

Community Board 3 Landmarks Subcommittee Policies and Procedures

Landmarks Preservation Commission

The Landmarks Preservation Commission (“LPC”) is the New York City agency that is responsible for identifying and designating the City's landmarks and the buildings in the City's historic districts. The Commission also regulates changes to designated buildings.

The Landmarks Law was enacted in response to New Yorkers' growing concern that important physical elements of the City's history were being lost despite the fact that these buildings could be reused. Events like the demolition of the architecturally distinguished Pennsylvania Station in 1963 increased public awareness of the need to protect the city's architectural, historical, and cultural heritage.

The LPC is composed of 11 Commissioners, and by law must include a minimum of three architects, a historian, a city planner or landscape architect, a realtor and at least one resident of each of the five boroughs. The Commissioners are appointed by the Mayor, who also designates the Chair and Vice Chair. Only the LPC Chair receives a salary.

Landmarks Law

The Landmarks Law is described in the City Charter, Administrative Code, and Rules of the City of New York (<http://72.0.151.116/nyc/>).

- The Landmarks Law is contained in Chapter 74 of the New York City Charter.
- It is described in Title 25, Chapter 3 of the Administrative Code.
- Its rules are set out in Title 63.

Responsibilities of the LPC

- Designation of interior, exterior, and scenic Landmarks and Historic Districts
- Hearing Hardship Appeals from Landmark owners
- Regulating changes to Landmark properties (issuance of Certificates of Appropriateness, Permits for Minor Work, and Certificates of No Effect). A Certificate of Appropriateness application requires a public hearing.
- Issuance and enforcement of notices of violation for alterations to a landmark property without a permit.

There are three types of permits issued by LPC:

- Permit for Minor Work, issued when no Department of Buildings (“DOB”) permit is required.
- Certificate of No Effect (“CNE”), issued when interior work requires a DOB permit
- Certificate of Appropriateness (“CofA”), issued for external work

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Certificate of Appropriateness

There are guidelines for some types of work. Projects meeting the guidelines are approved by LPC staff, reducing elapsed time by six to eight weeks. If the project does not meet guidelines (or there are no guidelines for the particular type of work), the applicant will have a hearing before the LPC and Community Board approval will be required.

Responsibilities of the Community Board 3 (“CB3”) Landmarks Subcommittee

- *Landmarks designation.* Review and, if appropriate, support efforts to designate individual landmarks and historic districts within the CB3 area. Support may consist of passing a resolution to be forwarded to the Parks, Recreation, Cultural Affairs, Landmarks, & Waterfront Committee (“Parks Committee”) and the full Board and then to LPC. It is recommended that a Subcommittee member testify by reading the resolution at LPC.
- *Certificate of Appropriateness Applications.* The main role of the Community Board with respect to Landmarks is to review CofA applications prior to the LPC public meeting and to make a recommendation to the Parks Committee and the full board for their approval and transmission to LPC. (See Appendix E for a flowchart overview of the process.)

Certificate of Appropriateness Procedures

- When Landmarks staff determines that a permit application will require a hearing before the LPC, the applicant is referred to the Community Board. The applicant will be given contact information for CB3. When the applicant makes contact, the Community Board will send the *Application Presentation Checklist* to the applicant and place the application on the Landmarks Subcommittee agenda.
- The Subcommittee will hold a hearing and pass a resolution approving or denying the application. Each resolution needs to be approved by the Parks Committee and the full board and forwarded to the LPC. It is recommended that a member of the Subcommittee appear at the relevant hearing at LPC to read the resolution into the record.
- The chair of the Subcommittee will review the hearing notices sent out by LPC. *If an applicant has failed to contact the DM and therefore has not appeared before the Subcommittee, the Subcommittee will pass a resolution denying the application.*

- At the Subcommittee hearing, the applicant (along with the architect and lawyer, if relevant) will present to the Subcommittee the same application and materials that will be presented at the LPC hearing. It is important that the applicant provide samples of actual materials to be used.
- The Subcommittee will obtain a copy of the original designation report on the property. That along with the plan and materials presented will form the basis for decisions about appropriateness. The Subcommittee will approve or reject the application based on the same criteria used by LPC and may look at broader issues such as quality of life. However, the LPC will not consider these broader issues in its decision.

Issues

- Jenny Fernandez of LPC suggested that the Landmarks Subcommittee meeting be scheduled shortly before the full board meeting so that there is no undue delay of an application there needs to be a vote in Parks Committee after the Landmarks Subcommittee review. Both the Landmarks Subcommittee meeting and the Parks Committee meetings should occur before the Executive Committee meeting, since that is when resolutions are placed on the full board agenda. *How can this be managed without unduly delaying the applicant?*
- We should provide Guidance for Applicants on our website. See Appendix A.
- A proposed checklist for applicants is included as Appendix B.
- A pro forma resolution denying an application is in Appendix C.

Appendix A. Guidance for Applicants

[To be published on the CB3 website]

Community Board 3 reviews all new applications to the Landmarks Preservation Commission in the district. Applications are considered first by Community Board 3's Landmarks Subcommittee and then the Parks, Recreation, Cultural Affairs, Landmarks, & Waterfront Committee before being considered by the full board.

Applicants should note that Community Board 3 is a distinct entity from the Landmarks Preservation Commission, and one must make a separate presentation to the Community Board.

Please be sure to bring all requested materials listed in our Application Presentation Checklist when making a presentation. *The Landmarks Subcommittee will not review any application if materials are not included in the presentation.*

To schedule a presentation before the Landmarks Subcommittee, please contact CB3 via email at info@cb3manhattan.org. If you have no access to email, you may hand deliver your application to the CB3 office, 59 East 4th Street, New York, NY 10003.

Please visit the CB3 website

(<http://www.nyc.gov/html/mancb3/html/home/home.shtml>) to determine by what date an application must be submitted in order to be added to the agenda. This date is typically in the middle of the month preceding the Subcommittee meeting.

Appendix B. Application Presentation Checklist

All applications must include the following materials for consideration by the Landmarks Subcommittee of Manhattan Community Board 3:

- Historic photos
- Plans and elevations of proposed changes; effect on the building materials or structure
- “Before” photos and “after” renderings or images
- View of the streetscape with the building in context
- Sightlines for addition of visible structures shown from multiple points
- Mockups of rooftop additions
- Samples of all significant materials to be used in windows, doors, facades, signs, exterior lighting fixtures, and roof materials including
 - Texture
 - Color
 - Reflection
 - Transparency/opacity
- Hardware
- Sign fonts and compliance with LPC guidelines

The applicant must post a publicly visible notice of the hearing outside the building at least 14 days before the hearing and submit to the Subcommittee a dated photo of the notice. A Notice form is provided as Appendix D.

The Subcommittee will not review any application if the above are not presented.

If the application is for a new building it must also include:

- Current and future use of site
- Other land use or regulatory approvals required

Appendix C. Pro forma denial resolution when an applicant fails to appear

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN

xx-xxxx – Block xxx, lot xx

xxx Some Street – East Village/Lower East Side Historic District

[description of contemplated work]

Community District 3e

WHEREAS the Landmarks Preservation Commission’s publication “The Certificate of Appropriateness Public Hearing: Information for Applicants” states that “Applicants are strongly encouraged to contact the Community Board to arrange for review of the proposal before the public hearing”; and

WHEREAS the applicant failed to appear before the CB3 Landmarks Subcommittee, nor did the applicant contact us for a layover,

THEREFORE BE IT RESOLVED CB3 recommends denial of the application in the absence of this important step in the review process.

Appendix D

ATTENTION RESIDENTS & NEIGHBORS CERTIFICATE OF APPROPRIATENESS APPLICATION LANDMARKS PRESERVATION COMMISSION

(Property Owner Name)

(Landmark Address)

THIS APPLICANT IS SEEKING A PERMIT TO:

(Brief description of proposed work)

**THERE WILL BE AN OPPORTUNITY FOR PUBLIC
COMMENT ON**

(Date/Time/Location)

**AT COMMUNITY BOARD #3's
LANDMARKS SUBCOMITTEE MEETING**

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Appendix E: Community Board 3 Landmarks Subcommittee Certificate of Appropriateness Process

