

Appendix J: Conceptual Analysis of Proposed Text Amendments

CONCEPTUAL ANALYSIS OF PROPOSED TEXT AMENDMENTS

The proposed actions include amendments to the text of the NYC *Zoning Resolution* to establish the Special Downtown Jamaica District (SDJD), which includes a City Planning Commission (CPC) special permit in *Zoning Resolution* (ZR) Section 115-60 (Special Permit to Modify Use or Bulk Regulations). Under the proposed Section 115-60, the CPC may authorize a special permit to modify of the use or bulk regulations within the proposed SDJD. More specifically, the special permit provision would apply to any development, enlargement, alteration or change of use on a zoning lot within the SDJD.

The directly affected area consists of the SDJD, which is proposed to extend over all or portions of 71 blocks and located entirely within the 778-acre project area (see Figure 1-5, Chapter 1-Project Description). The proposed SDJD is generally bounded by 169th Street to the west, 138th Place to the east, Hillside Avenue to the north, and Liberty Avenue to the south. The SDJD would consist of four distinct subareas with floor area ratios (FAR) ranging from 2 to 12. The area's current zoning—which consists of C4-2, C4-6, C6-1, C6-1A, R5, R6, M1-1, M1-4 and M1-5 zoning districts—would be changed to M1-4, C4-4A, C4-5X, C6-2, C6-3, and C6-4 zoning districts.

Properties within the proposed SDJD would be subject to special bulk, use, parking, and urban design provisions that would supplement or supersede its underlying zoning district. The objectives of the proposed special district focus on achieving a strong visual presence at the transportation center core, establishing strong visual and physical connections between Jamaica's transportation hubs, and reinforcing street wall and retail continuity along major corridors. The proposed special permit provisions of the text amendment are intended to give future developments greater flexibility in achieving a superior site design.

The proposed text amendment is as follows (matter within # # is defined in Section 12-10):

115-60

SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS

For any #development#, #enlargement#, alteration or change of #use# on a #zoning lot# within the #Special Downtown Jamaica District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, except #floor area ratio# provisions, provided the Commission shall find that such:

(a) *modification will aid in achieving the general purposes and intent of the Special District;*

(b) *#use# modification will encourage a lively pedestrian environment along the #street# or mandatory sidewalk widening, or is necessary for and the only practicable way to achieve the programmatic requirements of the #development#;*

- (c) *#bulk# modifications will enhance the distribution of #bulk# on the #zoning lot#;*
- (d) *#bulk# modifications will permit adequate access of light and air to surrounding #streets# and properties; and*
- (e) *#development# or #enlargement# will relate harmoniously to the character of the surrounding area.*

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

The DEIS has identified 44 projected and 101 potential development sites within the SDJD. It is expected that development on these sites would occur without the use of the provisions, and therefore the DEIS analyses of these sites does not assume use of the special provisions.

Because the proposed special permit provisions would not allow additional floor area to be achieved on a development sites, the proposed text amendment would not induce any new or additional development not already analyzed in the DEIS.

Consequently, the proposed special permit provisions would not affect those environmental analysis areas that are influenced by a development's floor area – these areas include socioeconomic conditions; community facilities; indirect effects to open space, indirect effects to historic resources; natural resources⁶⁷; hazardous materials; waterfront revitalization plan; infrastructure; solid waste and sanitation services; energy; traffic and parking; transit and pedestrians; air quality; or noise. Those environmental areas in which the proposed zoning text amendment may result in different effects than development without the text amendment are land use, zoning, and public policy; shadows (including shadow effects on open space and historic resources); urban design and visual resources, and neighborhood character.

It is not possible to predict where or how often the provisions of the text would be used on sites in the future since the waivers provided by the text are site-specific and would depend on specific development plans not known at this time. Therefore, a site specific analysis cannot be provided. As part of the proposed text amendment, certain findings related to land use, zoning, and public policy; shadows; urban design and visual resources; and neighborhood character would need to be made, as outlined above. Specifically, the findings ensure that the proposed development achieves and lively pedestrian environment, provides adequate access of light and air, and that the proposed development relates harmoniously to the character of the surrounding area. These findings would ensure that no significant adverse impacts related to land use, zoning, and public policy; shadows; urban design and visual resources; and neighborhood character. Furthermore, any given development that utilizes the proposed text amendment would be assessed and disclosed to the public under and pursuant to a separate environmental review.