

Chapter 8: Proposed Alterations and New Construction of Storefronts In the Jackson Heights Historic District

§ 8-01 Introduction.

These Rules are issued to assist the public in applying to the Landmarks Preservation Commission (the "Commission") for approval for the restoration, rehabilitation, alteration, or replacement of storefronts and associated fixtures in existing buildings within the Jackson Heights Historic District. These Rules enunciate the Commission's policy with respect to such work, and allow the staff of the Commission ("LPC staff") to issue permits for work conforming to these Rules. These Rules will ensure that new storefronts will be consistent with the architectural features that establish the aesthetic, historical, and architectural value and significance of the Jackson Heights Historic District. The Jackson Heights Historic District represents one of the first areas in the city in which the commercial thoroughfares were designed to complement and integrate with the residential buildings through the use of the same architectural styles and features of adjoining residential buildings. The majority of buildings within the Jackson Heights Historic District were built between 1910 and the 1950s. The styles found in both the residential and commercial buildings of the Jackson Heights Historic District include the neo-Tudor (e.g., English Gables at 37-12 to 37-34 82nd Street), the neo-Romanesque (e.g., Ravenna Court at 80-01 to 80-29 37th Avenue), the neo-Georgian (e.g., Georgian Hall at 83-01 to 83-27 37th Avenue), and the Moderne (e.g., 78-01 to 78-15 37th Avenue).

§ 8-02 Definitions.

As used in the Jackson Heights Historic District Storefront Rules, the following terms shall have the following meanings:

Awning. "Awning" shall mean a metal frame clad with fabric attached over a storefront, door or window, to provide protection from the sun or rain.

Bulkhead. "Bulkhead" shall mean the part of a storefront that forms a base for one or more display windows (see Appendix A).

Building Streetwall. "Building Streetwall" shall mean the predominant plane of the building facade at the level of the storefront.

Canopy. "Canopy" shall mean a metal frame clad with fabric that projects from a building entrance over the sidewalk to the curb, where it is supported on vertical posts.

The Commission. "The Commission" shall mean the Commissioners of the Landmarks Preservation Commission, including the Chairman, as established by Section 3020 of the Charter.

Cornice. "Cornice" shall mean a horizontal molded projection that completes the top of a wall, facade, building or storefront (see Appendix A).

Display window. "Display window" shall mean the large glazed portion of the storefront, and the associated framing, above the bulkhead and below the transom, extending from pier to pier. The display window is typically used for the display of goods and to provide daylight and visibility into the commercial space (see Appendix A).

Entrance recess. "Entrance recess" shall mean the recessed opening in the facade leading up to the doorway of a storefront or building entrance (see Appendix A).

Facade. "Facade" shall mean an entire exterior face of a building.

Fixture. "Fixture" shall mean an appliance or device attached to the facade (e.g., awning, sign, lighting fixture, conduit, or security gate).

Historic fabric. "Historic fabric" shall mean a building's original or significant historic facade construction material or ornament, or fragments thereof.

Landmarks Law. "Landmarks Law" shall refer to Section 3020 of the Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York.

Lighting. "Lighting" shall mean the method or equipment for providing artificial illumination.

Lintel. "Lintel" shall mean the horizontal member or element above a door or window opening (see Appendix A).

LPC staff. "LPC staff" shall mean the staff of the Landmarks Preservation Commission acting in the Commission's agency capacity.

Permit. "Permit" shall mean any permit other than a Notice to Proceed, issued by the Landmarks Preservation Commission, in accordance with the provisions of the Landmarks Law:

(a) "PMW" shall mean a Permit for Minor Work as defined by § 25-310 of the Landmarks Law.

(b) "CNE" shall mean a Certificate of No Effect as defined by § 25-306 of the Landmarks Law.

(c) "C of A" shall mean Certificate of Appropriateness as defined by § 25-307 of the Landmarks Law and shall not refer to a Certificate of Appropriateness as defined by § 25-309.

Pier. "Pier" shall mean a vertical supporting member or element (usually of brick, stone, or metal) placed at intervals along a wall, which typically separate each storefront opening from the adjacent storefront opening (see Appendix A).

Roll-down gate. "Roll-down gate" shall mean a security gate with a mechanism that allows it to roll up and down.

Rules. "Rules" shall mean the rules governing the practice and procedure of the Commission as promulgated in Title 63 of the Rules of the City of New York.

Scissor gate. "Scissor gate" shall mean a security gate with a sideways retractable mechanism.

Security gate. "Security gate" shall mean a movable metal fixture installed in front of a storefront or inside the display window or door to protect the store from theft or vandalism when the store is closed. A security gate can be either the roll-down or scissor variety.

Security gate housing. "Security gate housing" or "housing," shall mean the container that houses the rolling mechanism of a roll-down security gate.

Security gate tracks. "Security gate tracks" shall mean the interior or exterior tracks along the sides of the storefront (for roll-down gates) or along the top and bottom of the storefront (for scissor gates) that hold the edges of the gates.

Sign. "Sign" shall mean a fixture or area containing lettering or logos used to advertise a store, goods, or services (see Appendix A).

Signage. "Signage" shall mean any lettering or logos in general, used to advertise a store, goods, or services.

Sign band. "Sign band" shall mean the flat, horizontal area on the facade usually located immediately above the storefront and below the second story window sill where signs were historically attached. A sign band may also occur within a decorative bandcourse above a storefront (see Appendix A).

Significant architectural feature. "Significant architectural feature" shall mean an exterior architectural component of a building that contributes to its special historic, cultural, and aesthetic character, or reinforces the special characteristics for which the Jackson Heights Historic District was designated.

Sill. "Sill" shall mean the bottom horizontal member or element of a window or door (see Appendix A).

Skirt. "Skirt" shall mean the bottom finishing piece that hangs from the lower edge of an awning.

Soffit. "Soffit" shall mean the underside of a structural component such as a beam, arch, or recessed area.

Spandrel area. "Spandrel area" shall mean the portion of the facade below the sill of an upper story window and above the lintel of the window or display window directly below it or above the lintel of a window or display window and the building cornice or top of buildings (see Appendix A).

Storefront bay. "Storefront bay" shall mean the area of the storefront defined by and the spanning the two piers.

Storefront infill. "Storefront infill" shall mean the framing, glazing, and cladding contained within a storefront opening in the facade.

Storefront opening. "Storefront opening" shall mean the area of the facade framed by the piers and lintel, which contains storefront infill (see Appendix A).

Transom. "Transom" shall mean a glazed area above a display window or door separated from the display window or door by a transom bar. A transom can be fixed or hinged (see Appendix A).

§ 8-03 Routine Maintenance.

A permit is not required to undertake minor ordinary repairs and cleaning such as:

- (a) *Window repair.* Ordinary repair and restoration of windows in accordance with the criteria set forth in 63 RCNY § 3-02(a) ("Window Guidelines").
- (b) *Painting.* Scraping, priming, and repainting of storefronts to recoat with the same color and finish, provided that such color and finish either existed at the time of designation or was subsequently applied pursuant to a Commission permit.
- (c) *Cleaning.* Routine cleaning, including polishing of metal storefronts and routine removal of small amounts of graffiti. Routine cleaning does not include sandblasting and chemical cleaning.
- (d) *Repair or replacement of door or window hardware.* Repair or replacement of door or window hardware, excluding security gate replacement.

§ 8-04 Storefront Alterations.

LPC staff will issue a CNE or a PMW (if the work does not require a permit from the Department of Buildings) for storefront alterations and replacement provided the work meets all of the following criteria:

(a) *Retention of historic storefronts.* All existing original or significant historic storefronts shall be retained or repaired if feasible, or if repair is not feasible, replaced in kind.

(b) *Permitted storefront alterations.*

(1) *Retention of significant protected features.* All alterations to storefront openings, infill, and fixtures shall preserve all significant original and historic architectural components of the existing storefront, including those presently concealed by non-original materials. Such components shall be retained or repaired if feasible, or if repair is not feasible, replaced in kind.

(2) *Storefront openings.*

(i) *Size and placement.* Storefront infill shall fit within the opening established by the original building piers and lintels.

(ii) *Separation between storefronts and upper floors.* A storefront shall be visually separated from the upper floors or the top of the building by a horizontal architectural component, such as a cornice or sign band.

(3) *Storefront infill.* The design of storefront infill shall be based on:

(i) *Evidence of the original storefront.* An original storefront design shall be determined through references to historic photographs, remnants of historic fabric, or other historic storefronts in the building or similar type of building. (Note: LPC staff can assist you in locating historic photographs.) All such evidence shall be submitted to the Commission with the application; and/or

(ii) *General Jackson Heights storefront infill criteria.* These criteria, set forth below, reflect the typical historic configuration of storefronts in the Jackson Heights Historic District, which were comprised of three horizontal parts: solid bulkhead, display window, and transom.

(A) *Bulkhead.* A storefront shall have a bulkhead. The bulkhead shall be between 12 inches and 24 inches in height. The bulkhead shall be built of or clad with one of the following materials: (a) brick that matches the existing building facade brick; (b) stone or cast stone; (c) panelled wood with molded details; or (d) metal with molded detail. Corrugated metal shall not be permitted.

(B) *Display window.* A storefront shall have one or more display windows. Display windows shall be framed with wood or metal and shall be glazed with clear glass. Any blocking of the transparency of the glass of portions of the storefront shall be reversible and maintain the exterior surface of the glass. Back-painting or the installation of removable opaque panels behind the glass shall be permitted. The installation of tinted or mirrored glass shall not be permitted.

(C) *Transom.* A storefront shall have a transom above the door(s) if there is sufficient clearance within the existing masonry opening. Transoms are also required above display windows unless it is determined through physical or pictorial evidence that no transom existed originally or if there is not sufficient clearance within the existing masonry opening. Transoms shall be between 12 and 36 inches in height. Transom framing shall match the material and finish of the display window framing. Transoms shall be glazed with clear glass. Back-painted glass or the installation of a solid panel behind the glass shall be permitted when necessary to conceal a dropped ceiling if such ceiling falls below the top of the transom.

(D) *Building streetwall.* The overall placement of the bulkhead, display window and display window transom shall conform to the original building streetwall. A new display window, bulkhead, and door that incorporate external roll-down gates, with a recessed housing that complies with the criteria set forth below in 63 RCNY § 8-04(b)(6)(ii), may be recessed up to four inches to accommodate the width of the gate tracks.

(E) *Entrance.* A storefront with out-swinging doors shall have an entrance recessed a minimum of 18 inches from the building streetwall. The sides of the entrance recess shall be splayed or angled outward toward the street, unless restricted by the property line. Recessing is optional if a storefront has in-swinging doors.

(F) *Door.* A door shall have at least 75% of its surface area glazed with clear glass and shall be framed in wood or metal. Solid, flat (unpaneled) doors are not permitted.

(G) *Finish.* Non-glazed portions of the storefront infill shall be manufactured in, factory finished with paint or enamel in, or painted on site with

one of the following colors or finishes: (a) Black (b) Brown (c) Dark gray (d) Tan (e) Dark green (f) Maroon (dark brownish red) (g) Silver (stainless steel, clear-finished, or brush-finished aluminum). This finish shall be permitted only for metal storefronts in buildings specified in the Jackson Heights Historic District Designation Report as Art Deco or Modern Style. (h) Anodized finished on aluminum shall be black or silver only. Bronze anodized aluminum shall not be permitted.

(4) *Signage.*

(i) *Types of signs permitted on the ground story.*

(A) Back-painted signs on glass doors, display windows or transoms not exceeding 50% of the glazed area. No LPC permit is needed for this type of sign.

(B) Letters and logos pin-mounted or painted on a wood, metal, or opaque glass panel that is mounted flat within the sign band or spandrel. Such signs may be illuminated with a shielded or concealed source of light, or with "goose-neck" type fixtures. Such "goose-neck" fixtures shall be placed above the sign and shall not exceed one fixture for every 3 linear feet of sign.

(C) Neon signs installed in the display window behind the glass, provided that the perimeter of the window is not outlined with neon, the transparency of the display window is not materially reduced, and the size of the sign does not exceed 2 feet by 2 feet per display window.

(D) Individual pin-mounted opaque letters and logos illuminated from behind, each glowing with a halo of light, or individual letters with exposed neon tubes (no lenses). The letters or logos may be mounted on a flat metal or wood panel, or affixed to a base measuring no more than 4 inches deep by 4 inches high that houses the electrical conduit.

(E) Signs painted on awnings (if permitted under the awning rules, set forth below in 63 RCNY § 8-04(b)(5)).

(F) Small identification signs for second story tenants are permitted near the entrance to the second story premises.

(ii) *Types of signs permitted on the second story.*

(A) Back-painted signs on glass windows or transoms not exceeding 50% of the glazed area. No LPC permit is needed for this type of sign.

(B) Letters and logos pin-mounted or painted on a wood, metal or opaque glass panel, which is mounted flat on an area of plain masonry.

(C) Neon signs, installed in the second floor window behind the glass, provided that the perimeter of the window is not outlined with neon, the transparency of the second floor window is not materially reduced, and the size of the sign does not exceed 18 inches by 18 inches per window.

(D) Signs painted on awnings (if permitted under the awning rules, set forth below in 63 RCNY § 8-04(b)(5)).

(iii) *Types of signs not permitted.*

(A) Projecting banners and flagpoles.

(B) Internally illuminated box signs with plastic or glass lenses.

(C) Internally illuminated fabric signs or awnings.

(D) Flashing signs, moving signs, or strobe-lights.

(E) Neon border outline around perimeter of a window.

(F) Signs or advertising added to bulkheads.

(iv) *General criteria for sign installation.* Installation of the sign shall not damage or obscure significant architectural features of the building and/or the storefront.

(v) *Criteria for sign installation at ground story.*

(A) Ground story signs shall be installed in the sign band, spandrel, display window, transom, or door.

(B) The height of the sign shall not exceed the height of the sign band, or, if there is sign band, the spandrel area above the storefront.

(C) The length of the sign shall not exceed the length of the frontage of the storefront opening.

(vi) *Criteria for sign installation at the second story.*

(A) A second story sign shall relate to the commercial premises located at the second story.

(B) A second story sign may be placed on the building facade either in the spandrel area above the second story windows or centered between second story windows. The placement of second story signage shall be consistent for a single building.

(C) A sign located above a second story window shall not exceed 20 inches in height or the lesser of 6 feet in length or the width of the window(s) for the commercial premises.

(D) A sign placed between windows on the second story shall not exceed 30 inches in height or 3 feet in length.

(E) Second story signs on the facade shall not be externally or internally illuminated, except for neon signs that comply with the criteria set forth above in 63 RCNY § 8-04(b)(4)(ii)(C).

(5) *Storefront awnings.* These rules apply to the installation of awnings above ground story storefronts and above upper story windows. For storefronts in the Jackson Heights Historic District, the following criteria apply in lieu of the general awning rule set forth in 63 RCNY § 2-12. If a new storefront is being installed and an awning is desired, the storefront shall incorporate an awning in compliance with the criteria set forth below. Existing awnings in non-compliance with these criteria cannot be maintained unless the applicant can demonstrate to LPC staff that the new storefront installation will not require the removal of the existing awning.

(i) *General awning criteria.*

(A) An awning may be retractable or fixed. If fixed, the awning shall have a straight slope, be open on the sides, and have an unframed, flexible skirt. The awning skirt shall not exceed 10 inches in height. If retractable, the awning shall have a straight slope.

(B) The awning shall be attached to the facade at the lintel or transom bar, except that the awning may be attached above the lintel and below or within the lower portion of the sign band where: (a) an existing or permitted roll-down security gate makes it impossible to install the awning at the lintel or transom bar; or (b) installing the awning at the lintel or transom bar will result in the lowest portion of the awning being less than eight feet above the sidewalk. Where the awning is installed above the lintel but below or in the lower portion of the sign band, the awning encroachment on the area above the lintel shall be the minimum required to accommodate the conditions described above in subparagraphs (a) and (b).

(C) The length of the awning shall not exceed the length of the storefront opening or the associated window opening and the edges of the awning shall be aligned with the inside face of the principal piers of the storefront, or the window opening.

(D) The underside of the awning shall be open.

(E) The lowest portion of awning shall be at least 8 feet above the sidewalk.

(F) The awning shall project between three feet and six feet from the building street wall.

(G) The awning shall be clad only with water repellant canvas with a matte finish or other fabric of a similar appearance.

(H) A sign may be painted on the awning skirt. Such sign shall not exceed 8 inches in height.

(I) A sign may not be painted on the sloped portion of the awning unless the building has no sign band or spandrel area above the ground floor storefront. Such signs shall be proportionate with the size of the awning, but in no event shall such signs exceed 6 square feet in area per awning.

(ii) *Types of awnings not permitted.* The following types of awnings are not permitted:

(A) Fixed box awnings.

(B) Fixed waterfall or curved awnings.

(C) Novelty awnings.

(D) Translucent or transparent awnings illuminated from within or beneath.

(iii) *Canopies.* Canopies are not permitted.

(6) *Security gates.*

(i) *General requirements.* A security gate shall not obscure or detract from the design and details of an existing storefront and shall be architecturally integrated with the design and construction of a new storefront.

(ii) *Security gates for new storefronts.* If security gates are required, the new storefront shall be constructed with an internally-housed or completely internal security gate system or scissor gates. Subsequent to a new storefront installation, LPC staff will not approve a security gate in noncompliance with the criteria set forth below.

(A) *Roll-down gates.* All roll-down security gates installed pursuant to these rules shall be composed entirely of open mesh or have a solid metal panel at the base that does not exceed the height of the bulkhead it covers.

(B) *Internal gates.* A roll-down security gate may be mounted on the interior of the storefront. An internally mounted gate is required if an externally mounted gate cannot be installed in compliance with the criteria for external gates set forth below in subsection (C).

(C) *External gates.* A roll-down security gate may be mounted on the exterior of the storefront if it (1) does not affect, obscure, or damage historic fabric, (2) the security gate housing is located on the interior of the storefront, or the outer face of the security gate housing is set so as not to protrude beyond the building streetwall, and (3) the security gate tracks are recessed or set into reveals along the sides of the storefront.

(D) *Scissor gates.* Scissor gates are permitted if their installation does not obscure or damage any significant architectural feature.

(iii) *Security gates for existing storefronts.*

(A) An internal gate, scissor gate, or external gate may be installed if the installation is in compliance with the relevant criteria set forth above in 63 RCNY § 8-04(b)(6)(ii)(A-D).

(B) A replacement external gate that is not in compliance with the criteria set forth above in 63 RCNY § 8-04(b)(6)(ii)(C) may be mounted on the exterior of the storefront if the following criteria are met: (a) the existing storefront is not being replaced and the storefront had an exterior roll-down gate at the time of the designation of the Jackson Heights Historic District; (b) the installation of the new security gate shall not obscure or damage any significant architectural features; and (c) the security gate housing and tracks shall be finished in a color to match or harmonize with the storefront and the security gate housing will be completely covered by an awning that is installed and maintained in compliance with the awning rules set forth above in 63 RCNY § 8-04(b)(5); and (d) the security gate shall be composed entirely of open mesh or shall have a solid metal panel at the base that does not exceed the height of the bulkhead it covers.

(7) *Lighting.*

(i) The installation of lighting conduits and fixtures shall not obscure or damage any significant architectural feature.

(ii) Lighting conduits shall be internal or not visible.

(iii) External light fixtures shall illuminate only the storefront and/or ground story signs.

(iv) The number and size of light fixtures shall be in keeping with the scale of the storefront.

(v) The design of light fixtures shall be utilitarian or shall complement the architectural style and detail of the building.

(vi) Fluorescent and high intensity light shall be permitted only if the source of light is concealed and shielded.

(vii) Recessed light fixtures shall be mounted within the soffits of recessed storefront entrances.

(viii) No separate light fixture shall illuminate any sign with internal illumination.

(8) *Air conditioners/louvers.* Temporary, seasonal air conditioning units shall be installed in transoms over doors. Louvers for built-in air conditioning, heating or ventilation units may be installed at the door or window transoms. Louvers shall be mounted flush with the plane of the transom, and painted to match the color of the surrounding storefront elements.

§ 8-05 Procedure.

(a) *Submission of application.* The rules for making an application are set forth in 63 RCNY Chapter 2, Subchapter A ("Application Procedure") of these Rules. The illustrations included in Appendix B provide hypothetical examples of the types of storefronts and storefront installations which are permitted under these rules.

(b) *Review of application.*

(1) When the application is complete, a staff member will review the application for conformance with the criteria set forth in this 63 RCNY Chapter 8. Upon determination that the criteria of the guidelines have been met, a permit will be issued within 20 business days for a PMW or 30 business days

for a CNE, as measured from the day the staff determines that the application is complete.

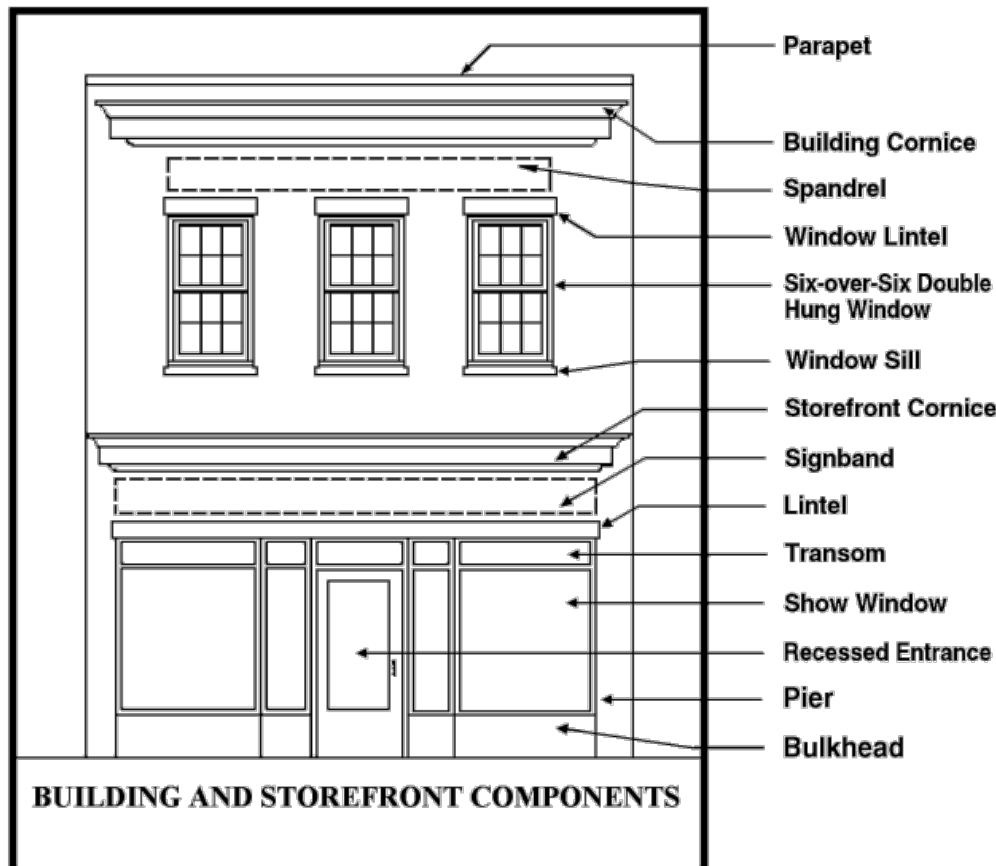
(2) If the criteria have not been met, the applicant will be given a notice of the proposed denial of the application and an opportunity to meet with the Director of the Preservation Department, or, when the Director is not available, with a Deputy Director, to discuss the interpretation of these rules. The applicant must request such a meeting in writing within 10 business days from the date of the notice of proposed denial.

(3) If an application for work is denied a PMW or CNE under these Rules, the applicant shall be informed of his or her right to file for a C of A pursuant to Title 25, Chapter 3 of the Administrative Code of New York City.

(c) *Illustrations.* Drawings are the most effective way to illustrate the proposed work in a clear and precise fashion. The drawings contained in Appendix B of this 63 RCNY Chapter 8 are examples of the types of drawings an applicant will be required to submit to the LPC as components of a complete application. As examples, these drawings have been simplified to generalize and illustrate many of the definitions and the requirements enunciated in the rules above. Submissions to the Commission must be specifically tailored to individual proposals. Drawings must be made to scale, and include all pertinent dimensions. Applications also may be supplemented, as necessary, with photographs of existing conditions, construction details, materials samples, specifications, and maps, to best explain the proposed work.

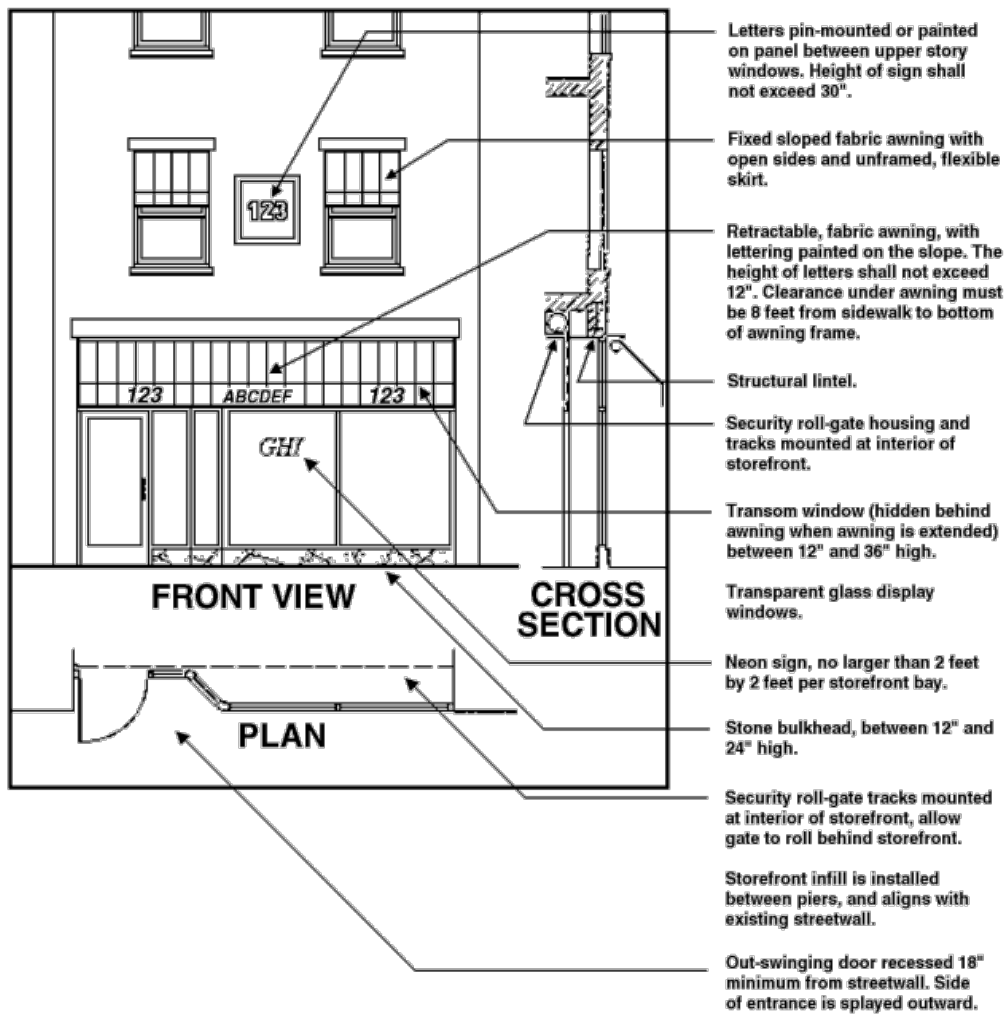
Appendix A: Illustrations of Definitions of Architectural Element

JACKSON HEIGHTS STOREFRONT RULES



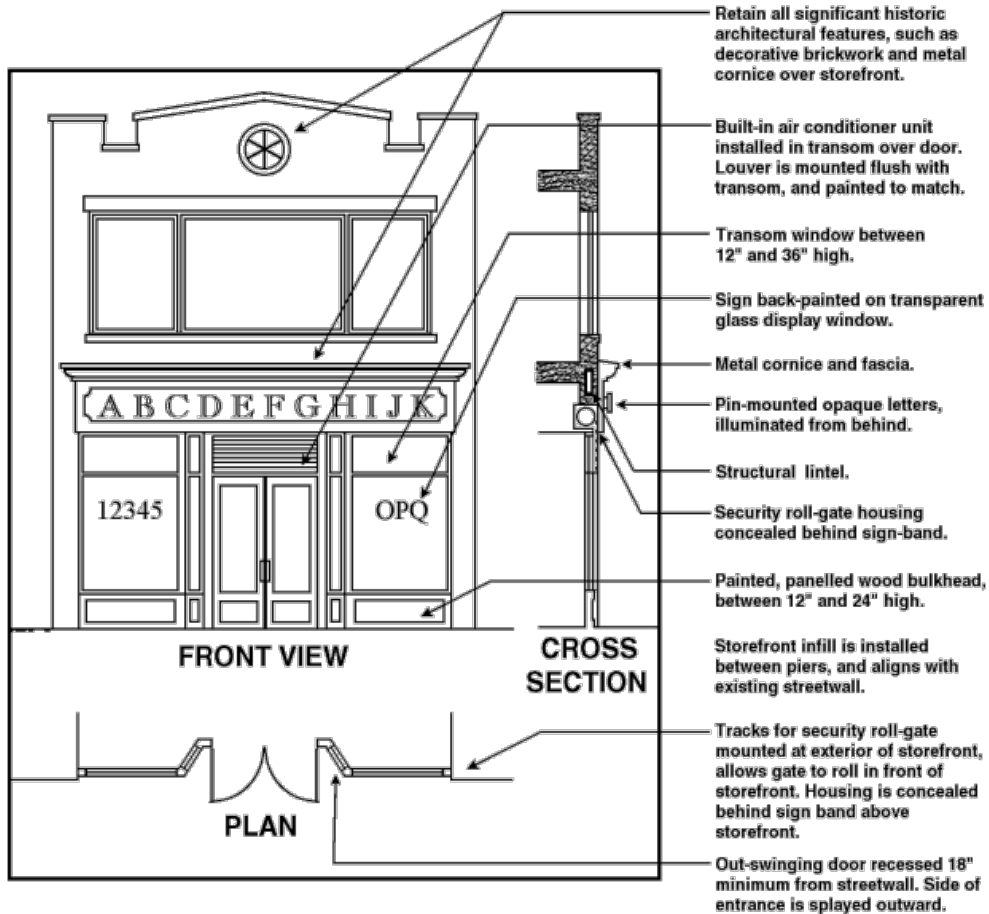
Appendix B: Application Drawings

JACKSON HEIGHTS STOREFRONT RULES



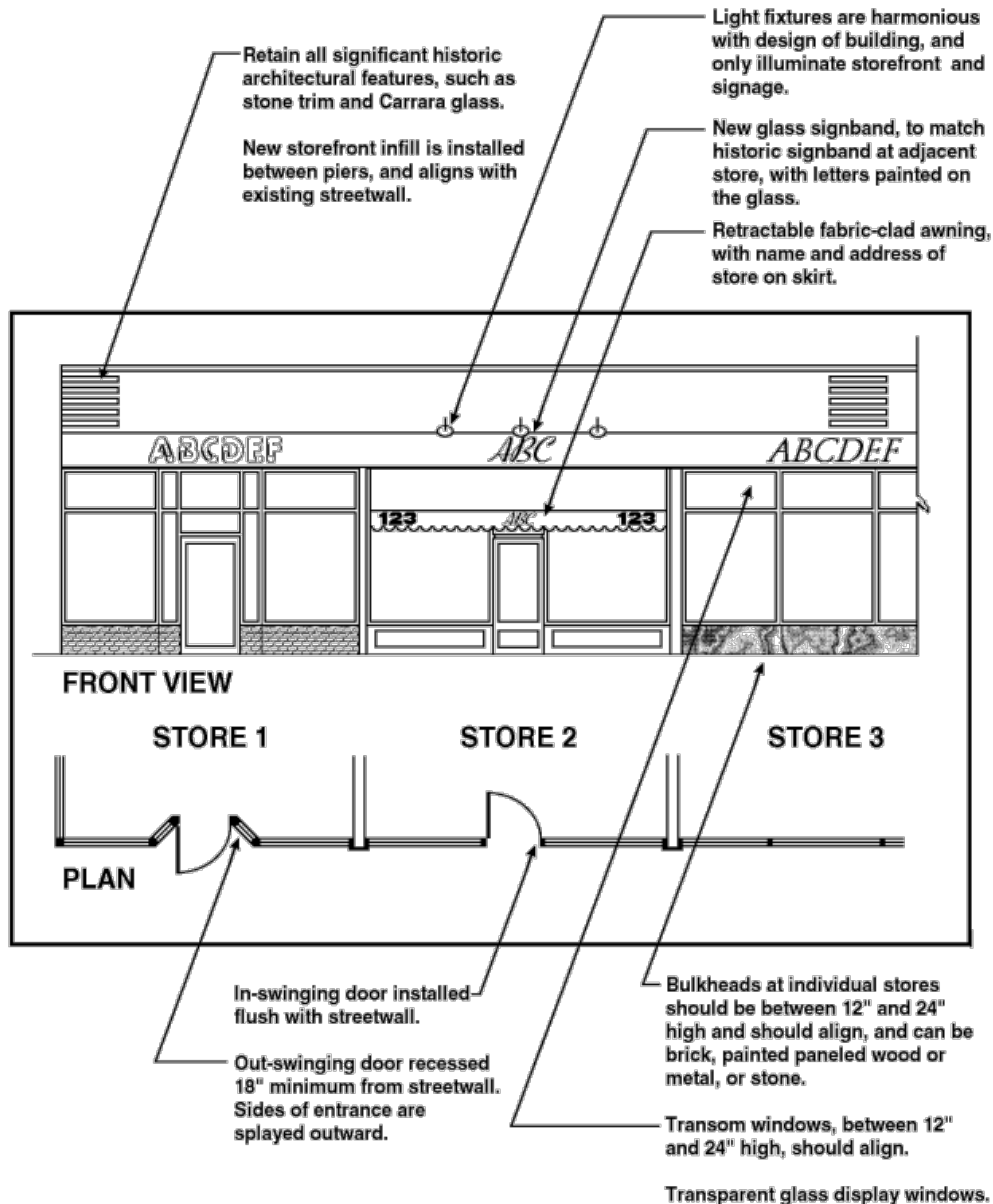
EXAMPLE ONE – STOREFRONT WITH SIDE ENTRANCE

JACKSON HEIGHTS STOREFRONT RULES



EXAMPLE TWO – STOREFRONT WITH CENTER ENTRANCE

JACKSON HEIGHTS STOREFRONT RULES



EXAMPLE THREE – BUILDING WITH MULTIPLE STOREFRONTS