

NOTICE OF PUBLIC HEARING

Subject: Opportunity to comment on the proposed amendment to the Landmarks Preservation Commission's rule on the payment of application fees.

Date / Time: March 1, 2011, 9:30 AM

Location: Municipal Building
1 Centre Street, 9th Floor North
New York, NY 10007

Contact: Mr. Mark A. Silberman
General Counsel
Landmarks Preservation Commission
Municipal Building
1 Centre Street, 9th Floor North
New York, NY 10007

Proposed Rule Amendment

Pursuant to the authority granted to the New York City Landmarks Preservation Commission by Section 3020 of the New York City Charter and by Sections 25-303, 25-305, 25-306, 25-307, 25-308, 25-310, 25-313 and 25-319 of Title 25, Chapter 3 of the Administrative Code of the City of New York, and in accord with §1043 of the Charter that the Landmarks Preservation Commission proposes to amend the section Chapter 13 of Title 63 of the Rules of the City of New York, relating to the payment of application fees. The material proposed to be adopted is shown below. The proposed rule was not included in the agency's most recent regulatory agenda because the need for it was not foreseen at that time.

Instructions

- Prior to the hearing, you may submit written comments about the proposed amendments to Mr. Silberman by mail or may be submitted electronically through NYC RULES at www.nyc.gov/nycrules March 1, 2011.
- If you wish to speak at the hearing, please notify Ms. Jenny Fernandez (212-669-7923) at least three days prior to the date of the public hearing. To request a sign language interpreter or other reasonable accommodation for a disability at the hearing, please contact Ms. Fernandez at least 10 business days prior to the hearing.
- Written comments and a tape recording of the oral comments received at the hearing will be available within two days after the public hearing. Please submit a files access request; the form may be downloaded from the Commission's website: www.nyc.gov/landmarks . Records may be reviewed between the hours of 1:00 P.M. and

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5:00 P.M. at the offices of the Commission, Municipal Building, 1 Centre Street, 9th
Floor North, New York, NY 10007.

Statement of Basis and Purpose of Proposed Rule

The Landmarks Preservation Commission is authorized, pursuant to Section 25-319 of the Administrative Code of the City of New York, to promulgate regulations governing the protection, preservation, enhancement, perpetuation and use of landmarks, interior landmarks and buildings in historic districts. The Commission issues permits authorizing work on such designated landmarks which, following procedures stated in Sections 25-305, 25-306, 25-307, 25-308 and 25-310 of the Administrative Code, it determines to be appropriate in accordance with the factors and standards provided under Sections 25-306, 25-307 and 25-310.

In order to maintain its permit issuance services the Commission has promulgated certain fees, described in Chapter 13 of the Title 63 of the Rules of the City of New York, relating to work that needs approval from the Landmarks Preservation Commission and the Department of Buildings. The proposed rule intends to amend Chapter 13 to increase permit fees of new buildings and alterations to cover the cost associated with the issuance of permits. In addition, the proposed rule will amend Chapter 13 to insert the new section of the Building Code that is cross referenced in the rule.

The proposed rule is exempt from review under Local Law 46 of 2010 pursuant to section 1043(d)(4)(iii) of the New York City Charter, as amended.

New material is underlined, deleted material is in [brackets].

§ 1. Section 13-04 of the Rules of the City of New York is amended to read as follows:

§13-04 **Computation of Fees.**

Fees shall be computed as hereinafter provided:

(a) *New buildings.* The fees for permits to construct new buildings shall be computed as follows:

(1) a fee of [twenty] twenty-five cents per square foot or fraction thereof, but not less than one hundred dollars per structure, for work subject to a fee payable to the Department of Buildings pursuant to [§26-212(1)(a)] §28-112.2 of the Administrative Code for new buildings, other than one, two or three family dwellings.

(2) a fee of [ten] fifteen cents per square foot, or fraction thereof, but not less than one hundred dollars per structure, for work subject to a fee payable to the Department of Buildings pursuant to [§26-212(1)(b)] §28-112.2 of the Administrative Code for new buildings that are one, two or three family dwellings.

(b) *Building alterations.* A fee of [fifty] ninety-five dollars for the first twenty-five thousand dollars, or fraction thereof, of the cost of the work and [four] five dollars for each additional one thousand dollars, or fraction thereof, of cost over twenty-five thousand dollars for work subject to a fee payable to the Department of Buildings for alteration work, with the exception of work to install or alter service equipment or to install, alter or replace oil-burning equipment, pursuant to [§26-212(2)(a), 212(2)(b), 212(5)(a)(1) and 212(5)(a)(2)] 28-112.2 of the Administrative Code.

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(c) *Demolition and removal.* A fee computed by multiplying the street frontage in feet by the number of stories of the building times one dollar, but not less than one hundred dollars, shall be paid for work subject to a fee payable to the Department of Buildings pursuant to §[26-212(4)] 28-112.2 of the Administrative Code. For corner lots, use the longer street frontage.

(d) *Signs.* A fee of one hundred dollars to erect, install or alter a sign shall be paid for each sign subject to a fee payable to the Department of Buildings pursuant to §[26-212(6)(a)] 28-112.2. An additional fee shall be payable for signs as follows:

(1) A fee of fifty dollars shall be paid for each ground sign subject to a fee pursuant to §[26-212(6)(a)(1)] 28-112.2 of the Administrative Code.

(2) A fee of fifty dollars shall be paid for each roof sign having a tight, closed or solid surface, where such sign is subject to a fee pursuant to §[26-212(6)(a)(2)] 28-112.2 of the Administrative Code.

(3) A fee of fifty dollars shall be paid for each roof sign that does not have a tight, closed or solid surface and where such sign does not extend beyond thirty-one feet above the roof level, where such sign is subject to a fee pursuant to §[26-212(6)(a)(3)] 28-112.2 of the Administrative Code. A fee of one hundred shall be paid for each roof sign that exceeds thirty-one feet above the roof level.