

LANDMARKS PRESERVATION COMMISSION

Notice of Adoption of Final Rules

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE LANDMARKS PRESERVATION COMMISSION by Section 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, and in accordance with the requirements of section 1043 of the New York City Charter, that the Landmarks Preservation Commission hereby adopts amendments to Chapters 2, 5, 7 and 12 of Title 63 of the Rules of the City of New York, and adopts a new Chapter 14 to Title 63.

These amendments and new rule were first published in the City Record on April 20, 2023, and a public hearing was held on May 23, 2023. The adopted rules reflect certain of these comments, as well as technical typographical corrections to the text. The Commission voted to approve the adopted rules at the Public Meeting of July 11, 2023.

Statement of Basis and Purpose of Adopted Rules

Introduction

The Landmarks Preservation Commission (“LPC” or “Commission”) has adopted amendments to Chapters 2, 5, 7 and 12 of Title 63, and has also adopted a new rule (Chapter 14) setting forth procedures for the public to follow in submitting rulemaking petitions to LPC.

In adopting these amendments and new rule, the LPC has had the following goals:

(1) to make the work of the Commission more transparent and efficient by authorizing the LPC Staff to approve a variety of work and work-types that are consistently approved by the Commission utilizing established criteria;

(2) to make the Commission more efficient by ensuring that applicants do not have to go through the more time-intensive Certificate of Appropriateness public hearing process for work types that are regularly approved by the Commission utilizing established criteria.

(3) 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 energy codes and resiliency mandates;

(4) to amend existing rules, as well as add new ones, to reflect current and established practices of the Commission;

(5) to ensure that the Commission has the capacity at future public hearings and meetings to review an increasing number of applications, by delegating to the LPC Staff the authority to approve work that is consistently approved by the Commission.

Description of Adopted Changes

The following is a chapter-by-chapter, section-by-section description of the adopted changes. It is organized by chapter and followed by the section(s) being changed.

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

Section 2-02: Master Plans and Authorizations to Proceed

This section describes the process for getting approval to perform repetitive work over time and the streamlined process for obtaining approval for specific work. The adopted amendment brings the section up to date by referencing approval types that are in sync with current Department of Buildings.

Section 2-12: Storefronts, Awnings and Canopies

This section sets forth criteria for the approval of changes to existing, and the installation of new, storefronts, awnings and canopies. The adopted amendments include:

- Allowing installation of gray-scale vinyl covering an entire display window where required to conceal “back of house” activities, such as food preparation, security, office, restrooms, and employee use area, as long as most display windows at the building base remain open/transparent. This would also apply to individual landmarks.
- Extending the criteria for interior partitions and/or built-in features, such as vitrines, to individual landmarks.

Section 2-13: Signage

This section sets forth criteria for staff approval of various types of signage, including situations where no approval is required. The adopted amendments include:

- Adding to the installations that do not require a permit, including temporary vinyl decals covering entire display window at storefronts for-lease or to block interior construction; swapping out flags and banners at poles that predated a building’s designation, or which were previously approved by the Commission; and swapping out vinyl and/or painted decals at display windows once an initial permit is obtained.
- Allowing new sign types, including: dimensional letters applied to interior or exterior transom glazing; fabric and non-rigid bracket signs; and interior LED/tv screen signage limited by size and placement.
- Clarifying or modifying criteria for certain sign types: allowing LED neon in lieu of traditional neon at interior signs; clarifying how to calculate allowable area of vinyl and/or painted decal signage; and requiring consistent design of bracket armatures and bracket/banner signs at buildings with multiple storefronts that historically had a uniform design.
- Codifying the Commission’s standards for approving painted wall signs. These criteria, including maximum size, location, use of a border and other standards have become standard and are appropriate for codification for staff approval.
- Modifying criteria for plaque signs, including: allowing them at retail and commercial uses and for building management companies; allowing wood as a material and adjusting thickness to account for dimensional letters; changing maximum sizes to be calculated by area and allowing for slightly larger signs at all permitted locations; and setting 2 maximum sizes – a smaller area for small buildings and larger area for large buildings (the latter defined as 7+ stories or with more than 40’ of street frontage).
- Adjusting the cumulative impact assessment for overall signage to include the sign types contemplated in this rulemaking.

Section 2-19: Sidewalks

This section sets forth criteria for staff approval for work on sidewalks with historic paving. The adopted amendments establish criteria for installing new, and expanding existing, tree pits, planting areas and bioswales. The adopted amendments apply to all sidewalks under the jurisdiction of the Commission, not just sidewalks in Appendix A.

Section 2-21: Installation of Heating, Ventilation, Air Conditioning and other Mechanical Equipment

This section sets forth criteria for staff approval of various types of common and necessary mechanical equipment, such as air conditioning equipment and solar panels. The existing rules allow staff to approve installation of non-visible and minimally visible heating, venting, air-conditioning and other mechanical equipment (“HVAC”), including installations of solar panels. The adopted amendments recognize that changing standards, including building, safety, energy efficiency and resiliency rules may require adjustments of existing equipment and create more stringent siting standards for new equipment. The adopted amendments establish criteria for expanded staff approval of: HVAC equipment installed on roofs, terraces, side facades and at grade, including solar panel installations on sloped roofs in some situations where there is visibility over primary and secondary facades.

Section 2-32: Expedited Review Procedures

This section sets forth the procedures for applying for an “Expedited Certificate of No Effect”, which permits self-certification and expedited issuance of a Certificate of No Effect for certain interior work. Under the adopted amendments a property owner, who must sign the application, could submit a written statement instead of a sworn statement, stating that proposal complied with the application requirements. The architect or other design professional would still have to submit signed and sealed drawings attesting to the application. In addition, the rule has been amended to apply to work that was approved with “reports”, instead of a Certificate of No Effect, issued pursuant to section 25-318, including projects on city-owned property.

B. Chapter 5: Historic Preservation Grant Program

Section 5-02: General Eligibility Requirements

This section sets forth the eligibility requirements for property owners applying for grants. The funding for the grant program comes from the City’s participation in the Federal Community Development Block Grant program, and grant recipients must meet federal guidelines for income and other criteria. The adopted amendment brings the requirements in Section 5-02 up to date with current federal eligibility requirements that allow grants to be awarded on the basis of eliminating slum and blight conditions when the work to be funded under the grant is eligible historic preservation or building rehabilitation work as defined in 24 CFR §570.208(b)(2).

C. Chapter 7: Permit Duration, Renewal and Revocation

Section 7-02: Duration of Permits.

This section sets forth the duration of permits, including Master Plans. The adopted amendment modifies the duration of a Master Plan to include a term of year and also includes references to the various approval types.

D. Chapter 12: District Master Plans

This chapter sets forth the overall criteria for district master plans, section 12-01, as well as the individual District Master Plan Implementation Rules, sections 12-02 through 12-07. The adopted amendments are uniform throughout the Chapter and reflect the elimination of references to Authorizations to Proceed and the inclusion of references to specific approval types (e.g., Certificates of No Effect and Permits for Minor Work).

E. Chapter 14: Requests for Rule-Making

This is a new rule, required by section 1046(g) of the City Charter, that sets forth the process for a member of the public to request the Commission to consider a specific new rule or an amendment to an existing rule.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this Commission, unless otherwise specified or unless the context clearly indicates otherwise.

§ 1. Section 2-02 of Chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

§ 2-02 Master Plans [and Authorizations to Proceed].

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”), [or by a] 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 [send the owner an “Authorization to Proceed” letter allowing the work to proceed] 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. [The Authorization to Proceed is sent prior to the commencement of the work and is contingent on adherence to the approved master plan drawings.]

§ 2. Subdivision (a) of section 2-12 of Chapter 2 of Title 63 of the Rules of the City of New York is amended by adding the following definition, in alphabetical order:

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.

§ 3. Subparagraph (ii) of paragraph (3) of subdivision (c) of section 2-12 of Chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(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 [section.] 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. Paragraph (10) of subdivision (c) of section 2-12 of Chapter 2 of Title 63 of the Rules of the City of New York is amended by adding a new subparagraph (vi), to read as follows:

(vi) This subdivision shall also apply to individual landmarks.

§ 5. Section 2-13 of Subchapter B of Chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

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 [63 RCNY §2-13] section, the following words have the following meanings:

Armature. "Armature" means a metal structural support for a [rigid] projecting sign. [The armature may support the bracket sign by means of one or two projecting arms, or may be flush mounted with a sleeve and/or concealed.]

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 [a rigid] an outdoor sign, with two display faces, installed perpendicular to a building facade 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.

Facade. "Facade" 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 facade, 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 facade, including display windows, bulkheads, entranceways, etc.

Storefront opening means the area of the facade 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 facade, 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 facade. 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 facade, 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[, provided that the signage does not]. 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 facade, 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 [a sign in the signband, signage on an awning, signage in a storefront and a bracket sign].

([d]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.

(3)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. [The display faces and the letters, words, numerals, illustrations or graphics, whether raised or not, 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.]

(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.

(4)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.

(5)8 The bracket sign may [will] be fixed or may move freely from its points of attachment to the armature[, but in]. 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.

(6)9 *Number of banner or bracket signs for ground floor establishments.*

(i) Except for signs subject to subparagraphs (ii), [and] (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 [is] no more than two signs per twenty (20) feet of building facade fronting on a street[, and further provided that the size, design, placement, materials and details of all of the armatures match or are similar]. The placement of the banner or bracket sign on the building will be in close proximity to the establishment that is identified on the banner or 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 facade with at least twenty (20) feet of street frontage, provided that each facade 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.

(7)10 ~~[racket]~~ *Banner and 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 [(8)] (11) below.

(8)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.

([9]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 facade 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.

([10]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.

[(11) The establishment seeking approval for a bracket sign is not, for the same building, already utilizing an LPC-approved, grandfathered or unapproved flagpole and banner, nor will it have approval from the LPC for installing a new flagpole and banner on the same building.]

([12]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.

([e]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.

([f]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.

Miscellaneous Commercial Signage.

(1) *Plaques.* [Plaques are a traditional form of advertising for professional services, such as doctors' offices. Staff will issue an approval for a metal, glass or stone plaque] 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 [plaque] the proposed work meets the following criteria:

- (i) Is as-of-right under the Zoning Resolution and Building Code;
- (ii) [Is] 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) [Is] The plaque is not more than [one-half inch] one and a half inches thick, inclusive of any projecting lettering and/or logos;

- (ii) The plaque and letters are made of a traditional material such as metal, glass, wood, or stone and has a finished quality; and

(iv)v [Is] 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 [twelve (12) inches by eighteen (18) inches] and the LPC Staff determines that due [its] to quantity, size and proportion the plaque(s) do [does] not call undue attention to itself or themselves or detract from the significant architectural features or historic character of the building or district; and

(v)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 facade 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;
- (D) Each plaque is not larger than six (6) inches by eighteen (18) [twelve (12)] 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.

§ 6. The introductory subparagraph and subparagraph (i) of paragraph (1) of subdivision (a) of section 2-19 of Chapter 2 of Title 63 of the Rules of the City of New York are amended to read as follows:

(a) *General Requirements.*

(1) *Scope.* [This] 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.

§ 7. Paragraph (3) of subdivision (b) of section 2-19 of Chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(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 [(3)] 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.

§ 8. Paragraph (2) of subdivision (c) of section 2-19 of Chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(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. [DOT???*

* **Editor's note:** So in original.]

§ 9. Section 2-19 of Chapter 2 of Title 63 of the Rules of the City of New York is amended by adding a new subdivision (h), to read as follows:

(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.

§ 10. Subparagraph (v) of paragraph (2) of subdivision (b) of section 2-21 of Chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(v) The equipment is visible in combination with other existing equipment, additions or structures that share a similar level of visibility.

§ 11. Subparagraph (i) of paragraph (1) of subdivision (e) of section 2-21 of Chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(i) Wall mounted HVAC, such as ductless split system HVAC equipment and other mechanical equipment on platforms and/or brackets, [will be no more than minimally visible from a public thoroughfare] 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.

§ 12. Subdivision (g) of section 2-21 of Chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(g) *Installation of HVAC and Other Mechanical Equipment on Rooftops or Terraces.* With respect to [Individual Landmarks] 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 facade.*

(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 [invisible] 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 [grandfathered or approved] 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 facade.* The installation [will not be visible, or] will not be more than minimally visible[,] over a secondary facade. 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.

§ 13. Subparagraph (i) of paragraph (2) of subdivision (h) of section 2-21 of Chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(i) 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 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.

§ 14. The introductory sentence of subparagraph (ii) of paragraph (2) of subdivision (c) of section 2-32 of Chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(ii) a [sworn statement executed] statement signed by the owner of the property that:

§ 15. Subdivision (d) of section 2-32 of Chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(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.

§ 16. Paragraph (1) of subdivision (c) of section 5-02 of Chapter 5 of Title 63 of the Rules of the City of New York is amended to read as follows:

(c) Ownership/Occupancy.
(1) Homeowners. Owners of eligible residential properties [may] 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 C.F.R. § 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).

§ 17. Paragraph (5) of subdivision (b) of section 7-02 of Chapter 7 of Title 63 of the Rules of the City of New York is amended to read as follows:

(5) *Master Plan.* [Any PMW, CNE, C of A or Report issued for a] 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.

§ 18. Sections 12-01 through 12-07 of Chapter 12 of Title 63 of the Rules of the City of New York are amended to read as follows:

§ 12-01 District Master Plans [and Authorizations to Proceed].

(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 [authorizations to proceed] 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 §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 [Authorizations to Proceed ("ATP's", see subsection 12-01(f) below)] pursuant to the District Master Plan. Any work permitted under the Implementation Rules pursuant to [an ATP] 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) [*Authorizations to Proceed.*] *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 63 RCNY §2-01 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 [send the applicant an "Authorization to Proceed" letter ("ATP")] issue a CNE or PMW allowing the work to commence. The [ATP] CNE or PMW must be obtained prior to the commencement of work and posted on the building while work is in progress. Each [ATP] CNE or PMW shall be valid for four (4) years from the date of [such ATP] issuance and may be renewed upon application provided that Commission staff determines that the work authorized under the original [ATP] 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 [ATP] 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 [in connection with the ATP].

(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 [63 RCNY §12-01] subdivision (b) of this section. Any Commission action to amend or rescind a District Master Plan shall be in accordance with the provisions of [63 RCNY §] section 1-04 of this title.

§ 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 [Authorization to Proceed letters ("ATP")] 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:

[Authorization to Proceed and ATP. "Authorization to Proceed" and "ATP" shall mean an authorization to proceed as described in 63 RCNY §12-01(f).]

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

District Master Plan. "District Master Plan" shall have the meaning set forth in [63 RCNY §] section 12-01 of this chapter.

Landmarks Law. "Landmarks Law" shall refer to Section 3020 of the 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.

Stone Street Master Plan. "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 [100 Old Slip, New York, New York 10005] the Commission's office by appointment. 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 [an ATP] 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 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 63 RCNY Chapter 2, Subchapter A ("Application Procedure") and 63 RCNY Chapter 12.

(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.

(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 [an ATP] will be issued pursuant to [63 RCNY §12-01(f)] subdivision (f) of section 12-01 of this chapter. A determination that [an ATP] 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 [an ATP] a CNE or PMW have not been met, the LPC staff [shall] will 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 [the issuance of an ATP] an 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.

(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 [Authorizations to Proceed letters ("ATP")] 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:

[Authorization to Proceed and ATP. "Authorization to Proceed" and "ATP" shall mean an authorization to proceed as described in 63 RCNY §12-01(f).]

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

District Master Plan. "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.

Landmarks Law. "Landmarks Law" shall refer to Section 3020 of the 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. 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 [an ATP] 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 63 RCNY Chapter 2, Subchapter A ("Application Procedure") and 63 RCNY Chapter 12.

(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, [an ATP] a CNE or PMW will be issued pursuant to [63 RCNY §12-01(f)] subdivision (f) of section 12-01 of this chapter. A determination that [an ATP] 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 [the issuance of an ATP] 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.

(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 [Authorizations to Proceed letters ("ATP")] 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 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:

[Authorization to Proceed and ATP. "Authorization to Proceed" and "ATP" shall mean an authorization to proceed as described in 63 RCNY §12-01(f).]

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

District Master Plan. "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.

Landmarks Law. "Landmarks Law" shall refer to Section 3020 of the 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. 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 [an ATP] 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 63 RCNY Chapter 2, Subchapter A ("Application Procedure") and 63 RCNY Chapter 12.

(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, an ATP will be issued pursuant to [63 RCNY §12-01(f)] subdivision (f) of section 12-01 of this chapter. A determination that [an ATP] 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 [the issuance of an ATP] 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.

(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] 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 [Authorizations to Proceed letters ("ATP")] 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:

[Authorization to Proceed and ATP. "Authorization to Proceed" and "ATP" shall mean an authorization to proceed as described in 63 RCNY §12-01(f).]

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

District Master Plan. "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.

Landmarks Law. "Landmarks Law" shall refer to Section 3020 of the 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. 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 [an ATP] 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 63 RCNY Chapter 2, Subchapter A ("Application Procedure") and 63 RCNY Chapter 12.

(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 [an ATP] will be issued pursuant to [63 RCNY §12-01(f)] subdivision (f) of section 12-01 of this chapter. A determination [an ATP] 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 [the issuance of an ATP] 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.

(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 [Authorizations to Proceed ("ATP")] 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:

[Authorization to Proceed and ATP. "Authorization to Proceed" and "ATP" shall mean an authorization to proceed as described in 63 RCNY §12-01(f).]

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

District Master Plan. "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.

Landmarks Law. "Landmarks Law" shall refer to Section 3020 of the 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, hedge, 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. 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*.

(d) *Permitted alterations.* The LPC staff shall issue [an ATP] 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 63 RCNY Chapter 2, Subchapter A ("Application Procedure") and 63 RCNY Chapter 12.

(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.

(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, [an ATP] a CNE or PMW will be issued pursuant to [63 RCNY §12-01(f)] subdivision (f) of section 12-01 of this chapter. A determination that [an ATP] 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 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 [the issuance of an ATP] 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.

(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 [Authorizations to Proceed ("ATP")] 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:

[Authorization to Proceed and ATP. "Authorization to Proceed" and "ATP" shall mean an authorization to proceed as described in 63 RCNY §12-01(f).]

Commission. "Commission" shall mean the appointed Commissioners, established by Section 3020 of the 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 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 [an ATP] 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 63 RCNY Chapter 2, Subchapter A ("Application Procedure") and 63 RCNY Chapter 12.

(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, the LPC staff will review the application for conformity with these Rules. Upon determination that the criteria of the Rules have been met, [an ATP] a CNE or PMW will be issued pursuant to [63 RCNY §12-01(f)] subdivision (f) of section 12-01 of this chapter. A determination that [an ATP] 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 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 [the issuance of an ATP] approval in accordance with these Rules shall be subject to the LPC's usual review procedure as set forth in the Landmarks Law.

§ 19. Title 63 of the Rules of the City of New York is amended by adding a new Chapter 14, to read as follows:

Chapter 14: 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.

