

THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS

ADMINISTRATIVE MEMORANDUM

DATE: October 30, 1981

Borough Superintendents

TO: Irwin Fruchtmann, P. E., Commissioner

SUBJECT:

Interpretation of Lot Coverage, Multiple Buildings on a Zoning Lot, Enlargements and Mezzanines

In view of the recently adopted loft zoning amendments, this memorandum is issued to clarify the subject issues. It supercedes all previous memos and directives on these subjects that conflict with the interpretations set forth herein.

1. Section 42-14D, 43-17, and Section 111-103
Lot Coverage (Building Size Limitation)

The lot coverage restrictions for conversion are to preserve buildings which the Board of Estimate determined are suitable for industrial and commercial uses. Buildings which exceed the prescribed lot coverage cannot be converted without a Special Permit from the City Planning Commission, which affords the Planning Commission and the Board of Estimate the opportunity to assess the economic impact of the conversion (Section 74-782) or for the preservation of a landmark (Section 74-711). Therefore, all buildings exceeding the 3,600 or 5,000 square foot limitation by an amount, regardless of the magnitude, will be referred to the City Planning Commission.

All abutting buildings on a single zoning lot shall be considered as a single building, subject to the above-mentioned limitations and restrictions, unless:

1. The buildings are separated by individual load bearing walls, without openings, for the full length of their contiguity; and
2. Evidence is submitted of the independent functional use of each building prior to 12/15/61.

II. Enlargements and Roof Mezzanine

The amendments to Article 7B which were passed in November, 1980 permit enlargements and mezzanine additions on the roofs of converted buildings only in certain instances. (Art. 7B MDL, §§ 277 (2) D (d), lines 29-35, and lines 41-45.)

The April, 1981 loft zoning is more restrictive than Article 7B in some instances:

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1. In all R districts, C1 through C6 districts, and C6-2M and C6-4M districts, enlargements are permitted by the zoning if the underlying bulk regulations for new residential construction are followed.

Mezzanines can be added in these districts to converted buildings only if they are less than a third of the unit's area and if the existing floor area ratio is 12 or less and only within existing floors as specified in Section 15-111, and 15-22 (b).

Roof mezzanines are enlargements and are permitted only if they meet the residential bulk requirement of the underlying district.

2. The only enlargements that are permitted in M1-5M, M1-6M and M1-5A, M1-5B, and in the LMM District are: mezzanines between existing floors in buildings with a Floor Area Ratio of 12 or less in accordance with the provisions of Section 15-22b, 43-17 and 111-111 (d).

3. Any other enlargements are prohibited unless the enlarged building complies with both the underlying zoning bulk regulations, and the multiple dwelling law provisions for new buildings in all respects.

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Irwin Fruchman, P.E.
Commissioner

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