78-46 METROPOLITAN AVENUE REZONING
OCTOBER 14, 2021

1. INTRODUCTION

The applicant, Robert Thomas, seeks a zoning map amendment to rezone 78-44 and 78-46 Metropolitan Avenue, Block 3776, Lots 30 and 31 (the "Project Area"), in the Middle Village neighborhood of Queens Community District 5, from an R5 zoning district to an R5D/C2-3 zoning district. The proposed zoning map amendment will facilitate the enlargement of the existing one-story building located at 78-46 Metropolitan Avenue, Block 3776, Lot 31 (the "Development Site") with two additional stories and two dwelling units and will bring the existing ground floor legal non-conforming Use Group 6 Veterinary Medicine office use (the Animal Clinic of Queens) into conformance (the "Proposed Development"). The Proposed Development will have a total floor area of approximately 4,985 square feet (1.94 FAR), including approximately 2,550 square feet of residential use and 2,435 square feet of commercial use.

2. BACKGROUND

The Project Area is located in the Middle Village neighborhood of Queens Community District 5 on Block 3776, generally bounded by Metropolitan Avenue to the north, 78th Street to the west, 79th Street to the east, 67th Road to the south, and has been mapped as an R5 zoning district since 1961.

In 2006, the Middle Village-Glendale Rezoning rezoned all or portions of 161 blocks, generally bounded by Juniper Boulevard South, Dry Harbor Road, the Long Island Railroad tracks, Margaret Place, Myrtle Avenue and 69th Place, and an area bounded by Otto Road and 70th Avenue, from existing R3-2, R4 and R5 districts to lower-density or contextual zones ((R3X, R4A, R4B, R4-1, R5Band R6B) to preserve the area's predominantly low-density character and ensure future residential development would be consistent with the surrounding neighborhood. In addition, existing C1-2 and C2-2 commercial overlays, generally mapped to a depth of 150 feet along portions of Metropolitan, Myrtle and Cooper avenues, Dry Harbor Road and 69th Street, were rezoned to C1-3 and C2-3 commercial overlays to reduce off-street parking requirements.

Prior to 2006, within the vicinity of the Project Area, blockfronts along Metropolitan Avenue to the west (Blocks 3770 and 3773) were zoned R5/C1-2 in 1961 and the blockfront to the east (Block 3780) was zoned R5/C2-2 in 1962. In 2006, the Middle Village-Glendale Rezoning (C 060153 ZMQ) rezoned these same blockfronts to R5/C1-3 and R5/C2-3 to reduce off-street parking requirements.

3. DESCRIPTION OF THE SURROUNDING AREA

The area within a 600-foot radius of the Project Area (the "Surrounding Area") is zoned R4-1, R4A, R5, R5/C1-3 and R5/C2-3, and generally consists of a mix of one-, two- and multi-family residential, mixed-use commercial and residential, and commercial uses.

Zoning

R4-1 zoning districts are located north and south of the Project Area. R4-1 zoning districts are contextual districts that permit one- and two-family detached and semi- detached residences. R4-1 districts have an FAR of up to 0.75 (plus an attic allowance of up to 20%) and a minimum lot width of 25 feet. The perimeter wall may rise to 25 feet, before sloping or being set back to a maximum building height of 35 feet. Two side yards that total eight feet must be provided for a detached residence. There is no minimum width for each side yard but there must be eight feet between buildings on adjacent zoning lots. One four-foot side yard is required for each semi-detached residence, which must be on a lot at least 18 feet wide. Zero lot line buildings permitted in R4-1 districts, require only one eight-foot side yard. Front yards must be at least 10 feet deep and at least as deep as an adjacent front yard but need not exceed a depth of 20

feet. Parking must be within the side or rear yard or in a garage. An in-house garage is permitted within a semi-detached house, or in a detached house if the lot is 35 feet or wider. One off-street parking space is required for each dwelling unit.

An R4A zoning district is located north of the Project Area. R4A zoning districts are contextual districts that only permit one- and two-family detached residences. Characterized by houses with two stories and an attic beneath a pitched roof, R4A districts have an FAR of up to 0.75 (plus an attic allowance of up to 20%) and a minimum lot width of 30 feet. The perimeter wall of a house may rise to 21 feet before sloping or being set back to the maximum building height of 35 feet. A front yard must be at least as deep as an adjacent front yard and at least 10 feet deep, but it need not exceed a depth of 20 feet. A 30-foot-deep rear yard, and two side yards that total at least 10 feet with a minimum width of two feet each are also required. There must be at least eight feet between buildings on adjacent lots. Parking must be located in the side or rear yard and the driveway must be within the side lot ribbon. If the lot is 35 feet or wider, a garage is permitted within the house, provided the driveway is at least 18 feet deep to prevent cars from jutting onto the sidewalk. One off-street parking space is required for each dwelling unit.

An R5 zoning district is located north of the Project Area. R5 zoning districts allow a variety of housing types at maximum FAR of 1.25, which typically produces three- and four-story attached houses and small apartment houses. To ensure compatibility with neighborhood scale, the maximum street wall height of a new building is 30 feet and the maximum building height is 40 feet. Above a height of 30 feet, a setback of 15 feet is required from the street wall of the building; in addition, any portion of the building that exceeds a height of 33 feet must be set back from a rear or side yard line. Detached houses must have two side yards that total at least 13 feet, each with a minimum width of five feet. Semi-detached houses need one eight-foot-wide side yard. Apartment houses need two side yards, each at least eight feet wide. Front yards must be 10 feet deep or, if deeper, a minimum of 18 feet to prevent cars parked on-site from protruding onto the sidewalk. Cars may park in the side or rear yard, in the garage or in the front yard within the side lot ribbon; parking is also allowed within the front yard when the lot is wider than 35 feet. Off-street parking is required for 85% of the dwelling units in the building, but requirements are lower for income-restricted housing units (IRHU) and are further modified within the Transit Zone.

C1-3 and C2-3 commercial overlay districts are surrounding the Project Area to the north, east and west along both sides of Metropolitan Avenue. C1-3 and C2-3 zoning districts are commercial overlay districts mapped within residential neighborhoods along streets that serve local retail needs. Typical retail uses include neighborhood grocery stores, restaurants and beauty parlors. C2 districts permit a slightly wider range of uses, such as funeral homes and repair services. 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.

Land Uses and Prevailing Built Form

Metropolitan Avenue, bounding the Proposed Project Area to the north, is a wide, 100’ main commercial corridor which includes a range of local retail and service uses, including medical offices, professional offices, salons and eating and drinking establishments. Commercial buildings and mixed-use buildings with ground floor commercial and residential above are prevalent along Metropolitan Avenue to the north, east and west of the Project Area and generally range from one- to four-stories in height.

Further north and south of the Project Area, within the existing R4-1, R4A and R5 zoning districts, the prevailing residential built form generally consists of two- to three-story, one-, two-, and multi-family walk-up residential buildings.

There are also several large green spaces including St. John Cemetery located one block east of the Proposed Project Area, Middle Village Cemetery located three blocks to the southwest, and Juniper Valley Park located approximately ½ mile to the north.

Mass Transit

Public transportation in the Surrounding Area is served by local MTA subway and bus service. The Metropolitan Avenue subway station which serves the M strain is located approximately 3/4 mile west of the Proposed Project Area. The Q54 bus line runs along Metropolitan Avenue with a

stop located directly in front of the Project Area at the corner of Metropolitan Avenue and 79th Street. Additionally, the 80th Street/Metropolitan Avenue bus stop located one block east of the Project Area serves the Q54, Q47 and Q29 bus lines.

4. DESCRIPTION OF THE PROJECT AREA

The Project Area is bounded by Metropolitan Avenue to the north, an imaginary line 50 feet west of and parallel to 79th Street, 79th Street to the east, and the midblock line to the south and consists of 78-44 and 78-46 Metropolitan Avenue (Block 3776, Lots 31 and 30) in the Middle Village neighborhood of Queens Community District 5. The Project Area is located within an R5 zoning district.

78-46 Metropolitan Avenue (Lot 31) (the "Development Site," described in further detail in the next section) is an approximately 2,576 square foot lot with 25 feet of frontage along Metropolitan Avenue and approximately 106 feet of frontage on 79th Street. Lot 31 is improved with a one-story, approximately 2,553 square-foot (1.0 FAR), legal non-conforming industrial building currently used as a UG 16 Animal Hospital according to a 1993 Certificate of Occupancy (the Animal Clinic of Queens). According to historical Certificate of Occupancies issued from 1948-1971, Lot 31 was formerly used as a one-story manufacturing/storage/garage building.

78-44 Metropolitan Avenue (Lot 30) is an approximately 2,631 square foot lot with 25 feet of frontage on Metropolitan Avenue. Lot 30 is improved with a legal non-conforming and non-complying three-story, approximately 4,670 square-foot (1.77 FAR), mixed-use building with ground floor commercial use (the Middle Village Medical Office) and four dwelling units above.

5. DESCRIPTION OF THE DEVELOPMENT SITE

The Development Site on 78-46 Metropolitan Avenue, Block 3776, Lot 31, is applicant controlled and is located at the corner of Metropolitan Avenue and 79th Street, with 25 feet of frontage along Metropolitan Avenue, approximately 106 feet of frontage along 79th Street, and a total lot area of approximately 2,576 square feet. The Proposed Development Site is improved with a one-story, approximately 2,553 square foot (1.0 FAR), legal non-conforming building currently used as a UG 16 Animal Hospital according to a 1993 Certificate of Occupancy; however, the current operation of the Animal Clinic of Queens is more appropriately categorized as a Use Group 6 Veterinary Medicine office. The applicant expects to correct the Certificate of Occupancy to reflect ground floor Use Group 6 Veterinary Medicine office use after this application is completed.

6. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed rezoning will facilitate the enlargement of the existing building located at the Proposed Development Site with two additional stories (approximately 2,432 square-feet per floor) and two dwelling units (one unit per floor). The Proposed Development will have a total floor area of approximately 4,985 square feet (1.94 FAR), consisting of approximately 2,435 square feet of Use Group 6 Veterinary Medicine office use to remain on the ground floor and approximately 2,550 square feet of residential use. The applicant anticipates staff of the existing veterinary practice to occupy the two residential units.

The Proposed Development on the second and third floors will be set back from the street line by approximately 41 feet along 79th Street and approximately 55 feet along the interior lot line (5' minimum required front yard). The Proposed Development will rise to a total height of approximately 33 feet (40' maximum permitted height).

7. ACTION NECESSARY TO FACILITATE THE PROPOSAL

The proposed zoning map amendment to rezone the Project Area from the existing R5 zoning district to an R5D/C2-3 zoning district is necessary to facilitate the enlargement of the existing one-story building located the Development Site with two additional stories and two

dwelling units and to bring the existing legal non-conforming ground floor Use Group 6 Veterinary Medicine office use (the Animal Clinic of Queens) into conformance.

The proposed R5D zoning district at the Project Area is appropriate in terms of the additional residential FAR which it permits. An R5D zoning district is a contextual residential district designed to encourage residential growth along major corridors and permits a maximum FAR of 2.0 for residential or community facility uses. This modest increase in allowable residential FAR between the existing R5 zoning district (1.25) and the proposed R5D zoning district (2.0) is appropriate along Metropolitan Avenue, a 100' wide street, and is consistent with the existing built development located within the Surrounding Area. Further, the proposed R5D zoning district will bring the existing legal non-complying mixed-use commercial and residential building located on Lot 30 into compliance.

The proposed zoning map amendment to add a C2-3 commercial overlay over the Project Area appropriately reflects the existing uses within the Project Area and reinforces the commercial character of Metropolitan Avenue. The proposed C2-3 commercial overlay is appropriate as a C2-3 overlay is mapped on the block directly east of the Project Area. In addition, Metropolitan Avenue in this vicinity is dominated by commercial uses, with a range of local retail and service uses including medical offices, professional offices, salons and eating and drinking establishments. The existing R5 zoning district on the south side of Metropolitan Avenue between 78th Street and 79th Street is a legacy of the 1961 zoning designations but does not reflect the existing uses on this block front, or, more particularly, within the Project Area. Moreover, the proposed C2-3 commercial overlay will bring the existing legal non-conforming commercial establishments located within the Project Area, both on the Development Site and on Lot 30, into conformance.

8. CONCLUSION

As discussed above, the applicant proposes a zoning map amendment to rezone the Project Area from the existing R5 zoning district to an R5D/C2-3 zoning district. The proposed zoning map amendment will facilitate the enlargement of the existing building located at the Development Site with two additional stories and two dwelling units and will bring the existing legal non-conforming ground floor Use Group 6 Veterinary Medicine use into conformance. The Proposed Development will have a total floor area of approximately 4,985 square feet (1.94 FAR), including approximately 2,550 square feet of residential use and 2,435 square feet of commercial use. The proposed rezoning will also bring the existing legal non-conforming and non-complying building located on Lot 30 into conformance and compliance.