CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD 4

tel: 212-736-4546
www.nyc.gov/mcb4

JESSICA CHAIT
Chair

JESSE R. BODINE
District Manager

December 9, 2025

Chair, Commissioner Shampa Chanda
New York City Board of Standards and Appeals
22 Reade Street
New York, NY 10007

Re: 637 West 50th Street – BSA Variance Application (BSA Application 2025-49-BZ) to Permit an Adult Establishment within 500 Feet of an Existing Adult Establishment

Dear Commissioner Chanda:

At its meeting on November 12, 2025, Manhattan Community Board 4's (MCB4) Clinton/Hell's Kitchen Land Use (CHKLU) Committee received a presentation on the application by 637 W 50th LLC (the "Applicant") for a variance pursuant to Zoning Resolution (ZR) §72-21[1] (the "Proposed Action"). The Applicant seeks to waive the requirements under ZR §42-01(c)[2] to permit an adult establishment from being located within 500 feet of an existing adult establishment.

At its regular Full Board meeting on December 3, 2025, MCB4 voted 47 in favor, 0 opposed, 0 abstaining, and 0 present but not eligible to vote to **recommend that the Board of Standards and Appeals (BSA) deny the requested variance because the applicant has not met the requirements with our reasons set forth below**.

I. BACKGROUND

The current site at 637 West 50th Street (the "Project Site") is a corner lot operating as a nightclub, with approximately 10,042 square feet of lot area, located at Twelfth Avenue and West 50th Street in an M2-4 zoning district within Manhattan Community District 4 (MCD4). It is currently a two-story commercial building that is 37-feet-tall and 22,020 square-feet large at 2.19 floor area ratio (FAR). There are no accessory parking spaces in the existing building.

[1] https://zr.planning.nyc.gov/article-vii/chapter-2/72-21
[2] https://zr.planning.nyc.gov/article-iv/chapter-2/42-01

Under the proposal, the Applicant would convert approximately 5,318 square feet (0.53 FAR) on the existing first floor from a nightclub (eating and drinking) use to an adult establishment use. They would retain the nightclub use on the remaining portions of the first floor, the second floor, mezzanine, and rooftop, for a total of approximately 23,638 square feet (2.35 FAR), which is slightly larger compared to the existing building due to the expansion of the second floor mezzanine level by approximately 1,618 GSF/ZSF. The additional floor area would be used for the nightclub and is permitted as-of-right. The Applicant seeks a variance from ZR §42-01(c) because there is an existing adult establishment within 500 feet at 641 West 51st Street.

The surrounding area of the Project Site has a mix of uses, including a Con Edison facility, self-storage facility, commercial buildings, parking facilities, the Manhattan Cruise Terminal at Pier 90 across Twelfth Avenue, and existing nightlife and event venues. The area is already the subject of public planning and investment, including the Economic Development Corporation (EDC)'s Manhattan Cruise Terminal project and the forthcoming Port Authority Bus Terminal (PABT) replacement, both of which will increase pedestrian activity and traffic in the area.

In addition, MCB4 has consistently prioritized opportunities for new and affordable housing, and the West Clinton Rezoning[3] had contemplated this Project Site as a potential area for residential development, while encouraging manufacturing-compatible uses between Eleventh and Twelfth Avenues and ensuring that new development enhances neighborhood character.

II. MCB4 COMMENTS & CONCERNS

MCB4 has historically been pro-business and supportive of responsible, well-managed nightlife that respects neighborhood context. We appreciate the Applicant's presentation and intention to revitalize New York City's nightlife. However, after discussion and Q&A with the Applicant, we concluded that the requested use and timing of the Proposed Action are not compatible with forthcoming community projects and ongoing priorities in MCD4, community input has not yet been adequately gathered or addressed, and most of the variance criteria under ZR §72-21 have not been met.

For a variance to be granted, BSA must find that each and every one of the five criteria under ZR §72-21 is met. Based on the application materials and the Applicant's presentation to the CHKLU Committee, we determined that a majority of the required findings, namely subsections (a), (b), and (c), have not been met for the Proposed Action.

(a) Uniqueness

ZR §72-21(a) requires that there be unique physical conditions that are peculiar and inherent in the zoning lot (e.g., irregularity, narrowness, or shallowness in size, shape, exceptional topographical or other physical conditions) that create practical difficulties or unnecessary hardship in complying strictly with the Zoning Resolution.

[3] https://www.nyc.gov/assets/planning/download/pdf/plans/west-clinton/west_clinton.pdf

The Applicant points to the age and configuration of the building and the lack of a cellar level as reasons for the site being unsuitable for other as-of-right uses.

However, the current nightclub is already operating as an as-of-right eating and drinking establishment with entertainment and dancing, demonstrating that the building can in fact be used for a permitted use, and the conditions raised are common among industrial and commercial buildings in the area and are not unique to this site.

It is MCB4's position that this criteria has not been met.

(b) Financial Hardship

ZR §72-21(b) requires that, because of the above unique physical conditions, there is "no reasonable possibility" that the property can bring a reasonable return if developed, enlarged, extended, altered, or used in strict conformity with the current zoning provisions, and that the grant of a variance is therefore necessary to enable the owner to realize a reasonable return from the zoning lot.

The Applicant argued that the current nightclub use produces a negative return, the club is still riding the impact of the low level of business after the COVID-19 pandemic, and that an adult component tends to yield a bit more profit per customer, which would make the business more viable.

However, the Applicant's hardship case appears to be based on a narrow comparison between the current nightclub model and the Proposed Action with the adult-entertainment component, rather than as a result of an adequate exploration of other as-of-right uses or configurations. For instance, committee members suggested the use of different entertainment programming, DJs, or events to help the Applicant attract more business. Furthermore, the current nightclub, Musica, opened in May 2022, well after COVID-19, suggesting that the Applicant had a viable business plan at that time. Thus, the Applicant did not persuasively demonstrate that there is "no reasonable possibility" of a reasonable return under any permitted use or business model.

It is MCB4's position that this criteria has not been met.

(c) Neighborhood Character and Public Welfare

ZR §72-21(c) requires that the variance, if granted, will not alter the essential character of the neighborhood or district in which the zoning lot is located, not substantially impair the appropriate use or development of adjacent property, and not be detrimental to the public welfare.

The Applicant asserted that the proposed adult establishment would be compatible with surrounding uses, which are predominantly transportation, utility, industrial, and nightlife related.

However, we did not find the applicant's reason for needing to be within 500 feet of an existing adult establishment to be convincing. The site is located directly across from the Manhattan Cruise Terminal with existing pedestrian and vehicular traffic and within an area expected to evolve with the EDC's Manhattan Cruise Terminal project and the future PABT reconstruction, bringing more families, tourists, and potential future residents to the area.

We also noted that there are nearby parks, churches, and residential block associations (such as the 49–54 Block Alliance and the West 47th/48th Street Blocks Association) that would likely be affected by late-night and potential 24/7 operations by the Applicant, which may raise increased noise and traffic concerns. While the Applicant indicated plans to conduct outreach to key community stakeholders and NYPD Midtown North Precinct, the Applicant confirmed during the presentation that no outreach had taken place to date and the potential impact of and community concerns surrounding adjacent projects in the area were not considered or addressed.

It is MCB4's position that this criteria has not been met.

(d) Hardship Not Self-Created

ZR §72-21(d) requires that the practical difficulties or unnecessary hardship not be created by the owner or a predecessor in title.

The Applicant explained that the business is experiencing financial hardship which stems from the physical conditions of the lot, not caused by the business.

It is MCB4's position that this criteria has been met.

(e) Minimum Variance Necessary

ZR §72-21(e) requires that the variance, if granted, be the minimum necessary to afford relief (i.e., not more intensive than needed to remedy the above-stated hardship).

The Applicant described the adult establishment to be a minor change to the existing nightclub and characterized the requested variance as small.

It is MCB4's position that this criteria has been met.

III. MCB4 RECOMMENDATIONS

For the reasons described above, MCB4 recommends that BSA deny the requested variance to permit an adult establishment on a portion of the first floor at 637 West 50th Street within 500 feet of an existing adult establishment.

However, if BSA decides to approve the application, we request that any approval be subject to the following conditions that address the concerns of our community:

1. **No 24-hour Operation:** While not currently in plans, the Applicant should not be permitted to operate the establishment 24 hours per day. Any approval should limit hours of operation and explicitly prohibit 24/7 use, with any future request for expanded hours subject to renewed review by MCB4 and approval by BSA.

2. **Active Community Engagement:** Prior to opening the adult establishment, the Applicant should be required to undertake and document good-faith outreach to community stakeholders, including but not limited to:
    a. local block associations and alliances (including the 49-54 Block Alliance and the West 47th/48th Street Blocks Association),
    b. nearby churches, schools, and social service providers, and
    c. the MCB4 CHKLU Committee.

3. **Comprehensive Security & Traffic Management Plans:** The Applicant mentioned its plan to provide a comprehensive security plan to the relevant NYPD precinct. In coordination with NYPD Midtown North Precinct and the Manhattan Cruise Terminal operators, it should also develop a crowd and traffic management plan to address late-night queuing, vehicle drop-offs, sidewalk management, and noise concerns.

IV. CONCLUSION

MCB4 recognizes and appreciates the Applicant's desire to revitalize NYC's nightlife and intent to be a good neighbor. However, the variance standards in the Zoning Resolution are strict and appear not to have been met, and the Proposed Action does not seem to consider or address community concerns and priorities, stemming from upcoming major projects near the Project Site. Therefore, we recommend that BSA deny the requested variance for 637 West 50th Street.

Thank you for your consideration.

Sincerely,

Jessica Chait
Chair
Manhattan Community Board 4

Paul Devlin
Co-Chair
Clinton/Hell's Kitchen Land Use Committee

Rachel Lee
Co-Chair
Clinton/Hell's Kitchen Land Use Committee

Cc: Hon. Erik Bottcher, NYC Council Member
Hon. Mark Levine, Manhattan Borough President
Hon. Eric Adams, NYC Mayor
637 W. 50th Street Applicants