

# Landmarks Preservation Commission

## Rules Amendments

Responses to Public Testimony,  
Proposed Changes, and  
Other Issues

May 29, 2018



## Rules Amendments: **Significant Proposed Changes**

### **Additions and Excavations**

- Removed most changes to the existing rear yard addition rule.
- Removed most changes to the existing occupiable rooftop addition rule.
- Removed all changes to the existing “cumulative” additions rule.
- Removed excavation for underground additions in the rear yard.

### **Restoration and Substitute Materials**

- Strengthened prioritization of repair over replacement and in kind replacement over substitute materials in the text.
- Narrowed the eligibility of substitute materials based on original material type and location on the building.

### **Vault Lights**

- Removed the provision for removal of cast iron vault lights.

### **Windows**

- Removed provisions for simplification of historic window configurations and incremental matching of non-historic windows at visible secondary facades.

### **“No Style” and “Non-contributing Buildings”**

- Removed additional flexibility for new windows and storefronts and references to these categories of buildings in the text.

## Rules Amendments: **Response to Other General Issues**

- **Organizing the rules by “Work Type.”**
- **Standards of review: “Does not detract”; “Does not call undue attention”; “Recall”**
- **Applicability of the rules to Scenic Landmarks**

## 2-05 Temporary Installations

### Key Proposed Amendments

**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.

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

### Key Proposed Amendments

**Organization** 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.
  - **REVISED: Revised text to prioritize repair over replacement and in kind replacement over substitute materials. Further limited the eligibility of substitute materials based on original material type and location on the building. Raised baseline height (from above the 2nd floor) to above the 6th floor for certain materials.**
- Reconstructing secondary facades due to structural issues or material failure.

### Commission Determinations Delegated to Staff

- Installing fiber-cement siding at primary façade instead of wood if required by the building code.
  - **REVISED: The provision is unchanged, but wood siding will also be required if previously removed, if allowed.**
- Using substitute roofing materials to replace historic roofing if indiscernible due to height or discreet presence.
  - **REVISED: Only applicable to non-visible roofs at the 6<sup>th</sup> floor and below; and non- or minimally visible roofs above the 6<sup>th</sup> floor and at secondary facades.**
- 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.
  - **REVISED: LPC preservation engineer must concur with recommendation of applicant's engineer.**

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

### Other Proposed Changes and Issues

- Removing the specific sub-section for use of fiberglass as a substitute material, while reserving the right to consider it and other substitute materials with reasonable limitations.
- Allowing elaborate top floor cornices under 25 feet in length at small buildings to be replaced in wood, metal or other substitutes materials with a painted finish. Those over 25 feet in length at small buildings must be wood or metal.
- Supplementing the text to address applicability of rules for prior Commission level approvals (COFA and MOU).
- Modifying the text to permit minor non-destructive probes to be performed without a permit for documentation in support of condition assessments and uncovering of historic fabric.

## 2-12 Storefronts and Commercial and Residential Awnings

### Key Proposed Amendments

**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. **Removed from the proposal.**
- Installing fixed awnings at Individual Landmarks.

## 2-12 Storefronts and Commercial and Residential Awnings

### Other Proposed Changes and Issues

- Clarifying that storefronts at pre-1900 buildings can match the historic material or be wood.
- Clarifying that new doors cannot be installed within historic display windows.
- Removing scissor gates from permitted options for storefront security gates.
- Clarifying eligibility for commercial awnings at second story display windows.
- Requiring that storefronts with integral retractable awnings be used in lieu of new fixed awnings.
- Restricting lettering and logos on sidewalk canopies.



## 2-13 Signage

### Key Proposed Amendments

**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.

### Other Proposed Changes and Issues

- Allowing other materials such as acrylic to be used for lettering/logos on bracket signs if painted.
- Clarifying that LED lamping can be used for illumination options at sign panels and bracket signs.

## 2-14 Windows and Doors

### Key Proposed Amendments

**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** REVISED
- **Secondary Facades** REVISED

## 2-14 Windows and Doors

### Key Proposed Amendments

#### 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. **REVISED: No modifications to non-original openings at Individual Landmarks.**
- New windows and doors for “no style” buildings can be wood or metal, and the design must be consistent with the building or other buildings in the historic district. **Removed from the proposal.**

## 2-14 Windows and Doors

### Key Proposed Amendments

#### 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. **Removed from the proposal.**
- Matching existing or predominant window configurations if all existing windows are non-historic at visible secondary facades at large buildings. **Removed from the proposal.**
- 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.
  - **REVISED: Added provision for ell extensions to require 18” of masonry on both sides; full facades to require 24” on both sides as proposed.**
- 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.

## 2-14 Windows and Doors

### Other Proposed Changes and Issues

- Clarifying that approval of window replacement based on functionality alone does not apply to special windows and Individual Landmarks.
- Clarifying that replacement of historic doors on primary facades requires a condition assessment, and the replacement door must match the historic door if it exists.

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

### Key Proposed Amendments

**Organization** Combines the rooftop addition rule (former Section 2-19) and rear yard addition rule (former Section 2-16).

### 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** REVISED
- **Rear Yard Additions** REVISED
- **Combinations** REVISED

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

### Key Proposed Amendments

#### Commission Determinations Delegated to Staff

#### Rooftop Additions

- Constructing occupiable rooftop additions that are minimally-visible over secondary facades.
  - **REVISED: Only applicable to buildings greater than 6 stories in height. No visibility at building 6 stories or less.**
- Extending existing elevator bulkheads to be more than minimally visible over the primary facade in some historic districts.
  - **REVISED: Clarify that this does not apply to elevator bulkheads being raised for an additional floor stop.**
- Constructing rear dormers at pitched roofs with setbacks from the top, bottom and both sides of the pitched roof.
  - **REVISED: New rear dormers must be non-visible.**
- Constructing minimally-visible non-occupiable rooftop additions at Individual Landmarks below seven stories in height.
  - **REVISED: All individual landmarks must use the same (stricter) criteria regardless of whether or not the building is also in a historic district.**

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

### Key Proposed Amendments

#### Commission Determinations Delegated to Staff

#### Rear Yard Additions and Combinations

- Constructing rear yard additions that are minimally visible. **Removed from the proposal.**
- Altering existing visible rear yard additions to be slightly more visible if the changes improve the relationship to the building and the streetscape. **Removed from the proposal.**
- 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. **Removed from the proposal.**
- Constructing additions two-stories or less above grade to fill in enclosed central or side courts of a building.
  - **REVISED: Reduced to one story above grade for infill additions.**
- 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. **Removed from the proposal.**
- 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. **Removed from the proposal.**



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

### Other Proposed Changes and Issues

- Removing the term “partially visible” from the text with regard to additions.
- Clarifying the applicability of the rule to buildings in scenic landmarks and other buildings in parks in historic districts.

## 2-16 Excavation

### Key Proposed Amendments

**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. **Removed from the proposal.**

### Other Proposed Changes and Issues

- Due to the removal of new provisions related to rear yard additions, no archaeology requirements will be included in the proposed rule but may be explored in conjunction with future amendments to the rules.

## 2-17 Front, Side and Rear Yards

### Key Proposed Amendments

**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. **REVISED: Fences cannot be installed in side yards in Sunnyside Gardens.**
- 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.

### Other Proposed Changes and Issues

- Supplementing the text to reference potential affects to significant landscape improvements identified in the designation report in the context of installing new driveways.

## 2-18 Barrier-Free Access

### Key Proposed Amendments

**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** REVISED
- **Lifts**
- **Ramps**

## 2-18 Barrier-Free Access

### Key Proposed Amendments

#### 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.
  - **REVISED: Steps up to 18” in height can be removed at prominent primary entrances (up to 30” at elsewhere).**
- Modifying the entrance infill and surround in conjunction with lowering, raising or widening the entrance.
  - **REVISED: Staff can make determination that highly significant infill or surrounds cannot be modified.**

##### 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 facade.

##### Ramps

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

## 2-18 Barrier-Free Access

### Other Proposed Changes and Issues

- Clarifying the text of the rules to explicitly reference avoiding or minimizing impacts to significant landscape features for the installation of ramps and lifts.

## 2-19 Sidewalks

### Key Proposed Amendments

**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 and Vault Lights

- Removing unsalvageable bluestone and replacing with tinted concrete.
- Removing limited bluestone for enlarging tree pits.
- Slicing large granite vault cover or replacing in kind and installing matching stone curbs.
- Modifying stone paving for accessible ramps.
- Removing deteriorated vault light fragments on blocks without vault light installations. **Removed from the proposal.**
- Removing deteriorated vault lights that are already covered with concrete or diamond plate and replacing with diamond plate. **Removed from the proposal.**

## 2-19 Sidewalks

### Other Proposed Changes and Issues

- Requiring tinted concrete when the new sidewalk abuts historic paving or tinted concrete, regardless of how much exists on the block.



## 2-20 Health, Safety and Utility Equipment

### Key Proposed Amendments

**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.

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

### Key Proposed Amendments

**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.

## 2-22 Fire Escapes

### Key Proposed Amendments

**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. .

## Chapters 5, 7 and 11

### Key Proposed Amendments

**Organization:** No Change

**Chapter 5: Historic Preservation Grant Program:** No substantive comments.

**Chapter 7: Permit Duration, Renewal and Revocation:** No substantive comments.

**Chapter 11: Administrative Enforcement:** No substantive comments.