

170-14-BZ

CEQR #15-BSA-029M

APPLICANT – Mango & Lacoviello, LLP, for Mansion Realty LLC, owner; David Barton Gym, lessee.

SUBJECT – Application July 21, 2014 – Special Permit (§73-36) to allow the operation of the proposed physical culture establishment (*David Barton Gym*) on the first floor second & third floors, located within an C6-2-A, C6-4A zoning districts.

PREMISES AFFECTED – 652-662 Avenue of the Americas, northeast corner of West 20th Street and Avenue of the Americas, Block 822, Lot(s) 1 & 2, Borough of Manhattan.

COMMUNITY BOARD #5M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.....4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated July 15, 2014, acting on DOB Application No. 120155624, reads, in pertinent part:

Proposed use as a physical culture establishment, as defined by ZR 12-10, is contrary to ZR32-10 and must be referred to the Board of Standards and Appeals for approval pursuant to ZR 73-36; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to legalize, on a site within a C6-2A zoning district, and also within a C6-4A zoning district, within the Ladies’ Mile Historic District a physical culture establishment (“PCE”) on the first, second and third floors of a three story commercial use landmarked building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on February 24, 2015, after due notice by publication in the *City Record*, and then to decision on March 3, 2015; and

WHEREAS, the premises and surrounding area had a site and neighborhood examinations by Vice Chair Hinkson and Commissioners Montanez and Ottley-Brown; and

WHEREAS, Community Board 5, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is comprised of two tax lots located on the northeast corner of the intersection of the Avenue of the Americas and West 20th Street; it is located within a C6-2A zoning district, and also within a C6-4A zoning district, within the Ladies’ Mile Historic District; and

WHEREAS, the site has approximately 84 feet of frontage along the Avenue of the Americas (Lot 1) and a frontage of approximately 193 feet along West 20th Street

(Lots 1 and 8), it consists of approximately 17,618 sq. ft. of lot area; and

WHEREAS, the site is occupied by a three-story commercial building which was constructed c. 1846 as the Church of the Holy Communion; and

WHEREAS, the PCE occupies approximately 23,661 sq. ft. of floor area at the first, second, and third floors of the building and operates as David Barton Gym; and

WHEREAS, the PCE’s hours of operation are Monday through Friday, from 5:30 a.m. to 12:00 a.m., and on Saturday and Sunday, from 8:00 a.m. to 9:00 p.m.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Fire Department states that it has no objection to the proposal; and

WHEREAS, the PCE does not interfere with any pending public improvement project; and

WHEREAS, accordingly, the Board finds that this action will neither: (1) alter the essential character of the surrounding neighborhood; (2) impair the use or development of adjacent properties; nor (3) be detrimental to the public welfare; and

WHEREAS, the Landmarks Preservation Commission has approved the proposed alterations of the building by Certificate of No Effect No. 15-6427, dated April 14, 2014; and

WHEREAS, at hearing, the Board noted that the application, initially brought as an application to operate a PCE, was for the legalization of an existing PCE; and

WHEREAS, in response, the applicant recast the application as a legalization; and

WHEREAS, the Board notes that the term of this grant has been reduced to reflect the period of time that the PCE operated without the special permit; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as a Type I action pursuant to 6 NYCRR Part 617.4; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement CEQR No. 15-BSA-029M, dated December 17, 2014; and

WHEREAS, the EAS documents that the operation of the PCE would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic

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Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Hazardous Materials; Waterfront Revitalization Program; Infrastructure; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; Construction Impacts; and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type I Negative Declaration determination prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site within a C6-2A zoning district, and also within a C6-4A zoning district, within the Ladies' Mile Historic District, the operation of a PCE on the first, second, and third stories of a three story landmarked commercial building, contrary to ZR § 32-10; *on condition* that all work will substantially conform to drawings filed with this application marked "Received December 17, 2014"-(8) sheets; *on further condition*:

THAT the term of the PCE grant shall expire on November 8, 2024;

THAT there shall be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT all signage displayed at the site by the applicant shall conform to applicable regulations;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT accessibility compliance shall be as reviewed and approved by DOB;

THAT fire safety measures shall be installed and/or maintained as shown on the Board-approved plans;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant

agencies by March 3, 2019;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 3, 2015.

A true copy of resolution adopted by the Board of Standards and Appeals, March 3, 2015.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

