Midtown South Mixed-Use Plan

Final Scope of Work for an Environmental Impact Statement



New York City Department of City Planning
CEQR No. 24DCP094M
ULURP No. 250166 ZMM, N 250167 ZRM

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This document is the Final Scope of Work ("Final Scope") for the Midtown South Mixed-Use (MSMX) Plan Draft Environmental Impact Statement (DEIS). This Final Scope has been prepared to describe the Proposed Actions, present the proposed framework for the EIS analysis, and discuss the procedures to be followed in the preparation of the DEIS. This Final Scope incorporates changes made subsequent to the Draft Scope of Work ("Draft Scope"). Revisions of the Draft Scope have been incorporated into this Final Scope and are indicated by double-underlining new text and striking deleted text.

A. INTRODUCTION

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 both 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 historic architectural legacy and industrial character of the neighborhood. This proposal has been prepared in response to neighborhood- and city-wide 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 during the stakeholder engagement process undertaken in late 2023 and early 2024 by DCP to solicit feedback and potential areas for intervention in advance of the formal Uniform Land Use Review Process (ULURP) public review period.

~~The Proposed Actions would affect an approximately 127-acre area (the "Project Area" or "Rezoning Area") consisting of all or parts of 42 blocks of the Midtown South neighborhood. The majority of the Project Area (all or portions of 35 blocks) is located in Manhattan Community District 5, while the balance (all or portions of seven blocks) is located in Manhattan Community District 4. The Project 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 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 located in Manhattan Community District 5, while the balance (all or portions of seven blocks) is 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 (refer to **Figure 1**).

Subdistrict A-2 of the Special Garment Center District (GC) encompasses approximately four blocks, bounded by a line 100 feet east of 9th Avenue to the west, 35th Street to the south, a line 100 feet west of 8th Avenue to the east, and 39th Street to the north. The Special Midtown South Mixed Use District created by the Proposed Actions and described later in the Final Scope, will only apply to the Rezoning Area and will not be mapped on Subdistrict A-2 of the Special Garment Center District (GC).

Since issuance of the Draft Scope of Work, the residential floor area ratio (FAR) cap of 12.0 was eliminated as part of the Fiscal Year (FY) 2025 State Budget enacted by the New York State Legislature. Lifting the

cap is intended to promote the production of housing in the city. The state legislation aligns with zoning changes proposed by the city as part of the "City of Yes for Housing Opportunity" zoning text amendment. The proposed zoning text amendment creates two new residential zoning districts, R11 and R12, which would permit a maximum of 15 and 18 FAR for residential uses, respectively. To account for these new residential districts the Reasonable Worst-Case Development Scenario ("RWCDS") was revised to maximize the potential for new housing construction in the Rezoning and Affected Areas.

The Reasonable Worst-Case Development Scenario ("RWCDS") for the Proposed Actions identified 6127 projected development sites, as well as 1,093,8081,118,305 gross-square-feet (gsf) of sites eligible for residential conversions within the project areaAffected Area. On these projected development sites and the eligible conversion area, the Proposed Actions are expected to result in a net (incremental) increase of approximately 9,6763,952 dwelling units (DU), including 1,940772 to 2,8901,111 permanently affordable units; 462,129296,946 gross square feet (gsf) (402,300259,594 zoning square feet [zsf]) of projected retail space (local retail), 81,75519,491 gsf (71,12516,957 zsf) of community facility use, a decrease of 702,700136,530 gsf of commercial office space (625,566121,663 zsf), and a decrease of 52,39619,977 gsf of warehouse space (46,63017,777 zsf). The RWCDS also identified 715 potential development sites which are considered less likely to be developed by the analysis year. On these sites the Proposed Actions may result in a net increase of approximately 750819 DU, including 153172 to 228243 permanently affordable units.

The RWCDS modeled the potential for the conversion of existing nonresidential floor area to residential use. The non-residential area modeled as eligible residential conversion gsf was informed by DCP's understanding of historical conversion patterns from 2010 to 2020 and the potential for conversions in our study area under the RWCDS With-Action condition. DCP's model for assumed residential conversions in the project areaAffected Area excluded projected and potential development sites and recent hotel development, the latter of which is unlikely to convert to residential use. The conversion analysis resulted in a net loss of 1,093,8081,118,305 gsf of non-residential floor area and a net increase of approximately 781799 DU, including 1560 to 23425 permanently affordable units through the Mandatory Inclusionary Housing (MIH) program. Development on some of these sites, due to their location within historic districts, would be subject to future review and approval by the Landmarks Preservation Commission (LPC). These units are included in the totals above.

The Proposed Actions seek to accomplish the following land use and zoning objectives:

- Expand housing opportunities by allowing residential uses as of right and requiring permanently affordable housing through the Mandatory Inclusionary Housing (MIH) program in new development, conversions, and expansions to support neighborhood diversity and further the city's equity and Fair Housing goals.
- Promote economic recovery, resiliency, and growth by allowing a wider range of compatible commercial, community facility, and light manufacturing uses, modernizing outdated zoning provisions and reducing existing zoning barriers to accommodate a more balanced mix of uses.
- Establish appropriate floor area ratios (FAR) and bulk regulations that ensure new development harmonizes with the surrounding built context and incentivizes mixed-use buildings.

- Promote the adaptive reuse of existing commercial buildings by eliminating non-residential floor area preservation requirements, where applicable.

B. REQUIRED APPROVALS

The Proposed Actions include discretionary actions that are subject to review under the Uniform Land Use Review Procedure (ULURP), Section 200 of the City Charter, and City Environmental Quality Review (CEQR) process, as follows:

Zoning Map Amendments. ~~The Proposed Actions would rezone all of the existing M1-6 and M1-6D districts with high-density paired manufacturing/residential mixed-use districts, establish a new Special District coextensive with the Project Area, and eliminate the Special Garment Center District from the Project Area's northwest quadrant.~~ The Proposed Actions would rezone portions of existing M1-6 and M1-6D manufacturing districts with high-density paired manufacturing/residential mixed-use districts, establish a new Special Midtown South Mixed Use District (MSX) coextensive with the Rezoning Area, and make additional changes to the boundaries of several special purpose districts that overlap with the Affected Area.

***Zoning Text Amendments*.** ~~The Proposed Actions include amendments to the New York City Zoning Resolution (ZR) to establish regulations for a proposed Special District, amend Appendix F of the ZR to apply the MIH program to qualifying portions of the Project Area, and various modification to the Special Garment Center District text. The Proposed Actions would also make the entire Project Area eligible for a floor area increase pursuant to the transit bonus authorization.~~ The Proposed Actions would amend the ZR to establish regulations for the proposed Special Midtown South Mixed Use District (MSX), amend Appendix F of the ZR to apply the MIH program to the Rezoning Area, and modify text in the Special Garment Center District, Special Midtown District, and Special Hudson Yards District, among other changes, which are described in greater detail below.

CITY ENVIRONMENTAL QUALITY REVIEW AND SCOPING

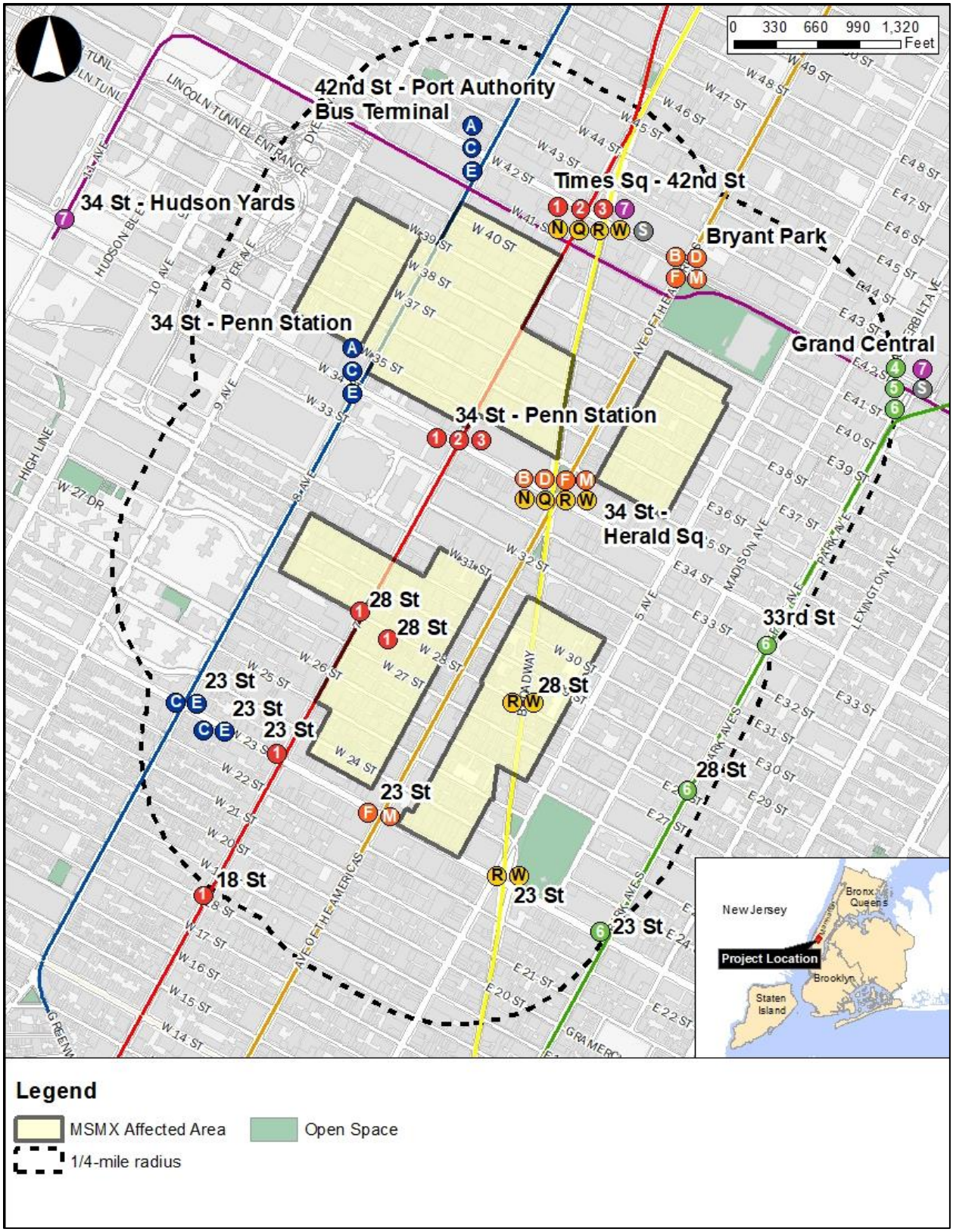
The Proposed Actions are classified as Type 1, as defined under 6 New York Codes, Rules and Regulations (NYCRR) 617.4 and 43 Rules of the City of New York (RCNY) 6-15, subject to environmental review in accordance with CEQR guidance. The Environmental Assessment Statement (EAS) was completed on March 19, 2024. A Positive Declaration, issued on March 19, 2024, established that the Proposed Actions may have a significant adverse impact on the environment, thus warranting the preparation of an Environmental Impact Statement (EIS).

The City Environmental Quality Review (CEQR) scoping process is intended to focus the EIS on those issues that are most pertinent to the Proposed Actions. The process allows other agencies and the public a voice in framing the scope of the EIS. The scoping document sets forth the analyses and methodologies that will be used to prepare the EIS. During the period for scoping, those interested in reviewing the Draft Scope ~~may do so and give~~were given the chance to do so and provide their comments to the lead agency. The public, interested agencies, Manhattan Community Boards (CB) 4 and 5, and elected officials, were~~are~~ invited to comment on the Draft Scope, either in writing or orally, at a public scoping meeting ~~to be~~ held on April 18, 2024, starting at 2:00 PM. Instructions on how to view and participate, as well as materials

relating to the meeting, ~~will be available~~were made available at the DCP Scoping Documents webpage (https://www.nyc.gov/site/planning/applicants/scoping-documents.page) and NYC Engage website (https://www1.nyc.gov/site/nycengage/index.page) in advance of the meeting. To continue to allow for broad public participation options, DCP held~~will hold~~ the public scoping meeting remotely.

Comments received during the Draft Scope's public meeting and written comments received up to 10 days after the meeting until 5:00 PM on April 29, 2024, ~~will be~~were considered and have been incorporated as appropriate into this~~the~~ Final Scope of Work (Final Scope). The lead agency ~~will oversee~~oversaw the preparation of this~~the~~ Final Scope, which ~~will~~ incorporates all relevant comments on the Draft Scope and revises the extent or methodologies of the studies, as appropriate, in response to comments made during the scoping. **Appendix H** includes responses to comments made on the Draft Scope of Work. The written comments received on the Draft Scope of Work are included in **Appendix I**. A transcript of the Public Hearing for the Draft Scope of Work is also included in **Appendix I**. The Draft EIS (DEIS) will be prepared in accordance with the Final Scope.

FIGURE 1: PROJECT LOCATION (FIGURE REVISED FOR FSOW)


0 330 660 990 1,320
Feet
42nd St - Port Authority Bus Terminal
34 St - Hudson Yards
Times Sq - 42nd St
Bryant Park
34 St - Penn Station
Grand Central
34 St - Penn Station
34 St - Herald Sq
28 St
28 St
33rd St
23 St
23 St
23 St
28 St
23 St
28 St
18 St
23 St
23 St
New Jersey
Bronx
Queens
Project Location
Brooklyn
Staten Island
Legend
MSMX Affected Area
Open Space
1/4-mile radius

Once the lead agency is satisfied that the DEIS is complete, the document will be made available for public review and comment. A public hearing will be held on the DEIS in conjunction with the CPC hearing on the land use applications to afford all interested parties the opportunity to submit oral and written comments. The record will remain open for 10 days after the public hearing to allow additional written comments on the DEIS. At the close of the public review period, a Final EIS (FEIS) will be prepared that will respond to all substantive comments on the DEIS, along with any revisions to the technical analyses necessary to respond to those comments. The FEIS will then be used by the decision-makers to evaluate CEQR findings, which address project impacts and proposed mitigation measures, in deciding whether to approve the requested discretionary actions, with or without modifications.

C. BACKGROUND TO THE PROPOSED ACTIONS

COMMUNITY ENGAGEMENT AND INTERAGENCY PARTICIPATION

The Midtown South Mixed-Use (MSMX) planning process began in earnest in 2022 in response to COVID-19, which exacerbated household wealth inequality and fundamentally reshaped commuting and work patterns. As New York City slowly recovered from the worst effects of the pandemic, such as lower foot traffic, growing public safety concerns, and increased retail and office vacancies, it became clear that certain neighborhoods were, for a variety of reasons, more resilient and better positioned to rebound from the economic shocks of the pandemic. Other neighborhoods, however, continued to languish. In particular, Midtown South suffered from fewer employees travelling to the workplace as well as a shortage of residents, leading to the perception that the neighborhood was becoming a ghost town. Concerned for their neighborhood's future, local stakeholders, including the Garment District Alliance Business Improvement District (BID), asked the City to study and consider any land use or policy changes that would help reinvigorate the area.

At the same time, DCP was working on two separate studies with implications for Midtown South. The Manhattan Office was undertaking a comprehensive review of the borough's manufacturing-zoned areas to: 1) Better understand how exclusive manufacturing zones contributed to the local and regional economies; 2) Analyze the strength of the manufacturing sector in Manhattan vis-a-vis other industries; 3) Determine the extent to which Manhattan was at a competitive advantage or disadvantage when it came to demand for manufacturing space relative to other boroughs; and 4) Investigate which types of businesses were most vulnerable to displacement pressures as a result of potential zoning changes that might introduce a more expansive range of allowed uses. At the citywide level, the Department was tasked by Local Law 43 with investigating how a more liberalized office-to-residential conversion regulatory framework might expand opportunities for housing production and address the growing glut of Class B and C office space – a liability that became particularly acute in the wake of COVID-19. That effort culminated in the January 2023 Office Adaptive Reuse Study, which called for eleven legal and regulatory reforms that would increase opportunities for productive conversions and help ensure the city's central business districts remain vibrant, adaptable, and successful over the long term.

Given the Project Area's manufacturing zoning and abundance of outdated office buildings, a more targeted look at Midtown South seemed appropriate. In early 2023, with support from the Manhattan Borough President and local City Councilmembers, DCP began the baseline data gathering and analysis phase of the planning process that would set the stage for the community engagement efforts to follow. The analysis'

initial findings provided specific data confirming the sustained decline of the manufacturing sector, the growth of a diverse office-based economy, consistently high commercial vacancy rates, the outsize potential for office-to-residential conversions, and the mismatch between the demand for new housing and a zoning regime which largely prohibits housing development as of right. Concurrently, DCP also began conducting initial outreach with key stakeholders, including the local BIDs and interested city agencies, to identify any policy or planning areas that might warrant closer attention or a greater degree of sensitivity.

In October 2023, DCP, alongside local elected officials, hosted a virtual public kickoff meeting, initiating the monthslong stakeholder engagement process to examine key land use and zoning issues, share with the public the results of the data collection and analysis, and seek community input to develop strategies to help foster vibrant, 24/7 mixed-use neighborhoods across the Project Area. The stakeholder engagement process consisted of multiple phases and touchpoints. The first phase, proposal development, was anchored by a series of curated roundtables attended by practitioners, experts, and those with first-hand knowledge of five topic areas: housing, business, existing residents, social services, and real estate. Rather than maximize attendance, the roundtables, with invitation-only participation and facilitated discussions, were designed to dig deep into the issues affecting the community. Proposal development also consisted of a robust digital engagement effort with a website where the public could go to learn more about the study and receive updates on the process. Virtual public office hours staffed by members of the MSMX team also offered an opportunity for anyone to ask questions and provide feedback on the plan. The proposal development phase culminated in the publication of a community priorities document which synthesized the comments and discussions from the stakeholder engagement process and laid out a preliminary zoning proposal along with other recommendations.

D. MIDTOWN SOUTH MIXED-USE PLAN AREA HISTORY

~~PROJECT~~ AFFECTED AREA HISTORY

THE EARLY HISTORY OF MIDTOWN SOUTH

Midtown South's history can be traced back to the late 18th century when it was part of the sparsely populated outskirts of New York City. The area that would become Midtown South was characterized by open farmland, small villages, and estates owned by the city's elite. In the early 19th century, the district underwent a gradual transformation as the city expanded northward and the neighborhood's population grew. The Commissioners' Plan of 1811, which laid out the Manhattan street grid, had a profound impact on the development of Midtown South. The opening of streets and avenues, such as Broadway, Sixth Avenue (originally known as the Eastern Post Road), and Eighth Avenue (Central Avenue at the time), facilitated access to the area and rapid real estate development.

During the mid-19th century, Midtown South experienced significant population growth and economic diversification. The area immediately to the north and west of Madison Square Park between West 23rd and West 34th streets became known as the city's social center and home to some of New York's wealthiest residents who patronized the grand hotels and opera houses that lined Fifth Avenue and Broadway. Notable establishments included the landmarked Hotel Gilsey and the Manhattan Opera House. The southeastern part of the Affected~~Project~~ Area was historically one of the ~~C~~city's most fashionable shopping districts populated by large department and dry goods stores. Further west, the area between West 23rd and West 42nd streets saw a boom in the construction of inexpensive hotels, vaudeville theaters, and other popular

entertainment venues, transforming it into a notorious hub of cultural activity known as the Tenderloin. It was in this era that the district earned a reputation as a vice-ridden neighborhood, known for its gambling houses, saloons, and brothels. The area's name is believed to originate from the practice of police officers accepting bribes from illegal businesses, which allowed them to afford pricier cuts of meat, such as tenderloin steak.

In the latter part of the 19th century, the neighborhood became a hub for industry, including printing, publishing, and wholesaling. West 28th Street between Broadway and Sixth Avenue became home to a significant concentration of sheet music publishers, dubbed "Tin Pan Alley" to evoke the noise of piano music audible on the block. By the 1890's, the city's flower wholesaling businesses, which earlier congregated along the Hudson waterfront to meet arriving ships from Long Island's farms, had moved over to the blocks between Sixth and Seventh avenues from West 26th to West 29th streets. In this burgeoning Flower District, the sellers gained closer proximity to the elegant residences, hotels, and fashionable department stores of Fifth Avenue's Ladies' Mile.

The opening of Pennsylvania Station at 34th Street and Seventh Avenue in 1910 and Grand Central Terminal in 1913 dramatically accelerated the transformation of the ~~Project~~ Affected Area from a primarily entertainment, shopping, and residential district into the city's premier manufacturing zone. During the early years of the twentieth century, as New York City's entertainment center of gravity moved north to Times Square, the area around Madison Square became home to growing numbers of small garment manufacturers who moved into lofts and showrooms from cramped tenements in Lower Manhattan. At the same time, the introduction of improved rapid transit service along Broadway and the major avenues made it easier for thousands of workers, many of them newly arrived immigrants from Europe to access employment and for business to thrive. An influential business trade group, the Fifth Avenue Association, took issue with the encroachment of industrial uses and immigrant laborers into the tony district and endeavored to push the nascent garment businesses west into the Tenderloin. By the 1920s, the area from Sixth to Ninth avenues between West 30th and West 42nd streets evolved into the garment district, with hundreds of manufacturing lofts, design showrooms, and offices. The fur district, centered on West 25th and West 31st streets between Sixth and Eighth avenues, employed highly skilled fur designers and workers.

THE DECLINE OF MANUFACTURING

In the years immediately before World War II, garment manufacturing, wholesale, retail, and related trades became New York's largest industry in terms of both work force and commercial output. A development boom resulting from the economic impact of the apparel sector led to a significant amount of construction of mid- and high-rise mercantile loft buildings designed to house all aspects of the garment industry, including office space, showrooms, and manufacturing facilities.

Following the war, however, changes in transportation and spatial needs, as well as larger macroeconomic shifts such as automation and offshoring production to countries with lower labor costs, the number of manufacturing and associated businesses in New York City declined significantly, with the garment industry being hit particularly hard. Between 1958 and 1977, the number of garment manufacturing firms in Manhattan declined by about half – from approximately 10,000 to a little over 5,000. During this period, the geographic extent of the Garment District shrunk as well. Today, the center of the garment industry – is generally limited to the northwest quadrant of the ~~Project~~ Affected Area.

Fearing this decline in industrial activity, which for decades had provided union-wage jobs and a steppingstone into the middle class for hundreds of thousands of workers as well as a stable tax base, the City initiated a series of protectionist land use policy interventions to try to stabilize the manufacturing sector. In 1961, the northeast quadrant of the ~~Project~~ Affected Area, roughly the midblocks from West 35th to West 39th streets between Fifth and Sixth avenues, was zoned C6-4 – a high-density commercial zoning designation that reflected its historically mixed-use character near Midtown East's office market and Fifth Avenue's concentration of retail, hospitality, and residential uses. Nonetheless, this quadrant contained a significant amount of light manufacturing, wholesale, warehousing, and office uses of considerable economic value to the city. By the 1970s, increasing residential demand south of 59th Street coupled with extremely low vacancy rates for industrial loft spaces led policymakers to conclude that manufacturing businesses in industrial areas warranted increased protections from residential development pressures. In February 1981, the City Planning Commission (CPC) approved a series of actions (C 800459 ZMM, N 800458 ZRM) to rezone the Garment Center East from C6-4 to C6-4M – a mixed-use district that limited as-of-right residential development and incentivized the preservation of manufacturing space. However, in their consideration of that proposal, the CPC determined that non-residential uses deserved a higher level of protection and on the same day certified a proposal (C 810124 ZMM, N 810407 ZRM) to rezone the area to M1-6, thereby prohibiting all new residential use.

Although the heart of the Garment District, roughly from West 35th to West 40th streets between Broadway and Ninth Avenue and zoned M1-6 in 1961, was not under particular threat from residential encroachment, policymakers feared that the conversion of mercantile lofts to offices might jeopardize the long-term viability of apparel production. In the early 1980s, as the area around Times Square was becoming a more attractive office market, DCP, the Office for Economic Development, and the Public Development Corporation studied the potential impacts of the Times Square redevelopment on the garment industry, including the possible loss of industrial loft space and manufacturing jobs. The study undertook a census of apparel and related Garment District firms to identify their basic characteristics and use of space. The census showed that of the 7,345 businesses in the area in 1985, approximately 4,868 (66%) were in the apparel industry; they employed approximately 61,000 people and occupied approximately 20 million square feet of space. Manufacturing was found to be the industry's leading sector with about 25,000 employees (41% of the industry) and 8 million square feet of space (40%). The census also indicated that of the 20 million square feet of apparel industry space, nearly half was used for production-related operations. The study also analyzed the projected demand for office space in Manhattan and in the Garment Center over the succeeding years, evaluating the office conversion potential of every loft in the area. Market research showed that approximately 3.5 million square feet of garment-related production activity - over 40% of the manufacturing loft inventory - would be threatened if the then-existing M1-6 zoning, which allowed for unrestricted industrial to office conversions, remained unchanged.

In 1987, the CPC intervened by establishing the Special Garment Center District (C 870242 ZMM, N 870241 ZRM), creating a safe haven for garment manufacturers by insulating them from market competition for loft space. In the midblocks between Broadway and Ninth Avenue, which were seen as particularly vulnerable to displacement pressure, the Special Garment Center District regulations allowed for conversion to office use only by preserving an equal amount of comparable floor area for retail, wholesale, showroom, warehousing, or industrial uses. The zoning on the avenues remained unchanged and office use remained as-of-right. Since the enactment of the special district, approximately 180,000 feet of

space has been preserved for manufacturing or warehousing uses, representing a little over 2% of the manufacturing floor area in the Special Garment Center District.

However, despite the controls put in place to stem the loss of manufacturing in Midtown, the sector has continued to erode. A 2003 report prepared by the Fashion Center Business Improvement District (later renamed the Garment District Alliance, or GDA), found that while fashion-related jobs still accounted for a plurality (47%) of the area's jobs, employment in the garment sector declined by more than 15% between 1989 and 2000; most of this decrease was attributable to garment manufacturing specifically, which declined by more than 30% to fewer than 15,000 jobs in 2000 from more than 21,000 in 1989.

In the early 2000s, as the city sought to recover from the post-9/11 economic recession, the Bloomberg administration pursued an aggressive strategy of encouraging new commercial development in Manhattan's central business districts in an attempt to recapture some of the office jobs that had migrated to office parks and other low-density suburban campuses in the region beginning in the 1970s. As part of the 2005 Hudson Yards Rezoning (N 040500(A) ZRM, et al.), the City rezoned the midblocks from West 35th to West 39th streets between Eighth and Ninth avenues from M1-5 and M1-6 to C6-4M and modified the Special Garment Center District regulations to encourage contextual loft-like building envelopes and established an Inclusionary Housing area to incentivize the creation of income-restricted affordable housing. The new C6-4M district regulations allowed for new residential development and commercial-to-residential conversions on sites with less than 70,000 square feet of floor area as of right. DCP's analysis found that the vast majority of industrial uses tended to locate in the larger loft buildings and, therefore, allowing residential uses as of right on smaller sites would pose little displacement risk to existing manufacturing firms. However, despite the rezoning's goal of promoting housing, most new development resulted in hotels. In pursuing this rezoning, the City recognized the diminishing need for space for the garment industry and that the underutilized parcels in the area were unlikely to redevelop under the existing regime that encouraged non-contextual manufacturing buildings.

A similar rationale was used to justify the 2011 rezoning of the midblocks bounded by West 28th Street, Eighth Avenue, West 30th Street, and Seventh Avenue in the southwest quadrant of the ~~Project~~ Affected Area from M1-5 to M1-6D (C 100063 ZMM, N 110285 ZRY). Once part of the Fur District, many of the fur related businesses within the rezoning area had left and the fur businesses that remained shifted from production to sales. Like the C6-4M district, the M1-6D district sought to protect the economically important Class B and C office market which was disproportionately concentrated on the larger sites. Under the new M1-6D rules, for lots with less than 40,000 square feet of floor area, residential uses are allowed as-of-right; lots with more than 40,000 square feet of floor area are required to preserve the amount of non-residential floor area in order to construct any new residential floor area. Additionally, the rezoning applied contextual bulk rules so that new development matched the pre-war character of the area, introduced restrictions on new large hotel development, and mapped an Inclusionary Housing area that has since resulted in the production of hundreds of income-restricted affordable homes. The rezoning recognized that the legacy M1-5 manufacturing zoning had stymied new investment such as new housing and that the reforms could complement existing uses, enhance the business environment by enlivening streets and bringing in new retail services, and create a more robust mixed-use community.

By 2016, on the eve of the Special Garment Center District's 30th anniversary, the goals of the special district, which include providing opportunities for apparel production, proved difficult to meet. In the

Garment Center, apparel manufacturing employment declined to approximately 4,400 employees – an approximately 75% decline from 1987. Similarly, apparel manufacturing space in the special district shrunk by almost 93% over the same 30-year period to only about 1.4 million square feet. The statistics for the midblock Preservation Areas, which limited existing buildings to retail, wholesale showroom, warehousing, and industrial uses, were even more bleak - apparel manufacturing jobs had declined by 90%. These trends reflected the general trajectory of the sector throughout Midtown, the city, and the country as a whole, which accelerated in the 1990s and early 2000s due to globalization and automation. Many of the manufacturing firms that did remain managed to significantly reduce their employee footprint by adopting new technologies.

However, the decline of manufacturing and the newly available space enabled other commercial businesses and nonprofits to largely replace the thousands of lost apparel manufacturing sector jobs. Despite zoning that limited office use, the Special Garment Center District saw a 56% increase in jobs between 2000 and 2016, much of which were office-based. In 2018, recognizing that the zoning rules designed to preserve manufacturing uses were ineffective in supporting a transformed apparel industry and unnecessarily constrained the Garment Center as a diverse employment center, the City passed a text amendment to the Special Garment Center District (N 180373 ZRM) to better align zoning with the area's land use and employment trends. The changes lifted restrictions on the conversion of manufacturing and warehousing uses to office uses, created new contextual bulk envelopes for the M1-6 zoned areas, and established a CPC special permit for transient hotels. In tandem with these zoning reforms, the City also developed a package of incentives and subsidies to support investments in the broader apparel production industry to support what remains of a waning – yet historically important – source of jobs. Today, while the ~~Project~~ Affected Area contains a mere 3% of New York City's total jobs, almost a quarter of the city's fashion manufacturing and wholesale jobs are still located there.

ECONOMIC RECOVERY AND DIVERSIFICATION

The ~~Project~~ Rezoning Area has experienced a renaissance in recent years and evolved into a more diverse neighborhood compared to the economic nadir of the 1970s and 1980s when New York City was hemorrhaging jobs across all sectors. Today, the ~~Project~~ Rezoning Area is home to approximately 7,000 businesses across a wide range of industries employing over 135,000 people - a comparable job density to what is typically considered the core Midtown office submarket to the north. Only about 2,300 jobs in fashion manufacturing remain in the ~~Project~~ Rezoning Area, representing less than 2% of total jobs and marking an almost 80% decline over the preceding 20-year period. While apparel production has fallen precipitously, non-fashion manufacturing and wholesale employment has remained relatively steady over the last 20 years with approximately 6,400 jobs, 84% of which are in wholesale. This trend is not distributed evenly across the ~~Project~~ Rezoning Area's four quadrants. While manufacturing has declined in the northeast, southeast, and southwest quadrants, in the northwest quadrant, wholesale jobs have grown by 24% and manufacturing by 29% over the last 20 years. However, overall manufacturing growth has not offset the decline in fashion manufacturing.

At over 23%, job growth across the ~~Project~~ Rezoning Area has outpaced the Manhattan (11%), New York City (19%), and U.S. (17%) economies over the last decade. The largest share of jobs across the ~~Project~~ Rezoning Area – about one third - is in professional and business services; this sector represents the plurality of jobs in all quadrants except for the southeast area near Madison Square Park's upscale retail market, where the highest share of jobs is in leisure and hospitality. This trend is driven by outsize gains in emerging

technology and creative industries, which have seen an explosive 60 percent growth rate over the last decade. Complementing the Garment District's established fashion-related businesses, the northwest quadrant's share of jobs in design, media, and the arts has almost doubled over the last ten years. The tech sector, which includes software, web platform, and computing services as well as nano and biotechnology development, has grown by 35% overall in the last decade, but has seen a particularly rapid acceleration (73%) in the southeast - a popular cluster for startups and where much of the ~~Project~~Rezoning Area's trophy office space is located.

In addition to its central location accessible by 15 subway lines and regional transit, businesses and non-profit organizations are attracted to the ~~Project~~ Affected Area because of lower rents compared to other Central Business District submarkets. With a median building age of 103 years, almost 90% of the buildings in the ~~Project~~ Rezoning Area were built prior to 1961. Many of these buildings, typically versatile lofts or older purpose-built offices, generally have lower floor-to-ceiling heights, smaller floorplates, and fewer amenities than the newer Class A office space. In fact, 99 percent of the office space in the ~~Project~~ Rezoning Area is classified as either Class B or Class C according to CoStar. Largely due to the age and condition of the building stock, asking rents are lower than the Manhattan average of $55 per square foot – from a high of $52 per square foot in the southeast quadrant to a low of $39 per square foot in the northwest quadrant. Because of its desirable location, bargain rents, and favorable zoning, the ~~Project~~ Affected Area is both a gateway for small, growing businesses to gain a foothold in Manhattan to establish themselves, grow and move on, but also a refuge for non-profits and firms in vulnerable industries that have fewer options for where they can locate affordably.

Although businesses in the ~~Project Affected~~Rezoning Area have largely recovered the jobs lost during the COVID-19 pandemic, new remote work policies have put a strain on commercial landlords as vacancy and sublease rates continue to rise. Reflecting a growing trend of fewer in-office days for workers and more flexible work environments, MTA turnstile data for the subway stations in and around the ~~Project Affected~~Rezoning Area show that ridership is only at 2/3 of the pre-pandemic average. As a result, the office market is experiencing heightened commercial vacancy rates, averaging 17.5 percent citywide and representing approximately 100 million square feet of available office space. These vacancy rates are nearly double the rates pre-COVID, and are anticipated to remain elevated as the office supply responds to structural changes to workplace cultures and office space demand.

The ~~Project~~ Rezoning Area's commercial availability rate of more than 19% indicates a softer office market that will struggle to attract and retain tenants. Compounding this challenge, many businesses are taking advantage of the downturn by moving to higher quality offices as a strategy for encouraging employees to work from the office and equipping them to be their most productive when there. This "flight to quality" phenomenon represents an existential threat to the ~~Project Affected~~ Rezoning Area where Class A office properties are almost nonexistent. Projections indicate that in the coming years, as long-term leases expire, office vacancies will continue to grow and are unlikely to return to the 10% average pre-COVID rate in the foreseeable future.

HOUSING

Due to its history as a commercial and manufacturing center, the ~~Project~~ Rezoning Area only contains approximately 2,300 housing units, or about 17.5 dwelling units per acre - a significantly lower housing density than the rest of Manhattan (63 dwelling units/acre) and lower than New York City overall (19

dwelling units/acre). This is a particularly surprising statistic considering that there are about 74,000 homes within an approximately 10-minute walk of the ~~Project~~ Rezoning Area (½ mile radius). Housing types fall within four general categories: 1) Residential buildings such as walkup tenements that pre-date the current manufacturing zoning and are considered legally nonconforming; 2) converted or newly constructed residential units approved by BSA variances or CPC special permits; 3) new residential units constructed following the 2011 rezoning of the M1-6D portion of the southwest quadrant, and; 4) converted former manufacturing loft buildings such as Interim Multiple Dwellings (IMDs) and former IMDs that have legalized or are undergoing legalization under the Loft Law (a.k.a. Article 7C of the New York State Multiple Dwelling Law (MDL)).

In the early 1980s, recognizing a growing trend of illegal residential loft conversions in former manufacturing and commercial buildings in certain parts of Manhattan and Brooklyn, the City and State introduced zoning and legislative changes to regulate the conversion of non-residential loft buildings to safe, permanent housing. The MDL was amended by the enactment of the Loft Law, which enabled the creation of IMDs, a temporary legal status conferred upon commercial, or manufacturing buildings occupied by three or more families and established the New York City Loft Board to regulate such conversions to legal residential use. Article 7C of the MDL provided that residential conversions were only permitted in areas where zoning allowed residential use as-of-right, which effectively excluded IMDs in the ~~Project~~ Rezoning Area. In 1987, Article 7C was amended to allow IMDs in zoning districts where residential use was not permitted as-of-right, opening the door to legal residential occupancy in Midtown South. Subsequent Loft Law amendments extended filing windows and eligibility for coverage.

Most of the residential units in the ~~Project~~ Rezoning Area are market-rate; however, some are subject to various affordability programs. Approximately 30%, or 317 units, of the dwelling units built under the M1-6D regulations since 2011 are permanently income-restricted pursuant to the city's Inclusionary Housing Program. There are approximately 425 additional units that are not income-restricted but are subject to the New York State Rent Stabilization Law, which generally governs buildings with six or more residential units built before 1974. Under the Rent Stabilization Law and subsequent legislation such as the Housing Stability and Tenant Protection Act (HSTPA) passed by the State in 2019, rent, services, leases, and evictions are subject to greater regulation. There are an additional 409 units that were previously under Loft Law jurisdiction but are no longer rent-stabilized. Generally, once the legalization process for IMDs is completed, the affected units become rent stabilized. However, rent stabilization does not apply to units in former IMDs that are owner-occupied or for which a tenant has voluntarily waived rent protection in exchange for a buy-out from the building owner.

Based on the 2020 Census' average household size for Manhattan Community District 4 and 5 of 1.68, the population of the ~~Project~~ Rezoning Area is estimated to be approximately 3,864. However, because the Census Blocks for the ~~Project~~ Rezoning Area overlap with neighboring zoning districts that allow residential development as of right, it is difficult to disaggregate data for the ~~Project~~ Rezoning Area from the wider neighborhood context. As a result, demographic information such as age, race, income, education, household composition, tenancy, and other metrics cannot be determined with any certainty.

NEIGHBORHOOD CONTEXT

Unlike most other neighborhoods in Manhattan and elsewhere that tend to have commercial uses concentrated on avenues and wide streets and predominantly residential uses in the midblocks and side

streets, the ~~Project~~ Rezoning Area is almost uniformly commercial – primarily offices interspersed with manufacturing, wholesale, and showroom uses as well as some newer hotel developments. While the overwhelmingly commercial makeup of the area contributes to its status as an important jobs hub and economic driver of the local and regional economy, the absence of residents and retail options creates its own set of challenges and does not support the conditions necessary for vibrant, diverse, mixed-use neighborhoods that are active outside of the workday. The ~~Project~~ Rezoning Area's four quadrants have subtle differences in terms of built character and mix of uses, as detailed below.

~~PROJECT~~ AFFECTED AREA

~~The Proposed Actions would affect an approximately 42-block, 127-acre area of the Midtown South neighborhood of Manhattan, Community Districts 4 and 5.~~ The area affected by the Proposed Actions (Affected Area) includes approximately 141 total acres, consisting of all or parts of 46 blocks of the Midtown South neighborhood in Community Districts 4 and 5, 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 includes ~~Subdisitrct~~Subdistrict A-2 of the Garment Center Special District, and the Rezoning Area.

The ~~Project~~ Affected Area consists of four noncontiguous M1-zoned areas and the C6-4M Special Garment Center Subdistrict A-2. The Rezoning Area consists of only the four noncontiguous M1-zoned areas. The northwest quadrant is roughly bounded by Eighth Avenue to the west, Broadway to the east, West 35th Street to the south and West 40th Street to the north. The northeast quadrant consists of the midblocks between Fifth Avenue to the east, Sixth Avenue to the west, West 35th Street to the south and West 40th Street to the north. The southeast quadrant consists of the midblocks between Fifth Avenue to the east, Sixth Avenue to the west, West 23rd Street to the south and West 31st Street to the north. The southwest quadrant is roughly bounded by Seventh Avenue to the west, Sixth Avenue to the east, West 24th Street to the south and West 31st Street to the north, with a small, two-block portion extending west to Eighth Avenue between West 28th and West 30th Streets.

The ~~Project~~ Rezoning Area lies at the nexus of Manhattan's busiest and most visited neighborhoods. The four M1-6 zoned quadrants are bifurcated by a commercially zoned area extending from West 31st to West 34th streets between Fifth Avenue to Eighth Avenue. This area, which contains Penn Station, Penn Plaza, Madison Square Garden, Macy's department store, Herald and Greeley squares, and the Empire State Building, among other destinations, is one of the most heavily trafficked transportation, business, and retailing neighborhoods in the country. To the north of the ~~Project~~ Affected Area across 42nd Street, Times Square, the Port Authority Bus Terminal, the theater district, Bryant Park, and the New York Public Library's main branch draw millions of tourists, workers, and other visitors each day. To the south, 23rd Street is a major east-west corridor and shopping destination.

Except for Broadway, which cuts across the northwest and southeast quadrants at a diagonal, the ~~Project~~ Affected Area is laid out on a typical gridiron pattern in accordance with the Commissioners' Plan of 1811 with blocks that are generally 800 feet wide by 200 feet deep. The four quadrants are broadly similar in terms of building typologies and building ages represented, with the majority of structures consisting of mercantile and office lofts constructed in the first decades of the 20th century. Approximately 11.5 acres of the ~~Project~~ Rezoning Area's southeast quadrant is located within either the Ladies' Mile Historic District (all or parts of 14 tax lots) or the Madison Square North Historic District (all or parts of 62 tax lots).

Northwest Quadrant

The northwest quadrant, which makes up the majority of the Garment Center, is roughly bounded by Broadway and Seventh Avenue to the east, West 35th Street to the south, West 40th Street to the north, and a line 100 feet west of Eighth Avenue to the west. The northwest is characterized by loft buildings constructed in the early part of the 20th century that were originally used for both production and showroom space. On the side streets, buildings are generally around 15 stories tall; on the avenues, buildings tend to range from 25 to more than 40 stories. These were designed as general-purpose buildings that could accommodate manufacturing, warehousing, retail and office uses. More recently, buildings whose upper floors were used for production have become showrooms or Class B or C office spaces, though some garment production remains. The northwest has the fewest residential units of any part of the ~~Project~~ Rezoning Area. Avenue frontages tend to have a consistent ground-floor retail presence, often occupied by large chain stores including banks, restaurants, and variety stores; second-floor retail is not uncommon. The midblocks tend to have smaller retail storefronts populated by bars, local services, and specialty, fashion-related wholesale establishments. Among the four quadrants, the northwest has the largest economy with 65,000 jobs, representing almost half of the ~~Project~~ Rezoning Area's total employment.

The northwest is the densest quadrant, with FARs generally in the 9.0 to 18.0 range, but with some buildings over 30.0 FAR. Existing commercial loft buildings come in two basic variations – the more squat, boxy typology that typically rises to its full height at the street wall, and the wedding-cake style, which, above a high street wall, has multiple, shallow setbacks forming tiers each set back from the one below. The wedding-cake loft, with its distinctive ziggurat-like profile, is a legacy of the 1916 Zoning Resolution, which was designed to allow light and air to filter into the narrow streets below. Both loft typologies have high streetwalls, often rising to over 150 feet before setbacks on side streets, and as much as 200 feet before setbacks on the avenues. The buildings tend to have very high lot coverage with no or very shallow rear yards.

Northeast Quadrant

The northeast quadrant, also known as the Garment Center East, but outside of the special zoning district, is bounded by a line 150 feet west of Fifth Avenue to the east, 150 feet east of Sixth Avenue to the west, West 35th Street to the south and the centerline of the block between West 39th and West 40th streets to the north.

Unlike the other three quadrants, which have been zoned for manufacturing since 1961, the northeast quadrant was originally zoned C6 and only rezoned to M1-6 in the 1980s. As a result, the building stock tends to be more diverse, with lofts interspersed with older walkup rowhouses and tenements, most of which have been altered and converted, as well as newer hotels. Buildings tend to be around 15 stories tall with a median FAR of 11, but with a significant concentration of buildings in the 3.0 to 6.0 and the 12.0 to 15.0 FAR ranges. Most of the loft buildings have been converted from manufacturing and wholesale to Class B and C office use. Over the last fifteen years, due to the permissive M1-6 zoning (which, as of 2021, no longer allows transient hotel accommodations as of right) and proximity to the Midtown theater district, the northeast quadrant has seen a proliferation of budget and mid-rate chain hotel development. As a result of the quirks of the M1-6 bulk regulations, these hotels tend to have streetwalls that set back 10 to 20 feet from the street line and rise to their full height without setback, breaking up the street wall and creating a

somewhat awkward "missing tooth" character. Ground-floor retail typically consists of local services, such as salons, dry cleaners, and hardware stores, and eating and drinking uses.

Southeast Quadrant

Bisected by Broadway, the southeast quadrant consists of the midblocks bounded by a line 100 to 275 feet west of Fifth Avenue to the east, a line 125 to 150 feet east of Sixth Avenue to the west, West 23rd Street to the south and West 31st Street to the north. The southeast quadrant is the most historically intact portion of the ~~Project~~ Rezoning Area; approximately 50% of the area is within a LPC historic district with a further nine individual landmarks. In terms of the built character, the southeast is perhaps the most heterogeneous. While 10- to 15-story lofts are still the predominant building type, there are a number of three- to six-story historic rowhouses as well as Class A office buildings, many of which were converted from former department stores and hotels. The median FAR for the southeast quadrant is 5.2, though there is a notable concentration of buildings in the 9.0 to 15.0 FAR range.

In recent years, this area has become part of the trendy NoMad (North of Madison Square Park) neighborhood. Because of its popularity with tourists and employers alike, the southeast has seen a proliferation of large upscale hotel developments, including the Ritz-Carlton at Broadway and West 28th Street and the Virgin Hotel at Broadway between West 29th and West 30th streets. A number of institutional uses are concentrated here, including the Serbian Orthodox Cathedral of Saint Sava at 13 West 25th Street and Marble Collegiate Church at Fifth Avenue and West 29th Street. The southeast has the second-highest residential population among the four quadrants, with approximately 425 residential units, mostly IMDs, pre-1961 legally nonconforming residences, as well as at least one 74-711 special permit at 39-41 West 23rd Street in the Ladies' Mile Historic District that allowed for 43 homes, four of which are affordable. In approving that application (C 140404 ZSM), the Commission noted that there was already an appreciable residential presence in the M1-6 district and surrounding areas alongside shrinking demand for conforming manufacturing and commercial uses, particularly on small sites. There are a wide range of retail offerings in the area, including upmarket restaurants, boutiques, bookstores, and gyms, alongside a robust, if dwindling, concentration of small wholesale import shops and low-cost clothiers. Notably, the southeast quadrant has the ~~Project~~ Rezoning Area's highest concentration of large, underdeveloped and undeveloped soft sites such as parking lots.

Southwest Quadrant

The southwest quadrant is roughly bounded by Seventh Avenue and a line 100 feet east of Eighth Avenue to the west, a line 125 feet west of Sixth Avenue to the east, West 28th Street and the centerline of the block between West 23rd and West 24th Street to the south, and West 30th and West 31st streets to the north. While the majority of the building stock consists of 12- to 15-story masonry loft buildings, like the northeast quadrant, the southwest has seen a proliferation of hotels over the last two decades that are built 15 to 20 feet from the street line and rise without setbacks or articulation to a height taller – sometimes over 40 stories - than their pre-war neighbors. The southwest has the widest variation of building densities; while the median FAR is 8.3, there is a significant number of buildings built to less than 5.0 FAR and greater than 12.0 FAR.

While many of the older lofts have been converted to office use, the southwest still has the ~~Project~~ Rezoning Area's highest concentration of wholesale establishments – a trend that's remained relatively stable over

the last two decades despite a shrinking manufacturing sector. With approximately 37,000 jobs, the southwest is second only to the northwest quadrant in terms of economic impact, which includes a flourishing creative and tech sector. The southwest has historically been the heart of the Flower District; today, there are a couple of dozen floral retail and wholesale businesses employing around 200 people, mostly concentrated along West 28th Street between Sixth and Seventh avenues. In the warmer months, the sidewalks and streets along this stretch of West 28th Street transform into an open-air flower market serving restaurants, hotels, and other businesses across Manhattan and the city.

The southwest is within the orbit of the Fashion Institute of Technology (FIT) and its large population of students and staff. Like the northwest quadrant, avenue frontages tend to have ground-floor retail consisting mostly of chain stores and restaurants with smaller storefronts in the midblocks tenanted with bars, local services, and fashion-related businesses. The southwest has by far the biggest residential presence of any quadrant, containing over 70% of the ~~Project~~ Rezoning Area's homes. The majority of residential development is concentrated in the roughly two-block M1-6D area west of Seventh Avenue, which was rezoned in 2011 from M1-5 and mapped as an Inclusionary Housing area. The M1-6D district requires buildings to line up at the street line in loft-like building forms to match the surrounding context. The success of the 2011 rezoning, catalyzing hundreds of new market-rate and affordable units, indicates strong demand for residential development in the ~~Project~~ Affected Area.

PREVIOUS PLANNING EFFORTS AND PAST ACTIONS

GARMENT CENTER TEXT AMENDMENT

In May 2017, then New York City Deputy Mayor for Housing and Economic Development Alicia Glen, then Manhattan Borough President Gale A. Brewer, and then Council Member Corey Johnson announced the formation of the Garment Center Steering Committee. With the proposed text amendment lifting the manufacturing preservation requirement, the Committee was formed with the purpose of identifying non-zoning strategies to support the continued presence of garment manufacturing in mid-Manhattan that could be implemented by the City. Chaired by then Borough President Brewer, the Steering Committee was comprised of representatives from the fashion and garment industries; organized labor; industrial advocates; real estate and economic development organizations; local Manhattan Community Boards; and local, state, and federal elected officials. DCP and NYCEDC served as technical advisors to the Committee.

The Garment Center Text Amendment was proposed to meet the City's goal of preserving the Garment Center, an area that~~e~~ encompasses eight full blocks and five partial blocks in the midtown neighborhood, as both a hub for the fashion industry as well as a center for a variety of types of office space for a diversity of businesses across an array of industries (CEQR No. 17DCP149M and N 180373 ZRM). This text amendment was intended to reflect existing conditions and simplify the rules of the special district that in some cases created contradictory standards in different parts of the special district. The area subject to the Garment Center Text Amendment was conterminous with Subdistrict A-2 of the Garment Center District and the current ~~Project~~ Rezoning Area's northwest quadrant, discussed above.

BSA APPLICATIONS

In the past 10 years, there have been several applications approved by the BSA within the ~~Project~~ Affected Area, consisting of special permits of physical cultural establishments (PCE) within an existing commercial

building and variances. These PCE special permit approvals include applications at 132 West 31st Street (235-13-BZ) and 218-222 West 35th Street (279-13-BZ).

In addition, the BSA granted several variances in the ~~Project~~ Affected Area. At 1162 Broadway (175-14-BZ), a variance to allow the construction of a 14-story hotel building seeking waivers for setback and side yard requirements in the M1-6 district was approved in 2015, and a subsequent CEQR Technical Memorandum was issued in 2021. At 118 West 28th Street (2019-179-BZ), a variance was approved in 2022 to permit the development of a 12-story mixed-used building containing commercial use at the ground floor and twelve residential condominium units above contrary to ZR 42-00. As of January 2024, there is a variance application currently before the BSA at 112-116 West 28th Street (2021-60-BZ) to permit the enlargement of an existing hotel contrary to ZR 42-111.

HISTORIC DISTRICTS AND LANDMARKS

Approximately 9% of the ~~Project~~ Rezoning Area is within City-designated historic districts. Proposed development affecting buildings in the historic districts are subject to Landmarks Preservation Commission (LPC) review, inclusive of any new construction, alteration, reconstruction, or demolition.

The Ladies' Mile Historic District was designated by the LPC in 1989. The district is roughly bounded by West 15th Street at the south to West 24th Street at the north, extending into the blocks east of Broadway and into the blocks west of Sixth Avenue, and consists of all or parts of 28 city blocks and contains approximately 440 individual buildings. With its concentration of surviving hotels and large department stores which once catered to clienteles of varying economic classes, the Ladies' Mile Historic District is significant for its historic role in the commercial, retail, and hospitality development of New York City.

The Madison Square North Historic District, designated by the LPC in 2001, consists of approximately 96 buildings representing the period of New York City's commercial history from the 1870s to the 1930s, when this area prospered first as a major entertainment district of hotels, clubs, stores and apartment buildings, and then as a mercantile district of high-rise offices and lofts. Located to the north and west of Madison Square Park, along Fifth Avenue and Broadway, the district also contains numerous rowhouses, Art Deco-style towers, as well as modest twentieth-century commercial structures, all of which testify to each successive phase in the area's development.

E. EXISTING ZONING

The ~~Project~~ Rezoning Area consists of approximately 0.2 square miles, or approximately 127 acres, in Manhattan's Midtown South, Garment Center, and NoMad neighborhoods. The ~~Project~~ Rezoning Area's 42 blocks are split between Community Board 4 (all or parts of seven blocks) and Community Board 5 (all or parts of 35 blocks).

The ~~Project~~ Rezoning Area is comprised of M1-6 and M1-6D zoning districts. These existing zoning districts are discussed below and are shown in **Figure 2**.

~~PROJECT~~ REZONING AREA

M1-6

The vast majority of the ~~Project~~ Rezoning Area – all or parts of 40 blocks - is mapped M1-6. M1-6 districts are high-density manufacturing districts that permit a maximum FAR of 10.0 for commercial, light manufacturing, and community facility uses. Residential use or community facility uses with sleeping accommodations are not permitted as of right. M1-6 districts are eligible for a density bonus for the provision of public plazas and arcades. The maximum height of a building at the street wall is six stories or 85 feet, whichever is less, above which, an initial setback of 20 feet (narrow street) or 15 feet (wide street) is required. Maximum building height and setbacks are controlled by a sky exposure plane (2.7:1 on a narrow street or 5.6:1 on a wide street) which may be penetrated by a tower subject to lot coverage requirements. If front setbacks are provided at the ground floor, a steeper sky exposure plane is permitted. A 20-foot rear yard is required is most cases. Most of the loft buildings in the ~~Project~~ Rezoning Area were built prior to 1961 and would not be compliant with today's M1-6 bulk regulations.

M1-6D

The M1-6D district, mapped across portions of two blocks in the Southwest Quadrant, is a high-density mixed-use district that allows 10.0 FAR for light manufacturing, commercial, and community facility uses. The base residential FAR is 10.0 or 12.0 with Qualifying Affordable Housing (QAH). Residential use is only permitted as of right on zoning lots with less that 40,000 sf of floor area. On sites with more than 40,000 sf of floor area, residential use is permitted only by preserving the amount of non-residential floor area existing on the lot at the time of conversion/redevelopment. M1-6D district bulk regulations generally follow the bulk regulations of C6-4A (R10A equivalent) districts. For non-residential buildings, the maximum height of a building at the street wall is six stories or 85 feet, whichever is less, above which an initial setback of 20 feet (narrow street) or 15 feet (wide street) is required. Maximum building height and setbacks for non-residential uses are controlled by a sky exposure plane (2.7:1 on a narrow street or 5.6:1 on a wide street) that may be penetrated by a tower subject to lot coverage requirements. For residential buildings subject to R10A bulk regulations within 100 feet of a wide street, the base height must be between 125 and 155 feet and the maximum building height is 290 feet. For residential buildings along narrow streets, the base height must be between 60 and 125 feet (155 feet with QAH) and the maximum building height is 185 feet, or 235 feet with QAH. Alternative tower regulations do not apply to R10A districts. A standard setback of 10 feet along wide streets or 15 feet along narrow streets applies above the base. Residential buildings have a maximum lot coverage of 80 percent for interior and through lots and 100 percent for corner lots. Residential buildings are required to provide a 20-foot-deep rear yard below a height of 75 feet and a 30-foot-deep rear yard above a height of 75 feet. ~~The M1-6D district, mapped across portions of two blocks in the southwest quadrant, is a high-density mixed-use district that allows 10.0 FAR for light manufacturing, commercial, community facility, and residential uses. When mapped within an Inclusionary Housing (IH) area, the base residential FAR is 9.0 bonusable up to 12.0 through the IH program. M1-6D district bulk regulations are designed to mirror bulky, loft-like building envelopes which tend to have unbroken street walls at the street line. A building's base height must be between 125 feet and 155 feet high on a wide street and between 85 feet and 135 feet high on a narrow street. Along wide streets, after an initial setback of 10 feet, a building can rise to a maximum height of 290 feet. Bulk stacking rules, which limit the floor area of the highest two stories of a building to 80% of the floor area of the stories directly below them, are intended to limit tower heights. Residential buildings under IH rules with narrow~~

~~street frontage can rise to a height of 235 feet after an initial 10-foot setback, or, alternatively, can comply with sky exposure plane regulations designed to mirror the wedding cake loft typology with a slope of 4:1 above the base. Residential buildings have a maximum lot coverage of 70% for interior and through lots and 100% for corner lots. Residential buildings are required to provide a rear yard of at least 30 feet in most cases.~~

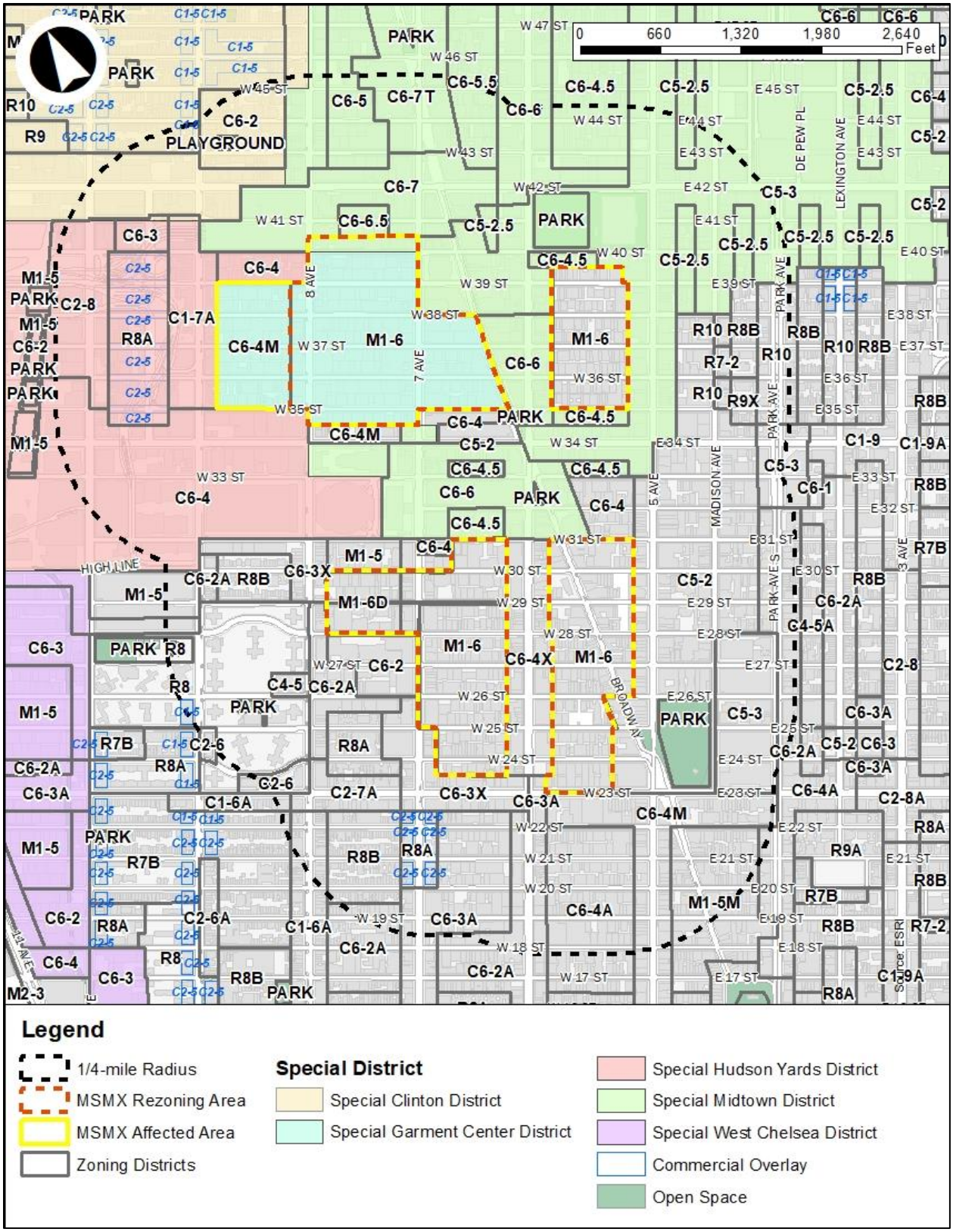
SPECIAL GARMENT CENTER DISTRICT – SUBDISTRICT A-1 (M1-6)

In the northwest quadrant of the ~~Project~~ Rezoning Area, most of which is co-extensive with Special Garment Center District Subdistrict A-1, contextual bulk regulations modify the underlying M1- 6 zoning. Street walls are required to be located at the street line. On wide streets, the base height must be between 125 feet and 155 feet but may extend up to 205 feet to match existing adjoining buildings. On narrow streets, the minimum base height is 85 feet, and the maximum base height is 135 feet. After an initial setback above the base height (10 feet on wide streets, 15 feet on narrow streets), there is no maximum building height; rather, buildings must comply with tower regulations, which limit tower coverage to a maximum of 50% of the lot area. The arcade bonus is not available, and the public plaza bonus is only available on lots 100 feet from a wide street in order to promote contiguous street walls along the avenues. The signage regulations applicable to C6-4 districts apply across the special district.

SPECIAL MIDTOWN DISTRICT – THEATER SUBDISTRICT A-1 (M1-6)

The portion of the northwest quadrant between Seventh Avenue to the east, Eighth Avenue to the west, West 40th Street to the south, and the midline of the block between West 40th Street and West 41st Street to the north is within the Theater Subdistrict of the Special Midtown District. The Theater Subdistrict was created to preserve and protect the character of the area as a cultural, theatrical, and entertainment destination and to preserve a complementary cluster of shops, restaurants, and related amusement activities. Permitted uses are limited to a defined set of uses meant to support the theater industry and enhance the character of the area; ground floors are further restricted to more active retail and service uses. Larger developments are required to provide entertainment-related uses such as theaters and studios. Qualifying sites may increase the maximum allowable FAR up to an additional 4.4 FAR through one or a combination of density bonus programs, including a transfer of development rights from a listed theater or a CPC special permit for the substantial rehabilitation or restoration of a theater. Retail and street wall continuity requirements apply along Seventh Avenue.

FIGURE 2: EXISTING ZONING (FIGURE REVISED FOR FSOW)


0 660 1,320 1,980 2,640 Feet
Legend
1/4-mile Radius
MSMX Rezoning Area
MSMX Affected Area
Zoning Districts
Special District
Special Clinton District
Special Garment Center District
Special Hudson Yards District
Special Midtown District
Special West Chelsea District
Commercial Overlay
Open Space

SURROUNDING AREA

M1-5

An M1-5 manufacturing district is mapped across a small area south of Penn Station between West 31st Street, Eighth Avenue, West 30th Street, and Seventh Avenue. M1-5 districts permit a maximum FAR of 5.0 for commercial and manufacturing uses and 6.5 FAR for community facility uses. Residential uses are not permitted unless paired with residence districts in a Special Mixed-Use District. The maximum height of a building at the street wall is six stories or 85 feet, whichever is less, above which, an initial setback of 20 feet (narrow street) or 15 feet (wide street) is required. Maximum building height and setbacks are controlled by a sky exposure plane (2.7:1 on a narrow street or 5.6:1 on a wide street) which may be penetrated by a tower subject to lot coverage requirements. If front setbacks are provided at the ground floor, a steeper sky exposure plane is permitted. A 20-foot rear yard is required in most cases.

C5

Much of the ~~Project~~ Rezoning Area is surrounded by various high-density C5 commercial districts to the east and north, including C5-2, C5-2.5, and C5-3 districts. C5 is a central business district commercial district with continuous retail frontage intended for offices and retail establishments that serve the entire metropolitan region. ~~In contrast to C6 districts, which are also mapped broadly in Midtown near the Project Area, C5 districts don't allow uses in Use Groups 7, 8, 12 and impose ground-floor limitations on certain Use Group 6, 9, and 12 retail and service uses.~~ Most residential and community facility uses are also allowed as of right. The basic maximum commercial FAR in the surrounding areas ranges from 10.0 (C5-2) to 15.0 (C5-3). C5 districts without a letter suffix have a corresponding residential district equivalent of R10, which regulates the bulk of residential and mixed-use buildings. Under typical C5 bulk regulations, the maximum height of a building at the street wall is six stories or 85 feet, whichever is less, above which, an initial setback of 20 feet (narrow street) or 15 feet (wide street) is required. Maximum building height and setbacks are controlled by a sky exposure plane (2.7:1 on a narrow street or 5.6:1 on a wide street) which may be penetrated by a tower subject to lot coverage requirements. If front setbacks are provided at the ground floor, a steeper sky exposure plane is permitted. A 20-foot rear yard is required is most cases. There are no off-street parking requirements.

Most of the surrounding C5 districts are within the Special Midtown District (MiD), which may, depending on the particular subdistrict, modify the underlying C5 use, height, setback, and/or streetscape regulations. In almost all cases, the height and setback regulations of the underlying C5 districts are superseded by two exotic height and setback regulations - Daylight Compensation and Daylight Evaluation. The MiD also provides a menu of as-of-right and discretionary density bonus incentives that allows qualifying sites to achieve significantly higher FARs, in some cases exceeding 18.0 FAR.

C6

Much of the ~~Project~~ Rezoning Area is surrounded by various medium- and high-density C6 commercial districts to the north, west, and south, including C6-2, C6-2A, C6-3A, C6-3X, C6-4, C6-4M, C6- 4X, C6-4.5, C6-6, C6-6.5, and C6-7 districts. C6-2 and C6-3 districts are typically mapped in areas just outside central business districts such as Chelsea and have a basic maximum commercial FAR of 6.0. C6-4 through C6-9 districts, typically mapped within the city's major business districts, have a basic maximum commercial FAR of 10.0 (C6-4) or 15.0 (C6-6 and C6- 7), exclusive of any bonuses. C6 districts permit a

wide range of high-bulk commercial uses requiring a central -location as well as most residential and community facility uses. Corporate headquarters, large hotels, department stores, and entertainment facilities in high-rise mixed buildings are permitted in C6 districts. C6 districts without a letter suffix have a corresponding residential district equivalent of R8 (C6-2) or R10 (C6-4, C6-6, C6-7), which regulates the bulk of residential and mixed-use buildings; C6 districts with a letter suffix have a corresponding residential district equivalent of R8A (C6-2A), R9A (C6-3A), R9X (C6-3X), R10 (C6-4M), or R10X (C6-4X). Under typical C6 bulk regulations, the maximum height of a building at the street wall is six stories or 85 feet, whichever is less, above which, an initial setback of 20 feet (narrow street) or 15 feet (wide street) is required. Maximum building height and setbacks are controlled by a sky exposure plane (2.7:1 on a narrow street or 5.6:1 on a wide street) which may be penetrated by a tower subject to lot coverage requirements. If front setbacks are provided at the ground floor, a steeper sky exposure plane is permitted. A 20-foot rear yard is required is most cases. There are no off-street parking requirements. ~~C6-4M districts have special rules for the conversion of non-residential floor area to residential.~~

Most of the surrounding C6 districts are within special districts, including the Special Garment Center District (GC), the Special Hudson Yards District (HY), and the Special Midtown District (MiD). C6-4M districts in GC are governed by contextual bulk regulations designed to mirror the high streetwall loft buildings. C6 districts in HY generally have bespoke building envelope and FAR regulations which supersede those of the underlying zoning districts as well as a unique density bonus structure which allows FARs to reach between 13.0 and 19.5, depending on the subdistrict. MiD rules generally modify the underlying C6 use, height, setback, and/or streetscape regulations, depending on the subdistrict. In almost all cases, the height and setback regulations of the underlying C6 districts are superseded by two exotic height and setback regulations - Daylight Compensation and Daylight Evaluation. The MiD also provides a menu of as-of-right and discretionary density bonus incentives that allows qualifying sites to achieve significantly higher FARs, in some cases exceeding 18.0 FAR.

F. PURPOSE AND NEED FOR THE PROPOSED ACTIONS

Midtown South is one of the most well-connected and transit-dense areas of the entire country. Because of its central location and older building stock, the area has become a magnet for businesses across a wide range of industries seeking both accessibility and affordability. As a result, the ~~Project~~ Rezoning Area supports a diverse ecosystem of thousands of businesses and tens of thousands of jobs - mostly in office-based sectors – that are critical to the local and regional economies. However, while the Department recognizes the significant value of the affordable office market that has been created and the importance of the array of businesses that locate in these areas to the City's economic diversity, the existing manufacturing zoning has, in general, stymied new investment and development, such as new housing, that could complement existing uses, enhance the business environment by enlivening streets and bringing in new retail services, and generally create a more robust mixed-use community. The percentage of jobs in the ~~Project~~ Rezoning Area in the manufacturing sector is a fraction of what it once was. As described in greater detail in the background section of this document, the goal of preserving manufacturing jobs and businesses by retaining a zoning regime favorable to manufacturing has largely not achieved its stated purpose. The Proposed Actions are necessary to address neighborhood and city-wide planning goals, including supporting economic recovery and resiliency, increasing access to housing, establishing a harmonious built form, and promoting the adaptive reuse of older buildings.

INTRODUCE RESIDENTIAL USE, PROMOTE EQUITY IN HOUSING, AND REINVIGORATE THE RETAIL AND SERVICE SECTORS

Despite Covid-19-related shocks to the office market, the New York City economy has largely recovered from the worst of the pandemic job losses. In fact, the city has consistently added jobs at a higher rate than the dwelling units necessary to house all those new workers. Since 1980, the number of jobs in the city has grown by 35% while the number of residential units has only grown by 24%. More workers competing for a smaller universe of homes not only drives up the price of housing, but is a direct contributor to homelessness, tenant harassment, and displacement. High housing costs place a considerable burden on the city's working families and exacerbate legacies of segregation, discrimination, and concentrated poverty that have led to neighborhood-based inequities and unequal access to resources and opportunities. One of the most direct ways to combat the city's housing crisis is to grow the stock of both market-rate and affordable housing.

While a very limited number of residential conversions have occurred through various means including legalizations under the Loft Law as well as use changes and new construction allowed by BSA approvals, the ~~Project~~ Rezoning Area's M1-6 manufacturing zoning does not allow residential use (Use Group II~~2~~) as-of-right. This is a significant barrier to the equitable production of market rate and affordable housing in a high-opportunity neighborhood close to transit and employment. There are no income-restricted affordable housing units in the M1-6 districts; the existing stock of affordable housing consists primarily of units subject to rent regulation by way of the Loft Law and legally nonconforming residential units that predate the manufacturing zoning and are subject to rent stabilization laws. The limited number of residential conversions and ground-up developments in the past few decades have only provided market-rate units and made marginal contributions to the city's overall housing supply.

The absence of a residential population also has direct implications on the health of the microeconomy and street life. Although the daytime population of workers supports an ecosystem of restaurants, convenience stores, banks, and other local services, the streets are noticeably less active outside of work hours and on weekends and businesses tend to close earlier than in areas with a more established, captive residential presence. This lack of demand limits the diversity of retail offerings and directly contributes to storefront vacancy. The ~~Project~~ Rezoning Area has a storefront vacancy rate of 15%, higher than New York City's overall 12% retail vacancy rate. Vacant and dark storefronts make for an unpleasant pedestrian experience and contribute to a sense that the ~~Project~~ Rezoning Area is unsafe or should be avoided, further eroding demand for goods and services. The Proposed Actions would allow residential use as of right in conversions, expansions, and new construction and implement the MIH program within the ~~Project~~ Rezoning Area~~'s M1-6 zoning districts~~. This proposal would help further the city's objective of increasing housing production across all five boroughs as articulated by Mayor Adams's "City of Yes" suite of zoning reforms whose moonshot goal aims to deliver 500,000 new homes to New Yorkers by 2033. A larger residential population would expand the number and diversity of retail stores and amenities, invigorating the public realm and contributing to greater economic stability.

REMOVE BARRIERS TO HOUSING PRODUCTION IN THE M1-6D DISTRICT

The experience of the M1-6D district provides valuable insight into the potential pent-up demand for housing in Midtown South. The roughly two-block M1-6D area consisting of the midblocks between Seventh and Eighth avenues from West 28th Street to West 30th Street has seen a remarkable transformation

over the past decade. Prior to the 2011 rezoning from M1-5, this area was languishing with an overabundance of parking facilities and vacant lots. In the last 12 years, the former center of the city's fur trade has emerged as the ~~Project~~ Rezoning Area's densest sub-neighborhood. Although it represents only a little over 5% of the ~~Project~~ RezoningArea, the M1-6D district contains approximately 38% of the total number of homes and 100% of the income-restricted affordable units in the ~~Project~~ Rezoning Area. Between 2011 and 2022, total built floor area in the M1-6D increased by almost 50%, driven almost exclusively by 920,000 square feet of residential development. Interestingly, across the same period, employment in the M1-6D area also rose by 44%.

Despite the success of the 2011 rezoning, the M1-6D zoning district is still limited in how much residential capacity it can deliver. As a result of the 40,000 square foot non-residential floor area preservation requirement, the district hasn't seen any major conversions of the older loft buildings to residential use. This measure was intended to preserve the area's remaining production jobs which tended to locate in larger buildings. However, despite these protections, the M1-6D area still lost approximately 7% of its industrial jobs between 2011 and 2022. This data, coupled with evidence from prior protectionist zoning proposals described in greater detail above, demonstrate that even the most well-intentioned land use policies designed to support specific sectors have limited success as macroeconomic headwinds continue to pummel already shrinking manufacturing and production businesses.

Recognizing that these outdated policies have had a chilling effect on housing production and only a marginal – if any – impact on preserving specific non-residential uses, the City is moving forward with a separate proposal – City of Yes for Housing Opportunity (COYHO) - which would eliminate commercial-to-residential conversion restrictions in most districts where such regulations exist. ~~Importantly, this proposal would remove the prohibition on residential conversions in buildings over 70,000 square feet in the C6-4M district immediately to the west of the Project Area's northwest quadrant within the Special Garment Center District.~~ COYHO entered public review on April 29, 2024 and was adopted by City Council on December 5, 2024. ~~COYHO is expected to enter public review in springentered public review April 29, 2024 and~~ is expected to ~~obtain final approval at approximately the same time that MSMX is scheduled to start ULURP.~~ The Proposed Actions would remap the M1-6D district to allow for unrestricted residential development, bringing the MSMX Plan into alignment with broader citywide policies.

RIGHT-SIZE THE COMMERCIAL REAL ESTATE MARKET AND STABILIZE THE CITY'S PROPERTY TAX BASE

As described above, Midtown South's economic landscape has changed significantly since manufacturing zoning was put in place decades ago, consistent with citywide and regional macroeconomic trends and the shift towards an office-based and service-oriented economy. However, the ~~Project~~ Rezoning Area's manufacturing zoning continues to prioritize traditional light industrial and related uses that have largely relocated to other parts of the city, region, and beyond, creating significant barriers for property owners and businesses who wish to respond to market and industry changes. The shift away from manufacturing towards retail, office, creative production, tech, and other commercial uses are consistent with economic conditions and land use trends around the ~~Project~~ Rezoning Area.

Prior to the COVID-19 pandemic, office vacancy rates for Manhattan averaged around 10%. In the post-pandemic market, however, as remote work has become more common and businesses seek to trim their office footprints, Manhattan vacancy rates have soared to almost 19%. In certain portions of the ~~Project~~

Rezoning Area, vacancy rates are even higher. As leases begin to expire in the coming years and tenants opt for higher quality office space to better compete for talent, the outlook for the Class B and C office market is particularly dire. This not only threatens landlords who depend on the income generated by their properties but endangers the financial stability of the entire city as consistently high vacancy rates may lead to depressed property values. One way the city ~~is attempting to~~has addressed this is through COYHO's ~~proposal to~~ expansion of~~d the~~ relaxed residential conversion rules (ZR Article I, Chapter 5) to commercial buildings constructed before 1990, which would apply to the vast majority of commercial buildings in the ~~Project~~ Rezoning Area. However, that policy change wouldn't add any housing to the ~~Project~~ Rezoning Area if the M1-6 zoning, which doesn't allow housing as of right, were to remain. Therefore, the Proposed Actions would allow for the broadest possible range of residential, commercial, light industrial, and community facility uses as of right so that property owners have the flexibility to reposition their assets to respond to shifting demand.

The proposed actions would replace the outdated manufacturing zoning with rational, appropriately flexible regulations that promote a mix of uses and support COVID-19 economic recovery, business adaptation, and long-term resiliency. The broad range of uses would support existing businesses as they continue to operate, expand, and evolve, while allowing a greater range of commercial, cultural, and civic activities within the existing highly adaptable loft buildings and new mixed-use developments.

FACILITATE SUPERIOR URBAN DESIGN AND APPROPRIATE BUILDING FORM

While the Special Garment Center District and M1-6D zoning district have bulk regulations that create contextual building envelopes, the existing bulk regulations in the M1-6 districts do not always facilitate building forms that relate harmoniously to the loft building context. As a result, much of the development that has occurred pursuant to the M1-6 sky exposure plane regulations have low base heights or shallow front setbacks that break the street wall and create an awkward pedestrian experience. The proposed actions would establish bulk regulations that respond to neighborhood context, including appropriate base and building heights and street wall requirements and provide flexibility to minimize the effects of new developments and enlargements on neighboring buildings.

SUMMARY

Informed by existing land use and economic conditions in the ~~Project~~ Rezoning Area and the neighborhood and citywide needs in light of the ongoing housing crisis and the COVID-19 pandemic, the purpose of the Proposed Actions is to support the transformation of Midtown South into a dynamic, mixed-use neighborhood by addressing the area's significant challenges while respecting its unique economic legacy. By removing zoning barriers for businesses and property owners, allowing residential use and requiring affordable housing, and supporting more active, vibrant streetscapes, the Proposed Actions would ensure Midtown South's economic vitality, adaptability, and resiliency, support citywide housing and equity goals, and expand access to the neighborhood's amenities and opportunities.

G. DESCRIPTION OF PROPOSED ACTIONS

The Proposed Actions are intended to address the land use and zoning challenges raised during the MSMX planning process with the objective of strengthening Midtown South as a vibrant, mixed-use, and inclusive community while striking an appropriate balance among residential and non-residential uses. The Proposed Actions would:

- Allow a wider range of non-residential uses, strengthen the mixed-use character of the neighborhood, and support a healthy retail ecosystem;
- Allow residential use and apply MIH;
- Establish appropriate bulk regulations to better reflect the existing character and enhance the historic built environment while also providing flexible envelopes for new development.

To accomplish these goals, DCP is proposing a zoning map and zoning text amendments that would affect all or parts of approximately 42 blocks in Midtown South. The New York City Planning Commission (CPC) has determined that an EIS for the Proposed Actions will be prepared in conformance with City Environmental Quality Review (CEQR) guidance, with DCP acting on behalf of CPC as the lead agency. The environmental analyses in the EIS will assume a development period of 10 years for the Reasonable Worst Case Development Scenario (RWCDS) for the Proposed Actions (i.e., an analysis year of 2034). DCP will conduct a coordinated review of the Proposed Actions with involved and interested agencies. Each of these actions is discretionary and subject to review under ULURP, Section 200 of the City Charter, and the CEQR process. The proposed actions are described in further detail below.

PROPOSED ZONING MAP AMENDMENT

The proposed zoning map amendment would rezone all or portions of existing M1-6 and M1-6D districts within the Rezoning ~~Project~~ Area with a range of paired districts.

PROPOSED ZONING DISTRICTS

As detailed in **Table 1** and **Figure 3** below, M1-9A/R12, M1-8A/R12, and M1-8A/R11~~M1-8A/R10, and M1-9A/R10~~ districts would be mapped in different areas to respond to the varied bulk contexts within the ~~Project~~ Rezoning Area. These zoning districts are proposed to ~~reflect~~ respect differing neighborhood contexts, ~~conditions between corridors and interior of the neighborhood,~~ achieve the right balance among uses, and facilitate appropriate building forms that reflect the bulkier, loft-style buildings, which tend to have high streetwalls.

TABLE 1: PROPOSED ZONING DISTRICTS

Sub-Area	Proposed District	Proposed Res. FAR	Proposed Comm./Man. FAR	Proposed Comm. Facility FAR
Northeast/Northwest, p/o Southwest	M1-9A/R12	18.0	15.0	15.0
p/o Southwest, Southeast	M1-8A/R12	18.0	12.0	12.0
p/o Southwest	M1-8A/R11	15.0	12.0	12.0

*This table has been revised for the Final Scope of Work.

PROPOSED SPECIAL MIDTOWN SOUTH MIXED-USE DISTRICT (MS~~M~~X)

The proposed Special Midtown South Mixed-Use District (MS~~M~~X) would be mapped over the entire ~~Project~~ Rezoning Area, encompassing all or parts of 42 blocks, to establish special regulations to address the neighborhood's unique history, building typologies, and the existing and anticipated mix of uses, and to support the above-specified planning goals.

SPECIAL GARMENT CENTER DISTRICT

The Proposed Actions would eliminate from the Zoning Map the portion of the Special Garment Center District that is coextensive with the ~~Project~~ Rezoning Area (Subdistrict A-1). The ~~new boundaries~~remainder of the Special Garment Center District ~~would be~~ -- a line 100 feet east of Ninth Avenue to the west, West 35th Street to the south, a line 100 feet west of Eighth Avenue to the east, and West 39th Street to the north -- – would be subsumed into the Special Hudson Yards District as a separate subdistrict. ~~Other map changes may be made to regularize the remaining portion of the Special Garment Center District.~~

Special Hudson Yards District (HY)

The Proposed Actions would expand the boundaries of the Special Hudson Yards District eastward approaching Eighth Avenue between West 39th and West 35th streets, subsuming Subdistrict A-2 (underlying C6-4M zoning district) of the Special Garment Center District and reconstituting it as HY Subdistrict H.

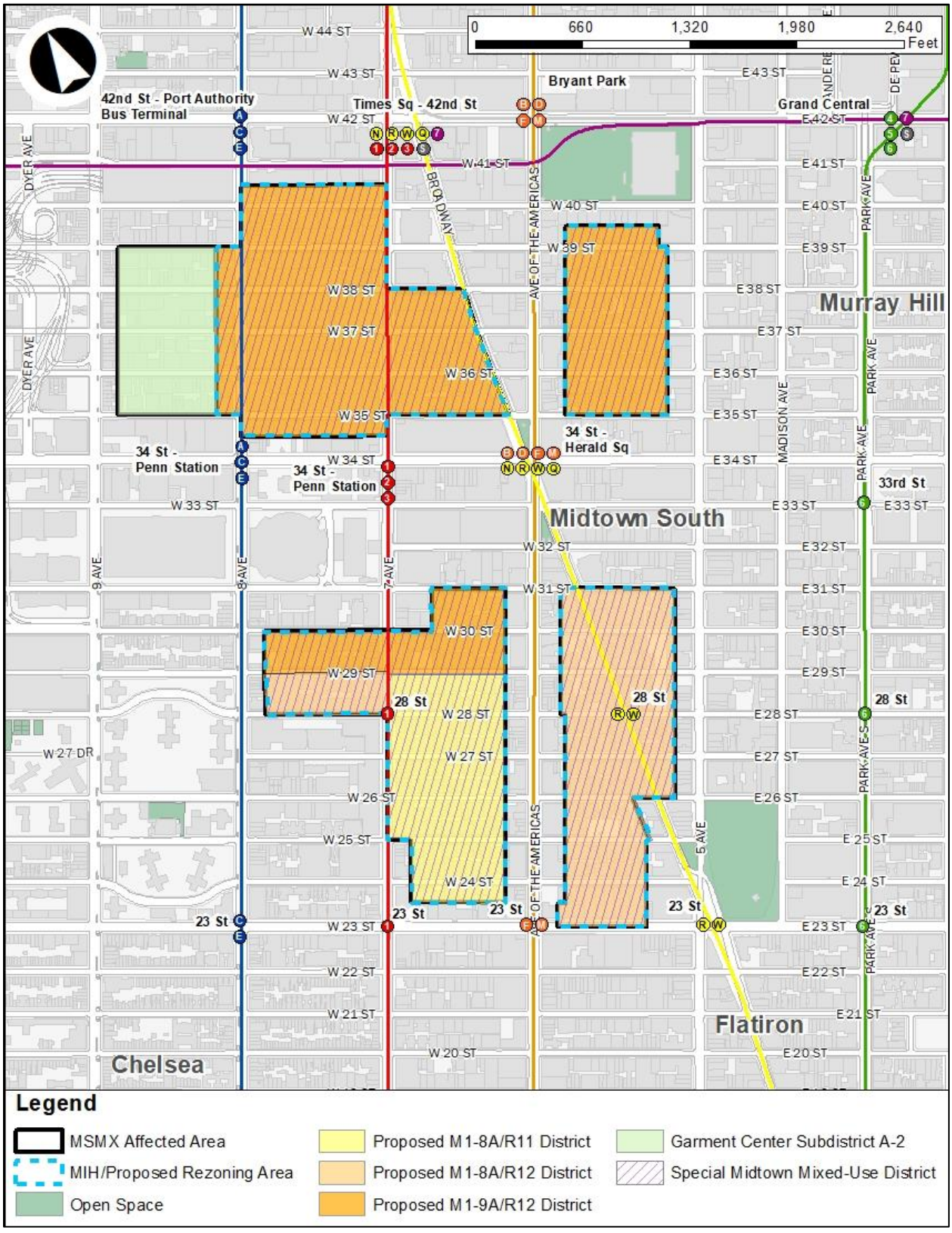
Special Midtown District (MiD)

The Proposed Actions would eliminate from the zoning map the half-block portion of the Special Midtown District (Theater Subdistrict) bounded by West 40th Street to the south, Seventh Avenue to the east, Eighth Avenue to the west, and the centerline of Block 1012 to the north. This half block would be remapped as part of the larger MSX special purpose district.

PROPOSED ZONING TEXT AMENDMENTS

The Proposed Actions include amendments to the NYC Zoning Resolution to establish special rules for MS~~M~~X~~, including regulations related to building envelope, Dwelling Unit Factor, and residential conversions~~. Additionally, the Proposed Actions include an amendment to Appendix F of the Zoning Resolution to map an MIH area across the – Rezoning Area~~former M1-6 districts~~, setting mandatory affordable housing requirements pursuant to the MIH program.

FIGURE 3: PROPOSED ZONING (FIGURE REVISED FOR FSOW)



SPECIAL MIDTOWN SOUTH MIXED-USE DISTRICT

The special district (MS~~M~~X) would modify the typical regulations of the underlying paired districts and establish additional requirements and parameters for future development derived from and responsive to block- and neighborhood-wide characteristics.

Street Wall and Streetscape Requirements

~~The Proposed Actions would create special base height regulations differentiating between narrow and wide street frontages. In order to maintain a strong street wall and create an inviting pedestrian experience, the Proposed Actions would also require that a certain percentage of the street wall be located at the street line, with appropriate flexibility for recesses, articulation, and other architectural expression.~~ It is typical for many of the older buildings in the Rezoning Area to have street walls that are built right at the street line. However, due to the permissive M1-6 bulk regulations, much of the new development built over the last two decades contain shallow front setbacks—often 15 to 20 feet—with buildings rising to their full height without setbacks. These conditions limit visibility into ground floors and can feel out of scale with the rest of the neighborhood. To maintain a strong street wall in harmony with the existing built character and create an inviting pedestrian experience, the Proposed Actions would require 100% of a building's street wall on the first story be within eight feet of the street line. Above the first story, at least 70 percent of a building's street wall would have to be located within eight feet of the street line and extend to at least the minimum base height of 60 feet, or the height of the building, whichever is less. These rules would balance the need for a strong, contiguous street wall while allowing for architectural expression and flexibility.

Additionally, building frontages along north-south streets would be subject to the ZR's highest Tier C streetscape standards. Tier C street frontage regulations strictly regulate the percentage of a building's ground floor street wall that can be devoted to non-active uses such as lobbies, residential amenity space, parking, and loading. East-west streets would be subject to Tier B urban design standards, which are slightly more permissive than Tier C, but still have strong active ground floor requirements.

Provide More Flexible Base Heights

Base height provisions are generally intended to align new development with neighboring buildings but can prevent alignment when they are not flexible enough. The Proposed Actions would retain existing minimum and maximum base heights while adding an allowance that enables new developments in the ~~Project~~ Rezoning Area to go lower or higher than those limits to match the base heights of neighboring buildings, similar to a provision that already exists in Subdistrict A-1 of the Special Garment Center District.

Minimum Distance Between Buildings

The Rezoning Area contains many large lots capable of being redeveloped with multiple buildings. To provide additional site planning flexibility and minimize the potential for non-compliances, the Proposed Actions would reduce the minimum distance between buildings or portions of buildings on a single zoning lot to eight feet. Residential developments would still be required to comply with legal light and air requirements of the state Multiple Dwelling Law (MDL).

Large Retail Uses

In M1 districts, many common retail and services uses such as clothing stores, grocery stores, and electronics stores, among others, are limited to 10,000 zoning square feet per establishment. The surrounding Midtown neighborhood is characterized by a range of large retail offerings, including expansive department stores like Macy's. Limiting the scale of retail uses is inconsistent with Midtown's role as a regional shopping destination. The Proposed Actions would therefore eliminate the 10,000-square-foot cap on Use Group VI uses with such size restriction.

Floor Area Exemption for Public Schools

To better facilitate public school siting, the Proposed Actions would permit up to 150,000 square feet of floor space within a public school, constructed in whole or in part pursuant to an agreement with the New York City School Construction Authority (SCA) and subject to the jurisdiction of New York City Schools, to be exempt from the definition of floor area for the purposes of calculating the permitted floor area ratio for community facility uses and the total maximum floor area ratio of the zoning lot. This exemption would apply to qualifying sites of at least 20,000 square feet.

Split Lots with Historic Landmarks

Ordinarily, the ZR restricts the movement of floor area on zoning lots that are split between zoning districts with different maximum FARs. However, the Rezoning Area contains sites with this split lot condition. Moreover, these sites may contain LPC-designated landmark buildings with excess development rights for which it is often difficult to find appropriate landing sites that can utilize that floor area. To allow greater flexibility in site planning, maximize the development of new homes, and ensure that landmark buildings are best able to capture the value of their unused development rights, the special district would allow floor area to be distributed anywhere on a zoning lot divided by zoning district boundaries provided that the majority of the zoning lot is within MSX and the zoning lot contains an LPC-designated landmark.

~~*Dormer Provisions*~~

~~Dormers – that is, portions of a building permitted within the required setback above the maximum base height – allow for design flexibility and can enable building envelopes at a given maximum height to accommodate more floor area. Typically, they consist of an allowance expressed as a percentage of street wall width, which narrows as height increases. The Proposed Actions would enable dormers with a width of up to 40 percent to rise above maximum street wall height.~~

~~*Eliminate Dwelling Unit Factor (DUF) Within the Project Rezoning Area*~~

~~Within the Project Rezoning Area, the Proposed Actions would eliminate DUF, thereby removing from the Zoning Resolution controls on the maximum number of dwelling units. Unit size would be determined by the combination of other relevant regulations, such as room size limits, in the New York City Building Code and Housing Maintenance Code, and the New York State Multiple Dwelling Law, as well as market demand. In these areas with excellent access to transit, developers who wish to may develop projects consisting entirely of smaller units that accommodate the pronounced trend in New York City toward smaller household sizes.~~

~~Conversions~~

~~The existing adaptive reuse framework in Article I, Chapter 5 of the Zoning Resolution, which provides relaxed bulk regulations for conversions of nonresidential buildings built before 1997 in MX districts, allows conversions to "dwelling units" only – that is, units that are classified as Use Group II2 and have full cooking and sanitary facilities. Conversion to Use Group II2 "rooming units," which lack full cooking and/or sanitary facilities, or to Community Facility uses with sleeping accommodations, such as supportive housing and dormitories, is explicitly prohibited. As part of an effort to encourage a wider variety of housing types to serve the diverse needs of families and households, the Proposed Actions would enable conversion to rooming units and Community Facilities with sleeping accommodations for the first time in the Project Rezoning Area, as permitted by other relevant bodies of law such as the Housing Maintenance Code.~~

~~Noncompliance Allowances for Beneficial Alterations~~

~~In most instances, noncomplying buildings – that is, buildings that do not comply with one or more bulk regulations, such as FAR, maximum height, and the like – are not permitted to make alterations that would create a new noncompliance or increase the degree on an existing noncompliance. This makes sense in most instances, but it can also inadvertently prevent alterations that serve important policy and planning goals or that are otherwise beneficial. The Proposed Actions would provide limited allowances for a new noncompliance or an increase in the degree of an existing noncompliance for alterations that achieve enumerated goals, such as compliance with ADA policies, provision of rooftop recreation space in multifamily buildings, and other aims.~~

~~Clarify Adjacency Rules for MX Districts~~

~~The adjacency requirements of Section 43-30, Special Provisions Applying Along District Boundaries, of the zoning resolution were never intended to apply to Special Mixed Use Districts (MX) mapped adjacent to residence districts. MX districts contain residence districts themselves. A recent New York State court decision found to the contrary, creating significant uncertainty. The Proposed Actions would clarify that the adjacency requirements of Section 43-30 do not apply to MX districts.~~

Covered Pedestrian Space Bonus

Currently, Covered Pedestrian Spaces (CPS), ~~as outlined in Section 74-87~~ are not permitted within ~~M1-9A/R10 or MX districts~~the proposed mixed-use zoning. The Proposed Actions would allow ~~certain~~ new development or enlargements sites ~~within the NW Quadrant's M1-9A/R10 district~~ to apply, via CPC special permit, for the ~~Covered Pedestrian Space Bonus,~~CPS floor area bonus, ~~for a floor area increase~~ of up to 20%. ~~For the purposes of applying the provisions of Section 74-87, inclusive, certain new development sites within the proposed M1-9A/R10 district would be considered the equivalent of a C5-3 district.~~

TRANSIT BONUS

Currently, large portions of the ~~Project~~ Rezoning Area are located more than 500 feet from a mass transit station, making many sites ineligible for a transit bonus and related bulk waivers pursuant to ZR 66-50. For the purposes of applying ZR Article 6, Chapter 6 regulations, the Proposed Actions would add the proposed MS~~M~~X district to the definition of "Central Business District" (ZR 66-11), thus making all sites within the ~~Project~~ Rezoning Area qualifying transit improvement sites.

SPECIAL GARMENT CENTER DISTRICT

The Proposed Actions would remove Article XII, Chapter 1 (Special Garment Center District) from the ZR in its entirety. ~~The Special Garment Center District extends roughly from a line 100 feet east of Ninth Avenue to Broadway between West 35th and West 40th streets. When it was established in 1987, residential use was already restricted by the M1-6 zoning; the primary goal of the special district was to protect the remaining garment manufacturing sector and the ecosystem of related businesses by restricting the conversion of existing factory, warehouse, and showroom floor area to office use within the designated "Preservation Areas," roughly corresponding to the midblocks within the special district boundaries. As part of the 2005 Hudson Yards Rezoning, the Preservation Areas were divided into two zones with slightly different preservation requirements: P-1, two midblock areas east of Eighth Avenue where most of the remaining garment related activity was concentrated, and P-2, the midblock area west of Eighth Avenue outside of the Project Rezoning Area. In area P-1, the manufacturing preservation controls of the Special Garment Center District were maintained. In area P-2, which was also remapped to C6-4M from M1-5 and M1-6, restrictions on office conversions were lifted and residential conversions and the construction of new residential buildings on sites with less than 70,000 square feet of floor area became permitted as-of-right; residential conversions on sites above 70,000 square feet of floor area were permitted subject to modified preservation requirements. The 2005 amendments also applied new bulk regulations to area P-2 to ensure that new development would be consistent with the distinctive "wedding cake" silhouette typical of the the bulky loft buildings. In addition, area P-2 became subject to many of the Special Hudson Yards District's regulations, including those for parking, anti-harassment and anti-demolition, and the District Improvement Bonus (DIB) for Inclusionary Housing developments.~~

~~The 2018 Garment Center Text Amendment removed the restriction on the conversion of manufacturing and warehousing uses to office uses in area P-1. Area P-1 and all the avenue frontages outside of the preservation areas were redesignated as Subdistrict A-1. In area P-2, which was redesignated Subdistrict A-2, the floor area preservation requirements were slightly amended to prohibit the conversion of manufacturing and warehousing space in buildings 70,000 square feet or larger to residential or dormitory use to maintain the larger sites for both office and manufacturing uses. The 2018 text amendment also established contextual bulk regulations for Subdistrict A-1 similar to the height, setback, and street wall rules for M1-6D zoning districts, which was created to permit a building envelope more in keeping with the existing context of Manhattan loft districts. Additionally, new buildings on eligible sites in Subdistrict A-1 were permitted to use a density bonus for privately owned public spaces (POPS). The POPS bonus was limited to the side streets to preserve a contiguous street wall along the avenues and maintain an inviting pedestrian experience.~~

~~The Proposed Actions would remove references to Subdistrict A-1 in the Special Garment Center District text and eliminate the prohibition on residential conversions in buildings over 70,000 sf in Subdistrict A-2 all Regulations applicable to Subdistrict A-2, including bulk and relevant Hudson Yards regulations, would continue to apply. Other text changes may be made to rationalize the remaining portion of the Special Garment Center District. The Special Garment Center Subdistrict A-2 would be subsumed into the Special Hudson Yards District as a separate subdistrict.~~

Special Midtown District

The Proposed Actions would modify Appendix A of ZR Article VIII, Chapter 1 to eliminate the southern half of Manhattan Block 1012 (West 40th Street to the south, Seventh Avenue to the east, Eighth Avenue to the west, and the centerline of the block to the north) from the Special Midtown District maps.

Special Hudson Yards District

With the removal of Special Garment Center Subdistrict A-1, Subdistrict A-2 would be an island less than four blocks in area. Recognizing that Subdistrict A-2 already contains provisions related to the Special Hudson Yards District (HY), namely, the district improvement bonus, parking regulations, and anti-harassment and demolition rules, the Proposed Actions seek to rationalize the patchwork of special districts in the area. The Proposed Actions would modify the Special Hudson Yards District maps (Appendix A and Appendix B of ZR Article IX, Chapter 3) and create the new Subdistrict H within HY co-extensive with the existing Special Garment Center Subdistrict A-2. Subdistrict H would retain all the rules that currently apply to GC Subdistrict A-2 except that the prohibition on residential conversions in buildings over 70,000 square feet would be eliminated.

MIH PROGRAM

The Proposed Actions include a zoning text amendment to Appendix F of the ZR to apply the MIH program to the Rezoning Area. The MIH program requires permanently affordable housing within new residential developments, enlargements, and conversions from nonresidential to residential use within the mapped Mandatory Inclusionary Housing Areas. The program requires permanently affordable housing set-asides for all developments over 10 units or 12,500 zoning square feet within the MIH-designated areas or, as an additional option for developments between 10 and 25 units (12,500 to 25,000 sf), a payment into an Affordable Housing Fund. Developments, enlargements, or conversions that do not exceed either 10 units or 12,500 sf of residential floor area would be exempt from the requirements of the program.

In cases of hardship, where these requirements would make development financially infeasible, developers may apply to BSA for a special permit to reduce or modify the requirements. In addition, within the MSX special district, for conversions from non-residential to residential use in buildings that are not otherwise subject to the MIH program's affordable housing fund provisions, the BSA may permit a contribution to the affordable housing fund where strict compliance with the options for affordable housing requirement may not be feasible. In such case, BSA must determine that the configuration of the building imposes constraints such as deep, narrow, or otherwise irregular floorplates, limited opportunities to locate legally required windows, or pre-existing locations of vertical circulation or structural column systems that would create practical difficulties in reasonably configuring the required affordable floor area into a range of apartment sizes and bedroom mixes.

In most areas of Manhattan, the MIH program includes three primary options that pair set-aside percentages with different affordability levels to reach a range of low and moderate incomes while providing flexibility for the number of affordable units and level of affordability. Option 1 would require 25 percent of residential floor area be for affordable housing units for residents with incomes averaging 60 percent of the area median income (AMI). Option 1 also includes a requirement that 10 percent of residential floor area be affordable at 40 percent AMI. Option 2 would require 30 percent of residential floor area be for affordable for residents with incomes averaging 80 percent AMI. Option 3 would require that 20 percent of the residential floor area be affordable to residents at 40 percent AMI. For all options, no units could be targeted to residents

with incomes above 130 percent AMI. (Option 4, a middle-income affordability option, does not apply to the Manhattan Core.) ~~The Proposed Actions include a Zoning Text amendment to Appendix F of the ZR to apply the MIH program to the Project~~ Rezoning ~~Area's M1-6 zoning districts. The MIH program requires permanently affordable housing within new residential developments, enlargements, and conversions from non-residential to residential use within the mapped Mandatory Inclusionary Housing Areas (MIHAs). The program requires permanently affordable housing set-asides for all developments over 10 units or 12,500 zoning square feet within the MIH designated areas or, as an additional option for developments between 10 and 25 units, or 12,500 to 25,000 square feet, a payment into an Affordable Housing Fund. Developments, enlargements, or conversions that do not exceed either 10 units or 12,500 square feet of residential floor area would be exempt from the requirements of the program.~~

~~The MIH program includes two primary options that pair set-aside percentages with different affordability levels to reach a range of low and moderate incomes while accounting for the financial feasibility trade-off inherent between income levels and size of the affordable set- aside. Option 1 would require 25 percent of residential floor area to be for affordable housing units for residents with incomes averaging 60 percent of the AMI. Option 1 also includes a requirement that 10 percent of residential floor area be affordable at 40 percent AMI. Option 2 would require 30 percent of residential floor area to be for affordable housing units for residents with incomes averaging 80 percent AMI. The City Council and CPC could decide to apply an additional, limited workforce option for markets where moderate- or middle-income development is marginally financially feasible without subsidy. For all options, no units could be targeted to residents with incomes above 130 percent AMI. A Deep Affordability Option could also be applied in conjunction with Options 1 and 2. The Deep Affordability Option would require that 20 percent of the residential floor area be affordable to residents at 40 percent AMI.~~

~~Today, residential use is allowed as of right on sites with less than 40,000 square feet of floor area in the M1-6D district up to 12 FAR under the city's existing voluntary Inclusionary Housing program. While the M1-6D area would be remapped to a paired M1-8A/R10 district, MIH would not apply to that portion of the Project Area. Rather, residential use up to 12 FAR would continue to be allowed as of right under the City of Yes for Housing Opportunity's proposed Universal Affordability Preference framework as long as 2 FAR is set aside as permanently income-restricted affordable housing.~~

~~*NEW HIGH-DENSITY LIGHT MANUFACTURING DISTRICTS*~~

~~Zoning options available for job-intensive purposes have gaps in density and heights, are hampered by outdated bulk regulations, and are relatively uniform in their approach to use mixes. The maximum allowable FAR for M1 districts is 10.0. However, many loft buildings that pre-date the 1961 ZR are built at densities well over 10 FAR. These are the type of buildings that can help the city meet the needs of a range of business types and sizes – as the city's loft buildings have historically – that will ensure economic resilience in the face of future disruptions and changing economic trends.~~

~~The Proposed Actions include the creation of two new high-density light manufacturing districts – M1-8A (12 FAR) and M1-9A (15 FAR). The new districts will mimic the use mix of today's M1 districts while adopting more bulky, flexible building envelopes that better reflect the character of the city's older loft districts.~~

H. FRAMEWORK FOR ENVIRONMENTAL REVIEW

REASONABLE WORST-CASE DEVELOPMENT SCENARIO (RWCDS)

In order to assess the possible effects of the Proposed Actions, a RWCDS was developed, in accordance with the methodologies in the 2021 *CEQR Technical Manual* and as explained in this Final~~Draft~~ Scope for both the current (future No-Action) and proposed zoning (future With-Action) conditions for a 10-year period (analysis year 2034). The incremental difference between the No-Action and With-Action conditions will serve as the basis for the impact analyses of the EIS. A 10-year period typically represents the amount of time developers would act on the proposed action for an area-wide rezoning not associated with a specific development. To determine the With-Action and No-Action conditions, standard site selection criteria have been used, following the *CEQR Technical Manual* guidance, as described below. These methodologies have been used to identify the amount and location of future development in response to the Proposed Actions.

DEVELOPMENT SITE CRITERIA

In determining the amount and location of new development, several factors have been considered in identifying likely development sites. These include known development proposals, past and current development trends, and the development site criteria described below. Generally, for area-wide zoning changes that create a broad range of development opportunities, new development can be expected to occur on selected, rather than all, sites within the rezoning area. The first step in establishing the development scenario for the Proposed Actions was to identify those sites where new development could be reasonably expected to occur.

Development sites were initially identified based on the following criteria:

- Lots located in areas where changes in use would be permitted.
- Lots located in areas where a substantial increase in permitted residential FAR is proposed;
- Lots with a total size of approximately 4,000 sf or larger (may include potential assemblages totaling approximately 4,500 sf, respectively, if assemblage seems probable1) or certain smaller-sized lots (2,000 sf or greater) that are substantially underutilized;

Certain lots that meet these criteria have been excluded from the scenario based on the following conditions because they are very unlikely to be redeveloped as a result of the proposed rezoning.

- Lots where construction activity is actively occurring or has recently been completed.
- Long-standing institutional uses, such as schools (public and private), municipal libraries, government offices, and large medical centers in control of their sites, with no known development plans. These facilities may meet the development site criteria, because they are built to less than half of the permitted floor area under the current zoning and are on larger lots. However, these facilities have not been redeveloped or expanded despite the ability to do so, and it is extremely unlikely that the increment of additional FAR permitted under the proposed zoning would induce redevelopment or expansion of these structures. Additionally, for government-owned properties, development and/or sale of these lots may require discretionary actions from the pertinent government agency.
- Multi-unit buildings (i.e., existing individual buildings with six or more residential units) built before 1974 are unlikely to be redeveloped as they may contain rent stabilized units. Buildings with rent-stabilized units are difficult to legally demolish due to tenant re-location requirements. Unless there are known redevelopment plans (throughout the public review process or otherwise), these buildings are generally excluded from the analysis framework.
- Certain large commercial or industrial structures, such as certain large, multi-story non-residential buildings where redevelopment is unlikely to occur, sites owned and operated by major national corporations. Although these sites may meet the criteria for being built to less than half of the proposed permitted floor area, some of them are unlikely to be redeveloped due to their current or potential profitability, the cost of demolition and redevelopment, and their location.
- Lots occupied by buildings designated by LPC as individual landmarks, as well as buildings located within City-designated historic districts (sometimes identified in designation reports as "with

style"). Individual landmarks and buildings within City-designated historic districts are subject to LPC review and approval in accordance with the New York City Landmarks Law under a significant level of scrutiny and are therefore highly unlikely to be altered or redeveloped. Several substantially underbuilt buildings that are considered "no style" by LPC are included as potential development sites as an exception for the purpose of a conservative analysis.

- Lots whose size, location or highly irregular shape would preclude or greatly limit future as of right development. Generally, development on highly irregular lots does not produce marketable floor space.
- Lots utilized for public transportation and/or public utilities.

PROJECTED AND POTENTIAL DEVELOPMENT SITES

To produce a reasonable, conservative estimate of future growth, the development sites have been divided into two categories: projected development sites and potential development sites. The projected development sites are considered more likely to be developed within the ten-year analysis period for the Proposed Actions (i.e., by the analysis year 2034) while potential sites are considered less likely to be developed over the approximately ten-year analysis period. Potential development sites were identified based on the following criteria:

- Lots whose slightly irregular shapes, smaller size or encumbrances would make development more difficult.
- Lots with 10 or more commercial tenants, which are less likely to redevelop in the foreseeable future.
- Lots occupied by larger buildings, or larger buildings with higher occupancies.
- Active businesses, which may provide unique services or are prominent, successful neighborhood businesses or organizations that are unlikely to move.

Based on the above criteria, ~~42~~ 68 development sites (~~27~~ 61 projected and ~~15~~ 7 potential) have been identified in the Rezoning Area. These projected and potential development sites are depicted in **Figure 4** and the detailed RWCDS tables provided in Appendix 2 identify the uses expected to occur on each of these sites under No-Action and With-Action Conditions.

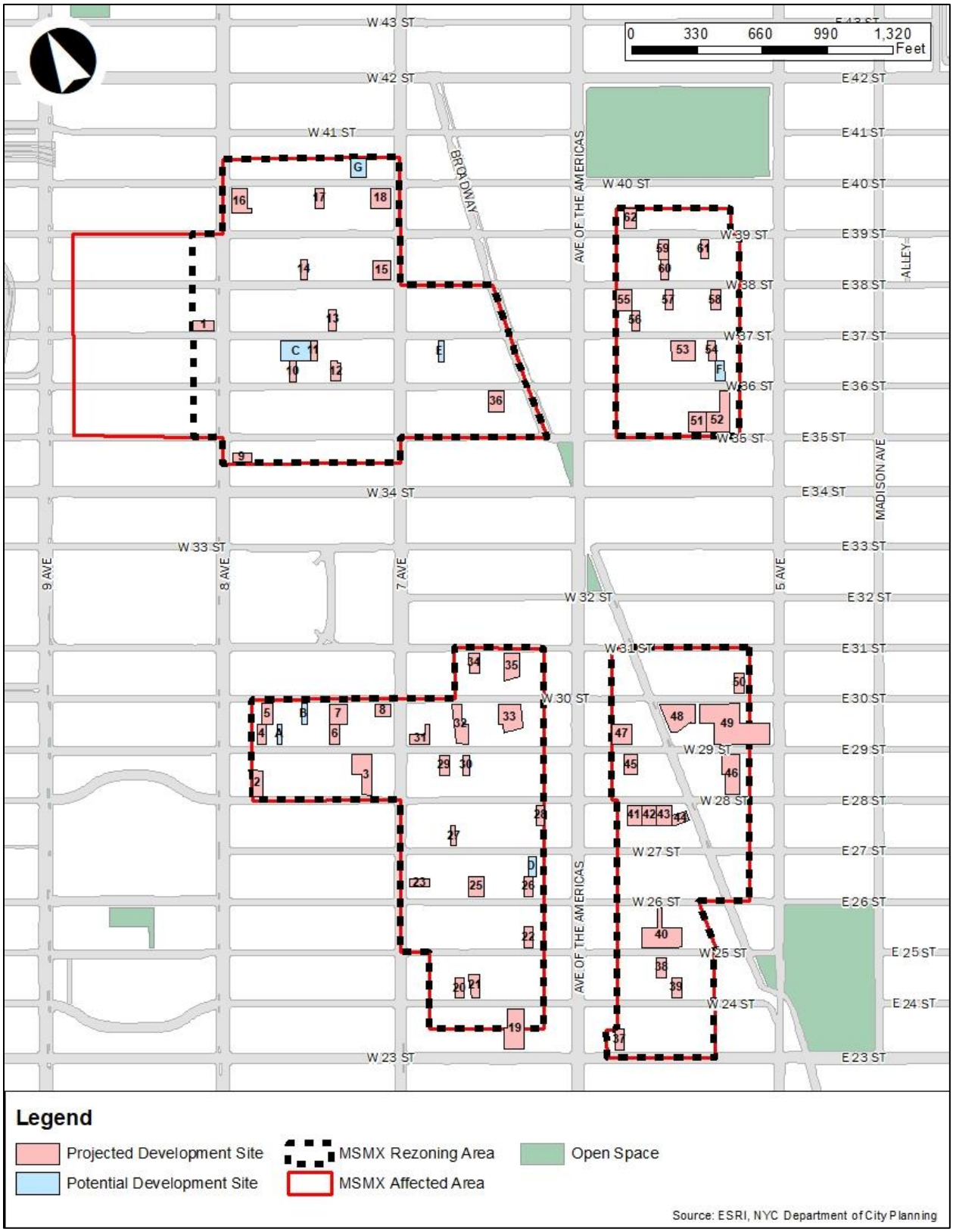
The EIS will assess both density-related and site-specific potential impacts from development on all projected development sites. Density-related impacts are dependent on the amount and type of development projected on a site and the resulting impacts on traffic, air quality, community facilities, and open space.

Site-specific impacts relate to individual site conditions and are not dependent on the density of projected development. Site-specific impacts include potential noise impacts from development, effects on stationary air quality, shadows effects from development sites, the effects on historic resources, and the possible presence of hazardous materials. Development is not anticipated on the potential development sites in the foreseeable future. Therefore, these sites have not been included in the density-related impact assessments. However, review of site-specific impacts for these sites will be conducted to ensure a conservative analysis in accordance with the 2021 *CEQR Technical Manual*.

Conceptual Analysis

Under the State Environmental Quality Review Act (SEQRA), a conceptual analysis is warranted if a Proposed Action creates new discretionary actions that are broadly applicable even when projects seeking those actions will trigger a future, separate environmental review. It is the lead agency's responsibility to consider all possible environmental impacts of the new discretionary actions at the time it creates them. The Proposed Actions would create two new discretionary actions; 1.) A CPC special permit to allow floor area bonuses for covered pedestrian spaces (CPS), and 2.) the Proposed Special Midtown South Mixed Use District would be defined as a "Central Business District" (ZR 66-11). This would extend the applicability of the density bonus authorization for improvements to mass transit stations (ZR 66-50) to sites that are 1,500 feet from mass transit stations, making virtually all sites within the Rezoning Area qualifying as transit improvement sites. A conceptual analysis will be provided to understand how the new discretionary actions could be used in the future and to generically assess the potential environmental impacts that could result. However, all potential significant adverse impacts related to these future discretionary actions would be disclosed through environmental review at the time of application.

FIGURE 4: PROJECTED AND POTENTIAL DEVELOPMENT SITES (FIGURE REVISED FOR FSOW)



DEVELOPMENT SCENARIO PARAMETERS

For the purposes of presenting a conservative analysis, and where applicable, reasonable factors based on recent development trends were utilized to approximate the gross square footage, zoning floor area, and dwelling unit size of each soft site in this document.

DWELLING UNIT FACTOR

The number of projected dwelling units in residential use buildings is determined by dividing the total amount of residential floor area by 850 and rounding to the nearest whole number.

FLOOR TO FLOOR HEIGHT

All non-residential use: 15 feet (ground floor)/ 10 feet

Residential: 10 feet

DEVELOPMENT WITHIN HISTORIC DISTRICTS ON PROJECTED AND POTENTIAL SITES

Development shown on sites within historic districts is assumed to maximize the permitted FAR within the allowable building envelope for conservative analysis purposes. The represented building form does not reflect LPC's future review and approval, which is required for actual development on all of the projected and potential sites on a site-by-site basis.

FUTURE WITHOUT THE PROPOSED ACTIONS (NO-ACTION CONDITION)

In the future without the Proposed Actions (No-Action condition), the identified projected development sites are assumed to remain unchanged from existing conditions. Given the outdated manufacturing zoning and low demand for ground-up manufacturing and commercial development in the area, vacant parcels and sites occupied by low intensity uses are not likely to be developed as of right. **Table 2** shows the No-Action condition for the projected development sites.

The limited number of recent developments in the ~~Project~~ Rezoning Area have consisted of mid-rise market-rate residential buildings pursuant to variances granted by the BSA, high-rise commercial office/retail buildings, and mid- to high-rise hotels which require a CPC special permit as of 2021.

In the future without this action, based on recent development trends, it is anticipated that there would be limited development in the ~~Project~~ Rezoning Area. As-of-right residential development would not be able to occur without a zoning map amendment. While underutilized sites could be developed pursuant to the existing M1-6 district regulations, there is currently a glut of commercial space and little, if any, demand for new inventory. Absent the Proposed Actions, it is anticipated that the conversion of former industrial space to other commercial uses would continue to occur on occasion.

As detailed below, it is anticipated that, in the future without the Proposed Actions, existing conditions will remain. Under the RWCDS, the total No-Action development would comprise 60~~18~~ existing residential dwelling units with no affordability requirement. The total No-Action ~~condition~~ Condition floor area is approximately 2,398,529~~1,485,001~~ gsf and includes 81,610 gsf of residential space, 431,623~~149,845~~ gsf of local retail space, 769,404~~163,916~~ gsf of office space, 13,984 gsf of community facility (house of worship), 52,396~~19,977~~ gsf of manufacturing space (warehouse),and 1,093,808~~49,512~~1,118,305 gsf of non-

residential area eligible for residential conversions. Based on 2020 U.S. Census, the average household size in Manhattan Community Districts 4 and 5 is 1.68. The No-Action Condition estimated population would ~~remain unchanged and~~ include approximately 9130 residents and ~~8,644~~8,959~~781~~5,618 workers on these projected development sites and eligible conversion area.

FUTURE WITH THE PROPOSED ACTIONS (WITH-ACTION CONDITION)

The Proposed Actions would allow for the development of new uses and higher densities at the projected and potential development sites.

With the Proposed Actions, with the introduction of residential use and allowance for residential infill development, it is anticipated that there would be significant housing production, including affordable housing. This residential development would include two stories of commercial use across the rezoning area. Some sites with wider street frontages that can accommodate larger floorplates may be redeveloped with a mix of residential, community facility, and/or commercial uses.

Under the Proposed Actions, the total development expected in the RWCDS With-Action ~~condition~~ Condition would consist of approximately ~~10,879,898~~10,924,194~~,736,278~~ gsf (9,610,979~~4,130,203~~ zsf). Approximately ~~9,823,703~~9,867,999~~,228,626~~ gsf (~~3,683,596~~ zsf) of residential use is anticipated on the Projected Development sites and area eligible for residential conversions, including approximately 9,730~~3,971~~ DU, a substantial proportion of which are expected to be affordable, and 960,456~~477,177~~ gsf (845,607~~417,164~~ zsf) of commercial floor area (local retail and office) and 95,739 gsf (82,391 zsf) of community facility area.

The projected incremental (net) change between the No-Action and With-Action conditions that would result from the Proposed Actions would be a net increase of approximately 9,676~~453,952~~ DU (including 1,940~~34772~~ to 2,890~~811,111~~ affordable units), 462,129~~296,946~~ gsf of local retail space, 81,755~~19,491~~ gsf of community facility space, and a decrease of 732,619~~136,530~~ gsf of office space and 52,396~~19,977~~ gsf of warehouse space.

In the RWCDS With-Action ~~condition~~Condition, a total of 7~~15~~ sites with a potential of 751~~830~~ DU, including between 153~~178~~ and 228~~249~~ permanently affordable DU, were considered less likely to be developed within the foreseeable future and were thus considered potential development sites (see Appendix 2). As noted earlier, the potential sites are deemed less likely to be developed because they did not closely meet the criteria described above. However, the analysis recognizes that a number of potential development sites could be developed under the Proposed Actions in lieu of one or more of the projected development sites in accommodating the development anticipated in the RWCDS. The potential development sites are therefore also analyzed in the EIS for site-specific effects.

Outside of the projected and potential development sites, it is assumed that approximately ~~1,049,512~~1,093,808~~,118,305~~ gsf of existing non-residential floor area will convert to residential use over the next decade – an estimate informed by DCP's understanding of historical conversion patterns from 2010 to 2020 and the potential for conversions in our study area under the RWCDS With-Action condition. Assuming one DU for every 1,400 square feet converted, which is the historical average for office-to-residential conversion from 2010 to 2020, conversion may yield approximately 781~~50799~~ net DU over the

next decade. Approximately 156~~0~~ to 234~~25~~ of those DU will be permanently income restricted under the MIH program.

Development shown on sites within historic districts is assumed to maximize the permitted FAR within the allowable building envelope for conservative analysis purposes. The represented building form does not reflect the LPC's future review and approval, which is required for actual development on all of the projected and potential sites a site-by-site basis.

Based on 2020 Census data, the average household size in Manhattan Community Districts 4 and 5 is 1.68. Based on these ratios and standard ratios for estimating employment for commercial and industrial uses, **Table 2** also provides an estimate of the number of residents and workers generated by the Proposed Actions. As indicated in **Table 2**, the Proposed Actions would result in a net increment of 16,256~~036~~,639 residents (including the population from our residential conversion model and Projected Development site DU). The size of the workforce is estimated to result in a net decrease of ~~5,210~~5,523~~3473~~,~~975~~ workers.

TABLE 2: 2034 RWCDS NO-ACTION AND WITH-ACTION LAND USES (TABLE REVISED FOR FSOW)

Land Use	No-Action Condition	With-Action Condition	Increment
Residential			
Residential	81,610 gsf	8,774,191 gsf	+ 8,692,581 gsf
	54 DU	8,949 DU	+ 8,895 DU
Residential (From Conversions)			
Residential (via conversions)	0 gsf	1,093,808 gsf	+ 1,093,808 gsf
	0 DU	781 DU	+ 781 DU
Residential Total			
Total Residential	**81,610 gsf**	**9,867,999 gsf**	**+ 9,786,389 gsf**
	54 DUs	**9,730 DUs**	**+ 9,676 DUs**
Commercial			
Local Retail	431,623 gsf	893,752 gsf	+ 462,129 gsf
Office	799,323 gsf	66,704 gsf	- 732,619 gsf
Total Commercial	**1,230,946 gsf**	**960,456 gsf**	**- 270,490 gsf**
Community Facility			
~~House of Worship~~	~~13,984 gsf~~	~~13,984 gsf~~	~~No Change~~
~~Elementary School~~	~~0 gsf~~	~~81,755 gsf~~	~~+ 81,755 gsf~~
Total Community Facility	**13,984 gsf**	**95,739 gsf**	**+ 81.755 gsf**
Industrial			
Industrial	17,386 gsf	0 gsf	-17,386 gsf
Warehouse	52,396 gsf	0 gsf	- 52,396 gsf
Total Industrial	**52,396 gsf**	**0 gsf**	**- 69,782 gsf**
Commercial (Conversion)	**1,093,808 gsf**	**0 gsf**	**-1,093,808**
Total Floor Area	**2,472,744 gsf**	**10,924,194 gsf**	**+ 8,451,450 gsf**
Parking	**69,500 gsf**	0 gsf	**- 69,500 gsf**
Parking Spaces	**225**	**0**	**- 225 spaces**
Population			
Residents [1]	91	16,347	+ 16,256 residents
Workers [2]	8,959	3,435	- 5,523 workers

Notes:

[1] Assuming an average occupancy of 1.68 persons per household based on the average household size in Manhattan Community Districts 4 and 5 (2020 Decennial Census).

[2] Estimate of workers based as follows: 1 employee per 250 sf of office; 1 employee per 875 sf of destination retail; 1 employee per 333 sf of local retail; 1 employee per 25 DUs; 1 employee per 1,000 sf of industrial/warehouse space; 1 employee per 1,000 sf of community facility space; and 1 employee per 50 parking spaces.

I. DRAFT EIS SCOPE OF WORK

An Environmental Impact Statement (EIS) will be prepared for the Proposed Actions that will analyze all technical areas of concern. The EIS will be prepared in conformance with all applicable laws and regulations, including the State Environmental Quality Review Act (SEQRA) (Article 8 of the New York State Environmental Conservation Law) and its implementing regulations found at 6 NYCRR Part 617, New York City Executive Order No. 91 of 1977, as amended, and the Rules of Procedure for CEQR, found at Title 62, Chapter 5 of the Rules of the City of New York.

The EIS will follow the guidance of the *CEQR Technical Manual* and will:

- Describe the Proposed Actions and their environmental setting;
- Provide a statement of the environmental impacts of the Proposed Actions, including short- and long-term effects and typical associated environmental effects;
- Identify any adverse environmental effects that cannot be avoided if the Proposed Actions are implemented;
- Discuss the social and economic impacts of the Proposed Actions;
- Discuss alternatives to the Proposed Actions and the comparable impacts and effects of such alternatives;
- Identify irreversible and irretrievable commitments of resources that would be involved in the Proposed Actions, should they be implemented;
- Describe mitigation measures proposed to eliminate or minimize any significant adverse environmental impacts;
- Describe the growth-inducing aspects of the Proposed Actions, where applicable and significant;
- Discuss the effects of the Proposed Actions on the use and conservation of energy resources, where applicable and significant; and
- Provide a list of underlying studies, reports, or other information obtained and considered in preparing the EIS.

The EIS will analyze the projected development sites for all technical areas of concern and evaluate the effects of the potential development sites for site-specific effects such as archaeology, shadows, hazardous materials, air quality, and noise. The various technical areas to be included in the EIS, as well as their respective tasks and methodologies, are described below.

TASK 1. PROJECT DESCRIPTION AND ANALYTIC FRAMEWORK

This chapter will introduce the reader to the Proposed Actions and provide the project data that are used to assess impacts. The chapter will contain a brief description of the uses in the ~~Project~~ Rezoning Area; the RWCDS; a discussion of the approvals required and procedures to be followed; and a description of the No-Action condition. The chapter will explain the ULURP, zoning text amendment, and zoning map amendment processes, their timing, and hearings before the Community Board, the Borough President's

Office, the CPC, and the New York City Council. The role of the EIS as a full disclosure document to aid in decision-making will be identified.

The RWCDS serves as the analysis framework and will be discussed in the first chapter of the EIS and will set the regulatory context for the EIS (e.g., ULURP and CEQR—their timing, public review, hearings), and then explain the basic approach to the technical chapters—that each chapter will address existing conditions, a future analysis year without the Proposed Actions, and a future analysis year with the Proposed Actions. The text will identify any significant adverse environmental impacts, comparing the With-Action condition to the No-Action condition, and propose mitigation for the identified significant adverse environmental impacts. Finally, the text will consider practicable alternatives that meet the goals of the Proposed Actions but reduce or eliminate identified impacts. As part of this discussion, the rationale for the future analysis year will be presented. In addition, this chapter will present an analysis year and construction scenario for the RWCDS.

TASK 2. LAND USE, ZONING, AND PUBLIC POLICY

A land use analysis characterizes the uses and development trends in the area that may be affected by a proposed action, describes the public policies that guide development in the area, and determines whether an action is compatible with those conditions or whether it may affect them. The analysis also considers the action's compliance with, and effect on, the area's zoning and other applicable public policies. Even when there is little potential for an action to be inconsistent with or affect land use, zoning, or public policy, a description of these issues is appropriate to establish conditions and provide information for use in other technical areas.

This chapter will analyze the potential impacts of the Proposed Actions on land use, zoning, and public policy pursuant to the methodologies presented in the 2021 *CEQR Technical Manual*. Specifically, it will:

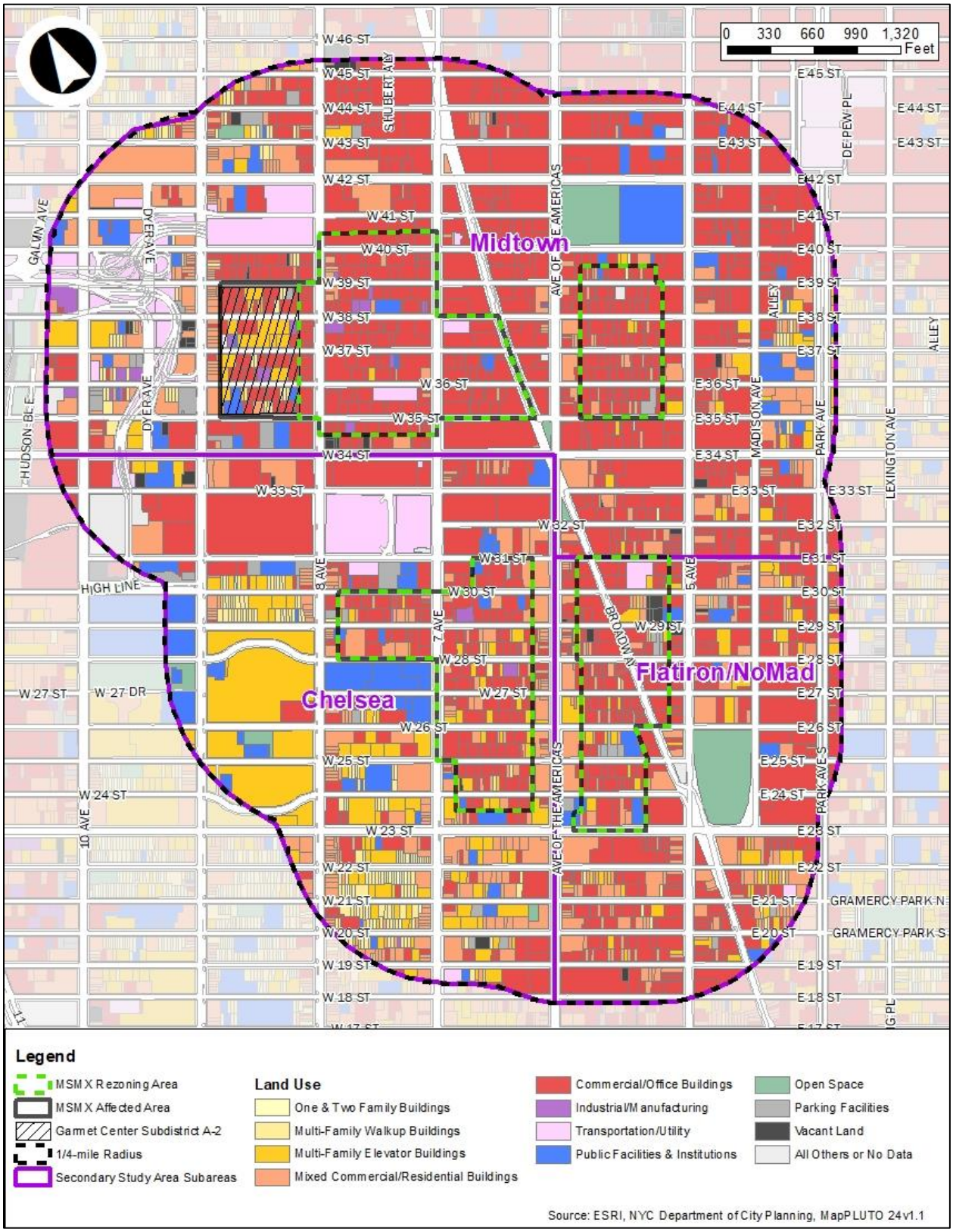
- Describe land uses, zoning, and relevant public policies in the study areas, including City of Yes for Carbon Neutrality, City of Yes for Economic Opportunity, City of Yes for Housing Opportunity, Housing New York, Housing our Neighbors, Vision Zero, Where We Live NYC, the Food Retail Expansion to Support Health (FRESH) Program, applicable business improvement districts (BIDs), and OneNYC, the City's sustainability plan.

- Identify, describe, and graphically portray predominant land use patterns for the study areas based on field surveys and prior studies. Describe land use trends and recent development activity in the 0.25-mile study area and identify major factors influencing land use trends (refer to **Figure 5**).

- Describe and map existing zoning and recent zoning changes in the study areas.

- Prepare a list of known developments in the study areas that are expected to be complete and operational by the 2034 analysis year and that may influence land use trends. Also, identify known pending zoning actions or other public policy actions that could affect land use patterns and trends in the study areas. Based on these planned projects and initiatives, assess land use and zoning conditions in the future without the Proposed Actions (No-Action condition).

FIGURE 5: LAND USE MAP (FIGURE REVISED FOR FSOW)



- Describe the Proposed Actions and provide an assessment of the compatibility and impacts of the Proposed Actions and resultant RWCDS (With-Action condition) on land use and land use trends, zoning, and public policy. ~~The proposed disposition of real property will also be described and assessed for compatibility and potential effects on land use, zoning, and public policy.~~

- Assess the Proposed Actions' conformity with City goals. Because the directly affected area is not within the boundaries of the City's Coastal Zone, an assessment of the Proposed Actions' consistency with the City's Waterfront Revitalization Program is not required.

- If necessary, identify mitigation measures to avoid or reduce potential significant adverse land use, zoning, and/or public policy impacts.

TASK 3. SOCIOECONOMIC CONDITIONS

The socioeconomic character of an area (e.g., population, housing, and economic activity) will be described. Socioeconomic changes may occur when a proposed action directly or indirectly affects any of these elements. Although socioeconomic changes may not result in impacts under CEQR, they are disclosed if they would affect land use patterns, low-income populations, the availability of goods and services, or economic investment in a way that changes the socioeconomic character of the area. This chapter will assess the Proposed Actions' potential effects on the socioeconomic character of the study area, which ~~is expected to conform to the 0.25-mile land use study area described in Task 2~~includes the area within a half-mile of the Affected Area.

The socioeconomic study area boundaries are expected to be similar to those of the land use study area and will depend on the size and characteristics of the RWCDS associated with the Proposed Actions. The Proposed Actions are expected to increase the number of residential units in the area, including affordable units. The socioeconomic assessment will assess the potential to change socioeconomic character relative to the study area population; therefore, the scale of the relative change is typically represented as a percent increase in population (i.e., a proposed action that would result in a relatively large increase in population is expected to affect a larger study area). Consistent with the *CEQR Technical Manual*, the socioeconomic study area will be expanded to a ½-mile radius if it is determined that the RWCDS associated with the Proposed Actions would increase the population by 5 percent relative to the expected population in a ¼-mile study area under the No-Action condition.

The five principal issues of concern with respect to socioeconomic conditions are whether a proposed action would result in significant adverse impacts due to: (1) direct residential displacement; (2) direct business and institutional displacement; (3) indirect residential displacement; (4) indirect business and institutional displacement; and (5) adverse effects on specific industries, pursuant to the *CEQR Technical Manual*. T~~t~~he Proposed Actions would displace approximately 91~~30~~ residents. This would fall below the CEQR threshold of 500 residents for preliminary assessment of direct residential displacement. Therefore, the Proposed Actions do not warrant preliminary assessment of direct residential displacement and significant adverse impacts are not expected to occur.

The assessment of the four areas of concern will begin with a preliminary assessment to determine whether a detailed analysis is necessary, in conformance with the *CEQR Technical Manual* guidance. Detailed analyses will be conducted for those areas in which the preliminary assessment cannot definitively rule out

the potential for significant adverse impacts. The detailed assessments will be framed in the context of existing conditions and evaluations of the Future No-Action and With-Action conditions, including any population and employment changes anticipated to occur by the analysis year of the Proposed Actions.

DIRECT BUSINESS DISPLACEMENT

For direct business displacement, the type and extent of businesses and workers to be directly displaced by the RWCDS associated with the Proposed Actions will be disclosed. If an action would directly displace more than 100 employees, a preliminary assessment of direct business displacement is appropriate, according to the *CEQR Technical Manual*. The Proposed Actions have the potential to exceed the *CEQR Technical Manual* analysis threshold of 100 displaced employees; therefore, a preliminary assessment will be provided in the EIS pursuant to CEQR guidance.

The analysis of direct business and institutional displacement will estimate the number of employees and the number and types of businesses that would be directly displaced by the Proposed Actions and characterize the economic profile of the study area using current employment and business data from the New York State Department of Labor or U.S. Census Bureau. This information will be used to address the following CEQR criteria for determining the potential for significant adverse impacts: (1) whether the businesses to be displaced provide products or services essential to the local economy that would no longer be available in its "trade area" to local residents or businesses due to the difficulty of either relocating the businesses or establishing new, comparable businesses; and (2) whether a category of businesses is the subject of other regulations or publicly adopted plans to preserve, enhance, or otherwise protect it.

INDIRECT RESIDENTIAL DISPLACEMENT

Indirect residential displacement is the involuntary displacement of residents that results from a change in socioeconomic conditions created by a proposed action. Indirect residential displacement could occur if a proposed action either introduces a trend or accelerates a trend of changing socioeconomic conditions that may potentially displace a vulnerable population to the extent that the socioeconomic character of the neighborhood would change, according to the *CEQR Technical Manual*. To assess this potential impact, the *CEQR Technical Manual* seeks to answer a series of threshold questions in terms of whether the project substantially alters the demographic character of an area through population change or introduction of more costly housing.

The indirect residential displacement analysis will use the most recent available U.S. Census data, New York City Department of Finance's Real Property Assessment Data (RPAD) database, and current real estate market data to present demographic and residential market trends and conditions for the study area. The presentation of study area characteristics will include population estimates, housing tenure and vacancy status, median value and rents, estimates of the number of housing units not subject to rent protection, and median household income. The preliminary assessment will carry out the following step-by-step evaluation, pursuant to *CEQR Technical Manual* guidance:

> **Step 1:** Determine if the Proposed Actions would add substantial new population with different income as compared with the income of the study area population. If the expected average incomes of the new population would be similar to the average incomes of the study area populations, no further analysis is necessary. If the expected average incomes of the new population would exceed the average incomes of the study area populations, then Step 2 of the analysis will be conducted.

Step 2: Determine if the Proposed Actions' population is large enough to affect real estate market conditions in the study area. If the population increase may potentially affect real estate market conditions, then Step 3 will be conducted.

Step 3: Determine whether the study area has already experienced a readily observable trend toward increasing rents and the likely effect of the action on such trends and whether the study area potentially contains a population at risk of indirect displacement resulting from rent increases due to changes in the real estate market caused by the new population.

A detailed analysis, if warranted, will use more in-depth demographic analysis and field surveys to characterize existing conditions of residents and housing, identify populations at risk of displacement, assess current and future socioeconomic trends that may affect these populations, and examine the effects of the Proposed Actions on prevailing socioeconomic trends and, thus, impacts on the identified populations at risk.

INDIRECT BUSINESS DISPLACEMENT

The indirect business displacement analysis determines whether the Proposed Actions may introduce trends that make it difficult for those businesses that provide products or services essential to the local economy, or those subject to regulations or publicly adopted plans to preserve, enhance, or otherwise protect them, to remain in the area. The purpose of the preliminary assessment is to determine whether a proposed action has potential to introduce such a trend. The Proposed Actions could introduce more than 200,000 sf of new commercial uses to the area, which is the CEQR threshold for "substantial" new development, which would warrant a preliminary assessment. The preliminary assessment will entail the following subtasks:

- Identify and characterize conditions and trends in employment and businesses within the study area. This analysis will be based on field surveys, employment data from the New York State Department of Labor and/or U.S. Census Bureau, and discussions with real estate brokers.
- Determine whether the Proposed Actions would introduce enough of a new economic activity to alter existing economic patterns.
- Determine whether the Proposed Actions would add to the concentration of a particular sector of the local economy enough to alter or accelerate an ongoing trend to alter existing economic patterns.
- Determine whether the Proposed Actions would directly displace uses of any type that directly support businesses in the area or bring people to the area that form a customer base for local businesses.
- Determine whether the Proposed Actions would directly or indirectly displace residents, workers, or visitors who form the customer base of existing businesses in the area.

If the preliminary assessment determines that the Proposed Actions could introduce trends that make it difficult for businesses that are essential to the local economy to remain in the area, a detailed analysis will be conducted. The detailed analysis will determine whether the Proposed Actions would increase property values and thus increase rents for a potentially vulnerable category of business and whether relocation opportunities exist for those businesses, following the *CEQR Technical Manual* guidance.

An assessment of the indirect business displacement due to market saturation will be conducted to assess whether the Proposed Actions would exceed the CEQR threshold.

ADVERSE EFFECTS ON SPECIFIC INDUSTRIES

The analyses of direct business displacement will provide sufficient information to determine whether the Proposed Actions could have any adverse effects on a specific industry, compared with the future without the Proposed Actions. The analysis will determine:

- Whether the Proposed Actions would significantly affect business conditions in any industry or category of businesses within or outside the study area.
- Whether the Proposed Actions would substantially reduce employment or impair viability in a specific industry or category of businesses.

TASK 4. COMMUNITY FACILITIES AND SERVICES

The demand for community facilities and services is directly related to the type and size of the new population generated by the development resulting from the Proposed Actions. The RWCDS associated with the Proposed Actions would add 9,676~~453~~,952 new residential units to the study area, including a net 1,940~~34~~772 to 2,890~~811~~,111 affordable units. This level of development would trigger a detailed analysis of public schools, early childhood programs, and libraries, as presented in the EAS. While the RWCDS would not trigger detailed analyses of potential impacts on healthcare facilities and police/fire protection, for informational purposes, a description of existing police, fire, and health care facilities serving the study area will be proved in the EIS.

PUBLIC SCHOOLS

Pursuant to *CEQR Technical Manual* guidance, the elementary and middle school analysis would be conducted at a sub-district level, and the high school analysis would be conducted at a borough-wide level. If an action introduces fewer than 50 elementary and middle school age children, or 150 high school students, an assessment of school facilities is not warranted. According to the *CEQR Technical Manual* guidance, in Community School District (CSD) 2, the 50-student threshold for analysis of elementary/middle school capacity is achieved if an action introduces at least 1,048 DU; the threshold for analysis of high school capacity is 7,500 DU. If the project increment associated with the rezoning exceeds the CEQR analysis thresholds for elementary, middle, and high schools, then a detailed analysis of schools is warranted and will be provided in the EIS.

- The analysis would be conducted pursuant to the guidance in the CEQR Technical Manual. Public elementary and middle schools serving the study area will be identified and located. Existing capacity, enrollment, and utilization data will be provided for the current (or most recent) school year, noting any specific shortages of school capacity. Similar data will be provided for Manhattan high schools in accordance with CEQR Technical Manual guidance.
- Conditions that would exist under the No-Action condition for the study area (for elementary and intermediate school analyses) and the borough (for high school analysis) will be identified, taking into consideration projected changes in future enrollments, including those associated with other developments in the affected sub-districts using the New York City School Construction

Authority's (SCA) Projected New Housing Starts. Plans to alter school capacity, either through administrative actions on the part of the Department of Education (DOE) or as a result of the construction of new school space prior to the 2034 analysis year, will also be identified and incorporated into the analyses. Planned new capacity projects from DOE's 2025–2029 Five Year Capital Plan will not be included in the quantitative analysis unless the projects have commenced site preparation and/or construction. These projects may, however, be included in a qualitative discussion. The capacity of transportable classrooms, mini-schools, and annexes will not be included in the future conditions analysis.

- Future conditions with the Proposed Actions will be analyzed, adding students likely to be generated per the RWCDS to the projections for the future No-Action condition. ~~The analysis will also account for the future development of a 238-seat elementary school at projected development site 40.~~ Impacts will be assessed based on the difference between the future With-Action projections and the future No-Action projections at the sub-district level for enrollment, capacity, and utilization in 2034.
- A determination of whether the Proposed Actions would result in significant adverse impacts to elementary, ~~and~~ middle, and high schools will be made. A significant adverse impact to elementary and, ~~and~~ middle, ~~and high schools~~ may result, warranting consideration of mitigation, if the Proposed Actions would result in: (1) a utilization rate of the elementary and/or intermediate schools in the sub-district study area that is equal to or greater than 100 percent in the With-Action condition; and (2) 100 or more new students generated from the Proposed Actions past the 100 percent utilization rate. A significant adverse impact to high schools may result, warranting consideration of mitigation, if the Proposed Actions would result in (1) a utilization rate of the high schools that is equal to or greater than 100% in the With-Action Condition; and (2) an increase of five percentage points or more in the utilization rate between the No-Action and With-Action conditions.

EARLY CHILDHOOD PROGRAMS

If an action introduces 20 or more children under age five eligible for publicly funded early childhood programs, an assessment of these services is warranted. According to *CEQR Technical Manual* guidance, in Manhattan, this threshold is achieved if an action introduces at least 170 affordable housing units. This RWCDS With-Action condition exceeds this threshold, and therefore, an analysis of public funded early childhood programs is warranted and will be provided in the EIS.

- Existing publicly funded early childhood programs within approximately 1.5 miles of the Rezoning Area will be identified. Each facility will be described in terms of its location, number of slots (capacity), enrollment, and utilization in consultation with DOE.
- For the No-Action condition, information will be obtained for any changes planned for early childhood programs or facilities in the study area, including the closing or expansion of existing facilities and the establishment of new facilities. Any expected increase in the population of children under age six within the eligibility income limitations, using the No-Action RWCDS and no-build developments, will be discussed as potential additional demand, and the potential effect of any population increases on demand for early childhood programs in the study area will be

assessed. The available capacity or resulting deficiency in slots and the utilization rate for the study area will be calculated for the No-Action condition.

- The potential effects of the additional eligible children resulting from the Proposed Actions will be assessed by comparing the estimated net demand over capacity under the With-Action condition to a net demand over capacity under the No-Action condition.
- A determination of whether the Proposed Actions would result in significant adverse impacts to early childcare programs will be made. A significant adverse impact may result, warranting consideration of mitigation, if the Proposed Actions would result in both of the following: (1) a collective utilization rate of early childhood programs in the study area that is greater than 100 percent in the With-Action condition; and (2) an increase of 5 percent or more in the collective utilization rate of early childhood programs in the study area between the No-Action condition and the With-Action condition.
- A qualitative discussion of the existence of Universal 3-K and Pre-K can accompany the early childhood program analysis. Universal 3-K and Pre-K provide limited hours and a limited school year compared to early childhood programs and are thus not a direct replacement for such programs. However, they do expand access to education for 3–4-year-old children and may alleviate some demand from families residing in low- and low/middle-income units who do not require extended programming.

LIBRARIES

According to *CEQR Technical Manual* guidance, an analysis of library services is warranted if an action introduces a large residential population (i.e., greater than a 5 percent increase in housing units served) to a library branch. In Manhattan, the introduction of 1,033 DU would represent a 5 percent increase in DU per branch. This RWCDS With-Action condition exceeds this threshold, and therefore, then an analysis of libraries is warranted and will be provided in the EIS.

- The local public library branch(es) serving the study area within approximately ¾-mile of the Rezoning Area, which is the distance that one might be expected to travel for such services, will be identified and presented on a map.
- Existing libraries within the study area and their respective information services and user populations will be described. Information regarding services provided by branch(es) within the study area will include holdings and other relevant existing conditions. Details on library operations will be based on publicly available information and/or consultation with New York Public Library officials. If applicable, holdings per resident may be estimated to provide a quantitative gauge of available resources in the applicable branch libraries to form a baseline for the analysis.
- For the No-Action condition, projections of population change in the study area and information on any planned changes in library services or facilities will be described, and the effects of these changes on library services will be assessed. Using the information gathered for existing conditions, holdings per resident in the No-Action condition will be estimated.

- The effects of additional population resulting from the Proposed Actions on the library's ability to provide information services to its users will be assessed. Holdings per resident in the With-Action condition will be estimated and compared to the No-Action holdings estimate.
- If the Proposed Actions would increase a branch library's 0.75-mile study area population by 5 percent or more over No-Action levels, and it is determined, in consultation with the New York Public Library, that this increase would impair the delivery of library services in the study area, a significant adverse impact may occur, warranting consideration of mitigation.

TASK 5. OPEN SPACE

Per the *CEQR Technical Manual*, an assessment of potential effects on open space resources is typically required if a proposed development has the potential to result in either direct or indirect effects on open spaces. Direct effects may occur when a proposed development encroaches on, or causes a loss of, open space. Indirect effects may occur when the population generated by the Proposed Actions overtaxes the capacity of existing open spaces so that their service to the future population of the affected area would be substantially or noticeably diminished.

The residential population expected to result from the Proposed Actions exceeds the CEQR analysis thresholds (an increase of more than 200 residents). Therefore, an open space assessment is warranted and will be provided in the EIS. As the non-residential population is expected to decline by approximately 5,523~~3475,2103,975~~ workers, an analysis of indirect non-residential open space impacts is not warranted.

The open space analysis will involve the following:

- Reviewing the project to determine if it is located within a Walk to a Park Service Area, which describes areas that are within walking distance of a park.
- Identifying a study area comprising those 2020 census tracts with 50 percent or more of their area within 0.5 mile of the Rezoning Area.
- Inventorying the open space resources in the Open Space Study Area. This will include NYC Parks-operated parks, privately owned public spaces (POPS), and publicly accessible open areas on private properties.
- Determining the Existing, No-Action, and With-Action populations in the Open Space Study Area using the population reported in the 2020 U.S. Census and adjusted using standard background growth rates.
- Calculated the study area's open space ratio (OSR)—the acreage of open space per 1,000 residents— for the Existing, No-Action, and With-Action conditions.
- Describing the study area population by age group as reported in the 2020 U.S. Census and in American Community Survey (ACS) 2018~~7~~-2022~~1~~ 5-year data.
- Describing the availability and quality of open space for various age groups.

If the project would result in a significant adverse open space impact (i.e., would result in conflicts in open space use or result in a user group being underserved), the EIS would investigate measures to avoid, minimize, or mitigate adverse impacts on open space.

TASK 6. SHADOWS

A shadows analysis assesses whether new structures resulting from a proposed action would cast shadows on sunlight-sensitive publicly accessible resources or other resources of concern and considers the significance of their impact. This chapter will examine the Proposed Actions' potential for significant and adverse shadow impacts pursuant to *CEQR Technical Manual* criteria. Generally, an analysis is conducted if an action would result in new structures or additions to buildings resulting in structures taller than 50 feet that could cast shadows on important natural features, community gardens, publicly accessible open space, or on historic features that are dependent on sunlight. New construction or building additions resulting in incremental height changes of less than 50 feet can also potentially result in shadow impacts if they are located adjacent to, or across the street from, a sunlight-sensitive resource.

The Proposed Actions would permit development of buildings taller than 50 feet and therefore have the potential to result in shadow impacts. The EIS will assess the RWCDS for potential shadowing effects of new developments at both the projected and potential development sites on sunlight-sensitive uses and disclose the range of shadow impacts, if any, which are likely to result from the Proposed Actions. The shadows analysis in the EIS will follow CEQR methodology and include the following tasks:

- Preparing a preliminary shadows screening assessment to ascertain whether the projected and potential developments' shadows may reach any sunlight-sensitive resources at any time of year.
    - A Tier 1 Screening Assessment will be conducted to determine the longest shadow study area for the projected and potential developments, which is defined as 4.3 times the height of a structure (the longest shadow that would occur on December 21, the winter solstice), pursuant to the *CEQR Technical Manual*. A base map that illustrates the locations of the projected and potential developments in relation to the sunlight-sensitive resources will be developed.
    - A Tier 2 Screening Assessment will be conducted if any portion of a sunlight-sensitive resource lies within the longest shadow study area. The Tier 2 assessment will determine the triangular area that cannot be shaded by the projected and potential developments, which in New York City is the area that lies between -108 and +108 degrees from true north.
    - If any portion of a sunlight-sensitive resource is within the area that could be shaded by the projected or potential developments, a Tier 3 Screening Assessment will be conducted. The Tier 3 Screening Assessment will determine if shadows resulting from the projected and potential developments can reach a sunlight-sensitive resource through the use of three-dimensional computer modeling software with the capacity to accurately calculate shadow patterns. The model will include a three-dimensional representation of the sunlight-sensitive resource(s), a three-dimensional representation of the projected and potential development sites identified in the RWCDS, and a three-dimensional representation of the topographical information within the area to determine the extent and duration of new shadows that would be cast on sunlight-sensitive resources as a result of the Proposed Actions.

- Providing a detailed analysis of potential shadow impacts on publicly accessible open spaces or sunlight-sensitive historic resources, if the screening analysis does not rule out the possibility that action-generated shadows would reach any sunlight-sensitive resources resulting from development in the RWCDS (both projected and potential development sites). The detailed shadow analysis will establish a baseline condition (No-Action), which will be compared to the future condition resulting from the Proposed Actions (With-Action) to illustrate the shadows cast by existing or future buildings and distinguish the additional (incremental) shadow cast by the projected and potential developments. The detailed analysis will include the following tasks:
    - The analysis will be documented with graphics comparing shadows resulting from the No-Action condition with shadows resulting from the Proposed Actions, with incremental shadows highlighted in a contrasting color.
    - A summary table listing the entry and exit times and total duration of incremental shadows on each applicable representative day for each affected resource will be provided.
    - The significance of any shadow impacts on sunlight-sensitive resources will be assessed.

TASK 7. HISTORIC AND CULTURAL RESOURCES

Historic resources are identified as districts; buildings; structures; sites; and objects of historical, aesthetic, cultural, and archaeological importance in the *CEQR Technical Manual.* This includes designated New York City Landmarks; properties calendared for consideration as landmarks by the New York City LPC; properties listed in the State/National Register of Historic Places (S/NR) or contained within a district listed on or formally determined eligible for S/NR listing; properties recommended by the New York State Board for Listing in the S/NR; National Historic Landmarks; and properties not identified by one of the programs listed above, but that meet their eligibility requirements. The Proposed Actions would induce development that could result in new in-ground disturbance and construction of a building type(s) that could compromise the historic context of the area; therefore, they have the potential to affect archaeological and architectural resources.

Impacts on historic resources are considered on the affected site and in the area surrounding identified development sites. According to the guidance provided in the *CEQR Technical Manual*, the historic resources study area is defined as the directly affected area (i.e., the proposed Rezoning Area), plus a 400-foot radius. Archaeological resources are considered only for projected and potential development sites where new in-ground disturbance would occur compared to the No-Action condition. Impacts to historic resources may result from both temporary (e.g., related to the construction process) and permanent (e.g., related to the long-term or permanent result of the proposed project or construction project) activities.

This chapter will include an overview of the study area's history and land development. Subtasks will include:

- Researching and describing land use in the study area.
- Identifying, in consultation with LPC, those areas thought to be potentially archaeologically sensitive.

- Identifying projected and potential development sites where new in-ground disturbance is expected to occur as a result of the Proposed Actions.
- Preparing a Phase 1A Archaeological Documentary Report for projected development sites, identifying potential developments sites as archaeologically sensitive where new in-ground disturbance is expected to occur as a result of the Proposed Actions, if necessary, and submitting the report to LPC for review. The Phase 1A will evaluate archaeological resources identified by LPC within each of the development sites of concern, documenting the site history, its development and use, and the potential to host significant archaeological resources. The EIS will summarize the results of the Phase IA report if archaeologically sensitive areas are identified by LPC.
- The NYCLPC will review the Phase 1A to assess the findings. If the Phase 1A does not recommend that any further archaeological work is needed, and NYCLPC concurs, the EIS analysis will be complete. However, if the Phase 1A identifies that potentially significant archaeological resources may be impacted by the proposed project, then further archaeological assessment is needed. Archaeological resources present at a site, if any, cannot be known until Phase 1B archaeological testing is completed. If such testing cannot be done as part of the assessment phase, then the EIS will note that there is a potential that archaeological resources are present that may be impacted by the Proposed Actions and state that archaeological assessment will be completed per the process outlined in the CEQR Technical Manual as part of future development. Potential impacts to archaeological resources will be disclosed as an unmitigable impact if further archaeological work is not possible at the site(s) in question because the City does not own or control them.
- Identifying, mapping, and describing known and eligible architectural resources in the study area in consultation with LPC.

Probable impacts of the developments resulting from the Proposed Actions on architectural resources will be assessed (i.e., demolition, construction related impacts, and shadow cast by development generated by the Proposed Actions). The assessment would address the following: (a) would there be a physical change to the property; or (b) would there be a physical change to its setting, such as context or visual prominence (i.e., indirect impacts), and, if so, is the change likely to alter or eliminate the significant characteristics of the resource that make it important.

TASK 8. URBAN DESIGN AND VISUAL RESOURCES

Urban design is the totality of components that may affect a pedestrian's experience of public space. Visual resources are defined by the *CEQR Technical Manual* as the connection from the public realm to significant natural or built features, including views of the waterfront, public parks, landmark structures or districts, otherwise distinct buildings or groups of buildings, or natural resources. An assessment of urban design and visual resources is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. When an action would potentially obstruct view corridors, compete with icons in the skyline, or result in substantial alterations to the streetscape of the neighborhood by noticeably changing the scale of buildings, a more detailed analysis of urban design and visual resources would be appropriate.

The Proposed Actions would map new zoning districts and allow higher density within the ~~Project~~ Rezoning Area; therefore, a preliminary assessment of urban design and visual resources will be provided in the EIS.

The *CEQR Technical Manual* also recommends an analysis of pedestrian wind conditions for projects that result in the construction of large buildings at locations that experience high wind conditions (such as the waterfront), which exacerbate wind conditions due to "channelization" or "downwash" effects that may affect pedestrian safety. Based on the Proposed Actions and the location of the ~~Project~~ Rezoning Area, it is assumed that an analysis of pedestrian wind conditions is not warranted.

The study area for urban design is the area where the project may influence land use patterns, the built environment, and pedestrian's experiences in the public realm surrounding the ~~Project~~ Rezoning Area. It is generally consistent with the study area used for the land use analysis (delineated by a ¼-mile radius from the ~~Project~~ Rezoning Area – the chapter's assessment does not include the Special Garment Center Subdistrict A-2, which would not be affected by actions influencing urban design). For visual resources, the view corridors within the study area from which such resources are publicly viewable will be identified. The preliminary assessment will be based on *CEQR Technical Manual* methodologies and consist of the following:

- Describing the urban design and visual resources of the directly affected area and adjacent study area based on field visits and using text, photographs, aerial views, area maps (including those showing existing view corridors and access to visual resources), and other graphic materials, as necessary, to identify critical features, and describe use, bulk, form, and scale of elements of the built and natural landscape throughout the study area.
- Describing, in coordination with Task 2, Land Use, Zoning, and Public Policy, the changes expected in the urban design and visual character of the study area due to known development projects that would occur in the future No-Action condition.
- Describing potential changes that could occur in the urban design character of the study area as a result of the Proposed Actions. For the projected and potential development sites, the analysis will focus on general building types for the sites that are assumed for development, as well as elements such as street wall height, setback, and building envelope. Photographs and/or other graphic material will be used, where applicable, to assess the potential effects on urban design and visual resources, including views of/to resources of visual or historic significance.

A detailed analysis in accordance with *CEQR Technical Manual* guidance will be prepared, if warranted, based on the preliminary assessment. Examples of projects that may require a detailed analysis are those that would make substantial alterations to the streetscape of a neighborhood by noticeably changing the scale of buildings, potentially obstructing view corridors, or competing with icons in the skyline, as described in the *CEQR Technical Manual*. The detailed analysis would describe the projected and potential development sites and the urban design and visual resources of the surrounding area. The analysis would describe the potential changes that could occur to urban design and visual resources in the future with the Proposed Actions, comparing these changes to the future without the Proposed Actions, focusing on the changes that could negatively affect a pedestrian's experience of the area. If necessary, mitigation measures to avoid or reduce potential significant adverse impacts will be identified.

TASK 9. HAZARDOUS MATERIALS

A hazardous materials assessment determines whether a proposed action may increase the exposure of people or the environment to hazardous materials, and, if so, whether this increased exposure would result

in potential significant public health or environmental impacts. The potential for significant impacts related to hazardous materials can occur when: (a) elevated levels of hazardous materials exist on a site, and the project would increase pathways to human or environmental exposures; (b) a project would introduce new activities or processes using hazardous materials, and the risk of human or environmental exposure is increased; or (c) the project would introduce a population to potential human or environmental exposure from off-site sources.

The hazardous materials assessment will determine which, if any, of the Proposed Actions' projected and potential development sites may have been adversely affected by present or historical uses at or adjacent to the sites. The Proposed Actions include an area-wide rezoning, as such, a preliminary screening assessment will be conducted for the projected and potential development sites to determine which sites warrant an institutional control, such as an (E) designation, in accordance with the *CEQR Technical Manual*, Section 11-15 (Environmental Requirements) of the Zoning Resolution of the City of New York and Chapter 24 of Title 15 of the Rules of the City of New York governing the placement of (E) designations.

The hazardous materials assessment will include the following tasks:

- Performing exterior site inspections of each parcel to identify any possible monitoring wells, vent pipes, and/or manufacturing/commercial/industrial uses that could indicate environmental impact. Photographs and maps of the projected and potential sites will be documented.
- Reviewing existing information sources such as Sanborn Fire Insurance Maps and City directories, Federal, State, and local regulatory databases for the projected and potential development sites and the surrounding area to develop a profile of the historical uses of properties.
    - Specific databases to be consulted in the analysis include:
        - The New York State SPILLS database
        - The NYSDEC chemical bulk storage (CBS) database
        - The NYSDEC Petroleum Bulk Storage database
        - The NYSDEC Leaking Storage Tank Incident Reports
        - The Hazardous Waste Generators database
        - Air discharge facility database for air pollutant sources permitted with the EPA, NYSDEC, or OER
        - NYS Brownfield Cleanup Sites
        - State Inactive Hazardous Waste Disposal Site Registry
        - An inventory of historical and current registered by cleaning facilities compiled by Environmental Data Resources (EDR), Inc. of Shelton, Connecticut.
- Reviewing and evaluating relevant existing data to assess the potential for environmental concerns on the subject sites.
- Preparing a summary of findings and conclusions for inclusion in the EIS to determine where (E) designations may be appropriate.

TASK 10. WATER AND SEWER INFRASTRUCTURE

This chapter of the EIS will assess the Proposed Actions' potential effects on the water, wastewater, and stormwater infrastructure. The water and sewer infrastructure assessment determines whether a proposed action may adversely affect the City's water distribution or sewer system and, if so, assesses the effects of such actions to determine whether their impact is significant.

The *CEQR Technical Manual* outlines thresholds for analysis of an action's water demand and its generation of wastewater and stormwater. An analysis of water supply is warranted if the RWCDS associated with a proposed action is likely to result in a water demand of more than 1 million gallons per day (gpd) compared to No-Action conditions. Based on generation rates provided by the *CEQR Technical Manual*, the RWCDS associated with the Proposed Actions would result in an incremental use of approximately 1,310,333~~50,703~~ gpd. Therefore, a preliminary assessment of water supply is warranted and will be provided in the EIS. ~~As presented in Attachment B, "Additional Technical Information," of the EAS, the RWCDS associated with the Proposed Actions would result in an incremental use of approximately 459,104 gpd compared to the No-Action condition. Therefore, a preliminary assessment of the water supply is not warranted.~~

A preliminary assessment of the Proposed Actions' effects on wastewater and stormwater infrastructure will also be conducted as~~if~~ the RWCDS for the Proposed Actions would result in the development of more than 1,000 dwelling units or 250,000 sf of commercial space or more, which is the *CEQR Technical Manual* threshold for analysis in Manhattan. The water and sewer infrastructure analysis will consider the potential for significant adverse impacts resulting from the RWCDS for the Proposed Actions. The New York City Department of Environmental Protection (DEP) will be consulted in preparation of this assessment.

WASTEWATER AND STORMWATER INFRASTRUCTURE

The wastewater and stormwater infrastructure analysis will:

- Establish the appropriate study area for the assessment in accordance with the guidance of the CEQR Technical Manual and in consultation with DEP. The Proposed Actions' directly affected area is located within the service area of the Newtown Creek and North River Wastewater Resource Recovery Facility (WRRF).
- Describe the existing stormwater drainage system and surfaces (pervious or impervious) on the projected development sites and estimate the amount of stormwater generated on those sites using DEP's volume calculation worksheet.
- Describe the existing sewer system serving the Rezoning Area based on records obtained from DEP. The existing flows to the Newtown Creek and North River WRRFs, which serve the directly affected area, will be obtained for the latest 12-month period, and the average dry weather monthly flow will be presented.
- Describe any changes to the stormwater drainage plan, sewer system, and surface area expected in the future without the Proposed Actions, as warranted.
- Assess future stormwater generation from the projected development sites to determine the Proposed Actions' potential to result in impacts. Changes to the projected development sites'

surface area will be described, runoff coefficients and runoff for each surface type/area will be presented, and volume and peak discharge rates from the sites will be determined based on the DEP volume calculation worksheet.

- Estimate sanitary sewage generation for the projected development sites identified in the RWCDS. The effects of the incremental demand on the system will be assessed to determine if there will be any impact on the operations of the Newtown Creek and North River WRRFs.

A more detailed assessment may be required if increased sanitary or stormwater discharges from the RWCDS associated with the Proposed Actions are predicted to affect the capacity of portions of the existing sewer system, exacerbate combined sewer overflow volumes/frequencies, or contribute greater pollutant loadings in stormwater discharged to receiving water bodies. The scope of a more detailed analysis, if necessary, will be developed based on conclusions from the preliminary infrastructure assessment and coordinated with DEP.

TASK 11. SOLID WASTE AND SANITATION SERVICES

A solid waste assessment determines whether an action has the potential to cause a substantial increase in solid waste production that may overburden available waste management capacity or otherwise be inconsistent with the City's Solid Waste Management Plan or with State policy related to the City's integrated solid waste management system. The Proposed Actions would induce new development that would require sanitation services. If a project's generation of solid waste under the With-Action condition would not exceed 50 tons per week, it may be assumed that there would be sufficient public or private carting and transfer station capacity in the metropolitan area to absorb the increment, and further analysis generally would not be required, according to the *CEQR Technical Manual*. However, if the Proposed Actions would result in a net increase of more than 50 tons per week, compared to No-Action conditions, then an assessment of solid waste and sanitation services is warranted. This chapter will provide an estimate of the additional solid waste expected to be generated by the projected development sites under the RWCDS, using Table 14-1 of the *CEQR Technical Manual,* and assesses its effects on the City's solid waste and sanitation services. This assessment will:

- Describe existing and future New York City solid waste disposal practices.
- Estimate solid waste generation by the RWCDS projected development sites for existing, No-Action, and With-Action conditions.
- Assess the impacts of the Proposed Actions' solid waste generation (projected developments) on the City's collection needs and disposal capacity. The Proposed Actions' consistency with the City's Solid Waste Management Plan will also be assessed.

TASK 12. ENERGY

An EIS must discuss the effects of a proposed action on the use and conservation of energy, if applicable and significant, in accordance with CEQR. In most cases, an action does not need a detailed energy assessment, but its operational energy is projected. A detailed energy assessment is limited to actions that may significantly affect the transmission or generation of energy. For other actions, in lieu of a detailed assessment, the estimated amount of energy that would be consumed annually as a result of the day-to-day

operation of the buildings and uses resulting from an action is disclosed, as recommended in the *CEQR Technical Manual*.

An analysis of the anticipated additional demand from the Proposed Actions' RWCDS will be provided in the EIS. The EIS will disclose the projected amount of energy consumption during long-term operation resulting from the Proposed Actions, which will be estimated based on the average and annual whole-building energy use rates for New York City (per Table 15-1 of the *CEQR Technical Manual*). If warranted, the Mayor's Office of Climate and Environmental Justice and/or the power utility serving the area (Con Edison of New York) will be consulted.

TASK 13. TRANSPORTATION

The objective of a transportation analysis is to determine whether a proposed action may have a significant impact on traffic operations and mobility, public transportation facilities and services, pedestrian elements and flow, the safety of all roadway users (pedestrians, bicyclists and motorists), on- and off-street parking, or goods movement. The Proposed Actions are expected to induce new residential, commercial, and community facility, which would generate additional vehicular travel, as well as additional subway and bus riders and pedestrian traffic. These new trips could affect the area's transportation systems. Therefore, a Level 1 Screening was prepared as part of the EAS and is included in Appendix B.

TRAVEL DEMAND AND SCREENING ASSESSMENT

A detailed travel demand forecast was prepared for the RWCDS using standard sources, including the *CEQR Technical Manual*, U.S. Census Bureau data, previously approved studies, and other references and is included in **Appendix B**. The travel demand forecast (a Level-1 screening assessment) summarizes the travel demand by peak hour, mode of travel, as well as person and vehicle trips. The travel demand forecast ~~will~~ also identifies the number of peak hour person trips made by transit and the numbers of pedestrian trips traversing the area's sidewalks, corner areas, and crosswalks. The results of this forecast are summarized in a Transportation Planning Factors and Travel Demand Forecast (TPF/TDF) technical memorandum (**Appendix B**). Based on the Level 1 Screening prepared in **Appendix B**, further assessment (a Level 2 Screening) is required for traffic, transit, and pedestrian conditions to validate if any intersections, subway/bus lines, or pedestrian elements warrant quantified analysis. ~~The RWCDS would not exceed the *CEQR Technical Manual* thresholds for transit services and therefore no further assessment for transit conditions is warranted.~~ As part of the EIS, a Level 2 Screening will be prepared for traffic, transit, and pedestrian conditions and is described in detail below.

TRAFFIC

If the results of the Level 2 Screening assessment warrant a detailed traffic analysis, the EIS will provide a detailed traffic analysis focusing on those peak hours and street network intersections where the highest concentrations of action-generated demand would occur. If a detailed traffic analysis is warranted, the peak hours for analysis will be selected, and the specific intersections to be included in the traffic study area will be determined in consultation with the lead agency based on the assignment of project-generated traffic and the guidance presented in the *CEQR Technical Manual*.

The following outlines the anticipated scope of work for conducting a traffic impact analysis for the Proposed Actions' RWCDS if a detailed traffic analysis is warranted:

- Select peak hours for analysis and define a traffic study area consisting of intersections to be analyzed within and in proximity to the Rezoning Area and along key routes leading to and from the Rezoning Area.
- Conduct a count program for traffic analysis locations that includes a mix of automatic traffic recorder (ATR) machine counts and intersection turning movement counts, along with vehicle classification counts and travel time studies (speed runs) as support data for air quality and noise analyses. Per CEQR Technical Manual guidance, turning movement count data will be collected at each analyzed intersection during the weekday and Saturday peak hours and will be supplemented by nine days of continuous ATR counts. Vehicle classification count data will be collected during each peak hour at several representative intersections along each of the principal corridors in the study area. The turning movement counts, vehicle classification counts, and travel time studies will be conducted concurrently with the ATR counts. Where applicable, available information from recent studies in the vicinity of the study area will be compiled, including data from agencies such as the New York City Department of Transportation (NYCDOT) and DCP.
- Inventory physical data at each of the analysis intersections, including street widths, number of traffic lanes and lane widths, pavement markings, turn prohibitions, bicycle routes, and curbside parking regulations. Signal phasing and timing data for each signalized intersection included in the analysis will be obtained from NYCDOT.
- Determine existing traffic operating characteristics at each analysis intersection including capacities; volume-to-capacity (v/c) ratios; average vehicle delays; and levels of service (LOS) per lane group, per intersection approach, and per overall intersection. This analysis will be conducted using the 2000 Highway Capacity Manual methodology with the latest approved Highway Capacity Software.
- Based on available sources, U.S. Census Bureau data, and standard references including the CEQR Technical Manual, estimate the travel demand from projected development sites in the future without the Proposed Actions (the No-Action condition), as well as the demand from other major developments planned in the vicinity of the study area by the analysis year. This will include total daily and peak hour person and vehicular trips, and the distribution of trips by auto, taxi, and other modes. A truck trip generation forecast will also be prepared based on data from the CEQR Technical Manual and previous relevant studies. Mitigation measures accepted for all No-Action projects as well as other NYCDOT initiatives, if any, will be included in the future No-Action network, as applicable.
- Compute the future No-Action traffic volumes based on approved background traffic growth rates for the study area (0.25 percent per year for years one through five, 0.125 percent for years six and beyond, per CEQR Technical Manual guidance) and demand from major development projects expected to be completed in the future without the Proposed Actions. Incorporate any planned changes to the roadway system anticipated by the analysis year and determine the No-Action v/c ratios, delays, and LOS at analyzed intersections.
- Based on available sources, U.S. Census Bureau data, and standard references including the CEQR Technical Manual, develop a travel demand forecast for projected development sites based on the net change in uses compared to the No-Action condition as defined in the RWCDS. Determine the

net change in vehicle trips expected to be generated by projected development sites under the Proposed Actions as described in the Draft TPF technical memorandum (Appendix B). Assign the net project-generated trips in each analysis period to likely approach and departure routes and prepare traffic volume networks for the future with the Proposed Actions condition for each analyzed peak hour.

- Determine the v/c ratios, delays, and LOS at analyzed intersections for the With-Action condition and identify significant adverse traffic impacts in accordance with CEQR Technical Manual criteria.
- Identify and evaluate potential traffic mitigation measures, as appropriate, for all significantly impacted locations in the study area in consultation with the lead agency and NYCDOT. Potential traffic mitigation could include both operational and physical measures such as changes to lane striping, curbside parking regulations and traffic signal timing and phasing, roadway widening, and the installation of new traffic signals. Where impacts cannot be mitigated, they will be described as unavoidable adverse impacts.

TRANSIT

Detailed transit analyses are generally not required if a proposed action is projected to result in fewer than 200 peak hour rail or bus transit trips according to the general thresholds used by MTA and specified in the *CEQR Technical Manual*. If a proposed action would result in 50 or more bus trips being assigned to a single bus line (in one direction), or if it would result in an increase of 200 or more trips at a single subway station or on a single subway line, a detailed bus or subway analysis would be warranted. Transit analyses (both subway and bus) examine conditions during the weekday AM and PM commuter periods, as it is during these times that overall transit demand (and the potential for significant adverse impacts) is typically greatest.

As summarized in the TPF/TDF Technical Memorandum included in **Appendix B**, the Proposed Actions' RWCDS would generate a net increase of more than 200 additional subway trips in one or more peak hours and would therefore require detailed transit analyses based on *CEQR Technical Manual* criteria. The Proposed Actions' RWCDS would generate a net increase of less than 200 additional bus trips in one or more peak hours and therefore further analysis for buses is not warranted.

Subway

Action-generated trips could use nearby subway stations. Transit analyses typically focus on the weekday AM and PM commuter peak hours when overall demand on the transit system is usually highest. As discussed in the TPF/TDF Technical Memorandum included in **Appendix B**, incremental demand from the Proposed Actions is expected to exceed the 200-trip CEQR Technical Manual analysis threshold in one or both peak hours at the following subway stations: The Level 2 screening presented in the EIS will identify these subway stations, and these facilities will be analyzed in the EIS.

The detailed transit analyses will include the following subtasks:

- Identify for analysis those subway stations expected to be used by 200 or more action-generated trips in one or more peak hours. At each of these stations, analyze those key circulation elements

including stairways and fare entrance control elements expected to be used by action-generated demand in the weekday AM and PM peak hours.

- Conduct weekday AM and PM peak hour counts at analyzed subway station elements and determine existing v/c ratios and LOS based on *CEQR Technical Manual* guidance.

- Determine volumes and conditions at analyzed subway station elements in the future without the Proposed Actions using approved background growth rates and accounting for any trips expected to be generated by No-Action development on projected development sites ~~or~~ and by~~on~~ other major projects in the vicinity of the study area.

- Add action-generated demand to the No-Action volumes at analyzed subway station elements and determine AM and PM peak hour volumes and conditions in the future with the Proposed Actions.

- Identify potential significant adverse impacts at subway station stairways and fare control elements based on *CEQR Technical Manual* impact criteria.

- Assess subway line haul conditions because the Proposed Actions are expected to generate 200 or more new subway trips in one direction on one or more of the of the multiple subway routes serving the area.

- Identify mitigation needs and potential subway station improvements, as appropriate, in conjunction with the lead agency and NYC Transit. Where impacts cannot be mitigated, they will be described as unavoidable adverse impacts.

PEDESTRIANS

Projected pedestrian volumes of less than 200 persons per hour at any pedestrian element (sidewalks, corner areas, and crosswalks) would not typically be considered a significant impact because the level of increase would not generally be noticeable and therefore would not require further analysis under *CEQR Technical Manual* criteria. Based on the preliminary assessment found in Appendix B, a Level 2 Screening assessment is warranted to assess if action-generated pedestrian trips would exceed the 200-trip *CEQR Technical Manual* analysis threshold at one or more locations in one or more peak hours. If the results of the Level 2 screening assessment warrant a detailed pedestrian analysis, the specific pedestrian facilities to be analyzed will be determined based on the guidance presented in the *CEQR Technical Manual*, in consultation with the lead agency and NYCDOT. Pedestrian counts will be conducted at each analysis location and used to determine existing levels of service. No-Action and With-Action pedestrian volumes and levels of service will be determined based on approved background growth rates, trips expected to be generated by No-Action development on projected development sites and other major projects in the vicinity of the study area, and action-generated demand. The analysis will evaluate the potential for incremental demand from the Proposed Actions to result in significant adverse impacts based on current *CEQR Technical Manual* criteria if a detailed pedestrian analysis is warranted. Potential measures to mitigate any significant adverse pedestrian impacts will be identified and evaluated, as warranted, in consultation with the lead agency and NYCDOT.

VEHICULAR AND PEDESTRIAN SAFETY

If ~~a~~ results of the Level 2 Screening assessment warrant a detailed traffic analysis and/or pedestrian analysis on crosswalk and/or corner conditions, data on traffic accidents involving pedestrians and/or cyclists at study area intersections will be obtained from NYCDOT for the most recent three-year period available. These data will be analyzed to determine if any of the studied locations may be classified (based on *CEQR Technical Manual* criteria) as high-crash locations and whether vehicle and/or pedestrian trips and any street network changes resulting from the Proposed Actions would adversely affect vehicular and pedestrian safety in the area. In addition, any Senior Pedestrian Focus Areas, Vision Zero Corridors/Intersections, and/or Truck Safety Corridors as defined in the 2021 *CEQR Technical Manual* will be identified. If any high-crash locations are identified, feasible improvement measures will be explored to alleviate potential safety issues if detailed traffic and/or pedestrian analyses are warranted.

PARKING

Parking demand from commercial (non-restaurant) uses typically peaks in the midday period and declines during the afternoon and evening. By contrast, residential demand typically peaks in the overnight period.

If the results of the Level 2 Screening assessment warrant a detailed traffic analysis, the EIS will provide a detailed parking analysis. If a detailed parking analysis is warranted, detailed existing on-street parking and off-street parking inventories will be conducted for the applicable period(s) to document existing supply and demand for the applicable period(s). If a detailed parking analysis is warranted, the analysis will document changes in the parking utilization in proximity to projected development sites under the No-Action and With-Action conditions based on accepted background growth rates and projected demand from No-Action and With-Action development on projected development sites and other major projects in the vicinity of the study area. Parking utilization within the rezoning area, as well as within ¼-mile of the rezoning area, will be analyzed.

Parking demand generated by the projected residential component of the Proposed Actions' RWCDS will be forecasted based on auto ownership data for the ~~Project~~ Affected Area and the surrounding area. Parking demand from all other uses will be derived from the forecasts of daily auto trips generated by these uses. Future parking demand will account for net reductions in demand associated with the projected development sites' No-Action land uses displaced under the Proposed Actions.

TASK 14. AIR QUALITY

CEQR Technical Manual criteria require an air quality assessment for actions that can result in significant air quality impacts. There are mobile source impacts that could arise when an action increases or causes a redistribution of traffic, creates any other mobile sources of pollutants, or adds new uses near existing mobile sources. There are mobile source impacts that could be produced by parking facilities, parking lots, or garages. Stationary source impacts could occur with actions that create new stationary sources or pollutants such as emission stacks from industrial plants, hospitals, or other large institutional uses, or a building's boilers, that can affect surrounding uses; or when uses are added near existing or planned future emission stacks, and the emissions from the stacks affect these new uses, or when structures are added near such stacks, and those structures change the dispersion of emissions from stacks so that they begin to affect surrounding uses.

MOBILE SOURCE ANALYSIS

The increased traffic associated with the RWCDS projected development sites could affect local air quality levels, and emissions generated by increased traffic at congested intersections could significantly affect air quality levels at nearby sensitive land uses. Carbon monoxide (CO) and particulate matter (PM) are the primary pollutants of concern for microscale mobile source air quality analyses, including assessments of roadways intersections and parking garages. Trips generated by the Proposed Actions could exceed the *CEQR Technical Manual* CO analysis screening threshold of 140 or 170 vehicles in a peak hour at a number of locations throughout the study area. In addition, the projected number of heavy-duty trucks or equivalent vehicles is expected to exceed the applicable fine particulate matter ($PM_{2.5}$) screening thresholds in the *CEQR Technical Manual*. Therefore, a microscale analysis of CO and PM mobile source emissions at affected intersections is warranted.

The specific work program for the mobile source air quality study will include the following tasks:

- Compiling existing ambient air quality data for the study area (published by the New York State Department of Environmental Conservation [NYSDEC]) for the analysis of existing and future conditions.
- Selecting critical intersection locations exceeding the CEQR screening thresholds outlined above, representing locations with the worst potential total and incremental pollution impacts, based on data obtained from the traffic analysis (Task 13, Transportation). At each intersection, multiple receptor sites will be analyzed in accordance with CEQR guidance.
- Using the United States Environmental Protection Agency's (EPA's) AERMOD model to predict changes in CO and maximum changes in PM2.5 concentrations, with five years of meteorological data from LaGuardia Airport and concurrent upper air data from Brookhaven, New York, for the simulation program.
- Computing vehicular cruise and idle emissions for the dispersions modeling using EPA's MOVES model. Factors for re-suspended road dust emissions will be based on CEQR Technical Manual guidance and the EPA procedure defined in AP-42.
- Calculating the one-hour and eight-hour average CO concentrations at each mobile source microscale receptor site for each applicable peak period for the future No-Action, and future With-Action conditions; and calculating the maximum 24-hour and annual average PM2.5 concentrations for the No-Action and With-Action conditions.
- Comparing future pollutant levels with and without the Proposed Actions with the CO National Ambient Air Quality Standards (NAAQS) and the CEQR 8-hour CO de minimis and 24-hour maximum and annual average PM2.5 de minimis guidance criteria to determine the impacts of the Proposed Actions.
- Determining the consistency of the Proposed Actions with the strategies contained in the State Implementation Plan (SIP) for the area. At any receptor sites where violations of standards occur, analyses will be performed to determine what mitigation measures would be required to attain standards.

STATIONARY SOURCE ANALYSIS

The stationary source air quality analysis will determine the effects of emissions from projected and potential development sites' fossil-fuel fired heating and hot water systems to significantly impact existing land uses or to significantly impact any of the other projected or potential development sites (i.e., project-on-project impacts). In addition, because portions of the Rezoning Area are located within or near manufacturing zoned districts, an analysis of emissions from industrial sources must be performed, examining large and major sources of emissions within 1,000 feet of the study area, as per the C*EQR Technical Manual*.

Heat and Hot Water Systems Analysis

- Perform a screening level analysis following the procedures outlined in the CEQR Technical Manual. The purpose of the screening level analysis is to determine the potential for air quality impacts from heating and hot water systems of the projected and potential development sites.
- Perform a refined modeling analysis for that development site using the AERMOD model if the screen analysis for any site demonstrates a potential for air quality impacts. For this analysis, five recent years of meteorological data from LaGuardia Airport and concurrent upper air data from Brookhaven, New York, will be used for the simulation program. Concentrations of nitrogen dioxide (NO2), and particulate matter (PM2.5) will be determined at off-site receptors sites, as well as on projected and potential development site receptors. Predicted values will be compared with NAAQS and CEQR de minimis criteria. If warranted by the analysis, requirements related to fuel type and/or exhaust stack locations will be memorialized by (E) designations (or land disposition restriction for the City-owned parcel) placed on the blocks and lots pursuant to Section 11-15 of the New York City Zoning Resolution and the (E) Rules, as referenced above in the Hazardous Materials section.
- Perform a cumulative impact analysis for development sites with similar height located in close proximity to one another (i.e., site clusters). Impacts will be determined using the EPA AERSCREEN model. In the event that violations of standards are predicted, measures to reduce pollutant levels to within standards will be examined.

Industrial Source Analysis

- Perform a field survey to identify processing or manufacturing facilities within 400 feet of the projected and potential development sites. A copy of the NYCDEP air permits for each of these facilities will be requested from DEP's Bureau of Environmental Compliance.
- Consider facilities with sources of emissions located within 400 feet of the projected or potential development sites for analysis.
- Perform the industrial sources analysis for potential development sites with identified industrial sources of air emissions assuming that development does take place, as well as assuming that it does not take place.
- Perform a cumulative impact analysis for multiple sources that emit the same air contaminant. Predicted concentrations of these compounds will be compared to NAAQS and NYDEC DAR-1 guideline values for short-term (SGC) and annual (AGC) averaging periods. In the event that

violations of standards are predicted, measures to reduce pollutant levels to within standards will be examined.

- Determine the potential cumulative impacts of multiple air contaminants based on the EPA's Hazard Index Approach for non-carcinogenic compounds and using the EPA's Unit Risk Factors for carcinogenic compounds. Both methods are based on equations that use EPA health risk information (established for individual compounds with known health effects) to determine the level of health risk posed by specific ambient concentrations of that compound. The derived values of health risk are additive and can be used to determine the total risk posed by multiple air contaminants.

Large and Major Source Analysis

- A review of NYSDEC Title V permits and the EPA Envirofacts database will also be performed to identify any federal- or state-permitted facilities within 1,000 feet of the development sites.
- Perform an analysis of existing large and major sources of emissions (such as sources having Air State Facility permits or Title V permits) identified within 1,000 feet of the development sites to assess the potential effects of the projected and potential development sites. Predicted criteria pollutant concentrations will be predicted using the AERMOD model compared with NAAQS for NO2, SO2, and PM10, PM2.5, as well as any other air pollutants included in the permit.

TASK 15. GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Increased greenhouse (GHG) emissions are changing the global climate, which is predicted to lead to wide-ranging effects on the environment, including rising sea levels, increases in temperature, and changes in precipitation levels. Although climate change is occurring on a global scale, environmental effects are also likely to be felt at the local level. The RWCDS associated with the Proposed Actions is expected to exceed the 350,000-sf development threshold; therefore, GHG emissions generated by the Proposed Actions will be quantified and assessed for their consistency with the City's established GHG reduction goal as part of the EIS in accordance with the *CEQR Technical Manual*. The assessment will examine GHG emissions from the Proposed Actions' operations, mobile sources, and construction, as outlined below.

- Sources of GHG from the development projected as part of the Proposed Actions will be identified. The pollutants for analysis will be discussed, as well as various City, state, and federal goals, policies, regulations, standards, and benchmarks for GHG emissions.
- Fuel consumption will be estimated for the projected developments based on the calculations of energy use estimated as part of Task 12, Energy.
- GHG emissions associated with the action-related traffic will be estimated for the Proposed Actions using data from Task 13, Transportation. A calculation of vehicle miles traveled (VMT) will be prepared.
- GHG emissions associated with construction will be estimated for the Proposed Actions.
- A qualitative discussion of stationary and mobile sources of GHG emissions will be provided in conjunction with a discussion of goals for reducing GHG emissions to determine if the Proposed Actions are consistent with GHG reduction goals, including building efficient buildings, using

clean power, transit-oriented development and sustainable transportation, reducing construction operations emissions, and using building materials with low carbon intensity.

TASK 16. NOISE

The noise analysis, as prescribed by the *CEQR Technical Manual*, will examine both the Proposed Actions' potential effects on sensitive noise receptors (including residences, health care facilities, schools, open space) and the potential noise exposure at new sensitive uses introduced by the actions. If significant adverse impacts are identified, CEQR requires such impacts to be mitigated or avoided to the greatest extent practicable. The Proposed Actions would result in new residential, commercial, community facility, and industrial development and also would alter traffic conditions in the area. These development changes are likely to affect noise, which is a general term used to describe unwanted sound.

It is assumed that outdoor mechanical equipment would be designed to meet applicable regulations, which are more stringent than *CEQR Technical Manual* impact criteria. Consequently, no detailed analysis of potential noise impacts due to outdoor mechanical equipment will be performed. The noise analysis will examine the level of building attenuation necessary to meet CEQR interior noise level requirements. The following tasks will be performed in compliance with *CEQR Technical Manual* guidance:

- Conduct a screening analysis, based on the traffic studies conducted for Task 13, Transportation, to determine whether there are any locations where there is the potential for the RWCDS associated with the Proposed Actions to result in significant noise impacts (i.e., doubling Noise Passenger Car Equivalents) due to action-generated traffic.
- Select noise survey locations to estimate noise levels at sites of future sensitive uses in the RWCDS With-Action condition. These noise survey locations will be placed in areas to be analyzed for building attenuation and would focus on areas of potentially high ambient noise where residential uses are proposed.
- Conduct noise measurements at the identified locations during typical weekday AM, midday, and PM peak periods as well as one Saturday peak period (coinciding with the traffic peak periods). Noise measurements will be recorded in conformance with CEQR Technical Manual procedures and will be measured in units of "A" weighted decibel scale (dBA) as well as one-third octave bands. The measured noise level descriptors will include equivalent noise level (Leq), maximum level (Lmax), minimum level (Lmin), and statistical percentile levels such as L10, L50, and L90. A summary table of existing measured noise levels will be provided as part of the EIS.
- Estimate future No-Action and With-Action noise levels, following procedures outlined in the CEQR Technical Manual for assessing mobile source noise impacts, at the noise receptor locations. All projections will be made with the Leq noise descriptor. If Noise PCEs calculated using traffic data counted during noise measurements differ significantly from the Noise PCEs estimated using existing-condition traffic data from the Transportation study at the same location, and traffic on the immediately adjacent roadway segment is the dominant source of noise, the difference between existing Noise PCEs will be examined further, and the measured noise levels may be invalidated requiring the measurement to be repeated until there are no longer significant difference between existing Noise PCEs or the measured noise levels to be adjusted.

- Determine the level of building attenuation necessary to satisfy CEQR requirements (a function of the exterior noise levels) based on the highest L10 noise level estimated at each development site. The building attenuation requirements will be memorialized by (E) designations placed on the blocks and lots requiring specific levels of attenuation pursuant to Section 11-15 of the New York City Zoning Resolution and the (E) Rules, as referenced above in the Hazardous Materials section. The EIS would include (E) designation language describing the requirements for each of the blocks and lots to which they would apply. Pursuant to Section 123-32 of the New York City Zoning Resolution, residential dwelling units in Special Mixed-Use Districts shall be provided with a minimum 35 dBA of window-wall attenuation to maintain an interior noise level of 45 dBA or less with windows closed and an alternate means of ventilation provided.
- Perform a detailed mobile source noise analysis at any location where the results of the screening analysis indicate that sensitive receptors would experience a doubling of traffic between the ~~Future No-Action~~Existing and Future With-Action conditions, in compliance with CEQR Technical Manual guidance.
- ~~DCP is applying a blanket 3 percent conversion factor, excluding projected and potential development sites and recent hotel development, of existing commercial/manufacturing space to residential space. No specific conversion sites or prototypical sites are identified; therefore, to ensure converted commercial/manufacturing space achieves acceptable With-Action interior noise levels for residential use, an environmental commitment will be included within the EIS to retain an acoustical consultant during building design. The acoustical consultant will be responsible for ensuring the design and construction of converted residential spaces achieve acceptable CEQR interior noise level limits and interior permissible noise level limits established within New York City Noise Code §24-218, §24-231, and §24-232 for residential receiving properties.~~

TASK 17. PUBLIC HEALTH

Public health is the organized effort of society to protect and improve the health and well-being of the population through monitoring; assessment and surveillance; health promotion; prevention of disease, injury, disorder, disability, and premature death; and reducing inequalities in health status, as defined in the *CEQR Technical Manual*. The goal of CEQR with respect to public health is to determine whether adverse impacts on public health may occur as a result of a proposed project, and to identify measures to mitigate such effects.

A public health assessment may be warranted if an unmitigated significant adverse impact is identified in other CEQR analysis areas, such as air quality, hazardous materials, or noise, according to the *CEQR Technical Manual*. If unmitigated significant adverse impacts are identified for the Proposed Actions in any of these technical areas and DCP determines that a public health assessment is warranted, an analysis will be provided for the specific technical area or areas.

TASK 18. NEIGHBORHOOD CHARACTER

The character of a neighborhood is established by numerous factors, including land use patterns, the scale of its development, the design of its buildings, the presence of notable landmarks, and a variety of other physical features that include traffic and pedestrian patterns, noise, etc. The Proposed Actions have the

potential to alter certain elements contributing to the affected area's neighborhood character. Therefore, a neighborhood character analysis will be provided in the EIS.

A preliminary assessment of neighborhood character will be provided in the EIS to determine whether changes expected in other technical analysis areas—land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; transportation; and noise—may affect a defining feature of neighborhood character. The preliminary assessment will:

- Identify the defining features of the existing neighborhood character.
- Summarize changes in the character of the neighborhood that can be expected in the future With-Action condition and compare to the future No-Action condition.
- Evaluate whether the Proposed Actions have the potential to affect these defining features, either through the potential for a significant adverse impact or a combination of moderate effects in the relevant technical areas.

If the preliminary assessment determines that the Proposed Actions could affect the defining features of neighborhood character, a detailed analysis will be conducted based on the guidance from the *CEQR Technical Manual*.

TASK 19. CONSTRUCTION

Construction impacts, though temporary, can have a disruptive and noticeable effect on the adjacent community, as well as on people passing through the area. The construction assessment will focus on areas where construction activities may pose specific environmental problems. According to the *CEQR Technical Manual*, a large-scale development project with an overall construction period lasting longer than two years and is near sensitive receptors (i.e., residences, open spaces) should undergo a construction impact assessment. The construction impact assessment will evaluate the duration and severity of the disruption or inconvenience to nearby sensitive receptors and will be based on a conceptual construction schedule (to be provided by DCP) with anticipated RWCDS construction times for each of the projected development sites.

Technical areas to be assessed include the following:

TRANSPORTATION SYSTEMS

The assessment will be based on the guidance presented in the *CEQR Technical Manual* and will qualitatively consider losses in lanes, sidewalks, and other transportation services on the adjacent streets during the various phases of construction and identify the increase in vehicle trips from construction workers and equipment. A travel demand forecast for the RWCDS peak construction period will be prepared and compared to the travel demand forecast for the With-Action condition. Quantitative traffic, pedestrian, and/or transit analyses will be conducted if, based on the results of the travel demand forecast for the RWCDS peak construction period, these are warranted pursuant to the guidance presented in the *CEQR Technical Manual*.

AIR QUALITY

A detailed dispersion analysis of construction sources will be performed to determine the potential for air quality impacts on sensitive receptor locations. Air pollutant sources include combustion exhaust associated

with non-road construction engines (e.g., cranes, excavators) and trucks operating on-site, construction-generated traffic on local roadways, as well as on-site activities that generate fugitive dust (e.g., excavation, demolition). The pollutants of concern include CO, PM, and NO_2. The potential for significant impacts will be determined by comparing model-predicted total concentrations to the NAAQS, or by comparing the predicted increase in concentrations to applicable guidance thresholds. The air quality analysis will also include a discussion of the strategies to reduce project-related air pollutant emissions associated with construction activities.

NOISE AND VIBRATION

A quantitative construction noise analysis will be prepared to examine potential noise impacts due to construction-related stationary and mobile sources. Existing noise levels will be determined by noise measurements performed at various at-grade receptor locations throughout the study area. In locations where noise measurements are not conducted, existing noise levels may be determined using SoundPLAN with existing baseline traffic volume data developed for the operational traffic assessment. If there are significant differences (beyond the difference of 3 dBA) between modeled noise level and measured existing noise level, calibration may be needed. Using this procedure will require DCP approval. During representative worst-case time periods, noise levels due to construction activities at projected development sites will be predicted for each sensitive receptor. Based on the results of the construction noise analysis, if necessary, the feasibility, practicability, and effectiveness of implementing measures to mitigate significant construction noise impacts will be examined. Construction activities have the potential to result in vibration levels that may result in structural or architectural damage, and/or annoyance or interference with vibration-sensitive activities. A construction vibration assessment will be performed. This assessment will determine critical distances at which various pieces of equipment may cause damage or annoyance to nearby buildings based on the type of equipment, the building construction, and applicable vibration level criteria. Should it be necessary for certain construction equipment to be located closer to a building than its critical distance, vibration mitigation options will be proposed.

OTHER TECHNICAL AREAS

As appropriate, other areas of environmental assessment—such as historic resources, hazardous materials, socioeconomic conditions, and neighborhood character—will be analyzed for potential construction-related impacts. In accordance with *CEQR Technical Manual* guidance, the construction analysis will include an assessment of whether construction of the projected development sites would physically impact, or inhibit access to, adjacent land uses, including community facilities.

TASK 20. MITIGATION

Where significant adverse impacts have been identified in Tasks 2 through 19, measures to mitigate those impacts will be described. The chapter will also consider when mitigation measures will need to be implemented. These measures will be developed and coordinated with the responsible City and state agencies, as necessary, including but not limited to NYCLPC, NYCDOT, NYCDPR, and NYCDEP. Where impacts cannot be fully mitigated, they will be disclosed as unavoidable adverse impacts.

TASK 21. ALTERNATIVES

The purpose of an Alternatives chapter in an EIS is to examine development options that would tend to reduce action-related impacts. The alternatives will be better defined once the full extent of the Proposed Actions' impacts have been identified. Typically for area-wide actions such as the Proposed Actions, the alternatives will include a No-Action alternative, a no impact or no unmitigated significant adverse impact alternative, and a lesser density alternative. A lesser density alternative would be pursued only if it is found to have the potential to reduce the impacts of the Proposed Actions while, to some extent, still meeting the actions' stated purpose and need. The alternatives analysis will be qualitative, except in those technical areas where significant adverse impacts for the Proposed Actions have been identified. The level of analysis provided will depend on an assessment of project impacts determined by the analysis connected with the appropriate tasks, and guidance presented in the *CEQR Technical Manual*.

TASK 22. SUMMARY EIS CHAPTERS

The EIS will include the following three summary chapters, where appropriate to the Proposed Action, in accordance with CEQR guidance:

Unavoidable Adverse Impacts: which summarizes any significant adverse impacts that are unavoidable if the Proposed Actions are implemented regardless of the mitigation employed (or if mitigation is not feasible).

Growth-Inducing Aspects of the Proposed Action: which generally refer to "secondary" impacts of the Proposed Actions that trigger further development.

Irreversible and Irretrievable Commitments of Resources: which summarizes the Proposed Actions and its impact in terms of the loss of environmental resources (loss of vegetation, use of fossil fuels and materials for construction, etc.), both in the immediate future and in the long term.

TASK 23. EXECUTIVE SUMMARY

The executive summary will use relevant material from the body of the EIS to describe the Proposed Actions, their environmental impacts, measures to mitigate those impacts, and alternatives to the Proposed Actions. The executive summary will be written in enough detail to facilitate drafting of a notice of completion by the lead agency.