

1 **Clinton/Hell's Kitchen Land Use Committee**

**Item #: 24**

2  
3 May 2, 2012

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5 Hon. Meenakshi Srinivasan  
6 Chair  
7 Board of Standards and Appeals  
8 40 Rector Street  
9 New York, NY 10007

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11 Re: BSA Application 48-12 BZ336 West 37th Street

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13 Dear Ms. Srinivasan:

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15 Manhattan Community Board 4, (MCB4) at its regular meeting on May 2, 2012, voted to  
16 recommend denial of the application for a variance for 336 West 37th Street unless  
17 certain conditions were met by the applicant.

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19 The application, filed pursuant to Section 72-21 of the Zoning Resolution of the City of  
20 New York, as amended ("ZR"), requests a variance of ZR 121-11 (Preservation Area  
21 Special Use Regulations) to legalize the use of an existing 14-story commercial building  
22 for primary Use Group offices.

23  
24 "The Arts Building"

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26 The site, known as "The Arts Building," is located on the south side of West 37th Street  
27 between Eighth and Ninth Avenues in a C6-4 zoning district within the Garment Center  
28 Special District. The building is presently fully occupied by over 80 distinct tenancies.  
29 Most of the tenancies are best classified as standard offices, with a small amount of  
30 miscellaneous uses. Most of the building occupants do business in the garment industry  
31 or other creative fields such as live theater and film.

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33 The Site is located in a C6-4M zoning district, which would normally allow for a wide  
34 selection of commercial uses, including hotels, offices, and residential uses. However,  
35 since the Site is also located in the P2 Preservation Area of the Special Garment Center  
36 District it comes with restrictive use provisions that makes 80% of the present tenancies  
37 in violation of the zoning.

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39 The applicant claims strict application of the P2 restrictions results in practical difficulties  
40 and unnecessary hardship for the Site. It seeks to allow uses that are usually conforming  
41 in a C6-4 zoned building.

42  
43 CB4's ConcernsCommunity

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45 MCB4 is concerned about loss of space for arts-related and Garment Center-related uses,  
46 should the variance be granted and the P2 restrictions be lifted. Furthermore, the Board

47 does not want to set a precedent for other applications by other owners within the P2  
48 Preservation Area who may want to seek similar relief.

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

55  
56 Therefore the Board requests, and the applicant has agreed, that, should the variance be  
57 allowed, the following Use Group 6, 9, and 12 uses be restricted:

- 58  
59 Adult establishments  
60 Amusement arcades  
61 Banks  
62 Banquet halls  
63 Carnivals  
64 Catering establishments  
65 Clubs  
66 Drinking places  
67 Drug stores  
68 Eating or drinking establishments, except restaurants sitting under 200  
69 Fraternity houses  
70 Gun repairs  
71 Radioactive waste disposal.

72  
73 And the owner has also agreed to renting space to a non-profit organization (see attached)  
74 that we believe should be at a minimum ---- in square footage.

75  
76 Thank you,