



CITY PLANNING COMMISSION

October 20, 2021 / Calendar No. 10

N 210382 ZRY

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to modify Article VII, Chapter 3 (Special Permits by the Board of Standards and Appeals) and related Sections, to change regulations for gyms, spas, licensed massage therapy, and other health and fitness facilities.

This application (N 210382 ZRY) for an amendment to the Zoning Resolution (ZR) was filed by the Department of City Planning (DCP) on May 14 2021 to remove the requirement for health and fitness facilities to receive a special permit by the Board of Standards and Appeals (BSA).

BACKGROUND

The Health and Fitness Text Amendment is intended to remove outdated and onerous regulations that exist for gyms, spas, and licensed massage therapy, making it easier for these businesses to open and provide health-related amenities in communities across New York City. The proposal would remove an existing special permit and restore these activities to as-of-right uses, as they were within the 1961 ZR

The 1961 ZR listed Physical Culture or Health Establishments (PCEs)—a definition that included gymnasiums, reducing salons, masseurs, or steam baths—as Use Group 9. These activities were permitted as-of-right in most commercial districts.

During the 1970s, concerns were emerging by members of the public and elected officials regarding the proliferation of commercial sex in New York City. Many establishments engaging in such activities were masquerading as health clubs and massage parlors. In 1976, to provide time to study and manage the issue, a city moratorium was established for all PCEs.

At the time of the moratorium, New York City did not yet have the vast array of commercial gyms and fitness facilities that exist today. While a few large, nonprofit organizations provided fitness facilities and classes, commercial gyms and other types of private fitness facilities—such

as yoga studios, martial arts, and indoor cycling—did not yet exist or were uncommon. The moratorium and subsequent zoning changes to regulate PCEs attempted to use land use regulations to suppress the commercial sex industry in New York City.

In 1978, the ZR was amended (N 780387 ZRY) to define and distinguish between:

(1) *Adult* PCEs and (2) PCEs. Adult PCEs were defined as establishments that offer massage, body rubs, or other similar services by members of the opposite sex. The definition excluded services provided by licensed physicians, chiropractors, or nurses, or services provided in medical institutions. Adult PCEs were explicitly not permitted in any zoning district and therefore were not permitted within New York City.

In contrast, the definition of PCEs included other health-related establishments that were not considered to be Adult PCEs, including gymnasiums, steam baths, and membership organizations offering classes or instruction in exercise or martial arts. These uses were permitted only by special permit from BSA in C2, C4, C5, C6, and C8 commercial districts, as well as in M1, M2, and M3 manufacturing districts. Subsequent text amendments added C1-8X and C1-9 districts to the list of applicable geographies for the special permit.

To approve a PCE special permit (ZR 73-36), BSA needed to ensure that the use did not impair the essential character or the future use or development of the surrounding area. Additionally, prior to issuing a special permit, a background check conducted by the Department of Investigation was required for all principals having an interest in the application. The requirement for a background check of owners and operators was directly tied to the goal of impeding criminal activity connected with commercial sex activities in health clubs and massage establishments.

Over the past several years, City officials have acknowledged that special permit requirements for gyms, spas, and massage studios are onerous for businesses and may reduce the availability of health-related amenities in communities. Two major strategic planning documents, *One New York: The Plan for a Strong and Just City* and *Small Business First*, recommend changes related to the regulation of PCEs to reduce barriers to opening and operating these facilities. These

documents noted the significant time required to receive a permit—often exceeding six months—and the high costs of going through the special permit process, which can cost businesses as much as \$50,000.

Since 2006, PCEs have been permitted as-of-right along commercial streets in certain Special Purpose Districts, including Willet's Point, Stapleton Waterfront, Jerome Corridor, Governor's Island, East Harlem Corridor, Coney Island, Inwood, and Bay Street.

The COVID-19 pandemic has resulted in major disruptions to gyms and fitness facilities. Across the country, mandated business closures in spring 2020 and the continued challenges of operating safely during the pandemic have caused many gyms to reduce their staff and/or close, either temporarily or permanently. Employment in this sector in New York City decreased significantly during the pandemic. Removing the PCE special permit is intended to help businesses in this sector recover and provide needed health-related amenities to communities across the city.

As noted above, the existing special permit for PCEs was created primarily to address concerns about commercial sex occurring within businesses offering massage. However, regulations that apply to the practice of massage therapy in New York State make it possible to enforce against illicit activity occurring within businesses offering massage, without maintain the existing special permit for massage therapy studios.

In New York State, anybody practicing massage is required to be licensed by the New York State Department of Education. The Department of Education maintains a public database of all licensed massage therapists within the state. Massage therapists undergo significant training from accredited massage therapy programs, which includes coursework in anatomy, physiology, neurology, myology or kinesiology, pathology, hygiene, first aid, CPR, infection control procedures, the chemical ingredients of products that are used and their effects, as well as the theory, technique and practice of both oriental and western massage and bodywork therapy. Massage therapy licensure requires more than 1,000 hours of education, including a minimum of 150 hours of practice on patients. In addition, people who have received training in massage

therapy are able to apply for a limited permit for up to 12 months and can then work under the supervision of a licensed massage therapist. No more than three people with limited permits can work under the supervision of a single licensed massage therapist.

These regulations allow for more nuanced mechanisms within zoning to allow legitimate massage therapy studios to operate without a special permit, while still maintaining civil enforcement tools to enforce against businesses offering commercial sex by people who are not licensed massage therapists.

PROPOSED ZONING TEXT AMENDMENT

The proposed zoning text amendment would remove the BSA special permit for PCEs and add the uses currently subject to this special permit to Use Groups that are permitted as-of-right in certain zoning districts.

The proposed action would categorize all facilities dedicated to physical fitness and health, limited to 10,000 square feet of floor area per establishment, as Use Group 6 and Use Group 14. This includes gyms, spas, and other facilities with activities designed to promote physical fitness. Through this framework, the use would be permitted as-of-right in all commercial and manufacturing districts.

The action would categorize all facilities dedicated to physical fitness and health, with no limitation of floor area per establishment, as Use Group 9. This includes gyms, spas, and other facilities with activities designed to promote physical fitness. These uses would be permitted as-of-right in C2, C4, C5, C6, and C8 districts; M1, M2, and M3 districts; and high-density C1 districts (C1-8, C1-9, and C1 overlays mapped with R9 or R10 districts). The distinction between facilities that are limited in floor area to 10,000 square feet and those that are unlimited in size is consistent with existing regulations in the ZR for other retail and service establishments.

To address the potential for health and fitness establishments to create objectionable noise or vibration for adjacent uses, the Department of City Planning sought guidance from leading acoustical engineers with experience working with gyms in NYC. The proposed action would

distinguish between establishments containing higher-intensity uses that have a greater potential to generate noise and vibration and those that are less likely to have objectionable effects. Higher-intensity uses, such as gyms involving the use of exercise machines and weights, would be subject to additional noise attenuation requirements and enclosure criteria. These would include facilities such as large exercise gyms with free weights, indoor cycling or other studios with many aerobic exercise machines being used in unison, or martial arts gyms for adults that involve high impacts, including those with punching bags attached to the ceiling. These uses would be required to be in completely enclosed buildings and would have to verify to the Department of Buildings prior to the issuance of a Certificate of Occupancy that the use is designed according to national standards for noise and vibration control to meet the NYC Noise Code. These additional requirements would apply to mixed-use buildings in commercial and MX districts. Other health and fitness uses, such as yoga studios, Pilates, youth martial arts, and therapeutic services such as spas and baths would not be subject to these requirements prior to operating, but would be subject to the NYC Noise Code.

To create a consistent and clear zoning framework, the existing Use Group 9A reference to “Gymnasiums, used exclusively for basketball, handball, paddleball, racquetball, squash and tennis” would be removed. These activities would be subsumed by the new definition for all facilities dedicated to physical fitness and health, designated as Use Group 6 or 14, or Use Group 9, depending on the establishment size. For the purposes of accessory parking requirements, all gyms, spas, and other facilities with activities designed to promote physical fitness would be within parking requirement category B (PRC-B).

The proposed zoning text amendment would categorize licensed massage therapy as ambulatory health care in Use Group 4A and Use Group 6B (health care office). This would treat licensed massage therapy studios in the same manner as other health care facilities, including facilities where massage therapy already occurs, such as physical therapy offices. Through this framework, licensed massage therapy studios would be permitted in residence districts other than R1 and R2, as well as all commercial and manufacturing districts.

The proposed action would also replace the definition of Adult Physical Culture Establishment with a new definition for “unlicensed physical treatment establishments.” The existing definition prohibits, in all zoning districts, facilities that offer “services, massages, body rubs, alcohol rubs, baths, or other similar treatment, by members of the opposite sex” if these services are provided by people who are not licensed massage therapists. The proposed action would maintain this prohibition of unlicensed massage therapy, which would continue to not be permitted in any zoning district. The proposed definition for “unlicensed physical treatment establishments” would continue to prohibit businesses from advertising, offering, or providing massage or body rubs by a person who is not a licensed massage therapist, including as a primary or an accessory activity.

To create a consistent zoning framework citywide, sections of special purpose districts that currently permit PCEs as-of-right in certain zoning districts would be removed to ensure that gyms, spas, massage, and other related facilities citywide would be governed by the framework described above.

ENVIRONMENTAL REVIEW

The application (N 210382 ZRY) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et. seq. and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 21DCP183Y. The lead agency is the City Planning Commission. After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on May 17, 2021.

PUBLIC REVIEW

The application (N 210382 ZRY) was duly referred on May 19, 2021, to all 59 Community Boards, to all Borough Presidents, and to all Borough Boards for information and review, in accordance with the procedures for referring non-ULURP matters.

Community Board Review

Forty-two Community Boards adopted resolutions regarding the proposed zoning text amendment, many of which included comments on the proposal and recommendations for modifications. The complete recommendations received from all Community Boards are attached to this report. A summary of the Community Board vote and of comments received in their recommendations follows:

Community Board	Recommendation	Conditions	Comments
Bronx CB 3	Approval	No	No
Bronx CB 4	Approval	No	No
Bronx CB 6	Approval	No	No
Bronx CB 8	Disapproval	No	No
Bronx CB 9	Approval	No	No
Bronx CB10	No Objection	No	Yes
Bronx CB 12	Approval	No	No
Brooklyn CB 1	Approval	No	No
Brooklyn CB 2	Approval	No	Yes
Brooklyn CB 8	Disapproval	Yes	Yes
Brooklyn CB 10	Disapproval	No	Yes
Brooklyn CB 13	Disapproval	No	No
Brooklyn CB 14	Disapproval	No	Yes
Brooklyn CB 15	Disapproval	No	Yes
Brooklyn CB 18	Disapproval	No	No
Manhattan CB 1	Approval	Yes	Yes
Manhattan CB 2	Approval	Yes	Yes
Manhattan CB 3	Approval	No	No
Manhattan CB 4	Approval	Yes	Yes
Manhattan CB 5	Approval	No	No
Manhattan CB 6	Approval	No	No
Manhattan CB 7	Approval	No	Yes
Manhattan CB 8	Approval	No	No
Manhattan CB 9	Approval	No	No
Manhattan CB 10	Approval	No	No
Manhattan CB 11	Approval	No	No

Manhattan CB 12	Approval	No	No
Queens CB 1	Approval	No	Yes
Queens CB 2	Approval	No	No
Queens CB 4	Approval	No	No
Queens CB 5	Disapproval	No	Yes
Queens CB 6	Approval	No	No
Queens CB 7	Waived	No	Yes
Queens CB 8	Approval	No	No
Queens CB 10	Approval	Yes	No
Queens CB 11	Disapproval	No	No
Queens CB 12	Disapproval	No	No
Queens CB 13	Approval	No	No
Queens CB 14	Approval	No	No
Staten Island CB 1	Approval	No	No
Staten Island CB 2	Disapproval	No	No
Staten Island CB 3	Disapproval	No	Yes

Overall, 42 out of 59 Community Boards submitted recommendations. Of these, 24 recommended approval, 4 recommended approval with conditions, 1 recommended disapproval with conditions, 11 recommended disapproval, 1 did not object to approval, and 1 waived their recommendation. Most Community Boards expressed support for the project’s overall goal of reducing barriers for health-related businesses to open and operate. However, some Community Boards raised concerns about a variety of zoning and non-zoning issues related to the text amendment. These included a desire to maintain oversight of local businesses by Community Boards, concerns about the implications of the proposal with regard to enforcement of commercial sex occurring within businesses offering massage, and concerns about the impact of noise emanating from gyms. These concerns, along with other more specific recommendations on various aspects of the proposal, are further detailed below.

Community Board Oversight

Six community boards were concerned with decreased oversight from community boards related to the opening of health and fitness facilities. These boards generally felt that having projects

come before the local community board as part of an approval process helps reduce the likelihood of conflicts with neighbors and create beneficial relationship between the community board and local businesses. One board was particularly concerned about not being aware of large, potentially noisy gyms moving into the community without notice, requesting that gyms larger than 10,000 square feet continue to be subject to the BSA special permit. Another board questioned whether there could be an intermediate solution that would reduce regulatory barriers but maintain some level of community notification and input regarding businesses in order to address concerns such as noise, hours of operation, and the use of outdoor space.

Enforcement of Commercial Sex

Several community boards raised concerns that removing the special permit could make it more difficult for the City to enforce against commercial sex occurring within unlicensed massage businesses. The primary concern from these community boards was that massage therapy studios should not be permitted within residence districts due to the potential for illicit activity.

One community board felt that the provisions maintain a prohibition of unlicensed massage may not be a sufficient enforcement tool. This board felt that replacing the existing definition for Adult Physical Culture Establishments with a new definition for Unlicensed Physical Treatment Establishments would weaken the enforcement capability of the City with regard to unlicensed massage and/or commercial sex occurring within businesses offering massage therapy.

One community board recommended that the zoning text require all practitioners in massage studios to hold licenses as massage therapists. This board felt that people who engage in illegal activities may offer massage under the supervision of a licensed massage therapist.

Noise and Vibration

Several community boards raised concerns about the potential for noise and vibration from health and fitness establishments impacting adjacent uses. Three community boards recommended additional clarity to distinguish between high-intensity uses that must demonstrate compliance with the proposed noise and vibration performance standards and low intensity uses. Three community boards recommended additional restrictions on operating hours for businesses.

Two community boards expressed concern about allowing gyms in mixed-use buildings, with one of these suggesting that gyms be restricted in buildings with residential units, while the other suggesting that all gyms in mixed-use buildings be required to demonstrate compliance with the noise performance standards. One community board recommended that all health and fitness establishments, including those defined as low intensity uses, not be permitted as unenclosed uses due to the potential for noise and vibration.

Borough Board Review

The complete Borough Board resolutions are appended to this report and summarized below.

Manhattan

On July 15, 2021 the Manhattan Borough Board voted 11 in favor, none in opposition, and 1 in abstention to adopt a resolution to recommend approval of the application, with conditions. The resolution described a number of comments and conditions, including the following:

- “The noise impact of PCEs be considered by the DOB in their approval process, especially in buildings with residential units;
- The proposed zoning text provide clearer definitions of intensity of use for DOB to determine whether a facility meets criteria for a low or high intensity gym, and that No. N210382ZRY – Health and Fitness Citywide Text Amendment Page 4 of 5 facilities receive DOB review regarding noise, vibration, and other quality of life concerns, regardless of the facility’s level of intensity;
- The proposed zoning text require that all activities be conducted within the confines of the licensed space, which may or may not include unenclosed spaces;
- The proposed zoning text require that the hours of operation for facilities located in residential or mixed-use buildings be reasonably limited;
- The proposed zoning text include language that all practitioners in massage parlors hold licenses as massage therapists, not simply the business owners;
- The proposed zoning text better outline which agencies are responsible for enforcement of violations;
- The proposed zoning text require that certification on noise levels be done by an acoustical engineer; and

- That the Department of Environmental Protection (DEP) agree to improve its response and enforcement of facilities that have noise level issues.”

Queens

On July 13, 2021 the Queens Borough Board voted 9 in favor, 3 in opposition, and 5 in abstention to adopt a resolution to recommend approval of the application.

Borough President Review

The complete Borough President resolutions are appended to this report and are summarized below.

Manhattan

The Manhattan Borough President issued a letter dated July 26, 2021 recommending approval of the application with the following conditions:

- “Include more specific restrictions on noise levels than is included in the NYC Noise Code; and
- Specify high and low intensity uses.”

Queens

The Queens Borough President issued a letter dated August 30, 2021 recommending approval of the application.

City Planning Commission Public Hearing

On September 1 2021, (Calendar No. 1) the City Planning Commission scheduled September 22, 2021, for a public hearing on this application (N 210382 ZRY). The hearing was duly held on September 22, 2021 (Calendar No. 40). There were six speakers in favor of the application and zero in opposition.

Speakers in favor included members of the New York State Society of Medical Massage Therapists (NYSSMMT), a member of the Real Estate Board of New York (REBNY), two owners of fitness businesses, and a contracting firm.

Two members of the NYSSMMT testified in support of the proposal. These members described how the massage industry has changed since the implementation of the PCE special permit, which includes changing the name of the industry from “masseur” to “massage therapist” and the recognition as a Title VIII health care profession under the New York State Department of Education. In addition, they described rigorous training and licensing requirements necessary for massage therapists to treat a vast array of patients from PTSD victims, cancer patients, and victims of the 9/11 terrorist attack. Despite the care licensed massage therapists provide, the NYSSMMT representatives described how the industry continues to be victimized and discriminated against because of bad actors. They described being very concerned about enforcement against illicit activity, but that the PCE special permit has not been effective in preventing commercial sex. According to the members, prohibitive regulations, like that of the PCE special permit, are a burden to the industry that has led to a loss of licensed massage therapists and difficulties earning a fair living wage, which has been exacerbated by the pandemic.

A member of REBNY testified in support of the proposal. The member stated that the PCE special permit is outdated and removing it will aid brick and mortar businesses and bolster local economies. The representative described how the special permit’s high cost and lengthy processing time contributes to existing inequities for women and people of color who have less access to venture capital funds, preventing small business growth amongst these communities.

Two owners of small businesses testified in support of the proposal. The first speaker owns two small fitness studios in Brooklyn. The owner described how their decision to install showers in both studios, in order to meet customer demands, triggered the need for the PCE special permit. The owner cited high costs for the permit that included an initial \$20,000 plus an additional \$50,000 for expeditor costs. These expenses, plus the associated stress, was cited as a deterrent

to opening a third location. The owner also noted that the special permit is a discriminatory process that does not exist outside of New York City.

The second small business owner was a personal trainer from Manhattan. The owner stated that the special permit is a challenge for themselves and others to open a small business. The owner described how the high costs associated with the PCE special permit prevented them from opening a fitness studio, particularly as the COVID-19 pandemic has brought financial hardship to their business and others in the industry. They stated that removing the special permit will result in more fitness businesses, thereby providing health benefits to all New Yorkers.

The sixth oral testimony in favor of the proposal was provided by the owner of a contracting firm with experience building gyms and yoga studios in New York City. The owner stated the PCE special permit is an outdated requirement that has prevented new health and fitness businesses from being built. They cited that the special permit's removal will have benefits for all New Yorkers.

There were no other speakers, and the hearing was closed.

In addition to those speakers who testified in person at the public hearing, written testimony in favor of the proposal was submitted by two gym operators. The written testimony cited high costs, long applications processing periods, and the uncertainty and planning difficulties associated with the requirement to renew the PCE special permit every 10 years. One letter expressed concern over the noise and vibration requirements.

Additional written testimony in favor of the proposal was received from a representative of a fitness studio and the New York State Fitness Alliance, describing financial hardship from the pandemic, the high costs of the PCE special permit, and the vital role the industry plays in providing wellness to their communities.

CONSIDERATION

The Commission believes that the application for the text amendment (N 210382 ZRY), as modified herein, is appropriate.

The Commission notes that the Health and Fitness Text Amendment is intended to remove zoning barriers for gyms, spas, massage therapy studios and other health-related businesses. The Commission acknowledges that the existing Physical Culture or Health Establishment (PCE) special permit from the Board of Standards and Appeals (BSA) presents a significant barrier for many small businesses to open and operate in New York City, which in turn may limit the availability of health amenities in some neighborhoods. Furthermore, given the impacts of the COVID-19 pandemic on the health and fitness industry, the Commission notes that removing regulatory barriers for health and fitness businesses would help the industry recover and activate retail space.

The Commission notes that the PCE special permit was originally created to address concerns about commercial sex occurring in businesses describing themselves as health clubs or massage parlors. The Commission notes that the proposal maintains the ability for the City to enforce against businesses offering unlicensed massage, while removing outdated barriers for legitimate and desirable businesses. While not the core subject of the PCE special permit, the Commission notes that the proposal includes provisions to address the potential for noise and vibration impacts from high-intensity gyms, which was an area of concern during the public review process.

The Commission believes that the proposed distinction between health and fitness facilities that are limited to 10,000 square feet of floor area, which are included in Use Groups 6 and 14 in the proposed zoning framework, and those that are unlimited in size, which are included in Use Group 9, is appropriate and consistent with land use regulations for other retail and service establishments. The Commission notes that C1 districts are intended to serve local needs and maintain the highest level of retail continuity, while C2 districts allow for a slightly wider range of activities in locations where retail continuity may be less important. The Commission notes

that the proposal is designed to maintain active street frontages within C1 districts by permitting only smaller health and fitness facilities in all but the highest density C1 districts.

The Commission has carefully considered the recommendations made by Community Boards, Borough Boards, Borough Presidents, and others at the public hearing. The Commission believes that this proposal, as modified, creates consistent and modern rules that will remove unnecessary regulatory barriers for health and fitness businesses while addressing concerns from communities related to unlicensed massage and noise and vibration impacts from gyms.

Community Board Oversight

A few community boards noted the benefits of community board oversight prior to new businesses opening in their communities. While the Commission acknowledges the potential benefits from community input that can occur through community board participation, the Commission believes that the regulatory challenges for business to go through a special permit process pose too great a barrier for health and fitness facilities, many of which are small businesses that may be prevented from opening due to the time and costs associated with the special permit process. Further, the Commission notes that the proposal includes nuanced and consistent provisions within an as-of-right framework to address the potential for disruption to the community due to noise and vibration, obviating the need for community boards to impose conditions associated with noise and vibration.

Enforcement of Commercial Sex

Several community boards expressed concerns about the potential for the proposal to reduce the City's enforcement capability with respect to businesses engaging in commercial sex, including apprehension about massage therapists being permitted to operate as community facilities in residential areas. The Commission agrees with the intention to ensure that the proposal does not weaken any enforcement capability related to commercial sex.

The Commission notes that the proposed zoning text clearly defines any business that offers or engages in massage by a person who is not a licensed massage therapist as an "unlicensed physical treatment establishment," which would be prohibited in all zoning districts in the city.

The Commission believes that the proposed definition will provide wide latitude for enforcement against businesses offering or engaging in massage by people who are not licensed to do so, and notes the support of the Mayor's Office of Special Enforcement (MOSE) in making this change.

That said, based on suggestions from MOSE, the Commission modifies this new definition to include any establishment that "offers or advertises or is equipped or arranges so as to provide as part of its services..." massage by a person who is not a licensed massage therapists. The Commission believes that this additional language, drawn from the current definition for Adult Physical Culture Establishments, will maintain the existing ability for the City to use these provisions within the ZR to enforce against commercial sex occurring under the guise of massage.

Finally, the Commission is also pleased to remove the outdated and inappropriate language that currently exists in the Adult Physical Culture Establishment definition. The existing prohibitions against unlicensed massage therapy by people who are "members of the opposite sex" is a relic of the past and does not belong in the ZR.

Licensed Massage Therapy

In contrast, the Commission believes it is appropriate to treat licensed massage therapy consistently with other ambulatory health care providers, which includes allowing stand-alone massage therapy studios in most residence districts. The Commission notes that massage therapists are professional health care providers licensed by the State of New York, just like others who fall under the ambulatory health care definition.

Regarding concerns from community boards and the Manhattan Borough Board about the possibility of unlicensed massage therapists practicing under the supervision of licensed massage therapists, the Commission notes that anyone practicing massage, even those under the supervision of a licensed massage therapist, are required to be licensed by the New York State Department of Education. People who have received training in massage therapy are able to apply for a limited permit for up to 12 months and can then work under the supervision of a licensed massage therapist. The Commission believes these state regulations about massage

therapy limit the ability for businesses to have unlicensed massage therapists practice under the supervision of a licensed massage therapist. As described above, the Commission notes that the proposed zoning text clearly defines any business that offers or engages in massage by a person who is not a licensed massage therapist as an “unlicensed physical treatment establishment,” which would be prohibited in all zoning districts.

Noise and Vibration

Multiple community boards noted concerns about noise and vibration emanating from gyms and other fitness facilities. The Commission notes that proposal includes a noise and vibration performance standard for high-intensity facilities, providing businesses and communities with a predictable and consistent mechanism to ensure that the facilities are designed appropriately—based on the anticipated activities, equipment, building, and adjacent uses—to attenuate noise and vibration. Furthermore, the Commission notes that all health and fitness facilities will be subject to the New York City Noise Code, providing an enforceable mechanism to address complaints from neighboring businesses or residents.

The Commission heard concerns and uncertainty about which uses will and will not trigger the noise and vibration standard. The Commission notes that the proposed text provides examples of the types of “high-intensity” facilities that would be subject to the standard: those that include significant weights and exercise machinery. In contrast, the text also provides examples of “low-intensity” facilities that would not be subject to the standard: yoga, isometric exercise, youth martial arts, and spas and other therapeutic and relaxation services. The Commission believes this example-based distinction is appropriate since it recognizes that exercise facilities and trends change over time and the framework must be able to adapt to those changes without becoming outdated. The Commission believes that the proposed zoning text provides sufficient clarity for the Department of Buildings to make determinations about the types of high-intensity facilities that are likely to generate noise and vibration in excess of typical retail and service business, warranting certification from an acoustical engineer that the facility is designed to meet national standards.

Some community boards expressed concerns about health and fitness facilities in mixed-use buildings, with one board suggesting these facilities not be permitted within buildings with residences, while another board suggested that all health and fitness facilities—including low intensity facilities—be required to demonstrate compliance with the noise and vibration performance standard. The Commission believes that it is appropriate to treat health and fitness facilities similarly to other retail and services, such as food and beverage establishments, salons, and laundromats, all of which are permitted to operate within buildings containing residences. For “high-intensity” facilities, the Commission notes that the noise and vibration performance standards take into account the adjacent uses within the building, requiring health and fitness facilities to be designed to a higher standard to reduce the potential for impacts to residents or other uses in the building. Further, the Commission notes that all health and fitness establishments are required to meet the New York City Noise Code.

Some community boards expressed concerns about businesses operating during late evening or early morning hours and requested additional restrictions on hours of operation of health and fitness facilities, especially within mixed-use buildings. The Commission acknowledges the concern from communities, but notes that restricting the hours of operation of private businesses goes beyond the City’s zoning authority and also believes it is appropriate for gyms and other health and fitness facilities to operate at many times of the day and night to meet the needs of communities. The Commission also notes that the noise and vibration attenuation requirements for high-intensity facilities are intended to ensure that businesses are adequately designed to minimize impacts on surrounding uses. Therefore, the Commission believes that additional restrictions on hours of operation are not necessary and may unreasonably limit business operations.

Regarding the Manhattan Borough Board’s recommendation that the Department of Environmental Protection agree to improve its response and enforcement of facilities that receive noise complaints, the Commission understands the desire for the New York City Noise Code to be adequately enforced. The Commission believes that the proposed zoning text provides additional assurances that health and fitness spaces are designed to effectively attenuate noise and vibration.

Other Changes

Lastly, the Commission notes the Health and Fitness Citywide Text Amendment will remove provisions that permitted physical culture establishments in a number of special purpose districts to create a consistent framework for these uses. Since the application's referral into public review, the Gowanus Neighborhood Plan (C 210177 ZMK) and the 495 Eleventh Avenue proposal (C 210324 ZMM), which both permitted physical culture establishments in their respective special purpose districts, have been approved by the Commission. Consistent with its citywide approach, the Commission modifies the Health and Fitness Citywide Text Amendment to remove these area-specific provisions. The provisions of the Health and Fitness Citywide Text Amendment will instead apply.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS) for which a Negative Declaration was issued on May 17, 2021 with respect to this application (CEQR No. 21DCP183Y), the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

HEALTH AND FITNESS CITYWIDE TEXT AMENDMENT

CITYWIDE

N 210382 ZRY

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Matter underlined is new, to be added;

Matter ~~struck-out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution.

ARTICLE I GENERAL PROVISIONS

Chapter 2 Construction of Language and Definitions

* * *

12-10 DEFINITIONS

Words in the text or tables of this Resolution which are italicized shall be interpreted in accordance with the provisions set forth in this Section.

* * *

[Note: This definition is being replaced by the definition #Unlicensed physical treatment establishment#]

~~Adult physical culture establishments~~

~~An "adult physical culture establishment," is any establishment, club or business by whatever name designated which offers or advertises or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, baths or other similar treatment, by members of the opposite sex, except for activities which are excluded below or defined under #physical culture or health establishment# in Section 12-10 and which are, therefore, not included within the definition of an #adult physical culture establishment#:~~

- ~~(1) treatment by a licensed physician, a licensed chiropractor, a licensed osteopath, a New York licensed masseur or masseuse, a licensed practical nurse or a registered professional nurse;~~
- ~~(2) electrolysis treatment by a licensed operator of electrolysis equipment;~~

- (3) hospitals, #long-term care facilities#, or ambulatory diagnostic or treatment health care facilities listed in Use Group 4;
- (4) barbershops or beauty parlors which offer massage to the scalp, the face, the neck or shoulders only; and
- (5) athletic facilities of an educational institution including an alumni club, or of a philanthropic or charitable institution.

~~#Adult physical culture establishments# are not permitted in any District.~~

Advertising sign — see Sign, advertising

* * *

Health and fitness establishments

A “health and fitness establishment” is any establishment that is equipped and arranged to provide instruction, services, or activities which improve or affect a person’s physical condition by physical exercise or provide relaxation services.

#Health and fitness establishments# include, but are not limited to, the following:

- (a) establishments containing high-intensity #uses#, including:
 - (1) gymnasiums where the predominant use of floor space involves the use of exercise equipment or weights; or
 - (2) gymnasiums and other indoor recreation establishments used for activities, including basketball, martial arts for adults, handball, paddleball, racquetball, squash, tennis, rock climbing, soccer, or volleyball;
- (b) other establishments used for exercises including aerobics, exercise dance, youth martial arts, Pilates, or yoga studios; and
- (c) therapeutic or relaxation service establishments including tanning salons, spas, bathhouses, isolation flotation tanks, or meditation facilities.

Establishments containing high-intensity #uses# listed above are subject to the supplemental #use# regulations of Sections 32-413 and 123-33, as applicable.

For “physical culture or health establishments” existing on [date of adoption] that were allowed pursuant to special permit by the Board of Standards and Appeals, such establishments may continue under the terms and conditions established at approval and may continue after the expiration of such special permit, provided that such establishment is not #enlarged#, #expanded#, or otherwise changed in a manner that deviates from the approved establishment.

As an alternative, a “physical culture or health establishment” existing on [date of adoption] may continue pursuant to the applicable provisions for #health and fitness establishments#, and may #enlarge#, #expand#, or change the range of activities therein, in accordance with the District regulations, provided that any applicable supplemental #use# regulations are met.

Height factor

* * *

Outer court recess — see Court recess, outer-

~~Physical culture or health establishments~~

~~A "physical culture or health establishment" is any establishment or facility, including #commercial# and non-#commercial# clubs, which is equipped and arranged to provide instruction, services, or activities which improve or affect a person's physical condition by physical exercise or by massage. Physical exercise programs include aerobics, martial arts or the use of exercise equipment.~~

~~Therapeutic or relaxation services, such as sun tanning, baths, showers, tubs, jacuzzis, whirlpools, saunas, steam rooms, isolation floatation tanks and meditation facilities may be provided only as #accessory# to the physical exercise program or massage facility. Except as specifically provided in Special Purpose Districts, #physical culture or health establishments# are only permitted pursuant to the provisions of Section 73-36. No license or permit shall be issued by the New York City Department of Health in conjunction with any health related facility/services pursuant to this Section until a certificate of occupancy has been issued by the Department of Buildings establishing the #use# of the premises as a #physical culture or health establishment#.~~

Plaza

* * *

Unlicensed physical treatment establishment

An #unlicensed physical treatment establishment# is any establishment that offers or advertises or is equipped or arranged so as to provide as part of its services, whether as a principal #use# or as an #accessory use#, massages, body rubs, alcohol rubs, baths or other similar treatment administered by a person that is not a healthcare professional licensed by the State of New York to provide such service, or under the supervision of such licensee and working in a manner allowed by the license. However, #unlicensed physical treatment establishments# shall not

include barbershops or beauty parlors that offer massage to the scalp, the face, the neck or shoulders only.

#Unlicensed physical treatment establishments# shall not be permitted in any District.

Urban plaza — see Plaza, urban

* * *

ARTICLE II
RESIDENCE DISTRICT REGULATIONS

Chapter 2
Use Regulations

* * *

22-10
USES PERMITTED AS-OF-RIGHT

* * *

22-14
Use Group 4
R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 4 consists primarily of community facilities that:

- (1) may appropriately be located in #residential# areas to provide recreational, religious, health and other essential services for the residents; or
- (2) can perform their activities more effectively in a #residential# environment, unaffected by objectionable influences from adjacent medium and heavy industrial #uses#; and
- (3) do not create significant objectionable influences in #residential# areas.

Those open #uses# of land which are compatible with a #residential# environment are also included.

A. #Community facilities#

Ambulatory diagnostic or treatment health care facilities¹, limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities licensed by the State of New York, or a facility in which patients are diagnosed or treated by health care professionals, licensed by the State of New York or by persons under the supervision of such licensee for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of

veterinary medicine, ~~#physical culture or health establishments#~~, or ophthalmic dispensing. In ~~#buildings#~~ containing ~~#residences#~~, such facilities shall be limited to locations below the level of the first ~~#story#~~ ceiling, except that such facilities may be located on a second ~~#story#~~ provided there is separate access from the outside or directly from a portion of such facility located on the ground floor.

Clubs², except:

- (a) clubs, the chief activity of which is a service predominantly carried on as a business;
- (b) non-commercial outdoor swimming pool clubs; or
- (c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any ~~#lot line#~~; ~~or~~
- ~~(d)~~ any activity or ~~#use#~~ listed within the definitions of either ~~#adult physical culture establishments#~~ or ~~#physical culture or health establishments#~~ in Section 12-10

* * *

22-20 USES PERMITTED BY SPECIAL PERMIT

22-21 By the Board of Standards and Appeals

In the districts indicated, the following ~~#uses#~~ are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

* * *

R1 R2
Clubs, except:

- (a) clubs, the chief activity of which is a service predominantly carried on as a business;
- (b) non-commercial outdoor swimming pool clubs; or
- (c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any ~~#lot line#~~; ~~or~~

(d) any activities or #uses# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10

* * *

ARTICLE III
COMMERCIAL DISTRICT REGULATIONS

Chapter 2
Use Regulations

* * *

32-10
USES PERMITTED AS-OF-RIGHT

* * *

32-15
Use Group 6
C1 C2 C4 C5 C6 C8

Use Group 6 consists primarily of retail stores and personal service establishments which:

- (1) provide for a wide variety of local consumer needs; and
- (2) have a small service area and are, therefore, distributed widely throughout the City.

Public service establishments serving small areas are also included. Retail and service establishments are listed in two subgroups, both of which are permitted in all C1 Districts.

* * *

C. Retail or Service Establishments

* * *

Gift shops [PRC-B]

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment [PRC-B]

Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment [PRC-B]

* * *

E. Clubs

Non-commercial clubs, without restrictions on activities or facilities ~~except for any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments#~~ in Section 12-10 [PRC-D]

* * *

32-18

Use Group 9

C2 C4 C5 C6 C8

Use Group 9 consists primarily of business and other services which:

- (1) serve a large area and are, therefore, appropriate in secondary, major or central commercial shopping areas, and
- (2) are also appropriate in local service districts, since these are typically located on the periphery of major or secondary centers.

A. Retail or Service Establishments

* * *

Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#, limited to the following aggregate dock capacities per #zoning lot#:

200 in C2 Districts; 500 in C4-1, C4-2, C4-3, C4-4, C8-1, C8-2, C8-3 Districts; 2,500 in C4-4A, C4-5, C4-6, C4-7, C5, C6, C8-4 Districts.

“Dock capacity” is the U.S. Coast Guard-certified capacity of the largest vessel using a dock. “Aggregate dock capacity” is the sum of the dock capacities of all docks on the #zoning lot# [PRC-H]

~~*Gymnasiums, used exclusively for basketball, handball, paddleball, racketball, squash and tennis. [PRC-B]~~

**#Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment [PRC-B]

*Medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures or plates, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects [PRC-B1]

* * *

* In C4 or C5 Districts, a #use# in Use Group 9, marked with an asterisk, shall not be located on the ground floor of a #building# unless such #use# is at least 50 feet from the #street wall# of the #building# in which it is located, as provided in Section 32-423 (Limitation on ground floor location)

** In C1-8 and C1-9 Districts, and in C1 Districts mapped within an R9 or an R10 District, #uses# marked with two asterisks shall be allowed as-of-right

* * *

32-23

Use Group 14
C2 C3 C7 C8

Use Group 14 consists of the special services and facilities required for boating and related activities.

A. Retail or Service

* * *

Fishing tackle or equipment, rental or sales [PRC-B1]

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment [PRC-B]

Ice vending machines, coin-operated, including those machines that are self-contained, dealing directly with the ultimate consumer. Such self-contained machines shall be limited to 1,600 pounds capacity solely for the use of such self-contained machines

* * *

B. Clubs

Non-commercial clubs, without restrictions on activities or facilities ~~except for any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10 [PRC-D]~~

* * *

32-30

USES PERMITTED BY SPECIAL PERMIT

32-31

By the Board of Standards and Appeals

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3

* * *

C6
Newspaper publishing establishments

~~C1-8X C1-9 C2 C4 C5 C6 C8~~

~~#Physical culture or health establishments#, including gymnasiums (not permitted under Use Group 9), massage establishments [PRC-B]~~

C1 C2 C3 C4 C5 C6 C7 C8

Public transit or railroad electric substations, limited in each case to a site of not more than 40,000 square feet

* * *

32-40 SUPPLEMENTARY USE REGULATIONS

32-41 Enclosure Within Buildings

C1 C2 C3 C4 C5 C6 C8

In the districts indicated, except as otherwise specifically provided in the Use Groups permitted in such districts and in Sections 36-11 (General Provisions); and 36-61 (Permitted Accessory Off-street Loading Berths) ~~and 73-36 (Physical Culture or Health Establishments)~~, all permitted #uses# which are created by #development#, or which are #enlarged# or #extended#, or which result from a change of #use# shall be subject to the provisions of this Section with respect to enclosure within #buildings#. With respect to the #enlargement# or #extension# of an existing #use#, such provisions shall apply to the #enlarged# or #extended# portion of such #use#.

* * *

32-413 Health and Fitness Establishments

C1 C2 C3 C4 C5 C6

In the districts indicated, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be subject to the following additional enclosure and environmental conditions:

- (a) such high-intensity #uses# shall be located within #completely enclosed buildings#; and
- (b) where such high-intensity #use# is located in a #building# containing any #residential#, #community facility#, or #commercial use#, an acoustical engineer shall verify to the

Department of Buildings prior to the issuance of a Certificate of Occupancy that such #use# is designed according to International Organization for Standardization (ISO) or American National Standards Institute (ANSI) standards for noise control to meet the New York City Noise Code, administered by the Department of Environmental Protection.

Such high-intensity #uses# shall meet the following standards for noise and vibration:

- (1) impact noise measurement shall comply with ISO 16283-2:2020, or subsequent versions; and
- (2) vibration measurement shall comply with ISO 8041:2005 or ANSI/ASA S2.71, or subsequent versions, for on-site vibration measurement and analysis.

* * *

ARTICLE IV MANUFACTURING DISTRICT REGULATIONS

* * *

Chapter 2 Use Regulations

* * *

42-10 USES PERMITTED AS-OF-RIGHT

* * *

42-13 Use Groups 6C, 9A and 12B M2 M3

Use Groups 6C, 9A and 12B as set forth in Sections 32-15, 32-18, and 32-21. Use Group 6C shall be limited to antique stores; art galleries, commercial; artists' supply stores; automobile supply stores; banks; bicycle sales; candy or ice cream stores; cigar or tobacco stores; custom furrier shops; docks for ferries or water taxis; eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less; eating or drinking establishments with musical entertainment but not dancing, with a capacity of 200 persons or less; frozen food lockers; fishing tackle or equipment, rental or sales; #health and fitness establishments#; jewelry or art metal craft shops; locksmith shops; meeting halls; millinery shops; music stores; newsstands, open or closed; paint stores; picture framing shops; and watch or clock repair shops.

Use Group 9A shall be limited to blueprinting or photostatting establishments; business schools or colleges; health and fitness establishments; medical or dental laboratories; musical instrument repairs; printing establishments; public auction rooms; studios - art, music, dancing, or theatrical; trade or other schools for adults; typewriter or other small business machine sales, rental or repairs; and umbrella repairs.

Use Group 12B shall be limited to antique stores; art galleries, commercial; candy or ice cream stores; cigar or tobacco stores; delicatessen stores; jewelry or art metal craft shops; music stores; and newsstands.

* * *

42-14
Use Group 17

M1 M2 M3

**[Note: This Section is also proposed to be amended as part of
N 210423 ZRM: SoHo-NoHo Neighborhood Plan]**

Use Group 17 consists primarily of manufacturing uses that:

- (1) can conform to high performance standards by controlling objectionable influences; and
- (2) in so doing, can limit their impact on adjacent residential areas; and
- (3) normally generate a great deal of traffic, both pedestrian and freight.

* * *

D. Special uses in M1-5A and M1-5B Districts

M1-5A M1-5B

* * *

- (3) In addition to the above restrictions, the following uses are not permitted as of right in any building or other structure or on any tract of land in M1-5A or M1-5B Districts:

* * *

- (e) Banquet halls, wedding chapels, and catering establishments, ~~#physical culture or health establishments#, including gymnasiums, reducing salons, massage establishments or steam baths. However, this provision shall not apply to gymnasiums occupying not more than 10,000 square feet and used exclusively for the following sports facilities: basketball, handball, squash and tennis.~~

* * *

42-30

USES PERMITTED BY SPECIAL PERMIT

42-31

By the Board of Standards and Appeals

In the districts indicated, the following ~~#uses#~~ are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

* * *

M1-5A M1-5B M1-5M M1-6M

Eating or drinking establishments, with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing [PRC-D]

~~M1 M2 M3-~~

~~#Physical culture or health establishments#, including gymnasiums (not permitted under Use Group 9), and massage establishments~~

M1 M2 M3

Radio or television towers, non-~~#accessory#~~

* * *

ARTICLE V

NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

Chapter 2

Non-Conforming Uses

* * *

52-70

TERMINATION OF CERTAIN NON-CONFORMING USES AFTER AMORTIZATION

* * *

52-76

Adult Physical Culture Establishments

~~In all districts, any #adult physical culture establishment#, unless subject to an earlier termination requirement contained in this Resolution, shall terminate not later than one year after November 16, 1978, and thereafter the space formerly occupied by such #use# shall be used only for a conforming #use#.~~

* * *

ARTICLE VI

SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

Chapter 2

Special Regulations Applying in the Waterfront Area

* * *

62-20

SPECIAL USE REGULATIONS

62-21

Classification of Uses in the Waterfront Area

* * *

62-212

Waterfront-Enhancing (WE) uses

WE #uses# comprise a group of primarily recreational, cultural, entertainment or retail shopping #uses# that, when located at the water's edge, add to the public use and enjoyment of the waterfront. WE #uses# shall be limited to the following:

* * *

From Use Group 9:

*Boat showrooms or sales establishments

Catering establishments (also listed in Use Group 13)

~~Gymnasiums used exclusively for basketball, handball, paddleball, racketball, squash and tennis~~

#Health and fitness establishments# with no limitation on #floor area# per establishment

Wedding chapels or banquet halls (also listed in Use Group 13)

* * *

ARTICLE VII ADMINISTRATION

Chapter 3 Special Permits by the Board of Standards and Appeals

* * *

73-10 SPECIAL PERMIT USES

73-11 General Provisions

Subject to the general findings required by Section 73-03 and in accordance with the provisions contained in Sections 73-12 to ~~73-36~~ 73-35, inclusive, the Board of Standards and Appeals shall have the power to permit special permit #uses#, and shall have the power to impose appropriate conditions and safeguards thereon.

* * *

~~73-36 Physical Culture or Health Establishments~~

- (a) In C1-8X, C1-9, C2, C4, C5, C6, C8, M1, M2 or M3 Districts, and in certain special districts as specified in the provisions of such special district, the Board of Standards and Appeals may permit #physical culture or health establishments# as defined in Section 12-10, including gymnasiums (not permitted under Use Group 9) or massage establishments other than #adult physical culture establishments#, for a term not to exceed 10 years, provided the following findings are made:

- (1) that such #use# is so located as not to impair the essential character or the future use or development of the surrounding area; and
- (2) that such #use# contains:
 - (i) one or more of the following regulation size sports facilities: handball courts, ~~basketball courts, squash courts, paddleball courts, racketball courts, tennis courts;~~ or
 - (ii) a swimming pool of a minimum 1,500 square feet; or
 - (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.

~~Therapeutic or relaxation services may be provided only as #accessory# to programmed facilities as described in paragraphs (a)(2)(i) through (a)(2)(iv) of this Section.~~

- (b) In C4-7, C5-2, C5-3, C5-4, C5-5, C6-4, C6-5, C6-6, C6-7, C6-8 or C6-9 Districts, the Board may permit #physical culture or health establishments# located on the roof of a #commercial building# or the #commercial# portion of a #mixed building#, provided the following additional findings are made:
 - (1) that such #use# shall be an incidental part of a permitted #physical culture or health establishment# located within the same #commercial# or #mixed building#;
 - (2) that such #use# shall be open and unobstructed to the sky;
 - (3) that such #use# shall be located on a roof not less than 23 feet above #curb level#;
 - (4) that the application for such #use# shall be made jointly by the owner of the #building# and the operator of such #physical culture or health establishment#; and
 - (5) that the Board shall prescribe appropriate controls to minimize adverse impacts on the surrounding area, including but not limited to, requirements for the location, size and types of signs, limitations on the manner and/or hours of operation, shielding of floodlights, adequate screening, and the control of undue noise including the amplification of sound, music or voices.

- (e) No special permit shall be issued pursuant to this Section unless:
 - (1) the Board shall have referred the application to the Department of Investigation for a background check of the owner, operator and all principals having an interest in any application filed under a partnership or corporate name and shall have received a report from the Department of Investigation which the Board shall determine to be satisfactory; and
 - (2) the Board, in any resolution granting a special permit, shall have specified how each of the findings required by this Section are made.

~~The Board shall retain the right to revoke the special permit, at any time, if it determines that the nature or manner of operation of the permitted #use# has been altered from that authorized.~~

~~The Board may prescribe appropriate conditions and safeguards including location of #signs# and limitations on the manner and/or hours of operation in order to minimize adverse effects on the character of the surrounding community.~~

73-40

MODIFICATIONS OF USE OR PARKING REGULATIONS

* * *

ARTICLE VII ADMINISTRATION

Chapter 4 Special Permits by the City Planning Commission

* * *

74-74

Large-scale General Development

* * *

74-744

Modification of use regulations

- (a) #Use# modifications
 - (4) #Physical culture or health establishments#

* * *

For a ~~#large-scale general development#~~ located within an ~~#MIH site#~~, in a C4 District within Queens Community District 14, ~~#physical culture or health establishments#~~ shall be permitted as of right. The special permit provisions of ~~Section 73-36 (Physical Culture or Health Establishments)~~ shall not apply.

* * *

ARTICLE VIII SPECIAL PURPOSE DISTRICTS

Chapter 1 Special Midtown District

* * *

81-06 Applicability of Article VII Provisions

81-061 Applicability of Article VII, Chapter 3

* * *

Within the ~~#Special Midtown District#~~, the following provisions regarding special permits by the Board of Standards and Appeals shall only be applicable as modified below:

Section 73-16 (Public Transit, Railroad or Electrical Utility Substations) shall be applicable subject to the provisions of the ~~#Special Midtown District#~~.

Section 73-28 (Newspaper Publishing) shall be applicable subject to the provisions of the ~~#Special Midtown District#~~.

~~Section 73-36~~ (Physical Culture or Health Establishments) shall be applicable subject to the locational restrictions of the ~~#Special Midtown District#~~.

Section 73-51 (Modification of Supplementary Use Regulations) shall be applicable subject to the height and setback or alternate height and setback regulations of the ~~#Special Midtown District#~~.

Section 73-52 (Modifications for Zoning Lots Divided by District Boundaries) shall be applicable subject to the height and setback or alternate height and setback regulations of the ~~#Special Midtown District#~~.

* * *

81-60
SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT

* * *

81-62
Special Use Provisions

* * *

81-622
Location of uses in mixed buildings

For #mixed buildings developed# on #qualifying sites#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit the following #uses#, subject to the underlying zoning district regulations, on the same #story# as, or at any #story# above, #residential uses#, provided that no access exists between such #uses# at any level above the ground floor:

open or enclosed observation decks;

open or enclosed publicly accessible spaces;

eating or drinking establishments, as listed in Use Groups 6A, 6C, 10A and 12A;

bowling alleys, as listed in Use Group 8A and 12A;

theaters, as listed in Use Group 8A;

commercial art galleries, as listed in Use Group 6C;

~~gymnasiums, used exclusively for basketball, handball, paddleball, racquetball, squash and tennis, as listed in Use Group 9A;~~

#health and fitness establishments#, as listed in Use Groups 6C and 9A;

wedding chapels and banquet halls, as listed in Use Group 9A;

enclosed skating rinks, as listed in Use Group 12A;

swimming pools and gymnasium #uses# which are #accessory# to any other #use# located within the #building#; and

~~#physical culture or health establishments# permitted pursuant to Section 73-36.~~

For such #uses#, the provisions of Section 32-41 (Enclosure Within Buildings) shall not apply.

* * *

**81-70
SPECIAL REGULATIONS FOR THEATER SUBDISTRICT**

* * *

**81-72
Use Regulations Modified**

* * *

**81-722
Use Group T**

The following #uses# are subject to the limitations on location and #floor area# of the underlying zoning district:

#Uses# marked with an asterisk (*) are allowed only on #narrow street# frontages.

#Uses# marked with double asterisks (**) are allowed only on floors other than the ground floor.

#Uses# marked thus (***) qualify as #uses# satisfying the requirements of Section 81-724 (Requirements for entertainment-related uses).

#Use#

* * *

Gift shops

~~* Gymnasiums~~

Hair products for headwear

Hardware stores

#Health and fitness establishments#

Historical exhibits - not permitted in C5 Districts

* * *

**ARTICLE VIII
SPECIAL PURPOSE DISTRICTS**

**Chapter 3
Special Limited Commercial District**

**83-00
GENERAL PURPOSES**

**83-03
Use Group “LC”**

Use Group “LC” comprises #residential uses# listed in Use Groups 1 and 2, and a group of specially related #uses# selected from Use Groups 3, 4, 5, 6, 8 and 9 to provide for the special needs, comfort, convenience, enjoyment, education and recreation of the residents of the surrounding communities and of the many visitors who are attracted to its activities.

* * *

G. Retail or Service Establishments

* * *

Gift shops

~~*Gymnasiums, used exclusively for basketball, handball, squash and tennis~~

#Health and fitness establishments#

Interior decorating establishments, provided that #floor area# used for processing, servicing, or repairs shall be limited to 750 square feet per establishment

* * *

Photographic studios

~~**#Physical culture or health establishments#, including gymnasiums (not listed under Use Group 9), reducing salons, massage establishments or steambaths, but other than #adult physical culture establishments#~~

Picture framing shops

* * *

* In #Special Limited Commercial Districts#, a #use# marked with an asterisk (*) shall not be located on the ground floor of a #building# unless such #use# is at least 50 feet from the #street# wall of the #building# in which it is located

** In #Special Limited Commercial Districts#, a #use# marked with a double asterisk (**) shall be permitted only by special permit of the Board of Standard and Appeals pursuant to Section 73-36 (Physical Culture or Health Establishments)

* * *

ARTICLE VIII SPECIAL PURPOSE DISTRICTS

Chapter 4 Special Battery Park City District

* * *

84-00 GENERAL PURPOSES

* * *

84-03 Use Regulations (For Zone A and Zone C)

* * *

84-031 Special permit uses

* * *

The following #uses# are permitted only by special permit of the Board of Standards and Appeals:

Electrical or gas utility substations, open or enclosed, pursuant to Section 73-14

Public utility stations for oil or gas metering or regulating, pursuant to Section 73-15

Telephone exchanges or other communications equipment structures, pursuant to Section 73-14

~~In Zone A, #physical culture or health establishments# in subzone A-4 only, pursuant to Section 73-36. However, #physical culture or health establishments# located below the level of the first #story# ceiling shall not be permitted to front on the #Esplanade#.~~

* * *

84-10 ZONE A GENERAL DISTRICT REGULATIONS

* * *

84-12 Use Regulations

In the areas indicated as permitted #commercial# locations in Appendices 2.3 and 3.3, the #use# regulations applying in a C2 District shall apply, except as provided in Sections 84-031 (Special permit uses), 84-032 (Uses not permitted), 84-121 (Uses along Esplanade) and this Section.

In the case of a #mixed building# containing #residential# and #commercial uses#, #residential uses# are permitted on the same #story# as a #commercial use#, provided no access exists between such #uses# at any level containing #residences# and provided any #commercial uses# are not located over any #residences#. However, such #commercial use# may be located over #residences# by authorization of the City Planning Commission upon finding that sufficient separation of #residences# from #commercial uses# exists within the #building#.

Notwithstanding any other provisions of this Resolution, the permitted #uses# listed in Use Groups 6, 7, 8, 9 or 14 and the additional #uses# permitted hereunder shall be limited, per establishment, to 10,000 square feet of #floor area# of any #story# and shall not be located above the first #story# ceiling, except that:

- (a) in any #building# containing an #arcade# required in Section 84-134 (Mandatory arcades), any permitted #use# may be located above the first #story# ceiling and below the second #story# ceiling; and
- (b) supermarkets are permitted with no limitation on #floor area#.

Notwithstanding any other provisions of this Resolution, the #zoning lot# south of First Place and east of Battery Place may contain #residential uses#, #transient hotel uses#, or both #residential# and hotel #uses#.

In the case of hotel #uses# on this #zoning lot#:

- (1) a ~~#physical culture or health establishment#~~ #health and fitness establishment# may be permitted; and
- (2) an eating and drinking establishment, as permitted in Section 32-15 (Use Group 6), and a ~~#physical culture and health establishment#~~ #health and fitness establishment# or a non-#residential accessory use#, may be located above a #story# containing #residential uses#.

* * *

84-30
ZONE C

* * *

84-32
Use Regulations

Use regulations applicable in C6-6 Districts shall apply subject to the provisions of Sections 84-031 (Special permit uses) and 84-032 (Uses not permitted). In addition, the following #uses# shall be permitted:

Indoor interactive entertainment facilities, with eating and drinking, consisting of mechanical, electronic or computer supported games provided that a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms.

Parking facilities, public, subject to Section 84-341

~~#Physical culture or health establishments#~~

Sporting goods or equipment, sale or rental, including instruction in skiing, sailing or skin diving, as permitted in Use Group 14

* * *

ARTICLE IX
SPECIAL PURPOSE DISTRICTS

* * *

[Removing provisions relating to physical culture establishments in the CPC-approved 495 11th Avenue (N 210325 ZRM) to be superseded by the Health and Fitness Citywide Text Amendment.]

Chapter 3
Special Hudson Yards District (HY)

* * *

93-10
USE REGULATIONS

* * *

93-19

Physical Culture or Health Establishments

Within Subdistrict G, ~~#physical culture or health establishments# shall be permitted as of right. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use#.~~

* * *

Chapter 4

Special Sheepshead Bay District

94-00

GENERAL PURPOSES

* * *

94-06

Special Use Regulations

94-061

Permitted residential, community facility and commercial uses

A. ~~#Residential# and #community facility uses#~~

~~#Uses# listed in Use Groups 1, 2, 3 and 4 shall be allowed anywhere within the Special District, except as set forth in Section 94-065 (Restriction on ground floor use).~~

B. ~~#Commercial uses#~~

In Areas A, B, C, D and E, as indicated in Appendix A (Special Sheepshead Bay District Map) of this Chapter, only those ~~#commercial uses#~~ listed in Section 94-062 (Use Group SB), those ~~#uses#~~ listed in Section 62-211 (Water-Dependent (WD) uses) from Use Groups 6, 7, 9 and 14, and those ~~#uses#~~ permitted pursuant to Section 94-063 (Uses permitted by special permit), shall be allowed. In addition, in Area B, a food store, as listed in Section 32-15 (Use Group 6), shall also be allowed on a ~~#zoning lot#~~ existing on May 27, 2015, for a period of 10 years from such date. Such food store shall be limited to one such establishment per ~~#zoning lot#~~ and shall be limited to 15,000 square feet of ~~#floor area#~~ utilized for the sale of food and non-food grocery products, and further such establishment shall be limited to an additional 6,500 square feet of ~~#floor area#~~ for ~~#accessory#~~ office and storage space. There shall be no limitation on the amount

of #floor area# utilized for eating or drinking places as listed in Use Group SB, pursuant to Section 94-062.

In Area F, only #commercial uses# listed in Use Group 6 and those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 shall be allowed within the underlying #Commercial Districts#.

In Area G, only #commercial uses# listed in Use Groups 6, 7, 8 and 9 and those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 shall be allowed within the underlying #Commercial Districts#.

In Area H, except for #uses# permitted pursuant to Section 94-063, #commercial uses# shall be limited to those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 and the following #uses#:

* * *

Gift shops

~~Gymnasiums, used exclusively for basketball, handball, squash and tennis~~

#Health and fitness establishments#

Hardware stores, limited to marine supplies

* * *

94-062

Use Group SB

In Areas A, B, C, D and E, except as stated in this Section, all #commercial uses# permitted by Use Group SB shall be limited to a maximum #floor area# of 3,500 square feet per establishment and to a maximum frontage per establishment at ground floor level of 35 feet when facing any plaza, Emmons Avenue, Sheepshead Bay Road, Ocean Avenue and Bedford Avenue. Any #use# marked with a single asterisk (*) shall not be located on the ground floor of a #building#.

* * *

C. Retail or service establishments

* * *

Gift shop

~~* Gymnasiums, used exclusively for basketball, handball, squash and tennis~~

#Health and fitness establishments#

Jewelry or art metal shops

* * *

Photographic equipment or supply stores

~~** #Physical culture or health establishments#, other than #adult physical culture establishments#, including gymnasiums, having a rated capacity of not more than 50 people~~

Picture framing shops

* * *

** #Uses# listed in Use Group SB, marked with a double asterisk, are permitted only by special permit of the Board of Standards and Appeals, pursuant to the provisions of Section 73-36

* * *

94-064

Supplementary use regulations

The provisions of Article VII, Chapter 3 (Special Permits by the Board of Standards and Appeals), Sections 73-10 through 73-52, relating to modifications of #use#, shall not apply in the Special District, ~~except that Section 73-36 (Physical Culture or Health Establishments) shall be applicable.~~

* * *

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

**Chapter 5
Special Transit Land Use District**

**95-00
GENERAL PURPOSES**

* * *

**95-08
Special Use Regulations**

* * *

**95-081
Use Group T**

Use Group T comprises a group of retail establishments selected to promote and strengthen retail business in the Special District. #Uses# marked with an asterisk (*) shall not be located at the subway mezzanine level or along the bounding walls of a transit easement volume.

* * *

D. Retail or Service Establishments

* * *

Gift shops

~~**Gymnasiums, used exclusively for basketball, handball, squash and tennis~~

~~#Health and fitness establishments#~~

*Ice cream stores

* * *

Photographic studios

~~**#Physical culture or health establishments#, including gymnasiums (not listed under Use Group 9), reducing salons, massage establishments or steam baths, but other than #adult physical culture establishments#~~

Picture framing shops

* * *

** #Uses# in Use Group T marked with a double asterisk are permitted only by special permit of the Board of Standards and Appeals, pursuant to the provisions of Section 73-36

* * *

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

**Chapter 7
Special 125th Street District**

* * *

**97-20
LOCATION AND ACCESS REGULATIONS**

* * *

**97-21
Supplemental Use and Streetscape Regulations Along 125th Street**

* * *

97-212

Uses not permitted on the ground floor of buildings

The following #uses# are not permitted within #stories# that have a floor level within five feet of #curb level# in #buildings developed# after April 30, 2008, or within #stories# that have a floor level within five feet of #curb level# within portions of #buildings enlarged# after April 30, 2008, where such #building# or portion of a #building# fronts upon 125th Street, or is within 100 feet from 125th Street. Entranceways and lobby space for access to such #uses# shall be permitted at the ground floor level, pursuant to the provisions of Section 97-213 (Access to non-ground floor uses).

* * *

From Use Groups 9A, 9B and 9C:

All #uses#, except for ~~gymnasiums~~ health and fitness establishments, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios.

* * *

ARTICLE IX SPECIAL PURPOSE DISTRICTS

Chapter 9 Special Madison Avenue Preservation District

99-00 GENERAL PURPOSES

* * *

99-03 Special Use Regulations

* * *

99-031 Use Group MP

Use Group MP comprises a group of #commercial# establishments selected to promote and strengthen the existing #commercial# character of the Special District. The #commercial uses# listed in Table A of this Section are permitted in any portion of the Special District located within a C1 District. The #commercial uses# listed in Tables A and B of this Section are permitted in any portion of the Special District located within a C5 District.

Table A

* * *

B. Retail or Service Establishments

* * *

Hardware stores

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment

Interior decorating establishments, provided that #floor area# used for processing, servicing, or repairs shall be limited to 750 square feet per establishment

* * *

Table B

A. Retail or Service Establishments

* * *

Furniture stores, with no limitation on #floor area# per establishment

~~*Gymnasiums, used exclusively for basketball, handball, squash and tennis~~

#Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment

*Medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures, or plates, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects

*Motion picture production studios

Musical instrument repair shops

Office or business machine stores, sales or rental (limited to 40 linear feet of #street# frontage)

~~**#Physical culture or health establishments#, including gymnasiums (not listed under Use Group 9), reducing salons, massage establishments or steam baths, but other than #adult physical culture establishments#~~

Plumbing, heating, or ventilating equipment showrooms, without repair facilities (limited to 40 linear feet of #street# frontage)

* * *

~~#Uses# in Use Group MP marked with a double asterisk (**) are permitted only by special permit of the Board of Standards and Appeals, pursuant to the provisions of Section 73-36~~

* * *

ARTICLE X SPECIAL PURPOSE DISTRICTS

Chapter 4 Special Manhattanville Mixed Use District

* * *

104-10 SPECIAL USE REGULATIONS

* * *

104-16 Use Group MMU

Use Group MMU comprises a group of #uses# selected from Use Groups 3, 4, 6, 7, 8, 9, 10, 12 and 17, as modified, including any of such #uses# that are #accessory# to a college or university and open to the public.

* * *

From Use Group 6C:

* * *

Gift shops

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment

Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment

* * *

From Use Group 9A:

Automobile, motorcycle, #trailer# or boat showrooms or sales, with no repair services and with no preparation of vehicles or boats for delivery

Clothing or costume rental establishments

#Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment

Musical instrument repair shops

* * *

#Accessory uses# to all the above #uses# are permitted.

~~#Physical culture or health establishments# are subject to a special permit, pursuant to Section 73-36.~~

* * *

ARTICLE XI SPECIAL PURPOSE DISTRICTS

Chapter 5 Special Downtown Jamaica District

* * *

115-10 SPECIAL USE REGULATIONS

* * *

115-15 Modification of Use Regulations in M1-4 Districts

The #use# regulations of the underlying M1-4 District shall apply, except as modified as follows:

* * *

From Use Group 4A:

Ambulatory diagnostic or treatment health care facilities, limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities in which patients are diagnosed or treated by health care professionals, licensed by the New York State Department of Education or successor agency, for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine, ~~#physical culture or health establishments#~~ or ophthalmic dispensing

Clubs, except:

(a) clubs, the chief activity of which is a service predominantly carried on as a business;

- (b) non-commercial outdoor swimming pool clubs; or
- (c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#; ~~or~~
- (d) ~~any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10 (DEFINITIONS)~~

Community centers or settlement houses

* * *

ARTICLE XI SPECIAL PURPOSE DISTRICTS

Chapter 6 Special Stapleton Waterfront District

* * *

116-10 SPECIAL USE REGULATIONS FOR SUBAREAS A, B AND C, THE ESPLANADE, PIER PLACE AND THE COVE

* * *

116-102

Special permit uses

~~#Physical culture or health establishments# shall be permitted in Subarea B2. The special permit provisions of Section 73-36 shall not apply.~~

116-103

Supplementary use regulations

The provisions of Section 32-41 (Enclosure Within Buildings) shall be modified as follows: In Subarea B3, a farmers' market may be unenclosed.

The provisions of Section 32-423 (Limitation on ground floor location) shall be modified as follows: In Subareas B1 and B2, the #uses# listed in Section 32-18 (Use Group 9) may be located on the ground floor and within 50 feet of any #street wall# of the #building# and with #show windows# facing on the #street#

* * *

116-60

SPECIAL REGULATIONS IN SUBAREA E

* * *

116-61

Special Use Regulations

The #use# regulations of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply, modified as follows:

- (a) the provisions of Section 32-433 (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island) shall not apply; and
- (b) the provisions of Section 62-29 (Special Use Regulations for R6, R7, R8, R9 and R10 Districts) are modified to allow #uses# listed in Section 62-212 (Waterfront-Enhancing (WE) uses) to be located anywhere within a #building# existing prior to July 20, 2017, provided that no #commercial floor area# is located above a #dwelling unit#; and,
- (c) ~~#physical culture or health establishments# shall be permitted as of right. The special permit provisions of Section 73-36 shall not apply.~~

* * *

ARTICLE XII

SPECIAL PURPOSE DISTRICTS

Chapter 3

Special Mixed Use Districts

* * *

123-30

SUPPLEMENTARY USE REGULATIONS

* * *

123-33

Health and Fitness Establishments

In M1 Districts paired with a #Residence District#, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be subject to the following additional enclosure and environmental conditions:

- (a) such high-intensity #uses# shall be located within #completely enclosed buildings#; and
- (b) where such high-intensity #use# is located in a #building# containing any #residential#, #community facility#, or #commercial use#, an acoustical engineer shall verify to the Department of Buildings prior to the issuance of a certificate of occupancy that such high-intensity #use# is designed according to International Organization for

Standardization (ISO) or American National Standards Institute (ANSI) standards for noise control to meet the New York City Noise Code, administered by the Department of Environmental Protection.

Such high-intensity #uses# shall meet the following standards for noise and vibration:

- (1) impact noise measurement shall comply with ISO 16283-2:2020, or subsequent versions; and
- (2) vibration measurement shall comply with ISO 8041:2005 or ANSI/ASA S2.71, or subsequent versions, for on-site vibration measurement and analysis.

* * *

ARTICLE XII SPECIAL PURPOSE DISTRICTS

Chapter 4 Special Willets Point District

* * *

124-10 SPECIAL USE REGULATIONS

* * *

124-12 Regulation of Commercial Uses in Area B

- (a) Within Area B, as shown on Map 1 in the Appendix to this Chapter, #commercial# and special permit #uses# shall be limited to those #uses# permitted in a C1-4 District ~~and #physical culture or health establishments# pursuant to Section 73-36~~, provided that #commercial uses# shall be located no more than 100 feet from a #connector street#, the present or former 34th Avenue or Willets Point Boulevard, or Area A, as shown on Map 1 in the Appendix to this Chapter.

* * *

124-13 Uses Permitted As-of-Right

The following special permits shall not apply. In lieu thereof, such #uses# shall be permitted as-of-right:

* * *

In #buildings# with frontage on 126th Street, the following special permits shall not apply. In lieu thereof, such uses shall be permitted as-of-right:

Section 73-244 (In C2, C3, C4*, C6-4**, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District) shall not apply for eating and drinking establishments with a capacity of more than 200 persons, which shall be permitted as-of-right within 100 feet of a #Residence District# boundary

Section 73-35 (Amusement Arcades)

~~Section 73-36 (Physical Culture or Health Establishments)~~

Section 74-46 (Indoor Interactive Entertainment Facilities)

Section 74-47 (Amusement Arcades)

* * *

ARTICLE XII SPECIAL PURPOSE DISTRICTS

Chapter 7 Special Flushing Waterfront District

* * *

126-10 SPECIAL USE REGULATIONS

* * *

127-12 Physical Culture or Health Establishments

~~The provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply. In lieu thereof, #physical culture or health establishments# shall be permitted as-of-right. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and shall be within parking requirement category B.~~

127-13 Sign Regulations

For M1 Districts paired with a #Residence District#, the provisions regulating #signs# in C4 Districts, as set forth in Section 32-60 (SIGN REGULATIONS), inclusive, shall apply to any #signs#.

* * *

**ARTICLE XIII
SPECIAL PURPOSE DISTRICTS**

**Chapter 1
Special Coney Island District**

**131-00
GENERAL PURPOSES**

* * *

**131-04
Applicability**

* * *

~~131-044~~
Physical culture or health establishments

~~The provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply in the Coney East, Coney North or Coney West Subdistricts. In lieu thereof, #physical culture or health establishments# shall be allowed as of right.~~

~~131-045~~ 131-044
Modification of use and bulk regulations

* * *

**131-10
SPECIAL USE REGULATIONS**

* * *

131-12
Use Groups A, B and C
Special Use Groups are established as set forth in this Section, to promote and strengthen the commercial and entertainment character of the Special District.

* * *

131-123
Use Group C: Retail and service uses

Use Group C consists of a group of retail and service #uses#, selected from Use Groups 6, 7, 12 and 14, as modified in this Section:

* * *

Gift shops

#Health and fitness establishments# limited to 10,000 square feet of #floor area# per establishment

Jewelry manufacturing from precious metals

* * *

131-13 Special Use Regulations in Subdistricts

* * *

131-132 Coney North and Coney West Subdistricts

In the Coney North and Coney West Subdistricts, #uses# allowed by the underlying district regulations shall apply, except as modified in this Section for #uses# fronting upon #streets# specified on Map 2 (Mandatory Ground Floor Use Requirements) in the Appendix to this Chapter. For the purposes of this Section, the “building line” shown on Parcel F on Map 2 shall be considered a #street line# of Ocean Way or Parachute Way, as applicable. Furthermore, an open or enclosed ice skating rink shall be a permitted #use# anywhere within Parcel F in the Coney West Subdistrict.

* * *

(b) Prohibited ground floor level #uses# along #streets# other than Riegelmann Boardwalk

No #use# listed in this paragraph, (b), shall be permitted within 50 feet of a #street# specified on Map 2. Lobbies or entryways to non-ground floor level #uses# are permitted, provided the length of #street# frontage occupied by such lobbies or entryways does not exceed, in total, 60 feet.

* * *

From Use Groups 9A, 9B and 9C:

All #uses#, except for ~~gymnasiums~~ #health and fitness establishments#, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios

* * *

ARTICLE XIII SPECIAL PURPOSE DISTRICTS

Chapter 4: Special Governors Island District

* * *

134-10 SPECIAL USE REGULATIONS

134-11 Commercial Uses

The following ~~commercial uses~~ shall be allowed

* * *

Any ~~commercial use~~ or ~~physical culture or health establishment~~ larger than 7,500 square feet in ~~floor area~~ shall be permitted provided that, prior to the establishment of such ~~use~~, the applicant shall submit a written description of such ~~use~~ to the local community board, together with information to demonstrate that such ~~use~~ will promote the goals of the ~~Special Governors Island District~~, complement existing ~~uses~~ within the special district, and be compatible with the nature, scale and character of other ~~uses~~ within the special district. The local community board shall have the opportunity to respond to such submission with written comments within forty-five (45) days of receipt and the applicant shall thereafter provide the local community board with a written response to such comments, including a description of any modifications to the proposal or, if a recommendation of the local community board has not been adopted, the reasons such modification has not been made.

No building permit shall be issued with respect to a ~~commercial use~~ or ~~physical culture or health establishment~~ larger than 7,500 square feet unless the Chairperson of the City Planning Commission shall have certified to the Department of Buildings that the applicant has complied with the provisions of this Section.

The provisions of this Section shall not apply to ~~commercial uses~~ permitted pursuant to Section 134-12 (Authorization for Certain Commercial Uses).

* * *

134-13 Physical Culture or Health Establishments

~~Physical culture or health establishments~~ shall be permitted in the ~~Special Governors Island District~~, subject to the requirements of Section 134-11. The special permit provisions of Section 73-36 shall not apply.

134-14

Signs

For ~~#commercial uses# and #physical culture or health establishments#~~, the ~~#sign#~~ regulations of a C1 District mapped within an R3-2 District shall apply.

* * *

134-20

SPECIAL BULK REGULATIONS

134-21

Special Regulations for Commercial Uses

For ~~#commercial uses# and #physical culture or health establishments#~~, the ~~#floor area#~~ regulations of a C1 District mapped within an R3-2 District shall apply.

* * *

ARTICLE XIII

SPECIAL PURPOSE DISTRICTS

Chapter 5

Special Bay Street Corridor District

* * *

135-10

SPECIAL USE REGULATIONS

* * *

135-13

Physical Culture or Health Establishments

~~Within the #Special Bay Street Corridor District#, a #physical culture or health establishment# shall be permitted as of right in #Commercial Districts#. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and shall be within parking requirement category PRC-B.~~

135-14

Breweries

* * *

~~135-15~~ 135-14
Modification of Supplemental Use Provisions

* * *

ARTICLE XIII
SPECIAL PURPOSE DISTRICTS

Chapter 8
Special East Harlem Corridors District

* * *

138-10
SPECIAL USE REGULATIONS

* * *

138-13
~~Physical Culture or Health Establishments~~

~~Within the #Special East Harlem Corridors District#, the provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply. In lieu thereof, #physical culture or health establishments# shall be permitted as of right in C2-5, C4-6 and C6-4 Districts, and in M1 Districts paired with an R9 or R10 District.~~

138-14
Public Parking Garages

* * *

[Removing provisions relating to physical culture establishments in the CPC-approved Special Gowanus Mixed-Use District (N 210178 ZRK) to be superseded by the Health and Fitness Citywide Text Amendment.]

ARTICLE XIII
SPECIAL PURPOSE DISTRICTS

Chapter 9
Special Gowanus Mixed Use District

* * *

139-10

SPECIAL USE REGULATIONS

* * *

**139-13
Gowanus Retail and Entertainment Uses**

* * *

From Use Group 14, as set forth in Section 32-23:

bicycle sales; candy or ice cream stores; and non-commercial clubs without restrictions on activities or facilities ~~except for any activity or #use# listed within the definitions of #adult physical culture establishments# in Section 12-10 (DEFINITIONS).~~

* * *

**139-16
~~Physical Culture Establishments~~**

~~In all districts, #physical culture or health establishments# shall be permitted as of right. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9A #use#.~~

[Not including provisions relating to hotels because they have been superseded by the CPC-approved Citywide Hotel Text Amendment (N 210406 ZRY).]

* * *

**ARTICLE XIV
SPECIAL PURPOSE DISTRICTS**

**Chapter 1
Special Jerome Corridor District**

* * *

**141-10
SPECIAL USE REGULATIONS**

* * *

**141-12
~~Physical Culture or Health Establishments~~**

~~#Physical culture or health establishments# shall be permitted as of right in C2 and C4 Districts. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and shall be within parking requirement category B.~~

141-13
Modification of Supplemental Use Provisions

* * *

ARTICLE XIV
SPECIAL PURPOSE DISTRICTS

Chapter 2
Special Inwood District

* * *

142-10
SPECIAL USE REGULATIONS

* * *

142-11
Permitted Uses

~~#Physical culture or health establishments# shall be permitted as of right in C2-4, C4, C6-2, M1-4 and M1-5 Districts. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and shall be within parking requirement category B.~~

In Subarea B1, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps, as listed in Use Group 16C, shall be a permitted #use#.

In Subareas B2 and B3, as shown on Map 1, all #uses# listed in Use Groups 3 and 4 shall be permitted #uses#, and Use Group 6A food stores, including supermarkets, grocery stores, or delicatessen stores, shall not be limited to #floor area# per establishment.

In Subdistrict D, as shown on Map 1, #self-service storage facilities# shall be permitted as-of-right in C6-2A Districts.

* * *

APPENDIX A
Index of Uses

The following is a listing in alphabetical order of #uses# allowed in this Resolution either as #uses# permitted as-of-right, or as #uses# permitted by special permit, together with the Use Group in which each is listed, the parking requirement category of #commercial uses#, if applicable, and the district or districts in which it is permitted.

When a district associated with a given #use# is designated in the Index with an asterisk (*), the #use# is permitted in such district only by special permit of the Board of Standards and Appeals, as set forth in the applicable portions of this Resolution.

When a district associated with a given #use# is designated in the Index with a double asterisk (**), the #use# is permitted in such district only by special permit of the City Planning Commission, as set forth in the applicable portions of this Resolution.

#Uses# listed in Use Group 11A, 16, 17, or 18 as permitted #uses# in C8 or #Manufacturing Districts# must also meet the applicable performance standards for these districts.

#Uses# listed in Use Group 18 are permitted in M1 or M2 Districts if they can comply with the applicable performance standards for those districts.

This Index is established as a reference guide to this Resolution but is not an integral part thereof. Whenever there is any difference in meaning or implication between the provisions of this Resolution as set forth in Articles I through VII and the text of this Index, the text of the Resolution shall prevail.

#Use# regulations governing the several classes of districts are set forth in the following Chapters of this Resolution:

- Residence Districts Article II, Chapter 2
- Commercial Districts Article III, Chapter 2
- Manufacturing Districts Article IV, Chapter 2

* * *

Barber shops [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Baths, steam (See #Physical culture or health establishments# #Health and fitness establishments#)		
Beaches, commercial [PRC-E]	13	C3* C7 C8 M1 ³ M2 M3

* * *

Gun repairs [PRC-B1]	7	C2 C6 ⁴ C8 M1 M2 M3
Gymnasiums [PRC-B]: (See #health and fitness establishments#)		
<u>Limited</u>	9	C2 C4 C5 C6 C8 M1
Unlimited (See #Physical culture or health establishments#)		
Gypsum manufacture	18	M3

* * *

Hat:		
Bodies manufacture	17	M1 M2 M3
Repair shops [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
<u>#Health and fitness establishments#</u>		
<u>Limited as to #floor area#</u>	<u>6</u>	<u>C1 C2 C4 C5</u> <u>C6 C8</u> <u>M1 M2 M3</u>
	<u>14</u>	<u>C2 C3 C7 C8</u>
<u>Unlimited</u>	<u>9</u>	<u>C1³⁰ C2 C4 C5</u> <u>C6 C8</u> <u>M1 M2 M3</u>
Health Centers	4	R1-R2 R3- R10 C1 C2 C3 C4 C5 C6 C8 M1**
Health services (see #physical culture or health establishments# #health and fitness establishments#)		

* * *

Markets:		
Retail, including meat (See Food stores)		
Wholesale, produce or meat	17	M1 M2 M3
Masseurs <u>Massage therapists</u> [PRC-B]		C2* C4* C5* C6* C8*

(See Ambulatory diagnostic and treatment health care facilities)		M1* ³ M2* M3*
Matches manufacture	18	M3

* * *

Photostatting establishments [PRC-B1]	9	C2 C4 C5 C6 C8 M1 M2 M3
#Physical culture or health establishments# [PRC-B]		C1 ^{30*} C2 * C4 * C5 * C6 * C8 * M1* M2* M3*
Picture framing stores [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3

* * *

Rectories	4	R1-R2 R3-R10 C1 C2 C3 C4 C5 C6 C8 M1**
Reducing salons (See #Physical culture or health establishments# <u>#Health and fitness establishments#</u>)		
Refreshment stands, drive-in [PRC-H]	7	C2 C6 ⁴ C8 M1 M2 M3
	13	C7 C8 M1 ³ M2 M3

* * *

²⁹ Not permitted in C6-1, C6-2 and C6-3 Districts.

³⁰ Permitted only in C1-8 and C1-9 Districts and C1 Districts mapped within an R9 or R10 District.

³¹ Permitted only in C6-5 and C6-7 Districts.

* * *

(page break)

The above resolution (N 210382 ZRY), duly adopted by the City Planning Commission on October 20, 2021 (Calendar No. 10), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

ANITA LAREMONT, *Chairman*

KENNETH J. KNUCKLES, *Esq.*, *Vice Chairman*

**DAVID J. BURNEY, ALLEN P. CAPPELLI, ESQ.,
JOSEPH DOUEK, RICHARD W. EADDY, HOPE KNIGHT,
ANNA HAYES LEVIN, ORLANDO MARIN,
RAJ RAMPERSHAD**, *Commissioners*

ALFRED C. CERULLO, III, *Commissioner*, *VOTING NO*



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:
IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable			
# In Favor: 26	# Against: 1	# Abstaining: 0	Total members appointed to the board: 27
Date of Vote: 7/12/2021 12:00 AM		Vote Location: WEBEX	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/8/2021 6:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	WEBEX-

CONSIDERATION: The board voted to support the project.

Recommendation submitted by	BK CB1	Date: 7/14/2021 9:58 AM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable			
# In Favor: 40	# Against: 0	# Abstaining: 0	Total members appointed to the board: 40
Date of Vote: 6/16/2021 12:00 AM		Vote Location: Virtual	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing:	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	

CONSIDERATION: Some members felt that elimination of the special permit for smaller facilities will remove the process by which community residents are able to voice their concerns.
The board voted unanimously 40-0-0 to recommend as presented.

Recommendation submitted by	BK CB2	Date: 6/22/2021 1:24 PM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:
 IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Unfavorable			
# In Favor: 0	# Against: 11	# Abstaining: 2	Total members appointed to the board: 13
Date of Vote: 7/21/2021 12:00 AM		Vote Location: Webex	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 7/21/2021 6:15 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Webex

CONSIDERATION: Please see attached:
 Members are concerned about the community board not being aware of large, noisy gyms moving in without notice. Therefore, the committee voted to withhold support unless the requested space is less than 10,000 square feet. The final vote count was 11 in favor with 2 abstentions.

Recommendation submitted by	BK CB8	Date: 7/27/2021 2:16 PM
-----------------------------	--------	-------------------------



COMMUNITY BOARD NO. 8

1291 ST. MARKS AVENUE • BROOKLYN, NEW YORK 11213
(718) 467-5620/5574 • BROOKLYNCB8.ORG • BROOKLYNCB8@GMAIL.COM

Eric Adams
Borough President

Irsa Weatherspoon
Chairperson

Michelle T. George
District Manager

July 26, 2021

Ms. Marisa Lago, Chairperson
City Planning Commission
120 Broadway
New York, NY 10271

RE: Health and Fitness Zoning Text Amendment

Dear Chairperson Lago:

At the July 21, 2021 at the Land Use Committee meeting of Community Board 8 the NYC Department of City Planning presented the Health and Fitness Text Amendment in support of cutting red tape for gyms, spas, and similar businesses. Gyms, martial arts studios, licensed massage therapy, and many other health-related businesses require special permits from the Board of Standards and Appeals to open in most parts of the City. The Department of City Planning is proposing new rules to ease these restrictions, cutting red tape for small businesses and providing valuable health amenities to all New York City communities. Members are concerned about the community board not being aware of large, noisy gyms moving in without notice. Therefore, the committee voted to withhold support unless the requested space is less than 10,000 square feet. The final vote count was 11 in favor with 2 abstentions.

Please note that Community Board 8 By-Laws gives the Land Use Committee full authority to vote on its behalf during July and August when the full board is on hiatus.

Thank you for the opportunity to review and participate in such an important decision facing our city. If you have any questions or require additional information, please do not hesitate to contact us.

Sincerely,

Irsa Weatherspoon
Chairperson



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 31	# Against: 0	# Abstaining: 0	Total members appointed to the board: 31
Date of Vote: 6/21/2021 12:00 AM		Vote Location: Via Zoom	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/21/2021 7:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Via Zoom, registration link, https://us02web.zoom.us/webinar/register/WN_F-EuzN8TTguzsv3n8Rx5xQ

CONSIDERATION: Community Board 10 Members voted unanimously in support of a motion to VOTE NO on the Health and Fitness Text Amendment at this time due to many concerns raised during our review. Please review all supporting documents attached to the recommendation.

Recommendation submitted by	BK CB10	Date: 6/28/2021 11:46 AM
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Community Board Ten

8119 5th Avenue • Brooklyn, NY 11209
(718) 745-6827 • Fax (718) 836-2447
bk10@cb.nyc.gov
<https://cbbrooklyn.cityofnewyork.us/cb10/>

JAYNEMARIE CAPETANAKIS
Vice Chairperson
SANDY VALLAS
Secretary
SHIRLEY CHIN
Treasurer

LORI WILLIS
Chair
JOSEPHINE BECKMANN
District Manager

June 28, 2021

Marisa Lago, Chairperson
New York City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: Proposed Health and Fitness Citywide
Text Amendment; 21DCP183Y; N210382ZRY

Dear Chair Lago,

At a duly publicized meeting held on Monday, June 21, 2021, members of Community Board 10 voted unanimously in support of a motion to **Vote No** on the Health and Fitness Text Amendment at this time due to many concerns raised during our review.

We understand that the driving force behind this effort is to remove regulatory burdens associated with the BSA special permit requirement in place for gyms, spas, and licensed massage therapy studios. We disagree that the Special Permit is no longer needed. Over the years, the Special Permit has been helpful to bring businesses and community together to address some specific concerns related to crime, noise, and other quality of life concerns.

Additionally, while we do not support onerous regulations that hurt small businesses, we do believe that many of the requirements currently included are necessary to ensure consumer and worker protection, as well as to maintain the quality of life for all community members. It is positive that DCP is looking for ways to help small businesses however, this proposed action is too broad.

Most retail shops in Community District 10 are within residential districts with a C1/ C2 overlay and in a small downtown area within the C4 and C8 Districts. They are very different areas as the C1/C2 fall within the heart of the residential district comprised of small storefronts with approximately 1700 to 2000 square feet on the ground floor. It is for this reason that we believe further study is required.

ERIC L. ADAMS, BOROUGH PRESIDENT

Community Board Ten

Page - 2 -

Therefore, we ask that you review the following concerns:

1. Stand Alone Massage Therapy businesses and other Health and Fitness related establishments should not be allowed to operate As-Of- Right in Residential District/Community Facility –

The proposed action adds a provision that will allow stand-alone massage businesses and some health and fitness establishments to operate in the residential districts. (ZR22-14). The stand-alone massage therapy business model within Community Board 10 has been plagued with unlicensed massage therapists, concerns about human trafficking and serious crimes. Therefore, shifting this business model use to the community facility use is of great concern. Many operate into the late night/early morning hours and should not be allowed as-of-right in the community facility.

Additionally, we assert that accessory use makes sense for a free-standing Community Facility within the residential district, but that area must be strictly limited.

2. The new definition of #Unlicensed Physical Treatment Establishment# and the removal of the Special Permit requirement may not be a sufficient enforcement tool

It is unclear if the new definition (ZR12-10) for Unlicensed Physical Treatment Establishment is adequate to address unlicensed stand-alone massage therapy businesses along the expanded retail corridors or within newly allowed residential properties/community facility use. The PCE Special Permit requirement removed in the proposed action was the only regulatory mechanism to confirm if an applicant held a New York State license. Further, the New York State license website is difficult to navigate, cannot be searched by premise location, and there is a very limited number of investigators statewide.

3. A 10,000 square foot business should not be included as a small business and there must be a way to hold smaller facilities to the same noise regulation as those specified for larger facilities

We suggest only facilities of 1500 to 2500 square feet or less be exempt from the Special Permit for gyms and related uses provided the instructional space is of so many square feet; that the visibility into the store is $\frac{3}{4}$ of the way in the floor plan; if less than 25 percent of the space is dedicated to offices. This would create a space for the yoga studios and legitimate small businesses. They should still be subject to same noise requirements

In light of the foregoing, we respectfully request that the Board's concerns be addressed prior to the Citywide Health and Fitness Text Amendment moving forward. I have attached the Zoning and Land Use Committee Report for your information.

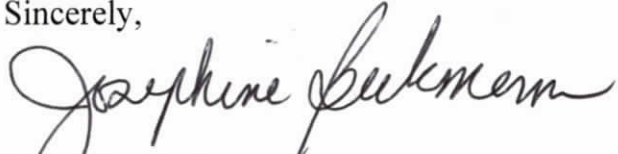
ERIC L. ADAMS, BOROUGH PRESIDENT

Community Board Ten

Page - 3 -

Please do not hesitate to contact me if you need any further information. Thank you for your consideration.

Sincerely,



Josephine Beckmann
District Manager

JB:dg
Att.

cc: Council Member Justin Brannan
S. Naik
R. Bearak

Zoning and Land Use Committee Report of May 26, 2021 and on June 16, 2021

There were also meetings of a smaller working group to discuss the various text amendments. For simplicity, I will combine the discussions of the two full committee meetings. That will simplify the report and I will not be jumping from subject to subject.

The first item on the agenda was a presentation by the 74th Street 400 Block Association asking for the Community Board's support for their request to the Landmarks Preservation Commission to have a large portion of the block designated as a historic district.

Members of the block attended CB10's community meeting on how to apply for landmark status. They were inspired by the recent landmarking of the 75th Street/Bay Ridge Parkway 400 block. They also noted that there is interest in 'limestone Brooklyn' for other parts of our borough. The applicants enlisted Board Member Henry Stewart for assistance in preparing a statement of significance.

The houses on the north side (odd number houses) were built in 1909 by developer Irving Halpern. Some of the houses on the south side (even number houses) were built in 1909 by Boyd H. Wood. Five more houses on the south side were built the following year. The historic district would include houses on the north side of the street and some on the south side. The houses have similar cornices and detailing and have not been modified in a way to change their historic significance.

A motion was made to support the request. The motion was seconded. The recommendation was unanimously supported by the committee. At this point the committee did not have a quorum, so we have a recommendation to the full board and need a motion to support the recommendation. Comments, discussion.

The second item on the agenda was a review of the Hotel Text Amendment. This was discussed at the last meeting and there were several questions that needed to be addressed.

I had concerns about the C8 triangle, C4-2 zones and any zones within 1000 feet on an entrance or exit to an arterial highway. These areas would require a special permit. Also, if a permit had been filed but expired, any new/refiled permit would need to comply with the new regulations.

A motion was made and seconded. The committee met in quorum.

Following the meeting, our neighboring board, CB 11 brought a section of the amendment to our attention.

*"The amendments shall not apply to the following
A transient hotel operated exclusively for the public purpose of temporary housing assistance by the City or State of New York or operated by a non-governmental entity pursuant to an active contract or written agreement with an agency of the City or State specifying such public purpose. There is more, but this paragraph covers it.*

I believe we should consider this carefully. We can approve the text amendment and disapprove the section on housing assistance. This section appears to remove community review from the siting of homeless shelters.

The section of concern is 32-02 Special Provisions for Hotels #Transient hotels#, as listed in Section 32-14 (Use Group 5).

The full committee discussed this section at the June 16, 2021 ZALUC meeting. Just as Community Boards have a role in the siting of schools, so should they have a role in the siting of homeless shelters in their communities.

A motion was made to support the Hotel Text Amendment only if this clause is removed. (AF)
The motion was seconded (AM).

Discussion/comments

The third item on the agenda was a review of the Health and Fitness Text Amendment.

You will be hearing several acronyms in the discussion.

DCP Department of City Planning

HFT Health and Fitness Text Amendment

PCE Physical Culture Establishment

Health and Fitness establishments (PCE) are gyms, day spas, massage parlors and yoga studios. Under current zoning, these establishments require a special permit in order to open. A special permit allows communities to have input into hours of operation, visibility and much more. This text amendment would remove any community input in the siting of gyms, spas, etc., of less than 10,000 square feet. It specifically says "**The Proposed Action would categorize facilities dedicated to physical fitness and health, limited to 10,000 square feet in floor area per establishment, as Use Group 6 and Use Group 14. This would allow smaller gyms, martial arts and yoga studios, and spas to open as-of-right in all commercial and manufacturing districts. Physical fitness and health facilities that are unlimited in size would be categorized as Use Group 9.**"

The text amendment describes establishments of 10,000 feet or less as smaller. For a bit of perspective, a standard storefront in CB10 is 20 feet by 100 feet, 2,000 square feet. An establishment of 10,000 square feet would be the equivalent of 5 storefronts. In a community such as ours, that is not small. This text amendment would make spas and massage parlors community facilities, like medical offices. Day spas and licensed massage parlors could open as of right in commercial districts and in residential district of R 3 and up. Yes, on your block! They would not be restricted to commercial districts. The siting of gyms, yoga studios, martial arts facilities and the like would be allowed as of right in commercial districts and as of right in residential districts under certain circumstances.

Some background for newer members - and I want to note that I may be repetitive but that is because I want to help everyone understand the background and the concerns.

Massage parlors have been a problem in the past because they can be human trafficking locations. CB 10 has worked with several agencies to close massage parlors and day spas that are human trafficking sites. Massage therapists are licensed by New York State, not New York City. Without community review at the beginning of the process, there is very little oversight. There are a very small number of inspectors statewide to monitor these establishments. These establishments often have street crimes and sometimes violence associated with them. The Special Permit is the only regulatory tool available in the City of New York to determine if an establishment is licensed by New York State. Because human trafficking takes place behind closed doors, one condition that our Community Board has often requested is that there be transparency, that the inside of the establishment be visible from the street. Without the special permit, there would be no way to have that requirement. The Department of City Planning said during their presentation that a massage parlor could open "**under the supervision of a licensed massage therapist**". The text amendment does not define what this means or how it would be enforced. Does a licensed therapist need to be on premises or merely have trained the workers? We need clarification on this. The committee has these concerns because of the illegal uses of some day spas and massage therapy sites. It has no concerns about legally operated day spas and massage therapy sites.

Gyms often have long hours, 5 AM to midnight is not unusual. They sometimes have loud music accompanying exercise routines. This is problematic in a multiuse building. Removing any community input at the beginning or the process may create problems. Also, the special permit process allows the Community Board to work with the establishment and community residents so they can together discuss a range of issues including, hours of operation, noise from music and/or HVAC (air conditioning equipment), etc.. I recall a lengthy discussion with residents concerning a gym location on a commercial street whose rear faced the rear yards of residents on the next block. These neighbors cited numerous complaints about the air conditioning unit and the impact on their quality of life. The Special Permit gave the Community Board the ability to negotiate with the PCE to help their neighbors. I will note that CB10 has not denied a Special Permit to any PCE establishment.

That is some history, now to committee concerns. The committee had many, many concerns.

The committee understands the need to help small businesses. We know that they are an essential part of our community. We have concerns about empty store fronts. Because this text amendment could have serious impact on our community and because the City of New York is giving Community Boards a very limited time to review the amendment, I asked for a small working group to meet and discuss the details and make further recommendations. Several members agreed to meet, and their concerns and comments have been incorporated into this report.

Among the issues that the working group discussed were How PCE's evolve. What is now a karate studio or a yoga studio could decide to add exercise equipment like Soul Cycle and how this would impact neighbors. The community has memories of Cross Fit on 3rd Avenue in the 80's and the negative impact on the area.

There was general support for easing barriers to small establishments in general, however, this text amendment is too broad, too sweeping. The committee voted not to support the Health and Fitness Text Amendment.

The committee recommended that we submit a thorough response. DM Beckmann drafted a very detailed analytic response. We now have a simple summary of our objections.

Dear Chair Lago,

At a duly publicized meeting held on Monday, June 21, 2021, members of Community Board 10 voted in support of a motion to Vote No on the Health and Fitness Text Amendment at this time due to many concerns raised during our review.

We understand that the driving force behind this effort is to remove regulatory burdens associated with the BSA special permit requirement in place for gyms, spas, and licensed massage therapy studios. We disagree that the Special Permit is no longer needed. Over the years, the Special Permit has been helpful to bring businesses and community together to address some specific concerns related to crime, noise, and other quality of life concerns.

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Therefore,, we ask that you review the following concerns:

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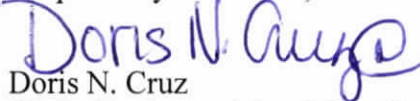
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Respectfully submitted,



Doris N. Cruz
Chair, Zoning and Land Use Committee

Illicit Massage Parlors – Local Current Ads

Hours of Operation listed to 11pm – many open longer

Message parlors Brooklyn NY • Asian Spa

Check out the latest massage parlor reviews in Brooklyn, NY

Asian Spa in Brooklyn, New York

Distance to this massage parlor center: 3.4 mi

Reviews: 2

LEAVE A REVIEW

ADD TO FAVORITES

Massage Ethnicity: Asian Accepted: Yes
Cards Accepted: Cash Only

SAUNA: No
JACUZZI: No
Semi-Truck Parking: No
Distance to this massage parlor center: 3.4 mi

Message parlors Brooklyn NY • Bodywork For Men & Women

Check out the latest massage parlor reviews in Brooklyn, NY

Bodywork For Men & Women in Brooklyn, New York

Distance to this massage parlor center: 4.4 mi

Reviews: 2

LEAVE A REVIEW

ADD TO FAVORITES

Massage Ethnicity: Asian Accepted: Yes
Cards Accepted: Visa, Mastercard

SAUNA: No
JACUZZI: No
Semi-Truck Parking: No
Distance to this massage parlor center: 4.4 mi

- Message parlors Brooklyn NY • 58 Beauty
- Other locations:
- Brooklyn massage parlors:
- Heaven Spa
 - Van Yan
 - Blue Moon Spa
 - Ivy Beauty Spa
 - Eastern Health Center
 - Amazing Grace CC Nail Spa
 - Seating foot spa
 - Classy Day Spa
 - Waterfront O&C Spa
 - Kiss Beauty Parlor
 - Sweet Spa
 - East West
 - Ivy Beauty Salon Spa
 - Jill's spa!
 - Best Asian Massage
 - Tai Shuang Spring Resort
 - Oaska Asian Massage
 - O2 Massage Spa
 - 2AM Body Work Spa
- All Brooklyn massage parlors
- Select:

Message parlors Brooklyn NY • 58 Beauty

Check out the latest massage parlor reviews in Brooklyn, NY

58 Beauty in Brooklyn, New York

Distance to this massage parlor center: 3.3 mi

Reviews: 3

LEAVE A REVIEW

ADD TO FAVORITES

Massage Ethnicity: Asian Accepted: Cash Only

SAUNA: No
JACUZZI: No
Semi-Truck Parking: No
Distance to this massage parlor center: 3.3 mi

Message parlors Brooklyn NY • 58 Beauty

Check out the latest massage parlor reviews in Brooklyn, NY

58 Beauty in Brooklyn, New York

Distance to this massage parlor center: 3.3 mi

Reviews: 3

LEAVE A REVIEW

ADD TO FAVORITES

Massage Ethnicity: Asian Accepted: Cash Only

SAUNA: No
JACUZZI: No
Semi-Truck Parking: No
Distance to this massage parlor center: 3.3 mi

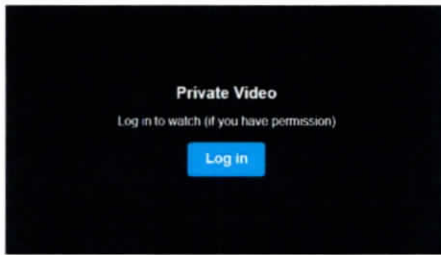
Stories

Bay Ridge Massage Parlor Busts Shed Light on Sex Trafficking in New York City

Categories
Brooklyn, Security

Author
Rialda Zukic

Portfolio Site
riadazukic.com



Safety Matters in Bay Ridge from Rialda Zukic on Vimeo

BAY RIDGE **POLICE & FIRE**

Cops bust 12 illegal massage parlors in Bay Ridge, Dyker Heights

BY HELEN KLEIN • APRIL 19, 2017 @ 2:19 PM

f t e 1

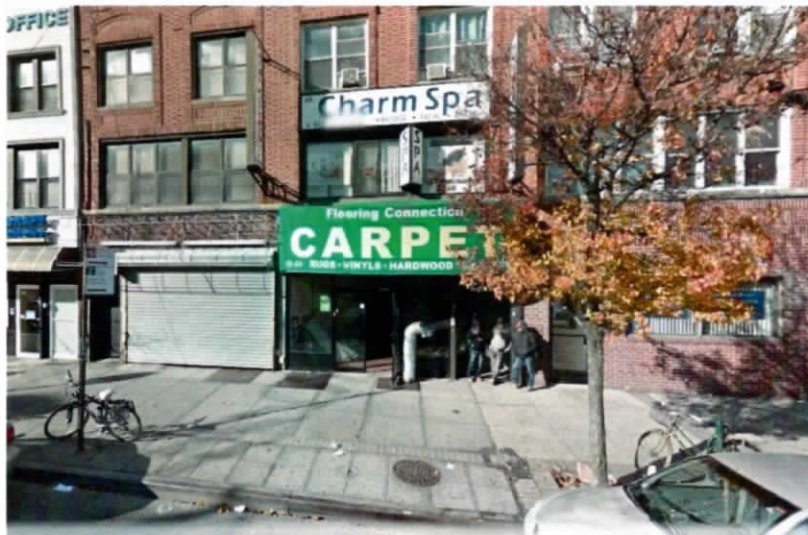


Image via Google Maps

EXCLUSIVE: Missing Sunset Park man traced to Ridge spa

BY MEAGHAN MCGOLDRICK • APRIL 10, 2015 @ 1:18 PM



BROOKLYN MEDIA GROUP/Photo by Meaghan McGoldrick
Sabrina Day Spa.

The investigation into missing Sunset Park resident Kailong Chen, 37, has led cops to a Bay Ridge nail salon, according to a police source.

Chen, who was last seen on Monday, March 30 around 11 p.m. in the vicinity of his job at 8123 Fifth Avenue, BK Cleaner and Laundry Center, has now been placed at Sabrina's Day Spa, 8209 Fifth Avenue, around the time of his disappearance.

According to multiple sources, the man – an acquaintance of the day spa's owner, according to a police source – can be seen clearly on surveillance footage entering the nail salon with another person, though there is no footage of Chen ever leaving. According to a police source, Chen had talked to the owner of the salon that day.

The nail salon was closed for investigation from mid-afternoon Wednesday, April 8 into Thursday, April 9. According to local residents, as many as three emergency vehicles and a canine unit of cadaver dogs were on the scene Wednesday, while Thursday, a cop stood guard inside the closed salon where lights remained out until the early evening.

Sabrina's Day Spa, though open for business as of Friday morning, April 10, is still under investigation, though no body has been found, according to police.

Chen is described as an Asian man, standing at approximately 5'7" tall with a thin build and brown eyes. He was last seen wearing a black jacket and blue jeans.

Anyone with information in regards to this incident is asked to call Crime stoppers at 1-800-577-TIPS (8477). The public can also submit their tips by logging onto the Crime stoppers website at WWW.NYPDCRIMESTOPPERS.COM or by texting their tips to 274637 (CRIMES) then enter TIP577.

All calls are strictly confidential.

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NEW YORK

Unhappy ending for 12 dirty Bay Ridge massage parlors

By OREN YANIV

NEW YORK DAILY NEWS | JUL 11, 2013



FEEDBACK



The shuttered Shirley Day Spa located at 7811 5th Avenue in Bay Ridge, Brooklyn. (Christie M Farriella/for New York Daily News)

It was an unhappy ending for a dozen dirty massage parlors, raided for prostitution after residents of a Brooklyn neighborhood complained of suspicious spas popping up in recent months.

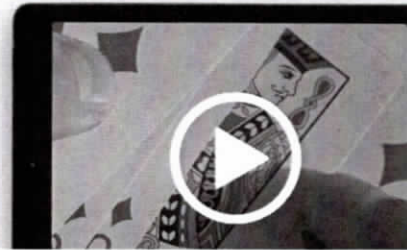
FEEDBACK

Owners of three salons, concentrated around Bay Ridge, as well as 16 workers, were arrested, the authorities announced Thursday. More shady establishments may be targeted in the future, they said.

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"We know that people in Bay ridge have back pain but we don't think it's enough to sustain" so many massage parlors, said Police Commissioner Raymond Kelly. "What's unique here is the rapid proliferation."

FEEDBACK

The year-long investigation started in response to residents' complaints, grouching about the many day spas that suddenly sprouted up around the blue-collar neighborhood. Some solicited customers outside, stayed open into the late hours, and covered their windows with black shades.

And it wasn't only clients' necks that were stiff, with some parlors offering a full range of sexual services, posting explicit ads on websites like craigslist.com and backpage.com, officials alleged.

"It seemed almost overnight that our bucolic neighborhoods of Bay Ridge and Dyker Heights were becoming more like the old 42nd St.," said City Councilman Vincent

Gentile. "And that was just unacceptable to us."

Advertisement



Brooklyn District Attorney Charles Hynes, who resides in the neighborhood, said he has "no idea" what attracted all the soft-handed spa operators to the area.

He said that at this point there is no evidence of a direct connection between the seedy salons, but added "there's a strong suspicion" they might be linked, partly because the girls who were collared gave investigators similar answers.

FEEDBACK

Four of the raided establishments were shuttered because owners didn't pay workers compensation and authorities were working on closing the rest for being a nuisance.





FEEDBACK

A sign on the shuttered Shirley Day Spa located at 7811 5th Avenue in Bay Ridge, Brooklyn. (Christie M Farriella/for New York Daily News)

The alleged prostitutes will be evaluated to see if they were victims of sex trafficking, then would be referred to appropriate programs, Hynes said.

Breaking News Newsletter

As it happens

Get updates on the coronavirus pandemic and other news as it happens with our free breaking news email alerts.



Larry Morrish, 62, sitting outside Shirley Day Spa on Fifth Ave., where the owner and two women were arrested, said he once saw two partially undressed women in the store's front window.

MOST READ

Brooklyn man beaten unconscious after high-speed chase by NYPD cops who wrongly thought he was involved in shooting: suit

No tuna DNA detected in Subway's tuna sandwich: report

It's time for Hal Steinbrenner to admit some hard truths about the Yankees

"It's great that they closed it down," he said.

FEEDBACK

The accused sex workers, all of Asian descent, were being arraigned and released at Brooklyn criminal Court Thursday afternoon. Nearly all were charged with being an unlicensed masseuse.

They didn't answer questions, signaling they didn't speak English.

"These people had no idea," said lawyer Alan Stutman, who represented four of them.

"They didn't think they were doing anything illegal. They were working for a boss."

With Andy Mai

PCE Establishments – CB10 DOB PCE related Enforcement efforts

	A	B	C	D	E	F	G	H	I	J	K
1	Name	Street No.	Address	Borough	State	Zip	DOB Violation	DOB Violation	DOB Inf	Section Law	Fine
2	Body Work	6920	13th Avenue	Brooklyn	NY	11219	yes	V120514CMTF01VO, ZMTF02VP			
3	Youya Spa	8313	3rd Avenue	Brooklyn	NY	11209	yes	PCE no special perm	112	28-207 2.2	\$4,800
4	Shirley Day Spa	7811	5th Avenue	Brooklyn	NY	11209	yes	PARTIAL VACATE BASEMENT CELLAR SLEEPING		5 OPEN DOB VIOLATIONS	
5	Happy Spa	479	73rd Street	Brooklyn	NY	11209	yes	PCE no special permit or licens			
6	Auyu Spa	7109	8th Avenue	Brooklyn	NY	11228	yes	PCE no special perm	112	28-207 2.2	\$4,800
7	Dream Spa	351	99 Street	Brooklyn	NY	11209	yes	DOB Violations WWOUT PERMIT		pending	
8	Jai Li Spa	7103	Fort Hamilton Parkwa	Brooklyn	NY	11228	yes	DOB Violations WWOUT PERMIT			
9	Natural Spa	7012	Fort Hamilton Parkwa	Brooklyn	NY	11228	yes	DOB Violations Work Contrary to Dept Records			
10	Fenny Day Spa	6701	11 Avenue	Brooklyn	NY	11219	yes	Pce no special perm	103	28-118.3.2	
11	Brilliant Body Work	6318	11 Avenue	Brooklyn	NY	11219	yes		2016	284 ZR-MISC	
12							yes	Pce No special Perm	201	28-105	dismissed
13							yes	PCE No Special Perm	247	32-00	\$0
14							yes	PCE No Special Perm	203		
15		6709	11 Avenue	Brooklyn	NY	11219	yes	PCE	301		
16	Canan Beauty Spa	7001	13th Avenue	Brooklyn	NY	11228	yes	DOB Vio failure to sign off on Alt2 complet		written off	
17	Alive Spa and Beauty	7718	13th Avenue	Brooklyn	NY	11228	yes	DOB Violations Cons	201	28-105.1	certificate accepted
18	Man + Woman Body Work	8115	3rd Avenue	Brooklyn	NY	11209	yes	DOB Violations WW	301	28-105.1	cure accepted
19	Bay Ridge Body Care	7716	3rd Avenue	Brooklyn	NY	11209	yes	illegal Use in Comme	247	2R 32-00	Certificate accepted paid :
20	Best Body Work	6929	3rd Avenue	Brooklyn	NY	11209	yes	Contrary to C of O - P	103, 203	28-118.3.2	Certificate accepted in vic
21	Aroma	7921	5th Avenue	Brooklyn	NY	11209	yes	Electrical work	205, 103	EC 210.8, 27	In violation paid \$4000
22	Kings	7909	5th Avenue	Brooklyn	NY	11209	yes	Patial SWD illegal M	284	2R Misc	In Violation Paid \$3,125, i
23	J&S Spa	7113	5th Avenue	Brooklyn	NY	11209	yes	Misc violations of th	284, 203	2R-Misc, 28-	In Violation paid \$3000
24	Sabrina Day Spa	8209	5th Avenue	Brooklyn	NY	11209	yes	Contrary to C of O - P	103	28-118.3.2	In Violation paid \$2,400
25	LA Beauty Spa	8307	5th Avenue	Brooklyn	NY	11209	yes	Work w/o permit	101	28-105.1	In Violation paid \$1,600
26	JJ Spa Body Work	275	79th Street	Brooklyn	NY	11209	yes	Misc violations of th	284	12-10; 73-36	Default paid \$4,104.78
27	A&S Spa	6201	Fort Hamilton Parkwa	Brooklyn	NY	11219	yes	NO PERTINENT VIOLATIONS			
28	Linda Day Spa	8116	5th Avenue	Brooklyn	NY	11209	yes	Contrary to C of O	#####	28-118.3.2	Violation open paid \$159
29	Beauty Connection Day Spa	1275	70th Street	Brooklyn	NY	11228	yes	Patial SWD, Work w/	101, 203	28-105.1	Resolved paid \$800
30	Mandy Beauty Center	6217	8th Avenue	Brooklyn	NY	11219	yes	NO PERTINENT VIOLATIONS			
31	Blue Ocean Spa	31	Bay Ridge Avenue	Brooklyn	NY	11209	yes	Work w/o permit	101	28-105.1	violation open paid \$1,60
32	11 Spa	8515	4th Avenue	Brooklyn	NY	11209	yes	illegal occupancy contrary to zoning			
33	Healthy Body Work Center	883	72 Street	Brooklyn	NY	11228	yes	NO PERTINENT VIOLATIONS			
34	A+ Spa	376	91st Street	Brooklyn	NY	11209	yes	PCE no license	103	28-118.3.2	In Violation paid \$2,400
35	Heavenly Body Work Center	278	73rd Street	Brooklyn	NY	11209	yes	PCE no license	203	28-118.3.2	In violation paid \$1500.

ADULT PHYSICAL CULTURE ESTABLISHMENTS

Community Board No. 11

Violations Issued

Building #	Street	Infraction Code	Section of Law	Hearing Status	Penalty Impo	Amount Paid	Inspection Unit	Violation Type	Violation #	Violation Dat
7209	16 Avenue	284	ZR 12-10	IN VIOLATION	\$400.00	\$400.00	MIDTOWN TASK FORCE	ZONING	35291337X	9/14/2017
7209	16 Avenue	101	28-105.1	IN VIOLATION	\$800.00	\$800.00	MIDTOWN TASK FORCE	CONSTRUCTION	35291336Y	9/14/2017
7209	16 Avenue	200	28-210.1	IN VIOLATION	\$1,200.00	\$1,200.00	MIDTOWN TASK FORCE	QUALITY OF LIFE	35291338H	9/14/2017
7209	16 avenue	103	28-118.3.2	IN VIOLATION	\$2,400.00	\$2,400.00	MIDTOWN TASK FORCE	CONSTRUCTION	35291335M	9/14/2017
7209	16 Avenue	247	ZR12-10	IN VIOLATION	\$800.00	\$800.00	SPECIAL OPERATIONS	ZONING	35290678J	8/31/2017
7209	16 Avenue	203	28-118.3.2	STIPULATION/IN-VI	\$600.00	\$600.00	SPECIAL OPERATION	CONSTRUCTION	35290677H	8/31/2017
6202	17 Avenue	203	28-118.3.2	DISMISSED	\$0.00	\$0.00	SPECIAL OPERATIONS	CONSTRUCTION	35214251X	10/7/2016
6202	17 Avenue	205	ZR 22-00	IN VIOLATION	\$800.00	\$800.00	SPECIAL OPERATIONS	CONSTRUCTION	35207549N	10/7/2016
7712	17 Avenue			PENDING			MIDTOWN TASK FORCE		35546651X	6/2/2021
7712	17 Avenue			PENDING			MIDTOWN TASK FORCE		35546653J	6/2/2021
7712	17 Avenue			PENDING			MIDTOWN TASK FORCE		35546654L	6/2/2021
7712	17 Avenue			PENDING			MIDTOWN TASK FORCE		35546652H	6/2/2021
7901	17 Avenue	203	28-118.3.2	STIPULATION/IN-VI	\$600.00	\$600.00	OFFICE OF THE BUILDING	CONSTRUCTION	35153289P	12/3/2014
6517	18 Avenue	205	ZR 22-00	ADMIT/IN-VIO	\$830.00	\$830.00	SPECIAL OPERATIONS	CONSTRUCTION	35216338H	11/30/2016
6517	18 Avenue	203	28-118.3.2	ADMIT/IN-VIO	\$1,230.00	\$1,230.00	SPECIAL OPERATIONS	CONSTRUCTION	35216339J	11/30/2016
7009	18 Avenue	203	28-118.3.2	IN VIOLATION	\$1,200.00	\$1,219.82	OFFICE OF THE BUILDING	CONSTRUCTION	35123783N	12/16/2015
7009	18 Avenue	1D2	EC 110.2(A)	IN VIOLATION	\$1,600.00	\$1,626.43	OFFICE OF THE BUILDING	ELECTRICAL	35123781J	12/16/2015
7009	18 Avenue	1C9	27-3018(B)	IN VIOLATION	\$1,600.00	\$1,626.43	OFFICE OF THE BUILDING	ELECTRICAL	35123780H	12/16/2015
7009	18 Avenue	205	ZR 22-00	ADMIT/IN-VIO	\$2,030.00	\$2,030.00	SPECIAL OPERATIONS	CONSTRUCTION	35214267K	10/25/2016
7009	18 Avenue	103	28-118.3.2	IN VIOLATION	\$2,400.00	\$2,400.00	MIDTOWN TASK FORCE	CONSTRUCTION	35258416J	8/10/2017
7009	18 Avenue	1G1	28-207.4.4	IN VIOLATION	\$1,000.00	\$1,000.00	OFFICE OF THE BUILDING	CONSTRUCTION	35255641M	12/5/2017
7009	18 Avenue	1F8	28-207.2.5	IN VIOLATION	\$1,000.00	\$1,000.00	OFFICE OF THE BUILDING	CONSTRUCTION	35255618Y	12/5/2017
7009	18 Avenue	201	28-105.1	STIPULATION/IN-VI	\$800.00	\$815.88	OFFICE OF THE BUILDING	CONSTRUCTION	35123784P	12/16/2015
7009	18 Avenue	205	ZR 22-00	IN VIOLATION	\$800.00	\$813.22	OFFICE OF THE BUILDING	CONSTRUCTION	35123782L	12/16/2015
7009	18 Avenue	189	28-301.1	IN VIOLATION	\$1,200.00	\$1,200.00	MIDTOWN TASK FORCE	CONSTRUCTION	35258418N	8/10/2017
7009	18 Avenue	101	28-105.1	DISMISSED	\$0.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35258417L	8/10/2017

Building #	Street	Infraction Code	Section of Law	Hearing Status	Penalty Imposed	Amount Paid	Inspection Unit	Violation Type	Violation #	Violation Date
7009	18 Avenue	284	ZR 12-10	IN VIOLATION	\$400.00	\$400.00	MIDTOWN TASK FORCE	ZONING	35258415H	8/10/2017
7206	18 Avenue	201	28-105.1	IN VIOLATION	\$800.00	\$800.00	Midtown	Construction	35203599N	12/14/2016
7206	18 Avenue	247	ZR 32-00	IN VIOLATION	\$800.00	\$800.00	SPECIAL OPERATIONS	ZONING	35226424N	3/6/2017
7206	18 Avenue	103	28-118.3.2	DISMISSED	\$0.00	\$0.00	SPECIAL OPERATIONS	CONSTRUCTION	35226423L	3/6/2017
7206	18 Avenue	103	28-118.3.2	IN VIOLATION	\$2,400.00	\$2,400.00	Midtown	CONSTRUCTION	35203596H	12/14/2016
7206	18 Avenue	106	27/28/BC Misc	IN VIOLATION	\$1,600.00	\$1,600.00	Midtown	Construction	35203598L	12/14/2016
7206	18 Avenue	284	ZR-MISC	IN VIOLATION	\$800.00	\$800.00	Midtown	Zoning	35203597J	12/14/2016
7206	18 Avenue	263	AC 28-204.4	IN VIOLATION	\$800.00	\$800.00	SPECIAL OPERATIONS	CONSTRUCTION	35234951P	3/6/2017
7401	18 Avenue	201	28-105.1	DEFAULT	\$4,000.00	\$928.22	Brooklyn Construction	CONSTRUCTION	34822439K	2/16/2010
7401	18 Avenue	263	AC 28-204.4	DEFAULT	\$4,000.00	\$5,049.42	BROOKLYN CONSTRUCTIO	CONSTRUCTION	35113462N	4/22/2015
7401	18 Avenue	263	28-204.4	DEFAULT	\$2,000.00	\$4,328.44	SPECIAL OPERATIONS	CONSTRUCTION	35233313X	4/30/2017
7401	18 Avenue	201/101	28-105.1	IN VIOLATION	\$400.00	\$400.00	BROOKLYN CONSTRUCTIO	CONSTRUCTION	35116139R	6/29/2015
7401	18 Avenue	247	ZR 32-00	DEFAULT	\$4,000.00	\$930.59	BROOKLYN CONSTRUCTIO	ZONING	34822440H	2/16/2010
7401	18 Avenue	247	ZR 32-00	DEFAULT	\$2,000.00	\$4,388.66	SPECIAL OPERATIONS	ZONING	35226421H	3/3/2017
7401	18 Avenue	263	AC 28-204.4	DEFAULT	\$2,000.00	\$4,388.50	SPECIAL OPERATIONS	CONSTRUCTION	35231527M	3/3/2017
7401	18 Avenue	263	28-204.4	DEFAULT	\$2,000.00	\$4,268.27	SPECIAL OPERATIONS	CONSTRUCTION	35274634H	6/11/2017
7401	18 avenue	103	28-118.3.2	DEFAULT	\$6,000.00	\$13,165.81	SPECIAL OPERATIONS	CONSTRUCTION	35226422J	3/3/2017
7605	18 Avenue			aka 1804 76 STREET						
7605	18 Avenue									
8614	18 Avenue			IN VIOLATION	\$1,600.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35257886J	6/16/2017
8614	18 Avenue	1C9	27-3018(B)	IN VIOLATION	\$1,600.00	\$1,653.26	OFFICE OF THE BUILDING	ELECTRICAL	35123776P	12/16/2015
8614	18 Avenue			DISMISSED	\$0.00	\$0.00	MIDTOWN TASK FORCE	ZONING	35257885H	6/16/2017
8614	18 Avenue	1D2	EC 110.2(A)	IN VIOLATION	\$1,600.00	\$1,653.26	OFFICE OF THE BUILDING	ELECTRICAL	35123777R	12/16/2015
8614	18 Avenue	203	28-118.3.2	IN VIOLATION	\$1,200.00	\$1,239.94	OFFICE OF THE BUILDING	CONSTRUCTION	35123779K	12/16/2015
8614	18 Avenue	205	ZR 22-00	IN VIOLATION	\$800.00	\$847.04	OFFICE OF THE BUILDING	CONSTRUCTION	35123775N	12/16/2015
8614	18 Avenue			IN VIOLATION	\$2,400.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35257884X	6/16/2017
8608	19 Avenue	103	28-118.3.2	IN VIOLATION	\$600.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35220999R	4/28/2017

Street	Infraction Code	Section of Law	Hearing Status	Penalty Impo	Amount Paid	Inspection Unit	Violation Type	Violation #
19 Avenue	101	28-105.1	IN VIOLATION	\$800.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35221050P
19 Avenue	284	ZR-MISC	IN VIOLATION	\$400.00	\$0.00	MIDTOWN TASK FORCE	ZONING	35220998P
20 Avenue	284	ZR 12-10	PENDING	\$1,250.00	\$0.00	MIDTOWN TASK FORCE	ZONING	35498710N
20 Avenue	284	ZR 12-10	PENDING	\$1,250.00	\$0.00	MIDTOWN TASK FORCE	ZONING	35498710N
20 Avenue	203	28-118.3.2	PENDING	\$1,250.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35498711P
20 Avenue	247	ZR12-10	IN VIOLATION	\$400.00	\$400.00	SPECIAL OPERATIONS	ZONING	35253096R
20 Avenue	284	ZR32-643	IN VIOLATION	\$400.00	\$401.78	SPECIAL OPERATIONS	ZONING	35297405X
20 Avenue	263	28-204.4	IN VIOLATION	\$800.00	\$818.13	SPECIAL OPERATIONS	CONSTRUCTION	35280509J
20 Avenue	103	28-118.3.2	IN VIOLATION	\$600.00	\$607.84	SPECIAL OPERATIONS	CONSTRUCTION	35293909L
20 Avenue	103	28-118.3.2	IN VIOLATION	\$2,400.00	\$2,477.69	SPECIAL OPERATIONS	CONSTRUCTION	35253097Z
20 Avenue	203	28-118.3.2	IN VIOLATION	\$1,500.00	\$1,506.66	SPECIAL OPERATIONS	CONSTRUCTION	35297403M
20 Avenue	188	28-211.1	IN VIOLATION	\$4,800.00	\$0.00	SPECIAL OPERATIONS	CONSTRUCTION	35297402K
20 Avenue	263	28-204.4	IN VIOLATION	\$400.00	\$400.30	SPECIAL OPERATIONS	CONSTRUCTION	35282435P
20 Avenue	247	ZR12-10	IN VIOLATION	\$1,000.00	\$1,071.15	SPECIAL OPERATIONS	ZONING	35297404Y
20 Avenue	263	28-204.4	IN VIOLATION	\$400.00	\$0.00	SPECIAL OPERATIONS	CONSTRUCTION	35282759L
20 Avenue	203	28-118.3.2	CURED/IN VIO	\$0.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35221059L
20 Avenue	201	28-105.1	IN VIOLATION	\$400.00	\$400.00	MIDTOWN TASK FORCE	CONSTRUCTION	35221060Z
20 Avenue	284	ZR-MISC	CURED/IN VIO	\$0.00	\$0.00	MIDTOWN TASK FORCE	ZONING	35221058J
20 Avenue			IN VIOLATION	\$400.00	\$401.08			35289993L
20 Avenue			IN VIOLATION	\$600.00	\$600.00	SPECIAL OPERATIONS	CONSTRUCTION	35289992J
20 Avenue			PENDING			SPECIAL OPERATIONS	CONSTRUCTION	35271534R
20 Avenue			PENDING			SPECIAL OPERATIONS	ZONING	35271535Z
20 Avenue			CURED/IN-VIO	\$0.00	\$0.00	SPECIAL OPERATIONS	CONSTRUCTION	35271536K
20 Avenue			PENDING			SPECIAL OPERATIONS	CONSTRUCTION	35271537M
20th Avenue	201	28-105.1	DISMISSED			MIDTOWN TASK FORCE	CONSTRUCTION	35220296K
20th Avenue	284	ZR-MISC	IN VIOLATION	\$800.00	\$0.00	MIDTOWN TASK FORCE	ZONING	35220294R
20th Avenue	103	28-118.3.2	IN VIOLATION	\$1,200.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35220295Z

Building #	Street	Infraction Code	Section of Law	Hearing Status	Penalty Imposed	Amount Paid	Inspection Unit	Violation Type	Violation #	Violation Date
1770	63 Street	189	28-301.1	CERTIFICATE ACCEP	\$1,200.00	\$1,224.26	MIDTOWN TASK FORCE	CONSTRUCTION	35220585R	3/3/2017
1770	63 Street	101	28-105.1	CERTIFICATE ACCEP	\$800.00	\$816.18	MIDTOWN TASK FORCE	CONSTRUCTION	35220586Z	3/3/2017
1770	63 Street	284	ZR-MISC	CURED/IN-VIO	\$0.00	\$0.00	MIDTOWN TASK FORCE	ZONING	35220583N	3/3/2017
1770	63 Street	103	28-118.3.2	Cured/In Vio	\$2,400.00	\$2448.53	MIDTOWN TASK FORCE	CONSTRUCTION	35220584P	3/3/2017
1804	76 Street	103	\$1,200.00	IN VIOLATION	\$1,200.00	\$1,200.00	MIDTOWN TASK FORCE	CONSTRUCTION	35257975L	6/28/2017
1804	76 St	102	28-301.1	IN VIOLATION	\$1,000.00	\$1,075.21	MIDTOWN TASK FORCE	CONSTRUCTION	35257899Z	6/28/2017
1804	76 st	101	28-105.1	IN VIOLATION	\$1,600.00	\$1,647.74	MIDTOWN TASK FORCE	CONSTRUCTION	35257898R	6/28/2017
1804	76 St	103	28-118.3.2	IN VIOLATION	\$2,400.00	\$2,580.49	MIDTOWN TASK FORCE	CONSTRUCTION	35257896N	6/28/2017
1804	76 ST	284	ZR-MISC	IN VIOLATION	\$800.00	\$860.16	MIDTOWN TASK FORCE	ZONING	35257897P	6/28/2017
1804	76 Street	201	28-105.1	IN VIOLATION	\$800.00	\$800.00	MIDTOWN TASK FORCE	CONSTRUCTION	35257977P	6/28/2017
1804	76 Street	247	ZR 32-00	IN VIOLATION	\$800.00	\$800.00	SPECIAL OPERATIONS	ZONING	35252859L	5/11/2017
1804	76 Street	284	73-36	IN VIOLATION	\$800.00	\$800.00	MIDTOWN TASK FORCE	ZONING	35257976N	6/28/2017
1878	86 St	101	28-105.1	IN VIOLATION	\$800.00	\$800.00	MIDTOWN TASK FORCE	CONSTRUCTION	35257876X	6/19/2017
1878	86 St	284	ZR-MISC	CURED/IN-VIO	\$0.00	\$0.00	MIDTOWN TASK FORCE	ZONING	35257875Y	6/19/2017
1878	86 St	103	28-118.3.2	CERTIFICATE ACCEP	\$2,400.00	\$2,400.00	MIDTOWN TASK FORCE	CONSTRUCTION	35257874M	6/19/2017
1963	86 St	103	28-118.3.2	ADMIT/IN-VIO	\$2,400.00	\$2,400.00	MIDTOWN TASK FORCE	CONSTRUCTION	35257877H	6/16/2017
1727	86 Street	247	ZR 32-00	CURED/IN-VIO	\$0.00	\$0.00		ZONING	35290692X	9/14/2017
1727	86 Street	203	28-118.3.2	CURED/IN-VIO	\$0.00	\$0.00	SPECIAL OPERATIONS	CONSTRUCTION	35290691Y	9/14/2017
1931	86 Street	203	28-118.3.2	CURED/IN-VIO	\$0.00	\$0.00	SPECIAL OPERATIONS	CONSTRUCTION	35289991X	9/19/2017
1931	86 Street	247	ZR 32-00	CURED/IN-VIO	\$0.00	\$0.00	SPECIAL OPERATIONS	ZONING	35289991H	9/19/2017
1934	86 Street	201	28-105.1	IN VIOLATION	\$1,250.00	\$1,280.00	MIDTOWN TASK FORCE	CONSTRUCTION	35417776Z	4/12/2019
1934	86 Street	203	28-118.3.2	IN VIOLATION	\$1,250.00	\$1,250.00	SPECIAL OPERATIONS	CONSTRUCTION	35370024K	2/6/2019
1934	86 Street	102	28-301.1	IN VIOLATION	\$1,250.00	\$1,280.00	MIDTOWN TASK FORCE	CONSTRUCTION	35417777K	4/11/2019
1934	86 Street	103	28-118.3.2	IN VIOLATION	\$6,250.00	\$6,250.00	MIDTOWN TASK FORCE	CONSTRUCTION	35406049Z	12/31/2020
1934	86 Street	284	ZR 73-36	IN VIOLATION	\$1,250.00	\$1,250.00	MIDTOWN TASK FORCE	ZONING	35417775R	4/11/2019
1934	86 Street	247	ZR 32-00	IN VIOLATION	\$1,250.00	\$1,250.00	SPECIAL OPERATIONS	ZONING	35370023Z	2/6/2019
1938	86 Street	203	28-118.3.2	CURED/IN-VIO	\$0.00	\$0.00	SPECIAL OPERATIONS	CONSTRUCTION	35297407J	11/30/2017

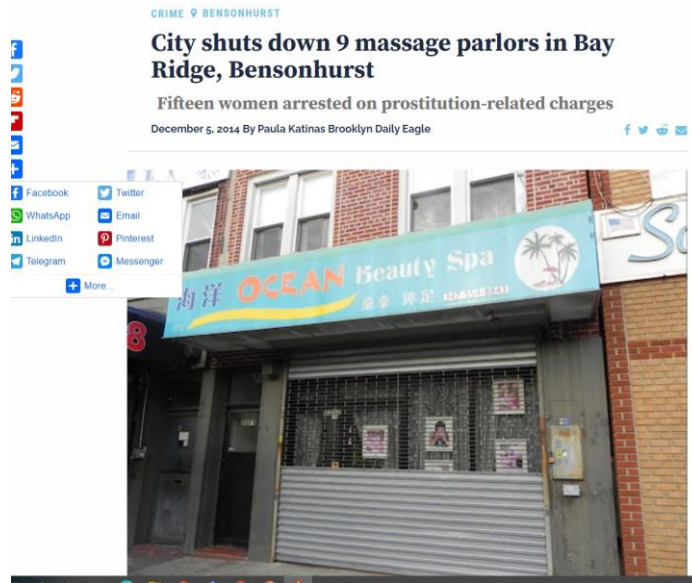
Building #	Street	Infraction Code	Section of Law	Hearing Status	Penalty Impo	Amount Paid	Inspection Unit	Violation Type	Violation #	Violation Dat	Click
1938	86 Street	103	28-118.3.2	IN VIOLATION	\$6,250.00	\$6,250.00	MIDTOWN TASK FORCE	CONSTRUCTION	35443694Y	8/30/2019	
1938	86 Street	247	ZR 32-00	CURED/IN-VIO	\$0.00	\$0.00	SPECIAL OPERATIONS	ZONING	35297409N	11/20/2017	
1938	86 Street	103	28-118.3.2	DISMISSED	\$0.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35373909L	1/8/2019	
1938	86 Street	284	ZR 73-36	DISMISSED	\$0.00	\$0.00	MIDTOWN TASK FORCE	ZONING	35258474H	8/17/2017	
1938	86 Street	201	28-105.1	STIPULATION/IN-VI	\$400.00	\$400.00	MIDTOWN TASK FORCE	CONSTRUCTION	35258575R	8/18/2017	
1938	86 Street	203	28-118.3.2	DISMISSED	\$0.00	\$0.00	SPECIAL OPERATIONS	CONSTRUCTION	35311324M	2/21/2018	
1938	86 Street	247	ZR 32-00	DISMISSED	\$0.00	\$0.00	SPECIAL OPERATIONS	ZONING	35311323K	2/21/2018	
1938	86 Street	301	28-105.1	DISMISSED	\$0.00	\$0.00	SPECIAL OPERATIONS	CONSTRUCTION	35330905Y	4/26/2018	
1938	86 Street	103	28-118.3.2	DISMISSED	\$0.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35258473X	8/18/2017	
1938	86 Street	263	28-204.4	DISMISSED	\$0.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35443697J	8/30/2019	
1938	86 Street	103	28-118.3.2	IN VIOLATION	\$6,250.00	\$6,250.00	MIDTOWN TASK FORCE	CONSTRUCTION	35406047P	4/11/2019	
1938	86 Street	284	ZR 73-36	IN VIOLATION	\$3,125.00	\$3,125.00	MIDTOWN TASK FORCE	ZONING	35443695X	8/30/2019	
1938	86 Street	263	28-204.4	IN VIOLATION	\$1,250.00	\$1,250.00	MIDTOWN TASK FORCE	CONSTRUCTION	35443696H	8/30/2019	
1938	86 Street			DISMISSED	\$0.00	\$0.00	MIDTOWN TASK FORCE	ZONING	35406048R	4/11/2019	
1938	86 Street	285	ZR-12-10	PENDING	\$1,250.00	\$0.00	MIDTOWN TASK FORCE	ZONING	35457748H	11/18/2019	
1938	86 Street	284	ZR 73-36	DISMISSED	\$0.00	\$0.00	MIDTOWN TASK FORCE	ZONING	35373910Z	1/8/2019	
1938	86 Street	103	28-118.3.2	PENDING	\$6,250.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35457747X	11/18/2019	
1955	86 Street	263	AC 28-204.4	IN VIOLATION	\$2,000.00	\$0.00	SPECIAL OPERATIONS	CONSTRUCTION	35280513M	11/14/2017	
1955	86 Street	247	ZR 73-36	DEFAULT	\$2,000.00	\$0.00	SPECIAL OPERATIONS	ZONING	35253095P	8/16/2017	
1955	86 Street	103	28-118.3.2	DEFAULT	\$12,000.00	\$0.00	SPECIAL OPERATIONS	CONSTRUCTION	35253094N	8/16/2017	
1955	86 Street	263	AC 28-204.4	IN VIOLATION	\$800.00	\$0.00	SPECIAL OPERATIONS	CONSTRUCTION	35278842K	9/28/2017	
1955	86 Street	284	ZR 12-10	IN VIOLATION	\$400.00	\$0.00	MIDTOWN TASK FORCE	ZONING	35257882M	6/16/2017	
1955	86 Street	101	28-105.1	IN VIOLATION	\$1,600.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35257883Y	6/16/2017	
1955	86 Street	103	28-118.3.2	IN VIOLATION	\$2,400.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35257881K	6/16/2017	
1955	86 Street			STIPULATION/IN-VI	\$1,250.00	\$1,240.00	SPECIAL OPERATIONS	CONSTRUCTION	35341649H	7/11/2018	
1963	86 Street	139	28-301.1	ADMIT/IN-VIO	\$1,000.00	\$1,000.00	MIDTOWN TASK FORCE	CONSTRUCTION	35257880Z	6/16/2017	
1963	86 Street	284	ZR 12-10	ADMIT/IN-VIO	\$800.00	\$800.00	MIDTOWN TASK FORCE	ZONING	35257878J	6/16/2017	

Building #	Street	Infraction Code	Section of Law	Hearing Status	Penalty Impo	Amount Paid	Inspection Unit	Violation Type	Violation #	Violation Dat	Click
1963	86 Street	101	28-105.1	ADMIT/IN-VIO	\$1,600.00	\$1,600.00	MIDTOWN TASK FORCE	CONSTRUCTION	35257879L	6/16/2017	
2178	86 Street	139	28-301.1	DISMISSED	\$0.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35258444R	8/10/2017	
2178	86 Street	101	28-105.1	DISMISSED	\$0.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35258443P	8/10/2017	
2178	86 Street	103	28-118.3.2	DISMISSED	\$0.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35258441L	8/10/2017	
2178	86 Street	284	ZR 12-10	DISMISSED	\$0.00	\$0.00	MIDTOWN TASK FORCE	ZONING	35258442N	8/10/2017	
2180	86 Street	201	28-105.1	DISMISSED	\$0.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35258527M	8/10/2017	
2180	86 Street	127	27-369	IN VIOLATION	\$250.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35258528Y	8/10/2017	
2180	86 Street	1G1	28-207.4.4	IN VIOLATION	\$1,000.00	\$402.85	MIDTOWN TASK FORCE	SIGNS	35258543M	8/17/2017	
2180	86 Street	189	28-301.1	IN VIOLATION	\$1,200.00	\$1,222.78	MIDTOWN TASK FORCE	CONSTRUCTION	35258448Y	8/10/2017	
2180	86 Street	101	28-105.1	IN VIOLATION	\$1,600.00	\$1,600.00	MIDTOWN TASK FORCE	CONSTRUCTION	35258447M	8/10/2017	
2180	86 Street	284	ZR73-36	IN VIOLATION	\$410.75	\$0.00	MIDTOWN TASK FORCE	ZONING	35258446K	8/10/2017	
2180	86 Street	103	28-118.3.2	IN VIOLATION	\$600.00	\$616.13	MIDTOWN TASK FORCE	CONSTRUCTION	35258445Z	8/10/2017	
2180	86 Street	126	28-301.1	IN VIOLATION	\$250.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35258529X	8/10/2017	
2180	86 Street	1G1	28-207.4.4	DEFAULT	\$5,000.00	\$0.00	OFFICE OF THE BUILDING	CONSTRUCTION	35255778N	12/12/2017	
2215	86 Street			PENDING					35290694J	9/18/2017	
2215	86 Street			PENDING					35290693H	9/18/2017	
2637	86 Street	303	28-118.3.2	IN VIOLATION	\$400.00	\$400.00	BROOKLYN CONSTRUCTIO	CONSTRUCTION	35113780Z	11/19/2016	
2637	86 Street	101	28-105.1	IN VIOLATION	\$800.00	\$800.00	MIDTOWN TASK FORCE	CONSTRUCTION	35220810Y		
2637	86 Street	201	28-105.1	IN VIOLATION	\$800.00	\$800.00	BROOKLYN CONSTRUCTIO	CONSTRUCTION	35113781K	11/19/2016	
2637	86 Street	284	ZR-MISC	IN VIOLATION	\$400.00	\$400.00	MIDTOWN TASK FORCE	ZONING	35220809R	4/5/2017	
2637	86 Street	103	28-118.3.2	DISMISSED			MIDTOWN TASK FORCE	CONSTRUCTION	35220808P	4/5/2017	
12	Avenue O	203	28-118.3.2	DISMISSED	\$0.00	\$0.00	Special Operations	CONSTRUCTION	35290688N	9/14/2017	
12	Avenue O	247	ZR 32-00	PENDING	\$400.00	\$400.00	Special Operations	ZONING	35290689P	9/14/2017	
177	Avenue U	103	28-118.3.2	Admit/In Vio	\$2,400.00	\$2,400.00	MIDTOWN TASK FORCE	CONSTRUCTION	35221055Y	4/28/2017	
177	Avenue U	189	28-301.1	Admit/In Vio	\$1,200.00	\$1,200.00	MIDTOWN TASK FORCE	CONSTRUCTION	35221057H	4/28/2017	
177	Avenue U	101	28-105.1	Admit/In Vio	\$1,600.00	\$1,600.00	MIDTOWN TASK FORCE	CONSTRUCTION	35221056X	4/28/2017	
177	Avenue U	284	ZR-MISC	Admit/In Vio	\$800.00	\$800.00	MIDTOWN TASK FORCE	ZONING	35221054M	4/28/2017	

Building #	Street	Infraction Code	Section of Law	Hearing Status	Penalty Impo	Amount Paid	Inspection Unit	Violation Type	Violation #	Violation Dat	Click
2109	Bath Avenue	263	28-204.4	IN VIOLATION	\$800.00	\$829.00	SPECIAL OPERATIONS	CONSTRUCTION	35230353R	4/14/2017	
2156	Bath Avenue	101	28-105.1	IN VIOLATION	\$1,600.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35220152L	12/14/2016	
2156	Bath Avenue	284	ZR-MISC	DEFAULT	\$4,000.00	\$0.00	MIDTOWN TASK FORCE	ZONING	35220151J	12/14/2016	
2156	Bath Avenue	103	28-118.3.2	DEFAULT	\$12,000.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35220150H	12/14/2016	
2	Bay 25 St	284	ZR 12-10	ADMIT/IN-VIO	\$800.00	\$800.00	MIDTOWN TASK FORCE	ZONING	35221051R	4/28/2017	
2	Bay 25 Street	203	28-118.3.2	STIPULATION/IN-VI	\$1200.00	\$1208.58	MIDTOWN TASK FORCE	CONSTRUCTION	35221052Z	4/28/2017	
2	Bay 25 Street	284	ZR 12-10	IN VIOLATION	\$3,125.00	\$0.00	MIDTOWN TASK FORCE	ZONING	35489275N	10/23/2020	
2	Bay 25 Street	263	28-204.4	IN VIOLATION	\$625.00	\$640.26	MIDTOWN TASK FORCE	CONSTRUCTION	35438461R	8/8/2019	
2	Bay 25 Street	284	28-118.3.2	IN VIOLATION	\$3,125.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35489276P	10/23/2020	
2	Bay 25 Street	284	ZR 12-10	DISMISSED	\$0.00	\$0.00	MIDTOWN TASK FORCE	ZONING	35457746Y	11/18/2019	
2	Bay 25 Street	103	28-118.3.2	IN VIOLATION	\$3,125.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35457745M	11/18/2019	
2	Bay 25 Street	263	28-204.4	IN VIOLATION	\$1,250.00	\$1,358.70	MIDTOWN TASK FORCE	CONSTRUCTION	35438457Y	8/8/2019	
2	Bay 25 Street	263	28-204.4	IN VIOLATION	\$1,250.00	\$1,336.18	MIDTOWN TASK FORCE	CONSTRUCTION	35438453R	8/8/2019	
2	Bay 25 Street	263	28-204.4	IN VIOLATION	\$1,250.00	\$1,344.65	MIDTOWN TASK FORCE	CONSTRUCTION	35438459H	8/8/2019	
2	Bay 25 Street	263	28-204.4	IN VIOLATION	\$1,250.00	\$1,366.51	MIDTOWN TASK FORCE	CONSTRUCTION	35438452P	8/8/2019	
2	Bay 25 Street	201	28-105.1	STIPULATION/IN-VI	\$800.00	\$805.72	MIDTOWN TASK FORCE	CONSTRUCTION	35221053K	4/28/2017	
2	Bay 25 Street	284	ZR12-10	IN VIOLATION	\$3,125.00	\$0.00	MIDTOWN TASK FORCE	ZONING	35438450L	8/8/2019	
2	Bay 25 Street	263	28-204.4	IN VIOLATION	\$1,250.00	\$1,318.80	MIDTOWN TASK FORCE	CONSTRUCTION	35438455K	8/8/2019	
2	Bay 25 Street	263	28-204.4	IN VIOLATION	\$1,250.00	\$1,305.10	MIDTOWN TASK FORCE	CONSTRUCTION	35438460P	8/8/2019	
2	Bay 25 Street	263	28-204.4	IN VIOLATION	\$1,250.00	\$1,280.51	SPECIAL OPERATIONS	CONSTRUCTION	35393393H	3/6/2019	
2	Bay 25 Street	263	28-204.4	IN VIOLATION	\$1,250.00	\$1,292.23	BROOKLYN PLUMBING	CONSTRUCTION	39004109P	6/13/2019	
2	Bay 25 Street	203	28-118.3.2	IN VIOLATION	\$3,125.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35438349R	8/8/2019	
2	Bay 25 Street	263	28-204.4	IN VIOLATION	\$1,250.00	\$1,319.04	MIDTOWN TASK FORCE	CONSTRUCTION	35438456M	8/8/2019	
2	Bay 25 Street		28-204.4	IN VIOLATION	\$1,250.00	\$1,291.61	MIDTOWN TASK FORCE	CONSTRUCTION	35438454Z	8/8/2019	
2	Bay 25 Street	284	ZR 12-10	IN VIOLATION	\$2,000.00	\$2,000.00	MIDTOWN TASK FORCE	ZONING	35258472Y	8/17/2017	
2	Bay 25 Street	203	28-118.3.2	IN VIOLATION	\$3,125.00	\$3,339.21	MIDTOWN TASK FORCE	CONSTRUCTION	35329841X	5/18/2018	
2	Bay 25 Street	284	ZR 12-10	IN VIOLATION	\$3,125.00	\$3,339.21	MIDTOWN TASK FORCE	ZONING	35329842H	5/18/2018	

Building #	Street	Infraction Code	Section of Law	Hearing Status	Penalty Imposed	Amount Paid	Inspection Unit	Violation Type	Violation #	Violation Date	City
2	Bay 25 Street	263	28-204.4	IN VIOLATION	\$1,250.00	\$1,326.89	MIDTOWN TASK FORCE	CONSTRUCTION	35329844L	5/18/2018	
2	Bay 25 Street	263	28-204.4	IN VIOLATION	\$1,250.00	\$1,326.89	MIDTOWN TASK FORCE	CONSTRUCTION	35329845N	5/18/2018	
2	Bay 25 Street	263	28-204.4	IN VIOLATION	\$1,250.00	\$1,326.89	MIDTOWN TASK FORCE	CONSTRUCTION	35329846P	5/18/2018	
2	Bay 25 Street	263	28-204.4	IN VIOLATION	\$1,250.00	\$1,326.89	MIDTOWN TASK FORCE	CONSTRUCTION	35329847R	5/19/2018	
2	Bay 25 Street	301	28-105.1	IN VIOLATION	\$500.00	\$500.74	SPECIAL OPERATIONS	CONSTRUCTION	35330614Y	6/19/2018	
2	Bay 25 Street	203	28-118.3.2	IN VIOLATION	\$3,000.00	\$3,128.22	MIDTOWN TASK FORCE	CONSTRUCTION	35321851N	2/21/2018	
2	Bay 25 Street	247	ZR 32-00	IN VIOLATION	\$2,000.00	\$2,055.14	SPECIAL OPERATIONS	ZONING	35321850L	2/21/2018	
2	Bay 25 Street	263	28-204.4	IN VIOLATION	\$1,250.00	\$1,255.55	SPECIAL OPERATIONS	CONSTRUCTION	35388509Y	10/1/2018	
2	Bay 25 Street	263	28-204.4	IN VIOLATION	\$1,250.00	\$1,280.51	SPECIAL OPERATIONS	CONSTRUCTION	35393392X	3/6/2019	
2	Bay 25 Street	263	28-204.4	IN VIOLATION	\$1,250.00	\$1,175.75	MIDTOWN TASK FORCE	CONSTRUCTION	35438451N	8/8/2019	
2	Bay 25 Street	263	28-204.4	IN VIOLATION	\$1,250.00	\$1,280.51	SPECIAL OPERATIONS	CONSTRUCTION	35393394J	3/6/2019	
2	Bay 25 Street	263	28-204.4	IN VIOLATION	\$1,250.00	\$1,255.55	SPECIAL OPERATIONS	CONSTRUCTION	35388510L	10/1/2018	
2	Bay 25 Street	203	28-118.3.2	IN VIOLATION	\$1,250.00	\$1,255.55	SPECIAL OPERATIONS	CONSTRUCTION	35361441R	10/1/2018	
2	Bay 25 Street	263	28-204.4	IN VIOLATION	\$1,250.00	\$1,357.57	MIDTOWN TASK FORCE	CONSTRUCTION	35438458X	8/8/2019	
6407	Bay Parkway	247	ZR 12-10	CURED/IN-VIO	\$0.00	\$0.00	SPECIAL OPERATIONS	ZONING	35271544K	8/11/2017	
6407	Bay Parkway	103	28-118.3.2	DISMISSED	\$0.00	\$0.00	SPECIAL OPERATIONS	CONSTRUCTION	35271543Z	8/11/2017	
6419	Bay Parkway	103	28-118.3.2	IN VIOLATION	\$2,400.00	\$2,471.61	SPECIAL OPERATIONS	CONSTRUCTION	35271538Y	7/26/2017	
6419	Bay Parkway	263	28-204.4	IN VIOLATION	\$800.00	\$812.08	SPECIAL OPERATIONS	CONSTRUCTION	35278470Z	9/11/2017	
6419	Bay Parkway	247	ZR 32-00	IN VIOLATION	\$625.00	\$625.00	SPECIAL OPERATIONS	ZONING	35325746J	4/12/2018	
6419	Bay Parkway	247	ZR 12-10	IN VIOLATION	\$400.00	\$411.93	SPECIAL OPERATIONS	ZONING	35271539X	7/26/2017	
6419	Bay Parkway	103	28-118.3.2	IN VIOLATION	\$6,000.00	\$6,000.00	SPECIAL OPERATIONS	CONSTRUCTION	35294320N	11/4/2017	
6419	Bay Parkway	203	28-118.3.2	IN VIOLATION	\$1,563.00	\$1,563.00	SPECIAL OPERATIONS	CONSTRUCTION	35325745H	4/12/2018	
6511	Bay Parkway	284	ZR 12-10	IN VIOLATION	\$800.00	\$809.47	MIDTOWN TASK FORCE	ZONING	35257733Z	5/31/2017	
6511	Bay Parkway	263	28-204.4	IN VIOLATION	\$625.00	\$625.00	AEU	CONSTRUCTION	37010109N	6/8/2018	
6511	Bay Parkway	247	ZR12-10	IN VIOLATION	\$800.00	\$835.60	SPECIAL OPERATIONS	ZONING	35290696N	9/18/2017	
6511	Bay Parkway	103	28-118.3.2	IN VIOLATION	\$2,400.00	\$2,428.41	MIDTOWN TASK FORCE	CONSTRUCTION	35257734K	5/31/2017	
6511	Bay Parkway	203	28-118.3.2	STIPULATION/IN-VI	\$1,200.00	\$1,210.06	SPECIAL OPERATIONS	CONSTRUCTION	35290697P	9/18/2017	

Building #	Street	Infraction Code	Section of Law	Hearing Status	Penalty Impo	Amount Paid	Inspection Unit	Violation Type	Violation #	Violation Dat	Cl
7901	New Utrecht Av	103	28-118.3.2	IN VIOLATION	\$600.00	\$600.00	SPECIAL OPERATIONS	CONSTRUCTION	35290942J	9/22/2017	
7901	New Utrecht Av	263	28-204.4	IN VIOLATION	\$400.00	\$400.00	SPECIAL OPERATIONS	CONSTRUCTION	35279147N	11/6/2017	
7901	New Utrecht Av	279	AC 1RCNY	CURED/IN-VIO	\$0.00	\$0.00	OFFICE OF THE BUILDING		35153288N	12/3/2014	
8017	New Utrecht Av	101/201	28-105.1	IN VIOLATION	\$800.00	\$800.00	MIDTOWN TASK FORCE	CONSTRUCTION	35033830H	9/8/2013	
8017	New Utrecht Av	103	28-118.3.2	IN VIOLATION	\$2,400.00	\$2,400.00	OFFICE OF THE BUILDING	CONSTRUCTION	35125280K	6/21/2016	
8017	New Utrecht Av	247	ZR 32-00	IN VIOLATION	\$800.00	\$800.00	SPECIAL OPERATIONS	ZONING	35226419Z	3/1/2017	
8017	New Utrecht Av	103	28-118.3.2	IN VIOLATION	\$6,000.00	\$6,000.00	SPECIAL OPERATIONS	CONSTRUCTION	35226420X	3/1/2017	
1758	West 2 St	201		IN VIOLATION	\$800.00	\$800.00	MIDTOWN TASK FORCE	CONSTRUCTION	35257618N	5/23/2017	
1752	West 2 Street	284	ZR73-36	CURED/IN-VIO	\$0.00	\$0.00	MIDTOWN TASK FORCE	ZONING	35257616J	5/23/2017	
1758	West 2 Street	203	28-118.3.2	CURED/IN-VIO	\$0.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35257617L	5/23/2017	
2479	65 Street			PENDING					35546612N	6/3/2021	
2479	65 Street			PENDING					35546613P	6/3/2021	
2479	65 Street			PENDING					35546614R	6/3/2021	
2631	86 Street	103	28-118.3.2	PENDING	\$2,500.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35546887M	6/4/2021	
2631	86 Street	284	73-36	PENDING	\$1,250.00	\$0.00	MIDTOWN TASK FORCE	ZONING	35546888Y	6/4/2021	
2631	86 Street	101	28-105.1	PENDING	\$2,500.00	\$0.00	MIDTOWN TASK FORCE	CONSTRUCTION	35546889X	6/4/2021	



Acting on complaints from elected officials and local residents, police and investigators from Brooklyn District Attorney Ken Thompson’s office swept into Bensonhurst and Bay Ridge on Thursday, raided nine massage parlors, arrested 15 women on prostitution-related charges, and padlocked the allegedly illicit businesses.

Thompson and Police Commissioner William Bratton, who announced the arrests on Thursday, said the massage parlors were fronts for prostitution.

“We conducted these raids and made these arrests because the good people of Bay Ridge and Bensonhurst are sick and tired of these dens of prostitution, masquerading as legitimate businesses, popping up in our communities,” Thompson said in a statement.

Search warrants were executed at nine locations, including two located directly across the street from each other on 18th Avenue, one of Bensonhurst’s busiest shopping strips. The suspects, all workers or managers of the massage parlors, were taken into custody on charges of prostitution or promoting prostitution. The massage parlors, which billed themselves as day spas, were then padlocked.

Four of the locations – Fenny Beauty, at 6701 11th Ave.; Happy Beauty/Lyn Spa, at 7110 20th Ave.; On Hung Beauty Center, at 7303 18th Ave.; and Ocean Beauty Spa, 7312 18th Ave. – were shut down by the D.A.’s office.

Five day spas – Yan Yan Spa, at 7901B 17th Ave.; Josomodo Spa “Happy,” at 7401 New Utrecht Ave.; Yisn Jing Spa, at 7422 New Utrecht Ave.; A1 Bodywork, at 6920A 13th Ave.; Kabuki (E&B Spa), 8015 17th Ave. – were padlocked by the New York Police Department.

Thompson said that nine of the suspects were charged in criminal complaints with misdemeanor prostitution, two were charged with promoting prostitution, and 10 were charged with providing unlicensed massage services.

The two women charged with promoting prostitution were: Pan, Xiao-Ling, 48, of 190 York St. in Brooklyn, who was charged with promoting prostitution in the fourth degree and Han, Sun, 63, of 147-37 Elm Avenue, Queens, who was charged with promoting prostitution in the third degree.

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Investigators are also looking into the possibility that many of the massage parlor employees who were arrested are actually the victims of human trafficking. The women were screened by NYPD Vice Enforcement and Victims Services counselors for indications of human trafficking, and will be evaluated for possible placement in

EXCLUSIVE: Ongoing sting operation in Bensonhurst, Bath Beach nets dozens of arrests as cops target local massage parlors

BY HELEN KLEIN • JUNE 21, 2017 @ 11:28 AM



BROOKLYN MEDIA GROUP/Photo by Helen Klein

During an extended sting operation, seven people were arrested on three separate occasions at this particular massage parlor.

Cops in Bensonhurst and Bath Beach arrested more than 30 people between March and June, in an extended undercover sting operation that focused on massage parlors in the neighborhoods.

A total of 33 locations in the neighborhood were targeted by 62nd Precinct cops, working in cooperation with the NYPD Vice Squad, and investigators from Worker's Compensation and the Department of Buildings, and supported by a host of "community partners," according to Deputy Inspector Anthony Sanseverino, the precinct commander, following initial reports about three locations back in March.

Locations where arrests for prostitution were made during the operation are 2156 Bath Avenue, 2 Bay 25th Street, 7605 18th Avenue (four arrests on two separate occasions), 8614 18th Avenue (where a total of seven arrests were made on three separate occasions), 7517 20th Avenue (three arrests on two separate occasions), 1810 76th Street, 1878 86th Street (three arrests), 1938 86th Street (five arrests on two separate occasions), 1955 86th Street (two arrests), 1963 86th Street (two arrests), 2178 86th Street (six arrests on two separate occasions) and 2180 86th Street (two arrests).

In addition, on May 2, the task force made an arrest at 6511 Bay Parkway of an individual, who Sanseverino referred to as "management there," in which a skimming device, forged credit cards and some controlled substances were discovered. That person, Sanseverino said, was "also wanted for pistol whipping someone in Queens."

Usually, complaints about prostitution behind closed doors are "routed to Vice," Sanseverino said, but, this time, after Community Board 11 "brought a couple of locations to our attention," the precinct expanded the investigation, which requires extensive surveillance, as well as research and in-depth analysis.

CB 11 made sure that all the appropriate city agencies received word of the issue, said Marnee Elias-Pavia, the board's district manager. "Complaints received for massage parlors are filed with the Department of Buildings to ensure compliance with zoning and building use," she told this paper. "Most, if not all, of the reported locations have received multiple violations, amounting to thousands of dollars in fines. These locations are also forwarded to the 62nd Precinct for alleged criminal activity."

"There's been a lot of good work, a hard push in the right direction," Sanseverino said. "Now, our plan is to stay on a nice pace and continue to work with Vice, Worker's Compensation, the Department of Buildings and our partners in the community. It's not going to be an overnight process. It's a long and tedious process, and we're utilizing whatever tools we have in our tool belt to get the job done."

This paper was first alerted to the issue by City Council candidate Liam McCabe, who learned about it in a tweet made by Father Michael Gelfant, the pastor of St. Finbar's Church.

After McCabe reached out to Gelfant, the pair walked up and down 86th Street between Bay 19th Street and Bay Parkway, and observed the string of neon store fronts.

BATH BEACH CRIME

EXCLUSIVE: Sting operation by 62nd Precinct shuts 32 massage parlors in nabe

BY HELEN KLEIN • OCTOBER 18, 2017 @ 4:17 PM

f t e 2



Image via Google Maps (left), BROOKLYN MEDIA GROUP/Photo by Helen Klein (right)
One of the parlors before and after the crackdown.

In the past three weeks, 32 massage parlors in Bensonhurst and nearby neighborhoods have closed permanently, thanks to the efforts of the 62nd Precinct, with more poised to close, according to the precinct's top cop.

Captain Anthony Longobardi, who arrived at the precinct in late September, said that when he arrived, there were 51 locations that had been flagged as massage parlors.

"Everyone had been complaining about them," Longobardi noted during the October meeting of the 62nd Precinct Community Council, held at the station house, 1925 Bath Avenue. Indeed, he said, their existence was one of "two major complaints" (the other being a homeless woman on 86th Street) that he heard from the community when he arrived at the precinct last month.

The crackdown on the massage parlors is the culmination of an effort that began earlier in the year, and included a series of meetings organized by Councilmember Mark Treyger in conjunction with Father Michael Gelfant at St. Finbar's Church, which brought together the 62nd Precinct Vice Squad, elected officials including Assemblymember William Colton, Councilmember Vincent Gentile and State Senator Marty Golden, representatives of Community Board 11 and the mayor's office.

In addition, Treyger's office involved other agencies such as the Brooklyn District Attorney's human trafficking unit and the state Department of Labor to develop an effective response to the situation.

"I would like to thank all those involved, and in particular the 62nd Precinct Vice Squad for continuing to keep our community safe," he said. "We cannot accept unlicensed businesses that engage in practices that violate human rights laws and reduce quality of life standards in our neighborhoods."

In addition, five locations are still under investigation. To trigger nuisance abatement, arrests must be made on two occasions, and at each of these sites, there has only been a single instance of arrests being made. A successful nuisance abatement procedure results in the closure of the location.

Only three of the locations investigated by the precinct have been determined to be operating legally and legitimately, said Longobardi.

In total, 35 arrests were made since late September at various massage parlors in the neighborhood, said Longobardi.

The focus on the massage parlors has been laser-keen since spring, when upwards of 30 arrests were made and some 33 locations within the precinct visited by cops.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION:

# In Favor:	# Against:	# Abstaining:	Total members appointed to the board:
Date of Vote:	Vote Location:		

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/10/2021 7:00 PM	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Virtual Meeting: Register in advance for this webinar: https://us02web.zoom.us/webinar/register/WN_hOvDOamZTbeFq1ZCk6sHEw

CONSIDERATION:

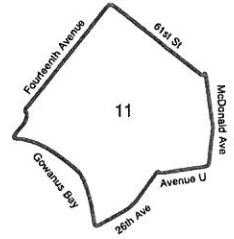
Recommendation submitted by	BK CB11	Date: 7/1/2021 10:17 AM
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Tel. (718) 266-8800
Fax (718) 266-8821



WILLIAM R. GUARINELLO
Chairman

THE CITY OF NEW YORK
COMMUNITY BOARD No. 11
2214 BATH AVENUE
BROOKLYN, NEW YORK 11214



MARNEE ELIAS-PAVIA
District Manager

December 30, 2014

Mayor Bill de Blasio
City of New York
City Hall
New York, New York 10007

Dear Mayor de Blasio:

At the general meeting of Community Board 11 held on December 11, 2014, a resolution was unanimously adopted calling upon the City of New York to create a basic licensing category for spas/massage parlors.

Recently, Brooklyn District Attorney Ken Thompson and Police Commissioner William J. Bratton announced that 15 employees of nine massage parlors were arrested on prostitution and promoting prostitution. Additionally, 10 were charged with providing unlicensed massage services.

According to District Attorney Thompson, these dens of prostitution masquerade as legitimate businesses.

Community Board 11 believes that the creation of a basic licensing category administered through the Department of Consumer Affairs or Health and Mental Hygiene, could if implemented protect the consumer, employees; prevents the proliferation of illegitimate businesses in our communities, and the potential for human trafficking.

I look forward to working with you and your administration in the future.

Sincerely,

A handwritten signature in black ink that reads "Marnee Elias-Pavia".

Marnee Elias-Pavia
District Manager

e-mail: info@brooklyncb11.org
www.brooklyncb11.org



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 9	# Against: 26	# Abstaining: 2	Total members appointed to the board: 37
Date of Vote: 5/26/2021 12:00 AM		Vote Location: Community Board General Board Meeting via Zoom	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 5/20/2021 7:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Community Board #13 via Zoom

CONSIDERATION:

Recommendation submitted by	BK CB13	Date: 6/7/2021 2:39 PM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 0	# Against: 40	# Abstaining: 0	Total members appointed to the board: 40
Date of Vote: 6/14/2021 12:00 AM		Vote Location: Webex	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/10/2021 6:30 PM	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Webex

CONSIDERATION:

Recommendation submitted by	BK CB14	Date: 7/27/2021 5:23 PM
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BROOKLYN COMMUNITY BOARD 14
FLATBUSH–MIDWOOD COMMUNITY DISTRICT
810 East 16th Street
Brooklyn, New York 11230

BILL DE BLASIO
Mayor

July 26, 2021

ERIC L. ADAMS
Borough President

Marisa Lago

ED POWELL
Chairman

Chair

SHAWN CAMPBELL
District Manager

New York City Planning Commissioner

120 Broadway - 31st Floor

New York, NY 10271

EXECUTIVE COMMITTEE

GAIL L. SMITH
First Vice-Chair

Dear Chair Lago and Members of the NYC Planning Commission:

CARMEN CERIO BELLE
Second Vice-Chair

Thank you for this opportunity to relay Brooklyn Community Board 14's comments on proposed zoning text amendments. First and foremost, Community Board 14 wishes to emphasize our concern regarding the timing of these proposed text amendments and the difficulty we face in scheduling public meetings to meaningfully discuss, absorb and vet these very detailed yet seemingly unfinished proposed text amendments. We stand with other Brooklyn Community Boards and strongly urge DCP to delay the final draft of the Fresh, Hotels, and Health and Fitness zoning text amendments until late October 2021. This would enable the Boards that have not had the benefit of presentations to hear from DCP at a public meeting and to consider the questions and concerns of their respective community members. It would give our own Board the opportunity to get answers and clarifications to the proposals as detailed below.

JOSEPH DWECK
Third Vice-Chair

HINDY BENDEL
Secretary

SHAHID KHAN
Member-at-Large

STEVEN D. COHEN
Member-at-Large

ALVIN M. BERK
Chairman Emeritus

To rush complicated and impactful zoning text amendments through the process is akin to circumventing community input. Community members have nuanced feedback that will serve to improve good proposals and ensure they serve and enhance our various communities.

Please delay the final draft of the text amendments in order to consider Community Board 14's input as follows.

Zoning Text Amendment for Physical Culture Establishments:

This proposal was certified on May 19th and heard by CB14's Community Environment Committee on June 10th. It was further discussed at our full Board meeting on June 14th. While on its face there seems to be benefit for smaller local gyms and health facilities, the complete removal of community input and community notification regarding businesses that might have an impact in terms of noise, hours, and use of outdoor space (some gyms include outdoor running, or carries, etc. in the public right of way) causes a concern. Have any other proposals short of the onerous PCE but still inclusive of community concerns been considered? Can there be another mechanism that would require these facilities or city agencies with oversight, to provide Community Boards with data related noise, building or

other complaints? There seems to have been no consideration, let alone a mechanism to address those facilities that opened their buildings without a permit and then tried to retroactively legalize. Where will these buildings fall into the text amendment?

The proposal to have DOB add building code to ensure that heavy equipment or weights are properly staged in a building seems only to be in the idea phase. It makes more sense for Boards to be able to review that code in tandem with considering this zoning text amendment. Furthermore, the assignment of new DOB code enforcement and response to complaints is a concern unless there is a commitment to supplement their resources accordingly. We are also unclear as to whether additional DOB building codes are necessary for potential “hot” yoga studios or facilities with water amenities such hot tubs, pools or cold plunges.

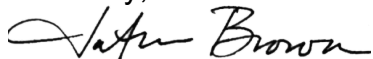
Noise complaints are notoriously difficult to enforce, and even something that seems innocuous, such as a yoga studio, might have music, chants or other sounds that could prompt complaints from neighbors but not reach high decibel criteria. Would enforcement fall strictly within the purview of the Department of Environmental Protection? Are additional resources anticipated?

Neighboring community districts have expressed serious concerns about the inclusion of massage therapy facilities in this text amendment, given issues with illegal activities associated with current businesses. This text amendment could exacerbate the issues and undermine current enforcement abilities.

CB14 recommends that this proposal be delayed into late October 2021 to ensure that these questions and concerns expressed by other boards are considered.

Thank you for your consideration.

Sincerely,



Jo Ann Brown
Chairperson

cc: Hon. Mathieu Eugene, NYC Council, 40th CD
Hon. Farah Louis, NYC Council 45th CD
Hon. Kalman Yeger, NYC Council, 44th CD



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:
 IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 3	# Against: 30	# Abstaining: 0	Total members appointed to the board: 33
Date of Vote: 6/22/2021 12:00 AM		Vote Location: Webex	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/22/2021 6:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Webex

CONSIDERATION: concerns about how many businesses like this are located in the neighborhood and possible noise complaints.

Recommendation submitted by	BK CB15	Date: 6/24/2021 3:00 PM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable

# In Favor: 24	# Against: 0	# Abstaining: 0	Total members appointed to the board: 24
Date of Vote: 6/16/2021 12:00 AM		Vote Location: WebEx: https://nyccb.webex.com/nyccb/onstage/g.php?MTID=e99231ef8513a7cdce73a4bd664bd515c	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/16/2021 7:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	WebEx:

CONSIDERATION: At the regularly scheduled meeting of Community Board #18 held on June 16, 2021, the Board voted to recommend DENIAL of Application # N 210382 ZRY - Health and Fitness Citywide Text Amendment.

Recommendation submitted by	BK CB18	Date: 6/25/2021 1:59 PM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable

# In Favor: 0	# Against: 0	# Abstaining: 0	Total members appointed to the board: 0
Date of Vote: 5/17/2021 12:00 AM		Vote Location: Cisco Webex Virtual Teleconference	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing:**Was a quorum present?** No

A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members

Public Hearing Location:

CONSIDERATION: Bronx Community Board Three's Housing, Land Use and Economic Development committee provided a "favorable" vote of approval for the Health and Fitness Citywide Text Amendment on May 17, 2021

Recommendation submitted by	BX CB3	Date: 5/28/2021 2:46 PM
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The City of New York
Bronx Community Board Three

1426 Boston Road, Bronx, NY 10456
 Telephone No.:(718)378-8054 – Fax No.:(718)378-8188
 E-mail Address: jdudley@cb.nyc.gov

DIAL	Government Services
311	& Information for NYC

Comm. Bd. Info go to: nyc.gov/bronxcb3

RUBEN DIAZ, JR.
BRONX BOROUGH PRESIDENT

REV. DR. BRUCE RIVERA
CHAIR

JOHN W. DUDLEY
DISTRICT MANAGER

May 28, 2021

Ms. Carol Samol
 Director
 NYC DCP – Bronx Office
 1775 Grand Concourse, Suite 503
 Bronx, NY 10453

RE: HEALTH AND FITNESS CITYWIDE TEXT AMENDMENT – N210382ZRY

Dear Ms. Samol:

At a meeting of the Housing, Land Use and Economic Development committee of Bronx Community Board Three held Monday, May 17, 2021, members present expressed a consensus of **“approval”** for the above proposed text amendment. Please contact me should you require any further information or clarification in this matter.

Sincerely,

John Dudley
 District Manager

Cc: Rev. Bruce C. Rivera, Chair
 Kolaco Acqui, Chairperson, Housing, Land-Use and Economic Development committee
 Aazam Otero, Co-Chairperson, Housing, Land-Use and Economic Development committee

EXECUTIVE OFFICERS

Rev. Dr. Frederick Crawford 1 st Vice-Chairperson	Joetta Brown 2 nd Vice-Chairperson	Keziah Sullivan Secretary	Kathy Johnson Morris Treasurer	Rita Jones Sgt.-at-Arms/Parliamentarian
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:
IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

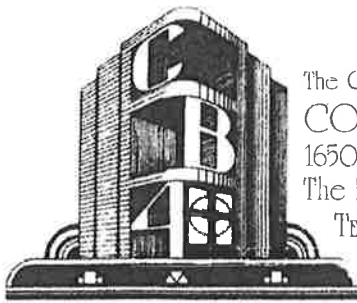
Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable			
# In Favor: 29	# Against: 0	# Abstaining: 0	Total members appointed to the board: 38
Date of Vote: 6/22/2021 12:00 AM		Vote Location: Vta Zoom	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing:	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	

CONSIDERATION:		
Recommendation submitted by	BX CB4	Date: 7/20/2021 10:37 AM



The City of New York
COMMUNITY BOARD 4
1650 Selwyn Avenue, Suite 11A
The Bronx, New York 10457
Tel: 718-299-0800 Fax: 718-294-7870
Email: bx04@cb.nyc.gov

HONORABLE RUBEN DIAZ, JR.
Bronx Borough President

MR. ROBERT GARMENDIZ
Board Chair

MR. PAUL A. PHILPS
District Manager

June 24, 2021

Ms. Marisa Lago
Chairperson
NYC Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Re: Health and Fitness Citywide Text Amendment ULURP Number N210382ZRY

Dear Chairperson Lago:

Please be advised that on June 22, 2021, at its regularly scheduled General Board Meeting, Bronx Community Board Four voted in the affirmative to issue a letter of support for the Health & Fitness Citywide Text Amendment to modify regulations related to gyms, spas, licensed massage therapy, and other health and fitness facilities defined as "Physical Culture or Health Establishments."

Please feel free to reach out if you have any questions.

Regards,

Paul A. Philps
District Manager
Community Board Four

Cc: Jackson Strong, Housing & Land Use Committee Chair
Mr. Robert Garmendiz, Board Chairperson



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:
IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

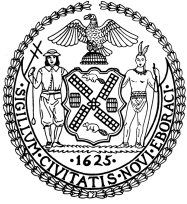
Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable			
# In Favor: 0	# Against: 0	# Abstaining: 0	Total members appointed to the board: 0
Date of Vote: 5/20/2021 12:00 AM		Vote Location: Zoom Audio and Video Conference	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 5/20/2021 6:30 PM	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Zoom Audio and Video Conference

CONSIDERATION:		
Recommendation submitted by	BX CB6	Date: 6/23/2021 3:50 PM



**THE CITY OF NEW YORK
BRONX COMMUNITY BOARD 6**

1932 Arthur Avenue, Room 403-A, Bronx, NY 10457

Telephone: (718) 579-6990 Fax: (718) 579-6875 Email: bronxcb6@bronxcb6.org

Honorable Ruben Diaz Jr., Bronx Borough President

MS. EVONNE CAPERS
Board Chairperson

MR. JOHN SANCHEZ
District Manager

June 23, 2021

Honorable Marisa Lago, Chair
New York City Department of City Planning
City Planning Commission
120 Broadway, 31st Floor
New York, New York 10271

Re: Health and Fitness Citywide Text Amendment
ULURP Number: N210382ZRY

Dear Chair Lago:

This is to inform you that at a meeting of the Health and Human Services Committee of Bronx Community Board #6 held on Thursday, May 20, 2021, a representative from the New York City Department of City Planning provided a briefing on the proposed Health and Fitness Citywide Text Amendment to modify regulations related to gyms, spas, licensed massage therapy, and other health and fitness facilities defined as "Physical Culture or Health Establishments" and the removal of the requirement for such facilities to receive a special permit by the Board of Standards and Appeals (ZR 73-36).

After hearing such presentation, it was consensus of the Health and Human Services Committee to support the proposed Health and Fitness Citywide Text Amendment. Bronx Community Board #6's Health and Human Services Committee recognizes that removing such special permit requirements would address outdated rules that unfairly burden legitimate businesses and limit neighborhood health and fitness services in our district.

Sincerely,

A handwritten signature in black ink that reads "John Sanchez".

John Sanchez
District Manager



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 15	# Against: 15	# Abstaining: 9	Total members appointed to the board: 39
Date of Vote: 6/8/2021 12:00 AM		Vote Location: Zoom	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/7/2021 7:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Zoom Conference

CONSIDERATION: Bronx Community Board 8 voted to support the proposed Health and Fitness Text Amendment but did not have a majority in favor as there were 15 in favor, 15 opposed, and 9 abstentions. Bronx Community Board 8 did not vote against the proposal, but it also did not have the votes to support the proposal.

Recommendation submitted by	BX CB8	Date: 6/28/2021 4:02 PM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable

# In Favor: 4	# Against: 0	# Abstaining: 0	Total members appointed to the board: 6
Date of Vote: 6/7/2021 12:00 AM		Vote Location: Bronx CB9 Land & Zoning Committee Meeting (Remote via WebEx)	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing:**Was a quorum present?** No

A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members

Public Hearing Location:**CONSIDERATION:**

Recommendation submitted by	BX CB9	Date: 6/24/2021 10:46 AM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:
 IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: No Objection			
# In Favor: 11	# Against: 0	# Abstaining: 0	Total members appointed to the board: 13
Date of Vote: 6/8/2021 12:00 AM		Vote Location: Virtual	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/8/2021 7:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Virtual

CONSIDERATION: Bronx Community Board #10 supports the attempt to support business growth in our community by reducing some of the requirements of physical culture establishments. However, our Community Board always take an advantage of our oversight responsibility to ensure that these small businesses seeking this type of special permit has the parking spaces and noise reduction equipment to be a positive impact on our business corridors. We respectfully ask that Department of City Planning work with our Board and the Department of Buildings to identify and improve any appropriate noise abatement regulation in all physical culture establishments. Additionally, kindly keep in mind that Bronx Community Board is proud to be in a Lower Growth Management Area. We are largely a transit desert and a physical culture establishment with minimal parking would unfortunately reduce the supply of an already limited number of on-street parking. Please take these suggestions into consideration as these are some of the many questions our membership poses to anyone seeking a physical culture establish special permit. The quality-of-life of our community remains our highest priority.

Recommendation submitted by	BX CB10	Date: 7/29/2021 1:12 PM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:
IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable			
# In Favor: 29	# Against: 0	# Abstaining: 0	Total members appointed to the board: 36
Date of Vote: 6/24/2021 12:00 AM		Vote Location: Via Webex	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/24/2021 7:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Via Webex

CONSIDERATION:		
Recommendation submitted by	BX CB12	Date: 7/28/2021 2:31 PM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 35	# Against: 0	# Abstaining: 0	Total members appointed to the board: 35
Date of Vote: 7/27/2021 12:00 AM		Vote Location: 1 Centre Street, New York, NY	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/14/2021 6:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	https://live.mcb1.nyc

CONSIDERATION: Manhattan Community Board 1 supports this amendment with conditions. See resolution for details.

Recommendation submitted by	MN CB1	Date: 7/29/2021 2:26 PM
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COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JULY 27, 2021

COMMITTEE OF ORIGIN: LAND USE, ZONING & ECONOMIC DEVELOPMENT

COMMITTEE VOTE:	12 In Favor	1 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	35 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Health & Fitness Citywide Zoning Text Amendment

WHEREAS: The Health and Fitness Text Amendment proposes to modify regulations relating to gyms, spas, licensed massage therapy, and other health and fitness facilities defined as Physical Culture or Health Establishments (PCEs). The proposed text amendment will remove the requirement for such facilities to receive a special permit by the Board of Standards and Appeals; and

WHEREAS: During the 1970s, concerns were emerging regarding the proliferation of prostitution and illicit sexual activity in New York City. Many establishments engaging in such activities were masquerading as health clubs and massage parlors. In 1976, to provide time to study and manage the issue, a city moratorium was established for all PCEs. Following that period of study, zoning laws were amended in the late 1970s to better define various PCEs, and to require a Board of Standards and Appeals (BSA) special permit for the operation of a PCE. The moratorium and subsequent zoning changes to regulate PCEs were intended as an approach to use land use regulations to suppress the commercial sex industry in the City; and

WHEREAS: Over the past several years, City officials have acknowledged that BSA special permit requirements for gyms, spas, and massage studios are onerous for small businesses and may reduce the availability of health-related amenities in communities. Two major strategic planning documents, One New York: The Plan for a Strong and Just City and Small Business First, recommend changes related to the regulation of PCEs. These documents noted the significant time required to receive a permit (often exceeding six months) and the high costs of going through the special permit process, which can cost businesses as much as \$50,000. The permit also prevents desired businesses from moving into local retail streets at a time when vacancy rates are high and expected to rise; and

WHEREAS: Since 2006, PCEs have been permitted as-of-right along commercial streets in certain Special Districts, including the Willet's Point Special District, Stapleton Waterfront Special District, Jerome Corridor Special District, Governor's Island Special District, East Harlem Corridor Special District, Coney Island Special District, Inwood Special District, and Bay Street Special District; and

WHEREAS: The COVID-19 pandemic has resulted in major disruptions to gyms and fitness facilities. Employment in this sector in NYC declined by more than 60 percent

during the pandemic. Removing the PCE special permit is intended to help businesses in this sector recover and provide needed health-related amenities to communities across the city; and

WHEREAS: The proposed zoning text amendment would remove the BSA special permit requirement for PCEs and add uses currently subject to this special permit to Use Groups that are permitted as-of-right in certain zoning districts; and

WHEREAS: The proposed action would categorize all facilities dedicated to physical fitness and health, limited to 10,000 square feet in floor area per establishment, as Use Group 6 and Use Group 14. This uses will be permitted as-of-right in all commercial and manufacturing districts; and

WHEREAS: The action would categorize all physical fitness and health facilities over 10,000 square feet, as Use Group 9. This includes gyms, spas, and other facilities with activities designed to promote physical fitness. These uses will be permitted as-of-right in C2, C4, C5, C6, and C8 districts; M1, M2, and M3 districts; and high-density C1 districts (C1-8, C1-9, and C1 overlays mapped with R9 or R10 districts); and

WHEREAS: To address the potential for health and fitness establishments to create objectionable noise, the proposed action would distinguish between establishments with higher-intensity uses that have a greater potential to generate noise and those that are likely to have fewer objectionable effects. Higher-intensity uses, such as gyms involving the use of exercise machines and weights, would be subject to additional noise attenuation requirements and enclosure criteria. These uses would be required to be in completely enclosed buildings and would have to verify to the Department of Buildings prior to the issuance of a Certificate of Occupancy that the use is designed according to national standards for noise and vibration control to meet the NYC Noise Code. These additional requirements would apply to mixed-use buildings in commercial and MX districts. Other health and fitness uses, such as yoga studios and therapeutic services, would not be subject to these requirements prior to operating, but would also be subject to the NYC Noise Code; and

WHEREAS: The proposed zoning text amendment would categorize licensed massage therapy as ambulatory health care in Use Group 4A and Use Group 6B (health care office). This would treat licensed massage therapy studios in the same manner as other health care facilities, including facilities where massage therapy already occurs, such as physical therapy offices and long-term care facilities. Licensed massage therapy studios will be permitted in residence districts other than R1 and R2, as well as all commercial, and manufacturing districts; and

WHEREAS: The proposed action would also move the definition of Adult Physical Culture Establishment to a new definition called “Unlicensed physical treatment establishments.” The existing definition prohibits, in all zoning districts, facilities that offer “services, massages, body rubs, alcohol rubs, baths, or other similar treatment, by members of the opposite sex” if these services are provided by

people who are not licensed massage therapists. Unlicensed massage therapy is an illegal practice outside of zoning. Under the proposal, unlicensed massage therapy would not be listed in any Use Group and would continue to be prohibited in any zoning district; and

WHEREAS: While concerns over the illegal commercial sex industry among PCEs may be antiquated, Community Boards have come to rely on BSA special permit reviews for addressing quality of life issues related to PCEs; and

WHEREAS: CB1 has concerns over the idea that PCEs will be self-certifying with the Department of Buildings by submitting their sound attenuation plans; and

WHEREAS: CB1 has concerns over PCEs operating in unenclosed areas, including lower-intensity PCEs, who still have the potential of generating noise and other negative quality of life impacts; now

THEREFORE

BE IT

RESOLVED

THAT: Community Board 1 (CB1) recommends approval of the Health and Fitness Citywide Zoning Text Amendment with the following conditions:

- CB1 urges that, prior to the Department of Buildings issuing a Certificate of Occupancy to any applicant under the new rules, that Community Boards are notified of such applications, that they receive a copy of the sound attenuation plan, and that they have an opportunity to engage the applicant and issue a recommendation.

Jeannine Kiely, *Chair*
Susan Kent, *First Vice Chair*
Valerie De La Rosa, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Eugene Yoo, *Secretary*
Ritu Chatree, *Assistant Secretary*

COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

www.cb2manhattan.org

P: 212-979-2272 F: 212-254-5102 E: info@cb2manhattan.org

Greenwich Village * Little Italy * SoHo * NoHo * Hudson Square * Chinatown * Gansevoort Market

June 18, 2021

Marisa Lago, *Chair*
City Planning Commission
22 Reade Street
New York, NY 10007

Dear Ms. Lago:

At its Full Board meeting on June 17, 2021, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

The Health and Fitness Text Amendment will modify regulations relating to gyms, spas, licensed massage therapy, and other health and fitness facilities defined as Physical Culture or Health Establishments (PCEs). The proposed text amendment will remove the requirement for such facilities to receive a special permit by the Board of Standards and Appeals (BSA). The proposed citywide text amendment will impact all zoning districts in New York City except R1 and R2 district.

Whereas:

1. The Covid-19 pandemic has resulted in major disruptions to gyms and fitness facilities.
2. The BSA special permit process can take more than six months and costs businesses as much as \$50,000.
3. Removal of the PCE special permit is intended to help businesses in this sector recover and provide needed health-related amenities to communities across the city.
4. The proposed text amendment will remove the requirement for such facilities to receive a special permit by the BSA (ZR 73-36) and add uses currently subject to this special permit to Use Groups that are permitted in certain zoning districts.
5. It will impact every zoning district in the city except R1 and R2 districts.
6. The action will categorize all facilities dedicated to physical fitness and health occupying less than 10,000sf as Use Group 6.
7. Facilities in excess of 10,000sf will be categorized as UG 9.
8. The proposed action would distinguish between establishments containing higher-intensity uses (exercise machines, weights) that have a greater potential to generate noise vs. those with fewer objectionable effects (yoga studios, therapy).

9. Higher intensity uses would have to verify to the Dept of Buildings prior to issuance of a Certificate of Occupancy that the use is designed according to national standards for noise and vibration to meet the NYC Noise Code. These additional requirements would apply to mixed-use buildings in commercial and MX districts.
10. The only objections to PCEs that CB2 has heard in the last eight years are complaints about noise and vibration in mixed use buildings.

Therefore, be it resolved that CB2 recommends approval of this text amendment with the following conditions:

1. Verification to the DOB is via professional certification by acoustical engineer—not self-certification.
2. Given the potential for problems in buildings with residential units, all PCEs, regardless of level of intensity of uses, must go through the DOB process for assessing performance standards for noise, vibration, and other quality of life concerns.
3. Hours of PCEs in residential or mixed-use buildings must be reasonably limited.
4. DEP response and enforcement mechanism must be improved.

Vote: Passed unanimously with 44 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Jeannine Kiely, Chair
Community Board #2, Manhattan



Frederica Sigel, Chair
Community Board #2, Manhattan
Land Use & Housing Committee

JK/jt

c: Hon. Jerrold Nadler, U.S. Representative
Hon. Carolyn Maloney, U.S. Representative
Hon. Nydia Velazquez U.S. Representative
Hon. Brad Hoylman, NY State Senator
Hon. Brian Kavanagh, NY State Senator
Hon. Deborah Glick, Assembly Member

Hon. Yuh-Line Niou, Assembly Member
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Corey Johnson, City Council Speaker
Hon. Carlina Rivera, City Council Member
Hon. Margaret Chin, City Council Member
Sylvia Li, Department on City Planning
Andy Cantu, Department of City Planning



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 44	# Against: 0	# Abstaining: 0	Total members appointed to the board: 50
Date of Vote: 6/17/2021 12:00 AM		Vote Location: Meeting via Video Conference	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing:	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	

CONSIDERATION: See attached resolution.

Recommendation submitted by	MN CB2	Date: 6/18/2021 2:49 PM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable

# In Favor: 25	# Against: 0	# Abstaining: 0	Total members appointed to the board: 50
Date of Vote: 7/27/2021 12:00 AM		Vote Location: Abrons Arts Center, 466 Grand Street	

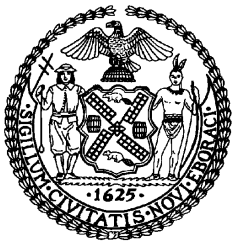
Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing:**Was a quorum present?** No

A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members

Public Hearing Location:**CONSIDERATION:**

Recommendation submitted by	MN CB3	Date: 7/28/2021 2:19 PM
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THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

59 East 4th Street - New York, NY 10003

Phone (212) 533-5300

www.cb3manhattan.org - mno3@cb.nyc.gov

Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

Community Board 3 Approves Health and Fitness Citywide Text Amendment

WHEREAS, Physical Culture or Health Establishments (PCEs) were allowed as an as-of-right use in New York City between 1961 and 1976; and

WHEREAS, concerns regarding prostitution and illicit sexual activity led to a citywide moratorium on PCEs in 1976 and a zoning resolution amendment in 1978 which required a special permit from the Board of Standards and Appeals (BSA) for gymnasiums, steam baths, and membership organizations offering classes in exercise or martial arts in all C2, C4, C5, C6, C8, M1, M2, and M3 districts; and

WHEREAS, the existing PCE special permit requires that the PCE not impair the essential character or future use of the area and involves a background check from the Department of Investigation for all principals involved in the PCE application; and

WHEREAS, this PCE special permit is being reconsidered as an onerous requirement for small businesses trying to open gyms, spas, and massage studios, all of which are part of an industry which was significantly impacted by COVID-19 closures and would benefit from targeted recovery efforts; and

WHEREAS, the City is therefore proposing a citywide text amendment that would remove the BSA special permit requirement for PCEs, would categorize all facilities dedicated to physical fitness and health under 10,000 square feet as recognized Use Group 6 and Use Group 14 uses and those with larger floor areas as Use Group 9, permitting them as-of-right in C2, C4, C5, C6, C8, M1, M2, M3 and high-density C1 districts (C1-8, C1-9 and C1 overlays in R9 and R10 districts); and

WHEREAS, a distinction would be made between high-intensity and low-intensity gym uses that would require DOB approval and noise attenuation requirements prior to issuance of a Certificate of Occupancy to mitigate potential noise conflicts with other neighboring uses; and

WHEREAS, the text amendment would categorize licensed massage therapy as Use Group 4A and Use Group 6B, essentially treating them the same as other health care facilities; and

WHEREAS, the Community Board 3 Land Use Committee has not chosen to review a BSA application for a PCE since 2016, and has a standard of only reviewing these applications in exceptional circumstances which has never been invoked;

WHEREAS, Community Board 3 observes that the situation which prompted the special permit requirement for these facilities in the late 1970's no longer exists, and therefore, we see no need to continue this special permit process.

THEREFORE BE IT RESOLVED, Community Board #3 approves this Health and Fitness Citywide Text Amendment.



LOWELL D. KERN
Chair

JESSE R. BODINE
District Manager

CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

424 West West 33 Street, Suite #580
New York, NY 10001
Mailing Address
P.O. Box 2622
New York, NY 10108
tel: 212-736-4536
www.nyc.gov/mcb4

July 6, 2021

Marisa Lago
Chair
NYC City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Frank Ruchalla Jr.
Director of Zoning Division
NYC Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Re: Health and Fitness City Wide Text Amendment

Dear Chair Lago and Mr. Ruchala:

On June 21, 2021, at Manhattan Community Board 4's (MCB4) Chelsea Land Use Committee Public Hearing, the Department of City Planning (DCP), presented its proposed City-wide text amendment to eliminate the special permit that is currently required for gyms, spas, and licensed massage therapy businesses – referred to as Physical Culture or Health Establishments (PCE) in the Zoning Resolution. The proposed changes could apply to a range of health and fitness businesses such as gyms, martial arts studios, indoor cycling spaces, yoga studios, and licensed massage therapy studios.

On the recommendation of its Chelsea Land Use Committee, the Executive Committee of MCB4, at its regularly scheduled meeting on June 28, 2021, ratified the Committee's recommendation to **approve the elimination of the special permit required for PCE's with conditions.**¹

Proposed Amendment

The text amendment would remove the requirement for PCE's to receive a special permit from the Board of Standards and Appeals, cutting red tape for small businesses that provide health-related amenities in communities. The proposed zoning text amendment would affect every community district within the City, since it would impact all zoning districts except R1 and R2 districts. Gyms and spas would be allowed to open and operate in commercial and manufacturing districts around the city. Similar to other neighborhood services such as restaurants, drug stores, and dry

¹ Due to the Comment period deadline this letter was approved by the Executive Committee and is subject to ratification at the July 28th Full Board meeting.

cleaners, these businesses would be allowed along all local retail streets. In certain commercial districts generally characterized by smaller establishments, gyms, and spas would be limited to 10,000 square feet.

MCB4 Analysis

It has been a longstanding issue with MCB4 that gyms and spas are required to receive a special permit, with regular renewals, after being opened. We recognize the historical significance of the special permit process to protect communities against illegal activities, and particularly appreciate the opportunity to review special permits when noise violations must be addressed at the local level. The elimination of the special permit process will certainly expedite the process for business owners which is an admirable accomplishment. However, MCB4 remains concerned about the perpetuation of illegal activities and the possible negative impacts from noise levels in our community.

We recommend the Zoning Text Amendment be strengthened to address four major areas of concern: DOB requirements and definitions; public assemblage outside gyms; DOE licensing of massage parlors; and enforcement issues.

DOB Requirements and Definitions

The zoning text amendment should provide clearer definitions of intensity of use.

The proposed zoning text amendment defines PCE's by size with facilities under and over 10,000 square feet as the determining factor to be allowed in certain districts. MCB4 would like to see a definition based on intensity of use, rather than simply size of facility. According to DCP, gyms with free weights and/or exercise machines would be considered high intensity, and facilities with multiple cardio machines that would be used in unison would be considered high intensity. DCP has explained that gyms and other facilities with weights or exercise equipment that are in mixed-use buildings will need to demonstrate to DOB that they are meeting an additional noise/vibration standard before they are allowed to open. The proposed zoning text requires these facilities to have a licensed acoustical engineer provide documentation that the space is designed to meet the NYC Noise Code as well as national standards for impulsive noise and vibration. It would be helpful to the public to know what the Noise Code levels are and what the national standards are. These criteria should be included in the proposed text.

The distinctions between high and low intensity facilities has a great impact on our community, with higher intensity use likely to cause the most problems. As currently defined, DOB would be the ultimate arbiter in determining high versus low intensity gyms. Clear definitions and standards are essential. The City Planning Commission should ensure that DOB has the ability when reviewing plans or doing inspections to determine whether a facility meets the criteria, especially noise and vibration requirements.

Public Assemblage

The zoning text amendment should require that all activities are conducted within the confines of the licensed space -- which may or may not include unenclosed spaces.

Some gyms offering group classes have gathered participants on the sidewalks in front of their facilities for jogging around the block, etc. These assemblages cause disruptions to pedestrian flow through our neighborhoods. Restricting activities to within the licensed space will eliminate this problem.

Licensing of Massage Parlors

The zoning text amendment should include language that all practitioners in massage parlors hold licenses as massage therapists, not simply the business owners.

During the 1970s, concerns were emerging regarding the proliferation of prostitution and illicit sexual activity as many establishments engaging in such activities were masquerading as health clubs and massage parlors. The NYS DOE licenses massage therapists as individual practitioners. They do not license studios/businesses. A licensed massage therapist is able to sponsor up to three people who have limited permits at one time. There is currently an issue with those under the supervision of the licensed therapist engaging in illegal activities. To avoid this, all practitioners within a facility should be duly licensed.

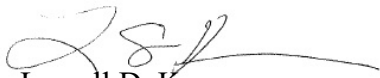
Enforcement Issues

The zoning text amendment should create better definitions for enforcement of violations, notably sound/vibration issues, non-conformance with intensity of use requirements, and massage licensing.

There are currently different enforcement agencies depending on the particular issue. Issues related to noise would be enforced by DEP; issues related to unlicensed massage or concerns about commercial sex would be enforced by the Mayor's Office of Special Enforcement; issues related to crowds that may violate place of assembly regulations would be enforced by the Fire Department. There needs to be a clear understanding of both the business owners and the neighbors about who is responsible for enforcement of the myriad issues affecting PCE's.

MCB4 is pleased to know that a proposal is under way to streamline the approval process for small businesses, especially the wide array of physical and health facilities that didn't even exist when the zoning ordinances were originally created. We wholeheartedly support efforts that assist the expansion and growth of local businesses, and see this amendment as a means to that end. We urge CPC to address some issues to make this amendment a success not only for the business owners, but for the neighbors as well.

Sincerely,



Lowell D. Kern
Chair
Manhattan Community Board 4



Betty Mackintosh
Co-Chair
Chelsea Land Use Committee



Paul Devlin
Co-Chair
Chelsea Land Use Committ

cc: Hon. Corey Johnson, Speaker, City Council
Hon. Gale Brewer, Manhattan Borough President



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 14	# Against: 0	# Abstaining: 0	Total members appointed to the board: 17
Date of Vote: 6/28/2021 12:00 AM		Vote Location: 454 West 35th (9th/10th Aves)	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 7/28/2021 6:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Virtual Hearing Visit MCB4.nyc

CONSIDERATION: Respectfully submitted by Manhattan Community Board 4

Recommendation submitted by	MN CB4	Date: 7/6/2021 5:50 PM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable			
# In Favor: 25	# Against: 0	# Abstaining: 1	Total members appointed to the board: 48
Date of Vote: 7/8/2021 12:00 AM		Vote Location: 71 West 23rd Street, NY NY	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 7/8/2021 6:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	450 7th Avenue, Suite 2109, NY NY

CONSIDERATION: CB5 Resolution attached.

Recommendation submitted by	MN CB5	Date: 7/13/2021 11:09 AM
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MANHATTAN COMMUNITY BOARD FIVE

Vikki Barbero, Chair

450 Seventh Avenue, Suite 2109
New York, NY 10123-2199
212.465.0907 f-212.465.1628

Marisa Maack, District Manager

July 09, 2021

Marisa Lago
Chair of the City Planning Commission
22 Reade Street
New York, NY 10007

Re: Health and Fitness Text Amendment proposed by the Department of City Planning

Dear Chair Lago:

At the regularly scheduled monthly Community Board Five meeting on Thursday, July 08, 2021, the following resolution passed with a vote of 25 in favor; 0 opposed; 1 abstaining:

WHEREAS, The Department of City Planning (“DCP”) has proposed a zoning text amendment to eliminate the special permit requirement (and associated processes and limitations) for physical culture or health establishments (“PCEs”) - referred to as the Physical Culture or Health Establishments in the Zoning Resolution; and

WHEREAS, A PCE is any establishment or facility, including commercial and non-commercial clubs, which is equipped and arranged to provide instruction, services, or activities which improve or affect a person's physical condition by physical exercise or by massage (physical exercise programs include aerobics, martial arts or the use of exercise equipment); and

WHEREAS, PCEs include businesses such as gyms, martial arts studios, indoor cycling spaces, yoga studios and licensed massage therapy studios; and

WHEREAS, Under the current process, all PCEs must receive approval from the Board of Standards and Appeals (“BSA”) under a discretionary special permit process (even where such uses would otherwise be permitted as-of-right); and

WHEREAS, PCEs are only permitted in certain enumerated districts (C1-8X, C1-9, C2, C4, C5, C6, C8, M1, M2 or M3 Districts, and in certain special districts as specified in the provisions of such special district); and

WHEREAS, PCEs must undergo an extensive administrative and evaluation process that includes (i) filing a notice with the NYC Department of Building (“DOB”) in order to secure documentation that facility is a PCE requiring a special permit prior to operation; and

WHEREAS, Subsequent to receipt of said objection, PCEs must submit a comprehensive application to the BSA that includes application forms, ownership authorizations, maps (including a zoning map, radius map, and tax map), a detailed statement of facts and findings (which outlines the facts of the application

and how the application meets the findings for the special permit under the zoning resolution), site photographs, plans for existing and proposed conditions, zoning and sign analyses, a surrounding property owners list, and potentially City Environmental Quality Review forms (depending upon the square footage of the PCE); and

WHEREAS, The BSA subsequently weighs applications to determine if (i) the PCE will not impair the essential character or future use or development of the surrounding area, and (ii) the PCE contains one or more enumerated characteristics of a legitimate facility (e.g., sports courts, workout or massage facilities); and

WHEREAS, The BSA evaluation process also includes (i) a referral of all applicant stakeholders (i.e., owner, operator, and all other principals) to the Department of Investigation for background checks (a requirement unique to the PCE special permit process), (ii) provision of the application to the local community board, borough president, and city council member, as well as DOB and DCP, to provide an opportunity for public input (including community board public hearings and recommendations); and

WHEREAS, Should BSA elect to grant the application (which may be subject to certain conditions), the term of the special permit is limited to the shorter of ten years or a change in ownership/operation, after which point a renewal application is required; and

WHEREAS, The evaluation process can (i) take six months or longer, (ii) necessitate the retainment of legal counsel to navigate the due diligence and oversight requirements, (iii) cost up to \$50,000, and (iv) result in areas of the city that are barren of sufficient health facilities; and

WHEREAS, The Physical Culture or Health Establishments in the Zoning Resolution (i.e., the special permit process) was first established in 1979 amidst a sustained elevation of crime rates in an effort to utilize zoning to crack down on prostitution, which spas, massage parlors and gyms were often at the time used as fronts for; and

WHEREAS, The Health and Fitness Text Amendment at issue entered public review on May 19, 2021, and the community period comment period ends on July 27, 2021; and

WHEREAS, The proposed changes could apply to a range of health and fitness businesses such as gyms, martial arts studios, indoor cycling spaces, yoga studios and licensed massage therapy studios; and

WHEREAS, Gyms and spas would be allowed to open and operate in commercial and manufacturing districts around the city, similar to other neighborhood services such as restaurants, drug stores, and dry cleaners; and

WHEREAS, Licensed massage therapy studios would be allowed just as are other health care practices licensed by the State, such as physical therapy or outpatient doctors' offices, in residential, commercial, and manufacturing districts; and

WHEREAS, Amidst a surge in commercial real estate vacancy rates, CB5 is supportive of efforts to promote the tenant supply by adding a new class of tenant in certain areas, and by reducing the barriers to entry for all potential PCE owners and operators; and

WHEREAS, The proposed amendment would help the historically fast-growing health and fitness industry, which was less able than other impacted industries to take advantage of federal stimulus programs to recover from losses associated with the pandemic, recover and again provide needed employment opportunities for New Yorkers; and

WHEREAS, As part of the interagency and administrative due diligence process, DCP has reviewed the proposed text amendment with the Mayor's Office of Special Enforcement, the Mayor's Office to End Gender-based Violence, local district attorneys, the NYPD, and numerous other city officials/agencies, and have encountered either support or no objections (to the extent that was communicated to the community board by DCP); and

WHEREAS, Adult physical culture establishments (i.e., facilities that offer sexual services) will continue to be non-permitted uses under the zoning resolution, separate from the special permit process; and

WHEREAS, Federal, state, and local efforts to combat human trafficking will continue uninhibited by the proposed text amendment and local survivor advocacy organizations consulted have raised no concerns about the text amendment changes; and

WHEREAS, CB5 has been and remains concerned about the obesity epidemic and other poor health outcomes across the nation and in NYC, and is supportive of efforts to promote health and wellness activities and convenient access of all communities to health and wellness facilities towards that end; therefore be it

RESOLVED, Community Board Five of Manhattan supports the proposed Health and Fitness Text Amendment.

Thank you for the opportunity to comment on this matter.

Sincerely,



Vikki Barbero
Chair
Committee



Nicholas Athanail
Chair, Public Safety & Quality of Life



Layla Law-Gisiko
Chair, Land Use, Housing & Zoning Committee

CC: Hon. Corey Johnson, New York City Council Speaker
Hon. Brad Hoylman, New York State Senator, 27th District
Hon. Robert Jackson, New York State Senator, 31st District
Hon. Richard Gottfried, New York Assembly Member, 75th District
Hon. Liz Krueger, New York Senator, 28th District
Hon. Carlina Rivera, New York Councilmember, District 2
Hon. Keith Powers, New York Councilmember, District 4
Gale Brewer, Manhattan Borough President

KYLE ATHAYDE
CHAIR

SANDRO SHERROD, FIRST VICE CHAIR
MARK THOMPSON, SECOND VICE CHAIR



JESÚS PÉREZ
DISTRICT MANAGER

BRIAN VAN NIEUWENHOVEN, TREASURER
BEATRICE DISMAN, ASST. TREASURER
SEEMA SHAH, SECRETARY
MATT BONDY, ASST. SECRETARY

THE CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD SIX
211 EAST 43RD STREET, SUITE 1404
NEW YORK, NY 10017

VIA E-MAIL

June 10, 2021

Marisa Lago, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Supporting a Citywide Text Amendment (N 210382 ZRY) on health and fitness establishments

At the June 9, 2021 Full Board meeting of Manhattan Community Board Six, the Board adopted the following resolution:

WHEREAS, on June 3, 2021, Manhattan Community Board Six heard a presentation from the Department of City Planning (DCP) regarding their proposed zoning text amendment, which is known as the Health and Fitness Text Amendment;

WHEREAS, this proposal would eliminate the special permit that is currently required for gyms, martial arts studios, licensed massage therapy, and many other health-related businesses that require special permits from the Board of Standards and Appeals to open in most parts of New York City;

WHEREAS, the special permitting process for these “physical culture” establishments was implemented in the 1970s and was based on concerns relating to illicit activities associated with certain health clubs. These regulations were not imposed on any other type of business by zoning in New York City;

WHEREAS, the outdated thinking behind this policy places an unfair and undue burden on gyms and other health-related businesses. The special permitting process can add up to six months and thousands of dollars in additional startup costs, creating an onerous barrier of entry for new businesses;

WHEREAS, these establishments are already regulated by other government entities;

WHEREAS, the elimination of the special permitting will help an industry that has been negatively impacted by COVID-19 restrictions, which will assist in the overall recovery of the industry;

WHEREAS, existing businesses would have more flexibility to restructure or change locations. New businesses would be able to open up sooner, which would provide increased health and wellness amenities;

WHEREAS, gyms and spas would be allowed to open and operate in commercial and manufacturing districts around the city. In certain commercial districts generally characterized by smaller establishments, gyms and spas would be limited to 10,000 square feet;

WHEREAS, licensed massage therapy studios would be allowed just as are other health care practices licensed by the State, such as physical therapy or outpatient doctors' offices. These are permitted in residential, commercial, and manufacturing districts;

WHEREAS, the changes will help eliminate an unfair and unnecessary process relating to gyms, martial arts studios, licensed massage therapy, and many other health-related businesses;

WHEREAS, this text amendment change could help facilitate increased demand for health-related businesses and assist with the recovery of New York City's battered retail spaces due to the lingering effects of COVID-19;

THEREFORE, BE IT RESOLVED that Manhattan Community Board Six supports the proposed Health and Fitness Text Amendment.

VOTE: 45 In Favor 0 Opposed 1 Abstention 0 Not Entitled

Best regards,



Jesús Pérez
District Manager

Cc: Hon. Gale Brewer, Manhattan Borough President
Hon. Carlina Rivera, Council Member
Hon. Keith Powers, Council Member
Hon. Ben Kallos, Council Member
Kavitha Mathew, Chair, CB6 Strategic Community Planning Committee
Azka Mohyuddin, City Planner, NYC Department of City Planning
Scott Williamson, City Planner, NYC Department of City Planning



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable

# In Favor: 45	# Against: 0	# Abstaining: 1	Total members appointed to the board: 46
Date of Vote: 6/9/2021 12:00 AM		Vote Location: On Zoom	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/3/2021 7:00 PM

Was a quorum present? Yes

A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members

Public Hearing Location:

on Zoom

CONSIDERATION: Please see the attached resolution for more details, but the gist of the comments is that Manhattan Community Board Six supports the proposed Health and Fitness Text Amendment.

Recommendation submitted by

MN CB6

Date: 6/14/2021 2:25 PM

Russell Squire
Chair

Will Brightbill
District Manager



505 Park Avenue, Suite 620
New York, N.Y. 10022-1106
(212) 758-4340
(212) 758-4616 (Fax)
www.cb8m.com – Website
info@cb8m.com – E-Mail

**The City of New York
Community Board 8 Manhattan**

July 26, 2021

Marisa Lago, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: Health and Fitness Citywide Text Amendment (ULURP # N210382ZRY). Deadline July 26, 2021

At the Full Board and Land Use Committee meeting of Community Board 8 Manhattan held on July 21, 2021, the board approved the following resolution by a vote of 28 in favor, 6 opposed, 0 abstentions, and 0 not voting for cause.

WHEREAS, the special permit would amend the Zoning Resolution to modify regulations related to gyms, spas, licensed massage therapy, and other health and fitness facilities defined as “Physical Culture or Health Establishments”, and

WHEREAS, the proposed text amendment will remove the requirement for such facilities to receive a special permit by the Board of Standards and Appeals,

THEREFORE, BE IT RESOLVED that Community Board 8 Manhattan **APPROVES** the application for a text amendment as presented.

Please advise our office of any action taken on this matter.

Sincerely,

Russell Squire

Russell Squire
Chair

cc: Honorable Bill de Blasio, Mayor of the City of New York
Honorable Carolyn Maloney, 12th Congressional District Representative
Honorable Gale Brewer, Manhattan Borough President
Honorable Liz Krueger, NYS Senator, 28th Senatorial District
Honorable José M. Serrano, NYS Senator, 29th Senatorial District
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District
Honorable Robert J. Rodriguez, NYS Assembly Member 68th Assembly District
Honorable Ben Kallos, NYC Council Member, 5th Council District
Honorable Keith Powers, NYC Council Member, 4th Council District



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable

# In Favor: 28	# Against: 6	# Abstaining: 0	Total members appointed to the board: 34
Date of Vote: 7/21/2021 12:00 AM		Vote Location: Hunter College Campus Schools Playground 71 East 94th Street	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 7/22/2021 6:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Hunter College Campus Schools Playground, 71 East 94th Street (btw Park and Madison)

CONSIDERATION:

Recommendation submitted by	MN CB8	Date: 7/27/2021 7:10 PM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:
 IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable			
# In Favor: 40	# Against: 0	# Abstaining: 0	Total members appointed to the board: 49
Date of Vote: 6/17/2021 12:00 AM		Vote Location: ZOOM Meeting	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/17/2021 6:30 PM	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Public Hearing held via ZOOM during MCB9's regularly scheduled General Board Meeting

CONSIDERATION: At its regularly scheduled General Board Meeting held remotely on Thursday, June 17, 2021, Manhattan Community Board No. 9 unanimously passed the following favorable Reso re: Proposed Citywide Zoning Text Amendment for Physical Culture Establishments.

Recommendation submitted by	MN CB9	Date: 6/24/2021 1:45 PM
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THE CITY OF NEW YORK
COMMUNITY BOARD 9
MANHATTAN

Morningside Heights
Manhattanville
Hamilton Heights

June 21, 2021

Hon. Marisa Lago
Commissioner/Chair
New York City Department of City Planning
Equitable Life Building, 120 Broadway, 31st Floor
New York, NY 10271

Reso re: Proposed Citywide Zoning Text Amendment for Physical Culture Est.

Dear Commissioner Chair Lago,

At its regularly scheduled General Board Meeting held remotely on Thursday, June 17, 2021, Manhattan Community Board No. 9 unanimously passed the following **Reso re: Proposed Citywide Zoning Text Amendment for Physical Culture Est.**

WHEREAS, the current process for obtaining a special permit from the Board of Standards and Appeals (BSA) to open a physical culture establishment (PCE) such as a health club, exercise business, or other business where people go for exercise, massage, martial arts instruction, yoga, or other physical activity was created in the 1970s in part due to the novelty of health clubs and fears about commercial sex work; and

WHEREAS, the current process for obtaining a special permit from the BSA to open a physical culture establishment can add 4-6 months and expenses as high as \$50,000 to the opening of such an establishment; and

WHEREAS, many gyms, yoga studios, spas, martial arts studios, and other physical culture establishments have shut down or otherwise experienced immense economic impairment due to social distancing and business closure regulations stemming from the COVID-19 pandemic; and

WHEREAS, Manhattan Community Board 9 strongly supports the formation and growth of new physical fitness establishments that provide health benefits to the residents of our community and are essential small businesses in our neighborhood economies; and

WHEREAS, many if not most existing spas, gyms, yoga studios, martial arts studios, climbing wall facilities, and other physical culture establishments within Manhattan Community District 9 do not have a special permit for a physical culture establishment and are thus not in conformity with existing zoning processes; and

Hon. Marisa Lago
June 21, 2021
Page - 2

WHEREAS, the proportional amount of applications and saturations of PCEs located within Manhattan Community District 9 are significantly below those in other community districts, and in fact MCD9 suffers from a lack of affordable option physical culture establishments, MCB9 believes is in the best interest of the community to encourage interested health care businesses to open establishments within our community that promote a healthier lifestyle with fewer financial obstacles that those required by current BSA permit processes; and

WHEREAS, licensed massage therapy is highly regulated by New York State and operates similarly to many other medical disciplines such as physical therapy, but is currently uniquely regulated under the physical culture establishment special permit process; and

WHEREAS, the primary concern around physical culture establishments should focus on the potential to cause disruptions and disturbances to neighbors from noise or vibrations, including from dropped heavy weights; and

WHEREAS, the Health and Fitness Citywide Text Amendment proposed by the Department of City Planning (“the proposed text amendment”) would remove many of the barriers to these physical culture establishments while requiring acoustic and vibration remediation measures verified by the Department of Buildings before a Certificate of Occupancy could be issued; and

WHEREAS, the proposed text amendment would still ban all unlicensed massage therapy and Adult Physical Culture Establishments within the City; now

THEREFORE BE IT RESOLVED, that Manhattan Community Board 9 supports the Health and Fitness Citywide Text Amendment; be it further

RESOLVED, that Manhattan Community Board 9 requests that the Department of City Planning and the Department Of Buildings consider creating mechanisms to require currently non-conforming high-intensity physical culture establishments to remediate any existing noise or vibration issues prior to becoming conforming uses.

If you have any questions and/or further information is needed, please do not hesitate contacting me or District Manager, Eutha Prince, at the board office (212) 864-6200.

Sincerely,



Barry Weinberg
Chair

cc: Hon. Bill De Blasio, Mayor
Hon. Scott Stringer, NYC Comptroller
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Brian Benjamin, State Senator
Hon. Robert Jackson, State Senator
Hon. Daniel J. O'Donnell, Assembly Member
Hon. Inez Dickens, Assembly Member
Hon. Al Taylor, Assembly Member
Hon. Mark Levine, City Council Member
Hon. Bill Perkins, City Council Member
Mr. Zead Ramadan, Interim Executive Director, West Harlem Development Corporation
Mr. Timothy Anderson, Urban Planner, Manhattan Borough Presidents Office
Mr. Ryan Cote, Community Development & Public Policy, NYC Department of City Planning



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable

# In Favor: 29	# Against: 0	# Abstaining: 0	Total members appointed to the board: 29
Date of Vote: 6/17/2021 12:00 AM		Vote Location: Zoom- Virtual Meeting	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing:**Was a quorum present?** No

A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members

Public Hearing Location:**CONSIDERATION:**

Recommendation submitted by	MN CB10	Date: 7/2/2021 10:11 AM
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CICELY HARRIS
Chairperson

SHATIC MITCHELL
District Manager

CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD 10

215 West 125th Street, 4th Floor

New York, NY 10027

T: 212-749-3105 F: 212-662-4215

RESOLUTION Manhattan Community Board 10

RESOLUTION: To approve the Health & Fitness Citywide Text Amendment to reduce barriers for gyms, spas, and licensed massage therapists to open and operate businesses.

WHEREAS, New York City Department of City Planning (*hereafter known as "DCP"*) is seeking approval of the Health & Fitness Citywide Text Amendment (*hereafter known as "Health & Fitness Text Amendment"*) application, N210382ZRY, that will reduce barriers for gyms, spas, and licensed massage therapists to open and operate businesses; and

WHEREAS, in the 1970s zoning regulations were created to address illicit, commercial activity in health clubs and massage parlors, the special permit verified the legitimacy of the operator using criminal background checks; and

WHEREAS, gyms, spas and massage therapy are now considered desirable community amenities; and

WHEREAS, a BSA special permit is required to open and operate most exercise and health-related businesses, restricts their location and can be costly and lengthy for small establishments; and

WHEREAS, removing the special permit requirement will help smaller independent businesses, assist with economic recovery from the pandemic in general, and add health amenities to neighborhoods throughout the city; and

WHEREAS, on June 17, 2021, during the Land Use Committee meeting to review and discuss the Health & Fitness Text Amendment, the full board voted unanimously to approve and support.



CICELY HARRIS
Chairperson

SHATIC MITCHELL
District Manager

CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD 10

215 West 125th Street, 4th Floor

New York, NY 10027

T: 212-749-3105 F: 212-662-4215

NOW THEREFORE, BE IT RESOLVED

Manhattan Community Board 10 **APPROVES** application N210406ZRY, the Citywide Hotel Special Permit Text Amendment. During the June 17, 2021 General Board Meeting, the board voted **29 Yes 0 No 0 Abstention and 0 Recusal.**



COMMUNITY BOARD ELEVEN

BOROUGH OF MANHATTAN
1664 PARK AVENUE
NEW YORK, NY 10035
TEL: 212-831-8929
FAX: 212-369-3571
www.cb11m.org

Nilsa Orama
Chair

Angel D. Mescaín
District Manager

July 19, 2021

Marisa Lago
Director
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Re: Recommendation on Application # 210382 ZRY- Health and Fitness Citywide Text Amendment

Dear Director Lago,

Community Board 11 (CB11) appreciates the opportunity to review and comment on the Department of City Planning's proposed Health and Fitness Citywide Text Amendment.

The New York City Department of City Planning (DCP) proposes to modify regulations related to gyms, spas, licensed massage therapy, and other fitness facilities defined as "Physical Culture Establishments." The text amendment would remove the requirement for these facilities to receive a special permit from the Board of Standards and Appeals. The proposed zoning text amendment would affect every community district within the City, since it would impact all zoning districts except R1 and R2 districts.

Description of the Proposed Action

The proposed zoning text amendment would remove the BSA special permit for PCEs (ZR 73-36) and add uses currently subject to this special permit to Use Groups that are permitted as-of-right in certain zoning districts. The proposed action would categorize all facilities dedicated to physical fitness and health, limited to 10,000 square feet in floor area per establishment, as Use Group 6 and Use Group 14. This includes gyms, spas, and other facilities with activities designed to promote physical fitness. These uses will be permitted as-of-right in all commercial and manufacturing districts. The action would categorize all facilities dedicated to physical fitness and health, with no limitation in floor area per establishment, as Use Group 9. This includes gyms, spas, and other facilities with activities designed to promote physical fitness. These uses will be permitted as-of-right in C2, C4, C5, C6, and C8 districts; M1, M2, and M3 districts; and high-density C1 districts (C1-8, C1-9, and C1 overlays mapped with R9 or R10 districts). Distinguishing between facilities that are limited in floor area to 10,000 square feet and those that are unlimited in size is consistent with existing regulations in the New York City ZR for other retail and service establishments.

The proposed action would distinguish between establishments containing higher intensity uses that have a greater potential to generate noise and those that are likely to have fewer objectionable effects. Higher intensity uses, such as gyms involving the use of exercise machines and weights, would be subject to additional noise attenuation requirements and enclosure criteria. These uses would be required to be in completely enclosed buildings and would have to verify to the Department of Buildings prior to the issuance of a Certificate of Occupancy that the use is designed according to national standards for noise and vibration control to meet the NYC Noise Code. These additional requirements would apply to mixed-use buildings in commercial and MX districts. Other health and fitness uses, such as yoga studios and therapeutic services, would not be subject to these requirements prior to operating, but would also be subject to the NYC Noise Code.

The proposed zoning text amendment would categorize licensed massage therapy as ambulatory health care in Use Group 4A and Use Group 6B (health care office). This would treat licensed massage therapy studios in the same manner as other health care facilities, including facilities where massage therapy already occurs, such as physical therapy offices and long-term care facilities. Licensed massage therapy studios will be permitted in residence districts other than R1 and R2, as well as all commercial, and manufacturing districts.

The proposed action would also move the definition of Adult Physical Culture Establishment to a new definition called "Unlicensed physical treatment establishments." The existing definition prohibits, in all zoning districts, facilities that offer "services, massages, body rubs, alcohol rubs, baths, or other similar treatment, by members of the opposite sex" if these services are provided by people who are not licensed massage therapists. Unlicensed massage therapy is an illegal practice outside of zoning. Under the proposal, unlicensed massage therapy would not be listed in any Use Group and would continue to not be permitted in any zoning district.

To create a consistent zoning framework citywide, sections of special districts that currently permit PCEs as-of-right in certain zoning districts would be removed to ensure that gyms, spas, massage, and other related facilities citywide would be governed by the framework described in this document.

Community Board Recommendation

Community Board 11 met on July 13, 2021 and voted to recommend that this application be approved.

Full Board Vote: In Favor: 27; Opposed: 2; Abstentions: 0; Present not Voting: 0

If you have any questions regarding our recommendation, please contact Angel Mescaín, District Manager, at 212-831-8929 or amescain@cb11m.org.

Sincerely,



Nilsa Orama
Chair

cc: Hon. Gale A. Brewer, Manhattan Borough President (via email)
Hon. Diana Ayala, New York City Council (via email)
Hon. Bill Perkins, New York City Council (via email)
Hon. Ben Kallos, New York City Council (via email)
Hon. Keith Powers, New York City Council (via email)
Hon. Brian Benjamin, New York State Senate (via email)
Hon. Jose M. Serrano, New York State Senate (via email)
Hon. Robert J. Rodriguez, New York State Assembly (via email)
Hon. Inez Dickens, New York State Assembly (via email)
Elsie Encarnacion, Community Board 11 (via email)
Judith Febbraro, Community Board 11 (via email)



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable			
# In Favor: 27	# Against: 2	# Abstaining: 0	Total members appointed to the board: 50
Date of Vote: 7/13/2021 12:00 AM		Vote Location: 1991 Second Avenue, NY NY 10029	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/22/2021 6:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	zoom.us/webinar/register/WN_lv4SMResQD2RCBE9Rzi0tA

CONSIDERATION: Approve.

Recommendation submitted by	MN CB11	Date: 7/19/2021 12:18 PM
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Community Board 12 - Manhattan Washington Heights & Inwood

530 West 166th St. 6th Floor, New York, NY 10032

Phone: (212) 568-8500, Fax: (212) 740-8197

Website: www.nyc.gov/mcb12

Eleazar Bueno, Chairperson
Ebenezer Smith, District Manager

July 1, 2021

Hon. Marisa Lago, Chair
New York City Department of City Planning
120 Broadway
31st Floor
New York, NY 10271

Re: Resolution Supporting the Department of City Planning's Proposed Citywide Physical Culture Establishment Text Amendment.

Dear Chair Lago:

At the General Meeting on Tuesday, June 29th, 2021, Community Board 12 Manhattan, passed the following resolution with a vote of 41 in favor, 0 opposed, 0 abstentions, and 0 not voting, supporting the Department of City Planning's citywide health and fitness zoning text amendment removing the requirement for a special permit to legally operate a physical culture establishment.

Whereas: The operation of a physical culture establishment ("PCE"), e.g. gyms, spas, and sports clubs, is not permitted as-of-right in most zoning districts and requires a special permit (the "Special Permit") issued by the Board of Standards and Appeals to operate legally. This requirement was established in the 1970s as a means of curtailing illicit activities in massage parlors and similar establishments; and

Whereas: The conditions that led to the requirement for the Special Permit are no longer that significant. There has been significant growth in the past 40 years in the health and fitness business and the public's desire for access to these facilities. The current extent of commercial gyms, such as Planet Fitness, Blink, Crunch, and New York Sports Club, did not exist in the 1970s. Massage therapists are now regulated and licensed by the New York State Education Department.; and

Whereas: The Special Permit often takes more than six months to be granted, limiting opportunities for entrepreneurship, requiring operators to hire lawyers to help with this process, and increasing the cost of opening a business. Even with the Special Permit, PCEs are not permitted along many local retail streets with compatible service and retail uses. PCEs are disproportionally located in the Manhattan core and western areas of Queens and Brooklyn; and

Whereas: DCP has removed the requirement for the Special Permit in several Special Purpose Zoning Districts, including Inwood, and now proposes a citywide health and fitness zoning text amendment (the "PCE Text Amendment") to remove the Special Permit requirement citywide; and

Hon. Marisa Lago, Chair

Re: Resolution Supporting the Department of City Planning's Proposed Citywide Physical Culture Establishment Text Amendment.

July 1, 2021

Page 2

Whereas: The PCE Text Amendment would remove the requirement for the Special Permit, treat PCEs 10,000 square feet and under as a local commercial use permitted as of right in all commercial and manufacturing zoning districts, treat PCEs over 10,000 square feet the same as showrooms, music studio and banquet halls, permitting them as-of-right only in C2-C8 and manufacturing zoning districts as well as in C1-8 and C1-9 zoning districts and C-1 overlays mapped with R9 and R10 zoning districts. Licensed massage therapy would be treated as an ambulatory care use and be permitted as-of-right in most residential districts, and in all commercial and manufacturing districts; and

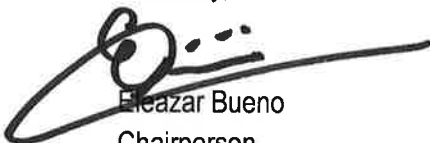
Whereas" High-impact gyms, such as those with significant weights or exercise equipment, would be required to submit documentation to the Department of Buildings certifying that they are designed to sufficiently reduce noise and vibration on neighboring uses before being issued a Certificate of Occupancy. Low-impact activities such as yoga, isometric exercise studios, and spas would not be required to demonstrate compliance with these additional noise and vibration standards but rather would remain subject to the NYC Noise Code; and

Whereas: During 2020 most PCEs closed temporarily, some permanently, and employment at PCEs declined by more than 60%. Removing the Special Permit requirement would support economic recovery from the coronavirus pandemic as well as cut red tape and costly delays to small businesses, eliminate a major barrier to gyms and other health-related businesses, and help smaller independent operators open in more locations across the city; and

Whereas: The Text amendment was certified by DCP on May 19 and referred out to all community boards for review and comment. Community boards have 60 days, ending July 27, 2021, to provide comments. DCP representatives attended the June 2, 2021 meeting of CB12-M's Land Use Committee and presented the PCE Text Amendment, now, therefore, be it

Resolved: Community Board 12- Manhattan supports the Department of City Planning's citywide health and fitness zoning text amendment removing the requirement for a special permit to legally operate a physical culture establishment.

Sincerely,



Eleazar Bueno
Chairperson

cc: Hon. Bill de Blasio, Mayor
Hon. Jumaane Williams, Public Advocate
Hon. Scott M. Stringer, Comptroller
Hon. Brian Benjamin, State Senator
Hon. Robert Jackson, State Senator

Hon. Gale Brewer, Manhattan Borough President
Hon. Al Taylor, Assembly Member
Hon. Carmen De La Rosa, Assembly Member
Hon. Ydanis Rodriguez, Council Member
Hon. Mark Levine, Council Member



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable

# In Favor: 41	# Against: 0	# Abstaining: 0	Total members appointed to the board: 41
Date of Vote: 6/29/2021 12:00 AM		Vote Location: Zoom Meeting	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing:**Was a quorum present?** No

A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members

Public Hearing Location:

CONSIDERATION: At the General Meeting on Tuesday, June 29th, 2021, Community Board 12 Manhattan, passed the following resolution with a vote of 41 in favor, 0 opposed, 0 abstentions, and 0 not voting, supporting the Department of City Planning's citywide health and fitness zoning text amendment removing the requirement for a special permit to legally operate a physical culture establishment.

Recommendation submitted by	MN CB12	Date: 7/22/2021 1:20 PM
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City of New York Community Board #1, Queens

The Pistilli Grand Manor
45-02 Ditmars Boulevard, LL Suite 1025
Astoria, N.Y. 11105
Tel: 718-626-1021, Fax: 718-626-1072
E-mail: qn01@cb.nyc.gov

Donovan Richards
Borough President, Queens
Maricela Cano
Director, Community Boards
Marie Torniali
Chairperson
Florence Koulouris
District Manager

EXECUTIVE BOARD

Marie Torniali
Chairperson
Edward Babor
First Vice Chairperson
Amy Hau
Second Vice Chairperson
Richard Khuzami
Third Vice Chairperson
Avninder Aujla
Executive Secretary
Thomas Ryan
Sergeant-at-Arms

July 14, 2021

Honorable Marisa Lago
Chair
NYC City Planning Commission
120 Broadway, 31st Floor
New York, New York 10271

COMMITTEES & CHAIRPERSONS

Airport
RoseMarie Poveromo
Community & Economic Development
Mackenzi Farquer
Consumer Affairs
Eric Mouchette
Education/Library/Youth Services
Stella Nicolaou
Environmental/Sanitation
Antonella Di Saverio
Dominic Stiller
Health & Human Services
Judy Trilivas
Daniel Aliberti
Housing
Evie Hantzopoulos
Land Use & Zoning
Gerald Caliendo
Elizabeth Erion
Legal, Legislative, Parliamentary
Avninder Aujla
Office-Staff/Budget/PR
Marie Torniali
Parks/Recreation/Cultural
Katie Ellman
Kathleen Warnock
Public Safety
Ann Bruno
Antonio Meloni
Transportation
Mitchell Waxman

RE: N 210382 ZRY Health and Fitness Citywide Text Amendment

Dear Chair Lago:

On June 15, 2021 Community Board 1 Queens (CB1Q) held a duly advertised virtual public hearing on the referenced application. With a quorum present, the Board approved a motion by roll call 31 in favor, 6 against and 0 abstentions, to recommend approval of application N 210382 ZRY with a recommendation to redefine gymnasium use as it appears in the Zoning Resolution (Section 32-18).

Background

DCP is the applicant for this text amendment which was referred out to all community boards on May 19, 2021 for comment by July 27th. The goal is to make it easier to locate and open gyms, spas, licensed massage and other facilities designated as Physical Cultural Establishments (PCEs). Current zoning regulations were put in place in the 1970s to address zoning issues with adult establishments and to require criminal background checks of health club owners. Health clubs and gyms are now part of a general fitness regime for most age groups and massage therapists are classified as health professionals, licensed by NY State. But PCEs are still not permitted to locate on many local commercial streets and owners must still secure a Board of Standards and Appeals special permit, incurring great cost and delay. If approved, the Health and Wellness text amendment would:

- Remove the BSA Special Permit requirement (ZR 73-36) and classify small gyms and spas as Use Group 6 (local retail uses), limit their size to 10,000 SF per establishment and allow them to locate as of right in all commercial and manufacturing districts.
- Classify gyms and spas as Use Group 9 and permit them as of right in C2 to C8 and M districts, C1-8, C1-9 and in C1 overlays mapped in R9/R10 high density districts.

BOARD MEMBERS (cont.)

Helene Abiola
Rose Anne Alafogiannis
George Alexiou
Louise Bordley
Shoma Brahmanandam
Irak Dahir Cehonski
Jean Marie D'Alleva
Dean O. Feratovic
Shahenaz Hamde
Helen Ho
Vanessa Jones-Hall
Nancy Konipol
Amr Kotb
Jerry Kril
Cristina Lastres
Diana Limongi
Chelsea Lopez
Hannah Lupien
Jeffrey Martin
Amin Mehedi
Doreen Mohammed
Mary O'Hara
Dino Panagoulas
Juliet Payabyab
Yawne Robinson
Brian Romero
Andre Stith
Rod Townsend
Rosemary Yelton

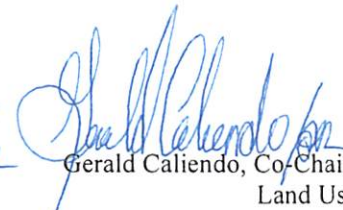
- Classify licensed massage therapy as a Use Group 4A or Use Group 6B (health care office, ambulatory health care uses), permitted in most residential districts and all commercial and manufacturing districts.
- In mixed-use buildings with residential and school uses in all commercial and MX, high-impact gyms (weights, exercise equipment) would be required to submit documentation to Dept. of Buildings certifying they will sufficiently reduce noise and vibrations on surrounding uses before being issued a C of O. Low-impact activities will be subject to the NYC Noise Code.


Committee and CB Review

On May 26, 2021 and again on June 2nd DCP representatives presented the text amendment to the Land Use and Zoning Committee and responded to comments and questions from the members pertaining to the as-of-right status of new fitness facilities, use group issues, term limits and community board review. PCEs would be treated as other UG6 uses, going directly to Dept. of Buildings for permits and review of noise and vibration compliance demonstrated by engineering reports for large gyms and cross-fit facilities. Some committee members requested clarification on the use group classification for gymnasiums that are used for basketball, racquetball, etc. as it appears in the zoning text. At the Board's June 15, 2021 public hearing DCP presented the text amendment, followed by one speaker who, as a licensed physical therapist, testified in favor of the text amendment. The hearing was closed, and the Board voted to recommend approval of the proposed the zoning text amendment.

Sincerely,


Marie Torniali
Chairperson


Gerald Caliendo, Co-Chair
Land Use and Zoning Committee


Jeffrey Martin, Vice Chair

cc: Honorable Donovan Richards, Queens Borough President
Honorable Michael Gianaris
Honorable Jessica Ramos
Honorable Zohran Mamdani
Honorable Catherine Nolan
Honorable Brian Barnwell
Honorable Jimmy Van Bramer
Mr. Frank B. Perez, New York City Council, District 22
Mr. Irving Poy, Director, Land Use, BPQ
Mr. John Young, Director, Queens Office DCP
Ms. Alexis Wheeler, Deputy Director, Queens Office DCP
Ms. Sarit Platkin, DCP



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable

# In Favor: 31	# Against: 6	# Abstaining: 0	Total members appointed to the board: 37
Date of Vote: 6/15/2021 12:00 AM		Vote Location: ZOOM- Virtual live meeting	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/15/2021 6:30 PM

Was a quorum present? Yes

A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members

Public Hearing Location:

Zoom- Virtual live Full Board Meeting/ Public Hearing

CONSIDERATION: Please see the attached letter outlining CB1, Queens perspective on N 210382 ZRY. The letter clarifies the review and findings for this text amendment. This letter contains a recommendation to redefine gymnasium use as it appears in the Zoning Resolution (Section 32-18).

Recommendation submitted by

QN CB1

Date: 7/15/2021 4:28 PM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable			
# In Favor: 30	# Against: 0	# Abstaining: 0	Total members appointed to the board: 49
Date of Vote: 6/23/2021 12:00 AM		Vote Location: Zoom	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing:	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	

CONSIDERATION:

Recommendation submitted by	QN CB2	Date: 7/15/2021 4:17 PM
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Donovan Richards
Queens Borough President

Community Board No. 2

43-22 50th Street, 2nd Floor
Woodside, New York 11377

(718) 533-8773

Fax (718-533-8777

Email qn02@cb.nyc.gov

www.nyc.gov/queenscb2

Lisa Deller
Chairperson

Debra Markell Kleinert
District Manager

June 24, 2021

Ms. Marisa Lago
Director
Department of City Planning
City Planning Commission
Calendar Information Office
120 Broadway, 31st Floor
New York, NY 10271

RE: **DCP - ULURP Project Application #N212070ZRY - Health and Fitness Text Amendment**

Dear Ms. Lago:

On June 23, 2021, Community Board 2 held a public hearing concerning the DCP ULURP Project Application #N212070ZRY - Health and Fitness Text Amendment.

At that meeting with a quorum present a motion was made and seconded to approve the Health and Fitness Text Amendment.

The vote was unanimous with 30 members present and voting; none opposed and no abstentions.

If you have any questions, please contact CB 2.

Sincerely,



Debra Markell Kleinert
District Manager

DMK/mag

cc: Honorable Alexandria Ocasio-Cortez, US Congress
Honorable Carolyn B. Maloney, US Congress
Honorable Grace Meng, US Congress
Honorable Nydia M. Velazquez, US Congress
Honorable Michael Gianaris, NY State Senate

"Serving the Communities of Long Island City, Sunnyside, Woodside, and Maspeth"

Honorable Brian Barnwell, NYS Assembly
Honorable Jessica Gonzalez-Rojas, NYS Assembly
Honorable Catherine T. Nolan, NYS Assembly
Honorable Robert Holden, NYC Council Member
Honorable Jimmy Van Bramer NYC Council Member
Honorable Daniel Dromm, NYC Council Member
Honorable Donovan Richards, Queens Borough President of the Borough of Queens
Irving Poy, Queens Borough President's office
Victoria Garvey, Queens Borough President's Office
Teal Delys, Department of City Planning
Alexis Wheeler, Department of City Planning
Lisa Deller, Chairperson, Community Board 2
Christine Hunter, Co-Chair, Land Use Committee

DCP Health and Fitness Text Amendment



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable

# In Favor: 27	# Against: 4	# Abstaining: 0	Total members appointed to the board: 31
Date of Vote: 6/8/2021 12:00 AM		Vote Location: via Zoom	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing:**Was a quorum present?** No

A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members

Public Hearing Location:

CONSIDERATION: The Board cited usage, licensing therapists, human trafficking, and illegal sex use. No spas and massage parlors to be included in text amendment. Gyms and health/fitness facilities acceptable.

Recommendation submitted by	QN CB4	Date: 6/28/2021 2:02 PM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 36	# Against: 0	# Abstaining: 0	Total members appointed to the board: 50
Date of Vote: 7/14/2021 12:00 AM		Vote Location: 68-02 Metropolitan Avenue	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/9/2021 7:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Remote via Zoom

CONSIDERATION: This Health and Fitness Text Amendment is opposed, primarily because of the provision that would allow massage parlors to operate without a Special Permit, even in residential areas.

Recommendation submitted by	QN CB5	Date: 7/26/2021 7:03 PM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:
IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable			
# In Favor: 34	# Against: 5	# Abstaining: 0	Total members appointed to the board: 49
Date of Vote: 6/9/2021 12:00 AM		Vote Location: Via Zoom - https://tinyurl.com/queenscb6june	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/9/2021 6:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Via Zoom - https://tinyurl.com/queenscb6june

CONSIDERATION:		
Recommendation submitted by	QN CB6	Date: 6/16/2021 12:55 PM

TO: Gene Kelty – Chair CB7Q
FROM: Chuck Apelian – Land Use Chair – CB7Q
RE: DCP Health and Fitness Text Amendment and Citywide Hotels Special Permit
DATE: June 25, 2021

The Land Use Committee of CB7Q met on Thursday June 24, 2021 to discuss the DCP proposed Health and Fitness Text Amendment and the Citywide Hotels Special Permit.

Listed below are our **unanimous** Committee comments and recommendations that CB7Q should upload to the DCP Site. We do not recommend the need for full Board discussion and vote.

Committee Attendance is attached.

Health and Fitness Text Amendment:

Our Committee welcomes the Amendment; however, we do not want these facilities to be allowed as-of-right in the lower density R3-2 districts.

Citywide Hotels Special Permit:

1. This process will eliminate any as-of right scenario anywhere within the City to build a hotel. We question the legality to prevent a permitted use.
2. This is an onerous, very expensive and time-consuming process that will deter hotel development. Each Special Permit process will cost the developer hundreds of thousands of dollars and take approximately two (2) years to complete.
3. History has proven that this process is specifically designed to aid the Hotel Trades Council (HTC) in their effort to secure Union contracts with hotel developers.
4. In outer boroughs like Queens, the daily room rate cannot be unilaterally raised to support Union demands for higher wages and benefits without the consequence of losing occupancy.
5. Community input is a by-product:
 - a. If the community approves the project and HTC cannot obtain a contract, the application will be held up and/or die at City Council, where HTC has overwhelming Member support.
 - b. If the Community has site objections but HTC secures a contract, the project moves forward without further objection.
6. In essence, the Special Permit becomes a main organizing mechanism for the Union, and community input is an unnecessary by-product.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable

# In Favor: 25	# Against: 6	# Abstaining: 0	Total members appointed to the board: 31
Date of Vote: 6/9/2021 12:00 AM		Vote Location: Via Zoom Webinar	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 5/25/2021 7:30 PM

Was a quorum present? No

A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members

Public Hearing Location:

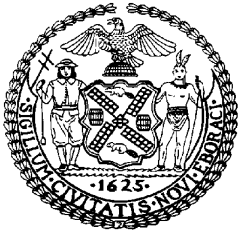
Via Zoom Webinar

CONSIDERATION: This item was voted at Community Board 8's General Board Meeting held on Wednesday, June 9, 2021 via Zoom Webinar.

Recommendation submitted by

QN CB8

Date: 6/24/2021 12:42 PM



The City of New York
Borough of Queens

Community Board 8

197-15 Hillside Avenue
Hollis, NY 11423-2126
Telephone: (718) 264-7895
Fax: (718) 264-7910
Qn08@cb.nyc.gov
www.nyc.gov/queenscb8



Chairperson, Martha Taylor

District Manager, Marie Adam-Ovide

Minutes of Community Board 8 Board Meeting held on Wednesday, June 9, 2021 via [Zoom Webinar](#).

Attendance:

Board Members Present:

Dilafroz Ahmed, Jagir Singh Bains, Heather Bennett-Idels, Carolyn Brown, Robert H. Block, Edward Chung, Susan D. Cleary, Kenneth Cohen II, Solomon Davydov, Maria DeInnocentiis, Allen Eisenstein, , Kevin Forrestal, Howard A. Fried, Bhitihara-Martha Fulton, James Gallagher Jr., John Gebhard, Wendy Gennaro, Ashan Habib, Marc A. Haken, Michael Hannibal, Tami Hirsch, Steven Konigsberg, Paul S. Lazauskas, Mitch Lisker, Elke Maerz, Mary Maggio, Jennifer Martin, Dilip Nath, Alan Ong, Tamara Oshero, Hersh Parekh, Simon Pelman, Frances Peterson, Mohammad Rahman, Jesse Rosenbaum, Seymour Schwartz, Deepti Sharma, Douglas Sherman, Harbachan Singh, , Dr. Penny M. Stern, Mohammed Tohin, Jacob Weinberg and Tamika Williams-Moore.

Board Members Absent:

Florence Fisher, Carolann Foley, Joshua Glikman, Frank Magri, David Mordukhaev, Rabbi Shlomo Nisanov, Charlton Rhee and Martha Taylor.

Others Present:

Max Weprin representing Borough President Donovan Richards, Susan Seinfeld representing Honorable Council Member Barry Grodenchik, Henry Yam representing Honorable Council Member Jim Gennaro, Ashley Lin representing State Senator John Liu, Tayler Jackson representing State Senator Leroy Comrie, Hudy Rosenberg representing Assembly Woman Nily Rozic, Mohammed Rahman representing District Attorney Melinda Katz, Scott Solomon from City Planning, Lucille Songhai from MTA, 107th Precinct Commanding Officer Kevin Chan and CB8 District Manager and Jatna Reyes, CB8 Staff Member.

Call to Order:

2nd Vice Chair Seymour Schwartz called this Board Meeting to order at 7:32 p.m.

The order of the agenda was changed by 2nd Vice Chair Seymour Schwartz.

Approval of Minutes:

Marc A. Haken made a motion to approve the minutes of May 19, 2021, seconded by Mary Maggio.

Count in favor: **43** Opposed: **0** Abstained: **0**

Elected Officials' Announcements:

Hudy Rosenberg representing Assembly Member Nily Rozic – Yesterday, Assemblywoman Rozic and State Senator Leroy Comrie, passed legislation that if signed, will allow deadline for property tax abatement programs. This will enable the current deadline to be extended through July 15, 2021. She will keep us posted.

Susan Seinfeld representing Council Member Barry Grodenchik – On Friday, June 11th from 11:00 a.m. to 12:30 p.m., there will be a FREE mask distribution event at the Food Universe located at 222-51 Jamaica Avenue. This event is being held in conjunction with Assembly Member Clyde Vanel, Senator John Liu, and Community Board 13. Also, on Friday, June 18th from 11:00 a.m. to 12:30 p.m. at the Franhill Shopping Center located at 202-15 Hillside Avenue. This event is being held in conjunction with Assembly Member Weprin, Senator Leroy Comrie and Community Board 8.

Raida Hussain representing Assembly Member David Weprin – Ms. Hussain reiterated what Ms. Seinfeld announced about the mask distribution event next Friday.

Ashley Lin representing State Senator John Liu – Their office is fully open and operational. If you have any questions/concerns, please call their office at: 718-765-6675 or email her at: Ashley@johnliusenate.com

Muhammad Rahman representing District Attorney Melinda Katz – They will have a gun buyback program this Saturday, June 12th from 10:00 a.m. to 4:00 p.m. If you have an operating gun, they are giving away a \$200 gift card and an iPad. It is going to be at St. Mary Magdalene Roman Catholic Church in Springfield Gardens. They will also have a Pride Celebration virtually on June 10th from 6:00 p.m. to 8:00 p.m. To sign up, please visit: www.queensda.org.

Taylor Jackson representing State Senator Leroy Comrie – Their office is open by appointment only. They continue to assist constituents on the Home Energy and Cooling Assistance Programs. They will be having an E-Waste event this Saturday, June 12th at Baisley Pond Park for more information, please contact their office at: 718-765-6359.

Additional Announcements:

Mary Maggio – This Sunday, June 13th, the 107th Precinct will host a Fundraiser Car Wash Event at 10:00 a.m. You can enter at 158-40 Harry Van Arsdale Jr. Avenue. Car Wash is \$10. Refreshments will be served.

1st Vice Chair Michael Hannibal took the floor and proceeded with the order of the agenda.

Salute to the Flag

1st Vice Chair Michael Hannibal led the salute to the flag.

Chairperson's Report – Michael Hannibal:

- As discussed at last month's meeting, we have a new staff member, Nicholas Mejia. He is here with us today to say hello. *[Nicholas was not present. Introduction omitted.]*
- Best wishes to Board Member Susan Cleary who is home recuperating from a back injury. We wish her well!
- Hillcrest Jewish Center is looking to have in-person meetings in September. We do not have an exact date yet. If they re-open before September 22, 2021, the Board will meet fully in-person at the center. Anyone with any questions, can contact the center directly.
- We were joined by Commanding Officer Kevin Chan. 1st Vice Chair Michael Hannibal invited him to address the Board.

Commanding Officer Kevin Chan – 107th Precinct

- Commanding Officer Chan introduced himself and expressed his gratitude with Community Board 8. He is happy to be here and become part of the community. He was born and raised in New York City. He currently lives in Brooklyn with his wife and kids since 2006. He is happy to join the family of the 107th Precinct. He's only been here for two weeks. He is learning the area quickly and is looking forward to working with all of us. He has seen a spike in robberies and assaults. They had a robbery this past Saturday at a Queens Valley Playground located at 137th

Street and 76th Avenue. A male Asian was approached by two individuals, one white male and a black male teenager. They asked him for his belongings, the victim took off and was stabbed twice. He survived and wasn't seriously hurt. They are still in the lookout for these two individuals. There was also a shooting incident back on Memorial Day on Hillside Avenue and 165th Street. A car passed by and started shooting. They recovered 6 bullet shells. They know who the shooter is and are looking to capture him soon. He invited everyone to visit him at the Precinct anytime.

Commanding Officer Chan asked if there were any questions from the Board Members.

Marc A. Haken – asked about any plans to combat drag racing in the District (i.e. Main Street, Francis Lewis Boulevard, etc.).

Answer: [C.O. Chan] – We are aware of this situation. This issue is being experienced Citywide. When we get exact areas where these races are, we conduct operations where they stop them from doing this. We have our Public Safety team working on the racing issues at the Fresh Meadows Mall and Cunningham Park. Local NCO's are always in the area working to serve you. If you know of any exact location, please feel free to reach out and we'll work on it. He understands that speed humps were installed at the Fresh Meadows Parking Lot and Cunningham Park to prevent recurrence of the issue.

Tammy Osherov – stated that IOG Supermarket Parking Lot on 69th Avenue and 195th Lane in Fresh Meadows is also a problematic area with racers doing donuts and loud exhausting.

Answer: [C.O. Chan] – We'll definitely keep an eye out on that parking lot.

1st Vice Chair Michael Hannibal thanked Commanding Office Chan for attending our meeting. We look forward to working with him.

Borough President's Donovan Richards Representative – Max Weprin

- On Thursday, June 17th, there will be a virtual Job Recruitment Fair event at 2:00 p.m. Also, there will be a Father's Day Celebration event at 6:00 p.m. More information is available on their website.
- Borough President Richards is hosting Queens drive-in FREE movie nights at the parking lot of the New York Hall of Science. Upcoming movies are: June 16th, "Coming to America", June 24th, "Monsoon Wedding".
- Their office is hosting an IDNYC pop-up enrollment site at Borough Hall until June 30th by appointment only.
- On June 14th, they are launching an immigrant welcome center at Borough Hall. They will be also raising a pride flag on this day. Board Members who attend will receive a Community Board tote bag. You can register for all these events at: www.queensbp.org.

City Planning Representative – Scott Solomon – Mr. Solomon gave a presentation on the three Citywide Text Amendments that are up for review by the Community Board. Along with Ms. Lucille Songhai from the MTA, they gave an overview of the text amendments for Elevate Transit: Zoning for Accessibility (ZFA). Mr. Solomon proceeded with the Hotels and the Health & Fitness text amendments overview. These are the main highlights of the presentation:

Elevate Transit: Zoning for Accessibility (ZFA) – Lucille Songhai

- The MTA and City Planning are proposing a citywide text amendment that will allow the MTA to work more efficiently with private developers to help achieve system-wide accessibility more quickly.
- The proposal includes a system-wide easement requirement and an expanded transit improvement bonus in high density (*mostly in R9/R10 districts/not applicable in CB8*).
- Their current accessibility status is 136 out of 493 subway stations are accessible. 25 out of 39 LIRR and MNR stations within city limits in the MTA system are accessible.
- They are focusing on having ADA accessible stations that include many features to make stations readily accessible to, and usable by, individuals with disabilities. They are looking at vertical accessibility which focuses on having elevators at stations.

- More New Yorkers can benefit from more accessible transit stations: people with disabilities, parents with young children, seniors, and people with small injuries.
- Of the 2.3 million Queens residents there are 130,000 residents with an Ambulatory Disability, 150,000 children under 5 and 340,000 residents 65+. From 2005 to 2015, the number of New Yorkers over 65 grew by 19.2 percent, that is more than twice the rate of the total population which is 7.5 percent.
- The MTA's 2020-2024 Capital Program makes historic investment in accessibility. More than \$5 billion dedicated to making 77 stations accessible. In our District: Briarwood and Parsons Boulevard. 43% of New York City Transit stations, serving over 60% of riders, will be fully accessible. No subway rider will be more than 2 stations away from an accessible station.
- Elevator construction is challenging as they can encounter narrow platforms, limited entry and exit passages, narrow sidewalks, limited clearance between buildings and stations. Most stations require more than one elevator to be accessible.

Scott Solomon:

- Zoning for Accessibility (ZFA) is seeking to create more opportunities for accessibilities throughout the transit system with expanded zoning tools including the easement requirement provision limited applicability and CD11. Also, the transit bonus provision that only applies to those high density districts.
- Today, the zoning tools are in place to support the construction of transit improvements but with very limited applicability citywide.
- Existing zoning regulations: Easement Provisions – a requirement that station-adjacent sites provide a space for future station access if required by the MTA.
- There are also limitations which exists in very limited areas in the City. No general framework for facilitating transit easements outside of these limited areas. MTA has missed opportunities to locate ADA access, particularly at complex stations.
- The ZFA proposal includes an expanded system-wide easement requirement that will address some of these limitations. The easement will be applicable on sites that meet the criteria and will be triggered when building permits are filed with DOB.
- Sites eligible for easements will include developments and enlargements on zoning lots of at least 5,000 sq. ft. and within 50 ft. of mass transit stations.
- They will be located in residential zoning districts that permit multi-family housing, medium and high-density commercial districts, and all manufacturing districts.
- The easement requirement is the only provision that the ZFA will be applicable to CB8. Development located in applicable sites will be required to file an application with MTA and the Chairperson of the City Planning Commission to determine whether an easement on the zoning lot is needed, to help facilitate station access improvement in the future. While the process of obtaining a certification will be required for most sites within 50 ft. of a transit station, it is anticipated that the MTA will only seek an easement in places that are suited for future transit entrances.
- Easements can vary in height; underground subway stations could occupy multiple levels below grade as elevated transit stations which you don't see along Hillside Avenue. They vary in size due to the multiple and things that will be provided. An elevator can take up less space whereas a new station entrance that requires a staircase and an elevator can take up a large easement volume.
- Briarwood and Parsons Boulevard stations is included in the 2020-2024 MTA Capital Program for ADA upgrades.

Citywide Hotels Text Amendment – Scott Solomon

- This is a text amendment that will create a new special permit for hotel development across the City. It is intended to create a consistent framework for hotels development and ensure that hotels do not negatively affect the surrounding area.
- Rapid growth of new hotels throughout the City has led to a variety of special permits in various locations in recent years. In addition, a special permit was adopted for hotels in M1 districts in 2018. Different criteria for varying locations and zoning districts has resulted in an inconsistent review of hotels.
- The purpose and need are to ensure that there is a consistent zoning framework for new hotels that will support more predictable development.

- The new special permit will be applicable in higher density commercial, mixed-use, and M1/residential districts. The proposed Citywide special permit will replace existing special district permits.
- A map was shown of applicable areas in CB8. There was an area showing the area that currently allows hotel development and will be subject to the new hotel CPC special permit. This means that any hotel development will need to apply for the special permit with the Department of City Planning. This process will make all proposed hotels subject to ULURP review which includes time for Community Boards to review, adopt, and submit recommendations to the City Planning Commission. Upon the Borough President's review, should the CPC approve it then it will go to the City Council for final approval subject to mayoral veto.
- Similar to the existing M1 special permits, they will not require a special permit for hotels that are built for a public purpose such as temporary housing for the homeless.
- The proposed text amendment is intended to address the land use concerns related to commercial hotels and is neutral with regard to current policies related to siting social service and shelter facilities that also have sleeping accommodations.
- The new special permit findings are proposed to be that the hotel use shall not impair the future use and development of the surrounding area.
- The COVID-19 pandemic has had a disastrous effect on the NYC hotel industry and its workers. Between January and November 2020, a net total of 146 hotels (out of 705) and 42,030 rooms closed. 96.3% of room closures occurred in Manhattan. Estimates of 197,000 job lost in the leisure and hospitality industry.

Health and Fitness Text Amendment – Scott Solomon

- A BSA special permit is currently required to open and operate most exercise and health-related businesses, including gyms, spas, and licensed massage therapy.
- The Physical Culture or Health Establishment (PCE) special permit process is costly and lengthy, often requiring more than 6 months before a business receives a permit to open.
- Even with a special permit, gyms are not permitted along many local retail streets that allow compatible service and retail amenities.
- Removing barriers for gyms and other health-related businesses to open will help speed the economic recovery from the pandemic and ensure that neighborhoods have important health-related amenities.
- During the 1970s, stringent zoning regulations were created for these businesses, designed to address commercial sex associated with health clubs and massage parlors.
- A special permit was required for all such uses as a means of verifying the legitimacy of the operator through a criminal background check.
- Over the last two decades, special permits for gyms, spas, and massage parlors are disproportionately located in the Manhattan core, western Brooklyn, and Queens.
- Removing the special permit requirement will help smaller, independent businesses open in more locations across NYC.
- Many gyms and health-related businesses have temporarily or permanently closed due to the pandemic.
- Employment in gyms declined by more than 605 in 2020. Removing the special permit will support economic recovery from the pandemic.
- What is being proposed is removing the BSA special permits from all gyms, spas, and licensed massage therapy. Gyms and spas will be considered commercial uses that will be allowed as of right. Smaller gyms and spas, those that are less than 10,000 sq. ft. will be allowed in all commercial manufacturing districts including C1 districts where gyms are currently not allowed. Gyms and spas that are unlimited in size will be slightly more limited. They will be allowed in high density C1 districts as well as C2 districts, higher districts, and manufacturing districts.
- Licensed massage therapy will be classified with other ambulatory health care uses as Use Group 4A or Use Group 6B (health care office), permissible in select residential, commercial, and manufacturing districts.
- Massage therapists are health professionals licensed by the NYS Education Department. Massage is a protected job title, meaning it is illegal to operate under the name without a license (includes massage, shiatsu, reflexology, acupressure, connective tissue, and other practices). Many massage therapists already work in community facilities, including physical therapy offices and nursing homes.

- In New York, massage therapists must display their current registration certificate and license to operate. Here is also a searchable database maintained by the State of all licensed massage therapists.
- There will also be noise and vibration regulations. Higher impact gyms will be required to submit documentation to the Department of Buildings certifying that they are designed to sufficiently reduce noise and vibration on neighboring uses prior to being issued a Certificate of Occupancy. These additional noise and vibration requirements will be applicable in mixed-use buildings with residences or schools. These requirements will apply in all commercial and MX districts.

Scott Solomon asked if there were any questions from the Board Members regarding any of the three text amendments presented.

Maria DeInnocentiis – I was looking at the zoning maps for special permit districts. If you could go to your slide number 38. They are near the Long Island Expressway is the special district of Fresh Meadows, the commercial area, I would think that they would not be allowed to have a hotel at all due to the designation of a special district. Why is that of the gym being considered? Why would we allow a special permit there?

Answer: *[Scott Solomon]* – It will still be subject to the special district regulation. The underlying zoning allows for a hotel.

I hate to say this, we have a hotel right in the area, that we fought very hard to stop and it was still built. Now it is filled with prisoners from Riker’s Island. It really bothers me the Fresh Meadows Development area would even be considered a hotel possibility. Under any kind of permits.

Answer: *[Scott Solomon]* – That is a good point that you raised because those are areas where today, you could build a hotel as of right. That was never changed if we came here. What is changing is if someone built it subject to approval of this text amendment, they will be required to seek a special permit at CPC. I would be happy to discuss this individually.

Yes, I would like to get details on that because, not that we can do anything about the Wyndham now, but we need to figure out what we can do to keep that from happening.

Answer: *[Scott Solomon]* – When you are talking about the future concerns, that’s what this would do. Any future hotels will be subject to a special permit subject to ULURP process, but any existing hotels will have to seek a special permit to continue operating.

Jesse Rosenbaum – Scott, you are talking about the south side, we have two Marriott hotels on the north side and multiple new properties on Jamaica Avenue. We are a little bit over-built right now. I am not sure that you are giving us an option.

Answer: *[Scott Solomon]* – In the future, if this special permit proposal is approved, any future hotel will be subject to a special permit.

Douglas Sherman – In the past two years, hotels have been used in large parts to house homeless families. With your proposal with everything that you are saying, why would any community support the development of new hotels knowing that they could be used for a purpose of temporarily housing homeless families as opposed to tourism and a more desirable business.

Answer: *[Scott Solomon]* – That future hotel that you are concerned with becoming a transient use for homeless housing, will be subjected to a public review. If this didn’t exist, they will not be subjected to it.

I think there would be a greater support for affordable housing, then it will be for a hotel industry.

Answer: *[Scott Solomon]* – This is a proposal about commercial transuse hotels. This has nothing to do with housing production, this is not a re-zoning change of homeless policy. We are City Planning. Zoning does not dictate homeless policy. This looks at the land use concerns related to commercial transuse hotels.

So, these hotels that will be developed could be used to house temporarily homeless families. Correct?

Answer: *[Scott Solomon]* – Yes, that would be allowed.

Seymour Schwartz – I am looking at the area close to Hillside Avenue (referring to a map screen shared during the presentation). For most years, those couple of blocks were limited to commercial automobile related industries. We as a community worked very hard to change that. They are now C4. Why would we encouraged greater opportunities for hotels to fill up that area in the heart of our district when an important priority would be to encourage residential family use in that area. I cannot see us approving this recommendation.

Answer: [Scott Solomon] – This is not encouraging hotel development. This map above here, exists today. This isn't a changed map; this isn't a re-zoning. These are the areas that you can built hotels today. With the approval of a special permit being lawed, tomorrow, it would not be allowed without approval of a special permit.

Jesse Rosenbaum – We are in a very unusual situation, when COVID-19 hit, the hotel industry went down the tubes because nobody could come in. I think that the proposal that is on the table is that is somebody oversees the operation to make sure that we don't get over-built and to make sure that the quality of the residents/guests that are coming to the hotel are the quality that we want.

Answer: [Steve Konigsberg] – Jesse, do you have a question? Seeing none, I would like to ask for a motion to for approval of all three text amendments.

Jesse Rosenbaum made a motion to approve the three Citywide Tax Amendments presented tonight: Elevate Transit: Zoning for Accessibility (ZFA), Hotels Text Amendment and Health & Fitness Text Amendment, seconded by Wendy Gennaro.

Elevate Transit: Zoning for Accessibility (ZFA)

A roll call vote was taken.

Count in favor: 37 Opposed: Abstained: 0

Members who voted in favor: Dilafroz Ahmed, Jagir Singh Bains, Carolyn Brown, Robert Block, Edward Chung, Maria DeInnocentiis, Allen Eisenstein, Kevin Forrestal, Bhitihara-Martha Fulton, James Gallagher Jr., John Gebhard, Wendy Gennaro, Ahsan Habib, Marc A. Haken, Michael Hannibal, Tami Hirsch, Steven Konigsberg, Paul S. Lazauskas, Mitch Lisker, Elke Maerz, Mary Maggio, Dilip Nath, Alan Ong, Tamara Osherov, Hersh Parekh, Simon Pelman, Frances Peterson, Mohammad Rahman, Jesse Rosenbaum, Seymour Schwartz, Deepti Sharma, Douglas Sherman, Harbachan Singh, Dr. Penny M. Stern, Mohammed Tohin, Jacob Weinberg and Tamika Williams-Moore.

Members who voted against: None.

Citywide Hotels Text Amendment

Discussion:

Hersh Parekh – Would this apply to facilities where the bottom floors are restaurant or something else or is this only for buildings that are full hotels?

Answer: [Scott Solomon] – It would be for any hotels.

Seymour Schwartz – Scott, do I understand that the text amendment would allow the planner of a hotel, allow him 6 years to complete the project and in-between prior to the six full years, operate some other kind of a facility in that space.

Answer: [Scott Solomon] – There are a few situations. For example, today is a hotel, upstairs goes empty because they are out of business during the pandemic and it stays empty. No one occupies it. They are empty for two years and a day, today right now and you are in the area where the zoning doesn't allow it, you would lose to continue the use.

What if prior to any construction, the developer would of receive a special permit, does he require any other consideration or review, or should he change the purpose of the facility?

Answer: [Scott Solomon] – They would be subject to a special permit.

A roll call vote was taken.

Count in favor: 30 Opposed: 4 Abstained: 0

Members who voted in favor: Dilafroz Ahmed, Jagir Singh Bains, Carolyn Brown, Robert Block, Edward Chung, Maria DeInnocentiis, Allen Eisenstein, Kevin Forrestal, Bhitihara-Martha Fulton, James Gallagher Jr., John Gebhard, Wendy Gennaro, Ahsan Habib, , Michael Hannibal, Steven Konigsberg, Elke Maerz, Mary Maggio, Dilip Nath, Alan Ong, Tamara Osheroov, Hersh Parekh, Frances Peterson, Mohammad Rahman, Jesse Rosenbaum, Seymour Schwartz, Harbachan Singh, Dr. Penny M. Stern, Mohammed Tohin, Jacob Weinberg and Tamika Williams-Moore.

Members who voted against: Marc A. Haken, Tami Hirsch, Mitch Lisker, Douglas Sherman.

Health & Fitness Text Amendment

A roll call vote was taken.

Count in favor: 25 Opposed: 6 Abstained: 0

Members who voted in favor: Dilafroz Ahmed, Jagir Singh Bains, Carolyn Brown, Edward Chung, Kevin Forrestal, Bhitihara-Martha Fulton, James Gallagher Jr., John Gebhard, Wendy Gennaro, Ahsan Habib, Marc A. Haken, Michael Hannibal, Steven Konigsberg, Mitch Lisker, Mary Maggio, Dilip Nath, Alan Ong, Tamara Osheroov, Frances Peterson, Mohammad Rahman, Jesse Rosenbaum, Seymour Schwartz, Harbachan Singh, Dr. Penny M. Stern and Mohammed Tohin.

Members who voted against Maria DeInnocentiis, Allen Eisenstein, Tami Hirsch, Hersh Parekh, Douglas Sherman and Tamika Williams-Moore.

Committee Reports:

Health Minute with Dr. Penny Stern, Health Committee Chair:

- Dr. Stern spoke about the rise of orthopedic complaints associated with spending unusual hours on the computer. As many people are still working from home due to the pandemic, they are experiencing more shoulder, lower back, and other types of pains.
- She suggested that you create a workspace that is comfortable. For example, positioning your computer, laptop at slightly or below eye level. To do this, you need a chair that is adjustable. Your feet need to be on the floor. Working on a sofa and lying in bed is not recommended. It can lead to more aches and pains due to bad postures. Try keeping your ears above your shoulders and your shoulders above your hips. This will help you to keep a good spinal alignment. If you need extra back support, you can use a cushion on your lower back against a chair.
- She suggested that one plans exercise breaks as often as possible. Standing up at least once to stretch, you'll prevent tight muscles and loss of flexibility which can happen when you sit for prolonged periods of time. Keeping well hydrated and when you eat make sure you look for healthy choices including snacks.

Adjournment

Marc A. Haken made a motion to adjourn this meeting at 9:04 p.m.

*Respectfully submitted,
Jatnna Reyes, CB8 staff
June 18, 2021*

QCB#10 response to the CPC Text Amendment Action:

Citywide Text Health & Fitness Text Amendment:

Both the Land Use Committee and the full Board voted to approve the ULURP.

CB#10 recommendation to approve with the following conditions/ modifications as follows:

- 1) Design guidelines must be incorporated in the zoning resolution on new regulations for gyms that will now be located as of right in commercially zoned properties that abut low density Residential zoning districts for 1,2, & 3 family development.

- 2) These guidelines must incorporate conditions and safeguards to minimize adverse effects on the character of the surrounding area through controls on design, height and setbacks from the abutting residential areas.

- 3) Other design features/controls that should be developed and added along with the proposed Noise and Vibration Regulations now in the Text Amendment should include: the location of building entrances, landscaping at property line adjacent to the abutting residential areas, controls on night lighting, location of required parking and access to the parking areas and hours of operation of the gym.

- 4) The proposed changes for Licensed Massage Therapy in the Text Amendment classified as a Use Group 4A or Use Group 6B should be for only high-density residential districts and all commercial & manufacturing districts. There should be a revision added to the definition of a "Home Occupation " that Licensed Massage Therapy is not permitted as a home occupation in low density Residential districts (ie.1, 2 or 3 family dwellings).



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 33	# Against: 3	# Abstaining: 1	Total members appointed to the board: 50
Date of Vote: 6/3/2021 12:00 AM		Vote Location: Zoom Virtual Meeting	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing:	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	

CONSIDERATION: recommendation to approve with conditions

Recommendation submitted by	QN CB10	Date: 7/23/2021 3:19 PM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 4	# Against: 34	# Abstaining: 2	Total members appointed to the board: 40
Date of Vote: 6/7/2021 12:00 AM		Vote Location: Via Zoom	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing:	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	

CONSIDERATION:

Recommendation submitted by	QN CB11	Date: 6/9/2021 9:07 AM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable

# In Favor: 4	# Against: 16	# Abstaining: 3	Total members appointed to the board: 51
Date of Vote: 6/16/2021 12:00 AM		Vote Location: Zoom	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing:**Was a quorum present?** No

A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members

Public Hearing Location:**CONSIDERATION:**

Recommendation submitted by	QN CB12	Date: 7/14/2021 12:52 PM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable

# In Favor: 34	# Against: 0	# Abstaining: 0	Total members appointed to the board: 34
Date of Vote: 5/24/2021 12:00 AM		Vote Location: Virtual	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing:**Was a quorum present?** No

A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members

Public Hearing Location:**CONSIDERATION:**

Recommendation submitted by	QN CB13	Date: 6/14/2021 4:57 PM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable			
# In Favor: 26	# Against: 0	# Abstaining: 0	Total members appointed to the board: 50
Date of Vote: 6/8/2021 12:00 AM		Vote Location: ZOOM	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/8/2021 7:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	zoom

CONSIDERATION:

Recommendation submitted by	QN CB14	Date: 6/9/2021 9:37 AM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:
 IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable			
# In Favor: 30	# Against: 1	# Abstaining: 0	Total members appointed to the board: 39
Date of Vote: 6/8/2021 12:00 AM		Vote Location: virtual	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing:	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	

CONSIDERATION: Motion made and seconded to approve application as submitted.

Recommendation submitted by	SI CB1	Date: 6/10/2021 1:26 PM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 10	# Against: 12	# Abstaining: 0	Total members appointed to the board: 33
Date of Vote: 6/15/2021 12:00 AM		Vote Location: ZOOM	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing:	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	

CONSIDERATION:

Recommendation submitted by	SI CB2	Date: 7/23/2021 11:16 AM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable

# In Favor: 26	# Against: 1	# Abstaining: 0	Total members appointed to the board: 27
Date of Vote: 6/22/2021 12:00 AM		Vote Location: Virtual Webex	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/9/2021 7:00 PM	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Virtual Webex

CONSIDERATION: Whereas, the Community Board 3 at a General Board Meeting, after extensive review and discussion of the Citywide Health & Fitness Text Amendment, has concluded that this amendment does not effectively or satisfactorily serve the best interest of the people they represent for the following reasons:

- 1- There is NO community review process.
- 2- There was some ambiguity in the presentation i.e. high impact vs. low impact.
- 3- Massage Therapy businesses should NOT be allowed in residential areas.
- 4- Mixed-use buildings are not desirable locations for any studio facilities.

Therefore, Be it Resolved; Community Board 3 Land Use Committee hereby votes to DENY the Application as presented.

Recommendation submitted by	SI CB3	Date: 6/23/2021 4:50 PM
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BOROUGH PRESIDENT RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Administrator: DCP - Department of City Planning (NYC)
Application # N210382ZRY	Borough: Citywide
CEQR Number: 21DCP183Y	Validated Community Districts: CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable

Please attach any further explanation of the recommendation on additional sheets as necessary

CONSIDERATION:

Recommendation submitted by	MN BP	Date: 7/26/2021 4:11 PM
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OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN
THE CITY OF NEW YORK

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Gale A. Brewer, Borough President

July 26, 2021

**Recommendation on the ULURP Applications No. N210382ZRY
Health and Fitness Citywide Text Amendment
by the New York City of Department of City Planning**

PROPOSED ACTIONS

The New York Department of City Planning (“DCP”) (the “Applicant”) is seeking a city-wide zoning text amendment (the “Proposed Action”) to modify regulations relating to gyms, spas, licensed massage therapy, and other health and fitness facilities defined as Physical Culture or Health Establishments (“PCEs”).

This proposed text amendment would remove the need for PCEs to obtain a special permit (ZR 73-36) from the Board of Standards and Appeals (“BSA”). Additionally, the Proposed Action would reclassify these uses currently regulated by the special permit under Use Groups that are permitted as-of-right within certain zoning districts.

Every zoning district except for R1 and R2 districts would be affected by this proposal. Currently, the special permit for PCEs is required within C1-8X, C1-9, C2, C4, C5, C6, C8, M1, M2, and M3 districts.

With the Proposed Action, all facilities dedicated to physical fitness and health, limited to 10,000 square feet in floor area per establishment would be permitted as-of-right in all commercial and manufacturing districts. These facilities would be categorized under Use Group 6 and Use Group 14. Those facilities dedicated to physical fitness and health, which exceed 10,000 square feet, would be categorized under Use Group 9. These larger facilities would be allowed as-of-right within C2, C4, C5, C6, and C8 districts; M1, M2, and M3 districts; and high-density C1 districts (C1-8, C1-9, and C1 overlays mapped with R9 or R10 districts).

The proposed zoning text amendment also would incorporate criteria that would address the potential for adverse noise impacts. High intensity uses, that include gyms with exercise equipment and weights, would have to be in completely enclosed buildings and would have to verify with the Department of Buildings (“DOB”) that the plans would comply with the NYC Noise Code prior to the issuance of the Certificate of Occupancy. Other, less noise intensive health and fitness uses such as yoga studios and therapeutic services, would still be subject to the NYC Noise Code, but not any additional requirements.

Further changes would be made by the proposed zoning text amendment to reclassify different uses that fall under the category of health and fitness facility within the designated as-of-right

Use Group. The existing Use Group 9A reference to “Gymnasiums, used exclusively for basketball, handball, paddleball, racquetball, squash and tennis,” would be removed as those uses would be recategorized under Use Group 6 or 14, or Use Group 9, depending on the size of the facility. Licensed massage therapy would be categorized as Use Group 4A and Use Group 6B, treating these facilities in the same way as other health care facilities.

Furthermore, all facilities related to the promotion of health and fitness would be subject to parking requirement category B (PRC-B).

Lastly, the proposed zoning text amendment also reclassifies what is categorized as an Adult Physical Culture Establishment as an “Unlicensed physical treatment establishment.” Like the current definition, this new definition does not permit unlicensed massage therapy within any Use Group, or in any zoning district. Outside of zoning, unlicensed massage therapy is illegal, so it is not allowed, regardless of Use Group or zoning district.

BACKGROUND

The special PCEs permit originated out of concerns during the 1970s about the proliferation of prostitution and illicit sexual activity in New York City. At the time, there was concern about such illegal uses posing as health clubs and massage parlors. In response, a moratorium was placed on all PCEs in 1976 to allow for further investigation of the issue.

Prior to this, PCEs were first listed in the 1961 zoning code under Use Group 9, a category that included gymnasiums, reducing salons, masseurs, or steam baths. Through the 60s and 70s until the moratorium, small fitness facilities were uncommon.

In 1978, in response to findings during the moratorium period, the zoning code was amended to differentiate between Adult PCEs and PCEs. The new category Adult PCEs was defined as businesses that offer massage, body rubs, or other similar services by members of the opposite sex, excluding medical services such as services performed by licensed physicians or chiropractors. Furthermore, Adult PCEs were not allowed under any Use Group in New York City, effectively functioning as a ban on these uses.

With the new definition of PCE came a special permit by BSA that would allow these uses not designated as an Adult PCE in C2, C4, C5, C6, and C8 commercial districts, as well as in M1, M2, and M3 manufacturing districts. Later, special permit eligibility for C1-8X and C1-9 were also added. These special permits included further steps that were intended to prevent illicit uses. This included a background check administered by the Department of Investigation prior to the issuance of the special permit.

Since the 1970s, this permit has become more onerous for operators of legitimate PCEs as more smaller businesses hope to open their doors in the city. Two planning documents have been issued by the City (*One New York: The Plan for a Strong and Just City* and *Small Business First*) that detailed the negative effects of the permit, including a period of sometimes over 6 months for approval and costs reaching as high as \$50,000 to complete the permitting process.

In an effort to mitigate the burden of the permitting process, PCEs have since been allowed as-of-right on certain commercial streets in some Special Districts. In Manhattan, these include Battery Park City, the Governor's Island Special District, the East Harlem Corridor Special District, and the Inwood Special District.

More recently, the COVID-19 pandemic has proved devastating to small business PCEs across the city. At the peak of the pandemic in spring 2020, businesses were ordered to close, and staff for these businesses were frequently laid off or furloughed.

COMMUNITY BOARD RECOMMENDATIONS

The Health and Fitness Citywide Text Amendment application was certified by DCP on May 19 and referred to all Manhattan Community Boards (1-12) for comment. Boards were given a 60-day period to review the application and submit a resolution recommending support or opposition.

As of the time of submission Manhattan Community Boards 2, 4, 5, 6, 7, 8, 9, 10, 11, and 12 have voted on and submitted resolutions recommending approval of the application. Manhattan Community Boards 1 and 3 are expected to vote on the application on July 27, 2021. Community Boards 2, 4, and 9 included conditions for approval including the following:

- The proposed zoning text amendment include stronger language defining the difference between high and low intensity uses;
- The proposed amendment should require that all activity association with a PCE should occur inside, not outside;
- A requirement that all practitioners in massage parlors hold licenses as massage therapists, not only the business owners; and
- More details for how restrictions would be enforced, with close attention paid to noise impacts.

BOROUGH BOARD RECOMMENDATION

The Manhattan Borough Board received a presentation from DCP about the proposed text amendment during its July 15, 2021 meeting. During the meeting, members raised questions and concerns that were addressed by DCP. Concerns included the noise impacts of PCEs, the lack of clear criteria beyond square footage for determining the difference between low and high intensity gyms, and enforcement of allowed uses.

Informed by these questions and the agency's responses, the Manhattan Borough Board voted to approve a resolution to recommend approval of the application with conditions. The conditions are as follows:

- The noise impact of PCEs be considered by the DOB in their approval process, especially in buildings with residential units;
- The proposed zoning text provide clearer definitions of intensity of use for DOB to determine whether a facility meets criteria for a low or high intensity gym, and that

facilities receive DOB review regarding noise, vibration, and other quality of life concerns, regardless of the facility's level of intensity;

- The proposed zoning text require that all activities be conducted within the confines of the licensed space, which may or may not include unenclosed spaces;
- That the proposed zoning text require that the hours of operation for facilities located in residential or mixed-use buildings be reasonably limited;
- The proposed zoning text include language that all practitioners in massage parlors hold licenses as massage therapists, not simply the business owners;
- The proposed zoning text better outline which agencies are responsible for enforcement of violations;
- The proposed zoning text require that certification on noise levels be done by an acoustical engineer; and
- That the Department of Environmental Protection (DEP) agree to improve its response and enforcement of facilities that have noise level issues.

BOROUGH PRESIDENT'S COMMENTS

The current PCE licensing system is outdated. What was intended as a way to curb illicit activity and commercial sex work in the 1970s has become a significant burden for those hoping to open a gym, massage therapy studio, or other health related use. This proposed text amendment still would prohibit illegal activity by prohibiting unlicensed massage therapy in all districts, while alleviating outdated regulation

Lifting this special permit will help streamline the process for PCE approval and remove onerous requirements that have restricted legitimate small businesses from opening. Currently, this special permit can take longer than 6 months to be approved, and the process can cost as much as \$50,000 for the applicant. With a lower bar of entry, it is likely that affordable gyms will be able to operate in more neighborhoods.

One concern that I have heard from multiple community boards has been the noise impact of fitness facilities. As the proposed text amendment stands, the requirement for noise enforcement is dependent on a facility's classification as high or low intensity. However, the difference between the two is not definitely specifically enough. This could allow for misinterpretation by the Department of Buildings. To mitigate noise, DCP should include more precise language to differentiate between high and low intensity use, and include more strict requirements for noise mitigation in the zoning text.

Last year, gyms and other health and fitness facilities were particularly hurt by the COVID-19 pandemic. In spring 2020, these businesses were forced to close their doors and had to lay off staff. Only more recently have gyms been able to reopen. I look forward to the removal of the BSA special permit and the revival of this sector.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends **approval with conditions** of ULURP Application No. N210382ZRY. I request that the Applicant modify the proposed text amendment to:

- Include more specific restriction on noise levels than is included in the NYC Noise Code; and
- Specify high and low intensity uses.

A handwritten signature in black ink that reads "gale A. Brewer". The signature is written in a cursive, lowercase style with a large, looped initial "g".

Gale A. Brewer
Manhattan Borough President



BOROUGH PRESIDENT RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Administrator: DCP - Department of City Planning (NYC)
Application # N210382ZRY	Borough: Citywide
CEQR Number: 21DCP183Y	Validated Community Districts: CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable

Please attach any further explanation of the recommendation on additional sheets as necessary

CONSIDERATION:

Recommendation submitted by	QN BP	Date: 8/30/2021 3:11 PM
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Queens Borough President Recommendation

APPLICATION: ULURP #N210382 ZRY

CITYWIDE

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Sections 197-d and 201 of the New York City Charter, for a zoning text amendment to modify regulations related to gyms, spas, and licensed massage therapy, and other health and fitness facilities defined as "Physical Culture or Health Establishments." The text amendment would remove the requirement for these facilities to receive a special permit from the Board of Standards and Appeals.

PUBLIC HEARING

A Hybrid Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard and live streamed at www.queensbp.org on Thursday, July 1, 2021 at 9:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were no other speakers. The hearing was closed.

CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The Department of City Planning has submitted an application that remove the requirement to receive a special permit granted by the Board of Standards and Appeals (BSA) to site and operate a Physical Culture Establishment (PCE);
- The PCE Special Permit was created in reaction to proliferation of establishments that were opened as massage parlors and health clubs for the purposes of providing illegal and illicit sexual activity in the 1970s. An Adult PCE definition was created to distinguish the illegal activity from the legitimate PCEs providing exercise and health training which could be sited and operated with the BSA Special Permit;
- PCEs include gymnasiums, licensed massage therapy, fitness facilities, yoga studios, marital arts studios and other fitness/therapy uses. The proposed zoning text amendment would reclassify these types of uses under 10,000 SF now requiring Special Permits into Use Groups that would be allowed as-of-right in certain zoning districts. The proposed zoning text also requires higher intensity facilities to be fully enclosed and must provide attenuation against noise or vibration as part of the permitting process with the Department of Buildings. New York State Licensed massage therapy would be allowed as-of-right as ambulatory health care or health care offices;
- A new "unlicensed physical treatment establishment" definition would be created and still would not be allowed in any zoning district and remain illegal operations. The uses in this new definition would include what were formerly identified as "Adult Physical Cultural Establishments". Included in this definition are treatments such as massages, body rubs, or baths administered by persons not licensed by New York State. Any such establishment would be subject to law enforcement;
- Many of the fitness and health related PCEs that have come into existence since the creation of the PCE Special Permit are small businesses or facilities common in many commercial and industrial areas. To obtain or renew the PCE Special Permit these small businesses hire and retain the services of professionals to file the applications, all required documentation and navigate the BSA public review process. The time and expense to secure the special permit have been identified as additional regulatory and financial challenges facing these small businesses;
- The Queens Borough Board approved this application by a vote of nine (9) in favor, three against (3) and five (5) abstaining at the July 13, 2021 joint meeting of the Borough Board and Borough Cabinet. The text amendment was presented to the Queens Borough Board on June 7, 2021. The main reason discussed by Borough Board members who voted against this application was that community input on siting and periodic review of Physical Culture Establishments during renewal was needed to assure that PCE operations do not adversely impact the community.

RECOMMENDATION

The illegal businesses targeted by the BSA PCE Special Permit would remain illegal under the proposed text amendment and subject to law enforcement. Legitimate PCEs offering fitness and licensed health related services are now part of our communities providing beneficial services and economic activity. The proposed text amendment would relieve these legitimate PCEs from unnecessary regulations not applicable to other as-of-right businesses.

Based on the above consideration, I hereby recommend approval of this application.



PRESIDENT, BOROUGH OF QUEENS

8/30/2021
DATE



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable

# In Favor: 11	# Against: 0	# Abstaining: 1	Total members appointed to the board: 23
Date of Vote: 7/15/2021 12:00 AM		Vote Location: One Centre Street	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 7/15/2021 8:30 AM	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	One Centre Street - 19th Floor South

CONSIDERATION:

Recommendation submitted by	MN BP	Date: 7/16/2021 6:26 PM
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MANHATTAN BOROUGH BOARD RESOLUTION
JULY 15, 2021

**RECOMMENDING APPROVAL FOR AN APPLICATION BY THE NEW YORK CITY
DEPARTMENT OF CITY PLANNING FOR AN AMENDMENT TO THE ZONING
RESOLUTION: APPLICATION NUMBER N210382ZRY – HEALTH AND FITNESS**

WHEREAS The New York City Department of City Planning (“DCP”) is seeking approval of the Health and Fitness Citywide Text Amendment application, land use application N210382ZR, to remove the requirement for gyms, spas, licensed massage therapy, and other health and fitness facilities defined as “Physical Culture or Health Establishments” to receive a special permit from the Board of Standards and Appeals (“BSA”); and

WHEREAS, Zoning regulations were established in the 1970s intended to curb illicit activity at massage parlors and health clubs; and

WHEREAS, Today, obtaining this special permit from the BSA has become a burden for small exercise and health-oriented businesses; and

WHEREAS, These exercise and health-oriented businesses are seen as a positive addition to neighborhoods; and

WHEREAS, Lifting the requirement for the special permit would help small businesses in the city’s current path to economic recovery after COVID-19-related disruptions to fitness businesses; and

WHEREAS, It is important to mitigate noise impacts of gyms, especially when located on the ground floor of residential buildings; and

WHEREAS, Manhattan Community Board 1 is expected to vote on the application on July 27, 2021; and

WHEREAS, On June 18, 2021, Manhattan Community Board 2 voted to recommend approval of the proposed text amendment with conditions; and

WHEREAS, Manhattan Community Board 3 is expected to vote on the application on July 27, 2021; and

WHEREAS, On June 21, 2021, Manhattan Community Board 4 voted to recommend approval of the proposed text amendment with conditions; and

WHEREAS, On July 8, 2021, Manhattan Community Board 5 voted to recommend approval of the proposed text amendment; and

WHEREAS, On June 10, 2021, Manhattan Community Board 6 voted to recommend approval of the proposed text amendment; and

WHEREAS, Manhattan Community Board 7's Land Use Committee voted to recommend approval of the proposed text amendment;

WHEREAS, Manhattan Community Board 8 is expected to vote on the application in July, 2021; and

WHEREAS, on June 29, 2021, Manhattan Community Board 9 voted to recommend approval of the proposed text amendment with conditions; and

WHEREAS, on June 17, 2021, Manhattan Community Board 10 voted to recommend approval of the proposed text amendment; and

WHEREAS, July 13, 2021, Manhattan Community Board 11 voted to recommend approval of the application; and

WHEREAS, on July 1, 2021, Manhattan Community Board 12 voted to recommend approval of the proposed text amendment;

WHEREAS, The Manhattan Borough Board acknowledges the importance of removing the BSA special permit for "Physical Culture or Health Establishments" to ease burden on businesses that fall under this category; and

THEREFORE, BE IT RESOLVED, The Manhattan Borough Board supports all recommendations made by Manhattan Community Boards and recommends approval of Land Use Application N210382ZRY – Health and Fitness Citywide Text Amendment with the following conditions:

- (1) The noise impact of "Physical Culture or Health Establishments" be considered by the DOB in their approval process, especially in buildings with residential units;
- (2) The proposed zoning text provide clearer definitions of intensity of use for DOB to determine whether a facility meets criteria for a low or high intensity gym, and that facilities receive DOB review regarding noise, vibration, and other quality of life concerns, regardless of the facility's level of intensity;
- (3) The proposed zoning text require that all activities be conducted within the confines of the licensed space, which may or may not include unenclosed spaces;
- (4) That the proposed zoning text require that the hours of operation for facilities located in residential or mixed-use buildings be reasonably limited;
- (5) The proposed zoning text include language that all practitioners in massage parlors hold licenses as massage therapists, not simply the business owners;
- (6) The proposed zoning text better outline which agencies are responsible for enforcement of violations;
- (7) The proposed zoning text require that certification on noise levels be done by an acoustical engineer; and
- (8) That the Department of Environmental Protection (DEP) agree to improve its response and enforcement of facilities that have noise level issues.

Adopted by the Manhattan Borough Board on the 15th day of July, 2021

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive style with a large, looped initial "G".

Gale A. Brewer
Manhattan Borough President
Chair of the Manhattan Borough Board



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Health and Fitness Citywide Text Amendment			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	DCP - Department of City Planning (NYC)
Application #	N210382ZRY	Borough:	Citywide
CEQR Number:	21DCP183Y	Validated Community Districts:	CY00

Docket Description:

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable			
# In Favor: 9	# Against: 3	# Abstaining: 5	Total members appointed to the board: 30
Date of Vote: 7/13/2021 12:00 AM		Vote Location: Queens Borough Hall	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 7/13/2021 5:30 PM	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Queens Borough Board

CONSIDERATION:

Recommendation submitted by	QN BP	Date: 8/30/2021 3:15 PM
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Queens Borough Board Recommendation

APPLICATION: ULURP #N210382 ZRY

CITYWIDE

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Sections 197-d and 201 of the New York City Charter, for a zoning text amendment to modify regulations related to gyms, spas, and licensed massage therapy, and other health and fitness facilities defined as "Physical Culture or Health Establishments." The text amendment would remove the requirement for these facilities to receive a special permit from the Board of Standards and Appeals.

PUBLIC HEARING

A Public Meeting was held in the Borough President's Conference Room at 120-55 Queens Boulevard and live streamed at www.queensbp.org on Tuesday, July 13, 2021 at 5:30 P.M. pursuant to Section 82(5) of the New York City Charter. The applicant made a presentation. There were no other speakers.

CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The Department of City Planning has submitted an application that remove the requirement to receive a special permit granted by the Board of Standards and Appeals (BSA) to site and operate a Physical Culture Establishment (PCE);
- The PCE Special Permit was created in reaction to proliferation of establishments that were opened as massage parlors and health clubs for the purposes of providing illegal and illicit sexual activity in the 1970s. An Adult PCE definition was created to distinguish the illegal activity from the legitimate PCEs providing exercise and health training which could be sited and operated with the BSA Special Permit;
- PCEs include gymnasiums, licensed massage therapy, fitness facilities, yoga studios, marital arts studios and other fitness/therapy uses. The proposed zoning text amendment would reclassify these types of uses under 10,000 SF now requiring Special Permits into Use Groups that would be allowed as-of-right in certain zoning districts. The proposed zoning text also requires higher intensity facilities to be fully enclosed and must provide attenuation against noise or vibration as part of the permitting process with the Department of Buildings. New York State Licensed massage therapy would be allowed as-of-right as ambulatory health care or health care offices;
- A new "unlicensed physical treatment establishment" definition would be created and still would not be allowed in any zoning district and remain illegal operations. The uses in this new definition would include what were formerly identified as "Adult Physical Cultural Establishments". Included in this definition are treatments such as massages, body rubs, or baths administered by persons not licensed by New York State. Any such establishment would be subject to law enforcement;
- Many of the fitness and health related PCEs that have come into existence since the creation of the PCE Special Permit are small businesses or facilities common in many commercial and industrial areas. To obtain or renew the PCE Special Permit these small businesses hire and retain the services of professionals to file the applications, all required documentation and navigate the BSA public review process. The time and expense to secure the special permit have been identified as additional regulatory and financial challenges facing these small businesses;
- The Queens Borough Board approved this application by a vote of nine (9) in favor, three against (3) and five (5) abstaining at the July 13, 2021 joint meeting of the Borough Board and Borough Cabinet. The text amendment was presented to the Queens Borough Board on June 7, 2021. The main reason discussed by Borough Board members who voted against this application was that community input on siting and periodic review of Physical Culture Establishments during renewal was needed to assure that PCE operations do not adversely impact the community.

RECOMMENDATION

The illegal businesses targeted by the BSA PCE Special Permit would remain illegal under the proposed text amendment and subject to law enforcement. Legitimate PCEs offering fitness and licensed health related services are now part of our communities providing beneficial services and economic activity. The proposed text amendment would relieve these legitimate PCEs from unnecessary regulations not applicable to other as-of-right businesses.

Based on the above consideration, the Queens Borough Board hereby recommends approval of this application.



PRESIDENT, BOROUGH OF QUEENS

8/30/2021
DATE