

**246-14-BZ**

**CEQR #15-BSA-084K**

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for NYC DCAS, owner; SoulCycle, Joralemon Street, LLC, lessee.

SUBJECT – Application October 10, 2014 – Special Permit (§73-36) to operate a physical culture establishment (*Soul Cycle*) within an existing landmarked building, C5-2A (DB), C5- zoning districts. PREMISES AFFECTED – 210 Joralemon Street aka 45/63 Court Street, southwest corner formed by Joralemon Street and Court Street, Block 266, Lot 7501, Borough of Brooklyn.

**COMMUNITY BOARD #2BK**

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

Affirmative: Chair Perlmutter, Vice Chair Hinkson, Commissioner Montanez and Commissioner Ottley-Brown.....4  
Negative:.....0

**THE RESOLUTION** –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated October 6, 2014, acting on DOB Application No. 320447370, reads, in pertinent part:

A Physical Culture Establishment requires Board of Standards and Appeals permit as per ZR-73-36; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site partially within a C5-2A zoning district and partially within a C5-4 zoning district, within the Borough Hall Skyscraper Historic District, within the Special Downtown Brooklyn District, a physical culture establishment (the “PCE”) on the cellar and first story of a 15-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on January 27, 2015 after due notice by publication in the *City Record*, and then to decision on February 10, 2015; and

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

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

WHEREAS, the subject site is a corner and through lot with approximately 273.75 feet of frontage on Joralemon Street, 180.04 feet of frontage on Court Street, and 36.17 feet of frontage on Livingston Street, consisting of approximately 62,930 sq. ft.; and

WHEREAS, the site is located within a C5-2A / C5-4 zoning district, within the Borough Hall Skyscraper Historic District, within the Special Downtown Brooklyn District; and

WHEREAS, the site is occupied by a 15-story commercial building which contains approximately 533,333 sq. ft. of floor area;

WHEREAS, the proposed PCE shall occupy 1,348 sq. ft. of floor space in the cellar of the building and 2,439 sq. ft. of floor area on the first floor of the building; and

WHEREAS, the proposed PCE shall operate as SoulCycle; and

WHEREAS, the hours of operation for the PCE will be Monday through Saturday, from 5:30 a.m. to 11:00 p.m., and Sunday from 7:00 a.m. to 9:00 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, the Landmarks Preservation Commission has approved the proposed alterations of the building by Certificate of No Effect No. 16-4292, dated October 29, 2014; 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 Checklist action discussed in the CEQR Checklist No. 15-BSA-084K, dated October 10, 2014; and

*Therefore it is Resolved*, that the Board of Standards and Appeals issues 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 legalize, on a site partially within a C5-2A and partially within a C5-4 zoning district, within the Borough Hall Skyscraper Historic District, within the Special Downtown Brooklyn District, the operation of a PCE on the first story and cellar of a 15-story commercial building, contrary to ZR § 32-10; *on condition* that all

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work shall substantially conform to drawings filed with this application marked "Received January 28, 2015"- (5) sheets; and *on further condition:*

THAT the term of the PCE grant shall expire on February 10, 2025;

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

THAT accessibility compliance shall be as reviewed and approved by DOB;

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

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk shall be signed off by DOB and all other relevant agencies by February 10, 2019;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT the approved plans shall 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, February 10, 2015.

**A true copy of resolution adopted by the Board of Standards and Appeals, February 10, 2015.**

**Printed in Bulletin No. 8, Vol. 100.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

