



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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CHRISTINE BERTHET
Chair

JESSE R. BODINE
District Manager

April 16, 2015

Hon. Margery Perlmutter
Chair
Board of Standards and Appeals
250 Broadway, 29th Floor
New York, NY 10007

**Re: BSA Cal. 183-04-BZ
Extension of Special Permit Term,
Amendment and Waiver
for PCE at 206 West 23rd Street
New York, New York**

Dear Ms. Perlmutter:

On the recommendation of its Chelsea Land Use Committee, following a duly noticed public hearing at the regular Board meeting on April 1, 2015, Manhattan Community Board No. 4 (CB4), by a vote of 35 in favor, 0 opposed, 0 abstaining and 0 present but not eligible to vote, voted to recommend the granting of an extension of the special permit term and related actions to allow the continued operation of the Physical Culture Establishment (PCE) H2O Spa at 206 West 23rd Street.

This PCE is permitted in a C6-3X zoning district by a special permit pursuant to ZR Section 73-36. The H2O Spa provides a variety of massage services, waxing and body treatments on the second floor of a five-story building located at 206 West 23rd Street. The Board of Standards and Appeals (BSA) first granted a special permit for a PCE with a ten-year term at this location on October 26, 2004. CB4 recommended approval of the 2004 special permit for the PCE at that time. That permit expired on October 26, 2014.

This application seeks four approvals:

1. Amendment to previously granted special permit for a change in operation. The previous operation was "KAI 23" and offered massages, waxing, and hair and nail services. The current H2O Spa does not offer hair and nail services.
2. Amendment to the interior layout from the previously-approved BSA plans. Minor modifications include new office space, a storage area, an enlarged massage room and a handicapped restroom.
3. Extension of the ten-year term for the operation of a PCE at this location which would expire October 26, 2024.

4. A waiver to permit the filing of this application after the permitted filing period.

The first floor of the building at 206 West 23rd Street is occupied by a restaurant and bar; the third through fifth floors are used as office space. The 1,880-square foot H2O Spa currently employs three people including a licensed massage therapist but hopes to expand staff when business improves. The hours of operation have been confirmed by the applicant to be 10:00 a.m. to 10:00 p.m. A spa would not be expected to generate noise (as a gym might), and no complaints or problems have been associated with the H2O Spa.

CB4 recommends approval of the extension of the special permit for a PCE and other related actions to allow the continued operation of the H2O Spa at 206 West 23rd Street.

Sincerely,



Christine Berthet
Chair



J. Lee Compton
Co-Chair
Chelsea Land Use Committee



Betty Mackintosh
Co-Chair
Chelsea Land Use Committee

cc: Amanda LaBarbera, Sheldon Lobel, P.C.