

193-12-BZ**CEQR #12-BSA-144M**

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Vornado Realty Trust, owner; Soul Cycle 384 Lafayette Street, LLC, lessee.

SUBJECT – Application June 14, 2012 – Special Permit (§73-36) to allow a physical culture establishment (*Soul Cycle*) within a portion of an existing building. M1-5B zoning district.

PREMISES AFFECTED – 384 Lafayette Street (a/k/a 692 Broadway, 2/20 East 4th Street) southwest corner of intersection of Lafayette Street and E. 4th Street, Block 531, Lot 7401, Borough of Manhattan.

COMMUNITY BOARD #2M

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 June 5, 2012, acting on Department of Buildings Application No. 121062722, reads in pertinent part:

Proposed change of use to a physical culture establishment, as defined by ZR 12-10, is contrary to ZR 42-10 and must be referred to the Board of Standards and Appeals for approval pursuant to ZR 73-36; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within an M1-5B zoning district within the NoHo Historic District, the operation of a physical culture establishment (PCE) on a portion of the cellar level and first floor of a 12-story mixed-use commercial/manufacturing/residential building, contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application on September 25, 2012, after due notice by publication in *The City Record*, and then to decision on October 23, 2012; and

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

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

WHEREAS, the subject site is located on a site with frontage on Broadway, East 4th Street, and Lafayette Street, in an M1-5B zoning district within the NoHo Historic District; and

WHEREAS, the site is the subject of a prior PCE special permit approval for a Blink Fitness, pursuant to BSA Cal. No. 33-10-BZ; and

WHEREAS, the site is occupied by a mixed-use commercial/manufacturing/residential building, known as the Silk Building; and

WHEREAS, the applicant submitted a Certificate of No Effect from the Landmarks Preservation Commission (LPC), dated September 17, 2012, approving the proposed signage and other modifications under its jurisdiction; and

WHEREAS, the proposed PCE will occupy 3,294 sq. ft. of floor area on the first floor and 1,873 sq. ft. of floor space in the cellar; and

WHEREAS, the PCE will be operated as SoulCycle; and

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

WHEREAS, the applicant proposes the following hours of operation: Monday to Saturday, 5:30 a.m. to 11:00 p.m. and Sunday, 7:00 a.m. to 9:00 p.m.; 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 a Type I action pursuant to 6 NYCRR Part 617.12 and 617.4; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement, CEQR No.12BSA144M, dated June 12, 2012; and

WHEREAS, the EAS documents that the operation of the PCE would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Hazardous Materials; Waterfront Revitalization Program; Infrastructure; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; Construction Impacts; and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact

193-12-BZ

CEQR #12-BSA-144M

Statement are foreseeable; 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 I action 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 permit, on a site within an M1-5B zoning district within the NoHo Historic District, the operation of a physical culture establishment on a portion of the cellar level and first floor of a 12-story mixed-use commercial / manufacturing / residential building, contrary to ZR § 42-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received June 14, 2012" - Four (4) sheets and *on further condition*:

THAT the term of this grant will expire on October 23, 2022;

THAT there will 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 must be performed by New York State licensed massage therapists;

THAT soundproofing will be installed and maintained as reflected on the BSA-approved plans;

THAT all modifications to signage and the façade will be in accordance with the Landmarks Preservation Commission's Certificate of No Effect, dated September 17, 2012;

THAT any modifications will be subject to Landmarks Preservation Commission approval;

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

THAT Local Law 58/87 compliance will be as reviewed and approved by DOB;

THAT fire safety measures will be installed and/or maintained as shown on the Board-approved plans;

THAT substantial construction will 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 will be considered approved only for the portions related to the specific

**A true copy of resolution adopted by the Board of Standards and Appeals, October 23, 2012.
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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

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, October 23, 2012.