



Legislation Details (With Text)

File #: Res 2066-2013 **Version:** * **Name:** LU 966 - Zoning, Special permit, indoor arena with a rated capacity in excess of 2,500 persons, but not greater than 6,000 persons, to be located within 200 feet of a residential district, and modifications of certain signage and loading berth requirement

Type: Resolution **Status:** Adopted

In control: Committee on Land Use

On agenda: 12/10/2013

Enactment date: **Enactment #:**

Title: Resolution approving the decision of the City Planning Commission on Application No. N 140034 ZRX, for an amendment of the Zoning Resolution of the City of New York, relating to Section 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions) to allow by a special permit an indoor arena with a rated capacity in excess of 2,500 persons, but not greater than 6,000 persons, to be located within 200 feet of a residential district, and allow modifications of certain signage and loading berth requirements in Community District 7, Borough of the Bronx (L.U. No. 966).

Sponsors: Leroy G. Comrie, Jr., Mark S. Weprin

Indexes:

Attachments: 1. Committee Report, 2. Hearing Transcript - Stated Meeting 12-10-13

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------------|-----------------------|--------|
| 12/10/2013 | * | Committee on Land Use | Approved by Committee | |
| 12/10/2013 | * | City Council | Approved, by Council | Pass |

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 2066

Resolution approving the decision of the City Planning Commission on Application No. N 140034 ZRX, for an amendment of the Zoning Resolution of the City of New York, relating to Section 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions) to allow by a special permit an indoor arena with a rated capacity in excess of 2,500 persons, but not greater than 6,000 persons, to be located within 200 feet of a residential district, and allow modifications of certain signage and loading berth requirements in Community District 7, Borough of the Bronx (L.U. No. 966).

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on November 8, 2013 its decision dated November 6, 2013 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by KNIC Partners, LLC, for an amendment of the text of the Zoning Resolution of the City of New York, relating to Section 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions) to allow by a special permit an indoor arena with a rated capacity in excess of 2,500 persons, but not greater than 6,000 persons, to be located within 200 feet of a residential district, and allow modifications of certain signage and loading berth requirements, which along with the related actions, would facilitate approximately 794,900 square feet of new uses, including nine ice rinks (274,400 square feet); approximately 64,300 square feet of related program space, including a wellness/off-ice training center, curling rinks, and lockers/equipment storage; approximately 58,100 square feet of related food and beverage, concession, and retail space; and

approximately 50,000 square feet of community facility space and an accessory parking garage containing approximately 457 spaces development (Application No. N 140034 ZRX), Community District 7, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to applications C 140035 ZSX (L.U. No. 964), a Special Permit pursuant to Zoning Resolution Section 74-41 (b) to allow an indoor arena with a maximum capacity of 5,800 seats and to modify the sign provisions of Sections 32-64 and 32-655 and the loading requirements of Section 36-62; C 140033 ZMX (L.U. No. 965), proposed amendment to the Zoning Map, Section No. 3c, changing from an R6 to a C4-4 District; and C 140036 PPX (L.U. No. 967), a disposition of two (2) City-owned properties (Block 3247, Lot 10 and p/o Lot 2) restricted to the approval of the Special Permit;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on December 5, 2013;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on October 25, 2013 (CEQR No. 13DME013X).

RESOLVED:

Having considered the FEIS with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) 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
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to this approval, in accordance with an 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; and
- (4) The Decision 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 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 140034 ZRX, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

* * *

74-41

Arenas, Auditoriums, Stadiums or Trade Expositions

(a) In C4, C6, C7 or C8 Districts or any #Manufacturing District#, the City Planning Commission may permit arenas, auditoriums or stadiums with a capacity in excess of 2,500 seats, or trade expositions with a rated capacity in excess of 2,500 persons, provided that the following findings are made:

(a)(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#;

(b)(2) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(c)(3) that such #use# is not located within 200 feet of a #Residence District#,

(d)(4) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent traffic congestion;

(e)(5) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart; and

(f)(6) that due consideration has been given to the proximity of bus and rapid transit facilities to serve such #use#.

(b) In C4, C6, C7 or C8 Districts or any #Manufacturing District# in the Community Districts listed below, the City Planning Commission may permit an indoor arena with a maximum seating capacity of 6,000 within 200 feet of a #Residence District#, and in conjunction with such arena, permit modifications of the provisions of Sections 32-64 (Surface Area and Illumination Provisions), 32-655 (Height of Signs in all other Commercial Districts), and 36-62 (Required Accessory Off-street Loading Berths), provided that the following findings are made:

(1) findings (1), (2), (4), (5) and (6) of paragraph (a) of this Section are met;

- (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 .
- (i) Community District 7 in the Borough of the Bronx

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for soundproofing of arenas or auditoriums, shielding of floodlights, screening of open #uses# or surfacing all access roads or driveways.

* * *

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on December 10, 2013, on file in this office.

.....
City Clerk, Clerk of The Council

