

185-14-BZ

CEQR #15-BSA-042M

APPLICANT – Sheldon Lobel, P.C., for Roza 14 WLLC, owner; 14 Wall Day Spa LLC, lessee.

SUBJECT – Application August 6, 2014 – Special Permit (§73-36) to permit the operation of a physical culture establishment (*The Vault Spa*) on the cellar and sub-cellar floor of the existing building at the premises, which is located in a C5-5 zoning district.

PREMISES AFFECTED – 14 Wall Street, north side of Wall Street with frontage on Nassau Street and Pine Street, Block 46, Lot 9, Borough of Manhattan.

COMMUNITY BOARD #1M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez3

Negative:.....0

Absent: Chair Perlmutter.....1

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated July 30, 2014, acting on DOB Application No. 121857614, reads, in pertinent part:

Proposed change of use to physical culture establishment, as defined by ZR 12-10, is contrary to ZR 32-10 ...

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to operate, on a Landmark Site within a C5-5 zoning district, within the Special Lower Manhattan District, a physical culture establishment (the “PCE”) at basement level “B” and basement level “C” of a 30-story commercial use building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on December 16, 2014 after due notice by publication in the *City Record*, and then to decision on February 3, 2015; and

WHEREAS, Vice-Chair Hinkson and Commissioner Montanez performed an examination of the premises and surrounding area and neighborhood; and

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

WHEREAS, the subject site is located within a C5-5 zoning district, within the Special Lower Manhattan District, and consists of a through lot with approximately 160 feet of frontage on Wall Street, 196 feet of frontage on Nassau Street, and 177 square feet of frontage on Pine Street, containing approximately 32,947 sq. ft. of floor area;

WHEREAS, the subject site was designated as a Landmark Site by the New York City Landmarks Preservation Commission on January 14, 1997, Designation List 276 LP-1949; and

WHEREAS, the proposed PCE shall operate in the basement and sub-basement of the building; and

WHEREAS, the proposed PCE shall occupy

approximately 9,870 sq. ft. of floor area on basement level “B” of the building and approximately 5,374 sq. ft. of floor area on basement level “C” of the building for a total approximate floor area of 15,244 sq. ft. (.46 FAR); and

WHEREAS, the PCE shall operate as The Vault Spa; and

WHEREAS, the hours of operation for the PCE will be daily, from 9:00 a.m. to 10:00 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, 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. 16-6873, dated January 14, 2015; 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-042M, 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 legalize, on a Landmark Site within a C5-5 zoning district, within the Special Lower Manhattan District, the operation of a PCE on basement level “B” and basement level “C”, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked “Received November 26, 2014”–Four (4) sheets; and *on further condition*:

THAT the term of the PCE grant shall expire on February 3, 2025;

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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;

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 February 3, 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, February 3, 2015.

**A true copy of resolution adopted by the Board of Standards and Appeals, February 3, 2015.
Printed in Bulletin No. 7, Vol. 100.**

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

