

## **Resolution of the Public Design Commission:**

WHEREAS, the Public Design Commission (the “Commission”) is charged with reviewing works of art, structures, and layouts of public ways and grounds as defined in section 854 of the Charter of the City of New York (the “Charter”); and

WHEREAS, the Commission consists of eleven members who serve without compensation for their service and meet once monthly to act on calendared submissions; and

WHEREAS, section 854 of the Charter requires Commission approval before the commencement of work on a project subject to the jurisdiction of the Commission; and

WHEREAS, certain projects requiring Commission approval, in particular large-scale structures and park reconstructions, often entail a need for minor post-approval modifications that were not foreseeable at the time of the original approval; and

WHEREAS, certain projects requiring Commission approval, namely building systems, are operational projects that are part of a building’s infrastructure, are invisible or minimally visible to the general public from the public right-of-way, and are circumscribed in specifications by building codes, energy codes, and other regulations and standards; and

WHEREAS, certain small-scale projects requiring Commission approval are routine, vary minimally in design and do not compromise the visual integrity of the building or site on which they are located; and

WHEREAS, this Resolution is intended to promote the effective functioning of the Commission as it fulfills its purpose; and

Now, therefore, be it RESOLVED that, the Public Design Commission hereby delegates to the Commission’s Executive Director, and in the case of the Executive Director’s temporary absence, the Commission’s next most senior director, the following duties and responsibilities:

1. Approval of minor modifications to projects after final approval of such projects by the Commission, provided that such modifications meet the following criteria:

- a) The modification(s) are consistent with the approved design intent of such project and maintain the visual integrity of the project; and
- b) The modification(s) do not directly alter any element of such approved project that was a subject of public controversy as evidenced by hearing testimony or media reporting; and
- c) The modification(s) do not contradict any limitation or specification of approval made explicit in the certificate issued or previously requested by the Commission during the review process; and
- d) The modification(s) do not alter design elements previously positively noted or commended by the Commission; and
- e) The modification(s) do not alter any significant existing architectural or landscape feature.

2. Approval of building systems, including but not limited to heating, ventilation, and air-conditioning equipment (HVAC) units, emergency generators, exhaust fans, vents, flues, ducts, conduits and related supports, louvers, access hatches, alarms, sound attenuation screens; and other structures, such as utility boxes and Reduced Pressure Zone backflow devices (RPZs), stair or elevator bulkheads, access ladders, parapet guardrails, and rooftop photovoltaic arrays, provided that such projects meet the following criteria:

- a) Such building systems are invisible or minimally visible to the general public from the public right-of-way; and
- b) Such building systems do not change the distinguishing qualities or character of the building or site in which they are located; and
- c) There is no removal or alteration of any significant architectural feature; and
- d) The visual integrity of the exterior walls of the building on which the project is located is maintained; and
- e) Through-wall mechanical installations, such as louvers or vents, are detailed minimally and will not otherwise detract from the façade or significant architectural features of the building on which the project is located.

3. Approval of tenant signs, access ramps, ballfield pole lighting, fenced-in areas and alterations to storefront entrances, provided that such projects meet the following criteria:

- a) The alteration of a storefront entrance, such as with the installation of new doors, windows, or filler panels, will keep the character of the façade of the storefront; and
- b) The installation of tenant signage is proposed in the same location as existing signage; and
- c) The installation of an access ramp will be in keeping with ADA guidelines and intended to improve accessibility at the site, and will be consistent with the materiality and character of the modified building and similar counterpart components; and
- d) The installation of a fenced-in area will not extend beyond the adjacent properties' areaway fences, will be aligned with the adjacent fence(s), will be similar in materiality with other fences along the block, and will not detract from or otherwise result in the removal or destruction of significant architectural features of the building on which the project is located or adjacent buildings; and
- e) Ballfield pole lighting will be in keeping with athletic field illumination standards and will be shielded to focus light on the ground, rather than the open sky or surrounding areas.

At least one member of the Commission shall determine that a project falls within one of the categories described above before any such project is approved by the Executive Director or the Commission's next most senior director.

This Resolution shall take effect on October 12, 2022.

Adopted by the Public Design Commission, October 11, 2022.