

284-14-BZ

CEQR #15-BSA-098K

APPLICANT – Jay Goldstein, Esq., for 257-267 Pacific Street, LLC, owner; 718 Bar LLC d/b/a The Bar Method, lessee.

SUBJECT – Application November 6, 2014 – Special Permit (§73-36) to allow for the operation of a physical culture establishment (*The Bar Method*) on the first floor of the existing building. R6-2 with an C2-4 Overlay zoning district.

PREMISES AFFECTED – 267 Pacific Street, between Smith Street and Boerum Place on the north side of Pacific Street, Block 181, Lot 31, 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 Ottley-Brown and Commissioner Montanez4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated October 24, 2014, acting on DOB Application No. 320627032, reads, in pertinent part:

Proposed use as a physical culture established is not permitted in R6A (C2-4) district, per ZR 22-10 and ZR 33-10; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to legalize, on a site within a R6A (C2-4) zoning district, a physical culture establishment (“PCE”) operating in a portion of the first story of a seven-story mixed residential and commercial building, contrary to ZR §§ 22-10 and 32-10; and

WHEREAS, a public hearing was held on this application on April 28, 2015, after due notice by publication in the *City Record*, and then to decision on May 12, 2015; and

WHEREAS, Vice-Chair Hinkson and Commissioner Montanez performed inspections of the subject site and neighborhood; and

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

WHEREAS, the subject site is located on the north side of Pacific Street, between Boerum Place and Smith Street, within an R6A (C2-4) zoning district; and

WHEREAS, the site has approximately 125 feet of frontage along Pacific Street and approximately 22,680 sq. ft. of lot area; and

WHEREAS, the site is occupied by a seven-story mixed residential and commercial building with approximately 49,997 sq. ft. of floor area (2.20 FAR); and

WHEREAS, the PCE occupies 2, 728 sq. ft. of floor space on the first floor of the building; and

WHEREAS, the PCE operates as The Bar Method; it is a dance studio specializing in ballet; and

WHEREAS, the applicant represents that the hours of operation for the PCE are daily, from 5:30 a.m. to 9:30 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 directed the applicant to provide proof that the fire alarm and sprinkler systems have been installed and tested; and

WHEREAS, in response, the applicant provided proof that the systems have been installed and tested, and are fully operational; 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, the Board notes that the term of this grant has been reduced to reflect the period of time that the PCE operated without the special permit; 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-098K, dated October 28, 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 within a R6A (C2-4) zoning district, a PCE operating in a portion of the first story of a seven-story mixed residential and commercial building, contrary to ZR §§ 22-10 and 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked “May 1, 2015,” Four (4) sheets; and *on further condition*:

284-14-BZ

CEQR #15-BSA-098K

THAT the term of the PCE grant shall expire on December 1, 2024;

THAT the hours of operation shall be limited to daily, from 5:30 a.m. to 9:30 p.m.;

THAT any massages at the PCE shall be performed by New York State licensed massage therapists;

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

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 May 12, 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, May 12, 2015.

A true copy of resolution adopted by the Board of Standards and Appeals, May 12, 2015.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

