



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, NY 10013

CHARLES M. SMITH, Jr., R.A., Commissioner
312-8100

November 7, 1986

Mr. David A. Rahm
Stroock & Stroock & Lavan
Seven Hanover Square
New York, New York 10004

Re: Community Facility Building
& Residence

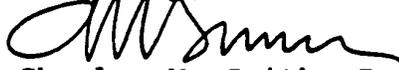
Dear Mr. Rahm:

Your letter of September 11th regarding residential towers in an R8 Zone has been reviewed with departmental staff and personnel of the City Planning Commission.

The question asked regarding towers has been expanded to include yards, front setbacks and minimum distance between buildings for a building used partly for a community facility use. It is the determination of this department that a residential building is a 'residence' and thus is a building or part of a building containing dwelling units but does not include that part of the building used for non-residential uses.

Therefore a residential tower located above several floors devoted to community facility use located in an R8 Zone is forbidden by Section 23-65 of the New York City Zoning Resolution.

Sincerely,



Charles M. Smith, Jr.
Commissioner