

Kingsbridge Road (Block 3247, Lot 10 and p/o Lot 2), in a C4-4 District, (ULURP No. C 140035 ZSX), Community District 7, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to applications 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; N 140034 ZRX (L.U. No. 966), 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; 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)(3) of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-41 of the Zoning Resolution of the City of New York;

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, C 140035 ZSX, incorporated by reference herein, the Council approves the Decision, subject to the following 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 East & West Proposed Elevations | 07/23/2013 |

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.

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