

# **TECHNICAL MEMORANDUM**

## **Analysis of the Proposed Zoning Text Amendment The Jamaica Plan (N 080022 ZRQ)**

**August 3, 2007**

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The Jamaica Plan, a comprehensive zoning and planning strategy for 368 blocks in Jamaica, Queens, was approved with modifications by the City Planning Commission (CPC) on July 11, 2007. Those modifications included changes to the proposed zoning map and text amendments that were analyzed in a technical memorandum dated July 11, 2007 (the "July 11 Technical Memorandum"). The July 11 Technical Memorandum examined an Affordable Housing Alternative and concluded that the proposed modifications would have no significant adverse impacts beyond those disclosed in the Final Environmental Impact Statement (FEIS), dated June 29, 2007. The Jamaica Plan is proposed to support Jamaica's downtown business district, expand housing and economic opportunities along the area's major thoroughfares and preserve the character of low-rise residential neighborhoods. The Jamaica Plan, as modified, is composed of City zoning map (ULURP # C 070314 (A) ZMQ) and text amendments (ULURP # N 070315 (A) ZRQ), an Urban Renewal Plan (ULURP # C 070316 HUQ) and designation (ULURP # N 070317 HGQ), disposition of City property within the proposed Jamaica Gateway Urban Renewal Plan (ULURP # C 070322 HDQ), disposition of a City-owned property outside the urban renewal area (ULURP # C 070318 PPQ) and an amendment to the City Map (ULURP # C 070158 MMQ), and is currently under review by the City Council. The City Council held a public hearing on July 23, 2007 and is expected to vote on all of these applications on September 10, 2007.

The Department of City Planning (DCP) is proposing a follow-up zoning text amendment that would increase the maximum allowable building height in the proposed C6-4 district from 250 feet to 290 feet and to remove the 20-foot rear yard requirement for non-residential uses in the proposed C6-4 district and properties adjacent to the LIRR viaduct. The purpose of this technical memorandum is to examine this proposed follow-up zoning text amendment (N 080022 ZRQ) to determine if it could result in any significant adverse environmental impacts not already identified in the FEIS or July 11 Technical Memorandum. As described in detail below, this technical memorandum concludes that the proposed follow-up zoning text amendment would not result in any new or increased significant adverse environmental impacts not already identified in the FEIS.

### **I. DESCRIPTION OF PROPOSED FOLLOW-UP ZONING TEXT AMENDMENT**

During the City Planning Commission (CPC) public review of the FEIS and above-listed ULURP applications, several speakers requested modifications to the proposed zoning text that would allow more flexibility for development on critical downtown sites near the JFK AirTrain and Long Island Rail Road (LIRR) Station complex. The CPC recognized the unique development constraints of these sites, but could not incorporate the requested text changes into the Jamaica Plan zoning text amendment, as modified by the CPC, which is currently pending before the City Council (N 070315 (A) ZRQ), because the changes would have been beyond the scope of the application. The CPC, therefore, requested that the Department of City Planning draft a follow-up zoning text amendment that would address this issue. The proposed follow-up zoning text amendment (N 080022 ZRQ) would increase the maximum building height in the proposed C6-4 district from 250 feet to 290 feet and remove the 20-foot rear yard

requirement for non-residential uses in the proposed C6-4 district and properties adjacent to the LIRR viaduct.

### **Purpose and Need**

The Jamaica Plan proposes a carefully defined range of densities. It is essential, as part of the Plan's strategy, that development occurs, particularly within the proposed C6-4 district near the JFK AirTrain and LIRR stations, to create a critical mass of density that draws in private investment and continues to revitalize Jamaica. But the redevelopment of these key properties is likely to be constrained by their often shallow depths or irregular configurations along the LIRR tracks. Providing a 20-foot rear yard would be an additional development constraint on these sites, particularly for planned non-residential developments which typically need larger floorplates. The proposed text change would eliminate this non-residential rear yard requirement.

The Jamaica Plan elements currently before the City Council include incentives for affordable housing that would increase the maximum floor area ratio from 9.0 to 12.0 for any future development within the proposed C6-4 district. These properties, strategically located near the AirTrain and LIRR stations, are also in the proposed Jamaica Gateway Urban Renewal Area where residential and commercial developments are anticipated. An increase in the maximum building height from 250 feet to 290 feet would allow for the typically smaller floor plates for residential and mixed-use buildings, thereby, increasing the likelihood that the affordable housing bonus floor area could be accommodated on these sites.

### **Proposed Zoning Text Amendment**

The proposed zoning text amendment (N 080022 ZRQ) affects sections 115-22 and 115-234 of the Jamaica Plan zoning text amendment currently pending before the City Council (N 070315 (A) ZRQ).

#### **115-22 Modification of Rear Yard Regulations**

**#Rear yard# requirements shall not apply to non-#residential uses# along such portion of a #lot line# that coincides with a boundary of a railroad right-of-way, or in any portion of a C6-4 District.**

Typically in C6 and M1 districts a 20 foot rear yard is required on any interior lot for non-residential developments. (No rear yard is required for corner lots.) The proposed zoning text amendment would eliminate the rear yard requirement for non residential development on properties abutting the railroad right-of-way or in any portion of the C6-4 district, and provide additional efficiencies for these uses which typically need larger floorplates.

#### **115-234 Maximum Building Height**

##### **C4 C6**

**In C6-2 and C6-3 Districts, no #building or other structure# shall exceed a height of 250 feet. In C6-4 Districts, no #building or other structure# shall exceed a height of 290 feet.**

The Jamaica Plan zoning text amendment currently pending before the City Council (N 070315 (A) ZRQ) sets a height limit of 250 feet for future development in the proposed C6-4 district. The proposed zoning text amendment would increase the height limit to 290 feet allowing for the typically smaller floorplates for residential and mixed-use development.

The area affected by the proposed follow-up zoning text amendment includes two blocks located east of the JFK AirTrain and LIRR Station complex, two blocks located east of 150th Street and south of Archer Avenue, and two blocks south of Archer Avenue between 165th and 168th Streets (See Figure 1). These properties are located in the proposed *Special Downtown Jamaica District* proposed in the zoning text amendment application currently pending before the City Council (N 070315 (A) ZRQ). The Reasonable

Worst Case Development Scenario (RWCDS) developed for the FEIS identified four projected development sites (sites 298, 299, 300, and 302) and three potential development sites (sites 301, 420, and 473) within this area. The increases in permitted height from 250 to 290 feet would affect only projected sites 299, 300, and 302. The other projected and potential sites within this area would be affected by the rear yard provisions of the proposed follow-up zoning text amendment only. The proposed follow-up zoning text amendment would not result in changes to the expected development program on these projected and potential sites (i.e., the uses and density of development on these sites would remain the same, as would the number of projected affordable units). While the heights under the proposed follow-up zoning text amendment would be greater than those analyzed under the proposed action in the FEIS for projected sites 299, 300, and 302, the 290-foot height limit was analyzed on these sites under the Affordable Housing Alternative in Chapter 23, “Alternatives,” of the FEIS.

## **II. POTENTIAL FOR SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS FROM THE PROPOSED ZONING TEXT AMENDMENT**

### **A. Land Use, Zoning and Public Policy**

As described above, the proposed follow-up zoning text amendment would increase the maximum building height in the proposed C6-4 district from 250 feet to 290 feet and remove the 20-foot rear yard requirement for non-residential uses in the proposed C6-4 district and properties adjacent to the LIRR viaduct. These changes are necessary given the area’s location along the LIRR tracks and would allow flexibility in design that would allow for the buildout of the development sites in the affected area. The proposed follow-up zoning text amendment would support the goal of revitalizing the Downtown Jamaica area with a mix of residential and commercial uses. Therefore, as concluded in the FEIS and the July 11 Technical Memorandum, the proposed follow-up zoning text amendment would not result in any new significant adverse impacts to land use, zoning, and public policy.

### **B. Socioeconomic Conditions**

The proposed follow-up zoning text amendment would not result in any changes to the development program in the RWCDS as presented in the July 11 Technical Memorandum. Therefore, the conclusions of the FEIS and the July 11 Technical Memorandum with regard to socioeconomic conditions, that the Inclusionary Housing bonus under the Affordable Housing Alternative partially mitigates the proposed actions’ significant adverse impact with respect to indirect residential displacement, would not change. Overall, the proposed follow-up zoning text amendment would not result in any significant adverse socioeconomic impacts not identified in the FEIS.

### **C. Community Facilities**

As described above, the proposed follow-up zoning text amendment would not result in changes to the total number of residential units or the number of affordable units compared to the RWCDS identified in the FEIS or July 11 Technical Memorandum.

#### *PUBLIC SCHOOLS*

Because the projected population and income mix of new residents would not change under the proposed follow-up zoning text amendment, the conclusions of the July 11 Technical Memorandum with respect to public schools would not change. Under the proposed follow-up zoning text amendment, there would be no significant adverse impact on public elementary, middle, or high schools.

#### *LIBRARIES*

Because the new population introduced to the area would not be increased compared to what was analyzed in the FEIS and the July 11 Technical Memorandum, the conclusion with respect to the libraries

analysis would not change. There would be no significant adverse impact on public libraries under the proposed follow-up zoning text amendment.

#### *DAY CARE*

Because the projected population of new low- and moderate-income residents would not change under the proposed follow-up zoning text amendment, the conclusions of the July 11 Technical Memorandum with respect to day care would not change. The proposed follow-up zoning text amendment, like the Affordable Housing Alternative analyzed in the July 11 Technical Memorandum, would result in a significant adverse impact on publicly funded day care facilities.

#### *HEALTH CARE*

The number of affordable dwelling units that would occur with the proposed follow-up zoning text amendment would remain the same. Therefore, as under the Affordable Housing Alternative analyzed in the July 11 Technical Memorandum, under the proposed follow-up zoning text amendment there would be no significant adverse impact on health care facilities.

#### *POLICE AND FIRE PROTECTION SERVICES*

The residential and community facility development that would occur with the proposed follow-up zoning text amendment would remain the same as under the July 11 Technical Memorandum. As under the Affordable Housing Alternative analyzed in that technical memorandum, under the proposed follow-up zoning text amendment there would be no significant adverse impact on police and fire protection services.

#### **D. Open Space**

Because the new residential and worker populations introduced to the area would not be increased compared to what was analyzed in the FEIS and the previous technical memorandum, the conclusion with respect to open space would not change nor would the waiver of the rear yard requirement affect any open space calculations pursuant to the CEQR Technical Manual. It was concluded that the Affordable Housing Alternative would continue to have the potential to result in a significant adverse impact on passive open spaces (residents and non-residents) in the non-residential study area and on passive open space ratios for the combined (total) non-residential and residential populations in the residential study area. This impact would be no greater or less in extent than that identified in the previous technical memorandum. Thus, the proposed mitigation would remain unchanged.

#### **E. Shadows**

As described above, the proposed follow-up zoning text amendment would result in buildings of up to 290 feet on three projected development sites. Buildings of this height were analyzed on these sites under the Affordable Housing Alternative in the FEIS, and therefore this modification to the ULURP application would not alter the conclusions of the FEIS. With this modification, the significant adverse shadow impacts on the Atlantic Avenue Extension Park and on Grace Episcopal Church would remain and would be of the same extent and duration.

#### **F. Historic Resources**

The proposed follow-up zoning text amendment would not alter the FEIS conclusions with respect to historic resources. The number and location of projected and potential development sites, as well as the building heights on these, would be the same as those analyzed in the July 11 Technical Memorandum and there would be no new significant adverse impacts to historic resources beyond those disclosed in the FEIS.

#### **G. Urban Design and Visual Resources**

The proposed follow-up zoning text amendment would waive rear yard requirements and allow 290-foot buildings on certain sites adjacent to the LIRR tracks. The 290-foot building heights were already considered under the Affordable Housing Alternative in the FEIS. The waiver of the 20-foot rear yard requirement would not result in any changes visible from the street and therefore would not affect the urban design or visual resources analysis previously performed. Therefore, as concluded in the FEIS and the July 11 Technical Memorandum, there would be no significant adverse impacts on urban design or visual resources.

#### **H. Neighborhood Character**

The proposed follow-up zoning text amendment would not affect the conclusions of any of the analysis areas that comprise neighborhood character. Therefore, as was concluded in the FEIS and the July 11 Technical Memorandum, there would be no significant adverse impact on neighborhood character.

#### **I. Natural Resources**

The proposed follow-up zoning text amendment would not alter the number of previously analyzed development sites. Thus, as disclosed in the FEIS, the proposed follow-up zoning text amendment would not result in significant adverse impacts on natural resources.

#### **J. Hazardous Materials**

With the proposed follow-up zoning text amendment, the RWCDs projected and potential sites would be the same as those analyzed in the July 11 Technical Memorandum. Therefore, no new (E) designations would be needed, and the proposed follow-up zoning text amendment would not result in any new significant adverse hazardous materials impacts not identified in the FEIS.

#### **K. Waterfront Revitalization Program**

The project area is not located within the coastal zone, and therefore a coastal zone consistency analysis is not required.

#### **L. Infrastructure**

As described above, the density of projected development would be the same under the proposed follow-up zoning text amendment as that analyzed in the FEIS and the July 11 Technical Memorandum. Therefore, these proposed follow-up zoning text amendment would not result in significant adverse impacts on infrastructure.

#### **M. Solid Waste and Sanitation Services**

The density of projected development would be the same under the proposed follow-up zoning text amendment as that analyzed in the FEIS and the July 11 Technical Memorandum. Thus, as a result of the proposed follow-up zoning text amendment, there would be no significant adverse impact on solid waste and sanitation services.

#### **N. Energy**

The density of projected development would be the same under the proposed follow-up zoning text amendment as that analyzed in the FEIS and the July 11 Technical Memorandum. There would be no significant adverse impact on energy systems.

#### **O. Traffic and Parking**

The proposed follow-up zoning text amendment would not result in any changes to the RWCDs as analyzed in the July 11 Technical Memorandum for CPC modifications, and therefore there would be no changes in trip generation or traffic and parking. As under the Affordable Housing Alternative analyzed in the FEIS and under the CPC modifications analyzed in the July 11 Technical Memorandum, mitigation would be necessary at various intersections, and there would be unmitigated impacts at seven

intersections. Because the proposed follow-up zoning text amendment would not result in any changes to parking requirements or utilization, the proposed follow-up zoning text amendment, like the CPC modifications analyzed in the July 11 Technical Memorandum, would therefore not result in any significant adverse traffic or parking impacts not already identified in the FEIS.

**P. Transit and Pedestrians**

Because the proposed follow-up zoning text amendment would not result in any changes to the RWCDs as analyzed in the July 11 Technical Memorandum for CPC modifications, there would be no changes to transit and pedestrian demand. As described in the July 11 Technical Memorandum, there would be impacts to eight bus routes (NYCT's Q30, Q43 and Q54, and MTA's Buses Q6, Q8, Q40, Q41 and Q60). Under the proposed follow-up zoning text amendment, the same mitigation measures would be required to address these impacts. The proposed follow-up zoning text amendment would therefore not result in any new significant adverse transit or pedestrian impacts not already identified in the FEIS.

**Q. Air Quality**

*MOBILE SOURCES*

The proposed follow-up zoning text amendment would result in the same number of vehicle trips as compared to the CPC modification analyzed in the July 11 Technical Memorandum. Therefore, as under the CPC modifications previously analyzed, the proposed follow-up zoning text amendment would not be expected to result in air quality impacts or violations of air quality standards from mobile sources, given that conditions under the proposed actions are well below the standard.

*STATIONARY SOURCES*

*HVAC Source Analyses*

With the proposed follow-up zoning text amendment, the RWCDs site locations and building heights for the projected and potential sites would be the same as under the July 11 Technical Memorandum. Since air quality analysis for building façades were based on the maximum impact at the property lines, elimination of the rear yard would not impact these analyses. Therefore, the (E) designations needed in order to avoid significant adverse impacts from individual sources and cumulative impacts would be the same as those listed in Attachment C of that document.

*Industrial Source Analysis*

As described above, with the proposed follow-up zoning text amendment, the RWCDs site locations and building heights for the projected and potential sites would be the same as under the July 11 Technical Memorandum. Since the air quality analysis for building façades was based on the maximum impact at the property lines, waiver of the rear yard requirement would not impact these analyses. Therefore, the (E) designations needed in order to avoid significant adverse impacts from industrial sources would be the same as those listed in Attachment C of that document.

**R. Noise**

Like the affordable Housing Alternative and the CPC modifications analyzed in the July 11 Technical Memorandum, the proposed follow-up zoning text amendment would not result in significant adverse noise impacts. As described above under "Traffic and Parking," the proposed follow-up zoning text amendment would not result in changes to traffic. As under the Affordable Housing Alternative analyzed in the FEIS, increases in noise from traffic would not result in significant adverse impacts.

The RWCDs projected and potential development sites would be the same as those analyzed in the July 11 Technical Memorandum. Since noise analyses are based on property line boundaries, the waiver of the rear yard requirement would not alter the conclusions of the FEIS with respect to the noise attenuation analyses. Therefore, the (E) designations needed in order to avoid significant adverse noise impacts would be the same as those listed in Attachment C of the July 11 Technical Memorandum.

**S. Construction**

The effects of construction would be the same with the proposed follow-up zoning text amendment as with the CPC modifications analyzed in the July 11 Technical Memorandum, as the analyzed locations, height, and density of projected development would not change. Therefore, the proposed follow-up zoning text amendment would not result in any significant adverse construction impacts not identified in the July 11 Technical Memorandum and the FEIS.

**T. Public Health**

The proposed follow-up zoning text amendment would result in the same effects on public health as the CPC modification analyzed in the July 11 Technical Memorandum. No activities are proposed that would exceed accepted City, state, or federal standards with respect to public health. As described above, the same (E) designations would be required to protect public health. Thus, these proposed follow-up zoning text amendment would not result in any new significant adverse public health impacts not already identified in the FEIS.

**U. Mitigation**

As described above, the mitigation required with the proposed follow-up zoning text amendment would be the same as that required for the CPC modifications analyzed in the July 11 Technical Memorandum.

**V. Unavoidable Adverse Impacts**

These proposed follow-up zoning text amendment would not result in any changes to the unmitigated significant adverse impacts disclosed for the Affordable Housing Alternative in the FEIS or the July 11 Technical Memorandum. \*