135-27 SAPPHIRE STREET REZONING
JUNE 17, 2025

1. INTRODUCTION

135 Sapphire LLC (the "Applicant") proposes the following actions (the "Proposed Actions"):

1. Zoning Map Amendment to change an existing R4 zoning district to an R6A zoning districts on a portion of Queens Block 11384, Lots 15, 24, 28, 29, 32, 34, 37, 38, 39, 40, 42 and 45 (the "Proposed Project Area") in the Lindenwood neighborhood of Queens Community District 10; and

2. Zoning Text Amendment to amend ZR Appendix F – Mandatory Inclusionary Housing Areas and former Inclusionary Housing Designated Areas for Queens Community District 10 to designate a Mandatory Inclusionary Housing ("MIH") Area with MIH Options 1 and 2 conterminous with the Proposed Project Area.

The Proposed Actions will facilitate the development of a new six-story plus cellar mixed-use residential building with approximately 186,374 square feet of floor area (3.4 FAR) (the "Proposed Development") at 135-27 Sapphire Street, Queens Block 11384, Lots 15, 24, 28, 29, 32, 34, 37, 38, 39, 40, 42 and 45 (the "Proposed Development Site", the Proposed Project Area and the Proposed Development Site are coterminous except for a portion of Lot 24 located in the bed of the mapped street). The Proposed Development will include approximately 270 dwelling units, including approximately 68 permanently affordable dwelling units pursuant to MIH Option 1.

2. BACKGROUND

The Proposed Project Area was initially mapped with an R4 zoning district in 1961 and has remained.

In 2017, the Linden Boulevard Rezoning (C 170430 ZMK/N 170431 ZRK, effective December 31, 2017) rezoned Brooklyn Block 4496, located two blocks to the west of the Proposed Project Area, from an R4 district to a combination of higher-density districts, including R8A/C2-4 along Linden Boulevard, R7A along Loring Avenue and R6A in the midblock. That rezoning was designed to facilitate the development of four new buildings, ranging in height from 8 to 12 stories, that the City Planning Commission found to be appropriate development for the location. The Commission's report concludes that the, "R6A district at the mid-block would ensure contextual medium-density residential and community facility uses at the lower scale across from the existing low-density residential uses." These same circumstances exist at the Proposed Project Area, except that this rezoning proposes to map an R6A district along 149th Avenue, whereas the Linden Boulevard Rezoning mapped a moderately higher-density R7A zoning district along Loring Avenue.

3. DESCRIPTION OF SURROUNDING AREA

The Proposed Project Area is located in the Lindenwood neighborhood of Queens Community District 10. The area within a 600-foot radius of the Proposed Project Area (the "Surrounding Area") is zoned R4, R4/C1-2, R4/C2-2, R6, R6A, R7A and R8A/C2-4. The Proposed Project Area is also located Beyond the Greater Transit Zone and within the Coastal Zone Boundary.

Zoning
The existing zoning districts in the Surrounding Area include:

R4
R4 zoning districts are residential districts that permit all types of housing. Within an R4 zoning district, community facility uses are permitted up to 2.0 FAR. R4 zoning districts permit a maximum residential FAR of 1.0 for standard zoning lots or 1.5 for qualifying residential sites and a maximum height of 35 feet or 45 feet for qualifying residential sites. Required parking will vary

depending on the dwelling type, date of issued Certificate of Occupancy, and location within or beyond the Greater Transit Zone. Parking is either reduced or not required for ancillary dwelling units, qualifying affordable housing or qualifying senior housing.

R6
R6 districts are residential districts which are widely mapped in built-up, medium-density areas. Developers can choose between two sets of bulk regulations. Height factor regulations, introduced in 1961, typically produce small multi-family buildings on small zoning lots and on larger lots, tall buildings that are set back from the street. Quality Housing regulations, introduced in 1987, typically produce high lot coverage buildings within height limits that often reflect the scale of older, pre-1961 apartment buildings in the neighborhood. Within an R6 zoning district community facility uses are permitted up to 4.8 FAR. Under height factor regulations, the residential FAR ranges from 0.78 to 2.43. There are no height limits for height factor buildings, although they must be set within a sky exposure plane which begins at a height of 60 feet above the street line and then slopes inward over the zoning lot. The Quality Housing regulations produce high lot coverage buildings set at or near the street line. For buildings on or within 100 feet of a wide street, the maximum FAR is 3.0 or 3.9 with qualifying affordable housing or qualifying senior housing, the maximum base height before setback is 65 feet, with a maximum building height of 75 feet or 95 feet with qualifying affordable housing or qualifying senior housing or 125 feet if utilizing eligible site provisions. On a narrow street, the maximum FAR is 2.2 or 3.9 with qualifying affordable housing or qualifying senior housing, the maximum base height before setback is 45 feet or 65 feet qualifying affordable housing or qualifying senior housing, with a maximum building height of 55 feet or 85 feet with qualifying affordable housing or qualifying senior housing or 125 feet if utilizing eligible site provisions. Required parking regulations will vary depending on the dwelling type, date of issued Certificate of Occupancy, and location within or beyond the Greater Transit Zone. Parking is either reduced or not required for ancillary dwelling units, qualifying affordable housing or qualifying senior housing.

R6A
R6A zoning districts are contextual residential districts where the Quality Housing bulk regulations are mandatory. Within an R6A zoning district, community facility and residential uses are permitted up to 3.0 FAR or 3.9 FAR with qualifying affordable housing or qualifying senior housing. Above a maximum base height of 65 feet a 10-foot setback is required on a wide street and a 15-foot setback is required on a narrow street before rising to a maximum height of 75 feet or 95 feet with qualifying affordable housing or qualifying senior housing. Required parking will vary depending on the dwelling type, date of issued Certificate of Occupancy, and location within or beyond the Greater Transit Zone. Parking is either reduced or not required for ancillary dwelling units, qualifying affordable housing or qualifying senior housing.

R7A
R7A zoning districts are contextual residential districts where the Quality Housing bulk regulations are mandatory. Within an R7A zoning district, community facility and residential uses are permitted up to 4.0 FAR or 5.01 FAR with qualifying affordable housing or qualifying senior housing. Above a maximum base height of 75 feet or 85 feet with qualifying affordable housing or qualifying senior housing a 10-foot setback is required on a wide street and a 15-foot setback is required on a narrow street before rising to a maximum height of 85 feet or 115 feet with qualifying affordable housing or qualifying senior housing. Required parking will vary depending on the dwelling type, date of issued Certificate of Occupancy, and location within or beyond the Greater Transit Zone. Parking is either reduced or not required for ancillary dwelling units, qualifying affordable housing or qualifying senior housing.

R8A
R8A zoning districts are contextual residential districts where the Quality Housing bulk regulations are mandatory. Within an R8A zoning district, community facility uses are permitted up to 6.5 FAR and residential uses are permitted up to a 6.02 FAR or 7.2 FAR with qualifying affordable housing or qualifying senior housing. Above a maximum base height of 95 feet or 105 feet with qualifying affordable housing or qualifying senior housing a 10-foot setback is required on a wide street and a 15-foot setback is required on a narrow street before rising to a maximum height of 125 feet or 145 feet with qualifying affordable housing or qualifying senior housing. Required parking will vary depending on the dwelling type, date of issued Certificate of Occupancy, and location within or beyond the Greater Transit Zone. Parking is either reduced or

not required for ancillary dwelling units, qualifying affordable housing or qualifying senior housing.

C1-2, C2-2 & C2-4 Overlays

C1-2, C2-2 and C2-4 districts are commercial overlay districts mapped within residential districts. These districts are mapped along streets that serve local retail needs and found throughout lower- and medium-density areas and occasionally in higher-density districts. Typical retail uses in a C1 district include grocery stores, restaurants and salons. C2 districts permit a slightly wider range of uses, such as funeral homes and repair services. When mapped in R1 – R3 districts, the maximum commercial FAR is 1.0 with 1.6 FAR permitted when mapped in an R3-2 district. When mapped in R6 – R12 districts, the maximum commercial FAR is 2.0. Commercial buildings are subject to commercial bulk regulations. Parking requirements depend on the specific use.

Coastal Zone Boundary

The Proposed Project Area is located within the Coastal Zone Boundary, within the 0.2% annual chance floodplain/Shaded X area according to the 2015 PFIRM FEMA maps.

Land Uses

The existing land uses within the surrounding area consist of one-, two-, three- and multi-family residences, mixed-use commercial and residential buildings, commercial buildings/shopping plazas and several community facilities. Vacant parcels are also scattered throughout the area.

Directly north of the Proposed Project Area on the subject block, within an R4/C1-2 zoning district, is a one-story commercial building (Linden Star Shopping Center) with several tenants (Walgreens, liquor store, vacant stores) fronting Linden Boulevard. Further north, across Linden Boulevard, within an R4/C2-2 zoning district, is a shopping mall (Linden Center) with commercial establishments and community facilities.

South and east of the Proposed Project Area, within an R4 zoning district, are one- and two- and multi-family residential walk-up buildings.

West of the Proposed Project Area, within an R4 zoning district, are one-, two, three- and multi-family residential walk-up buildings, and a one-story eating and drinking establishment (Lindenwood Diner) within an R4/C1-2 zoning district. Further west is Brooklyn Block 4496, the subject of the Linden Boulevard Rezoning, with mixed-use commercial and residential and residential buildings ranging from 8 to 12 stories in height.

Mass Transit

The 80th Street subway station serving the A train is located approximately one mile north of the Proposed Project Area at Liberty Avenue between 78th and 79th Streets. The Proposed Project Area is located beyond the Greater Transit Zone; however, the Outer Transit Zone is mapped across the street from the Proposed Project Area on the north side of Linden Boulevard. The B15 and BM5 buses run along Linden Boulevard with a stop located at the corner of Linden Boulevard and 79th Street.

4. DESCRIPTION OF THE PROPOSED PROJECT AREA/PROPOSED DEVELOPMENT SITE

The Proposed Project Area and the Proposed Development Site are coterminous (except for a portion of Lot 24 located in the bed of the mapped street) and consist of Queens Block 11384, Lots 15, 24, 28, 29, 32, 34, 37, 38, 39, 40, 42 and 45. The Proposed Project Area is located on the southern portion of Block 11384 bounded by Sapphire Street to the west (a 60'narrow street), 149th Avenue to the south (a 70' narrow street) and 79th Street to the east (an 80' wide street) and has a total combined lot area of approximately 55,173 square feet. The elevation of the site decreases from +10'-2" at the corner of 79th Street and 149th Avenue to +4'-3" at the corner of 149th Avenue and Sapphire Street. The Proposed Project Area is largely vacant or used for the open storage of materials or vehicles.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Proposed Development at the Proposed Development Site is a new six-story plus cellar, residential building with a total floor area of approximately 186,374 square feet (3.4 FAR).

The cellar will contain a total of 118 parking spaces accessed by 18'-0" curb cuts along Sapphire Street and 79th Street. The second through sixth floors will consist of approximately 270 dwelling units (68 studios, 111 one-bedroom, and 91 two-bedroom), including approximately 68 permanently affordable housing units pursuant to MIH Option 1. The Proposed Development is a U-shaped building surrounding an inner courtyard that will rise to a base height of 55'-0" and a total height of 65'-0".

With regard to flood resiliency, the Proposed Development is raised above the flood plain including the mechanical spaces. The ground floor is proposed as parking and storage and will have a wet-floodproofed permeable ground floor along with an exterior gabion wall system. The Proposed Development includes streetscape treatment to mitigate any blank wall conditions and will include plantings. Any blank walls will be mitigated through the use of openings simulating windows as per the upper façade and the proposed gabion wall system provides a dynamic permeable envelope which allows for shadow play and a palette of natural colors. The proposed landscaping shall further enhance the streetscape condition as a 10 – 15-foot setback is proposed around all three frontages with plantings, including a variety of trees and bushes native to the area. Street trees are also proposed within a 10' sidewalk around all three frontages. A covered lobby entrance will also contribute to the streetscape mitigation elements. Should the street grade be raised by DOT, the Proposed Development will be able to accommodate it. The ground floor is treated as a soft story with the building set back from the sidewalk/street line with planted areas. If/when the street is raised; the plantings will be spayed, the planted areas will be infilled with topsoil, and the landscaping elements will be replanted. With regard to stormwater runoff, the Proposed Development will adhere to the Unified Stormwater Rule through the utilization of on-site retention and detention as required, with use of the CSO outlet, as previously discussed with DEP, that runs down 79th Street as the stormwater outlet. In addition, the applicant is considering a blue roof design to implement green infrastructure practices in accordance with the Unified Stormwater Rule.

6. ACTIONS NECESSARY TO FACILITATE THE PROJECT

The actions necessary to facilitate the project are: 1) a zoning map amendment to rezone the Proposed Project Area from an R4 zoning district to an R6A zoning district, and 2) a text amendment of ZR Appendix F – Mandatory Inclusionary Housing Areas and Former Inclusionary Housing Designated Areas for Queens Community District 10 to establish an MIH Area coterminous with the Proposed Project Area.

<u>Zoning Map Amendment to an R6A Zoning District</u>
The Proposed Project Area has been zoned R4 since 1961. The proposed rezoning from the existing R4 zoning district to the proposed R6A zoning district is appropriate at the Project Area, which is located just south of Linden Boulevard (a 170' wide street).

The proposed R6A zoning district is appropriate within the Proposed Project Area. R6A zoning districts are contextual residential districts where the Quality Housing bulk regulations are mandatory. Within an R6A zoning district, community facility and residential uses are permitted up to a 3.0 FAR or 3.9 FAR with qualifying affordable housing or qualifying senior housing. Above a maximum base height of 65 feet a 10-foot setback is required on a wide street and a 15-foot setback is required on a narrow street before rising to a maximum height of 75 feet or 95 feet with qualifying affordable housing or qualifying senior housing. Required parking will vary depending on the dwelling type, date of issued Certificate of Occupancy, and location within or beyond the Greater Transit Zone. Parking is either reduced or not required for ancillary dwelling units, qualifying affordable housing or qualifying senior housing.

The proposed R6A zoning district is consistent with the scale of existing buildings located within the immediate area. The permitted bulk is consistent with that permitted two blocks west by the Linden Boulevard Rezoning and will facilitate development consistent with the development

facilitated by that rezoning. The proposed zoning map amendment would promote the development of medium-density, contextual housing that includes affordable housing at the Proposed Development Site, an underutilized site, that would be consistent with the scale and character of the surrounding area and would further the City's goals for additional housing. The Proposed Project Area is an underutilized area and would benefit from the development of a residential building to help meet demand for additional housing.

Zoning Text Amendment to ZR Appendix F – Mandatory Inclusionary Housing Areas and former Inclusionary Housing Designated Areas

The proposed zoning text amendment would provide the Lindenwood neighborhood with new permanently affordable housing, which would support the City's effort to increase the overall supply of affordable housing.

The shortage of affordable housing and housing in general has been highlighted by the current administration as an urgent issue that needs addressing. *Housing New York 2.0* is an extension of the City's comprehensive housing development policy (*Housing New York: A Five-Borough, Ten-Year Plan*) that includes a primary goal of building or preserving 200,000 units of high-quality affordable housing by 2022 and 300,000 homes by 2026. *Housing New York 2.0* was developed in conjunction with the New York City Department of Housing and Preservation (HPD) to create housing opportunities for New Yorkers with a range of incomes, while fostering vibrant and diverse neighborhoods. Framed by the policy goals and objectives in *Housing New York*, the City Council adopted an amendment to the ZR to establish the Mandatory Inclusionary Housing program, which requires areas rezoned for residential growth to include a minimum of 20 to 30 percent of dwelling units be affordable in new developments.

The proposed zoning text amendment to ZR Appendix F will support the policies and goals of *Housing New York 2.0* by creating permanently affordable dwelling units within the Proposed Development, will permit the applicant to develop the Proposed Development Site in accordance with the MIH program and will ensure that any future residential development at the Proposed Project Area will address the need for housing to serve a broad range of the City's diverse incomes. The applicant proposes mapping MIH Options 1 and 2 within the Proposed Project Area to provide maximum flexibility for non-applicant-controlled sites. Option 1 requires 25% of residential floor area to be set aside for affordable housing units for residents with incomes averaging 60% AMI, with a minimum of 10% of housing to be affordable at 40% AMI. Option 2 requires 30% of residential floor area to be set aside for affordable housing units for residents with incomes averaging 80% AMI. The Proposed Development currently contemplates providing approximately 68 affordable housing units pursuant to Option 1 of the MIH program. The applicant will seek additional input from Queens Community Board 10 and the local City Council Member regarding the level of affordability for the Proposed Development.

7. CONCLUSION

The Applicant proposes a zoning map amendment to rezone the Proposed Project Area from an R4 zoning district to an R6A zoning district. The proposed zoning map amendment will facilitate the development of a new six-story residential building with approximately 270 dwelling units. The applicant also proposes a zoning text amendment to amend ZR Appendix F – Mandatory Inclusionary Housing Areas and former Inclusionary Housing Designated Areas for Queens Community District 10, to designate the Proposed Project Area as an MIH Area. The proposed zoning text amendment will facilitate the development of approximately 68 permanently affordable housing units within the Proposed Development pursuant to the City's MIH program, thereby ensuring that it addresses the need for housing to serve a broad range of the City's diverse needs and incomes.