

74-13-BZ

CEQR #13-BSA-100M

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Chelsea W26 LLC, owner; Blink Eighth Avenue, Inc., lessee.

SUBJECT – Application February 20, 2013 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Blink Fitness*). C6-2A zoning district.

PREMISES AFFECTED – 308/12 8th Avenue, 252/66 West 26th Street, southeast corner of the intersection of 8th Avenue and West 26th Street, Block 775, Lot 7502, Borough of Manhattan.

COMMUNITY BOARD #4M

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 February 7, 2013, acting on Department of Buildings Application No. 120655237, reads in pertinent part:

Proposed Physical Culture Establishment within C6-2A zoning district not permitted as-of-right as per Section ZR 32-10 and a special permit from the Board of Standards and Appeals is required; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located in a C6-2A zoning district, the operation of a physical culture establishment (“PCE”) in certain portions of the cellar and first story of a 12-story mixed commercial and residential building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on May 21, 2013, after due notice by publication in *The City Record*, and then to decision on June 4, 2013; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Commissioner Hinkson, and Commissioner Ottley-Brown; and

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

WHEREAS, the subject site is located on the southeast corner of the intersection of Eighth Avenue and West 26th Street; and

WHEREAS, a 12-story new building is under construction at the site; upon completion, the building will be occupied by residential and commercial uses; and

WHEREAS, the site has 123 feet of frontage along Eighth Avenue, 83.5 feet of frontage along West 26th Street, and a total lot area of 32,111 sq. ft.; and

WHEREAS, the proposed PCE will occupy a total of 400 sq. ft. of floor area on the first story and 14,635 sq. ft. of floor space in the cellar; and

WHEREAS, the PCE will be operated as Blink; and WHEREAS, the applicant represents that the services at the PCE include facilities for instruction and programs for physical improvement; and

WHEREAS, the hours of operation for the proposed PCE will be Monday through Saturday, from 5:00 a.m. to 11:00 p.m. and Sunday, from 7:00 a.m. to 9:00 p.m.; and

WHEREAS, accordingly, 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 an Unlisted pursuant to 6 NYCRR Part 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. 13BSA100M, dated February 15, 2013; 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

74-13-BZ

CEQR #13-BSA-100M

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 located in a C6-2A zoning district, the operation of a physical culture establishment ("PCE") in certain portions of the cellar and first story of a 12-story building mixed commercial and residential building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received May 9, 2013" – Four (4) sheets and *on further condition*:

THAT the term of this grant will expire on June 4, 2023;

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 the hours of operation will not exceed Monday through Saturday, from 5:00 a.m. to 11:00 p.m. and Sunday, from 7:00 a.m. to 9:00 p.m.;

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 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, June 4, 2013.

A true copy of resolution adopted by the Board of Standards and Appeals, June 4, 2013.

Printed in Bulletin Nos. 22-23, Vol. 98.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

