



Manhattan Community Board Five

Bradley Sherburne, Chair

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Marisa Maack, District Manager

May 8, 2025

Dan Garodnick
Director
Department of City Planning, 31st Floor
120 Broadway
New York, NY 10271

Re: 515 7th Avenue, a ULURP application to facilitate the construction of a new, 355,500-square-foot (18.0 FAR) commercial tower, 515 Seventh Avenue Realty, LP.

Dear Director Gardonick:

At the regularly scheduled monthly Community Board Five meeting on Thursday, May 8, 2025, the following resolution passed with a vote of 36 in favor; 0 opposed; 3 abstaining:

Whereas, The applicant and owner, Hillel Shohet, of 515 7th Avenue is seeking several amendments to the Zoning Resolution (ZR) and special permits in order to facilitate the site's development into a building with either both office and hotel uses or a building with only office use; and

Whereas, Applicant proposes a series of zoning text amendments that mimic the yet to be approved Midtown South Mixed Use rezoning proposal, but will instead use the proposed changes for

- bulk,
- height,
- floor area ratio (FAR) limits,
- tower lot coverage, and
- options for a Special Permit for
 - a Covered Pedestrian Space that will generate bonus square footage for the development and
 - allowing modifications to bulk regulations that may improve light and air access to create a new subdistrict, Subdistrict A-3, within the current Special Garment Center District, which will be limited to the one block, Block 813, bounded by Broadway, 7th Avenue, West 37th Street, and West 38th Street, and totaling 80,417 square feet and currently has four lots; and

Whereas, The proposed text amendments for the new Subdistrict A-3 include:

- Amend both ZR 121-03 and Article XII Appendix A in order to map the new Subdistrict

A-3 in the Special Garment Center District

- Amend ZR 121-13 to clarify the Use regulations in Subdistrict A-3 are the same uses that are permitted in Subdistrict A-1 (all Commercial and M1 Manufacturing uses are permitted only)
- Amend ZR 121-30 and ZR 121-32 to change bulk regulations in Subdistrict A-3 that mimic the proposed MSMX regulations for front yard, side yard, rear yard, rear yard equivalent for through block, minimum & maximum base heights, setback above the base height, and street wall
- Amend ZR 121-31 to increase maximum FAR in Subdistrict A-3 to 15 FAR and to create a new Special Permit for a Covered Pedestrian Space that will provide a bonus of 11 square feet for each square foot of Covered Pedestrian Space with a cap at 20% or 18 FAR (all of which is the same as is proposed in MSMX) and
- Amend ZR 121-70 to establish a Special Permit to allow modification of any bulk regulations requirements, other than FAR, that will improve light and air on open space, streets, or building occupants, and will also not unduly impair access to light and air for adjacent buildings (same as proposed in MSMX); and

Whereas, If the zoning text changes for a new Garment Center Subdistrict A-3 are approved, the applicant is also seeking Special Permits to facilitate their proposed development on their site, Lot 64, which is 19,750 square feet, located at the northwest corner of Block 813 or Subdistrict A-3, or in other words at the southeast corner of 7th Avenue and West 38th Street, and is currently developed by a 4-story, 43-foot tall, 102,835 square foot, 5.21 FAR commercial building that includes two restaurants, a deli, a medical supply store, and a 280-space public parking garage with 3 car entrances and 2 car exits, totalling 75 feet of curb cuts (potential pedestrian/car conflicts) at the midblock on West 38th Street between 7th Avenue and Broadway; and

Whereas, The applicant proposes to demolish the existing building and construct either

1. a 38-story, 642-foot tall, 349,958 square foot office-only commercial building at 18 FAR
- or
2. a 36-story, 512-foot tall, with 142,798 square feet of office space on floors 1-12 and 207,160 square feet for a 255-room hotel on floors 13 and above, which also totals at 349,958 square feet or 18 FAR with the applicant proposing to have a two bay loading dock on the easternmost side of the building on West 38th Street and lobby entrances on both 7th Avenue and West 38th Street; and

Whereas, The applicant will make a decision of which scenario is more economically beneficial after demolition and before construction starts; and

Whereas, The applicant seeks a Special Permit and bonus square footage (3 FAR) for a proposed Covered Pedestrian Space: 5,402 square feet, 30-foot ceiling, located at the ground floor at the northwest corner of the development site; and

Whereas, The applicant proposes that the Covered Pedestrian Space have a “fashion wall” art installation on the wall facing 7th Avenue, planters with plants and 4 live trees, 26 tables, 62 moveable seats, 125 linear feet of fixed seating around the planters, a café, a public bathroom, two entrances (one on to 7th Avenue and one on to West 38th Street), and hours of public use from 5am to 10pm daily; and

Whereas, The proposed covered pedestrian space will serve as an important precedent for future covered POPS within the new Midtown South Mixed-Use (MSMX) District, providing a valuable third space that is accessible year-round, an urgently needed amenity given the significant lack of green and publicly accessible open space surrounding the area; and

Whereas, The applicant also seeks a Special Permit for modifications to the tower lot coverage regulations; and

Whereas, The applicant proposes to have a 15' setback at 135' base height on the West 38th Street (north) side of the building and a 10' setback at 205' on the 7th Avenue (west) side of the building, which is in compliance with both the current Special Garment Center District regulations and the proposed Special Midtown South Mixed-Use District regulations, however the tower that rises above the base from 205' to 295' and covers 61% of the lot is not in compliance with either the current Special Garment Center District tower lot coverage regulations (maximum tower lot coverage is 41%) or the proposed Special Midtown South Mixed-Use District tower lot coverage (maximum tower lot coverage is 50%); and

Whereas, The proposed tower design above 295' in elevation has a smaller floor area/floor plates and covers 41% of the lot, which is in compliance with both the Special Garment Center District regulations and the proposed Special Midtown South Mixed-Use District regulation; and

Whereas, The applicant is asking for modifications from the current tower lot coverage regulations under the rationale that the portion of the tower between 205' and 295' that matches the building height of the adjacent building to the east, 1385 Broadway/ Lot 55,

- there will be a perceived continuity of the street wall from the point of view of a pedestrian,
- the floor area/floor plates on the floors between 205' and 295' in elevation (floors 13–19 in the hotel/office scenario and floors 13–17 in the office-only scenario) will be larger and the larger floor plates at lower elevations will result in an overall shorter tower,
- thus allowing more light and air access to neighboring buildings than if the 18 FAR were stacked in a manner that was in compliance with either the Special Garment Center District tower regulations or the proposed Special Midtown South Mixed Use District tower regulations, and
- therefore meet the findings of the Bulk Modifications Special Permit; and

Whereas, The applicant also seeks a Special Permit for Hotel Use in case the applicant chooses to develop a hotel on the site; and

Whereas, The applicant is proposing under their hotel/office scenario to have

- the office space, located on floors 3–11 with an office lobby on 7th Avenue and
- the hotel space, located on floors 13–35 with the hotel entrance on West 38th Street, and a hotel sky lobby on the 13th Floor; and

Whereas, The proposed building (under both hotel/office or office-only scenarios) will have a two-bay off-street loading dock which will result in deliveries and the unloading/loading of hotel laundry not being done on the street, the loading dock will have 26' curb cut and will reduce possible pedestrian/vehicle sidewalk conflicts compared to the 75' curb cut of the current parking garage, and with only one other hotel within one block radius of the development sight (the Moxy NYC Times Square Hotel, located at 485 7th Avenue with their hotel lobby entrance on West 36th Street and not having a off-street loading dock), the proposed hotel at 515 7th Avenue is extremely unlikely to impair the essential character of the neighborhood or prevent future development from occurring in the surrounding area, thus meeting the findings needed for a Hotel Special Permit; and

Whereas, Manhattan Community Board Five commends the applicant for including a dedicated public bathroom that directly serves the proposed public space, an essential amenity the Board has consistently championed for all public spaces, and expresses deep appreciation for the applicant's commitment to providing a valuable resource that will help make the space fully

accessible to all users; and

Whereas, After Manhattan Community Board Five's Land Use, Housing, and Zoning Committee meeting and vote on April 23, 2025, the applicant agreed to the following requests:

1. have the proposed building's hot water and HVAC systems to be fully electric powered systems (instead of partially depending on natural gas in a "worst case scenario"),
2. extend the hours of operation of the public space of the Covered Pedestrian Space at 5am to 10pm daily, year-round (instead of 7am-10pm) in order to maximize the use of workers/commuters in a mixed-use neighborhood, and
3. prior to the opening the Covered Pedestrian Space, provide a project contact name, meet with Community Board Five to review the Covered Pedestrian Space operation plan, discuss any modification of the plan if needed, and provide periodic review of the implementation of the plan; and

Whereas, After the committee meeting, that applicant also stated that they agree the common goal for a privately owned public space is to provide the community with an amenity that is safe and secure for all persons visiting the public space, which Manhattan Community Board Five also applauds and looks forward to working with the applicant in the future; therefore, be it

RESOLVED, Manhattan Community Board Five recommends approval of the application for text amendments to the Zoning Resolution for the Special Garment Center District because the amendments are identical to the amendments Manhattan Community Board Five already recommended approval for in the proposed rezoning for the Special Midtown South Mixed-Use District; and be it further

RESOLVED, Manhattan Community Board Five recommends approval of the applications to facilitate the proposed development at 515 7th Avenue, which include Special Permits for Hotel Use, Bulk Modifications, and bonus square footage for a Covered Pedestrian Space, with the following conditions:

1. the building, including hot water and HVAC systems, is fully electric powered and not depending on the use of natural gas,
2. the Covered Pedestrian Space is open to the public from 5am to 10pm daily, year-round, and
3. written plans for the maintenance, operations, and security of the Covered Pedestrian Space are provided to Manhattan Community Board Five.

Thank you for the opportunity to comment.

Sincerely,



Bradley Sherburne



Nancy Aber Goshow

Chair, CB5

Chair, CB5 Land Use, Housing and Zoning Committee

Cc: Hon. Mark Levine, Manhattan Borough President
Hon. Erik Bottcher, NY City Council, District 3