

LAND USE COMMITTEE – COMMUNITY BOARD 12-MANHATTAN

MARCH 5, 2014

RESOLUTION: SUPPORTING THE APPLICATION SUBMITTED TO THE BOARD OF STANDARDS AND APPEALS TO PERMIT THE OPERATION OF A PLANET FITNESS AT 4168 BROADWAY

- Whereas: An application (“Application BSA Calendar No.: 9-14-BZ” or the “Application”) was submitted to the Board of Standards and Appeals (“BSA”) in January 2014 by Warshaw Burstein LLP (“Legal Counsel”) on behalf of 4168 Broadway Fitness Group LLC, lessee of a portion of the property located at 4168 Broadway, Block 2145, Lot 15, (the “Property”). The Application seeks to permit (i) the operation of a physical culture establishment (“PCE”), and (ii) the extension of the proposed PCE use into the residential portion of a zoning lot that is split by commercial and residential zoning districts; and
- Whereas: The majority of the Property is located within a C8-3 zoning district, in which PCE’s are permitted as-of-right, but the Property extends 26’-2” beyond the C8-3 zoning district into a R7-2 zoning district. Zoning regulations allow zoning lots that are divided by zoning districts to allow a permitted use in the district occupying the majority of the zoning lot to extend only up to 25 feet into the remaining portion of the lot; and
- Whereas: PCEs, i.e.: sports clubs or gyms, are not permitted as-of-right in any residential zoning districts and require a special permit (the “Special Permit”) issued by BSA in order to operate legally. This requirement was established in the 1970s as a means of curtailing illicit activities in massage parlors and similar establishments; and
- Whereas: The Property is a six-story, 84,771 square foot structure located at the southeast corner of Broadway and West 177th Street. It is used primarily for public parking, but also has a 3,626 square foot eating and drinking establishment on the ground floor. The second and third floors of the Property have been vacant for more than one year. The Property can accommodate approximately 400 cars, valet-parking style, at the cellar, ground, fourth, fifth and sixth floors; average occupancy is approximately 50% of this capacity; and
- Whereas: The Planet Fitness franchise has executed a lease to operate a 29,726 square foot fitness center (the “Center”) within the Property, primarily on its second and third floors. The Center will have a main entrance and a 1,496 square foot reception area at the ground floor of the Property, entered from Broadway. The reception area to the Center will be connected to the second and third floors, each 14,115 square feet, by a private elevator and stair. The Center will also have two fire-rated emergency exits and will be fully comply with ADA requirements; and
- Whereas: Planet Fitness seeks to promote an affordable, friendly, judgment-free environment. The Center will have cardiovascular and weightlifting machines, shower rooms, locker rooms and bathrooms. It will operate 24 hours per day, seven days per week, except holidays. It will be staffed by a total of 13 to 15 employees, with approximately six to seven employees per shift. The typical monthly membership fee at a Planet Fitness facility is \$20 or less. It is anticipated that utilization of the Center will be approximately 1,000 to 1,500 patrons per week and approximately 135 to 150 patrons per peak hour, peak hours generally being from 6:00 AM to 10:00 AM and from 5:00 PM to 9:00PM; and

Whereas: On March 5, 2014 the Land Use Committee (“Land Use” or the “Committee”) held a Public Hearing (“Public Hearing) to obtain comments on the Application. Joshua Reinsmith, representing Legal Counsel, attended the Public Hearing and briefed the Committee on the Application. At the Public Hearing the Committee expressed its support for the Center, but also expressed concern about the continued availability of adequate public parking. Now, therefore

Be It

Resolved: Community Board 12- Manhattan supports Application BSA Calendar No.: 9-14-BZ submitted to the Board of Standards and Appeals by Warshaw Burstein LLP on behalf of 4168 Broadway Fitness Group LLC seeking a Special Permit for the operation of a physical culture establishment, Planet Fitness, and the extension of the fitness center use into the residential portion of a zoning lot.

THE RESOLUTION PASSED BASED ON THE FOLLOWING VOTES:

	<u>For</u>	<u>Against</u>	<u>Abstaining</u>
Committee Members	5	1	2
Public Member	1	0	0
Members of the Public	0	1	2