27.0 Response to Comments on the DEIS

Introduction

This document summarizes and responds to substantive comments received on the Draft Environmental Impact Statement (DEIS) for the Proposed Actions made during the public comment period. These consist of comments made at the DEIS public hearing held by the New York City Planning Commission (CPC) and written comments submitted to the New York City Department of City Planning (DCP) through the channels established to receive comments on the DEIS and included in the Notice of Public Hearing on the DEIS, consistent with the standard practice of the department. The Notice of Completion for the DEIS was issued on January 17, 2025. The public hearing for the DEIS was held concurrently with the hearing on the Proposed Actions' Uniform Land Use Review Procedure (ULURP) application at the Public Hearing Room, Lower Concourse, 120 Broadway, New York, NY 10271, on May 7, 2025, at 10:00 AM. The DEIS public hearing was held in-person and remote through the NYC Engage portal to allow for broad public participation. The comment period for the DEIS remained open until 5:00 PM, May 19, 2025.

The section below lists the organizations and individuals that submitted comments on the DEIS and the following section summarizes relevant comments and provides a response to each. Comments that are closely related or like other comments are grouped together, and a single response is provided. Although verbatim language from the comments is not typically provided, all comments reflect, as accurately as possible, the original comment(s).

Appendix I contains all written comments, as well as a transcript of the oral testimony received during the DEIS public hearing. All substantive comments were assigned a code, and the names of the commenters and the comment numbers are provided after each comment. Comments are coded by last name and identified in brackets at the end of each comment. For example, comments from John Doe would be coded "Doe-1, Doe-2," etc.

List of Organizations and Individuals that Commented on the Draft Environmental Impact Statement

Commenters whose substantive comments are addressed herein are listed below, organized alphabetically by last name.

Elected Officials, Government Agencies, and Community Boards

- Chou, Julie, Manhattan Community Board 5, 05/07/2025, verbal testimony
- Devlin, Paul, Manhattan Community Board 4, 05/07/2025, verbal testimony
- Manhattan Community Board 4 (MCB4), Clinton/Hell's Kitchen Land Use Committee, written testimony (letter)
- Manhattan Community Board 5 (MCB5), 04/11/2025 and 05/07/2025, written testimony (letter)
- Restuccia, Joe, Manhattan Community Board 4, 05/07/2025, verbal testimony

- Sigman, David on behalf of Julie Chou, Vice Chair of Manhattan Community Board 5 Land Use, Housing, and Zoning Committee, 05/07/2025, written testimony (e-mail), verbal testimony on 05/07/2025

Organizations

- Belissio, Carla, Carlaesthetics and Wing + Weft Gloves,05/07/2025 and 05/19/2025, written testimony (e-mail)
- Blair, Barbara, The Garment District Alliance, 05/07/2025, verbal testimony
- Blythe, Brian, John Kristiansen New York Inc., 05/16/2025, written testimony (e-mail)
- Boxer, Steven, Pachyderm Consulting, 05/09/2025, written testimony (e-mail)
- Butler, Keri, Interim President, The Municipal Art Society of New York (MAS), 02/04/2025, written testimony (letter)
- Calderaro, George, 29th Street Neighborhood Association, verbal testimony, 05/19/2025, written testimony (e-mail)
- Cheney, Brendan, New York Housing Conference, 05/13/2025, written testimony (e-mail), verbal testimony on 05/07/2025
- DeCerbo, Maddie, Senior Urban Planner, Real Estate Board of New York, 05/07/2025, written testimony (e-mail), verbal testimony on 05/07/2025.
- Der, Ricky, 22 West 26th Street Apartment Corp., 05/19/2025, written testimony (letter)
- Dershowitz, Shalom, Dersh Feather & Trading Corp., 05/13/2025, written testimony (e-mail)
- Durels, Thomas, Empire State Realty Trust, 05/13/2025, written testimony (e-mail)
- Ehrenberg, Elana, Director of Strategic Partnerships, Design Trust for Public Space, 05/19/2025, written testimony (e-mail)
- Feinberg, Michelle, CEO, New York Embroidery Studio, 05/13/2025, written testimony (e-mail)
- Gelman, David, Gelman Pension Consulting Inc., 05/08/2025, written testimony (e-mail and letter)
- Goldwyn, Andrea, New York Landmarks Conservancy, 05/07/2025, verbal testimony
- Hayden, Jonathan, NYFWDC, 05/18/2025, written testimony (e-mail)
- Hell's Kitchen Neighborhood Coalition (HKNC), 05/09/2025, written testimony (e-mail)
- Jacques, Marilyn C., Gelmor Trading Co. Inc., 05/15/2025, written testimony (e-mail)
- Johnson, Tony, Pintler Costumes and Technologies LLC, 05/08/2025, written testimony (e-mail)
- Kaufman, Harvey, Kaufman Brothers Printing Inc., 05/16/2025, written testimony (e-mail)
- Kelly, Carisa, The Re\\Thread, 05/07/2025, written testimony (e-mail)

- Kolb, Steven, CEO, Council of Fashion Designers of America (CFDA), 05/05/2025, written testimony (letter)
- Lavingia, Samir, Open New York, 05/07/2025, verbal testimony
- Mettham, James, Flatiron NoMad Partnership, 05/07/2025, verbal testimony, 05/07/2025, written testimony (letter)
- Nicklos, Katie Sue, Wing & Weft Gloves, 05/06/2025, written testimony (e-mail), verbal testimony on 05/07/2025
- Price, Rob, NYFWDC, 05/07/2025, verbal testimony, 05/19/2025, written testimony (e-mail)
- Ragsdale, Brian, Pacific Oak Capital Advisors, 05/07/2025, written testimony (e-mail)
- Rappaport, Nina, Vertical Urban Factory, 05/16/2025, written testimony (e-mail)
- Raygadas, Roberto Silva, Luz Studio, 05/13/2024, written testimony (e-mail)
- Savitt, Robert, Savitt Partners and Board Member of Garment District Alliance (GDA), 05/12/2025, written testimony (e-mail and letter)
- Sherburne, Bradely, Chair of Manhattan Community Board 5, 05/07/2025, written testimony (e-mail)
- Steinwurtzel, Brian, GFP Real Estate, 05/13/2025, written testimony (e-mail)
- Taube, Isabel, 22 West 26th Street Apartment Corp., 05/07/2025, verbal testimony, 05/19/2025, written testimony (letter)
- Tolbert, Frampton, Historic Districts Council, 05/07/2025, verbal testimony
- Xie, Ray, on behalf of Howard Slatkin, Executive Director of Citizens Housing & Planning Council, 05/07/2025 and follow-up submission on 05/08/2025, verbal testimony on 05/07/2025.
- Zaga, David, Falcon Properties Inc., 05/08/2025, written testimony (e-mail and letter)

Interested Public

- Alexander, Charles, 05/15/2025, written testimony (e-mail)
- Allakhverdyan, Artur, 05/16/2025, written testimony (e-mail)
- Begu, Dibran, 05/14/2025, written testimony (letter)
- Bellisi
- Benji, Farajollah, 05/08/2025, written testimony (e-mail)
- Bernstein, Zachary, 05/07/2025, verbal testimony
- Block, Thomas, 05/12/2025, written testimony (e-mail), 05/14/2025, written testimony (letter)
- Bollack, Francoise, 05/07/2025, verbal testimony, 05/07/2025, written testimony (letter)
- Cafaro, Renee, 05/16/2025, written testimony (e-mail)

- Cheng, San Kit, 05/13/2025, written testimony (e-mail)
- Dacey, Kathy, 05/19/2025, written testimony (e-mail)
- Davis, Dana, 05/13/2025, written testimony (e-mail)
- DiMarco, Lauren, 05/14/2025, written testimony (letter)
- Ferring, Anya, 05/15/2025, written testimony (e-mail)
- Fink, Scott, 05/14/2025, written testimony (e-mail)
- Fishel, Bradely, 05/16/2025, written testimony (e-mail)
- Fishel, Kenneth, 05/09/2025, written testimony (e-mail)
- Fishman, Ira, 05/13/2025 and 05/14/2025, written testimony (e-mail)
- Friedfeld, Samuel, 05/13/2025, written testimony (e-mail)
- Frucht, Morton, 05/08/2025 and 05/14/2025, written testimony (e-mail)
- Galin, Scott, 05/15/2025, written testimony (e-mail)
- Gaston, Lucy, 05/15/2025, written testimony (e-mail)
- Giannola, Joseph, 05/12/2025, written testimony (e-mail)
- Goetz, Nicole, 05/13/2025, written testimony (e-mail)
- Gordon, David, 05/07/2025, verbal testimony
- Gross, Ronnie, 05/12/2025, written testimony (e-mail)
- Gural, Jeffery, 05/15/2025, written testimony (letter)
- Hannon, Cynthia, 05/13/2025, written testimony (e-mail)
- Ho, Andy, 05/08/2025, written testimony (e-mail)
- Huang, Nay, 05/13/2025, written testimony (e-mail)
- Johnson, Jamie, 05/15/2025, written testimony (e-mail)
- Kaufman, Steven, 05/08/2025, written testimony (e-mail), 05/13/2025, written testimony (letter)
- Laheurte, Louise, 05/07/2025, verbal testimony
- Lovering, Joanna, 05/19/2025, written testimony (e-mail)
- Ley, Isobel Watson, 05/16/2025, written testimony (e-mail)
- Malo, Stacey, 05/12/2025, written testimony (e-mail)
- Mandell, Matthew, 5/12/2025, written testimony (e-mail)
- Manvelyan, Pavel, 05/16/2025, written testimony (e-mail)
- Manzari, Enrico, 05/18/2025, written testimony (e-mail)
- Manzari, Karen, 05/19/2025, written testimony (e-mail)
- Marin, Walter, 05/12/2025, written testimony (e-mail)
- Marvin, Steven, 05/08/2025, written testimony (letter)

- Masri, Florencia, 05/14/2025, written testimony (e-mail)
- McGonigle, Lisa, 05/19/2025, written testimony (e-mail)
- Mendel, Solomon, 05/08/2025, written testimony (letter)
- Meyer, Martin, 05/12/2025, written testimony (e-mail)
- Mintz, Daniel, 05/16/2025, written testimony (e-mail)
- Mitchell, Margaret, 05/19/2025, written testimony (e-mail)
- Munoz, Jennifer, 05/19/2025, written testimony (e-mail)
- Orsman, Nathan, 05/19/2025, written testimony (e-mail)
- O'Sullivan, Katherine, 05/18/2025, written testimony (e-mail)
- Peng, Cindy, 05/13/2025, written testimony (e-mail)
- Perez, Monica, 05/14/2025, written testimony (e-mail)
- Peterson, Tova, 05/15/2025, written testimony (e-mail)
- Quishpe, Mayra, 05/08/2025, written testimony (letter)
- Regan, Zoe, 05/14/2025, written testimony (e-mail)
- Rice, Jackie, 05/13/2025, written testimony (e-mail)
- Robustelli, Salvatore, 05/14/2025, written testimony (letter)
- Rodriguez, Jill Christiano, 05/14/2025, written testimony (e-mail)
- Rose, Joseph, 05/07/2025, verbal testimony, 05/19/2025, written testimony (letter)
- Rose, Wendi, 05/19/2025, written testimony (e-mail)
- Rosenblatt, Samuel, 05/08/2025, written testimony (letter)
- Rucconich, Linda, 05/12/2025, written testimony (e-mail)
- Sabherwal, Sahebba, 05/18/2025, written testimony (e-mail)
- Serraty, Leury, 05/08/2025, written testimony (e-mail and letter)
- Schultz, Rachel, 05/07/2025, verbal testimony, 05/18/2025, written testimony (e-mail)
- Schultz, William, 05/19/2025, written testimony (e-mail)
- Scupp, Gerald, 05/08/2025, written testimony (e-mail)
- Scupp, Jerry, 05/13/2025, written testimony (e-mail)
- Sheffer, Tori, 05/15/2025, written testimony (e-mail)
- Siegel, Edward, 05/07/2025, verbal testimony
- Stern, Andrew, 05/07/2025, verbal testimony
- Wapner, Aaron, 05/10/2025, written testimony (e-mail)
- Wasserman, Clare, 05/19/2025, written testimony (e-mail)
- Weber, Brian, 05/07/2025, verbal testimony

- Wee, Nicole, 05/19/2025, written testimony (e-mail)
- Wong, Gigi, 05/16/2025, written testimony (e-mail)
- Wright, Jim, 05/07/2025, verbal testimony
- Yung, Chun, 05/08/2025, written testimony (e-mail)
- Yung, Linda, 05/08/2025, written testimony (e-mail)
- Zaga, Luis, 05/16/2025, written testimony (e-mail)
- Zaga, Moises, 05/14/2025, written testimony (e-mail)
- Zaga-Masri, Alejandro, 05/15/2025, written testimony (e-mail)
- Zelinger, Elliot, 05/14/2025, written testimony (e-mail)
- Zuber, Alexandra, 05/08/2025, written testimony (letter)

Comments and Responses on the DEIS

1. Project Description

Comment 1-1: The Proposed Actions are an important measure to make this a 24/7 neighborhood for the benefit of all of our tenants, particularly retail tenants, and the City.

[Block-01]

Response 1-1: Comment noted. As described in the Purpose and Need section of Chapter 1, "Project Description," the Proposed Actions seek to expand housing opportunities, promote economic resilience by allowing a wider range of uses, and promote the adaptive reuse of commercial buildings by encouraging conversions to residential uses.

Comment 1-2: I support the MSMX plan because the Garment District's reliance on commercial tenants is untenable. The City should encourage the Garment District's development into a self-sustaining 24/7 community with mixed uses by supporting residential conversions and development.

[Boxer-02, Fishman-01, Giannola-01, Gross-01, Marin-01, Yung L.-01]

Response 1-2: Comment noted. Refer to Response 1-1.

Comment 1-3: I am supportive of the Proposed Actions. Density in the core will strengthen the Midtown business and real estate communities and provide opportunities for people to live near their work. The Garment District is centrally located and the most transit-rich district in NYC, making it an ideal location for residents and an asset to the city's objectives to solve New York's housing crisis. The Garment District has fewer residents than any other district in the five boroughs. Many buildings in the Garment District are located on side streets, are 25% - 40% vacant, and are obsolete. These buildings are ideal candidates for conversion to residential. A 24/7 mixed-use community will improve the neighborhood, generate greater tax revenues, increase pedestrian activity and business activity, enhance the vibrancy of our public realm, and improve safety.

[Durels-01, Frucht-01, Gelman-01, Ho-01, Kaufman-01, Rucconuch-01, Savitt-01, Yung C.-01, Zaga-01, Serraty-02, Block-02, Zuber-01, Begu-01, Gural-02, DiMarco-01, Quishpe-01, Mendel-01, Marvin-01, Robustelli-01, Rosenblatt-01, Masri-01, Hannon-01, Goetz-01, Friedfeld-01, Zaga-Masri-01, Zaga L.-01, Fishel B.-01]

Response 1-3: Comment noted. Refer to Response 1-1. As part of the RWCDS utilized in the EIS analysis and detailed in Chapter 1, "Project Description" of the EIS, it is assumed that the Proposed Actions would result in the conversion of approximately 1,093,808 sf of commercial area to approximately 781 dwelling units (DUs) throughout the Affected Area.

Comment 1-4: I fully support this important application. The area and New York City need more housing. A 24/7 mixed-use community would revitalize this area, make it safer, and help with the housing emergency.

[Fishel-01, Wapner-01, Stern-01]

Response 1-4: Comment noted. As discussed in Chapter 1, "Project Description," of the EIS, the Proposed Actions would result in the construction of approximately 9,676 incremental DU via new development and the conversion of commercial space to residential uses. Refer to Table 1-2 of Chapter 1, "Project Description".

Comment 1-5: To address the housing crisis, we need to add more housing supply, especially more subsidized affordable housing, and we need to do it everywhere in the City.

[Cheney-01, Steinwurtzel-01]

Response 1-5: Comment noted. As discussed in Chapter 1, "Project Description," of the EIS, the Proposed Actions would add approximately 9,676 incremental DU, of which between 1,940 to 2,890 incremental DU would be permanently affordable pursuant to the Mandatory Inclusionary Housing (MIH) program. Refer to Table 1-2.

Comment 1-6: Our NYC Housing Tracker shows we are not building affordable housing equitably. The neighborhood of the rezoning has seen only 300 new affordable units over the past 11 years – less than 30 new affordable units per year. To compare, other high-density neighborhoods produced 4,000 or more affordable units over that time. Several neighborhoods saw over 1,000 new affordable units just last year. Rezonings like MSMX are desperately needed. It will add affordable housing, particularly in a high cost majority white neighborhoods with little affordable housing. It adds density, which will allow for an increase in housing supply in a neighborhood rich with transit and jobs.

[Cheney-02]

Response 1-6: Comment noted. Refer to Response 1-5.

Comment 1-7: REBNY strongly supports the proposed Midtown South Mixed-Use Plan, which is a critical step toward increasing housing production in one of the most centrally located and infrastructure-rich neighborhoods in New York City. Currently, the city permits only 29 units of housing for every 1,000 residents, well below what is needed to meet demand. Research from the NYU Furman Center has shown that increases in housing supply can reduce or slow rent growth across jurisdictions and may even lower rents in surrounding areas. Zoning changes that enable new housing are essential tools in addressing the housing shortage.

[DeCerbo-01]

Response 1-7: Comment noted. Refer to Response 1-5.

Comment 1-8: This opportunity will be a catalyst for substantial housing creation in a transit- and amenity-rich neighborhood. MSMX estimates it will result in the development of approximately 9,700 new homes, including up to 2,900 affordable units through the mapping of Mandatory Inclusionary Housing (MIH). Any reduction in the proposed density will significantly impact these projections and stymie necessary housing growth.

[DeCerbo-04, Lavingia-01]

Response 1-8: Comment noted. Refer to Response 1-5.

Comment 1-9: The housing as proposed for the mixed-use zoning provides absolutely no assistance to the people who actually work here daily. The rents allowed for the new housing produced by this housing plan will be unattainable for 95% of people employed in the costume industry.

[Johnson-05]

Response 1-9: Comment noted. By the analysis year of 2034, the Proposed Actions are expected to add approximately 9,676 incremental DU, of which between 1,940 to 2,890 incremental DU would be permanently affordable pursuant to MIH to the Affected Area. While this EIS includes an analysis of how the Proposed Actions would affect socioeconomic conditions in the Affected Area, and concluded that there would not be significant adverse impacts related to residential or business displacement (refer to Chapter 3, "Socioeconomic Conditions"), an assessment of future residential rent affordability for employees in the Affected Area is beyond the purview of this environmental review.

Comment 1-10: We fully support the opportunity to do residential conversion.

[Mandell-01, Rice-01]

Response 1-10: Comment noted. Refer to Response 1-3.

Comment 1-11: We need higher floor area ratio (FAR) and the Proposed Actions will create new residential units in the area and help the neighborhood.

[Meyer-01]

Response 1-11: Comment noted. See page 2-44 of Chapter 2, "Land Use, Zoning, and Public Policy," of this EIS for more detail on the proposed FARs for the Affected Area.

Comment 1-12: Property on Manhattan Block 780 was included in the 2021 General Project Plan (GPP) for Penn Station. Development in the GPP was halted by Governor Hochul in 2021 after Moynihan Hall opened. The State's inaction to implement the GPP has left us with unmarketable title to our property.

Block 780's omission from the MSMX Plan Area deliberately perpetuated its stagnation. The Plan's exclusion of Block 780 from the Plan Area is detrimental to the City's strategic interests. We ask that the Department of City Planning expand the plan to include Block 780.

[Meyer-01]

Response 1-12: Comment noted. The Affected Area and Rezoning Area was outlined in the Final Scope of Work and includes outdated manufacturing districts in the Midtown South Central Business District that are not superseded by policies or plans implemented by New York State.

Comment 1-13: Over the last five years, the neighborhood has taken a turn for the worse. This plan will help build new housing and make the neighborhood a better place.

[Scupp-01]

Response 1-13: Comment noted.

Comment 1-14: We [CB5] have heard from stakeholders that the proposed density is so high that excess floor area ratio (FAR) remains unused, severely weakening incentives to pursue bonus development rights that would deliver much-needed improvements to open space, transit, and landmarks preservation.

[Sherburne-03, Sigman-02, MCB5-03MCB5-]

Response 1-14: Comment noted. See the Proposed Zoning Text Amendments section of Chapter 1, "Project Description," for more information about the proposed mechanisms to make transfer of landmark development rights and open space bonuses more possible.

Comment 1-15: Mixed use neighborhoods with robust transit options that also include residential housing have led to some of the most successful neighborhoods in New York City, such as SoHo, Union Square, and Chelsea. Recent additions of residential use to FiDi and the Meatpacking District exemplify how additional residential units can improve neighborhoods for all.

[Steinwurtzel-02, Gural-03]

Response 1-15: Comment noted. As discussed in Chapter 1, "Project Description," the Proposed Actions are intended to introduce residential uses, promote equity in housing, and reinvigorate the retail and service sectors with new residents in one of the most well-connected areas and transit-dense areas in the country.

Comment 1-16: A large amount of this housing may be created by converting existing buildings to residential buildings. Office demand in New York City is down from pre-COVID levels. There are a significant number of buildings in these districts that are vacant, functionally obsolete or have owners that cannot afford to upgrade their buildings to attract office tenants. Converting existing buildings is much more environmentally friendly than demolishing and building new.

[Steinwurtzel-03]

Response 1-16: Comment noted. Refer to Response 1-3.

Comment 1-17: The Citizens Housing & Planning Council encourages the Commission to advance these changes to reinvigorate portions of Midtown South, Chelsea, and the Flatiron District, with modifications to address several important issues.

[Xie-01]

Response 1-17: Comment noted.

Comment 1-18: Manhattan Community Board Five (CB5) strongly supports the overarching goals of the Midtown South Mixed-Use (MSMX) Plan, specifically, introducing housing into long-industrial districts and creating a vibrant, 24/7 mixed-use neighborhood. We agree that updating outdated manufacturing-only zoning is a critical step toward addressing New York City's housing crisis and sustaining Midtown's long-term vitality.

CB5 unanimously approved the rezoning with a modified, lower-density alternative in two of the four quadrants, reaffirming our commitment to urgently needed housing while underscoring the equally critical importance of public infrastructure, sustainability strategies, and essential amenities, including open space, community facilities, public schools, and transit and safety improvements, that are necessary to support long-term livability, equity, and resilience for Midtown South.

[Sherburne-01, MCB5-01]

Response 1-18: Comment noted. See Chapter 1, "Project Description" for the proposed zoning districts' relation to the goals of the Proposed Action and to existing neighborhood contexts. The EIS determined that the current Affected Area and corresponding M1-8A/R11, M1-8A/R12, and M1-9A/R12 zoning districts would not result in significant adverse impacts to community facilities, including public schools**,** or transit. Under 2021 *CEQR Technical Manual* guidance, an evaluation of vehicular and pedestrian safety for locations within the traffic and pedestrian study areas that have been identified as high crash locations is included the EIS, see Chapter 13, "Transportation." An analysis of the proposal's potential impacts to open spaces are included in the EIS, Chapter 5, "Open Space" and Chapter 6, "Shadows".

Comment 1-19: We [CB5] support new housing and mixed-use development in Midtown South but not at the expense of the neighborhood's quality of life, infrastructure capacity, and long-term functionality. We urge the City Planning Commission to adjust the MSMX map and text to reflect these concerns, lowering densities where needed, strengthening incentives for public amenities, and ensuring that future development delivers real community benefits.

[Sherburne-05]

Response 1-19: Comment noted. See Chapter 1, "Project Description" for a discussion of the Proposed Actions' goals and proposed incentives for amenities. The EIS analyzes the Proposed Actions' affect on elements of public infrastructure capacity that are within the purview of this environmental analysis according to 2021 *CEQR Technical Manual* guidelines. For more details on the Proposed Action's potential impacts on public amenities, refer to Response 1-18.

As discussed in Chapter 20, "Alternatives," the EIS also includes two alternatives to the Proposed Actions, the No-Action and No Unmitigated Significant Adverse Impacts Alternatives. The No-Action Alternative is intended

to provide the lead and involved agencies with an assessment of the expected environmental impacts of no action on their part, while the No Unmitigated Significant Adverse Impacts Alternative considers a development scenario that would not result in any identified significant, unmitigated adverse impacts.

Comment 1-20: The repeal of the NYS multiple dwelling law cap on 12 FAR for residential buildings has no connection to a rationale for changing underlying zoning district densities: appropriate 18 FAR residential buildings can be achieved utilizing the existing surplus development rights. In the South-east quadrant, every single unit of housing contemplated by the MSMX plan for that area can be developed using existing surplus development rights.

[Rose-03]

Response 1-20: Comment noted, see Response 1-14. The repeal of the NYS multiple dwelling law cap of 12 FAR for residential buildings allowed the City of Yes for Housing Opportunity to create R11 and R12 zoning districts which allow for 15 and 18 FAR of residential uses, respectively. The Proposed Actions seek to map these two residential districts in a portion of Manhattan with excellent access to transit, jobs, and central Manhattan amenities where residential uses are not currently permitted, as described in Chapter 1, "Project Description."

Comment 1-21: The original draft of the MSMX plan contemplated maintaining current commercial densities while permitting residential use and imposing Inclusionary Housing mandates. Late in the planning process, the state legislature eliminated the 12 FAR residential building cap and the City of Yes for Housing Opportunity zoning reforms created new unprecedently high-density R11 and R12 zoning districts. DCP raced to incorporate the newly permissive tools into their already formulated plan. While some parts of the northern quadrants might have been well-suited for testing these new tools, other areas – the southern quadrants – are clearly not. The characteristics of the South-east quadrant are different from the northern quadrants.

[Rose-15]

Response 1-21: Comment noted, please see Response 1-20. An analysis of the potential significant adverse impacts of the MSMX proposal, including the M1-8A/R12, M1-8A/R11, and M1-9A/R12 zoning districts mapped in the southern quadrants, is included in this EIS. For more information on why these zoning districts are proposed, refer to the EIS, Chapter 1, "Project Description". Also note that the EIS found that the Proposed Actions would not result in a significant adverse impact on neighborhood character, as discussed in Chapter 18, "Neighborhood Character," which also describes the features of each quadrant.

Comment 1-22: The massive subsequent increase in FAR [between the initial proposal outlined in the Draft Scope of Work and the Final Scope of Work] creates potential impacts of likely zoning lot mergers, the impact of devaluing landmarks air rights, increase displacement pressure on existing non-residential tenants, and the impact of likely additional loss of light and air to existing businesses and residents of previously converted buildings are ignored in the DEIS.

[Rose-10, Rose W.-01, Orsman-01]

Response 1-22: Comment noted, please see Responses 1-14, 1-20, and 7-1. The DEIS was prepared pursuant to the Final Scope of Work, following the guidance of the *2021 CEQR Technical Manual*. The potential for significant adverse impacts to direct and indirect business displacement as a result of the Proposed Actions is analyzed according to *2021 CEQR Technical Manual* guidance and is disclosed in the EIS, Chapter 3, "Socioeconomic Conditions". The Proposed Actions would not result in significant adverse impacts to direct and indirect business displacement. Refer to Response 3-1. Buildings constructed as a result of the Proposed Actions would comply with all applicable building code regulations with respect to light and air.

Comment 1-23: The changes to the proposal require the preparation of a Supplemental EIS. Instead of recognizing the need for additional consideration, the position has been to assert that the *CEQR Technical Manual* does not require consideration of possible or even likely zoning lot mergers, but only those already agreed to. A similar attitude has been taken towards historic resources and the impact on existing residents and businesses. DCP have taken the position that the massive FAR increase will have no adverse impact on landmark properties' air rights values or their ability to transfer air rights. The RWCDS does not consider likely landmark air right transfers.

DCP overlooks the fact that the *CEQR Technical Manual* is only a set of minimal guidelines that make sure private applications consider likely impacts of a specific action, not that statutory obligation requiring that DCP take a hard look at reasonably identifiable impacts on the range of significant issues raised by the massive regulation changes proposed on the world's most important business district.

[Rose-12]

Response 1-23: Comment noted. Please see Responses 1-14, 1-20, and 7-1. The EIS has appropriately considered the potential environmental impacts of the Proposed Actions and therefore, a supplemental EIS is not required per 2021 *CEQR Technical Manual* guidance. Compliance with the *CEQR Technical Manual* ensures that an agency has taken a hard look at a discretionary action's potential for significant adverse impacts.

Comment 1-24: We would like to see the district with more residential population since a lot of the spaces are vacant currently.

[Cheng-01, Block-03]

Response 1-24: Comment noted. The EIS RWCDS With-Action condition projects 16,256 new residents in the Affected Area by the 2034 analysis year.

Comment 1-25: Turning this area into housing will mean that we are going to be losing factory space and turning the streets into dangerous areas.

[Munoz-01]

Response 1-25: Comment noted. Regarding loss of factory space, EIS Chapter 3, "Socioeconomic Conditions" includes an analysis of business displacement, including the private businesses and employees associated with those businesses. The analysis determined that there would be no significant adverse impacts to business displacement as a result of the Proposed Actions. Additionally, as part of the proposed M1-8A/R11, M1-8A/R12, and M1-9A/R12 zoning districts, light manufacturing would continue to be allowed within the Affected Area.

Comment 1-26: This neighborhood has so much potential, but it seems to be losing ground and getting worse. It needs residential to give it the boost it needs for economic viability while providing much needed housing. A win-win for New York

[Scupp J.-01]

Response 1-26: Comment noted.

Comment 1-27: I think the zoning change would be an economic lift to the City and the borough. Housing is needed and changing the zoning would help.

[Zaga M.-01]

Response 1-27: Comment noted.

Comment 1-28: I am in favor of changing the zoning to include residential.

[Frucht-02]

Response 1-28: Comment noted. The Proposed Actions would rezone the Rezoning Area to map M1-8A/R11, M1-8A/R12, and M1-9A/R12 zoning districts, which permit residential development as-of-right. Approval of the Proposed Actions would generate approximately 9,676 dwelling units in the Affected Area by 2034.

Comment 1-29: The promise of some affordable units made possible by those looking to maximize FAR, while being limited to only 30% affordable housing by MIH, is effectively shortchanging NC. The proposed plan will not bring the sweeping fix to our housing woes as many want us to believe.

[Cafaro-07]

Response 1-29: Comment noted. The Proposed Actions include a zoning text amendment to establish the Affected Area as a Mandatory Inclusionary Housing (MIH) area, which would require between 20-30% of new units are income-restricted at a range of affordability levels depending on the MIH Option ultimately mapped and selected. Individual property owners may elect to provide additional units or deeper levels or affordability based on tax programs, subsidy and other financing mechanisms beyond the purview of the proposed zoning. Also, refer to Response 1-5.

Comment 1-30: There is a serious need for affordable housing that could be addressed by allowing residential conversions. Residential use and increased density would be beneficial for the neighborhood in many ways – increased vibrancy and

safety, more retail opportunities, and overall, a positive economic effect for the neighborhood and NYC.

[Mintz-02]

Response 1-30: The RWCDS for the Proposed Actions assumes that between 156 and 234 affordable DUs would be created via residential conversions. The Proposed Actions would create an incremental 462,129 gsf of local retail space in the Affected Area.

Comment 1-31: I support creating a vibrant mixed-use neighborhood with affordable housing, but I feel strongly that the current proposal for the Southeast Quadrant needs revision due to its potential negative impact on the area. The environmental impact of the MSMX proposal on existing residential buildings needs to be fully addressed and studied.

[Sabherwal-01, Schultz-02, Schultz W.-01, Laheurte-01, Taube-01, Der-06]

Response 1-31: Comment noted, please see Responses 1-18 and 1-21. As discussed in Chapter 1, "Project Description," the Southeast Quadrant would be zoned M1-8A/R12 which would permit non-residential uses to a maximum FAR of 12.0 and a maximum residential FAR of 18.0. The potential impacts of this proposed zoning change are assessed in this EIS, in accordance with the guidance of the 2021 *CEQR Technical Manual*.

Comment 1-32: We are not opposed to more housing or development, but we urge you to consider the specific concerns raised by CB5 and the Business Improvement District. The Southeast Quadrant is not like the others – it includes several historic districts, smaller mid-block buildings, and former commercial buildings already converted to residential spaces that require thoughtful, tailored zoning. A blanket approach treats these distinctive areas as if it is interchangeable with the rest of the district, and that simply does not work.

[Schultz-01]

Response 1-32: Comment noted, please see Responses 1-18, 1-21, and 1-31. The existing zoning for the four MSMX quadrants is uniform today, with a blanket M1-6 zoning designation. The MSMX Plan is replacing that blanket zoning with three different zoning districts. As discussed in Chapter 1, "Project Description," the Proposed Actions would map the Southeast Quadrant with a M1-8A/R12 zoning district, a distinct zoning district from the other three quadrants. Refer to Figure 1-3 in the EIS. Only the northern quadrants and a portion of the southwestern quadrant share the same zoning designations/mapping.

Comment 1-33: Please do not move forward with this plan without fully evaluating the environmental impacts of large-scale development, especially from site mergers and air rights transfers that could drastically alter our neighborhood and compromise our quality of life.

[Schultz W.-05]

Response 1-33: Comment noted. Refer to Responses 1-21, 1-22, and 1-23.

Comment 1-34: I and the local 29th Street Neighborhood Association support the creation of housing, ideally affordable housing, by changing zoning from outdated manufacturing to residential.

[Calderaro-01]

Response 1-34: Comment noted. The Proposed Actions would map mixed-use zoning districts across the Affected Area, allowing a range of uses in the future including residential.

Comment 1-35: I support creating a vibrant mixed-use neighborhood with affordable housing, but feel strongly that the current proposal for the Southeast Quadrant does not recognize the special nature of this part of Midtown.

[McGonigle-01, Taube-05, Der-01]

Response 1-35: Comment noted. Refer to Responses 1-18, 1-21, 1-31, and 1-32.

Comment 1-36: Of particular concern to me is the potential that the old Chelsea Flea Market lot to be converted to a high-rise residential building. I was particularly interested to learn it was designated as the only potential site for a school. Obviously, a parking lot is not a good use of land in Manhattan, and though I would be sad to see the loss of the flea market, I think it would be more unfortunate not to use this unique site for community-based activities rather than private use.

[McGonigle-02, Manzari K.-04, MCB5-12]

Response 1-36: Comment noted. Under the RWCDS developed for the EIS, Projected Development Site 40 was assumed to be redeveloped with a 550,989 gsf mixed-use building containing 480 DUs (of which between 96 and 144 would be permanently affordable pursuant to MIH) and a 81,755 gsf community facility space. This is a privately-owned site and future programming and design would be governed by zoning in the future.

Comment 1-37: I think the current proposal for our area [the Southeast Quadrant] will not positively impact our neighborhood without further revisions.

[Manzari K.-01]

Response 1-37: Comment noted. Refer to Responses 1-18 and 1-21.

Comment 1-38: New residential development should be required to contribute to the creation and care of the district's true public spaces through a targeted Midtown South Public Realm Investment Fund,, Governing Group, and Concept Plan added to the Zoning Resolution.

[Manzari K.-01]

Response 1-38: Comment noted. Regarding the district's public spaces, EIS Chapter 5, "Open Space" includes an analysis of the potential impacts the Proposed Actions could have on open space in the Affected Area. In EIS Chapter 21, "Mitigation,", measures such as expanding existing parks, creating new open

space on publicly owned land, encouraging owners of privately-owned sites to create new open space as part of their redevelopment, making playgrounds accessible to the community after school hours through the Schoolyards to Playgrounds program, establishing new pedestrian plazas in streets through the City's Plaza program, and/or improving existing parks to allow for more diverse programming are identified.

Comment 1-39: The Municipal Art Society of New York (MAS) supports the intention of the Midtown South Mixed-Use Plan (MSMX) to foster a vibrant 24/7 mixed-use neighborhood across Midtown South, including affordable housing, eased office to housing conversions, and public realm improvements. MAS believes that following our support of the City of Yes for Housing Opportunity (COYHO), mixed-use development with deep affordability, especially in transit-rich neighborhoods and coupled with public realm infrastructure, is critical to helping our city meet the needs of New Yorkers and mitigate our housing crisis.

[Butler-01]

Response 1-39: Comment noted.

Comment 1-40: Class B and C office space plays a valuable role in our urban ecosystem and historic urban fabric, especially for nonprofit organizations and small business who cannot afford Class A. MAS is concerned that the elimination of large swaths of class B and C spaces will not only leave a void in the market but also impact the vitality and diversity of our urban fabric. Further, overinvestment in Class A space and big-box retail could prove to be a misfit for community and economic needs and leave less flexibility to adapt to the changing needs of the market at a future date.

[Butler-06]

Response 1-40: Comment noted. The Proposed Actions are intended to provide flexibility for Class B and C office space whose vacancy rates have increased in Manhattan post-COVID, as described in Chapter 1, "Project Description." As part of the RWCDS analyzed in the EIS, the Proposed Actions would lead to a decrease of approximately 732,619 gsf of commercial office space and 1,093,808 gsf of commercial floor area converted to residential use. The RWCDS does not include the creation of any destination retail.

Comment 1-41: Since this is the first time the City will be mapping housing density above the 12-FAR limitations, it is important that norms and protocols are established as precedence is established for further projects with high density housing. CB4 stated in our recommendations on the removal of the density cap that special permits should be required for each building. A special permit process would ensure that neighborhood protections would be enshrined in new developments.

Consider a Special Permit process for any building over 12 FAR. The SGCD currently has a Special Permit process for hotels. This process ensures that hotels are appropriately sized, supports the surrounding area, and limits the number of hotels on the edge of the Midtown Manhattan tourist areas. A Special Permit process for buildings over 12 FAR would give the public some

input over building design, ensuring that buildings over 12 FAR are not egregiously high or dense and/or disruptive to the existing character of the neighborhood.

[MCB4-01, Devlin-02]

Response 1-41: Comment noted. The Proposed Actions would map M1-8A/R11, M1-8A/R12, and M1-9A/R12 zoning districts across the Affected Area's four quadrants. Under the Proposed Actions, sites within the Rezoning Area would be able to build pursuant to the proposed zoning and would not be required to pursue a special permit. Future as-of-right development pursuant to the proposed zoning districts is key to the Proposed Actions' stated aim of generating and integrating housing (and affordable housing) in the most transit and amenity-rich areas of New York City. The potential impacts of the the Proposed Actions, including potential impacts on neighborhood character (see Chapter 18, "Neighborhood Character"), are assessed in this EIS, in accordance with the guidance of the 2021 *CEQR Technical Manual*.

Comment 1-42: Eliminate Privately-Owned Public Spaces (POPS) that create sidewalk recesses and add to building heights. Covered pedestrian spaces are not effectively maintained throughout the district and serve as a space for congregation and encourage illicit activity. Granting developers a 20% FAR bonus for building a covered pedestrian space undermines the safety of residents and also allows for buildings to go beyond the maximum allowable residential FAR of 18 to a maximum of 21.6.

[MCB4-05, Devlin-06, Restuccia-04]

Response 1-42: Comment noted. As described in Chapter 1, "Project Description," the Proposed Actions would include a special permit (pursuant to ZR 74-85) that would allow for an FAR bonus for properties that provide a covered pedestrian space. amendment. The potential environmental impacts of the special permit are included in Chapter 25, "Conceptual Analysis". It should be noted that an independent environmental review would be required for any developer that pursues the special permit in the future. Analysis of potential illicit activity within the covered pedestrian spaces is beyond the purview of this environmental review.

Comment 1-43: Increase the percentage of permanently affordable units once a building is above 12 FAR. As a tool to continue to address the City's shortage of affordable housing, language should be incorporated into the zoning text that requires the percentage of permanently affordable units to increase once a residential building exceeds 12 FAR. This is the first time that residential FAR above 12 is being mapped in the city, and it presents an opportunity for securing the development of more permanently affordable housing.

[MCB4-06]

Response 1-43: Comment noted. See Response 1-29. As part of the City's larger planning work, DCP will continue working with elected officials and partner agencies to maximize public benefits and create housing that meets the needs of the community.

Comment 1-44: In the Southeast Quadrant we recommend 15 FAR to align with the historic district and preserve transfer of development rights. In the midblocks of the Northwest Quadrant, we also recommend 15 FAR to encourage conversions over demolition and preserve mid-block, light and air. We support 15 FAR in the Southwest Quadrant and 18 FAR in the Northeast Quadrant, where higher density is more appropriate.

[Chou-02, Devlin-03]

Response 1-44: Comment noted. Refer to Responses 1-14, 1-20, 1-21, and 1-32 for information on the transfer of development rights within historic districts and the appropriateness of the Proposed Actions within the southeast quadrant.

Comment 1-45: We agree there is room for building higher density housing on these blocks in the Garment Center district without harming the character of the built environment. However, in the time that it has taken to move through this process, changes in residential FAR and the passage of the City of Yes for Housing Opportunity, plus the proposed inclusion of multiple bonuses; the potential built environment under these proposed zoning changes no longer plan to build a livable, vibrant neighborhood. We urge you to closely evaluate the unintended consequences of this current iteration of the zoning changes will have on our community.

[Devlin-01, Restuccia-01, Weber-01, Wright-02]

Response 1-45: Comment noted. The City of Yes for Housing Opportunity zoning changes were accounted for and analyzed in this EIS, including in Chapter 18, "Neighborhood Character." The potential environmental effects of the discretionary action bonuses included in the MSMX proposal – a City Planning Commission (CPC) Special Permit to allow for a floor area bonus in conjunction with the provision of a Covered Pedestrian Space (CPS) and a CPC Authorization to allow for a floor area bonus for qualifying transit improvement sites in conjunction with the provision of qualifying transit improvements – are analyzed in Chapter 25, "Conceptual Analysis", of the EIS. It should also be noted that an independent environmental review would be required for any developer that pursues either of these discretionary actions.

Comment 1-46: The goal here, unfortunately, seems to be to create this Billionaire's Row feel. To say that there will be no demolition is not accurate. This is not an efficient use of our resources, nor production of housing in a fast manner. Adaptive reuse is going to get us housing the fastest. Therefore, we really recommend making some changes here to bring down the FARs to incentivize adaptive reuse first, because of a lot of these buildings are overbuilt to begin with.

[Restuccia-03, Tolbert-01, MCB5-08]

Response 1-46: Comment noted. The Proposed Actions are expected to result in the redevelopment of 61 projected development sites by the 2034 Build Year. Due to the non-site-specific nature of DCP's conversion model, it is unknown how many sites would undergo residential conversion by 2034. However, for analysis purposes, it is assumed that approximately 1,093,808 gsf of commercial floor area would be converted into approximately 781 DUs by

2034. As described in Chapter 1, "Project Description," the Proposed Actions aim to encourage a balance of both ground up redevelopment and residential conversions.

Comment 1-47: The Midtown South Mixed-Use Plan would dramatically upzone four sections in this part of the City to encourage commercial to residential conversions and new residential development. Conversion of underused buildings is at the heart of preservation, and we support this concept for Midtown South. In practice we are concerned that the blanket upzoning will encourage new construction and the demolition of historic buildings that contribute so much to this community.

[Goldwyn-01]

Response 1-47: Comment noted. Refer to Response 1-32 and Chapter 1, "Project Description," for discussion of the varied zoning districts mapped within the Rezoning Area. Regarding preservation, an analysis of the Proposed Actions potential impacts related to historic buildings is included in Chapter 7, "Historic and Cultural Resources", in this EIS. For more information on conversions, refer to Responses 1-46 and 7-3.

Comment 1-48: This plan would extinguish the opportunities for landmarks to sell their unused development rights since the FARs in the area would increase. We urge the Commission to ask for changes that tailor the plan for each section of Midtown South. Perhaps reducing the FAR in some sections or excluding historic districts, to prioritize the reuse of existing historic building and encourage sustainable development, and still support the City's goals of increasing housing.

[Goldwyn-03]

Response 1-48: Comment noted. Refer to Responses 1-14 and 1-32.

Comment 1-49: Owners of properties in the rezoning area have struggled for years to make sense of the antiquated zoning rules. I commend the Department for acting on the State FAR allowances and implementing the new City of Yes tools in particular, the higher density districts to propose common sense updates in the Midtown South Mixed-Use districts. This will surely result in large amounts of new housing, including affordable housing and the activation of areas that have long struggled due to this antiquated zoning. I urge the Commission to approve the proposed zoning.

[Bernstein-01, Gordon-01]

Response 1-49: Comment noted. Refer to Response 1-5.

Comment 1-50: We are in a dire housing crisis and the proposed plan would create more housing and more opportunity in the neighborhood. I hope everyone supports this rezoning.

[Siegel-01]

Response 1-50: Comment noted.

Comment 1-51: I do not think we should be looking to target maximum number of units, but we should be looking to maximize the livability of the neighborhood.

[Weber-02]

Response 1-51: Comment noted. Refer to the Purpose and Need section of Chapter 1, "Project Description". The Proposed Actions are intended not only to introduce residential uses, but also to create conditions that support 24/7 activity in Midtown South and make Midtown South an even more vibrant and active area with services and street life that will benefit local businesses and make the area an even more attractive area for commercial activity. Refer to the Purpose and Need section of Chapter 1, "Project Description".

Comment 1-52: The POPs bonus and transit bonus should be reconsidered in the Northwest Quadrant. We struggle from the perspective of public safety with the existing POPs in our district and everyone who proposes a POPs ensures communities these will be kept safe and accessible, but they create issues.

[Weber-05]

Response 1-52: Comment noted. Refer to Responses 1-42 and 2-13.

Comment 1-53: We assert that DCP's CEQR methodology significantly undercounts the number of units that could be delivered in MSMX. Past rezonings have also resulted in multiples of the number of projected units. Therefore, the zoning adjustments proposed by CB5 will still generate a number of apartments at least equal to the current projections. Adverse impacts will therefore be proportionally larger than presented in the DEIS.

[MCB5-13]

Response 1-53: The RWCDS for the Proposed Actions was prepared in accordance with the guidance of the 2021 *CEQR Technical Manual*. The methodology for identifying projected and potential development sites and the methodology for conversion analysis is presented in Chapter 1, "Project Description" of the EIS.

Comment 1-54: Our building at West 26th Street is located adjacent to a parking lot on West 25th Street, which has been identified as a prime, potential site for construction under the new rezoning. In order to understand the implications of the new proposal, we commissioned a firm specializing in zoning simulation to construct for us a realistic limit-cast scenario of what could be constructed on this site (refer to written testimony in Appendix I). This includes:

- Development Site A (Block 827, Lots 14, 16, 17, 20, 63, and 64): a market-rate tower to the south of our building, which reaches an extreme height of 1,115 feet, including a five story school at its base. Adjacent to our west is a 315-foot-tall, 31-story affordable housing building to meet the MIH requirement. The overall FAR for this site is 18, and it uses transfer of floor area from the landmarked church [St. Sava] near our building.

- Development Site B (Block 827, Lot 59): a residential building with 20% of its units designated as affordable housing, to our east, with potential for additional height at a configuration of 10 FAR.

Under such a scenario, our co-op would have three sides (south, western, eastern) entirely enclosed, with drastically lowered access to light and air for our apartments. Notwithstanding the severely deleterious impact such construction would have on our residents, it is patently clear that the current proposal allows immense buildings to be constructed that would be generally harm the character of this historic district.

[Taube-07, Der-03]

Response 1-54: The RWCDS for the Proposed Actions includes Block 827, Lots 14, 16, 17, and 20 as projected development site 40. Under the Proposed Actions, it is assumed that projected development site 40 would be redeveloped with a 475-foot-tall building. Block 827, Lots 59, 63, and 64 were not identified as projected or potential development sites as part of the RWCDS. The RWCDS for the Proposed Actions was prepared in accordance with the guidance of the 2021 *CEQR Technical Manual*. The methodology for identifying projected and potential development sites and the methodology for conversion analysis is presented in Chapter 1, "Project Description" of the EIS.

Refer to Response 1-22. The potential impacts of construction are analyzed and discussed in Chapter 19, "Construction". The potential impacts due to the Proposed Actions on historic and cultural resources are discussed in Chapter 7, "Historic and Cultural Resources".

2. Land Use, Zoning, and Public Policy

Comment 2-1: The proposed plan is the first application of new zoning tools adopted under the City of Yes for Housing Opportunity, which represents the most significant reform to the City's zoning resolution since 1961. The success of City of Yes depends on its implementation through neighborhood-level rezonings, and Midtown South Mixed-Use Plan sets the precedent. Notably, this proposal will be the first to map the newly created R11 and R12 residential districts, which for the first time allow residential density above 12 FAR.

[DeCerbo-03]

Response 2-1: Comment noted. As part of the Proposed Actions, the zoning map would be amended to map M1-8A/R11, M1-8A/R12, and M1-9A/R12 zoning districts across the Affected Area's four quadrants. Refer to Figure 1-3.

Comment 2-2: Presently, two tax incentives could be utilized in coordination with the proposed zoning changes to create the projected housing units under MIH. First, the office-to-residential tax incentive, 467-m, requires 25% of the building to be affordable, permanently, at an average income band of 80% AMI, with the requirement for a 40% AMI band. This tax incentive was carefully calibrated given the complexities and costs involved in conversions. The tax incentive for

new rental construction, 485-x, also imposes a 25% affordability share that must be permanently affordable for households averaging at 60% AMI. This tax benefit also requires significant upfront costs related to construction labor standards. Limiting MIH options to lower the AMI average would make these programs financially infeasible and stifle housing production.

Therefore, all MIH options should remain in this proposal through adoption to ensure the zoning will work today with the tax tools presently available to build affordable mixed income housing. Additionally, flexibility is necessary given the volatility in the marketplace with inflation, high interest rates, and tariffs.

[DeCerbo-05]

Response 2-2: Comment noted. The Proposed Actions would map MIH Options 1, 2 and 3.

Comment 2-3: REBNY believes the plan can go further to allow greater flexibility in certain areas. The proposed district boundaries result in split lots where one portion is subject to MIH and the other the Universal Affordability Program (UAP). In these cases, it is critical that affordable units, regardless of program, be permitted anywhere on the zoning lot. The City Planning Commission should make clear that both standard and affordable units in such situations should not be constrained to one portion of the lot.

[DeCerbo-06]

Response 2-3: Comment noted. Affordable housing units required pursuant to MIH and UAP may be located anywhere on the zoning lot. Residential floor area on a zoning lot split by a district boundary may be shifted from one portion of a zoning lot to another consistent with Article VII, Chapter 7 of the Zoning Resolution.

Comment 2-4: The provision that only landmarked sites may transfer development rights freely if 50 percent of their lot area lies within the Affected Area should be amended to allow greater flexibility. There is no clear rationale for the 50 percent threshold, and we encourage the application of Zoning Resolution Section 121-341 to non-landmarked sites as well to enable broader flexibility and greater development.

[DeCerbo-07]

Response 2-4: Comment noted.

Comment 2-5: If there is to be new development, we urge you to use FAR as a guardrail – to curb speculative destruction and preserve our [existing Garment Center businesses] ability to operate. We need clear zoning that encourages adaptive reuse over demolition, prioritizes conversion of existing building, and explicitly allows for continued light manufacturing within those conversions.

[Nicklos-04, HKNC-02, MCB4-02, Price-02, Weber-03]

Response 2-5: Comment noted. The Proposed Actions are anticipated to result in the redevelopment of 61 projected development sites and the conversion of 1,093,808 sf of commercial area to residential use in the Affected Area. As described in Chapter 1, "Project Description," the Proposed Actions aim to encourage a balance of both ground up redevelopment and residential conversions. As part of the proposed M1-8A/R11, M1-8A/R12, and M1-9A/R12 zoning districts, light manufacturing would continue to be allowed within the Affected Area.

Comment 2-6: During February, March, and April, CB5 heard testimony from residents and businesses in the area that expressed concern about mapping R12 across the plan area's four quadrants. Each of these quadrants has unique characteristics.

[Sigman-01]

Response 2-6: Comment noted. Refer to Responses 1-21, 1-32, and 2-1.

Comment 2-7: CB5 strongly supports the goals of the MSMX plan but voted unanimously to modestly adjust the City's proposed densities from R12 to R11 in the midblocks of the Northwest Quadrant in order to preserve the Garment Center's existing built environment and in the Southeast Quadrant to protect the landmarked buildings that are prevalent in that area. We chose to confirm the R12 density in the Northeast Quadrant which has been the hole in the bagel of the Special Midtown District and to leave the Southwest Quadrant as proposed as a blending of concerns related to Chelsea to the south and west and the very high densities of the GPP to the north.

[Sigman-03]

Response 2-7: Comment noted. Refer to Responses 1-18, 1-21, and 1-32.

Comment 2-8: Under the proposal, Sixth Avenue would remain zoned for 12 FAR while the narrow side streets flanking it would be zoned for 15 or 18 FAR. This does not present a rational allocation of bulk or density. The proposal should not zone the side streets for higher density than the avenues.

[Xie-02]

Response 2-8: Comment noted. Please refer to the Purpose and Need section of Chapter 1, "Project Description". Zoning districts outside of the Affected Area are beyond the purview of this environmental analysis.

Comment 2-9: Jobs in the Manhattan Core support housing throughout the region. The MSMX proposal would depart from a longstanding policy of prioritizing commercial development in the Manhattan CBD with commercial FARs that are at least as high as residential FARs. This has been done in part to support the ability to assemble sites for commercial development, which requires larger footprints than residential development. No rationale has been presented for reversing this policy here, nor has there been an articulation of where within the CBD this new policy would or would not be appropriate. It is not a step that is necessary

to induce residential development, for instance. The proposal should assign commercial FARs that are at least equal to the residential FARs in these areas.

[Xie-03, Rose-04]

Response 2-9: Comment noted. As per Chapter 1, the "Project Description" of the EIS, the MSMX plan proposes mixed-use zoning districts that would pair manufacturing and residential districts at roughly equivalent high densities to support a wide range of co-existing uses. The existing M1-6 zoning permits non-residential manufacturing and commercial uses at 10-12 FAR and the MSMX plan would increase this non-residential density to 15 FAR in the densest portions of the plan area and maintain the existing 12 FAR in the lower density areas. Areas surrounding the MSMX plan area that already permit residential and commercial uses have a healthy mix of uses with robust commercial activity. The introduction of residential use will create conditions that support 24/7 activity in Midtown South and make Midtown South an even more vibrant and active area with services and street life that will benefit local businesses and make the area an even more attractive area for commercial activity.

Comment 2-10: The proposal zones all four quadrants as if they have similar neighborhood characteristics and built context. The southwest and southeast quadrants are different in character – Chelsea and Flatiron, rather than Midtown South. The proposal should treat the southwest and southeast quadrants differently from the northern areas.

[Xie-04, Rose-01, Wright-01]

Response 2-10: Comment noted. Refer to Responses 1-21 and 1-32.

Comment 2-11: Under recently enacted changes to the Multiple Dwelling Law (MDL), new buildings with FARs exceeding 12.0 are not permitted in Historic Districts. One can certainly, and I would, that this restriction confuses historic preservation designation with land use regulation. Regardless, the zoning should be clear and consistent with State law to avoid confusion of perverse outcomes. The proposal should not assign residential FARs exceeding 12 in locations where the MDL does not permit it.

[Xie-05]

Response 2-11: Comment noted. All applicable laws, including state laws, will continue to apply.

Comment 2-12: These issues [described in Comments 2-8 through 2-11] could be addressed with relatively simple modifications that assign R10 equivalent districts to the southwest and southeast quadrants of the rezoning area. This would still allow housing at the highest density permitted anywhere in the city today, while maintaining consistency with key principles undergirding the zoning in Midtown and adjacent areas.

[Xie-06]

Response 2-12: Comment noted. Refer to Responses 2-8 through 2-11 and references cited therein.

Comment 2-13: The proposal provides zoning bonuses for affordable housing, public open spaces, and transit improvements in a wide area radius of a development and allows all of these bonuses to be used in combination with each other. The proposal has no height limits. The proposal should restrict the layering of bonuses.

[MCB4-09, HKNC-03]

Response 2-13: Comment noted. The proposed zoning text amendments are intended to maximize the production of affordable housing, create new publicly accessible passive open spaces, and improve transit stations in the area in alignment with the project's stated goals. There is no bonus for the provision of affordable housing, instead affordable housing is mandatory as per the requirements of the Mandatory Inclusionary Housing program. Refer to Response 1-29. As noted, bonusable floor area from special permits and authorizations is limited to 20% of allowable FAR. While these bonuses can be used in combination, they may only add up to 20% of allowable floor area. There is no ability to stack bonuses in order to exceed the maximum of 20% of total allowable floor area Refer to Response 1-45 for further discussion of the environmental review of bonuses included in the MSMX proposal.

Comment 2-14: Provide varying building height caps, by subarea, to ensure density is managed and remains contextual to the existing built environment and the fabric of the community.

[HKNC-04, MCB4-07, Restuccia-02]

Response 2-14: Comment noted. As described in Chapter 1, "Project Description" of the EIS, the proposed zoning text amendments include a special district that would create area-specific regulations to provide flexible base heights that match the existing character of the neighborhood.

Comment 2-15: The proposal should require setbacks to ensure light and air to the street.

[HKNC-05, MCB4-03]

Response 2-15: Comment noted. As described in Chapter 1, "Project Description," and Chapter 8, "Urban Design," buildings will be required to setback from the street wall above the maximum base height in accordance with the Zoning Resolution.

Comment 2-16: Expand sidewalks to allow for the projected increased pedestrian flow.

[HKNC-06, MCB4-12]

Response 2-16: Comment noted. To maintain the neighborhoods character of a unified street wall and provide opportunities to widen the sidewalk, the proposed special district would require 100 percent of the buildings street wall on the first story

to be within eight feet of the street line. Refer to Chapter 1, "Project Description".

Comment 2-17: The proposal should require that ground floor and second floor spaces are used for local retail and/or professional offices.

[HKNC-07]

Response 2-17: Comment noted. The proposed special district includes streetscape regulations to regulate the percentage of a building's ground floor that can be devoted to non-active uses (e.g., lobbies, residential amenity space, parking, and loading). Refer to Chapter 1, "Project Description". The proposed zoning text amendments would not require non-residential uses on the ground floor or second floor.

Comment 2-18: To balance new housing with neighborhood character and infrastructure capacity, CB5 proposes the following modifications:

● Southeast Quadrant (23rd–27th Streets): We propose mapping the lower density 15 FAR for residential instead of 18 FAR in the Southeast Quadrant. This adjustment aligns more closely with the extensive historic district, which is effectively a 12 FAR equivalent under LPC review, and will preserve the value of landmark transferable development rights (TDRs).

● Northwest Mid-blocks (East of 8th Avenue, 28th–40th Streets): We propose mapping 15 FAR for residential instead of 18 FAR in the midblocks of the Northwest Quadrant to support the conversion of existing buildings rather than demolition. This approach meets the planning goal of maintaining lower density on narrow streets for improved light and air and easier access to services for large buildings on the avenues.

● Southwest Quadrant (28th–34th Streets, West of 8th Avenue): We do not currently propose any changes to the proposed zoning of 15 Residential FAR in the Southwest Quadrant. CB5 ultimately felt that R12 in this area was appropriate as a buffer to the very high density that could exceed 30 FAR in the GPP on Block 780 and the neighboring blocks.

● Northeast Quadrant (28th–34th Streets, 5th–6th Avenues): We do not propose any changes to the proposed zoning of 18 Residential FAR in the Northeast Quadrant. This quadrant is currently surrounded by very high density development.

These recommendations aim to concentrate high-density development where contextually appropriate, while avoiding blanket 18 FAR designations in quadrants constrained by smaller lots and limited infrastructure.

The CB5 Executive Committee developed and passed a comprehensive package of 85 Points of Agreement. These include proposals to explore targeted density bonuses and zoning tools that would allow higher FARs, up to 18 or beyond, but only when directly tied to meaningful community-serving investments.

[Sherburne-04, Tolbert-02, Wright-03, MCB5-04]

Response 2-18: Comment noted. See Responses 1-14, 1-18, 1-19, 1-21, 1-32, and 7-1.

Comment 2-19: The bulk regulation revisions proposed as part of MSMX are not well-thought out, especially regarding how they affect existing residents and businesses in the South-east quadrant. If we are to accommodate a substantial increase in residential development and approach a full buildout of allowable FAR, then we must pay attention to how changes to regulation of new high-density development will impact existing buildings. Because of the wide variance of the built character among the four areas proposed to be rezoned, generic design and bulk regulations are a mismatch for the Southern quadrants. There are no 160' street wall buildings on the midblock in the South-eastern quadrant and the proposal's absence of meaningful setback of sky-exposure planes would guarantee that most NoMad streets would remain in shadow most of the day. Existing residentially converted loft buildings would lose more light and air than they would from high density development under existing bulk regulations. While new development should not be blocked from occurring, current residents have the right to expect that new housing-oriented reforms should not completely disregard their presence and encourage worse conditions than are currently permitted.

The existing bulk regulations should be kept intact in the South-east Quadrant. The changes proposed in the current plan would have unintended consequences of imposing light and air loss on existing businesses and residents in high density loft buildings. Retaining setback and street wall regulations at 60' will provide great benefit to existing streets and occupants with no adverse impact on new residential construction.

[Rose-08]

Response 2-19: Comment noted. Impacts to privately-owned buildings and impacts to shadows on non-sunlight-sensitive resources are outside the purview of this environmental review based on the guidance of the *2021 CEQR Technical Manual*. Refer to Responses 1-18, 1-21, and 1-32.

Comment 2-20: The proposal should allow for residential use, but do not raise the allowable FAR's in the South-eastern quadrant of the rezoning proposal. Every identified soft site in the quadrant can be developed to the full FAR analyzed in the DEIS utilizing existing surplus landmark air rights in the quadrant (supporting analysis done by the Flatiron/NoMad BID included in the letter). Allowing and encouraging landmarks to sell air rights to nearby development sites is a key part of NYC's land use policy.

[Rose-14, Rose W.-03, Orsman-03, Manzari-03, Sabherwal-03, Schultz-03, Schultz W.-03, Mettham-04, Taube-04]

Response 2-20: Comment noted. Please refer to the RWCDS assumptions utilized in the EIS analysis and detailed in Chapter 1, "Project Description". Refer to Responses 1-14, 1-22, and 7-1 for further information on the Proposed Actions and landmark transfer of development rights**.**

Comment 2-21: I request that the Commission not uphold the City of Yes's rear-yard requirement of only 20 feet, but keep the existing larger rear-yard equivalent of 30 feet for residential buildings, and the existing height and setback requirements for facades in the Southeast Quadrant.

[Rose W.-02, Orsman-02, Manzari-02, Sabherwal-04, Schultz-04, Schultz W.-04, Manzari K.-03, Laheurte-03, Taube-03, Der-05]

Response 2-21: Comment noted. The City of Yes for Housing Opportunity proposal was adopted in December 2024 and modifies the zoning text to and addresses the housing crisis by making possible to build a little more housing in every neighborhood. See Responses 1-21 and 1-32 for the appropriateness of the Proposed Actions within the southeast quadrant.

Comment 2-22: It is not just the physical make-up of the community that will change, there will be no space left for the Garment District workers including designers, manufacturers, educators, and artisans. There must be incentives to maintain manufacturing spaces and jobs as part of the zoning change. Back in 2016 I proposed the idea of Mandatory Inclusionary Manufacturing to the City Council Land Use Committee. This concept must be instated so that for every conversion of a building to residential a percentage of space remains as manufacturing. This has already occurred in many buildings in an ad hoc way because there was no enforcement of the industrial zoning.

[Rappaport-03]

Response 2-22: Comment noted. Refer to Response 3-1. Analysis of potential Mandatory Inclusionary Manufacturing is beyond the purview of this environmental review.

Comment 2-23: Mixed-use should not be reduced to a binary of residential and commercial. We already have intra-industry ecosystems here, with fashion's many moving parts working side by side.

[Hayden-02]

Response 2-23: Comment noted. The Proposed Actions would map M1-8A/R11, M1-8A/R12, and M1-9A/R12 zoning districts across the Affected Area's four quadrants. These districts would allow for maximum non-residential FAR between 12.0 and 15.0 and a residential FAR between 15.0 and 18.0. As part of these proposed zoning districts, light manufacturing would continue to be permitted under the proposed M1-8A and M1-9A districts. Refer to Chapter 2, "Land Use, Zoning, and Public Policy," of this EIS.

Comment 2-24: We supported DCP's initial proposal to allow residential zoning to match the densities permitted for commercial use. However, we believe that the most recent version of the proposal may result in a newly created generic district that, while it may be suitable for other parts of Midtown South, could have adverse impacts and unintended consequences on our commercial, residential, historic, and retail balance.

[Mettham-01]

Response 2-24: Comment noted. See Chapter 1, "Project Description" for the proposed zoning districts' relation to the goals of the Proposed Action and to existing neighborhood contexts. Refer to Responses 1-11 and 1-32 for discussion of the varied zoning districts applied to the four quadrants. The potential for significant adverse impacts as a result of the Proposed Actions are analyzed in this EIS according to the guidelines in the 2021 *CEQR Technical Manual.*

Comment 2-25: May I suggest that you consider a more "tailored" zoning, where the lower part of the buildings would be zoned for manufacturing and the upper part would be zoned for residential. This layering of uses has recently been implemented at the McGraw Hill building and seems appropriate for the area. Then we could retain these existing businesses and the jobs they create and avoid environmentally negative building demolition.

[Bollack-03]

Response 2-25: Comment noted. The Proposed Actions aim to encourage a balance of both ground up redevelopment and residential conversions. Additionally, as part of the proposed M1-8A/R11, M1-8A/R12, and M1-9A/R12 zoning districts, light manufacturing would continue to be allowed within the Affected Area.

Comment 2-26: Strengthen the street wall requirements and eliminate any recessed walls from the sidewalk. The cohesive street wall is a defining characteristic of the previously-manufacturing building type that make up the project area. The proposed rezoning would allow the street wall to setback after the first story of the building, which would break the contiguous street wall and undermine the on-the-ground experience.

[MCB4-04]

Response 2-26: Comment noted. Refer to Response 2-16.

Comment 2-27: Review the proposed Transit Bonus and reduce the covered distance to the original 500-foot radius or restrict only to the specific blocks within the new mixed-use zones so that Transit Bonuses would not be granted outside the four quadrants.

[MCB4-10]

Response 2-27: Comment noted. The proposed zoning text amendment would add the proposed MSMX Rezoning Area to the definition of "Central Business District" (ZR 66-11), thus extending the density bonus applicability to 1,500 feet from mass transit stations and making virtually all sites within the Rezoning Area qualifying transit improvement sites. Refer to Response 1-42 for further discussion of the potential environmental impacts as a result of the discretionary action covered pedestrian space special permit and transit bonus authorization included in the MSMX proposal.

Comment 2-28: We ask you to strengthen the street wall requirements and eliminate the recessed walls from the sidewalk, including the proposed eight foot setback.

[Devlin-04, Weber-04]

Response 2-28: Comment noted. Refer to Response 2-16 for further discussion of the street wall requirements included in MSMX.

Comment 2-29: I ask DCP to look at the plan as proposed, and make sure that the unlikely doesn't occur. The plan should place guardrails that maybe restrict the FAR, create height limits and eliminate things such as the 8-foot setback.

[Weber-04]

Response 2-29: Comment noted. Refer to Response 2-16.

Comment 2-30: The proposed FAR is so high that it would be difficult for existing lots, typically 25' or 50' wide, to fully utilize the allowable FAR without merging with adjacent lots, as the large FAR on existing individual lots would likely result in tall, slender towers that are costly to build and financially impractical. Even with zoning lot mergers, the resulting FAR would be so large that it could create towers exceeding the height of the Empire State Building, potentially leaving FAR unused due to construction cost and feasibility constraints.

[MCB5-05]

Response 2-30: Comment noted. The RWCDS includes projected development sites of varying size. Refer to Appendix A – RWCDS Tables. Developments at the projected development sites and potential development sites would be developed pursuant to the regulations governing the proposed zoning districts and special district regulations. As discussed in Chapter 8, "Urban Design and Visual Resources," buildings generated by the Proposed Actions would generally be taller than what currently exists in the Rezoning Area but would not be out of context with the larger Midtown South neighborhood.

Comment 2-31: We proposed the retention of rear yards for large sites (greater than 1.5 acres) throughout MSMX. We believe that two towers with a garden design is more appropriate than a single supertall tower, However, we may need to consider an exception for school construction due to complex structural challenges.

[MCB5-09]

Response 2-31: Comment noted. See Response 2-30 for further information on the Proposed Actions and building heights analyzed in the EIS.

Comment 2-32: We struggled with the effectiveness of the proposed 3 FAR difference between commercial and residential uses (12/15 or 15/18) as an incentive to build housing, we believe that implementing R11 in the NW Quadrant (15/18 Avenues, 12/15 midblock) will address this concern by focusing commercial uses on large sites on the avenues.

[MCB5-10]

Response 2-32: Comment noted. See EIS Chapter 1, "Project Description" for the proposed zoning districts' relation to the goals of the Proposed Action and to existing neighborhood contexts.

Comment 2-33: The R11 district should be mapped more broadly to help address historic district, theater, and landmark Transfer of Development Rights (TDR) issues and preserve the fabric of these districts. This adjustment is also expected to increase the utilization of open space and transit bonuses while maintaining a lower base FAR.

[MCB5-11]

Response 2-33: Comment noted. Refer to Responses 1-14 and 1-18.

Comment 2-34: Most of the MSMX areas are mid-block adjacent to older Avenue zones. In order to rationalize the avenue and midblock densities, we support follow-up rezonings on 5th and 6th Avenues to increase densities relative to the new MSMX densities.

[MCB5-15]

Response 2-34: Comment noted. Zoning districts outside of the affected area are beyond the purview of this environmental analysis.

Comment 2-35: The Southeast quadrant has a significant percentage – 50% of blocks located in historic districts, and is the most historically intact portion of the rezoning area, with a median FAR of 5.2. The plan's proposed increase to 18 FAR more than triples the existing median FAR.

[Taube-06, Der-02]

Response 2-35: Comment noted. Refer to Chapter 2, "Land Use, Zoning, and Public Policy," which analyzes the Proposed Actions' potential for effects on zoning in the Affected Area and secondary study area.

Comment 2-35: The existing 10/12 FAR for commercial uses in the Southeast Quadrant should be maintained and a residential FAR of 10/12should be allowed so that out-of-scale buildings cannot be built.

[Taube-08, Der-04]

Response 2-35: Comment noted. Refer to Chapter 2, "Land Use, Zoning, and Public Policy," which analyzes the Proposed Actions' potential for effects on zoning in the Affected Area and secondary study area.

3. Socioeconomic Conditions

Comment 3-1: While I support the need for more housing, the CPC should include strong protections for New York City's theatrical makers and specialty artisans in the Garment District.

[Belissio-01, Davis-01, Feinberg-01, Johnson-04, Kelly-01, Nicklos-03, Lovering-01, Price-01, Peng-02, Rodriguez-01, Gaston-01, Cafaro-08, Butler-02]

Response 3-1: Comment noted. The analysis presented in Chapter 3, "Socioeconomic Conditions," finds that the Proposed Actions would not result in significant adverse impacts due to the direct business displacement, indirect business displacement, or effects on specific industries as the displacement of these businesses does not constitute an impact as defined by the *CEQR Technical Manual.* The City has recognized the significance of the fashion ecosystem in the Study Area, and the City will continue to explore measures outside of zoning to support the industry in this area and throughout New York City.

Comment 3-2: Specialty artisans in the Garment District, whose work is highly specialized requires specialty equipment that loft buildings in the Garment District provide, and proximity to hundreds of other similar small businesses to thrive.

[Belissio-02, Johnson-02, Malo-01, Nicklos-01, Raygadas-01, Peng-01, Regan-02, Ferring-01, Cafaro-05, Hayden-01, Wasserman-01]

Response 3-2: Comment noted. Refer to Response 3-1. Additionally, as part of the proposed M1-8A/R11, M1-8A/R12, and M1-9A/R12 zoning districts, light manufacturing would continue to be allowed within the Affected Area.

Comment 3-3: I urge the Department of City Planning to pause and revise the MSMX Plan to include the essential safeguards to protect the displacement of designers, manufacturers, patternmakers, educators, and artisans that create the working ecosystem of the Garment District.

[Feinberg-02, Huang-01, Johnson-01, Dacey-01, Regan-01, Jacques-01, Peterson-01, Allakhverdyan-01, Manvelyan-01, Bollack-02]

Response 3-3: Comment noted. Refer to Response 3-1.

Comment 3-4: The vision for the Midtown South Mixed-Use Plan (MSMX) is an excellent example of the city looking at ways to creatively expand housing opportunities and we believe that there is room for this plan to protect an industry that has been central to the neighborhood's identity for decades. We want to emphasize that adaptive reuse of buildings previously serving purposes other than housing should be prioritized, over demolition. Increasing the overall amount of housing in this particular neighborhood should be the goal, however there should also be incentives for retention of manufacturing jobs considering how many consistently have been lost in this neighborhood over the years.

[Ehrenberg-01, Johnson J.-01, Alexander-01]

Response 3-4: Comment noted. Refer to Responses 1-3, 1-46 3-1, and 3-2.

Comment 3-5: NYC's Garment District is a necessary resource for makers all over the metropolitan area and beyond. This does not just affect NYC residents; it affects anyone who needs fabric within travelling distance of NYC. Fabric is best bought in person, so it's incredibly important to support fabric and trim sellers in NYC - they are the very few left in our craft. We need to keep all of these remaining shops in the garment district.

[Ley-01, Cafaro-06, Mitchell-01]

Response 3-5: Comment noted. Refer to Response 3-1. The Proposed Actions would facilitate an increase in retail gross square footage, providing opportunities for small retail businesses to relocate within the Project Area.

Comment 3-6: The Garment District is rich in history and culture, it is also instrumental to many people who earn their livelihood. Getting rid of the Garment District will lead to irreversible damages for workers, art students, and culture.

[Wong-01]

Response 3-6: Comment noted. Refer to Response 3-1.

Comment 3-7: Like many of my colleagues, I am concerned about what the proposed rezoning of the Garment District means for our future.

[Cafaro-01]

Response 3-7: Comment noted. Refer to Response 3-1.

Comment 3-8: I am strongly opposed to this proposal. As a printer in the Garment District, representing a third-generation business that has operated for over 75 years, I have seen firsthand the value and legacy that these businesses bring to the city. Removing longstanding businesses like ours in favor of residential development undermines the economic and cultural fabric that makes New York thrive. We should be preserving and supporting these job-creating enterprises—not displacing them. Businesses are the backbone of a vibrant city, and their presence should be strengthened, not erased

[Kaufman H.-01]

Response 3-8: Comment noted. Under the reasonable worst case development scenario (RWCDS), projected development generated by the Proposed Actions by the 2034 Analysis Year would potentially directly displace an estimated 779 private sector businesses and 5,304 jobs associated with those businesses. This includes an estimated 438 private sector businesses and 2,912 jobs on projected development sites, and an estimated 341 private sector businesses and 2,392 jobs in the conversion area. The 779 potentially displaced businesses are across 16 different sectors. The analysis presented in Chapter 3, "Socioeconomic Conditions," finds that the Proposed Actions would not result in significant adverse impacts due to the direct business displacement, indirect business displacement, or effects on specific industries as the displacement of these businesses does not constitute an impact as defined by the *CEQR Technical Manual.*

Comment 3-9: It has come to my attention that the Commission is relying on information that is inaccurate. The estimate number of businesses that will be displaced is very low. There are far more than 114 businesses that would be displaced in zones marked for development, many of those which would not be able to be relocated due to their manufacturing equipment. My business is relation on location. It is imperative that for my business to remain in the Garment District, accessible to Broadway, in my supportive community of suppliers and artisans.

[Bellissio-03]

Response 3-9: Comment noted. Refer to Response 3-8. Socioeconomics data sources that informed the Socioeconomic Conditions principal conclusion are included in Chapter 3, "Socioeconomic Conditions" of this EIS.

Comment 3-10: The Draft Environmental Impact Statement (DEIS) notes that an estimated 114 businesses could potentially be displaced as part of this proposal. However, this amount of displacement was determined to not constitute a significant adverse impact. Many of these businesses are small, unique shops that provide products that cannot be purchased elsewhere in the city. Many still serve the nearby Broadway theater district. How was this determined and what amount (either number of businesses or percentage of current industry) would constitute an adverse impact?

[Butler-03]

Response 3-10: The analysis in the EIS was prepared in accordance with the guidance of the *CEQR Technical Manual* and found no significant adverse impact would occur. The EIS analyzes a conceptual scenario intended to represent the "reasonable worst-case" for purposes of assessing project impacts. Socioeconomics data sources are included in Chapter 3, "Socioeconomic Conditions," of this EIS. The analytical framework, including Development Site Criteria, is described in Chapter 1, "Project Description," of this EIS. The potentially displaced businesses as a result of the Proposed Actions do not represent a substantial proportion of Study Area businesses or employment for any given sector.

Comment 3-11: The huge FAR increase for residential use would lead to the displacement of small businesses and not-for-profits in smaller commercial buildings that hasn't been studied.

[Rose-09]

Response 3-11: An analysis of indirect and direct business displacement is included in Chapter 3, "Socioeconomic Conditions," of this EIS. Refer to Response 3-5.

Comment 3-12: The MSMX proposal as currently written does not go far enough to protect the fashion economy that helped shape this neighborhood. Independent designers, manufacturers, and creative workers face rising costs, shrinking space, and increasing pressure from speculative development. Without enforceable mechanisms to preserve affordable workspace and protect small businesses, this plan risks repeating past mistakes.

[Kolb-02]

Response 3-12: Comment noted. Refer to Response 3-1.

4. Community Facilities and Services

Comment 4-1: The proposal should require that community facility space is created, including museums, day-care facilities, and education facilities.

[HKNC-08]

Response 4-1: Comment noted. The RWCDS would result in the creation of approximately 81,755 gsf of community facility space. Refer to Chapter 1, "Project Description".

5. Open Space

No comments related to this technical area were made.

6. Shadows

Comment 6-1: The urban design modifications in this proposal, when applied to the Southeast Quadrant would throw the mid-block side streets into permanent shadow.

[Mettham-03]

Response 6-1: Comment noted. The shadows analysis presented in Chapter 6, "Shadows," analyzes the potential for incremental shadow generated by the Proposed Actions to impact sunlight-sensitive resources. Mid-block side streets are not considered a sunlight-sensitive resource based on the guidance of the 2021 *CEQR Technical Manual* and therefore this is outside the purview of this environmental review.

7. Historic and Cultural Resources

Comment 7-1: The proposed rezonings will have a profoundly adverse impact on landmarked properties and historic districts. By saturating the area with surplus FAR, the proposed actions will drastically diminish the value of a landmark's surplus air rights. The ability to transfer air rights to nearby development sites is an important benefit for landmark properties and gratuitously devaluing these air rights makes no sense. Undermining the value of surplus landmark air rights while increasing the underlying FAR puts pressure on landmark properties facing financial difficulties to contemplate trying to redevelop their sites, something clearly at odds with their landmark status. The obvious economic adverse impact on the value of the almost-fire-destroyed St. Sava Cathedral is just the most obvious example of this kind of situation. Individual landmarked properties and historic districts comprise more than 50% of the South-east Quadrant's land area. Neglecting the impact of this contemplated action is a significant failing.

[Rose-05, Rose W.-01, Orsman-01, Manzari-01, Tolbert-05, MCB5-06]

Response 7-1: Comment noted. The potential for the Proposed Actions to result in significant adverse impacts related to landmarked properties and historic districts in

analyzed in Chapter 7, "Historic and Cultural Resources" of the EIS following the guidance of the 2021 CEQR Technical Manual. The economic impact to historic resources is beyond the purview of this environmental review.

Comment 7-2: The removal of the North side of West 40th Street from the Special Midtown (Theater District) is another ill-advised contemplated action. Currently the potential "soft site" on that block [Potential Development Site G] is eligible to receive air rights from listed Broadway theaters agreeing to remain available for legitimate theater use. Removing a viable receiving site for theater air rights is neither necessary nor warranted and deprives worthy cultural assets of future resources potentially critical to their survival.

The northwestern blockfront of West 40th Street should be restored to the Special Midtown District (Theater Subdistrict) so that no eligible receiving sites for Broadway Theater air rights are lost.

[Rose-06]

Response 7-2: Comment noted. Please refer to the Purpose and Need section of Chapter 1, "Project Description".

Comment 7-3: The City's new Midtown South Mixed-Use (MSMX) Plan might provide the incentive to build new housing units including essential, affordable homes — but it will do so at the cost of the potential demolition of significant historic buildings that were the heart of New York's industrial heritage and good stable jobs. We have already seen the demolition of the vibrant character in the area by the new construction of full blocks around Penn Station. As the Community Board requested, the FAR of the proposed zoning must be reduced so that developers do not demolish this significant historic building fabric.

[Rappaport-02, Goldwyn-02]

Response 7-3: Comment noted. As discussed in Chapter 7, "Historic Resources," the Proposed Actions would result in the construction of 61 projected development sites and 7 potential development sites. Because the Proposed Actions would result in the redevelopment of contributing properties in the S/NR-Listed Garment Center Historic District, the EIS discloses the potential for significant adverse impacts. Potential mitigation measures are described in Chapter 21, "Mitigation" of the EIS.

Comment 7-4: My concern with the proposal among many rezonings is that it will result in the demolition of often massive, viable and historic buildings that never get built and result in vast vacant lots. In the immediate area, many beautiful historic buildings have been lost to demolition in recent years. I urge the Commission to prevent such demolition not only in this section of Midtown but citywide by incorporating creative incentives to keep and adaptively reuse buildings thereby avoiding blighted vacant lots.

[Calderaro-02, Wright-04]

Response 7-4: Comment noted. Refer to Response 7-3 for further discussion of historic buildings within the MSMX Affected Area and Response 1-46 for further discussion of conversions.

Comment 7-5: The DEIS indicates 12 sites (15 properties) within the Garment Center Historic District that are listed on the State and National Registry will be demolished for redevelopment. While MAS is not advocating for the landmarking of all these buildings; it is critical that LPC review and consider, with input from community members, which properties should be preserved and begin the designation process before ULURP is complete. MAS would particularly support designations in line with LPC's Equity Framework.

[Butler-07]

Response 7-5: Comment noted. Since publication of the DEIS, the Landmarks Preservation Commission (LPC) have calendared five eligible resources in the Affected Area. Chapter 7, "Historic and Cultural Resources," of this FEIS has been updated with further information on these resources.

Comment 7-6: We are pleased that the Landmarks Preservation Commission is moving forward with an initial list of five sites in the historic Garment District as well as the adjacent quadrant for landmark designation. We ask that City Planning work with the LPC to consider many of the other 25 sites identified in the DEIS as excellent candidates for designation and adaptive reuse for housing.

[Tolbert-03]

Response 7-6: Comment noted. Refer to Response 7-5. At this time no other historic resources are calendared for designation with LPC.

8. Urban Design

Comment 8-1: The MSMX plan proposes an excessive increase in residential FAR throughout all four M1-6 areas. To be sure, the current restrictions on residential development are ripe for repeal; but no study, analysis or testimony demonstrates a shortage of allowable density in the rezoning areas. There has been no suggestion that underlying Manhattan CBD densities are too low. In fact, the DCP DEIS acknowledges that under existing densities the areas proposed for upzoning are already "overcrowded" according to DCP's own standards.

[Rose-02]

Response 8-1: Comment noted. As discussed in Chapter 8, "Urban Design and Visual Resources," there are several existing buildings within the Affected Area's four quadrants that are built to a density that exceeds what existing zoning allows.

9. Hazardous Materials

No comments related to this technical area were made.

10. Water and Sewer Infrastructure

No comments related to this technical area were made.

11. Solid Waste and Sanitation Services

Comment 11-1: The proposal should require that sanitation services for trash management are integrated into the buildings.

[HKNC-09]

Response 11-1: Comment noted. Per Title 16 § 1-02.2 Waste Management Plan, new or converted buildings with over 150 dwelling units are required to prepare a waste management plan.

12. Energy

No comments related to this technical area were made.

13. Transportation

Comment 13-1: Pedestrian crowding is a concern. We are suggesting the Broadway Vision plan, currently rolled out from 38th to 40th Streets, be applied throughout the MSMX zone as a source of both open space and circulation. We are recommending permanent widening of the temporary sidewalk expansions on 7th and 8th Avenues, and looking at other creative ideas such as half avenues to create a pedestrian bridge between Port Authority Bus Terminal and Penn Station to the south.

[Sigman-06]

Response 13-1: Comment noted. As discussed in Chapter 13, "Transportation," the Proposed Actions would significantly adversely impact 17 sidewalks, six crosswalks, and three corners in one or more analyzed peak hours. Recommended mitigation measures consisting of the widening of crosswalks would fully mitigate the impacts to six crosswalks. Refer to Chapter 21, "Mitigation".

14. Air Quality

Comment 14-1: An egregious flaw that should be addressed in any version of the proposal is the need to address the threat of residual toxic conditions in formerly manufacturing buildings being converted to residential use.

[Rose-11]

Response 14-1: As described in Chapter 9, "Hazardous Materials, Chapter 14, "Air Quality," and Chapter 16, "Noise," the extent of hazardous materials, air quality, and noise impacts is unknown because of the non-site-specific nature of DCP's conversion model. Since actual locations of the 1,093,808 gsf RWCDS

residential conversion development cannot be identified, location-specific air quality impact analysis is not performed for the residential conversion area. As denoted in the above referenced chapters, potential for significant adverse impacts to these technical areas cannot be precluded, but are likely to be limited. Air quality and noise conditions caused by manufacturing uses within the same building as residential uses would need to adhere to the performance standards for M1 districts outlined in ZR section 42-40.

Comment 14-2: Given the possible mergers/air rights acquired from adjacent/nearby buildings, notably the landmarked St. Sava Church, the parking lot [Projected Development Site 40] could be replaced by a 100+ story building if the MSMX plan is passed. Such massive new construction would have a highly deleterious effect on the light and air quality of the apartments facing it, with a rear yard separating the two buildings by a mere 20 feet.

[Sabherwal-02, Schultz W.-02, Manzari K.-02, Laheurte-02, Taube-02]

Response 14-2: Comment noted. The RWCDS for this EIS assumes that Projected Development Site 40 would stand 475 feet tall, maximizing its allowable FAR under the proposed M1-8A/R12 zoning. The development at Projected Development Site 40 would be constructed in compliance with all applicable buildings codes to ensure sufficient access to light and air. See EIS Chapters 6, “Shadows” and 7, “Historic and Cultural Resources” for more information on Projected Development Site 40’s potential for impacts on sunlight sensitive resources and landmarks, and Chapter 14, “Air Quality” for an assessment of the site’s potential impacts related to air quality.

15. Greenhouse Gas Emissions and Climate Change

No comments related to this technical area were made.

16. Noise

No comments related to this technical area were made.

17. Public Health

No comments related to this technical area were made.

18. Neighborhood Character

Comment 18-1: The proposal does not provide adequate protection for the preservation of the built environment except for “soft sites”

[HKNC-01]

Response 18-1: Comment noted. As discussed in Chapter 1, “Project Description,” approval of the Proposed Actions is expected to result in the demolition and reconstruction of 61 projected development sites in the Rezoning Area by the 2034 analysis

year. As discussed in Chapter 8, "Urban Design and Visual Resources and Chapter 18, "Neighborhood Character," the Proposed Actions would not result in significant adverse impacts to urban design and visual resources or neighborhood character.

Comment 18-2: There are very few neighborhoods in New York City that have such a distinct sense of place as this area of Midtown and have such profound associations with the development of the gritty city that we love. We know we are there because of physical characteristics - the streets of setback loft buildings which are so unmistakably New York – but also because of the specific commercial activities that still thrive there.

[Bollack-01]

Response 18-2: Refer to Responses 1-51, 2-16 18-1.

19. Construction

No comments related to this technical area were made.

20. Alternatives

Comment 20-1: The DEIS has a seemingly casual willingness to tolerate unmitigated adverse impacts without evaluating meaningful alternatives. Apart from taking no action at all, the only alternative the DEIS even considered was one that would solve all of the plan's problems – "development that would not result in any significant adverse impacts that could not be fully mitigated." But the consideration of alternatives under SEQRA is not an all-or-nothing game; DCP is required to present alternatives that mitigate adverse impacts, and to afford decision-makers the opportunity for meaningful deliberation. DCP's originally contemplated plan constituted a viable alternative that could have mitigated many of the current flaws. In the MSMX DEIS, DCP has refused to consider and present alternatives that make any attempt to mitigate adverse impacts.

[Rose-13]

Response 20-1: Comment noted. Refer to Response 21-1. As discussed in Chapter 20, "Alternatives," two alternatives were considered: (1) a No-Action Alternative, which is mandated by CEQR and the State Environmental Quality Review Act (SEQRA) and is intended to provide the lead and involved agencies with an assessment of the expected environmental impacts of no action on their part (i.e., no zoning changes) and (2), a No Unmitigated Significant Adverse Impacts Alternative, which considers a development scenario that would not result in any identified significant, unmitigated adverse impacts.

21. Mitigation

Comment 21-1: The DEIS proposed virtually no mitigation. CB5 will be discussing a Points of Agreement to address very real concerns including lack of open space,

pedestrian crowding, low public safety, protections for residential and small business tenants, the need for a school on projected development site 40, expansion of Bellevue emergency services, and expedited review of landmark eligible buildings, all in the service of creating a 24-hour neighborhood in this industrial landscape.

[Sigman-04]

Response 21-1: Comment noted. Chapter 21, "Mitigation," includes feasible potential mitigation measures for the identified impacts to open space, shadows, historic and cultural resources, hazardous materials, transportation, air quality, noise and construction. For impact areas where mitigation measures were not feasible, these impacts have been identified as unavoidable adverse impacts and are discussed in Chapter 22, "Unavoidable Significant Adverse Impacts".

Comment 21-2: The proposed MSMX rezoning raises significant concerns. It sets a precedent for the highest residential density ever permitted in New York City, without sufficient open space mitigation in a neighborhood already severely underserved.

[Sherburne-02, MCB5-02]

Response 21-2: Comment noted. See Response 21-1. At this time, no practicable mitigation measures have been identified to mitigate the significant adverse indirect impacts to open space in the residential study area. The Proposed Actions include a special permit to allow for a bonus in density for developments that provide a covered pedestrian space. Refer to Chapter 25, "Conceptual Analysis" for more information.

Comment 21-3: The MSMX zoning proposal's incorporation of open space bonuses is also misguided. While some of the northern quadrants might benefit from additional open spaces, the South-east quadrant has readily accessible and well-used open spaces like Madison Square Park and Flatiron and Broadway Vision corridors. Instead of incentivizing problematic private plazas (POPS), the plan should tie residential development to mitigation measures supporting the continuing evolution of the public spaces that work well.

[Rose-07]

Response 21-3: Comment noted. Refer to Response 21-1 and 21-2.

Comment 21-4: We must ensure that this plan doesn't trade long-term livability for short-term housing targets. The proposed rezoning, particularly the blanket application of 18 FAR residential density, raised serious concerns. This rezoning will allow the highest residential density ever permitted in New York City, yet it lacks any open space mitigation in an area already underserved. The proposed FAR is so high that it may disincentivize participation in bonus programs, meaning fewer improvements to public open space, transit, and investments for landmarks.

[Chou-01, MCB5-07]

Response 21-4: Comment noted. Refer to Response 21-1 for further discussion of mitigation. It should be noted that 18 FAR residential is not proposed across the MSMX Rezoning Area – a large portion of the southwest quadrant is proposed to be mapped M1-8A/R11 which has a proposed residential FAR of 15. For further discussion of bonus programs, refer to Responses 1-14 for landmark transfer development rights and 1-45 for the covered pedestrian space special permit and transit authorization discretionary actions included in the MSMX plan. In addition, it's worth noting that the EIS, in order to remain conservative, does not analyze and account for open space improvements that are planned but not yet under capital construction. DCP is committed to working with its partner agencies to identify non-zoning tools to improve the public realm and quality of life in the MSMX Plan Area.

22. Unavoidable Significant Adverse Impacts

No comments related to this technical area were made.

23. Growth-Inducing Aspects

No comments related to this technical area were made.

24. Irreversible and Irretrievable Commitments of Resources

No comments related to this technical area were made.

25. Conceptual Analysis

No comments related to this technical area were made.

G. General

Comment G-1: Since COVID-19, it has been difficult to find tenants for commercial space in Midtown. The Proposed Actions would open doors to alleviate this problem.

[Benji-01, Boxer-01, Gural-01, Mintz-01]

Response G-1: Comment noted. .

Comment G-2: Allowing residential use in Midtown South will unlock the opportunity to utilize the 467-m state tax incentive that encourages office to residential conversions and requires affordability.

[DeCerbo-02, Steinwurtzel-04]

Response G-2: Comment noted. Refer to Response 1-3.

Comment G-3: A financial incentive supporting new start-ups for their first three years could provide security necessary for more businesses to flourish. A three-year investment would be realist and yield strong returns. Innovation within costume

technology only happens when major productions fund it, but true industry evolution requires proactive development. With strategic support, investing in small businesses like mine allows groundbreaking ideas to emerge, ensuring that New York remains the global leader in theatrical costume production despite rising rents and wage pressures putting innovation and artistry at risk.

[Johnson-03]

Response G-3: Comment noted. Refer to Response 3-1. The City has recognized the significance of the fashion ecosystem in the Study Area, and the City will continue to explore measures outside of zoning to support the industry in this area and throughout New York City.

Comment G-4: The City has failed to follow through on past commitments from the 2018 rezoning, including:

- Delivering a fraction of the $25m in pledged BID support funds;
- Abandoning the $20m set aside for a centralized garment production space;
- Failing to implement tax breaks meant to incentivize landlords to keep garment tenants;
- Suspending the Fashing Manufacturing Initiative (FMI) during the pandemic – with no follow-through on CFDA's offer to bring it back.

[Nicklos-02, Rappaport-04, Butler-05, Kolb-03]

Response G-4: Comment noted. This is outside the purview of this environmental review.

Comment G-5: I believe the MSMX Plan must incorporate the following changes before it moves forward.

- Prioritize adaptive reuse over demolition – we need conversions, not bulldozers.
- Restore and expand workforce programs, including a recommitment to the FMI and job training for local makers.
- Release the promised BID funds to support small businesses and re-establish the Special Programming Committee.
- Relaunch the building acquisition/IDA program, with clear guidance and promotion to landlords and tenants.
- Cap commercial FAR and adopt modest residential FAR to support stability while allowing growth.
- Offer targeted tax relief for fashion-related businesses to help us survive rising costs.
- Establish a Displacement Relief Fund to help businesses affected by development stay rooted in the district.

[Nicklos-05, Price-02, Rappaport-05, O'Sullivan-01]

Response G-5: Comment noted. Refer to Response 3-1 for the second, third, sixth and seventh bullet points. Refer to Response 2-5 for a response to the first points. The fourth and fifth bullet points are outside the purview of this environmental review.

Comment G-6: I am in favor of the MSMX Plan because it will benefit the community.

[Zelinger-01, Serraty-01, Fink-01, Galin-01]

Response G-6: Comment noted.

Comment G-7: CB5 also recognizes that the success of the MSMX plan in creating new housing over the next decade will rely on the efficacy of the 485-x tax abatement for projects larger than 99 units, the impact of MIH on the value of the 467-m conversion abatement including the imminent reduction in the length of the abatement on July 1, 2026, and the reduction in applications for new hotels due to the Special Permit requirement. All of these require the action of our State representatives and City Councilmembers.

[Sigman-05]

Response G-7: Comment noted. This is outside the purview of this environmental review.

Comment G-8: The proposal should require that all new construction install Con-Ed grids inside buildings rather than on public ways.

[HKNC-10]

Response G-8: Comment noted. This is outside the purview of this environmental review.

Comment G-9: I also urge you to support the requests of the New York Fashion Workforce Development Coalition [Comment G-5] and revise the MSMX Plan to accommodate these requests.

[Ehrenberg-02]

Response G-9: Comment noted. Refer to Responses 3-1 and G-5.

Comment G-10: The Garment District is where fashion starts in the city.

[Dershowitz-01]

Response G-10: Comment noted.

Comment G-11: Keep the USA at work. Designers, manufacturers, and day-to-day workers that make this city and country recognized in the world.

[Perez-01]

Response G-11: Comment noted.

Comment G-12: You cannot do this to the collection of designers and Broadway costumers who call the Garment District their home.

[Sheffer-01]

Response G-12: Comment noted. Refer to Response 3-1.

Comment G-13: The commercial buildings in the Northwest Quadrant allow me to conduct business by being purpose-built with floor plates and layouts that can support heavy/large machinery at relative affordable rents for a small business in Manhattan.

[Cafaro-02]

Response G-13: Comment noted. The proposed M1-8A/R11, M1-8A/R12, and M1-9A/R12 zoning district would continue to allow light manufacturing uses within the Affected Area.

Comment G-14: Many supporters of the plan have been leaning on outdated and out-of-context data- such as the 60% drop in manufacturing jobs since 2001 – but fail to state that those numbers largely come from retirements and rent hikes. The demand for manufacturing is still around, but many had to move across the river. Though some businesses have been moving away, many new types of businesses have been moving in to the area.

[Cafaro-03]

Response G-14: Comment noted. See Response G-13.

Comment G-15: At a recent public hearing for CB5, it was stated during the public session that these buildings are operating at roughly 20% occupancy. This does not reflect my daily anecdotal experience in the last few years. My team and I did research and a canvass of vacant spaces, going door-to-door speaking with landlords, buildings, and businesses. We found that most buildings in the area are over 80% occupied and counted only a small handful of vacant storefronts on each block. Additional information of my research is attached to my testimony.

[Cafaro-04]

Response G-14: Comment noted.

Comment G-15: I am writing to request that the MSMX Plan be revised to maintain industry and the vibrant historic character of the area.

[Rappaport-01]

Response G-15: Comment noted. Analyses of potential significant adverse impacts to business displacement, adverse effects on specific industries and historic and cultural resources are included in this EIS in Chapters 3, “Socioeconomic Conditions” and 7, “Historic and Cultural Resources”. According to the guidelines in the 2021 *CEQR Technical Manual,* the analyses determined that there would be no significant adverse impacts related to business displacement, specific industries or historic and cultural resources as a result of the Proposed Actions.

Comment G-16: If adopted, these protections [Comment G-5] will help to preserve the Garment District's current zoning protections to prevent the loss of manufacturing space, invest in building ownership models that allow industrial tenants to stay and grow, and prioritize capital funding and workforce development programs that directly support NYC's fashion production workforce.

[O'Sullivan-02]

Response G-16: Comment noted. As discussed in Response G-5, some of the referenced protections are beyond the purview of this environmental review. Regarding the fashion production workforce, the EIS analysis conducted in accordance with 2021 *CEQR Technical Manual* guidelines concluded that there would be no significant adverse impacts related to business displacement or effects on specific industries (see EIS Chapter 3, "Socioeconomic Conditions"). The City has recognized the significance of the fashion ecosystem in the Study Area, and the City will continue to explore measures outside of zoning to support the industry in this area and throughout New York City.

Comment G-16: I urge the Commission to recommit to the promises left unfinished: the building acquisition, the Fashion Manufacturing Initiative, and the Local Production Fund – and to go further. I proposed a dedicated destination-driven, public-facing hub: a permanent space for job fairs, pop-up retail, production services, and educational events.

[Hayden-03]

Response G-16: Comment noted. See Responses 3-1 and G-5.

Comment G-17: The Garment District is a unique and essential resource that is directly responsible for the high quality work being done in theater, film, TV, and fashion. Without it, several essential businesses will suffer or close entirely. It will also have a dramatic negative impact on the work being produced which will adversely impact revenue generated from ticket sales, local restaurants, and tourism to name only a few sectors.

[Wee-01]

Response G-17: Comment noted. See Response 3-1.

Comment G-18: The plan eliminates the Special Garment Center District Subdistrict A-1 and provisions a zoning framework that favors big-box retail and class A office space (99% of office space in the rezoning area is Class B or C). How is the City balancing the need for housing development with support for small businesses who want to remain in place but will not be able to afford Class A rent?

[Butler-04]

Response G-18: Comment noted. The RWCDS does not include the creation of any destination retail and includes an additional 462,129 gsf of local retail space among the 61 projected development sites. For further discussion of businesses that want to remain in the Affected Area, see Response 1-40, 1-51, 3-5, and G-13.

Comment G-18: Restrict lot mergers to ensure resulting construction does not result in "out of context" buildings.

[MCB4-08, Devlin-05]

Response G-18: Comment noted. This is outside the purview of this environmental review.

Comment G-19: Restrict mechanical voids to commercial as well as residential buildings.

[MCB4-11]

Response G-19: Comment noted. This is outside the purview of this application.

Comment G-20: Add new greenery including tree pits and 9-foot planters.

[MCB4-13]

Response G-20: Comment noted. Future development in the Rezoning Area would be required to comply with the Zoning Resolution's rules on street tree plantings.

Comment G-21: Increase the mix of dwelling units to include multiple bedroom homes.

[MCB4-14]

Response G-21: Comment noted. This is outside the purview of this environmental review. Zoning establishes the dwelling unit factor, but does not govern the mix of dwelling units in a development. Individual property owners determine the mix of unit types during building design

Comment G-22: CB5 has developed a set of 84 points of agreement that has passed in six committees and scheduled for a full board vote tomorrow, covering open space, sustainability, infrastructure priorities, as well as mental health, public safety, and tourism. These include recommendations to explore density bonuses that allow 18 FAR or more, but only when tied to meaningful community serving investments.

[Chou-03]

Response G-22: Comment noted.

Comment G-23: We have an oversaturation of social services entities on the 8th Avenue corridor that has created an extremely degraded neighborhood with no opportunity, economic opportunity, or otherwise. For the improvement of this neighborhood, residential stakeholders need to be introduced to object to the City and State consistently dumping social service entities in this neighborhood.

[Blair-01]

Response G-23: Comment noted. The oversaturation of social services within the Affected Area is outside the purview of this environmental review.

Comment G-24: Since COVID we lost in excess of 10,000 jobs in this area. Those jobs have not come back and buildings in the area are 25 to 35% empty in some cases, with virtually no new market available to it unless we create a new market, which would be in the case housing. Adding residents to the street would activate this neighborhood 24/7 and hopefully having a new stakeholder group on those streets would diminish the deplorable conditions that we see right now on 7th and 8th Avenues.

[Blair-02]

Response G-24: Comment noted.

Comment G-25: There are currently no incentives for the retention of manufacturing jobs. While DCP admits that within 10 years this area has lost 60% of fashion manufacturing jobs, there is no plan to address this. We ask City Planning and the Mayoral administration to revisit the unkept promises from the 2018 support package for fashion production and include parts of that package in this proposed rezoning.

[Tolbert-04]

Response G-25: Comment noted. Refer to Responses 1-25, and 3-1.

Comment G-26: Conversations with real estate industry contacts reveal that due to the high prevailing wage requirements of 485x for larger apartment buildings, many developers are focusing on smaller buildings or conversions under 467m. Additionally, as DCP has indicated, contacts believe that condominium buildings with MIH but without 485x may not be feasible. While this reflects the current situation, it could change as the housing shortage persists and tax abatements evolve.

[MCB5-14]

Response G-26: Comment noted. This is outside the purview of this environmental review.

Comment G-27: CB5 has prepared 83 Points of Agreement (POA) (refer to Appendix I) items to provide a comprehensive community-informed roadmap for advancing these goals; these recommendations not only respond to the needs of the existing neighborhood, but also aim to ensure that the new MSMX neighborhood includes the essential infrastructure, public facilities, and services required to support both current and future residents, workers, and visitors in the rezoning area, particularly in an area with limited City-owned land that restricts traditional investment routes.

[MCB5-16]

Response G-27: Comment noted.

Comment G-29: We acknowledge the need for thoughtful, forward-looking change for Midtown South. The neighborhood must evolve to meet housing and economic demands, and CFDA supports responsible development. But that change

should not come at the expense of New York's fashion industry, which has long been an anchor of creativity, jobs, and cultural relevance for this city.

[Kolb-01]

Response G-29: Comment noted. Refer to Response 3-1.

Comment G-30: We are a full-service costume shop that builds custom costumes for stage and screen. We build costumes for Broadway, off-Broadway, regional theatres, opera and dance companies, theme parks, cruise ships, arena shows and concerts, television, and film. Our work is seen around the world and is an integral part of the NYC economy. The historic Garment District is home to many of our vendors and is vital to our continued survival. Many of our vendors were unable to survive the pandemic, and pushing out those that remain would negatively impact our supply chain. Ensuring they will be able to continue their important contribution to our work is paramount.

[Blythe-01]

Response G-30: Comment noted. Refer to Response 3-1.