78-08 Linden Boulevard Rezoning
Block 11384, Lot 1, Queens
February 18, 2025

1. Introduction

Linden Canyon LLC (the "Applicant") seeks a zoning map amendment and zoning text amendment affecting Block 11384, Lot 1 (the "Project Area"), comprising 47,960 square feet ("sf") of lot area located along the south side of Linden Boulevard between Sapphire Street and 79th Street in the Lindenwood neighborhood of Queens, Community District 10.

The Applicant seeks approval of the following three actions:

1) A zoning map amendment to change the Project Area from an R4/C1-2 district to R7D/C2-4 and R6A districts;

2) A zoning text amendment of Zoning Resolution ("ZR") Appendix F to designate the Project Area as a Mandatory Inclusionary Housing ("MIH") area; and

3) A cancelation of a restrictive declaration recorded against the Project Area in connection with a prior rezoning action.

The proposed actions will facilitate the development of the Project Area with an 11-story mixed use building with cellar having approximately 224,341 sf of floor area (the "Proposed Development"). The Proposed Development will contain approximately 212,733 sf of residential floor area (a total of 273 dwelling units), 11,607 sf of commercial floor area, and 154 accessory parking spaces. Approximately 82 dwelling units, comprising at least 30 percent of the total residential floor area, will be permanently affordable to households earning incomes having a weighted average not exceeding 80 percent of area median income ("AMI") in accordance with MIH Option 2.

2. Background

The Project Area was zoned R4 since 1961. On August 19, 1976, a C1-2 overlay was mapped within the Project Area to a depth of 212 feet from Linden Boulevard (CP No. 23263). As part of the 1976 rezoning, a restrictive declaration was recorded on October 5, 1976 under Reel 939, Page 1609 against the rezoned area, which includes the Project Area (the "Restrictive Declaration"). The Restrictive Declaration is also identified as D-19 on Zoning Map 18b and in ZR Appendix D. The Restrictive Declaration restricts the manner in which the Project Area may be developed, maintained and operated and it cannot be amended, modified or canceled without the City's approval.

The Lindenwood Commons rezoning, adopted on June 30, 1999, mapped a C2-2 overlay district on the north side of Linden Boulevard opposite the Project Area (C 910332 ZMQ). The overlay

was mapped on an 7.82 acre portion of an existing R4 district to facilitate the construction of a 104,000 sf shopping center with 409 parking spaces.

The Linden Boulevard Rezoning, adopted on October 31, 2017, changed a 100,000 sf area located one block west of the Project Area from R4 and R4/C1-2 zoning districts to R8A/C2-4, R7A, and R6A zoning districts (C 170430 ZMK). The rezoning facilitated the development of four mixed use buildings ranging in height from 8 to 12 stories. A text amendment was also adopted on the same date that designated an MIH area (N 170431 ZRK).

3. Description of the Surrounding Area

The area within a 600-foot radius of the Project Area (the "Surrounding Area") is located in the Lindenwood neighborhood of Queens, Community District 10, and is divided by the Brooklyn-Queens Borough boundary line extending along Sapphire Street immediately west of the Project Area.

The Surrounding Area is predominantly mapped within R4 and R4/C1-2 districts. R4 districts are a type of lower-density residence district characterized by low building heights and landscaped yards. Notwithstanding the R4 district designation, the Surrounding Area is characterized by both commercial and residential uses and is influenced by high-density development located to the west of the Project Area. A significant number of vacant parcels also exist within the Surrounding Area to the west and south of the Project Area.

The built environment west of 79th Street is generally a mix of higher-density residential and mixed commercial and residential buildings within a C4-1 district, and moderate- and higher-density R6, R8A, R6A and R7A districts. In contrast, land immediately east of 79th Street generally consists of two story two- and three-family buildings within an R4 district. Commercial overlays, including C1-2 and C2-2 overlays mapped within an R4 district, are located to the west and north of the Project Area along Linden Boulevard.

Higher density development west of 79th Street includes Linden Terrace, the site of four new 8- to 12-story buildings within R6A, R7A, R8A and R8A/C2-4 districts. Commercial uses in the Surrounding Area include a diner within a R4/C1-2 district and a new 4-story office and charter school with 48 parking spaces within an R4/C2-2 district. The large scale two-story Linden Center shopping mall located across Linden Boulevard and opposite the Project Area, which consists of approximately 250,000 gross sf of retail stores and open accessory parking on approximately 300,000 sf of land within a R4/C2-2 district, also contributes to a built environment that departs from the detached and semi-detached two- and three-story pitched roof residential buildings that are typical of an R4 district.

Linden Boulevard is a two-way active roadway with six lanes of traffic and two service roads that measures 170 feet wide. Linden Boulevard becomes wider east of 79th Street where both streets intersect with South Conduit Avenue, a mapped but unopened 45 feet wide street. 79th Street is an 80 feet wide one-way street. Sapphire Street measures 60 feet wide. Park land is mapped within an area between Linden Boulevard and South Conduit Avenue. Immediately west

of 80th Street and one block from the Project Area is Gemini Fields, a 10.76 acre NYC Park with facilities for baseball on the north side of Linden Boulevard and horseback riding on the south side of Linden Boulevard.

Two public facilities and institutions exist within the Surrounding Area, to the north of the Project Area: a new 4-story office and charter school with 48 parking spaces within an R4/C2-2 district at the northeast corner of Linden Boulevard and 78th Street, and a 3-story therapy and counseling center within an R4 district at the northwest corner of Linden Boulevard and Amber Street. Public schools in the neighborhood (P.S. 232, P.S. 224, and the Robert H. Goddard High School of Communication Arts and Technology) are located within a mile of the Project Area.

FRESH discretionary zoning and tax incentives are available west of Sapphire Street. Only FRESH discretionary tax incentives are available east of Sapphire Street. The Surrounding Area is predominantly mapped within a Coastal Zone and within the Shaded X (0.2% floodplain) area of the 2015 Preliminary Flood Insurance Rate Maps.

The 80th Street A train subway station is located one mile north of the Project Area at Liberty Avenue and 78th Street. The Project Area is located beyond the Greater Transit Zone; however, the Outer Transit Zone is mapped across the street from the Project Area on the north side of Linden Boulevard. The B15 and BM5 bus stop is located at the corner of Linden Boulevard and 79th Street. The B15 bus provides service along Linden Boulevard to JFK International Airport. The BM5 bus provides express service to Midtown Manhattan.

The median income for the New York City metropolitan area is defined each year by the U.S. Department of Housing and Urban Development ("HUD"). HUD's AMI income figure is used to help determine eligibility for affordable housing programs in New York City. The 2023 AMI for the New York City region is $127,100 for a three-person family. According to the NYC Planning Population FactFinder, American Community Survey data from 2017 – 2021 shows that median household income in the area that approximates Community District 10 was $86,247, which is higher compared to the median household income in New York City ($70,663). However, the NYU Furman Center's New York City Neighborhood Data Profile for Queens Community District 10 shows that 36.9 percent of households earned not more than $60,000 (below 50 percent AMI for a family of three) in 2000. According to the NYC Planning Community District Profile, half of all households in Queens Community District 10 spend 35 percent or more of their income on rent, which reflects a higher percentage of rent-burdened households compared to the Borough of Queens (46.2 percent) and New York City (44.2 percent).

4. Description of the proposed Project Area

The Project Area is located immediately east of the Brooklyn Borough boundary line in the Lindenwood neighborhood of Queens, within Community Board 10. The Project Area, which is also the proposed development site, consists of Block 11384, Lot 1; no other properties are affected by the proposed actions. The Project Area's lot area is 47,960 square feet. The Project Area is an irregularly-shaped lot with 210.70 feet of frontage on Linden Boulevard, 235.75 feet of frontage on Sapphire Street, and 212.65 feet of frontage on 79th Street. The Project Area is

situated at the broad intersection of Linden Boulevard, 79th Street and South Conduit Avenue. Linden Boulevard measures 170 feet wide, Sapphire Street measures 60 feet wide, 79th Street measures 80 feet wide, and South Conduit Avenue is a mapped but unopened 45 feet wide street.

The Project Area is currently zoned within an R4/C1-2 district. The C1-2 commercial overlay extends 212 feet from Linden Boulevard. The Project Area has been mapped within an R4 district since 1961. The C1-2 overlay was added in 1976. The Project Area is located beyond the Greater Transit Zone; however, the Outer Transit Zone is mapped on the north side of Linden Boulevard, directly opposite the Project Area.

The Site is currently improved with a one-story retail building constructed in 1966. The building contains approximately 22,000 sf and is used as a pharmacy, dry cleaner, liquor store and small restaurant. The Project Area also contains open accessory parking. The Project Area has four existing curb cuts; two curb cuts located on 79th Street measuring 20'-5" wide and 40'-3¼" wide, respectively, and two curb cuts located on Linden Boulevard measuring 23'-4" and 35'-2" wide, respectively. The remainder of the block, also mapped within an R4 district, is improved with a two story warehouse, vacant land, a two story two-family building, a one story single-family building and a one story landscaping and gardening establishment.

Residential and community facility uses are allowed as-of-right in an R4 district. Maximum residential floor area ratio ("FAR") is 1.00. In R4 districts, community facility FAR is 2.00. The existing C1-2 commercial overlay mapped within an R4 district allows retail stores and personal service establishments that serve frequently recurring local needs. Typical uses include neighborhood grocery stores, restaurants and beauty parlors. Maximum commercial FAR is 1.0. In C1-2 districts, requirements for accessory commercial parking spaces and loading berths vary by use.

The maximum height of a perimeter wall in R4 districts is 25 feet, above which the maximum building height of 35 feet is controlled by sloping planes, requiring either a setback or a pitched roof. In R4 districts, front yards must be at least 10 feet deep. Detached and semi-detached residences must have two side yards at least 5 feet wide, and no side yards are required for all other residences; however any open area along a side lot line must be at least 5 feet wide. In R4 districts, a rear yard measuring at least 20 feet deep at or below a height of 75 feet and at least 30 feet deep above a height of 75 feet must be provided. Off-street accessory parking spaces are required for 50 percent of standard dwelling units in an R4 district beyond the Greater Transit Zone.

5. Description of the Proposed Development

The Applicant proposes to construct a new building for commercial and residential uses on the Development Site (Queens Block 11384, Lot 1) within the proposed R7D/C2-4 and R6A zoning districts. The Development Site will be developed as a single zoning lot measuring 47,960 sf in lot area, with 210.70 feet of frontage on Linden Boulevard, 235.75 feet of frontage on Sapphire Street, and 212.65 feet of frontage on 79th Street.

The Proposed Development will be a new building consisting of eleven stories with cellar that will contain 224,341 sf of floor area (4.67 FAR). Within the R7D/C2-4 district, the building height will rise to approximately 104 feet (11 stories) and within the R6A district, the building height will rise to approximately 86 feet (9 stories). Open areas along the side lot line having a width of 8 feet, and at the center of the building measuring having a width of 78 feet, will comply with applicable yard requirements. A total of 154 accessory parking spaces will be located on the cellar and first floors and will be accessible from both Sapphire Street and 79th Street. Two curb cuts are proposed; one curb cut will be located on 79th Street and one curb cut will be located on Sapphire Street.

The Proposed Development will reflect the transitional character of the surrounding area, with moderate- and higher-density districts with commercial overlays located to the west of 79th Street and lower density residential district located to the east of 79th Street. The building's bulk will be concentrated along Linden Boulevard, which is a 170 feet wide street. The tallest portion of the building will be situated at the northwest corner of the site, at the intersection of Linden Boulevard and Sapphire Street. The building will step down to a lower height at the southeastern portion of the site to a scale suitable for the two-story residences on the opposite side of 79th Street.

The Proposed Development's setbacks will provide step-down conditions that reflect conditions on side streets. Along 79th Street, which is a wide street as defined by the ZR, the portion of the building within a R7D/C2-4 district will have a setback of 12 feet above a height of 67 feet, and the portion of the building within a R6A district will have a setback of 15 feet above a height of 40 feet. Along Sapphire Street, which is a narrow street as defined by the ZR, the portion of the building within a R7D/C2-4 district will have a setback of 15 feet above a height of 85 feet (with the exception of a proposed dormer at the northwestern corner of the building, which is allowed as-of-right to penetrate setback distances), and the portion of the building within a R6A district will have a setback of 15 feet above a height of 58 feet. In addition, portions of the building situated in an R6A district within 25 feet of an adjoining R4 district will not exceed 41 feet in height.

The Proposed Development will include approximately 11,607 sf of commercial floor area. The commercial space will be divided into two establishments (approximately 5,794 sf and 5,813 sf, respectively). Both establishments will have entrances and exits on Linden Boulevard. The commercial space will be provided with 12 accessory parking spaces.

The Proposed Development will include approximately 212,733 sf of residential floor area comprising 273 dwelling units, consisting of 64 studios, 116 one-bedroom apartments, 68 two-bedroom apartments, and 25 three-bedroom apartments. Access to the residential lobby will be available from Linden Boulevard, Sapphire Street, and 79th Street. At least 30 percent of the residential floor area, comprising approximately 82 dwelling units, will be designated as affordable to households earning incomes at an average not exceeding 80 percent of income index per MIH Option 2. The residences will be provided with 142 accessory parking spaces (111 spaces are required and 31 spaces are permitted).

Proposed recreation areas will total 15,782.37 sf, consisting of an indoor recreation area on the 2nd floor (1,122.84 sf) and an outdoor recreation space above the first floor roof (14,659.53 sf).

6. Actions necessary to facilitate the Proposed Development

The Applicant seeks approval of three actions:

1) A zoning map amendment to change the Project Area from an R4/C1-2 district to a R7D/C2-4 and R6A district. The proposed R7D/C2-4 district is located along Linden Boulevard. The R6A district is proposed over the remainder of the Project Area, adjoining the existing R4 district. The boundary line of the R6A district is measured at a distance of 260 feet from Loring Avenue. The R7D/C2-4 district boundary is located 120 feet north of, and parallel to, the new R6A district boundary line.

2) A zoning text amendment to designate the Project Area as an MIH area for Options 1 and 2. For MIH developments utilizing Option 1, an amount of affordable floor area for qualifying households must equal at least 25 percent of the residential floor area with the MIH development. The weighted average of all income bands for affordable housing units must not exceed 60 percent of AMI. Under Option 1, there must be no more than three income bands, at least 10 percent of the residential floor area must be affordable at 40 percent of AMI, and no income band can exceed 130 percent of AMI. For MIH developments utilizing Option 2, an amount of affordable floor area for qualifying households must equal at least 30 percent of the residential floor area. Under Option 2, the weighted average of all income bands for affordable housing units must not exceed 80 percent of AMI, there must be no more than three income bands, and no income band can exceed 130 percent of AMI.

3) Cancelation of the recorded Restrictive Declaration identified as D-19 on Zoning Map 18b and in ZR Appendix D. The Restrictive Declaration restricts the manner in which the Project Area may be developed. Approval by the City Planning Commission is required to cancel the Restrictive Declaration so that development may proceed as-of-right in accordance with the proposed zoning map and text amendments.

The proposed R7D and R6A districts will allow a moderate increase in residential density at the intersection of wide streets near public transportation with building heights that are consistent with 8- and 12-story mixed use buildings two blocks west of the Project Area. The C2-4 overlay will provide opportunities for a wide range of local services along an active roadway that are similar to those in C2-4 and C2-2 overlays along Linden Boulevard to the west and north of the Project Area. Lastly, the proposed rezoning and designation of an MIH area will facilitate the creation of a significant number of new income-restricted housing units. Mapping the Project Area as an MIH area will establish a requirement for permanently affordable housing units in an area where as-of-right residential development does include such affordable units.

The proposed R7D and R6A districts are moderate-density districts that promote new contextual development along transit corridors. Residences of all kinds and community facilities are allowed as-of-right in R7D and R6A districts.

C2 districts are designed to provide for a variety of local services. Retail stores, personal service establishments, home maintenance or repair services, amusements, business and other services are allowed as-of right in C2-4 districts. C2 local service districts provide a wide range of essential local services and are not limited to the type of convenience establishments that promote continuous retail frontage. Uses allowed in the proposed C2-4 district will be compatible with existing uses in the C2-4 and C2-2 overlays mapped along Linden Boulevard to the west and north of the Project Area.

The current low-density regulations of the existing R4/C1-2 district results in the underutilization of the Project Area. The moderate increase in density allowed in R7D/C2-4 and R6 districts is suitable to this location along a major roadway a spacious street with has access to nearby public transportation and outdoor recreation space. Developments in R7D/C2-4 districts in MIH areas have a maximum residential FAR of 5.60, a maximum community facility FAR of 4.20, and maximum commercial FAR of 2.00. For developments in R6A districts in MIH areas, the maximum residential FAR is 3.90 and maximum community facility FAR is 4.20. The proposed increase in density paired with the proposed designation of an MIH area will facilitate development of a significant number of permanently affordable housing units in an area with a significant number of rent-burdened households.

MIH developments in R7D districts and R6A districts allow taller buildings subject to required setbacks and special height limits that moderate the difference in building heights in adjacent R1 through R5 and R6B districts. The scale of buildings allowed in the proposed R7D and R6A districts will be compatible with buildings in the R8A/C2-4, R7A, and R6A zoning districts mapped one block west of the Project Area. MIH developments in R7D districts have a maximum base height of 95 feet, and a maximum building height of 125 feet. In R7D districts, setbacks of at least 10 feet are required on a wide street, and at least 15 feet are required on a narrow street. For MIH developments in R6A districts, maximum base height is 65 feet, maximum building height is 95 feet and setbacks of at least 10 feet on a wide street and at least 15 feet on a narrow street must be provided. In R6A districts, to require a transition to a district with smaller-scale buildings, any portion of a building located within 15 feet of an adjoining R4 district boundary is limited to a height of 65 feet and any portion of a building located beyond 15 feet and within 25 feet of adjoining R4 district boundary is limited to a height of 85 feet.

No front yards are required in R7D/C2-4 and R6A districts. No side yards are required in these districts; however, if any open area extending along a side lot line is provided at any level, it must have a minimum width of 5 feet. For the commercial portion of a building in R7D/C2-4 districts, a rear yard with a depth of not less than 20 feet must be provided at every rear lot line, except that no rear yard is required within 100 feet of a corner. In R7D/C2-4 and R6A districts a minimum 20 feet deep residential rear yard is required at and below portions of buildings that are 75 feet tall, and a minimum 30 feet deep residential rear yard must be provided at portions of buildings above 75 feet.

For dwelling units created in R7D and R6A districts beyond the Greater Transit Zone, accessory off-street parking spaces must be provided for at least 50 percent of the total number of dwelling units that are not income-restricted, at least 12 percent of income-restricted units in R7D

districts, and at least 25 percent of income-restricted units in R6A districts. In R7D/C2-4 districts, one parking space is required for every 1,000 sf of general retail or service use floor area and no loading berths are required for up to 25,000 sf of retail uses.

7. Conclusion

Linden Canyon LLC seeks approvals of a zoning map amendment to change Block 11384, Lot 1 from an R4/C1-2 district to R7D/C2-4 and R6A districts, a zoning text amendment to designate Lot 1 as a MIH area, and a cancelation of a restrictive declaration that was recorded against Lot 1 in connection with a prior rezoning.

The proposed actions are supported by the land use objective of facilitating a moderate increase in residential density and the creation of affordable housing on a wide street near public transportation. The proposed overlay is compatible with existing uses and is appropriate along a highly-traveled roadway. The proposed districts fit within the context of taller buildings generally located to the west of the Project Area while being responsive to lower density buildings located to the east of the Project Area.