

36-11-BZ

CEQR #11-BSA-076M

APPLICANT – Francis R. Angelino, Esq., for 270 Greenwich Street Associates LLC, owner; SoulCycle Tribeca, LLC, lessee.

SUBJECT – Application April 1, 2011 – Special Permit (§73-36) to permit the legalization of a Physical Culture Establishment (*SoulCycle*). C6-3 zoning district.

PREMISES AFFECTED – 270 Greenwich Street/103 Warren Street, west side of Joe DiMaggio Highway, Block 142, Lot 7501, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES –

For Applicant: Francis R. Angelino.

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 Superintendent, dated May 19, 2011, acting on Department of Buildings Application No. 120231677, reads in pertinent part:

“Proposed Physical Culture Establishment is not permitted as of right in a C6-4 district as per ZR section 32-10 and requires a BSA Special Permit per ZR Section 73-36;” and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located within a C6-4 zoning district, the legalization of a physical culture establishment (PCE) at the first floor and first floor mezzanine of a 32-story mixed-use commercial/residential building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on June 21, 2011, after due notice by publication in *The City Record*, and then to decision on July 19, 2011 and

WHEREAS, Community Board 1, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is located on an irregular-shaped lot bounded by Warren Street to the north, Greenwich Street to the east, Murray Street to the south, and West Street to the west, within a C6-4 zoning district; and

WHEREAS, the site is occupied by a 32-story mixed-use commercial/residential building; and

WHEREAS, the PCE will occupy 6,176 sq. ft. of floor area on the first floor and first floor mezzanine; and

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

WHEREAS, the proposed hours of operation are: 5:30 a.m. to 9:30 p.m., daily; and

WHEREAS, the applicant represents that the services at the PCE include facilities for classes,

instruction and programs for physical improvement, body building, weight reduction and aerobics; 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 Board notes that the PCE has been in operation since January 15, 2010, without a special permit; and

WHEREAS, accordingly, the Board has determined that the term of the grant shall be reduced for the period of time between January 15, 2010 and the date of this grant; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR Part 617.2; 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. 11BSA076M, dated March 22, 2011; 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 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 Negative Declaration prepared in accordance with Article 8 of the New York State

36-11-BZ

CEQR #11-BSA-076M

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 a C6-4 zoning district, the legalization of a physical culture establishment at the first floor and first floor mezzanine of a 32-story mixed-use commercial/residential building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked “Received June 7, 2011” – 5 sheets and *on further condition*:

THAT the term of this grant shall expire on January 15, 2020;

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 the above conditions shall appear on the Certificate of Occupancy;

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

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, July 19, 2011.

**A true copy of resolution adopted by the Board of Standards and Appeals, July 19, 2011.
Printed in Bulletin No. 30, Vol. 96.**

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