

123-11-BZ

APPLICANT – Ellen Hay, Wachtel & Masyr LLP, for Harrison Retail Associates LLC, owner, SoulCycle 350 Amsterdam, LLC, lessee.

SUBJECT – Application August 24, 2011 – Special Permit (ZR §73-36) to allow the operation of a physical culture establishment (*SoulCycle*). C2-7A & C4-6A zoning districts.

PREMISES AFFECTED – 350 Amsterdam Avenue, west side Amsterdam Avenue between West 76th Street and West 77th Street. Block 1168, Lots 1001/7501, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES –

For Applicant: Ellen Hay

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated August 19, 2011, acting on Department of Buildings Application No. 120750277, reads in pertinent part:

Proposed ‘physical culture establishment’ at zoning C2-7A, C4-6A district is not permitted contrary to section ZR 32-10 and a special permit by the Board of Standards and Appeals is required; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site partially within a C2-7A zoning district and partially within a C4-6A zoning district, the establishment of a physical culture establishment (PCE) on a portion of the first floor of a mixed-use commercial/residential building with a 13-story and an 18-story tower, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on November 15, 2011, after due notice by publication in *The City Record*, and then to decision on December 13, 2011; and

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

WHEREAS, Community Board 7, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is located on the west side of Amsterdam Avenue, between West 76th Street and West 77th Street; and

WHEREAS, the site is occupied by a mixed-use commercial/residential building with a 13-story and 18-story tower; and

WHEREAS, the applicant notes that there is an existing PCE at the subject site, granted pursuant to

BSA Cal. No. 272-07-BZ; and

WHEREAS, the applicant states that the proposed PCE will occupy approximately 2,052 sq. ft. of floor area on the first floor of the building, and will be located in a different location than the existing PCE at the site; and

WHEREAS, the PCE will be operated as Soul Cycle; and

WHEREAS, the applicant represents that the services at the PCE will include facilities for instruction and programs for physical improvement; and

WHEREAS, the hours of operation for the proposed PCE will be 5:30 a.m. to 10:00 p.m., daily; and

WHEREAS, 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 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, 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 project is classified as an Type II action pursuant to 6 NYCRR Part 617.12 and 617.5; 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 Type II determination prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and 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 partially within a C2-7A zoning district and partially within a C4-6A zoning district, the establishment of a physical culture establishment (PCE) on a portion of the first floor of a mixed-use commercial/residential building with a 13-story and an 18-story tower, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked “Received October 26, 2011”- (4) sheets; and *on further condition*:

123-11-BZ

THAT the term of this grant shall expire on December 13, 2021;

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 massages shall be performed by New York State licensed massage therapists;

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

THAT Local Law 58/87 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 substantial construction shall 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 shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings 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, December 13, 2011.

**A true copy of resolution adopted by the Board of Standards and Appeals, December 13, 2011.
Printed in Bulletin No. 51, Vol. 96.**

**Copies Sent
To Applicant
Fire Com'r.
Borough Com'r.**