



IN THE MATTER OF an application submitted by Robert Thomas pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13d:

1. changing from an R5 District to an R5D District property bounded by Metropolitan Avenue, 79th Street, a line midway between Metropolitan Avenue and 67th Road, and a line 50 feet westerly of 79th Street; and
2. establishing within the proposed R5D District a C2-3 District bounded by Metropolitan Avenue, 79th Street, a line midway between Metropolitan Avenue and 67th Road, and a line 50 feet westerly of 79th Street;

Borough of Queens, Community District 5, as shown on a diagram (for illustrative purposes only) dated April 25, 2022, and subject to the conditions of CEQR Declaration E-664.

This application for a zoning map amendment was filed by Robert Thomas on October 14, 2021, (C 220133 ZMQ). The proposed action would facilitate a two-story enlargement of an existing one-story building located at 78-46 Metropolitan Avenue in the Middle Village neighborhood of Queens Community District 5.

BACKGROUND

The applicant seeks a zoning map amendment to change an R5 zoning district to an R5D zoning district with a C2-3 commercial overlay. The project area (Block 3776, Lots 30 and 31) is located on the northeastern corner of a block bound by Metropolitan Avenue to the north, 79th Street to the east, 67th Road to the south and 78th Street to the west. The project area contains the development site (Lot 31), as well as another lot that is now owned or controlled by the applicant (Lot 30).

In 2006, the Middle Village-Glendale Rezoning (C 060153 ZMQ) rezoned approximately 161 blocks, from R3-2, R4 and R5 zoning districts to R3X, R4A, R4B, R4-1, R5B and R6B zoning districts. The rezoning aimed to preserve the area's predominantly low-density character and ensure that future residential development would be consistent with the surrounding

neighborhood. The rezoning established a higher density residential district along a portion of Metropolitan Avenue to address the need for new housing. In addition, C1-2 and C2-2 commercial overlays were amended to C1-3 and C2-3 commercial overlays to reduce off-street parking requirements.

The surrounding area is developed with a mix of residential, commercial, community facility, and open space uses. The areas to the north and south of the project area are mapped with R4, R4A and R4-1 contextual districts and consist of two-to-three story attached and semi-attached residences. Metropolitan Avenue is a 100-foot-wide, major east-west commercial corridor that spans from Williamsburg, Brooklyn to the west, and Jamaica, Queens to the east, and includes a wide range of local retail and service uses, including medical and professional offices, beauty salons, and eating and drinking establishments. The portion of Metropolitan Avenue that includes the project area is mapped with an R5 district with a C1-3 commercial overlay west of the project area and a C2-3 overlay to the east and is primarily developed with one- to four-story mixed-use buildings with commercial uses on the ground floor and residential uses above. The areas directly to the north and south of the project area are mapped with an R5 zoning district and are characterized by two- to three-story, one-, two-, and multi-family walk-up residential buildings.

Community facility uses in the area include P.S. 87, located three blocks southeast of the project area on 80th Street; P.S. 49, located approximately four blocks north of the project area on Penelope Street; and P.S. 128, located approximately one mile west of the project area on Juniper Valley Road.

Open space in the area includes St. John's Cemetery, which is located one block east of the project area, and All Faiths Cemetery, which is located three blocks to the southwest. Juniper Valley Park is a well-utilized park located approximately one half-mile north of the project area, comprised of approximately 55 acres and includes amenities such as tennis courts, a hockey rink, a running track, and more.

The surrounding area is served by subway and bus lines. The Metropolitan Avenue subway station, which provides service to the M subway line, is located approximately 0.75 miles west of the project area. The Q54 bus line, with service between Jamaica and Williamsburg, runs along Metropolitan Avenue with a stop located directly in front of the project area at the corner of Metropolitan Avenue and 79th Street. A bus stop located one block east of the project area at the intersection of 80th Street and Metropolitan Avenue serves the Q54, Q47, and Q29 bus lines with service to Atlas Mall, LaGuardia Airport, Jackson Heights, and Glendale.

The project area has been mapped with an R5 zoning district since 1961. The R5 district extends along Metropolitan Avenue between 80th Street to the east, All Faith Cemetery to the west, north along 80th Street, and south along 73rd Place. R5 districts are low-density non-contextual residential zoning districts that allow a maximum floor area ratio (FAR) of 1.25 for residential uses. R5 zoning districts allow a maximum street wall height of 30 feet, above which the building must be set back 15 feet and may rise to a maximum building height of 40 feet. Off-street parking is required for 85 percent of the dwelling units. For blocks entirely within R5 zoning districts, the regulations for predominately developed areas may be applied to permit a maximum residential FAR of 1.65.

The development site (Lot 31) is owned by the applicant and has approximately 25 feet of frontage along Metropolitan Avenue and approximately 106 feet of frontage along 79th Street. The development site is comprised of a single-story commercial building that consists of a non-conforming veterinary clinic, totaling approximately 2,553 square feet. Lot 30, which is not owned by the applicant, has approximately 25 feet of frontage on Metropolitan Avenue and is improved with a non-conforming three-story mixed-use building containing a medical office on the ground floor with residential uses above, totaling approximately 4,670 square feet.

The applicant proposes to enlarge the existing one-story building on the development site to include two additional stories, totaling approximately 4,985 square feet of floor area (1.94 FAR). The development would include the existing approximately 2,435 square feet of commercial ground use on the ground floor, and approximately 2,550 square feet of new residential use on the second and third floors. The building would rise to a maximum building height of 33 feet,

with a 41-foot setback provided at the second floor at the Metropolitan Avenue frontage, and an approximately 55-foot setback provided along the interior lot line.

To facilitate this development, the applicant proposes a zoning map amendment to change an R5 zoning district to an R5D zoning district with a C2-3 commercial overlay. The proposed R5D zoning districts is a contextual zoning districts that allows a variety of housing types at a maximum FAR of 2.0., it typically produces moderate-density, multi-family housing. The maximum building height is 40 feet and 45 feet with a qualifying ground floor. Off-street parking is not permitted in front of the building and is required for 66 percent of the dwelling units in the building, but requirements are lower for income-restricted housing units and are further modified within the Transit Zone. Curb cuts are not permitted on a wide street if the zoning lot also fronts on a narrow street.

C2-3 zoning districts are commercial overlay districts mapped within residential neighborhoods along streets that serve local retail needs. In mixed buildings, commercial uses are limited to one or two floors and must always be located below the residential use. When commercial overlays are mapped in R1 through R5 districts, the maximum commercial FAR is 1.0. The proposed C2-3 commercial overlay would bring the existing legal non-conforming commercial establishments located within the project area into conformance.

ENVIRONMENTAL REVIEW

The application (C 220113 ZMQ) was reviewed pursuant to the New York State Environmental Quality Review (SEQRA), and SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. This designated CEQR numbers is 22DCP092Q.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on April 25, 2022. It includes an (E) designation to avoid the potential for significant adverse impacts related air quality and noise (E-664). The requirements of the (E)

designation are described in the Environmental Assessment Statement and Negative Declaration.

UNIFORM LAND USE REVIEW

On April 25, 2022, this application (C 220133 ZMQ) was certified as complete by the Department of City Planning and duly referred to Queens Community Board 5 and the Queens Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

On June 8, 2022, Queens Community Board 5 held a public hearing on this application (C 220133 ZMQ) and, on that date, by a vote of 42 in favor, none opposed, and four abstaining, adopted a resolution recommending approval of the application.

Borough President Recommendation

On June 30, 2022, the Queens Borough President held a public hearing on this application (C 220133 ZMQ) and on July 19, 2022, issued a recommendation approving the application with the following conditions:

- There should be a goal of 30% local hiring, M/WBE and/or union labor with regard to the proposed enlargement construction, which should be reported quarterly to my office;
- The Applicant should use sustainable building materials and energy system(s) within the proposed enlargement where applicable; and
- The Applicant should meet CB5's condition.”

City Planning Commission Public Hearing

On August 10, 2022 (Calendar No. 13), the City Planning Commission scheduled August 24, 2022, for a public hearing on this application (C 200133 ZMQ). The hearing was duly held on August 24, 2022 (Calendar No. 15), one speaker testified in favor of the application and none in opposition.

The applicant's representative described the requested zoning map amendment and the goals and objectives of the proposed development. The representative stated that the applicant proposed the

zoning map amendment to facilitate the enlargement of the existing one-story building with two additional stories. He explained that the proposed commercial overlay would bring the existing legal non-conforming commercial establishments located within the proposed project area into conformance and the proposed development would be in context with the existing character of the area.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that this zoning map amendment (C 220133 ZMQ) is appropriate.

The proposed zoning map amendment will rezone the project area from an R5 zoning district to an R5D/C2-3 zoning district. The R5D zoning district is a contextual residential district designed to encourage residential growth along major corridors, such as Metropolitan Avenue. The Commission believes this increase in allowable residential density between the existing R5 zoning district and the proposed R5D zoning district is appropriate along Metropolitan Avenue and is consistent with the existing built environment within the surrounding area. In addition, the Commission believes the proximity to open spaces and transit makes this proposal appropriate for this area.

The Commission recognizes that the proposed building design would have a minimal impact on the views from Metropolitan Avenue and the proposed height and setbacks are in consistent with adjacent buildings. The Commission believes that the proposed C2-3 commercial overlay is appropriate, as it reflects the existing uses within the area and reinforces the commercial character on this section of Metropolitan Avenue by creating a continuous commercial frontage and activating the streetscape. The proposed C2-3 commercial overlay is appropriately located with an existing C2-3 overlay mapped on the block directly east of the project area. The Commission recognizes that the proposed C2-3 commercial overlay will also bring the existing legal non-conforming commercial establishments located within the proposed project area into conformance.

RESOLUTION

RESOLVED, that the having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on April 25, 2022, with respect to this application (CEQR No. 22DCP092Q), the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No 13d:

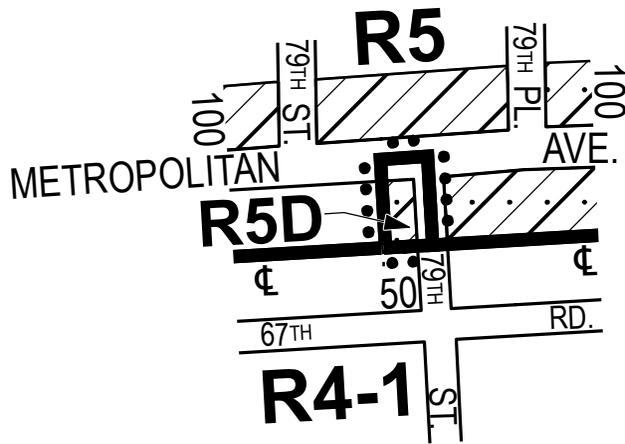
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Borough of Queens, Community District 5, as shown on a diagram (for illustrative purposes only) dated April 25, 2022, and subject to the conditions of CEQR Declaration E-664.

The above resolution (C 220133 ZMQ), duly adopted by the City Planning Commission on September 21, 2022 (Calendar No. 3), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

DANIEL R. GARODNICK, Esq., *Chair*
KENNETH J. KNUCKLES, Esq., *Vice-Chairman*
LEILA BOZORG, DAVID J. BURNEY, ALFRED C. CERULLO III, JOSEPH I. DOUEK, RICHARD W. EADDY, DAVID GOLD, RASMIA KIRMANI-FRYE, ORLANDO MARIN, JUAN CAMILO OSORIO, RAJ RAMPERSHAD, *Commissioners*

LEAH GOODRIDGE, *Commissioner, ABSTAINING*

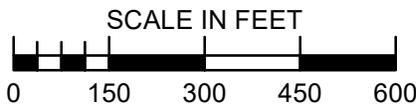


CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP
13d
 BOROUGH OF
QUEENS



New York, Certification Date:
 April 25, 2022

S. Lenard, Director
 Technical Review Division



NOTE:

- Indicates Zoning District Boundary
- The area enclosed by the dotted line is proposed to be rezoned by changing an existing R5 District to an R5D District and by establishing a C2-3 District within the proposed R5D District.

Indicates a C1-3 District

Indicates a C2-3 District



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 78-46 Metropolitan Avenue Rezoning	
Applicant: Robert Thomas	Applicant's Primary Contact: Richard Lobel
Application # 220133ZMQ	Borough:
CEQR Number: 22DCP092Q	Validated Community Districts: Q05

Docket Description:
 IN THE MATTER OF an application submitted by Robert Thomas pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13d:

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Borough of Queens, Community District 5, as shown on a diagram (for illustrative purposes only) dated April 25, 2022, and subject to the conditions of CEQR Declaration E-664.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable			
# In Favor: 42	# Against: 0	# Abstaining: 4	Total members appointed to the board: 50
Date of Vote: 6/8/2022 4:00 AM		Vote Location: Remotely via Zoom	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 5/11/2022 11:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Remotely via Zoom

CONSIDERATION: The 2 story residential addition, with set backs on both floors, as proposed, will not alter the essential character of the neighborhood.

Recommendation submitted by	QN CB5	Date: 6/27/2022 9:00 PM
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Queens Borough President Recommendation

APPLICATION: ULURP #220133 ZMQ

COMMUNITY BOARD: Q05

DOCKET DESCRIPTION

ULURP #220133 ZMQ – IN THE MATTER OF an application submitted by Robert Thomas pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13d:

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PUBLIC HEARING

A Public Hearing was held by the Queens Borough President via Zoom webinar and livestreamed on www.queensbp.org on Thursday, June 30, 2022 at 9:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were no speakers. The hearing was closed.

CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- This application is proposing to rezone an existing R5 District to an R5D District with a C2-3 Overlay. The area to be rezoned (Block 3776, Lot 30 and 31) is bounded by Metropolitan Avenue, 79th Street, a line midway between Metropolitan and 67th Road and a line 50 feet west of 79th St. The proposed rezoning would allow for the enlargement of a one-story building, and bring the existing ground-floor veterinary clinic into conformance;
- The applicant is proposing to add two additional stories to this building, bringing the total square footage (SF) from 2,553 (1.0 FAR) to 4,985 (1.94 FAR). The proposed enlargement would add 2,550 SF of residential space (or roughly two dwelling units) to the building for a total of three stories. The existing and proposed zonings have a 2.0 FAR limit, but an R5D District includes uses for veterinary medicinal offices. No parking spaces are required under this zoning. The Applicant intends for veterinary staff to occupy the new dwelling units;
- The Development Site (Block 3776, Lot 31) has frontage along Metropolitan Avenue and 79th Street. As discussed, the current use on the Development Site is a two-story veterinary medical office. In 1993, the Clinic was listed as an “Animal Hospital” (UG16), which is considered a legal nonconforming use, on its Certificate of Occupancy (C of O). However, the applicant feels that the clinic should be listed as a “Vet Medical Office” (UG6), and the designation is not legally conforming under the current zoning.
- The surrounding blocks are primarily zoned R4-1 and R4A with C1-1 and C2-1 overlays. The surrounding uses are mid-block residential, mixed-use residential and commercial along Metropolitan Avenue. The Development Site is within 600 feet of P.S. 87 and St. John’s Cemetery. This area is mainly serviced by the Q54 bus line, which runs east to west along Metropolitan Avenue from Williamsburg to Jamaica, and makes connections to the M train in Middle Village;
- On June 8, 2022, Community Board 5 (CB5) unanimously approved the application with one condition, based on the Land Use Committee’s approval: the 2-story residential addition should not alter the essential character of the neighborhood. At the meeting, the Board also asked the Applicant to notify the adjacent property owner of Lot 30 (residential building with a ground-floor doctor office) that his property is included in the rezoning, to which the Applicant Representative replied the Applicant had already contacted the adjacent property owner, who expressed support for the rezoning;
- At the Borough President’s Public Hearing on June 30, 2022, the Applicant gave a presentation on this application. At the Hearing, the Borough President asked the Applicant to consider using union and/or M/WBE labor for construction. He also asked the Applicant to consider using sustainable building materials and energy systems. There were no speakers and the office has not received any written testimony for or against this application.

RECOMMENDATION

Based on the above consideration, I hereby recommend approval of this application with the following conditions:

- There should be a goal of 30% local hiring, M/WBE and/or union labor with regard to the proposed enlargement construction, which should be reported quarterly to my office;
- The Applicant should use sustainable building materials and energy system(s) within the proposed enlargement where applicable; and
- The Applicant should meet CB5's condition.



PRESIDENT, BOROUGH OF QUEENS

07/19/2022

DATE