Technical Memorandum 002
City Planning Commission (CPC) Modification
Midtown South Mixed-Use Plan
CEQR No. 24DCP094M

ULURP NOS.: C250166ZMM, N250167ZRM

A. INTRODUCTION

The New York City Department of City Planning (DCP) proposes a zoning map amendment and a zoning text amendment (the "Proposed Actions") to the New York City Zoning Resolution (ZR) that would foster a vibrant, mixed-use Midtown South neighborhood in the heart of Manhattan. The Proposed Actions would encourage the creation of critically needed housing in both new residential development and conversions, support critical commercial activity, respond to changing conditions in the wake of the COVID-19 pandemic and shifting work patterns, and affirm the area's architectural legacy and industrial character.

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 Draft Environmental Impact Statement (DEIS) for the Proposed Actions was accepted as complete on January 17, 2025, by DCP, acting on behalf of the City Planning Commission (CPC) as lead agency. A public hearing on the DEIS was held on May 7, 2025, in conjunction with the CPC's citywide public hearing pursuant to ULURP, and written comments on the DEIS were accepted until May 19, 2025. The Notice of Completion for the Final Environmental Impact Statement (FEIS) was issued June 6, 2025 (CEQR No. 24DCP094M). The FEIS incorporated responses to the public comments received on the DEIS and additional analyses conducted after the completion of the DEIS.

Since the publication of the FEIS, proposed modifications have been identified by the CPC. The proposed CPC modification (the "Proposed CPC Modification") is summarized below. This technical memorandum examines the potential for the Proposed Modification to result in any new or different significant adverse environmental impacts not already identified in the FEIS. As discussed below, the Proposed Modification by the CPC would result in any new or different significant adverse impacts not already identified in the FEIS.

In addition, following the issuance of the FEIS, clerical errors and omissions were identified in Chapter 9, "Hazardous Materials" and Appendix G, "Noise" related to the Block and Lot information for sites proposed to receive (e) designations. These errors and omissions have been corrected for ease of administration and the above-referenced chapters of the FEIS have been replaced.

B. Description of the Proposed CPC Modification

Zoning Text Amendments

As part of the Proposed Actions analyzed in the FEIS, the southern half of Manhattan block 1012 would be removed from the Special Midtown District (MiD) Theater Subdistrict and would be mapped within the Special Midtown South Mixed Use District (MSX) (refer to **Figure 1).** Per ZR Section 81-744, the transfer of development rights of listed theaters (defined in ZR 81-742) is permitted to sites within the Theater Subdistrict, with some exceptions (refer to ZR 81-744). Per ZR 81-744(a)(3), the maximum amount of floor area transferred to a receiving site may not exceed the maximum floor area ratio of the receiving site by more than 20 percent.

The Proposed CPC Modification would make the southern half of Manhattan block 1012 eligible to receive transferred floor area from a listed theater as defined in ZR 81-742.

C. Environmental Assessment of the Proposed CPC Modification

As shown in **Figure 1,** only one projected/potential development site identified in the FEIS is included in the area subject to the Proposed CPC Modification, Potential Development Site G. While the Proposed CPC Modification would allow transfer of development rights of listed theaters to Potential Development Site G in the With-Action, this floor area mechanism is already in place in the No-Action condition and would remain available in the With-Action condition, resulting in no change. Additionally, the RWCDS analyzed in the FEIS did not assume any floor area bonus or transfer of development rights as a result of the Proposed Actions on Potential Development Site G. Therefore, under the Proposed CPC Modification, the RWCDS would remain the same as what was analyzed in the FEIS.

Therefore, the Proposed CPC Modification would result in the same impacts as what was disclosed in the FEIS; open space (indirect), shadows, historic resources (architectural), hazardous materials, transportation, air quality, noise, and construction. The Proposed CPC Modification would not result in any new significant adverse impacts to land use, zoning, and public policy; socioeconomic conditions; community facilities; urban design and visual resources; water and sewer infrastructure; solid waste and sanitation services; energy; greenhouse gas emissions and climate change; public health; neighborhood character; growth-inducing aspects; and irreversible and irretrievable commitments of resources.

Figure 1 – Area subject to CPC Modification

