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BOARD OF STANDARDS AND APPEALS

MEETING OF: October 3, 2022
CALENDAR NO.: 36-11-BZ
PREMISES: 270 Greenwich Street a/k/a 103 Warren
Street, Manhattan
Block 142, Lot 7501

ACTION OF BOARD — Application withdrawn without prejudice.

THE VOTE —

Affirmative: Vice-Chair Chanda, Commissioner Ottley-Brown,
Commissioner Sheta, Commissioner Scibetta, and
Commissioner Yoon.....5
Negative:.....0

THE RESOLUTION —

This is an application for a waiver of the Board’s Rules of Practice and Procedures and to extend the term of a previously approved special permit, pursuant to Z.R. § 73-36, on a site located within a C6-3A zoning district, which permitted the operation of a physical culture establishment and expired on January 15, 2020.

A public hearing was held on this application on October 18, 2021, after due notice by publication in *The City Record*, and then to decision on October 3, 2022.

The Premises are located at the northeast corner of the intersection of Greenwich Street and Warren Street, within a C6-4 zoning district, in Manhattan. With approximately 206 feet of frontage along Greenwich Street, 461 feet of frontage on Warren Street, 182 feet of frontage on West Street, and 90,565 square feet of lot area, the Premises are occupied by an existing 32-story, plus cellar, mixed-use commercial and residential building.

The Board has exercised jurisdiction over the Premises since July 19, 2011, when, the subject calendar number, the Board granted a special permit, pursuant to Z.R. § 73-36, to permit the legalization of a physical culture establishment at the first floor and first floor mezzanine of a 32-story, mixed-use commercial and residential building, contrary to Z.R. § 32-10, on condition that all work substantially conform to drawings filed with the application; the term of the grant expire on January 15, 2020; there be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board; the above conditions appear on the certificate of occupancy; fire safety measures be installed and/or maintained as shown on the Board-approved plans; this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction

objection(s); the approved only for the portions related to the specific relief granted; and the Department of Buildings ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction.

By correspondence dated October 18, 2021, the Fire Department states that the Fire Department's Bureau of Fire Prevention has been conducting annual inspections of these Premises and has found no violation and permits are current. Based upon the foregoing, the Fire Department has no objection to the application. The Bureau of Fire Prevention will continue to inspect these Premises and enforce all applicable rules and regulations.

During the course of hearings, on December 9, 2021, the City Council adopted the Health and Fitness Text Amendment which was subject to a four-month challenge period that ended on April 9, 2022. The Health and Fitness Text Amendment categorizes all facilities dedicated to physical fitness and health, limited to 10,000 square feet of floor area per establishment, as Use Group 6 and Use Group 14. This categorization includes gyms, spas, and other facilities with activities designed to promote physical fitness. Through this framework, the Use Group 6 use would be permitted as-of-right in C1, C2, C4, C5, C6 and C8 zoning districts and in M1, M2 and M3 zoning districts, and the Use Group 14 use would be permitted in C2, C3, C7 and C8 zoning districts. The action would categorize all facilities dedicated to physical fitness and health, with no limitation of floor area per establishment, as Use Group 9. This categorization also includes gyms, spas, and other facilities with activities designed to promote physical fitness. These uses would be permitted as-of-right in C2, C4, C5, C6, and C8 zoning districts; M1, M2, and M3 zoning districts; and high-density C1 zoning districts, such as C1-8, C1-9, and C1 overlays mapped with R9 or R10 zoning districts. As of April 9, 2022, the Board no longer retains jurisdiction over "physical culture establishment" special permits granted pursuant to Z.R. § 73-36 and cannot consider new or modified approvals under that section.

As such, by correspondence, dated July 22, 2022, the applicant requested to withdraw the application without prejudice. *Therefore, it is Resolved*, that this application is hereby *withdrawn* without prejudice.

Adopted by the Board of Standards and Appeals, October 3, 2022.

CERTIFICATION

**This copy of the resolution
dated October 3, 2022
is hereby filed by the
Board of Standards and Appeals
on October 26, 2022.**

**Carlo Costanza
Executive Director**