



JESSICA CHAIT
Chair

JESSE R. BODINE
District Manager

CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

424 West 33 Street, Suite #580
New York, NY 10001

tel: 212-736-4536
www.nyc.gov/mcb4

March 10, 2025

Daniel Garodnick
Chair
Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Re: ULURP #N250186ZRM
Midtown South Mixed-Use Plan
Proposed Zoning Map and Zoning Text Amendments

Dear Chair Garodnick,

Manhattan Community Board 4 (MCB4) appreciates the overall planning and diligence by the NYC Department of City Planning (DCP) in their effort to rezone 42 full and partial blocks across 4 non-contiguous areas in Midtown South, currently zoned for manufacturing, to allow for and incentivize residential development. The goal of our recommendations and comments is to bring balance and nuance to the proposed zoning text, which affects the Special Garment Center District, as well as mixed-use blocks within Hell's Kitchen.

At its regularly scheduled Full Board meeting on March 5, 2025, MCB4 voted 36 in favor, 4 opposed, 2 abstaining, and 1 present but not eligible, **to deny ULURP #N250186ZRM, Midtown South Mixed-Use Plan (MSMX), unless the changes to zoning text and approach, as detailed below, are adopted.**

Introduction

The built environment of the Garment Center District is largely defined by manufacturing loft-style buildings, which rise to between 12 and 15 stories along the mid-blocks, with greater height

and density along the avenues, whose street-walls rise to series of ‘wedding-cake’ setbacks on the upper floors.

The buildings were predominately built during the 1920’s to accommodate garment manufacturing uses displaced from an increasingly fashionable ‘Ladies Mile’ along lower Fifth Avenue. These otherwise utilitarian buildings’ distinctive facades, adorned with decorative masonry ornamentation and brick patterning, are punctuated by grids of tall windows designed to bring light and air into the expansive manufacturing spaces. Built to their sidewalk lot-lines, adjacent properties help define cohesive street-walls lined with street-level retail and second floor ‘showrooms’ spaces that typify this building typology.

However, the most significant impact of the Garment District’s built environment on the residents, workers, and commuters navigating the streets, is the series of wedding-cake setbacks engineered to maximize light and air on the narrow sidewalks - effectively balancing density with livability. While manufacturing loft style buildings make up the bulk of the district, notable low-rise exceptions of historic, cultural, and architectural significance are interspersed throughout, contributing positively to the pedestrian experience.¹

The Special Garment Center District (SGCD), established in 1987 to insulate garment manufacturers against market competition for loft space, is zoned M1-6, which allows for light manufacturing and commercial use, but does not allow residential use. The SGCD has changed incrementally over time to allow limited housing, and amendments in 2018 allowed for a wide range of non-residential uses. MSMX proposes a wholesale change, including demapping of SGCD, that will allow residential development throughout Midtown South. MCB4 supports residential development throughout Midtown South; however, the proposed rezoning:

- does not provide adequate protection for the preservation of the built environment except for “soft sites”
- is too dense throughout the proposed rezoned areas, creating incentives for demolition
- provides zoning bonuses for affordable housing
- provides zoning bonuses for public open space through both plazas and covered arcades
- provides zoning bonuses for transit improvements in a wide area radius of a development
- allows all the above bonuses to be used in combination with each other
- has no overall height limits

The current zoning allows 10 FAR bonusable to a maximum 12 FAR via a plaza bonus. There are many existing 1920’s era buildings which exceed 12 FAR with majority of fully built lower

¹ Of note: 311 W 35th St, 308-312 W 36th St, 322 W 36th St., and 557 Eighth Ave

floors with heights of 16 to 25 stories. **However, with the combination of zoning bonuses, buildings FAR would increase from between 15 FAR and 18 FAR up to 21.6 FAR, nearly doubling the allowable density throughout the proposed rezoning areas.**

This rezoning proposal to allow residential use and increase density has become a kitchen sink approach to serve too many objectives at once—affordable housing, open space and transit improvements. This proposal must be sharpened and must be modified to ensure such protections to preserve the Garment Center are in put in place while allowing development to proceed at the same time in a managed and balanced fashion.

For this former manufacturing area to become a vibrant residential neighborhood, protections must be put in place:

- Provide varying building height caps, by subarea, to ensure density is managed and remains contextual to the existing built environment and the fabric of the community
- Require setbacks to ensure light and air to the street
- Expand sidewalks to allow for the projected increased pedestrian flow
- Require that ground floor and second floor spaces are used for local retail and/or professional offices
- Require that community facility space is created, including museums, day-care facilities, and education facilities
- Require that sanitation services for trash management are integrated into the buildings
- Require that all new construction install Con-Ed grids inside buildings rather than on public ways

The vibrancy and vitality of a neighborhood is not solely dependent on creating more density and housing units, but by enhancing the network that brings people together as humans.

Background

In October 2023, DCP introduced the proposed MSMX concept. The plan includes rezoning four (4) distinct areas in Midtown South², totaling 42 blocks:

- Northwest Area: West 34th to West 40th Streets, Broadway to the west side of 8th Avenue
- Northeast Area: West 35th to West 39th Streets, 5th to 6th Avenues
- Southeast Area: West 23rd to West 31st Streets, 5th to 6th Avenues
- Southwest Area: West 23rd to West 31st Streets, 6th to 8th Avenues

² [Project Area Map](#)

A portion of this proposed rezoning is within MCB4.

- Northwest Area: The west side of Eighth Avenue from West 35th to West 39th Streets
- Southwest Area: West 23rd to West 26th Streets between 6th and 7th Avenues

The plan proposes rezoning the 4 areas, currently zoned M1-6, into mixed-use districts:

- Northwest and Northeast Areas: M1-9A/R12
- Southwest and Southeast Areas: M1-8A/R12 and M-8A/R11

The mixed-use districts would be the first time that either an R11 or R12 District would be mapped in New York City, following the New York State FY 2025 Budget Legislation which eliminated the 12 FAR cap for residential buildings and thus permitting residential development greater than 12 FAR. The proposed FAR for each mixed-use district would be as follows:

	Maximum Residential FAR	Maximum Community Facility FAR	Maximum Commercial/Manufacturing FAR
M1-9A/R12	18.0	15.0	15.0
M1-8A/R12	18.0	12.0	12.0
M1-8A/R11	15.0	12.0	12.0

Since this is the first time the City will be mapping housing density above the 12-FAR limitations, it is important that norms and protocols are established as precedence is established for future projects with high density housing. MCB4 stated in our recommendations on the removal of the density cap that special permits should be required for each building. A special permit process would ensure that neighborhood protections would be enshrined in new developments.

The proposed rezoning also maps Mandatory Inclusionary Housing (MIH) across the plan area, which DCP states will require up to 2,900 permanently income-restricted residential apartments in Midtown South. This would be the first time that MIH is mapped in Midtown.

Through the proposed rezoning, DCP aims to create mixed-use neighborhoods by introducing new mixed-use districts that allow for residential development as-of-right. Permitting residential use, coupled with a requirement for affordable housing under Mandatory Inclusionary Housing (MIH), would foster a mixed-use neighborhood character similar to surrounding blocks.

Prior Discussion on the MSMX Plan

On April 22, 2024, MCB4 wrote to DCP following the City's presentation to the Clinton Hell's Kitchen Land Use (CHKLU) Committee on the MSMX proposed rezoning plan³. MCB4 provided DCP with multiple comments on elements of the plan, including:

- The need to reexamine high density mapped in the midblock when the midblocks of the surrounding area are not zoned for high density.
- The threat of demolition to underbuilt buildings – if the zoning allows for a maximum of 15 FAR, the underbuilt buildings may be demolished. MCB4 requested DCP produce a map of underbuilt buildings in the project area.
- Capping the maximum residential FAR at 12 to maintain the density that moves from the low-rise low-density Special Clinton District (SCD) Preservation Area to the west, across 8th Avenue, and into the Special Garment Center District.
- Creating a height limit that varies by location to reinforce the neighborhood character of the existing Garment District's early 20th century loft buildings.
- Landmarking certain landmark eligible buildings in the project area⁴, including several buildings on the west side of 8th Avenue from West 34th to West 39th Streets. Especially noteworthy is 300 West 38th Street, a 3-story building, designed uniquely in both the Art Nouveau and Egyptian revival style. Designed by Emery Roth, the architect of Beresford, the San Remo, and Eldorado on Central Park West.

CHKLU Committee Discussion

On February 12, 2025, there was a robust and lengthy discussion on the elements of the plan at the CHKLU Committee meeting. During that discussion, several concerns were raised.

Protecting Existing Character

MCB4 requests that the following items be examined as potential additions to the final plan to preserve the existing character of the Garment Center District.

- **Protections against demolition, in favor of more and faster conversions to residential use, restoration, and adaptive re-use.** The proposed plan, through the introduction of residential FAR's of 15 and 18, incentivizes larger, denser development on the midblocks and avenues to produce more housing. The existing building stock is prime for conversion to residential use and can deliver much needed affordable housing in less time than it would take to demolish a building and build a new one. Introducing incentives for conversion to residential use would go a long way to preserving the fabric of the area.
- **Include zoning requirements for light and air to reach the street and sidewalk.** The Garment Center District is typified by a built environment that allows light and air to

³ [4.22.24 - MCB4 Response to MSMX Plan Presentation](#)

⁴ As noted in the project DEIS

penetrate through the windows of buildings and reach the street and sidewalk, enhancing the pedestrian and residential experience.

- **Strengthen the street wall requirements and eliminate any recessed walls from the sidewalk.** The cohesive street wall is a defining characteristic of the previously-manufacturing building type that make up the project area. The proposed rezoning would allow the street wall to setback after the first story of the building, which would break the contiguous street wall and undermine the street level experience.
- **Eliminate plaza bonuses to create Privately-Owned Public Spaces (POPS) that create sidewalk recesses and add to building heights.** Either open air plazas or covered pedestrian spaces are not effectively maintained throughout the district and serve as a space for congregation and encourage illicit activity. Granting developers a 20% FAR bonus for building a covered pedestrian space undermines the safety of the residents and allows for buildings to go beyond the 18 FAR to a maximum of 21.6 FAR.
- **Landmark significant buildings to protect those structures and further incentivize their conversion to housing through the use of Historic Tax Credits.**
- **Impose restrictions on lot mergers and transfer of development rights.**

Managing Building Height and Density

- **Require a minimum of 30% of all units to be permanently affordable with no disparity in materials, finishes, or amenities. Higher density residential developments will not provide more income-restricted affordable housing unless required to do so through regulation⁵.** As a tool to continue to address the City's shortage of affordable housing, language should be incorporated into the zoning text that requires the percentage of permanently affordable units to increase once a residential building exceeds 12 FAR. This public action is the first time that residential FAR above 12 is being mapped in the city. It presents an opportunity for securing the development of a greater degree of more permanently affordable housing in exchange for greater density.
- **Modify proposed density to 13 FAR on the west side of 8th Avenue from West 35th to West 39th Street with a height cap of 350 feet to better align with those same blocks to the west.** MCB4 supports those western mid blocks, (from West 35th to West 39th, 100 feet west of 8th Avenue to 100 feet east of 9th Avenue) be included in Special Hudson Yards District.
- **Consider a Special Permit process for any building over 12 FAR.** The SGCD currently has a Special Permit process for hotels. This process ensures that hotels are appropriately sized, supports the surrounding area, and limits the number of hotels on the edge of the Midtown Manhattan tourist areas. A Special Permit process for buildings over 12 FAR would give the public some input over building design, ensuring that buildings over 12 FAR are not egregiously high or dense and/or disruptive to the existing character of the neighborhood.

⁵ [12.19.2023 - Letter to Mayor and DCP re 12 FAR Working Group Recommendations](#)

- **Include height caps for different subareas or sections subareas restrictions.** As expressed in MCB4's letter of April 22, 2024, MCB4 requests a height limit that varies by location in order to reinforce the neighborhood character of the existing Garment District's early 20th century loft buildings. Height limits are mapped at 250 feet immediately to the west from West 35th to West 38th Streets, 8th to 9th Avenues, and have accommodated a density of 13 FAR. Height caps should range from 300 to 450 feet depending on subarea context.
- **Restrict lot mergers to ensure resulting construction does not result in out of context buildings or create Billionaire's Row type pencil tower. Prohibit the creation of open-air parking lots that could be used as a means to construct higher buildings on receiving sites, or delay construction while awaiting merging of sites.**
- **Restrict and manage the layering of affordable housing and transit bonuses,** which could result in a residential building of greater than 20 FAR. No residential building should be greater than 18 FAR.
- **Transit Bonus-- reduce the covered distance to the original 500-foot radius or restrict only to the specific blocks within the new mixed-used zones.**

Other Concerns

In order to foster a residential neighborhood as this historically manufacturing area undergoes a zone change, MCB4 urges consideration of factors to make the neighborhood a vibrant, livable area. To that end, MCB4 urges:

- Restricting mechanical voids to commercial as well as residential buildings
- Widening sidewalks into the street to assist with pedestrian flow
- Adding new greenery including tree pits and 9-foot planters
- Offering incentives to promote preservation rather than demolition
- Increasing the mix of dwelling unit to include more multiple bedroom homes

Conclusion

At the beginning of this process, MCB4 recognized the need to adopt new zoning regulations to permit residential uses on these proposed blocks. There was a willingness to work with DCP to cultivate an influx of residential conversions and adaptive re-use of many properties. At that time, the overbuilt status of the buildings throughout the Garment Center District would have restricted incentives for developers to raze buildings in order to build higher density residential buildings and would have allowed for the creation of thousands of new housing units. There is room for building higher density housing on these blocks without harming the character of the built environment.

However, in the time it has taken to move through this process, changes in residential FAR and passage of City of Yes Housing Opportunity, including the addition of various bonuses, the

potential built environment under these proposed zoning changes are no longer supporting a livable, vibrant neighborhood.

MCB4 urges DCP to re-evaluate the unintended consequences this current iteration of the zoning changes will have on our community and urge passage of the zoning change only with the revisions suggested above to guarantee a successful movement towards a livable residential neighborhood on these blocks.

Sincerely,



Jessica Chait
Chair
Manhattan Community Board 4



Jean Daniel Noland
Co-Chair
Clinton/Hell's Kitchen Land Use Committee



Paul Devlin
Co-Chair
Clinton/Hell's Kitchen Land Use Committee

Enclosure

Cc: Hon. Erik Bottcher, NYC Council Member,
Hon. Mark Levine, Manhattan Borough President
Hon. Eric Adams, NYC Mayor

Appendix A: Buildings MCB4 Requests for Landmarking with Excerpts from DEIS Chapter 7 – Historic and Cultural Resources

Building Name	Address	Status
Hoover Building	505 8 th Avenue	S/NR-Listed, LPC-Eligible
519 8 th Avenue	519 8 th Avenue	S/NR-Listed, LPC-Eligible
New Yorker Hotel	481-497 8 th Avenue	S/NR-Listed, LPC-Eligible
(Former) McBurney YMCA Building (63)	213 West 23 rd Street	S/NR-Eligible, LPC-Eligible
300 West 38 th Street	300 West 38 th Street	LPC-Eligible

Hoover Building

The Hoover Building (S/NR-Listed 2009, LPC-Eligible) at 501-507 8th Avenue is a 25-story Art Deco garment loft building. Designed by Chester J. Storm, it was built in 1929–1930. Most of the building is clad in light-colored brick and articulated with bays of three window columns flanked by brick piers. Brick spandrel panels provide some ornamentation to the shaft. Above the modernized ground floor, the four-story showroom base is clad in richly patterned terracotta. The upper floors rise in a series of setbacks and are ornamented with Art Deco stone details and cornices of corbelled brick arches.



519 8th Avenue

Designed by George and Edward Blum, the 25-story Art Deco building (S/NR-Listed 2009, LPC-Eligible) with stylized Gothic details at 509-519 8th Avenue was built in 1925–1926. Situated on a corner lot, its north and east façades rise flush for 16 stories before they rise in a series of four setbacks. Set on a three-story base with large showroom windows, the shaft is divided into six bays of three-windows columns. The bays are flanked by brick piers, as are the window columns. Decorative spandrels separate the windows in each column. Arched windows, a cornice of corbelled arches, and stone caps to the brick piers mark the parapet of the shaft.

These details are repeated on the parapet at each setback. The second bay from the northeast corner does not set back above the 16th floor but rises another four stories to create a pavilion. The building's northeast corner is set back and angled. The mechanical penthouse forms an Art Deco Gothic-style corner tower at the northeast corner. The ground floor has been altered.



The New Yorker Hotel

The New Yorker Hotel (S/NR-Listed, NYCL-Eligible) at 481-497 8th Avenue was constructed in 1928–1930 to designs by Sugarman & Berger. The bold massing of the 43-story, brick-and-stone building is the most significant feature of its design. Corner towers rise in a series of deep setbacks to the central tower, which has a form accented by deep light courts on each of its façades. On the north and south façades, there are two light courts that create a central pavilion flanked by the corner towers; on the 8th Avenue façade, there is only one central light court. Art Deco ornamentation is found in carved stone blocks at the parapet of each setback, in panels above the fourth-floor windows, and on the base. From 1975 until the early 2000s, the building housed the national headquarters of the Holy Spirit Association for the Unification of World Christianity (Unification Church). It now functions again as a hotel.



(Former) McBurney YMCA Building

The McBurney YMCA Building (S/NR-Eligible, LPC-Eligible) was built in about 1900 and served as a YMCA from 1904 to 2002. The state-of-the-art building had a roof garden, a cork running track, and a marble lined swimming pool; it was thought to be the finest YMCA building in the United States. In 1943 it was renamed in honor of Robert Ross McBurney, an Irish immigrant who rose from librarian of the New York Association in 1862 to chief executive in 1883, a post he held until his death in 1898. He is known as the first paid secretary of the YMCA. The building was converted to luxury condominiums in 2004. The McBurney architect was Charles B. Atwood (1849-1895). The five-bay rusticated three-story base is crowned in the center by an elaborate carved and stepped limestone entrance surround. The front door is flanked by columns. The tripartite design's shaft floors four through eight are surfaced in dark brick with contrasting white keystones on each of the square, plain windows. Brick-formed quoins are on each end of the façade and emphasize verticality. The capital's deep cornice supports running crest tiles.



300 West 38th Street

The three-story building (NYCL-eligible) at 300 West 38th Street and 557 Eighth Avenue is a unique, brick-and-terracotta, Beaux Arts structure built in 1902-1903 that originally housed offices on the ground floor and dwellings on the upper floors. Stein, Cohen & Roth designed the small rectangular building with a profusion of ornamentation. Although the ground floor has been altered with modern storefronts, the upper two floors retain their original features. Filling the majority of the east and north façades are two rows of windows with terracotta architraves (image 11 of Figure 9-9). The windows are also carried across the angled northeast corner of the building. On the second floor, the window architraves have cornices and friezes decorated with floral reliefs. On the third floor, the architraves lack cornices but are more elaborately molded. At each end of the north façade, there are two double-height, metal bay windows. Brick piers articulate the spaces between the windows. Except at the corners, the piers are only the height of the second floor, but are capped with terracotta heads set on a base of floral reliefs that, with the

sills of the adjacent windows, create a terracotta course across the base of the third floor. A deeply projecting, sheet metal cornice caps the building. Supported on brackets that are attached to the double-height corner piers, the cornice has a frieze with panels of geometric reliefs and a parapet decorated with roundels, cartouches, and relief panels. In a letter dated November 18, 2003, the LPC determined that this building appears to be eligible for LPC designation.

