Foreword

This document is the Final Environmental Impact Statement (FEIS) for the Midtown South Mixed-Use Plan (MSMX). The New York City Department of City Planning (DCP), together with other partner agencies, is proposing a series of land use actions, including zoning map amendments and zoning text amendments (the Proposed Actions) that would implement land use and zoning changes to nurture a more vibrant, mixed-use neighborhood, create opportunities for new housing through ground-up development and conversions, support critical commercial activity and job growth, stabilize the commercial real estate market in the wake of the COVID-19 pandemic and shifting work patterns, and reflect the historical architectural legacy and industrial character of the neighborhood.

This proposal has been prepared in response to neighborhood- and citywide planning challenges brought by changes in the real estate and labor markets, and informed by local residents, the business community, property owners, landlords, nonprofit organizations, elected officials, neighborhood associations, and other civic leaders. DCP conducted a stakeholder engagement process in late 2023 and 2024 to solicit feedback and potential areas for intervention in advance of the formal Uniform Land Use Review Process (ULURP) public review period.

The area affected by the Proposed Actions (Affected Area) includes approximately 141 total acres, consisting of all or parts of 42 blocks of the Midtown South neighborhood, and is roughly bounded by 40th Street to the north, Fifth Avenue to the east, 23rd Street to the south, and Ninth Avenue to the west. The Affected Area is comprised of Subdistrict A-2 in the Special Garment Center District, and the “Rezoning Area” -- an approximately 127-acre area consisting of all or parts of 42 blocks of the Midtown South neighborhood. Most of the Rezoning Area (all or portions of 35 blocks) is in Manhattan Community District 5, while the balance (all or portions of seven blocks) are located in Manhattan Community District 4. The Rezoning Area consists of four noncontiguous manufacturing-zoned areas roughly bounded by 40th Street to the north, Fifth Avenue to the east, 23rd Street to the south, and Eighth Avenue to the west.

The Draft Environmental Impact Statement (DEIS) for the Proposed Actions was accepted as complete by the Department of City Planning (DCP), acting as lead agency on behalf of the City Planning Commission (CPC). The DCP issued a Notice of Completion (NOC) for the DEIS on January 17, 2025. The public hearing on the DEIS and ULURP was held on May 7, 2025, at 10:00 AM in the NYC City Planning Commission Hearing Room, Lower Concourse, 120 Broadway, New York, NY. The public hearing was accessible to view and participate in both in person and remotely via NYC Engage. The period for submitting written comments remained open until 5:00 PM, May 19, 2025.

The FEIS addresses all substantive comments made on the DEIS during the DEIS public hearing and subsequent DEIS comment period. Those comments are summarized and responded to in Chapter 27, “Response to Comments on the DEIS”. Changes to the text and

graphics from the DEIS were made in the FEIS, as necessary, in response to these comments. In addition, this FEIS also reflects all substantive changes to technical analyses resulting from agency review, and materials changes in conditions since issuance of the DEIS.

The principal changes between the DEIS and this FEIS include the following:

- Chapter 4, "Community Facilities and Services" – the public schools analysis in the DEIS was prepared using the 2019 multipliers for student generated per household. The 2024 multipliers were released in 2025, after publication of the DEIS. The public schools analysis of this FEIS has been updated to use the 2024 multipliers.

- Chapter 7, "Historic and Cultural Resources," the FEIS includes discussion of five historic resources that were calendared for designation by the Landmarks Preservation Commission (LPC) after the publication of the DEIS.

- Chapter 13, "Transportation," the FEIS was updated to incorporate revisions to the traffic and pedestrian analyses in response to agency comments, including incorporating the SBR movement at Ninth Avenue and West 30th Street and reflect the clear path regulations of the outdoor dining program. The revisions in response to agency comments resulted in an increase of significant adverse impact to one additional intersection and reduction of significant adverse impact to two sidewalk elements.

- Chapter 14, "Air Quality," updates to the industrial source and large and major source analyses.

- Chapter 16, "Noise," a traffic noise PCE comparison was conducted for the FEIS to determine if there were significant differences between traffic counted during noise measurements and traffic counts associated with the traffic analysis. Significant differences (i.e., 3 dBA or greater) were identified at three measurement sites during the PM peak period: M03, M10, and M22. Therefore, the measured noise metrics at these sites were adjusted by adding the decibel increase determined from the traffic noise PCE comparison to each metric, and Table 16-6 was updated with the adjusted metrics. As a result of the adjustment at site M03, a higher level of minimum required attenuation was recommended (i.e., 33 dBA rather than 31 dBA) for all development sites represented by measurement site M03 (i.e., Projected Development Sites 1, 9, and 16).

- Chapter 17, "Public Health," changes to the chapter to account for changes to the air quality (operational) and noise (operational/construction) analyses.

- Chapter 19, "Construction," updates to the noise section - minimum background noise levels used to determine incremental increases in noise levels from construction activities were revised for the construction analysis at Projected Development Site 35

and other sites represented by Projected Development Site 35's analysis. The revision to the minimum background noise levels changed some distances to very objectionable and objectionable noise levels at Projected Development Site 35 as well as other projected development sites represented by Projected Development Site 35's construction analysis. Figures 19-5 and 19-6 were updated to reflect the revised distances to impact, remove potential development sites from the figure, and revise impact shading to more accurately represent the portions of buildings that would be impacted by construction activities.

- Chapter 20, "Mitigation," revisions in the technical areas of open space, shadows, historic and cultural resources, hazardous materials, transportation, air quality, noise, and construction (air quality and noise) to reflect further evaluation of potential mitigation measures conducted between the DEIS and FEIS in coordination between the lead agency, DCP, and other involved and interested agencies.

- Chapter 21, "Alternatives," the mitigation measure discussions under the No Unmitigated Significant Adverse Impacts alternative were revised to reflect further evaluation of potential mitigation measures conducted between the DEIS and FEIS in coordination between the lead agency, DCP, and other involved and interested agencies.

- Chapter 22, "Unavoidable Significant Adverse Impacts," revisions in the technical areas of open space, shadows, historic and cultural resources, hazardous materials transportation, air quality, noise, and construction (air quality and noise) to reflect further evaluation of potential mitigation measures conducted between the DEIS and FEIS in coordination between the lead agency, DCP, and other involved and interested agencies.

- Chapter 26, "Disadvantaged Communities," which is entirely new to the document.

- Chapter 27, "Responses to Comments on the DEIS," which is entirely new to the document.

Except where indicated, all text changes since publication of the DEIS are marked by <u>double underlining</u> in the FEIS. Deleted text is marked by ~~strikethrough~~ text. No underlining is used for this Foreword, Chapter 26, "Disadvantaged Communities," or Chapter 27, "Responses to Comments on the DEIS," as each of these are entirely new.