



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, NY 10013

CHARLES M. SMITH, Jr., R.A., Commissioner

November 6, 1989

CORNELIUS F. DENNIS, P.E.
Deputy Commissioner
312-8120

Mr. Costas Kondylis, Architect
200 Madison Avenue
New York, New York 10016-3942

Re: Floor Area
Section 12-10 NYCZR
N.B. 93/88
346-350 East 79th Street,
Manhattan

Dear Mr. Kondylis:

Your letter of November 2nd has been reviewed with staff of this department.

There are two sections within the definitions of Section 12-10 of the New York City Zoning Resolution which preclude the removal of 'floor area' which previously existed or was usable on a zoning lot. They are:

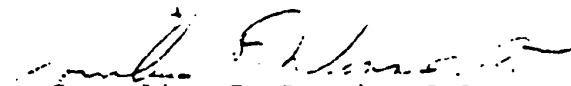
- (k) floor space within an existing building which is or becomes unused or inaccessible.
- (l) floor space which has been eliminated from the volume of an existing building in conjunction with the development of a new building or in the case of a major enlargement of another building on the same zoning lot.

In your letter you state that the prior existing floor area will be demolished. Such floor area does not nearly "become (s) unused or inaccessible" and therefore is not required to count as 'floor area' under par. (k) after the contemplated construction is completed.

You further state that at the completion of construction of the currently planned demolition and alteration in conjunction with a new structure that all structures will be contiguous and thus constitute a single building. Again such 'floor area' eliminated from an existing building is not required under par. (l) to count as 'floor area' since there is no new 'building' or another building on the zoning lot.

Enclosed herewith are two documents dated November 30th, 1979 and January 16, 1980 which may shed light on the matter. The important point is that par. (1) only applies when there are two or more buildings on a zoning lot. Two or more contiguous structures constitute a single building under the New York City Zoning Resolution.

Sincerely,



Cornelius F. Dennis, P.E.
Deputy Commissioner

Enclosures: 1-Memo dated 11/30/79
1-Letter dated 1/16/80

cc: Commissioner Smith
Assistant Commissioner Berger
General Counsel Foy
Executive Engineer Polsky
Borough Superintendents
File