



Re 2/23
DEPARTMENT OF BUILDINGS
120 WALL STREET, NEW YORK, N. Y. 10005
IRWIN FRUCHTMAN, P.E. Commissioner

February 23, 1979

Hon. Robert Wagner, Jr., Chairman
City Planning Commission
2 Lafayette Street
New York, New York

Re: Zoning Interpretation Related
to Conversion under Sect. 54-311

Dear Chairman *JL* Wagner:

At a meeting held in my office on February 21, 1979 between Mr. Julie Spector, of City Planning, and members of my staff, we reviewed the problem of different interpretations of Section 54-311 of the Zoning Resolution.

It was agreed that for all applications not yet approved, the Building Department would only permit this section to be used for buildings which presently have density controls from which a theoretical lot area can be computed. The discussion brought out that the Building Department was using this section for commercial conversions also, because the resolution is not clear as how to handle such conversions. It was pointed out by the Building Department staff that if a particular commercial building is to be converted to residential use and exceeds the bulk regulations, it is legal to use the entire floor area for the residential use. However, if the allowable zoning room calculations were based on the actual zoning lot, not on the theoretical zoning lot, it is obvious that there would be too few zoning rooms and the builder would have only two choices available to him if he wanted to build an all residential building. He could either go to the Board of Standards and Appeals to add more zoning rooms to match his floor area or he could use the familiar density evasion techniques such as super-kitchens, super-living rooms or some other large room layout which cuts down zoning rooms. These layouts, of course, encourage the insertion of partitions which results in a de facto situation which would have been legal if the same principle as allowed in Section 54-311 was applied.

Mr. Spector indicated that the staff of the Commission intends to present a zoning text change which addresses this problem

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Chairman Robert Wagner, continued:-

in a manner modelled after the text change made for the Polyclinic conversion and contemplated for the proposed Sheraton conversion.

I would urge that this be made a high priority matter for the reasons stated above. In the interim period, we have agreed to review proposed conversions hereafter, in accordance with the Commission's staff interpretation.

Sincerely,


Irwin Fruchtman, P.E.
Commissioner

cc: *Jule P. Bentler*
Dr. Neuman
Wesley Dennis
Dr. Polinsky