

**DECAMPO, DIAMOND & ASH**

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**FEB - 7 2012**

**BY COMMUNITY BOARD 8**

THOMAS M. ASH III

WILLIAM H. DIAMOND

FRANCIS R. ANGELINO  
OF COUNSEL

747 Third Avenue, 33A  
New York, New York 10017  
Telephone (212)758-3500  
Facsimile (212)758-1728

February 1, 2012

Manhattan Community Board 8  
505 Park Avenue, 602  
New York, NY 10022  
Attn. Chair: Nicolas D. Viest

**Re: 1470 Third Avenue, (E. 83<sup>rd</sup>**  
**St.) ground floor**  
**Manhattan, BSA Cal. No. 22-12-BZ**

Dear Chair Viest:

Please be advised that we have today filed an Application with the Board of Standards and Appeals (the "Board") for a special permit, pursuant to Section 73-36 of the Zoning Resolution, to enlarge a previously approved, pursuant to BSA No. 20-10-BZ, health club at the Subject Premises, which is located at 1470 Third Avenue at the corner of East 83<sup>rd</sup> Street, in a C1-9 zoning district. The health club, which is known as Soul Cycle presently occupies 1,480 square feet (SF), and the enlarged SoulCycle will occupy 3,425 SF on a portion of the ground floor and cellar of the Subject Premises.

In accordance with the rules of the Board, we are sending you copies of the following documents:

1. BZ Application;
2. Department of Building Objection;
3. Statement of Facts and Findings,
4. Architectural Plans, with BSA zoning calculations, drawings BSA1-3, dated 01-19-12; and colored Radius Diagram;

5. Color photographs of site;
6. Letter to Borough Superintendent;
8. List of Affected Property Owners and Tenants;
9. Affidavit of Ownership;
10. Environmental Assessment Statement and attachments.
11. BSA Zoning Analysis and Sign Analysis Forms.
12. Physical Culture Establishment and Principal Forms, signed and notarized.

Please let me know when your Board will schedule this application for its review.

Very truly yours,



Francis R. Angelino

FRA:ag  
Enclosures

cc: Board of Standards and Appeals  
City Planning Commission (2 copies)  
Manhattan Borough President Stringer  
Council Member Lappin



City of New York  
Board of Standards and Appeals  
40 Rector Street, 9<sup>th</sup> Floor  
New York, NY 10006-1705  
Phone: (212) 788-8500  
Fax: (212) 788-8769  
[www.nyc.gov/bsa](http://www.nyc.gov/bsa)

**ZONING (BZ) CALENDAR**  
Application Form

BSA APPLICATION NO. 22-12-BZ  
CEQR NO. 12 BSA 072 M

H<sup>1</sup> COMMUNITY BOARD 8

**Section A**

Applicant/  
Owner

Francis R. Angelino, Esq.

NAME OF APPLICANT O

747 Third Avenue, 33A

ADDRESS ADDRESS

NY, NY 10017

CITY STATE ZIP

212.758.1690

AREA CODE TELEPHONE

212.758.1728

AREA CODE FAX ADDRESS

fangelino@ddanyc.com

EMAIL

Lerad Company

OWNER OF RECORD

150 East 58th St.

NY NY 10022

CITY STATE ZIP

SoulCycle Holdings, LLC

LESSEE / CONTRACT VENDEE

103 Warren St.

NY NY 10007

CITY STATE ZIP

**Section B**

Site  
Data

1470 Third Avenue

STREET ADDRESS (INCLUDE ANY A/K/A)

10028

ZIP CODE

N/W corner of E. 83rd Street & Third Avenue

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

1512

33

Manhattan

8

None

BLOCK

LOT(S)

BOROUGH

COMMUNITY DISTRICT

LANDMARK/HISTORIC DISTRICT

Lappin

C1-9

9a

CITY COUNCIL MEMBER

ZONING DISTRICT

ZONING MAP NUMBER

(include special district, if any)

**Section C**

Dept of Building  
Decision

BSA AUTHORIZING SECTION(S) 73-36 ZR

for

☐ VARIANCE

☒ SPECIAL PERMIT (Including 11-41)

Section(s) of the Zoning Resolution to be varied 32-10 ZR

DOB Decision (Objection/ Denial) date: January 24, 2012 Acting on Application No: 120178253

**Section D**

Description

(LEGALIZATION ☐ YES ☒ NO ☐ IN PART)

Enlargement of an existing PCE (20-10-BZ) requires BSA special permit approval.

**Section E**

BSA History  
and  
Related Actions

If "YES" to any of the below questions, please explain in the STATEMENT OF FACTS

YES NO

1. Has the premises been the subject of any previous BSA application(s)?

☒ ☐

PRIOR BSA APPLICATION NO(S): 20-10-BZ & 44-07-BZ (PCEs)

2. Are there any applications concerning the premises pending before any other government agency?...

☐ ☒

3. Is the property the subject of any court action?.....

☐ ☒

**Section F**

Signature

I HEREBY AFFIRM THAT BASED ON INFORMATION AND BELIEF, THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN THE PAPERS ARE TRUE.

Signature of Applicant, Corporate Officer or Other Authorized Representative

SWORN TO ME THIS 31 DAY OF 1 20 12

Francis R. Angelino, Esq.

Attorney

Print Name

Title

NORMA SILFEN  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 02516189317  
QUALIFIED IN WESTCHESTER COUNTY  
COMMISSION EXPIRES JUNE 23, 2012



Department of Buildings  
280 Broadway  
New York, New York 10007  
(212) 566-5000 | TTY (212) 566-4769  
nyc.gov/buildings

## Objections

**Applicant:**

Brian T. Gillen  
Design Discipline Architects  
150 Joralemon Street, #9  
Brooklyn, NY 11201  
[BTGILLEN@VERIZON.NET](mailto:BTGILLEN@VERIZON.NET); [JENNIFER@CODENYC.COM](mailto:JENNIFER@CODENYC.COM)

**Date:** January 24, 2012  
**Job Application #:** 120178253  
**Application type:** Alt 1  
**Premises Address:** 1470 Third Avenue  
**Zoning District:** C1-9  
**Block:** 1512 **Lots:** 33

NYC DOB Examiner: David Jimenez, RA

To discuss and resolve these objections, please call 311 to schedule an appointment with the Plan Examiner listed above. You will need the application number and document number found at the top of this objection sheet. To make the best possible use of the Plan Examiner's and your time, please make sure you are prepared to discuss and resolve these objections before arriving for your scheduled plan examination appointment.

### BSA OBJECTION ONLY

|    | Code Sect. | Objections  | Date Resolved |
|----|------------|---|---------------|
| 1. | ZR 32-10   | Proposed enlargement to existing 'Physical Cultural Establishment' is not permitted as-of right in C1-9 zoning district. This use is contrary to Section 32-10 ZR. Requires a special permit from the Board of Standards and Appeals. |               |

**DENIED**  
FOR APPEAL TO BOARD OF STANDARDS AND APPEALS  
DATE JAN 24 2012  
BOARD SUPERVISOR  
**DAVID JIMENEZ**



**BOARD OF STANDARDS AND APPEALS**  
40 Rector Street, 9<sup>th</sup> Floor  
New York, New York 10006-1705  
Phone: (212) 788-8500  
[www.nyc.gov/bsa](http://www.nyc.gov/bsa)

**AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION**  
Affidavit of Ownership

**JEFFREY MANOCHERIAN**

at 150 E 58th St, in the City of NY, being duly sworn, disposes and says that (s)he resides  
State of NY; that Lerad Company is the owner in fee of all that certain

lot, piece or parcel of land located in the Borough of Manhattan, in the City of New York  
and known and designated as Block 152, Lot(s) 33, Street and House Number  
1470 3rd Ave; and that the statement of facts in the annexed application are true.

Check one of the following conditions:

- ☒ Sole property owner of zoning lot  
☐ Cooperative Building  
☐ Condominium Building  
☐ Zoning lot contains more than one tax lot and property owner

**Owner's Authorization**

The owner identified above hereby authorizes Francis R. Angelino, Esq.  
to make the annexed application in her/his behalf.

Signature of Owner

Print Name

Print Title

X  
JEFFREY MANOCHERIAN  
Partner

Sworn to before me this 26<sup>th</sup> day

of January 2012

Soulcycle Holdings, LLC  
Soul Cycle East 83<sup>rd</sup> Street, LLC  
1470 Third Avenue  
New York, NY 10028

January 25, 2012

Board of Standards and Appeals  
40 Rector Street, 9<sup>th</sup> floor  
NY, NY 10006-1705  
Attn. Rory Levy, BZ Examiner


**Re: 1470 Third Ave, Manhattan,**  
**(prior case for portion of proposed**  
**PCE: Cal. No. 20-10-BZ)**

Dear Commissioners:

The undersigned is an Owner/Member of Soul Cycle East 83<sup>rd</sup> Street, LLC and hereby authorizes Francis R. Angelino, Esq., c/o DeCampo, Diamond & Ash to file the above referenced application and appear on our behalf in all matters connected thereto at the Board of Standards and Appeals.

Very truly yours,

  
Elizabeth Cutler,  
Owner/Member

  
1/25/12

**AMY W. PECK**  
Notary Public - State of New York  
No. 01PE6234108  
Qualified in New York County  
My Commission Expires January 10, 2015

# **DECAMPO, DIAMOND & ASH**

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THOMAS M. ASH III

WILLIAM H. DIAMOND

FRANCIS R. ANGELINO  
Joseph A. DeCampo  
OF COUNSEL

747 Third Avenue  
New York, New York 10017  
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Email: [Fangelino@ddanyc.com](mailto:Fangelino@ddanyc.com)

## **Statement of Facts**

**Re: 1470 Third Avenue, 171-173 East 83rd Street, Ground Floor,  
Manhattan (the "Subject Premises")**

This is an application for a special permit, pursuant to Section 73-36 of the Zoning Resolution, for an enlargement in floor area of a previously approved special permit for a health club at the Subject Premises pursuant to BSA Cal. No. 20-10-BZ (copy of the BSA Approved Resolution and Approved Plans are attached). The Physical Culture Establishment ("PCE") or health club is on the ground floor of a six story building also known as 171-173 East 83<sup>rd</sup> Street which is at the northwest corner of Third Avenue, in a C1-9 zoning district (the "Approved PCE").

The Subject Premises is a six story and cellar building with ground and second floor commercial use and residential use on the upper floors. The Approved PCE, which is known as Soul Cycle ("SoulCycle"), currently occupies approximately 1,480 square feet ("SF") on a portion of the ground floor of the Subject Premises and will occupy the expanded PCE on the ground floor and a portion of the cellar. The street entrance to the health club is at 1470 Third Avenue.

Because the Approved PCE has been popular with the community, when an adjacent retail space became vacant immediately to the north, SoulCycle leased the space in order to expand their operations into it. Because the new space has a floor area of approximately 1,945 SF, which is greater than 50% more than the 1,480 SF Approved PCE, this new special permit application is being filed for the enlarged SoulCycle that will have a total of 3,425 SF of floor area (the "Proposed PCE").

The Proposed PCE will give SoulCycle's operations more space for: 1) An additional cycling or spinning workout room, and 2) Accommodating patrons in

the cellar level locker room area, men's and women's bathrooms, along with SoulCycle's storage and laundry rooms. All of these areas require expansion because of SoulCycle's popularity in the immediate neighborhood. The Proposed PCE will utilize the existing entrance way at the corner of Third Avenue and East 83<sup>rd</sup> Street, as well as a new entry on Third Avenue.

With the Proposed PCE at the Subject Premises, Soul Cycle will have two spinning workout studios in its 3,425 SF space: 1) Two entry areas, and 2) two workout rooms. The facility will have a reception area, retail area, ADA accessible restroom and shower facilities, locker area and storage. The cellar floor, which will have a communicating stair with the ground floor, will have men's and women's bathrooms facilities, lockers, a laundry facility and storage.

One existing workout room accommodates approximately 45 patrons and one instruction for each individual class and the new workout room will accommodate up to 70 patrons and one instructor. The total number of employees will be approximately 7 to 8.

The entire 3,425 SF ground floor space which is open to patrons is all on one level at grade and is handicapped accessible. Notes on the Plans, submitted with this Application, drawings BSA-1, 2 and 3, indicate the required PCE notes, that there will be a fire alarm system with: Manual pull stations at each required exit; local audible and visible alarms; connection of the interior fire alarm to an FDNY approved central station; and, Local Law 58/87 shall be complied with as approved by DOB.

Soul Cycle's basic sessions specialize in full body indoor cycling workouts that incorporate weights, core exercises and music into a 45 minute class. The workouts are designed for fat burning and strength training and to promote a total immersion into an energetic mind and body experience. Other sessions, such as Soulsurvivor, offer challenging 60 minute full body endurance rides, and Soulteen, are special classes specifically designed for teenagers to improve cardio health and coordination skills. Soulband are 60 minute classes that use resistance bands anchored to a sliding track above each bike; this workout is designed to tone abs, obliques, shoulders, triceps, biceps, back and chest muscles, while maintaining fat burning cardio levels.

Soul Cycle is open: Monday through Friday with classes interspersed throughout the day from 6:15 AM to 9 PM, and on Saturday and Sunday from 7:30 AM to 7:30 PM. Since Soul Cycle will be on the ground floor and cellar, there are commercial uses above it separating it from the residential uses on the second through sixth floors of its building. In addition, Soul Cycle has designed its existing workout room and will have its new workout room with a sound



deadening ceilings that have an approximately 3'-4' sound absorbing air space to further minimize any sounds.

There will be no massage offered at Soul Cycle.

The Board has jurisdiction pursuant to Section 73-36 because the Subject Premises is situated in a C1-9 zoning district which is one of the districts that permits a health club special permit application. Soul Cycle will be accessed from its own entrances on the ground floor of the Subject Premises at 1470 Third Avenue.

The health club will be operated by SoulCycle, whose principal operating members are Elizabeth Cutler and Julie Rice, who have studied and are skilled in SoulCycle's techniques.

The Department of Buildings ("DOB") has raised the following objection to the enlargement of the PCE:

"Proposed enlargement to Physical Culture Establishment is not permitted as of right in C1-9 district. The use is contrary to 32-10 ZR. Requires a special permit from the Board of Standards and Appeals."

This objection arises because a PCE (a/k/a health club) is not an as-of-right use pursuant to the Zoning Resolution ("ZR"). The special permit application can be made to your Board for the proposed health club, because it is located in a C1-9 zoning district, which is one of the permissive zoning districts listed in Section 73-36 ZR.

The proposed health club meets all of the findings required in Section 73-36(a) as follows:

"(1) that such use is so located as not to impair the essential character or the future use or development of the surrounding area..."

Soul Cycle has, for over the past over 2 years at this location. Occupied and operated its SoulCycle spinning classroom from a portion of the ground floor of the Subject Premises. As such, it has become a part of the neighboring community and its expansion will even more adequately service neighborhood demand for its therapeutic form of exercise. All of the neighboring Third Avenue buildings to the north and south of the Subject Premises have similar commercial uses on their lower floors. It is physically separated and buffered from its residential neighbors. The Proposed PCE will offer even more neighboring people the opportunity for the entire surrounding neighborhood to partake of an increasingly popular form of spinning exercises. SoulCycle will continue to

operate in harmony with the surrounding area. The high quality of SoulCycle architecture will be extended to the Proposed PCE which will enhance and not impair in any way the future use and development of the area.

“(2) That such use contains:

\* \* \*

(iii) facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics or martial arts; or

(iv) facilities for the practice of massage by New York State-licensed masseurs or masseuses...”

Soul Cycle will continue to provide facilities for classes, instruction and programs for physical improvement as part of its services. There is no massage currently being offered at SoulCycle and none will be offered.

### ***Findings pursuant to Section 73-03 ZR:***

#### **73-03**

#### **General Findings Required for All Special Permit Uses and Modifications.**

The Board of Standards and Appeals shall have the power, as authorized by Section 73-01, paragraph (a) or (b), and subject to such appropriate conditions and safeguards as the Board shall prescribe, to grant special permit #uses# or modifications of #use#, parking, or #bulk# regulations as specifically provided in this Chapter, provided in each case:

(a) The Board shall make all of the findings required in the applicable sections of this Chapter with respect to each such special permit #use# or modification of #use#, parking or #bulk# regulations and shall find that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of such special permit #use# or modification of #use#, parking or #bulk# regulations at the particular site are outweighed by the advantages to be derived by the community by the grant of such special permit. In each case the Board shall determine that the adverse effect, if any, on the privacy, quiet, light and air in the neighborhood of such special permit #use# or modification of #use#, parking or #bulk# regulations will be minimized by appropriate conditions governing location of the site, design and method of operation.

***(a.) The advantages to the community of this special permit are outweighed by***

the disadvantage.

The Proposed PCE special permit will permit SoulCycle to operate an expanded 3,425 SF health club on the corner of the ground floor facing Third Avenue and East 83rd Street. To the north and to the south on Third Avenue, there are commercial uses on the majority of the ground floors and on many of the second floors. As with the Approved PCE, the Proposed PCE is expected to draw almost all of its patrons from within walking distance in the immediate neighborhood. Thus, the advantages it provides to the community outweigh any disadvantages.

(b) In all cases the Board shall deny a special permit whenever such proposed special permit #use# or modification of #use#, parking or #bulk# regulations will interfere with any public improvement project (including housing, highways, public buildings or facilities, redevelopment or renewal projects, or right-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate, Site Selection Board or the City Planning Commission as determined from the calendars of each such agency issued prior to the date of the public hearings before the Board of Standards and Appeals.

The Proposed PCE special permit application will not interfere with any public improvement project approved or pending by the Site Selection Board or the City Planning Commission.

(c) When under the applicable findings the Board is required to determine whether the special permit #use# or modification of #use#, parking or #bulk# regulations is appropriately located in relation to the #street# system, the Board shall in its discretion make such determination on the basis of the Master Plan of Arterial Highways and Major Streets on the official City Map. Whenever the Board is required to make a finding on the location of a proposed special permit #use# or modification of #use#, parking or #bulk# regulations in relation to secondary or local #streets# and such classification of #streets# is not shown on the Master Plan, the Board in its discretion shall request the City Planning Commission to establish a report on the appropriate classification of such #street#.

Not Applicable, since the Board is not required to determine that the special permit application is appropriately located in relation to the street system.

(d) For applications relating to Sections 73-243, 73-48 and 73-49, the Board in its discretion shall request from the Department of Transportation a report with

respect to the anticipated traffic congestion resulting from such special permit #use# or modification of #use#, parking or #bulk# regulations in the proposed location. If such a report is requested, the Board shall in its decision or determination give due consideration to such report and further shall have the power to substantiate the appropriate finding solely on the basis of the report of the Department of Transportation with respect to the issue referred.

Not applicable, since this is not a 73-243, 73-48 or 73-49 ZR application.

(e) If a term of years is specified in the applicable section, the Board shall establish a term of years not to exceed such maximum. For those special permit #uses# or modification of #use# parking or #bulk# regulations for which a maximum term has not been specified, the Board may fix an appropriate term for any such special permit #use# or modification of #use# parking or #bulk# regulations.

Term of years: It is respectfully requested that the Board grant the maximum term of years possible.

(f) On application for renewal of any such special permit authorized in this Chapter, the Board shall determine whether the circumstances warranting the original grant still obtain. In addition, the Board shall ascertain whether the applicant has complied with the conditions and safeguards theretofore described by the Board during the prior term. In the event that the Board shall find the applicant has been in substantial violation thereof, it shall deny the application for renewal.

Not applicable, this not a renewal application.

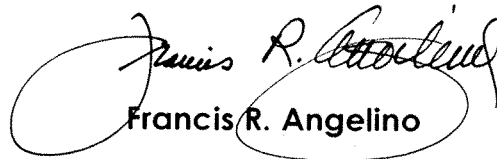
(g) The Board may permit the #enlargement# or #extension# of any existing #use#, which, if new, would be permitted by special permit in the specified districts under the provisions of Section 73-01 and other applicable provisions of this Chapter, provided that before granting any such permit for #enlargement# or #extension# within the permitted districts, the Board shall make all of the required findings applicable to the special permit #use#, except that:  
(1) in the case of colleges or universities in R1 or R2 Districts, the Board may waive all such required findings set forth in Section 73-121 (Colleges and universities); and  
(2) in the case of public utility #uses#, the Board may waive all such required findings set forth in Sections 73-14 (Public Service Establishments) or 73-16 (Public Transit, Railroad or Electric Utility Substations).

No such #enlargement# or #extension# shall create a new #noncompliance# or increase the existing degree of #non-compliance# with the applicable #bulk# regulations, except as may be permitted in accordance with the provisions of Sections 73-62 to 73-68, inclusive, relating to Modification of Bulk Regulations.

The Proposed PCE enlargement does not create a new noncompliance nor does it create an increase in any degree of non-compliance.

Also enclosed are the requisite photographs, Architectural Plan, radius diagram and authorization letters required for the application.

Very truly yours,

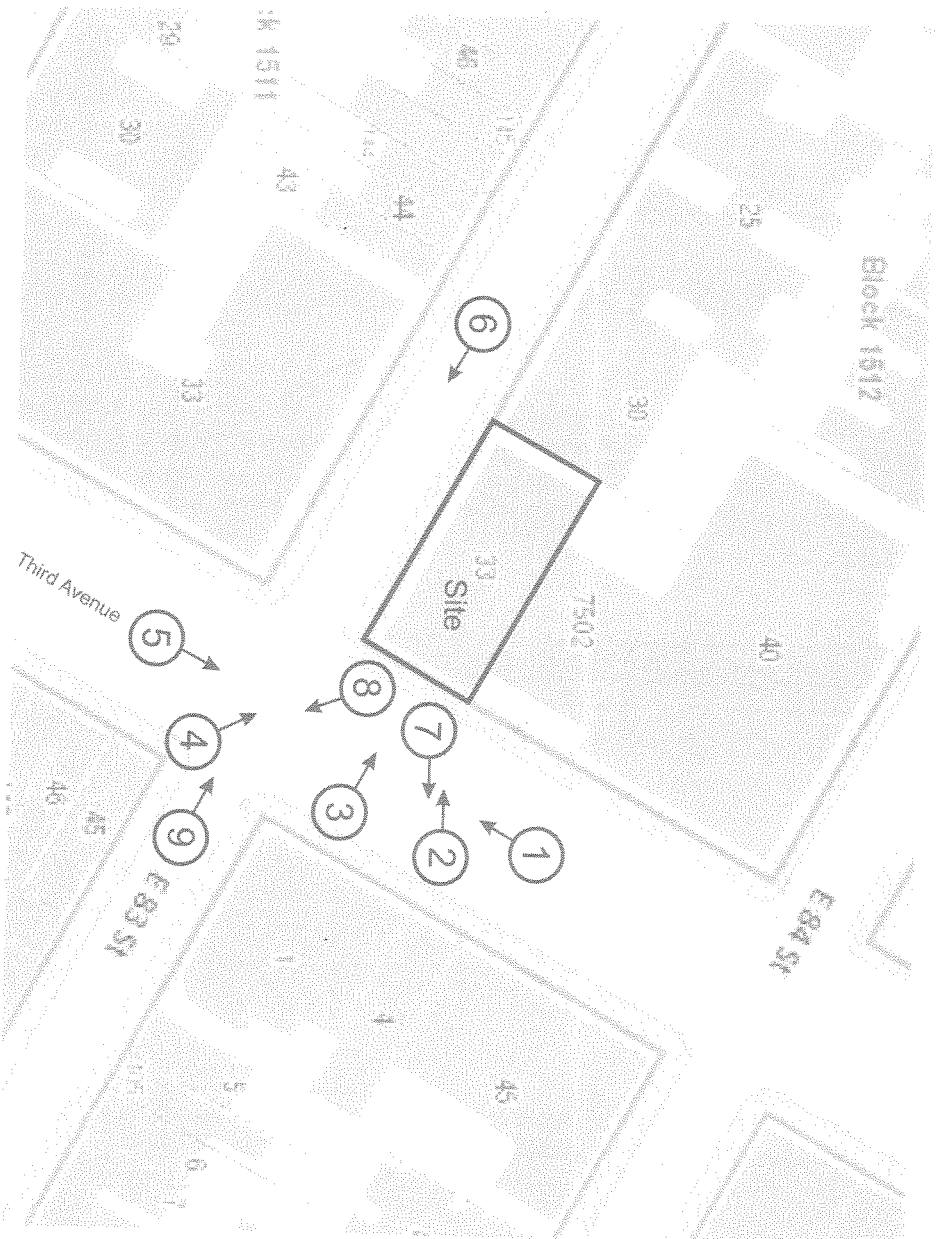
  
Francis R. Angelino

January 28, 2012

Enclosures

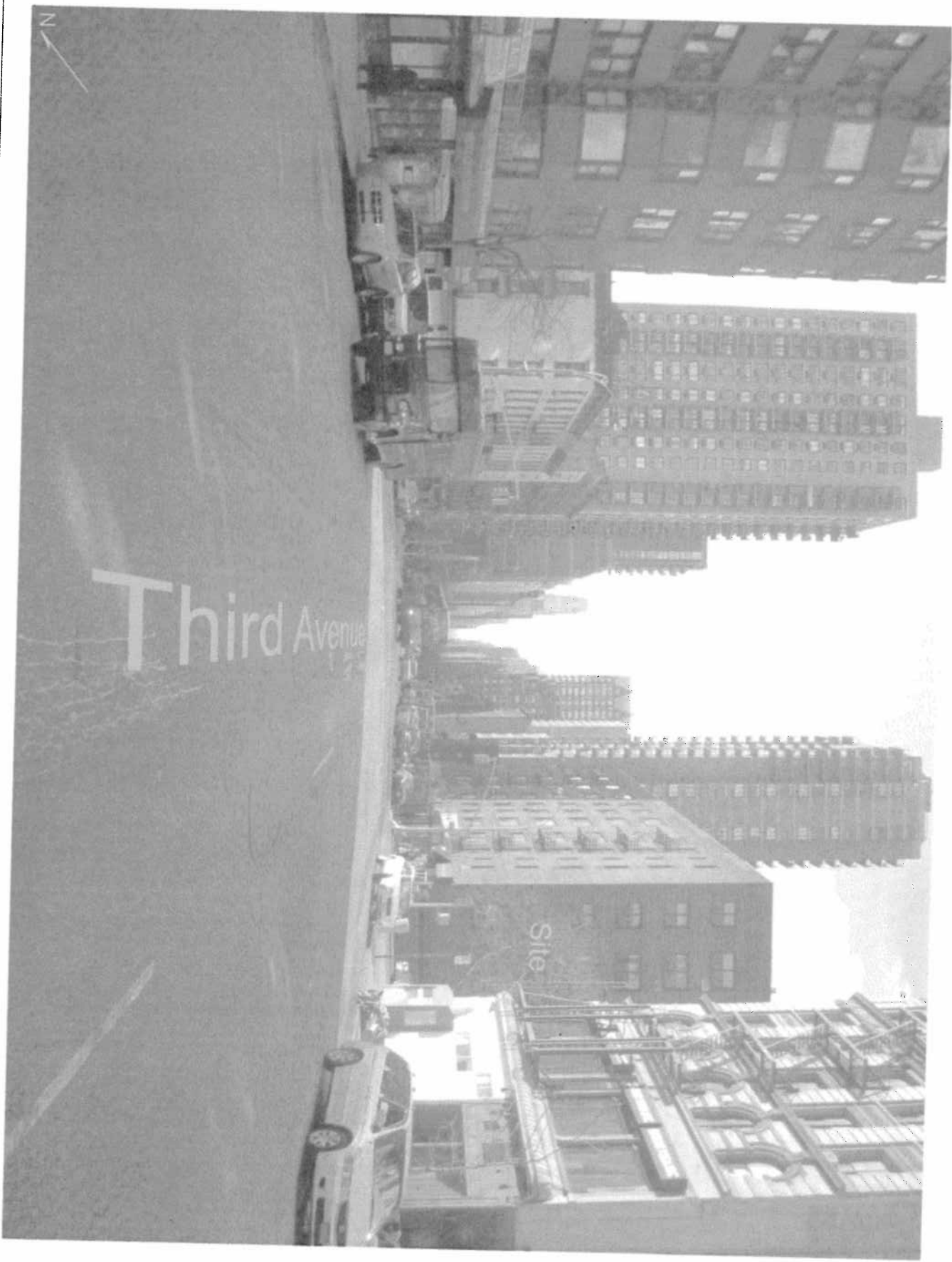
cc: The Honorable Council Member Jessica Lappin (w/ Encls.)  
Chair, Community Board No. 8 (w/ Encls.)  
Manhattan Borough President Stringer  
City Planning Commission (2 copies)

FRA/ag



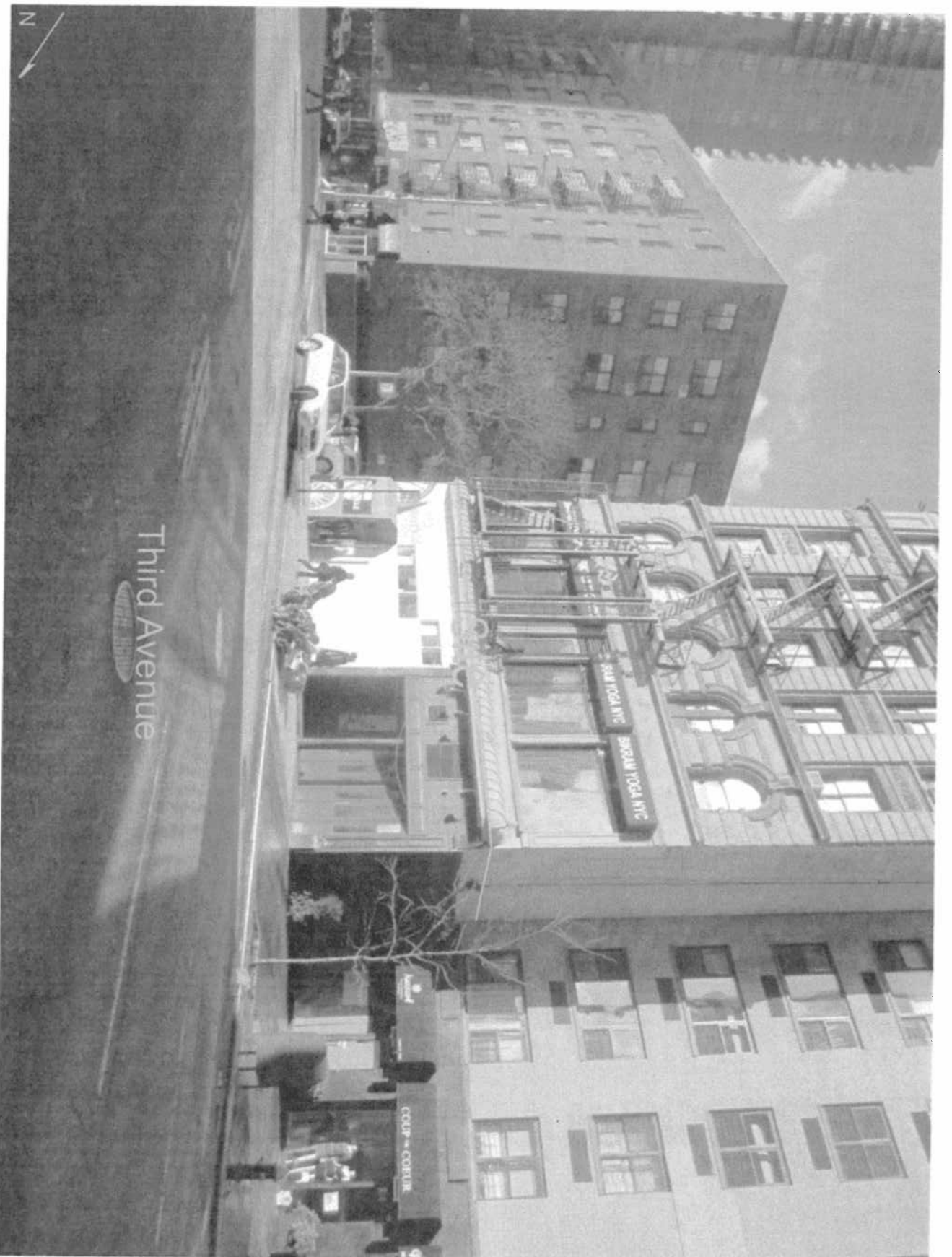
1470 Third Avenue, Manhattan  
Block 1512, Lot 33

Photo #1



1470 Third Avenue, Manhattan  
Block 1512, Lot 33

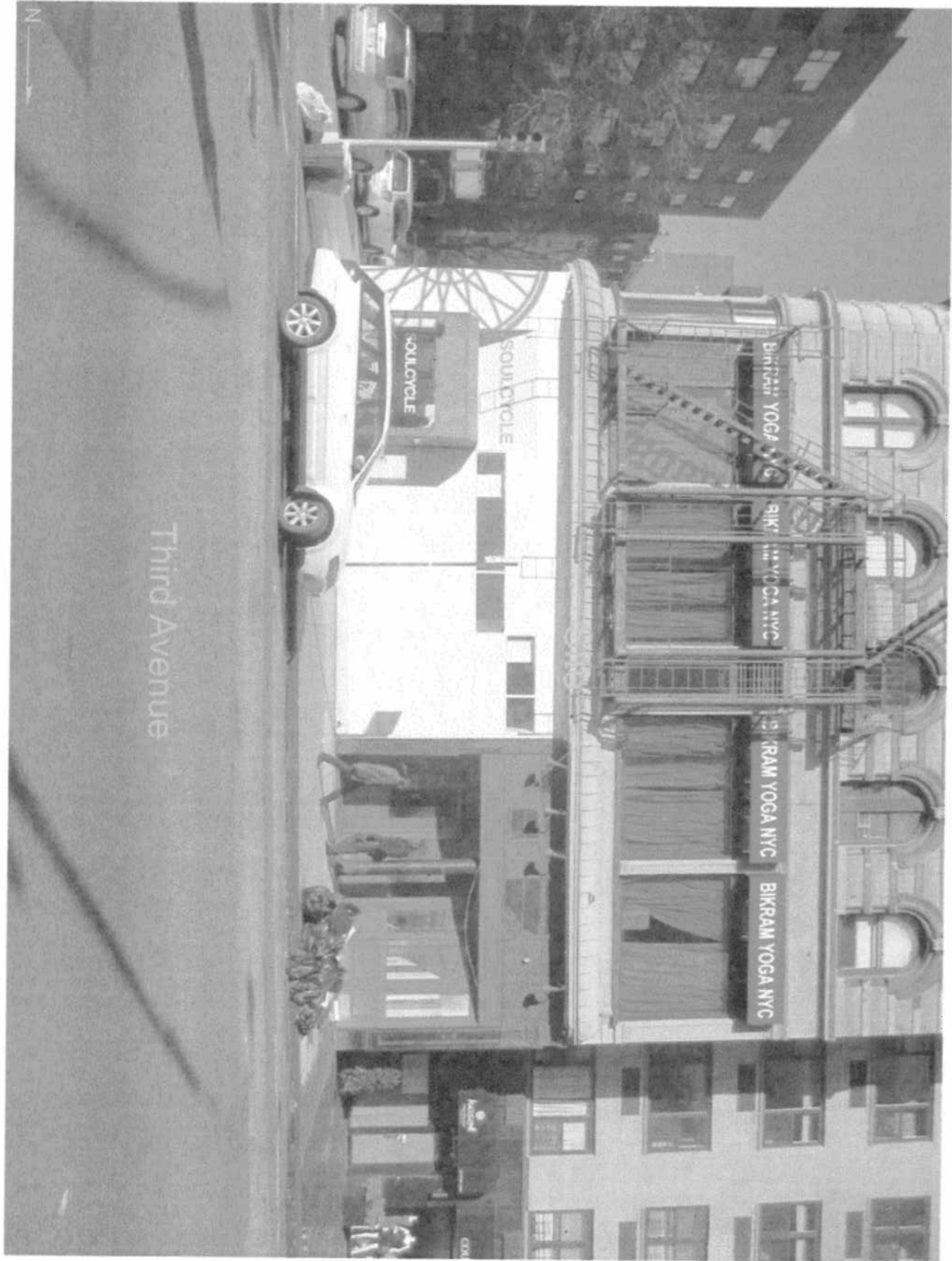
Photo #2





1470 Third Avenue, Manhattan  
Block 1512, Lot 33

Photo #3



1470 Third Avenue, Manhattan  
Block 1512, Lot 33

Photo #4



1470 Third Avenue, Manhattan  
Block 1512, Lot 33

Photo #5



1470 Third Avenue, Manhattan  
Block 1512, Lot 33

Photo #6





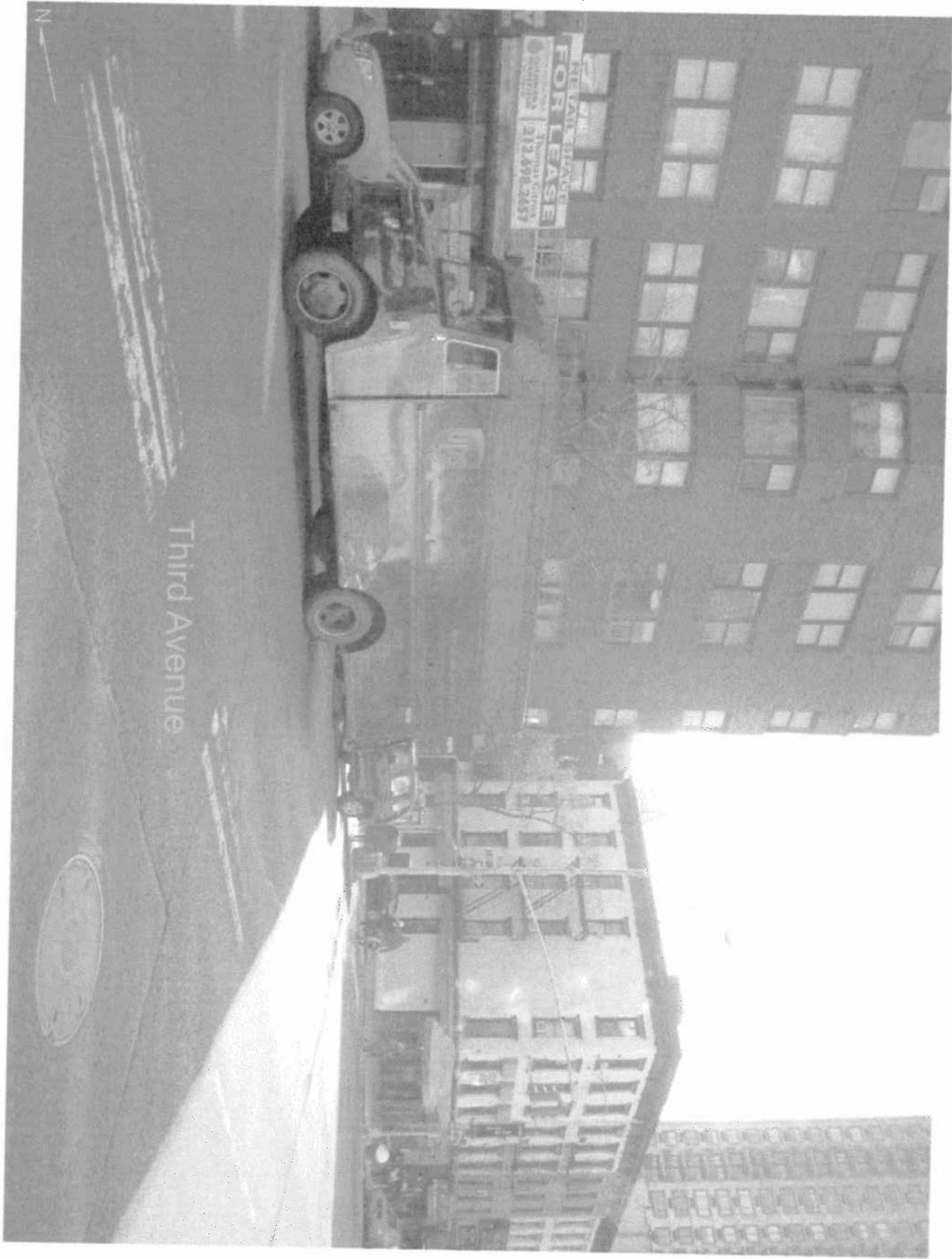
1470 Third Avenue, Manhattan  
Block 1512, Lot 33

Photo #7



1470 Third Avenue, Manhattan  
Block 1512, Lot 33

Photo #8



1470 Third Avenue, Manhattan  
Block 1512, Lot 33

Photo #9

