



# HEALTH & FITNESS CITYWIDE TEXT AMENDMENT

A proposal to reduce barriers for  
gyms, spas, and licensed massage

July 2021



- Overview
- Background and history
- Challenges the proposal is addressing
- Proposal details
- Timeline

# Proposal Overview – Why?

- A BSA special permit is currently required to open and operate most exercise and health-related businesses, including gyms, spas, and licensed massage therapy.
- Even with a special permit, gyms are not permitted along many local retail streets that allow compatible service and retail amenities.
- The Physical Culture or Health Establishment (PCE) special permit process can be costly and lengthy for small businesses.
- 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.

# Gyms, spas, and massage therapy are desirable community amenities



# Zoning rules that regulate development limit where these activities are allowed

- 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.



# The conditions that led to the special permit for gyms, spas, and massage are no longer relevant

- Commercial gyms, health clubs, and massage have changed significantly over the past 40+ years and are now recognized and valued neighborhood services.
- Massage therapists are health professionals regulated by the NYS Education Department.



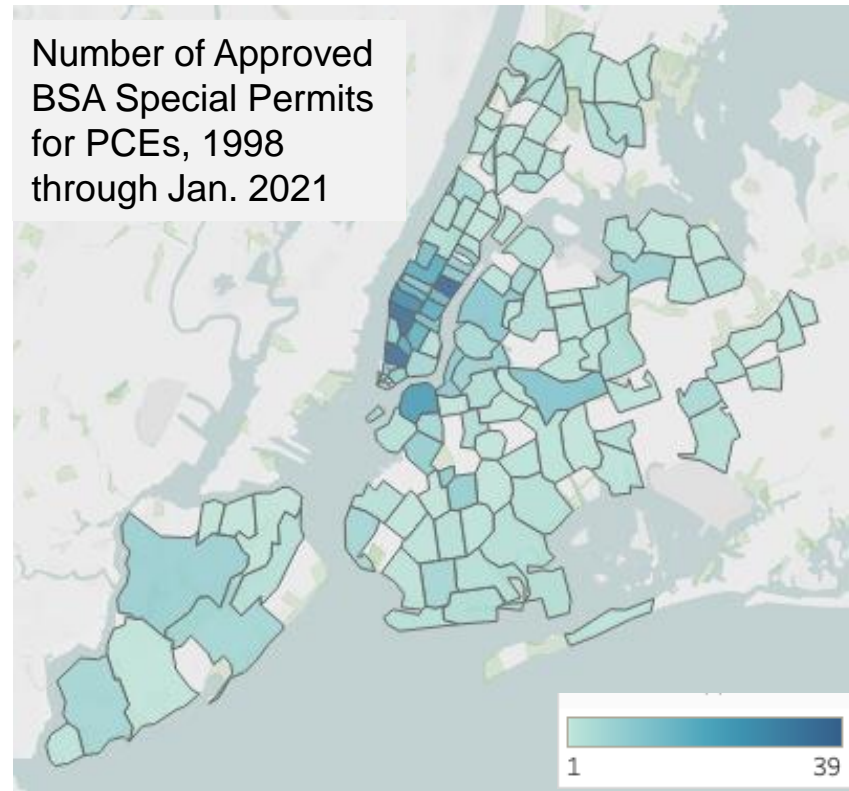
# Gyms, spas, and massage continue to be uniquely regulated through zoning

- The Zoning Resolution does not require any other businesses to prove they're not criminals before being allowed to operate.
- The permit often takes more than 6 months to be granted, limiting opportunities for entrepreneurship and access to services that promote health.
- These uses are not allowed along many local retail streets that permit other service and retail businesses like restaurants, salons, and drug stores.
- The permit also prevents desired business from moving into local retail streets at a time when vacancy rates are high and expected to rise.



# Allowing these uses without a special permit will promote health and equity across NYC

- Special permits for gyms, spas, and massage are disproportionately located in the Manhattan core and western Brooklyn and Queens.
- Removing the special permit requirement will help smaller, independent businesses open in more locations across NYC.





# Recent reports have recommended changes to regulation of gyms

2015



2015



**DCP has removed the PCE special permit in several Special Purpose Districts in recent years:**

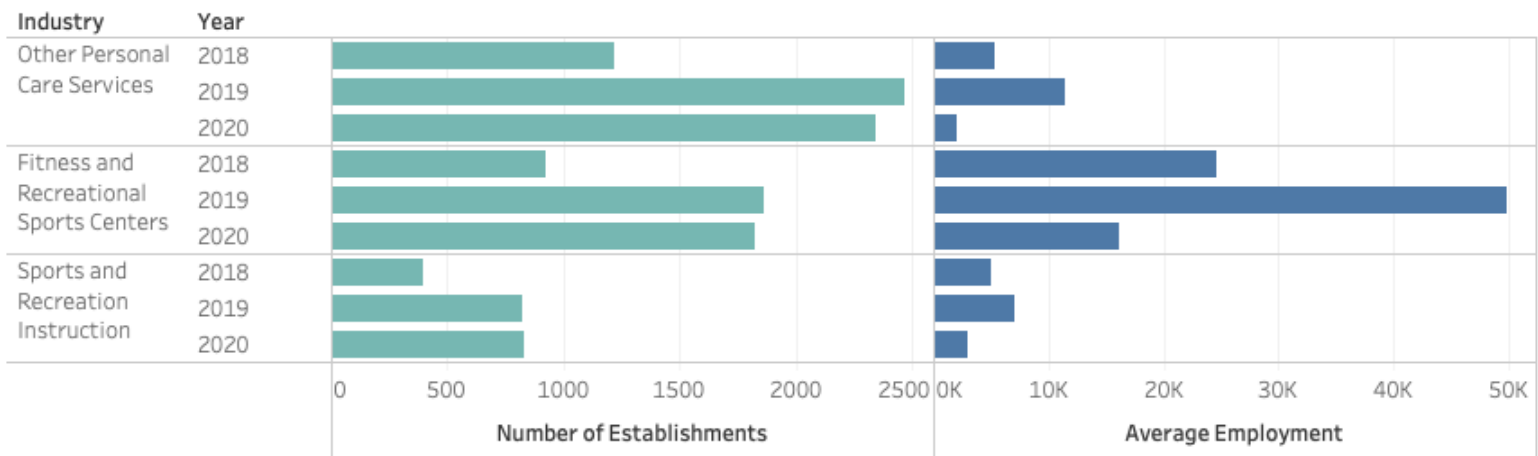
- Battery Park City
- Bay Street
- Inwood
- Coney Island
- East Harlem Corridor
- Governor's Island
- Jerome Corridor
- Stapleton Waterfront
- Willets Point

# Removing the special permit will support small business recovery

- Many gyms and health-related businesses have temporarily or permanently closed due to the pandemic.
- Employment in gyms declined by more than 60% in 2020.
- Removing the special permit will support economic recovery from the pandemic.



Employment and Establishment Change in NYC Industries that Include PCEs, 2018 to 2020 Q2



Source: NYS Department of Labor. Quarterly Census of Employment and Wages, 2018-2020 Q2. NAICS 611620, 713940, 812199

# Proposed Changes for Gyms and Spas

## Remove BSA Special Permit for Physical Culture or Health Establishments (73-36)

**Small gyms and spas** will be treated similarly to a range of local amenities, such as drug stores, restaurants, or salons.

- Classified in the Zoning Resolution as Use Group 6.
- Limited to 10,000 square feet in Floor Area per establishment.
- As-of-right in all commercial and manufacturing districts.

**Large gyms and spas** will be treated similarly to banquet halls, music studios, and car showrooms.

- Classified in the Zoning Resolution as Use Group 9,
- As-of-right in C2-C8 and M districts, as well as C1-8, C1-9, and C1 overlays mapped with R9/R10.



# Proposed Changes for Licensed Massage Therapy

## Remove BSA Special Permit for Physical Culture or Health Establishments (73-36)

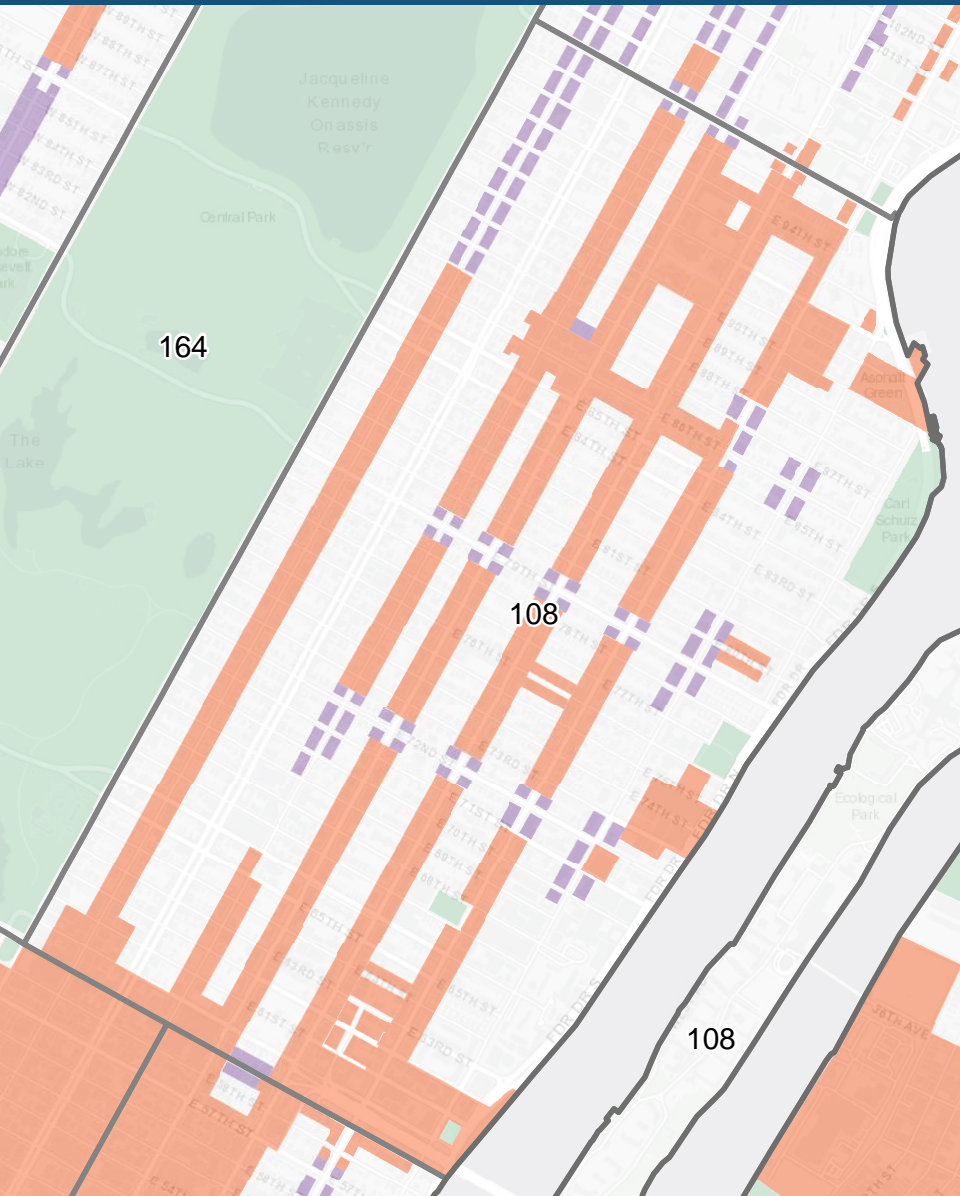
Licensed massage therapy will be classified with other ambulatory health care uses as Use Group 4A or Use Group 6B (health care office), permissible in most residential districts and all commercial and manufacturing districts.








# Proposed Noise and Vibration Regulations

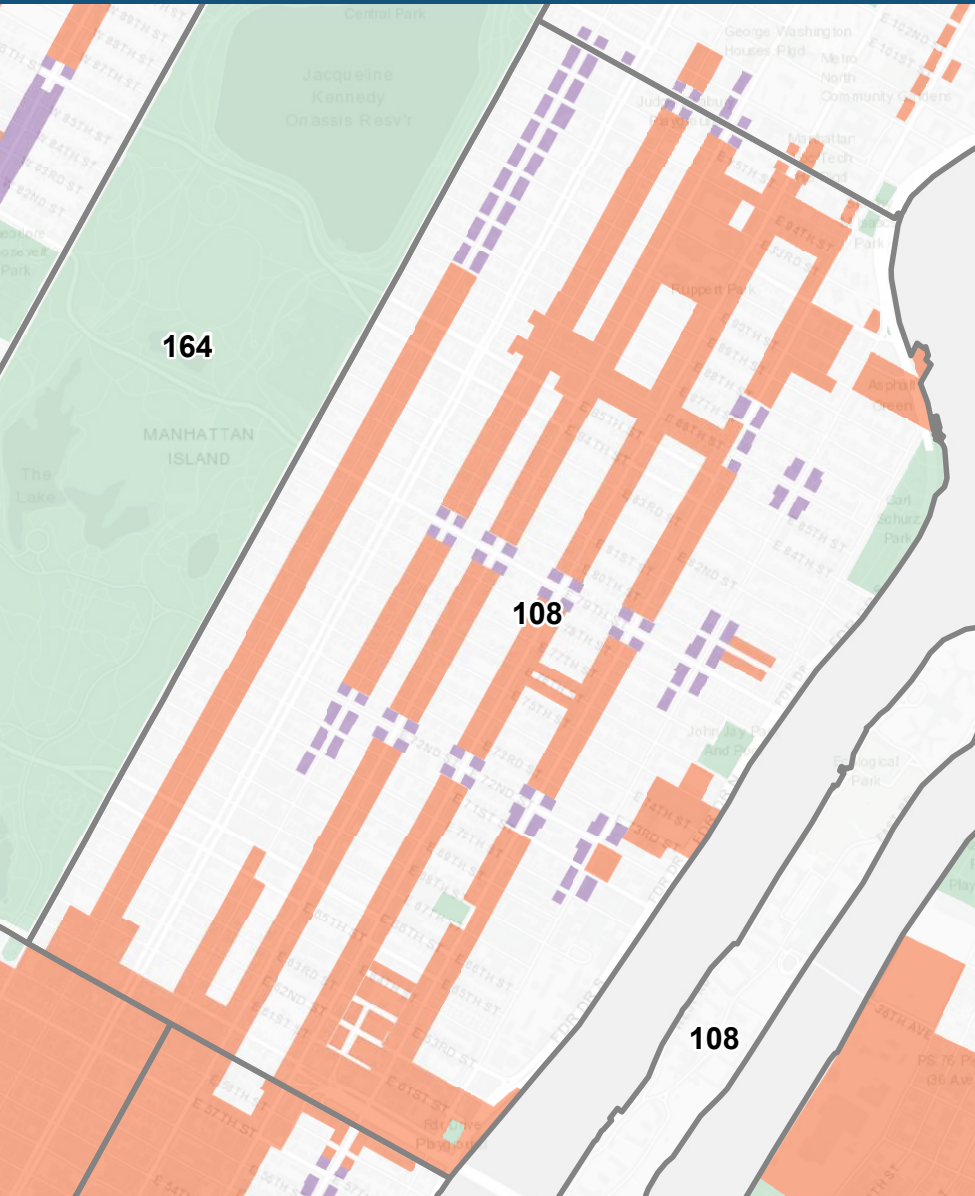
- Higher-impact gyms, such as those with significant weights or exercise equipment, will be required to submit documentation to the Department of Buildings certifying that they are designed to sufficiently reduce noise and vibration on neighboring uses prior to being issued a Certificate of Occupancy.
- 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.
- Low-impact activities such as yoga, isometric exercise studios, and spas will not be required to demonstrate compliance with additional noise and vibration standards. These low-impact activities will still be subject to the NYC Noise Code.

# Proposal Map – Gyms & Spas <10,000 SF



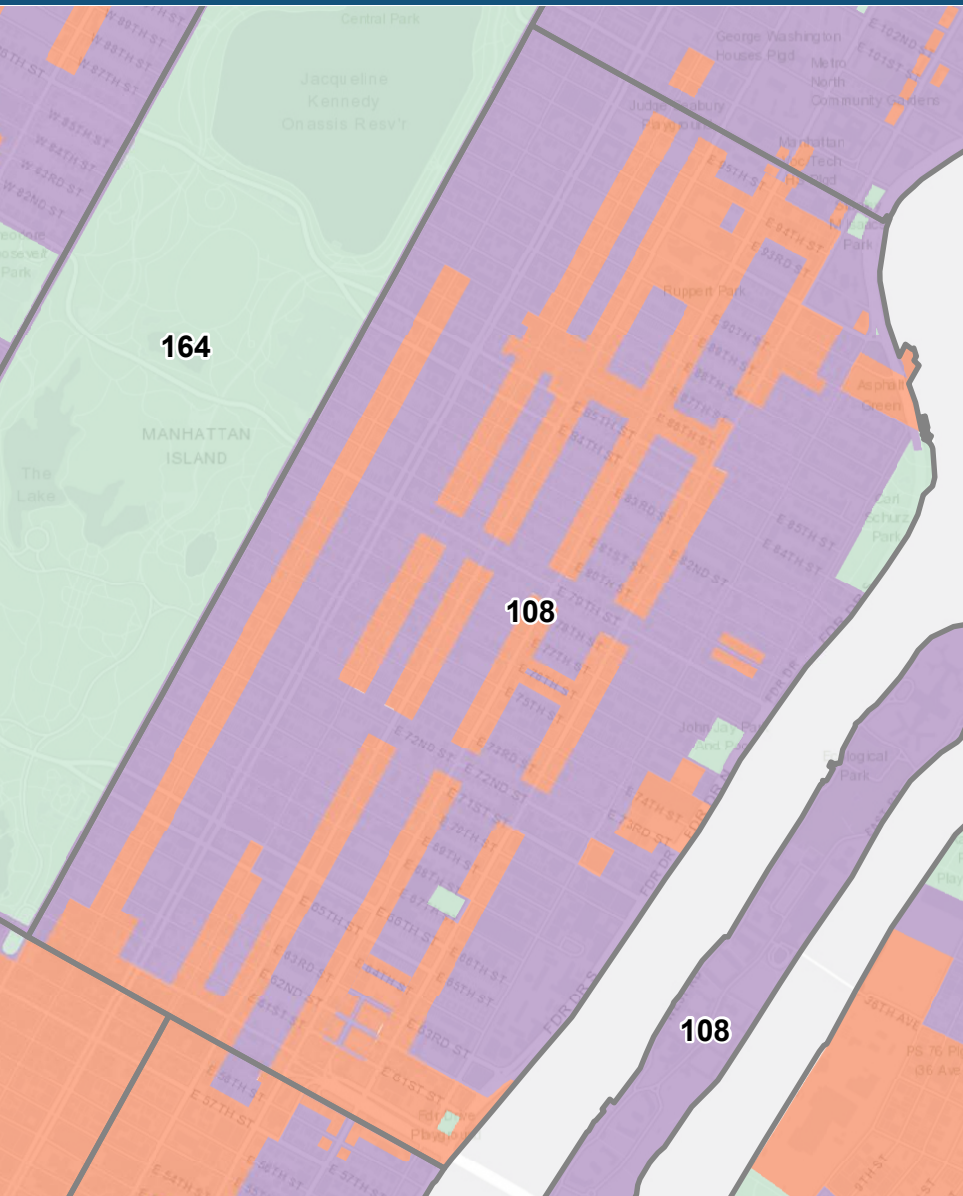
-  Will be allowed: currently allowed as-of-right in select special districts
-  Will be allowed: currently requires special permit
-  Will be allowed: currently not allowed
-  Will not be allowed: no change from existing condition
-  Park land: zoning does not apply






# Proposal Map – Gyms & Spas unlimited size



- Will be allowed: currently allowed as-of-right in select special districts
- Will be allowed: currently requires special permit
- Will be allowed: currently not allowed
- Will not be allowed: no change from existing condition
- Park land: zoning does not apply

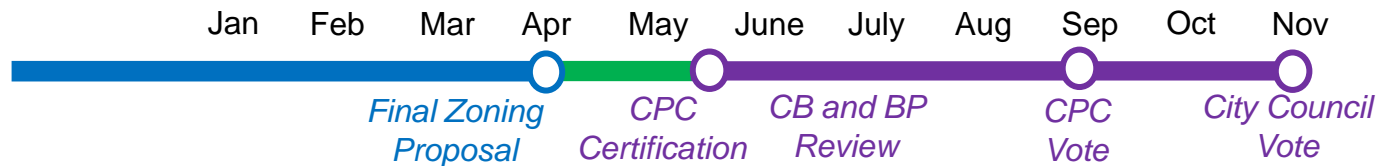
# Proposal Map – Licensed Massage



-  Will be allowed: currently allowed as-of-right in select special districts
-  Will be allowed: currently requires special permit
-  Will be allowed: currently not allowed
-  Will not be allowed: no change from existing condition
-  Park land: zoning does not apply



# Proposed Timeline



## Proposal Development (through April 2021)

- Meetings to refine and finalize proposal with key city agencies (BSA, DOB, DEP, EDC, SBS) and Mayoral offices (Special Enforcement, End Gender-Based Violence, Operations)

## Public Outreach and Engagement (March – November 2021)

- Sharing proposal with businesses and trade groups during spring 2021
- Community Boards and Borough Presidents review and vote during summer 2021.

## Environmental Review (through May 2021)

- Developing Environmental Assessment Statement (EAS)

# Questions



# Photo credits

## Slide 4

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## Slide 12:

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