

REVISED – replaces letter dated June 8, 2004.

June 9, 2004

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

Re: Variance for use at 351/353 W14th St.

Dear Ms. Srinavan:

After a presentation at the Chelsea Preservation and Planning Committee on May 17, 2004 and at a duly advertised public hearing at its regular meeting on June 2, 2004 Manhattan Community No. 4, at its regular meeting on June 2, 2004, voted 29 in favor, 3 against, 2 abstaining, 1 present but not eligible, that it had no objection in principle to the proposed use variance at 351/353 W. 14th Street.

The applicant has submitted evidence that a stable, conforming tenant has not been found despite reasonable attempts. It is clear that the projection of the extremely long and relatively narrow ground floor into the residential zone to the rear creates practical difficulties in finding a conforming use for the totality of the existing zoning lot that brings in a reasonable return.

Community Board No. 4 defers to BSA for the analysis of the financial and economic details of the variance application.

Nevertheless the Board has concerns about certain aspects of the project that were discussed at the meeting of the Chelsea Preservation and Planning Committee on May 17, 2004. Community Board No. 4 therefore asks that the Board of Standards and Appeals take into account the following comments in evaluating the potential impacts of this application on the immediate neighbors and on the character of the surrounding community.

The zoning lot runs between 14th and 15th streets and has a building on each street. The 14th Street portion of the lot is zoned C6-2A while the 15th Street portion is zoned R8B. Approximately one-third of the ground floor of the 14th Street building extends into the R8B zone to the north. The requested variance would permit the use of that one-third as an eating and drinking establishment, a use permitted as-of-right in the other two-thirds.

Representatives of the prospective tenant, Comix, appeared before the Board on behalf of the applicant. Comix wishes to create a destination venue for major comics, but needs the requested

variance in order to create a venue large enough to pay for such headliners. Comix argues that a comedy club is consistent with a neighborhood character defined by a growing number of nightlife establishments in the area.

While this is true in the area to the west and southwest, nightlife uses could be detrimental in the heavily residential immediate area. In particular, the area between the site, which is residential above the ground floor, and the residential buildings on 15th Street to the north and on either side is a small, enclosed courtyard. Residents of the surrounding buildings appeared before the Board and said that they are affected by reverberating noise from other businesses and their patrons who congregate in the courtyard to talk and smoke. They said that the owner of the location of the worst offender also owns the site of the requested variance and most of the immediately surrounding buildings, and has not responded to repeated complaints concerning this situation and other problems.

Comix appears to be sensitive to community concerns and received the unanimous approval of the Board's Business Licenses and Permits committee by agreeing to comprehensive stipulations crafted to protect the interests of the community; these stipulations are outlined in the attached letter to the New York State Liquor Authority dated May 6, 2004. Comix has agreed to the following additional stipulation:

The rear exit of the club will be used only as an emergency exit; it will be signed and alarmed, and during times when patrons are on the premises it will be guarded.

While the Board believes that Comix is likely to abide by these stipulations, the Board is concerned that a future tenant who benefits from the variance may not be as sympathetic to the community, and that the owner is likely to continue to be unresponsive to community concerns. Community Board No. 4 therefore asks that BSA make the approval of the requested variance contingent on the continued control of access to the rear courtyard as set forth in the additional stipulation above, and to the other stipulations that it finds appropriate.

Sincerely,



Walter Mankoff
Chair
Manhattan Community Board No. 4



Lee Compton
Co-Chair
Chelsea Preservation & Planning Committee



Edward S. Kirkland
Co-Chair
Chelsea Preservation & Planning Committee

cc: Hon. Michael Bloomberg, Mayor
Hon. C. Virginia Fields, Manhattan Borough President
Local elected officials
Applicant