

316-13-BZ

APPLICANT – Slater & Beckerman, PC, for 210 Joralemon Street Condominium, owner; Yoga Works, Inc., lessee.

SUBJECT – Application December 9, 2013 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Yoga Works*) in the cellar and first floor of the building. C5-2A (Special Downtown Brooklyn) zoning district.

PREMISES AFFECTED – 210 Joralemon Street, southeast corner of Joralemon Street and Court Street, Block 266, Lot 7501 (30), Borough of Brooklyn.

COMMUNITY BOARD #3BK

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 6, 2013, acting on DOB Application No. 320447370, reads, in pertinent part:

[Proposed] physical culture establishment requires special permit; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within a C5-2A zoning district, within the Borough Hall Skyscraper Historic District, the operation of a physical culture establishment (“PCE”) in portions of the cellar and first story of a 13-story commercial building, contrary to ZR § 32-30; and

WHEREAS, a public hearing was held on this application on May 13, 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 Chair Srinivasan, Commissioner Hinkson, Commissioner Montanez, and Commissioner Ottley-Brown; and

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

WHEREAS, the subject site is located on the southeast corner of the intersection Court Street and Joralemon Street, within a C5-2A zoning district, within the Borough Hall Skyscraper Historic District; and

WHEREAS, the site has approximately 180 feet of frontage along Court Street, approximately 274 feet of frontage along Joralemon Street, approximately 36 feet of frontage along Livingston Street, and 62,390 sq. ft. of lot area; and

WHEREAS, the site is occupied by a 13-story commercial building; and

WHEREAS, the proposed PCE will occupy 6,040 sq. ft. of floor space – 1,160 sq. ft. of floor area on the first story and 4,880 sq. ft. of floor space in the cellar;

and

WHEREAS, the PCE will be operated as YogaWorks; 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; and

WHEREAS, the hours of operation for the PCE will be Monday through Friday, from 6:00 a.m. to 9:00 p.m. and Saturday and Sunday, from 7:00 a.m. to 10:00 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 Landmarks Preservation Commission approved the alterations to the building and the proposed signage by Certificates of Appropriateness dated October 9, 2012 and July 23, 2013, respectively; 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 a Type I action pursuant to 6 NYCRR Part 617.4; and

WHEREAS, the Board has conducted an environmental review of the proposed action discussed in the Environmental Assessment Statement, CEQR No. 14BSA077M dated March 12, 2014; 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 environment that would require an Environmental Impact

Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment

Therefore it is Resolved, that the Board of Standards and Appeals issued a Type I Negative Declaration 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 C5-2A zoning district, within the Borough Hall Skyscraper Historic District, the operation of a PCE in portions of the cellar and first story of a 13-story commercial building, contrary to ZR § 32-30; on condition that all work shall substantially conform to drawings filed with this application marked "Received May 13, 2014" – three (3) sheets and "Received March 14, 2014" – two (2) 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 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,

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.

