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Brad Hoylman-Sigal, Borough President

October 14, 2026

**Recommendation on Herald Center Signage Text Amendment and Special Permit
ULURP Application Nos. C260282ZSM and N260283ZRM
by Herald Center Department Store of New York LLC**

PROPOSED ACTIONS

Herald Center Department Store of New York LLC (aka JEMB Realty, or the "Applicant") is proposing multiple land use actions to facilitate construction of a new illuminated advertising sign on an existing nine-story building (the "Proposed Sign") located at 1293 Broadway (Block 809, Lot 7502) (the "Project Site") in Manhattan Community District 5.

The Applicant proposes the following actions:

1. Zoning text amendment to add section 81-15 to Article VIII, Chapter 1 (Special Midtown District) of the New York City Zoning Resolution (ZR), allowing modification of sign regulations by special permit at the Project Site; and
2. Zoning special permit pursuant to the proposed ZR 81-15 to permit construction of the Proposed Sign by modifying maximum height, surface area, and use regulations for illuminated signs in commercial districts.

These actions would facilitate a new 2,333-square-foot illuminated advertising sign on the facade of the Herald Center building beginning at approximately 60 feet above curb level with a maximum height of 105 feet.

BACKGROUND

Signage Regulations

The NYC Zoning Resolution (ZR) governs foundational aspects of outdoor sign design, with regulations for sign type, illumination, size, and height that vary by zoning district.

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The vast majority of signs installed on buildings in New York City are defined in zoning as “accessory” signs, meaning they relate to the principal use of the zoning lot.¹ Accessory signs are commonly referred to as business signs because they identify a business at the location where they are installed and are operated and maintained for the benefit of that business. Far less common are “advertising” signs, which promote goods and services offered elsewhere, such as a billboard for a movie or the latest smart phone. Citywide, advertising signage is restricted to Manufacturing and heavy Commercial (C8) districts, for example along the West Side Highway (12th Avenue) between Battery Park City and 59th Street. In the few Zoning Districts where advertising signage is allowed, it is subject to limitations near parks.²

Two notable exceptions to the otherwise restrictive citywide approach to advertising signage are both located in Midtown Manhattan: Times Square, where illuminated advertising signs are required;³ and the Penn Center Subdistrict, where illuminated advertising signs above a height of 40 feet require a City Planning Commission (CPC) Certification and a monetary contribution to the City for streetscape and pedestrian circulation improvements.⁴

For accessory signs, a few notable precedents exist for neighborhood- and even site-specific modifications to underlying signage regulations. At the neighborhood scale, the Special 125th Street District establishes special sign regulations to encourage accessory “marquee” signs to support arts and cultural uses.⁵ At the site-specific scale, City-sponsored applications for redevelopment of Kingsbridge Armory in the Bronx and Seaside Park and Community Arts Center in Brooklyn achieved modifications to underlying sign regulations as part of special permits for arenas and stadiums.⁶ These precedents for relaxing accessory signage regulations on the site-specific scale have followed extensive community engagement and required submission of signage plans that minimize illumination on nearby residences.

Multiple proposals for illuminated advertising signs are currently in progress or undergoing public review along the 34th Street corridor. Across the street from the Project Site, the Department of Buildings has approved an application for continuation of an existing non-conforming advertising sign at Macy’s flagship department store.⁷ At the far west end of 34th Street, a proposal by the state to allow two illuminated advertising signs on the facade of the Javits Center by amending the General Project

¹ [ZR 12-10](#) Definitions

² [ZR 32-66](#) & [ZR 42-65](#) - Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways in Commercial and Manufacturing Districts

³ [ZR 81-732](#) Special Times Square signage requirements

⁴ [ZR 81-52](#) Sign Regulations, Penn Center Subdistrict, Special Midtown District

⁵ [ZR 97-30](#) Special Sign Regulations in the Special 125th Street District

⁶ [ZR 74-182](#) Special Permit Uses - Arenas, auditoriums, stadiums or trade expositions

⁷ DOB Job Numbers M01377219 & M01377193

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Plan (GPP) is currently undergoing public review.⁸ The CPC recommended eliminating the proposed sign on the 34th Street frontage and the limiting the proposed sign at 38th Street to accessory use. Local elected officials, including Borough President, Congressman, and Assemblymember submitted written testimony recommending disapproval of the signage, with particular concern for the proposed illuminated advertising sign at 34th Street, which would be visible from future residential development.

Surrounding Area

The surrounding area features a high-density mix of commercial and mixed-use residential buildings, including Herald Towers, a 26-story residential building containing 691 apartments located directly across 6th Avenue to the east of the Project Site. The surrounding area is primarily zoned with high density commercial and mixed-use zoning districts that allow a mix of commercial, light manufacturing, and residential uses. Citywide zoning regulations are modified by multiple special districts in the surrounding area, including the Special Midtown District, the Special Midtown South Mixed Use District, and the Special Hudson Yards District, each with numerous subdistricts.

The most significant recent change in land use policy change in the surrounding area was approval of the Midtown South Mixed-Use Plan (MSMX), which rezoned four quadrants over a 42-block area of Midtown Manhattan to facilitate high-density mixed-use development. MSMX is anticipated to generate close to 10,000 new units of housing, a quarter of which would be affordable pursuant to Mandatory Inclusionary Housing (MIH). The Project Site sits squarely in the middle of the four rezoning areas, and the MSMX Points of Agreement include commitments concerning the future redesign of Herald Square.⁹

Project Site

The Project Site is located in Midtown, Manhattan in Community District 5 and City Council District 3. It sits at a prominent corner fronting on Herald Square Plaza, a 1.1-acre public plaza maintained by the 34th Street Partnership Business Improvement District (BID) and the Department of Transportation (DOT) encompassing the bowtie-shaped intersection where Broadway and 6th Avenue meet between 32nd and 36th Streets in Midtown Manhattan.¹⁰ Part of DOT's Broadway Vision¹¹ from Union Square to Columbus Circle, the plaza knits together streets, sidewalks, Subway and PATH station

⁸ NYS ESD, [Proposed Amendment to the Jacob K. Javits Convention Center Expansion and Renovation Civic and Land Use Improvement Project General Project Plan](#), 2026.

⁹ [MSMX Points of Agreement](#), 2025

¹⁰ [Herald Square Plaza Map](#), NYC Mayor's Office of Citywide Event Coordination and Management

¹¹ [DOT Broadway Vision Update](#), Community Board 5, August 2026

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entrances, and 0.35-acres of parkland (Herald Square and Greeley Square Parks) into a cohesive, pedestrian-centered public space.

The existing building on the Project Site was constructed in 1902 as the first location of the Saks department store. In 1967, the building was reclad and repurposed as Korvette's Department Store. In 1982, the building was renovated to its current configuration. The Project Site currently contains multiple commercial retail tenants, including H&M, Verizon, and Bank of America, as well as office space for Yeshiva University.

The Project Site is located in a C6-6 district within the Special Midtown District and the 34th Street Partnership BID, and signage regulations for the underlying C6-6 district apply.¹² Illuminated accessory signage is permitted, with a maximum area five times the street frontage of the zoning lot, with no more than 500 square feet on each frontage, and a maximum height of 40 feet above curb level. The Project Site currently features 1,225 square feet of as-of-right accessory signage.

Proposed Project

The Proposed Sign is an illuminated, non-flashing advertising sign consisting of three 40-foot-tall panels, with a combined width of 58.33 feet, and a total surface area of 2,333 square feet. The proposed height would begin at 60-65 feet above curb level, matching the existing atrium above the retail base, and would reach a maximum height of 100-105 feet. The Applicant does not anticipate that the sign would project more than 18 inches across the street line.

Proposed Actions

The proposed zoning text amendment would create a new special permit within the Special Midtown District¹³ allowing modification of the underlying sign regulations¹⁴ along the wide street frontages at the Project Site. The special permit would allow the Proposed Sign to be advertising instead of accessory, to exceed the maximum height above curb level by 60-65 feet, and to exceed the maximum surface area by approximately 1,800 square feet.

The proposed special permit would require the CPC to find that the proposed modifications would not be incompatible with or adversely affect the essential character, use, or future growth of the surrounding area.

¹² [ZR 32-60](#) Sign Regulations in Commercial Districts

¹³ [ZR 81-10](#)

¹⁴ [ZR 32-60](#)

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COMMUNITY BOARD RESOLUTION

On September 10, 2026, Manhattan Community Board 5 (“CB5”) voted 35-5-1 to recommend **denial** of the application. The board stated that the proposed digital advertising signage would be “incompatible with and would adversely affect the use and future growth of the surrounding area, including existing residents, future residents, and the future growth and development of the Midtown Manhattan MSMX residential district and the Broadway green linear park and public open space running through the center of the MSMX residential district.”¹⁵

BOROUGH PRESIDENT’S COMMENTS

This application represents a significant departure from the last 65 years of citywide zoning regulations related to signage. While the proposed project is a single illuminated advertising sign, the proposed actions to facilitate this project would set important precedents with borough- and citywide policy implications.

This application is also emblematic of a borough-wide trend of commercial property owners and businesses seeking approvals for bigger, brighter, and New York Magazine is asking, “Is Herald Square Becoming Times Square?”¹⁶ While digital advertising signs have proliferated in New York City’s public spaces in recent years, from LinkNYC kiosks to bus shelters and subway ads, illuminated advertising signage remains highly restricted by the zoning regulations that apply to land use beyond the public realm. This application at Herald Center, the recently approved DOB permits for continuation of non-conforming signage at Macy’s, and the State’s proposed modifications to the Javits Center GPP are just three recent examples of site-specific proposals for illuminated advertising signage flexibility.

Importantly, this trend is taking place at a time when Midtown Manhattan is becoming increasingly mixed-use, with up to 10,000 new homes expected to be constructed as a result of the MSMX by 2035.¹⁷ At the borough-wide scale, the City’s Fair Housing Growth Strategy establishes a goal of building 87,255 new homes in Manhattan by 2030.¹⁸ Achieving such a significant increase in residential density while maintaining a high quality of life for the current and future residents of Manhattan requires thoughtful planning and urban design at neighborhood- and borough-wide scales.

Taken together, these factors demonstrate a need for an updated policy framework for assessing the appropriate use of illuminated advertising signage across Manhattan.

¹⁵ [Manhattan CB5 Recommendation](#) RE: 1293 Broadway (Herald Center) – Signage Zoning Text Amendment & Special Permit, September 14, 2026

¹⁶ [Is Herald Square Becoming Times Square?](#), New York Magazine, Curbed, September 30 2026.

¹⁷ Midtown South Mixed-Use Plan (MSMX), 2025 ([C 250185 ZMM](#))

¹⁸ [NYC Fair Housing Growth Strategy](#), October 2026

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Proposed Actions

The most straightforward way to facilitate the proposed project would be a zoning map amendment from C6-6 to a zoning district that allows illuminated advertising signage, such as C6-5 or C6-7, which are mapped nearby in Times Square. It is notable that this application does not request such an action, nor does it claim that such a district would be appropriate for the Project Site. Rather, this application seeks to create, through a zoning text amendment, a new special permit to modify underlying signage regulations for the Project Site alone.¹⁹

Zoning Text Amendment

The limited geographic scale of the proposed text amendment, applying to a single zoning lot on a single street corner, is inappropriate.

The Penn Center Subdistrict established in 2001 set a relevant, and as yet un-repeated precedent for loosening illuminated advertising signage restrictions in C6 districts.²⁰ That application established a Subdistrict within the Midtown Special District that applies to 16 lots from West 31st Street to West 35th Street along 7th Avenue, including Penn Station, Madison Square Garden, and Macy's flagship department store. Following that precedent, it could be argued that special signage regulations for Herald Square would help establish the area as a major destination for retail and entertainment with a cohesive visual identity, but that is not what this application seeks to do.

Indeed, the applicant's rationale for the proposed special permit is undermined by the limited geographic applicability of the proposed zoning text to create that special permit. While the applicant claims that the actions are appropriate given the Project Site's location "...at the intersection of three major commercial thoroughfares...adjacent to Herald Square," the proposed zoning text amendment arbitrarily limits the availability of the proposed special permit to just one of four corners of that intersection. Applying the applicant's rationale that Herald Square is a significant intersection warranting special signage regulations would mean applying those regulations not just to the Project Site, but to sites fronting on the entire bowtie-shaped intersection known as Herald Square Plaza.

Zoning Special Permit

While the zoning special permit in question does not yet exist, it is worth considering the applicant's response to the proposed finding that the "proposed modifications

¹⁹ "For #buildings# on #zoning lots#, or portions of #zoning lots# that are both located within C6-6 Districts and have frontage along Broadway, Avenue of the Americas, and West 34th Street..."

²⁰ Penn Center Subdistrict, 2001 ([N 010653 ZRM](#))

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would not be incompatible with or adversely affect the essential character, use, or future growth of the surrounding area.”

On the compatibility question, City policymakers have consistently treated illuminated advertising signage as incompatible with residential use and restricted such signage to non-residential areas. For example, the CPC’s rationale for establishing special signage regulations within the Penn Center subdistrict hinged on the area’s character as a “non-residential, heavily trafficked transit, entertainment, and retail district.”²¹ This application challenges citywide precedent by proposing illuminated advertising signage directly across the street from a 691-unit residential building (Herald Towers).

Citywide signage regulations also seek to limit visibility of both illuminated and non-illuminated advertising signs from Parks.²² This application challenges citywide precedent by proposing illuminated advertising signage aimed directly at Herald Square Park and Plaza. Furthermore, the proposed location of the signage, on the chamfered corner of a building located at a complex intersection with irregular geometry maximizes its visibility from as far away as Bryant Park.

On the question of future growth, policymakers acted very recently in 2025 to enact MSMX, significantly changing the trajectory of future growth in the surrounding area by rezoning 42 blocks of Midtown Manhattan to allow residential use where it had previously been restricted.²³ Through new development and office-to-residential conversions, the addition of up to 10,000 new homes will transform this predominantly commercial area to a high-density mixed-use residential neighborhood in the coming years. While the Project Site is not within MSMX, Herald Square Plaza sits directly in the middle of the four quadrants of the rezoning area. Midtown’s growing residential population will not be isolated to the rezoning area alone — they will experience the wider neighborhood at all hours of the day, with this sign prominently installed in the neighborhood’s central square.

Demonstrating consistency between the Proposed Sign and the goals of MSMX should be a required component of the special permit application, but the application materials do not acknowledge the anticipated residential growth that will result from MSMX, let alone attempt to articulate compatibility of the proposed modifications with that anticipated growth.

Proposed Project

The Proposed Sign represents a precedent-setting departure from citywide signage regulations by seeking the following site-specific modifications to the type,

²¹ Ibid., p. 16

²² [ZR 32-662](#) Additional regulations for advertising signs

²³ Midtown South Mixed-Use Plan (MSMX), 2025 ([C 250185 ZMM](#))

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illumination, size, and height of signage allowed at the Project Site as governed by the underlying C6-6 zoning district:

Sign Type: Advertising vs. Accessory

The Project Site's C6-6 zoning regulations limit the type of signage allowed to accessory signage. The Project Site today features 1,225 square feet of as-of-right accessory signage drawing attention to on-site commercial businesses and has 918 square feet of accessory signage allowances remaining unused.²⁴ When asked to describe the demand for advertising use of the proposed sign, the applicant suggested that it is most likely to be used by commercial tenants of the building. It should be noted that such a use would be considered accessory signage and would therefore not require the proposed flexibility for advertising signage that is sought by this application.

The rationale for allowing advertising signage in the few commercial zoning districts where it is permitted has historically been predicated on the absence of residential use in and around those areas. Given the mixed-use nature of the surrounding area today and the projected increase in residential use as a result of MSMX, the applicant faces a high burden of proof to establish advertising signage as compatible with residential use.

The rationale for encouraging advertising signage in Times Square and the Penn Center Subdistrict was to establish those areas as regional destinations for retail and entertainment.²⁵ These precedents differ significantly from the site-specific nature of the proposed application, in that they tailored advertising signage regulations neighborhood-scale planning and placemaking goals. It can be reasonably claimed that unique advertising signage regulations have helped distinguish Times Square as a global tourist attraction, and that visitors who are drawn to Times Square by the spectacle of its larger-than-life billboards support area businesses. The same logic cannot be cleanly applied to a singular site. Given the limited geographic scope of the proposed Text Amendment, the applicant faces a high burden of proof to establish advertising signage as a driver of foot traffic and in-person retail at the site-specific scale.

Sign Illumination

Given the inherent conflicts between bright lights and people seeking a good night's sleep, New York City Zoning regulations generally seek to limit light trespass from commercial signage into residential homes. Where illuminated signage is allowed, it is typically subject to stricter height limits than non-illuminated signage, and the

²⁴ NYC DCP, [Herald Center Signage Text Amendment & Special Permit Certification Presentation](#), July 13, 2026

²⁵ Times Square Urban Design Controls, 1986 ([N 870224 ZRM](#)); Penn Center Subdistrict, 2001 ([N 010653 ZRM](#))

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Department of Buildings (DOB) is responsible for ensuring that illumination “does not project or reflect on residences, loft dwellings, or joint living-work quarters for artists so as to interfere with the reasonable use and enjoyment thereof.”²⁶ The location of the Proposed Sign, directly adjacent to a 691-unit residential building, is in direct conflict with these precedents.

Illuminated signage is generally not allowed in C5 districts in Manhattan, including the C5-2 and C5-3 districts that cover 3 of the 4 corners of the intersection shared by the Project Site. C5 zoning district regulations prohibiting illuminated signage apply to many prominent retail destinations in Manhattan, including the 34th Street Macy’s Flagship, the 59th Street Bloomingdale’s Flagship, Rockefeller Center, and Madison Avenue in the Upper East Side. Given the prevalence of C5 zoning districts surrounding Herald Square, the applicant faces a high burden of proof to establish the Project Site as an appropriate location for an illuminated sign.

Sign Size

The project site’s C6-6 zoning regulations allow accessory signs with a maximum surface area of “five times the street frontage of the zoning lot...but in no event more than 500 square feet on each frontage for corner lots.”²⁷ The Project Site has approximately 430 feet of lot frontage, allowing for up to 2,143 square feet of accessory signage as-of-right. The applicant seeks more than double this allowance, supplementing the existing accessory signage with an additional 2,333 square feet of illuminated advertising signage, amounting to an overall sign area greater than 10 times the street frontage of the zoning lot.

Times Square’s C6-5 and C6-7 districts and the Penn Center Subdistrict are the only places in Manhattan where sign size is not restricted. Even Manufacturing districts have a maximum surface area of 6 times the street frontage for non-illuminated signs, and 5 times the street frontage for illuminated signs. The applicant faces a high burden of proof for establishing the appropriateness of the proposed increase in surface area of signage allowed at the Project Site.

Sign Height

The project site’s C6-6 zoning regulations limit the height of signs to a maximum height of 40 feet.²⁸ The applicant seeks to increase the maximum height of signage on their site to 105 feet.

²⁶ [ZR 32-64](#) & [ZR 42-63](#) Surface Area and Illumination Provisions in Commercial and Manufacturing Districts

²⁷ [ZR 32-644](#) Illuminated or flashing signs in C4, C5-4, C6 or C7 districts

²⁸ [ZR 32-655](#) Height of signs in all other Commercial Districts

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Times Square's C6-5 and C6-7 districts are the only place in Manhattan where illuminated signs are allowed as-of-right to reach heights greater than 40 feet.²⁹ A discretionary pathway to achieve illuminated signs above 40 feet within the Penn Center Subdistrict requires a CPC Certification that can modify the maximum height up to 60 feet for most sites in the subdistrict, and up to 100 feet "...for signs on zoning lots that contain an entrance to, or are adjacent to, an entrance to a rail mass transit facility and/or subway station."³⁰ Given these limited precedents, the applicant faces a high burden of proof for establishing the appropriateness of signage above 40 feet and as high as 105 feet.

Conclusion

It is tempting to review the Proposed Sign in the context of the proposed special permit and to focus on establishing conditions and safeguards on sign type, illumination, size, and height that may increase compatibility between the proposed sign and the surrounding area. But before considering the special permit application, one must consider the proposed text amendment that would establish the new special permit.

The land use rationale for the zoning text amendment is undermined by its limited geographic scope. New York City zoning regulations for illuminated advertising signage are not and should not be site-specific. Where site-specific precedents for discretionary modifications to signage regulations exist, they are bolstered by significant neighborhood-scale planning, either as part of a special district or a major City-sponsored capital project. This application is remarkably inconsistent with those precedents.

The City's existing signage regulations, while imperfect, are rooted in the goal of minimizing conflicts between residents and businesses. That goal is increasingly important as we work to address the housing crisis by expanding where and how much housing can be built across Manhattan. Increasing residential density, ensuring quality-of-life, and maintaining the city's competitive edge for attracting and retaining businesses requires public policies that appropriately balance the needs of residents and businesses in high-density mixed-use neighborhoods. That's why I sponsored legislation banning floating billboards as a State Senator,³¹ why I am co-sponsoring legislation introduced in the City Council that would set limits on nighttime lighting for certain buildings,³² and it's why I oppose this application as proposed.

This application represents a significant departure from the existing citywide regulatory framework for signage. Approval would set a precedent encouraging similarly

²⁹ [32-65](#) & [42-64](#) Permitted Projection or Height of Signs in Commercial and Manufacturing districts

³⁰ [ZR 81-52](#) Sign Regulations for the Penn Center Subdistrict of the Special Midtown District

³¹ [S6541-A](#) / [A8290-B](#)

³² [Int 0998-2026](#)

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contrived and arbitrary proposals for site-specific exceptions to established land use policies. Disapproval does not mean closing the door to considering modernizing signage regulations to better meet the needs of high-density mixed-use neighborhoods, it simply asserts that such changes are best approached beyond the site-specific scale.

This application has highlighted important challenges in Herald Square's commercial retail market that modified sign regulations could help address. Should the applicant choose to pursue a revised application, I urge them to work with neighborhood stakeholders to develop a forward-thinking vision for Herald Square as a thriving commercial retail destination in the heart of a mixed-use neighborhood, and to establish a clear nexus between the proposed sign regulations and that vision.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, I recommend **denial** of ULURP Application Nos **C260282ZSM and N260283ZRM** with the following **conditions**:

1. That the applicant submit a revised application that more appropriately considers surrounding area context beyond the Project Site, such as establishing a Herald Square Subdistrict within the Special Midtown District;
2. That the revised application incorporate feedback from the Community Board, BID, and neighborhood stakeholders regarding appropriate sign type, illumination, size, and height surrounding Herald Square Plaza;
3. That the revised application be complete in articulating a rationale by which the proposed project and actions may be considered consistent with the goals of the Special Midtown District and compatible with the future growth of the surrounding area as facilitated by the Midtown South Mixed-Use Plan; and
4. That, in developing proposals to achieve the citywide long-term housing need of 700,000 units by 2035 articulated in the Fair Housing Growth Strategy, the Department of City Planning conduct a comprehensive review of citywide signage regulations and propose changes to such regulations as necessary to balance residential quality-of-life with the needs of commercial businesses in high-density mixed-use neighborhoods.


Brad Hoylman-Sigal
Manhattan Borough President