



## CITY PLANNING COMMISSION

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November 6, 2013, Calendar No. 19

C 140035 ZSX

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**IN THE MATTER OF** an application submitted by KNIC Partners, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-41(b) of the Zoning Resolution to allow an indoor arena with a maximum seating capacity of 5,800 seats located within 200 feet of a Residence District, and to allow the modifications of the sign provisions of Sections 32-64 (Surface Area and Illumination Provisions) and 32-655 (Height of Signs in all other Commercial Districts), and the loading provisions of Section 36-62 (Required Off-Street Loading Berths), in connection with the conversion of an existing building (Kingsbridge Armory), on property located at 29 West Kingsbridge Road (Block 3247, Lot 10 and p/o Lot 2), in a C4-4 District, Borough of the Bronx, Community District 7.

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This application for a Special Permit pursuant to Section 74-41(b) of the Zoning Resolution was filed by KNIC Partners LLC on July 17, 2013. The proposed Special Permit would facilitate the development of an indoor ice arena with a maximum seating capacity of 5800 seats and allow the modifications of the sign provisions of Sections 32-64 (Surface Area and Illumination Provisions) and 32-655 (Height of Signs in all other Commercial Districts), and the loading provisions of Section 36-62 (Required Off-Street Loading Berths) in the Kingsbridge Heights neighborhood in Bronx Community District 7.

### **RELATED ACTIONS**

In addition to the proposed special permit which is the subject of this report, implementation of the proposal also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

C 140033 ZMX      A proposed amendment to the Zoning Map, Section No. 3c, changing from an R6 to a C4-4 District.

N 140034 ZRX      A zoning text amendment which would allow by Special Permit, an arena with a capacity greater than 2,500 but no greater than 6,000 to be located within 200 feet of a residential district, and allow modifications of certain signage and loading berth requirements.

C 140036 PPX            The disposition of two (2) City-owned properties (Block 3247, Lot 10 and pp/o Lot 2) restricted to the approval of the Special Permit.

## **BACKGROUND**

A full background discussion and project description appears in the report on the related zoning text amendment application (N 140034 ZRX).

## **ENVIRONMENTAL REVIEW**

This application (C 140035 ZSX), in conjunction with the related applications (C 140033 ZMX, N 140034 ZRX, C 140036 PPX), were 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 agency is the Office of the Deputy Mayor for Economic Development (ODMED). The designated CEQR number is 13DME013X.

A summary of the environmental review appears in the report on the related application for a zoning text amendment (N 140034 ZRX).

## **UNIFORM LAND USE REVIEW**

This application (C 140035 ZSX) in conjunction with related applications (C 140033 ZMX, N 140034 ZRX, C 140036 PPX) were certified as complete by the Department of City Planning on July 22, 2013, and was duly referred to Community Board 7 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02 (b).

### **Community Board Public Hearing**

Community Board 7 held a public hearing on this application (C 140035 ZSX) on September 17, 2013 and, on that day, by a vote of 20 in favor, 5 against, and 0 abstentions, adopted a resolution recommending approval of this application.

### **Borough President Recommendation**

This application (C 140035 ZSX) was considered by the Borough President, who issued a recommendation approving this application on September 24, 2013.

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

On September 23, 2013, Cal. No. 6, the City Planning Commission scheduled October 9, 2013, for a public hearing on this application (C 140035 ZSX). The hearing was duly held on October 9, 2013 (Calendar No. 14). There were 7 speakers in favor of the application and 1 in opposition as described in the report on the related zoning text amendment application (N 140034 ZRX), and the hearing was closed. A full discussion of the hearing appears in the report on the related zoning text amendment application (N 140034 ZRX)

### **CONSIDERATION**

The Commission believes that the Special Permit pursuant to 74-41(b) (C 140035 ZSX), is appropriate. A full consideration and analysis of the issues appears in the report on the related text amendment application (N 140034 ZRX).

### **FINDINGS**

The Commission hereby makes the following findings pursuant to Section 74-41 of the Zoning Resolution:

- (1) that the principal vehicular access for such #use# is not located on a local #street# but is located on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#;
- (2) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (3) N/A
- (4) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent traffic congestion;
- (5) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart; and
- (6) that due consideration has been given to the proximity of bus and rapid transit facilities to serve such #use#.

The Commission also hereby makes the following findings pursuant to Section 74-41(b)

- (2) that open space surrounding such arena will be located and arranged to provide adequate pedestrian gathering areas to minimize disruption to the surrounding areas;
- (3) the arena includes noise attenuation features and measures which serve to reduce arena-related noise in the surrounding area, including at nearby #residences#;
- (4) where Sections 32-64 (Surface Area and Illumination Provisions) and 32-655 (Height of Signs in all other Commercial Districts) are modified, a #signage# plan has been submitted showing the location, size, height and illumination of all #signs# on the #zoning lot#, and the Commission finds that all such #signs# and any illumination from or directed upon such #signs# are located and arranged so as to minimize any negative effects from the arena #use# on nearby #residences#, and
- (5) where Section 36-62 (Required Accessory Off-street Loading Berths) is modified, a loading plan has been submitted that addresses the operational needs of all servicers of the arena and shows the number, location and arrangement of all loading berths on the #zoning lot#, and the Commission finds

that such loading plan is adequate to address the loading demand generated by the arena #use# and has received assurances that the arena operator will implement such plan in accordance with its terms .

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on October 25, 2013, with respect to this application (CEQR No. 13DME013X), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, in accordance with the environmental commitment letter, dated October 29, 2013, from the Deputy Mayor for Economic Development, those project components related to the environment and mitigation measures that were identified as practicable.

This report of the City Planning Commission, together with the FEIS, constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination described in this report, the application submitted by KNIC Partners, LLC pursuant to Sections 197-c and 201 of the New

York City Charter for the grant of a special permit pursuant to Section 74-41(b) of the Zoning Resolution to allow an indoor arena with a maximum seating capacity of 5,800 seats located within 200 feet of a Residence District, and to allow the modifications of the sign provisions of Sections 32-64 (Surface Area and Illumination Provisions) and 32-655 (Height of Signs in all other Commercial Districts), and the loading provisions of Section 36-62 (Required Off-Street Loading Berths), in connection with the conversion of an existing building (Kingsbridge Armory), on property located at 29 West Kingsbridge Road (Block 3247, Lot 10 and p/o Lot 2), in a C4-4 District, Borough of the Bronx, Community District 7, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 140035 ZSX) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Brisbin Brook Beynon architects and SCI Architects, PC, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z.1	Zoning Computations	10/29/2013
Z.2	Site Plan	07/23/2013
Z.3	Longitudinal & Cross Sections	07/23/2013
Z.4	Level 1/ Main Ice Level Plan	07/23/2013
Z.5	Sub Level 1 Basement Level Plan	10/29/2013
Z.6	Sub Level 2/ Cellar Level Plan	10/29/2013
Z.7	Level 2/ Balcony Level Plan	07/23/2013
Z.8	Level 3/ Upper Mezzanine Level Plan	07/23/2013
Z.9	Level 4/ Upper Ice Level Plan	07/23/2013
Z.10	Signage Plan – North & South Proposed Elevations	07/23/2013
Z.11	Signage Plan	07/23/2013

## East & West Proposed Elevations

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 its 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 other 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 of 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 140035 ZSX), duly adopted by the City Planning Commission on November 6, 2013 (Calendar No. 19), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, FAICP, Chair**

**KENNETH J. KNUCKLES, Esq., Vice-Chairman**

**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,**

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**ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners**