

204-15-BZ**CEQR #16-BSA-026M**

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Caledonia Retail Associates LLC, owner.

SUBJECT – Application August 31, 2015 – Special Permit 73-36: to allow a (*SoulCycle*) physical culture establishment within portion of an existing twenty-four story mixed use building in a C6-3 (WCH) zoning district.

PREMISES AFFECTED – 98-100 10th Avenue, aka 450 West 17th Street, Block 714, Lot 7501, Borough of Manhattan.

COMMUNITY BOARD #4M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated June 1, 2016, acting on Department of Buildings Application No. 122486238, reads in pertinent part:

Proposed Physical Culture Establishment not permitted As-Of-Right as per section 32-10 and requires a special permit by the Board of Standards and Appeals (BSA) to comply with ZR 73-36

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located within a C6-3 zoning district, within the Special West Chelsea District, the operation of a physical culture establishment (PCE) in a 24-story with cellar mixed-use building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on June 14, 2016 after due notice by publication in *The City Record*, and then to decision July 19, 2016; and

WHEREAS, Community Board 4, Manhattan, recommends approval of this application; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez, Commissioner Ottley-Brown, and Commissioner Chanda performed inspections of the subject site and neighborhood; and

WHEREAS, the subject site is located on the northeast corner of the intersection of 10th Avenue and West 16th Street, in Manhattan, within a C6-3 zoning district, within the Special West Chelsea District; the site has approximately 161 feet of frontage along the east side of 10th Avenue, approximately 300 feet of frontage along the north side of West 16th Street, and approximately 200 feet of frontage along the south side of West 17th Street; the site has a lot area of 64,310 sq. ft.; and

WHEREAS, the site is occupied by a 24-story with cellar mixed-use building which contains approximately 440,937 sq. ft. of floor area; the building contains 469 dwelling units, accessory parking for 210 cars, and retail

stores, restaurant, and accessory uses on the cellar, mezzanine, and first floor thereof; there is another PCE on the site, approved by the Board under BSA Cal. No. 41-07-BZ, which contains approximately 21,676 sq. ft. of floor space in the cellar of the building and 11,081 sq. ft. of floor area on the first floor and mezzanine of the building; and

WHEREAS, the proposed PCE shall contain 3,739 sq. ft. of floor area on the first floor of the building, located at the corner of 10th Avenue and West 16th Street; the main entrance to the PCE shall be off of 10th Avenue, and the facilities shall include an entrance lobby, a reception desk, a cycling studio with approximately 58 patron cycles, and locker rooms; and

WHEREAS, the PCE shall operate as *SoulCycle*; and

WHEREAS, the PCE's hours of operation shall be: Monday through Saturday, 5:30 a.m. to 11:00 p.m., and on Sunday, 7:00 a.m. to 9:00 p.m.; 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 deemed to be satisfactory; and

WHEREAS, by letter dated July 14, 2016, the Fire Department states that it has made necessary inspections of the PCE space and that it has no objection to the proposed PCE; and

WHEREAS, the applicant represents that the PCE will not interfere with any public improvement projects; and

WHEREAS, the Board finds that this action will neither alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; 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 II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No.16BSA026M, dated August 31, 2016; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.3, §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site located within a C6-3 zoning district, within the Special West Chelsea District, the operation of a physical culture

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establishment (PCE) in a 24-story with cellar mixed-use building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received May 27, 2016"- Six (6) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on July 19, 2026;

THAT there will be no change in ownership or control of the PCE without prior application to and approval from the Board;

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

THAT the hours of operation for the PCE shall be Monday through Saturday, 5:30 a.m. to 11:00 p.m., and on Sunday, 7:00 a.m. to 9:00 p.m.;

THAT acoustic mitigation shall be installed as shown on BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

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

THAT DOB 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,
July 19, 2016.

A true copy of resolution adopted by the Board of Standards and Appeals, July 19, 2016.
Printed in Bulletin No. 30, Vol. 101.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

