

## **LANDMARKS PRESERVATION COMMISSION**

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY GRANTED to the New York City Landmarks Preservation Commission 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 Section 3020 of the New York City Charter, that the Landmarks Preservation Commission is proposing to adopt the following “Implementation Rule” relating to a proposed district master plan for the Fieldston Historic District. The material proposed to be adopted is shown below.

Written comments regarding the proposed rule may be sent to Mark A. Silberman, Counsel, Landmarks Preservation Commission, Municipal Building, 9<sup>th</sup> Floor North, 1 Centre Street, New York, New York 10007, on or before July 7, 2009.

A public hearing will be held at the Municipal Building, 9<sup>th</sup> Floor North, 1 Centre Street, New York, NY 10007 on July 7, 2009, commencing at 9:30 A.M. Persons wishing to speak are requested to notify Jenny Fernandez (212-669-7923, [jfernandez@lpc.nyc.gov](mailto:jfernandez@lpc.nyc.gov)) at least three working days prior to the date of the public hearing.

Written comments and a recording of the testimony received at the hearing will be available for the public. If you wish to obtain a copy of these documents please complete an appointment request for records access form, available on the Commission’s website, [www.nyc.gov/landmarks](http://www.nyc.gov/landmarks). If you need assistance with the form please contact the Public Information Officer (212-669-7817, [info@lpc.nyc.gov](mailto:info@lpc.nyc.gov)) for instructions. You will be contacted by the Commission's Records Specialist regarding the cost of the copies and when they will be ready for pick-up.

Please note that the proposed rule will be considered in connection with a Certificate of Appropriateness application setting forth the substantive provisions of the proposed master plan. A copy of the proposed master plan is available at the Commission’s website, [www.nyc.gov/landmarks](http://www.nyc.gov/landmarks). Hard copies are also available at the Commission’s offices. A public hearing on the Certificate of Appropriateness will be heard in conjunction with the proposed Rule at the July 7, 2009 public hearing.

### **PROPOSED RULE RELATING TO AN IMPLEMENTION RULE FOR A DISTRICT MASTER PLAN FOR THE FIELDSTON HISTORIC DISTRICT**

#### **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, it determines to be appropriate in accordance with the factors and standards provided under Sections 25-306, 25-307 and 25-310.

Section 1. Chapter 12 of Title 63 of the Rules of the City of New York is amended by adding the following new subsection:

**§ 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”) 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 section 12-01(f) of these Rules.

Commission. “Commission” shall mean the appointed Commissioners, established by section 3020 of the New York City 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](http://www.nyc.gov/landmarks)

Landmarks Law. “Landmarks Law” shall refer to section 3020 of the New York City 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 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 Chapter 2, Subchapter A ("Application Procedure") and Chapter 12 of these Rules.
  - (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 indicating their position on the application, and a staff signoff from the Department of City Planning concerning the application of the Special Natural Area rules.
  - (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 will be issued pursuant to § 12-01(f). A determination that an ATP 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 in accordance with these Rules shall be subject to the LPC's usual review procedure as set forth in the Landmarks Law.