



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, NY 10013

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

June 2, 1988

Mr. Gerald M. Daub
Daub & Daub Architects
64 Fulton Street
New York, New York 10038

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

RE: Existing Small Zoning Lot

Dear Mr. Daub:

Your letter of April 29th has been referred to this office for reply.

Residences are permitted in residence zones and most commercial zones. When located in commercial zones in conjunction with other uses in the community facility or commercial Use Groups, the building is known as a mixed building and is subject to the controls of Article III Chapter 5 of the New York City Zoning Resolution. Section 35-10 Z.R. provides that residential portions of 'mixed buildings' are subject to the provisions of Article II Chapter 3 Z.R. except as modified.

I agree with your contention that a mixed building may be constructed in a commercial zone on a small zoning lot and that the residential portion is limited to a single Class A apartment. The zoning lot must comply with the stipulations of Section 23-33 Z.R.

This agreement does not extend to a community facility building located in a residence zone.

Very truly yours,

Cornelius F. Dennis, P.E.
Deputy Commissioner

cc: Commissioner Charles M. Smith Jr., R.A.
Asst. Commissioner George E. Berger, P.E.
Exec. Engineer Irving Polsky, P.E.
Borough Superintendents
Tony Patrissi, City Planning Commission