



# Taking the Question Marks Out of Landmarks

The ubiquitous New York City Landmarks Preservation Commission (LPC) was created in 1965 in response to the senseless demolition of important buildings (ie. the old Pennsylvania Station). Since then, the LPC has grown to become the largest municipal preservation agency in the nation. There are now more than 31,000 properties within 109 designated historic districts and 20 historic district extensions in all five boroughs. While the LPC is noble in its pursuit of preservation of the City's streetscape, its oversight is often felt as an intrusion by owners of buildings affected, as they struggle to stay within the guidelines of the LPC.

If you are a townhouse owner, you should have a copy the LPC produced *Rowhouse Manual* (a pdf of which can be downloaded from their website at <http://www.nyc.gov/html/lpc/html/manuals/rowhouse.shtml>). This publication is filled with useful architectural and historical information. It details the do's and don'ts of building exterior work the LPC is concerned with. Believe it or not, there IS work you can do to a landmarked building's exterior which does not require an LPC permit. This includes repainting doors, windows, facades and fences the same color; replacing broken glass; installing new locks or hardware; installing interior storm windows; removing graffiti, low pressure washing of facades; installing temporary window air conditioners that don't require brackets and don't alter the window sash or frame; replacing flashing along the roof with the same kind of material; removing, replacing or installing gutters and leaders; planting new lawns or shrubs in existing unpaved areas; and placing and planting window boxes and planters. Everything else? You probably should check with the LPC.

There are 3 different types of permits that the LPC issues for exterior work on buildings: The Certificate of No Effect (CNE), the Permit for Minor Work (PMW) and the Certificate of Appropriateness (CofA). Briefly, a Certificate of No Effect is issued when the work on the building requires a Department of Buildings (DOB) permit, but the actual work does not affect the landmarked features of the building. This type of work may include interior renovations and plumbing and heating equipment installation. This permit is valid for 4 years, and does not require a public hearing. A Permit for Minor Work is issued when the work on the building does not require a DOB permit, but it falls within the purview of LPC exterior alterations. This type of work may include exterior painting (of a new color), masonry restoration, and restoration and preservation of architectural detail. Trust me, you don't want to change your front entrance door to an Art Deco starburst or remove that masonry gargoyle you always hated without getting a PMW. This permit is also valid for 4 years and does not require a public hearing. Finally, a Certificate of Appropriateness is issued when the work on the building may or may not require a DOB permit; but the work proposed specifically affects significant architectural features. This type of work includes additions, demolitions, and major changes to the facade. This permit is valid for 6 years, and a public hearing is required.

It is this latter permit which raises the most concern, whether from neighbors or the LPC commissioners. I have been involved in countless transactions where the LPC's work held up a closing or derailed the entire deal. The question most prospective townhouse owners raise is how much can the building be expanded and how does the LPC determine this? After all, the reason most buyers come to acquire a townhouse is because they want space, and for less price per square foot than an apartment. So the LPC plays an important role in an economic

as well as a practical sense. A 2,500 to 3,500 sq. ft. house is today deemed too small for living. And a developer looking to profit from the investment wants to create as large a house for resale as can be achieved on the site.

Brian Connolly is an architect and principal of Zivkovic Connolly Architects PC, a firm that has over 20 years of experience successfully steering projects through the LPC review and approval process. Brian advises "A definitive answer from the LPC can only be obtained after creating a well-resolved design (based on actual survey measurements, etc.) and then making a formal application to LPC for their review. If the proposed work includes redesign or replacement of the facade, LPC's review process will necessarily require a Public Hearing, at which forum neighbors and other interested parties are all allowed to speak and provide testimony either for or against the proposed design. Not least, LPC's purview is solely aesthetic. And that agency will not commit to reviewing any project until DOB, has itself received detailed design drawings confirming that there are no Zoning problems (height, bulk, use, etc.) with the proposed design. So, a formal submission of a design to DOB is a pre-requisite if making the application to LPC. Suffice to say that this entire process might take at least several months. In order to maximize the chances of success, it is critical to use an architectural firm familiar not only with this process but also with the LPC Commissioner's expectations."

I recently worked with a buyer who had this very question on a house located in the West Village historic district. The zoning suggested a near doubling of the house could be achieved since the lot had significant unused FAR (Floor Area Ratio). But the buyers' architect came to the conclusion that it would be very unlikely the entire FAR on the lot could be used. He believed that Landmarks wouldn't approve a rear extension any deeper than the deepest already on the row of townhouses, and thought it doubtful that the LPC would allow the extension to be the full height of the building. Unable to take that risk, our buyer passed on this particular property (as have many buyers since.) Having a great team of experts on hand kept our buyer from a bigger disappointment down the road.

This professional opinion will limit the buyer's initial expenditure, while reasonably and quickly examining and advising on the critical issues at play. An experienced architect can give this opinion without a site survey or a measured plan of the building. They look at the zoning data available for the property in order to determine the maximum allowable FAR for the property, together with any requirements for setbacks, bulk or height restrictions. They most often will want to walk the property and the surrounding area.

I often hear NYC real estate non-professionals claim that even if a building is in a designated landmark district, as long as the "extra bulk" added to the building is not visible from the street, it should be LPC approvable. It's actually not that simple, and is really a unique situation each time.

*I know a number of industry experts in this field—please don't hesitate to contact me if you would like a recommendation. To receive a bound copy of the complete above-referenced NYC Landmarks Preservation Committee Rowhouse Manual, call me or check the box in the reply mailer below and return it to me. **Wolf Jakubowski***

Newsletter Produced and Published by the office of Wolf Jakubowski. Text & Graphics Copyright © by Wolf Jakubowski. All rights reserved. No part of this document may be reproduced by any means whatsoever, either mechanical or electronic, without permission of the publisher.

Check the fact-sheets that interest you, complete the reply form, detach and return it to my office at 1926 Broadway, New York, NY 10023. For faster service, fax the form to me at (212) 303-3209, or phone me at (212) 588-5630.

- 1.  **"NYC Landmarks Preservation Committee Rowhouse Manual"** Check here to request a free complete bound copy of these city landmark guidelines.
- 2.  **Individual property analysis.** Check here to request a free consultation with Wolf on the potential value of your property.
- 3.  **"Structuring a Buy-out of a Tenant."** Attorney Mitchell Zingmann's advice on how to buy out a tenant amicably.
- 4.  **"Choosing a Townhouse" by Adam Gordon.** Zoning, tenant issues, and three case studies.
- 5.  **"Rent-regulated tenants who do not use the apartment as their primary residence"** may be evicted. Learn in advance if a suit is worth the trouble, by Sherwin Belkin, Esq.
- 6.  **"Owner possession of rent-stabilized apartments."** You may be able to reclaim one or more for personal or family use, by Sherwin Belkin, Esq. (pending changes)
- 7.  **"Combining apartments without a lot of fuss."** Andrew L. Pettit, AIA, offers an overview of combining apartments in New York City.
- 8.  **Understanding townhouse architecture.** The architectural styles and distinctive details that define a New York townhouse.
- 9.  **"Constructing Your Townhouse in 14 Months" by Adam Gordon.** Eight valuable tips on how to fast track a major townhouse renovation.

- 10.  **Townhouse Research Methods.** A concise summary of the latest townhouse research sources.
- 11.  **"NYC Real Property Taxes"** as explained by William Block, Esq.
- 12.  **"Your Townhouse Renovation."** Noted architect Don Zivkovic gives pointers on renovating your townhouse and the cost savings available today.
- 13.  **Understanding ECB Violations.** A brief overview on ECB Violations and how to cure them.

Name.....

Mailing Address.....

City .....State.....Zip.....

Phone.....Email.....