

97-14-BZ

CEQR #14-BSA-149M

APPLICANT – Warshaw Burstein, LLP, for 22-26 East 14 Condominium, owner; 22 East 14th St. Fitness Group, LLC, lessee.

SUBJECT – Application May 8, 2014 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Planet Fitness*) on portions of the ground and cellar levels of the existing building. C6-1 zoning district.

PREMISES AFFECTED – 22-26 East 14th Street, between 5th Avenue and University Place, Block 571, Lot 7501, Borough of Manhattan.

COMMUNITY BOARD #2M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated May 9, 2014, acting on DOB Application No. 121978182, reads, in pertinent part:

Proposed physical culture establishment
is not permitted as of right in a C6-1
zoning district, per ZR Section 32-10; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within a C6-1 zoning district, the operation of a physical culture establishment (“PCE”) in portions of the cellar and first story of a five-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on September 23, 2014, after due notice by publication in the *City Record*, and then to decision on November 18, 2014; and

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

WHEREAS, Community Board 2, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is a through lot with frontages along East 13th Street (82’-10”) and East 14th Street (75’-0”), between Fifth Avenue and University Place, within a C6-1 zoning district; and

WHEREAS, the site has 15,747 sq. ft. of lot area and is occupied by a five-story commercial building with 78,735 sq. ft. of floor area; and

WHEREAS, the building, known as the Baumann Brothers Furniture and Carpets Store, was designated as a landmark by the Landmarks Preservation Commission (“LPC”) in 2008; and

WHEREAS, the PCE will occupy a total of 14,105 sq. ft. of floor space, with 632 sq. ft. of floor area on the first story and 13,743 sq. ft. of floor space in the cellar; and

WHEREAS, the PCE will operate as Planet Fitness; and

WHEREAS, the PCE’s hours of operation will be 24 hours per day, seven days per week; 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 Fire Department states that it has no objection to the proposal; and

WHEREAS, the PCE does not interfere with any pending public improvement project; and

WHEREAS, LPC has approved the proposed alterations of the building by Certificate of Appropriateness, dated June 6, 2014 and the proposed signage by Permit for Minor Work, dated September 24, 2014; 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, at hearing, the Board requested clarification regarding whether the PCE was in operation; and

WHEREAS, in response, the applicant represented that the PCE is not operating; 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 an environmental review of the proposed Checklist action discussed in the CEQR Checklist No. 14-BSA-149M dated May 8, 2014; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination in 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 within a C6-1 zoning district, the operation of a PCE in portions of the cellar and first story of a five-story commercial building, contrary to ZR § 32-10; *on condition* that all work will substantially conform to drawings filed with this application marked “Received October 8, 2014” four (4) sheets; *on further condition*:

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THAT the term of the PCE grant will expire on November 18, 2024;

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

THAT accessibility 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 the above conditions will appear on the Certificate of Occupancy;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by November 18, 2018;

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, November 18, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, November 18, 2014.

Printed in Bulletin Nos. 45-47, Vol. 99.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

