

41-07-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for 17th and 10th Associates LLC, owner; Equinox 17th Street, Inc., lessee.

SUBJECT – Application February 28, 2017 – Extension of Term of a previously approved Special Permit (§73-36) which permitted the operation of a Physical Cultural Establishment (*Equinox*) on the cellar, ground, and mezzanine levels of a 24-story mix-use building which expires on May 8, 2017. C6-3 Special West Chelsea District.

PREMISES AFFECTED – 450 West 17th Street aka 100 10th Avenue, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD # 4M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Chanda and Commissioner Ottley-Brown.....3

Negative:0

THE RESOLUTION –

WHEREAS, this is an application for an extension of term of a special permit for the operation of a physical culture establishment (“PCE”) previously granted by the Board, which expired May 8, 2017; and

WHEREAS, a public hearing was held on this application on August 8, 2017, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, Community Board 4, Manhattan, recommends denial of this application for failure to provide documentation that the PCE offers special discounts to residents occupying affordable apartments in the subject building¹; and

WHEREAS, the subject site is located on the east side of Tenth Avenue, between West 16th Street and West 17th Street, in a C6-3 zoning district and the Special West Chelsea District, in Manhattan; and

WHEREAS, the site has approximately 161 feet of frontage along Tenth Avenue, 300 feet of frontage along West 16th Street, 200 feet of frontage along West 17th Street, 52,875 square feet of lot area and is occupied by a 24-story, with cellar, mixed-use commercial and residential building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since May 8, 2007, when, under the subject calendar number, the Board granted a special permit for the operation of a PCE on portions of the cellar, first floor and mezzanine levels of the subject building for a term of ten (10) years, expiring May 8,

¹ The Board notes that, while ZR § 73-36 authorizes the placement of appropriate conditions—such as the “location of *signs* and limitations on the manner and/or hours of operation” (emphasis in original)—on special permits so as to safeguard community character, the Board does not regulate PCE memberships.

2017, on condition that there be no change in ownership or operating control of the PCE without prior application to and approval from the Board, that the hours of operation be limited to Monday through Thursday, 5:30 a.m. to 11:00 p.m., Friday, 5:30 a.m. to 10:00 p.m., and Saturday and Sunday, 7:00 a.m. to 9:00 p.m., that all massages be performed by New York State licensed massage therapists and that the above conditions appear on the certificate of occupancy; and

WHEREAS, the term of the special permit having expired, the applicant now seeks an extension of term; and

WHEREAS, the facility remains in operation as Equinox with the following hours of operation: Monday through Thursday, 5:30 a.m. to 11:00 p.m., Friday, 5:30 a.m. to 10:00 p.m., and Saturday and Sunday, 7:00 a.m. to 9:00 p.m.; and

WHEREAS, the applicant submits that the PCE occupies 32,868 square feet of floor space in the building: 21,676 square feet of floor space in the cellar, 8,332 square feet of floor area on the first floor and 2,860 square feet of floor area on the first-floor mezzanine, as previously approved by the Board; and

WHEREAS, the applicant represents that the circumstances warranting the original grant still obtain and that the applicant has complied with the conditions and safeguards theretofore described by the Board during the prior term; and

WHEREAS, at hearing, the Fire Department represented that it has no objection to this application; and

WHEREAS, the Board finds that the requested extension of term is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals does hereby *reopen* and *amend* the resolution pursuant to Section 73-36 of the Zoning Resolution, said resolution having been adopted on May 8, 2007, expiring May 8, 2017, only as to the term of the special permit, so that as amended this portion of the resolution shall read: “granted for a term of ten (10) years from the expiration of the last grant to expire May 8, 2027; *on condition* that all work shall substantially conform to drawings filed with this application marked “Received February 28, 2017”—Six (6) sheets; and *on further condition*:

THAT the term of this grant shall expire on May 8, 2027;

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 hours of operation shall be limited to: Monday through Thursday, 5:30 a.m. to 11:00 p.m.; Friday, 5:30 a.m. to 10:00 p.m.; and Saturday and Sunday, 7:00 a.m. to 9:00 p.m.;

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THAT all massages shall be performed by New York State licensed massage therapists;

THAT the above conditions shall appear on the certificate of occupancy;

THAT Local Law 58/87 compliance shall be as reviewed and approved by the Department of Buildings;

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

THAT all conditions from prior resolutions not specifically waived by the Board shall remain in effect;

THAT other than as herein amended the resolution above cited shall be complied with in all respects; and

THAT a new certificate of occupancy shall be obtained within one (1) year, by August 8, 2018.”

Adopted by the Board of Standards and Appeals, August 8, 2017.

**A true copy of resolution adopted by the Board of Standards and Appeals, August 8, 2017.
Printed in Bulletin Nos. 32-33, Vol. 102.**

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

