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September 11, 1986

BY HAND

Honorable Charles M. Smith, Jr.
Commissioner
The City of New York
Department of Buildings
120 Wall Street
New York, New York 10005

Re: Tower Regulations in R8 Districts

Dear Commissioner Smith:

Our client is contemplating the purchase of "air rights" of several lots contiguous to a site he now owns. The entire zoning lot of the merger, if consummated, will be located in an R8 district.

Because of the lot size and configuration, optimum development is feasible only if tower regulations are utilized.

Our client intends to construct a building with several of the lower floors devoted to community facility uses, and the remainder of the building, including the tower portion, devoted to residential uses.

Shrock & Shrock & Lavan

Hon. Charles M. Smith, Jr.
September 10, 1986
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Section 24-54 of the Zoning Resolution permits towers to penetrate sky exposure plans in R8 districts. Section 24-01 of the Zoning Resolution stipulates that Chapter 4 of Article 2 of the Zoning Resolution (within which section 24-54 is included) applies to any community facility building or any building used partly for a community facility use on any zoning lot located in any residence district in which such building is permitted. (Emphasis added.)

Section 23-65 of the Zoning Resolution sets forth tower regulations for residential buildings applicable only in R9 or R10 districts. However, section 23-01 of the Zoning Resolution stipulates that Chapter 3 of Article 2 of the Zoning Resolution, within which section 23-65 is included, is not applicable to a building used partly for community facility use.

In view of the foregoing, may the above-described building, used partly for residences, and partly for community facility uses, be constructed utilizing the tower regulations of section 24-54 of the Zoning Resolution?

Cordially,

David A. Rahm

cc: Irving E. Minkin, Esq.