

**372-03-BZ**

APPLICANT – Kramer Levin Naftalis & Frankel LLP, for Sator Realty, Ink, owner.

SUBJECT – Application January 31, 2014 – Extension of Term of a previously approved Special Permit (§73-36) to allow the operation of a physical culture establishment (*The Facility*) which expires May 11, 2014. C5-3 (MID) zoning district.

PREMISES AFFECTED – 663 Fifth Avenue, East side of Fifth Avenue, between East 52nd and 53rd Streets, Block 1288, Lot 3, Borough of Manhattan.

**COMMUNITY BOARD #5M**

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT –**

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson.....4

Negative:.....0

Absent: Commissioner Montanez .....1

**THE RESOLUTION –**

WHEREAS, this is an application for a reopening and an extension of term for a physical culture establishment (“PCE”), which expired on May 11, 2014; and

WHEREAS, a public hearing was held on this application on April 29, 2014, after due notice by publication in *The City Record*, and then to decision on May 13, 2014; and

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

WHEREAS, Community Board 5, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is located on the east side of Fifth Avenue between East 52nd Street and East 53rd Street, within a C5-3 zoning district, within the Special Midtown District; and

WHEREAS, the site is occupied by an eight-story commercial building; and

WHEREAS, the PCE is located on portions of the eighth story and roof of the subject building (7,332 sq. ft. of floor area) and on portions of the eighth and ninth stories of the subject building (7,817 sq. ft. of floor area), which is known as 655 Fifth Avenue (Block 1288, Lot 1); the PCE occupies a total of 15,149 sq. ft. of floor area; and

**A true copy of resolution adopted by the Board of Standards and Appeals, May 13, 2014.**

**Printed in Bulletin No. 20, Vol. 99.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

WHEREAS, the PCE is operated as The Facility; and

WHEREAS, on May 11, 2004, under the subject calendar number, the Board granted a special permit, pursuant to ZR § 73-36, to permit, on a site within a C5-3 zoning district, within the Special Midtown District the operation of a PCE for a term of ten years, to expire on May 11, 2014; on that same day, under BSA Cal. No. 371-03-BZ, the Board granted a special permit for the operation of the PCE at 655 Fifth Avenue; and

WHEREAS, the applicant now seeks an extension of the term of the PCE special permit for ten years; and

WHEREAS, based upon its review of the record, the Board finds that an extension of term for ten years is appropriate with certain conditions as set forth below.

*Therefore it is Resolved*, that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated May 11, 2004, so that as amended the resolution reads: “to grant an extension of the special permit for a term of ten years from the prior expiration; *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked ‘Received January 31, 2014’- (5) sheets; and *on further condition*:

THAT this grant will be limited to a term of ten years, to expire on May 11, 2024;

THAT any massages will be performed only by New York State licensed massage professionals;

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

THAT the above conditions will appear on the certificate of occupancy;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, May 13, 2014.

