

March 4, 2004

Honorable Michael Bloomberg  
Mayor, City of New York  
City Hall  
New York, NY 10007

**Re: Proliferation of “adult” DVD stores on 8<sup>th</sup> Avenue from 35<sup>th</sup> to 54<sup>th</sup> Street**

Dear Mayor Bloomberg,

Manhattan Community Board No. 4 would like to bring to your attention our deepening concern with the increasing number of “adult” DVD stores along and off 8<sup>th</sup> Avenue between 35<sup>th</sup> and 54<sup>th</sup> Street and the lack of clarity with the city's regulatory process over such stores. Nine such stores have sprung up in clusters between 35<sup>th</sup> and 40<sup>th</sup> Streets west of 8<sup>th</sup> Avenue. The Fashion Business Improvement District, also alarmed by this increase, reported to this Board that the number of DVD stores operating overall in the Fashion District jumped last year from 6 to 15.

The number of similar “adult” DVD stores has also increased on and off 8<sup>th</sup> Avenue north of 43<sup>rd</sup> Street, heightening concerns of residents of Clinton/Hell’s Kitchen and their local representative organizations including the West 47<sup>th</sup>/48<sup>th</sup> Streets Block Association, the West 44<sup>th</sup> Street Better Block Association, the Midtown Precinct North Community Council, and this Community Board.

**A De Facto Red Light District?**

Many of the area’s residents, home and business owners, and community advocates feel strongly that the increasing concentration and clustering of such emporiums on and off Eighth Avenue will impact negatively on their community’s hard won renaissance as a safe and welcoming residential neighborhood and desirable business and tourist destination. The neighborhood of Clinton, where street prostitution in the West 40s between 8<sup>th</sup> and 10<sup>th</sup> Avenues remains a disturbing fact of late night and early morning life, is especially uneasy, as it finds itself sandwiched between an increasing number of adult shops on 8<sup>th</sup> Avenue and the dubiously named “gentlemen's” clubs, west of 11<sup>th</sup> Avenue.

Questions have also have been raised about the lack of clarity about city rules governing these DVD stores. As we understand it, the relevant rule pertaining to this issue is the 60/40 definition of non-adult stores. That is, stores may be defined as non-adult as long as 60% of their business is devoted to non-adult material - material which, surprisingly, can include sex toys and “marital” aids.

Further questions inevitably arise: Are signage and window display regulations which apply to adult businesses therefore not applicable to non-adult 60/40 businesses? Does what 60/40 stores display in their windows vary with zoning? Can 60/40 stores open on 9<sup>th</sup> Avenue, the main

commercial street of the Clinton/Hell's Kitchen neighborhood? Can they open on a primarily residential side street in the West 40s or 50s? Can they open next to a school, a social service residence, a temple, church, mosque?

It is of no small concern to this Board that the answer to all these questions is "yes".

### **Deja Vu All Over Again?**

While this is an issue which affects our entire district, to many citizens who live or work in our midtown area, the increase in 60/40 businesses appears to be deja vu all over again. It raises enormous concern because they remember the blight that devastated the old 42nd Street area, a blight caused by an lethal mix of sex shops, drug dealing, street prostitution, and City neglect.

Community Board 4 is very aware of the complexities of this issue. It affects our entire district. It touches on First Amendment rights; property values; public display of erotic and pornographic material; the effects of these displays on children; the rights of adults, especially women, not to be forced to view these displays; the potential adverse effects these types of businesses may have on adjacent businesses, such as restaurants and theatres; and the compatibility of certain types of businesses with schools and houses of worship.

We recognize that there is no quick and easy solution.

We are all too aware, however, of the consequences of ignoring the issue. We urge you to focus on developing a reliable, unambiguous remedy which will balance the rights of adult businesses to operate while protecting adjacent residential and business communities from the deleterious effects a concentration of adult establishments may inflict.

Sincerely,



Walter Mankoff  
Chair

Millie Glaberman  
Co-chair  
Quality of Life Committee

Jean Daniel Noland  
Co-chair  
Quality of Life Committee

cc: Local Elected Officials  
Patricia Lancaster, NYC Buildings Commissioner  
John Feinblatt, Mayor's Criminal Justice Coordinator  
Richard Plansky, Office of Midtown Enforcement  
Barbara Blair Randall, Fashion Center Director  
Gerald Schoenfeld, Mayor's Midtown Citizens Committee  
Marilyn Rockafellow, West 45<sup>th</sup> St. Block Association  
Bill Daly, Fashion BID  
Kyle Merker, Manhattan Community Board No. 5  
Elke Fears, West 47<sup>th</sup>/48<sup>th</sup> Street Block Association  
Chuck Spence, West 44<sup>th</sup> Street Block Association