

Landmarks Preservation Commission

Rules Amendments
February 13, 2018



Introduction

Types of Changes in the Amended Rules:

Organization

- Reorganizing the rules in Chapter 2, including consolidation of some existing rules, to make them more intuitive, practical and user-friendly.

Codification of Staff Practices

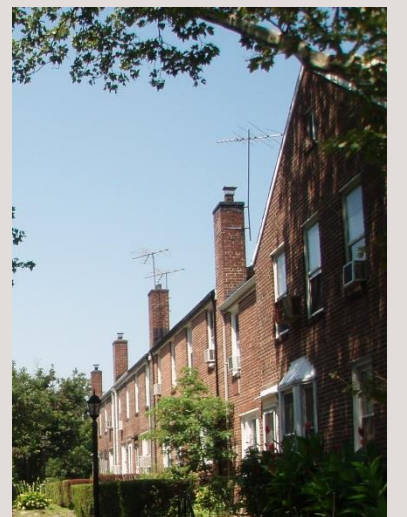
- Amending existing rules and adding new ones to reflect longstanding practices of the LPC Staff.
- Codifying criteria used as the basis for LPC Staff approvals with some refinements.

Commission Determinations Delegated to Staff

- Authorizing the LPC Staff to approve a variety of work-types that are consistently approved by the Commission pursuant to stated and defined criteria.

Administrative

- Revising criteria for XCNEs and permit duration, renewal and revocation.



Organization

Chapter 2: Approval of Proposed Work on Designated Buildings and Structures

2-05 Temporary Installations

2-11 Repair, Restoration, Replacement and Re-Creation of Building Facades and Related Exterior Elements

2-12 Storefronts and Commercial and Residential Awnings

2-13 Signage

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2-15 Additions: Rooftop and Rear Yard Additions or Enlargements

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2-17 Front, Side and Rear Yards

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2-19 Sidewalks

2-20 Health, Safety and Utility Equipment

2-21 Installation of Heating, Venting, Air-Conditioning and Other Mechanical Equipment

2-22 Fire Escapes

2-32 Expedited Certificate of No Effect

Codification of Staff Practices

- Repair, restoration and recreation of historic building features, including traditional materials and treatments, as well as most substitute materials.
- Reconstruction of secondary facades due to structural issues and/or material failure.
- Replacement of doors matching or recalling historic doors, and installation of entrance infill based on historic prototypes.
- Installation of sidewalk canopies at certain building types.
- Installation of plaques and menu boxes.
- Installation of rear yard decks.
- Excavation to lower cellar floors, make structural repairs, make minor grade changes in yards and areaways, and other limited excavation work.
- Installation of non-restorative fences and railings and installation of driveways.
- Installation of ramps without railings and associated barrier-free access hardware.
- Covering deteriorated vault lights with diamond plate.
- Installation of health, safety and utility equipment at facades and areaways.
- Installation of visible wall-mounted flues and ducts at secondary facades.
- Replacement of fire escape ladders with different types.

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Codification of Staff Practices

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- Codifying criteria used as the basis for LPC Staff approvals with some refinements.

Commission Determinations Delegated to Staff

- Authorizing the LPC Staff to approve a variety of work-types that are consistently approved by the Commission pursuant to stated and defined criteria.

Administrative

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2-05 Temporary Installations

Organization

- Relocates temporary installations rule (Section 2-18).

Codification of Staff Practices

- Incorporating existing staff practice that there can be only one approval for a temporary installation. It cannot be renewed or extended.

Commission Determinations Delegated to Staff

- Installing a temporary sign for up to 180 days, instead of 60 under the current rule.



(top) temporary leasing sign; (bottom) temporary event sign.

2-11 Repair, Restoration, Replacement and Re-Creation of Building Facades and Elements

Organization

- General section on restoration work. Incorporates existing sections 2-14 (Sandstone) and part of 2-17 (Restoration of Facade Features).

Codification of Staff Practices

- Incorporating existing staff criteria for repair, restoration, replacement and recreation of facades and facade elements, including traditional materials and treatments, as well as for substitute materials generally and specific to types.
- Reconstructing secondary facades due to structural issues or material failure.

Commission Determinations Delegated to Staff

- Reconstructing primary facades of building in historic districts when the facade must be taken down due to structural issues and/or material failure, and in the interest of public safety.
- Installing fiber-cement (e.g. HardiePlank) siding instead of wood if required by the building code.
- Using synthetic slate and other substitute roofing materials to replace historic roofing if indiscernible due to height or discreet presence.



(top left and right) masonry facade prior to and after reconstruction; (bottom right) slate roofing on a tall building, indiscernible from the street; (bottom left) fiber-cement siding on a freestanding house.

2-12 Storefronts and Commercial and Residential Awnings

Organization

- Combines Section 2-12 (commercial and residential awnings) and parts of Section 2-17 (restorative and non-restorative storefronts).

Codification of Staff Practices

- Installing interior partitions behind storefront display windows and films on storefront display windows.
- Installing service entrance infill based on historic prototypes for service entrances, or installing a storefront instead.
- Installing sidewalk canopies at historic hotels, clubs and apartment buildings.

Commission Determinations Delegated to Staff

- Installing display windows comprised of operable doors or operable windows over a bulkhead at new or non-historic storefronts.
- Installing new door openings in plain wall cladding adjacent to a display window.
- New storefronts for “no style” buildings can be wood or metal, and the design must be consistent with the building or other storefronts in the historic district.
- Installing fixed awnings at Individual Landmarks.



(top) storefront with operable doors instead of display windows; (bottom right) type of fixed awning to be allowed at Individual Landmarks; (bottom left) new door opening created next to display window.

2-13 Signage

Organization

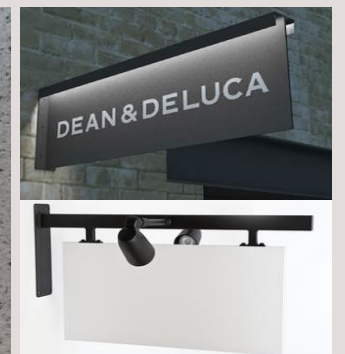
- Relocates and renames signage rule (Section 2-20).

Codification of Staff Practices

- Installing plaques and menu boxes on facades.

Commission Determinations Delegated to Staff

- Installing lettering on channels in front of storefront transoms.
- Installing plaques on posts in yards.
- Installing poster boxes on facades of certain buildings.
- Installing sign panels on plain walls and railings for below-grade storefronts.
- Illuminating opaque lettering with halo-lighting at sign panels and sign bands.
- Installing discreet lighting on the armature to illuminate bracket signs.



(top) lettering on channels; (middle) halo-lit lettering, day and night; (bottom) plaque; illuminated bracket signs, channel and spot lit.

2-14 Windows and Doors

Organization

- Combines existing Windows rules (Chapter 3) and new window openings (Section 2-15) and relocates into Chapter 2.
- Reclassifies “special windows” into new categories, removing simple arched windows, French doors and windows within bays and oriels, and adding pre-1850 windows and “special doors”.

Codification of Staff Practices

- Installing casement or tilt-in windows instead of pivot windows.
- Installing doors that match or recall the historic doors.
- Installing entrance infill based on historic prototypes.

Commission Determinations Delegated to Staff

- **Primary Facades**
- **Secondary Facades**



(top) aluminum arch-headed window in open and closed position; (bottom left) examples of “special windows”; (bottom right) new doors that recall the historic doors.

2-14 Windows and Doors

Commission Determinations Delegated to Staff Primary Facades

- Changing the material of arch-headed windows to metal or fiberglass instead of wood if the original windows were one-over-one double-hung at small buildings.
- Changing the material of arch-headed windows to metal or fiberglass instead of wood for windows with any non-special configuration at large buildings.
- Changing the operation of double-hung windows to have a fixed upper sash, or a fixed upper sash with a tilt-in lower sash to simulate a double-hung window.
- Changing the operation of transoms to fixed, and installing clear glass in transoms that originally had stained glass but were removed prior to designation.
- Installing windows and doors in non-original window openings if the window matches or otherwise harmonizes with the historic windows.

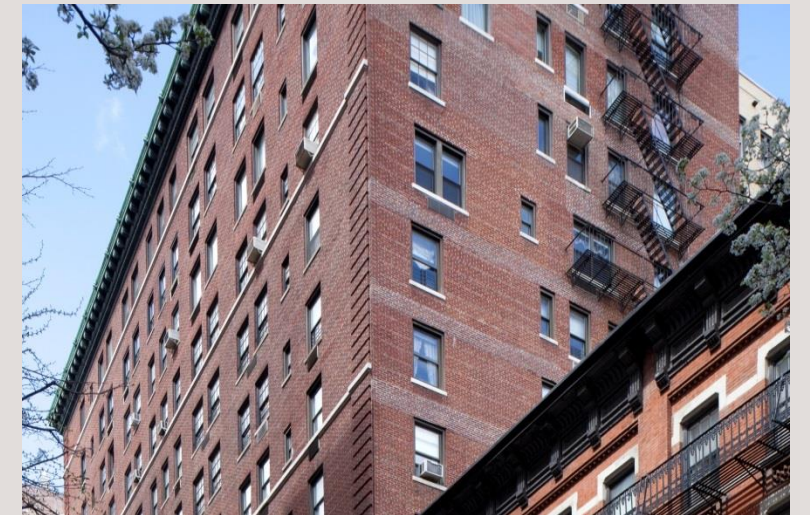


(top left) aluminum-clad wood window and brickmolds;
(top right) Passive House type simulated double-hung
window, lower sash open; (bottom) new window in
former stoop opening, before and after.

2-14 Windows and Doors

Commission Determinations Delegated to Staff Secondary Facades

- Simplifying window configurations if there is no predominant historic window configuration at visible secondary facades at large buildings.
- Matching existing or predominant window configurations if all existing windows are non-historic at visible secondary facades at large buildings.
- Combining and enlarging openings into double-height window and door assemblies at the bottom two floors, provided masonry is maintained at the outer piers, a spandrel is included between floors, and the windows are sub-divided, at minimally-visible secondary facades.
- Combining and enlarging existing openings at upper floors, excluding the top floor, provided masonry is maintained at the outer piers and above and below the opening, and the windows are sub-divided, at minimally-visible facades.



(top) Large apartment building with predominantly one-over-one double-hung windows at the visible secondary façade; (bottom left) example of minimally-visible window openings; (bottom right) example of double-height combined openings.

2-15 Additions: Rooftop and Rear Yard Additions or Enlargements

Organization

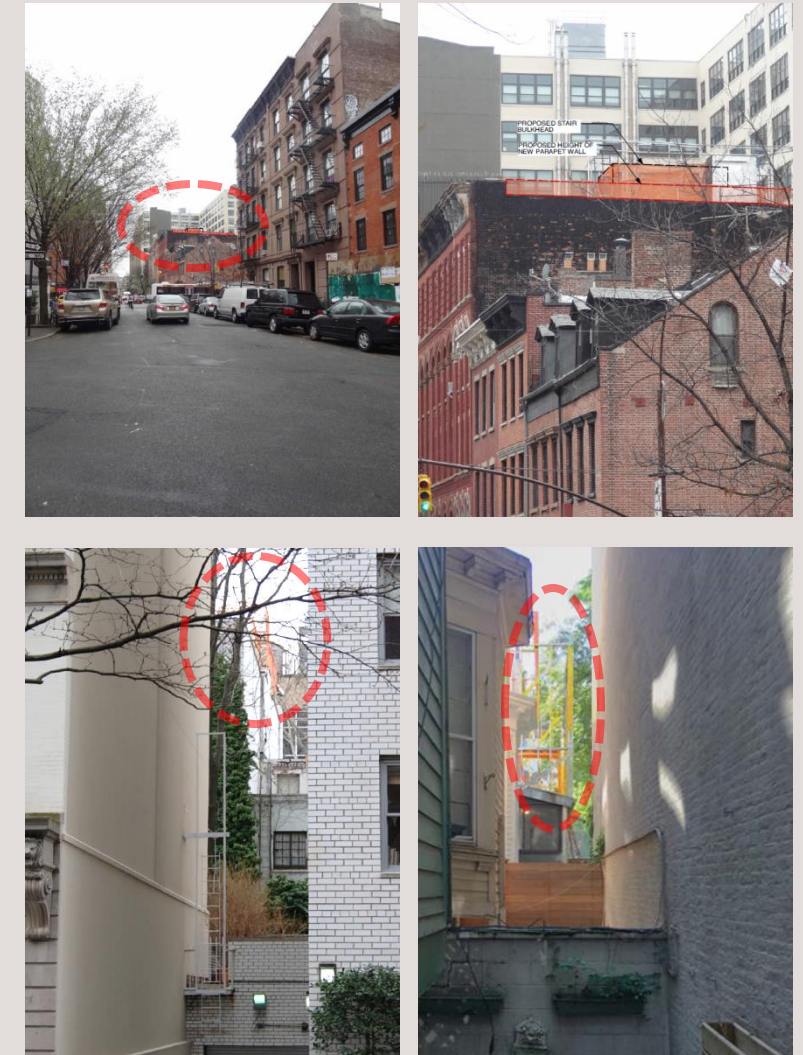
- Combines the rooftop addition rule (former Section 2-19) and rear yard addition rule (former Section 2-16).
- Amends definition of “minimally visible.”

Codification of Staff Practices

- Installing rear yard decks.
- Raising flues to be more than minimally visible if other flues or rooftop accretions are visible in the surrounding context.

Commission Determinations Delegated to Staff

- **Rooftop Additions**
- **Rear Yards Additions**
- **Combinations**



(top, real view and zoom view) rooftop addition minimally-visible at a great distance, in combination with minor raising of the parapet wall; (bottom) rooftop and rear yard additions minimally-visible through gaps in the street wall.

2-15 Additions: Rooftop and Rear Yard Additions or Enlargements

Commission Determinations Delegated to Staff

Rooftop Additions

- Constructing occupiable rooftop additions that are minimally-visible over secondary facades.
- Altering visible rooftop additions to be slightly more visible if the changes improve the relationship to the building and the streetscape.
- Extending existing elevator bulkheads to be more than minimally visible over the primary facade in some historic districts.
- Constructing minimally-visible non-occupiable rooftop additions at Individual Landmarks below seven stories in height.
- Constructing rear dormers at pitched roofs with setbacks from the top, bottom and both sides of the pitched roof.

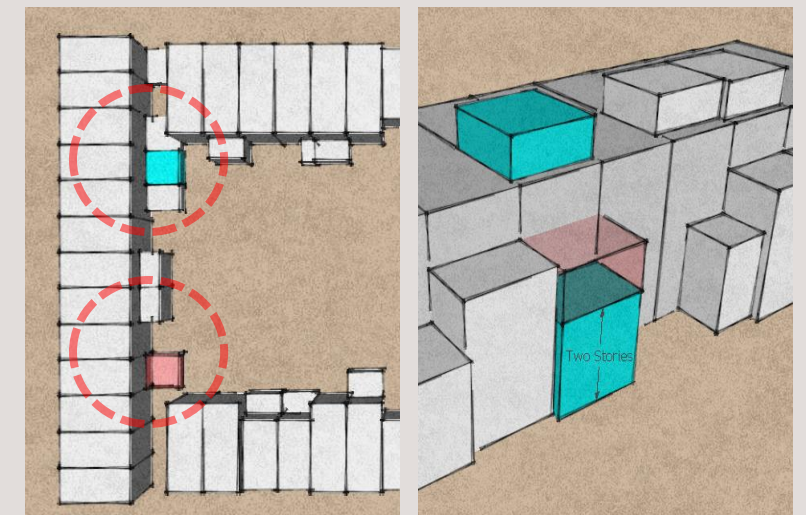


(top left) occupiable rooftop addition, minimally-visible over a secondary façade; (top right) elevator bulkheads visible over the primary façade; (bottom left) minimally-visible bulkhead at an Individual Landmark; (bottom right) dormer addition.

2-15 Additions: Rooftop and Rear Yard Additions or Enlargements

Commission Determinations Delegated to Staff Rear Yard Additions and Combinations

- Constructing rear yard additions that are minimally visible.
- Altering visible rear yard additions to be slightly more visible if the changes improve the relationship to the building and the streetscape.
- Constructing one-story commercial additions where the rear yard abuts and/or adjoins building walls or a deep inner court at two of its property lines.
- Constructing additions two-stories or less above grade to fill in enclosed central or side courts of a building.
- Constructing a below-grade side or rear yard addition to a depth not to exceed the lowest story of the original building, and not to extend closer than five feet from the rear lot line or significantly vary the existing elevation of the yard.
- Constructing additions that result in a building having both a rear yard and rooftop addition, if the existing or new rear yard addition is two stories or less, and the additions otherwise satisfy all criteria for rooftop and rear yard additions.



(top) minimally-visible rear yard addition; (bottom left) example of full-lot commercial additions, with blue qualifying and red not qualifying; (bottom right) example of building with both additions, in blue, with red showing an additional story not allowed.

2-16 Excavation

Organization

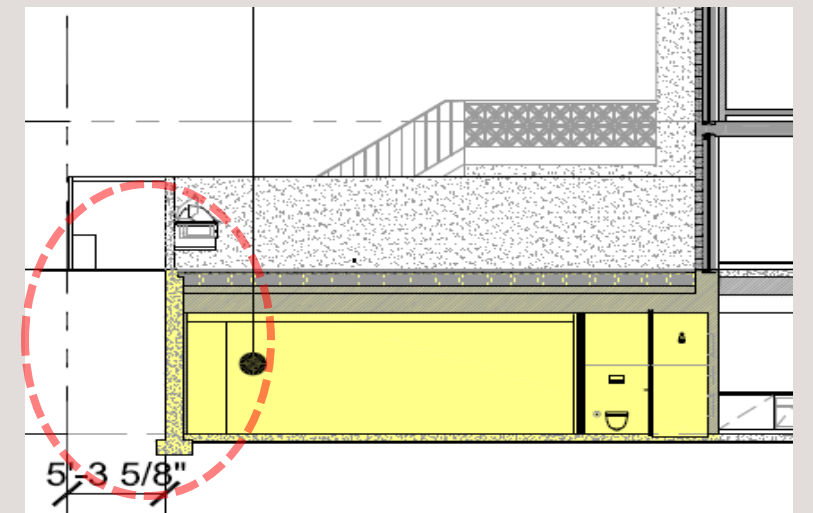
- The proposed rule is new.

Codification of Staff Practices

- Excavating to lower cellar floors, to repair or construct structural elements and pits for elevators and escalators, and to repair or construct architectural elements such as stairwells, light wells, sunken terraces and walls.

Commission Determinations Delegated to Staff

- Excavating underneath an existing areaway, courtyard or rear yard for a below-grade addition, to a depth not to exceed the lowest story of the original building, and not to extend closer than five feet from the rear lot line or significantly vary the existing elevation of the rear yard.



(above) underpinning installed below the original masonry foundation wall; (below) a below-grade addition in the rear yard set back from the rear lot-line and matching the depth of the original building's cellar.

2-17 Front, Side and Rear Yards

Organization

- The proposed rule is new.

Codification of Staff Practices

- Installing non-restorative fences and railings that are based on prototypes that are found in the streetscape.
- Installing hatches, garbage enclosures and lampposts in areaways.
- Installing driveways at free-standing houses where driveways are characteristic of the historic district.

Commission Determinations Delegated to Staff

- Installing fences and retaining walls in Jackson Heights and Sunnyside Gardens Historic Districts.
- Altering paving, steps and planted areas in areaways, including excavating and enlarging basement steps and lowering landings.
- Installing accessory ramps in service alleys or side or rear yards of large apartment, hotel or commercial buildings.



(top) partially excavated areaway to enlarge the path and landing below the stoop; (bottom right) non-restorative ironwork at stoop cheek walls; (bottom left) metal fence on curb at apartment building in Jackson Heights.

2-18 Barrier-Free Access

Organization

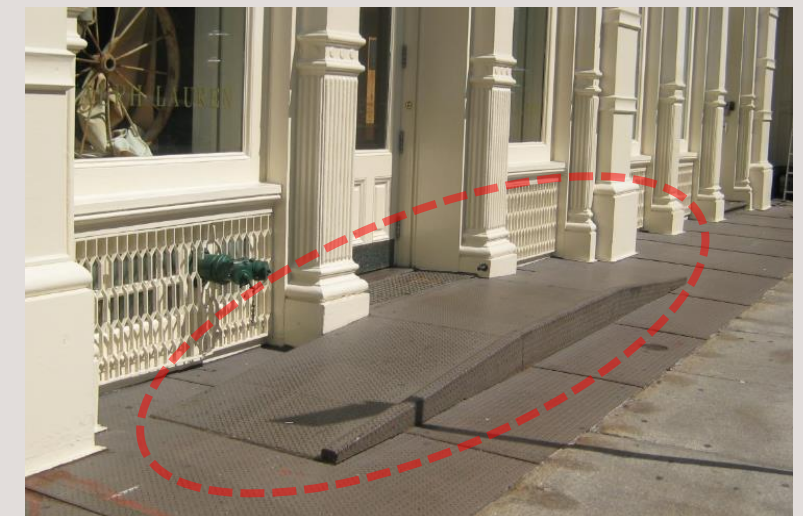
- The proposed rule is new.

Codification of Staff Practices

- Installing ramps without railings at all building types.
- Sloping a concrete sidewalk up to an entrance, including an apron ramp, as an alternative way to make it at-grade.
- Installing barrier-free access hardware such handrails on stoops and areaway steps, and installing push plates on facades and actuators on posts.
- Modifying or replacing doors, with provisions for widening, altering operation and configuration, and changing material as required.

Commission Determinations Delegated to Staff

- **Modifications to Entrances**
- **Lifts**
- **Ramps**



(top left) concrete apron ramp at store entrance; (top right) single leaf door in modified surround replaced double-doors, and an actuator on pole; (bottom) ramp without railings.

2-18 Barrier-Free Access

Commission Determinations Delegated to Staff Modifications to Entrances

- Removing up to three steps at a stoop or stair, or removing below-grade steps within an areaway, and lowering or raising the entrance.
- Modifying the entrance infill and surround in conjunction with lowering, raising or widening the entrance.

Lifts

- Installing wheelchair platform lifts at a recessed location on the facade, or otherwise located to not disrupt the composition of the facade.
- Installing chair lifts on rails at the areaway, stoop or building facade.

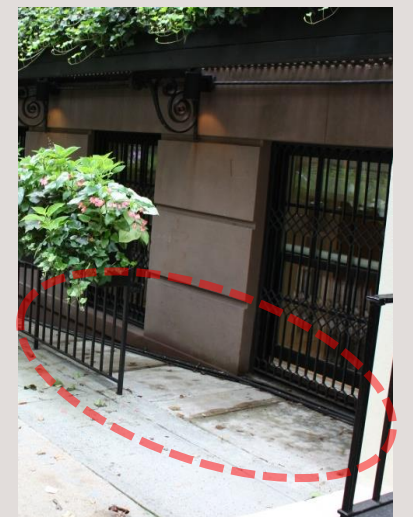


(top) lowered step and ramp at entrance; (bottom left) wheelchair platform lift in areaway; (bottom right) chair lift on rails.

2-18 Barrier-Free Access

Commission Determinations Delegated to Staff Ramps

- Installing barrier-free access ramps in front of commercial storefronts.
- Installing barrier-free access ramps at building entrances.
- Installing barrier-free access ramps within courtyards and areaways.
- Installing metal handrails with minimal vertical elements and a neutral finish.



(top) ramp at building entrance with stone base and simple ironwork handrail; (bottom right) descending concrete ramp behind areaway railing; (bottom left) ramp with concrete base and simple metal railing.

2-19 Sidewalks

Organization

- The proposed rule is new.
- A list of historic districts that require review of sidewalk work will be appended to the Rules.

Codification of Staff Practices

- Repairing, consolidating, resetting and replacing in kind stone paving and cast iron vault lights.
- Replacing concrete paving with tinted or untinted concrete paving.
- Covering deteriorated cast iron vault lights with diamond plate.

Commission Determinations Delegated to Staff

- **Stone Paving**
- **Vault Lights**



(top) cast iron vault light panels, with treads and risers covered with diamond plate; (bottom right) tinted concrete to match surrounding granite sidewalk slabs; (bottom left) bluestone sidewalk pavers.

2-19 Sidewalks

Commission Determinations Delegated to Staff Stone Paving

- Removing unsalvageable bluestone and replacing with tinted concrete.
- Removing limited bluestone for enlarging tree pits.
- Slicing large granite vault cover or replacing in kind in conjunction with installing matching stone curbs.
- Modifying stone paving for accessible ramps.

Vault Lights

- Removing deteriorated vault lights fragments on blocks without other vault light installations.
- Removing deteriorated vault lights that are already covered with concrete or diamond plate and replacing with diamond plate.



(top) broken and displaced bluestone sidewalk pavers around a tree pit; (bottom right) deteriorated cast iron vault light panels, from below (bottom left), deteriorated cast iron vault light panels, mostly covered.

2-20 Health, Safety and Utility Equipment

Organization

- The proposed rule is new.

Codification of Staff Practices

- Installing objects or equipment on facades or areaway features, including utility meters, fire alarm bells, light fixtures, intercoms, security grilles, security cameras, mailboxes, Siamese connections, etc.



(clockwise from top left) security camera; intercom and mail key box; standpipe connections; gong, DEP box and sump pump ejector.

2-21 Installation of Heating, Venting, Air-Conditioning and Other Mechanical Equipment

Organization

- Relocates rooftop HVAC from the rooftop addition rule (Section 2-19) and combines it with existing HVAC rule (Section 2-11).

Codification of Staff Practices

- The rule incorporates existing staff criteria for the installation of visible wall-mounted flues and ducts.
- The rule incorporates minor adjustments to size and projection allowances for through-wall vents at secondary facades at all building types.

Commission Determinations Delegated to Staff

- Installing projecting AC units and filler panels with partial-height window sashes as required.
- Installing through-wall louvers at plain masonry (stone, terra cotta).
- Installing minimally-visible wall-mounted equipment.
- Installing minimally-visible equipment at yards and areaways.
- Installing minimally-visible rooftop equipment at individual landmarks six stories and below in height.



(top left) projecting AC unit with filler panel; (top right) through-wall louver in plain stone; (bottom left) screened HVAC equipment in side yard; (bottom right) visible wall-mounted flue, secondary façade.

2-22 Fire Escapes

Organization

- Relocates the fire escape rule (Section 2-13).

Codification of Staff Practices

- Modifying fire escapes to swap ladder types.

Commission Determinations Delegated to Staff

- Modifying fire escapes to extend landings horizontally or vertically, matching the existing fire escape.
- Installing new fire escapes to meet the building code, including on primary facades if fire escapes are common in the historic district, if installing them on secondary facades is unfeasible.



(top) change in ladder type, before and after; (bottom right) new fire escape installation; (bottom left) extending landings.

2-32 Expedited Certificate of No Effect

Administrative

- Expedited Certificate of No Effect
 - The amended rule broadens the types and locations of interior work eligible for expedited review.
 - Interior work at buildings where there is no commercial use at or below the second full story will qualify for expedited approval.

Chapter 7: Permit Duration, Renewal and Revocation

Administrative

- Permit duration:
 - Establishes a 6 year term for all Reports for work on City property.
 - Extends the term of LPC approval by two years if issued in connection with a special permit or variance request.
 - Establishes an 8 year term for MOUs.
- Simplifying process for as-of-right permit renewal:
 - Can apply for renewal of an approval up to the expiration date.
 - Must have DOB permit for substantial portion of approved work, the work is on-going and applicant is in the process of obtaining a permit for remaining work.
- Reinstatement of expired permit:
 - The owner applies for reinstatement within 90 days of expiration.
 - The work is on-going and is expected to be completed within 36 months.
 - Chair determines it would be unreasonable to stop the project and require the owner to reapply for a new permit and may reinstate for a period not to exceed three years.

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