



IN THE MATTER OF an application submitted by BR-2012 Realty LLC pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving:

- 1) the elimination, discontinuance and closing of a portion Story Avenue between Bronx River Avenue and the U.S. Pierhead and Bulkhead Line;
- 2) the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 13147 dated February 13, 2023, and signed by the Borough President.

This application (C 230070 MMX) for an amendment to the City Map was filed by BR-2012 Realty LLC on September 20, 2022. The proposed City Map amendment would demap a portion of Story Avenue west of Bronx River Avenue to facilitate a commercial development with one acre of Waterfront Public Access Area (WPAA) located at 1400 Story Avenue in the Soundview neighborhood of the Bronx, Community District 9.

RELATED ACTIONS

In addition to City Map change (C 230070 MMX) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following applications, which are being considered concurrently with this application:

- | | |
|---------------------|--|
| C 230145 ZSX | Special permit pursuant to Zoning Resolution (ZR) Section 62-837(a) to modify required height regulations. |
| N 230142 ZAX | Authorization pursuant to Zoning Resolution Section 62-822(a) to modify to modify visual corridor and WPAA requirements. |
| N 230143 ZAX | Authorization pursuant to ZR Section 62-822(b) to modify certain WPAA requirements |

BACKGROUND

A full background discussion and description of this project appears in the report for the related zoning special permit (C 230145 ZSX).

ENVIRONMENTAL REVIEW

This application (C 230070 MMX), in conjunction with the applications for the related actions (C 230145 ZSX, N 230142 ZAX, and N 230143 ZAX), 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 City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 22DCP189X.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on February 10, 2023.

WATERFRONT REVITALIZATION PROGRAM

This application (C 230070 MMX) was reviewed by DCP for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 *et seq.*). The designated WRP number is 21-052.

This action was determined to be consistent with the policies of the WRP.

UNIFORM LAND USE REVIEW

This application (C 230070 MMX) and the related application (C 230145 ZSX) were certified as complete by the Department of City Planning on February 13, 2023 and duly referred to Bronx Community Board 9 and the Bronx Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related actions (N 230142 ZAX and N

230143 ZAX), which were referred for information and review in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Bronx Community Board 9 held a public hearing on this application (C 230070 MMX) and the related action for a zoning special permit (C 230145 ZSX) on March 16, 2023, and by vote of 29 in favor, none opposed and none abstaining, adopted a resolution recommending the approval of the application with the following conditions.

A summary of the Community Board's recommendation and conditions appears in the report for the related zoning special permit (C 230145 ZSX).

Borough President Recommendation

The Bronx Borough President held a public hearing on this application (C 230070 MMX) on April 20, 2023, and on April 28, 2023, issued a recommendation to approve the application.

City Planning Commission Public Hearing

On April 26, 2023 (Calendar No. 1), the City Planning Commission scheduled a public hearing on this application (C 230070 MMX) and the related applications. The hearing was duly held on May 10, 2023 (Calendar No. 12).

A summary of the public hearing appears in the report for the related special permit (C 230145 ZSX).

CONSIDERATION

The Commission believes that this application for a City Map change, in conjunction with the related application for a special permit and zoning authorizations, is appropriate. A full consideration of the issues and the reasons for approving the application appear in the report for the related special permit (C 230145 ZSX).

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City Map and any related acquisition or disposition of property to be appropriate, adopts the following resolution:

RESOLVED, that having considered the Environmental Assessment Statement (EAS) for which a Negative Declaration was issued on February 10, 2023, with respect to this application C 230070 MMX (CEQR No. 22DCP189X), 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, and Section 5-430 et seq. of the New York City Administrative Code that based on the environmental determination and the consideration described in this report, the application (C 210301 MMX), for an amendment to the City Map involving:

- 1) the elimination, discontinuance and closing of a portion Story Avenue between Bronx River Avenue and the U.S. Pierhead and Bulkhead Line;
- 2) the adjustment of grades and block dimensions necessitated thereby;

Including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No.13147 dated February 13, 2023, and signed by the Borough President is approved; and be it further

RESOLVED, that pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

RESOLVED, that, pursuant to Section 5-433 of the New York Administrative Code, the City

Planning Commission adopts the legally required number of counterparts of Map.13147 dated February 13, 2023 providing for the elimination, discontinuance and closing of a portion of Story Avenue between Bronx River Avenue and the U.S. Pierhead and Bulkhead Line; particularly described as follows:

**DISCONTINUING AND CLOSING OF A PORTION OF STORY AVENUE BETWEEN
BRONX RIVER AVENUE AND THE U.S. PIERHEAD AND BULKHEAD LINE AS
SHOWN ON THE CITY OF NEW YORK OFFICE OF THE BOROUGH PRESIDENT
OF THE BRONX MAP NO. 13147, DATED FEBRUARY 13, 2023.**

Starting at the point of intersection of the southerly line of Story Avenue and the westerly line of Bronx River Avenue:

- 1.) Thence, running 166.347 feet in a westerly direction along the westerly prolongation of Story Avenue;
- 2.) Thence, running 80.664 feet in a northerly direction to a point that makes an interior angle to the right of the previous course of 97 degrees, 21 minutes, and 17.7 seconds;
- 3.) Thence, running 176.6843 feet in an easterly direction to a point that makes an interior angle to the right of the previous course of 82 degrees, 38 minutes, and 43.3 seconds;
- 4.) Thence, running 80 feet in a southerly direction to a point that makes an interior angle to the right of the previous course of 90 degrees;

All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 13147 dated February 13, 2023 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter.

- b. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition “a” above until the applicant shall have executed a mapping agreement protecting the city's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission (the “Mapping Agreement”). If such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission; and
- c. The subject street to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

The above resolution (C 230070 MMX), duly adopted by the City Planning Commission on June 26, 2023 (Calendar No. 2), 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 Chair*

GAIL BENJAMIN, ALFRED C. CERULLO, III,

ANTHONY CROWELL, Esq., JOSEPH I. DOUEK, DAVID GOLD, Esq.,

LEAH GOODRIDGE, ORLANDO MARÍN, JUAN CAMILO OSORIO, *Commissioners*

RAJ RAMPERSHAD, *Commissioner, RECUSED*