

119-03-BZ

CEQR #03-BSA-172M

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Columbus Centre, LLC, owner; Equinor Columbus Centre, Inc., lessee.

SUBJECT - Application April 14, 2003 - under Z.R. §73-36 to permit the creation of a physical culture establishment within portions of a fifty-four story mixed-use building currently under construction on a corner lot, extending from West 58th Street to West 60th Street, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 10 Columbus Circle, a/k/a 301 West 58th Street, a/k/a 300 West 60th Street, northwest corner of west 58th Street and Columbus Circle, Block 1049, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated March 28, 2003 acting on ALT I. Application No. 1022686112 reads:

"PROPOSED PHYSICAL CULTURE ESTABLISHMENT, LOCATED IN A C6-6 ZONING DISTRICT, IS NOT A PERMITTED AS OF RIGHT USE PURSUANT TO 32-10 AND 81-10 ZR."; and

WHEREAS, a public hearing was held on this application on August 12, 2003, after due notice by publication in The City Record and held over to September 17, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §73-36 to permit the creation of a physical culture establishment ("PCE") within portions of a fifty-four story mixed-use building currently under construction on a corner lot, extending from West 58th Street to West 60th Street and within the Special Midtown District, which requires a special permit pursuant to Z.R. §32-10; and

WHEREAS, the proposed PCE is to be located

within portions of the ground floor and second sub-cellar of the proposed mixed-use building; and

WHEREAS, the applicant states that the hours of operation of the PCE will be Monday through Friday 5:00 A.M. to 11:00 P.M., and Saturday and Sunday 7:30 A.M. to 9:00 P.M.; and

WHEREAS, the record indicates that the subject PCE will have a separate dedicated entrance from West 60th Street; and

WHEREAS, the applicant represents that the ground floor of the proposed mixed-use building will contain a significant amount of commercial floor area, extending several floors above the ground floor, and that there are no residential units directly above or adjacent to the proposed PCE; and

WHEREAS, the Board finds that the proposed use will not alter the essential character of the surrounding neighborhood, nor will it impair the future use and development of the surrounding area; and

WHEREAS, the record shows that the proposed PCE will contain facilities for classes, instruction, and programs for physical improvement, body building, weight reduction, and aerobics; and

WHEREAS, the applicant asserts that the proposed PCE will have no adverse impact on the privacy, light, quiet, and air of the surrounding area, as the facility is to be located at the ground floor and sub-cellars of a proposed mixed-use building; and

WHEREAS, the proposed project will not interfere with the existing street system or any pending public improvement project; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-36 and 73-03; and

WHEREAS, the Board has determined that the evidence in the record shows that the proposed PCE will be consistent with the general purposes and provisions of the Special Purpose District as set forth in ZR§81-00 et. seq.; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617

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and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-36, 73-03 and 81-13 to permit the creation of a physical culture establishment within portions of a fifty-four story mixed-use building currently under construction on a corner lot, extending from West 58th Street to West 60th Street, which requires a special permit as per Z.R. §32-10, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received July 29, 2003" - (4) sheets and "September 2, 2003" -(1) sheet; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from September 16, 2003 to expire on September 16, 2013;

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

THAT all massages will all be performed by New York State licensed massage therapists;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT all signage shall comply with the underlying signage regulations;

THAT the hours of operation shall be limited to Monday through Friday 5:00 A.M. to 11:00 P.M., and Saturday and Sunday 7:30 A.M. to 9:00 P.M.;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all provisions of Local Law 58/87;

THAT this approval is limited to the relief granted by the Board in response to the specifically cited and filed Department of Buildings objection only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings 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;

THAT the above conditions shall appear on the Certificate of Occupancy.

Adopted by the Board of Standards and Appeals,
September 16, 2003.

**A true copy of resolution adopted by the Board of Standards and Appeals, September 16, 2003.
Printed in Bulletin Nos. 38-39, Vol. 88.**

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.