new door is on the same façade and in close proximity to an existing storefront display window;
- (ii) The new door opening will be installed in non-historic storefront infill or through plain brick;
- (iii) The width of the new door opening is the minimum necessary to provide for a door that meets accessibility requirements and, if needed, sidelight, and the height of the door opening is aligned with the height or the storefront or other storefront feature and does not call undue attention to itself; and
- (iv) The design of the new door is consistent with existing storefront doors or is consistent with the criteria for a replacement door.

(15) **Security gates.** LPC Staff may approve an application for roll-down security gates and grilles on proposed storefronts where:

- (i) The security gate is located behind the storefront infill and the gate is open mesh where it covers glazed areas; or
- (ii) If the roll-down security gate is mounted so that the gate rolls down on the exterior side of the display window and door:
 - (A) The installation does not affect, obscure or damage historic fabric;
 - (B) The housing for the roll-down security gates is installed so as not to protrude, or protrudes the least amount feasible, beyond the face of the storefront display window or transom, and it is finished to match the storefront framing;
 - (C) The security gate tracks are recessed or set into reveals along the sides of the storefront; and
 - (D) The security gate is open mesh where it covers glazed areas of the storefront.

(d) **Awnings and Canopies at Commercial Storefronts and at Residential and Other Buildings.**

(1) **Recladding and retention of existing awnings and sidewalk canopies.**

- (i) LPC Staff will issue a Certificate of No Effect or a Permit for Minor Work for recladding existing awnings and sidewalk canopies if the proposed recladding meets both of the following criteria:
 - (A) The awning or canopy was present at the time of designation or was previously approved by an LPC permit; and
 - (B) The existing frame will be reclad in a material and finish that conforms to the criteria set forth in subdivision (d)(2)(vii)-(ix) or (d)(3)(ix)-(xi) of this section.
- (ii) If a new storefront is being installed, an existing storefront awning or canopy in noncompliance with the criteria set forth in paragraph (3) below cannot be retained unless the applicant can demonstrate to LPC Staff that the new storefront installation will not require even the temporary removal of the existing awning or canopy.

(2) **Installation of new awnings on windows, doors and porches that are not associated with storefronts.** LPC Staff will issue a Certificate of No Effect or a Permit for Minor Work for new awnings on residential windows, doors and porches if the proposed awning meets all of the following criteria applicable for such installation:

- (i) Awnings installed on residential windows, doors and porches will be either retractable or fixed.
- (ii) Awnings will be installed at or below the lintel, or within the window opening, as close to the top of the window as feasible, and will conform to the size and shape of the window or door opening.
- (iii) The attachment of the awning will not cause the loss of, damage to, or hide or obscure any significant feature.
- (iv) Awnings will project at an angle and be of a length, size and slope which are proportional to the size and height of the window or door.
- (v) Awnings at occupiable terraces and architectural setbacks above the ground floor may extend over more than one opening, so long as the overall length of the awning is proportional to the size and length of the terrace or setback and the depth does not exceed the depth of the terrace or setback.

- (vi) Awnings on porches will conform to the bay structure and proportions of the porch.
 - (vii) All awnings on a building or portions of a mixed use building that are not associated with storefronts must match in terms of fabric color and pattern if installed on primary or visible secondary facades.
 - (viii) Awnings will be clad only with water repellent canvas with a matte finish or other fabric of a similar appearance.
 - (ix) Awning fabric will consist of a solid color or vertical stripes that harmonize with the historic color palette of the building. No lettering or signage is permitted on awnings that are not associated with storefronts except for an address number on an awning over an entrance, and the numbers of such address must be no greater than six inches in height.
- (3) **Installation of new awnings on storefronts, display windows and doorways.** LPC Staff will issue a Certificate of No Effect or a Permit for Minor Work for new awnings on ground story storefronts, ground or second story display windows, and doorways if the proposed work meets all of the following criteria applicable for such installation:
- (i) The awning must be retractable on buildings which were designed with integral retractable awning housings as part of the storefronts. In all other cases, the awning may be either retractable or fixed. If fixed, the awning must have a straight slope and be open at the sides. If retractable, the awning must have a straight or curved slope and may or may not have side panels. Retractable awnings may follow the curved configuration of the window or door opening over which they are installed. If a display window or doorway opening has an arched or segmental head, the awning must be retractable if it is installed at the head of the window, but may be fixed if it is installed at the rectilinear transom bar. Both retractable and fixed awnings may or may not have a skirt. Awning skirts must be unframed. The skirt height must be proportional to the height and size of the awning, but cannot be greater than twelve (12) inches.
 - (ii) The attachment of the awning will not cause the loss of, damage to, or hide or obscure any significant feature.
 - (iii) The awning will be installed within the storefront opening, surround or enframement, or, if that is not possible, at or directly below or above the lintel or transom bar, except that the awning may be attached above the lintel where:
 - (A) a roll-down security gate that either was present at the time of designation or was previously approved by the Commission makes it

impossible to install the awning at the lintel or transom bar; or

- (B) installing the awning at the lintel or transom bar will result in the lowest framed portion of the awning being less than eight feet above the sidewalk, and
 - (C) where the awning is installed above the lintel, the awning encroachment above the lintel will be the minimum required to accommodate the conditions described above in clauses (A) and (B), and will not detract from the significant architectural features of the storefront, building or, where relevant, historic district.
- (iv) In cases where the storefront itself projects from the facade, the awning will be attached to the projecting storefront below the storefront cornice or cap.
 - (v) The length of the awning will not exceed the length of the storefront opening or the associated window opening, and the edges of the awning shall be aligned as closely as possible with the inside face of the principal piers of the storefront, or the window or door opening.
 - (vi) The underside of the awning will be open.
 - (vii) The lowest framed portion of the awning will be at least eight (8) feet above the sidewalk. The lowest unframed portion will be at least seven (7) feet above the sidewalk or otherwise meet applicable Department of Buildings and/or Department of Transportation criteria.
 - (viii) The awning will project at an angle and be of a length, size and slope which are proportional to the size and height of the storefront, window or door, as relevant.
 - (xi) The awning will be clad only with canvas with a matte finish or other fabric of a similar appearance.²
 - (x) Signs, such as lettering or graphics, are permitted to be painted on the awning skirt only; no lettering or graphics will be permitted on the sloped portion of the awning. The size of lettering will be proportional to the height of the awning skirt.
 - (xi) Awning fabric will consist of a solid color or vertical stripes that harmonize with the historic color palette of the building, but are not required to match other awnings on buildings with multiple storefronts.

² Incorrectly labeled in adopted text, should be “(ix)”

- (xii) Awnings installed pursuant to approvals issued in connection with a Modification of Use or Bulk shall continue to comply with such approvals. Unless otherwise provided for in this section, awnings installed on Individual Landmarks and on storefront restorations approved by a restorative approval pursuant to § 2-11(f) may be retractable or fixed, and if fixed:
 - (A) Have a “lean-to” frame with no connecting part between the top bar and the side bar installed perpendicular to the facade;
 - (B) The side bar perpendicular to the facade is round in shape;
 - (C) The frame is finished with a clear-coat, or grey finish; and
 - (D) Feature an unframed skirt.

- (4) **New sidewalk canopies on certain types of buildings.** Installation of new sidewalk canopies on residential, hotel and former residential buildings or buildings historically constructed with an accessory residential component, including private clubs. LPC Staff will approve the installation of a sidewalk canopy where:
 - (i) There is historic precedent for the installation of a canopy between the building entrance and the sidewalk on this building, this type of building or, if the building is located within a historic district, in the historic district; and
 - (ii) The construction, installation, attachment, and height of the canopy will conform to the requirements of the Zoning Resolution and Department of Buildings and/or Department of Transportation requirements, but in no event can the bottom of the canopy be less than eight (8) feet above the sidewalk; and
 - (iii) The size and basic design of the canopy will be consistent with canopies historically found at buildings of this type; and
 - (iv) The canopy will be clad in canvas with a matte finish or other fabric of a similar appearance, in a color and pattern that matches or recalls historic designs and does not distract from the building's historic color palette. The front and side of the canopy may have the building or institutional name and address number in numbers or letters no taller than twelve (12) inches, and a logo of not more than 4 square feet on the street-facing end of the canopy, but shall not have any other signage, numbering or lettering;

- (v) The underside of the canopy will be open, and the framing members may be exposed or enclosed in canvas that closely follows the profile of the shape of the canopy or canopy roof;
- (vi) Small, simply designed fixtures may be attached to the framing underneath the canopy, including down-light type fixtures to illuminate the sidewalk and building entrance/walkway, heat lamps and cameras, provided such installations are not visible except from underneath the canopy;
- (vii) The installation of the canopy will not damage or cause the removal of, any significant architectural feature;
- (viii) The canopy frame will be attached to the façade and sidewalk with the minimal number of fasteners practical, installed in mortar joints or flat, unrelieved portions of ornamental materials, and in non-historic paving where feasible;
- (ix) The canopy has round metal poles with a painted or natural finish, in keeping with style and age of the building;
- (x) The canopy has a bowed profile, or to the extent precedents exist for such a design, relates to the shape of the opening; and
- (xi) The canopy is installed within the architectural features enframing the opening, such as piers, cornices, lintels, and surrounds, except that where installing the canopy within the opening enframing will result in the lowest portion of the canopy being less than eight (8) feet above the sidewalk, or the operation of the door impeded, a canopy may be approved if:
 - (A) Sufficient space exists between the high-point of the canopy and the underside of any projecting cornice or other ornament surround enframing the entrance doors to visually separate the two elements; and
 - (B) At its widest points, it will overlap, extend past, or obscure ornamental elements enframing the entrance the least feasible amount.

§2-13 SIGNAGE.

(a) **Introduction.** Signage was a typical feature of historic buildings that contained commercial or manufacturing uses. Such signage included signs painted or affixed above storefronts in signbands, signs within display windows, banners, bracket signs, and signs hanging from underneath canopies. This rule sets forth the requirements for LPC Staff approval of some types of storefront signage and associated lighting for such signage. All proposals for signage not seeking a discretionary approval from another City agency must comply with the Zoning Resolution in terms of size, placement, projection and illumination.

(b) **Definitions.** As used in this section, the following words have the following meanings:

Armature. "Armature" means a metal structural support for a projecting sign.

Banner. "Banner" means an outdoor sign made of a non-rigid material with no enclosing framework, aside from an armature, installed perpendicular to a building façade and featuring graphics or lettering that are painted, screen-printed, or digitally printed, which announce an establishment in a building. A banner may also include a weight or building tie-back.

Bracket Sign. "Bracket Sign" means an outdoor sign, with two display faces, installed perpendicular to a building façade and attached to an armature, used as an announcement for an establishment in the building, consisting of the rigid display faces and all letters, words, numerals, illustrations, decorations, trademarks, emblems, symbols or their figures or characters associated with the name of the establishment that are applied to the faces. In addition, a bracket sign may consist solely of an outline of a shape and/or letters intended to act as a symbol or sign for the establishment.

Canopy means a metal frame clad with fabric that extends from a building entrance over the sidewalk to the curb, where it is supported on vertical posts.

CNE. "CNE" means Certificate of No Effect as defined by §25-306 of the New York City Administrative Code.

Establishment. "Establishment" means a manufacturing, commercial or retail business or profession.

Façade. "Façade" means an entire exterior face of a building.

Flag. "Flag" means fabric containing graphics, an emblem, or message designed to be flown from a wood or metal structural support mounted perpendicular to a building façade. A flag is a sign for purposes of this section if it is used to announce an establishment in the building. No flag as defined herein shall be used for third-party advertising or accessory business advertising.

LPC. "LPC" means the Landmarks Preservation Commission.

LPC or Commission Staff. "LPC staff" or "Commission staff" means the staff of the Landmarks Preservation Commission acting in the Commission's agency capacity.

PMW means a Permit for Minor Work pursuant to §25-310 of the New York City Administrative Code.

Pier means an exterior vertical member(s) or element(s) (usually of brick, stone, or metal), placed at intervals along a wall, which typically separates storefront openings within a single building or defines a single storefront opening.

Sign means a fixture or area containing lettering or graphics used to advertise a store, goods, or services.

Signage means any lettering or other graphics used to advertise a store, goods, or services.

Signband means the flat, horizontal area on the façade, usually located immediately above the storefront and below the second story window sill where signs were historically attached. Signbands can also be found immediately above the storefront display window, but below the masonry opening's lintel. A signband shall not include the frieze of a cornice that is less than 12" in height. A signband may exist above a second story storefront.

Significant architectural feature means an exterior architectural component of a building that contributes to or reinforces its special historic, cultural, and aesthetic character.

Storefront means the first or second story area of the facade that provides access or natural illumination into a space used for retail or other commercial purposes.

Storefront infill means the framing, glazing, and cladding contained within a storefront opening in the façade, including display windows, bulkheads, entranceways, etc.

Storefront opening means the area of the façade between the piers and lintel, which contains storefront infill.

Transom means a glazed area above a display window or door that is separated from the display window or door by a horizontal framing member ("the transom bar"). The glazing in the transom may be fixed or operable.

- (c) **Permit Not Required.** No permit is required for the following types of signage installations:
- (1) Once a staff-level permit has been issued for a banner, a new banner of a different design may replace the approved or current banner provided that the original armature is maintained, and all requirements of this section continue to be met.
 - (2) Where an armature existed at a location at the time of designation and documentation shows it was used for a banner or flag, the current banner or flag may be exchanged for a new banner or flag of a different design provided that the original armature is maintained, and the new banner or flag is equal to or smaller than the current banner and meets the relevant criteria in subparagraphs (5) through (8) of paragraph (e) of this subdivision.
 - (3) Where an armature and banner or flag was previously approved by the Commission, the current banner or flag may be exchanged for a new banner or flag of a different design provided that the dimensions are equal to or smaller than the Commission-approved installation, and the materials and finish of the new banner or flag are consistent with the Commission approval. No neon or other vividly bright colors will be permitted.
 - (4) Once a staff-level permit has been issued for painted and vinyl signage applied directly onto the storefront glazing, the applied signage may be exchanged for new applied signage of a different design provided that all Rule criteria continue to be met.
 - (5) “For lease” or “for sale” signs and concealment of interior construction. Temporary painted and vinyl signage, or posters, advertising that a space is for sale or lease, or for the purpose of concealing on-going interior construction work, may be installed at storefront and transom glazing without a LPC permit, and may exceed the glazing coverage requirements for such signage, but must be removed once the space is sold or leased or the interior construction is completed.
- (d) **Installation of Storefront Signs.** The LPC Staff will issue a CNE or PMW for a storefront sign, other than a bracket sign, if the proposed work meets the relevant criteria listed below:
- (1) The signage is as-of-right pursuant to the Zoning Resolution and the Building Code.
 - (2) The installation of signage will not damage, destroy or obscure significant architectural features or material of the building or storefront.

- (3) Signs will be installed in the signband above a storefront opening or within the storefront opening.
- (4) Signs will include dimensional letters and logos composed of wood or metal, or painted plastic, that project no more than two inches if installed directly into masonry or wood signbands, or directly on wood, metal, or opaque glass sign panels mounted flat with the signband, or painted directly onto the ground floor signband and lintels. Pin mounted letters requiring numerous attachments points to historic masonry signbands should utilize mounting strips where feasible, and will not be allowed in any instance on cast iron.
- (5) Flat sign panels will project no more than 2 inches from the façade, and dimensional letters on sign panels will project no more than 2 inches beyond the panel for a total projection of four (4) inches from the façade. In the case of dimensional letters installed on a metal channel within a transom, the channel may be straight or slightly bowed, and the letters will not project beyond the plane of the façade, and will be no larger than 18 inches and in no event higher than the height of the transom glass, and the channel will be no more than 1 inch tall. LPC Staff will not approve both a sign in the signband and a sign on a metal channel within a transom.
- (6) The sign will be proportional to the signband, but in no event will it exceed 90 percent of the area of the signband and the letters will not be higher than eighteen (18) inches in total whether one or two lines of text is used.
- (7) Signage mounted on the exterior will not be internally illuminated, except that it may be “halo” lit with a light source behind opaque letters.
- (8) One interior neon sign, or other similar non-flashing illuminated sign that utilizes tubing and is imitative of a traditional neon sign, per display window is permissible, provided that the sign is transparent, is installed a minimum of six (6) inches behind the glass, does not substantially reduce the transparency of the display window and does not exceed fifteen (15) percent of the area of the display window or transom. Non-concealed illuminated lighting strips outlining the display window will not be permitted. Any other illuminated signage, including LED screens, must be at least eighteen (18) inches set back from the inside plane of the glass of the display window or transom and must otherwise meet the requirements in paragraph (10) of subdivision (c) of section 2-12.
- (9) Painted and vinyl signage may be applied directly onto the storefront glazing, including glazing at the doors, transom and display window. Non-illuminated dimensional letters and logos composed of wood, metal, or painted plastic that project no more than ¼ inch may be applied directly to the interior or exterior of transom glazing. Signage cannot exceed more than twenty (20) percent of the glazed area per door, transom or display window, and cannot be applied to windows with distinctive glazing as defined in section 2-14(b), “Special

Windows and Doors”, of Title 63. For purposes of this paragraph, the percent of the glazed area covered by signage will be calculated by the total area of the sign as a visual object and the collective groupings of text and images, without subtracting for voids between letters, numbers or graphics.

- (10) Signage installed on the exterior may be illuminated externally with a shielded source of light, including “halo” lit with a light source behind opaque letters, or with a small projecting fixture twelve (12) inches or less in length or width placed above the sign, with a maximum number of fixtures as follows: one fixture for the first one to six (1-6) feet of storefront opening; two fixtures if the storefront opening is between six to twelve (6-12) feet; three fixtures if the storefront opening is between twelve to eighteen (12-18) feet; and four fixtures if the storefront opening is between eighteen to twenty-four (18-24) feet. In no event will the light fixture arm project more than eighteen (18) inches from the sign. Cove fixtures must have the same finish as the sign, and if the sign projects from the façade, the cove fixture must be an integral part of the sign.
 - (11) Light fixtures will be installed in areas of plain masonry, metal, or wood, provided that the installation does not damage, destroy, or obscure significant architectural features of the building or storefront.
 - (12) Lighting conduits will be concealed.
 - (13) Exterior light fixtures, limited in number as set forth in paragraph (10), may only illuminate signage at signbands or sign panels, or may illuminate storefronts and/or awnings where no signbands or sign panels are being utilized.
 - (14) In approving an application for signage the LPC Staff will consider the overall amount of approved and grandfathered signage for the storefront and building. If the LPC Staff determines that the overall amount of signage for the storefront or building is excessive and will detract from the architectural features of the building, the adjacent buildings, or the streetscape, the staff will require that existing or proposed staff approved signage be eliminated or reduced. Such signage includes but is not limited to plaques, signs on awning skirts, signage in a signband, signage applied to the storefront glazing, flags and banner or bracket signs. LPC Staff will not approve new signage that will result in a storefront having more than three (3) types of signage.
- (e) **Installation of Banner and Bracket Signs.** The LPC Staff will issue a CNE for a banner or bracket sign if the proposed work meets all of the following criteria:
- (1) The armature will be installed below the second story, or above the second story at the lowest point to meet the minimum height criteria of the Zoning Resolution, within the storefront opening or on the flat face of a plain masonry, wood or metal pier, but not including cast iron, and will be mechanically fastened into the storefront infill or into the mortar joints of a plain masonry pier, or attached to

the framing members at the underside of a metal canopy on an industrial building, and such installation will neither damage nor conceal any significant architectural features of the building.

- (2) Bracket signs may be supported by means of one or two projecting armatures or may be flush mounted with a sleeve and/or concealed attachment. Banner signs must be supported by means of a single projecting armature at the top of the banner but may also utilize a tie-back from the bottom of the banner to the building façade.
- (3) The armature will be a metal finished to be harmonious with the storefront finish, will be proportional to the banner or bracket sign and will be simply designed so as not to call undue attention to itself.
- (4) The display faces of the bracket sign may be made of wood or metal. If the bracket sign has display faces, the letters, words, numerals, illustrations or graphics may be painted or applied onto the display faces, and may be raised slightly from the surface. Any raised features, including letters, words, numerals, illustrations or graphics, must be made of wood or metal, or painted plastic. The overall width, as measured from face to face, will not exceed two (2) inches, and, if there are raised features the bracket sign shall not exceed a width of three inches as measured from the outside plane of such raised features.
- (5) The banner sign may be made of canvas with a matte finish or other fabric of a similar appearance. Letters, words, numerals, illustrations or graphics may be painted or applied onto one or both sides of the fabric.
- (6) The display faces, fabric, and the letters, words, numerals, illustration or graphics of a banner or bracket sign will be of a color or colors that do not detract from the significant architectural features of the building or neighboring buildings. No neon or other vividly bright colors will be permitted.
- (7) The bracket sign will not be internally illuminated, but the display faces of a bracket sign or banner may be externally illuminated by a lighting fixture that is integral or attached to the sign or armature, is, if not concealed, as small and discrete as possible and does not call attention to itself, and is finished to blend with the sign or armature.
- (8) The bracket sign may be fixed or may move freely from its points of attachment to the armature. A banner sign must move freely from its points of attachment to the armature, and may be tied back to the building façade. In no event will the banner or bracket sign be made to move by mechanized or controlled means.

- (9) Number of banner or bracket signs for ground floor establishments.
- (i) Except for signs subject to subparagraphs (ii), (iii) and (iv) below, one banner or bracket sign per ground floor establishment will be permitted.
 - (ii) In buildings with more than one ground floor establishment, one banner or bracket sign per establishment may be installed, provided that there are no more than two signs per twenty (20) feet of building façade fronting on a street. The placement of the bracket sign on the building will be in close proximity to the establishment that is identified on the bracket sign.
 - (iii) In buildings with more than one ground floor establishment which were historically designed with uniform storefronts and/or signage, and where there is not already an approved signage master plan, the design, placement, materials, and details of all of the bracket or banner signs and armatures must be of a consistent design that, where applicable, recalls the historic signs.
 - (iv) A ground floor establishment with a corner storefront may have one banner or bracket sign on each building façade with at least twenty (20) feet of street frontage, provided that each façade has a primary entrance and each banner or bracket sign is located in close proximity to an entrance, but in no event will more than one banner or bracket sign be located within twenty (20) feet of the corner of the building.
- (10) Banner or bracket signs for upper story establishments. A single armature for a banner or bracket sign for an upper story establishment or establishments may be installed adjacent to the building entrance for such upper story establishments. This armature may hold one sign for each upper story establishment, provided such banner or bracket signs hang vertically underneath one another on the same armature, and further provided that in no event will the total dimensions of such banner or bracket signs, taken together, exceed the size requirements specified in paragraph (11) below.
- (11) The size of the banner or bracket sign, oriented horizontally or vertically, will conform to the requirements of the Zoning Resolution, but in no event will the size exceed twenty-four (24) inches by thirty-six (36) inches in districts that were historically manufacturing or industrial in character, eighteen (18) inches by twenty-four (24) inches in districts that were historically commercial, or twelve (12) inches by eighteen (18) inches in districts that were historically residential in character. Novelty shapes, such as circles, polygons and irregular shapes are permitted, as are novelty objects, provided such shapes and objects generally fall within the parameters described in this paragraph.
- (12) The projection of the banner or bracket sign and armature beyond the property line will conform to the requirements of the Zoning Resolution and Building

Code, but in no event shall extend more than 40 inches from the façade in districts that were historically manufacturing or industrial in character, eighteen (18) inches in districts that were historically commercial, and no more than twelve (12) inches in districts that were historically residential in character.

- (13) The banner or bracket sign will be installed so that the lowest portion of the sign is at least ten (10) feet above the sidewalk.
 - (14) In approving an application for a banner or bracket sign, LPC Staff will consider the overall amount of approved and grandfathered signage for the storefront and building. If the Staff determines that the overall amount of signage for the storefront or building is excessive and will detract from the architectural features of the building, adjacent buildings or streetscape the Staff will require that other types of existing or proposed staff approved or approvable signage, including but not limited to plaques, signs on awning skirts and signage applied to the storefront glazing, be eliminated or reduced.
- (f) **Signage for Commercial Spaces Below the Sidewalk.** Where a commercial establishment has an entrance below the sidewalk level, LPC staff will issue an approval for a sign that is installed:
- (1) On a plain masonry band above the storefront opening, if one exists, and provided the signage otherwise meets the criteria set forth in subdivision (c); or
 - (2) On a flat metal or wood panel attached to an existing areaway fence, and provided:
 - (i) The attachment does not damage original or historic fabric or call attention to itself or detract from significant features of the fence;
 - (ii) The sign panel is not more than 1 inch thick and the signage is painted or applied to the panel; and
 - (iii) The panel is not bigger than twelve (12) inches by thirty-six (36) inches.
- (g) **Painted Wall Signs.** Signs painted directly on a building facade are a traditional method of advertising that was historically found in commercial and manufacturing areas, typically on plain secondary facades with exposed common brick. Sometimes they advertised a business located within the building, while other times they advertised unrelated products or services. They typically had borders and were primarily text, although illustrations were also common.
- (1) Staff approval for painted wall signs on buildings in a historic district. With the exception of Individual Landmarks, staff may approve an application for a sign painted directly on the façade material of a building in a historic district if it meets all of the following criteria:

- (i) There is substantial historic precedent for painted wall signs in the historic district or on the individual building;
 - (ii) There is no other painted wall sign on the building, but not including a painted sign in a signband above a storefront opening;
 - (iii) There is no other painted wall sign on another building within 100 feet of the proposed location;
 - (iv) The sign will be located at or above the second floor on a secondary façade that is (A) plain brick or stucco, (B) will not cover or include any window openings, but may cover or include bricked-in window openings; and (C) will not detract from any significant architectural feature of the building or adjacent building;
 - (v) The sign, including the border referenced below, will occupy no more than twenty percent (20%) of the visible wall area and shall be rectilinear in shape. For purposes of this subsection, the term “visible wall area” shall mean the area of the secondary façade where it is most visible from the street within two blocks of the secondary façade. The visible wall area shall include coplanar wall surfaces that are visually contiguous at the secondary façade, including parapets, bulkheads and additions on the building;
 - (vi) The sign will have a black or white solid painted border, at least two (2) inches wide, around the sign, which contrasts with the background color of the sign;
 - (vii) The sign will be set back from the primary façade a minimum of three (3) feet and will be at least two (2) feet from significant architectural features, including but not limited to cornices, special windows, window openings, lintels and sills; and
 - (viii) The vendor tag will be located within the sign or immediately below the sign, justified to the side or corner closest to the street, and shall be no larger than twenty-four (24) inches by thirty-six (36) inches.
- (2) The approval of an application that meets the requirements of subdivision (1) above shall be in the form of a master plan valid for a period of ten (10) years, unless the applicant requests that it be for a lesser term. The applicant or owner must obtain an approval for each sign painted on the building. After the ten-year term has expired, the property owner must reapply for a new master plan.

(h) **Miscellaneous Commercial Signage.**³

- (1) **Plaques.** LPC Staff will issue a CNE or PMW for plaque signage identifying professional services, such as doctors’ offices or building management companies, or for other retail and commercial establishments, in connection with a storefront or other primary entrance, or on a primarily non-commercial building that does not contain a storefront, such as a row house or small apartment building, if the the⁴ proposed work meets the following criteria:
- (i) Is as-of-right under the Zoning Resolution and Building Code;
 - (ii) The plaque is installed into areas of plain, unornamented masonry or non-historic storefront infill or otherwise will not conceal or damage significant architectural features;
 - (iii) The plaque is not more than one and a half inches thick, inclusive of any projecting lettering and/or logos; and
 - (ii) The plaque and letters are made of a traditional material such as metal, glass, wood, or stone and has a finished quality; and⁵
 - (v) The plaque is not larger than two (2) square feet (288 square inches) at small residential or commercial buildings six (6) stories or less in height and with a street frontage of forty (40) feet or less, and not larger than three (3) square feet (432 square inches) at any other building, in a square or rectangular configuration and the LPC Staff determines that due to quantity, size and proportion the plaque(s) do not call undue attention to itself or themselves or detract from the significant architectural features or historic character of the building or district; and
 - (vi) If attached to a free-standing pole installed in an areaway of a free-standing house, row house or small residential or commercial building;
 - (A) The pole has a dark finish and is not taller than six (6) feet;
 - (B) The pole is installed through non-historic paving, away from the façade and does not obscure or hid decorative features of the building or detract from adjacent buildings;
 - (C) There are no more than three plaques on the pole;

³ Subsection heading “(h)” missing in the adopted text

⁴ Repeated word “the” in the adopted text

⁵ Incorrectly labeled in adopted text, should be “(iv)”

(D) Each plaque is not larger than six (6) inches by eighteen (18) inches.

- (2) **Poster Boxes on Certain Types of Buildings.** With respect to poster boxes on the facades of buildings used as theaters, religious institutions, community centers, libraries, museums, and clubs, or other buildings that traditionally used poster boxes, LPC staff will issue an approval if the poster box:
- (i) Is installed into areas of plain, unornamented masonry or otherwise will not conceal or damage significant architectural features;
 - (ii) Consists of a metal or wood frame with clear glass;
 - (iii) Any lighting is restricted to the inside of the box with concealed wiring; and
 - (iv) The LPC staff determines the size of the box does not call undue attention to itself or detract from significant architectural features.
- (3) **Menu Boxes.** With respect to menu boxes on storefronts used as restaurants, LPC staff will issue an approval if there is no more than one menu box per entrance per street and such menu box:
- (i) Is installed at or near the entrance;
 - (ii) Is installed into areas of plain, unornamented masonry, or into non-historic storefront material, or otherwise will not conceal or damage significant architectural features, or is attached to an areaway fence in such a way that does not damage original or historic fabric or call attention to itself or detract from significant features of the fence;
 - (iii) Consists of a metal or wood frame with clear glass;
 - (iv) Is not larger than twenty-eight (28) inches by thirty (30) inches and LPC Staff determines that because of its size it does not call undue attention to itself or detract from significant architectural features; and
 - (v) Any lighting is restricted to the inside of the box with concealed wiring.

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§2-14 WINDOWS AND DOORS.

(a) **Introduction.**

These rules apply to proposals for work involving the installation of windows and doors at buildings that are Individual Landmarks or are within a historic district or scenic landmark in existing window and door openings. The rules are categorized according to types of facades (e.g., primary facades; visible secondary facades; and minimally visible and non-visible facades) and building types (e.g., small residential and commercial buildings; large residential and commercial buildings). In addition, these rules govern the creation of modified window openings and new window and door openings, and the installation of windows and doors in such openings. Finally, the rules cover window and door “add-ons”, such as storm windows and doors, screens and applied films.

(b) **Definitions.** As used in this section, the following terms have the following meanings:

Color. "Color" means the sensible perception of hue, value and saturation characteristics of surfaces of window and door components. In the event of disagreement, the Munsell system of color identification will govern.

Commission. "Commission" means the Landmarks Preservation Commission as established by §3020 of the New York City Charter.

Commissioners. "Commissioners" means the eleven Commissioners of the Landmarks Preservation Commission, including the Chair, as established by §3020 of the New York City Charter.

Configuration. "Configuration" means the number, shape, organization and relationship of panes (lights) of glass, sash, frame, muntins, or tracery.

Details. "Details" means the dimensions and contours of both the stationary and moveable portions of a window or door, and moldings.

Dutchman. “Dutchman” means a repair technique for replacing small sections of a damaged material with new material that matches the original material.

Entrance infill. “Entrance infill” means the assembly of door(s), transom(s), sidelight(s), spandrel(s) and other framing elements, as opposed to a singular door, within an entrance opening.

Existing window or existing door. "Existing window" or “existing door” means the window and/or door existing at the time of designation or a window and/or door which has been changed subsequent to designation pursuant to a permit issued by the Commission.

Fenestration. "Fenestration" means the arrangement, proportioning and design of windows in a building.

Finish. "Finish" means the visual characteristics, including color, texture and reflectivity of exterior material. Finish can be based on the original or historic finish, or finishes used at similar buildings in later eras of significance typical of a particular historic district as an alternative to matching the original or historic finish.

Frame. "Frame" means the stationary portion of a window or door unit that is affixed to the facade and holds the sash or other operable portions of the window or door.

Glazing. "Glazing" means the material, usually glass, that fills spaces between sash members (rails, stiles and muntins), commonly referred to as panes or lights. Note: glazing may consist of multiple layers of glass, including laminated glass and insulated glass with or without low-e coatings, provided the glass is otherwise clear.

Head. "Head" means the upper horizontal part of a window or door frame or opening.

Historic window or historic door. "Historic window" or "historic door" means:

- (1) a window or door installed at time of construction of the building; or
- (2) a window or door of a type installed at time of construction of similar buildings in similar periods and styles; or
- (3) a window or door installed at time of major facade alterations 30 or more years ago.

Jamb. "Jamb" means the side parts of a window or door frame or opening, as distinct from head and sill.

Landmarks law. "Landmarks Law" means Title 25, Chapter 3 of the Administrative Code of the City of New York.

Light. "Light" means a pane of glass, a window, or a sub-pane of a window or door.

Low-e. "Low-e" means a coating or sheet of material applied to glass that reduces the amount of heat transferred through the glass, which is considered clear or untinted for the purposes of these rules.

LPC. "LPC" means the Commission acting in its agency capacity to implement the landmarks law.

LPC Staff. "LPC Staff" means the staff of the Landmarks Preservation Commission acting in the Commission's agency capacity.

Match. "Match" means either an exact or an approximate replication. If not an exact replication, the approximate replication must be designed so as to achieve a suitable, harmonious and balanced result.

Meeting rail. "Meeting rail" means a sash rail in a double-hung window designed to interlock with an adjacent sash rail.

Member. "Member" means a component part of a window or door.

Molding. "Molding" means a piece of trim that introduces varieties of outline or curved contours in edges or surfaces as on window or door jambs and heads. Moldings are generally divided into 3 categories: rectilinear, curved and composite-curved.

Mullion. "Mullion" means a vertical primary framing member that separates paired or multiple windows within a single opening.

Muntin. "Muntin" means the tertiary framing member that subdivides the sash into individual panes, lights or panels; lead "comes" are often used in stained glass windows. Note: Muntins may be traditional true divided, or simulated divided light ("SDL") type; however, grids placed between two sheets of glass only are not considered muntins.

Operation. "Operation" means the manner in which a window or door unit opens, closes, locks, or functions (e.g., casement or double-hung). If non-operable, a window unit (such as a side light) is identified as "fixed."

Panning. "Panning" means an applied material, usually metal, that covers the front (exterior) surface of an existing window frame or mullion.

Permit. "Permit" means any permit, certificate or report issued by the Commission in accordance with the provisions of the Landmarks Law.

- (1) "PMW" means Permit for Minor Work as defined by §25-310 of the Landmarks Law.
- (2) "CNE" means Certificate of No Effect as defined by §25-306 of the Landmarks Law.
- (3) "C of A" means Certificate of Appropriateness as defined by §25-307 of the landmarks law.
- (4) "Report" means the report referenced in §25-318 of the Landmarks Law or a report issued in connection with a review of work pursuant to § 856(h) of the New York City Charter.

Primary facade. "Primary facade" means:

- (1) a façade fronting a street or public thoroughfare that is not a street, such as a mews or court;
- (2) A visible façade that possesses a level of design or significant architectural features that are commensurate with the building's street-fronting façade(s), and where such façade (i) faces but does not front a street, such as a setback façade, or (ii) is part of a dominant massing element where at least one façade is street-fronting or street-facing, such as a tower element; and
- (3) A façade with a primary entrance to the building.

Rail. "Rail" means a horizontal sash member.

Repair. "Repair" means work to correct deterioration or decay of, or damage to, a window or door or any part thereof and to restore same, as closely as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage. The term "ordinary repair" refers to work that does not require a permit.

Restoration. "Restoration" means the process of returning, as nearly as possible, a building or any of its architectural features to its original form and condition.

Sash. "Sash" means the secondary part of a window which holds the glazing in place. It may be operable or fixed, and is usually constructed of horizontal and vertical members. A sash may be subdivided with muntins.

Secondary facade. "Secondary facade" means a facade that does not front on a street or a public thoroughfare and that does not possess significant architectural features that are commensurate with the street fronting façade.

Significant architectural feature. "Significant architectural feature" means an architectural component of a building that contributes to its special historic, cultural and aesthetic character, or that in the case of an historic district reinforces the special characteristics for which the district was designated.

Sill. "Sill" means the lower horizontal part of a window frame or window opening; also the accessory member which extends as a weather barrier from frame to outside face of wall.

Special window or special door. "Special window" or "special door" means a window or door that possesses rare or distinctive traits reflective of its style and age, including but not limited to:

- (1) A rare shape and distinctive pattern, including but not limited to square sash with complex arched paneling; diamond, round and oval sash; sash with intersecting

curved muntins; and multi-light sash or door leafs with densely-gridded window panes of thirty (30) square inches or less; and arch-headed doors. Unless otherwise classified as a special window or special door, the following window types are not considered special windows: square sash; square sash with simple arched paneling (e.g., half-round arch, elliptical arch, quarter-round arch, pointed arch); fixed or operable sash in simple arched transoms; sash with simply curved muntins; and multi-light sash or door leafs with large panes of more than thirty (30) square inches.

- (2) Distinctive glazing, including but not limited to leaded; stained; etched; textured; and curved glazing. Unless otherwise classified as a special window or special door, clear or frosted glazing is not considered distinctive.
- (3) Fine craftsmanship and/or distinctive materials, including bronze; brass; nickel silver; cast metal; and elaborate carved woodwork. Unless otherwise categorized as a special window or special door, the following are not considered fine craftsmanship or distinctive materials: copper or other sheet metal; kalamein; rolled steel; and extruded aluminum.
- (4) Unique typology, including curved sash; bi-folding sash; operable true arch-headed double-hung or casement sash; and monumental window or door assemblies. Unless otherwise categorized as a special window or special door, the following are not considered unique: pivot sash, French doors, and casements.
- (5) Age, including original windows at buildings constructed prior to 1850.

Stile. "Stile" means a vertical sash member.

Story. "Story" means a habitable floor level, including a basement but not including a cellar.

(c) **Work for Which No Approval is Required.**

- (1) **Maintenance, repair and retrofit of windows, doors and add-ons**, except for special windows and special doors if removal to an off-site location is required to perform the work. Ordinary maintenance, minor repair and retrofits, including modifications to improve energy efficiency and weatherization, to windows, doors and add-ons (e.g., screens, storm windows, and films) at primary facades and secondary facades of Individual Landmarks and buildings in historic districts and scenic landmarks, including:
 - (i) In-kind replacement of clear glass, glazing putty and stops, and screens;
 - (ii) Prepping and repainting of windows, doors and add-ons to match the existing color and finish;

- (iii) Replacing or installing perimeter caulking and sealants;
 - (iv) Repairing or replacing window or door hardware, such as hinges, knobs and handles, but excluding ornate historic exterior hardware on special doors;
 - (v) Replacing or installing weather-stripping;
 - (vi) Patching or straightening metal window and door components;
 - (vii) Patching or consolidating wood fibers or partially rebuilding wood window and door components with Dutchmen.
- (2) **Interior add-ons.** New interior window and door add-ons at primary facades and visible portions of secondary facades, if the work meets all of the following criteria applicable to the work:
- (i) The work is not occurring in an Interior Landmark;
 - (ii) The interior add-ons have no mullions, muntins or wide frames that are conspicuous as seen through the glazing of the primary window or door from the exterior of the building;
 - (iii) The interior add-ons have clear glass or clear acrylic (including plexiglass) or screens with a dark fabric; and/or
 - (iv) The add-on is an applied film and is clear.
- (3) **Interior and exterior add-ons at non-visible facades.** New interior and exterior window and door add-ons at non-visible portions of secondary facades if the work is not occurring in an Interior Landmark and no significant exterior architectural feature of the window, door or building will be lost or damaged.
- (d) **Installation of Exterior Add-Ons for Windows and Doors in Individual Landmarks and Buildings in Historic Districts and Scenic Landmarks.**
- (1) **Storm windows and doors and screens.** LPC Staff may approve an application for new exterior window and door add-ons at primary facades and visible portions of secondary facades, provided the work meets all of the following criteria applicable to such work:
- (i) The add-on fits tightly within the window or door opening with minimal or no sub-frame around the perimeter, and is set as far back from the plane of the exterior wall as possible;

- (ii) The add-on will be made of wood, metal or fiberglass with a finish that matches the color of the primary window or door frame, with clear glass;
 - (iii) A window add-on will have horizontal mullions or meeting rails that match the primary window's meeting rail or substantial mullions, is placed in the same relative location, with no additional divisions;
 - (iv) A door add-on will have horizontal mullions only in conjunction with the rails of the primary door, with no additional divisions; and
 - (v) The installation of the add-on will not damage or destroy any significant feature of the window, door or building.
- (2) **Applied films.** LPC Staff may approve an application for applied films on windows or doors at primary facades and visible portions of secondary facades, provided the work meets all of the following criteria applicable to such work:
- (i) The applied film is clear or translucent and/or tinted in greyscale, except that only clear film may be used for special windows or doors;
 - (ii) The installation is on the interior face of the glass and is reversible; and
 - (iii) If translucent and/or tinted, the overall installation is limited in scope so as to not change the character of the overall fenestration of the building (for example, applied only at bathroom windows).
- (e) **Special Windows and Special Doors: Any Facade.**
- (1) If existing original or historic special windows or special doors are deteriorated beyond reasonable repair, as described in a condition assessment submitted by the applicant, new windows or doors may be approved if they match the original or historic windows and doors in terms of details, materials, operation, configuration and finish. The assessment should generally be prepared by a qualified architect or engineer; however, for more limited scopes of work a contractor or other professional with preservation experience may be deemed acceptable. For purposes of this subdivision, the criteria established for window replacement at Primary Facades of Individual Landmarks will be used, with the additional variations and exceptions as described in paragraph (f)(1).
 - (2) A window that is special due only to its glazing can be removed and reinstalled in a new window sash that otherwise complies with the relevant criteria for replacement of non-special windows.

(f) **Primary Facades.**

- (1) **General criteria.** New windows or doors may be approved if they match the original or historic windows and doors in terms of details, materials, operation, configuration and finish. Historic doors may be replaced only if they are deteriorated beyond reasonable repair, as described in a condition assessment. For purposes of this subdivision, the following variations and exceptions apply, except as noted in each provision.
- (i) **Details.** Variations in details will be permitted if such variations do not significantly affect the visual characteristics of the window or door. LPC Staff may approve a diminution of glazing area from the historic window not to exceed ten (10) percent for metal windows and six (6) percent for wood windows, except that the diminution percentages may be slightly exceeded for specific window types due to their small size or muntin pattern, or due to building, energy, accessibility or other code requirements that must be met, provided that LPC Staff determines that the proposed window will not call attention to itself or detract from the significant architectural features of the building. In addition to the window sashes, door leafs and frames, the new window's or door's muntins, mullions and brickmolds must also match the historic condition. Simulated divided light ("SDL") muntins are acceptable substitutes for true divided light muntins, provided the exterior muntins are built into the frames of the sashes and are of the same material and there are spacers between multiple layers of glass and interior muntins. At large residential and commercial buildings in historic districts, spacers and interior muntins are not required.
- (ii) **Materials.**
- (A) A historic wood window or door can be replaced with wood of any species. A historic metal window or door can be replaced with a different metal, including replacing metal-clad windows with a non-metal substrate material. However, Special Windows and Special Doors may require matching the original material exactly.
- (B) At small residential and commercial buildings in historic districts, straight- and arch-headed, double-hung wood windows for which the historic condition had no divided lights (without muntins) may be replaced with windows of a different material, including aluminum and fiberglass, but not including vinyl, provided the historic wood brickmolds are retained or replicated in wood, aluminum or fiberglass; the new windows are installed in the same plane as the historic window; and the window and brickmolds have a matching finish that replicates the historic finish;

- (C) If the historic transom window originally or historically had stained or leaded glass but did not retain such glass at the time of designation, the replacement window does not have to match the stained glass but can be either clear glass or recall the stained or leaded glass window.

(iii) Operation.

- (A) The upper sash of a double-hung window, or of a transom window, may be fixed, and the direction of the swing (e.g., outward or inward) of a casement, awning or hopper window may be changed.
- (B) Except at Individual Landmarks, the historic operation of the lower sash of a double-hung window may be changed to a hinged operation to meet high-performance energy-efficiency or accessibility standards or goals provided that:
 - (a) The operation of the lower sash is limited to an inward tilting hopper for ventilation, except for additional inward turning capabilities for maintenance purposes only, and the plane of the lower sash approximates that of the historic sash;
 - (b) The details closely match that of the historic double-hung window, with additional dimensional tolerances (typically deeper sashes and frames) to accommodate thicker insulated glazing and the change in operation at the lower sash, and such additional minor changes do not call attention to themselves or detract from the appearance of the building or adjacent buildings, if in a district; and
 - (c) All windows on the primary facades eligible for this exception, excluding special windows, are being replaced at the same time or as part of an approved master plan to ensure a uniform installation and appearance.
- (C) The operation of a door must match the historic operation, except that the historic operation of a swinging door may be changed to fixed or reversed in swing or hinging; in addition, the historic operation of a swinging, sliding, roll-down or overhead garage or loading door may be substituted interchangeably;
- (D) Except at Individual Landmarks, the historic operation of a pivot window may be changed to a hinged operation matching the vertical or horizontal orientation of the pivot operation; and

- (iv) Configuration of a door. The following exception to matching the configuration of a historic door may apply if the door is not a Special Door or located on an Individual Landmark: the historic configuration of equal leaf paired doors may be changed to unequal leaves or a single leaf, if the applicant can demonstrate an inability to meet accessibility requirements through other modifications, provided that the new door(s) will match or recall the configuration and details of the historic door(s), and the work meets other relevant criteria in § 2-18.

(2) **Specific criteria for primary facades.**

(i) Individual Landmarks.

- (A) Existing original or historic window and door openings. If original or historic windows or doors are deteriorated beyond reasonable repair due to physical conditions as described in a condition assessment submitted by the applicant, new windows or doors will be approved if they match the original or historic windows and doors in terms of configuration, operation, details, material and finish. The assessment should generally be prepared by a qualified architect or engineer; however, for more limited scopes of work a contractor or other professional with preservation experience may be deemed acceptable.
- (B) Existing non-original or non-historic window and door openings. If the window or door opening is not original or historic, or has been substantially modified, such as a window opening installed after the removal of a stoop and entrance door, or a door opening installed after the installation of a fire escape, a new window or door may be approved if it matches or otherwise harmonizes with the configuration, details and materials of the original or historic windows and doors on the building.

(ii) Small residential and commercial buildings in historic districts.

- (A) ***Applicability.*** For purposes of this subparagraph, a small residential or commercial building is a building which is six stories or less in height and has a street frontage of forty (40) feet or less, and includes rowhouses, townhouses, mansions, detached and semi-detached houses and carriage houses; small apartment buildings, tenements and hotels; and small, utilitarian, commercial and loft buildings, including cast-iron fronted buildings, department stores, banks and office buildings. Notwithstanding the above, a corner rowhouse, town house, mansion, detached and semi-detached house and carriage house shall be deemed a small residential and commercial building regardless of the length of its longest street frontage.

(B) ***Existing original or historic window and door openings.*** New windows installed in existing original or historic openings will be approved if they match the historic windows in terms of configuration, operation, details, material and finish. If original or historic doors are deteriorated beyond reasonable repair due to physical conditions as described in a condition assessment submitted by the applicant, new doors replacing historic doors will be approved if they match the historic doors in terms of configuration, operation, details, material and finish, and new doors replacing non-historic doors will be approved if they match the historic doors in terms of operation, material and finish, and recall the configuration and details of the historic doors. The assessment should generally be prepared by a qualified architect or engineer, however for more limited scopes of work a contractor or other professional with preservation experience may be deemed acceptable.

(C) ***Existing non-original or non-historic window and door openings.*** If the existing window or door opening is not original or historic, or has been substantially modified, such as a window opening installed after the removal of a stoop and entrance door, or a door opening installed after the installation of a fire escape, the new window or door will be approved if it matches, or otherwise harmonizes with, the configuration, operation, details, material and finish of the historic windows and doors on the building. The design may maintain the existing opening or may include the modification of the height and width of the existing opening, and may introduce new architectural features on the area surrounding the opening, provided that:

(a) The design of the surround is consistent with or harmonious the materials and details of the building.

(b) For modifications to entrances at the base of the building, see § 2-14(i).

(iii) Large residential and commercial buildings in historic districts.

(A) ***Applicability.*** For purposes of this subparagraph, a large residential or commercial building means a building that is seven or more stories in height, or has a street frontage of more than forty (40) feet, and includes large apartment buildings and hotels, and large commercial and loft buildings, including cast-iron fronted buildings, department stores, banks and office buildings.

(B) ***Existing original or historic window and door openings.*** New windows installed in existing original or historic openings will be approved if they match the historic windows in terms of

configuration, operation, details and finish. New doors installed in existing original or historic openings will be approved if they recall the historic doors in terms of configuration, operation, details and finish.

- (C) ***Existing non-original or non-historic window and door openings.*** If the existing window or door opening is not original or historic, or has been substantially modified, such as a window opening installed after the removal of a stoop and entrance door, or a door opening installed after the installation of a fire escape, the new window or door will be approved if it matches, or otherwise harmonizes with, the configuration, operation, details, material and finish of the historic windows and doors on the building. The design may maintain the existing opening or may include the modification of the height and width of the existing opening, and may introduce new architectural features on the area surrounding the opening, provided that:
 - (a) The design of the surround is consistent or harmonious with the materials and details of the building.
 - (b) For modifications to entrances at the base of the building, see § 2-14(i).

(iv) Other buildings in historic districts.

- (A) ***Applicability.*** For purposes of this subparagraph, “**other buildings**” include buildings such as churches and synagogues, hospitals, schools, libraries and the one- or two-story commercial building known as a “**taxpayer.**”
- (B) ***Existing original or historic window and door openings.*** New windows and doors installed in existing original or historic openings will be approved if they satisfy the criteria in set forth in paragraph (2) of subdivision (f) as determined by whether the other building type is seven or more stories in height or has more than forty (40) feet of street frontage.
- (C) ***Existing non-original or non-historic window and door openings.*** If the existing window or door opening is not original or historic, or has been substantially modified, such as a window opening installed after the removal of a stoop and entrance door, or a door opening installed after the installation of a fire escape, the new window or door will be approved if it matches or otherwise harmonizes with the configuration, details, material and finish of the historic windows and doors on the building. The design may maintain the existing opening or may include the modification of the height and width of the

existing opening, and may introduce new architectural features on the area surrounding the opening, provided that:

- (a) The design of the surround is consistent or harmonious with the materials and details of the building.
- (b) For modifications to entrances at the base of the building, see § 2-14(i).

(v) Buildings in Scenic Landmarks.

(A) ***Applicability.*** This subparagraph shall apply to buildings in Scenic Landmarks that are not Individual Landmarks, and shall include such buildings as educational centers, sports-related buildings, utility buildings (including sheds and maintenance buildings), stables, carriage houses, garages, boat houses, historic houses, police stations, zoo buildings, theater and performance buildings, and comfort stations.

(B) ***Existing original or historic window and door openings.*** New windows and doors installed in existing original or historic openings will be approved if they satisfy the criteria in set forth in paragraph (2) of subdivision (f) as follows: buildings six or less stories in height and with less than forty (40) feet of primary façade shall follow the criteria in paragraph (2)(ii) of subdivision (f), and shall follow the criteria in paragraph (2)(iii) of subdivision (f) if taller or with more than forty (40) feet of primary façade.

(g) **Secondary Facades: Visible Facades.** This subdivision applies to new windows and doors, and modified and new window and door openings, at visible portions of secondary facades for all building types.

(1) **Existing window and door openings.** New windows and doors installed in existing openings, whether original, historic or modified, will be approved if they match the historic windows and doors in terms of configuration and finish.

(i) **Existing window and door openings that do not contain a special window or door can be filled in provided:**

(A) ***If the façade is masonry,*** the window and door opening will be filled in with new masonry to match the surrounding masonry, except if an original or historic window opening is being filled in, the new masonry must be set flush with but not toothed into the surrounding masonry, or set slightly back of the plane of the façade, and the lintel and sill retained, provided that the filled in openings will not detract from the existing windows or doors on the secondary façade or the

primary façade if such filled in windows can be seen in conjunction with the primary façade. Notwithstanding the foregoing, original or historic window openings at the top floor of a building built as part of a row of identical or similar buildings, where the building retains its original height, cannot be filled in.

- (B) *If the façade is sided with wood*, the window or door opening can be filled in with wood to match the existing façade, except at the top floor of a building that was built as part of a row.

- (2) **Modified and new window and door openings.** New windows and doors installed in existing openings being modified by enlarging or reducing the opening in height and/or width, or new windows and doors installed in newly created openings, on visible portions of secondary facades will be approved if the modified or new opening, and the window or door, meet all of the following criteria as applicable:

- (i) Modified and new window and door openings.

- (A) A modified or newly created window or door opening will retain the same general shape and pattern as existing windows and doors on the same facade, or, where there are no existing openings, the newly created opening will be located in a place and be of a size and shape where it can form the basis for a regular and consistent pattern; and that the number, size or placement of the new window or door opening does not change the character of the facade as a secondary and subservient facade with a high solid to void ratio;

- (a) With respect to proposals for creating new window or door openings at secondary facades of row houses or townhouses, mansions, detached and semi-detached houses and carriage houses, staff may approve new window openings provided that, together with the existing openings, there is no more than one window opening on a secondary façade of less than twenty (20) feet, two window openings if the façade is between twenty-one (21) and forty (40) feet, and 3 window openings if more than forty (40) feet; the placement, pattern and sizes of windows on the façade do not detract from significant architectural features of the buildings or neighboring buildings if in a district; and the original window openings on the top floor of a rear facade are not modified, with the exception of one window opening which may be lowered to provide access to an approved or grandfathered balcony, terrace or deck. However, previously altered window openings on the top floor of these building types may be enlarged or reduced to restore or more closely match the original window openings, as deemed appropriate by

LPC Staff.

- (b) No opening with a special window or door may be modified.
- (ii) New windows and doors installed in modified and new window and door openings approved pursuant to subparagraph (i) of this paragraph will be approved if they match the historic windows and doors in terms of configuration and finish, and
 - (A) The new window or door will not replace a Special Window or Special Door;
 - (B) The new and/or modified window or door opening, and window or door, will not detract from the significant architectural features of the building or adjacent buildings by virtue of their proximity to such features.
- (h) **Secondary Facades: Nonvisible and Minimally Visible Facades.** New and modified window and door openings, and new windows and doors installed in existing openings, new openings, and modified openings will be approved if the proposed work meets all of the following relevant criteria:
 - (1) **New windows and doors in existing openings.**
 - (i) LPC Staff will approve a new window or door in an existing opening, provided the window or door being removed is not a special window or special door, except that if the “Special Window” is limited to distinctive glazing, the glazing can be removed and installed in a new window and in a new location on the façade;
 - (ii) Existing window and door openings that do not contain a special window or door can be filled in with new masonry to match the surrounding masonry or filled in with new façade cladding to match the surrounding façade cladding for non-masonry facades, except at the top floor of a building built as part of a row or identical or similar buildings where the building retains its historic height, and provided that the filled in opening does not detract from the existing windows or doors on the secondary façade. One (1) original or historic window opening at the top floor of a building built as part of a row may be filled in, if the new masonry is set slightly back of the plane of the façade and the lintel and sill are retained.
 - (2) **Modified window and door openings.**
 - (i) Existing window and door openings on the same floor, except as provided below for the top floor and bottom two floors, may be modified by enlarging or reducing the opening in height and/or width or combining

horizontally adjacent openings, provided that at least one bay of windows is not combined and the modified opening maintains the existing masonry wall or cladding at the outer piers, other mullions or muntins break down the scale of the window and the enlarged opening does not extend above or below a floor, and there are at least eighteen (18) inches between the enlarged opening and the windows above and below;

- (A) With respect to the top floor, the historic window openings cannot be modified except that one window opening may be lowered to provide access to an approved or grandfathered balcony, terrace or deck, including a new Juliette-style balcony, and the modified window opening may be widened if necessary to meet minimum code requirements;
 - (B) With respect to the bottom two floor levels of the existing building, a modified window and door opening can combine all windows and doors on a floor, and may span vertically between the bottom two floor levels to create a single large opening, if the modified opening will maintain at least twenty-four (24) inches of masonry or wall cladding at the outer piers and between the floors above the modified opening, and provided there is a spandrel or horizontal element of at least twelve (12) inches that marks the location of the missing floor and other mullions or muntins that break down the scale of the window, except that if the modified window is to be installed in an addition or extension that does not extend the full width of the building, 12 (twelve) inches of masonry or wall cladding must remain at the outer piers; and
 - (ii) At intersecting facades, such as those occurring at partial rear extensions, modified and enlarged openings may not wrap continuously around the outside or inside corners and must maintain at least 12 (twelve) inches of separation with masonry or wall cladding.
- (3) **New window and door openings.** The new opening must:
- (i) Match or be consistent with the size and scale of existing openings and placed so as to be consistent with an existing pattern or to create a consistent pattern; or
 - (ii) Match or be consistent with the modifications to existing window and door openings provided for in this section; and
 - (iii) Not detract from significant architectural features of the building or adjacent buildings.

- (4) **New windows and doors in modified existing openings and in new openings.** LPC Staff will approve new windows and doors to be installed in new openings and existing openings modified as permitted under this subsection, provided that:
- (i) The new window or door does not detract from any significant exterior architectural feature of the building or neighboring buildings by virtue of its proximity to such feature(s); and
 - (ii) If the opening has been widened, combined horizontally and/or vertically, the new windows and doors are subdivided to give the window scale and texture and, for purposes of this subparagraph, sliding glass doors may be installed in a modified or new opening if the opening faces onto a deck or the ground.
- (5) **For purposes of this subdivision (h),** a secondary façade is “**minimally visible**” if the façade is seen at such an angle that the configuration of the windows cannot be seen or is very difficult to discern, or only a small portion of the façade is seen through a gap in the streetwall and is visually disconnected from the primary façade of the building.
- (i) **Entrance Infill, Excluding Entrances in Storefront Infill.** LPC Staff will issue an approval for new entrance infill for existing entrance openings (e.g., at primary and secondary entries for lobbies, vestibules, service areas or egress), but not including entrance openings in Individual Landmarks, where no significant historic fabric exists, if the proposed work will restore the historic infill pursuant to the requirements of § 2-11(f) or meets all of the relevant criteria set forth below:
- (1) **Design.** The design of the new infill is based on the historic entrance prototypes and details within the specific historic district and for buildings of similar age, type and style, except that entrance infill for a building that already has entrance infill approved pursuant to this section must be harmonious with the previously approved entrance infill in terms of the design, materials and finish. At commercial and mixed-use buildings where entrance infill and storefront infill was installed in similar openings historically, the entrance infill can also be removed and replaced with storefront infill pursuant to § 2-12(c) of these rules.
 - (2) **Configuration.** The configuration of the new infill is consistent with the proportions of doors, sidelights, transoms and other features of historic entrance infill or previously approved entrance infill.
 - (3) **Door, transom and sidelight glazing.** Glazing in doors, transoms and sidelights must be clear, except that a gray-scale translucent treatment may be applied the interior face of glazing where existing interior conditions preclude the installation of clear transom windows; or at a service entrance.

- (4) **Framing.** Entrance framing must feature profiled trim that recalls the articulation of historic entrance framing, and the details will be traditional or contemporary, except that at small residential buildings the framing details must recall traditional framing.
- (5) **Orientation.** New infill must be installed parallel to the building's sidewalk and consistent with the plane of the facade, and must be set back from the face of the existing entrance surround the minimum dimension required to avoid concealing any significant architectural feature, including features previously concealed by existing entrance infill, but in no event less than four (4) inches from the face of the entrance surround.
- (6) **Entrances and doors.**
 - (i) The new entrance will be accessible if feasible or required by law; and
 - (ii) The design of the new door will maintain the design intent of new entrance infill required by this section, or will match the original or historic door pursuant to the criteria for door replacement addressed in subdivision (f) of this section.
- (7) **Material.** If the building was constructed prior to 1900, the material of the new infill must match the historic material, if known, or be wood; for buildings constructed in or after 1900, or built before and altered in or after 1900 to include entrances, the material of the new infill may be wood or metal or match the historic material, except that:
 - (i) At small residential buildings of six (6) stories or less and with a street frontage of forty (40) feet or less, the material of the new infill must match the historic material, except that corner rowhouses, town houses, mansions, detached and semi-detached houses and carriage houses are subject to this clause regardless of the length of the façade with the longest street frontage.
 - (ii) Service entrances, such as those that historically accessed freight elevators or had other utilitarian uses, may be wood or metal regardless of when the building was constructed, in keeping with similar service entrances found within the specific historic district and for buildings of similar age, type and style.
- (8) **Finish.** New entrance infill must have a finish that recalls the finish of historic or approved entrances or is otherwise harmonious with the building.

- (9) **Removal of modern cladding.** If an applicant is proposing to remove modern cladding on the entrance or the area surrounding the entrance, the applicant must first perform probes of the material to see if historic material or elements exist behind the modern cladding.
- (i) If significant historic material or elements exists underneath the cladding, the historic material must be restored and the new entrance can only be approved pursuant to § 2-11(f).
 - (ii) If a significant portion of the historic entrance surround exists underneath the cladding, but no historic entrance infill remains, the entrance surround must be restored, pursuant to § 2-11(f), as part of the application for new entrance infill under this paragraph.
- (10) **Restoration of the original entrance opening.** If the original entrance opening has been reduced or increased in size the design may maintain the existing entrance opening, or may include the restoration of the height and width of the original opening, except that where interior conditions preclude restoration to the original height (e.g., later structural elements or existing interior roll gate housing or mechanical systems):
- (i) The existing entrance opening may be enlarged or reduced to the greatest extent feasible; and
 - (ii) The design of the surround is consistent with or harmonious the materials and details of the historic base of the building.
- (11) **Modification of the existing entrance opening.** If the existing entrance opening is not original to the building, the proposed work may maintain the existing entrance opening or may include the modification of the height and width of the existing opening, and may introduce new architectural features on the area surrounding the entrance, provided that the design of the surround is consistent or harmonious with the materials and details of the historic base of the building.

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§2-15 ADDITIONS: ROOFTOP AND REAR YARD ADDITIONS OR ENLARGEMENTS.

(a) Applicability.

- (1) This section addresses LPC Staff approvals for additions to existing buildings, including rooftop, rear and side yard additions. It does not apply to additions to buildings in scenic landmarks.
- (2) This section does not apply to any building already subject to a District Master Plan that includes criteria for additions. (See Chapters 4, 6 and 12, and the Sunnyside Gardens Historic District guidelines.)
- (3) The design and installation of additions consisting of heating, ventilation and air-conditioning equipment must meet the requirements set forth in § 2-21. Flues and chimneys that are part of an addition or that must be raised as a result of an addition are included in this section.
- (4) For purposes of this section, “**minimally visible**” means the visibility of a portion of an addition or enlargement which, from its maximum point of visibility, when viewed from any public thoroughfare:
 - (i) Projects into the maximum line of sight from such public thoroughfare no more than twelve (12) inches in height if the addition or enlargement is less than sixty (60) feet above the ground, projects no more than 18 inches if the addition or enlargement is between sixty-one (61) and eighty (80) feet above the ground, and projects no more than 24 inches if the addition or enlargement is between eighty-one (81) and one hundred (100) feet above the ground, and projects no more than thirty-six (36) inches if the addition is more than one hundred (100) feet above the ground, and the visible portion of the addition does not span more than fifty (50) percent of the length of the façade it is seen above unless it is an open railing or other installation with a similar open quality; or
 - (ii) Otherwise does not call attention to itself or detract from any significant architectural features of the building or other buildings if in a historic district. In determining whether an addition does not call attention to itself or detract, LPC Staff will consider the following factors:
 - (A) The addition is visible at a significant distance;
 - (B) The addition is visible from limited vantage points, including through alleyways, yards, or similar open portions of sites which are not building sites;

- (C) The addition is visible from an oblique angle; or
 - (D) The addition is visible in combination with other existing additions or structures that share a similar level of visibility.
- (5) For purposes of this section, the term “**primary façade**” means:
- (i) a façade fronting a street or public thoroughfare that is not a street, such as a mews or court;
 - (ii) A visible façade that possesses a level of design or significant architectural features that are commensurate with the building’s street-fronting façade(s), and where such façade (A) faces but does not front a street, such as a setback façade, or (B) is part of a dominant massing element where at least one façade is street-fronting or street-facing, such as a tower element; and
 - (iii) A façade with a primary entrance to the building.
- (b) **Rooftop Additions of Occupiable Space: General Requirements.** The following criteria apply to all additions of occupiable space approvable by LPC Staff, subject to specific exemptions described below. For purposes of this section, “**occupiable space**” means a room or enclosure and accessory installations that are intended for human occupancy or habitation.
- (1) The addition is as-of-right for bulk, massing and height under the Building Code and the Zoning Resolution;
 - (2) The installation of the addition will not damage or remove a significant feature of the roof;
 - (3) The addition is not on top of an existing rooftop addition but may expand an existing addition horizontally, and is not more than one story, with a maximum height of eleven (11) feet as measured from the mid-point on the existing roof of the structure on which such addition is to be constructed; and
 - (4) The addition is back at least three feet from the plane of the rear façade.
- (c) **Rooftop Additions of Occupiable Space: Specific Requirements.** In addition to the criteria set forth in subdivisions (b) and (g) of this section, the following criteria apply:
- (1) **Individual landmark.** LPC Staff may approve an addition of occupiable space if the addition and any chimney or flue that needs to be raised because of the addition, or any railing associated with such addition, is not visible from a public thoroughfare.

- (2) **Building within a historic district.** LPC Staff may approve an addition of occupiable space if:
- (i) The addition is not visible from a public thoroughfare in connection with the primary façade, except that a required enlargement of an existing chimney and/or exhaust flue associated with the construction of the addition may be minimally visible in combination with either a primary or secondary facade where:
 - (A) The quantity and dimension of the flue extension will be limited to the greatest extent feasible;
 - (B) The proposed chimney or exhaust flue extension will be seen in combination with other existing additions, enlargements, or other construction of a comparable size; and
 - (C) The chimney or flue extension will not draw undue attention to itself or detract from significant features of the building on which it is located or neighboring buildings; and
 - (ii) The addition is not visible in connection with a secondary façade of the building or neighboring buildings, except that an addition constructed on top of a building seven (7) stories or greater in height can be minimally visible over a secondary façade.
- (d) **Rooftop Additions of Non-occupiable Space; Specific Requirements.** In addition to the criteria set forth in subdivision (b), the following criteria apply to additions of non-occupiable space. For purposes of this subdivision, “**non-occupiable space**” means structures; stair and elevator bulkheads, skylights, satellite dishes, unenclosed decks, pergolas, trellises, and privacy screens, fences and railings. Criteria for the installation of heating, ventilation and air-conditioning equipment (“HVAC”) and other equipment such as alternative or distributive energy equipment (including solar panels and wind turbines), batteries, water tanks and emergency generators and their dunnage, are codified in § 2-21 (“Installation of Heating, Ventilation, Air Conditioning and Other Mechanical Equipment) of these rules.

(1) **Individual landmarks.**

- (i) The addition or structure will not be visible in connection with the primary façade, except such addition may be minimally visible if installed more than sixty (60) feet above the ground; and
- (ii) The addition or structure may be minimally visible in connection with a secondary façade if the addition:

- (A) Will not be seen in connection with a distinguishing architectural feature; and
- (B) Will be finished to blend with the predominant finish of the predominant material and/or finish of the secondary facade, or adjacent structures or comparable adjacent features so as not to call attention to itself.

(2) **Building within a historic district.**

- (i) The addition or structure is no more than minimally visible in connection with the primary façade, provided the applicant demonstrates that it is not feasible to make the addition not visible, except that LPC Staff will approve work that increases visibility of an existing addition or structure if such increase is required by the Building Code or Fire Code and there is no feasible alternative. For purposes of this paragraph, LPC Staff will approve an elevator bulkhead adjacent to the front façade that is more than minimally visible where the elevator shaft is in its historic location, the elevator is not being extended to service an additional floor or floors, the bulkhead is the minimum necessary to meet relevant codes, the bulkhead is in a material and with a finish that relates to the primary façade or is utilitarian and does not call undue attention to itself, and buildings with elevator bulkheads adjacent to the front façade are commonly found in the historic district, including the Soho-Cast Iron Historic District and the SoHo-Cast Iron Extension, the Tribeca East, West, North and South Historic Districts, the NoHo Historic District, the NoHo East Historic Districts, The NoHo Extension and the Ladies Mile Historic District;
- (ii) The addition or structure may be minimally visible in connection with a secondary façade of the building or neighboring buildings.

(e) **New and Enlarged Dormers on the Rear Facade of a Building within a Historic District.** LPC Staff may approve the installation of one or more non-visible dormers on a peaked or pitched roof, where such roof is considered a significant feature, where:

- (1) The design and materials of the new dormer(s) will be in keeping with the style and type of dormers on buildings of a similar age and style, and will harmonize with the building's fenestration pattern; and
- (2) The dormer(s) is to be constructed on a peaked or pitched roof facing the rear yard and:
 - (i) A new dormer or an enlarged dormer does not encompass the entire width of the roof, and the historic roof pitch is maintained for at least twenty-four (24) inches at both sides of the dormer; and

- (ii) The highest point of the dormer is at least eighteen (18) inches below the existing ridgeline of the roof and set back at least eighteen (18) inches from the plane of the rear façade, unless the building is of a type or style that historically had a higher or lower dormer, and retains a portion of the roof below the dormer.

(f) **Rear Yard Additions on Buildings in Historic Districts but not including Individual Landmarks.** LPC Staff may approve a rear yard addition if the addition meets the following relevant criteria:

- (1) The addition is not visible from a public thoroughfare;
- (2) The addition is as-of-right for bulk, massing and height under the Building Code and Zoning Resolution;
- (3) The proposed work satisfies the criteria for excavations (see § 2-16, “Excavation”);
- (4) No significant architectural features, including but not limited to decorative lintels and/or sills, and projecting bays, but not including simple corbeled brickwork at the top of a facade or parapet, will be lost or damaged as a result of the construction of the addition;
- (5) A majority of the buildings of a similar type that share the open space within the interior of the block, within the historic district, feature rear yard additions or els;
- (6) The depth and height of the proposed addition is not deeper than the predominant depth or taller than the predominant height of additions or els on buildings of a similar type, and in no event shall the proposed addition rise to the full height of the rear facade, except that parapets and railings may extend above the predominant height of additions, up to forty-two (42) inches above the roof or deck surface of the addition required by the Building or Fire Codes, but must be at least fifty (50) percent open using railings at the façade of the addition facing the central open space of the block;
- (7) The façade(s) of the addition recall(s) the character of rear facades and additions of buildings of its type within the historic district in terms of materials and fenestration, including:
 - (i) Traditional and modern materials and finishes at the façade facing the central open space, such as brick, stucco or fiber cement siding, but excluding exposed or painted concrete or concrete masonry units, vinyl siding, and exterior insulated finish systems (“EIFS”). The lot-line walls must have a neutral finished surface, but cannot be exposed or painted concrete or concrete masonry units or vinyl siding;

- (ii) Window and door openings and configurations that will be consistent with the criteria established in § 2-14 for new and modified windows and doors at minimally or non-visible secondary facades; and
 - (iii) If the work involves combining adjacent buildings the addition expresses the original width of each of the historic buildings.
- (8) The proposed addition or enlargement will not extend to the rear lot line or substantially eliminate the presence of a rear yard; except an addition may be approved which fills in an enclosed central or side court that is not open to the rear yard, and the addition is no more than one story above the existing grade.
- (9) Decks. A rear façade of a building, or an existing addition or proposed addition may include a projecting wood or metal deck that is minimally visible, provided the deck projects from the ground or parlor floor and extends no more than eight (8) feet from the façade it projects from, excluding steps from the deck down to the rear yard, but in no instance shall the deck intrude into a required rear yard. If the deck is proposed to be projecting from a proposed addition, the existence of the deck shall not be a factor in determining the depth of the proposed addition, as determined by paragraph (6) above.
- (g) **Rooftop and Rear Yard Additions: Cumulative Impact of Additions.** LPC Staff will consider the cumulative impact of occupiable rooftop and rear yard additions when considering an application for an addition. LPC Staff will not approve a new occupiable rooftop addition if there is an existing or approved rear yard addition, but not including an original partial width “el”, or a new rear yard addition if there is an existing or approved occupiable rooftop addition. For purposes of this subdivision, a deck above the rear yard off the historic rear façade shall not count as a rear addition. Nothing in this subdivision shall prevent LPC Staff from approving the rebuilding of an existing rear yard or rooftop addition.

§2-16 EXCAVATION.

- (a) **Introduction.** Excavation on landmark sites or within historic districts must comply with all requirements of the Department of Buildings. The purpose of this section is to ensure that applicants demonstrate they have an understanding of the physical and structural conditions of the building and, where relevant, adjacent buildings, and to protect these buildings.
- (b) **Application Materials.** Except for work exempt from these requirements as described in paragraph (5) of this subdivision, an application for excavation work must, in addition to any other plans and materials required for the work, include:
- (1) A structural conditions report that addresses the building's age and original construction type, and the condition of the foundations and facades;
 - (2) A pre-construction site survey;
 - (3) A finished draft of the Department of Buildings Structural and Support of Excavation filing drawings;
 - (4) A plan for monitoring the facades of any building of six (6) stories or less which
 - (i) was constructed before 1901;
 - (ii) is constructed of wood;
 - (iii) has an unreinforced masonry foundation; or
 - (iv) has a foundation of stone or brick that is affected by or adjacent to the excavation; and
 - (5) An application for excavation that does not require underpinning, or requires only limited underpinning and does not occur at or adjacent to any designated building that falls under any of the categories described in paragraph (4), will not be required to include the additional materials listed in paragraphs (1) through (4) of this subdivision.
- (c) **Excavation Work.** LPC Staff will issue a permit for excavation work as described below, provided the work meets all of the following criteria and pertains to:
- (1) The lowering and replacing of the lowest existing floor slab (e.g., the basement or cellar) to increase the floor-to-ceiling height to no more than ten feet from floor to ceiling.

- (2) The construction of new structural elements, or repairs to existing structural elements related to a building's infrastructure, including but not limited to footings and foundation walls, retaining walls, pits for elevators and escalators.
- (3) The construction of new architectural elements, or repairs to existing architectural elements (including but not limited to light wells, stair-wells, sunken terraces, in-ground pools or water features, planting beds and other significant landscape features and significant re-grading); provided the LPC Staff determines the effect of such work will not substantially eliminate the presence of a rear yard, will provide for at least a five (5)-foot unexcavated planting area at the rear of the lot, and will have no effect on significant architectural features of the building or adjacent buildings if the work is occurring within a historic district.
- (4) The construction of a new crawlspace or cellar or basement story below an existing addition or new, approved addition, to a depth not to exceed the lowest story of the original building, taking into account a modification approved pursuant to paragraph (1) of this subdivision.
- (5) The work will be designed and executed in compliance with Department of Buildings regulations under the supervision of a licensed professional engineer or registered architect, with the goal of protecting the building's facades and the facades of adjacent buildings.

§2-17 FRONT, SIDE AND REAR YARDS.

(a) Alterations to Front Areaways of Rowhouses, Townhouses, Flats, Tenements and Other Attached Buildings.

- (1) **General.** Areaways historically have been modified to address access and safety concerns, and to add greenery. This includes the addition of, and modification to, walls and fences around areaways, modification of the areaway itself, modifications to main entrances and entrances underneath stoops, and the addition of planting areas and planters.
- (2) **Alterations to areaway paving, steps, or planted areas.** LPC Staff will issue an approval for alterations to or involving paving, steps or planted areas if the work meets all of the following relevant criteria:
 - (i) The work will be contained within the areaway, which is defined as the area in front of a rowhouse, townhouse, flat, tenement or other attached building typically constructed without a side yard, which often is enclosed by a fence, balustrade or wall;
 - (ii) The work will not result in the removal or destruction of significant architectural features;
 - (iii) The proposed paving materials are consistent with the paving materials historically found in areaways and yards of buildings of a similar age and type, or will match the adjacent sidewalk in terms of material and color;
 - (iv) The size and placement of the planted area, including at-grade planting beds and built-in or attached planters, will not call undue attention to itself or detract from significant architectural features of the building or adjacent buildings if in a historic district;
 - (v) Adjustments to steps or planted areas will not substantially alter the apparent grade of the areaway or yard. For purposes of this subparagraph:
 - (A) Lowering the entire areaway, including the removal of one step, to allow at-grade access from the sidewalk to the areaway;
 - (B) Excavation to accommodate new steps or reconfiguration of existing steps to improve access to a basement level entrance, including enlarging or widening steps, will be approved, provided:
 - (a) The excavation and steps will occupy fifty (50) percent or less of the square footage of the areaway;

- (b) The excavation, steps and landing are in keeping with expanded basement entrances found on buildings of similar age and style within the historic district; and
 - (c) The excavation, steps and landing do not detract from significant architectural features of the building or, if the building is part of a row, do not detract from adjacent buildings or the streetscape;
- (C) Excavation to construct a small ramp with no switchbacks to provide access to a basement entrance, which does not require railings or only minimal railings (such as well-mounted handrails or simple posts with top rails), provided the work does not affect more than fifty (50) percent of the areaway; and
- (vi) The proposed areaway changes will be compatible with the special architectural and historic character of the building and the historic district.
- (3) **Garbage enclosures.** LPC Staff will issue an approval for new or replacement garbage enclosures that are not easily moveable if the work satisfies all of the following relevant criteria:
- (i) The work will be contained within the areaway defined by an existing fence, balustrade or wall, and will not result in damage to or the removal of architectural fabric from the building's façade, or areaway enclosure;
 - (ii) The garbage enclosure will not be physically attached to the building, areaway fence or wall, but instead will be attached to the areaway paving, but not through historic paving material;
 - (iii) The garbage enclosure will be of a simple design and painted to match the immediately adjacent façade or areaway enclosure material, or otherwise will have a neutral or dark finish that does not call undue attention to itself;
 - (iv) The enclosure will be limited in footprint and height to the general dimensions of the garbage receptacles it contains, and its size does not detract from the overall areaway proportions and configuration, or the building.
- (4) **Lampposts.** LPC Staff will issue an approval for the installation of lampposts in the areaway, defined by an existing fence, balustrade or wall, if the work meets all of the following relevant criteria:
- (i) The lamppost will not be installed through historic paving material;

- (ii) The proposed lamppost will be situated at least several feet from the primary façade so as not to directly obscure significant architectural features;
 - (iii) The proposed placement of the lamppost relates to the spacing of elements within the areaway, such as the steps, planted areas and under-stoop entrance, and does not conflict with the façade's composition;
 - (iv) The proposed installation will not result in exposed conduit;
 - (v) The lamppost and lantern will be of a simple and proportional design, and will not exceed the sills of the parlor (or second) floor windows in height;
 - (vi) The lamppost and lantern will be metal and have a black painted finish; and
 - (vii) The proposed lamppost is in keeping with similar lamppost and areaway configurations within the streetscape and historic district.
- (5) **Basement/cellar level access hatches.** LPC Staff will issue an approval for basement/cellar access hatches if the work satisfies all of the following relevant criteria:
- (i) The proposed hatch will not be installed through historic paving material where feasible;
 - (ii) The placement of the hatch will not damage or directly obscure any significant architectural features of the building; and
 - (iii) The hatch will be constructed in wood or metal with a dark or neutral finish, in keeping with similar utilitarian installations.

(b) **Installation of New Ironwork.**

- (1) **Scope.** This subdivision concerns applications for ironwork on top of areaway or stoop walls, or at alleyways, where the building has not previously had such ironwork of a type found on similar building types. For example, many stoops have been altered over time by the addition of handrails on the side or on top of stoop walls. Applications to restore or re-create original or historic ironwork must be made consistent with the criteria set forth in § 2-11.
- (2) **New ironwork at areaways, stoops, service alleys or facades where no historic ironwork exists.** LPC Staff will approve such work as follows:
 - (i) The installation of the new ironwork will not conceal, damage, or cause the removal of significant architectural features;

- (ii) The new ironwork, with respect to its location on the building or property (e.g., on top of the areaway wall or stoop wall) and its scale and visual characteristics (including details and finish), will match or recall ironwork typically found on buildings of similar age, style and type; and where the building is part of a row, it is harmonious with other ironwork in the row;
- (iii) The installation of the new ironwork will be harmonious with the special architectural and historic character of the building and the historic district.

(c) **Walls and Fences.**

(1) **Scope.** This subdivision concerns applications for walls and fences at small residential buildings, including rowhouses, townhouses, flats, and tenement buildings. LPC Staff will approve proposals that satisfy the criteria set forth below:

(i) **New areaway wall or fence.**

- (A) The new wall or fence will not conceal, damage, or cause the removal of significant architectural features; and
- (B) The scale, visual characteristics and location on the building or property of the new wall or fence will be in keeping with the age and style of the building, and, where the building is part of a row, is harmonious with other walls or fences in the row.

(ii) **New fences at small residential buildings, including rowhouses, townhouses, flats and tenement buildings.**

(A) ***LPC Staff will issue an approval for a rear yard fence if the work meets all of the following relevant criteria:***

- (a) The fence will not exceed six (6) feet in height;
- (b) The fence will have a perforated or open design, which can include a portion of the fence being solid, if installed along the sidewalk at a corner building; and
- (c) The fence will be constructed in wood or iron, whichever is most compatible with the building's age and style, and finished in a dark or neutral color, or clear finish. If visible, the design and finish of a metal fence should be simple and based on ironwork found in the district on buildings of similar type. If the fence is made of wood, the finished side must face away from the property if installed at the sidewalk of a corner rowhouse.

- (d) Variations in material will be considered if the fence is not visible from a public thoroughfare and otherwise complies with applicable codes.
 - (e) A masonry wall, but not including cement masonry units enclosing a rear yard shall be approved if not visible and is no more than six (6) feet in height.
- (B) ***LPC Staff will issue an approval for a metal picket fence at the side yard of a corner rowhouse if the work meets the following relevant criteria:***
- (a) The fence will match the height of an areaway fence but shall not exceed 36 inches in height;
 - (b) The fence will be simply designed and have a black or dark finish.
- (2) **Garden historic districts.** This paragraph applies to proposals to install walls and fences in garden-style houses and apartment buildings in districts designated in part for the relationship between gardens and plantings and the buildings, including but not limited to buildings in the Sunnyside Gardens Historic District and the Jackson Heights Historic District. LPC Staff will approve applications for walls and fences if the following relevant criteria are met:
- (i) **Sunnyside Gardens Historic District.** In the case of the Sunnyside Gardens Historic District, a new rear yard fence will be approved by LPC Staff if the fence:
 - (A) Will enclose the immediate rear yard behind the building that was not part of what was historically the shared common space. An application to enclose some or all of the rear yard that was historically part of the shared common space must be accompanied by proof that the restrictive easement providing for common space has lapsed and is no longer in place;
 - (B) Will not exceed thirty-six (36) inches in height; and
 - (C) Will be constructed of metal picket fencing with a dark finish.
 - (ii) **Jackson Heights Historic District.** In the case of an apartment building in the Jackson Heights Historic District, a new fence will be approved by LPC Staff if the fence:
 - (A) Will be limited to the planting area around the building;

- (B) Has a black painted metal picket design that has an open quality; and
 - (C) The curb and fence combined will not exceed thirty (30) inches in height.
- (iii) Jackson Heights Historic District. In the case of an original single- or two-family house in the Jackson Heights Historic District, LPC Staff will approve a low brick retaining wall at the border of the sidewalk and front yard if:
- (A) The retaining wall will be as short as possible to contain erosion and in no event is higher than five brick courses, inclusive of a coping of brick or cast stone;
 - (B) The brick will closely match the brick façade of the building;
 - (C) The retaining wall will not feature decorative brickwork or ironwork;
 - (D) The retaining wall will not incorporate a perpendicular run from the sidewalk to the house, except a return to meet the lower stairs, which would divide the continuous front lawns of the row; and
 - (E) The retaining wall will match the height and design of an adjacent low garden wall that meets the requirements of this section or, if there is no adjacent retaining wall, is compatible with other low retaining walls on the block that meet the requirements of this section in terms of height and design.
- (3) **Free-standing houses.** LPC Staff will issue an approval for the installation of a fence at free-standing houses if the work satisfies all of the following relevant criteria:
- (i) The fence will be placed in the side or rear yard, behind the street-facing façade(s);
 - (ii) The fence will not exceed six (6) feet in height and is constructed of wood with the finished side facing away from the property;
 - (iii) Variations in the height and material will be considered if the fence is not visible from a public thoroughfare or the fence is permanently obscured from view by vegetation and the building otherwise complies with applicable codes.

(d) **Driveways.**

(1) **General criteria.**

- (i) **New driveway.** LPC Staff will approve a new driveway only in districts where driveways are a common feature. As a general matter, these districts are comprised of what were historically detached single-family dwellings. If there is currently no existing curb cut, the applicant must provide documentation that the new curb cut will comply with the Zoning Resolution and the City Administrative Code, and that the applicant has filed for the curb cut with the Department of Buildings and the Department of Transportation.
- (ii) Proposals to install a driveway or parking pad within the areaway or front yard of an attached or semi-attached house, or a row house, will require review by the full Commission at a Public Hearing.

(2) **Specific criteria.** LPC Staff will issue an approval to repair, alter or replace an existing driveway, and for a new driveway and a curb cut at the front, side or rear yard, if the work satisfies all of the following relevant criteria:

(i) **Repair, alteration and replacement of an existing driveway.**

- (A) Repairs will match the existing driveway in terms of materials, details and finish;
- (B) The existing footprint of a driveway may be altered by widening or creating a bump-out for turning or parking, provided the materials match the existing materials; the alterations do not significantly reduce the amount of green space of the yard; and the driveway is well scaled to the yard and building;
- (C) Replacing an existing driveway. The materials and design of an existing driveway may be replaced as follows:
 - (a) If the existing driveway is an original or historic driveway and retains its original material and design, the replacement must match the material and design but the footprint may be altered as provided in clause (B) of this paragraph;
 - (b) If the existing driveway is not an original or historic driveway, it may be replaced with a driveway with different materials and design provided the new driveway satisfies the criteria of clause (E) of subparagraph (ii) of this paragraph.

(ii) **New driveway where none currently exists.**

- (A) The installation of the driveway and curb cut will not eliminate any significant architectural feature, paving, or fabric from the building or site;
 - (B) The proposed location and design of the driveway and curb cut will be consistent with other buildings found in the historic district;
 - (C) The driveway will not significantly reduce the open and planted space within the yard and will not result in the loss or damage of a significant landscape improvement or feature identified in the relevant designation report;
 - (D) The driveway and curb cut are well scaled to the yard and building; and
 - (E) The proposed driveway paving materials match the predominant paving material and pattern within the streetscape, except staff may approve a substitute paving material that recalls the predominant paving material if the substitute meets applicable standards for improving the permeability of the paved surface and otherwise does not detract or call undue attention to itself.
- (e) **Accessory Ramps.** LPC Staff will issue an approval for an accessory ramp for loading or other service functions that are not intended or required for barrier-free access, if the work satisfies all of the following relevant criteria:
- (1) It is located within a service alley, or side or rear yard of a large apartment, hotel, or commercial building;
 - (2) The installation will be significantly obscured by existing masonry walls or ironwork;
 - (3) The proposed installation or any required excavation will not result in damage to or the removal of significant architectural features or historic fabric, including historic paving;
 - (4) The ramp will not block a window or obscure any significant architectural features of the building;
 - (5) The ramp will have no switchbacks and will be constructed in a material that matches the predominant paving or façade material, or is otherwise neutral in appearance and does not detract from the building or streetscape; and
 - (6) The railings will be simply designed or based on existing ironwork found on the building, and will have a black or neutral finish.

§2-18 BARRIER-FREE ACCESS.

(a) **Introduction.**

- (1) Historic structures can and should be made accessible.
- (2) Accessible routes should coincide with or be located in the same general area of regular circulation paths, and the primary entrance should be accessible wherever possible.
- (3) Proposed alterations to make a building or space accessible must comply with applicable statutes and codes, including the American National Standard (ANSI), the New York City Building Code, and the Americans with Disabilities Act Standards for Accessible Design.
- (4) Applications for barrier-free access should take into consideration changes to interior spaces that may reduce grade changes at the entrance which will lessen the level of impact of, or eliminate the need for, exterior changes.
- (5) Where there is more than one acceptable approach for making a building or space accessible, LPC Staff will approve the proposal that will allow barrier-free access with the least impact on significant architectural features of the building and neighboring buildings if the work is occurring in a historic district.
- (6) Where proposed alterations to make a building accessible will have a major impact on significant architectural features, LPC Staff may ask an applicant to seek a waiver. Accessibility waivers may be granted by the Department of Buildings after consulting with the Mayor's Office of People with Disabilities. If no waiver is granted the application shall be reviewed by the full Commission at a Certificate of Appropriateness public hearing.
- (7) Proposed work that does not conform to these rules, such as a wheelchair platform lift on an Individual Landmark, will be reviewed by the full Commission at a Certificate of Appropriateness public hearing.

(b) **At-Grade Entrances.** LPC Staff may issue a permit for a proposal to lower an existing entrance at a building in a historic district or a building in a scenic landmark that is not an individual landmark to provide an accessible at-grade entrance if the work meets all of the following relevant criteria:

- (1) The work required to bring the entrance to grade, including the removal of the existing steps, landings, ramps, or other elevated elements at the entrance point, will not result in damage to or the removal of significant architectural features of the building, except as noted below;

- (2) Except as note below in clause (4), the proposal involves dropping or raising the entrance no more than eighteen (18) inches at a prominent primary entrance and no more than thirty (30) inches at other entrances to the building;
 - (3) Historic materials and features removed in connection with the work will be re-used where possible;
 - (4) If the treads contain cast iron vault lights, only one tread can be removed to create the at-grade entrance and the tread is installed flush at the entry to recall the presence of the vault lights;
 - (5) A sidewalk may be modified, including sloping a sidewalk to make an entrance accessible, provided the work meets the requirements of § 2-19 of these rules;
 - (6) A new door for the modified entrance shall have proportions that recall the historic door, which may require the addition of a transom to the door opening; and
 - (7) The proposed work will allow for barrier-free access for the building in the least obtrusive manner possible.
- (c) **Door and Door Surround Changes.** LPC Staff may issue an approval for proposals to alter doors and door surrounds for buildings in historic districts and scenic landmarks that are not individual landmarks to meet accessibility requirements, such as clearance, if the work meets all of the following relevant criteria:
- (1) **If the existing door is original or historic:**
 - (i) The proposed work will retain the historic fabric at the entrance, such as sidelights, door(s), transoms, framing or door surround detailing; and
 - (ii) Historic doors and vestibule entrances may be altered with respect to door swing, changing hardware and hinges, and the installation of automatic opener hardware provided the door configuration and details are maintained.
 - (2) **If the existing door is not original or historic:**
 - (i) The proposed work will retain a maximum amount of historic fabric at the entrance, such as sidelights, transoms, framing or door surround detailing;
 - (ii) The door opening may be widened up to eight (8) inches if necessary to meet applicable codes, provided that the door surround is recreated in-kind with the necessary adjustments for the new door opening;

- (iii) The operation of replacement doors may be altered to meet required clearances, such as paired doors that may be changed to a single door with a fixed leaf or sidelight condition, or a single door with the appearance of paired doors;
 - (iv) The width of operable leaves and sidelights may vary from the historic condition provided that the replacement door(s) recalls the historic detailing and general configuration;
 - (v) A replacement door in an alternate material may be installed to meet force limitations in operating the leaf;
 - (vi) The replacement doors and accompanying elements must recall the historic condition in terms of configuration, detailing, material (if it meets code), and finish; and
 - (vii) The proposed changes to the door and door opening will not detract from the special architectural and historic character of the building.
- (d) **Actuators for Automatic Doors.** LPC Staff may issue an approval for proposals to install an actuator device if the work meets all of the following relevant criteria:
- (1) **Door actuators installed on building facades.**
 - (i) The push plate or actuator will be as small as feasible and located in the least obtrusive place possible;
 - (ii) The actuator will not be installed through decorative features or cast iron;
 - (iii) The actuator will be installed on flat unornamented masonry, brick, or metal, or at non-historic storefront infill, at a door return or side of a plain masonry pier, and will be attached through mortar joints or seams to minimize damage to historic fabric. Such proposed installation will to the greatest extent feasible not result in exposed conduit; and
 - (iv) The installation will not call undue attention to itself or otherwise detract from significant architectural features of the building or adjacent buildings.
 - (2) **Door actuators installed on free-standing bollards, stanchions or posts (collectively “posts”).** If the actuator cannot be installed pursuant to paragraph (1) of this subdivision due to façade conditions or other constraints, LPC Staff will approve an actuator installed on a post where the post is:
 - (i) Installed into non-historic paving;

- (ii) Simply designed and finished to match the adjacent façade material or other neutral finish; and
- (iii) The post will be an unobtrusive presence in conjunction with the façade and will not detract from or obscure any significant architectural features of the building.

(e) **Handrails and Areaway Alterations.**

(1) **LPC Staff will issue an approval for a proposed handrail on an existing stoop or areaway steps on a building in a historic district or scenic landmark if the work meets all of the following relevant criteria:**

- (i) The installation of the handrail will not damage any decorative features of the masonry stoop walls, ironwork, or areaway enclosure;
- (ii) The handrail will be simply designed and will not detract from the significant architectural features of the building; and
- (iii) The handrail will be attached to the coping of the stoop wall, inside the stoop wall, or at the treads, whichever location the LPC Staff determines is the least obtrusive, taking into account other such installations on the block and the purpose of the handrail.

(2) **LPC Staff will issue an approval for a proposal to alter an areaway enclosure to accommodate an accessible entrance:**

- (i) If the areaway enclosure consists of historic ironwork or masonry, the alterations are as minimal as possible to meet accessibility requirements and the ironwork and/or masonry is finished to match the historic condition; and
- (ii) If no historic fabric exists in the areaway, the ironwork and/or masonry is finished to match the existing conditions.

(f) **Ramps.** LPC Staff may issue an approval for certain ramps as specified below. For purposes of this subdivision, a “**ramp**” includes the associated landing(s) and any steps integrated into the ramp.

(1) **Ramps without handrails.** Ramps that do not require a handrail may be approved on individual landmarks and buildings in historic districts and scenic landmarks if:

- (i) The installation will not result in damage to significant historic fabric, including sidewalk paving materials or vault lights, steps and landings, or will involve the removal or modification of discrete portions of historic

fabric, and the fabric that is removed is re-used in connection with the ramp work where possible;

- (ii) The ramp will be constructed in materials to match the immediately adjacent façade material or sidewalk and threshold paving, or with utilitarian materials with a neutral finish so as to have an unobtrusive presence on the building;
 - (iii) The ramp will be as short as possible, with no switch-backs, except that LPC Staff may approve a longer ramp, with no switch-backs, if the longer ramp will have less visual impact on the façade; and
 - (iv) The proposed changes will not detract from the special architectural and historic character of the building.
- (2) **Ramps with handrails.** Ramps that require a handrail may be approved for buildings in historic districts and scenic landmarks that are not individual landmarks if:
- (i) The installation of the ramp and handrails will not eliminate or conceal any significant architectural features of the building or sidewalk, or landscape feature if in a scenic landmark, except as provided for below;
 - (ii) The installation is obscured or partially obscured by existing architectural features where possible, such as ironwork or masonry walls;
 - (iii) The ramp will be as short as possible, with no switch-backs and intermediate landings, except that LPC Staff may approve a longer ramp, with no switch-backs, if they determine that the longer ramp will have less visual impact on the façade;
 - (iv) For storefronts, the ramp will be confined to the storefront or building associated with the entrance being made accessible;
 - (v) For buildings with deeply recessed entrance courts or areaways, a ramp must be located within the recess, unless LPC Staff determines that a different location provides equal accessibility with less impact on the building;
 - (vi) The presence and location of the ramp will not disrupt, or will be consistent with, the façade's composition. For purposes of this rule, steps and landing leading to the entryway that are extending outward to receive the ramp should retain the historic orientation where feasible, and the favored position for a ramp in a recessed court or areaway is presumed to be off to one side so that it is as inconspicuous as possible, but, depending on the façade's composition, LPC Staff may determine that another location is

more consistent and harmonious with the design of the façade;

- (vii) Minimal excavation will be permitted to facilitate barrier-free access;
 - (viii) The handrail will be simply designed with the minimum number of vertical elements permitted;
 - (ix) The ramp will be simply designed and constructed in materials to match the immediately adjacent façade material or ironwork, or with utilitarian materials with a neutral finish, whichever will result in the least obtrusive presence on the building; and
 - (x) The proposed work will not detract from the special architectural and historic character of the building, district or scenic landmark.
- (g) **Lifts.** LPC Staff may issue an approval for a wheelchair platform lift or a chair lift on a rail on a building in a historic district or scenic landmark, other than an individual landmark, if the proposed work meets all of the following relevant criteria:

(1) **Wheelchair platform lifts.**

- (i) The lift will not require significant alterations to existing fabric at the proposed location, and any such alterations are reversible;
- (ii) Only minimal historic fabric will be removed to access the lift at the elevated position;
- (iii) The lift will be located in a recessed location on the façade, or otherwise located to not disrupt the façade's composition, and will be obscured or partially obscured by existing features such as ironwork or masonry walls;
- (iv) The lift will be stored in the down position to minimize its visual presence; and
- (v) The lift will be finished to match the immediately adjacent façade materials, or will have a neutral finish; and
- (vi) The proposed work will not detract from the special architectural and historic character of the building, streetscape or scenic landmark.

(2) **Wheelchair and chair lifts on rails.**

- (i) The installation does not require any significant alterations to the existing areaway, stoop, handrail, or building façade, and is reversible;

- (ii) The installation will require minimal attachment points through non-decorative elements; and
- (iii) The lift will be painted to match the finish of the adjacent ironwork or masonry, or will have a neutral finish.
- (iv) The proposed work will not detract from the special architectural and historic character of the building, streetscape or scenic landmark.

(h) **Replacement or Modification of Existing Commission-Approved or Grandfathered Ramps and Lifts.** If an applicant can demonstrate that it is not feasible to replace or modify an existing ramp to meet the requirements of this section, LPC Staff may issue an approval to modify or replace an existing Commission-approved or grandfathered ramp or lift to meet current accessibility codes if the work meets all of the following relevant criteria:

- (1) The replacement ramp will match or be smaller and/or shorter than the existing ramp in terms of footprint and overall rise, or is altered to the minimum degree necessary for compliance;
- (2) The replacement ramp will be constructed using materials that either match the materials and handrail design of the existing ramp or match the adjacent façade material and/or railing, or utilitarian materials with a neutral finish. A change in handrail design to the minimum number of vertical elements required by code is permitted;
- (3) The platform lift and guiderails will be installed in the same locations using existing penetrations in the building façade or other elements. Some additional penetrations may be approved if required to meet code.
- (4) The lift mechanicals will be located in the same location and will match the footprint and height of the existing mechanicals, or will be reduced in size;
- (5) The lift may be fully enclosed if necessary to meet code; and
- (6) The previously approved finishes will be maintained or modified to better blend with the adjacent façade material.

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§2-19 SIDEWALKS.

(a) **General Requirements.**

- (1) **Scope.** Except as otherwise provided in subdivision (h), this section applies to sidewalk replacement in historic districts where the paving material is a significant feature (e.g., bluestone, granite and brick) or the location of the sidewalk is a significant feature (e.g., “ribbon sidewalks where there is a planted area between the curb and the sidewalk not limited to tree pits) and where the existing sidewalks adequately recall the historic paving, either by the amount of historic paving that remains or due to the combination of historic paving and tinted sidewalks that exists in the district, or the location of the sidewalk. For purposes of this section, the term “**sidewalk**” means the portion of the sidewalk and curb fronting upon specific property.
 - (i) Appendix A of this section sets forth the list of historic districts that are subject to the provisions of this section, except as otherwise provided in subdivision (h). These historic districts are districts where historic paving was a significant feature and where there currently exists sufficient historic or tinted paving to adequately recall this historic condition. For these districts the long-term regulatory goal is to replace non-historic paving with paving that matches the historic paving material in terms of standard characteristics or which adequately recalls the historic paving material through a tinted concrete.
 - (ii) For historic districts designated after the effective date of these rules, the designation report must explicitly state whether the sidewalk paving is a significant feature and will be subject to these rules. The Commission will maintain a list on its website and at its offices of all historic districts subject to this rule.
 - (iii) In all other historic districts no approval is required from the Commission for replacing sidewalks.
- (2) **Other approvals.** In addition to the requirements set forth in this section, all methods and materials for sidewalk work must conform to all applicable rules, requirements and guidelines of the Department of Transportation (“DOT”) and the Department of Design and Construction.

(b) **Repairing, Resetting and New Bluestone Sidewalks.** LPC Staff will issue an approval to repair and/or reset existing bluestone pavers, or to install new bluestone pavers, if the work satisfies all of the following relevant criteria:

- (1) **Resetting and repairing existing bluestone pavers.** If intact pavers exist, they must be preserved if they meet applicable DOT standards for thickness and size, and must be reset pursuant to DOT standards. Small amounts of cementitious

patching, tinted to match the color of the pavers, can be applied to preserve existing pavers that have spalled, and the joint between pavers may be ground down to produce a level surface.

- (2) **New bluestone pavers.** If the existing sidewalk is missing one or more bluestone pavers, or the existing bluestone pavers are beyond reasonable repair due to cracking or other conditions, or the owner is proposing to install a new bluestone sidewalk where no bluestone exists, new bluestone pavers may be installed, consistent with the DOT specifications and installation requirements, if:
 - (i) The pavers will closely match the existing bluestone pavers, if any, with respect to dimension, color and paver pattern; and
 - (ii) The edges of the pavers can be sawn, rubbed or thermal.
- (3) **Consolidation of existing bluestone pavers.** If the existing sidewalk is missing bluestone pavers, or some of the existing bluestone pavers are beyond the point of reasonable repair due to cracking or other conditions, the existing bluestone pavers that meet DOT standards for thickness and size may be consolidated and tinted concrete pavers installed in the remaining area, provided:
 - (i) The maximum number of intact bluestone pavers will be consolidated within the sidewalk;
 - (ii) Resetting of bluestone pavers will meet the requirements of paragraphs (1) and (2) of this subdivision;
 - (iii) New concrete pavers are tinted and scored to match the historic bluestone pavers;
 - (iv) An existing bluestone or granite curb will be retained if possible, and any replacement curb will be granite or tinted/untinted concrete to match adjacent curbing; and
 - (v) For purposes of this paragraph and subdivision (h) of this section, if the enlargement of an existing sidewalk tree pit or sidewalk planting area, or the installation of a new tree pit, sidewalk planting area or bioswale requires the removal of some or all of a bluestone paver:
 - (A) The removal of bluestone will be the minimum necessary to meet the applicable requirements, and
 - (B) The bluestone paver, or the part that is removed, will be consolidated within the property lines if there are areas of the sidewalk that do not have bluestone pavers, provided the paver, or part thereof, otherwise meets applicable DOT standards.

(c) **Replacement of an Existing Non-Bluestone Sidewalk.** Where the property on which the sidewalk exists is not part of a bluestone sidewalk, and the owner does not intend to install a new bluestone sidewalk consistent with the requirements of subdivision (b), the new sidewalk must:

- (1) Consist of concrete pavers scored to match the size of pavers on adjacent sidewalks, with saw-cut joints. If the sidewalk is adjacent to a bluestone or bluestone-tinted concrete sidewalk the new sidewalk must be tinted to match the bluestone. If the sidewalk is not adjacent to a bluestone or bluestone-tinted concrete sidewalk the sidewalk may be either untinted concrete to match the adjacent sidewalk or bluestone-tinted concrete; and
- (2) An existing bluestone or granite curb will be retained if possible, and any replacement curb will be bluestone, granite or tinted/untinted concrete to match adjacent curbing.
- (3) Unique or decorative scoring patterns may be used at front entryways of large apartment buildings, hotel or commercial buildings in historic districts if there is evidence that the building once had such decorative paving or if decorative scoring is a characteristic of the building type (e.g., hotel, large apartment building or club building) and the design does not call undue attention to itself or detract from the significant architectural features of the building or streetscape.
- (4) Metal post plates, and/or bolt holes associated with detachable flood protection barriers, may be installed in concrete sidewalks, provided the post plates are set flush with the sidewalk and the installation does not call undue attention to itself or detract from the building or streetscape.

(d) **Vault Lights.** LPC Staff will issue an approval to repair or replace existing vault lights, re-create missing vault lights, or recall the presence of missing historic vault lights with diamond plate if the proposed work satisfies all of the following relevant criteria:

- (1) **New vault lights.**
 - (i) New vault lights may be approved to restore missing vault lights, or to replace existing vault lights, whether uncovered or covered by diamond plate steel or concrete, that are beyond reasonable repair;
 - (ii) New vault lights will match the existing or historic vault lights in terms of approximate panel size and overall footprint, material, finish and details;
 - (iii) Where no vault lights exist, the basis for the design and materials of the new vault lights will be based on photographic or physical evidence relating to the building or adjacent buildings, or, if no documentation exists, the design and materials will be based on vault lights found at

buildings of similar age, style and type;

- (iv) New vault lights may be set flush with the existing sidewalk over the original or new metal framing or over a solid concrete substrate where the historic condition occurred at grade, or set on the original or new metal platform where the historic condition was raised above grade.
- (2) **Protection of existing uncovered and deteriorated vault lights.** Existing uncovered vault lights that are in a deteriorated state and are no longer water-tight may be protected by covering the vault lights with dark-finished diamond plate steel. Vault lights at vertical surfaces and lower-traffic areas such as steps and landings should remain uncovered where feasible.
- (3) **Protection of existing covered vault lights.**
 - (i) Existing vault lights that are covered by diamond plate steel or concrete may be re-covered with new dark-finished diamond plate steel;
 - (ii) If the existing vault lights underneath the diamond plate or concrete are highly deteriorated or broken, they may be removed and replaced with new vault lights in accordance with paragraph (1).
- (4) **Replacing diamond plate.** If no vault lights are present under existing diamond plate steel, the diamond plate steel will be replaced with new dark finished diamond plate steel, except that if the historic district in which the building exists is not characterized by vault lights and/or diamond plate, the staff may approve replacing the diamond plate with concrete to match the adjacent concrete.
- (e) **Granite Sidewalks.** LPC Staff will issue an approval to repair or reset existing granite sidewalks, or to install new granite sidewalks, and new concrete pavers tinted to match the existing granite pavers, if the work satisfies all of the following relevant criteria:
 - (1) The maximum number of intact granite pavers will be maintained or consolidated within the property lines;
 - (2) Areas no longer covered by granite pavers will be replaced with new granite pavers or concrete pavers tinted and scored to recall the size of the historic granite pavers and saw cut;
 - (3) Existing granite pavers will be sliced horizontally to create new or lighter pavers, provided that (i) the footprint of each paver is maintained and the paver is reinstalled in approximately the same location, and (ii) the resulting paver(s) will maintain a minimum of three to four (3-4) inch thickness and otherwise meet DOT requirements and comply with Department of Buildings structural requirements; and

- (4) New granite pavers will match the color, texture, dimensions and edge treatment of the existing granite pavers and will have a slip-resistant finish in accordance with DOT requirements.
- (f) **Other Sidewalk Materials.** LPC Staff may issue an approval to repair, reset or replace in-kind sidewalks of different historic materials, such as Belgian Block, brick or special concrete aggregates, provided such material is typically found in the district. For ribbon sidewalks, defined as sidewalks located with a grass or planting strip between the sidewalk and the curb, the material should match the historic material or the predominant material in the district, and the width of the sidewalk is not increased. For unique or atypical sidewalk treatments, such as a brick sidewalk in front of a carriage house in a district characterized by bluestone sidewalks, or a special sidewalk approved by the Public Design Commission or its predecessor, LPC Staff may require repair or in-kind replacement if the sidewalk treatment represents a significant historic alteration or if removal is deemed to result in the loss of a significant historic feature.
- (g) **Accessible Sidewalks.**
- (1) **Pedestrian ramps at sidewalk intersections.** LPC Staff will issue an approval to install accessible pedestrian ramps at sidewalk intersections if the proposed work satisfies all of the following relevant criteria:
- (i) For new or existing concrete sidewalks, accessible pedestrian ramps will consist of tinted concrete to match the color, texture and scoring of the adjacent or predominant sidewalk paving;
 - (ii) For existing bluestone and granite sidewalks, bluestone or granite pavers may be cut, honed or otherwise modified to form the slope and flared sides of the ramp, or replaced in kind to accommodate the ramp. In addition:
 - (A) If the existing sidewalk is predominately bluestone or granite, but the portion of the sidewalk at the intersection that needs to be modified is concrete, the ramp may consist of concrete tinted to match the adjacent historic paving material;
 - (B) Existing bluestone or granite at the corner may be cut and moved within the property lines to replace missing or deteriorated bluestone pavers, and a concrete ramp, tinted to match the adjacent historic paving material, installed at the corner; or
 - (C) Existing bluestone or granite sidewalks will remain and a concrete “**neckdown**” (an expansion of the sidewalk at the intersection into the road to shorten the pedestrian crosswalk) tinted to match the adjacent paving installed to accommodate the ramp and preserve the historic paving material in place;

- (iii) Detectable warning units, designed to alert people who are vision impaired that they are at an intersection, may be surface applied or imbedded into the concrete or stone; and
 - (iv) The dimensions and slope of the ramp, and color differentiation for detectable warning units comply with applicable federal, state and city codes and requirements.
- (2) **Sloping sidewalks.** LPC Staff will issue an approval to slope a sidewalk in order to make a store or space accessible if the work will not damage or detract from historic paving or, if the sidewalk is concrete, the color and scoring pattern of the concrete matches the existing sidewalk, and the work complies with all applicable federal, state and City codes and requirements, including the requirements of § 2-18 of these rules, and provided that the work will not result in damage to or concealment of significant architectural features of the building.
- (h) **Street trees, sidewalk planting beds and bioswales.** Street trees and their associated planting pits, sidewalk planting beds and bioswales provide important environmental and social benefits, including providing shade and cooling, cleaning the air and absorbing rainwater and runoff, which have important functions in addressing climate change impacts in urban and suburban settings. LPC does not regulate the trees or plantings, unless specifically referenced in the designation report or through historical documentation, but only the physical change to the sidewalk to accommodate them. Every application to expand or install a new tree pit or planting area in the sidewalk area must also be approved by the New York City Parks Department. In historically residential areas, and in some cases commercial areas, the presence of these features is commonplace and has existed since the blocks were developed or shortly thereafter. LPC Staff will issue an approval to enlarge existing tree pits and sidewalk planting beds, or to install new tree pits, sidewalk planting beds and bioswales, if the work satisfies all of the following relevant criteria:
- (1) Existing tree pits or planting beds in portions of sidewalks abutting the curb of the streetbed may be enlarged to accommodate tree roots or otherwise provide additional area for planting beds and bioswales.
 - (2) Tree pits, planting beds and bioswales may abut and/or connect continuously across property lines, however in no case should three or more properties be connected continuously, to maintain at least minimal separation of these in elements in keeping with the typical historic condition of the sidewalks, unless a continuous planning area is documented as a historic condition at the site or district.
 - (3) Tree pits, planting beds and bioswales should generally be limited to the course of paving parallel to and abutting the sidewalk curb, and any enlargements perpendicular to the curb should be the minimum amount necessary as determined by an arborist due to the potential disruption to the pattern and

clearances of the remainder of the sidewalk abutting the buildings, areaways and/or yards of the properties.

- (4) Modification of curbs for bioswales. Work affecting existing curbs must comply with the requirements of this section with respect to replacement material, except that a portion of an existing curb can be removed or lowered if such work is necessary for the installation or operation of a bioswale.
- (5) This subdivision applies to all sidewalks under the jurisdiction of the LPC, and not just the sidewalks in the historic districts listed in Appendix A.

APPENDIX A: Historic Districts Having Continued Sidewalk Regulation

List of Historic Districts as approved by adoption on December 11, 2018:

Addisleigh Park Historic District
African Burial Ground and The Commons Historic District
Audubon Terrace Historic District
Bedford Historic District
Bedford Stuyvesant/Expanded Stuyvesant Heights Historic District
Boerum Hill Historic District
Brooklyn Academy of Music Historic District
Brooklyn Heights Historic District
Carroll Gardens Historic District
Charlton-King-Vandam Historic District
Chelsea Historic District
Chelsea Historic District Extension
Clinton Hill Historic District
Cobble Hill Historic District
Cobble Hill Historic District Extension (3 buildings)
Ditmas Park Historic District
Douglaston Historic District
DUMBO Historic District
Eberhard Faber Pencil Historic District
Fieldston Historic District
Fiske Terrace-Midwood Park Historic District
Gansevoort Market Historic District
Governors Island Historic District
Gramercy Park Historic District
Gramercy Park Historic District Extension
Greenpoint Historic District
Greenwich Village Historic District
Hunters Point Historic District
Jumel Terrace Historic District
Ladies' Mile Historic District
Manhattan Avenue Historic District
Metropolitan Museum Historic District
Noho East Historic District
NoHo Historic District
NoHo Historic District Extension
Park Slope Historic District
Park Slope Historic District Extension
Park Slope Historic District Extension II
Prospect Park South Historic District
Riverdale Historic District
Sniffen Court Historic District

SoHo-Cast Iron Historic District
SoHo-Cast Iron Historic District Extension
South Village Historic District
South Street Seaport Historic District
South Street Seaport Historic District Extension
St. George/New Brighton Historic District
St. Mark's Historic District Extension
St. Mark's Historic District
St. Nicholas Historic District
St. Paul's Avenue-Stapleton Heights Historic District
Stone Street Historic District
Stuyvesant Heights Historic District
Stuyvesant Square Historic District
Tribeca East Historic District
Tribeca North Historic District
Tribeca South Historic District
Tribeca South Historic District Extension
Tribeca West Historic District
Vinegar Hill Historic District
Wallabout Historic District

List of Historic Districts added after adoption:

Boerum Hill Historic District Extension
Fort Greene Historic District
Park Terrace Historic District

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§2-20 HEALTH, SAFETY AND UTILITY EQUIPMENT.

- (a) **Introduction.** Buildings may be required to have a variety of equipment related to particular health, safety and utility maintenance. These types of installations can be mandated by the Fire and Building Codes (e.g., fire alarm bells and Siamese connections) or by utilities (e.g., gas and electricity meters). Other equipment is not required by law but is commonly used for safety reasons (e.g., window security bars, security cameras, lighting and intercom panels). Given the relatively small and/or discrete nature of these types of installations, their physical requirements and constraints, and their ubiquitous presence throughout the city, these types of equipment can be installed without having a significant effect on architectural features or detracting from such features or the building or, in the case of buildings in historic districts, from adjacent buildings or the streetscape.
- (b) **General Installation Criteria.** LPC Staff may issue an approval for work on individual landmarks, buildings in historic districts and scenic landmarks to install health, safety and utility equipment, such as the examples listed below in subdivision (c), if the proposed work meets all of the following relevant criteria:
- (1) The installation will not occur on or in front of a primary façade unless there is no feasible alternative for the installation or the location is mandated by another law or rule. In making a determination that there is no feasible alternative, LPC Staff will consider whether the need for such equipment on the primary façade is necessitated by recent or related discretionary interior renovations;
 - (2) The equipment will be attached in a manner that minimizes damage to, or loss of, any significant architectural features and will be installed at mortar joints or through plain brick, stone or wood to the greatest extent possible;
 - (3) If the installation is proposed to be made through areaway or sidewalk paving, the installation will not be installed through historic paving unless there is no feasible alternative;
 - (4) If the installation is required by applicable law or rule it will be as small as feasible;
 - (5) The finish of the equipment if not otherwise required by law or rule, will match the surrounding building material or will not call undue attention to its presence;
 - (6) If the installation requires a conduit: there will be no visible conduit or, if this is not feasible, a maximum of approximately ten (10) inches of visible conduit will be permitted; the conduit will not be placed on decorative surfaces; the visible conduit will be painted to match the background surface and will be secured into mortar joints where possible; and, if there are multiple proposed or existing installations, the proposed installation of conduit will, to the maximum extent feasible, combine and minimize the amount of conduit;

- (7) The installation will be either not visible from a public thoroughfare or as minimally visible as possible (e.g., beneath a band course, underneath a stoop, behind an areaway wall or fence, or behind plantings). Unless the installation meets the requirements of paragraph (1) of this subdivision, the installation will be on a secondary facade; and
 - (8) The proposed installation will not call undue attention to itself or detract from any significant architectural feature(s) of the building or of adjacent buildings if the work is occurring in a historic district, by virtue of its size or proximity to any such features or buildings.
- (c) **Certain Types of Equipment and Additional Criteria.** The following are the types of installations addressed by this section, including, where appropriate, installation criteria that are in addition to the general criteria set forth in subdivision (b) of this section:
- (1) **Utility meters, including electrical, gas and water meters.**
 - (2) **Fire alarm bells.**
 - (3) **Light fixtures and intercom panels.** These installations must be installed within the door opening or adjacent to the door opening, and will be limited to a maximum of two light fixtures and one intercom panel per door opening, except that an intercom panel may also be installed on a fence or wall in front of the entranceway.
 - (4) **Security cameras.** These installations must be as small and as limited in number as feasible, with no more than two (2) security cameras for every twenty-five (25) feet of street frontage for small residential or commercial buildings of six (6) stories or less and with a street frontage of forty (40) feet or less, and no more than three (3) security cameras for every twenty-five (25) feet of street frontage for larger commercial, residential and institutional buildings. In every case the security camera(s) will be located to avoid a cluttered or haphazard appearance, and must be attached in a manner and location that minimizes their visible impact.
 - (5) **Hookups for temporary generators and boilers, electrical boxes, inverter boxes.**
 - (6) **Mailboxes and mail key lockboxes.** These installations must be installed within or adjacent to the door opening. If a building has a stoop, the mailbox may be attached to a gate or door underneath the stoop or, provided the installation meets the requirements of paragraphs (1), (2), (3), (4), (5) and (8) of this subdivision, to the façade of the building or stoop adjacent to the doorway underneath the stoop. A mailbox may also be attached to an areaway fence, or may be free-standing in the areaway if the attachment does not damage original or historic fabric or call

undue attention to itself or detract from significant features of the building or adjacent building.

- (7) **Exterior Siamese connections/standpipes, oil fill pipes, boiler and dryer vents, water spigots.**
- (8) **Rooftop security fences installed between properties.** These installations may be installed only on small commercial buildings or large commercial or residential buildings, provided that they:
 - (i) Will not cause damage to any significant architectural feature of any façade or the roof;
 - (ii) Will be as low as is practicable and allowed by the Fire Code or the Building Code;
 - (iii) Will not be installed in front of or below a cornice where there is a continuous cornice line; and
 - (iv) Will either not be visible or will be minimally visible, or the visibility will be in the context of other rooftop features and will not call undue attention to itself or detract from the significant architectural features of the building or adjacent buildings.
- (9) **Certain heating, venting or air-conditioning equipment (“HVAC”).** HVAC (including air intakes or exhausts at basement, cellar or areaway windows, walls or floors) that, due to existing structural or other physical constraints, must be installed below the second story at or in front of the primary façade or visible secondary façade. Staff may decide not to approve such installation if staff determines that the structural or other condition necessitating such installation was the result of recent or related discretionary interior changes.
- (10) **Window security bars installed at cellar, basement or parlor floor windows.** These installations may be installed on any building, provided they:
 - (i) Will not cause damage to any significant architectural feature of any façade;
 - (ii) Will match historic ironwork or be of a simple design and will not call undue attention to themselves or detract from the significant architectural features of the building;
 - (iii) Will fasten to the window frame or surround at limited attachment points, and will not include continuous perimeter framing.

- (11) **Security gates at door openings below or under stoops.** These installations can be installed on any building, provided that they:
- (i) Will not cause damage to, or detract from, any significant architectural feature of any façade;
 - (ii) Will match historic ironwork or be of a simple design and will not call undue attention to itself or detract from the significant architectural features of the building;
 - (iii) Will fasten to the door surround at limited attachment points, and will not include continuous perimeter framing.
 - (iv) If replacing a grandfathered door where no door existed originally or historically, a new door may be approved if it maximizes the amount of transparency, with or without new ironwork, in keeping with the appearance of open gates below stoops.
- (12) **Detachable flood protection barriers.** Penetrations through plain areas of the façade (excluding decorative masonry or metalwork, and cast iron) at discrete locations for mechanical fastening of flood barriers, with plugs finished to match the surrounding material, and permanent posts at service and garage door openings and loading bays, with associated hardware finished to match the surrounding material or otherwise neutral in finish, may be installed, provided the installation does not call undue attention to itself or detract from the building or streetscape.

§2-21 INSTALLATION OF HEATING, VENTILATION, AIR CONDITIONING AND OTHER MECHANICAL EQUIPMENT.

(a) **Introduction.** These rules set forth criteria for LPC Staff approval of heating, ventilation and air conditioning (“HVAC”) or other mechanical equipment in buildings which are designated landmarks or are within designated historic districts or scenic landmarks. These rules are based on the following principles:

- (1) The distinguishing historical qualities or character of a building or its site should be protected. The removal or alteration of any significant architectural feature should be avoided.
- (2) The visual integrity of the building's exterior walls should be maintained.
- (3) In general, HVAC and other mechanical equipment are part of a building’s infrastructure that must be installed in compliance with various building and energy codes, and health and safety standards. These codes and standards change over time due to technological advances, and as a result of the changing needs of occupants.
- (4) HVAC and other mechanical equipment play a critical role in the sustainability and resiliency of historic buildings. Applicants are encouraged to install appropriate HVAC and mechanical equipment that meet or exceed the requirements of the New York City Energy Conservation Code, even if the equipment is exempt from such standards.
- (5) Applicants are strongly encouraged to develop building master plans for the installation of HVAC equipment, which will facilitate expeditious review and approval of applications.

(b) **Definitions.**

Decorative masonry. The term "decorative masonry" means terra cotta, cast-stone or natural stone (such as limestone, marble, brownstone or granite) and brick facade areas and/or any ornamental feature which is a component of the facade such as belt courses, banding, water tables, cornices, corbelled brick work, medallions, enframements, and surrounds, and ornamental bonding patterns, e.g., tapestry or diaper brick patterns. The term does not include entirely plain units of stone, masonry or brick laid up with simple, non-decorative coursing.

HVAC equipment. The term "HVAC equipment" includes through-window, through-wall, rooftop, areaway, and façade and yard mounted heating, ventilation, and air conditioning equipment, including louvers, wall-mounted louvers and stove, restaurant, bathroom and/or dryer vents.

Mechanical equipment. The term “mechanical equipment” means equipment other than HVAC equipment, such as solar and wind power equipment, batteries and emergency generators, and including any associated elements such as safety railings and sound attenuation screens, baffles and other structures.

Minimally visible. The term “minimally visible” means visibility of any portion of the HVAC or other mechanical equipment which, from its maximum point of visibility, when viewed from any public thoroughfare:

- (1) Projects into the maximum line of sight from such public thoroughfare no more than twelve (12) inches in height if the equipment is less than sixty (60) feet above the ground, projects no more than eighteen (18) inches if the equipment is between sixty-one (61) and eighty (80) feet above the ground, and projects no more than twenty-four (24) inches if the equipment is between eighty-one (81) and one hundred (100) feet above the ground, and projects no more than thirty-six (36) inches if the equipment is more than one hundred (100) feet above the ground; or
- (2) Does not call attention to itself or detract from any significant architectural features of the building or other buildings if in a historic district. In determining whether equipment does not call attention to itself or detract the LPC Staff will consider the following factors:
 - (i) The visibility meets the requirements of paragraph (1) above;
 - (ii) The equipment is visible at a significant distance;
 - (iii) The equipment is visible from very limited vantage points, including through alleyways, yards, or similar open portions of sites which are not building sites;
 - (iv) The equipment is visible from an oblique angle; or
 - (v) The equipment is visible in combination with other existing equipment, additions or structures that share a similar level of visibility.

Primary facade. The term "primary facade" means:

- (1) a façade fronting a street or public thoroughfare that is not a street, such as a mews or court;
- (2) A visible façade that possesses a level of design or significant architectural features that are commensurate with the building’s street-fronting façade(s), and where such façade (i) faces but does not front a street, such as a setback façade, or (ii) is part of a dominant massing element where at least one façade is street-fronting or street-facing, such as a tower element; and

- (3) A façade with a primary entrance to the building.

Secondary facade. The term "secondary facade" means a facade that does not front on a street or a public thoroughfare and that does not possess significant architectural features that are commensurate with the street fronting facade.

Terms not otherwise defined in these rules have the meanings ascribed to them in the Landmarks Law.

(c) **Installations of HVAC Equipment Within Window Openings.**

- (1) **No permit required.** No permit is required for installing seasonal and non-permanent HVAC equipment in windows if the following relevant criteria are satisfied:

(i) **Seasonal window air-conditioning unit installations.**

- (A) The installation requires only raising or lowering the sash of a double-hung window, or opening the sash of a casement, hopper or awning window or transom, and temporarily fixing the sash in place without removing it;
- (B) The window unit and any filler panel (glazed or solid) will be installed at any location within the window frame, and will not fully rest on an architectural element of the façade outside of the window frame, such as a cornice, parapet or sill; and
- (C) The support brackets, if required, will fasten to the window frame or the interior side of the wall opening, and/or may brace against the exterior wall without mechanical attachments.
- (D) If the installation is visible from a public thoroughfare, the window unit does not need to be painted; however, any filler panel (if solid) must have a finish that matches or approximates the color of the window frame.

(ii) **New non-permanent louver and vent installations.**

- (A) The installation requires only the raising or lowering of the sash of a double-hung window, or opening the sash of a casement, hopper or awning window or transom, and temporarily fixing the sash in place without removing it;
- (B) The louver or vent, and any filler panel (glazed or solid), will be installed at any location within the window frame; and

- (C) If the installation is visible from a public thoroughfare, the louver or vent, and any solid filler panel, will have a finish that matches or approximates the color of the window frame.
- (2) **Permit required.** A permit, certificate or report is required for all other types of HVAC equipment installations within windows in individual landmarks and buildings in historic districts and scenic landmarks.
- (i) Primary facades. Installations of HVAC equipment within window openings on primary facades of Individual Landmarks and building in historic districts and scenic landmarks, where there is no feasible alternative to installing the HVAC equipment on a secondary facade.
 - (A) Rowhouses, detached houses, carriage houses, small apartment buildings, tenements, and hotels. Except for installations on the primary façade that meet the requirements of § 2-20, for buildings originally constructed as private residences (rowhouses, town houses, detached and semi-detached houses) or carriage houses, as well as small apartment houses and other types of multiple dwellings which are six (6) stories or less in height and with a street frontage of forty (40) feet or less, the small scale and potential for affecting the significant architectural and historic character of the buildings require that proposals for installations on primary facades be reviewed by the full Commission for a Certificate of Appropriateness (“C of A”) or report.
 - (B) Large apartment buildings and hotels and commercial and loft buildings. This clause (B) applies to large apartment buildings, hotels and other types of multiple dwellings that have a street frontage of more than forty (40) feet or are seven (7) or more stories in height, and all commercial and loft buildings originally designed to serve commercial, retail or warehouse uses, including cast-iron fronted buildings, department stores, banks and office buildings. LPC Staff will approve permanent installations of HVAC equipment, louvers and vents in window openings if the proposal meets the following relevant criteria:
 - (a) The window is not a special window as defined in § 2-14; and
 - (b) The installation involves removing only glazing or modifying or removing the window sash and retaining the window frame. At large apartment buildings and hotels, only one of the double-hung sashes or a portion of a casement window assembly may be removed. If the exterior louver is flush-mounted, it will be mounted flush with or behind the plane of the window frame and behind the existing or reinstated

brickmold or panning. If the window unit is projecting, it will be mounted within the window frame. In either case, if the exterior louver or window unit fills only a part of the window frame, it can be placed anywhere within the modified or removed sash, and the remainder will be filled with a filler panel (glazed or solid) or partial height window sash to otherwise match the configuration, size permitting, of the overall window; or

- (c) The installation involves installing the exterior louver or projecting window unit in conjunction with installing a new window at the same time, and the resulting installation complies with both the criteria set forth in this clause (B) and the applicable new window criteria; and
 - (d) The exterior louver and any solid filler panel will be finished to match the window frame; however, a window HVAC unit does not need to be painted; and
 - (e) The installation will not damage or remove a significant architectural feature of the building and, for buildings in historic districts, will not detract from the significant architectural features of adjacent buildings.
- (ii) Secondary facades. Installations of HVAC equipment within window openings on secondary facades of Individual Landmarks and buildings within historic districts and scenic landmarks. LPC Staff will approve the installation of HVAC equipment if the proposal meets the following relevant criteria:
- (A) The window is not a “**special window**” as defined in § 2-14;
 - (B) The installation will occur within an existing window opening, either as an exterior louver, projecting window unit or a small vent with a flush or minimally projecting cap and filler panel, set back from the plane of the façade to approximate the depth of the window; or
 - (C) The installation will occur in conjunction with installing a new window at the same time, and the resulting installation complies with both the criteria of this subparagraph and the applicable new window criteria; and
 - (D) If the installation is visible from a public thoroughfare,
 - (a) The installation is only part of the full height of the sash being removed, the remainder will be filled with a filler panel (glazed

or solid) or partial height window sash to otherwise match the configuration, size permitting, of the overall window; or

(b) The installation involves an exterior louver or small vent with a flush or minimally projecting cap, the louver, vent, cap and solid filler panel will be finished to match the window frame; and

(E) The installation will not damage or remove a significant architectural feature of the building and, for buildings in historic districts or scenic landmarks, if visible will not detract from the significant architectural features of adjacent buildings.

(d) **Installations of Through-Wall HVAC Equipment.**

(1) **Primary facades.** Through-wall installation of HVAC equipment on primary facades.

(i) **Individual Landmarks.** Except for installations on the primary façade that meet the requirements of § 2-20, proposals for through-wall installations on primary facades must be reviewed for a C of A.

(ii) **Buildings within historic districts.**

(A) ***Through-wall installations approvable only by C of A.*** Except for installations that meet the requirements of § 2-20, proposals for installations of through-wall HVAC equipment on primary facades of the following building types must be reviewed for a C of A due to their small scale, limited areas of plain masonry and/or the potential for affecting significant the significant architectural and historical character of the buildings:

(a) **Rowhouses, townhouses, detached and semi-detached houses, carriage houses, flats, small apartment buildings, tenements, hotels and other types of multiple dwellings.** For purposes of this item (a), this means buildings originally constructed as private residences, carriage houses or multiple dwellings, which are six (6) stories or less in height and with a street frontage of forty (40) feet or less, except that a corner rowhouse, townhouse, detached or semi-detached house or carriage house may have one street frontage that is larger than forty (40) feet;

(b) **Manufacturing and loft buildings, originally designed to serve commercial, retail, or warehouse uses, including cast-iron fronted buildings, department stores, and banks.**

- (B) ***Through-wall installations approvable by LPC Staff.*** LPC Staff will approve through-wall installations if the proposal meets the following relevant criteria:
- (a) Large apartment buildings, hotels and other types of multiple dwellings which either have a street frontage greater than forty (40) feet or which are seven (7) or more stories in height, if the proposal meets all of the following relevant criteria:
 - (1) The installation will be centered beneath the window opening, or, if the window opening is wide enough to accommodate more than one set of sashes, is placed beneath the window opening in accordance with the predominant existing pattern of through-wall installations;
 - (2) The exterior louver will be a rimless type architectural louver with flat metal blades;
 - (3) The exterior louver will be mounted as flush as possible with the surrounding masonry and with the minimum projection feasible;
 - (4) The exterior louver will be finished to match the color of the surrounding masonry;
 - (5) The location corresponds to a regular pattern of installations, or where demonstrated to be impractical or unfeasible, the location will form the basis for a new pattern of installations or will otherwise not detract from the façade or, if in a historic district, adjacent buildings; and
 - (6) The installation will not damage or remove decorative masonry or a significant architectural feature of the building and will not detract from the significant architectural features of adjacent buildings. For purposes of this clause (B), removal of small areas of plain masonry to accommodate the through-wall unit shall not be considered damage or removal of a significant architectural feature.
 - (iii) Other buildings. For other buildings that do not fall into any of the previously described categories, including specialized building types such as churches and synagogues, hospitals, schools, and libraries, with a street frontage of more than forty (40) feet or are seven (7) or more stories in

height, LPC Staff will approve through-wall installations of HVAC equipment if they determine that:

- (A) There is no feasible alternative to installing the HVAC equipment on the primary façade;
 - (B) The installation will satisfy the criteria set forth in subdivision (d)(1)(ii)(B)(a)(2)-(4) of this section; and
 - (C) The installation will not damage or remove a significant architectural feature of the building, or detract from such features of the building or adjacent buildings if in a historic district. For purposes of this item (b), removal of small areas of plain masonry or non-decorative brick to accommodate the through-wall unit shall not be considered damage or removal of a significant architectural feature.
- (2) **Secondary facades.** LPC Staff will approve the installation of through-wall HVAC equipment on a visible secondary facade of any building if the proposal meets the following relevant criteria:
- (i) The unit will be:
 - (A) Centered beneath or above a window opening if the vent or louver exceeds one hundred forty-four (144) square inches in surface area; or
 - (B) Installed below, above, or to the side of a window opening if the vent or louver is one hundred forty-four (144) square inches or less in surface area; or
 - (C) Installed in a uniform pattern on portions of secondary facades devoid of windows (variations from the predominant existing pattern on the building may be permitted if the applicant does not have interior space which would permit such installation in conformance with such pattern). For purposes of this paragraph (2), louvers greater than one hundred forty-four (144) square inches shall only be permitted through a masonry facade; and
 - (ii) The exterior louver will be mounted as flush as possible with the exterior wall or façade cladding and with the minimum projection feasible, except that if the louver is one hundred forty-four (144) square inches or less in surface area, a minimally projecting cap may be permitted if the projection does not call undue attention to itself or otherwise have an adverse effect on the secondary façade; and

- (iii) The exterior louver will be finished in a manner which approximates the color of the surrounding façade cladding; and
 - (iv) No decorative masonry or other façade cladding, or other significant architectural feature of the building, will be affected by the installation, and the installation will not detract from adjacent buildings. For purposes of this subparagraph (iv), removal of small areas of plain masonry or other façade cladding to accommodate the through-wall unit will not be considered damage or removal of a significant architectural feature.
- (3) **Installation of HVAC equipment on non-visible secondary facades.** LPC Staff will approve the installation of through wall HVAC equipment on a non-visible secondary facade of any building if the proposal meets the following relevant criteria:
- (i) The installation will not be visible from any public thoroughfare; and
 - (ii) The exterior louver will be mounted as flush as possible with the surrounding masonry or façade cladding, except that if the opening is one hundred forty-four (144) square inches or less in surface area, a minimally projecting cap may be permitted if the projection does not have an adverse effect on the secondary facade; and
 - (iii) No decorative masonry or other decorative façade cladding, or any significant architectural feature of the building, will be affected by the installation.
- (e) **Wall Mounted Installations of HVAC and Other Mechanical Equipment on Secondary Facades.** LPC Staff will approve the installation of wall mounted HVAC and other mechanical equipment on secondary facades if the proposal meets the following relevant criteria:
- (1) **Visibility.**
 - (i) Wall mounted HVAC, such as ductless split system HVAC equipment and other mechanical equipment on platforms and/or brackets, may be minimally visible from a public thoroughfare. Such equipment may be more than minimally visible if they are seen in conjunction with utilitarian features (e.g. fire escapes; fences) that mitigate the presence of the new equipment, will be located in the least visible location so as to not disrupt the composition of the façade, and will not protrude further from the side façade than required by relevant laws. Such installations may include a screen to conceal the equipment. In scenic landmarks, such installations may be made minimally visible by the introduction and maintenance of plantings.

- (ii) Wall-mounted flues and ducts required by applicable governmental laws and rules (including, but not limited, to Building, Fire and Health Codes) may be minimally visible from a public thoroughfare, or where more than minimally visible, will be located in the least visible location and so as to not disrupt the composition of the façade, and will not extend higher than required by such laws or rules;
 - (2) The attachment of associated platforms, brackets and straps to the façade will be designed to maximize reversibility and minimize damage to the building fabric (e.g., installed through the mortar joints where possible in masonry walls);
 - (3) Any penetrations for associated conduits or ducts through the facade will be as small as possible in conformance with the manufacturer’s recommended dimensions;
 - (4) If the installation is visible from a public thoroughfare, the HVAC and other mechanical equipment, flues and ducts, and associated platforms, brackets and straps, will have a finish that matches the color of the underlying material, or is otherwise neutral so as to not call attention to itself; and
 - (5) The installation will not damage or remove a significant architectural feature of the building and, for buildings in historic districts, if visible will not detract from the significant architectural features of adjacent buildings.
- (f) **Installation of HVAC Equipment in Storefronts and Storefront Doors.** LPC Staff will approve the installation of HVAC equipment in storefronts and storefront doors if:
- (1) The installation involves removing only glazing, or modifying or removing the transom window sash and retaining the storefront or door frame.
 - (i) The exterior louver will be mounted flush with or behind the plane of the transom window frame and behind the existing or reinstated brickmold or panning, and
 - (ii) If the exterior louver will replace only part of the transom window sash being removed, the remainder of the space will be filled with a flat panel (glazed or solid) or partial height transom window sash to otherwise match the finish and configuration, size permitting, of the overall transom window; or
 - (2) At recessed storefront entrances only, the installation involves removing only glazing, or modifying or removing the transom window sash and retaining the storefront or door frame, and the window unit (projecting or flush) will be mounted within the transom window frame, and if the window unit only fills part of the opening, it can be placed anywhere within the modified or removed transom window sash, the remainder will be filled with a filler panel (glazed or

solid) or partial height transom window sash finished to otherwise match the finish and configuration, size permitting, of the overall transom window; or

- (3) The installation involves installing the exterior louver in conjunction with installing a new storefront or door at the same time, and the resulting installation complies with both the criteria in this subdivision and the applicable new storefront or door criteria set forth in § 2-12; and
 - (4) The exterior louver and any solid filler panel will be finished to match the storefront or door frame; or
 - (5) The installation will be through a non-historic storefront bulkhead, integrated into the design of the bulkhead or will otherwise not detract from the storefront; and
 - (6) The exterior louver will be rimless with horizontal blades finished to match the color of the surrounding storefront bulkhead, and will be mounted as flush as possible with the surrounding material and the minimum projection feasible; and
 - (7) The installation will not damage or remove a significant architectural feature of the building and, for buildings in historic districts, will not detract from the significant architectural features of adjacent buildings.
- (g) **Installation of HVAC and Other Mechanical Equipment on Rooftops or Terraces.** With respect to individual landmarks and buildings in historic districts and scenic landmarks, LPC Staff may approve the installation of HVAC and other mechanical equipment on rooftops and terraces if the proposal satisfies the following relevant criteria:

(1) **Primary façade.**

- (i) The installation will not damage or remove significant architectural features.
- (ii) The installation will not be visible. If it is not practicable or feasible to make the installation not visible, and the visibility is not caused by the equipment being placed on an LPC-approved addition, LPC Staff may approve a minimally visible installation.
- (iii) With respect to existing HVAC installations, LPC Staff may (A) approve work that increases existing visibility slightly if such increase is required by building or fire codes or for compliance with energy or environmental codes, laws or standards and there is no feasible alternative; and (B) approve replacement of a grandfathered or approved installation with a matching or smaller, one even if the new installation is more than minimally visible, provided there is no feasible alternative location that

would be not visible or minimally visible, and the visibility of the new installation is less than the existing installation.

- (2) **Secondary façade.** The installation will not be more than minimally visible over a secondary façade. If it is not practicable or feasible to make the installation minimally visible, staff may approve an installation that is more than minimally visible, provided the visibility is not caused by the equipment being placed on an LPC-approved addition and the installation is seen only through a gap view between buildings, regardless of the presence of other rooftop installations of any type in the surrounding context. Such installations may include a required guardrail and/or a screen to conceal the equipment. If the installation is occurring within a scenic landmark, the visibility will be controlled by existing or new trees, plantings or other foliage. For purposes of this paragraph (2), “gap view” shall mean an opening in the streetwall no greater than 25 feet that allows visibility of secondary facades and rooftops from a public thoroughfare. A gap can be an empty lot, yard, alley, driveway, area way, garden or park, and can also be a building that is shorter than the adjacent building and allows views above it, including a garage or rear addition.

- (3) **Installation of Solar Panels.** LPC Staff may approve the installation of solar panels on flat roofs and sloped roofs, and on other rooftop structures, as well as related framing and equipment, if the proposal meets the following relevant criteria:
 - (i) Installations on flat roofs.
 - (A) Solar panel installations on a flat roof, including flat or sloped arrays and arrays on elevated canopies, may be minimally visible over a primary or secondary façade if they have been located to minimize visibility to the greatest extent possible; and

 - (B) Solar panel installations on a flat roof, including flat or sloped arrays and arrays on elevated canopies, may be more than minimally visible over a secondary façade, if the installation is only seen through a gap view between buildings, even if there are no other rooftop installations of any type in the surrounding context. For purposes of this paragraph (3), a “gap view” shall mean an opening in the streetwall no greater than 25 feet that allows visibility of secondary facades and rooftops from a public thoroughfare. A gap can be an empty lot, yard, alley, driveway, area way, garden or park, and can also be a building that is shorter than the adjacent building and allows views above it, including a garage or rear addition; and

 - (C) Installations of fencing or guardrails on a flat roof, that are required as part of a solar panel installation, but not part of a more expansive application for work (e.g., constructing a new roof top deck), may be

more than minimally visible over a primary or secondary façade if the staff determines that such installation does not detract from significant architectural features of the building or district, provided that:

- (a) Documentation is provided demonstrating that safety tie-back anchors have been deemed unacceptable under DOB and/or FDNY review and fencing or guardrails are required instead; and
 - (b) The height and length of the required fencing or guardrail is the minimum required by law and is set back to the greatest extent permissible, and any adjustment to the solar panel arrays to facilitate a shorter height or length and/or a greater setback has been explored and executed if feasible; and
 - (c) The design of the fencing or guardrail utilizes the fewest and thinnest members possible (e.g., bars or cables instead of pipes), and is finished in a neutral black or gray color; and
 - (d) If the fencing or guardrail is more than minimally visible or will significantly interrupt an otherwise pristine roofline above the building and/or its row, the number of panels will be reduced to make the guardrail less visible.
- (ii) Other rooftop installations. Solar panel installations on an existing pergola, bulkhead, or other rooftop structure that does not have a flat roof may be visible and may increase the overall visibility of the pergola, bulkhead or other rooftop structure if the staff determines that it does not detract from the building or the streetscape, provided that;
- (A) the installation is parallel to the surface of the pergola, bulkhead or other rooftop structure that does not have a flat roof and is mounted as close to the surface as technically feasible; and
 - (B) the solar panels will be “black on black” with black edge framing and black PV surfacing that masks the grid of photovoltaic cells, or an alternative color that better relates to the appearance of the roofing it is installed on may be considered, if the installation is more than minimally visible from a public thoroughfare and the color will result in a more harmonious installation overall.
- (iii) Sloped roof installations.
- (A) Solar panel installations on a front-facing or side-facing slope of a roof, including at free-standing houses, rowhouses and semi-attached

houses, and other building types with pitched roofs, but not on designed roofs, may be visible over a primary façade, if other locations are deemed infeasible due to the lack of sufficient sunlight as documented in the application materials. For purposes of this subparagraph (iii), the term “designed roof” shall mean a roof that is part of the composition of the building, such as a mansard roof, has a character-defining architectural feature, such as a spire, turret or cupola, and in some cases a dormer, or a crowning element seen in the round, such as a tower or dome. Staff may approve an installation if it meets all of the following relevant criteria:

- (a) the installation is discrete and limited in footprint, unless the slope of the roof is sufficiently shallow to render the number of panels indistinguishable as viewed from a public thoroughfare and/or a larger footprint would result in a less conspicuous installation;
 - (b) the installation is parallel to the surface of the sloped roof and is mounted as close to the surface as technically feasible, and all mounting framework is concealed beneath the solar panels to the greatest extent possible;
 - (c) the installation is subservient to more prominent rooftop features (e.g., dormers) as viewed from a public thoroughfare;
 - (d) the solar panels are not installed on significant historic roofing materials (e.g., slate or clay tiles);
 - (e) the installation will not detract from any significant architectural features of the façade(s) or roof(s); and
 - (f) the building is not an individual landmark.
- (B) Solar panel installations on a rear-facing slope or side-facing slope of a roof may be visible over a secondary façade, if the installation is parallel to the surface of the sloped roof and is mounted as close to the surface as technically feasible, and all mounting framework is concealed beneath the solar panels to the greatest extent possible. Solar panel installations that are not visible from a public thoroughfare may be mounted at an angle to increase performance.
- (C) The solar panels must be organized in manner that results in a simple, rectilinear footprint, and avoids stepping or separation of panels, to the greatest extent possible, if the installation is visible from a public thoroughfare.

- (D) The solar panels must be “black on black” with black edge framing and black PV surfacing that masks the grid of photovoltaic cells, or an alternative color that better relates to the appearance of the roofing it is installed on may be considered, if the installation is visible from a public thoroughfare.
- (E) A black-finished “skirt”, “critter guard” or other element must be installed at the base and/or sides of the solar panels if the installation is visible from a public thoroughfare and the addition of the skirt will improve the overall appearance of the installation.
- (F) If the installation of the solar panels requires the removal of historic roofing material (e.g. slate or clay tiles), where allowed pursuant to these rules, the tiles must be retained and stored on site for future reuse.

(iv) Related equipment.

- (A) The electrical conduit must be minimized in length to the greatest extent possible, and located at the least visible side of the roof and wall where possible, or otherwise placed in inconspicuous locations (e.g., adjacent to gutters and leaders, at inset joints of abutting walls, etc.), and must be painted to match the adjacent surfaces finishes if feasible, if the installation is visible from a public thoroughfare; and
- (B) The inverter box must be located adjacent to the existing electrical meter where possible, or otherwise placed in an inconspicuous location, if the installation is visible from a public thoroughfare.

(h) **Installation of HVAC Equipment and Mechanical Equipment in Yards and Areaways of Landmarks and Buildings in Historic Districts and Scenic Landmarks.**

LPC Staff will approve the installation of HVAC and mechanical equipment in the front, side or rear yard if the proposal meets the following relevant criteria:

- (1) **Primary facades.** Installations fronting primary facades of individual landmarks and buildings in historic districts and scenic landmarks:
 - (i) There is no practical or feasible alternative to installing the equipment in front of the primary façade;
 - (ii) The installation of HVAC and other mechanical equipment, at grade or on platforms, will not be visible from a public thoroughfare, or will be minimally visible due to location and/or screening by architectural or hardscape features of the building (e.g., behind an areaway wall or within a below-grade light-well);

- (iii) Any penetrations for associated conduits or ducts through the facade will be as small as possible in conformance with the manufacturer's recommended dimensions;
 - (iv) If there is any visibility of the installation from a public thoroughfare, the HVAC and other mechanical equipment, and associated platforms, will have a finish that matches the color of the underlying material, or is otherwise neutral so as to not call attention to itself; and
 - (v) The installation will not damage or remove a significant architectural feature of the building and, for buildings in historic districts and scenic landmarks, will not detract from the significant architectural features of adjacent buildings or significant landscape features.
- (2) **Secondary facades.** Installations fronting secondary facades:
- (i) The installation of HVAC and other mechanical equipment at grade or on platforms will be minimally visible to the greatest extent possible. For purposes of this subparagraph (i), visibility can be reduced or eliminated through the use of permanent plantings or the installation of a new fence or screen.
 - (ii) The installation is set back from the public thoroughfare to the greatest extent feasible;
 - (iii) Any penetrations for associated conduits or ducts through the facade will be as small as possible in conformance with the manufacturer's recommended dimensions;
 - (iv) If the installation is visible from a public thoroughfare, the HVAC and other mechanical equipment, and associated platforms, will have a finish that matches the color of the underlying material, or is otherwise neutral so as to not call attention to itself; and
 - (v) The installation will not damage or remove a significant architectural feature of the building and, for buildings in historic districts and scenic landmarks, detract from the significant architectural features of adjacent buildings or significant landscape features.

§2-22 FIRE ESCAPES.

- (a) **Removal of an Existing Fire Escape.** LPC Staff will approve the removal of an existing fire escape if the proposal satisfies the following relevant criteria:
- (1) **The fire escape is not a significant protected feature of the building based on a finding that:**
 - (i) The fire escape is not original to the building;
 - (ii) The fire escape does not have architectural merit in itself; and
 - (iii) The fire escape is not mentioned or otherwise called out as significant in the LPC designation report; or
 - (iv) The fire escape is not located on a building within a historic district in which fire escapes are identified as significant architectural features that contribute to the special architectural and historic character of the district.
 - (2) Damage to the façade caused by the installation, presence or removal of, or exposed by the removal of, the fire escape will be repaired to match the historic fabric; and
 - (3) Architectural elements removed, damaged or altered by the installation of the fire escape will be reinstalled, repaired or, if beyond repair, replaced or replicated.
- (b) **Alteration, Restoration and Maintenance of an Existing Fire Escape.** LPC Staff will approve work on an existing fire escape if the proposal satisfies the following relevant criteria:
- (1) Replacement of a fire escape drop ladder with a swing stair or a swing stair with a drop ladder matches the material, general details and color of the existing fire escape;
 - (2) Installation of a horizontal and/or vertical extension matches the material, details, color and dimensions of the existing fire escape, provided the installation will not conceal or damage any significant architectural features of the building; and
 - (3) Restoration and maintenance, including replacing any parts in kind with parts, match the existing fire escape in terms of material, details and color, or repainting of the existing color, a dark color such as black or brown that is typical of the historic district, or a color that matches or is similar in hue to the existing color of the façade.

(c) **Installation of New Fire Escapes.** LPC Staff will approve the installation of a new fire escape if the proposed work satisfies all of the following relevant criteria:

(1) **Primary façade of a building in a historic district.**

- (i) Similar installations are commonly found on historic buildings in the district;
- (ii) The fire escape is simple and utilitarian in design;
- (iii) The installation will not cause the removal or, or damage to, any significant architectural features of the building;
- (iv) The installation will not detract from the special historic and architectural character of the building or adjacent buildings;
- (v) The fire escape cannot be located on a secondary façade; and
- (vi) There is no feasible alternative to installing the fire escape. In making a determination that there is no feasible alternative, LPC Staff will consider whether the need for a fire escape on the primary façade is necessitated by recent or approved interior renovations.

(2) **Visible secondary façade of a building in a historic district.**

- (i) The fire escape is simple and utilitarian in design;
- (ii) The installation will not cause the removal or, or damage to, any significant architectural feature of the façade;
- (iii) The installation will not detract from the special historic and architectural character of the building or adjacent buildings;
- (iv) The fire escape cannot be located on a nonvisible secondary façade; and
- (v) There is no feasible alternative to installing the fire escape. In making a determination that there is no feasible alternative, LPC Staff will consider whether the need for a fire escape on a visible secondary façade is necessitated by recent or approved interior renovations.

(3) **Nonvisible secondary façade of any building.**

- (i) The fire escape is simple and utilitarian in design; and
- (ii) The installation will not cause the removal of, or damage to, any significant architectural feature of the façade.

§2-23 RULES RELATING TO INSTALLATION OF PUBLIC PAY TELEPHONES AND PUBLIC COMMUNICATIONS STRUCTURES.

- (a) **Introduction.** Public pay telephones have been part of the city’s streetscape for half a century. First introduced in the 1950s pursuant to a franchise agreement with the city, legally permitted public pay telephones contribute to the urban experience as well as provide an important communication link for business, pleasure and public health and safety. Public pay telephones have traditionally had a quiet presence on the streetscape that allowed for their identification without calling undue attention to themselves. The provisions set forth below are intended to ensure that public pay telephones and public communications structures installed in areas under the jurisdiction of the Landmarks Preservation Commission are installed in a manner that does not damage or destroy historic fabric and that the design and placement of such phones and structures shall not call undue attention to themselves or detract from the significant architectural features of an improvement or a historic district or adversely affect a historic district’s distinct sense of place.
- (b) **Definitions.** As used in this section, the following terms have the following meanings:
- (1) **Curbfront.** The term “curbfront” means the sidewalk curb that divides the sidewalk from the roadway.
 - (2) **PCS Franchise Agreement.** The terms “PCS Franchise Agreement” means a valid franchise granted by the City Department of Information Technology and Telecommunications (“DoITT”) to provide public pay telephone and wireless internet service on the inalienable property of the City of New York.
 - (3) **PPT Enclosure.** The term “PPT Enclosure” means any associated housing or enclosure that partially or fully surrounds a PPT, and including an associated pedestal, which has been approved by the Art Commission.
 - (4) **PPT Franchise Agreement.** The term “PPT Franchise Agreement” means a franchise granted by the City pursuant to the revised solicitation issued by the Department of Information Technology and Telecommunications (“DoITT”) on June 9, 1997 pursuant to Resolution No. 2248 or any subsequent solicitation with a similar purpose whether or not such subsequent solicitation includes all or part of the components of the June 9, 1997 solicitation.
 - (5) **Public communications structure or PCS.** The term “public communications structure” or “PCS” means a structure installed on public property pursuant to a valid PCS Franchise Agreement.
 - (6) **Public pay telephone or PPT.** The term “public pay telephone” or “PPT” is defined by Section 23-401(f) of the Administrative Code of the City of New York.

(c) **Approval of Installation and Design of PPT Enclosure and of PCS Installation.**

- (1) **PPT Enclosure and Installation.** No application to the Commission, and no certificate, approval, permit or report shall be required for a proposal to install a PPT Enclosure if such proposal meets the following criteria:
- (i) The PPT Enclosure is proposed to be installed no farther than 24 inches from and no closer than 18 inches to the curbfront in an area zoned for commercial or manufacturing uses pursuant to the New York City Zoning Resolution;
 - (ii) Each PPT Enclosure shall be designed to be inconspicuous and to not call undue attention to itself, and shall have an exterior dimension no greater than 35" wide x 44" long x 90" high. A maximum of two PPTs may be installed in-line together, but in such instance the enclosure shall be no greater than 35" wide x 88" long x 90" high. The height limitation shall include the height of a mast if one is installed. The PPT Enclosure may have clear glazing panels and shall be rectilinear if the PPT Enclosure is designed to have advertising panels;
 - (iii) The PPT Enclosure shall not be installed in or on, or in the mortar joints between, bluestone, granite, slate or brick paving material, nor shall such paving material be disturbed in any manner in connection with the installation of the PPT;
 - (iv) The PPT Enclosure shall not be installed in front of an improvement designated as a landmark;
 - (v) The telephone and power lines to and from such PPT Enclosure, or any conduit containing such lines, shall not be visible;
 - (vi) The nonglazed portion of the PPT Enclosure shall be a dark brown, dark green, black or dark grey color, or is uncolored stainless steel or clear-finished aluminum. If the PPT Enclosure is less than 15 inches by 36 inches, all portions of the PPT Enclosure shall be stainless steel or clear-finished aluminum;
 - (vii) If the PPT Enclosure has advertising panels, the advertising panels shall be limited to two side panels, each of which is not larger than 27" wide x 57" high. There shall be no advertising panel on the rear of the PPT Enclosure facing the street. The advertising panels shall not be illuminated in any fashion. Advertising shall be limited solely to the PPT Enclosure. No advertising shall be permitted on a PPT Enclosure that is smaller than 27" wide x 57 inches high. No PPT Enclosure shall have any light emitting diode (L.E.D.) lettering, design or advertising. In addition to the above, a PPT Enclosure may identify the name or logo of the owner of the PPT and

the fact that it is a public telephone. Where such identification is illuminated, it shall be illuminated internally from behind the lens, be limited to the top two inches of the PPT Enclosure, and may occur on all sides of the PPT Enclosure; and

- (viii) The proposed PPT installation meets all applicable terms, conditions and requirements of the PPT Franchise Agreement, and all applicable distance, clearance and other siting requirements set forth in Title 67 of the Rules of the City of New York.

(2) **PCS Installation.** No application to the Commission, and no certificate, approval, permit or report shall be required for installation of a PCS if:

- (i) The PCS is to be installed in accordance with the siting criteria described in the applicable PCS Franchise Agreement and in an area zoned for commercial or manufacturing uses pursuant to the New York City Zoning Resolution, or, if the PCS does not include advertising, in an area zoned for residential use, except that:
 - (A) in addition to the siting criteria in the applicable PCS Franchise Agreement, if the PCS is to be installed in an area zoned for commercial or manufacturing use and the installation would replace an existing PPT Enclosure, the proposed installation shall not be within 100 linear feet on the same blockfront of another PCS structure or PPT Enclosure; and
 - (B) if the PCS is to be installed in an area zoned exclusively for residential use the installation is to replace an existing PPT Enclosure. No new installation of a PCS in an area zoned exclusively for residential use shall be covered by this rule;
- (ii) No more than one PCS shall be installed at the same location;
- (iii) If the PCS has advertising panels, the advertising panels are limited to two side panels, each of which is not larger than 27” by 47.5”. There shall be no advertising panel on the rear of the PCS facing the street. Static digital advertising shall be permitted in commercial or manufacturing districts. For purposes of this rule, “static digital” shall mean advertising in which a series of fixed digital images are displayed electronically, and each fixed image must be displayed for a minimum of 15 seconds and fade in and fade out no faster than 1 second;
- (iv) The PCS conforms to the design and materials that have been approved by the New York City Art Commission, also known as the Public Design Commission, and has an exterior dimension no greater than 11” wide x 35” deep x 122.9” high;

- (v) The PCS shall not be installed in or on, or in the mortar joints between, bluestone, granite, slate or brick paving material, nor shall such paving material be disturbed in any manner in connection with the installation of the PCS;
- (vi) The PCS is not installed in front of an improvement designated as an individual landmark, unless the PCS is replacing an existing public pay telephone that was previously operated pursuant to a valid franchise agreement with DoITT; and
- (vii) The telephone and power lines to and from such PCS, or any conduit containing such lines, are not visible.

(3) Other Proposals.

- (i) All proposals to install a PPT Enclosure or a PCS that does not satisfy the requirements of subsections (1) or (2) of this section shall be reviewed and approved by the Landmarks Preservation Commission by a certificate of appropriateness public hearing, report, permit for minor work or certificate of no effect, as appropriate, as set forth below.
 - (ii) Application Procedures for Proposals to Install a PPT Enclosure or PCS Requiring a Certificate, Permit or Report. An application form shall be filed for each proposed PPT Enclosure or PCS. Notwithstanding the requirements of section 2-01 of Title 63 of the Rules of the City of New York, the application form for the installation of a PPT Enclosure or PCS shall be signed by the person who owns the PPT or PCS or the agent or principal of such person, or any other person authorized to apply for a permit to install a PPT or PCS pursuant to the relevant franchise agreement or Title 67 of the Rules of the City of New York. No advertising shall be permitted on a PPT, PPT Enclosure, or PCS that is not located at the curb.
- (4) Nothing in this rule shall be interpreted to obviate the need to obtain all necessary approvals from the Department of Information Technology and Telecommunications, or any other governmental agency, for all installations of a PPT Enclosure or a PCS.

SUBCHAPTER C: EXPEDITED REVIEW OF CERTAIN APPLICATIONS FOR CERTIFICATES OF NO EFFECT

§2-31 DEFINITIONS

§2-32 EXPEDITED REVIEW PROCEDURES

§2-33 EFFECT OF FAILURE TO MEET CONDITIONS FOR AN EXPEDITED REVIEW

§2-34 REMEDIES FOR FALSE STATEMENTS AND PROCEDURES FOR ACTION

§2-31 DEFINITIONS.

As used in these Rules, the following terms have the following meanings:

Architect. "Architect" means an individual, partnership, corporation or other legal entity licensed to practice the profession of architecture under the education law of the State of New York.

CNE. "CNE" means a Certificate of No Effect as defined by §25-306 of the Landmarks Law.

Day. "Day" means any day other than a Saturday or Sunday or legal holiday.

Engineer. "Engineer" means any individual, partnership, corporation or other legal entity licensed to practice the profession of engineering under the education law of the State of New York.

Landmarks Law. "Landmarks Law" refers to New York City Charter §3020 and Chapter 3 of Title 25 of the Administrative Code of the City of New York.

Landmarks Preservation Commission. "Landmarks Preservation Commission" means the Commission acting in its agency capacity to implement the Landmarks Law.

LPC staff. "LPC Staff" means the staff of the Landmarks Preservation Commission acting in the Commission's agency capacity.

Summons. "Summons" means a notice from the Landmarks Preservation Commission that work on a landmark site or within an historic district was performed without a permit or was not performed in accordance with a permit issued by the Landmarks Preservation Commission. With respect to Chapter 63⁶ of the Rules of the City of New York and sections

⁶ Typographical error in adopted text should be "Title 63"

25-301 through 25-322 of the Administrative Code, the term “Summons” will be construed to include and apply to any previously issued “Notice of Violation.”

Story. "Story" is defined as a habitable floor level, including a basement but not including a cellar.

Terms not otherwise defined in these rules have the meaning given them in the Landmarks Law.

§2-32 EXPEDITED REVIEW PROCEDURES.

- (a) **General.** The expedited review procedures set forth in this section are available for certain interior work as detailed below. Expedited review is predicated upon the statements and representations of the architect or engineer and the owner and upon the satisfaction of certain terms and conditions, all as set forth in this section.
- (b) **Work Eligible for Expedited Review.** The following work is eligible for expedited review:
- (1) Interior work which is to be performed at or above the third full story and which does not involve any change to, replacement of, or penetration of, an exterior wall, window, skylight or roof, including but not limited to penetrations, replacements or changes for ducts, grilles, exhaust intakes, vents or pipes, may qualify for an expedited review;
 - (2) Interior work which is to be performed at or below the second full story in a building where there is no commercial use below the second full story, where the proposed work does not involve change to, replacement of, or penetration of an exterior wall, window, skylight or roof, including but not limited to penetrations, replacements or changes for ducts, grilles, exhaust intakes, vents or pipes;
 - (3) Interior work which is to be performed in the cellar or basement, provided the work does not require excavation, except for minimal excavation related to elevator or mechanical work that does not require underpinning, and the work does not involve any change to, replacement of, or penetration of, a visible exterior wall or window;
 - (4) Expedited review will not be permitted for work proposed to be performed within a designated Interior Landmark.
- (c) **Criteria and Conditions for Expedited Review.** Each of the following conditions must be satisfied in order to obtain an expedited review:
- (1) The work will be eligible work as described in §2-32(b) above.

- (2) The application for which an expedited review is requested will be accompanied by a completed Landmarks Preservation Commission expedited review form which must include:
- (i) a statement signed and sealed by the architect or engineer that:
 - (A) the architect or engineer has prepared, or supervised the preparation of, the plans and specifications submitted with the application;
 - (B) all work shown on such plans and specifications is:
 - (a) interior work only,
 - (b) to be performed only at or above the third full story or in the cellar or basement, or at or below the second full story in a building where there is no commercial use on the ground floor,
 - (c) not to be performed on any portion of a space designated as an Interior Landmark,
 - (d) does not involve excavation, except for minimal excavation related to elevator or mechanical work, or any change to, replacement of, or penetration of, a window, skylight, exterior wall or roof or any portion thereof, and
 - (e) for floors one through six (1-6) does not involve a dropped ceiling greater than one foot (1'0") below the head of a window, a perpendicular partition abutting a window, or a parallel partition blocking more than one foot (1'0") of a window, any of which is less than a minimum of one foot (1'-0") back from interior window sill or frame, whichever is further from the glass.
 - (C) that where there are associate architects or engineers, that they likewise join in the request for an expedited review of the application;
 - (D) that the architect or engineer and associate architects or engineers, if any, are aware that the Landmarks Preservation Commission will rely upon the truth and accuracy of the statements contained in the application made by them, and any amendments submitted in connection therewith, as to compliance with the provisions of the Landmarks Law and these rules;

- (ii) a statement signed by the owner of the property that:
 - (A) the proposed work meets the criteria for expedited review as described in subdivision (b);
 - (B) no change to, or modification of, the proposed work will be undertaken by the owner, his or her architect or engineer or any other agent of the owner without the prior approval of the Landmarks Preservation Commission; and
 - (C) the necessary remedial measures to obtain compliance will be taken, if the same becomes necessary;
- (3) No Summons from the Landmarks Preservation Commission is in effect against the property which is the subject of the proposed work for which an expedited review is requested; and
- (4) The application is complete in all other respects.
- (5) The architect or engineer and associate architects or engineers, if applicable, have not been excluded by:
 - (i) the Chair of the Landmarks Preservation Commission from the procedures for expedited review pursuant to §2-34 of these rules; or
 - (ii) the Commissioner of the Department of Buildings from the Department's procedures for limited supervisory check of applications and plans set forth in 1 RCNY §21-02.
- (d) **Issuance of Permit or Report.** If all conditions to an expedited review have been satisfied, LPC Staff will:
 - (1) issue a CNE or a report to the applicant within five business days of receipt of a complete application; and
 - (2) perforate all drawings accompanying such application to indicate approval thereof.

§2-33 EFFECT OF FAILURE TO MEET CONDITIONS FOR AN EXPEDITED REVIEW.

The Landmarks Preservation Commission shall notify any applicant who has requested an expedited review of his or her application under these rules of the reason for their failure to satisfy the conditions for expedited review.

§2-34 REMEDIES FOR FALSE STATEMENTS AND PROCEDURES FOR ACTION.

(a) **Grounds for action.**

- (1) The Chair of the Landmarks Preservation Commission may exclude any architect or engineer from the procedures for expedited review of applications if the Chair of the Landmarks Preservation Commission finds that:
 - (i) In connection with the Landmarks Preservation Commission expedited review form described in §2-32(c)(1) of these rules the architect or engineer has:
 - (A) knowingly or negligently made any false or misleading statement; or
 - (B) knowingly or negligently omitted a statement or failed to state a material fact; or
 - (C) knowingly or negligently falsified or allowed to be falsified any fact; or
 - (D) willfully induced another person to do any of the above; or
 - (ii) A Summons, a previously issued Notice of Violation, or "Notice to Stop Work" has been issued by the Landmarks Preservation Commission against work performed pursuant to any plans, prepared by or under the supervision of such architect or engineer, and such architect or engineer knew, or had reason to know, that the work performed pursuant to such application, plan, certification, or report was not carried out in accordance with approved plans or exceeded the scope of such approved plans and such architect or engineer failed to act to stop such work and/or correct such work.
- (2) The powers, rights and remedies of the Landmarks Preservation Commission set forth in this §2-34(a) are non-exclusive and will not be deemed to limit or supersede any other power, right or remedy of the Landmarks Preservation Commission.

(b) **Procedures.**

- (1) Written notice of a preliminary determination, together with the basis for such action to exclude from expedited review must be served on the Architect or Engineer of record pursuant to the provisions of New York State Civil Practice Law and Rules §308.
- (2) The Architect or Engineer notified under §2-34(b)(1) will be entitled to, and scheduled for, a hearing on the preliminary determination in accordance with §2-34(c) if written objection to the preliminary determination and the grounds for such

objection are submitted to the Chair of the Landmarks Preservation Commission within fifteen (15) days after the date that the notice of preliminary determination is served.

- (3) If no hearing is requested pursuant to §2-34(b)(2) above, the preliminary determination of the Chair of the Landmarks Preservation Commission will be deemed confirmed and will become final and effective on the sixteenth 16th day after the preliminary notice of determination is served.
- (4) If after a hearing in accordance with §2-34(c), the Chair of the Landmarks Preservation Commission confirms the preliminary determination, the Chair must notify the Architect or Engineer of such decision and such notice must include a written statement indicating the reason for his or her determination.
- (5) On or after the effective date of the final determination to exclude an Architect or Engineer from participation in expedited review procedures all of the plans prepared by or under the supervision of such Architect or Engineer must be subject to full review by the Landmarks Preservation Commission.

(c) **Hearing.**

- (1) Any hearing described in §2-34(b)(2) will be held at, and conducted by the Office of Administrative Trials and Hearings in accordance with their rules and procedures.
- (2) The Architect or Engineer may be represented by counsel and may present evidence in his or her behalf. A transcribed or tape-recorded record must be kept of the hearing.
- (3) The Chair of the Landmarks Preservation Commission must notify the respondent of the final determination within ten (10) days after the receipt of the findings of fact from the Office of Administrative Trials and Hearings on such matters. The determination of the Landmarks Preservation Commission must be supported by substantial evidence.

- (d) **Review of Determination.** At the expiration of two (2) years from the date of the initial determination to exclude an Architect or Engineer from participation in the procedures for expedited review of applications, and at intervals of no more than six months thereafter, upon request of the Architect or Engineer, the Chair of the Landmarks Preservation Commission must reexamine such determination. If the Architect or Engineer has not committed any of the acts described in clause (2) of §2-34(a) above during such period, the Chair of the Landmarks Preservation Commission may rescind such determination.

CHAPTER 3: **[Reserved]**

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CHAPTER 4: DESIGNATED BROADWAY THEATERS

§4-01 TREATMENT OF DESIGNATED BROADWAY THEATER INTERIORS (THEATER INTERIOR GUIDELINES)

§4-02 TREATMENT OF DESIGNATED BROADWAY THEATER EXTERIORS (THEATER EXTERIOR GUIDELINES)

§4-01 TREATMENT OF DESIGNATED BROADWAY THEATER INTERIORS (THEATER INTERIOR GUIDELINES).

- (a) **Preface.** Work may be done on designated interior portions of theaters either without application to the Commission, or with a Certificate of No Effect on Protected Architectural Features (CNE) if the proposed work is in accordance with the following guidelines:
- (1) For production-related work, no application to Landmarks Preservation Commission is needed if the guidelines set forth in 4-01(b)(1) below are followed, but owner must submit a written description to the Landmarks Preservation Commission (LPC), prior to undertaking the work, clearly delineating the scope of the proposed work. This description should also include steps to be taken after the end of the production to return the interior to its prior condition if significant architectural features are proposed to be altered, unless further changes are mandated by an incoming production, in which case the interior would be returned to its prior condition following the latter production.
 - (2) For permanent alterations, application to LPC is necessary and a CNE will be issued by staff if in accordance with the guidelines set forth in 4-01(b)(2) below.
 - (3) Applications for work not in accordance with the guidelines will be subject to the usual landmark review procedure as set forth in Chapter 3 of Title 25 of the Administrative Code.

Note: The guidelines are keyed to underlined portions of the Description Section of the Designation Reports, which identify architecturally significant features requiring protection.

- (b) **Guidelines.**
- (1) **Production-related changes.** No permit needed for work, if the following conditions are met:
 - (i) Interior configuration of the theater is maintained.

- (ii) Any alteration to architectural features underlined in the Description Section of the Designation Report is reversible. (It should be noted that alterations to certain architectural features may not be reversible; for example, murals or heavily three-dimensional decorative features such as putti.)
 - (iii) Following a production in which a theater interior is to be painted a non-contrasting color scheme, the theater interior will be painted in contrasting colors, unless some other color scheme is mandated by the incoming production, in which case the interior would be painted in contrasting colors following the latter production. (A contrasting color scheme is one in which the ornamental architectural details are painted a different color or a different value or hue of the same color than the background.)
 - (iv) If the Buildings Department requires a permit for the work, a CNE will be issued by staff within five working days of the receipt of a completed application.
- (2) **Permanent changes.** A CNE will be issued by the staff within five working days of receipt of a completed application for alterations to the theater if the following conditions are met:
- (i) Interior configuration is maintained.
 - (ii) Staff has determined that the alteration would not affect significant architectural features underlined in the Description Section of the Designation Report. In theaters which are only designated on the interior, such alterations could include exterior build-overs.
 - (iii) Any installation of state-of -the-art changes, as certified by the owner, such as light bridges, sound booths, and balcony rail light housings, provided that staff finds that
 - (A) their installation will have no effect on the physical fabric of the significant architectural features of the interior, or
 - (B) such effect is reversible and that adequate steps will be taken to assure that affected features can be replaced in the future.

§4-02 TREATMENT OF DESIGNATED BROADWAY THEATER EXTERIORS (THEATER EXTERIOR GUIDELINES).

- (a) **Preface.** Work may be done on designated exterior portions of theaters either without application to the Commission, or with a Certificate of No Effect on Protected

Architectural Features (CNE) if the proposed work is in accordance with the following guidelines:

- (1) For production-related work, no application to LPC is needed if the guidelines set forth in 4-02(b)(1) below are followed, but the owner must submit a written description to the LPC, prior to undertaking the work, clearly delineating the scope of the proposed work. This description should also include steps to be taken after the end of the production to return the exterior to its prior condition if significant architectural features are proposed to be altered.
- (2) For permanent alterations, application to LPC is necessary and a CNE will be issued by staff if in accordance with the guidelines set forth in 4-02(b)(2) below.
- (3) Applications for work not in accordance with the guidelines will be subject to the usual landmark review procedure as set forth in Chapter 3 of Title 25 of the Administrative Code.

Note: The guidelines are keyed to underlined portions of the Description Section of the Designation Reports, which identify architecturally significant features requiring protection.

(b) **Guidelines.**

- (1) **Production-related changes.** No permit is needed for the following work, if the stated conditions are met:
 - (i) The installation of new signage or alteration of existing signage, lighting, or other advertisement, provided that anchorages do not physically affect architectural features underlined in the designation report description. (Changing of light box fillers, posters, photos, etc. would not require review or notice to the Commission.)
 - (ii) Painting of exterior surfaces, if they were previously painted.
 - (iii) Alterations or additions to any undeveloped portions of the theater exterior, provided that the protected features of a designated interior are not affected.
 - (iv) Any alterations to underlined exterior architectural features in the report that are reversible. (A reversible alteration is one in which the altered feature can be returned to its appearance prior to the alteration.)
 - (v) Removal of any feature which has not been identified in the Description Section of the Designation Report of the theater.

- (vi) For theaters in which the exterior is designated only for cultural and historical significance, any alteration to the facade may be made provided that:
 - (A) Lighted signage and advertisements for productions are utilized.
 - (B) Continuous entrance doors are maintained between the lobby and the street and the auditorium and the street, where they presently exist.
 - (C) A marquee is utilized to shelter the sidewalk adjacent to the entrance doors referred to in 4-02(b)(1)(vi)(B).

- (2) **Permanent Changes.** A CNE will be issued by the staff within five working days of receipt of completed application for the following work, if the stated conditions are met.
 - (i) The installation of new signage or alteration of existing signage, lighting, awnings, marquees or other advertisements, provided that anchorages do not physically affect architectural features underlined in the Description Section of the Designation Report and that the signage, lighting, or awning of marquee is not architecturally significant in itself.
 - (ii) Any alteration or additions to any portion of the theater exterior not visible from the public way, provided that the protected features of the exterior of any designated interior are not affected.
 - (iii) Removal of any feature which has not been identified and underlined in the Description Section of the Designation Report of the theater.
 - (iv) For theaters in which the exterior is designated only for cultural or historical significance, any alterations to the exterior of the theater may be made provided that:
 - (A) Lighted signage and advertisements for productions are utilized.
 - (B) Continuous entrance doors are maintained between the lobby and the street and the auditorium exit and the street, where they presently exist.
 - (C) A marquee is utilized to shelter the sidewalk adjacent to the entrance doors referred to in 4-02(b)(2)(iv)(B).
 - (D) The existing proportions of the facade (width to height) are not altered.

CHAPTER 5: HISTORIC PRESERVATION GRANT PROGRAM

§5-01 INTRODUCTION

§5-02 GENERAL ELIGIBILITY REQUIREMENTS

§5-03 SELECTION BOARD AND CRITERIA

§5-04 APPLICATION MATERIALS

§5-01 INTRODUCTION.

The Historic Preservation Grant Program provides grants to eligible nonprofit organizations and homeowners for the preservation of designated landmark properties through restoration, repair and rehabilitation work. All grants must meet the guidelines laid out for historic preservation activities under the federal Community Block Grant program regulations. 24 CFR Sec. 570.202(d).

Application forms and fact sheets for the Historic Preservation Grant Program may be obtained from the Commission's website or by contacting the Commission's Director of the Historic Preservation Grant Program.

§5-02 GENERAL ELIGIBILITY REQUIREMENTS.

In addition to any applicable federal regulations regarding the Community Block Grant Program, grant applicants must also meet the following criteria:

- (a) **Eligible Structures.** Structures which are designated or calendared individual landmarks, are located in designated historic districts, or contain Interior Landmarks. Eligible structures may also include those improvements located in New York City that are listed or eligible for listing on the National Register.
- (b) **Eligible Repairs.** Grants may be made for the following work:
 - (1) To repair and restore exterior features of an eligible structure;
 - (2) To address structural damage or severe deterioration that threatens to undermine the integrity of an eligible structure;
 - (3) To repair and restore eligible interiors;
 - (4) To make alterations which will protect the landmark from physical damage, including the installation of appropriate flood barriers; and
 - (5) To make alterations that will make the landmark more energy efficient.

(c) **Ownership/Occupancy.**

- (1) **Homeowners.** Owners of eligible residential properties are eligible to receive grant funds if:
- (i) the owner and/or occupants meet §8 income limits as they appear in the federal Community Block Grant Program regulations as defined in 24 CFR §570.208(a)(2)(i)(B) and (C); or
 - (ii) the work is eligible historic preservation or building rehabilitation work as defined in 24 CFR §570.208(b)(2).

(2) **Nonprofit organizations.**

- (i) Nonprofit organizations applying for grant funds must either own or hold a long term lease on the property for which funds are sought.
- (ii) To be eligible for consideration as a non-profit organization, the applicant must be a charitable, cultural, educational, scientific, literary, or other entity organized under §501(c)(3) of the Internal Revenue Code.

- (d) **Grant Beneficiaries.** All grant-funded work must (1) principally benefit low and moderate income persons or (2) address slum and blight conditions as set forth in and defined under the federal Community Block Grant Program regulations. 24 CFR §570.208.

§5-03 SELECTION BOARD AND CRITERIA.

- (a) Grant applications will be evaluated and funds will be awarded by a board composed of the director of the Historic Preservation Grant Program and other staff members of the Landmarks Preservation Commission as the Chair shall in his or her discretion appoint.
- (b) In awarding grants, the Historic Preservation Grant Program board will give preference to properties designated or calendared by the Landmarks Preservation Commission and will consider the following factors, among others:
 - (1) The architectural and historical importance of the building;
 - (2) The condition of the building and the degree to which the proposed work will materially address the building's condition;
 - (3) The applicant's financial resources;

- (4) Whether the applicant is proposing to use other funds along with the grant to pay for the proposed work; and
- (5) The effect the grant will have on improving the building and/or the district.

§5-04 APPLICATION MATERIALS.

In addition to any other material required by LPC Staff, the following documents, as applicable, must be submitted in support of an application for a grant:

- (a) **Individuals.** An applicant who is an individual, or is comprised of multiple individuals, must submit for each individual, as applicable, the following documents:
 - (1) Signed current federal tax forms, or, if no tax return was required to be filed, a signed statement with an explanation. If income has changed substantially, the applicant must submit relevant tax forms for the last three (3) years;
 - (2) W-2 Forms and Schedules A, B, C, D, and E filed with each 1040 Tax Form;
 - (3) A signed list of all properties owned and related rent receipts in lieu of Schedule E;
 - (4) Pension receipts;
 - (5) Notification of Social Security, disability or other benefits;
 - (6) Records of all other income or distributions;
 - (7) List of sources of funding for restoration project; and
 - (8) The property deed in the name(s) of the applicant(s).
- (b) **Non-Profit Entity.** An applicant that is a nonprofit organization must submit the following documentation:
 - (1) A copy of the articles of incorporation and confirmation from the Internal Revenue Service of its non-profit status; and
 - (2) the property deed or long-term lease in the name of the applicant.
- (c) **Conditions.** In addition to any other condition required or imposed by law or rule, the following conditions apply to every grant:
 - (1) The grant pays for specific work items;

- (2) Work cannot begin until:
 - (i) LPC Staff and the grant recipient sign a contract;
 - (ii) Re-sale and insurance clauses of the contract have been satisfied;
 - (iii) LPC issues approval(s) for the work; and
 - (iv) LPC Staff notifies the contractor that work can begin;
- (3) Except under unusual circumstances, at least three (3) competitive bids must be obtained for proposed work; bids will be solicited by the LPC Staff and work must be approved by the Commission before funds are disbursed to the contractor;
- (4) Depending on the scope of work, the property may be inspected for the presence of lead-based paint. If lead-based paint hazards are found, the grant recipient will be responsible for the remediation of those hazards pursuant to City and/or federal law;
- (5) Preference is given to extremely low-, low-, and moderate-income owners that use other funds along with the grant to restore the façade of their building;
- (6) Grantees cannot have unpaid real estate taxes or water or sewer charges; and
- (7) If there are Landmarks Preservation Commission or Department of Buildings violations on an otherwise eligible property, the presence of such violations, the nature of the violations and any plans to address the violations, will be considered.
- (8) **Occupancy requirement/resale restriction:**
 - (i) The grant recipient must continuously occupy at least one Unit on the property that is the subject of the grant as his or her primary residence, for a period of five (5) years from the date of final payment to the contractor for the work performed pursuant to the grant.
 - (ii) If the grant recipient transfers the property within such five-year period, the grant recipient must return to the Landmarks Preservation Commission the grant on a pro-rated basis as follows: one hundred (100) percent of the grant if the property is transferred during the first year after final payment; eighty (80) percent if transferred during the second year; sixty (60) percent if transferred during the third year; forty (40) percent if transferred during the fourth year; and twenty (20) percent if transferred during the fifth year after the final payment.

CHAPTER 6: PROPOSED ALTERATIONS AND NEW CONSTRUCTION OF STRUCTURES AND LANDSCAPES IN THE RIVERDALE HISTORIC DISTRICT

§6-01 INTRODUCTION

§6-02 DEFINITIONS

§6-03 STATEMENT OF REGULATORY POLICY

§6-04 MODIFICATIONS OF AND ADDITIONS TO EXISTING BUILDINGS

§6-05 REGULATION OF LANDSCAPE IMPROVEMENTS

§6-06 CONSTRUCTION OF NEW STRUCTURES

§6-01 INTRODUCTION.

The purpose of these rules is to establish the Landmarks Preservation Commission's regulatory policy in the Riverdale Historic District.

The Riverdale Historic District which was developed as an early railroad suburb is characterized as a distinct area of the city by its dramatic and verdant topography and its fine examples of nineteenth and early twentieth century dwellings and carriage houses. The houses and other buildings in the district are harmoniously sited within the landscape and are separated from each other by Landscape Improvements.

Landscaping in the Riverdale Historic District provides the picturesque setting which is a defining element of a romantic style suburb of the nineteenth century. Landscape Improvements such as trees, stone walls and hedges, used to define property lines, and additional plantings within the expansive gardens and alongside the houses, add to the special character of the Historic District.

The district contains 34 buildings of varied type and age. The development of the Riverdale Historic District is important in understanding the district's historical character. Originally, the area was comprised of only seven estates which were served by a common carriage alley (Sycamore Avenue). All of the estates were developed in the 1850's. Several early estate houses remain, as well as stables and carriage houses (later converted for residential use). The configuration of these estates remained intact until 1935, when the original parcels began to be subdivided for development. Four new houses were built between 1935 and 1938. No new buildings were built thereafter until 1950. From 1950 to 1980 twelve new structures were constructed. These newer structures are stylistically diverse but are generally compatible with the older buildings in terms of their placement, height, materials and finish.

§6-02 DEFINITIONS.

As used in these Rules the following terms shall have the following meanings:

Addition. "Addition" shall mean an extension or increase in the floor area or height of a building that increases its external dimensions.

Commission. "Commission" shall mean the New York City Landmarks Preservation Commission as established by Section 3020 of the New York City Charter.

Demolition. "Demolition" shall mean the dismantling or razing of all or part of an existing Improvement or significant Landscape Improvement.

Improvement. "Improvement" shall mean any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment other than a Landscape Improvement.

Landscape improvement. "Landscape improvement" shall mean a physical betterment of real property or any part thereof, consisting of natural or artificial landscaping, including but not limited to grade, terrace, body of water, stream, rock, hedge, plant, shrub, mature tree, path, walkway, road, plaza, wall, fence, step, fountain, or sculpture.

Landmarks Law. "Landmarks Law" shall refer to New York City Charter Section 3020 and Chapter 3 of Title 25 of the Administrative Code of the City of New York.

Landmarks Preservation Commission. "Landmarks Preservation Commission" shall mean the Commission acting in its agency capacity to implement the Landmarks Law.

Mature tree. "Mature tree" shall mean any tree with a trunk diameter of 12" or greater.

Modification. "Modification" shall mean any work to an existing improvement or landscape improvement other than (a) ordinary maintenance or repair; or (b) any Addition.

Permit. "Permit" shall mean any permit other than a Notice to Proceed issued by the Landmarks Preservation Commission in accordance with the provisions of the Landmarks Law.

- (a) "PMW" shall mean a Permit for Minor Work as defined by Section 25-310 of the Landmarks Law.
- (b) "CNE" shall mean a Certificate of No Effect as defined by Section 25-306 of the Landmarks Law.
- (c) "CofA" shall mean Certificate of Appropriateness as defined by Section 25-307 of the Landmarks Law.

Pre-1940 building. "Pre-1940 building" shall mean any building in the Riverdale Historic District built, in whole or in part, prior to January 1, 1940 including buildings which have undergone subsequent remodeling and alterations.

Post-1939 building. "Post-1939 building" shall mean any building in the Riverdale Historic District built on or after January 1, 1940.

Public thoroughfare. "Public thoroughfare" shall mean any publically accessible right of way including, but not limited to a street, sidewalk, public park, and path.

Significant architectural feature. "Significant architectural feature" shall mean any character-defining external component of a building including, but not limited to, the kind, color and texture of the building material and the type and style of any window, door, light, sign, and other fixture appurtenant to any Improvement.

Significant landscape improvement. "Significant landscape improvement" shall mean any landscape improvement which is a character-defining element in its historic district, contributing to the special aesthetic and historic character for which the district was designated, and including but not limited to those landscape improvements identified as landscape features in the designation report.

Special Natural Area District. "Special Natural Area District" shall refer to a Special Purpose District designated by the New York City Planning Commission pursuant to Article X, Chapter 5 of the New York City Zoning Resolution which is mapped in areas where outstanding natural features or areas of natural beauty are to be protected.

§6-03 STATEMENT OF REGULATORY POLICY.

- (a) In regulating modifications and additions to any existing Improvement and construction of any new structures or any work affecting landscape improvements in the Riverdale Historic District, the Landmarks Preservation Commission seeks to preserve the Riverdale Historic District's important landscape qualities and special architectural and historic character.
- (b) In the Riverdale Historic District, the Landmarks Preservation Commission finds that the houses and other structures which make an important and significant architectural contribution to the Riverdale Historic District are those built, in whole or in part, before 1940.
- (c) In assessing whether proposed work is compatible with the special characteristics of the Riverdale Historic District in terms of the placement, style, size, material and finish of such work, the Landmarks Preservation Commission shall consider such work's proximity to any significant landscape improvement or pre-1940 building and how it may physically or visually impact the building or landscape improvement.

The Landmarks Preservation Commission shall also consider the extent of the proposal's visibility from a public thoroughfare.

§6-04 MODIFICATIONS OF AND ADDITIONS TO EXISTING BUILDINGS.

- (a) **Applications for proposed work.** An application shall be filed for any proposed modification or addition to any existing improvement or the construction of any new structure within the Riverdale Historic District for review by the Landmarks Preservation Commission and no work shall commence until the Landmarks Preservation Commission has issued a permit approving such work.
- (b) **Pre-1940 buildings.**
 - (1) **The Landmarks Preservation Commission shall issue a CNE or a PMW for the following:**
 - (i) Any addition to an existing structure which does not result in damage to or cause the demolition of a significant landscape improvement and which is to be situated in such a way as not to be visible from a public thoroughfare.
 - (ii) **Any modification to an existing structure which:**
 - (A) does not result in damage to or cause the demolition of a significant architectural feature or significant landscape improvement; and
 - (B) which is compatible with the existing structure's special architectural characteristics in terms of the placement, style, size, materials and finish of such modification.
 - (2) **The Landmarks Preservation Commission shall consider an application for any of the following types of work as a request for a Certificate of Appropriateness (CofA) and shall hold a public hearing on such application:**
 - (i) Any addition which is visible from a public thoroughfare.
 - (ii) Any modification or addition which does not meet the criteria for issuance of a PMW or CNE set forth in Subsection 6-04(b)(1) above, including any modification or addition which would result in damage to or cause the demolition of a significant architectural feature or significant landscape improvement.

(c) **Post-1939 building.**

(1) **The Landmarks Preservation Commission shall issue a CNE or a PMW for the following:**

(i) Any addition to an existing structure which does not result in damage to or cause the demolition of a significant landscape improvement and which is to be situated in such a way as to not be visible from a public thoroughfare.

(ii) **Any addition to an existing structure which:**

(A) although visible from a public thoroughfare does not result in damage to or demolition of a significant landscape improvement; and

(B) is compatible with the special characteristics of the Riverside Historic District in terms of placement, height, roof line, materials and finish of such addition.

(iii) **Any modification to an existing structure which:**

(A) does not result in damage to or cause the demolition of a significant landscape improvement; and

(B) is compatible with the special characteristics of the Riverside Historic District in terms of its materials and finish.

(2) **The Landmarks Preservation Commission shall consider an application for any of the following types of work as a request for a Certificate of Appropriateness and shall hold a public hearing on such application:**

(i) Any addition or modification which results in damage to or causes the demolition of a significant landscape improvement.

(ii) Any addition or modification which does not meet the criteria for the issuance of a PMW or CNE set forth above in subsection 6-04(c)(1).

§6-05 REGULATION OF LANDSCAPE IMPROVEMENTS.

(a) **Actions not Subject to Regulation.**

(1) The Landmarks Preservation Commission shall not regulate ordinary and beneficial landscaping activities which are in accordance with accepted horticultural practice such as pruning, planting of seasonal flower beds or vegetable gardens, or planting of ornamental shrubs or trees.

- (2) The Landmarks Preservation Commission shall not regulate the placement of portable garden furniture nor the installation of any temporary enclosures such as a tent for a party or reception.

(b) **Modification of Landscape Improvements.**

- (1) The boundaries of the Riverdale Historic District lie entirely with the Riverdale Special Natural Area District. These rules are intended to work with and complement the Riverdale Special Natural Area District zoning.
- (2) The Landmarks Preservation Commission shall regulate any modification to the landscape of the Riverdale Historic District which involves the installation of any permanent fixture or the construction of any structure or paved area or which would cause the demolition of, or have an impact on, any significant landscape improvement. Such work shall include:
 - (i) modification to or construction of any wall, step, path, drive, railing, fence, gate and gate post, permanent garden structure and pavilion, sidewalk and street gutter;
 - (ii) any change which affects or impacts upon a hedge or Mature Tree as well as any excavation or fill in a slope exceeding 15 percent; and
 - (iii) the installation of a new paved area, patio or deck.
- (3) The Landmarks Preservation Commission shall issue a CNE or a PMW for the following landscape modifications:
 - (i) Work which does not result in damage to or demolition of any significant landscape improvement.
 - (ii) Work which in terms of placement, style, size, material and finish is compatible with the special characteristics of the Riverdale Historic District.
- (4) The Landmarks Preservation Commission shall consider any application for a proposed landscape modification which does not meet the criteria for a CNE or PMW set forth above in subsection 6-05 (b)(3) as a request for a Certificate of Appropriateness (CofA) and shall hold a public hearing on such application.

- (c) **Applications for Proposed Work.** An application shall be filed for any proposed work having an effect on any landscape improvement within the Riverdale Historic District for review by the Landmarks Preservation Commission and no work shall commence until the Landmarks Preservation Commission has issued a permit approving such work.

§6-06 CONSTRUCTION OF NEW STRUCTURES.

Any application for a new structure shall be considered as a request for a Certificate of Appropriateness and shall be reviewed at a public hearing. In determining the appropriateness of any new structure the Landmarks Preservation Commission shall take in to consideration such new structure's location, its proximity to and impact on any pre-1940 building or any significant landscape improvement, its placement into the landscape, and its compatibility with the visual and architectural character of the Riverdale Historic District. Additional considerations shall include the new structure's proximity to a public thoroughfare and the extent of its visibility from a public thoroughfare.

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CHAPTER 7: PERMIT DURATION, RENEWAL, AND REVOCATION

§7-01 DEFINITIONS

§7-02 DURATION OF PERMITS

§7-03 RENEWAL AND REINSTATEMENT OF PERMITS

§7-04 EFFECT OF EXPIRATION OF PERMITS

§7-05 REVOCATION OF APPROVALS

§7-01 DEFINITIONS.

As used in this section, the following terms have the following meanings:

Day. The term “day” means any day other than a Saturday or Sunday or legal holiday.

Landmarks law. The term “Landmarks Law” refers to §3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York.

Landmarks Preservation Commission. The term “Landmarks Preservation Commission” means the Commission acting in its agency capacity to implement the Landmarks Law.

Permit. The term “permit” means an approval, other than a Notice to Proceed, issued by the Landmarks Preservation Commission, in accordance with the provisions of the Landmarks Law and §854(h) of the New York City Charter:

- (1) “**PMW**” means a Permit for Minor Work as defined by §25-310 of the Landmarks Law.
- (2) “**CNE**” means a Certificate of No Effect as defined by §25-306 of the Landmarks Law.
- (3) “**C of A**” means a Certificate of Appropriateness as defined by §25-307 of the Landmarks Law and shall not refer to a Certificate of Appropriateness as defined by §25-309.
- (4) “**MOU**” means a modification of use or bulk issued by the Commission in connection with an application by an applicant to the City Planning Commission pursuant to the Zoning Resolution, including but not limited to §§ 74-11 and 74-79, and as required by such sections of the Zoning Resolution.
- (5) “**Report**” means an Advisory or Binding Report as defined by §25-218 of the Landmarks Law and as referenced in §854(h) of the New York City Charter.

§7-02 DURATION OF PERMITS.

(a) **General.**

- (1) A permit will be of limited duration as provided in these rules.
- (2) A permit must clearly state the expiration date of such permit on the permit.
- (3) Work approved by a permit must be substantially completed within the time period for such permit.

(b) **Duration of Approvals.** The following types have the following durations:

- (1) **PMW.** Each PMW will be valid for four (4) years from the date of issuance for such PMW, or six (6) years from the date of issuance if issued in connection with an approval for a Modification of Use or Bulk.
- (2) **CNE.** Each CNE will be valid for four (4) years from the date of issuance for such CNE, or six (6) years from the date of issuance if issued in connection with an approval for a Modification of Use or Bulk.
- (3) **C of A.** Except as provided in paragraph (7), each C of A will be valid for six (6) years from the date of a Commission vote to approve such C of A.
- (4) **Report.** Each Report, whether Binding or Advisory and whether issued by LPC Staff or the Commission, will be valid for six (6) years from the date of issuance for such Report.
- (5) **Master Plan.** A master plan will be valid indefinitely, unless a lesser period of time is provided for in these rules. A PMW, CNE, C of A or Report issued for a master plan will be valid for the time period indicated in the approval; however, any time period provided in such PMW, CNE, C of A or Report shall not affect the expiration date of the master plan.
- (6) **MOU.** Each MOU will be valid for eight (8) years from the date the Commission votes to approve the application.
- (7) **Conceptual approval; extension of approval for C of A.** If an applicant is also applying to the Commission for a Modification of Use or Bulk, or otherwise applies to the City Planning Commission for a special permit or authorization, or to the Board of Standards and Appeals for a variance, the Commission will issue a conceptual or design C of A with a watermark for the sole purpose of allowing the City Planning Commission and/or the Board of Standards and Appeals, pursuant to § 25-305(b)(1) of the Administrative Code, to act on the application. Upon approval of the special permit, authorization or variance, and submission of all required drawings and materials to the LPC staff, the Commission will issue

the final C of A, and the expiration of the final C of A will be eight years from the Commission's vote to approve the application.

- (c) **Shorter Period of Time to Cure a Condition Subject to a Warning Letter or Summons.** Without limiting the time periods for permit duration set forth in subdivision 7-02(b), where a permit or certificate has been issued to address conditions subject to a warning letter or Summons issued pursuant to Chapter 11 of Title 63, the Commission may require by the terms of such permit or certificate that the work be performed within a specified time period. The failure to perform the work and remedy the conditions within the specified time period means that the Chair may serve a warning letter or a first, second or subsequent Summons in accordance with the provisions of §§25-317.1(b) and 25-317.2 of the Administrative Code.

§7-03 RENEWAL AND REINSTATEMENT OF PERMITS.

- (a) **Number of Renewals.** An approval may be renewed twice, as set forth below: once by LPC Staff renewal and once by a Chair's renewal. An expired approval may be reinstated one time.
- (b) **Conditions for LPC Staff Renewal.**
- (1) **Requirements.** LPC Staff will issue a renewal of an LPC Staff or Commission approval upon satisfaction of all of the following conditions:
- (i) An application requesting a renewal is filed with the Commission prior to the expiration date shown on such permit;
- (ii) The application requesting a renewal includes the following documents:
- (A) In the case of an approval that does not require a building permit for the work which is the subject of the approval, a copy of a signed contract that is binding on the parties for the work which is the subject of the approval then expiring and which specifies that work is to be commenced by a date which is no more than one hundred and eighty (180) days after the expiration date of such approval, or
- (B) In the case of an approval that does require a building permit for the work which is the subject of the approval, either:
- (a) A copy of a valid building permit for all of the work approved in the Commission's approval for the work which is the subject of the permit then expiring, or

- (b) A copy of a valid building permit for a substantial portion of the work approved in the Commission’s approval for the work which is the subject of the approval then expiring. This must also include proof that work has commenced on such building permit, and proof that the applicant has applied for a building permit for all of the remaining work approved in Commission’s approval for the work which is the subject of the approval then expiring; and
- (iii) No Summons or previously issued Notice of Violation from the Landmarks Preservation Commission is in effect against the property subject to the approval for which a renewal is requested, except that this requirement will not apply if:
 - (A) The Commission finds that the work which is the subject of the approval for which a renewal is requested will correct a hazardous condition or prevent deterioration affecting the building; or
 - (B) An escrow agreement, or other form of assurance acceptable to LPC Staff, has been established to provide a mechanism to ensure that work approved to correct the Summons or previously issued Notice of Violation will be completed within a specified time period.
- (2) **Duration of renewal.** If all conditions required for the renewal of an approval have been met, LPC Staff will renew the approval for an additional:
 - (i) Two years from the date of expiration of the original approval if the original approval is either a PMW or a CNE, or
 - (ii) Three years from the date of the expiration of the original approval if the original approval is a C of A, an advisory or binding report, or a MOU.
- (c) **Conditions for Chair’s Discretionary Renewal.**
 - (1) **Extraordinary circumstances.** Notwithstanding the foregoing provisions, the Chair of the Commission has the discretion, based on extraordinary circumstances, to allow the renewal of any LPC Staff or Commission approval. Such circumstances may include, but are not limited to:
 - (i) Delays resulting from the inability to obtain other governmental approvals, licenses or permits, but not including time spent in connection with applying for an approval from the City Planning Commission that is subject to the Uniform Land Use Review Procedure (“ULURP”) or from the Board of Standards and Appeals, or

- (ii) An inability, due to factors beyond the control of the applicant, to complete construction of a project within the term of such permit, where work has begun and is continuing with due diligence.
 - (iii) In making a finding with respect to this subdivision, the Chair may consider whether the applicant has already obtained an LPC Staff renewal pursuant to paragraph 7-03(b)(2) of this section and, if there was an LPC Staff renewal, whether there has been a significant change in Commission policy or practice since the LPC Staff renewal was granted.
- (2) **Timing.** A request for an extension under this subdivision (c) must be made in writing prior to the expiration date of the approval or within ten (10) days after receipt of notice that the approval will not be renewed pursuant to subparagraph (a) above. A request must include supporting documentation explaining the extraordinary circumstances. The Chair will respond in writing to such request within twenty (20) days of receipt of the request. If the Chair determines that a renewal of the approval is appropriate, the Chair will extend the approval for a stated period of time.
- (3) **Reasonable conditions.** In allowing the renewal, the Chair may set reasonable conditions, including removal of any conditions related to outstanding Summons, warning letters or Notices of Violation within a reasonable stated time.
- (d) **Tolling of the Expiration Date.** The expiration of any approval will be tolled if a judicial proceeding to review the Commission’s decision to grant the approval, or any other governmental approval, license, permit or similar action applied for, or granted in connection with, the project has been instituted until the date of the entry of a final order in such proceeding, including all appeals.
- (e) **Conditions for the Chair’s Discretionary Reinstatement of Expired Permit.**
- (1) **Requirements.** The Chair of the Commission has the discretion to reinstate a permit that has expired where:
 - (i) The applicant demonstrates that substantial work has occurred prior to the expiration;
 - (ii) The work is continuing with due diligence;
 - (iii) The applicant has all necessary permits to finish the work;
 - (iv) There is no Summons or previously issued Notice of Violation in effect against the property or that part of the property subject to the permit;
 - (v) The work will be substantially complete within thirty-six (36) months of the expiration date of the permit; and

- (vi) The Chair determines that it would be unreasonable to require the applicant to stop the work in order to obtain a new permit pursuant to these rules.
- (2) **Timing.** A request to reinstate an expired permit under subdivision (e)(1) must be made in writing no more than ninety (90) days from the expiration of the permit, and must include supporting documentation, including the status of the work, documentation that the work that has already occurred is in compliance with the permit, and the reasons it would be unreasonable if the work had to stop. If the Chair determines that reinstatement is appropriate, the Chair will reinstate the expired permit for a stated period of time not to exceed three years after expiration of the permit and may impose reasonable conditions.
- (f) **No Renewal or Reinstatement if a Summons or Previously Issued Notice of Violation is in Effect Against Property.** Any person who has been notified by the Commission that a permit will not be renewed or reinstated because a Summons or previously issued Notice of Violation from the Commission is in effect against the property may request that the Chair of the Commission, or the Chair's designee, review whether the notice of violation is properly in effect against the property. Such request must be made in writing within ten (10) days from the date of the notification that the permit will not be renewed and may include supporting documentation. The Chair of the Commission will respond to such request within twenty (20) days of receipt of the request. If the Chair or the Chair's designee determines that a Summons or previously issued Notice of Violation was not properly in effect against the property, the Chair will issue a renewed permit or reinstate an expired permit if it finds that all other conditions set forth in these rules have been met.

§7-04 EFFECT OF EXPIRATION OF PERMITS.

- (a) Upon expiration of any permit, such permit will terminate and be of no further effect, except if the permit is renewed or reinstated pursuant to § 7-03 or otherwise complies with the provisions of § 7-02(a)(3). Work done after an approval has expired, except for reasonable and necessary work undertaken to stabilize and secure the site pending application for and issuance of a renewed or reinstated approval subject to § 7-03, or a new approval, will constitute a violation of the Landmarks Law and may be subject to enforcement proceedings. A renewed or reinstated permit will not be a defense against any enforcement proceedings related to work occurring after the expiration and before such renewal or reinstatement.
- (b) An applicant may apply for a new permit for work which is the subject of an expired permit. The Commission will treat such application as a new application in all respects and it will be subject to all applicable procedures, rules and guidelines in effect at the time of such application.

§7-05 REVOCATION OF APPROVALS.

- (a) **The Commission may revoke the approval of any certificate of no effect, certificate of appropriateness, permit for minor work, binding or advisory report, notice to proceed, or any amendments thereof, whenever:**
- (i) there is a failure to comply with the provisions of chapter 3 of title 25 of the Administrative Code of the City of New York, or this title of the Rules of the City of New York;
 - (ii) there is any incorrect or false statement or any misrepresentation or omission in the documents submitted in the application for approval with respect to a fact that was material to the issuance of the approval;
 - (iii) or an approval has been issued in error and conditions are such that approval should not have been issued. In such an event, the Commission will issue a "Notice of Intent to Revoke" ("Notice") that will inform the applicant of the reasons for the proposed revocation. The applicant has the right to present to the commissioner or his or her representative information on why the approval should not be revoked. The applicant must present such evidence within 10 business days if the Notice was personally served or 15 calendar days if the Notice was sent by mail.
- (b) **Effect on Approval.** Upon issuance of a Notice all work must cease immediately and no work will occur at the site until such time as the Commission shall withdraw the Notice and reinstate the approval. Revocation of an approval will be effective upon the issuance of a written Final Decision of Revocation by the commissioner after the time period for submission of rebuttal information has ended. The Final Decision of Revocation should be issued within 20 working days after the time period for the applicant to respond has expired, or within ten working days after receipt of a written request for issuance of a Final Decision of Revocation if the commissioner fails to issue the Final Decision of Revocation in the initial 20 working day period. The Final Decision of Revocation will state the reasons that the approval is being withdrawn. The revocation of any approval is the automatic revocation of all associated approvals (including certificates, permits, reports, notices or amendments in the future) that may have been issued.
- (c) **The Notice of Intent to Revoke and the Final Decision of Revocation may be issued by personal service or sent by registered mail to the applicant's address as it appears in the application.** If the registered mail is unsuccessful, the commission may send the notice using the procedures permitted in section 25-313 of the Administrative Code of the City of New York.

- (d) **Enforcement action.** All or some of the work performed in connection with an approval that has been revoked may be subject to enforcement action under sections 25-317, 25-317.1 and 25-317.2 of the Administrative Code of the City of New York. Such enforcement action may start upon the issuance of a written final decision by the commissioner or his or her designee to revoke the approval.

CHAPTER 8: PROPOSED ALTERATIONS AND NEW CONSTRUCTION OF STOREFRONTS IN THE JACKSON HEIGHTS HISTORIC DISTRICT

§8-01 INTRODUCTION

§8-02 DEFINITIONS

§8-03 ROUTINE MAINTENANCE

§8-04 STOREFRONT ALTERATIONS

§8-05 PROCEDURE

**APPENDIX A: ILLUSTRATIONS OF DEFINITIONS OF ARCHITECTURAL
ELEMENT**

APPENDIX B: APPLICATION DRAWINGS

§8-01 INTRODUCTION.

These Rules are issued to assist the public in applying to the Landmarks Preservation Commission (the "Commission") for approval for the restoration, rehabilitation, alteration, or replacement of storefronts and associated fixtures in existing buildings within the Jackson Heights Historic District. These Rules enunciate the Commission's policy with respect to such work, and allow the staff of the Commission ("LPC staff") to issue permits for work conforming to these Rules. These Rules will ensure that new storefronts will be consistent with the architectural features that establish the aesthetic, historical, and architectural value and significance of the Jackson Heights Historic District.

The Jackson Heights Historic District represents one of the first areas in the city in which the commercial thoroughfares were designed to complement and integrate with the residential buildings through the use of the same architectural styles and features of adjoining residential buildings. The majority of buildings within the Jackson Heights Historic District were built between 1910 and the 1950's. The styles found in both the residential and commercial buildings of the Jackson Heights Historic District include the neo-Tudor (e.g., English Gables at 37-12 to 37-34 82nd Street), the neo-Romanesque (e.g., Ravenna Court at 80-01 to 80-29 37th Avenue), the neo-Georgian (e.g., Georgian Hall at 83-01 to 83-27 37th Avenue), and the Moderne (e.g., 78-01 to 78-15 37th Avenue).

§8-02 DEFINITIONS.

As used in the Jackson Heights Historic District Storefront Rules, the following terms shall have the following meanings:

Awning. "Awning" shall mean a metal frame clad with fabric attached over a storefront, door or window, to provide protection from the sun or rain.

Bulkhead. "Bulkhead" shall mean the part of a storefront that forms a base for one or more display windows (see Appendix A).

Building streetwall. "Building Streetwall" shall mean the predominant plane of the building facade at the level of the storefront.

Canopy. "Canopy" shall mean a metal frame clad with fabric that projects from a building entrance over the sidewalk to the curb, where it is supported on vertical posts.

Commission. "The Commission" shall mean the Commissioners of the Landmarks Preservation Commission, including the Chairman, as established by Section 3020 of the New York City Charter.

Cornice. "Cornice" shall mean a horizontal molded projection that completes the top of a wall, facade, building or storefront (see Appendix A).

Display window. "Display window" shall mean the large glazed portion of the storefront, and the associated framing, above the bulkhead and below the transom, extending from pier to pier. The display window is typically used for the display of goods and to provide daylight and visibility into the commercial space (see Appendix A).

Entrance recess. "Entrance recess" shall mean the recessed opening in the facade leading up to the doorway of a storefront or building entrance (see Appendix A).

Facade. "Facade" shall mean an entire exterior face of a building.

Fixture. "Fixture" shall mean an appliance or device attached to the facade (e.g., awning, sign, lighting fixture, conduit, or security gate).

Historic fabric. "Historic fabric" shall mean a building's original or significant historic facade construction material or ornament, or fragments thereof.

Landmarks Law. "Landmarks Law" shall refer to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York.

Lighting. "Lighting" shall mean the method or equipment for providing artificial illumination.

Lintel. "Lintel" shall mean the horizontal member or element above a door or window opening (see Appendix A).

LPC staff. "LPC staff" shall mean the staff of the Landmarks Preservation Commission acting in the Commission's agency capacity.

Permit. "Permit" shall mean any permit other than a Notice to Proceed, issued by the Landmarks Preservation Commission, in accordance with the provisions of the Landmarks Law:

- (a) "PMW" shall mean a Permit for Minor Work as defined by Section 25-310 of the Landmarks Law.
- (b) "CNE" shall mean a Certificate of No Effect as defined by Section 25-306 of the Landmarks Law.
- (c) "CofA" shall mean Certificate of Appropriateness as defined by Section 25-307 of the Landmarks Law and shall not refer to a Certificate of Appropriateness as defined by Section 25-309.

Pier. "Pier" shall mean a vertical supporting member or element (usually of brick, stone, or metal) placed at intervals along a wall, which typically separate each storefront opening from the adjacent storefront opening (see Appendix A).

Roll-down gate. "Roll-down gate" shall mean a security gate with a mechanism that allows it to roll up and down.

Rules. "Rules" shall mean the rules governing the practice and procedure of the Commission as promulgated in Title 63 of the Rules of the City of New York.

Scissor gate. "Scissor gate" shall mean a security gate with a sideways retractable mechanism.

Security gate. "Security gate" shall mean a movable metal fixture installed in front of a storefront or inside the display window or door to protect the store from theft or vandalism when the store is closed. A security gate can be either the roll-down or scissor variety.

Security gate housing. "Security gate housing" or "housing" shall mean the container that houses the rolling mechanism of a roll-down security gate.

Security gate tracks. "Security gate tracks" shall mean the interior or exterior tracks along the sides of the storefront (for roll-down gates) or along the top and bottom of the storefront (for scissor gates) that hold the edges of the gates.

Sign. "Sign" shall mean a fixture or area containing lettering or logos used to advertise a store, goods, or services (see Appendix A).

Signage. "Signage" shall mean any lettering or logos in general, used to advertise a store, goods, or services.

Sign band. "Sign band" shall mean the flat, horizontal area on the facade usually located immediately above the storefront and below the second story window sill where signs were historically attached. A sign band may also occur within a decorative bandcourse above a storefront (see Appendix A).

Significant architectural feature. "Significant architectural feature" shall mean an exterior architectural component of a building that contributes to its special historic, cultural, and aesthetic character, or reinforces the special characteristics for which the Jackson Heights Historic District was designated.

Sill. "Sill" shall mean the bottom horizontal member or element of a window or door (see Appendix A).

Skirt. "Skirt" shall mean a bottom finishing piece that hangs from the lower edge of an awning.

Soffit. "Soffit" shall mean the underside of a structural component such as a beam, arch, or recessed area.

Spandrel area. "Spandrel area" shall mean the portion of the facade below the sill of an upper story window and above the lintel of the window or display window directly below it or above the lintel of a window or display window and the building cornice or top of building (see Appendix A).

Storefront bay. "Storefront bay" shall mean the area of the storefront defined by and spanning the two piers.

Storefront infill. "Storefront infill" shall mean the framing, glazing, and cladding contained within a storefront opening in the facade.

Storefront opening. "Storefront opening" shall mean the area of the facade framed by the piers and lintel, which contains storefront infill (see Appendix A).

Transom. "Transom" shall mean a glazed area above a display window or door separated from the display window or door by a transom bar. A transom can be fixed or hinged (see Appendix A).

§8-03 ROUTINE MAINTENANCE.

A permit is not required to undertake minor ordinary repairs and cleaning such as:

- (a) **Window Repair.** Ordinary repair and restoration of windows in accordance with the criteria set forth in Section 3-02 (a) of these Rules ("Window Guidelines").⁷
- (b) **Painting.** Scraping, priming, and repainting of storefronts to recoat with the same color and finish, provided that such color and finish either existed at the time of designation or was subsequently applied pursuant to a Commission permit.
- (c) **Cleaning.** Routine cleaning, including polishing of metal storefronts and routine removal of small amounts of graffiti. Routine cleaning does not include sandblasting and chemical cleaning.
- (d) **Repair or Replacement of Door or Window Hardware.** Repair or replacement of door or window hardware, excluding security gate replacement.

§8-04 STOREFRONT ALTERATIONS.

LPC staff will issue a CNE or a PMW (if the work does not require a permit from the Department of Buildings) for storefront alterations and replacement provided the work meets all of the following criteria:

- (a) **Retention of historic storefronts.** All existing original or significant historic storefronts shall be retained or repaired if feasible, or if repair is not feasible, replaced in kind.
- (b) **Permitted storefront alterations.**
 - (1) **Retention of Significant Protected Features.** All alterations to storefront openings, infill, and fixtures shall preserve all significant original and historic architectural components of the existing storefront, including those presently concealed by non-original materials. Such components shall be retained or repaired if feasible, or if repair is not feasible, replaced in kind.
 - (2) **Storefront Openings.**
 - (i) **Size and placement.** Storefront infill shall fit within the opening established by the original building piers and lintels.

⁷ Chapter Three: Repair and Replacement of Windows in Landmark and Historic District Buildings ("Window Guidelines") is repealed. The relevant criteria are now set forth in Section 2-14 (c) of these rules.

- (ii) Separation between storefronts and upper floors. A storefront shall be visually separated from the upper floors or the top of the building by a horizontal architectural component, such as a cornice or sign band.
- (3) **Storefront Infill.** The design of storefront infill shall be based on:
- (i) Evidence of the original storefront. An original storefront design shall be determined through references to historic photographs, remnants of historic fabric, or other historic storefronts in the building or similar type of building. (Note: LPC staff can assist you in locating historic photographs.) All such evidence shall be submitted to the Commission with the application; and /or
 - (ii) General Jackson Heights storefront infill criteria. These criteria, set forth below, reflect the typical historic configuration of storefronts in the Jackson Heights Historic District, which were comprised of three horizontal parts: solid bulkhead, display window, and transom.
 - (A) **Bulkhead.** A storefront shall have a bulkhead. The bulkhead shall be between 12 inches and 24 inches in height. The bulkhead shall be built of or clad with one of the following materials:
 - (a) brick that matches the existing building facade brick;
 - (b) stone or cast stone;
 - (c) paneled wood with molded details; or
 - (d) metal with molded detail. Corrugated metal shall not be permitted.
 - (B) **Display Window.** A storefront shall have one or more display windows. Display windows shall be framed with wood or metal and shall be glazed with clear glass. Any blocking of the transparency of the glass of portions of the storefront shall be reversible and maintain the exterior surface of the glass. Back-painting or the installation of removable opaque panels behind the glass shall be permitted. The installation of tinted or mirrored glass shall not be permitted.
 - (C) **Transom.** A storefront shall have a transom above the door(s) if there is sufficient clearance within the existing masonry opening. Transoms are also required above display windows unless it is determined through physical or pictorial evidence that no transom existed originally or if there is not sufficient clearance within the existing masonry opening. Transoms shall be between 12 and 36

inches in height. Transom framing shall match the material and finish of the display window framing. Transoms shall be glazed with clear glass. Back-painted glass or the installation of a solid panel behind the glass shall be permitted when necessary to conceal a dropped ceiling if such ceiling falls below the top of the transom.

- (D) **Building Streetwall.** The overall placement of the bulk-head, display window and display window transom shall conform to the original building streetwall. A new display window, bulkhead, and door that incorporate external roll-down gates, with a recessed housing that complies with the criteria set forth below in 8-04 (b) (6) (ii), may be recessed up to four inches to accommodate the width of the gate tracks.
- (E) **Entrance.** A storefront without-swinging doors shall have an entrance recessed a minimum of 18 inches from the building streetwall. The sides of the entrance recess shall be splayed or angled outward toward the street, unless restricted by the property line. Recessing is optional if a storefront has in-swinging doors.
- (F) **Door.** A door shall have at least 75% of its surface area glazed with clear glass and shall be framed in wood or metal. Solid, flat (unpaneled) doors are not permitted.
- (G) **Finish.** Non-glazed portions of the storefront infill shall be manufactured in, factory finished with paint or enamel in, or painted on site with one of the following colors or finishes:
 - (a) Black
 - (b) Brown
 - (c) Dark gray
 - (d) Tan
 - (e) Dark green
 - (f) Maroon (dark brownish red)
 - (g) Silver (stainless steel, clear-finished, or brush-finished aluminum). This finish shall be permitted only for metal storefronts in buildings specified in the Jackson Heights Historic District Designation Report as Art Deco or Moderne Style.

- (h) Anodized finishes on aluminum shall be black or silver only. Bronze anodized aluminum shall not be permitted.

(4) **Signage.**

(i) Types of signs permitted on the ground story.

- (A) Back-painted signs on glass doors, display windows or transoms not exceeding 50% of the glazed area. No LPC permit is needed for this type of sign.
- (B) Letters and logos pin-mounted or painted on a wood, metal, or opaque glass panel that is mounted flat within the sign band or spandrel. Such signs may be illuminated with a shielded or concealed source of light, or with "goose-neck" type fixtures. Such "goose-neck" fixtures shall be placed above a sign and shall not exceed one fixture for every 3 linear feet of sign.
- (C) Neon signs installed in the display window behind the glass, provided that the perimeter of the window is not outlined with neon, the transparency of the display window is not materially reduced, and the size of the sign does not exceed 2 feet by 2 feet per display window.
- (D) Individual pin-mounted opaque letters and logos illuminated from behind, each glowing with a halo of light, or individual letters with exposed neon tubes (no lenses). The letters or logos may be mounted on a flat metal or wood panel, or affixed to a base measuring no more than 4 inches deep by 4 inches high that houses the electrical conduit.
- (E) Signs painted on awnings (if permitted under the awning rules, set forth below in 8-04 (b) (5)).
- (F) Small identification signs for second story tenants are permitted near the entrance to the second story premises.

(ii) Types of signs permitted on the second story.

- (A) Back-painted signs on glass windows or transoms not exceeding 50% of the glazed area. No LPC permit is needed for this type of sign.
- (B) Letters and logos pin-mounted or painted on a wood, metal or opaque glass panel, which is mounted flat on an area of plain masonry.
- (C) Neon signs, installed in the second floor window behind the glass, provided that the perimeter of the window is not outlined with neon,

the transparency of the second floor window is not materially reduced, and the size of the sign does not exceed 18 inches by 18 inches per window.

- (D) Signs painted on awnings (if permitted under the awning rules, set forth below in 8-04(b)(5)).

(iii) Types of signs not permitted.

- (A) Projecting banners and flagpoles
- (B) Internally illuminated box signs with plastic or glass lenses.
- (C) Internally illuminated fabric signs or awnings.
- (D) Flashing signs, moving signs, or strobe-lights.
- (E) Neon border outline around perimeter of a window.
- (F) Signs or advertising added to bulkheads.

(iv) General criteria for sign installation. Installation of the sign shall not damage or obscure significant architectural features of the building and/or the storefront.

(v) Criteria for sign installation at ground story.

- (A) Ground story signs shall be installed in the sign band, spandrel, display window, transom, or door.
- (B) The height of the sign shall not exceed the height of the sign band, or, if there is no sign band, the spandrel area above the storefront.
- (C) The length of the sign shall not exceed the length of the frontage of the storefront opening.

(vi) Criteria for sign installation at the second story.

- (A) A second story sign shall relate to the commercial premises located at the second story.
- (B) A second story sign may be placed on the building facade either in the spandrel area above the second story windows or centered between second story windows. The placement of second story signage shall be consistent for a single building.

- (C) A sign located above a second story window shall not exceed 20 inches in height or the lesser of 6 feet in length or the width of the window(s) for the commercial premises.
 - (D) A sign placed between windows on the second story shall not exceed 30 inches in height or 3 feet in length.
 - (E) Second story signs on the facade shall not be externally or internally illuminated, except for neon signs that comply with the criteria set forth above in 8-04(b)(4)(ii)(C).
- (5) **Storefront Awnings.** These rules apply to the installation of awnings above ground story storefronts and above upper story windows. For storefronts in the Jackson Heights Historic District, the following criteria apply in lieu of the general awning rule set forth in Section 2-12 of the Rules. If a new storefront is being installed and an awning is desired, the storefront shall incorporate an awning in compliance with the criteria set forth below. Existing awnings in non-compliance with these criteria cannot be maintained unless the applicant can demonstrate to LPC staff that the new storefront installation will not require the removal of the existing awning.

(i) General awning criteria.

- (A) An awning may be retractable or fixed. If fixed, the awning shall have a straight slope, be open on the sides, and have an unframed, flexible skirt. The awning skirt shall not exceed 10 inches in height. If retractable, the awning shall have a straight slope.
- (B) The awning shall be attached to the facade at the lintel or transom bar, except that the awning may be attached above the lintel and below or within the lower portion of the sign band where:
 - (a) an existing or permitted roll-down security gate makes it impossible to install the awning at the lintel or transom bar; or
 - (b) installing the awning at the lintel or transom bar will result in the lowest portion of the awning being less than eight feet above the sidewalk.

Where the awning is installed above the lintel but below or in the lower portion of the sign band, the awning encroachment on the area above the lintel shall be the minimum required to accommodate the conditions described above in subparagraphs (a) and (b).

- (C) The length of the awning shall not exceed the length of the storefront opening or the associated window opening and the edges of the

awning shall be aligned with the inside face of the principal piers of the storefront, or the window opening.

- (D) The underside of the awning shall be open.
- (E) The lowest portion of awning shall be at least 8 feet above the sidewalk.
- (F) The awning shall project between three feet and six feet from the building street wall.
- (G) The awning shall be clad only with water repellent canvas with a matte finish or other fabric of a similar appearance.
- (H) A sign may be painted on the awning skirt. Such sign shall not exceed 8 inches in height.
- (I) A sign may not be painted on the sloped portion of the awning unless the building has no sign band or spandrel area above the ground floor storefront. Such signs shall be proportionate with the size of the awning, but in no event shall such signs exceed 6 square feet in area per awning.

(ii) Types of awnings not permitted. The following types of awnings are not permitted:

- (A) Fixed box awnings.
- (B) Fixed waterfall or curved awnings.
- (C) Novelty awnings.
- (D) Translucent or transparent awnings illuminated from within or beneath.

(iii) Canopies. Canopies are not permitted.

(6) Security Gates.

- (i) General requirements. A security gate shall not obscure or detract from the design and details of an existing storefront and shall be architecturally integrated with the design and construction of a new storefront.
- (ii) Security gates for new storefronts. If security gates are required, the new storefront shall be constructed with an internally-housed or completely internal security gate system or scissor gates. Subsequent to a new

storefront installation, LPC staff will not approve a security gate in noncompliance with the criteria set forth below.

- (A) **Roll-down gates.** All roll-down security gates installed pursuant to these rules shall be composed entirely of open mesh or have a solid metal panel at the base that does not exceed the height of the bulkhead it covers.
- (B) **Internal gates.** A roll-down security gate may be mounted on the interior of the storefront. An internally mounted gate is required if an externally mounted gate cannot be installed in compliance with the criteria for external gates set forth below in subsection (C).
- (C) **External gates.** A roll-down security gate may be mounted on the exterior of the storefront if it (1) does not affect, obscure, or damage historic fabric, (2) the security gate housing is located on the interior of the storefront, or the outer face of the security gate housing is set so as not to protrude beyond the building streetwall, and (3) the security gate tracks are recessed or set into reveals along the sides of the storefront.
- (D) **Scissor gates.** Scissor gates are permitted if their installation does not obscure or damage any significant architectural feature.

(iii) Security gates for existing storefronts.

- (A) An internal gate, scissor gate, or external gate may be installed if the installation is in compliance with the relevant criteria set forth above in 8-04(b)(6)(ii)(A-D).
- (B) A replacement external gate that is not in compliance with the criteria set forth above in 8-04(b)(6)(ii)(C) may be mounted on the exterior of the storefront if the following criteria are met:
 - (a) the existing storefront is not being replaced and the storefront had an exterior roll-down gate at the time of the designation of the Jackson Heights Historic District;
 - (b) the installation of the new security gate shall not obscure or damage any significant architectural features; and
 - (c) the security gate housing and tracks shall be finished in a color to match or harmonize with the storefront and the security gate housing will be completely covered by an awning that is installed and maintained in compliance with the awning rules set forth above in subsection 8-04(b)(5); and

- (d) the security gate shall be composed entirely of open mesh or shall have a solid metal panel at the base that does not exceed the height of the bulkhead it covers.

(7) **Lighting.**

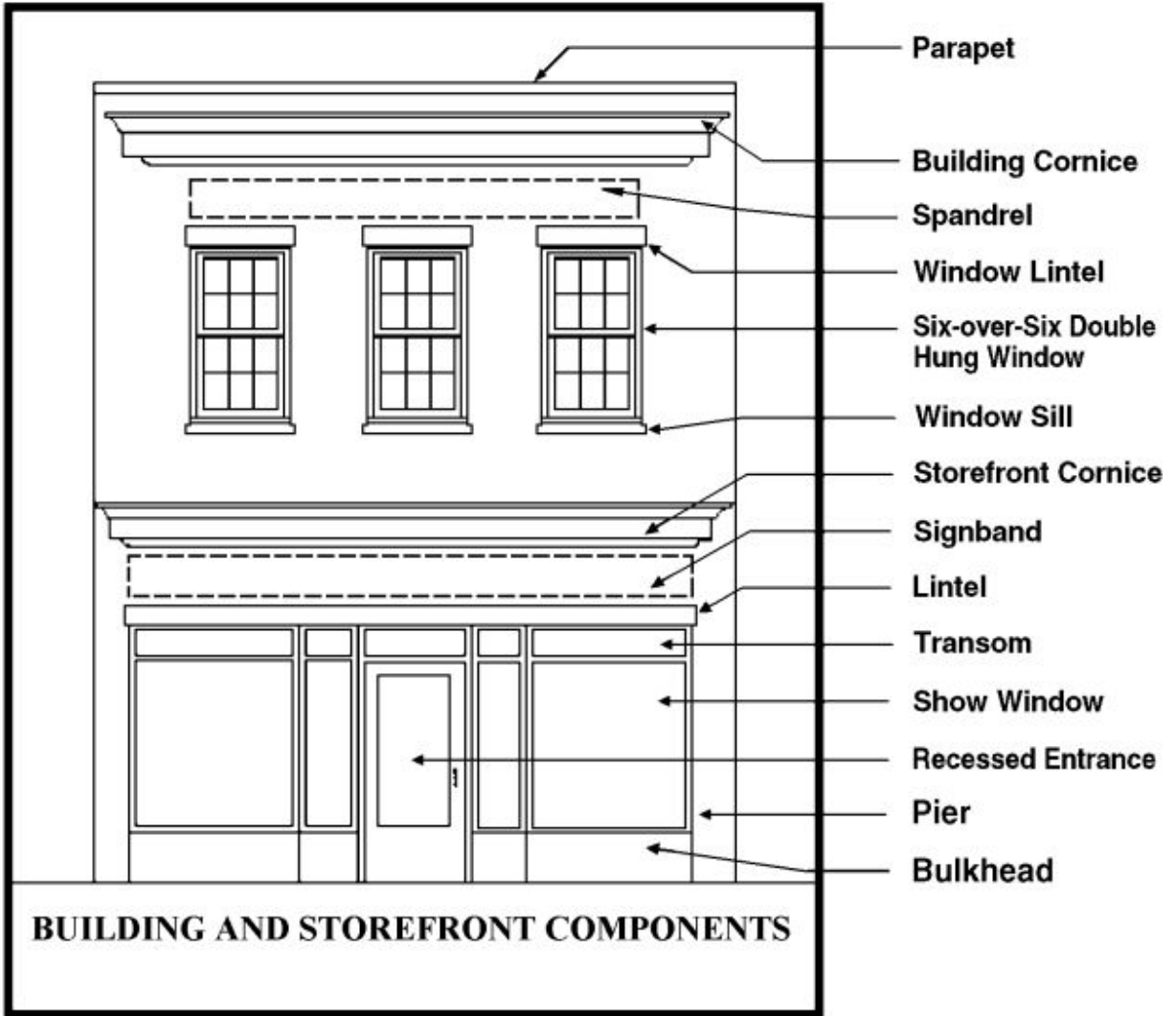
- (i) The installation of lighting conduits and fixtures shall not obscure or damage any significant architectural feature.
 - (ii) Lighting conduits shall be internal or not visible.
 - (iii) External light fixtures shall illuminate only the storefront and/or ground story signs.
 - (iv) The number and size of light fixtures shall be in keeping with the scale of the storefront.
 - (v) The design of light fixtures shall be utilitarian or shall complement the architectural style and detail of the building.
 - (vi) Fluorescent and high intensity light shall be permitted only if the source of light is concealed and shielded.
 - (vii) Recessed light fixtures shall be mounted within the soffits of recessed storefront entrances.
 - (viii) No separate light fixture shall illuminate any sign with internal illumination.
- (8) **Air conditioners/louvers.** Temporary, seasonal air conditioning units shall be installed in transoms over doors. Louvers for built-in air conditioning, heating or ventilation units may be installed at the door or window transoms. Louvers shall be mounted flush with the plane of the transom, and painted to match the color of the surrounding storefront elements.

§8-05 PROCEDURE.

- (a) **Submission of application.** The rules for making an application are set forth in Chapter 2, Subchapter A ("Application Procedure") of these Rules. The illustrations included in Appendix B provide hypothetical examples of the types of storefronts and storefront installations which are permitted under these rules.
- (b) **Review of application.**
 - (1) When the application is complete, a staff member will review the application for conformance with the criteria set forth in this Chapter 8. Upon determination that the criteria of the guidelines have been met, a permit will be issued within 20 business days for a PMW or 30 business days for a CNE, as measured from the day the staff determines that the application is complete.
 - (2) If the criteria have not been met, the applicant will be given a notice of the proposed denial of the application and an opportunity to meet with the Director of the Preservation Department, or, when the Director is not available, with a Deputy Director, to discuss the interpretation of these rules. The applicant must request such a meeting in writing within 10 business days from the date of the notice of proposed denial.
 - (3) If an application for work is denied a PMW or CNE under these Rules, the applicant shall be informed of his or her right to file for a CofA pursuant to Title 25, Chapter 3 of the Administrative Code of New York City.
- (c) **Illustrations.** Drawings are the most effective way to illustrate the proposed work in a clear and precise fashion. The drawings contained in Appendix B of this Chapter 8 are examples of the types of drawings an applicant will be required to submit to the LPC as components of a complete application. As examples, these drawings have been simplified to generalize and illustrate many of the definitions and the requirements enunciated in the rules above. Submissions to the Commission must be specifically tailored to individual proposals. Drawings must be made to scale, and include all pertinent dimensions. Applications also may be supplemented, as necessary, with photographs of existing conditions, construction details, materials samples, specifications, and maps, to best explain the proposed work.

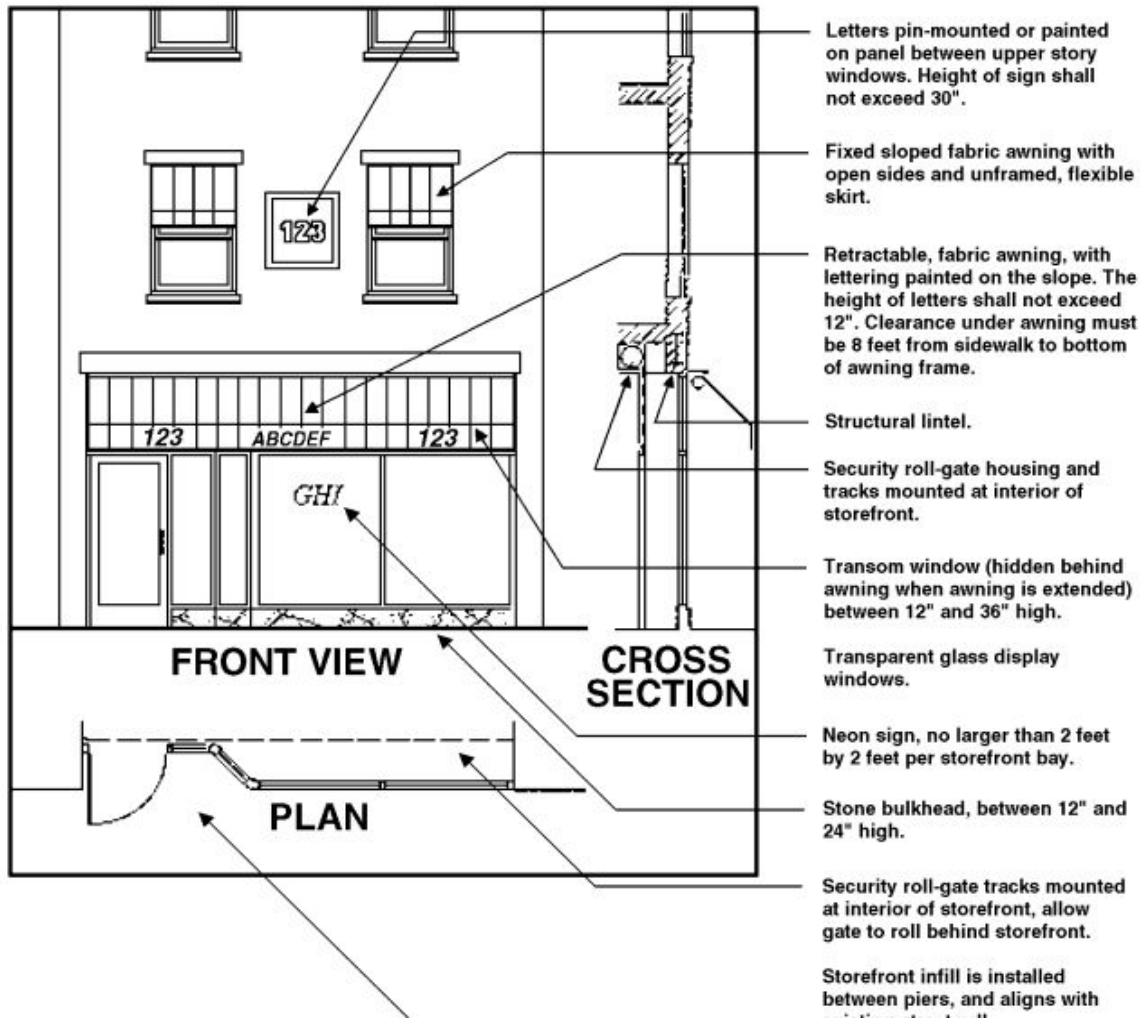
APPENDIX A: ILLUSTRATIONS OF DEFINITIONS OF ARCHITECTURAL ELEMENT

JACKSON HEIGHTS STOREFRONT RULES



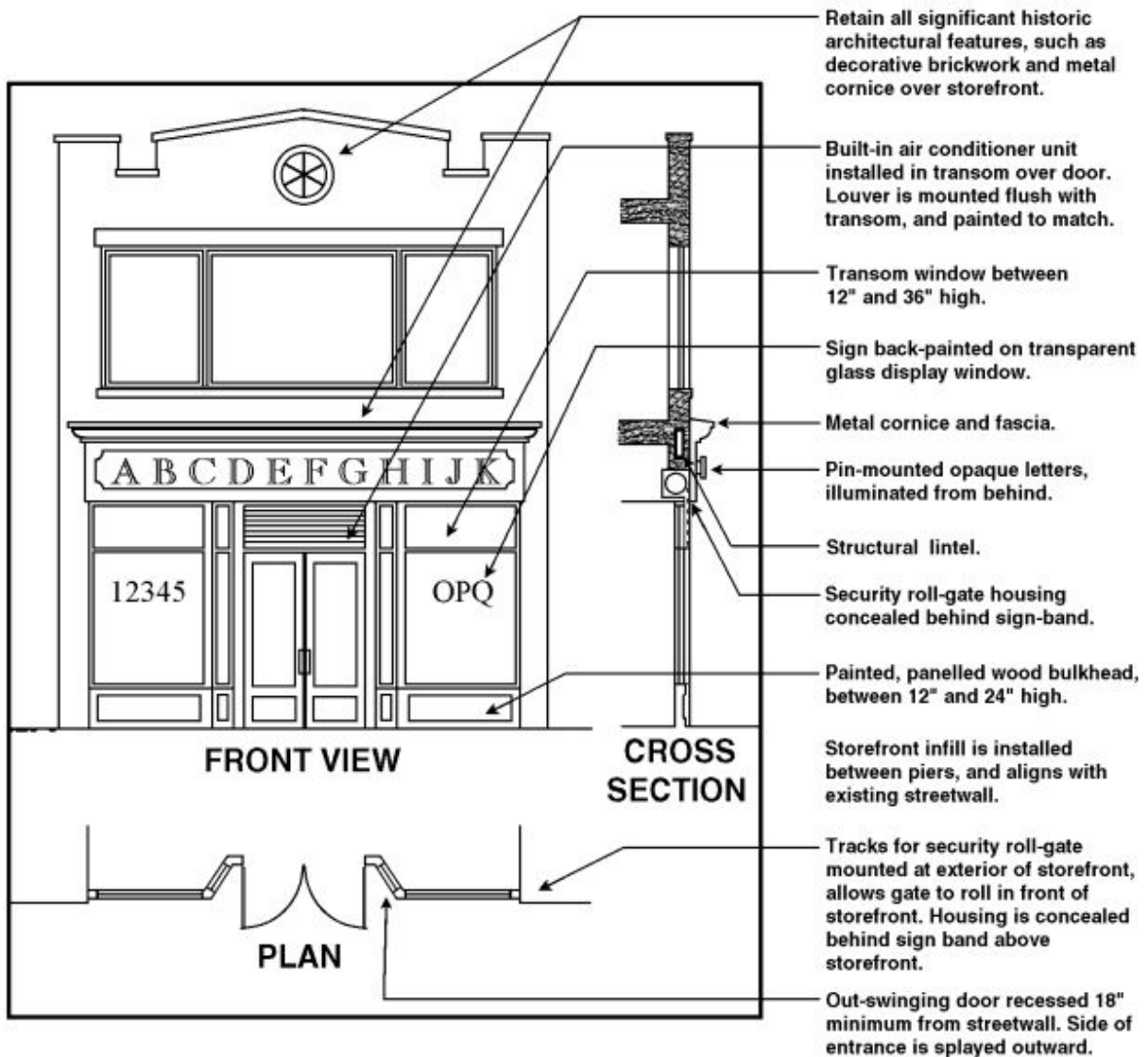
APPENDIX B: APPLICATION DRAWINGS

JACKSON HEIGHTS STOREFRONT RULES



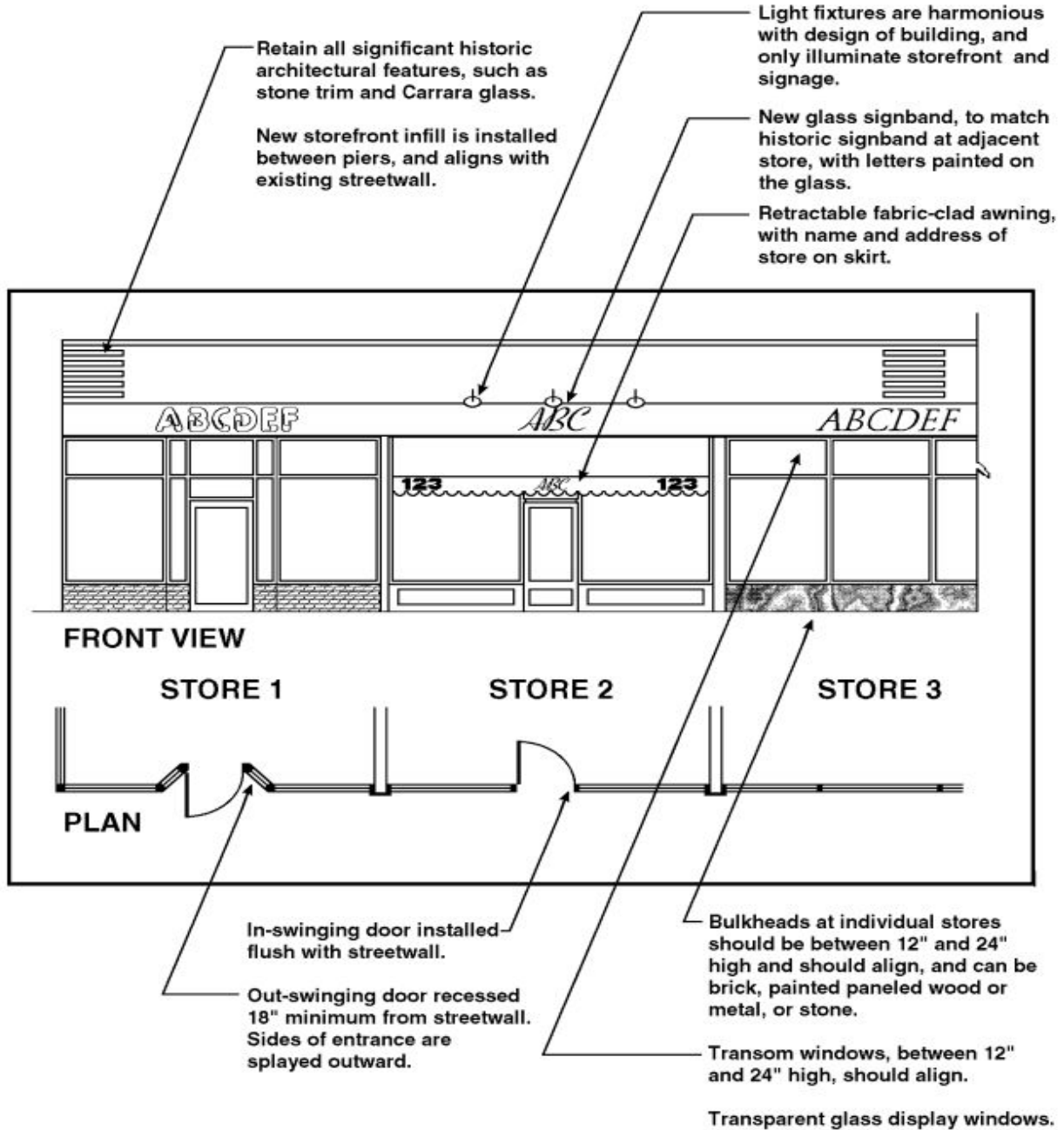
EXAMPLE ONE: STOREFRONT WITH SIDE ENTRANCE

JACKSON HEIGHTS STOREFRONT RULES



EXAMPLE TWO: STOREFRONT WITH CENTER ENTRANCE

JACKSON HEIGHTS STOREFRONT RULES



EXAMPLE THREE: BUILDING WITH MULTIPLE STOREFRONTS

CHAPTER 9: ALTERATIONS TO DESIGNATED BANK INTERIORS

§9-01 INTRODUCTION

§9-02 DEFINITIONS

§9-03 ELIGIBLE INTERIORS

§9-04 CHANGES TO NON-SIGNIFICANT FEATURES

§9-05 STATE-OF-THE-ART BANKING CHANGES

§9-06 APPLICATIONS FOR COMPLETE OR PARTIAL REMOVAL OF TELLER COUNTERS

§9-07 APPLICATION PROCEDURES

§9-01 INTRODUCTION.

- (a) These rules are issued to assist building owners in applying to the Landmarks Preservation Commission (LPC) for approval of applications to undertake repair, rehabilitation, replacement of, or alterations to interior architectural features within designated bank interiors. The rules set forth Commission policy with respect to such repair, rehabilitation, replacement, or alteration and explain the procedures required to apply for a permit. The goal of these rules is to facilitate and encourage the continued historic use of these interiors as banking floors and to facilitate the adaptive reuse of the interior if it ceases to be used as a banking floor.
- (b) These rules are based on the following principles:
 - (1) The significant original visual qualities or character of a designated interior should not be destroyed. The removal or alteration of any significant architectural feature should be avoided whenever possible.
 - (2) Significant but deteriorated architectural features should be repaired rather than replaced whenever possible.
 - (3) Certain interior alterations can be approved at staff level in conformance with the procedures set forth in these rules. Other interior alterations require review by the full Commission in accordance with its usual review procedures.
- (c) These rules are keyed to underlined portions of the Description section of the Designation Reports for these interior landmarks, which identify significant architectural features requiring protection.
- (d) Applicants are encouraged to submit applications for Master Plans which will govern the approval of routine and continuing alterations such as installation of mechanical and electrical equipment.

§9-02 DEFINITIONS.

As used in these Rules, the following terms shall have the following meanings:

Banking interior. "Banking interior" shall mean the area of the designated interior historically used for banking operations and any associated interior spaces including, without limitation, entrance vestibules or mezzanines identified in the designation report as part of the designated interior.

Commission. The "Commission" shall mean the eleven Commissioners, including, the Chairman, as established by Section 3020 of the New York City Charter.

Interior architectural features. "Interior architectural features" shall have the meaning established in Section 25-302 of the Administrative Code of the City of New York.

Landmarks Law. "Landmarks Law" shall refer to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York.

LPC. "LPC" shall mean the Landmarks Preservation Commission acting in its agency capacity to implement the Landmarks Law.

Non-significant features. "Non-significant features" shall mean the interior architectural features of the designated interior that the LPC has determined do not contribute to the special historic, cultural, and/or aesthetic character for which the interior was designated. These features comprise all of the interior architectural features of the interior with the exception of those features that are underscored in the designation report.

Significant features. "Significant features" shall mean the interior architectural features of the designated interior that the LPC has determined contribute to the special historic, cultural, and/or aesthetic character for which the interior was designated and therefore require protection under these rules. These features are identified in the designation reports and indicated by underscoring.

Reversible alteration. "Reversible alteration" shall mean an alteration in which the altered feature can be readily returned to its appearance prior to the alteration.

State-of-the-art banking change. "State-of-the-art banking change" shall mean a physical alteration to the bank interior that the applicant has determined to be necessary to accommodate changes in technology and/or banking practice. When submitting an application to make such an alteration, the applicant must enclose a verified statement executed by the manager of the bank stating that the bank's ability to perform its banking functions would be impaired if it were unable to make such an alteration.

Terms not otherwise defined in these rules shall have the meanings given them in the Landmarks Law.

§9-03 ELIGIBLE INTERIORS & SIGNIFICANT FEATURES.

(a) **The following interior landmarks are subject to these rules:**

- (1) Former Emigrant Industrial Savings Bank, 51 Chambers Street, Manhattan
- (2) Former New York Bank for Savings, 81 Eighth Avenue, Manhattan
- (3) Former Greenwich Savings Bank, 1352-1362 Broadway, Manhattan
- (4) Former Central Savings Bank, 2100-2114 Broadway, Manhattan
- (5) Former Dollar Savings Bank, 2516-2530 Grand Concourse, Bronx
- (6) Dime Savings Bank, 9 DeKalb Avenue, Brooklyn
- (7) Former Bowery Savings Bank, 130 Bowery, Manhattan
- (8) Former Bowery Savings Bank, 110 East 42nd Street, Manhattan
- (9) Williamsburgh Savings Bank, 1 Hanson Place, Brooklyn
- (10) Williamsburgh Savings Bank, 175 Broadway, Brooklyn
- (11) Brooklyn Trust Company, 177 Montague Street, Brooklyn

In addition, any interior landmark or portion thereof which the Commission designates subsequent to the enactment of these rules and which is described as a banking interior in the designation report shall be subject to these rules.

§9-04 CHANGES TO NON-SIGNIFICANT FEATURES.

- (a) The LPC staff will issue a Certificate of No Effect on Protected Architectural Features (CNE) or a Permit for Minor Work (PMW) (if the work does not require a permit from the Department of Buildings) within five working days of receipt of a completed application for any proposed work to a non-significant feature if the following conditions are met.
- (1) The visible volume and configuration of the banking interior is maintained; and
 - (2) The staff determines that the alteration will not adversely affect any significant architectural feature and will not detract from the overall visual character of the banking interior.

§9-05 STATE-OF-THE-ART BANKING CHANGES.

- (a) The LPC staff will issue a CNE or PMW within fifteen working days of receipt of a completed application for a state-of-the-art banking change, if all of the following conditions are met:
 - (1) the visible volume and configuration of the banking interior is maintained; and
 - (2) the proposed alteration is the least intrusive means available to achieve a state-of-the-art banking change, such as the installation of ATMs or security devices; and
 - (3) that (i) the proposed alteration will have no effect on the physical fabric of the significant features or (ii) such effect is reversible, and that the applicant will ensure that the physical fabric of the significant feature will be replaced or restored after the proposed alteration is no longer required to achieve a state-of-the-art banking change.
- (b) Any proposed alteration that includes the partial or complete removal or relocation of the teller counter or the removal of a significant portion of its fittings or fixtures requires a Certificate of Appropriateness (CofA) from the Commission in accordance with the procedures and criteria set forth in the Landmarks Law if the teller counter and/or such fittings or fixtures is a significant feature.

§9-06 APPLICATIONS FOR PARTIAL OR COMPLETE REMOVAL OF TELLER COUNTERS.

- (a) Any CofA application that includes the partial or complete removal of the teller counter or the complete or partial removal of the teller counter and its associated fixtures may include a written statement setting forth the reasons why such removal is appropriate.
- (b) In its consideration of the appropriateness of the proposed removal the Commission may consider, among other things, whether the partial or complete removal of the teller counter or its fittings or fixtures would damage any other significant architectural feature and the extent to which the proposed alterations would restore the affected portions of the banking floor and/or exposed counter-end to an appropriate condition. In addition, the Commission, in its discretion, may, if the applicant is not a public or quasi-public agency, require the applicant to establish an escrow account or other adequate assurance to provide for the disassembly, removal, secure storage, and replacement of the teller counter and/or its fittings and fixtures for such time and under such conditions as the Commission shall determine and describe in the CofA.

§9-07 APPLICATION PROCEDURES.

- (a) **Submission of application.** See Chapter 2, Subchapter A ("Application Procedure") of these rules.
- (b) **Review procedure.**
 - (1) When the application is complete, staff will review the application for conformance with these rules. Upon determination that the criteria of the rules have been met, a PMW or CNE will be issued.
 - (2) If the criteria set forth in these rules for a CNE or PMW have not been met, the applicant will be given a notice of the proposed denial of the application pursuant to these rules and an opportunity to meet with the Director of the Preservation Department, or, in the absence of the Director, with a Deputy Director, to discuss the interpretation of these rules. After this meeting has taken place, if the applicant would like to discuss the matter further, he or she will be given an opportunity to meet with the Chairman for additional discussion of the application.
 - (3) Applications for work which does not qualify for the issuance of a CNE or PMW in accordance with these rules shall be subject to the LPC's usual review procedure as set forth in the Landmarks Law.

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CHAPTER 10: NOTIFICATION TO LESSEES OF LANDMARKS DESIGNATION & PERMIT REQUIREMENTS

§10-01 INTRODUCTION

§10-02 NOTICE TO TENANT OF LANDMARKS DESIGNATION

§10-03 NOTIFICATION

§10-01 INTRODUCTION.

These rules are issued to assist the owners and other persons in charge of improvements or property that is a landmark, interior landmark or located on a landmark site or in a historic district in complying with the nonresidential tenant notification requirements set forth in Section 25-322 of the Administrative Code of the City of New York.

§10-02 NOTICE TO TENANT OF LANDMARKS DESIGNATION.

The language set forth below shall satisfy the notification requirements set forth in Section 25-322 of the Landmarks Law.

"The tenant [lessee] is hereby notified that the leased premises are subject to the jurisdiction of the Landmarks Preservation Commission. In accordance with sections 25-305, 25-306, 25-309 and 25-310 of the Administrative Code of the City of New York and the rules set forth in Title 63 of the Rules of the City of New York, any demolition, construction, reconstruction, alteration or minor work as described in such sections and such rules may not be commenced within or at the leased premises without the prior written approval of the Landmarks Preservation Commission. Tenant is notified that such demolition, construction, reconstruction, alterations or minor work includes, but is not limited to, (a) work to the exterior of the leased premises involving windows, signs, awnings, flagpoles, banners and storefront alterations and (b) interior work to the leased premises that (i) requires a permit from the Department of Buildings or (ii) changes, destroys or affects an interior architectural feature of an interior landmark or an exterior architectural feature of an improvement that is a landmark or located on a landmark site or in a historic district."

§10-03 NOTIFICATION.

- (a) **Lease Notification.** Any nonresidential lease or sublease (including any renewal thereof) executed after December 13, 1996 for property or an improvement that is a landmark, interior landmark or located on a landmark site or in a historic district shall include the notice set forth in Section 10-02 above. Such notification shall be highlighted in bold or underscored or otherwise highlighted so that it is conspicuously set forth.
- (b) **Letter Notification.** If an improvement or property is designated as a landmark or an interior landmark or included as part of a landmark site or historic district during the term of a nonresidential lease or a sublease of all or a portion of such improvement or property, the lessor of such lease or sublease shall within 30 days after being notified of such designation by the Landmarks Preservation Commission or person in charge, send the written notice set forth in Section 10-02 to the nonresidential lessee or sublessee. Such notice shall be highlighted in bold or underscored or otherwise highlighted so that it is conspicuously set forth. Such notice shall be sent by certified or registered mail, return receipt requested to all nonresidential lessees on the first two floors (excluding the basement or cellar) and shall be sent to all other nonresidential lessees by any means reasonably designed to ensure that notice is given.

CHAPTER 11: ADMINISTRATIVE ENFORCEMENT

INTRODUCTION

§11-01 DEFINITIONS

§11-02 ENFORCEMENT OF SUMMONSES

§11-03 SERVICE OF SUMMONS

§11-04 WARNING LETTER

§11-05 SUMMONS; GRACE PERIOD

§11-06 STOP WORK ORDER

APPENDIX A: PENALTY SCHEDULE

INTRODUCTION.

These rules implement the provisions of Sections 25-317.1 and 25-317.2 of the Administrative Code, insofar as such sections concern the issuance of Summonses and previously issued Notices of Violation, warning letters and stop work orders and the enforcement of the requirements of chapter 3, title 25 of the Administrative Code in administrative tribunals, including the imposition and adjudication of administrative penalties. For purposes of the Administrative Code and the rules of the Landmarks Preservation Commission, the term “**Notice of Violation**” or “**NOV**” means “**Summons**”.

§11-01 DEFINITIONS.

The following definitions shall apply to this chapter:

- (a) The term "**Landmarks Law**" means chapter 3 of title 25 of the Administrative Code of the City of New York.
- (b) The term "**respondent**" means a person who is alleged to have violated the Landmarks Law by creating, authorizing, performing or maintaining work on a landmarks site, within the boundaries of a historic district or to any part of an Interior Landmark without, or in violation of, a permit from the Landmarks Preservation Commission ("Commission").
- (c) The term "**stop work order**" means an order, issued pursuant to section 25-317.2 of the Administrative Code.
- (d) A violation is "**corrected**" by removing the illegal condition, only where such condition can be easily removed without damage to underlying building material and where such removal does not require a permit from the Commission. For example, a violation for the installation of a sign or awning without a permit may be corrected by removing the sign or awning, if such removal does not result in damage to the

underlying building material. Correcting a violation does not include or otherwise permit the reinstallation of a preexisting condition or the installation of a substitute condition. For example, a violation for the installation of a sign or awning without a permit, where such installation involved the removal of a preexisting sign or awning, may not be corrected by reinstalling the prior sign or awning, or installing a different sign or awning. A violation is not corrected for purposes of section 25-317.1b(6) of the Landmarks Law if the same or a similar illegal condition is installed within 180 days of the respondent's representation to the Commission that the violation has been corrected.

- (e) A violation is "**legalized**" when the Commission issues a permit approving and authorizing the work that was done without a permit.
- (f) A violation is "**cured**" where the Commission issues a permit authorizing modifications to the illegal condition to make it appropriate, or where the Commission authorizes work to replace the illegal work, and the modification or replacement work is completed and the Commission has issued a Notice of Compliance.
- (g) For purposes of sections 11-03, 11-04 and 11-06, the term "**mail**," "**mailed**" and "**mailing**" means first class United States mail or express or overnight delivery to a respondent as follows:
 - (1) Where the respondent is an owner, the warning letter, Summons or stop work order shall be mailed to the owner's address as contained in the records of the Department of Finance for purposes of the assessment or collection of real estate taxes or as contained in the records of the Commission for purposes of the implementation or enforcement of the relevant portions of the charter or administrative code.
 - (2) Where the respondent is a tenant or occupant of the premises where the violation occurred, the warning letter, Summons or stop work order shall be mailed to the address where the violation occurred.
 - (3) Where the respondent is a contractor or other person who performed or was in charge of overseeing the work that was done without, or in violation of, a permit, the warning letter, Summons or stop work order shall be mailed to the contractor's or person's business address as generally advertised or represented to the public, unless such contractor or other person is the owner, tenant or occupant.
 - (4) Where the respondent is any other person in charge of a designated improvement or improvement parcel, the warning letter, Summons or stop work order shall be mailed to such person's business address, as generally advertised or represented to the public, or as such address is contained in the records of the Department of Finance for purposes of the assessment or collection of real estate taxes or as

contained in the records of the Commission for purposes of the implementation or enforcement of the relevant portions of the Charter or Administrative Code.

§11-02 ENFORCEMENT OF SUMMONSES.

All Summonses or previously issued Notices of Violation will be heard at the Office of Administrative Trials and Hearings-Hearing Division (“OATH”) or its successor. For purposes of this subchapter, OATH is authorized to issue final, binding decisions.

§11-03 SERVICE OF SUMMONSES.

In addition to the service requirements of the court or tribunal at which a Summons is to be heard, a Summons may be served by mailing such Summons to a respondent.

§11-04 WARNING LETTER.

Subject to the exceptions set forth in section 25-317.1b(1) of the Administrative Code, the LPC shall mail a warning letter to a respondent prior to the issuance of a Summons. The warning letter shall inform the respondent that the LPC believes a violation of the Landmarks Law has occurred at the subject premises and shall also: (1) describe the violation in general detail; (2) warn the respondent that the law authorizes civil and criminal penalties for violations; (3) notify the respondent that a Summons may be served unless, within 20 working days of the date of the warning letter, the violation is corrected or an application to legalize or cure the violation is received by the Commission.

§11-05 SUMMONS; GRACE PERIOD.

- (a) A respondent will qualify for the grace period set forth in section 25-317.1 (b)(6) of the Administrative Code, and not be subject to a fine, by delivering, at least fourteen (14) days prior to the hearing date set forth in the Summons or previously issued Notice of Violation, the following to the Commission:
 - (1) Admission of liability, and
 - (2) proof, satisfactory to the Commission, that the violation has been corrected, or
 - (3) an application to legalize or cure the violation.

- (b) For purposes of paragraph (2), "**proof**" means the submission of an affidavit or other sworn statement describing the violation and the work performed to correct the violation. The affidavit or sworn statement must be supplemented by photographs and any other supporting material that demonstrates that the illegal condition has been corrected. The Commission may reject the proof submitted if it does not unequivocally demonstrate that the illegal condition has been corrected.
- (c) OATH will determine penalties for violations based on the Schedule attached as Appendix A to this Chapter.

§11-06 **STOP WORK ORDER.**

Service. A stop work order may be served: (1) by mailing the stop work order to the respondent; (2) by affixing the stop work order to the place where the violation is occurring; or (3) orally. Where the stop work order is affixed or given orally, the Commission must within two (2) business days thereof mail a copy of the stop work order to the respondent.

APPENDIX A: PENALTY SCHEDULE

Section of Law	Violation Description	TYPE	1st Offense Penalty	1st Offense Mitigated	1st Offense Default	2nd Offense Penalty	2nd Offense Default
25-305	Work w/o or in violation of a C of A or CNE - Alteration to exterior architectural feature	Type A	500	250	3,000	5,000	5,000
25-305	Work w/o or in violation of a C of A or CNE - Alteration to storefront	Type A	1,500	750	3,000	5,000	5,000
25-305	Work w/o or in violation of a C of A or CNE - Alteration to Interior Landmark	Type A	1,000	500	3,000	5,000	5,000
25-305	Work w/o or in violation of a C of A or CNE - Modification of existing bulk of building – Type A	Type A	1,500	750	3,000	5,000	5,000
25-305	Work w/o or in violation of a C of A or CNE - Elimination of greenspace	Type A	500	250	3,000	5,000	5,000
25-305	Work w/o or in violation of a C of A or CNE – Alternation to non-building improvement	Type A	500	250	3,000	5,000	5,000
25-305	Work w/o or in violation of a C of A or CNE - Failure to submit periodic inspection reports	Type A	2,500	1,250	3,000	5,000	5,000
25-305	Work w/o or in violation of a C of A or CNE - flag, signs, banners, awnings	Type C	250	125	500	500	500
25-305	Work w/o or in violation of a C of A or CNE - Miscellaneous violations	Type C	100	50	500	500	500
25-310	Work without or in violation of a PMW - Alteration to exterior architectural feature	Type A	500	250	3,000	5,000	5,000
25-310	Work without or in violation of a PMW - Alteration to storefront	Type A	1,500	750	3,000	5,000	5,000
25-310	Work without or in violation of a PMW - Alteration to Interior Landmark	Type A	1,000	500	3,000	5,000	5,000
25-310	Work without or in violation of a PMW - Modification of existing bulk of building	Type A	1,500	750	3,000	5,000	5,000

25-310	Work without or in violation of a PMW - Elimination of greenspace	Type A	500	250	3,000	5,000	5,000
25-310	Work without or in violation of a PMW - Alteration to non-building improvement	Type A	500	250	3,000	5,000	5,000
25-310	Work without or in violation of a PMW - Failure to submit periodic inspection reports	Type A	2,500	1,250	3,000	5,000	5,000
25-310	Work w/o or in violation of a PMW- flag, signs, banners, awnings	Type C	250	125	500	500	500
25-310	Work w/o or in violation of a PMW Miscellaneous violations	Type C	100	50	500	500	500
25-311	Failure to maintain an improvement in good repair	Type B	3,500	1,750	5,000	5,000	5,000
25-322 (b)	Failing to notify lessee of Landmark status in Commercial space		250	125	500	500	500

“C of A” means “Certificate of Appropriateness”;

“CNE” means “Certificate of No Effect”;

“PMW” means “Permit for Minor Work”

CHAPTER 12: HISTORIC DISTRICT MASTER PLANS.

§12-01	DISTRICT MASTER PLANS
§12-02	STONE STREET HISTORIC DISTRICT MASTER PLAN IMPLEMENTATION RULES
§12-03	IMPLEMENTATION RULES FOR THE DISTRICT MASTER PLAN FOR STOREFRONTS ON MADISON AVENUE IN THE UPPER EAST SIDE HISTORIC DISTRICT
§12-04	IMPLEMENTATION RULES FOR THE DISTRICT MASTER PLAN FOR STOREFRONTS ON MADISON AVENUE IN THE METROPOLITAN MUSEUM HISTORIC DISTRICT
§12-05	IMPLEMENTATION RULES FOR THE DISTRICT MASTER PLAN FOR STOREFRONTS ON MADISON AVENUE IN THE CARNEGIE HILL (AND EXTENSION) HISTORIC DISTRICT
§12-06	IMPLEMENTATION RULES FOR THE DISTRICT MASTER PLAN FOR THE DOUGLSTON HISTORIC DISTRICT
§12-07	IMPLEMENTATION RULES FOR THE DISTRICT MASTER PLAN FOR THE FIELDSTON HISTORIC DISTRICT

§12-01 DISTRICT MASTER PLANS.

- (a) **Introduction.** The Commission may develop master plans for the historic district, specific types of buildings within a historic district, distinctive areas within the historic district or for landmark sites containing multiple buildings. A district master plan may address common design issues such as storefront design, signage, sidewalk and areaway alterations as well as set forth specific alterations for individual buildings in an historic district or on a landmark site in a comprehensive manner that respects the significant architectural features and particular history of the historic district with allowances for specific building conditions. A district master plan may serve as a research tool or design guide for owners or tenants who wish to make alterations to their buildings. Upon the adoption of implementation rules as set forth in this rule, Commission staff can also issue a Certificate of No Effect (“CNE”) or a Permit for Minor Work (“PMW”) for certain types of alterations or work set forth in the district master plan. A District Master Plan does not preclude the Commission's consideration and approval of applications for proposed work that is not in compliance with the District Master Plan.
- (b) **District Master Plans.** Upon its own motion, the Commission may consider a master plan for alterations in a specific historic district, an individual landmark site containing multiple buildings or with respect to certain types of buildings or types of work in a specific historic district ("District Master Plan"). A District Master Plan may be approved by a Certificate of Appropriateness, a Certificate of No Effect on Protected Architectural Features, or a Permit for Minor Work, depending on the work covered by the plan.

- (c) **Calendaring.** A District Master Plan will not be scheduled for the Commission's consideration unless the Commission, in its discretion and upon the adoption of a motion, votes to calendar the District Master Plan for a public hearing. A motion to calendar a proposed District Master Plan for further consideration must be approved by the majority of Commissioners present in order to be adopted. The date of the public hearing on the proposed District Master Plan may be set by the motion to calendar or may be set at some later time by the Chairman, acting at his or her discretion.
- (d) **Public Hearing.** If the Commission votes to calendar a District Master Plan for further consideration, a public hearing will be held in accordance with Section 25-308 of the Administrative Code of New York City and the provisions of Chapter One of these Rules.
- (e) **Approval and Implementation.** Following the public hearing, the Commission may vote to approve, approve with modifications, or disapprove the District Master Plan. If the District Master Plan is approved or approved with modifications, the District Master Plan may be implemented by the enactment of Rules in accordance with the City Administrative Procedure Act that specifically reference the District Master Plan ("Implementation Rules"). The Implementation Rules shall establish the scope and applicability of the District Master Plan and shall set forth the application procedures and the criteria for issuance of CNEs and PMWs pursuant to the District Master Plan. Any work permitted under the Implementation Rules pursuant to a CNE or PMW must be described with reasonable specificity as to design and materials in the District Master Plan. The public hearing for the proposed District Master Plan may be held concurrently with the public hearing for the Implementation Rules. However, the Commission must vote to approve the District Master Plan before it votes to approve the Implementation Rules and the District Master Plan shall have no force and effect until the Implementation Rules are adopted in accordance with the City Administrative Procedure Act.
- (f) **Application Procedure for Work Pursuant to Approved Master Plan.** All applications for work pursuant to the District Master Plan must be signed by the building owner in accordance with Section 2-01 of these Rules and must state that the application is being filed pursuant to the District Master Plan. Each application shall include drawings, specifications and other materials which describe the proposed work in detail. Commission staff will review the application to ascertain whether the proposed work is in accordance with the District Master Plan and the Implementation Rules. If Commission staff determines that the work is in compliance with the District Master Plan and the Implementation Rules, the staff will issue a CNE or PMW allowing the work to commence. The CNE or PMW must be obtained prior to the commencement of work and posted on the building while work is in progress. Each CNE or PMW shall be valid for four (4) years from the date of such issuance and may be renewed upon application provided that Commission staff determines that the work authorized under the original approval remains in compliance with the District Master Plan and the Implementation Rules in effect on the date of such renewal. Issuance or

renewal of a District Master Plan CNE or PMW is contingent upon the work's adherence to the District Master Plan and the materials and plans submitted and approved by Commission staff.

- (g) **Amendment and Rescission.** Upon its own motion, the Commission may amend or rescind a District Master Plan at any time, provided the Commission first holds a public hearing on the proposed amendment or rescission. In its discretion, the Commission shall calendar a public hearing with respect to such proposed amendment or rescission in accordance with the provisions of subdivision (b) of this section. Any Commission action to amend or rescind a District Master Plan shall be in accordance with the provisions of Section 1-04 of these Rules.

§12-02 STONE STREET HISTORIC DISTRICT MASTER PLAN IMPLEMENTATION RULES.

(a) **Introduction.**

The Stone Street Historic District is a low-scale cluster of early nineteenth-century commercial structures, complemented by several picturesque early twentieth-century buildings designed by prominent architects. The Stone Street Historic District is a distinct enclave amidst the surrounding twentieth-century skyscrapers and is sited on narrow winding streets originally laid out by Dutch Colonists.

The Stone Street Historic District Master Plan Implementation Rules ("Rules") are promulgated to assist building owners who own buildings located within the Stone Street Historic District in applying to the Landmarks Preservation Commission ("LPC") for approval of applications to undertake repair, rehabilitation, replacement, or alterations to storefronts (including but not limited to storefront infill, lighting, signage, security gates) and cellar entrances, and to make such buildings accessible to persons with disabilities, that are in accordance with the Stone Street Master Plan approved by the Commission. The Stone Street Master Plan is a master plan governing work to storefronts and cellar entrances, as well as alterations to make buildings within the historic district accessible to persons with disabilities. The Stone Street Master Plan will be the subject of a Certificate of Appropriateness determination at the same public hearing as these Rules.

The Rules set forth herein will permit the LPC staff to issue Certificates of No Effect ("CNE") or Permits for Minor Work ("PMW") for work that complies with the approved Stone Street Master Plan. The goal of these Rules is to encourage appropriate repair, rehabilitation, replacement and alterations in the Stone Street Historic District by expediting the process of obtaining permits to perform such work. Work that is not in accordance with the Stone Street Master Plan will be reviewed by the Commission in accordance with its usual review procedures as set forth in the Landmarks Law.

(b) **Definitions.** As used in these Rules, the following terms shall have the following meanings:

"Commission" shall mean the eleven Commissioners, including the Chairman, as established by Section 3020 of the New York City Charter.

"District Master Plan" shall have the meaning set forth in section 12-01 of this chapter.

"Landmarks Law" shall refer to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York.

"LPC" shall mean the Landmarks Preservation Commission acting in its agency capacity to implement the Landmarks Law.

"**Stone Street Master Plan**" shall mean the District Master Plan for the Stone Street Historic District and approved by the Commission as a Certificate of Appropriateness. Copies of the Stone Street Master Plan may be obtained by contacting the Commission's Public Information Specialist at (212) 487-6782 or by writing to the same at the Commission's office by appointment.⁸

Terms not otherwise defined in these rules shall have the meanings given them in the Landmarks Law.

- (c) **Eligible Buildings.** The buildings located within the Stone Street Historic District are subject to these Rules.
- (d) **Permitted Alterations Pursuant to the Stone Street Master Plan.** The LPC staff shall issue a CNE or PMW for work on eligible buildings within the Stone Street Historic District if the staff determines that: (1) the proposed work meets the criteria set forth in the in the Stone Street Master Plan; and (2) the staff determines that the proposed work will not adversely affect any significant exterior architectural feature of the eligible building or the Stone Street Historic District.
- (e) **Application Procedures.**
 - (1) **Submission of Application.** See Chapter 2, Subchapter A ("Application Procedure") and Chapter 12 of these Rules.
 - (2) **Application Materials.** The applicant must submit adequate materials that clearly set forth the scope and details of the proposed work. At a minimum, the applicant must submit detailed drawings that specifically show the proposed work and all other materials required by the LPC staff. Drawings must be made to scale, and include all pertinent dimensions. LPC staff may require applicants to submit other materials, including but not limited to photographs of existing conditions, construction details, material samples, specifications, or maps as necessary to clearly explain the proposed work. LPC staff may also require probes or other investigations to determine the existing conditions and critical dimensions peculiar to each eligible building.

⁸ A copy of the District Master Plan may be reviewed at the Commission's offices by appointment or downloaded from the Commission's website: www.nyc.gov/landmarks.

(f) **Review Procedure.**

- (1) The application will be deemed complete when the LPC staff determines that adequate materials have been submitted that clearly set forth the scope and details of the proposed work.
- (2) When the application is complete, LPC staff will review the application for conformity with these Rules and the criteria of the Stone Street Master Plan. Upon determination that the criteria of the Rules have been met, a CNE or PMW will be issued pursuant to subdivision (f) of section 12-01 of this chapter. A determination that a CNE or PMW should be issued shall mean that the proposed work satisfies the criteria set forth in the Stone Street Master Plan and that the work is appropriate to or will have no effect on protected architectural features of the specific eligible building in question and is otherwise appropriate to the Stone Street Historic District.
- (3) If the criteria set forth in these rules for a CNE or PMW have not been met, the LPC staff shall provide the applicant with a notice of the proposed denial of the application. The applicant may request a meeting with the Director of the Preservation Department, or, in the absence of the Director, with a Deputy Director, to discuss the interpretation of these Rules.
- (4) Applications for work that do not qualify for approval in accordance with these Rules shall be subject to the LPC's usual review procedure as set forth in the Landmarks Law.

§12-03 IMPLEMENTATION RULES FOR THE DISTRICT MASTER PLAN FOR STOREFRONTS ON MADISON AVENUE IN THE UPPER EAST SIDE HISTORIC DISTRICT.

(Effective December 29, 2000)

- (a) **Introduction.** The implementation rules (“Rules”) for the District Master Plan for Storefronts on Madison Avenue in the Upper East Side Historic District (“District Master Plan”) are promulgated to assist building owners in applying to the Landmarks Preservation Commission (“LPC”) for approval of applications to undertake repair, rehabilitation, replacement, or alterations to storefronts (including but not limited to storefront infill, lighting, signage, security gates, windows and doors) along Madison Avenue within the Upper East Side Historic District that are in accordance with the District Master Plan approved by the Commission. The rules set forth herein permit the LPC staff to issue Certificates of No Effect (“CNE”) or Permits for Minor Work (“PMW”) for work that complies with the approved District Master Plan. Work that is not in accordance with the requirements of the District Master Plan will be reviewed by the Commission in accordance with its usual review procedures under the Landmarks Law.

The objective of the District Master Plan is to provide owners, architects and store tenants with design criteria which will allow timely review of storefront alterations while protecting the architecturally and historically significant features of the buildings. The District Master Plan will cover buildings on Madison Avenue that fall within the Upper East Side Historic District. Additionally, at corner buildings the District Master Plan will cover the building facades facing both Madison Avenue and the side streets.

- (b) **Definitions.** As used in these Rules, the following terms shall have the following meanings:

"Commission" shall mean the eleven Commissioners, including the Chairman, as established by Section 3020 of the New York City Charter.

"District Master Plan" shall mean the District Master Plan for Storefronts on Madison Avenue in the Upper East Side Historic District and approved by the Commission as a Certificate of Appropriateness. A copy of the District Master Plan may be reviewed at the offices of the Commission by appointment.⁹

"Landmarks Law" shall refer to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York.

"LPC" shall mean the Landmarks Preservation Commission acting in its agency capacity to implement the Landmarks Law.

⁹ A copy of the District Master Plan may be downloaded from the Commission’s website: www.nyc.gov/landmarks.

Terms not otherwise defined in these rules shall have the meanings given them in the Landmarks Law.

- (c) **Eligible Buildings.** As specifically set forth and described in the District Master Plan, these Rules shall cover buildings facing Madison Avenue and located within the Upper East Side Historic District, including the commercial portions of a building facing onto both Madison Avenue and a side street.
- (d) **Permitted Alterations Pursuant to the District Master Plan.** The LPC staff shall issue a CNE or PMW for work on storefronts in eligible buildings along Madison Avenue if the staff determines that:
 - (1) The proposed work meets the design criteria for storefront alterations as set forth in the District Master Plan; and
 - (2) The staff determines that the proposed work would not adversely affect any significant architectural feature of the building.
- (e) **Application Procedures.**
 - (1) **Submission of Application.** See Chapter 2, Subchapter A ("Application Procedure") and Chapter 12 of these Rules.
 - (2) **Application Materials.** The applicant shall submit adequate materials that clearly set forth the scope and details of the proposed work. At a minimum, the applicant shall submit detailed drawings that specifically show the proposed work and all other materials required by the LPC staff. Drawings shall be made to scale, and include all pertinent dimensions. LPC staff may require applicants to submit other materials, including but not limited to photographs of existing conditions, construction details, material samples, specifications, or maps as necessary to clearly explain the proposed work. LPC staff may also require probes or other investigations to determine the existing conditions and critical dimensions peculiar to each eligible building storefront.
 - (3) **Review Procedure.**
 - (i) The application will be deemed complete when the LPC staff determines that adequate materials have been submitted that clearly set forth the scope and details of the proposed work.
 - (ii) When the application is complete, LPC staff will review the application for conformity with these Rules and the criteria of the District Master Plan. Upon determination that the criteria of the Rules have been met, a CNE or PMW will be issued pursuant to subdivision (f) of section 12-01 of this chapter. A determination that a CNE or PMW should be issued shall mean that the proposed work satisfies the criteria of the District Master Plan and

that the work is appropriate to or will have no effect on protected architectural features of the specific eligible building in question and is otherwise appropriate to the Upper East Side Historic District.

- (iii) If the LPC staff determines that the criteria set forth in these Rules have not been met, the LPC staff shall provide the applicant with a notice of the proposed denial of the application. The applicant may request a meeting with the Director of the Preservation Department, or, in the absence of the Director, with a Deputy Director, to discuss the determination.
- (iv) Applications for work that do not qualify for approval in accordance with these Rules shall be subject to the LPC's usual review procedure as set forth in the Landmarks Law.

§12-04 **IMPLEMENTATION RULES FOR THE DISTRICT MASTER PLAN FOR STOREFRONTS ON MADISON AVENUE IN THE METROPOLITAN MUSEUM HISTORIC DISTRICT.**

(Effective December 29, 2000)

- (a) **Introduction.** The implementation rules (“Rules”) for the District Master Plan for Storefronts on Madison Avenue in the Metropolitan Museum Historic District (“District Master Plan”) are promulgated to assist building owners in applying to the Landmarks Preservation Commission (“LPC”) for approval of applications to undertake repair, rehabilitation, replacement, or alterations to storefronts (including but not limited to storefront infill, lighting, signage, security gates, windows and doors) along Madison Avenue within the Metropolitan Museum Historic District that are in accordance with the District Master Plan approved by the Commission. The rules set forth herein permit the LPC staff to issue Certificates of No Effect (“CNE”) of ¹⁰Permits for Minor Work (“PMW”) for work that complies with the approved District Master Plan. Work that is not in accordance with the requirements of the District Master Plan will be reviewed by the Commission in accordance with its usual review procedures under the Landmarks Law.

The objective of the District Master Plan is to provide owners, architects and store tenants with design criteria which will allow timely review of storefront alterations while protecting the architecturally and historically significant features of the buildings. The District Master Plan will cover buildings on Madison Avenue that fall within the Metropolitan Museum Historic District. Additionally, at corner buildings the District Master Plan will cover the building facades facing both Madison Avenue and the side streets.

- (b) **Definitions.** As used in these Rules, the following terms shall have the following meanings:

"Commission" shall mean the eleven Commissioners, including the Chairman, as established by Section 3020 of the New York City Charter.

"District Master Plan" shall mean the District Master Plan for Storefronts on Madison Avenue in the Metropolitan Museum Historic District and approved by the Commission as a Certificate of Appropriateness. A copy of the District Master Plan may be reviewed at the offices of the Commission by appointment.¹¹

"Landmarks Law" shall refer to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York.

¹⁰ Typographical error in adopted text, should read “or”

¹¹ A copy of the District Master Plan may be downloaded from the Commission’s website: www.nyc.gov/landmarks.

"LPC" shall mean the Landmarks Preservation Commission acting in its agency capacity to implement the Landmarks Law.

Terms not otherwise defined in these rules shall have the meanings given them in the Landmarks Law.

- (c) **Eligible Buildings.** As specifically set forth and described in the District Master Plan, these Rules shall cover buildings facing Madison Avenue and located within the Metropolitan Museum Historic District, including the commercial portions of a building facing onto both Madison Avenue and a side street.
- (d) **Permitted Alterations Pursuant to the District Master Plan.** The LPC staff shall issue a CNE or PMW for work on storefronts in eligible buildings along Madison Avenue if the staff determines that:
 - (1) The proposed work meets the design criteria for storefront alterations as set forth in the District Master Plan; and
 - (2) The staff determines that the proposed work would not adversely affect any significant architectural feature of the building.
- (e) **Application Procedures.**
 - (1) **Submission of Application.** See Chapter 2, Subchapter A ("Application Procedure") and Chapter 12 of these Rules.
 - (2) **Application Materials.** The applicant shall submit adequate materials that clearly set forth the scope and details of the proposed work. At a minimum, the applicant shall submit detailed drawings that specifically show the proposed work and all other materials required by the LPC staff. Drawings shall be made to scale, and include all pertinent dimensions. LPC staff may require applicants to submit other materials, including but not limited to photographs of existing conditions, construction details, material samples, specifications, or maps as necessary to clearly explain the proposed work. LPC staff may also require probes or other investigations to determine the existing conditions and critical dimensions peculiar to each eligible building storefront.
 - (3) **Review Procedure.**
 - (i) The application will be deemed complete when the LPC staff determines that adequate materials have been submitted that clearly set forth the scope and details of the proposed work.
 - (ii) When the application is complete, LPC staff will review the application for conformity with these Rules and the criteria of the District Master Plan. Upon determination that the criteria of the Rules have been met, a CNE or

PMW will be issued pursuant to subdivision (f) of section 12-01 of this chapter. A determination that a CNE or PMW should be issued shall mean that the proposed work satisfies the criteria of the District Master Plan and that the work is appropriate to or will have no effect on protected architectural features of the specific eligible building in question and is otherwise appropriate to the Metropolitan Museum Historic District.

- (iii) If the LPC staff determines that the criteria set forth in these Rules have not been met, the LPC staff shall provide the applicant with a notice of the proposed denial of the application. The applicant may request a meeting with the Director of the Preservation Department, or, in the absence of the Director, with a Deputy Director, to discuss the determination.
- (iv) Applications for work that do not qualify for approval in accordance with these Rules shall be subject to the LPC's usual review procedure as set forth in the Landmarks Law.

§12-05 IMPLEMENTATION RULES FOR THE DISTRICT MASTER PLAN FOR STOREFRONTS ON MADISON AVENUE IN THE CARNEGIE HILL (AND EXTENSION) HISTORIC DISTRICT.

(Effective December 29, 2000)

- (a) **Introduction.** The implementation rules (“Rules”) for the District Master Plan for Storefronts on Madison Avenue in the Carnegie Hill (and Extension) Historic District (“District Master Plan”) are promulgated to assist building owners in applying to the Landmarks Preservation Commission (“LPC”) for approval of applications to undertake repair, rehabilitation, replacement, or alterations to storefronts (including but not limited to storefront infill, lighting, signage, security gates, windows and doors) along Madison Avenue within the Carnegie Hill (and Extension) Historic District that are in accordance with the District Master Plan approved by the Commission. The rules set forth herein permit the LPC staff to issue Certificates of No Effect (“CNE”) or Permits for Minor Work (“PMW”) for work that complies with the approved District Master Plan. Work that is not in accordance with the requirements of the District Master Plan will be reviewed by the Commission in accordance with its usual review procedures under the Landmarks Law.

The objective of the District Master Plan is to provide owners, architects and store tenants with design criteria which will allow timely review of storefront alterations while protecting the architecturally and historically significant features of the buildings. The District Master Plan will cover buildings on Madison Avenue that fall within the Carnegie Hill (and Extension) Historic District. Additionally, at corner buildings the District Master Plan will cover the building facades facing both Madison Avenue and the side streets.

- (b) **Definitions.** As used in these Rules, the following terms shall have the following meanings:

"Commission" shall mean the eleven Commissioners, including the Chairman, as established by Section 3020 of the New York City Charter.

"District Master Plan" shall mean the District Master Plan for Storefronts on Madison Avenue in the Carnegie Hill (and Extension) Historic District and approved by the Commission as a Certificate of Appropriateness. A copy of the District Master Plan may be reviewed at the offices of the Commission by appointment.¹²

"Landmarks Law" shall refer to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York.

"LPC" shall mean the Landmarks Preservation Commission acting in its agency capacity to implement the Landmarks Law.

¹² A copy of the District Master Plan may be downloaded from the Commission’s website: www.nyc.gov/landmarks.

Terms not otherwise defined in these rules shall have the meanings given them in the Landmarks Law.

- (c) **Eligible Buildings.** As specifically set forth and described in the District Master Plan, these Rules shall cover buildings facing Madison Avenue and located within the Carnegie Hill (and Extension) Historic District, including the commercial portions of a building facing onto both Madison Avenue and a side street.
- (d) **Permitted Alterations Pursuant to the District Master Plan.** The LPC staff shall issue a CNE or PMW for work on storefronts in eligible buildings along Madison Avenue if the staff determines that:
 - (1) The proposed work meets the design criteria for storefront alterations as set forth in the District Master Plan; and
 - (2) The staff determines that the proposed work would not adversely affect any significant architectural feature of the building.
- (e) **Application Procedures.**
 - (1) **Submission of Application.** See Chapter 2, Subchapter A ("Application Procedure") and Chapter 12 of these Rules.
 - (2) **Application Materials.** The applicant shall submit adequate materials that clearly set forth the scope and details of the proposed work. At a minimum, the applicant shall submit detailed drawings that specifically show the proposed work and all other materials required by the LPC staff. Drawings shall be made to scale, and include all pertinent dimensions. LPC staff may require applicants to submit other materials, including but not limited to photographs of existing conditions, construction details, material samples, specifications, or maps as necessary to clearly explain the proposed work. LPC staff may also require probes or other investigations to determine the existing conditions and critical dimensions peculiar to each eligible building storefront.
 - (3) **Review Procedure.**
 - (i) The application will be deemed complete when the LPC staff determines that adequate materials have been submitted that clearly set forth the scope and details of the proposed work.
 - (ii) When the application is complete, LPC staff will review the application for conformity with these Rules and the criteria of the District Master Plan. Upon determination that the criteria of the Rules have been met, a CNE or PMW will be issued pursuant to subdivision (f) of section 12-01 of this chapter. A determination that a CNE or PMW should be issued shall mean

that the proposed work satisfies the criteria of the District Master Plan and that the work is appropriate to or will have no effect on protected architectural features of the specific eligible building in question and is otherwise appropriate to the Carnegie Hill (and Extension) Historic District.

- (iii) If the LPC staff determines that the criteria set forth in these Rules have not been met, the LPC staff shall provide the applicant with a notice of the proposed denial of the application. The applicant may request a meeting with the Director of the Preservation Department, or, in the absence of the Director, with a Deputy Director, to discuss the determination.
- (iv) Applications for work that do not qualify for approval in accordance with these Rules shall be subject to the LPC's usual review procedure as set forth in the Landmarks Law.

§12-06 **IMPLEMENTATION RULES FOR THE DISTRICT MASTER PLAN FOR THE DOUGLASTON HISTORIC DISTRICT.**

(Effective July 22, 2003)

- (a) **Introduction.** The implementation rules (“Rules”) for The District Master Plan for the Douglaston Historic District (“District Master Plan”) are promulgated to assist building owners in applying to the Landmarks Preservation Commission (“LPC”) for approval of applications to undertake various types of work on properties located within the Douglaston Historic District, including additions, outbuildings, window replacement, heating, venting and air conditioning, and work on or affecting significant landscape improvements. The rules set forth herein permit the LPC staff to issue Certificates of No Effect (“CNE”) or Permits for Minor Work (“PMW”) for work that complies with the approved District Master Plan. Work that is not in accordance with the requirements of the District Master Plan will be reviewed by the Commission in accordance with its usual review procedures under the Landmarks Law.

The objective of the District Master Plan is to provide owners, architects and store tenants with design criteria which will allow timely review of proposed alterations while protecting the architecturally and historically significant features of the buildings and historic district’s sense of place. The District Master Plan will cover all buildings in the Douglaston Historic District.

- (b) **Definitions.** As used in these Rules, the following terms shall have the following meanings:

"Commission" shall mean the appointed Commissioners, including the Chairman, acting as the Landmarks Preservation Commission as established by Section 3020 of the New York City Charter.

"District Master Plan" shall mean the District Master Plan for the Douglaston Historic District approved by the Commission as a Certificate of Appropriateness. A copy of the District Master Plan may be reviewed at the offices of the Commission by appointment.¹³

"Landmarks Law" shall refer to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York.

"Landscape Improvement" shall mean a physical betterment of real property or any part thereof, consisting of natural or artificial landscape, including but not limited to grade, body of water, hedge, mature tree, walkway, road, plaza, wall, fence, step, fountain, or sculpture.

¹³ A copy of the District Master Plan may be downloaded from the Commission’s website: www.nyc.gov/landmarks.

"LPC" shall mean the Landmarks Preservation Commission acting in its agency capacity to implement the Landmarks Law.

Terms not otherwise defined in these rules shall have the meanings given them in the Landmarks Law.

- (c) **Eligible Buildings.** All buildings in the Douglaston Historic District are subject to the District Master Plan*. ¹⁴
- (d) **Permitted Alterations.** The LPC staff shall issue a CNE or PMW if the staff determines that:
 - (1) The proposed work meets the criteria set forth in the District Master Plan; and
 - (2) The proposed work will not adversely affect any significant architectural feature of the building or significant Landscape Improvement, not otherwise permitted by the District Master Plan or other LPC approval.
- (e) **Application Procedures.**
 - (1) **Submission of Application.** See Chapter 2, Subchapter A ("Application Procedure") and Chapter 12 of these Rules.
 - (2) **Application Materials.** The applicant shall submit adequate materials that clearly set forth the scope and details of the proposed work. At a minimum, the applicant shall submit detailed drawings that specifically show the proposed work and all other materials required by the LPC staff. Drawings shall be made to scale, and include all pertinent dimensions. LPC staff may require applicants to submit other materials, including but not limited to photographs of existing conditions, construction details, material samples, specifications, or maps as necessary to clearly explain the proposed work. LPC staff may also require mockups of proposed additions or outbuildings to determine the visibility of such additions or outbuildings, and probes or other investigations to determine existing conditions.
 - (3) **Review Procedure.**
 - (i) The application will be deemed complete when the LPC staff determines that the materials submitted adequately and clearly set forth the scope and details of the proposed work.

¹⁴ Typographical error in adopted text, "*" not intended

- (ii) When the application is complete, LPC staff will review the application for conformity with these Rules and the criteria of the District Master Plan. Upon determination that the criteria of the Rules have been met, a CNE or PMW will be issued pursuant to subdivision (f) of section 12-01 of this chapter. A determination that a CNE or PMW should be issued shall mean that the proposed work satisfies the criteria of the District Master Plan and that the work is appropriate to or will have no effect on protected architectural features of the specific eligible building in question and is otherwise appropriate to the Douglaston Historic District.
- (iii) If the LPC staff determines that the criteria set forth in these Rules have not been met, the LPC staff shall provide the applicant with a notice of the proposed denial of the application. The applicant may request a meeting with the Director of the Preservation Department, or, in the absence of the Director, with a Deputy Director, to discuss the determination.
- (iv) Applications for work that do not qualify for approval in accordance with these Rules shall be subject to the LPC's usual review procedure as set forth in the Landmarks Law.

§12-07 IMPLEMENTATION RULES FOR THE DISTRICT MASTER PLAN FOR THE FIELDSTON HISTORIC DISTRICT.

(Effective May 17, 2014)

- (a) **Introduction.** The implementation rules (“Rules”) for The District Master Plan for the Fieldston Historic District (“District Master Plan”) are promulgated to assist building owners in applying to the Landmarks Preservation Commission (“LPC”) for approval of applications to undertake various types of work on properties located within the Fieldston Historic District, including additions, outbuildings, window replacement, heating, venting and air conditioning, and work on or affecting significant landscape improvements. The Rules set forth herein permit the LPC staff to issue Certificates of No Effect (“CNE”) or Permits for Minor Work (“PMW”) for work that complies with the approved District Master Plan. Work that is not in accordance with the requirements of the District Master Plan will be reviewed by the Commission in accordance with its usual review procedures under the Landmarks Law. The provisions of the District Master Plan will take precedence over other rules that are not specifically tailored to the Fieldston Historic District.

The objective of the District Master Plan is to provide owners and architects with design criteria which will allow timely review of proposed alterations while protecting the architecturally and historically significant features of the buildings, significant landscape improvements and the historic district’s sense of place. The District Master Plan will cover all buildings in the Fieldston Historic District.

- (b) **Definitions.** As used in these Rules, the following terms shall have the following meanings:

Commission. “Commission” shall mean the appointed Commissioners, established by section 3020 of the New York City Charter.

District Master Plan. “District Master Plan” shall mean the District Master Plan for the Fieldston Historic District approved by the Commission as a Certificate of Appropriateness. A copy of the District Master Plan may be reviewed at the Commission’s offices by appointment or downloaded from the Commission’s website: www.nyc.gov/landmarks

Landmarks Law. “Landmarks Law” shall refer to section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York.

Landscape Improvement. “Landscape Improvement” shall mean a physical betterment of real property or any part thereof, consisting of natural or artificial landscape, including but not limited to grade, body of water, mature tree, walkway, road, plaza, wall, fence, step, fountain or sculpture.

LPC. “LPC” shall mean the Landmarks Preservation Commission acting in its agency capacity to implement the Landmarks Law.

Rules. “Rules” shall mean these implementation rules for the Fieldston Historic District.

Terms not otherwise defined in these rules or the District Master Plan shall have the meanings given them in the Landmarks Law.

- (c) **Eligible Buildings.** All buildings in the Fieldston Historic District are subject to the District Master Plan.
- (d) **Permitted alterations.** The LPC staff shall issue a CNE or PMW if the staff determines that:
 - (1) The proposed work meets the criteria set forth in the District Master Plan; and
 - (2) The proposed work will not adversely affect any significant architectural feature of the building or significant Landscape Improvement, not otherwise permitted by the District Master Plan or other LPC approval.
- (e) **Application procedures.**
 - (1) **Submission of application.** See Chapter 2, Subchapter A (“Application Procedure”) and Chapter 12 of these Rules.
 - (2) **Application materials.** The applicant shall submit adequate materials that clearly set forth the scope and details of the proposed work. At a minimum, the applicant shall submit detailed drawings that specifically show the proposed work and all other materials required by the LPC staff. Drawings shall be made to scale, and include all pertinent dimensions. LPC staff may require applicants to submit other materials, including but not limited to photographs of existing conditions, construction details, material samples, specifications, or maps as necessary to clearly explain the proposed work. LPC staff may also require mockups of proposed additions or outbuildings to determine the visibility of such additions or outbuildings, and probes or other investigations to determine existing conditions. Applications shall include a letter from the Fieldston Property Owners (“FPOA”) not objecting to the work or stating the work is not occurring on FPOA property, or a site survey demonstrating that the proposed work is not occurring on FPOA property. If the proposed work requires compliance with the Special Natural Area District (“SNAD”) rules, the applicant shall also provide a statement that s/he has met with the staff of the Department of City Planning (“DCP”) to discuss the proposal. If DCP staff has indicated that some aspect of the proposal is inconsistent with the SNAD rules and requires an Authorization or Special Permit, or other approval, the applicant shall indicate in the statement that s/he intends to seek the appropriate approvals from the DCP or City Planning Commission.

(3) Review procedures.

- (i) The application will be deemed complete when the LPC staff determines that the materials submitted adequately and clearly set forth the scope and details of the proposed work.
- (ii) When the application is complete, LPC staff will review the application for conformity with these Rules and the criteria of the District Master Plan. Upon determination that the criteria of the Rules have been met, a CNE or PMW will be issued pursuant to subdivision (f) of section 12-01 of this chapter. A determination that a CNE or PMW should be issued shall mean that the proposed work satisfies the criteria of the District Master Plan and that the work is appropriate to or will have no effect on protected architectural features of the specific eligible building in question and is otherwise appropriate to the Fieldston Historic District.
- (iii) If the LPC staff determines that the criteria set forth in these Rules have not been met, the LPC staff shall provide the applicant with a notice of the proposed denial of the application. The applicant may request a meeting with the Director of the Preservation Department, or, in the absence of the Director, with a Deputy Director, to discuss the determination.
- (iv) Applications for work that do not qualify for approval in accordance with these Rules shall be subject to the LPC's usual review procedure as set forth in the Landmarks Law.

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CHAPTER 13: FEES

§13-01 REQUIREMENT OF FEE

§13-02 FEE FOR APPROVAL AND CONSIDERATION OF APPLICATIONS

§13-03 DEFINITIONS

§13-04 COMPUTATION OF FEES

§13-05 EFFECTIVE DATE

§13-01 REQUIREMENT OF FEE.

All applicants for a certificate of appropriateness or a certificate of no effect shall pay a fee, as established in accordance with the provisions of this Chapter, except that no fees shall be payable by an owner of the designated building or property affected if the owner is a corporation or association organized and operated exclusively for religious, charitable or educational purposes, or for one or more such purposes, no part of the earnings of which ensures to the benefit of any private shareholder or individual, and provided that the property affected is used exclusively by such corporation or association for one or more of such purposes.

§13-02 FEE FOR APPROVAL AND CONSIDERATION OF APPLICATIONS.

The fees required to be paid under this Chapter are for filing and processing of applications for certificates of appropriateness and certificates of no effect. The total fee for such work shall be paid by or on behalf of the owner or lessee of the designated building or property before the Department of Buildings issues a work permit or other approval for such work approved in the certificate of appropriateness or certificate of no effect. The fees required to be paid under this Chapter shall be payable each time the owner or lessee of the designated building or property shall apply for a permit or approval from the Department of Buildings for work approved in a certificate of appropriateness or certificate of no effect.

§13-03 DEFINITIONS.

"Administrative Code" shall mean the Administrative Code of the City of New York.

"Designated building or property" shall mean an improvement designated as a landmark, interior landmark or as part of a historic district, and the landmark site(s) associated with such designation, pursuant to §25-303 of the Administrative Code.

§13-04 COMPUTATION OF FEES.

Fees shall be computed as hereinafter provided:

- (a) **New buildings.** The fees for permits to construct new buildings shall be computed as follows:
 - (1) a fee of twenty-five cents per square foot or fraction thereof, but not less than one hundred dollars per structure, for work subject to a fee payable to the Department of Buildings pursuant to §28-112.2 of the Administrative Code for new buildings, other than one, two or three family dwellings.
 - (2) a fee of fifteen cents per square foot, or fraction thereof, but not less than one hundred dollars per structure, for work subject to a fee payable to the Department of Buildings pursuant to §28-112.2 of the Administrative Code for new buildings that are one, two or three family dwellings.
- (b) **Building alterations.** A fee of ninety-five dollars for the first twenty-five thousand dollars, or fraction thereof, of the cost of the work and five dollars for each additional one thousand dollars, or fraction thereof, of cost over twenty-five thousand dollars for work subject to a fee payable to the Department of Buildings for alteration work, with the exception of work to install or alter service equipment or to install, alter or replace oil-burning equipment, pursuant to §[§26-212(2)(a), 212(2)(b), 212(5)(a)(1) and 212(5)(a)(2)] 28-112.2 of the Administrative Code.
- (c) **Demolition and removal.** A fee computed by multiplying the street frontage in feet by the number of stories of the building times one dollar, but not less than one hundred dollars, shall be paid for work subject to a fee payable to the Department of Buildings pursuant to §28-112.2 of the Administrative Code. For corner lots, use the longer street frontage.
- (d) **Signs.** A fee of one hundred dollars to erect, install or alter a sign shall be paid for each sign subject to a fee payable to the Department of Buildings pursuant to §28-112.2. An additional fee shall be payable for signs as follows:
 - (1) A fee of fifty dollars shall be paid for each ground sign subject to a fee pursuant to §28-112.2 of the Administrative Code.
 - (2) A fee of fifty dollars shall be paid for each roof sign having a tight, closed or solid surface, where such sign is subject to a fee pursuant to §28-112.2 of the Administrative Code.

- (3) A fee of fifty dollars shall be paid for each roof sign that does not have a tight, closed or solid surface and where such sign does not extend beyond thirty-one feet above the roof level, where such sign is subject to a fee pursuant to §[26-212(6)(a)(3)] 28-112.2 of the Administrative Code. A fee of one hundred shall be paid for each roof sign that exceeds thirty-one feet above the roof level.

§13-05 EFFECTIVE DATE.

The fees required pursuant to this Chapter shall apply to certificates of appropriateness and certificates of no effect issued on or after July 1, 2004.

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CHAPTER 14: Requests for Rulemaking

§14-01 PURPOSE

§14-02 DEFINITIONS

§14-03 PROCEDURES FOR SUBMISSION OF REQUESTS FOR RULEMAKING

§14-04 PROCEDURES FOR CONSIDERATION AND RESPONSE TO REQUESTS FOR RULEMAKING

§14-01 PURPOSE.

These rules govern the procedures by which members of the public may submit to the Landmarks Preservation Commission Requests for Rulemaking pursuant to §1043(g) of the New York City Charter (City Administrative Procedures Act) and the procedures for the Landmarks Preservation Commission's consideration and disposition of such Requests.

§14-02 DEFINITIONS.

Commissioners. "Commissioners" means the Commissioners of the Landmarks Preservation Commission.

Person. "Person" means an individual, partnership, corporation or other legal entity, and any individual or entity acting in a fiduciary or representative capacity.

Request. "Request" means a request to the Chair of the LPC to consider promulgating a rule.

Requester. "Requester" means a person who has made a request for rulemaking pursuant to this Chapter.

Rule. "Rule" has the same meaning as in § 1041(5) of the New York City Charter.

Rulemaking. "Rulemaking" means the process for considering and, if approved, enacting a rule.

§14-03 PROCEDURES FOR SUBMISSION OF REQUESTS FOR RULEMAKING.

- (a) Any person may submit a request in writing on a form to be developed and posted on the LPC Website.
- (b) The request must include:

- (1) The proposed rule to be considered, with proposed language for adoption;
 - (2) The requester's arguments in support of adoption of the rule; and
 - (3) The name, address, telephone number, and email address of the requestor or his or her authorized representative.
- (c) The request must be submitted by mail addressed to General Counsel, Landmarks Preservation Commission at the LPC's current mailing address as set forth in the request form, or by electronic mail to rulecomments@lpc.nyc.gov.

§14-04 PROCEDURES FOR CONSIDERATION AND RESPONSE TO REQUESTS FOR RULEMAKING.

- (a) After a complete request is submitted the LPC will take the following steps to process and review:
- (1) Acknowledge receipt of the request within 10 business days; and
 - (2) Within 60 business days from the date the complete request was received, the Chair of the Commission will:
 - (i) Deny the request. The reasons for the denial will be set forth in writing; or
 - (ii) Grant the request. If the request is granted, the Chair will explain in writing the intention to initiate rulemaking by a specified date. The Chair is not required to initiate rulemaking on the entirety of a request or to follow the wording of a request that has been granted. Granting of the request shall only require the Chair to ask the Commissioners to vote to calendar the proposed rule, as proposed by the Chair, and, if there is a positive vote to calendar, for the Commission to hold a public hearing on the proposed rule. Granting of the request does not guarantee that the requested rule will in fact be calendared or approved and adopted by the Commissioners.