



Manhattan Community Board Five

Bradley Sherburne, Chair

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Marisa Maack, District Manager

April 11, 2025

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

Re: Midtown South Mixed use Rezone Plan

Dear Director Gardonick:

At the regularly scheduled monthly Community Board Five meeting on Thursday, April 10, 2025, the following resolution passed with a vote of 33 in favor; 0 opposed; 1 abstaining:

WHEREAS, The New York City Department of City Planning (DCP) proposes a zoning map and text amendment to foster a vibrant, mixed-use Midtown South neighborhood in Manhattan.

WHEREAS, According to DCP, the Proposed Actions would help foster a dynamic mixed-use neighborhood through four key components.

1. Increase Housing Access: Allow residential uses as of right and require permanently affordable housing through a Mandatory Inclusionary Housing (MIH) area, supporting equity and fair housing goals. This would create approximately 9,676 dwelling units, including 1,940 to 2,890 affordable homes over 10 years.
2. Modernize Zoning Regulations: Update outdated zoning provisions and reduce barriers to create a balanced mix of residential, commercial, and manufacturing uses, fostering economic recovery and growth.
3. Establish FAR and Bulk Regulations: Incentivize mixed-use buildings with regulations that ensure new developments blend with the surrounding built context.
4. Promote Adaptive Reuse of Commercial Buildings: Eliminate nonresidential floor area preservation requirements, where applicable, to encourage the reuse of existing commercial buildings; and

WHEREAS, The changes would apply to a 42-block, 141-acre area in Midtown South, spanning Community Boards 4 and 5, and the Proposed Actions include:

1. Zoning Map Amendment: The Proposed Actions would rezone portions of the M1-6 and

M1-6D districts, which currently allow a density of 10 FAR (Floor Area Ratio) for commercial, community facility (CF), and manufacturing uses, to high-density mixed-use districts (M1-9A/R12, M1-8A/R12, and M1-8A/R11), allowing up to 18 FAR for residential use and 15 FAR for commercial, community facility, and manufacturing uses. The proposal would also establish a new Special Midtown South Mixed Use District (MSX) and adjust the boundaries of several overlapping special purpose districts.

2. Zoning Text Amendment: The Proposed Actions would establish regulations for the MSX District, apply the MIH program to the Rezoning Area, and modify regulations in the Special Garment Center, Special Midtown, and Special Hudson Yards Districts, among other changes; and

WHEREAS, The Proposed Actions would lead to the development of approximately 9,676 dwelling units (DUs), including 1,940 to 2,890 affordable units, along with 462,129 gross square feet (gsf) of local retail space and 81,755 gsf of community facility space. This would add an estimated 16,256 residents to the Affected Area compared to the No-Action scenario; and

WHEREAS, It could potentially displace 91 residents and 54 DUs within the district, out of a total of 2,268 existing housing units; and

WHEREAS, Additionally, the Proposed Actions are anticipated to result in a decrease of 732,619 gsf of office space and 69,782 gsf of industrial/warehouse space, leading to a reduction of approximately 5,523 workers in the Affected Area. along with 779 firms at risk within a 1/2- mile radius of MSMX; and

WHEREAS, At a public hearing held on March 19, 2025, the Committee heard testimony from the community about differences between the quadrants and a number of specific concerns with the proposed MSMX rezoning; and

WHEREAS, The four quadrants have significant differences despite a consistent Manufacturing zoning including:

1. The quadrants are surrounded by different land uses and densities of development, from low-rise residential in Chelsea in the Southwest to Midtown high-rise office buildings in the Northeast;
2. The Southeast quadrant is almost 50% defined by two historic districts, the Ladies Mile and Madison Square North;
3. The Northeast has access to Bryant Park and the Southeast to Madison Square while the other two quadrants are lacking in public space access;
4. The quadrants are currently built to many different densities ranging from 8 FAR in the Southeast to 13 in the Northwest;
5. While there is currently very little residential in any of the zones, the bulk of the existing units resulted from rezonings and loft conversions in the Southwest quadrant and loft conversions

in the Southeast; and

WHEREAS, The concerns raised at the public hearing included the following:

1. Housing Production: Community members, outside groups and members of the committee were focused on maximizing the number of affordable apartments built in the zone;
2. Landmark and Historic District Transferable Development Rights and Bonuses for Transit and Open Space improvements: A representative of the Flatiron Nomad BID expressed concern that at high Floor Area Ratios, particularly in the Southeast Quadrant, TDR's and bonuses would not be necessary to maximize building envelopes and would therefore not be a revenue source for preservation or infrastructure;
3. Balanced Development: Members of the committee and the public raised the issues of balance between commercial and residential buildings and the effect of different FAR levels for each, and the balance between conversion and new construction which is impacted by the difference between existing built and proposed FARs;
4. Planning Considerations: Residents and committee members felt that the proposed FARs should be reduced in the midblock in order to preserve light and air and minimize travel distances to transit and retail for residents;
5. Public Realm: In addition to concerns with the zoning proposal, community and committee members raised a number of issues from the DEIS that had significant adverse impacts without proposed mitigation measures including lack of open space, pedestrian circulation, crime, emergency services, and preservation of landmarks; and

WHEREAS, In developing its own proposal, the Committee sought to find a balance between these issues and to reach consensus on a revised plan that would meet the needs of the overall community; and

WHEREAS, It is MCB5's position that any comprehensive neighborhood planning, zoning and/or development initiative in Midtown must include the following:

1. Vision + Goals: Prioritize affordability, livability, and equity to create a thriving, diverse community for future generations. Aim to create not just more housing, but a healthier, safer, and more inclusive neighborhood for future generations.
2. Urban Planning Focus: Address housing needs while fostering public spaces, accessible amenities, and essential infrastructure, with a focus on children's needs.
3. Comprehensive Approach Required: A community-driven and interagency neighborhood strategy that integrates affordability, sustainability, and public amenities is essential, rather than relying solely on zoning regulations to address these complex challenges.
4. Housing Crisis: NYC faces a severe housing crisis, with rising costs and a 1.4% vacancy rate, despite a population decline of 326,118 since 2020 according to July 2024 census

data. A majority of renter households are rent-burdened, with rental costs consuming more than 30% of their income and nearly 30% of low-income renters across the five boroughs are severely rent-burdened, spending more than 50% of their pre-tax income on housing.

5. Climate Crisis: Emphasize sustainable building practices to reduce carbon emissions, improve energy efficiency, and enhance resilience through urban greening.

6. Mental Health Crisis: Combat loneliness and social isolation by restoring public spaces and addressing physical health disparities through increased access to community resources; and

WHEREAS, In collaboration with a zoning consultant and through a detailed review of feasibility massing studies, FAR projections, and zoning lot mergers—as well as an analysis of existing buildings, FAR, available transfer of development rights (TDRs) from landmarks and historic districts, the lack of public open space, and future transportation infrastructure needs—we have identified the following key concerns:

1. Excessive FAR on Typical Lots: The proposed FAR is so high that it would be difficult for existing lots, typically 25' or 50' wide, to fully utilize the allowable FAR without merging with adjacent lots, as the large FAR on existing individual lots would likely result in tall, slender towers that are costly to build and financially impractical.

2. Challenges with Zoning Lot Mergers: Even with zoning lot mergers, the resulting FAR would be so large that it could create towers exceeding the height of the Empire State Building, potentially leaving FAR unused due to construction cost and feasibility constraints.

3. Disincentive for TDR Purchases: The scale of the proposed FAR could reduce the incentive to purchase TDRs, which are critical for preserving landmark buildings and maintaining the character and value of historic districts. This could undermine efforts to sustain placemaking and preservation in Midtown South.

4. POPS Incentive Opportunities in MSMX Rezoning: The proposed FAR could also diminish the incentive to utilize the POPS (Privately Owned Public Space) program, which is essential to mitigating the rezoning's impact on open space. To meet the City-wide median open space ratio of 1.5 acres per 1,000 residents, a combination of city-funded initiatives and public-private partnerships is necessary. Currently, CB5 has only 0.4 acres of city parks per 1,000 residents—well below the median—even before accounting for future population increases:

a). POPS incentives under the MSMX rezoning can provide significant development rights and enhance the value of ground-floor space, making it more appealing to both residents and tenants. The programs described below would receive a FAR bonus via a special permit:

i. Covered Pedestrian Spaces: Allow covered pedestrian spaces within the MSMX Special District to receive a Special Permit bonus of 11-14 square feet of additional floor area for every 1 square foot of covered pedestrian plaza, capped at a 20% bonus.

ii. Arcade Bonus: Define arcades as publicly accessible open spaces, such as courts, yards, or covered pedestrian areas, located within 10 feet of a street or lot line and extended along such lines. Grant 3 square feet of additional bonus for every 1 square foot of arcade space.

5. Transit Bonus Incentive Undermined: The proposed FAR could also weaken the incentive to utilize the transit bonus, which is essential to improving subway accessibility and functionality. The transit bonus allows for a 20% FAR increase through City Planning Commission authorization, and the MSMX rezoning extends the radius for this bonus to 1,500 feet from a subway or train station.

6. Conversions Undermined: A review of the existing FAR of large buildings in the NW quadrant shows that they typically range from 15 to 18 FAR. Reducing the proposed 18 FAR in this quadrant would encourage the preservation of these buildings, as conversions can be costly. Preserving the existing building fabric not only maintains the neighborhood's character but also is critical to environmental sustainability and reducing embodied carbon; and

WHEREAS, These findings underscore the importance of recalibrating the proposed FAR the balance development goals with financial feasibility, preservation incentives, and critical public space and infrastructure improvements; therefore, be it

RESOLVED, MCB5 recommends **approval** of the Midtown South Mixed use Rezone Plan **with the following 12 conditions** to better align with the unique character and needs of the Midtown South and Flatiron NoMad districts. These adjustments aim to enhance the existing built environment, support community goals, and foster a balanced approach to development:

1. Southeast Quadrant Density Mapping. We propose mapping the lower density M1- 8A/R11 (12 FAR for commercial uses / 15 FAR for residential) instead of M1-8A/R12 (12/18) in the Southeast Quadrant. This adjustment aligns more closely with the extensive historic district, which is effectively a 12 FAR equivalent under LPC review, and will preserve the value of landmark transferable development rights (TDRs). It will help preserve view corridors to the Empire State Building and mitigate afternoon sunlight issues in Madison Square Park. Additionally, this change would retain more of the existing built environment in the quadrant, which currently has the lowest existing FAR of 8, thereby eliminating the need for lower midblock zoning.

2. Northwest Quadrant Midblock Zoning. We propose mapping R11 in the midblocks of the Northwest Quadrant to support the conversion of existing buildings rather than demolition. This approach meets the planning goal of maintaining lower density on narrow streets for improved light and air and easier access to services for large buildings on the avenues. Given the block's 750-foot width between 7th and 8th Avenues, we propose that the R12 zoning on the west side of Broadway, both sides of 7th Avenue, and the east side of 8th Avenue be designated at 200 feet in width to accommodate most existing buildings and reasonable-sized floorplates for both residential and commercial uses.

3. Southwest Quadrant Avenue Zoning. We do not currently propose any changes to the proposed zoning in the Southwest Quadrant. However, CB5 received comments from area residents requesting a reduction in density to R11 from R12 in the area between 29th and 30th Streets from 6th to 8th Avenues to better align with the current built character. CB5 ultimately felt that R12 in this area was appropriate as a buffer to the very high density that could exceed 30 FAR in the GPP on Block 780 and the neighboring blocks.

4. No Change to NE Quadrant. We do not propose any changes to the proposed zoning in the Northeast Quadrant. This quadrant is currently surrounded by very high density development.

5. Retention of Rear Yard for Large Sites. We propose the retention of rear yards for large sites (greater than 1.5 acres) throughout MSMX. We believe that the two towers with a garden design is more appropriate than a single supertall tower. However, we may need to consider an exception for school construction due to complex structural challenges.

6. Addressing FAR Differential Concerns. Although we struggled with the effectiveness of the proposed 3 FAR difference between commercial and residential uses (12/15 or 15/18) as an incentive to build housing, we believe that implementing R11 in the NW Quadrant (15/18 Avenues, 12/15 midblock) will address this concern by focusing commercial uses on large sites on the Avenues.

7. Broader Mapping of R11 to Expand TDR and Bonus Utilization. Mapping R11 more broadly should help address historic district, theater, and landmark Transfer of Development Rights (TDR) issues and preserve the fabric of these districts. This adjustment is also expected to increase the utilization of open space and transit bonuses while maintaining a lower base FAR.

8. Comparison with Manhattan Institute Revisions. While our proposal shares some similarities with the Manhattan Institute revisions, we find their approach too stringent in reducing the R12 zone. Our adjustments aim to strike a better balance that considers the unique characteristics of our district.

9. Protection of Site #40 for School Development. We must protect Site #40 in the Southeast Quadrant, which the School Construction Authority (SCA) identified as the sole site feasible for school development. This site is critical for meeting educational needs in the area.

10. Undercounting of Residential Units.. We assert that DCP's CEQR methodology significantly undercounts the number of units that could be delivered in MSMX. Past rezonings have also resulted in multiples of the number of projected units. Therefore, the zoning adjustments proposed by CB5 will still generate a number of new apartments at least equal to the current projections. Adverse impacts will therefore be proportionally larger than presented in the DEIS.

11. Developer Insights on Housing Feasibility. Conversations with real estate industry contacts reveal that due to the high prevailing wage requirements of 485x for larger apartment buildings, many developers are focusing on smaller buildings or conversions under 467m. Additionally, as DCP has indicated, contacts believe that condominium buildings with MIH but without 485x may not be feasible.

While this reflects the current situation, it could change as the housing shortage persists and tax abatements evolve.

12. Follow-on Avenue Rezonings. Most of the MSMX areas are mid-block adjacent to older Avenue zones. In order to rationalize the Avenue and midblock densities, we support follow-on rezonings on 5th and 6th Avenues to increase densities relative to the new MSMX densities.

Conclusion. These proposals aim to create a zoning framework that respects the unique characteristics of the Midtown South and Flatiron NoMad district while facilitating necessary development. By adopting these adjustments, we can ensure that the MSMX area remains vibrant, balanced, and supportive of its diverse community needs. We look forward to further discussions and feedback on these proposals; and therefore, be it

FURTHER RESOLVED, MCB5 has drawn up 'Points of Agreement' on issues outside the scope of the zoning text to ensure that the MSMX zoned communities thrive with all the amenities to create livable, long term neighborhoods for residents, and will share the 'Points of Agreement,' including but not limited to the following topics, with our elected officials:

- Community Oversight and Accountability
- Affordable Housing
- Small Business and Retail Protections
- Residential Tenant Protection
- Open Space and Public Space
- Sustainability and Resilience
- Additional Community Facilities and Services
- Historic Buildings
- City Investment in Public Safety

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bradley Sherburne". The signature is fluid and cursive, with the first name "Bradley" being more prominent than the last name "Sherburne".

Bradley Sherburne
Chair, CB5

Cc: Hon. Mark Levine, Manhattan Borough President
Hon. Erik Bottcher, New York City Council, District 3
Hon. Keith Powers, New York City Council, District 4