

183-14-BZ

CEQR #15-BSA-040M

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Ann/Nassau Realty LLC, owner; Blink Nassau Street, Ink., lessee.

SUBJECT – Application August 6, 2014 – Special Permit (§73-36) to allow a physical culture establishment (*Blink Fitness*) within portions of an existing mixed use building. C5-5(LM) zoning district. PREMISES AFFECTED – 113 Nassau Street aka 6 Theater Alley, northwest side of Nassau Street, 35.02’ north of Ann Street, Block 90, Lot 17, Borough of Manhattan.

COMMUNITY BOARD #1M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson and Commissioner Montanez.....3

Negative:.....0

Absent: Commissioner Ottley-Brown1

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated July 29, 2014, acting on DOB Application No. 104735912, reads, in pertinent part:

The proposed physical culture establishment, in a C5-5 (LM) zoning district, is contrary to section 32-10 ZR...

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within a C5-5 zoning district, within the Lower Manhattan Special Purpose District, the operation of a physical culture establishment (“PCE”) in portions of the first, second and third stories of a 30-story mixed residential and commercial use building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on December 9, 2014 after due notice by publication in the *City Record*, and then to decision on January 6, 2015; and

WHEREAS, Vice-Chair Hinkson and Commissioners Montanez and Ottley-Brown performed an inspection of the site and premises, as well as the surrounding area and neighborhood; and

WHEREAS, Community Board 1, Manhattan, recommends approval of this application; and

WHEREAS, the subject site, located within a C5-5 zoning district, is a through/corner lot with approximately 123.75 feet of frontage along Theater Alley, approximately 35.6 feet of frontage along Ann Street, and approximately 75 feet of frontage on Nassau Street, consisting of approximately 9,317 sq. ft. of lot area; and

WHEREAS, at the site is a 30-story commercial building; and

WHEREAS, the PCE will occupy a total of 18,369 sq. ft. of floor area, consisting of 1,515 sq. ft. of floor area on the first story, 8,008 sq. ft. of floor area on the second story, and 8.846 sq. ft. of floor area on the third

story; and

WHEREAS, the PCE will operate as Blink Fitness; and

WHEREAS, the PCE’s hours of operation will hours be Monday through Saturday, 5:30 a.m. to 11:00 p.m., and Sunday, 7:00 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 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 II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 15-BSA-040M, dated August 6, 2014; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II 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 C5-5 zoning district, within the Special Lower Manhattan District, the operation of a PCE in portions of the first, second and third stories of a 30-story mixed residential and commercial use building, contrary to ZR § 32-10; *on condition* that all work will substantially conform to drawings filed with this application marked “December 11, 2014, Five (5) sheets; *on further condition*:

THAT the term of the PCE grant will expire on January 6, 2025;

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

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

THAT fire safety measures will be installed

183-14-BZ
CEQR #15-BSA-040M

and/or maintained as shown on the Board-approved plans;

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

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 January 6, 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, January 6, 2015.

A true copy of resolution adopted by the Board of Standards and Appeals, January 6, 2015.
Printed in Bulletin Nos. 1-3, Vol. 100.

Copies Sent
To Applicant
Fire Com'r.
Borough Com'r.

