



June 26, 2023 / Calendar No. 1

C 230145 ZSX
CORRECTED¹

IN THE MATTER OF an application submitted by BR-2012 Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the Section 62-837(a) of the Zoning Resolution to modify the height and setback of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) to facilitate the development of a 4-story commercial building, on property located at 1400 Story Avenue (Block 3621, Lots 1, 8, 200 & the proposed to be demapped portion of Story Avenue*), in an M1-1 District, Borough of the Bronx, Community District 9.

This application for a special permit was filed by BR-2012 Realty LLC on December 5, 2022.

This application, in conjunction with the related actions, would facilitate a commercial development with one acre of Waterfront Public Access Area (WPAA), as part of the expansion of York Studios Michelangelo Campus, located at 1400 Story Avenue in the Soundview neighborhood of the Bronx, Community District 9.

RELATED ACTIONS

In addition to the special permit (C 230145 ZSX) 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 230070 MMX City Map change for the elimination, discontinuance and closing of a portion of Story Avenue.

N 230142 ZAX Authorization pursuant to Zoning Resolution ZR 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.

¹ The report (C 230145 ZSX) has been administratively corrected on September 12, 2023.

BACKGROUND

The applicant, BR-2012 Realty LLC, requests a special permit, a City Map change and waterfront zoning authorizations to facilitate the construction of a new 181,306-square-foot filming studio and one acre of WPAA as part of the expansion of York Studios Michelangelo Campus, in the Soundview neighborhood of Bronx Community District 9.

The development site has an area of 270,128 square feet and is comprised of three zoning lots (Block 3621, Lots 1, 8, and 200), together with the southern portion of the Story Avenue portion that is proposed to be demapped. Lots 1, 8 and 200 have a combined total of approximately 263, 370 square feet, which includes approximately 41,478 square feet of land that is submerged underwater. The southern portion of Story Avenue has an area of 6,758 square feet. The development site is bounded by Story Avenue to the north, Colgate Avenue to the east, Lafayette Avenue to the south and the Bronx River to the west. The development site contains approximately 291 feet of frontage along Lafayette Avenue and approximately 1,809 feet of frontage on the Bronx River.

The proposed project area extends beyond the development site and includes two additional areas: an unbuilt portion of Lafayette Avenue, which contains 40,416 square feet of area and is located south of the development site, and the entire portion of Story Avenue proposed to be demapped, which has an area of 13, 722 square feet. The proposed project area has a combined total of approximately 324,266 square feet.

Lot 1, an approximately 261,699-square-foot lot, contained a light manufacturing facility that was demolished in or around 2009. Lots 8 and 200, with approximately 2,749 square feet and 2,057 square feet, respectively, are both vacant. The southern portion of Story Avenue has 6,758 square feet. Access points to the development site include one located at the corner of Story Avenue and Bronx River Avenue, and one at the corner of Lafayette Avenue and Colgate Avenue.

The surrounding area includes a diverse mix of land uses. Industrial, transportation, utility, and manufacturing uses are found to the north and west of the project area, across the Bronx River. Commercial, institutional, mixed use and multifamily residential uses are located to the east of the proposed project area. There are several open spaces located south of the project area.

Manufacturing uses include warehouses for materials storage and self-storage facilities that occupy large floorplate buildings ranging from one to two stories in height, as well as recycling centers. The existing two-story film studio in the York Studios Michelangelo Campus is located on a lot adjacent to the project area (Block 3622, Lot 18). Institutional uses include Bronx Arena High School, located east of the project area on the same block as the existing building in the York Studios campus. Residential uses within the surrounding area are primarily characterized by multifamily apartment buildings that range from 13 to 19 stories in height along Colgate Avenue, Story Avenue and Lafayette Avenue.

Notable open spaces and natural resources in the surrounding area include Soundview Park, Hunts Point Riverside Park, and the Bronx River. Soundview Park, located at the south of the project area, is a 205-acre park with baseball fields, a cricket pitch, a running track, a soccer field, basketball and handball courts, a dog run, protected bike lanes, and a performance lawn. The Hunts Point Riverside Park, located west of the project area across the Bronx River, is a 0.43-acre park adjacent to the river that includes a kayak and canoe launch sites, a fishing pier, a playground, and barbeque areas. The Bronx River is a freshwater river that runs towards the south from northern New York and ends in East River, between the Hunts Point and Soundview neighborhoods in the Bronx.

The surrounding area is mapped with a variety of zoning districts. The project area is located within an M1-1 zoning district. M1-1, M1-2 and M2-1 zoning districts are located to the north and west of the project area. An R6 zoning district is located to the east of the project area.

M1-1 zoning districts are manufacturing zoning districts characterized by one- to two-story light industrial uses, such as repair shops, wholesale service, and storage facilities. A maximum floor area ratio (FAR) of 1.0 is permitted for light industrial and commercial uses, while certain

community facility uses are also permitted up to an FAR of 2.4. M1-1 districts have a permitted height of 30 feet or two stories. Buildings are required to setback 20 feet on narrow streets and 15 feet on wide streets. Building heights above 30 feet are governed by a sky exposure plane. M1-1 zoning districts require one accessory parking space for every 300 square feet of floor area. M1-1 districts require high performance standards for noise, vibration, and smoke.

M1-2 zoning districts are manufacturing zoning districts similarly characterized by one- to two-story light industrial uses. A maximum FAR of 2.0 is permitted for both light industrial and commercial uses, while certain community facility uses are also permitted up to an FAR of 4.8. Parking is generally required at a rate of one space per 300 square feet. M1-2 districts allow for a maximum building height of 60 feet or four stories, whichever is less. Buildings are required to setback 20 feet on narrow streets and 15 feet on wide streets. Building heights above 60 feet are governed by a sky exposure plane.

M2-1 zoning districts are medium-density manufacturing zoning districts that occupy the middle ground between light and heavy industrial uses. M2-1 zoning districts are typically mapped along the waterfront in older industrial areas. A maximum FAR of 2.0 is permitted for both light industrial and commercial uses. Residential and community facility uses are not permitted. The maximum building height permitted for M2-1 districts is 60 feet or four stories, whichever is less. Buildings are required to set back 20 feet on narrow streets and 15 feet on wide streets. Building heights above 60 feet are governed by a sky exposure plane. Parking is generally required at a rate of one space per 300 square feet.

R6 zoning districts are medium-density residential districts where standard height factor regulations apply, producing buildings density buildings set back from the street. Quality Housing regulations are optional and produce high lot coverage buildings within set height limits with maximum FARs ranging from 2.2 to 3.6. Buildings developed pursuant to standard height factor regulations are often taller buildings, with an FAR ranging from 0.78 to 2.43. Building envelopes are regulated by open space ratio and a sky exposure plane that begins at a height of 60 feet above the street line. Off-street parking is required for 70 percent of the dwelling units. Off-street parking requirements are lowered to 50 percent of the units if the lot area is less than

10,000 square feet or if Quality Housing provisions are used.

The surrounding area is also located within an area where discretionary tax incentives are available under the Food Retail Expansion to Support Health (FRESH) Program. A portion of the surrounding area, west of the project area across the Bronx River, is located within the Hunts Point Industrial Business Zone (IBZ), which protects and incentivizes existing manufacturing districts.

The project area is well served by public transportation. The Bx5 bus line runs along Story Avenue, connecting West Farms to Pelham Bay. The nearest train station is across the Bronx River approximately 0.7 miles to the west, at the Hunts Point station. The major thoroughfares in the surrounding area run east-west and include Story Avenue, Lafayette Avenue, Bruckner Boulevard and Bruckner Expressway (I-278). Story Avenue is an 80-foot wide, two-way street with parking lanes on both sides that is open to traffic east of Bronx River Avenue. East of Colgate Avenue, Lafayette Avenue is open to traffic and is a 100-foot wide, two-way street with parking lanes on both sides. Bruckner Boulevard is a one-way service road that runs along both the northbound and southbound travel lanes of the Bruckner Expressway (I-278).

In 1961, the City Planning Commission approved the demapping of Bronx River Avenue between Story Avenue and Lafayette Avenue (CP-16243) adjacent to the development site. In or around 1991-1992, the eastern half of the demapped streetbed was apportioned to Block 3622, Lot 18 and the western half of the demapped streetbed was apportioned to Block 3621, Lot 1. Both tax lots are currently owned by the applicant.

In 2016, to facilitate the development of the first phase of the York Studios Michelangelo Campus, the Chair of the City Planning Commission certified that the adjacent property at 1410 Story Avenue (Block 3622, Lot 18) is exempt from visual corridor requirements pursuant to ZR Section 62-51 and no waterfront public access is required pursuant to ZR Section 62-52 because Lot 18 is not a waterfront zoning lot (N 160261 ZCX). Construction was completed on a two-story, approximately 167,314-square-foot television and film studio in 2017.

The proposed development would be the second and final phase of the York Studios Michelangelo campus. The applicant proposes to develop a four-story film and television studio building with approximately 161,306 zoning square feet and 60 feet in height. The proposed building would have a built FAR of 0.67. The proposed building would contain five studio stages and accessory space for talent rooms, wardrobe, hair and makeup, and offices. The proposed studio includes an underground garage at the cellar level with 128 parking spaces and an outdoor parking lot that would contain 12 at-grade parking spaces. Access points into the proposed building would be located along the western and eastern facades. The western façade of the proposed studio would have precast concrete panels with horizontal reveal lines that would form a pattern.

As part of the proposed development, the WPAA would have approximately 56,340 square feet, including approximately 21,705 square feet within a Tidal Wetlands Adjacent Area (TWAA). The WPAA would be comprised of 41,736 feet of Shore Public Walkway along the Bronx River, an upland connection to the north of the site, and an alternative upland connection to the south side connecting to Soundview Park.

The proposed WPAA includes an upland connection at the north of the development site, located on the improved portion of Story Avenue that is the subject of the City Map change (C 230070 MMX). The total area for the upland connection would be 4,229 square feet. The upland connection would include a circulation path with a minimum width of 12 feet, with 64 feet of linear seating, 2,300 square feet of planted area along the circulation path and one set of trash and recycling receptacles. There would be an eight-foot steel picket gate between the sidewalk and the entry to the upland connection.

The proposed Shore Public Walkway (SPW) would include a 12-foot circulation path composed of ADA-accessible permeable pavers. The SPW would include lighting, seating areas, trash receptacles and a variety of planting. The SPW would provide approximately 450 linear feet of seating. The SPW would also include 25,180 square feet of planted areas, two bike racks with parking spaces for 18 bicycles, and trash and recycling receptacles. Two segments of eight-foot fencing are proposed between the SPW and the proposed studio's accessory parking lot.

The WPAA would include an alternate upland connection at the south of the development site, in the unbuilt mapped portion of Lafayette Avenue. This portion of Lafayette is located between the development site and Soundview Park and has approximately 15,291 square feet in area. The alternate upland connection would be improved by the applicant in consultation with the New York City Department of Parks and Recreation (DPR) via a Memorandum of Understanding. The alternate upland connection would approximately 52 linear feet of seating, and a single pedestrian circulation path with a minimum width of 12 feet, and 10,350 square feet of planted areas along the circulation path. A portion of the path would turn towards the south to connect with an existing circulation path in Soundview Park. There would be an eight-foot gate between the end of the alternate upland connection and the SPW.

To facilitate the proposed development, the applicant seeks a zoning special permit, a City Map amendment and two zoning authorizations.

Zoning Special Permit (C 230145 ZSX)

The applicant requests a special permit pursuant to ZR Section 62-837(a) to modify the applicable height regulations of ZR Section 62-34(b)(3). Bulk regulations for M1-1 zoning districts in waterfront areas limit commercial buildings to a maximum base height of 20 feet and a maximum building height of 30 feet. Building heights above 30 feet are required to follow sky exposure plane with a slope of 1 to 1 on narrow and wide streets. The applicant proposes a building that rises to a height ranging from 46 feet to 60 feet.

City Map Change (C 230070 MMX)

The applicant proposes to eliminate and discontinue a portion of Story Avenue. The portion of Story Avenue would be acquired by the applicant and be improved as part of the WPAA.

Zoning Authorization (N 230142 ZAX)

The applicant requests a zoning authorization pursuant to ZR Section 62-822(a) to modify requirements related to the location, area, and minimum dimensions of WPAAs. Waivers

regarding the location of the upland connection and the width of the upland connection entry area are requested.

Location of the upland connection

ZR Section 62-56 requires upland connections to be located at intervals of 600 feet. The applicant proposes to have 1,00 feet between upland connections.

Width of upland connection entry area

ZR Section 62-56 (a)(1) requires the width of the upland connection entry area to be 50 feet. The applicant requests a waiver to reduce the required width of the upland connection at Story Avenue by 10 feet, to a width of 40 feet.

Zoning Authorization (N 230143 ZAX)

The applicant requests a zoning authorization pursuant to ZR Section 62-822(b) to modify design requirements for WPAA's. Waivers regarding circulations paths, seating, fences, and gates are requested.

Circulation path

ZR Section 62-62(a)(1) requires the circulation path be located within 10 feet of the shoreline for at least 20 percent of the length of the shoreline. The proposed circulation path would be located entirely 10 feet beyond the shoreline. This waiver is necessary to comply with New York State Department of Environmental Conservation (NYSDEC) regulations that require circulation paths to be 10 feet away from tidal wetlands.

ZR Section 62-64(b)(1) requires the upland connection entry area to have a five-foot-wide paved area along at least 70 percent of the frontage adjoining a public sidewalk. The applicant proposes to reduce the paved area width to 40 percent.

Seating

ZR Section 62-64(d) requires at least 12 linear feet of seating must be provided for every 100 feet of upland connection. The proposed upland connection will have a limited area. The need for seating will be satisfied by 36 feet of linear seating proposed at the adjacent SPW.

Fences and gates

ZR Section 62-651(c)(2) requires fences to have the maximum height of three feet. The proposed eight-foot fences are modifications to increase the security of the equipment and occupants of the proposed film studio, which will be accessible and utilized during late hours of the night.

ZR Section 62-651(d) requires gates to have a maximum height of four feet, and for 70 percent of the total width, in aggregate, of the WPAA must be free from obstructions associated with the gate. The applicant proposes eight-foot gates and for 50 percent of the total width of the WPAA to be free from obstructions. The eight-foot gates are modifications to ensure the security of equipment and staff inside the proposed film studio. When the proposed gates are open, 50 percent of the total WPAA width, in aggregate, is proposed to be free of obstructions. The reduced openings represent the minimum modifications necessary to provide functioning gates free of obstructions within the circulation paths and/or openings at the proposed locations.

The applicant is also seeking a Chair's certification pursuant to ZR Section 62-811 to demonstrate compliance with waterfront regulations, as modified by the requested authorizations.

ENVIRONMENTAL REVIEW

This application (C 230145 ZSX), in conjunction with the applications for the related actions (C 230070 MMX, 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 230145 ZSX) 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 230145 ZSX) and the related application (C 230070 MMX) 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 for zoning authorizations (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 230145 ZSX) and the related action for a City Map change (C 230070 MMX) 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:

- "1. Collaborate with independent non-profit United Hispanic Construction Workers (UHCW), Building Skills NYC and union trades to facilitate and ensure that the construction work force preference (Target 25%) from zip codes 10473, 10472, 10462, 10460, then the Bronx, NYC at large.
2. Continue to support your local school, park, community and the Cinema High School with programs and initiatives, in collaboration with Bronx CB9 (Back to school, NNO, Family Days, Interns, Etc.
3. Commit to creating high quality building service jobs that pay all building service workers union standard wages and benefits. (Tax requirement to pay prevailing wage)
4. Collaborate with the Minority Women Contractors and Developments Association (MWCDAs) 3-6 months prior to the construction closing, so that the MWCDAs can provide assistance, as an independent entity, on behalf of CB9, to ensure that York Studios creating and sustaining processes for equitable participation for minority and women owned contractors with a preference (Target 25%) placed on the specific zip codes, as determined by CB9, and the New York City at large. (York Studios will acquire the services of the MWCDAs to provide this assistance)
5. In addition to 24-hour on site security, commit to appropriately lighting the exterior of the building and placing security cameras robustly around the exterior entrances of the building as well as in all common areas.
6. Limit the amount of filming street parking permits to what is absolutely necessary and assist tenant leaders with suitable notification of approved permits surrounding studio.
7. Advocate to hire local workers, business and MWBEs in the day to day studio and production operations.
8. We recommend/request the proposed hours of operation for the waterfront public access area (WPAA) from dawn to dusk and the height of the fencing surrounding the WPAA at 8-feet high. We believe that the proposed operating hours and fencing will allow the community to have access to this new open space resource, while maintaining safety and security."

Borough President Recommendation

The Bronx Borough President held a public hearing on this application (C 230145 ZSX) and the application for the related action (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 230145 ZSX) and the related applications. The hearing was duly held on May 10, 2023 (Calendar No. 12). Five speakers testified in favor of the application and none in opposition.

The applicant team, consisting of five members, spoke in favor of the application. The applicant's attorney presented an overview of the proposed development and land use rationale for the proposed zoning actions. He stated that the requested authorization to modify the heights of fences and gates is necessary to ensure the safety of staff working inside the proposed building during night hours. A member of the applicant team explained that a greater building height than what is permitted as-of-right is necessary to accommodate bigger equipment required for filming sets. He spoke about the applicant's relationship with residents and Bronx Arena High School since the construction of the first phase of York Studios.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a special permit, in conjunction with the related application for a City Map change and zoning authorizations, is appropriate.

Together, these actions would facilitate the expansion of the York Studios Michelangelo Campus, with a development of a new four-story film studio that would contain 181,306 square feet of floor area and include five stages with accessory production space and 140 accessory parking spaces. In addition, 56,340 square feet of publicly accessible waterfront open space would be provided along the Bronx River. The Commission is pleased that the proposed actions

will facilitate development on a vacant site and support the creation of more than 300 jobs within the film industry. The Commission is also pleased that the applicant will improve a portion of Lafayette Avenue to serve as an additional pedestrian connection to Soundview Park and the proposed waterfront open space.

The Commission believes that the special permit (C 230145 ZSX) pursuant to ZR 62-837(a) for modification of building heights is appropriate. The proposed maximum building height of 60 feet will permit film productions to use the proposed studio spaces for a wider variety of filming sets and is necessary to accommodate film equipment that requires higher clearance ceilings. The proposed height is also consistent with the maximum height permitted in M2-1 zoning districts, which can be found to the west of the development.

The Commission believes that the City Map change (C 230070 MMX) is appropriate. The inclusion of the unbuilt portion of Story Avenue would help consolidate the proposed development site into a single zoning lot. The Commission is pleased that this amendment to the City Map will help improve the mapped but unbuilt portion of Story Avenue to provide waterfront access, by connecting the WPAA with the surrounding area, while also being improved with planting, circulation path and seating for public enjoyment.

The Commission believes that the authorization (N 230142 ZAX) pursuant to ZR Section 62-822(a) to modify requirements related to the location, area, and minimum dimensions of WPAAs is appropriate.² The irregular shape of the development site and its proximity to the adjacent lot present a challenge for the strict compliance of zoning requirements to provide upland connections on an alternate location and to increase the width of the upland connection entry area. Strict compliance requires an upland connection that would bifurcate the proposed building and lead to two smaller buildings with a reduced building footprint. Additionally, since the zoning lot has an irregular shape and is located directly adjacent to the neighboring lot (Block 3622, Lot 18), the upland connection would not provide access to an upland street. The requested action would allow for a continuous building with subsequent film studios that follow the

² The original report was updated to include the word “appropriate”.

configuration of the existing building in the campus. Furthermore, the proposed alternate upland connection on the prolongation of Lafayette Avenue provides access to the same upland street as it were following the strict zoning requirements.

In addition, the provision of the required upland connection entry area width, located at Story Avenue, would require frontage on both Story Avenue and Bronx River Avenue, thus extending the WPAA into an established parking lot that provides required parking for an existing building. The requested authorizations would allow for an appropriate location and configuration of the upland connections following the unique site conditions and campus configurations.

The Commission believes that the authorization (N 230143 ZAX) pursuant to ZR Section 62-822(b) to modify design requirements of the WPAA is appropriate and that the findings required in ZR section 62-822 have been met. The modification of waterfront public access requirements pertaining to the circulation path, seating, fences, and gates, will facilitate the construction of one acre of WPAA, activating a formerly vacant site along the waterfront with programmatic experience and an important connection to Soundview Park. The WPAA will be designed to provide unique opportunities to access the water to both the employees of the industrial area and the residents of the Soundview neighborhood.

The Commission believes that the modification to the circulation path is necessary to ensure tidal wetlands in the project area are protected. The authorization will allow the applicant to meet New York State Department of Environmental Conservation (DEC) tidal wetlands requirements without compromising the overall function and design of the circulation path. In conjunction with the seating modifications, the Commission believes that the proposed design provides users with a unique and diverse experience along the shore of the Bronx River. The requested modifications to the design requirements of ZR Section 62-60 create a WPAA that is equivalent to one that could be designed through strict adherence to zoning.

Regarding the height of the gate and fences, which is requested to be increased from the required four feet to the proposed eight feet, the Commission acknowledges the applicant's concern regarding public safety and the security of the campus, given its proximity to the waterfront

public area. The Commission also recognizes this concern is shared by the community board, the Borough President, and the council member. The Commission believes the proposed heights are appropriate for the proposed development.

The Commission received conditions from the community board related to facilitating local hiring, diverse construction work force, support to local institutions, provisions of good service jobs, exterior lighting of the existing film building and limitations to street parking beyond the scope of this application. The Commission is pleased with the applicant's commitment to work with local workforce development programs and provide support to Bronx Arena High School, the Cinema School, and residents of Community District 9 through initiatives and programs.

The Commission received the Bronx Borough President's recommendation related to the growth of the entertainment industry, ensuring fair wages for employees, support for local programs and the connection between the proposed WPAA and Soundview Park. The Commission agrees with the Borough President's recommendation for the inclusion of art or greenery to the western façade of the proposed building.

The Commission encourages the applicant to actively support environmental conservation initiatives to preserve the Bronx River.

The Commission notes that the applicant has also submitted a Chair's certification pursuant to ZR Section 62-811 to demonstrate compliance with the waterfront regulations, as modified by the requested authorizations.

FINDINGS³

The Commission hereby finds, pursuant to Section 62-837(a) of the ZR, that the height modifications will not adversely affect access to light and air on surrounding waterfront public access areas, streets, and properties; and:

³ The original report has been updated to remove the second finding.

- (1) will result in a better site plan and a better relationship between the zoning lot and the adjacent streets, surrounding neighborhood, adjacent open areas and shoreline than would be possible through strict adherence to the regulations.

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 230145 ZSX (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, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED⁴, 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 consideration described in this report, the application submitted by BR-2012 Realty LLC for the grant of a special permit pursuant to Section 62-837(a) of the Zoning Resolution to modify the height and setback of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) to facilitate the development of a 4-story commercial building, on property located at 1400 Story Avenue (Block 3621, Lots 1,8 and 200) & the proposed to be demapped portion of Story Avenue, in an M1-1 District, Borough of the Bronx, Community District 9 is approved, subject to the following additional terms and conditions:

⁴ The original report has been updated to remove one of the conditions, which is now substantively included in the related authorization report (N 230142 ZAX).

1. The property that is the subject of this application (C 230145 ZSX) shall be developed substantially in accordance with the specifications and zoning computations indicated on the following approved plans prepared by Gerald J. Caliendo Architects & Abel Bainnson Butz LLP Landscape Architects, filed with this application and incorporated in this Resolution:

<u>Dwg No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-001	Survey	11/14/2022
Z-002	Zoning Analysis	01/24/2023
Z-003	Zoning Lot Site Plan	06/09/2023
Z-005	Waiver Plan	06/09/2023
Z-006	Waiver Sections	01/24/2023

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to their construction, operation, and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee, or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent

of any party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency or government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation, or amendment of the special permit hereby granted.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 230145 ZSX), duly adopted by the City Planning Commission on June 26, 2023 (Calendar No. 1), 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, Esq.⁵, ORLANDO MARÍN, JUAN CAMILO OSORIO,
Commissioners

RAJ RAMPERSHAD, *Commissioner, RECUSED*

⁵ The original report was updated to include the title of Esquire.



BOROUGH PRESIDENT RECOMMENDATION

Project Name: 1400 Story Avenue (York Studios)	
Applicant: York Studios	Applicant's Administrator: Eleanore Martins
Application # 230143ZAX	Borough: Bronx
CEQR Number: 22DCP189X	Validated Community Districts: X09

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable

Please attach any further explanation of the recommendation on additional sheets as necessary

CONSIDERATION: See attached for Borough President Gibson's full recommendation.

Recommendation submitted by	BX BP	Date: 4/28/2023 9:23 PM
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**BOROUGH PRESIDENT
RECOMMENDATION**

**CITY PLANNING COMMISSION
120 BROADWAY- 31ST FLOOR
NEW YORK, NEW YORK 10271-0001**

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant’s representative as indicated on the Notice of Certification.

APPLICATION NOS:
C 230070 MMX - 1400 STORY AVENUE CITY MAP CHANGE
C 230145 ZSX – 1400 STORY AVENUE (YORK STUDIOS)
Related Application: N 230142 ZAX, N 230143 ZAX, N 230144 ZCX

PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION

COMMUNITY BOARD NO. 9 BOROUGH: BRONX

RECOMMENDATION

- ☒ **APPROVE**
- ☐ **APPROVE WITH MODIFICATIONS/CONDITIONS (List below)**
- ☐ **DISAPPROVE**

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

PLEASE SEE ATTACHMENT FOR BOROUGH PRESIDENT’S RECOMMENDATION


BOROUGH PRESIDENT

4/28/2023
DATE

**BRONX BOROUGH PRESIDENT'S RECOMMENDATION
ULURP APPLICATION NOS:**

**C 230070 MMX – 1400 STORY AVENUE CITY MAP CHANGE
C 230145 ZSX – 1400 STORY AVENUE (YORK STUDIOS)**

DOCKET DESCRIPTION

C 230070 MMX

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 of the City Map involving:

- 1) The elimination, discontinuance and closing of a portion of 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 of 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.

Related Applications: C 230145 ZSX, N 230142 ZAX, N 230143 ZAX, N 230144 ZCX

C 230145 ZSX

IN THE MATTER OF an application submitted by BR-2012 Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the Section 62-837(a) of the Zoning Resolution to modify the height and setback of Section 62-34 (Height and Setback Regulation on Waterfront Blocks) to facilitate the development of a 4-story commercial building, on property located at 1400 Story Avenue (Block 3621, Lots 1, 8, 200 and the proposed to be demapped portion of Story Avenue*), in an M1-1 District, Borough of The Bronx, Community District #9.

*Note: Story Avenue, between Bronx River Avenue and the U.S. Pierhead and Bulkhead Line, is proposed to be demapped under a concurrent related application for a City Map Change (C 230070 MMX).

Plans for this proposal are on file with the City Planning Commission and may be seen on the Zoning Application portal at <https://zap.planning.nyc.gov/projects/2021X0335>, or the Department of City Planning, 120 Broadway, 31st Floor, New York, N.Y. 10271-0001.

Related Applications: C 230070 MMX, N 230142 ZAX, N 230143 ZAX, N 230144 ZCX

BACKGROUND

Entrance to the existing York Studio's Michaelangelo Campus is located on the south side of Story Avenue, at the foot of Bronx River Avenue. A steel girder fence rising approximately eight feet, blocks and separates access to the unbuilt portion of Story Avenue at this intersection. This campus is defined by an exterior parking lot composed of 115 vehicular parking spaces. Existing development includes a building approximating thirty feet in height, offering 175,000 square feet and includes five studios. The site is secured by steel picket fencing and gate approximating a height of eight feet.

The current campus located at 1410 Story Avenue (Block 3622, Lot 18) approximates 176,000 square feet. In 2016 to facilitate construction of this facility, the Chairperson of the City Planning Commission certified that this site was exempt from visual corridor requirements pursuant to Section 62-51 of the Zoning Resolution (ZR).

Both ULURP applications now being considered pertains to the 263,270 square feet of vacant property. It is bounded by:

- Story Avenue on the north (unbuilt) and Bronx River Avenue
- Lafayette Avenue on the south (unbuilt)
- Colgate Avenue to the east
- The Bronx River to the west

C 230070-1400 Story Avenue City Map Change

Approval of this application will amend the City Map by demapping an unbuilt portion of Story Avenue, between Bronx River Avenue on the east and the Bronx River on the west. This section of Story Avenue is approximately 177 feet long and 80 feet wide, approximating 13,520 square feet. It is owned by the New York City Department of Transportation (DOT). It is currently being used for vehicular storage by a towing company located adjacent to this area's northern boundary, (Block 3646, Lot 1). Pending approval of this application the applicant seeks to acquire the southern half of the demapped section of Story Avenue (approximately 40 feet wide) to create a single waterfront zoning lot. The northern half (approximately 40 feet wide) would be made available to the adjacent lot owner.

The Development Site currently consists of approximately 263,370 square feet, (Block 3621, Lots 1, 8 and 200) of vacant property. Of this total, 41,478 square feet are submerged under water. In addition, 21,704 square feet of property is located within a tidal wetland adjacent area and is therefore subject to New York State Department of Environmental Conservation regulations.

Pursuant to the approval of this application, the total Development Site will approximate 270,130 square feet. The Development Site includes 291 feet of frontage on Lafayette Avenue, which, while mapped, is in fact an unpaved area and secured by fencing. This defines the southern boundary of the Development Site. On the west, the site offers 1,089 feet of frontage on the Bronx River. Approval of this application will facilitate development of the next and final phase of the York Studios Michaelangelo Campus and will include access to the public waterfront abutting the

Bronx River. Vehicular access to the York Studio Michaelangelo Campus will remain on Story Avenue. This site is zoned M1-1.

C 230145 ZSX-1400 Story Avenue (York Studios)

Approval of this application will facilitate development of a four-story television and film studio (Use Group 10A), located at 1400 Story Avenue (Block 3621, Lots 1, 8 and 200) also referred to as the York Studios Michaelangelo Campus. This new building will total approximately 181,306 square feet (FAR 0.67) and rise approximately sixty feet. It will be situated parallel to the Bronx River, and will be adjacent to the existing building located at 1410 Story Avenue. It will offer:

- Five studio stages
 - 3 @ 15,000 square feet
 - 2 @ 18,000 square feet
- Talent rooms
- Wardrobe, hair and makeup facilities
- Offices
- Parking for 255 vehicles (140 cellar level & 115 surface parking lot)
- 1-acre waterfront public access area on the Bronx River

Pending the timely approval of these applications, construction will commence in 2024 and conclude in 2026. Total development cost will approximate \$100 million.

Pedestrian and vehicular access will remain at the current location being the intersection of Story Avenue and Bronx River Avenue.

Owing to this site's proximity to the Bronx River waterfront it is subject to waterfront zoning regulations, Article VI, Chapter 2. This public access area will be landscaped and include space for seating and passive recreation. Highlights include:

- 41,736 square feet of open space
- 453 linear feet of seating
- 25,406 feet of planted area
- Two bike racks accommodating 18 bicycles
- Three sets of trash and recycling receptacles
- Tables and chairs for passive recreation
- Park lighting that will satisfy illumination standards set by the City DOT
- A landscaped buffer between open space areas and the building's façade
- An internal roadway providing pedestrian and vehicular access between the existing 1410 Story Avenue and the proposed 1400 Story Avenue.

This area will be accessible from Story Avenue via an upland connection and the northern end of the site. At the southern end the site offers. A mapped, unbuilt section of Lafayette Avenue defines the southern boundary of this site. This boundary offers 291 feet of frontage on Lafayette Avenue. It is anticipated that the northern boundary of Soundview Park be extended to include a

total of 17,683 square feet of what is currently the unbuilt portion of Lafayette Avenue. Pursuant to a Memorandum of Understanding, this section will remain under the ownership of the Department of Transportation and remain mapped. In consultation with the Department of Parks and Recreation, this area will be landscaped and maintained by the Applicant.

Approval of this application will modify the following Zoning Resolutions:

1. **C 230145 ZSZ** - A special permit pursuant to ZR Resolution Section 62-837(a) to modify bulk regulations to permit the proposed building height of 60 feet and 4 stories.
2. **N 230142 ZAX** - ZR Section 62-822(a) to modify the visual corridor and waterfront publican access area requirements:
 - a. ZR Section 62-56, to permit upland connections to be located at intervals along the shore public walkway in excess of 600 feet;
 - b. ZR Section 62-56 (a)(1), to reduce the width of the required upland connection entry area;
3. **N 230143 ZAX** - ZR Section 62-822(b) to modify certain waterfront public access area requirements:
 - a. ZR Section 62-62(a) to allow more than 20 percent of the circulation path to be located beyond 10 feet of the shoreline;
 - b. ZR Section 62-64(b)(1), to allow a paved area of less than 70 percent along the upland connection entry area frontage adjoining a public sidewalk;
 - c. ZR Section 62-64(d), to waive seating within the upland connection;
 - d. ZR Section 62-65(c)(2), to allow the use of steel picket fencing with a height greater than 36 inches between the Applicant owned- sight and waterfront public access area; and
 - e. ZR Section 62-651(d) to allow gates with a height greater than 4 feet located between the Applicant-owned site and waterfront public access area and a gate opening where less than 70 percent of the total waterfront public access area, in aggregate, would be free of obstruction;
4. **N 230144 ZCX** - A certification pursuant to ZR Section 62-811(b) by the Chairperson of the City Planning Commission certifying that a site plan has been submitted showing compliance with the provisions of ZR Section 62-50 and 62-60; and

Development to the north is typified by one- and two-story industrial buildings pursuant to the manufacturing district zoning designation (M1-1). An R6 designation is located east of Colgate Avenue and is a mix of medium- to high-rise buildings approximating 12- to 20-story tower-in-the-park style residential buildings. Soundview Park, approximating 205 acres is located on the south side of Lafayette Avenue. The Bronx River is immediately west of the site and is inaccessible as there is a significant grade change from the river to the lots. Retail activity is found on Westchester Avenue and has the Elder Avenue 6-train stop approximately ½ mile away. Bus transit via the Bx 5 operates on Story Avenue.

ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION

These application were reviewed pursuant to SEQR and CEQR and received a Negative Declaration. The City Planning Commission certified both applications as complete on February 13, 2023.

BRONX COMMUNITY DISTRICT PUBLIC HEARING

A public hearing was called by Bronx Community Board #9 on March 16, 2023. A unanimous vote recommending approval of these applications with modifications/conditions was 29 in favor, zero opposed, zero abstaining.

BOROUGH PRESIDENT'S PUBLIC HEARING

A virtual public hearing was convened by the Bronx Borough President on April 20, 2023. Representatives of the applicant was present and spoke in favor of these applications. No other speakers sought to offer testimony and the hearing was closed.

BRONX BOROUGH PRESIDENT'S RECOMMENDATION

The entertainment industry has a long and distinguished history in New York City. From Broadway theaters to smaller community auditoriums, from Radio City and The Bronx's Paradise Theater to the most modest size movie houses, creating entertainment is a multi-billion dollar industry in our great city that employs thousands of New Yorkers through direct and indirect good-paying jobs.

With the addition of new technology, specifically streaming digital content, there is a huge demand in the movie and television industries, creating a new "golden age" of content creation. With production in such high demand, studio space for filming is crucially important to ensure production companies don't need to leave New York City to get the studio space they need. Therefore, if our Bronx-based York Studio facility is to remain competitive and attract the most lucrative productions, I believe we must approve this project.

I support the conditions that were unanimously supported by Bronx Community Board #9, that include local hiring, union jobs, supporting MWBE and MWCD, supporting local community programs, ensuring full-time security, and limiting filming street parking permits. Hiring Bronx residents and Bronx based companies while ensuring that all salaries are "living wage" will always be a requirement for my support. As this project will create a significant private sector investment, it is essential that the money invested will have a direct benefit to Bronx residents.

I recognize that a significant aspect of the application pertains to the site's proximity to the Bronx River waterfront and there are proposed modifications to these waterfront public access regulations. The one requested variance of the proposal that has brought up some concerns is the height of the security fence and gate. I certainly agree that a three-foot fence and four-foot gate, as are the maximum heights permitted by the current zoning regulations, offers little, if any, security. Just as important, is that the [soon-to-be] demapped Story Avenue street-end offers an inviting and accessible space for the community to be able to access the Bronx River waterfront,

as well as the new connection to Soundview Park. If this site had an entirely new development, I would propose the maximum height of the fence and gate be a more reasonable six-feet in height, rather than the currently proposed eight-feet. However, with the existing Michaelangelo campus containing an existing eight-foot fence that fronts both Story Avenue to the north and Colgate Avenue to the east, the proposed eight-foot fence and gate would match the existing fence and makes sense for this specific proposal. I trust that York Studios will do their part in meeting the requirements that the gates are open during the day and the waterfront space is safe, well-maintained, and inviting to the public.

The existing York Studio building is a 30-foot gray concrete building and the proposed new building will be 30- to 60-feet of gray concrete as well. I would like to see both the proposed and existing York Studios buildings doing something creative with the existing concrete facades that face the community and the Bronx waterfront. These blank spaces could include some form of art or mural or greenery that will make the buildings visually appealing and further add to the character of the local neighborhood.

Finally, I want to ensure the connection between the waterfront public area and Soundview Park creates a seamless connection. The proposal shows two connections, one running along the mapped but unbuilt portion of Lafayette Avenue and connecting directly to Colgate Avenue; the other connection would create a new pathway into the park that connects to the existing pathway further south. While there is still some logistical work that needs to be finalized with several agencies before these connections can be made, this work needs to be prioritized and shovel-ready for when the proposed York Studio development begins so these park connections can be made in conjunction with the development. This timing is important because York Studios has agreed to help provide resources during the build-out and the city needs to make sure they're not missing out on a public-private partnership opportunity.

Overall, I am happy to see the expansion of York Studios and I recommend approval of the applications.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 1400 Story Avenue (York Studios)	
Applicant: York Studios	Applicant's Primary Contact: Eleanore Martins
Application # 230142ZAX	Borough:
CEQR Number: 22DCP189X	Validated Community Districts: X09

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 29	# Against: 0	# Abstaining: 0	Total members appointed to the board: 29
Date of Vote: 3/16/2023 4:00 AM		Vote Location: General Board Meeting (WebEx Remote)	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 3/16/2023 10:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Remote Webex Meeting

CONSIDERATION: Please see attached CB9 recommendation letter with conditions.		
Recommendation submitted by	BX CB9	Date: 3/29/2023 2:50 PM



COMMUNITY BOARD NUMBER 9

CITY OF NEW YORK
1967 TURNBULL AVENUE
BRONX, NEW YORK 10473

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VANESSA L. GIBSON
BRONX BOROUGH PRESIDENT

BRANDON GANAISHLAL
CHAIRPERSON

WILLIAM RIVERA
DISTRICT MANAGER



March 24, 2023

To: New York City Department of Planning, Calendar Office
120 Broadway, 31st Floor
New York, NY 10271

REF: # N230142ZAX, N230143ZAX, N230144ZCX, C230145ZSX, C230070MMX – 1400 Story Ave, BX

I am writing to notify your office that on March 16, 2023, Bronx Community Board 9 voted to approve this application actions from; York Studios, with the modifications and conditions below, in pursuant of the Uniform Land Use Review Procedure.

Modifications/Conditions:

1.	Collaborate with the independent non-profit United Hispanic Construction Workers (UHCW), Buildings Skills NYC and union trades to facilitate and ensure that the construction work force preference (Target 25%) from zip codes 10473, 10472, 10462, 10460, then the Bronx, NYC at large.
2.	Continue to support your local school, park, community and the Cinema High School with programs and initiatives, in collaboration with Bronx CB9 (Back to school, NNO, Family Days, Interns, Etc.)
3.	Commit to creating high quality building service jobs that pay all building service workers union standard wages and benefits. (Tax requirement to pay prevailing wage)
4.	Collaborate with the Minority Women Contractors and Developments Association (MWCDAs) 3-6 months prior to the construction closing, so that the MWCDAs can provide assistance, as an independent entity, on behalf CB9, to ensure that York Studios creating and sustaining processes for equitable participation for minority and women owned contractors with a preference (Target 25%) placed on the specific zip codes, as determined by CB9, and then New York City at large. (York Studios will acquire the services of the MWCDAs to provide this assistance)
5.	In addition to 24-hour onsite security, commit to appropriately lighting the exterior of the building and placing security cameras robustly around the exterior entrances of the building as well as in all common areas.
6.	Limit the amount of filming street parking permits to what is absolutely necessary and assist tenant leaders with suitable notification of approved permits surrounding studio.
7.	Advocate to hire local workers, business and MWBEs in the day to day studio and production operations.
8.	We recommend / request the proposed hours of operation for the waterfront public access area (WPAA) from dawn to dusk and the height of the fencing surrounding the WPAA at 8-feet high. We believe that the proposed operating hours and fencing will allow the community to have access to this new open space resource, while maintaining safety and security.

Thank you,

William Rivera
District Manager

CC: Borough President Vanessa Gibson, Office of the Bronx Borough President Office
Council Member Amanda Farias, NYC 18th Council District
Chairman Brandon Ganaishlal, Bronx Community Board 9
Bronx Office, NYC Department of City Planning
Land, Zoning, Planning & Economic Development Committee, Bronx Community Board 9

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