



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.ManhattanCB4.org

J. LEE COMPTON
Chair

MICHELLE SOLOMON
Acting District Manager

March 22, 2006

Manhattan Borough Commissioner Laura Osorio
Department of Buildings
280 Broadway, 3rd Floor
New York, NY 10007

Re: Hell's Kitchen LLC d/b/a Hell's Kitchen, 715 Ninth Avenue (at 49th Street)

Dear Commissioner Osorio;

Enclosed please find a revised version of the letter that we sent you dated March 15 regarding the above matter. The letter has been amended to reflect the Board's concerns regarding plans for an HVAC unit and kitchen ventilation equipment that have the potential to disturb neighboring residents.

We apologize for any confusion this may cause, and thank you for your consideration of this matter.

Sincerely,

Michelle Solomon
Acting District Manager

cc: Chow Down Management Inc.
Mordred Realty Corp.



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Re: Hell's Kitchen LLC d/b/a Hell's Kitchen, 715 Ninth Avenue (at 49th Street)

Dear Commissioner Osorio;

We are writing to ask you to look into several buildings issues surrounding a potential commercial use at 715 Ninth Avenue (Block 1058, Lot 7501). Our Board recently reviewed a liquor license application for a new restaurant in this space, and voted to recommend that the State Liquor Authority deny the application until the buildings issues are resolved.

715 Ninth Avenue is a 5-story residential building with a ground floor commercial unit that was previously occupied by a furniture store. The property was converted to condominium ownership in 1989. The ground floor commercial unit and a 30% interest in the condominium's common elements are owned by Mordred Realty Corp (which previously owned the entire building, and was the condominium sponsor). The residential units and a 70% interest in the condominium's common elements are owned by 715 9th Avenue HDFC, a limited-equity cooperative whose shareholders are the building's residents (the "HDFC"). Litigation between Mordred and the HDFC has been ongoing.

We are concerned about several issues:

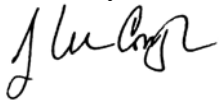
- **Zoning.** The building has a one-story rear yard extension that may violate local zoning requirements (Section 96-102 of the New York City Zoning Resolution). The circumstances of the addition should be investigated to determine whether it was added subsequent to 1973 which would render it in violation of Section 96-102.
- **Fire safety.** The fire escape that serves the building's rear apartments above ends at the extension. We believe that the extension must therefore be a fireproof structure, made of concrete or metal, to meet fire egress requirements.
- **Certificate of No Harassment.** Alterations at this location (necessary for the installation of restaurant ventilation equipment) will require a Certificate of No Harassment under Section 96-108 of the Zoning Resolution. The current owner of the commercial space, Mr.

Soyaegh, was the subject of several tenant harassment enforcement actions in this neighborhood by the New York City Department of Housing Preservation & Development. Under his ownership, 715 9th Avenue was the subject of proceedings under Article 7A of the Real Property Law for conditions hazardous to health and safety . That proceeding, which resulted in the appointment of an administrator for the building, establishes the history of tenant harassment in this building prior to its condominium conversion.

- HVAC. The new restaurant tenant has proposed placing air conditioning and kitchen exhaust equipment on the roof of the extension, directly under the windows of residential units on at least two sides. The neighbors and the Board are very concerned that it will be difficult to properly muffle and filter this equipment so as to protect the surrounding residents from noise and odors, and that environmental violations will be inevitable.

We ask that the Department of Buildings investigate these issues prior to granting any further work permits for this site. Furthermore, given the history of this building, we ask that all applications be given a full review by a Department of Buildings plan examiner.

Sincerely,



J. Lee Compton
Chair
Manhattan Community Board No. 4

Kevin Kossi
Co-Chair
Business Licenses & Permits Committee

John Weis
Co-Chair
Business Licenses & Permits Committee

cc: Applicant
Fred Gioffre
Elected Officials
Sadri Sohayegh, Mordred Realty Corp.
Tom Knutson, 715 Ninth Avenue HDFC
Neighboring residents