



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**COREY JOHNSON**  
Chair

**ROBERT J. BENFATTO, JR., ESQ.**  
District Manager

May 22, 2012

Hon. Meenakshi Srinivasan  
Chair  
Board of Standards and Appeals  
40 Rector Street  
New York, NY 10007

**Re: BSA Application 48-12 BZ  
336 West 37<sup>th</sup> Street**

Dear Ms. Srinivasan:

At the April 11, 2012 meeting of Manhattan Community Board 4's (CB4) Clinton/Hell's Kitchen Land Use Committee, the Board heard an application for a variance at 336 West 37<sup>th</sup> Street. At its regularly scheduled meeting on May 2, 2012, CB4 voted to recommend denial of the variance application unless certain conditions, which have already been agreed to by the applicant, were met.

**The Arts Building**

The site, known as "The Arts Building", is located on the south side of West 37th Street between Eighth and Ninth Avenues in a C6-4 zoning district within the Garment Center Special District ("GCSD"). Inclusion of the site in a C6-4M zoning district would normally allow for a wide selection of commercial uses, including hotels, offices, and residential uses. However, because the Site is located within the P2 Preservation Area of the GCSD, there are additional restrictive use provisions which apply to the site and cause approximately 80% of the current tenancies to violate the zoning.

The building is presently fully occupied by over 80 distinct tenancies. Most of the tenancies are best classified as standard office uses, with a small amount of miscellaneous uses. The majority of the building occupants do business in the garment industry or other creative fields such as live theater and film.

**Variance**

The application, filed pursuant to Section 72-21 of the Zoning Resolution of the City of New York, as amended ("ZR"), requests a variance of ZR 121-11 (Preservation Area Special Use Regulations) to legalize the use of an existing 14-story commercial building and allow for Use Groups 6, 9, and 12 to legally occupy the building.

The applicant claims strict application of the P2 restrictions results in practical difficulties and unnecessary hardship for the building. Therefore, the applicant seeks to allow additional uses which would normally be allowed in a building in a C6-4 zoning district.

#### **CB4 Concerns**

CB4 is primarily concerned about the loss of space for arts-related and Garment Center-related uses, should the variance be granted and the P2 restrictions be lifted. Furthermore, the Board does not want to set a precedent for applications by other owners within the P2 Preservation Area to seek similar relief.

Additionally, CB4 is concerned about uses which are incompatible with this street which is becoming increasingly residential. The immediate neighbors to the east of the building are residential walk-ups that predate modern zoning, while the neighbor to the immediate west is a recently completed high-rise residential building. An additional new residential tower and a new hotel development are also under construction on the block.

Therefore the Board requests, and the applicant has agreed, that, should the variance be allowed, the following Use Group 6, 9, and 12 uses be restricted:

- Adult establishments
- Banks
- Banquet halls
- Catering establishments
- Drug stores
- Eating or drinking establishments, except restaurants with a capacity of 200 persons or less

The owner of the building has agreed to rent space to not-for-profit organizations (See Attached Letter). CB4 requests that there be a minimum of 2400 square feet at a maximum cost of \$25 per square foot.

Sincerely,



Corey Johnson, Chair  
Manhattan Community Board 4



Jean-Daniel Noland, Co-Chair  
Clinton/Hell's Kitchen Land Use Committee

cc: NYC Council Speaker Christine Quinn  
Manhattan Borough President Scott Stringer  
NYS Senator Thomas K. Duane  
NYS Assemblyman Richard Gottfried  
Congressman Jerrold Nadler