

281-13-BZ

CEQR #14-BSA-051M

APPLICANT – Joshua Rinesmith, Warshaw Burstein LLP for FC-Canal LLC, owner; 320 Canal Fitness Group, LLC, lessee.

SUBJECT – Application October 4, 2013 – Special Permit (§73-36) to allow a physical culture establishment (*Planet Fitness*) on the cellar and first floor of the existing building. C6-2A zoning district.

PREMISES AFFECTED – 350-370 Canal Street, premises is comprised of 3 properties located on the west portion of block 211 at the intersection of Canal Street and Church Street. Block 211, Lot(s) 3, 29, 7501. Borough of Manhattan.

COMMUNITY BOARD #1M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Otteley-Brown, Commissioner Hinkson and Commissioner Montanez5
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated September 24, 2013, acting on Department of Buildings (“DOB”) Application No. 121789181, reads in pertinent part:

Proposed use as a physical culture establishment is contrary to ZR 32-10; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located in a C6-2A zoning district within the Special Tribeca Mixed Use District, the operation of a physical culture establishment (“PCE”) within portions of the cellar of a two-story commercial building and within portions of the cellar and first story of a 21-story mixed residential and commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on March 4, 2014, after due notice by publication in *The City Record*, and then to decision on April 1, 2014; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by Commissioner Hinkson; and

WHEREAS, Community Board 1, Manhattan, expresses no objection to this application; and

WHEREAS, the subject site is a single zoning lot comprising Tax Lots 3, 29, and 7501, which occupies the eastern portion of the block bounded by Canal Street, Church Street, Lispenard Street, and West Broadway, within a C6-4A zoning district within the Special Tribeca Mixed Use District; and

WHEREAS, the site has approximately 217 feet of frontage along Canal Street, approximately 153 feet of frontage along Church Street, approximately 226 feet of frontage along Lispenard Street, and 41,739 sq. ft. of lot area; and

WHEREAS, the site is occupied by three buildings; Lot 29 is occupied by a 21-story hotel building, Lot 3 is occupied by a two-story commercial building, and Lot 7501 (formerly Lot 11; a/k/a 7-11 Lispenard Street) is occupied by a six-story mixed residential and commercial building; the buildings have a total floor area of 224,404 sq. ft. of (5.37 FAR); and

WHEREAS, the PCE is proposed to occupy 620 sq. ft. of floor area on the first story of the 21-story hotel building and a total of 12,786 sq. ft. of floor space in the cellars of the 21-story building and the two-story commercial building, for a total PCE size of 13,406 sq. ft. of floor space; and

WHEREAS, the PCE will be operated as Planet Fitness; and

WHEREAS, the applicant represents that the services at the PCE include facilities for classes, instruction and programs for physical improvement, body building, weight reduction, and aerobics; and

WHEREAS, the hours of operation for the PCE will be seven days per week, 24 hours per day; 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 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 Board also 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 Unlisted action pursuant to 6 NYCRR Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed action discussed in the Environmental Assessment Statement, CEQR No.14BSA051M dated October 3, 2013; 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 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

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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 Negative Declaration 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 located in a C6-2A zoning district within the Special Tribeca Mixed Use District, the operation of a PCE within portions of the cellar of a two-story commercial building and within portions of the cellar and first story of a 21-story mixed residential and commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received January 10, 2014 – Five (5) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on April 1, 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 any massages will be performed only by New York State licensed massage professionals;

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

A true copy of resolution adopted by the Board of Standards and Appeals, April 1, 2014.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

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, April 1, 2014.

