



April 30, 2024

Stephanie Shellooe, AICP, Director  
Environmental Assessment and Review Division  
New York City Department of City Planning  
120 Broadway, 31st Floor  
New York, New York 10271

Dear Ms. Shellooe:

We appreciate the opportunity to submit comments on the proposed Midtown South Mixed-Use rezoning. Our offices have been happy to support the Department of City Planning (DCP) as you've embarked on an analysis of the conditions within the Project Area (generally four noncontiguous "quadrants" that span from 23<sup>rd</sup> Street to 41<sup>st</sup> Streets between 8<sup>th</sup> and 5<sup>th</sup> Avenues) alongside discussion with stakeholders in the area. We agree with DCP that the area's underutilized office stock, along with its outdated manufacturing zoning, presents not only a call to action, but an opportunity to create housing—especially affordable housing—and to bring much needed benefits to this part of Manhattan.

### **Land Use, Zoning and Public Policy**

#### *Analysis of City of Yes Proposals*

DCP's proposed scope includes an analysis of the potential impact that multiple public policy initiatives might have on the study area. The initiatives include Housing New York, Housing Our Neighbors, Vision Zero, Where We Live NYC, FRESH, BID's and OneNYC. We recommend that the scope also include the potential impacts of City of Yes for Carbon Neutrality, which was approved in December 2023, City of Yes for Economic Opportunity and City of Yes for Housing Opportunity, which are both currently undergoing public review. In particular, we would like an in-depth analysis of the new manufacturing districts included in the Economic Opportunity text amendment, which are contemplated as part of this proposal.

#### *Floor Area Bonuses*

We are pleased to see that this proposal seeks to incentivize public realm and transit improvements. However, by incentivizing these improvements via floor area bonuses, the proposal may force these goals to compete with the goal of boosting housing production. We encourage DCP to undertake a careful analysis of how these bonus programs would impact housing production, including a study of which sites would be best suited to provide covered pedestrian spaces, and which ones would be suited to provide transit improvements so we can better understand how they might be used. Moreover, we seek to better understand how these bonuses might be layered, including with other programs such as the Universal Affordability Preference that is part of the City of Yes for Housing Opportunity proposal.

We also encourage DCP to study how the recent lifting of the NY State 12 FAR cap may encourage the production of housing units in the study area, particularly with respect to commercial-to-residential conversions.

## **Socioeconomic Conditions**

Compared to its surrounding neighborhood, the Project Area is a housing desert —home to only 2,300 apartments compared to the 74,000 units that are within the nearest half-mile radius. Even more concerning is that only 317 of these units are affordable. In an area that is well served by public transit lines, including 15 subway lines and other regional transit options, it's imperative to provide more housing, including affordable housing. We applaud the Department for presenting potential incentive options to spur housing production. As this plan is studied and refined, we urge you to implement the zoning and policies that will maximize residential development.

While prioritizing housing production, we must also protect the remaining businesses still operating in the Project Area. Once a major hub of activity, the fashion industry in the area has declined significantly in past decades. Garment manufacturing jobs declined as much as 75% between 1987 and 2016, and today the Project Area is home to only 3% of the jobs in New York City. Still, the area's impact on our fashion industry is significant, with almost 25% of fashion manufacturing and wholesale jobs concentrated in the area, and nearby Broadway productions relying on its services. A successful proposal for the area will accurately reflect and accommodate the current, more constrained, needs of the industry. It is also crucial to pay special attention to the businesses of the Flower District, as they frequently extend beyond the ground floor, forming a unique commercial ecosystem that requires careful consideration.

Notably, the tech sector has surged in the southeastern portion of the Project Area, where it's grown by 73% in the last decade. We appreciate DCP's nuanced analysis that looks at the micro economies in each of the 4 subsections of the Project Area and we encourage you to look at strategies for ensuring that this vibrant part of the area can remain a hub for startups.

A rezoning of this area must allow for both businesses and housing opportunities to flourish. To that end, we recommend that the DCP consider additional mechanisms to maintain the diverse manufacturing and commercial uses that make the area economically unique and valuable.

For example, to encourage a diversity of uses within or among new buildings, the DCP could study an M2-9A district that offers 1 additional FAR for manufacturing uses, or application of tools similar to FRESH (for example, exempting some garment manufacturing space from FAR, paired with a financial incentive) or the "Gowanus Mix" (for example, reserving a little floor area just for garment manufacturing).

## **Urban Design & Visual Resources**

DCP has noted that much of the residential development that is anticipated to result from the proposed actions would occur through commercial-to-residential conversions, as opposed to new construction. We encourage you to pursue conversion strategies particularly in the more-developed portions of the Project Area. As we noted above, we are concerned about the provision of multiple FAR bonuses and its potential unintended perverse incentive to demolish buildings. We ask that DCP carefully study how that potential outcome could be averted.

DCP also acknowledges that the proposed actions would “affect a pedestrian’s experience of public space”. In the Garment District, streetwalls are a defining architectural characteristic. We ask that you explore implementing height caps in this portion of the Project Area—without compromising on density—to ensure that the built character of this area is maintained.

## **Transportation**

The Project Area includes extensive surface level transit infrastructure that makes it well suited for increased residential development. However, with the expected 6,639 residents that this rezoning could bring, more can be done to make public transit reliable, and bike travel safer. We ask that DCP evaluate the need for continuous bus lanes on avenues where they do not exist, improving bus service East and West on 34th, and create two-way East West protected bike lanes across the Project Area

## **Community Facilities and Services**

The scoping documents note that the proposed actions would not result in the displacement or alteration of any hospitals or clinics. However, we’d like to put this proposal within a broader context. Bellevue Hospital, a public hospital located less than one mile outside of the Project Area, is already at approximately 90% capacity. The closure of local hospitals, coupled with the expected 6,639 residents that this rezoning could bring, will mean that Bellevue will need to be expanded to meet increased needs. The prospective closure of Mount Sinai Beth Israel alone will mean that Bellevue is expected to get approximately 14,000 more emergency room ambulance visits per year. We know that the hospital will need at least \$1 million to undertake an expansion. Given this startling reality, we ask that DCP closely evaluate the impact that this rezoning would have on the need for services and propose mitigations for any increase in demand for services.

Similarly, we ask that DCP take a broader approach in its evaluation of emergency services, particularly in light of the recent and planned development in the Hudson Yards area.

## **Historic and Cultural Resources**

We request that in tandem with this rezoning proposal, the DCP closely evaluate properties that have historic or cultural significance and work with the Landmarks and Preservation Commission to ensure that these properties are calendared so that they may be protected from any future demolition.

Our offices look forward to working with you to arrive at a successful proposal that addresses these concerns.



Mark Levine  
Manhattan Borough President



Erik Bottcher  
Council Member, District 3



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