

39-14-BZ

CEQR #14-BSA-125M

APPLICANT – Francis R. Angelino, Esq., for 97-101 Reade LLC and II LLC, owner; Exceed Fitness LLC, lessee.

SUBJECT – Application March 17, 2014 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Exceed Fitness*). C6-3A zoning district.

PREMISES AFFECTED – 97 Reade Street, between West Broadway and Church Street, Block 145, Lot 7504, Borough of Manhattan.

COMMUNITY BOARD #1M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated March 5, 2014, acting on DOB Application No. 121911306, reads, in pertinent part:

Proposed physical culture establishment in C6-3A is not permitted as of right; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within a C6-3A zoning district, within the Special Tribeca Mixed Use District and the SoHo Cast Iron Historic District, the operation of a physical culture establishment (“PCE”) in portions of the ground floor, cellar and sub-cellar of a seven-story mixed residential and commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on June 10, 2014, after due notice by publication in the *City Record*, and then to decision on July 22, 2014; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Commissioner Hinkson, Commissioner Montanez and Commissioner Ottley-Brown; and

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

WHEREAS, the subject site is located on the south side of Reade Street between West Broadway and Church Street, within a C6-3A zoning district, within the Special Tribeca Mixed Use District and the SoHo Cast Iron Historic District; and

WHEREAS, the site is occupied by a seven-story mixed residential and commercial building; and

WHEREAS, the proposed PCE will occupy 1,977 sq. ft. of floor area on the ground floor, 2,119 sq. ft. of floor space in the cellar, and 1,353 sq. ft. of floor space in the sub-cellar, for a total PCE size of 5,449 sq. ft.; and

WHEREAS, the PCE will be operated as Exceed

Fitness; and

WHEREAS, the hours of operation for the PCE will be Monday through Friday, from 5:30 a.m. to 9:00 p.m. and Saturday and Sunday, from 7:00 a.m. to 7:00 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 Landmarks Preservation Commission has approved the proposed alterations of the building by Certificates of No Effect, dated February 6, 2014, February 25, 2014 and March 7, 2014; and

WHEREAS, the PCE will 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, at hearing, the Board directed the applicant to clarify the proposed ADA-compliance and sound attenuation measures; the Board also inquired as to whether trainers will be permitted to access the PCE outside the proposed hours of operation; and

WHEREAS, in response, the applicant confirmed that the PCE will comply with the applicable provisions of the ADA and will have adequate sound attenuation; additionally, the applicant states that trainers will only use the PCE during the proposed hours of operation; 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 Type II action discussed in the CEQR Checklist, CEQR No. 14-BSA-125M, dated March 17, 2014; and

Therefore it is Resolved, that the Board of Standards and Appeals issued 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

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permit, on a site within a C6-3A zoning district, within the Special Tribeca Mixed Use District and the SoHo Cast Iron Historic District, the operation of a physical culture establishment (“PCE”) in portions of the ground floor, cellar and sub-cellar of a seven-story mixed residential and commercial building; *on condition* that all work shall substantially conform to drawings filed with this application marked “Received May 22, 2014” (4) sheets and “Received April 16, 2014” (1) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on July 22, 2024;

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

THAT all sound attenuation measures proposed will be installed, maintained and reflected on the Board-approved plans;

THAT the hours of operation for the PCE will be limited to Monday through Friday, from 5:30 a.m. to 9:00 p.m., and Saturday and Sunday, from 7:00 a.m. to 7:00 p.m.;

THAT Local Law 58/87 compliance will be as reviewed and approved by DOB;

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

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

THAT substantial construction will be completed in accordance with ZR § 73-70;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction 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, July 22, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, July 22, 2014.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

