

**180-07-BZ**

APPLICANT – Sheldon Lobel, P.C., for 47 Development, LLC, owner; Ritual Spa LLC dba Silk Day Spa, lessee.

SUBJECT – Application June 12, 2008 – Extension of Time to obtain a Certificate of Occupancy for a previously granted PCE (Silk Day Spa), in a C6-2/C6-2M zoning district, which expired on May 20, 2008.

PREMISES AFFECTED – 47 West 13<sup>th</sup> Street, north side of West 13<sup>th</sup> Street, between Fifth and Sixth Avenues, Block 577, Lot 15, Borough of Manhattan.

**COMMUNITY BOARD #2M**

**APPEARANCES –**

For Applicant: Josh Rinesmith.

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

**THE VOTE TO GRANT –**

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottey-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

**THE RESOLUTION:**

WHEREAS, this is an application for a reopening and an extension of time to obtain a certificate of occupancy, which expired on May 20, 2008, for a physical culture establishment (PCE); and

WHEREAS, a public hearing was held on this application on July 22, 2008, after due notice by publication in *The City Record*, and then to decision on August 19, 2008; and

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

WHEREAS, the site is located on the north side of West 13<sup>th</sup> Street, between Fifth Avenue and Sixth Avenue, partially within a C6-2M zoning district and partially within a C6-2 zoning district; and

WHEREAS, the PCE occupies 5,846 sq. ft. of floor area in the cellar and 491 sq. ft. of floor area on the first floor of a nine-story mixed-use building; and

WHEREAS, the PCE is operated as Silk Day Spa; and

WHEREAS, on November 20, 2007, under the subject calendar number, the Board approved the legalization of the PCE at the subject site, with certain conditions; and

WHEREAS, one condition of the grant was that a new certificate of occupancy be obtained by May 20, 2008; and

WHEREAS, the applicant represents that the owner's failure to obtain the certificate of occupancy within the stipulated time was due to construction delays

**A true copy of resolution adopted by the Board of Standards and Appeals, August 19, 2008.**

**Printed in Bulletin Nos. 32-34, Vol. 93.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

beyond its control; and

WHEREAS, the applicant now seeks an extension of time to obtain a new certificate of occupancy; and

WHEREAS, a condition of the November 20, 2007 grant was that the Spa redirect the exhaust vents that discharge onto West 13<sup>th</sup> Street; and

WHEREAS, the applicant submitted a letter dated August 12, 2008 stating that the Spa will remove the subject vents and redirect the exhaust through the building's interior ventilation system; and

WHEREAS, based upon its review of the record, the Board finds that a six-month extension of time to obtain a certificate of occupancy until February 19, 2009 is appropriate with certain conditions as set forth below.

*Therefore it is Resolved* that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated November 20, 2007, so that as amended this portion of the resolution shall read: "to grant an extension of time to obtain a certificate of occupancy to February 19, 2009; *on condition* that all use and operations shall substantially conform to all BSA-approved drawings associated with the prior grant; and *on further condition*:

THAT a certificate of occupancy shall be obtained by February 19, 2009;

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

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."

Adopted by the Board of Standards and Appeals, August 19, 2008.