

LANDMARKS PRESERVATION COMMISSION

REGULATORY AGENDA FY 2018

Pursuant to section 1042 of the New York City Charter, the following is the Fiscal Year 2018 Regulatory Agenda of the Landmarks Preservation Commission.

SUBJECT: The LPC will propose a rule-making to combine, amend, renumber existing rules, and to propose new rules to make the process of applying for and obtaining approval to perform work on designated property more transparent, timely, efficient and economical. The rule-making will likely be composed of the following parts:

1. Amendments to Chapters 2 and 3 of the rules of the Landmarks Preservation Commission (“LPC”), including consolidation and renumbering of existing rules, amendments to existing rules and new rules.

Chapter 2 contains the vast majority of work types regulated by the LPC. Chapter 3 contains the Window Guidelines. The purpose of the proposed rule-making is authorize the staff to approve work subject to criteria derived from Commission precedent and staff approvals, and to make Chapter 2 more intuitive and easier to use by property owners, architects, expeditors, contractors, other practitioners, and members of the public. Sections of the rules will be combined, amended, renumbered and new rules will be proposed. The provisions of existing Chapter 3, governing windows, will be incorporated into Chapter 2, and Chapter 3 will be reserved for future rule-making.

The proposed rule-making has the following goals: (1) to make the Commission more transparent and efficient by authorizing the LPC staff to approve a variety of work-types that are consistently approved by the Commission utilizing predictable criteria; (2) to bring the Commission’s rules up to date with Commission approvals concerning compliance with a wide variety of other governmental codes and criteria, including handicap access, energy codes and resiliency mandates; (3) to amend existing rules, as well as add new rules, to reflect current and consistent practices of the Commission; and (4) to reorganize the rules in Chapter 2, including consolidation of some existing rules, to make them more intuitive and user-friendly.

A. Combination of existing rules.

The proposed rule-making includes the combination of existing rules to make the rules easier and more intuitive to use. The proposal may include the combination, and amendment, of: Sandstone Restoration (existing section 2-14) and Restoration of Building Façade Features (existing section 2-17); Storefronts (existing section 2-17) and Awnings (existing section 2-12); Windows (existing Chapter 3) and New Window Openings (existing section 2-15); Rear Yard (existing section 2-16) and Rooftop Additions (existing section 2-19).

B. Amendment of existing rules.

The proposed rule-making includes the amendment of existing rules and proposed new rules to reflect current Commission and staff practice. The proposal may include amendments to the following sections, in addition to the sections listed above: Installation of Heating, Venting and Air-Conditioning Equipment (existing section 2-11); Fire Escapes (existing section 2-13); Temporary Installations (existing section 2-18); Bracket Signs (existing section 2-20); Expedited Certificates of No Effect (existing section

2-32). By expanding the types of work eligible for staff approval the proposed rule-making will make review and approval of work more transparent, timely, efficient and economical.

C. New rules.

The proposed rule-making includes proposed new rules that reflect and codify current Commission and staff practice. The proposal may include proposed new rules for the following work types: barrier-free access; sidewalks; front, side and rear yards; health, safety and utilitarian equipment; excavation; and work on non-contributing buildings. By expanding the types of work eligible for staff approval the proposed rule-making will make review and approval of work more transparent, timely, efficient and economical.

2. Amendments to Chapters 5, 7 and 11.

A. Amendments to Chapter 5: Historic Preservation Grant Program.

The proposed rule-making might include amendments to clarify required application materials, selection criteria and conditions on the award of the grant.

B. Amendments to Chapter 7: Permit Expiration and Renewal.

The proposed rule-making might include amendments to extend the duration of permits issued in connection with special permit applications to the City Planning Commission or variance applications to the Board of Standards and Appeals; to establish terms for work approved pursuant to section 25-318 of the Administrative Code; to clarify when approved work must be completed; modifications to the permit renewal process to make it easier to renew; and to clarify that an owner can do necessary work to stabilize and secure a site after a permit has expired, pending renewal or a new approval.

C. Amendments to Chapter 11: Administrative Enforcement.

The proposed rule-making might include amendments to reflect that the Environmental Control Board (ECB) is now a division of the Office of Administrative Trials and Hearings (OATH); to change from 48 hours to two business days the time allowed for the Commission to mail a Stop Work Order to the respondent, where the Stop Work Order has been affixed to the premises or given orally.

Legal basis: Sections 1043 and 3020 of the New York City Charter and Sections 25-303, 25-305, 25-306, 25-307, 25-308, 25-310, 25-313 and 25-319 of the Administrative Code of the City of New York.

Types of individuals and Entities Likely to be affected by the proposed rule-making: Property owners, architects, expeditors, contractors, other practitioners, preservation and community groups and members of the public.

Other relevant laws: None.

Approximate schedule: Fiscal Year 2018

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