



---

**CITY PLANNING COMMISSION**

---

March 8, 2006/Calendar No. 11

C 060235 ZMQ

---

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 10d, 14c and 15a Changing from an R2 District to an R2A District property bounded by 64<sup>th</sup> Avenue, 185<sup>th</sup> Street, 73<sup>rd</sup> Avenue, a line midway between 196<sup>th</sup> Place and 197<sup>th</sup> Street, Union Turnpike, 193<sup>rd</sup> Street, Avon Road, 188<sup>th</sup> Street, a line 100 feet southeasterly of Union Turnpike, Chevy Chase Street, Union Turnpike, Kent Street, a line 100 feet southeasterly of Union Turnpike, Utopia Parkway, Union Turnpike, a line 100 feet southwesterly of 177<sup>th</sup> Street, 73<sup>rd</sup> Avenue, and Utopia Parkway Borough of Queens, Community District 8, as shown on a diagram (for illustrative purposes only) dated December 19, 2005.

---

The application for an amendment of the Zoning Map was filed by the Department of City Planning on December 14, 2005, to address issues of out-of-character residential development in the Fresh Meadows, Utopia Estates and West Cunningham Park areas of Queens Community District 8.

**BACKGROUND**

The Department of City Planning proposes amendments to the Zoning Map in order to prevent new residential buildings that would be out-of-character with the traditional low-density development patterns of Fresh Meadows, Utopia Estates and West Cunningham Park. The area proposed for zoning changes is generally bounded by 64<sup>th</sup> Avenue to the north, 196<sup>th</sup> Place to the east, Union Turnpike and Avon Road to the south, and Utopia Parkway to the west. This area is presently zoned R2, with C1-2 commercial overlays on 15 block faces along Union Turnpike. This area is adjacent to the Fresh Meadows Planned Community Special District, and is surrounded by R3-2 and R4 general residence districts and R2 and R1-2 single family detached residential districts. This area has a consistent built character of

---

one-, one and a half -and two-story homes built on typical 4,000 square foot lots along linear streets.

The entire rezoning area is zoned R2, allowing only one-family detached homes. The R2 district requires that buildings be located on a lot with a minimum area of 3,800 square feet and a minimum width of 40 feet. A minimum 15-foot front yard must be provided. Two side yards are required that total 13 feet, with the smaller of the side yards measuring a minimum of eight feet. R2 zoning allows a maximum floor area ratio (FAR) of 0.5, but allows floor area exemptions for space used for accessory garage, mechanical or bulkhead areas. A maximum front wall height of 25 feet is allowed when it is located at the minimum front yard depth of 15 feet, but the front wall height may increase one foot for every additional foot the front wall is set back from the 15 foot minimum depth. There is no maximum building height; instead the building height is governed by the sky exposure plane. One parking space is required per dwelling unit. Community facilities are permitted an FAR of 0.5.

Recent development under existing zoning has been out of character with the built contexts. In the R2 districts, older homes are replaced by significantly taller and bulkier one-family buildings.

The rezoning proposal responds to concerns regarding overdevelopment from the local City Councilmember, the Borough President's Zoning Task Force, as well as several civic groups, including the Fresh Meadows Homeowners, the Utopia Estates and the West Cunningham Park civic associations.

To ensure that new single-family houses match the established scale of traditional development patterns, the Department of City Planning proposes that all 83 blocks be rezoned to R2A. The proposed R2A district is a contextual zone that would impose more stringent height and setback and lot coverage requirements and reduce the floor area exemptions available compared to existing R2 zoning.

The R2A regulations for lot size, lot width, FAR, housing type and occupancy, as well as most yard regulations, are the same as the R2 regulations. The R2A regulations differ from R2 with respect to existing floor area definitions and regulations, height and setback parameters and some yard provisions. Under the R2A regulations, the maximum allowable floor area that may be exempted for providing accessory parking is limited to 300 square feet. To be exempt from floor area calculations attic space must have ceiling heights less than five feet instead of eight feet. There is a maximum building height of 35 feet and a maximum perimeter wall height of 21 feet. Under the R2A regulations, one 20-foot side yard would be required on all corner lots. The maximum lot coverage is 30%, and includes any accessory parking structure.

## **ENVIRONMENTAL REVIEW**

This application (C 060235 ZMQ) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and

Executive Order No. 91 of 1977. The designated CEQR number is 06DCP049Q. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on December 19, 2005.

### **UNIFORM LAND USE REVIEW**

This application (C 060235 ZMQ), was certified as complete by the Department of City Planning on December 19, 2005, and was duly referred to Community Board 8 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Public Hearing**

Community Board 8 held a public hearing on this application on January 10, 2006, and on January 11, 2006, by a vote of 27 in favor, 6 opposed and 0 abstentions, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation approving the application on February 6, 2006.

### **City Planning Commission Public Hearing**

On February 8, 2006 (Calendar No. 10), the City Planning Commission scheduled February 22, 2006, for a public hearing on this application (C 060235 ZMQ). The hearing was duly held on February 22, 2006 (Calendar No. 36). There were five speakers in favor of the application, and none in opposition.

Three residents of Fresh Meadows, the president of the Fresh Meadows Homeowners Association and the president of the West Cunningham Park Civic Association spoke in favor of the proposal. The two civic association presidents described their efforts to inform the affected property owners of the proposed zoning. One of the residents spoke in support of the proposal, stating that the proposed R2A zoning district would allow minor expansion of existing homes, but prohibit buildings that were out of character with the existing neighborhood. One resident described the need for an amendment to the existing zoning and the negative effects that new out-of-character development was having on their community.

There were no other speakers and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this amendment of the Zoning Map is appropriate.

The Commission believes that this rezoning action represents a comprehensive zoning strategy for the Fresh Meadows, Utopia Estates and West Cunningham Park areas of Community District 8 and will prevent overscaled housing developments that are out-of-character with traditional development patterns.

The Commission believes that the proposed R2A district would ensure that future development or expansion of existing homes would be within an envelope that better reflects the area's existing context. The action would be consistent with the land use in the area, maintaining its prevailing character without precluding future residential development opportunities.

## **RESOLUTION**

**RESOLVED**, that 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 the 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 Nos. 10d, 14c and 15a changing from an R2 District to an R2A District property bounded by 64<sup>th</sup> Avenue, 185<sup>th</sup> Street, 73<sup>rd</sup> Avenue, a line midway between 196<sup>th</sup> Place and 197<sup>th</sup> Street, Union Turnpike, 193<sup>rd</sup> Street, Avon Road, 188<sup>th</sup> Street, a line 100 feet southeasterly of Union Turnpike, Chevy Chase Street, Union Turnpike, Kent Street, a line 100 feet southeasterly of Union Turnpike, Utopia Parkway, Union Turnpike, a line 100 feet southwesterly of 177<sup>th</sup> Street, 73<sup>rd</sup> Avenue, and Utopia Parkway Borough of Queens,

Community District 8, as shown on a diagram (for illustrative purposes only) dated December 19, 2005.

The above resolution (C 060235 ZMQ), duly adopted by the City Planning Commission on March 8, 2005 (Calendar No. 11), 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.

**AMANDA M. BURDEN, AICP, Chair**  
**KENNETH J. KNUCKLES, Esq., Vice Chairman**  
**IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,**  
**ALFRED C. CERULLO, III, RICHARD W. EADDY, JANE D. GOL,**  
**LISA A. GOMEZ, CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS,**  
**DOLLY WILLIAMS, Commissioners**