

44-14-BZ

CEQR #14-BSA-126M

APPLICANT – Sheldon Lobel, P.C., for AA Olympic LLC., owner;

The Live Well Company LLC., lessee.

SUBJECT – Application March 17, 2014 – Special Permit (§73-36) to permit the operation of a physical culture establishment (*Live Well*) on the first floor of the existing building, located within C6-3A & C6-2A zoning districts in a historic district.

PREMISES AFFECTED – 92 Laight Street, aka 256 West Street, 416 Washington Street, block bounded by Washington Street, West Street, and Vestry Street, Block 218, Lot 7501, Borough of Manhattan.

COMMUNITY BOARD #1M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated February 13, 2014, acting on DOB Application No. 121909505, reads, in pertinent part:

Proposed Physical Culture Establishment in C5-5 zoning district is not permitted as-of-right as per section ZR 32-31...; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to legalize, on a site partially within a C6-3A zoning district and partially within a C6-2A zoning district, within the Tribeca Mixed Use District, within the Tribeca North Historic District, a physical culture establishment (“PCE”) operating on the first floor of a 13-story mixed-use commercial and residential condominium building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on January 30, 2015, after due notice by publication in the *City Record*, with continued hearings on March 3, 2015, and then to decision on May 19, 2015; and

WHEREAS, Vice-Chair Hinkson and Commissioners Montanez and Ottley-Brown performed inspections of the subject site and neighborhood; and

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

WHEREAS, the subject site is an irregularly shaped through lot and corner lot, with frontages on West Street, Laight Street, Washington Street and Vestry Street, within a C6-3A zoning district and partially within a C6-2A zoning district, within the Tribeca Mixed Use District, within the Tribeca North Historic District; and

WHEREAS, the site has approximately 100 feet of frontage along West Street, 80 feet of frontage along Laight Street, 125 feet of frontage along Washington

Street and 118 of frontage along Vestry Street and contains approximately 24,197 sq. ft. of lot area; and

WHEREAS, the site is occupied by a mixed-use commercial and residential condominium building; and

WHEREAS, on November 14, 2000, the Board granted a variance for the site under BSA Cal. No. 180-95-BZ (the “Variance”), legalizing residential use thereof and authorizing the erection of a 14-story residential building with below-ground public parking; and

WHEREAS, on July 23, 2002, the Board approved an amendment to the Variance to modify entrances to the building and reduce the size of the corridor connection the West Street and Washington Street portions of the building; and

WHEREAS, the PCE occupies 3,857 sq. ft. of floor area on the first floor of the building and is accessed by a stairway with an entrance on Grand Street; and

WHEREAS, the PCE operates as The Live Well Company; and

WHEREAS, the applicant represents that the hours of operation for the PCE are Monday – Friday, from 6:00 a.m. to 9:00 p.m., and on weekends from 8:00 a.m. to 3:00 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 will not interfere with any pending public improvement project; and

WHEREAS, at hearing, the Board expressed concern that the PCE would interrupt the through block connection referenced in the Variance; and

WHEREAS, in response, the applicant provided the Board with a letter of substantial compliance and BSA-approved plans dated June 3, 2003, which permitted minor modifications to the Board’s previously approved drawings, including, *inter alia*, the elimination of the through block connection that was originally located on the first floor of the subject building; and

WHEREAS, thus, the Board’s concern that the PCE would interrupt the through block connection on the first floor of the subject building was adequately addressed; 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. 13-8018, dated November 19, 2012 and expiring on November 21, 2016; and

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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, 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, 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 11 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. 14-BSA-126M, dated January 14, 2015 ; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type 11 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 legalize, on a site within a C6-3A zoning district and partially within a C6-2A zoning district, within the Tribeca Mixed Use District, within the Tribeca North Historic District, a PCE operating in on the first floor of a 13-story mixed-use commercial and residential condominium building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "November 20, 2014," (4) sheets; and *on further condition*:

THAT the term of the PCE grant shall expire on March 1, 2024;

THAT any massages at the PCE shall be performed by New York State licensed massage therapists;

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

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;

A true copy of resolution adopted by the Board of Standards and Appeals, May 19, 2015.
Printed in Bulletin No. 22, Vol. 100.

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

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

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk shall be signed off by DOB and all other relevant agencies by May 19, 2019;

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

THAT the approved plans shall 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, May 19, 2015.

