DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Daniel R. Garodnick, *Director*
Department of City Planning

March 19, 2024

POSITIVE DECLARATION

Project Identification
Midtown South Mixed-Use Plan (MSMX)
CEQR No. 24DCP094M
ULURP Nos. Pending
SEQRA Classification: Type I

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Stephanie Shellooe
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Name, Description and Location of Proposal:

Midtown South Mixed-Use Plan (MSMX)
The New York City Department of City Planning (DCP), together with other partner agencies, is proposing a series of land use actions, including zoning map amendments and zoning text amendments (the "Proposed Actions") affecting an approximately 42-block area (the "Project Area") of the Midtown South neighborhood in Manhattan, Community Districts 4 and 5. The Project Area consists of four noncontiguous manufacturing-zoned areas roughly bound by 40th Street to the north, Fifth Avenue to the east, 23rd Street to the south, and Eighth Avenue to the west. The Proposed Actions 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 Midtown South neighborhood in Manhattan.

The Proposed Actions are as follows:

- **Zoning Map Amendment** to:
    - Rezone all of the existing M1-6 and M1-6D districts to the high-density paired manufacturing/residential mixed-use M1-8A/R10 and M1-9A/R10 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.

- **Zoning Text Amendments** to:
    - Establish regulations for a proposed special district– the Special Midtown South Mixed-Use District – coterminous with the Project Area. The Special Midtown South Mixed-Use District would modify certain bulk regulations, expand the radius of eligibility for the transit bonus like other CBD special districts, and expand the applicability of covered pedestrian space bonuses.
    - Amend Appendix F of the ZR to apply the MIH program to qualifying portions of the Project Area.
    - Remove references to Subdistrict A-1 in the Special Garment Center District text. 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.
    - Make the entire Project Area eligible for a floor area increase pursuant to the transit bonus authorization.

The Proposed Actions seek to accomplish the following land use 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.

The Reasonable Worst-Case Development Scenario ("RWCDS") for the Proposed Actions identifies 27 projected development sites under the With-Action condition, and, for a conservative analysis, also assumes the residential conversion of 1,118,305 gross-square-feet (gsf) of existing non-residential uses within the Project Area. The Proposed Actions are expected to result in a net increase of 4,209,652-gsf of residential uses (3,952 DU) (including 785 to 1,137 affordable units), 296,946- gsf of local retail uses, 19,941-gsf of community facility uses, and a net reduction of 225 accessory parking spaces, 136,350-gsf of office uses, and 19,977-gsf of industrial uses on the projected development sites, as well as a net reduction in the 1,118,305-gsf of non-residential uses projected to convert to residential area. The RWCDS also identifies 15 potential development sites that are considered less likely to be developed by the analysis year, but will be analyzed in the EIS for site-specific effects such as archaeology, shadows, hazardous materials, air quality, and noise.

The analysis year of the Proposed Actions is 2034.

Statement of Significant Effect:
On behalf of the City Planning Commission, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617.7, that the Proposed Actions may have a significant effect on the quality of the environment as detailed in the following areas, and that an environmental impact statement will be required: land use, zoning and public policy; socioeconomic conditions; community facilities and services; open space; shadows; historic and cultural resources; urban design and visual resources; hazardous materials; water and sewer infrastructure; solid waste and sanitation services; transportation; air quality; greenhouse gas emissions and climate change; noise; public health; neighborhood character and construction.

The Proposed Actions would not result in significant adverse impacts related to: natural resources; and energy.

Supporting Statement:
The above determination is based on an Environmental Assessment Statement prepared for the actions which finds that:

1. Land Use, Zoning and Public Policy – The Proposed Actions, including a zoning map amendment, a zoning text amendment (including the establishment of a special zoning district and an MIH area) would affect the land use, zoning and public policies within the Project Area. The Proposed Actions could have the potential to result in significant adverse impacts related to land use, zoning, and public policy.

2. Socioeconomic Conditions – The Proposed Actions would have the potential to result in the direct displacement of existing businesses and the indirect displacement of existing residents and businesses from projected development sites and non-residential area eligible for residential conversion identified as part of the RWCDS. Due to the Proposed Actions' potential for direct business displacement, there is also the potential for adverse effects on a specific industry. The Proposed Actions are expected to increase the number of residential units in the area, including affordable units, and would result in a net increment of more than 200 new residential units, and would introduce more than 200,000 sf of new commercial uses to the project area. Therefore, the Proposed Actions could have the potential to result in a significant adverse impact related to socioeconomic conditions, and further analysis is warranted.

3. Community Facilities and Services – The Proposed Actions would result in a substantial increase in residential units and increase demand at public schools, publicly funded childcare facilities and libraries, and therefore, could have the potential to result in a significant adverse impact to community facilities and services.

4. Open Space – The Proposed Actions would result in a net reduction of 3,792 workers in the Project Area, but would introduce 6,639 residents, which exceeds the analysis threshold of 200 residents generated by the Proposed Actions. Therefore, an indirect analysis of open space is warranted. The Proposed Actions could have the potential to result in a significant

adverse impact on open space.

5. Shadows – The Proposed Actions would allow an increase in development density and greater building heights in the Project Area, and are expected to result in new structures, or additions to existing structures, that are greater than 50 feet in height and/or adjacent to existing sunlight-sensitive resources. This exceeds the threshold for shadows analysis on potential sunlight sensitive resources in the Project Area which could result in new incremental shadows on a sunlight-sensitive resources. The Proposed Actions could have the potential to result in a significant adverse impact on shadows.

6. Historic and Cultural Resources – The Proposed Actions may affect architectural resources including designated landmarks, historic districts and/or buildings that may be eligible for designation. In addition, the Proposed Actions may result in additional in-ground disturbance and therefore have the potential to affect archaeological resources that may be present. As a result, the Proposed Actions have the potential to result in a significant adverse impact on historic and cultural resources.

7. Urban Design and Visual Resources– The Proposed Actions are expected to result in physical changes to the Project Area beyond the bulk and form currently permitted as-of-right. These changes could affect the pedestrian's experience of public space, requiring an urban design assessment. Therefore, the Proposed Actions could result in a significant adverse impact related to urban design and visual resources.

8. Natural Resources – The Proposed Actions affect an area located in a developed urban environment that is generally devoid of ecologically sensitive areas and does not provide a critical habitat supporting any rare, threatened, or endangered species. The Proposed Actions do not have the potential to create a significant adverse impact on natural resources.

9. Hazardous Materials – The Proposed Actions would result in new construction including new in-ground excavation and subsurface disturbance within the Project Area. Therefore, the Proposed Actions could result in a significant adverse impact on hazardous materials.

10. Water and Sewer Infrastructure – The Proposed Actions would result in increased development within the Project Area which could place additional demands on infrastructure, including water supply and storm water management. Therefore, the Proposed Actions could result in a significant adverse impact on wastewater and stormwater infrastructure.

11. Solid Waste and Sanitation Services – Due to increased development in the Project Area, the Proposed Actions would increase the demand on solid waste and sanitation services and could result in significant adverse impacts on solid waste and sanitation services.

12. Energy – Although the Proposed Actions are not anticipated to result in significant adverse energy impacts, the EIS will disclose the projected amount of energy consumption during long-term operation resulting from the Proposed Actions.

13. Transportation – The Proposed Actions could result in significant adverse impacts on transportation. The Proposed Actions would increase the number of vehicular trips and increase ridership on mass transit facilities including bus, subway, or railroads. The Proposed Actions would also affect pedestrian movements in the area due to the increased number of residents expected to be introduced to the area. Additionally, the Proposed Actions could have the potential to increase demand for parking. Therefore, an analysis is warranted.

14. Air Quality – The Proposed Actions could result in a significant adverse impact on air quality. The Proposed Actions would result in an increased demand for heating, ventilating, and air conditioning (HVAC) as well as additional project-generated vehicle trips, exceeding the screening thresholds for mobile source air quality analysis. An assessment is warranted to consider the potential air quality impacts from project-generated vehicle trips, as well as heat and hot water systems, and from existing industrial uses in the surrounding area on the new development resulting from the Proposed Actions.

15. Greenhouse Gas (GHG) Emissions and Climate Change – The Proposed Actions could result in a significant impact on greenhouse gas emissions. The threshold for detailed analysis of GHG emissions is highly dependent on the nature of the project and its potential impact. The Proposed Actions would result in development that would exceed the development threshold of 350,000 sf, which warrants a GHG assessment. Based on the project location, the Project Area does not meet the threshold for a climate change impact. Therefore, the Proposed Actions would not result in a significant adverse impact to climate change, and no further analysis is warranted.

16. Noise – The Proposed Actions could result in a significant impact on noise. The Proposed Actions would introduce new noise-sensitive receptors in an area with existing high ambient noise levels. Additionally, the Proposed Actions would generate additional vehicular trips to and from the Project Area that could potentially impact existing and project-generated sensitive receptors within and in the vicinity of the Project Area. As a result, an analysis is warranted.

17. Public Health – The Proposed Actions could result in effects related to air quality, water quality, hazardous materials, or noise. Therefore, the Proposed Actions could have the potential to result in significant adverse impacts related to public health.

18. Neighborhood Character – The Proposed Actions could affect land use, socioeconomic

conditions, open space, urban design and visual resources, historic and cultural resources, transportation, and noise. As a result, the Proposed Actions could have the potential to result in a significant adverse impact related the affected area's neighborhood character.

19. Construction – The Proposed Actions would increase the allowable density of the area resulting in new development that involves activities which may result in construction-related impacts. Therefore, the Proposed Actions could have the potential to result in significant adverse impacts related to construction.

Public Scoping:
The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting has been scheduled for Thursday, April 18, 2024 at 2:00 PM. To continue to allow for broad public participation options, DCP will hold the public scoping meeting remotely. To join the meeting and comment, please visit NYC Engage (https://www1.nyc.gov/site/nycengage/events/index.page).

Written comments will be accepted by the lead agency through 5:00 PM, Friday, April 29, 2024.

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

Should you have any questions pertaining to this Positive Declaration, you may contact Max Marinoff, at mmarinoff@planning.nyc.gov .

Evren Ulker-Kacar, AICP, Deputy Director
Environmental Assessment & Review Division
New York City Department of City Planning

03/19/2024
Date