

55-14-BZ

CEQR #14-BSA-136K

APPLICANT – Kramer Levin Naftalis & Frankel LLP, for RK&G Associates LLC., owner; 388 Athletic Club, LLC, c/o Stah Real Estate Com., lessee.

SUBJECT – Application April 8, 2014 – Special Permit (§73-36) to allow a physical culture establishment (388 Athletic Club) to operate on the fifth and sixth floors of a new 53 Story commercial and residential building, C6-45 zoning district.

PREMISES AFFECTED – 388 Bridge Street, aka 141 Lawrence Street, Block 152, Lot 1001/06, Borough of Brooklyn.

COMMUNITY BOARD #2BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez4

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated March 20, 2014, acting on DOB Application No. 320903572, reads, in pertinent part:

Proposed physical culture establishment is not permitted as of right in a C6-4.5 district; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within a C6-4.5 zoning district within the Special Downtown Brooklyn District, the operation of a physical culture establishment (“PCE”) in portions of the cellar, first, fifth, and sixth stories of a 53-story mixed residential and commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on July 15, 2014, after due notice by publication in the *City Record*, and then to decision on July 29, 2014; and

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

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

WHEREAS, the subject site is located on a through lot within the block bounded by Fulton Street, Lawrence Street, Willoughby Street, and Bridge Street, within a C6-4.5 zoning district within the Special Downtown Brooklyn District; and

WHEREAS, the site has 67,788 sq. ft. of lot area, with frontages along Fulton Street, Lawrence Street, and Willoughby Street; and

WHEREAS, under construction at the site is a 53-story mixed residential and commercial building with 599,205 sq. ft. of floor area (8.8 FAR); and

WHEREAS, the proposed PCE will occupy 232 sq.

ft. of floor space in the cellar, 927 sq. ft. of floor area on the first story, 6,203 sq. ft. of floor area on the fifth story, and 7,282 sq. ft. of floor area on the sixth story; and

WHEREAS, the PCE will be operated as 388 Athletic Club; and

WHEREAS, the hours of operation for the PCE will be seven days per week, from 5:30 a.m. to 11:00 p.m.; 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 will not interfere with any pending public improvement project; 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: (1) whether the terrace on the sixth story would be accessed by patrons of the PCE; (2) whether the fire alarm would be connected to a central station; and (3) whether the PCE complies with the applicable provisions of the ADA; and

WHEREAS, in response, the applicant submitted amended plans noting that: (1) the sixth-story terrace would not be accessed by patrons of the PCE; (2) the fire alarm would be connected to a central station; and (3) the PCE complies with the applicable provisions of the ADA; 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 a review of the proposed Type II action discussed in the CEQR Checklist No. 14-BSA-136K dated May 19, 2014; and

Therefore it is Resolved, that the Board of Standards and Appeals issued a Type II determination prepared 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 C6-4.5 zoning district within the Special Downtown Brooklyn District, the operation of a

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physical culture establishment (“PCE”) in portions of the cellar, first, fifth, and sixth stories of a 53-story mixed residential and commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked “Received July 18, 2014,” six (6) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on July 29, 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 all sound attenuation measures proposed will be installed, maintained and reflected on the Board approved plans;

THAT the hours of operation for the PCE will be limited to seven days per week, from 5:30 a.m. to 11:00 p.m.;

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 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 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, July 29, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, July 29, 2014.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

