

7-14-BZ

APPLICANT – Greenberg Traurig, LLP, for Rockaway Realty LLC, owner; 1380 Rockaway Parkway Fitness Group, LLC, lessee.

SUBJECT – Application January 16, 2014 – Special Permit (§73-36) to permit the conversion of the existing on-story, plus cellar to a physical culture establishment (*Planet Fitness*) in connection with an application to rezone the property from an R5D/C1-3(Z) to an R5D/C2-3(ZD).

PREMISES AFFECTED – 1380 Rockaway Parkway, west side of Rockaway Parkway, midblock between Farragut Road and Glenwood Road, 204.85' south of Farragut Road, Block 8165, Lot 48, Borough of Brooklyn.

COMMUNITY BOARD #18BK

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 Department of Buildings (“DOB”), dated December 17, 2013, acting on Physical culture or health establishment is not permitted in C1-3 (R5D); and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within a C2-3 (R5D) zoning district, the operation of a physical culture establishment (“PCE”) in a one-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on May 6, 2014, after due notice by publication in the *City Record*, and then to decision on June 10, 2014; and

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

WHEREAS, Community Board 18, Brooklyn, recommends approval of the application; and

WHEREAS, the subject site is located on the west side of Rockaway Parkway between Farragut Road and Glenwood Road, within a C2-3 (R5D) zoning district; and

WHEREAS, the site has 83 feet of frontage along Rockaway Parkway and 8,353 sq. ft. of lot area; and

WHEREAS, the site is occupied by a one-story commercial building with 7,960 sq. ft. of floor area (0.95 FAR); and

WHEREAS, the proposed PCE will occupy the entire building, including the cellar, which has an additional 7,960 sq. ft. of floor space, for a total PCE size of 15,920 sq. ft. of floor space; and

WHEREAS, the PCE will be operated as Planet Fitness; and

WHEREAS, the applicant notes that parking for the historic commercial uses at the site was authorized on the adjacent parcel (Block 8165, Lot 21) by the Board under BSA Cal. No. 799-51-BZ; however, the applicant represents that the proposed PCE does not require parking and its employees and patrons will not park on Lot 21 and will instead use the public parking facility across Rockaway Parkway on Block 8166, Lot 14; and

WHEREAS, the applicant represents that the services at the PCE include facilities for classes, instruction and programs for physical improvement, body building, weight reduction, and aerobics; massage services will not be offered; and

WHEREAS, the hours of operation for the PCE will be seven days per week, 24 hours per day; 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 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 action pursuant to 6 NYCRR Part 617.2; and

WHEREAS, an environmental review of the proposed action was conducted by the New York City Department of City Planning (“DCP”) and is discussed in the Environmental Assessment Statement, CEQR No. 14DCP038K dated December 12, 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

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environment that would require an Environmental Impact Statement are foreseeable; and

Therefore it is Resolved, that the Board of Standards and Appeals adopted DCP's Negative Declaration dated December 16, 2013 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 C2-3 (R5D) zoning district, the operation of a PCE in a one-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received May 8, 2014" – Four (4) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on June 10, 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 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 the above conditions will appear on the Certificate of Occupancy;

THAT egress will be as reviewed and approved by DOB;

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, June 10, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, June 10, 2014.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

