

NEGATIVE DECLARATION

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the Department of City Planning acting on behalf of the City Planning Commission assumed the role of lead agency for the environmental review of the proposed actions. Based on a review of information about the project contained in this environmental assessment statement (EAS) and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed actions would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds the proposed actions sought before the City Planning Commission would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The New York City Department of City Planning (DCP) proposes to amend the New York City Zoning Resolution (ZR) to modify regulations related 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) (ZR Section 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 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. These larger facilities would be permitted as-of-right in C2, C4, C5, C6, and C8 districts; M1, M2, and M3 districts; and in high-density C1 districts (C18, C1-9, and C1 overlays mapped within R9 or R10 districts). The proposed zoning text amendment would categorize licensed massage therapy as ambulatory health care in Use Group 4A and Use Group 6B. The Proposed Action would treat zoning for 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. The Proposed Action would permit licensed massage therapy studios in all residential, commercial, and manufacturing districts.

The Proposed Action is not expected to induce new development or affect the overall amount or type of development in a neighborhood; rather, the Proposed Action is expected to increase the number and broaden the distribution of health and fitness facilities across New York City by removing barriers to opening health and fitness facilities and expanding the geography where these facilities are allowed. It is expected that the spaces where some gyms and spas choose to locate under the With-Action condition would be occupied by other commercial uses under the No-Action condition. By treating gyms and spas as either Use Group 6, Use Group 14 (for smaller establishments), or Use Group 9 (for larger establishments), these facilities would be regulated consistently according to zoning with a wide range of other commercial uses that are in demand in neighborhoods across New York City. Therefore, while the With-Action condition assumes up to a handful of additional gyms or spas spread throughout some Community Districts, the No-Action condition anticipates that these spaces would be occupied by other similar commercial activities that are permitted as-of-right in these locations. Like local retail use, fitness uses would bring activity and patrons/visitors to sites and create a neighborhood amenity that would serve local area residents. Similarly, some licensed massage therapists may occupy space in residential districts that would otherwise be occupied by other ambulatory health care facilities. Because many license massage therapists already operate out of ambulatory health care facilities, there would be no substantive change in the land use characteristics under the With-Action condition. Like ambulatory health care uses, licensed massage therapy studios would bring activity and patrons/visitors to sites and create a neighborhood amenity that would serve local area residents. Additionally, the Proposed Action would not conflict with any established public policies. Therefore, the Proposed Action does not have the potential to result in significant adverse impacts with respect to land use, zoning, and public policy.

Socioeconomics

A preliminary screening analysis related to socioeconomics is included in this EAS. The screening analysis indicates that the Proposed Action would not directly displace any residents, businesses, or employees; would not affect real estate market conditions in a way that would result in indirect displacement of residents or businesses; and would not have an adverse effect on a specific industry. Consequently, the Proposed Action does not warrant further analysis with respect to the potential for direct or indirect residential displacement, direct or indirect business displacement, or adverse effects on a specific industry. The Proposed Action would not result in significant adverse impacts related to socioeconomic conditions.

Transportation

A preliminary screening analysis related to transportation is included in this EAS. The Proposed Action is not expected to induce new development or affect the overall amount or type of development in a neighborhood but there would be a shift from local retail to gym and spa uses, and from health care/medical office facilities to those facilities including licensed massage therapy studios. Based on the trip generation rates provided in the 2020 CEQR Technical Manual Table 16-2, the travel demand typically generated by health and fitness-related facilities is less than local retail uses or medical office uses during the typical weekday and Saturday peak periods. As such, the Proposed Action would not result in an incremental increase in traffic, transit, or pedestrians, compared to the No-Action condition. Therefore, the Proposed Action would not result in significant adverse impact on transportation, and no additional analysis is warranted.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Stephanie Shelooe at 212-720-3328.

Project Name: Health and Fitness Citywide Text Amendment

CEQR # 21DCP183Y

SEQRA Classification: Type I

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