



The New York City Landmarks Preservation Commission
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<http://www.nyc.gov/landmarks>



Proposed Sunnyside Gardens Historic District: Frequently Asked Questions

How does the landmark designation process work?

The designation process begins when a building or historic district is brought to the attention of the Landmarks Commission's Research Department, which usually occurs through a Request for Evaluation ("RFE") from the public, or through an agency survey or other research. In each case, the property is reviewed by the Research Department to ascertain whether it meets the minimum requirements of the Landmarks Law: that it is over 30 years old, is intact and has architectural integrity and may have "a special character or special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation." In the case of a proposed historic district, the Research Department will also determine whether the buildings create a coherent and distinct sense of place. Ultimately, the decision whether to bring the request forward to the full Commission for review is made by the Chair.

The full Commission reviews a proposed landmark or historic district at a public meeting and can vote to "calendar" a public hearing on a proposal if they believe it merits further review. If a proposed landmark or historic district is calendared, the Commission then schedules a public hearing. All interested parties are encouraged to attend the public hearing to present their opinions on the proposed designation. After the hearing is closed, the Research Department writes a detailed designation report, describing the significance of the building or historic district and a detailed description of each building within a proposed district. A draft copy of this building description is sent to each building owner for review and discussion. The Commissioners also review the draft report. The Commission subsequently votes on the designation at a public meeting. There are 11 Commissioners, and six votes are needed to approve or deny a designation. If the proposal is approved by the Commissioners, landmark designation is effective upon the date of the Landmarks Commission's vote.

The City Planning Commission has 60 days to submit a report to the City Council on the effects of a landmark designation as it relates to zoning, projected public improvements, and any other city plans for the development or improvement of the area involved. For historic districts, the City Planning Commission must hold a public hearing prior to issuing its report. The City Council has 120 days from the time of the Landmarks Commission's designation to hold a public hearing. City Council can affirm, modify or disapprove the designation. A majority vote is required.

What are the differences between the current Special Planned Community Preservation District's regulation and the proposed Historic District regulation?

Both the City Planning Commission and the Landmarks Preservation Commission recognize the unique quality of the Sunnyside Gardens community. Therefore, both the current City Planning Special Planned Community Preservation District regulation and the proposed Landmarks Historic District regulation function to protect the special character of neighborhoods such as this one. The current City Planning Special District regulation aims to protect the unique site plan of Sunnyside Gardens and the balance between buildings and open space. Consequently, certain land use changes are not allowed unless a special permit is granted by the City Planning Commission. Examples of land use changes that are not allowed without special permit approval include: construction of new buildings, enclosed porches, garages or carports, or the enlargement or demolition of existing buildings; creating new curb cuts or driveways; or the substantial alteration of landscaping or topography, including the paving of existing yards, fencing common gardens or common walkways, and removing existing trees. The zoning code is enforced by the Department of Buildings.

In order to obtain a special permit, applications are first subject to the City's Uniform Land Use Review Procedure (ULURP). The ULURP process includes a 60-day review period by the community board, a 30-day review period by the Borough President, a 60-day review period for the City Planning Commission, and a 50-day review period for the City Council (for applications that require either mandatory or elective Council review) with public hearings required for the community board, the City Planning Commission and City Council. Prior to the commencement of the seven-month ULURP process, special permit applications and an accompanying environmental assessment statement must be filed with and reviewed by the Department of City Planning.

Under the proposed Landmarks Commission historic district regulation, many of the substantial alterations currently regulated would also be regulated in order to maintain the special character of the neighborhood however the process for obtaining a Landmarks permit is different. The Landmarks Commission issues three types of permits: Certificates of No Effect and Permits for Minor Work, which are staff level permits; and Certificates of Appropriateness, which go the full Commission for review. The type of permit issued depends on the proposed work. For staff level permits, once an application is complete, the Commission can issue a permit very quickly – usually within a week or two. For Certificates of Appropriateness, there is no ULURP-like process. Because Certificates of Appropriateness require a public hearing, and need to be reviewed by the community board prior to the Commission's hearing, the process can take several months. Examples of Certificate of Appropriateness applications include new building construction, demolition, and visible additions. The Landmarks Commission has its own Enforcement Department to address any work performed without a permit.

Is there a set of existing rules that outline how the Landmarks Commission would regulate my building?

Yes. The Commission has a set of Rules that apply to all landmarked buildings in New York City. The Rules are available at the Commission's website at www.nyc.gov/landmarks. You may also call the Landmarks Preservation Commission's Public Information Officer at (212) 669-7817 to request a copy.

Will historic district designation preserve the open garden space in Sunnyside Gardens?

Sunnyside Gardens is significant in part for the relationship between the buildings and the open space, including the common gardens. Consequently, these features would be considered significant to the historic district. Any proposed changes that would affect the existing condition of the various common garden spaces, including fencing, paving and the removal or alteration of mature trees, would require a permit from the Commission. If Sunnyside Gardens becomes a historic district, the Commission could not require that common gardens that have been privatized prior to designation be made public again. Nor could the Commission prevent an existing common garden from being privatized. However, the Commission could prevent the installation of fencing, paving or other work that would make it hard to understand that the garden was historically a common space. The Commission would *not* regulate ordinary landscaping activities such as pruning or planting of seasonal flower beds, vegetable gardens, ornamental shrubs or trees in the common gardens, or the private front, side or rear yards.

I want to sell my landmark building. Must I tell the Landmarks Commission?

No. Landmark designation places no restrictions on an owner's right to sell his or her property.

Is there any extra fee or tax associated with the sale of a home in a historic district?

No.

Does landmark designation raise my taxes?

No.

Does landmark designation lower the value of my property?

No. Inclusion in a historic district ensures that the buildings around you will not be demolished or modified in ways that are unsympathetic to the neighborhood. A 2003 study by the New York City Independent Budget Office concluded: "Although prices for historic properties have at times increased less rapidly than for similar properties

outside historic districts, overall price appreciation from 1975 through 2002 was greater for houses inside historical districts.” A link to this study is available on the Landmarks Preservation Commission’s website at www.nyc.gov/landmarks. You may also call the Landmarks Preservation Commission’s Public Information Officer at (212) 669-7817 to request a copy.

Does the Commission charge a fee for work done?

The Commission only charges a fee for work that also requires a Department of Buildings (DOB) permit. Restorative work such as window repair and replacement, brick repointing, etc., does not require a DOB permit and therefore does not have a Landmarks Commission fee. For work that does require a DOB permit, there is a fee of \$50 for projects with an estimated cost of \$25,000 or less. For projects that cost more than \$25,000, the fee is \$50 plus an additional \$3 for every \$1,000 over the initial \$25,000 project cost (for example, a \$50,000 project has a Commission fee of \$125). This fee is collected by the Department of Buildings on behalf of the Landmarks Commission when you obtain your DOB permit.

Will landmark designation prevent all alterations and new construction?

No. Landmark designation does not “freeze” a building or an area. Alterations, demolition and new construction continue to take place, but the Landmarks Commission must review the proposed changes and find them to be appropriate to the architecture of the building and the historic district. This process helps ensure that the special qualities of the designated buildings are not compromised or destroyed.

When do I need to get a permit for work on my building?

The Commission must approve in advance all work, whether restoration, alteration, reconstruction, demolition, or new construction, that affects the exterior appearance of any property within a historic district, even if a Department of Buildings permit is not needed for the proposed work.

How do I get a permit from the Landmarks Commission?

The Commission uses a single application form for all types of work. The permit application forms are available on the Commission’s website at www.nyc.gov/landmarks. You may also call the Landmarks Preservation Commission’s Public Information Officer at (212) 669-7817 to request a copy. Applications should include descriptive materials, including photographs, drawings and material samples, where relevant, to explain and describe the existing condition of the building and the proposed work.

What is the difference between a staff level review and a full Commission review?

The Commission receives approximately 9,000 applications each year for work on landmarked properties. Over 90 percent of these are handled by the agency’s professional staff, which uses the existing Rules developed by the Commissioners to determine whether the proposed work is appropriate. The less than 10 percent of applications that fall outside the Rules must be reviewed by the Commissioners at a public hearing. Examples of applications that require Commission review at a public hearing are new building construction, demolition, and visible additions.

How long will it take to get a permit from the Commission if Sunnyside Gardens becomes a historic district?

When an application is received, the Commission staff will contact you within a week. For a staff level permit, once an application is complete, the Commission can issue a permit very quickly – usually within a week or two. If additional information is required, such as a material sample or an additional drawing, it can take longer. For large projects that require a Certificate of Appropriateness, which go to the full Commission for review, the process can take several months.

Do I need a permit to repaint my house or repair my deck?

Ordinary exterior repairs and routine maintenance, such as replacing broken window glass, repainting a building exterior to match the existing color, or removing painted graffiti, do not require the Commission’s approval. Making minor repairs in the same material to an existing deck would also not require the Commission’s approval.

Can I install solar panels on my roof?

Solar panels on the back sides of pitched roofs are likely to be approved at staff level if the installation does not involve removing slate. If the installation does involve removing slate, then the proposal would have to go before the full Commission for review.

I want to replace a broken skylight and through-the-wall air conditioning unit. Do I need a permit?

Yes. The Commission staff regularly approves the replacement of existing skylights and through-the-wall air conditioning units. Please refer to the Rules for such installations.

I am renovating my kitchen and bathroom. Do I need permits from the Commission for interior work?

The Commission only reviews interior work if it requires a Department of Buildings permit or affects the exterior of the building. If the work is only on the interior, the Commission's review is limited to confirming that there will be no effect on the exterior. If there is an effect, for example a vent for a new stove, the Commission will review the proposed location and size of the vent.

If Sunnyside Gardens becomes a designated historic district, can the Landmarks Commission make me restore my building to the way it looked years ago?

No. The Commission regulates proposed changes to a building. It does not require an owner to do work on his or her building. For example, if prior to landmark designation, sliding glass doors and a deck were added to the rear of your building, the Commission would not make you remove them.

Is funding available for work on my home?

Yes, in some circumstances, a grant may be available from the Landmarks Preservation Commission's Historic Preservation Grant Program. This federally-funded program provides grants for homeowners and non-profit organizations to restore severely deteriorated facades. Grants generally range from \$5,000 to \$20,000 and pay for exterior repairs, primarily on the street façade. Eligible work may include, but is not limited to: masonry rebuilding and repointing, repair and replacement of windows and front doors, and cornice restoration. For residential building, owners or tenants must meet the federal limits for household income. In addition, the New York Landmarks Conservancy, a non-profit organization, provides low-interest loans and grants to eligible homeowners. You may call the Landmarks Conservancy at (212) 995-5260 or view the website at www.nylandmarks.org for additional information.

How do I find out more about the effects of designation?

Owners of buildings within the proposed historic district are encouraged to call Landmarks Preservation Commission Executive Director, Ronda Wist, at (212) 669-7922, to discuss questions or concerns about the effects of designation. If a building owner needs more information, a meeting can be arranged.