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September 24, 1986

BY HAND

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

Re: Special Madison Ave. Preservation District

Dear Commissioner Smith:

This firm represents several cooperative housing companies that own buildings located in the Special Madison Ave. Preservation District. The buildings are primarily residential, but they have one level of commercial uses, usually fronting on Madison Ave.

Our clients are desirous of this firm's rendering an opinion to the effect that the existing commercial uses may be converted to residential uses as-of-right, provided that all pertinent zoning bulk provisions, and other pertinent applicable building laws are complied with.

We have clients with different fact patterns. However, one set of circumstances appears to provide a unique exception to certain requirements, and we are desirous of obtaining your interpretation in regard thereto before we advise our clients in this regard.

The particular section of the Zoning Resolution at issue is § 99-03, NYCZR, which states in pertinent part as follows: