

LANDMARKS PRESERVATION COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed Amendments to the Landmarks Preservation Commission Rules

What are we proposing? The Landmarks Preservation Commission (“LPC” or “the Commission”) is proposing to amend the following provisions to Title 63 of the Rules of the City of New York to make the work of the Commission more transparent and efficient: Chapter 2, sections 2-11 (Restoration), 2-12 (Storefronts, Awnings, and Canopies), 2-14 (Windows and Doors), 2-15 (Additions: Rooftop and Rear Yard Additions or Enlargements), 2-16 (Excavation); 2-17 (Front, Side and Rear Yards), 2-18 (Barrier Free Access), 2-19 (Sidewalks), 2-21 (Installation of Heating, Ventilation, Air Conditioning and other Mechanical Equipment), and amending Chapter 7, section 7-05 (Permit Recission) and Chapter 11, section 11-01 (Administrative Enforcement).

You can watch the proceedings of the Proposal to Initiate Rule-Making Under the City Administrative Procedure Act on LPC’s YouTube channel ([click here for a direct link](#)).

When and where is the hearing? LPC will hold a public hearing, at which the public and interested parties are invited to submit comments and testimony on the proposed rule revisions, at 9:30 on _____ 2026. This hearing will be held at the LPC’s offices on the second floor of 253 Broadway, New York, NY 10007 and also live-streamed. In-person and remote testimony will be taken. Please check the hearing page on LPC’s website (<https://www.nyc.gov/site/lpc/hearings/hearings.page>) for updated hearing information, signup sheet links, the agenda and Zoom instructions.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Mail.** You can mail written comments to Landmarks Preservation Commission, Municipal Building, 253 Broadway, 11th Floor, New York, NY 10007, Attention: Mark Silberman.
- **Email.** You can email written comments to LPC at nycrules@lpc.nyc.gov.
- **Website.** You can submit comments to LPC through the NYC rules Website at www.nyc.gov/nycrules.
- **By Speaking at the hearing.** We encourage anyone who wants to testify on the proposed rule revisions at the public hearing to sign up in advance by going to the LPC hearing page (<https://www.nyc.gov/site/lpc/index.page>) starting on _____. On that page you can find updated hearing information, signup sheet links, the agenda and Zoom instructions if available. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by _____ 2026.

What if I need assistance to participate in the hearing? Please contact LPC if you need a reasonable accommodation of a disability at the hearing. You can request a disability accommodation by mail at the address given above or by contacting Stephanie Yang, Disability Services Facilitator at access@lpc.nyc.gov or 212-602-7256. LPC will provide free language services, including written translations and in-person or telephonic interpretation, to any person requiring assistance. Call 212-669-7817 or email access@lpc.nyc.gov. Advance notice is required to allow sufficient time to arrange the accommodation or service. Please tell us by _____ 2026 if you require an accommodation or language services. The building where the hearing will be held is fully accessible.

Can I review the comments made on the proposed rules? A few days after the hearing, submitted comments will be available to the public at LPC and the video of the hearing will be available on LPC's YouTube Channel at <https://www.youtube.com/@nyclpc>.

What authorizes LPC to make this rule? Section 25-319 of the Administrative Code and § 1043 of the City Charter authorize LPC to make this proposed rule revision. These proposed rules were included in LPC's regulatory agenda for this Fiscal Year.

Where can I find LPC's rules? LPC's rules can be found in Title 63 of the Rules of the City of New York.

What laws govern the rulemaking process? LPC must meet the requirements of Section 1043 of the City Charter when creating or amending rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rules

Introduction

The Landmarks Preservation Commission ("LPC" or "Commission") is proposing amendments to Chapters 2, 7 and 11 of Title 63 of the Rules of the City of New York to:

- (1) make the work of the Commission more transparent by authorizing LPC Staff to approve a variety of work and work-types that are consistently approved by the Commission utilizing established criteria;
- (2) 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) delegate to the LPC Staff the authority to approve work that has no effect on significant exterior architectural features of the buildings and streetscapes of districts regulated by the Commission, thereby ensuring that at future public hearings and meetings the

Commission can review the increasing number of applications that do have significant impact; and

- (4) address typos, errors and omissions in existing LPC rules.

Description of Proposed Changes

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

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

Section 2-11 (Restoration) is proposed to be amended to add a new definition relating to “cladding field” use of substitute materials for terra cotta and natural stone, and greater allowance for using substitute materials for balconies and cornices with structural implications, as well as on secondary structures like garages and utilitarian structures.

Section 2-12 (Storefronts) is proposed to be amended regarding awnings on rear and non-visible facades and awnings at upper floors of buildings not associated with ground floor storefronts.

Section 2-14 (Windows) is proposed to be amended regarding various changes to rules regulating windows and doors and new window and door openings, including:

- adding definitions for roofing materials related to skylight installations;
- substitute materials (aluminum and fiberglass at small buildings; metal or fiberglass at large individual landmarks) for replacement of non-special windows;
- changing the operation of a pivot window;
- changing the operation of windows (for passive house style windows at large buildings) at individual landmarks meeting certain criteria;
- lowering of basement windows and doors to address light and air requirements;
- window modifications at the top floor of a rear facade;
- clarifying criteria for adding openings at visible secondary facade; and
- adding a new section on skylights.

Section 2-15 (Additions) is proposed to be amended regarding various changes, including:

- defining skylights and clarifying that monitor-type skylights on flat roofs are regulated as mechanical equipment under section 2-21;
- the installation of dormers on pitched roofs and to address light and air issues; and
- introducing a new section on decks, pergolas and balconies (increased size and more specificity added for decks; guidance for pergolas and balconies is entirely new in the rules, codifying staff practices and/or routine Commission approvals).

Section 2-16 (Excavation) is proposed to be amended by renaming it “Excavation and Major Structural Work”, reorganizing the section accordingly (creating new subdivision for major structural work), and clarifying what “enhanced engineering review” means and when this is needed as part of an application.

Section 2-17 (Front, Side and Rear Yards) is proposed to be amended by:

- adding a new section relating to the installation of lightwells (in support of modifying basement windows for light/air for occupancy);
- permitting fences to span across driveways in some circumstances;
- clarifying the location of garbage enclosures and expanding locations where they can be installed;
- modifications to the rules relating to installation of ironwork at stoops and areaways (to provide greater flexibility including allowing simplified designs instead of only strict restoration for stoops and areaways); and the installation of stoop gates (on blocks the Commission has approved them) and areaway gates (clarifying staff practices).

Section 2-18 (Barrier Free Access) is proposed to be amended regarding:

- at-grade entrances; alterations to areaways and primary and secondary entrances, including to Individual Landmarks in some instances;
- ramps, landings and visible secondary facades; and
- wheelchair lifts at minimally and nonvisible locations at Individual Landmarks.

Section 2-19 (Sidewalks) is proposed to be amended by amending the list of historic districts where sidewalks are regulated and clarifying protections for ribbon sidewalks.

Section 2-21 (Heating, Venting and Air-Conditioning) is proposed to be amended regarding louvers at large residential and commercial buildings (to codify routine Commission approvals of full louvers).

B. Chapter 7: Permit Duration, Renewal and Revocation

Section 7-05 is proposed to be amended regarding revocation of expedited certificates of no effect where the scope of work does not satisfy the requirements for issuance of an expedited certificate of no effect.

C. Chapter 11: Administrative Enforcement

Section 11-01(g) is amended to provide to service of warning letters and stop work orders by email, where the respondent has previously provided the LPC with an email in connection with an application, enforcement action or other correspondence, or at their business email as generally advertised or otherwise represented to the public.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

“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.

Proposed Rules

Section 1. Subparagraph (iv) of paragraph (1) of subdivision (d) of section 2-11 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(iv) Requirements for the replacement of historic materials in-kind and the use of substitute materials are [as follows:] set forth in clauses (A) through (J) of this subparagraph. For purposes of this subparagraph, the term “Cladding field” means an entire floor (or more) of a facade clad entirely in cast stone, natural stone or terra cotta units, but does not include discrete elements of a facade, including but not limited to cornices, balconies, bands, quoining, spandrels, piers, sills and lintels, that are generally separated from one another by partial or full fields of brick or other different materials.

§ 2. Clause (F) of subparagraph (iv) of paragraph (1) of subdivision (d) of section 2-11 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(F) Terra cotta. Replacement of terra cotta must be in-kind at or below the sixth story at the primary facade(s), except substitute materials may be used for coping elements, as well as for limited quantities of other discrete elements that are not part of a cladding field of similar units where physical and visual compatibility is critical. In addition to these provisions, above the sixth story at primary facade(s), substitute materials may also be used more expansively at projecting cornices and balconies with weight and/or attachment issues when in-kind replacement has the potential to cause additional loss of surrounding materials, as determined by a licensed engineer. [At Individual Landmarks, substitute material may not be used, except for coping elements, as well as for limited quantities of other discrete elements that are not part of a cladding field of similar units where physical and visual compatibility is critical.]

§ 3. Subparagraph (v) of paragraph (1) of subdivision (d) of section 2-11 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(v) Except as otherwise prohibited by the criteria of this subdivision, substitute materials may be approved at any location on a secondary facade not fronting on a publicly accessible thoroughfare if the substitute material will not be discernible or will not call attention to itself or detract from the significant historic features of the building, or district, if the building is in a historic district. For purposes of this subparagraph, all facades at garages and other utilitarian accessory structures that are located in side or rear yards behind the primary building and that are fully or substantially detached from the primary building, including those facing a public thoroughfare and/or with a door or garage door as the primary entrance to the building, shall be considered secondary facades. In addition, original or historic roofing material at garages or utilitarian accessory structures may be replaced with a substitute material if the original or historic roofing material is deteriorated beyond repair. Garages or other utilitarian accessory structures that exhibit highly designed facades and that are described as significant in the designation report due to their design, and other non-utilitarian accessory structures such as backhouses, are excluded from this provision.

§ 4. Paragraph (2) of subdivision (d) of section 2-12 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) *Installation of new awnings on windows, doors and porches at residential, mixed use, commercial or manufacturing buildings that are not [associated with storefronts] located at a storefront.* LPC Staff will issue a Certificate of No Effect or a Permit for Minor Work for new awnings on [residential] windows, doors and porches that are not located at a storefront if the proposed awning meets all of the following criteria applicable for such installation:

- (i) Awnings [installed on residential windows, doors and porches] will be either retractable or fixed.
- (ii) Awnings that are visible or minimally visible from a public thoroughfare will be installed at or below the lintel, or within the window opening, as close to the top of the window as feasible, and will conform to the size and shape of the window or door opening.
- (iii) The attachment of the awning will not cause the loss of, damage to, or hide or obscure any significant feature.
- (iv) Awnings will project at an angle and be of a length, size and slope which are proportional to the size and height of the window or door.
- (v) Awnings at visible or minimally visible occupiable terraces, [and] architectural setbacks and decks above the ground floor may extend over more than one opening, so long as the overall length of the awning is proportional to the size and length of the terrace or setback and the depth does not exceed the depth of the terrace or setback. Awnings installed at occupiable terraces, setbacks, or decks that are not visible from a public thoroughfare may be installed at areas of a wall not associated with window or door openings.
- (vi) Awnings on porches will conform to the bay structure and proportions of the porch.
- (vii) All awnings on a building or portions of a [mixed use] building that are not [associated with storefronts] located at a storefront must match in terms of fabric color and pattern if installed on primary or visible secondary facades.
- (viii) Awnings will be clad only with water repellant canvas with a matte finish or other fabric of a similar appearance.
- (ix) Awning fabric will consist of a solid color or vertical stripes that harmonize with the historic color palette of the building. No lettering or signage is permitted on awnings that are not [associated with storefronts] located at a ground story storefront or ground or second story display window, except for an address number on an awning over an entrance, and the numbers of such address must be no greater than six inches in height.

§ 5. Subdivision (b) of section 2-14 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York is amended by adding new definitions of “Designed roof” and “Significant historic roofing materials” in alphabetical order to read as follows:

Designed roof. “Designed roof” means a roof that is part of the composition of the building, such as a mansard roof, 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.

Significant historic roofing materials. “Significant historic roofing materials” means roofing material that was either installed at the time of construction of the building or has been replaced with material that matches the original or historic roofing components in terms of physical and aesthetic characteristics. Materials deemed significant may include, but are not limited to, slate and terra cotta. Standing seam metal roofing and asphalt shingles are not deemed to be significant materials.

§ 6. Subparagraphs (ii) and (iii) of paragraph (1) of subdivision (f) of section 2-14 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York are amended as follows:

(ii) *Materials.*

(A) A historic wood window or door can be replaced with wood of any species. A historic metal window or door can be replaced with a different metal, including replacing metal-clad windows with a non-metal substrate material. However, Special Windows and Special Doors may require matching the original material exactly.

(B) At small residential and commercial buildings in historic districts, [straight- and arch-headed, double-hung wood windows for which the historic condition had no divided lights (without muntins) may be replaced with windows of a different material, including aluminum and fiberglass, but not including vinyl, provided the historic wood brickmolds are retained or replicated in wood, aluminum or fiberglass; the new windows are installed in the same plane as the historic window; and the window and brickmolds have a matching finish that replicates the historic finish;] non-special windows can be replaced with a different material, as follows:

(a) non-special windows for which the historic condition had no divided lights (without muntins) may be replaced with windows of a different material, including aluminum and fiberglass, but not including vinyl; and

(b) non-special windows for which the historic condition had divided lights (with muntins), mullions and/or transom bars, may be replaced with windows of a different material cladding on the exterior side and integrated with wood framing on the interior side, including aluminum and fiberglass cladding, but not including vinyl cladding; provided the historic wood brickmolds are retained or replicated in wood, aluminum or fiberglass; the new windows are installed in the same plane as the historic window; and the window and brickmolds have a matching finish that replicates the historic finish;

(C) At large Individual Landmarks seven or more stories in height, non-special windows may be replaced with windows of a different material, including wood, aluminum and fiberglass, but not including vinyl, provided the historic brickmolds are retained or replicated in wood, aluminum or fiberglass; the new windows are installed in the same plane as the historic window; and the window and brickmolds have a matching finish that replicates the historic finish;

[(C)] (D) If the historic transom window originally or historically had stained or leaded glass but did not retain such glass at the time of designation, the replacement window does not have to match the stained glass but can be either clear glass or recall the stained or leaded glass window.

(iii) *Operation.*

(A) The upper sash of a double-hung window, or of a transom window, may be fixed, and the direction of the swing (e.g., outward or inward) of a casement, awning or hopper window may be changed.

(B) Except at Individual Landmarks six stories or less in height, the historic operation of the lower sash of a double-hung window may be changed to a hinged operation to meet high-performance energy-efficiency or accessibility standards or goals provided that:

(a) The operation of the lower sash is limited to an inward tilting hopper for ventilation, except for additional inward turning capabilities (e.g., “tilt-and-turn”) for maintenance purposes only, and the plane of the lower sash approximates that of the historic sash;

(b) The details closely match that of the historic double-hung window, with additional dimensional tolerances (typically deeper sashes and frames) to accommodate thicker insulated glazing and the change in operation at the lower sash, and such additional minor changes do not call attention to themselves or detract from the appearance of the building or adjacent buildings, if in a district; and

(c) All windows on the primary facades eligible for this exception, excluding special windows, are being replaced at the same time or as part of an approved master plan to ensure a uniform installation and appearance.

(C) The operation of a door must match the historic operation, except that the historic operation of a swinging door may be changed to fixed or reversed in swing or hinging; in addition, the historic operation of a swinging, sliding, roll-down or overhead garage or loading door may be substituted interchangeably;

(D) [Except at Individual Landmarks, the] The historic operation of a pivot window may be fixed or changed to a hinged operation matching the vertical or horizontal orientation of the pivot operation, if feasible; and

§ 7. Clause (B) of subparagraph (ii) of paragraph (2) of subdivision (f) of section 2-14 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(B) *Existing original or historic window and door openings.* New windows installed in existing original or historic openings will be approved if they match the historic windows in terms of configuration, operation, details, material and finish. If original or historic doors are deteriorated beyond reasonable repair due to physical conditions as described in a condition assessment submitted by the applicant, new doors replacing historic doors will be approved if they match the historic doors in terms of configuration, operation, details, material and finish, and new doors replacing non-historic doors will be approved if they match the historic doors in terms of operation, material and finish, and recall the configuration and details of the historic doors. The assessment should generally be prepared by a

qualified architect or engineer, however for more limited scopes of work a contractor or other professional with preservation experience may be deemed acceptable. If existing window openings at the basement floor must be enlarged to satisfy light and air requirements for legal occupiable residential use, the existing opening may be modified by lowering the sill, and the new window will be approved if it matches, or otherwise harmonizes with, the configuration, operation, details, material and finish of the historic windows on the building. For the purposes of this section, an existing basement window opening cannot be modified to become a new door opening. Modifications to basement windows that also require modifications to the areaway or yard must also refer to Section 2-17(a).

§ 8. Paragraph (1) of subdivision (g) of section 2-14 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(1) *Existing window and door openings.* New windows [and doors] installed in existing openings, whether original, historic or modified, will be approved if they match the historic windows [and doors] in terms of configuration and finish. New doors installed in existing openings, including garage doors, will be approved if they match or recall the historic doors in terms of configuration and finish.

§ 9. Clause (A) of subparagraph (i) of paragraph (2) of subdivision (g) of section 2-14 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(A) A modified or newly created window or door opening will retain the same general shape and pattern as existing windows and doors on the same facade, or, where there are no existing openings, the newly created opening will be located in a place and be of a size and shape where it can form the basis for a regular and consistent pattern; and that the number, size or placement of the new window or door opening does not change the character of the facade as a secondary and subservient facade with a high solid to void ratio. This clause (A) shall not apply to the top floor of the rear facade of a rowhouse, townhouse or flats building, built as part of a row;

(a) With respect to proposals for creating new window or door openings at any floor at secondary facades adjoining a primary facade of row houses or townhouses, mansions, detached and semi-detached houses and carriage houses, staff may approve new window openings provided that, together with the existing openings, there is no more than one window opening per floor on a secondary facade of less than twenty (20) feet, two window openings per floor if the facade is between twenty-one (21) and forty (40) feet, and [3] ~~three~~ window openings per floor if more than forty (40) feet; the placement, pattern and sizes of windows on the facade do not detract from significant architectural features of the buildings or neighboring buildings if in a [district; and the original window openings on the top floor of a rear facade are not modified, with the exception of one window opening which may be lowered to provide access to an approved or grandfathered balcony, terrace or deck. However, previously altered window openings on the top floor of these building types may be enlarged or reduced to restore or more closely match the original window openings, as deemed appropriate by LPC Staff] historic district.

(b) With respect to proposals at secondary facades, staff may not approve modifying original window openings on the top floor of a rear facade of a rowhouse, townhouse or flats building, except staff can approve lowering one window opening to provide access to an approved or preexisting balcony, terrace

or deck. However, previously altered window openings on the top floor of these building types may be enlarged or reduced to restore or more closely match the original window openings.

[(b)] (c) No opening with a special window or door may be modified.

(d) Garage door openings may be modified by enlarging or reducing the opening in height and/or width provided that no more than minimal infill (e.g., a curb or low sill) is added at the bottom of the opening and solid walls are retained to either side of and above the opening sufficient to recall that the opening originally contained a garage door. Previously altered garage door openings may be enlarged or reduced to restore or more closely match the original garage door opening, as deemed appropriate by LPC Staff.

§ 10. Subparagraph (ii) of paragraph (2) of subdivision (g) of section 2-14 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(ii) New windows and doors installed in modified and new window and door openings approved pursuant to subparagraph (i) of this paragraph will be approved if, for windows, they match the historic windows [and doors] in terms of configuration and finish, for doors, they match or recall the historic doors, including garage doors, in terms of configurations and finish, and (A) The new window or door will not replace a Special Window or Special Door; (B) The new and/or modified window or door opening, and window or door, will not detract from the significant architectural features of the building or adjacent buildings by virtue of their proximity to such features.

§ 11. Clause (A) of subparagraph (i) of paragraph (2) of subdivision (h) of section 2-14 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(A) With respect to the top floor of a rowhouse, townhouse or flats building, the historic window openings cannot be [modified except that one window opening may be lowered to provide access to an approved or grandfathered balcony, terrace or deck, including a new Juliette-style balcony, and the modified window opening may be widened if necessary to meet minimum code requirements;] combined in any circumstance, and can only be modified in the following circumstances where the work will not result in the removal of any significant architectural features of the facade:

(a) One (1) window opening may be lowered to provide access to an existing, legal balcony, terrace or deck, or a new balcony, terrace or deck approved pursuant to the Rules or by the Commission at a public hearing. The modified window opening may be widened if necessary to meet minimum code requirements; and

(b) One (1) window opening may be enlarged or reduced in width or height to match the size of an adjacent original window opening at the subject building or a neighboring building that was built as part of the same row.

§ 12. Subdivision (i) of section 2-14 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York is relettered subdivision (j), and a new subdivision (i) is added to read as follows:

(i) New skylights or replacement of skylights at sloped roofs.

(1) At Individual Landmarks, skylight installations will be approved at a non-visible roof slope or at minimally-visible side-facing or rear-facing roof slopes if the proposed work meets the following criteria:

- (i) The roof is not a designed roof as defined in subdivision (b) of this Section;
- (ii) The skylight is of a typical size not to exceed 32" wide by 55" long, rectilinear or square in shape;
- (iii) No more than two skylights shall be seen from the same viewpoint from a public thoroughfare;
- (iv) A sufficient amount of roofing is kept to retain a high solid-to-void ratio of roofing to skylight;
- (v) The color of the skylight frame is compatible with the color of the roofing it is installed in, the glass is flat, and the installation has a low profile mounted as close as possible to the roofing so as to preserve the silhouette of the roofline;
- (vi) If the installation is minimally-visible from a public thoroughfare, the installation will not result in the removal of significant historic roofing materials as defined in subdivision (b) of this Section; and
- (vii) The skylight(s) is subservient to more prominent rooftop features and will not detract from any significant architectural feature of the facade or roof.
- (viii) Staff may consider minor variations in meeting the criteria in subparagraphs (i) through (v) of this paragraph if the skylights are necessary to meet Code-required light and air.

(2) At buildings located within a Historic District, skylight installations will be approved as follows:

- (i) At visible front- and side-facing roof slopes:
 - (A) The roof is not a designed roof as defined in Section 2-14(b);
 - (B) The skylight is of a typical size not to exceed 32" wide by 55" long, rectilinear or square in shape;
 - (C) No more than two skylights can be seen from the same viewpoint from a public thoroughfare;
 - (D) A sufficient amount of visible roofing is kept to retain a high solid-to-void ratio of roofing to skylight and the skylight(s) is subservient to more prominent rooftop features as viewed from a public thoroughfare and will not detract from any significant architectural feature of the facade or roof;
 - (E) The color of the skylight framing is compatible with the color of roofing it is installed in, the glass is flat, and the installation has a low profile mounted as close as possible to the roofing so as to preserve the silhouette of the roofline; and
 - (F) The installation will not result in the removal of significant historic roofing materials as defined in Section 2-14(b).
 - (G) Staff may consider minor variations in meeting criteria in clauses (A) through (D) if the skylights are necessary to meet Code-required light and air.

(ii) At minimally-visible front-facing or side-facing roof slopes and visible or minimally-visible rear-facing roof slopes:

(A) The color of the skylight framing is compatible with the color of the roofing it is/are installed in and the glass is flat;

(B) A sufficient amount of visible roofing is kept to retain a high solid-to-void ratio of roofing to opening and the skylight(s) is subservient to more prominent rooftop features as viewed from a public thoroughfare; and

(C) Significant historic roofing materials, as defined by Section 2-14(b), may be removed and the materials must be retained on site for future reuse.

(iii) At non-visible roof slopes:

(A) A sufficient amount of roofing is kept to retain a high solid-to-void ratio of roofing to opening; and

(B) Significant historic roofing materials, as defined by subdivision (b) of this Section, may be removed and the materials must be retained on site for future reuse.

§ 13. Subdivisions (d) and (e) of section 2-15 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York are amended to read as follows:

(d) Rooftop Additions of Non-occupiable Space; Specific Requirements. In addition to the criteria set forth in subdivision (b), the following criteria apply to additions of non-occupiable space. For purposes of this subdivision, “non-occupiable space” means structures; stair and elevator bulkheads, monitor-type skylights, skylights at flat roofs, satellite dishes, unenclosed decks, pergolas, trellises, and privacy screens, fences and railings. Criteria for the installation of heating, ventilation and air-conditioning equipment (“HVAC”) and other equipment such as alternative or distributive energy equipment (including solar panels and wind turbines), batteries, water tanks and emergency generators and their dunnage, are codified in § 2-21 (“Installation of Heating, Ventilation, Air Conditioning and Other Mechanical Equipment) of these rules.

* * *

(e) New and Enlarged Dormers on the Rear Facade of a Building within a Historic District. LPC Staff may approve the installation of one or more [non-visible] dormers on a [peaked or pitched] sloped roof, including where such roof is considered a significant feature (e.g., a steeply sloped attic roof of a Federal building) and is not visible from a public thoroughfare, or where such roof is not considered a significant feature and is no more than minimally visible from a public throughfare, where:

(1) The design and materials of the new dormer(s) will be in keeping with the style and type of dormers on buildings of a similar age and style, and will harmonize with the building's fenestration pattern; and

(2) The dormer(s) is to be constructed on a [peaked or pitched] sloped roof facing the rear yard and:

(i) A new dormer or an enlarged dormer does not encompass the entire width of the roof, and the historic roof pitch is maintained for at least twenty-four (24) inches at both sides of the dormer; and

(ii) The highest point of the dormer is at least eighteen (18) inches below the existing ridgeline of the roof and set back at least eighteen (18) inches from the plane of the rear facade, unless the building is of a type or style that historically had a higher or lower dormer, and retains a portion of the roof below the dormer. If the dormer must be of a minimum size to satisfy light and air requirements for legal occupiable residential use, and such size causes the dormer to be more than minimally visible, staff may approve the installation if the visibility is from a gap view between buildings and the installation otherwise meets the criteria of this rule.

§ 14. Subdivision (f) of section 2-15 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York, relating to rear yard additions on buildings in historic districts, is REPEALED and a new subdivision (f) is added to read as follows:

(f) Rear Yard Additions on Buildings in Historic Districts but not including Individual Landmarks. LPC Staff may approve a rear yard addition if the addition meets the following relevant criteria:

(1) The addition is not visible from a public thoroughfare;

(2) The addition is as-of-right for bulk, massing and height under the Building Code and Zoning Resolution;

(3) The proposed work satisfies the criteria for excavations (see 63 RCNY § 2-16, "Excavation");

(4) No significant architectural features, including but not limited to decorative lintels and/or sills, and projecting bays, but not including simple corbeled brickwork at the top of a facade or parapet, will be lost or damaged as a result of the construction of the addition;

(5)(i) The addition is only one (1) story and extends into the rear yard no more than 15 feet; or

(ii) If the addition does not meet the requirements of subparagraph (i) of this paragraph (5), staff may approve an addition if:

(A) A majority of the buildings in the historic district of a similar type that share the open space within the interior of the block feature rear yard additions or els; and

(B) The depth and height of the proposed addition is not deeper than the predominant depth or taller than the predominant height of additions or els on buildings of a similar type, and in no event shall the proposed addition rise above the story below the original top story of the of the rear facade, and

(C) An addition approved in clause (A) or (B) of this paragraph may have a parapet or railing up to forty-two (42) inches above the roof or deck surface of the addition, or at a height required by the Building or Fire Codes, but must be at least fifty (50) percent open using railings at the facade of the addition facing the central open space of the block; and

(6) The facade(s) of the addition recall(s) the character of rear facades and additions of buildings of its type within the historic district in terms of materials and fenestration, including

(i) Traditional and modern materials and finishes at the facade facing the central open space, such as brick, stucco or fiber cement siding, but excluding exposed or painted concrete or concrete masonry units, vinyl siding, and exterior insulated finish systems ("EIFS"), unless the addition is two (2) stories or

less in height and the EIFS system is finished with a two- or three- part trowel-applied cementitious stucco of at least 1/2" thickness. The lot-line walls must have a neutral finished surface, but cannot be exposed or painted concrete or concrete masonry units or vinyl siding;

(ii) Window and door openings and configurations that will be consistent with the criteria established in 63 RCNY § 2-14 for new and modified windows and doors at minimally or non-visible secondary facades; and

(iii) If the work involves combining adjacent buildings the addition expresses the original width of each of the historic buildings; and

(7) The proposed addition or enlargement will not extend to the rear lot line or substantially eliminate the presence of a rear yard.

(8) *Enclosure of central and side courts.* Staff can approve the enclosure of an enclosed central or side court that is not open to the rear yard, and for which there are no significant architectural features on the facade(s) facing the court, as follows: (i) an addition in an enclosed central court can eliminate the court entirely and an addition in a side court will be no more than one (1) story above the existing grade.

(9) *Decks.* At the rear facade of a building, or an existing addition or proposed addition, a projecting deck may be constructed, provided the following criteria are met:

(i) The deck projects from the basement or first (parlor) floor at one level only;

(ii) The deck extends no more than twelve (12) feet from the facade it projects from, i.e., either from the existing rear facade or a proposed rear facade, excluding steps from the deck down to the rear yard, and in no instance shall the deck intrude into the required rear yard beyond what is permitted by the Building Code or Zoning Resolution.

(A) If the deck is proposed to be projecting from a proposed addition, the existence of the deck shall not be a factor in determining the depth of the proposed addition, as determined by paragraph (6) above.

(B) Where an existing or proposed addition does not extend the full width of the rear facade, the recessed area may be filled in with a deck and such recessed portion of a proposed deck shall not count towards the maximum 12-foot projection as defined in this subparagraph.

(iii) If the deck is visible from a public thoroughfare, it must be made of wood, and have a natural or stained finish, a painted finish compatible with the finishes of the building, or metal, and have a black or other neutral finish, and feature simple picket-style railings or railings based on historic ironwork details found at the building.

(A) If the deck is not visible from a public thoroughfare, alternative materials, railing details and finishes may be considered.

(10) *Pergolas and Trellises.* A pergola or trellis structure with open sides and slatted or fabric roof may be installed on top of a deck or existing or new rear addition, except at the level of the top floor of the rear facade, or independently in the rear yard, if the pergola or trellis is made of wood or metal with a neutral finish and is no more than minimally visible from a public thoroughfare.

(11) *Balconies.* A projecting metal balcony may be installed at the rear facade of a building, or an existing addition or proposed addition, provided the following criteria are met:

(i) The balcony projects from a floor below the top floor of the rear facade and extends no more than four (4) feet from the facade it projects from and no more than two-thirds across, but in no instance shall the balcony intrude into a required rear yard beyond what is permitted by the Building Code or Zoning Resolution;

(A) If a balcony or fire escape is already present, it can be replaced and/or modified as a balcony to conform with these criteria more closely, including at the top floor.

(ii) The balcony is made of metal with a black finish and with simple picket-style railing details; and

(iii) The balcony is no more than minimally visible from a public thoroughfare;

(A) Alternative railing details and finishes at balconies installed at existing or proposed additions may be considered if the balcony is not visible from a public thoroughfare.

(iv) A balcony can also be a “Juliet style” balcony, located at or within a door opening, that minimally projects from the facade, and otherwise meets the applicable criteria of this paragraph.

§ 15. Subdivision (g) of section 2-15 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(g) *Rooftop and Rear Yard Additions; Cumulative Impact of Occupiable Additions.* LPC Staff will consider the cumulative impact of occupiable rooftop and rear yard additions when considering an application for an addition. LPC Staff will not approve a new occupiable rooftop addition if there is an existing or approved rear yard addition, [but not including an original partial width "el", or] nor will LPC Staff approve a new rear yard addition if there is an existing or approved occupiable rooftop addition. For purposes of this subdivision, [a deck above the rear yard off the historic rear façade facade shall not count as a rear addition] the following shall be excluded from the cumulative impact analysis: (i) a deck above the rear yard; (ii) an original partial width “el”; (iii) a legal existing one (1)-story rear yard addition; and (iv) a one (1)-story rear addition approved by the Commission or LPC Staff. Nothing in this subdivision shall prevent LPC Staff from approving the rebuilding of an existing legal rear yard or rooftop addition in-kind, or with minor modifications consistent with the criteria of Section 2-15(f) or in keeping with the original Commission or LPC Staff approval.

§ 16. Section 2-16 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

§ 2-16 Major Structural Work and Excavation.

(a) *Introduction.* [Excavation] Major structural work and excavation at or adjacent to buildings on landmark sites or within historic districts must comply with all requirements of the Department of Buildings. The purpose of this section is to ensure that applicants demonstrate they have an understanding of the physical and structural conditions of the building and, where relevant, adjacent

buildings, and to protect these buildings. Staff may subject the application to third-party review, including review by the LPC's consulting engineer and/or specialized engineering units at the Department of Buildings (hereafter referred to as "Enhanced Engineering Review").

(b) *Application Materials.*

(1) Excavation work. Except for work exempt from these requirements as described in [paragraph (5)] subparagraph (v) of this [subdivision] paragraph, an application for excavation work must, in addition to any other plans and materials required for the work, include:

[(1)] (i) A structural conditions report that addresses the building's age and original construction type, and the condition of the foundations and facades;

[(2)] (ii) A pre-construction site survey;

[(3)] (iii) A finished draft of the Department of Buildings Structural and Support of Excavation filing drawings;

[(4)] (iv) A plan for monitoring the facades of any building of six (6) stories or less which

[(i)] (A) was constructed before 1901;

[(ii)] (B) is constructed of wood;

[(iii)] (C) has an unreinforced masonry foundation; or

[(iv)] (D) has a foundation of stone or brick that is affected by or adjacent to the excavation; and

[(5)] (v) An application for excavation that does not require underpinning, or requires only limited underpinning (e.g. an elevator pit) and does not occur at or adjacent to the front facade of any designated building that falls under any of the categories described in paragraph [(4)] (iv), will not be required to include the additional materials listed in [paragraphs (1)] subparagraphs (i) through [(4)] (iii) of this [subdivision] paragraph.

(2) Major structural work. Except for an application that involves only limited modification as set forth in paragraphs (1) through (3) of subdivision (d) of this section, an application for major structural work must, in addition to any other plans and materials required for the work, include:

(i) A structural conditions report that addresses the building's age and original construction type, and the condition of the foundations, party walls (if any), and facades;

(ii) A finished draft of the Department of Buildings Architectural, Structural and Demolition filing drawings, including Shoring, Bracing and Sequencing plans for any removal and/or replacement of a floor plate, roof, loadbearing wall or facade.

(c) *Excavation Work.* LPC Staff will issue a permit for excavation work as described below, provided the work meets all of the following criteria and pertains to:

(1) The lowering and replacing of the lowest existing floor slab (e.g., at the basement or cellar) to increase the interior floor-to-ceiling height [to no more than ten feet from floor to ceiling]. This work will

be subject to Enhanced Engineering Review if the excavation work requires more than limited underpinning (e.g., for an elevator pit).

(2) The construction of new structural elements, or repairs to existing structural elements related to a building's infrastructure, including but not limited to footings and foundation walls, retaining walls, pits for elevators and escalators.

(3) The construction of new architectural elements, or repairs to existing architectural elements (including but not limited to light wells, stair-wells, sunken terraces, in-ground pools or water features, planting beds and other significant landscape features and significant re-grading); provided the LPC Staff determines the effect of such work will not substantially eliminate the presence of a rear yard, will provide for at least a five (5) [foot unexcavated] foot-wide planting area [below] at the rear of the lot, which extends from side lot-line to side lot-line and does not have any below-grade structure encroaching on this area, and will have no effect on significant architectural features of the building or adjacent buildings if the work is occurring within a historic district.

(4) The construction of a new crawlspace or cellar or basement story below an existing building or addition, below an approved new building or addition, or below grade in a front, side or rear yard [or new, approved addition, to a depth not to exceed the lowest story of the original building, taking into account a modification approved pursuant to paragraph (1) of this subdivision].

(5) The work will be designed and executed in compliance with Department of Buildings regulations under the supervision of a licensed professional engineer [or registered architect, with the goal of protecting] to protect the building's facades and the facades of adjacent buildings.

(6) The work will be subject to the Enhanced Engineering Review program if the excavation work requires more than limited underpinning (e.g., for an elevator pit).

(d) Major Structural Work. Staff will issue a permit for ~~structural excavation~~ work as described below, provided the work meets all of the following criteria and pertains to:

(1) The relocating and/or replacing of the existing floor plate(s) to maintain or change the floor-to-ceiling height, but not to block any existing window or door openings, or remove the floor plate entirely, except that a portion of the floor plate may be removed if sufficiently limited by the amount of removal or by being set back so as to not be readily discernible or call attention to it as viewed through the openings at the front facade of the building.

(2) The removing, relocating and replacing of the existing load bearing partition(s).

(3) The modification of the existing party wall(s) to connect to an adjoining building, provided that at least five (5) feet of the party wall connected to the front facade is retained and less than 50 percent of the party wall is removed at any floor. This provision does not authorize the staff to approve the removal and/or full reconstruction of the party wall(s) to facilitate combining buildings, unless the work is required due to severe deterioration and meets the criteria of section 2-11(e).

(4) The removal of a portion of the rear facade for the construction of a rear yard addition or other modifications to create large openings pursuant to sections 2-14(h)(2)(i)(B) and 2-15(f) of the Rules, and the retention of the upper floor(s), or the reconstruction of the entire rear facade pursuant to section 2-11(e) of the Rules.

(5) The work will be designed and executed in compliance with Department of Buildings regulations under the supervision of a licensed professional engineer to protect the building's facades and the facades of adjacent buildings.

(6) The work may be subject to the Enhanced Engineering Review program if the structural work requires more than the limited amounts of the work described in (1)-(4) of this section, exclusive of, or in addition to, any excavation work.

§ 17. Subparagraph (v) of paragraph (2) of subdivision (a) of section 2-17 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(v) Adjustments to steps or planted areas will not substantially alter the apparent grade of the areaway or yard, as viewed from the sidewalk. For purposes of this subparagraph:

(A) Lowering the entire areaway, including the removal of one step, to allow at-grade access from the sidewalk to the areaway;

(B) Excavation to accommodate new steps or reconfiguration of existing steps to improve access to a basement level entrance, including enlarging or widening steps, will be approved, provided:

(a) The excavation and steps will occupy fifty (50) percent or less of the square footage of the areaway;

(b) The excavation, steps and landing are in keeping with expanded basement entrances found on buildings of similar age and style within the historic district; and

(c) The excavation, steps and landing do not detract from significant architectural features of the building or, if the building is part of a row, do not detract from adjacent buildings or the streetscape;

(C) Excavation to construct a small ramp with no switchbacks to provide access to a basement entrance, which does not require railings or only minimal railings (such as well-mounted handrails or simple posts with top rails), provided the work does not affect more than fifty (50) percent of the areaway; [and]

(D) Excavation to accommodate new or enlarged lightwells, pursuant to (6) of this subchapter; and

§ 18. Subparagraph (iii) of paragraph (5) of subdivision (a) of section 2-17 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(iii) The hatch will be constructed in wood or metal with a dark or neutral finish, and may incorporate flat glazing to be used as a skylight, in keeping with similar utilitarian installations.

§ 19. Subdivision (a) of section 2-17 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York is amended by adding a new paragraph (6) to read as follows:

(6) Basement/cellar level lightwells. A lightwell at the level of the basement or cellar may be approved if the work satisfies all of the following relevant criteria:

(i) The proposed lightwell will not be installed through historic paving material where feasible and, where not feasible the installation shall minimize impacts to historic paving, especially with respect to large intact pavers;

(ii) The placement of the lightwell will not damage or detract from any significant architectural feature of the areaway, yard or building.

(iii) The lightwell will not require the installation of a perimeter railing;

(iv) The width of the lightwell will closely correspond to the width of the window it serves, and the depth from the facade will be minimized to the greatest extent feasible, providing for any modifications to the window opening allowed pursuant to section 2-14, except, at rowhouses and other attached or semi-attached houses with closely spaced windows, the lightwell may be enlarged to extend across the base of the facade if staff determines the resulting condition has less impact than two separate openings and/or is in keeping with other areaway conditions on the block;

(v) The lightwell may be open or covered with a metal grate or low-profile skylight with a dark or neutral finish; and

(vi) Any curbing at the perimeter of the lightwell will be as low as feasible and will be made of concrete, stucco or stone to match or harmonize with the surrounding areaway paving.

Staff may consider minor variations in meeting the criteria in subparagraphs (i) through (vi) of this paragraph if the lightwell is necessary to meet Code-required light and air requirements.

§ 20. Paragraph (3) of subdivision (a) of section 2-17 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(3) *Garbage enclosures.* LPC Staff will issue an approval for new or replacement garbage enclosures that are not easily moveable if the work satisfies all of the following relevant criteria:

(i) The [work] garbage enclosures will be (A) contained within [the] an areaway defined by an existing or proposed fence, balustrade or wall[, and will not result in damage to or the removal of architectural fabric from the building's facade, or areaway enclosure]; (B) located in a side alleyway; or (C) located as close to the building as possible and will not project further into the sidewalk than adjacent stoops, areaway fences or other existing projections;

(ii) The work will not result in damage to or the removal of architectural fabric from the building's facade, or areaway enclosure or obscure any significant architectural features;

[(ii)] (iii) The garbage enclosure will not be physically attached to the building, areaway fence or wall, but [instead will] may be free-standing or attached to the areaway paving, but not through historic paving material;

[(iii)] (iv) The garbage enclosure will be of a simple design and painted to match the immediately adjacent facade or areaway enclosure material, or otherwise will have a neutral or dark finish that does not call undue attention to itself;

[(iv)] (v) The enclosure will be limited in footprint and height to the general dimensions of the garbage receptacles it contains, and its size does not detract from the overall areaway proportions and configuration, or the building or streetscape.

§ 21. Subdivision (b) of section 2-17 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(b) *Installation of New Ironwork.*

(1) *Scope.* This subdivision concerns applications for ironwork at areaway stairs, paving, walls or curbs, on top of areaway or stoop walls, or at alleyways, where the building either has not previously had such ironwork of a type found on similar building types or has previously had such ironwork and the historic ironwork was removed prior to designation. For example, many stoops have lost their historic ironwork or have been altered over time by the addition of handrails on the side or on top of stoop walls. Applications to restore or [re-create] replace existing original or historic ironwork or to install new ironwork after the original or historic ironwork was removed without permits must be made consistent with the criteria set forth in 63 RCNY § 2-11.

(2) *New ironwork at areaways, stoops, service alleys or facades where no historic ironwork exists.* LPC Staff will approve such work as follows:

(i) The installation of the new ironwork will not conceal, damage, or cause the removal of significant architectural features;

(ii) The new ironwork, with respect to its location on the building or property (e.g., on top of the areaway paving or areaway wall, stoop treads or stoop wall) and its scale and visual characteristics (including details and finish), will match or recall ironwork typically found on buildings of similar age, style and type, or will be simply designed and not call attention to itself; and where the building is part of a row, [it is harmonious with] will not detract from other ironwork in the row. LPC Staff may also consider applicable Building or Fire Code requirements as they pertain to height, location, and spacing of elements in reviewing proposed railings;

(iii) The materials for the new ironwork will be consistent with materials found at railings at other buildings of similar age, style, and type, or may use a substitute material that matches or recalls the appearance of the original or historic material in terms of texture, finish, color and details (e.g., painted cast aluminum or painted Glass Fiber Reinforced Concrete (GFRC) may be used in lieu of cast iron; and painted steel bar stock may be used instead of wrought iron, but excluding hollow aluminum sections);

[(iii)] (iv) The installation of the new ironwork will be harmonious with the special architectural and historic character of the building and the historic district.

(3) Gates at openings in areaway fences or at the bottom of stoops. LPC Staff will approve such work as follows:

(i) Installation of gates at openings in areaway fences and ironwork at rowhouses:

(A) Installation of the gate will not result in removal of or damage to any significant historic fabric and will not mechanically fasten to any existing historic newel post or ironwork;

(B) The design of the proposed gate will feature an open quality and will match remaining historic ironwork at the areaway or below the stoop (if present) or be of a simple design and will not call undue attention to itself or detract from the significant architectural features of the building; and

(C) The height of the gate will not exceed the height of the fence that it is installed within or the immediately adjacent newel post (exclusive of the cap, finial, or other decorative element on the top).

(ii) Installation of gates at the bottom of stoops at rowhouses:

(A) The building is located within a block where the Commission at a public hearing has previously approved at least one (1) stoop gate. Stoop gates that have been present since the time of designation or installed without Landmarks Preservation Commission permit(s) will not be considered sufficient precedent for subsequent staff level approvals of stoop gates at the block;

(B) Installation of the gate will not result in removal of or damage to any significant historic fabric and will not mechanically fasten to any existing historic newel post or ironwork;

(C) The gate will not be installed at the sidewalk level, unless the stoop is set back from an areaway wall or fence, but may be installed at the first or second tread of the stoop from the sidewalk.

(D) The design of the proposed gate will feature an open quality and will match historic ironwork or be of a simple design and will not call undue attention to itself, block the visibility of the doors or entrance, or detract from the significant architectural features of the building; and

(E) The height of the gate will not exceed the height of the immediately adjacent newel posts (exclusive of the cap, finial, or other decorative element on the top) and will be proportional to the stoop.

§ 22. Paragraph (3) of subdivision (c) of section 2-17 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York is amended by adding a new subparagraph (iv):

(3) *Free-standing houses.* LPC Staff will issue an approval for the installation of a fence at free-standing houses if the work satisfies all of the following relevant criteria:

(i) The fence will be placed in the side or rear yard, behind the street-facing facade(s);

(ii) The fence will not exceed six (6) feet in height and is constructed of wood with the finished side facing away from the property;

(iii) Variations in the height and material will be considered if the fence is not visible from a public thoroughfare or the fence is permanently obscured from view by vegetation and the building otherwise complies with applicable codes[.];

(iv) The fence may span across a pathway, driveway or other parking area, and may include a gate, provided it is consistent with the other criteria of this section.

§ 23. Subdivisions (b) and (c) of section 2-18 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York are amended to read as follows:

(b) *At-Grade Entrances.* LPC Staff may issue [a permit] an approval for a proposal to lower an existing entrance at a primary facade or visible secondary facade of a building in a historic district or a building in a scenic landmark that is not an individual landmark to provide an accessible at-grade entrance if the work meets all of the following relevant criteria:

(1) The work required to bring the entrance to grade, including the removal of the existing steps, landings, ramps, or other elevated elements at the entrance point, will not result in damage to or the removal of significant architectural features of the building, except as noted below;

(2) Except as note below in clause (4), the proposal involves dropping or raising the entrance at a primary facade no more than eighteen (18) inches at a [prominent] primary entrance to the building or a storefront and no more than thirty (30) inches at other entrances to the building. There is no dimensional limitation for lowering or raising a visible entrance on a secondary facade, provided it is the minimum height required to provide for an accessible entrance;

(3) Historic materials and features removed in connection with the work will be re-used where possible;

(4) If the treads contain cast iron vault lights, only one tread can be removed to create the at-grade entrance and the tread is installed flush at the entry to recall the presence of the vault lights;

(5) A sidewalk may be modified, including sloping a sidewalk to make an entrance accessible, provided the work meets the requirements of 63 RCNY § 2-19;

(6) A new door for the modified entrance shall have proportions that recall the historic door, which may require the addition of a transom to the door opening; and

(7) The proposed work will allow for barrier-free access for the building in the least obtrusive manner possible.

(c) *Door and Door Surround Changes.* LPC Staff may issue an approval for proposals to alter doors and door surrounds [for] at primary facades and visible secondary facades at buildings in historic districts and scenic landmarks, [that are not individual landmarks] and, in limited cases, individual landmarks, to meet accessibility requirements, such as clearance, if the work meets all of the following relevant criteria:

(1) If the existing door is original or historic, and/or a Special Door as defined subdivision (b) of Section 2-14:

(i) The proposed work will retain the historic fabric at the entrance, such as sidelights, door(s), transoms, framing or door surround detailing, or replace them pursuant to subdivision (d) of Section 2-11, and/or paragraph (e)(1) and subparagraph (f)(2)(i) of Section 2-14, if required; and

(ii) [Historic doors and vestibule entrances] Doors and frames may be altered with respect to door swing, changing hardware and hinges, and the installation of an automatic opener [hardware provided the door configuration and details are maintained].

(2) If the existing door is not original or historic, or is an original or historic utilitarian or service door and opening, and the building is not an individual landmark:

(i) The proposed work will retain a maximum amount of historic fabric at the entrance, such as sidelights, transoms, framing or door surround detailing, or replace them pursuant to subdivision (d) of Section 2-11, and/or paragraph (e)(1) and subparagraph (f)(2)(i) of Section 2-14 , if required;

(ii) The door opening may be widened up to eight (8) inches if necessary to meet applicable codes, provided that the door surround is recreated in-kind with the necessary adjustments for the new door opening;

(iii) The operation and configuration of replacement doors may be altered to meet required clearances, such as paired doors that may be changed to a single door with a fixed leaf or sidelight condition, or a single door with the appearance of paired doors, consistent with the criteria set forth in subparagraphs (f)(1)(iii) and (iv) of Section 2-14;

(iv) The width of operable [leafs]leaves and sidelights may vary from the historic condition provided that design of the replacement door(s) [recalls the historic detailing and general configuration] otherwise complies with the criteria set forth in subparagraph (f)(1)(i) of Section 2-14;

(v) A replacement door in an alternate material may be installed to meet force limitations in operating the leaf;

(vi) The design of the replacement doors and accompanying elements must [recall the historic condition in terms of configuration, detailing, material (if it meets code), and finish] comply with the criteria set forth in paragraph (f)(2) of Section 2-14; and

(vii) The proposed changes to the door and door opening will not detract from the special architectural and historic character of the building.

(3) LPC Staff will issue an approval to alter doors and door surrounds at minimally visible or non-visible locations at an individual landmark or building in a historic district or scenic landmark, provided the modifications will not damage any significant architectural features of the building.

§ 24. Subdivisions (e), (f) and (g) of section 2-18 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York are amended to read as follows:

(e) *Handrails and Areaway Alterations.*

(1) LPC Staff will issue an approval for a proposed handrail on an existing stoop or areaway steps [on] at the primary facade or visible secondary facade of a building in a historic district or scenic landmark, and an individual landmark in limited circumstances, if the work meets all of the following relevant criteria:

(i) The installation of the handrail will not damage any decorative features of the masonry stoop walls, ironwork, or areaway enclosure;

(ii) The handrail will be simply designed and will not detract from the significant architectural features of the building; and

(iii) The handrail will be attached to the coping of the stoop wall, inside the stoop wall, or at the treads, whichever location the LPC Staff determines is the least obtrusive, taking into account other such installations on the block and the purpose of the handrail.

(2) LPC Staff will issue an approval for a proposal to alter an areaway enclosure to accommodate an accessible entrance at the primary facade or visible secondary facade of a building in a historic district or scenic landmark if the work meets all the following relevant criteria:

(i) If the areaway enclosure consists of historic ironwork or masonry, the alterations are as minimal as possible to meet accessibility requirements and the ironwork and/or masonry is finished to match the historic condition; and

(ii) If no historic fabric exists in the areaway, the ironwork and/or masonry is finished to match the existing conditions.

(3) LPC Staff will approve a proposal to install handrails at stoops or areaway steps at minimally visible or non-visible locations at an individual landmark or building in a historic district or scenic landmark, provided that the modifications will not damage any significant architectural feature of the building. If minimally visible, the installation will be simply designed and will have a neutral finish.

(f) *Ramps.* LPC Staff may issue an approval for certain ramps as specified below. For purposes of this subdivision, a "ramp" includes the associated landing(s) and any steps integrated into the ramp.

(1) *Ramps without handrails.* Ramps that do not require a handrail may be approved [on] at primary facades or visible secondary facades, areaways or yards at individual landmarks and buildings in historic districts and scenic landmarks if:

(i) The installation will not result in damage to significant historic fabric, including sidewalk paving materials or vault lights, steps and landings, or will involve the removal or modification of discrete portions of historic fabric, and the fabric that is removed is re-used in connection with the ramp work where possible;

(ii) The ramp will be constructed in materials to match the immediately adjacent facade material or sidewalk, areaway and threshold paving, or with utilitarian materials with a neutral finish so as to have an unobtrusive presence on the building;

(iii) The ramp will be as short as possible, [with no switch-backs,] except that LPC Staff may approve a longer ramp[, with no switch-backs,] if the longer ramp will have less visual impact on the [façade] facade. A ramp approved under this subparagraph shall not include any switch-backs; and

(iv) The proposed changes will not detract from the special architectural and historic character of the building.

(2) *Ramps with handrails.* Ramps that require a handrail may be approved [for] at primary or visible secondary facades, areaways or yards at buildings in historic districts and scenic landmarks that are not individual landmarks if:

(i) The installation of the ramp and handrails will not eliminate or conceal any significant architectural features of the building or sidewalk, or landscape feature if in a scenic landmark, except as provided for below;

(ii) The installation is obscured or partially obscured by existing architectural features where possible, such as ironwork or masonry walls;

(iii) [The] At primary facades, the ramp will be as short as possible, with no switch-backs and intermediate landings, except that LPC Staff may approve a longer ramp, with no switch-backs but with intermediate landings if required, if they determine that the longer ramp will have less visual impact on the [façade] facade. For a visible ramp at a secondary facade, switchbacks and intermediate landings are permissible if they do not detract from the primary facade or draw undue attention to the ramp;

(iv) For storefronts, the ramp will be confined to the storefront or building associated with the entrance being made accessible;

(v) For buildings with deeply recessed entrance courts or areaways, a ramp must be located within the recess, unless LPC Staff determines that a different location provides equal accessibility with less impact on the building;

(vi) The presence and location of the ramp will not disrupt, or will be consistent with, the facade's composition. For purposes of this rule, steps and landing leading to the entryway that are extending outward to receive the ramp should retain the historic orientation where feasible, and the favored position for a ramp in a recessed court or areaway is presumed to be off to one side so that it is as inconspicuous as possible, but, depending on the facade's composition, LPC Staff may determine that another location is more consistent and harmonious with the design of the facade;

(vii) Minimal excavation will be permitted to facilitate barrier-free access;

(viii) The handrail will be simply designed with the minimum number of vertical elements [permitted] required by code, if any;

(ix) The ramp will be simply designed and constructed in materials to match the immediately adjacent facade material or ironwork, or with utilitarian materials with a neutral finish, whichever will result in the least obtrusive presence on the building; and

(x) The proposed work will not detract from the special architectural and historic character of the building, district or scenic landmark.

(3) Ramps at minimally visible or non-visible locations at an individual landmark or building in a historic district or scenic landmark. LPC may issue an approval for a proposal to install a ramp provided the installation will not damage any significant architectural feature of the building or, if installed in a scenic landmark, significant landscape feature. If the ramp is minimally visible, the installation will be simply designed and have a neutral finish.

(g) *Lifts*. LPC Staff may issue an approval for a wheelchair platform lift or a chair lift on a rail [on] at a primary or visible secondary facade, areaway or yard at a building in a historic district or scenic landmark, [other than an individual landmark] and in limited cases, individual landmarks, if the proposed work meets all of the following relevant criteria:

(1) *Wheelchair platform lifts*.

(i) The lift will not require significant alterations to existing fabric at the proposed location, and any such alterations are reversible;

(ii) Only minimal historic fabric will be removed to access the lift at the elevated position;

(iii) The lift will be located in a recessed location on the facade, or otherwise located to not disrupt the facade's composition, and will be obscured or partially obscured by existing features such as ironwork or masonry walls;

(iv) The lift will be stored in the down position to minimize its visual presence; and

(v) The lift will be finished to match the immediately adjacent facade materials, or will have a neutral finish; and

(vi) The proposed work will not detract from the special architectural and historic character of the building, streetscape or scenic landmark.

(2) *Wheelchair and chair lifts on rails*.

(i) The installation does not require any significant alterations to the existing areaway, stoop, handrail, or building facade, and is reversible;

(ii) The installation will require minimal attachment points through non-decorative elements; and

(iii) The lift will be painted to match the finish of the adjacent ironwork or masonry, or will have a neutral finish.

(iv) The proposed work will not detract from the special architectural and historic character of the building, streetscape or scenic landmark.

(3) Lifts at minimally visible or non-visible locations at an individual landmark or building in a historic district or scenic landmark. LPC Staff will issue an approval for a wheelchair lift provided the installation will not damage any significant architectural feature of the building or, if in a scenic landmark, significant landscape feature. If minimally visible, the installation will be simply designed and will have a neutral finish.

§ 25. Subparagraph (i) of paragraph (1) of subdivision (a) of section 2-19 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(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, or where ribbon sidewalks are a significant feature. For these districts the long-term regulatory goal is (A) 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, and (B) to ensure preservation of ribbon sidewalks in terms of their location and material.

§ 26. Subdivision (f) of section 2-19 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(f) *Other Sidewalk Materials.* LPC Staff may issue an approval to repair, reset or replace in-kind sidewalks of different historic materials, such as Belgian Block, brick or special concrete aggregates, provided such material is typically found in the district. For ribbon sidewalks, defined as sidewalks located with a grass or planting strip between the sidewalk and the curb, the paving material should match the historic material or the predominant material in the district, and the placement and width of the sidewalk is not increased. For unique or atypical sidewalk treatments, such as a brick sidewalk in front of a carriage house in a district characterized by bluestone sidewalks, or a special sidewalk approved by the Public Design Commission or its predecessor, LPC Staff may require repair or in-kind replacement if the sidewalk treatment represents a significant historic alteration or if removal is deemed to result in the loss of a significant historic feature.

§ 27. Paragraph (5) of subdivision (h) of section 2-19 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(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. This subdivision does not apply to modification of existing tree pits, or new tree pits or planting areas, within the planting area between a ribbon sidewalk and the curb.

§ 28. Appendix A of section 2-19 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York is amended by adding the following historic districts to the list of historic districts set forth in such section, in alphabetical order, to read as follows:

Appendix A: Historic Districts Having Continued Sidewalk Regulation

Beverley Square West Historic District

Boreum Hill Historic District Extension

Crown Heights North III Historic District (St. Marks Place and Prospect Place, between Kingston Avenue and Albany Avenue)

Ditmas Park West Historic District

Fort Greene Historic District

Park Terrace-West 217th Street Historic District

§ 29. Clause (B) of subparagraph (i) of paragraph (2) of subdivision (c) of section 2-21 of subchapter B of chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(B) *Large apartment buildings and hotels and commercial and loft buildings.* This clause (B) applies to large apartment buildings, hotels and other types of multiple dwellings that have a street frontage of more than forty (40) feet or are seven (7) or more stories in height, and all commercial and loft buildings originally designed to serve commercial, retail or warehouse uses, including cast-iron fronted buildings, department stores, banks and office buildings. LPC Staff will approve permanent installations of HVAC equipment, louvers and vents in window openings if the proposal meets the following relevant criteria:

(a) The window is not a special window as defined in 63 RCNY § 2-14; and

(b) The installation involves removing only glazing or modifying or removing the window sash and retaining the window frame. [At large apartment buildings and hotels, only one of the double-hung sashes or a portion of a casement window assembly may be removed. If the exterior louver is flush-mounted, it will be mounted flush with or behind the plane of the window frame and behind the existing or reinstated brickmold or panning. If the window unit is projecting, it will be mounted within the window frame. In either case, if the exterior louver or window unit fills only a part of the window frame, it can be placed anywhere within the modified or removed sash, and the remainder will be filled with a filler panel (glazed or solid) or partial height window sash to otherwise match the configuration, size permitting, of the overall window; or]

(c) At large apartment buildings and hotels, where both sashes of a double-hung window or an entire casement window assembly are removed, the louver installation must recall the residential character of the historic windows by maintaining the sashes, removing the glass, and installing a louver behind the sashes, or by integrating the louvers into the off-set sashes for a double-hung window, or by applying a mullion(s) to simulate a casement window assembly; and

(d) For all installations, if the exterior louver is flush-mounted, it will be mounted in-plane with or behind the plane of the window frame and behind the existing or reinstated brickmold or panning. If the window unit is projecting, it will be mounted within the window frame. In either case, if the exterior louver or window unit fills only a part of the window frame, it can be placed anywhere within the modified or removed sash, and the remainder will be filled with a filler panel (glazed or solid) or partial height window sash to otherwise match the configuration, size permitting, of the overall window; or

[(c)] (e) The installation involves installing the exterior louver or projecting window unit in conjunction with installing a new window at the same time, and the resulting installation complies with both the criteria set forth in this clause (B) and the applicable new window criteria; and

[(d)] (f) The exterior louver and any solid filler panel will be finished to match the window frame; however, a window HVAC unit does not need to be painted; and

[(e)] (g) The installation will not damage or remove a significant architectural feature of the building and, for buildings in historic districts, will not detract from the significant architectural features of adjacent buildings.

§ 30. Subdivision (a) of section 7-05 of chapter 7 of Title 63 of the Rules of the City of New York is amended to read as follows:

(a) The Commission may revoke the approval of any certificate of no effect (CNE), expedited certificate of no effect (XCNE), certificate of appropriateness (C of A), permit for minor work (PMW), binding or advisory report, notice to proceed, or any amendments thereof, whenever:

§ 31. Subdivision (d) of section 7-05 of chapter 7 of Title 63 of the Rules of the City of New York is relettered subdivision (e) and a new subdivision (d) is added to read as follows:

(d) Notwithstanding the provisions of subdivision (a) of this section, where the revocation involves an expedited certificate of no effect, and the reason for the revocation is the scope of work is not eligible for an expedited certificate of no effect and, therefore, the owner's and/or architect's attestation is inaccurate, the Commission may issue a "Notice of Revocation" immediately, and the Notice of Revocation shall inform the applicant that the XCNE will be revoked immediately upon issuance of the Notice of Revocation.

§ 32. Subdivision (g) of section 11-01 of chapter 11 of Title 63 of the Rules of the City of New York is amended and a new paragraph (5) is added to such subdivision to read as follows:

(g) For purposes of 63 RCNY §§ 11-03, 11-04 and 11-06, and except as provided for warning letters and stop work orders in paragraph (5), the term "mail," "mailed" and "mailing" means first class United States mail or express or overnight delivery to a respondent as follows:

* * *

(5) Notwithstanding the provisions in paragraphs (1) through (4) above, LPC Staff may email a warning letter or stop work order to a respondent (i) at their email previously provided to the Commission in connection with an application for work, a previous enforcement action, or other correspondence; or (ii) at their business email as generally advertised or otherwise represented to the public.