NOTICE OF ADOPTION OF AMENDED RULES

Notice of Adoption of Amendments to Rules

Pursuant to the authority granted to the New York City Landmarks Preservation Commission by Sections 1043 and 3020 of the New York City Charter and Sections 25-303, 25-305, 25-306, 25-307, 25-308, 25-310, 25-313 and 25-319 of the Administrative Code of the City of New York that the Landmarks Preservation Commission, at a public meeting on July 26, 2011, and after a public hearing on March 1, 2011 and a public meeting on July 19, 2011, adopted amendments to its rules relating to work on designated properties as set forth below.

Statement of Basis and Purpose

The Landmarks Preservation Commission is authorized by Section 25-319 of the Administrative Code of the City of New York to promulgate regulations governing the protection, preservation, enhancement, perpetuation and use of landmarks, interior landmarks, scenic landmarks and buildings in historic districts. The Commission issues permits authorizing work on such designated landmarks which, following procedures stated in Sections 25-305, 25-306, 25-307, 25-308 and 25-310 of the Administrative Code of the City of New York, it determines to be appropriate in accordance with the factors and standards provided under Sections 25-306, 25-307 and 25-310.

The amendments relate to rules governing new sash and frames in secondary facades; installation of heating; ventilating and air conditioning equipment; new window openings; rear yard additions or enlargements; temporary installations; rooftop additions; bracket signs; and expedited review procedures, and to add new rules relating to storefront signage and revocation of approvals. The amendments are intended to reflect current practices and policies at the Commission, to streamline review of applications relating to these subject matters and to add new rules to address perceived inadequacies of the existing rules. The amendments are summarized below:

§ 1. Amendments to section 2-11 set forth the requirements for staff approvals of ductless split system HVAC equipment on non-visible facades.

§ 2. Amendments to section 2-15 set forth additional requirements for the approval of new window openings on visible secondary facades to ensure that the character of the façade is not altered.

§ 3. The rule repeals section 2-16 and replaces it with a new section 2-16 which updates the section to reflect current policies and practices of the Commission. In reviewing proposed rear yard additions or enlargements, the new section requires staff to consider the relationship of the proposed addition or enlargement to existing conditions within the

block. The amendment also limits the applicability of this section where the building has, or has an approval for, a rooftop addition.

§ 4. Amendments to section 2-18 provide for two additional renewal periods for temporary permits for construction related structures and installations on publicly owned property. For construction related installations, the amendments additionally require an approved plan for the removal, storage and reinstallation of significant architectural features and elements.

§ 5. Amendments to section 2-19 add certain types of solar and wind technologies to the definition of "mechanical equipment" and update the requirements related to rooftop additions to reflect current policies and practices of the Commission by adding size, height and siting limitations. In addition, the section is amended to limit its applicability where the building has, or has an approval for, a rear yard addition.

§ 6. Amendments to Section 2-20 broaden the scope of approvals for signs to include storefront signs and signs hanging underneath canopies. The section is retitled and new definitions are added. Subdivision (c), dealing with bracket signs, is relettered as (d) and is also amended by including size and other limitations on bracket signs set forth in the Zoning Resolution. Finally, a new subdivision (c) is added that sets forth requirements for staff approvals for storefront signs, including requirements related to size, location, lettering, illumination, and the cumulative effect of multiple signs.

§ 7. Section 2-32, relating to expedited approvals, is amended to include work occurring in the cellar or basement.

§ 8. Subdivision (d) of section 3-04 is repealed and replaced with a new subdivision which clarifies the requirements for new sash and frames in new and modified window openings on secondary facades.

§ 9. The rule amends chapter 7 by adding a new section 7-06. The new section sets forth a process for revoking commission approvals due to a failure to comply with the requirements of the approval, due to false or incorrect statement or misstatement of material fact in the application materials, or where the approval was issued in error.

Additions are shown by <u>underscoring</u> and deletions by brackets ([ ]).

§ 1. Section 2-11 of Title 63 of the Rules of the City of New York is amended by adding a new subdivision (e) and re-lettering subdivisions (e) and (f) as subdivisions (f) and (g), as follows:

(e) *Installation of ductless split system HVAC equipment on non-visible secondary facades.* A PMW or CNE will be issued for the installation of ductless split system HVAC equipment mounted to non-visible secondary facades if the proposal meets the following criteria:

(1) the wall-mounted HVAC units and all associated conduits will not be visible from a public thoroughfare;

(2) the mounting structure will be attached to the masonry wall through the mortar joints and its installation will be reversible;

(3) penetrations for conduit through the façade will be as small as possible and in no event greater than 3 inches in diameter;

(4) conduit from HVAC units will be painted to match the underlying material; and

(5) no decorative masonry or other significant features will be affected by the installation and the alterations to the exterior wall must be reversible.

[(e)] (f) *Installation of HVAC equipment in yards and areaways of landmarks and buildings in historic districts.* (1) A PMW or CNE may be issued for the installation of HVAC equipment in a location in the side or rear yard if the proposal meets the following criteria:

(i) the installation will not be visible from any public thoroughfare; and

(ii) the installation will not affect any significant architectural feature of the landmark or of a building in an historic district.

(2) Proposals for installations of HVAC equipment in front yards or in a location in a side or rear yard which is visible from a public thoroughfare require review for a COFA.

[(f)] (g) *Master plans.* (1) A master plan for the installation of HVAC equipment over a period of time can be approved under a PMW if the plan is in conformance with section 2-02 of these rules. After the permit is issued, proposed installations will require applications requesting an Authorization to Proceed (ATP).

(2) The master plan shall set forth standards for future changes and shall specifically identify such standards by drawings, including large scale details of installation specifications, specific unit locations and installation types.

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

(a) Visible window openings on secondary facades:

(1) the new window opening(s) and sash retain the same general shape and pattern as existing windows on the same facade, or, where there are no existing window openings, the new window 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 the new sash does not detract from the sash on the primary façade];

(2) the new sash will match the configuration and finish of the historic, predominant window sash on the secondary façade. If there is no such existing sash, the new sash will match the configuration and finish of**,** or not detract from**,** the window sash on the front façade;

[(2)] (3) the location of new window openings is consistent and regular and that the number, size or placement of the new window openings does not change the character of the façade as a secondary and subservient façade with a high solid to void ratio. For row houses or townhouses, staff may approve no more than one new window opening for every 20 linear feet of secondary façade per floor; existing window openings on such façade shall be counted in determining how many new window openings may be approved for each floor; and

[(3)] (4) new window opening and sash do not detract from the significant

architectural features of the building or adjacent buildings by virtue of their proximity to such features.

§ 3. Section 2-16 of Title 63 of the Rules of the City of New York, relating to rear yard additions and enlargements, is repealed and a new section 2-16 is added, to read as follows:

§2-16 **Rear Yard Additions or Enlargements to Row houses in Historic Districts.**

Staff may issue a Certificate of No Effect (CNE) for a rear yard addition to, or enlargement of, a row house in a historic district if the project meets the following criteria:

(a) the rear of the building has no significant architectural features (such as corbelled brickwork, decorative lintels or sills, and projecting bays) that would be lost or damaged as a result of the construction of the addition;

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

(c) a majority of the other buildings in the block feature comparable or larger rear yard additions or enlargements in terms of their projection into the rear yard;

(d) the proposed addition or enlargement does not rise to the full height of the building and is not taller than the predominant height of existing additions or enlargements in the block;

(e) the rear facade will not be removed from the entire width of the building. Instead, existing openings will be modified to provide access into the addition;

(f) the rear of the building retains the scale and character of an individual rowhouse;

(g) the proposed addition or enlargement is not visible from a public thoroughfare or right of way**;**

(h) the proposed work complies with the Zoning Resolution and will not require a special permit or variance; and

(i) the building does not already have a grandfathered rooftop addition or enlargement, a rooftop addition or enlargement approved by the staff pursuant to section 2-19 of this chapter, or a rooftop addition or enlargement approved by the Commission.

§ 4. Section 2-18 of Title 63 of the Rules of the City of New York is amended to read as follows:

§2-18 **Temporary Installations.**

Staff of the Landmarks Preservation Commission is authorized to issue a Certificate of No Effect (CNE) for proposals calling for the temporary installation of signs, banners or other temporary installations such as various forms of artwork or kiosks, if the following criteria are met:

(a) "Temporary Installation" is defined as an installation for sixty (60) days or less for signs and banners or one (1) calendar year or less for other temporary installations. The duration of any temporary installation authorized under this rule will be specified in the CNE. Any temporary installation must be for a single period not to exceed sixty (60)

days for signs and banners or one (1) calendar year for other temporary installations. However, approvals of temporary installations related to approved construction on the property and temporary installations on publicly owned properties may be renewed for up to two additional installation periods. With respect to temporary installations related to approved construction on the property, the staff will make a determination, prior to renewing the approval, that the project is proceeding with reasonable promptness; and

(b) the installation will cause no damage to protected architectural features of the property; and

(c) an acceptable plan and time schedule for the dismantling of the property has been submitted to the Commission as a component of the application, along with specifications for any repair work that might be required after dismantling of the property. In the case of artwork, the applicant is also required to submit a written instrument signed by the artist and the building owner that evidences the owner's authority to remove the artwork when the temporary installation permit expires and that waives any protection under applicable federal or state law afforded to the artist or artwork that would prevent such removal at the expiration of the temporary permit, including but not limited to, the Visual Artists Rights Act of 1990, 17 U.S.C. 101 et seq. and Article 14 of the New York State Law on Arts and Cultural Affairs; and

(d) with respect to temporary installations related to approved construction work, an acceptable plan for dismantling, storing and reinstalling any significant features that had to be removed to perform such work has been submitted to the Commission; and

[(d)] (e) if the applicant is not a public or quasi-public agency, an escrow agreement or other adequate assurance acceptable to the Commission is provided to establish that a mechanism is available for the removal of the installation upon expiration of the permit should the applicant fail to remove the installation.

§ 5. The definition of "mechanical equipment" in subdivision (a), subdivision (d) and subdivision (e) of section 2-19 of Title 63 of the Rules of the City of New York are amended to read as follows:

(a) *Definitions.*

Mechanical equipment. "Mechanical Equipment" shall include, but not be limited to, heating, venting and air conditioning equipment, alternative or distributed energy equipment, such as solar panels, wind turbines or micro-turbines; watertanks and their supporting structures[,]; stair and elevator bulkheads; screens, dunnages, baffles and other accessory installations; and satellite dishes, but shall not include telecommunication equipment and conventional television antennas. For the purpose of this rule, mechanical equipment shall also include unenclosed decks, garden trellises, or associated railings.

(d) *Occupiable space rooftop additions to be constructed on a structure which is an individual landmark.*

(1) The Landmarks Preservation Commission shall issue a CNE for any rooftop addition to be constructed on a structure [which] that is an individual landmark [which] if the rooftop addition:

(i) consists of occupiable space; and

(ii) is no more than one story with a height of no more than eleven feet as measured from the roof of the structure on which such rooftop addition is to be constructed; and

(iii) is set back at least three feet from the plane of the rear façade; and

([iii]iv) does not result in damage to, or demolition of, a significant architectural feature of the roof of the structure on which such rooftop addition is to be constructed; and

([iv]v) is not visible from a public thoroughfare; and

([v]vi) has no outstanding objection for use or bulk listed on the objections sheet for such structure[.]; and

(vii) the structure on which such rooftop addition is to be constructed does not have a grandfathered rear yard addition or enlargement, a rear yard addition or enlargement approved by the staff pursuant to section 2-16, or a rear yard addition or enlargement approved by the Commission.

(e) *Rooftop additions to be constructed on any structure within a designated historic district, other than an individual landmark.*

(1) The Landmarks Preservation Commission shall issue a CNE for any rooftop addition to be constructed on any structure within a designated historic district, other than an individual landmark, which:

(i) consists solely of mechanical equipment; and

(ii) does not result in damage to, or demolition of, a significant architectural feature of the roof of the structure on which the rooftop addition or installation is to be constructed; and

(iii) is either not visible from a public thoroughfare or is only minimally visible from a public thoroughfare.

(iv) does not adversely affect significant architectural features of adjacent improvements.

(2) The Landmarks Preservation Commission shall issue a CNE for any rooftop addition to be constructed on any structure within a designated historic district, other than an individual landmark, which:

(i) consists of occupiable space; and

(ii) is no more than one story with a height of no more than eleven feet as measured from the roof of the structure on which such rooftop addition is to be constructed; and

(iii) the rooftop addition is set back at least three feet from the plane of the rear façade; and

([iii]iv) does not result in any damage to, or demolition of, a significant architectural feature of the roof of the structure on which it is constructed; and

([iv]v) is not visible from a public thoroughfare; and

([v]vi) does not adversely affect significant architectural features of adjacent improvements; and

([vi]vii) has no outstanding objection for use or bulk listed on the objections sheet for such structure[.] and

(viii) the structure on which such rooftop addition is to be constructed does not have a grandfathered rear yard addition or enlargement, a rear yard addition or

enlargement approved by the staff pursuant to section 2-16, or a rear yard addition or enlargement approved by the Commission.

§ 6. Subdivisions (a) and (b) of section 2-20 of Title 63 of the Rules of the City of New York are amended, subdivision (c) is relettered as subdivision (d), a new subdivision (c) is added, and subdivision (d), as relettered by this section, is amended, to read as follows:

(a) Introduction. [The large commercial buildings that substantially define the character of the Tribeca East, Tribeca West, Tribeca South, So-Ho Cast Iron, NoHo, and Ladies' Mile Historic Districts historically had a wide variety of signage, including rigid projecting signs. These signs, known as "bracket signs" extended out perpendicularly from the building face and typically had signage on both sides of the sign.] Signage was a typical feature of historic buildings that contained commercial or manufacturing uses. Such signage included signs painted or affixed above storefronts in signbands, signs within display windows, bracket signs, signs hanging from underneath canopies. This rule sets for the requirements for staff approval of some types of storefront signage and associated lighting for such signage.

(b) *Definitions.* As used in this §2-20, the following words shall have the following meanings:

Armature. "Armature" [shall] means a metal structural support for a rigid projecting sign. The armature may support the bracket sign by means of one or two projecting arms.

Bracket Sign. "Bracket Sign" [shall] means a rigid outdoor sign, with two display faces, installed perpendicular to a building façade and hanging from an armature, used as an announcement for an establishment in the building, consisting of the rigid display faces and all letters, words, numerals, illustrations, decorations, trade marks, emblems, symbols or their figures or characters associated with the name of the establishment that are applied to the faces. In addition, a bracket sign may consist solely of an outline of a shape and/or letters intended to act as a symbol or sign for the establishment.

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

CNE. "CNE" [shall] means Certificate of No Effect as defined by §25-306 of the New York City Administrative Code.

Establishment. "Establishment" [shall] means a manufacturing, commercial or retail business or profession.

Façade. "Façade" [shall] means an entire exterior face of a building.

LPC. "LPC" [shall] means the Landmarks Preservation Commission.

LPC Staff. "LPC staff" means the staff of the Landmarks Preservation Commission acting in the Commission's agency capacity.

PMW means a Permit for Minor Work pursuant to §25-310 of the New York City Administrative Code.

Pier means an exterior vertical member(s) or element(s) (usually of brick, stone, or metal), placed at intervals along a wall, which typically separates storefront openings within a single building or defines a single storefront opening.

Sign means a fixture or area containing lettering or graphics used to advertise a store,

goods, or services.

Signage means any lettering or other graphics used to advertise a store, goods, or services.

Signband means the flat, horizontal area on the façade, usually located immediately above the storefront and below the second story window sill where signs were historically attached. Signbands can also be found immediately above the storefront display window, but below the masonry opening's lintel. A signband shall not include the frieze of a cornice that is less than 12" in height.

Significant architectural feature means an exterior architectural component of a building that contributes to or reinforces its special historic, cultural, and aesthetic character.

Storefront means storefront infill.

Storefront bay means the area of a storefront defined by and spanning two piers.

Storefront infill means the framing, glazing, and cladding contained within a storefront opening in the façade, including display windows, bulkheads, entranceways, etc.

Storefront opening means the area of the façade between the piers and lintel, which contains storefront infill.

Transom means a glazed area above a display window or door that is separated from the display window or door by a horizontal framing member ("the transom bar"). The glazing in the transom may be fixed or operable.

(c) *Installation of storefront signs for existing storefronts.* The LPC staff will issue a CNE or PMW for a storefront sign, other than a bracket sign, if the proposed work meets the relevant criteria listed below:

(1) The installation of signage will not damage, destroy or obscure significant architectural features or material of the building or storefront.

(2) Signs may be installed in signage bands above a storefront opening or within the storefront opening.

(3) Signs include pin-mounted letters and logos that project no more than one inch if installed directly into masonry or wood, and letters and logos applied directly on wood, metal, or opaque glass panels mounted flat with the signband, or painted directly onto the ground floor signband and lintels. Pin mounted letters may be installed directly into the storefront material, but not including cast iron.

(4) Flat sign panels will project no more than 3 inches from the façade, and pin-mounted letters on sign panels will project no more than 1 inch beyond the panel for a total projection of 4 inches from the façade.

(5) The sign must be proportional to the signband, but in no event shall it exceed 90 percent of the area of the signband and the letters may not be higher than 18 inches.

(6) Exterior signage may not be internally illuminated.

(7) One interior neon sign per display window is permissible, provided that the sign is transparent, is installed a minimum of 6 inches behind the glass, does not substantially reduce the transparency of the display window and in no event exceeds 4 square feet in area. Neon strips outlining the display window will not be permitted.

(8) Painted and vinyl **s**ignage may be applied directly onto the storefront glazing, including glazing at the doors, transom and display window**,** provided that the signage

does not substantially reduce the transparency of the display window, and does not exceed more than 20 percent of the glazed area.

(9) Signage may be illuminated externally with a shielded source of light, or with a small "goose-neck" type of fixture placed above the sign, with a maximum of one fixture per 5 linear feet of sign.

(10) Light fixtures will be installed in areas of plain masonry, metal, or wood, provided that the installation does not damage, destroy, or obscure significant architectural features of the building or storefront.

(11) Lighting conduits will be concealed.

(12) Exterior light fixtures may only illuminate storefronts and related signage.

[(13) Signage painted on glass doors and display windows (including transoms) will not exceed 20% of the glazed area.]

[(14)] (13) In approving an application for signage the LPC staff will consider the overall amount of approved signage for the storefront. If the staff determines that the overall amount of signage is excessive and will detract from the architectural features of the building, the adjacent buildings, or the streetscape, the staff will require that existing or proposed staff approved signage be eliminated or reduced. Such signage includes but not limited to signs on awning skirts and signage applied to the storefront glazing.

([c] d) *Installation of bracket signs.* The LPC staff shall issue a CNE for a bracket sign if the proposed work meets all of the following criteria:

(1) The armature shall be installed below the second story within the storefront opening or on the flat face of a plain masonry pier and shall be mechanically fastened into the storefront infill or into the mortar joints of a plain masonry pier, or attached to the framing members at the underside of a metal canopy on an industrial building, and such installation shall neither damage nor conceal any significant architectural features of the building.

(2) The armature shall be a dark finished metal and shall be simply designed.

(3) The display faces of the bracket sign may be made of wood or metal. If the bracket sign has display faces, the letters, words, numerals, illustrations or graphics, etc. may be painted or applied onto the display faces, and may be raised slightly from the surface. The overall width, as measured from face to face, shall not exceed 2 inches, and, if there are raised letters, illustrations, etc. the bracket sign shall not exceed a width of three inches as measured from the outside plane of such raised letters or illustrations. The display faces and the letters, words, numerals, illustrations or graphics, etc. shall be of a color or colors that do not detract from the significant architectural features of the building or neighboring buildings. No neon or other vividly bright colors shall be permitted.

(4) The bracket sign shall not be internally illuminated, nor shall such sign have neon or L.E.D. (Light Emitting Diode) lighting of any kind, nor shall any lighting fixture or mechanism be attached to the armature.

(5) The bracket sign may be fixed or may move freely from its points of attachment to the armature, but in no event shall the bracket sign be made to move by mechanized or controlled means.

(6) Number of bracket signs for ground floor establishments.

(i) Except for signs subject to subparagraph (iii) below, one bracket sign per ground floor establishment shall be permitted.

(ii) In buildings with more than one ground floor establishment, one sign per establishment may be installed, provided that there is no more than one sign per 25 feet of building facade fronting on a street, and further provided that the size, design, placement, materials and details of all of the armatures match. The placement of the bracket sign on the building shall be in close proximity to the establishment that is identified on the bracket sign.

(iii) A ground floor establishment with a corner storefront may have one bracket sign on each building facade with at least 25 feet of street frontage, provided that each facade has a primary entrance and each bracket sign is located in close proximity to an entrance, but in no event shall more than one bracket sign be located within 20 feet of the corner of the building.

(7) Bracket signs for upper story establishments. A single armature for a bracket sign for an upper story establishment or establishments may be installed adjacent to the building entrance for such upper story establishments. This armature may hold one sign for each upper story establishment, provided such signs hang vertically underneath one another on the same armature, and further provided that in no event shall the total dimensions of such signs, taken together, exceed the size requirements specified in paragraph (8) below.

(8) The size of the bracket sign, oriented horizontally or vertically, shall conform to the requirements of the Zoning Resolution, but in no event shall the size exceed 24 inches by 36 inches, oriented horizontally or vertically in districts that were historically manufacturing or industrial in character, 18 inches by 24 inches in districts that were historically commercial**,** or 12 inches by 18 inches in districts that were historically residential in character. Novelty shapes, such as circles, polygons and irregular shapes [may be permitted provided such shapes fall within the above dimensions] are permitted, as are novelty objects, provided such shapes and objects generally fall within the parameters described in this paragraph.

(9) The projection of the bracket sign and armature beyond the property line shall conform to the requirements of the Zoning Resolution and Building Code, but in no event shall extend more than 40 inches from the façade in districts that were historically manufacturing or industrial in character, and no more than 22 inches in districts that were historically residential in character.

(10) The bracket sign shall be installed so that the lowest portion of the sign is at least ten (10) feet above the sidewalk.

(11) The establishment seeking approval for a bracket sign shall not, for the same building, already be utilizing an LPC-approved, grandfathered or unapproved flagpole and banner, nor shall it have approval from the LPC for installing a new flagpole and banner on the same building.

(12) In approving an application for a bracket sign, the staff shall consider the overall amount of staff and Commission approved signage for the storefront. If the staff determines that the overall amount of signage with the proposed bracket sign is excessive and will detract from the architectural features of the building, the staff shall require that other types of existing or proposed staff approved or approvable signage, including but

not limited to signs on awning skirts and signage applied to the storefront glazing, be eliminated or reduced.

[(13) The application is to install the bracket sign on a building designed as a commercial or loft building and zoned for commercial use and located within the Tribeca East, Tribeca West, Tribeca North, Tribeca South, SoHo Cast-Iron, NoHo, and Ladies' Mile Historic Districts.]

§ 7. Subdivisions (a), (b), and (c) of section 2-32 of Title 63 of the Rules of the City of New York are amended to read as follows:

(a) *General.* An applicant may request that an application for interior work above the second story [on] or in the cellar or basement in any landmark or building within an Historic District, other than an application for interior work on a part of the building which has been designated an interior landmark, be reviewed on an expedited basis. Expedited review is predicated upon the statements and representations of the architect or engineer and the owner and upon the satisfaction of certain terms and conditions, all as set forth in this §2-32.

(b) *Work eligible for expedited review.* Interior work which is to be performed above the second story or in the cellar or basement and which does not involve any excavation**,** except for minimal excavation related to elevator or mechanical work**,** or change to, replacement of, or penetration of, an exterior wall, window, skylight or roof, including but not limited to penetrations, replacements or changes for ducts, grilles, exhaust intakes, vents or pipes, may qualify for an expedited review.

(c) *Conditions to expedited review.* Each of the following conditions must be satisfied in order to obtain an expedited review:

(1) The work shall be eligible work as described in §2-32(b) above.

(2) The application for which an expedited review is requested shall be accompanied by a completed Landmarks Preservation Commission expedited review form which shall include:

(i) a statement signed and sealed by the architect or engineer that:

(A) the architect or engineer has prepared, or supervised the preparation of, the plans and specifications submitted with the application;

(B) all work shown on such plans and specifications is:

(a) interior work only,

(b) to be performed only above the second story or in the cellar or basement,

(c) not to be performed on any portion of a space designated as an Interior Landmark,

(d) does not involve excavation, except for minimal excavation related to elevator or mechanical work, or any change to, replacement of, or penetration of, a window, skylight, exterior wall or roof or any portion thereof[;], and

(e) for floors 3-6 does not involve a dropped ceiling or a partition which is less than a minimum of 1'-0" back from interior window sill or frame

whichever is further from the glass.

(C) that where there are associate architects or engineers, that they likewise join in the request for an expedited review of the application;

(D) that the architect or engineer and associate architects or engineers, if any, are aware that the Landmarks Preservation Commission will rely upon the truth and accuracy of the statements contained in the application made by them, and any amendments submitted in connection therewith, as to compliance with the provisions of the Landmarks Law and these rules;

(ii) a sworn statement executed by the owner of the property that:

(A) the proposed work described is of the type described in §2-32(b);

(B) no change to, or modification of, the proposed work shall be undertaken by the owner, his or her architect or engineer or any other agent of the owner without the prior approval of the Landmarks Preservation Commission; and

(C) the necessary remedial measures to obtain compliance will be taken, if the same becomes necessary;

(3) No "Notice of Violation" from the Landmarks Preservation Commission shall be in effect against the property which is the subject of the proposed work for which an expedited review is requested; and

(4) The application is complete in all other respects.

(5) The architect or engineer and associate architects or engineers, if applicable, have not been excluded by:

(i) the Chair of the Landmarks Preservation Commission from the procedures for expedited review pursuant to §2-34 of these rules; or

(ii) the Commissioner of the Department of Buildings from the Department's procedures for limited supervisory check of applications and plans set forth in 1 RCNY §21-02.

§ 8. Subdivision (d) of section 3-04 of Title 63 of the Rules of the City of New York, relating to new sash and frames in secondary facades, is repealed and a new subdivision (d) is added, to read as follows:

(d) *New sash and frames in secondary facades.*

(1) If existing windows, or new windows in new window openings approved under § 2-15 of this title, are visible from a public thoroughfare, replacement windows may be approved if:

(i) they match the historic windows in terms of configuration and finish**,** or otherwise do not detract from the windows on the primary facade;

(ii) they are to be installed in:

(A) existing window openings;

(B) existing window openings that are to be enlarged or reduced in height or width in a manner that retains the same general shape and pattern as existing windows on the same façade, or that form a regular and consistent pattern; or

(C) new window openings that conform to and are in a similar pattern as window openings in clauses A and B of this subparagraph;

(iii) the new window openings, new windows and/or sash do not detract from the significant architectural features of the building or adjacent buildings; and
(iv) the number, size and pattern of new window openings and sash do not alter the character of the façade as a secondary and subservient façade that has a high solid to void ratio. For row houses or townhouses, staff may approve no more than 1 new window opening for every 20 linear feet, or fraction thereof, of secondary façade per floor; existing window openings on such façade shall be counted in determining how many new window openings may be approved for each floor.

(2) If existing windows are not visible from a public thoroughfare, replacement windows may be approved if:

(i) they are to be installed in existing window openings or existing openings that are to be enlarged or reduced in height or width according to § 2-15 of this title. Such enlargement or reduction also does not alter or destroy protected features or detract from the significant architectural features of the building or adjacent buildings;
(ii) the windows on the top floor of a rear façade of a row house are not to be enlarged or reduced, with the exception of one window opening which may be lowered to provide access to an approved or grandfathered deck; and
(iii) they do not replace "special" windows as defined in the definitions (§ 3-01) and illustrated in Appendix A of this chapter.

§ 9. Chapter 7 of Title 63 of the Rules of the City of New York is amended by adding a new section 7-06, to read as follows:

§7-06 **Revocation of Approvals.**

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

(i) there is a failure to comply with the provisions of chapter 3 of title 25 of the Administrative Code of the City of New York, or this title of the Rules of the City of New York;
(ii) there is any incorrect or false statement or any misrepresentation or omission in the documents submitted in the application for approval with respect to a fact that was material to the issuance of the approval;
(iii) or an approval has been issued in error and conditions are such that approval should not have been issued.

In such an event, the Commission will issue a “Notice of Intent to Revoke” (“Notice”) that will inform the applicant of the reasons for the proposed revocation. The applicant has the right to present to the commissioner or his or her representative information on why the approval should not be revoked. The applicant must present such evidence within 10 business days if the Notice was personally served or 15 calendar days if the Notice was sent by mail.

(b) *Effect on Approval.* Upon issuance of a Notice all work must cease immediately and no work will occur at the site until such time as the Commission shall withdraw the Notice and reinstate the approval. Revocation of an approval will be effective upon the issuance of a written Final Decision of Revocation by the commissioner after the time period for submission of rebuttal information has ended. The Final Decision of Revocation should be issued within 20 working days after the time period for the applicant to respond has expired, or within ten working days after receipt of a written request for issuance of a Final Decision of Revocation if the commissioner fails to issue the Final Decision of Revocation in the initial 20 working day period. The Final Decision of Revocation will state the reasons that the approval is being withdrawn. The revocation of any approval is the automatic revocation of all associated approvals (including certificates, permits, reports, notices or amendments in the future) that may have been issued.

(c) The Notice of Intent to Revoke and the Final Decision of Revocation may be issued by personal service or sent by registered mail to the applicant's address as it appears in the application. If the registered mail is unsuccessful, the commission may send the notice using the procedures permitted in section 25-313 of the Administrative Code of the City of New York.

(d) *Enforcement action.* All or some of the work performed in connection with an approval that has been revoked may be subject to enforcement action under sections 25-317, 25-317.1 and 25-317.2 of the Administrative Code of the City of New York. Such enforcement action may start upon the issuance of a written final decision by the commissioner or his or her designee to revoke the approval.