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VIA MESSENGER

Loreal Monroe, Esq., General Counsel
New York City Board of Standards and Appeals
250 Broadway, 29th Floor
New York, NY 10007

Re: 310 Lenox Avenue, Manhattan
Block 1723, Lot 69

Dear Ms. Monroe:

Chef Marcus Samuelson would like to meet with the Chair and staff regarding his Red Rooster Harlem restaurant and the proposal to convert the cellar level from a Use Group 6 eating and drinking establishment to a Use Group 12 eating and drinking establishment.

To our knowledge, a single issue remains open (the proposed ground floor configuration), hence the request for the meeting. Chef Samuelson wanted the opportunity to personally meet the Chair to discuss the path to the resolution of the remaining open issue. I've attached three ground floor configurations: (i) existing, (ii) original proposed ground floor (A), and (iii) revised proposed ground floor (B).

Background. Our team had a very productive pre-application meeting with the Chair about a year ago. At that meeting the Chair identified two issues of concern, the adequacy of the cellar waiting areas and the ground floor configuration. In response the Chair's concerns, Red Rooster Harlem amended their plans to augment the cellar waiting areas and revise the ground floor configuration. The revised plans for the cellar waiting areas and ground floor configuration were subsequently submitted for further consideration. The revised cellar waiting areas were found to be acceptable.

However, the revised ground floor configuration was not accepted, as the Chair was concerned that the use of the existing lobby by restaurant patrons could potentially conflict with access and egress movements of the building commercial tenants (located above the ground floor). The upper floors consist of offices that as a general matter observe typical 9-5 hours. The use of the cellar level by restaurant patrons will typically occur after such hours. We are of the view that these uses will not occur at the same time. Notwithstanding, we have calculated that all building occupancy occurs simultaneously to provide a conservative assessment of building code, fire code and life safety compliance. Our analysis concludes that the proposed cellar and ground floor configurations (assuming simultaneous occupancy) comply in all respects with the Building and Fire Code.

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It is my belief that the Chair's concerns regarding this issue related to compliance with building code, fire code and life safety issues. Consequently, we believe that it is on this basis that the Chair requested a ground floor configuration that included a new entrance at the street to access the cellar waiting areas.

Our team tried in earnest to make the Chair's ground floor scheme work but, we were unable to do so. Throughout the evaluation and vetting process the team discovered that locating a new entrance and hallway at grade would necessitate closing business operations for several weeks (or months) and result in significant cost expenditures because our existing Fire Control Panel, and life safety systems would need to be shut down, re-designed, relocated, re-wired, re-tested and operational before occupancy could resume. The client advised me that work involved from a permitting and logistic perspective would seriously impact business operations during the installation process and increase costs by approximately 40 percent over the costs that are projected to be incurred if the work did not involve these changes to the Fire Control Panel and life safety systems.

But for the entrance location, the proposed ground floor (B) provides the same corridor that was requested by the Chair and the same direct access to the cellar waiting areas that was requested by the Chair. The only difference between the configuration that the Chair wanted and our proposal rests solely with the entrance at street level. The proposed configuration utilizes an existing building entrance to bypass all Fire Control Panel and life safety systems and sets the entrance to the proposed hallway at a 90 degree angle after entering the building through such existing entrance.

I also note that the building in which the Red Rooster Harlem is located is listed on the NY State and National Register of Historic Places. Although such listing does not preclude the physical alteration of the façade that the Chair requested (i.e., our team would have to break the existing façade to create a new doorway), such an alteration may aggravate some historic advocacy groups for which our reputation as building owner and restaurant owner would be injured.

You should know that the building is fully sprinklered, including the place of assembly, corridors and stairs. A fire alarm system is installed throughout the building including smoke detectors, manual pull stations at each required exit, and audible and visual alarms. The fire alarm system within the place of assembly is an auxiliary system to the main allowing for FDNY to pinpoint the exact location of the alarm within the building. The fire alarm system is also connected to an approved FDNY central station. The cellar level currently has a certificate of occupancy for an eating and drinking establishment (Use Group 6) with a capacity of 200 people. The proposed change to Use Group 12 is required to hold performances at the cellar level. The proposed capacity of the cellar will remain 200 people. Waiting areas have been provided (minimum required 4 sf per person) at the cellar level within two rooms at 4.6 sq. ft. per person, separated from the adjoining corridor by 2-hour fire rated partitions. Primary and secondary travel distances at the cellar level comply with the maximum allowed for a sprinklered place of assembly per Table 8-1.

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The issue that we would like to discuss involves our pursuit at the Department of Buildings of a plan review sign-off that includes a determination that the plans as proposed comply with all applicable building code, fire code and life safety requirements, as we are hopeful that such a determination would be an acceptable basis to proceed with either proposed ground floor configuration (A) or (B). We are trying to ascertain the extent to which such an effort on our part would be fruitful.

I would appreciate it if you would let me know your availability to discuss this further.

Thank you in advance for your consideration.

Very truly yours,

TROUTMAN SANDERS LLP



By

Jeremiah H. Candreva
Partner