

203-14-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for 16 West 8th LLC, owner; 305 Fitness, lessee.

SUBJECT – Application August 25, 2014 – Special Permit §73-36 to permit a physical culture establishment (305 Fitness) within portions of an existing commercial building. C4-5 zoning district.

PREMISES AFFECTED – 18 West 8th Street, South side of West 8th Street, 97.2 feet east of intersection of West 8th Street and MacDougal Street. Block 551, Lot 23. Borough of Manhattan.

COMMUNITY BOARD #2M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.....4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated March 20, 2014, acting on DOB Application No. 121809445, reads, in pertinent part:

The proposed Physical Culture Establishment in zoning district c4-5 is not a permitted use as of right...; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to legalize, on a site within a C4-5(LC) zoning district, and also with in an R6 zoning district, within the Greenwich Village Historic District, within a Special Limited Commercial District, an existing physical culture establishment (the “PCE”) on the cellar and first story of a one-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on February 10, 2015 after due notice by publication in the *City Record*, and then to decision on March 10, 2015; and

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

WHEREAS, Community Board 2, Manhattan, recommends approval of this application; and

WHEREAS, the subject site fronts on the south side of West 8th Street, between MacDougal Street and 5th Avenue, within a C4-5(LC) zoning district and also within an R6 zoning district, within the Greenwich Village Historic District, within a Special Limited Commercial District; and

WHEREAS, the site has approximately 100 feet of frontage along West 8th Street with a lot area of approximately 6,483 sq. ft.; and

WHEREAS, the northern portion of the site, to a depth of 50.33 feet from West 8th Street, is located in the C4-5(LC) zoning district, and the southern portion of the

site (14.5 feet of depth at the rear of the site), is located within an R6 zoning district; and

WHEREAS, the Board notes that pursuant to ZR §77-11, because the subject zoning lot was in existence on December 15, 1961, and because more than 50 percent of the lot area of the subject site is located within the C4-5(LC) zoning district, and because the greatest distance from the district boundary to any lot line within the R6 zoning district is less than 25 feet, the C4-5(LC) zoning district regulation may apply to the entire lot; and

WHEREAS, the site is occupied by a one-story commercial building; and

WHEREAS, the PCE occupies 3,058 sq. feet of floor space in the cellar of the building and 1,236 sq. ft. of floor area on the first floor of the Building, for a total floor area of 1,236 sq. ft.; and

WHEREAS, the PCE is operating as 305 Fitness; and

WHEREAS, the hours of operation for the PCE shall be Monday through Friday, from 5:30 a.m. to 10:30 p.m., and on Saturdays and Sundays 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 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. 15-9815, dated July 8, 2014; 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 Board notes that the term of the grant has been reduced to reflect the operation of the PCE without the special permit, which commenced on November 1, 2014; 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-048M, dated August 25, 2014;

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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 site within a C4-5(LC) zoning district, and also within an R6 zoning district, within the Greenwich Village Historic District, within a Special Limited Commercial District, the operation of a PCE on the first story and cellar of a one-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked “January 29, 2015”- Four (4) sheets; and *on further condition*:

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

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 March 10, 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, March 10, 2015.

A true copy of resolution adopted by the Board of Standards and Appeals, March 10, 2015.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

