



## **CITY PLANNING COMMISSION**

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December 4, 2013 / Calendar No. 9

C 140063 ZSK

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**IN THE MATTER OF** an application submitted by Coney Island Holdings LLC and the New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 131-60 of the Zoning Resolution to allow an open-air auditorium with a maximum of 5,099 seats for a term no greater than ten (10) years, on property located at 3052-3078 West 21<sup>st</sup> Street (Block 7071, Lots 27, 28, 30, 32, 34, 76, 79, 81, 130, 226, 231, and p/o Lot 142; the bed of former Highland View Avenue; and a portion of the bed of former West 22<sup>nd</sup> Street), in R5 and R7D/C2-4 Districts, within the Special Coney Island District (Coney West Subdistrict, Parcels B and G), Borough of Brooklyn, Community District 13.

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This application for a special permit pursuant to Zoning Resolution Section 131-60 (Special Permit for Auditoriums) was filed by Coney Island Holdings LLC and the New York City Economic Development Corporation on August 13, 2013. The requested special permit, along with its related actions, would facilitate the development of limited term amphitheater, public open space, and restoration of a historic restaurant, in the Coney Island neighborhood of Brooklyn Community District 13.

### **RELATED ACTIONS**

In addition to the proposed special permit (C 140063 ZSM) which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following which are being considered concurrently with this application:

- M 090107(B) MMK    A proposed administrative modification to City Map Amendments approved by the City Planning Commission on December 3, 2010.
- N 140064 ZRK        A proposed amendment to the Zoning Resolution, modifying Sections 131-00 to create 113-60 (Special Permit for Auditorium Use) and 131-00 Appendix A (Coney Island Special District Plan) to create Parcel G, enlarge the Special Coney Island District, and enlarge the Coney West Sub-district.
- C 140065 ZMK        A proposed amendment to the Zoning Map, Section No. 28d, establishing a Special Coney Island District (CI) generally bounded by West 22<sup>nd</sup>

Street, Riegelmann Boardwalk, West 23<sup>rd</sup> Street and a line 245 feet northerly of the boardwalk.

C 140066 PPK      A proposed Disposition of City Owned property to the Economic Development Corporation of the following lots on Block 7071: 27, 28, 30, 32, 34 76 79 81 130, 142, 226, and 231.

C 140067 PPK      A proposed Acquisition of property by the City to allow the City to acquire the following lots on Block 7071, Lots 27, 28, 30, 32, 34 76 79 81 130, 226, and 231.

## **BACKGROUND**

This application (C 140063 ZSK) would allow operation of a 5,099 seat amphitheater for a time period of ten years from the issuance of a permanent or temporary Certificate of Occupancy on parcels B and G in the Special Coney Island District (SCID); development of public open space that includes active and passive recreational amenities; and restoration of the Childs Restaurant Building a historic landmark designated by the Landmarks Preservation Commission, , as a restaurant and catering and entertainment facility.

The proposed project site is located in the Coney Island neighborhood of Brooklyn in Community District 13. The area of the proposed project is generally bounded by West 21st Street, The Riegelmann Boardwalk, West 23rd Street, the southern edge of Ocean Way between West 21st Street and West 22nd Street, and West 23rd Street. The proposed project site is currently partially within the Special Coney Island District.

The surrounding area is characterized by a variety of uses, densities, and building typologies. Development in the nearby neighborhood is concentrated along the main pedestrian and automotive thoroughfares, including Surf Avenue and Mermaid Avenue. The existing buildings principally range in height from one to six stories, in addition there are several tower-in-the-park style NYCHA and Mitchell-Lama developments between 13-22 stories housing a large proportion of residents in the area.

A residential health facility for seniors is located across the West 23st Street from the site to the west. To the north of the site between West 23rd and West 22nd streets are four and six story

residential buildings, and an HRO office on W 21st Street directly adjacent to the Childs Restaurant Building. To the east of the site is a vacant lot which is the current location of the Seaside Summer Concert series. Much of the remaining area in the immediate vicinity of the site is vacant.

The area is accessible via mass transit to the entire New York City metropolitan area via the N, Q, D, and F subway lines terminating at the recently renovated Stillwell Avenue subway station. The area also is accessible by car via the Belt Parkway, which connects Brooklyn to Staten Island through the Verrazano Bridge, and the Brooklyn-Queens Expressway, which connects the area with Manhattan and Queens.

The area to the east and north of the proposed project site, is within the Special Coney Island District and zoned R7D with a C2-4 overlay. The parcels to the west and north of the proposed project site are zoned R5 and those to the north of Surf Avenue are zoned R6 with a C1-2 overlay along Mermaid Avenue.

The Comprehensive Coney Island Rezoning Plan (Coney Island Plan), adopted in 2009, created a 27-acre amusement and entertainment district designed to re-establish Coney Island as an open and accessible mixed-use destination by preserving and growing amusement uses in perpetuity in their historic location along the Riegelmann Boardwalk. In addition, new mixed-use residential and retail neighborhoods were planned to address the local need for housing, greater access to retail goods and services, and jobs. The Special Coney Island District (SCID) was established with three subdistricts: Coney East, the core amusement and entertainment area, and the Coney North and Coney West Sub-districts which provide opportunities for the development of approximately 5,000 units of housing, including approximately 900 units of affordable housing units and a significant amount of local retail space to service the existing community and the new residences, as well as provide jobs.

The regional entertainment uses are concentrated in Coney East, framed by Surf Avenue and the elevated train, KeySpan Ballpark, the Aquarium, and the Riegelmann Boardwalk. Coney West and Coney North are envisioned in the Coney Island Plan as new residential neighborhoods. Coney West, where the proposed Seaside Park and Community Arts Center is located, is zoned for the development of more than half of the residential development and commercial development anticipated under the Coney Island Plan. The historic Childs Restaurant Building,

located on West 21st Street, was envisioned in the Coney Island Plan as an important anchor for this stretch of the boardwalk, and was anticipated to serve as a destination restaurant, and catering and entertainment venue. Highland View Park, a new neighborhood park established by the Coney Island Plan to serve the local community's open space needs, is adjacent to the Coney West Sub-district.

In addition to establishing the SCID, the Coney Island Plan included amendments to the City Map to eliminate and establish new parkland, adjust the grade of streets to better reflect flood elevations, and reconfigure the street network south of Surf Avenue to effectively frame the amusement area in Coney East and the new residential neighborhood in Coney West. These City Map changes have been fully approved , but are not yet filed with City agencies by DCP.

The City has also committed to undertaking major infrastructure upgrades to the stormwater and sanitary sewers on the Coney Island peninsula. Construction on the first phase of this work is scheduled to begin in 2013 year, but the project is not anticipated to be complete for many years. Full realization of residential and commercial development in the SCID is dependent on the additional capacity that the sewer project will create. Coney West infrastructure development is slated for the later phases of work, after work north of Surf Avenue is completed. However, developers that wish to move forward with construction may be able to connect to sewer improvements at their own expense, depending on the proximity of the developments to early phases of the infrastructure work.

The site of the proposed Seaside Park and Community Arts Center includes Tax Lots 27, 28, 30, 32, 34, 76, 130, 142, 226, and 231 on Tax Block 7071, as well as the beds of Highland View Avenue and a portion of West 22nd Street, which were approved for demapping as part of the 2009 Coney Island Rezoning to facilitate the creation of Highland View Park. The proposed Zoning Map change related to this application also includes tax lots 79 and 81, which are not proposed to be developed by the applicant.

The City owns lot 142 and the beds of Highland View Avenue and W 22nd Street, and the remainder of the tax lots proposed to be developed are currently owned by the applicant. Lots 79 and 81 are owned by a third party and are not proposed to be acquired by the City and developed as part of this project.

A portion of the project site, lots 130 and 142, is currently within the Coney West Sub-district, and identified in the SCID as Parcel B. Lot 130 is occupied by the Childs Restaurant Building, a historic building that is currently in dilapidated condition. Lot 142 is zoned for residential and commercial development under the Coney Island Plan, and could be developed with approximately 223 units of housing, including affordable housing, and approximately 94,000 square feet of retail and commercial use.

As noted above, Highland View Avenue was approved for demapping under the Coney Island Plan, as was a portion of West 22nd Street adjacent to the Riegelmann Boardwalk. Under the Coney Island Plan, The beds of the demapped streets and lots 27, 28, 30, 32, 34, 76, 79, 81, 226, and 231 are to be mapped as a new park, Highland View Park, intended to serve the open space needs of the local community. The Coney Island Plan also created the new Ocean Way, which, when constructed, would form a portion of the northern boundary of the project site. These mapping actions have been approved, but have not yet taken effect. Until the map establishing the park is filed, the underlying zoning continues to apply to these properties.

Lots 142 and 130 are zoned R7D/C2-4, which, within the SCID, allows for residential development, and commercial use as defined in the SCID special use regulations. Within 70 feet of the boardwalk, SCID commercial use included in use groups A, B, or C is mandatory. Transient hotels are also permitted above boardwalk level within 70 feet of the boardwalk edge, as is auditorium and arena use with a maximum of 2,000 seats. Portions of the site beyond 70 feet of the Riegelmann Boardwalk are subject to the C2-4 regulations as modified by the SCID, allowing a variety of local retail and service businesses tailored to support the goals of the SCID.

Maximum Floor Area for buildings containing residences is 5.8 FAR with the Inclusionary Housing Program. Transfer of development rights from lot 130 is permitted anywhere on SCID Parcels A, C, or D. Commercial uses pursuant to the SCID special use rules are allowed for lower floors on the entire site up to a maximum of 2.0 FAR. Maximum building height is 40 feet at the Riegelmann Boardwalk, and steps up to a maximum height of 65 feet with limited-footprint towers permitted to a maximum of 170 feet. Maximum Community Facility FAR is 2.0.

The remainder of the proposed project site is subject to R5 zoning. R5 is a low-density residential district permitting up to 1.25 FAR of residential development at a maximum height of 40 feet after a setback at 30 feet, and Community Facilities up to 2.0 FAR.

The project site is currently predominately vacant, with the exception of Lot 130 which is occupied by the Childs Restaurant Building. Lot 142 is vacant and has been in use as a community garden, although it was formally decommissioned in 2004 and is no longer part of the Parks Greenthumb Program. An alternative space has been identified for the current gardeners at 2829 Surf Avenue, the location of an existing Greenthumb Garden with the capacity to accommodate additional gardeners. The applicant is making improvements to the Greenthumb Garden at 2829 Surf Avenue including construction of raised beds. The remainder of the lots are vacant.

The proposed project has three main components: a seasonal amphitheater subject to the limited-term special permit, new public open space, and a restored Childs Restaurant Building which will operate as a restaurant, catering and entertainment venue. It is anticipated that the proposed amphitheater and other project components would be completed by spring 2015. The seasonal amphitheater would host Coney Island's free Seaside Summer Concert Series (15 concerts per year) along with paid concert events (25-35 per year), and provide the community with a year-round public space for other seasonal concerts, festivals, cultural events, public gatherings, and outdoor recreational activities.

The ten-year term of the proposed Special Permit allows the site to be developed with active use while the City sewer and stormwater infrastructure project is completed over time. At the point at which the Special Permit is no longer in effect, the Highland View Park portion of the site would be transferred to control of the Department of Parks and Recreation, and continued to be operated as a public open space, lot 142 would be made available for development with residential and commercial use pursuant to the Coney Island Plan, and the Childs Restaurant building would continue to be operated by the City or an entity designated by the City as a destination restaurant and catering and entertainment venue.

#### Amphitheater

The proposed amphitheater would consist of a large plaza and stepped terraces that face a stage integrated into the western wall of the Childs Restaurant Building. During events, which may

accommodate up to 5,099 attendees, removable chairs will be placed in the plaza and terraces; when there are no events, the plaza and terraces will be open to the public and available for recreation and other community programming. A tensile fabric roof mounted on arched metal trusses will be installed over the plaza from May until October, with an extension to the roof and side-panel curtains deployed on concert days to reduce the potential for noise from the amphitheater to disturb people in the surrounding area. During paid, ticketed events, a temporary fence will also be installed around the amphitheater area to limit access to ticket holders and screen the stage from the boardwalk and public open space.

The tensile fabric roof that will be installed at the beginning of the outdoor concert season in May and removed in October at the conclusion of the season is typical of open air concert venues and necessary to protect concert goers and performers from the heat and glare of the summer sun as well as shield them from rain storms. The seasonal roof will be supported by two metal trusses that will be anchored in landscaped areas at either side of the plaza and arc over the site. The roof truss system has been designed at a height that will ensure views across the site of the boardwalk and beyond. The entire roof structure, including the support trusses, will be removed between October and May.

The stage, which is contained within the Childs Restaurant Building, will face the restaurant and catering facility during the off-season. From May to October, partition walls are erected to re-orient the stage toward the amphitheater and plaza. Large doors in the outer wall of the building will enclose the stage between events. On concert days, the doors will slide open and a stage ‘apron’ will be installed to provide a larger area for performances.

When concerts and other events are scheduled in the amphitheater, movable chairs will be placed on the plaza and terraces. To reduce the potential for impacts on the surrounding residential and community facility uses, noise attenuating panels will be mounted to the seasonal roof fabric, and a temporary roof extension with curtains that largely enclose the facility’s western and northern edges will be installed. The roof extension and enclosing curtains would be installed the day of an event, and removed by 6 AM the following morning.

Two large LED screens will be mounted on the wall of the Childs Restaurant Building, flanking the stage. These will only operate during events, when they will give larger scale views of the

performances for those seated at the back, as well as provide opportunities for special visual effects.

For the 15 free Seaside Summer Concert Series performances, the public will have open access to the entire site. The free concerts will also be viewed from the Riegelmann Boardwalk and the areas of the site west of the Plaza and stepped seating. During paid concerts and other paid events, a temporary fence will be installed surrounding the perimeter of the amphitheater, which will limit physical and visual access to concert patrons with paid tickets.

In-season when events are not scheduled, the removable seating, roof extension, noise curtains, and temporary event screen will be stored in the Childs Restaurant Building or off-site, and the plaza will be available for a wide variety of public uses.

#### Childs Restaurant Building

The proposed project includes a restoration and adaptive reuse of the former Childs Restaurant Building that would accommodate approximately 384 restaurant patrons and rooftop diners, as well as catered events and indoor entertainment. The restaurant and catering programming in the Childs Building would continue year-round, and would continue to operate subsequent to the expiration of the Special Permit. A loading dock with three berths would allow for truck deliveries to the Childs Restaurant Building and stage area. Moveable bollards at the site entrance on West 22nd Street will allow trucks to easily turn in and out of the loading area, as well as provide access to the plaza area for delivery of chairs, temporary fencing for paid events, and noise attenuation materials that would be installed for each concert. Much of this installation activity would take place overnight prior to and following scheduled events, reducing the potential for conflicts with pedestrians and vehicles on local streets.

The interior of the Childs Restaurant Building is designed to be flexible the needs of both the seasonal amphitheater and the restaurant and catering facility. In season the stage and “back of the house” areas in the Childs Restaurant Building would be separated from the restaurant operations. During concerts and other events, the doors in the western façade enclosing the stage would be opened, and the stage apron would be installed to enlarge the area available for performances. When no event is taking place, the doors would slide shut to enclose the stage area.



Off-season, from November through April, the façade opening at the west of the Childs Restaurant Building would remain closed and the stage would be re-oriented to face the interior of the building, rather than facing the amphitheater. This allows the stage to support an indoor entertainment venue as well as restaurant and banquet facilities.

### Public Open Space

The proposed project includes a landscaped public open space extending between the Childs Restaurant Building and West 23rd Street along the Riegelmann Boardwalk, which would have active and passive recreational areas, including a small playground, a large sloping lawn, and an area with curving paths and planting. Seating would be distributed throughout the area, which would be accessed from multiple points on the boardwalk, West 23rd Street, and West 22nd Street. This area would be open to the public year round, during in-season and off-season operations, including during concerts and events.

Both West 23rd and West 22nd street are located approximately 7 feet lower than the Riegelmann Boardwalk. To allow for easy circulation by all users, the park has been designed to incorporate gently winding paths. The project site ingress and egress as well as its internal circulation, including the Childs Restaurant Building, are designed to be fully accessible by persons with physical disabilities as well as families with children in strollers and baby carriages. A fenced play space with selected play equipment is located in the northeast corner of the site with a planted bank placed at the edge of the site to buffer the area from neighboring residential properties.

The plan includes a 9,800-square foot lawn adjacent to the Riegelmann Boardwalk, which occupies the highest ground on the project site. This provides broad views of the ocean and neighborhood, as well as shady areas under the trees which would be planted around the edge of the lawn. A comfort station would also be constructed on the site adjacent to the lawn. This would provide facilities for men and women and would be easily accessible from the public open space and boardwalk, but would be available only to concert attendees during paid events when the temporary event fence is installed.

## Coastal Flood Regulations and Flood Resilient Measures

The project site is located in a flood area, as defined by FEMA, subject to storm surge flooding from the one percent annual chance coastal flood. Such zones are not subject to high velocity wave action but are still considered high risk flooding areas.

The proposed project will incorporate all New York State and New York City flooding and erosion requirements. Within the Childs Restaurant Building, mechanical equipment including the emergency generator and cooling towers will be located at roof level. The major utility rooms, including the electrical switchgear and fire pumps, will be located above the flood level. All fuel lines to mechanical equipment would be provided with Float Operated Automatic Shut-off valves. Basement level spaces, including restrooms and accessory offices and storage spaces, would be constructed of flood damage resistant materials capable of withstanding direct and prolonged contact with flood waters. Other areas, including the secondary restaurant lobby and ancillary utility rooms, would be dry flood proofed with permanent waterproof membranes, coatings and sealants.

The design of the open-air auditorium and publicly accessible open space components also incorporate a variety of flood resilient features. The open-air auditorium and publicly accessible open space are constructed of materials that are resistant to damage by flooding, including cast-in-place concrete, exposed aggregate concrete, masonry, and stainless steel. The comfort station fronting the Riegelmann Boardwalk and large portions of the accessible open space, including the Lawn Bowl and play equipment area within the Garden Walk, are raised above the flood level. Event seating and event-related equipment would be arranged before performances thereby limiting the potential for damage from possible flood exposure. In addition saltwater and wind resilient species of trees and groundcover plantings have been incorporated into the project.

### **Proposed Actions**

In order to facilitate the proposed project, the following actions by the City Planning Commission are required:

#### ***C 140063 ZSK: Special Permit pursuant to 131-60***

The applicant requests a Zoning Special Permit pursuant to ZR Section 131-60 (to be established via the proposed amendment to the zoning resolution, N 140064 ZRK, discussed below).

Pursuant to ZR 131-121, only auditoriums and arenas with a capacity not more than 2,000 persons are allowed in the Special Coney Island District. The zoning for the project site also limits such uses to within 70 feet of the Riegelmann Boardwalk. The requested special permit would allow temporary operation of an outdoor auditorium, or amphitheater, use with a capacity of no more than 5,099 seats on parcels B and G in the Coney West Subdistrict of the Coney Island Special District, for a maximum term of ten years.

Additionally, the applicant requests modification of the underlying parking, loading and signage regulations under the proposed section 131-60. Pursuant to zoning, the proposed development would require 63 accessory off-street parking spaces. However, the proposal does not include the provision of off-street parking. It is anticipated that those concert attendees who do not arrive via public transportation would use existing surface parking lots in the area. One off-street loading area is provided, with three berths as required by zoning. However, the underlying zoning does not allow such loading facilities to be located within 50 feet of an intersection of two streets, or an unenclosed loading area within 60 feet of a residential zoning district boundary. The proposed off-street loading area is located within 50 feet of the intersection of the unbuilt street Ocean Way, which was previously approved as part of the Coney Island Plan, and would be located within 60 feet of a residential zoning district boundary.

Underlying signage regulations limit the total sign area per frontage to 150 square feet, and do not allow signage to be mounted on the roof of a building, illuminated signage, or advertising signage. The applicant requests modification of the signage regulations to allow total sign area of 7, 610 square feet including seasonal and event-only signage, as well as permanent signage, for the provision of an illuminated sign on the roof of the Child's Restaurant Building, and for advertising content to be deployed on the interior of the temporary fencing to be erected during paid events. The advertising content would be visible only from the interior of the concert venue, not from the public spaces adjacent to the facility.

#### ***N 140064 ZRK: Amendment to the Zoning Resolution***

Amendment to the Zoning Resolution, modifying Sections 131-00 to create 131-60 (Special Permit for Auditorium Use) and 131-00 Appendix A (Coney Island Special District Plan to create Parcel G, enlarge the Special Coney Island District, and enlarge the Coney West Subdistrict in order allow outdoor entertainment uses on a limited-term basis, subject to findings and

conditions. Pursuant to ZR 131-121, only auditoriums and arenas with a capacity not more than 2,000 persons are currently allowed in the Special Coney Island District. The zoning for the project site also limits such uses to within 70 feet of the Riegelman Boardwalk. The text amendment would allow, for a period of ten years from the issuance of a temporary or permanent certificate of occupancy, the operation of an open-air auditoriums with a maximum of 5,100 seats on parcels B and G of the Coney West Subdistrict of the Special Coney Island District in Brooklyn Community District 13.

Under the text amendment, the grant of a special permit would be subject to conditions and findings that address the compatibility of the use with current uses and future development pursuant to the Coney Island Plan, the design of the amphitheater and public open space, the level of accessibility to the public, and the operation of the amphitheater during events. The special permit would also allow the Commission to waive parking and loading, and signage regulations.

***C 140065 ZMK: Amendment to the Zoning Map***

Amendment to the Zoning Map, Section No. 28d, to enlarge the Special Coney Island District to encompass the site of Highland View Park. This will allow the proposed Special Permit to apply to the entire development site within the SCID.

***C 140067 PQK: Acquisition of property by the City***

Acquisition of property by the City to allow the City to purchase the following lots on Block 7071, Lots 27, 28, 30, 32, 34, 76, 79, 81, 130, 226, and 231. All property proposed for acquisition are currently owned by the applicant. City acquisition of these lots will consolidate ownership of the entire development site and allow for the proposed disposition, detailed below.

***C 140066 PPK: Disposition of City Owned property***

Disposition of City owned property of the following lots on Block 7071: 27, 28, 30, 32, 34 76 79 81 130, 142, 226, and 231. The proposed disposition also includes the area of Highland View Avenue and the portion of West 22<sup>nd</sup> Street previously approved for demapping. Upon approval, the property would be transferred to the Economic Development Corporation which would lease the subject properties to a joint venture between the applicant and a local 501c3 organization which would then be responsible for all operation and maintenance of the facility for the duration of the lease agreement.

***M 090107(B) MMK: Modification to City Map Amendments***

Modification to a City Map Amendment approved with the Coney Island Plan in 2009. In Coney West, the approved Map Amendments eliminate and establish new parkland, adjust the grade of streets to better reflect flood elevations, and reconfigure the street network south of Surf Avenue to effectively frame the new residential neighborhood in Coney West. These City Map changes have been approved , but are not yet filed with City agencies by DCP. The proposed modification would separate the approved elimination of Highland View Avenue and a portion of West 22nd Street from the previously approved City Maps, in order to allow the demappings of these streets to proceed at this time , thereby facilitating the integration of the demapped properties into the project site for development pursuant to the proposed special permit.

The applicant (Coney Island Holdings, LLC) for the subject application is also an applicant for all of the related actions. EDC is a co-applicant for this application (C 140063 ZSK), as well as the City Map Amendment modification, Zoning Map Amendment, Zoning Text Amendment, and Special Permit applications (N 140064 ZRK, C 140065 ZMK). DCAS is a co-applicant for the disposition and acquisition actions (C 140066 PPK and C 140067 PQK). The Department of City Planning is a co-applicant for the City Map Amendment modification (C 090107B MMK).

**ENVIRONMENTAL REVIEW**

This application (C 140063 ZSK), in conjunction with the application for the related actions, was reviewed pursuant to 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 13DME014K.

It was determined that the proposed actions may have a significant effect on the environment. A Positive Declaration was issued on May 16, 2013, and distributed, published and filed, and the applicant was asked to prepare a Draft Environmental Impact Statement (DEIS). Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement

(DEIS) was issued on May 16, 2013. A public scoping meeting was held on the Draft Scope of Work on June 17, 2013, and comments were accepted by the lead agency through June 28, 2013. A final Scope of Work for the DEIS, reflecting comments made during the scoping, was issued on September 4, 2013.

The Draft Environmental Impact Statement was prepared and the lead agency issued a Notice of Completion for the DEIS on September 5, 2013. Pursuant to SEQRA and CEQR procedures, a public hearing was held on the DEIS on October 23, 2013. A Final Environmental Impact Statement (FEIS) was completed and a Notice of Completion for the FEIS was issued on November 21, 2013. The FEIS identified significant adverse impacts with regard to traffic. Details on these impacts and measures to minimize or eliminate these impacts, where feasible and practicable, are described in the Executive Summary to the FEIS, a copy of which is annexed hereto and incorporated herein as Exhibit A.

## **WATERFRONT REVITALIZATION PROGRAM**

This application (C 140063 ZSK), and its related actions (N 140064 ZRK, C 140065 ZMK, C 140066 PQK, C 140067 PPK, M 090107(B) MMK), was reviewed by the Department of City Planning 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 13, 1999 and by New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 *et seq.*) and determined that it was consistent with the policies of the WRP. The designated WRP number for this application and its related actions is 13-047.

The City Planning Commission, acting as the City Coastal Commission, having reviewed the waterfront aspects of this action, finds that the actions will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies.

## **UNIFORM LAND USE REVIEW**

This application (C 140063 ZSK), in conjunction with the application for the related actions (C 140065 ZMK, C 140066 PQK, C 140067 PPK, M 090107(B) MMK), was certified as complete by the Department of City Planning on September 9, 2013, and was duly referred to Community Board 13 and the Borough President, in accordance with Title 62 of the Rules of the City of New

York, Section 2-02(b), along with the related non-ULURP application (N 140064 ZRK), which was referred for review and comment.

### **Community Board Public Hearing**

Community Board 13 held a public hearing on this application (C 140063 ZSK) and the related applications on September 23, 2013, and on that date, by a vote of 15 in favor, 7 opposed and 7 abstentions, adopted a resolution recommending disapproval of the applications.

### **Borough President Recommendation**

This application (C 140063 ZSM), in conjunction with the related actions, was considered by the President of the Borough of Manhattan, who issued a recommendation on October 7, 2013, for approval of the applications.

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

On October 9, 2013 (Supplemental Calendar No. 1), the City Planning Commission scheduled October 23, 2013, for a public hearing on this application (C 120233 ZSM). The hearing was duly held on October 23, 2013 (Calendar No. 16), in conjunction with the public hearing on the related actions. There were 29 speakers in favor and 7 opposed.

Speakers in favor included representatives of iStar/Coney Island Holdings, LLC, the New York City Economic Development Corporation, and a representative of Coney Island USA, the local non-profit partnering with the applicant to manage the proposed project. These representatives described the project and expressed a commitment to resolving resident concerns with the proposal, including creation of an advisory group to facilitate community input into programming the public open space and amphitheater area when concerts are not hosted.

A representative of the NYC EDC described the history of the area and the Coney Island Plan and summarized the components of the proposal: a venue for the Seaside Summer Concert Series, Childs Restaurant Building restoration, and the construction of public open space on the site of Highland View Park. He confirmed that all three components of the proposal are required by project agreements to be in operation by 2016 at the latest.

A representative of the developer, Coney Island Holdings, LLC, discussed how the proposed project would enliven a currently under-utilized area, which he believes will allow for faster realization of the goal of the Coney Island Plan to create housing, new commercial space and

retail services, and create jobs. The applicant owns a significant amount of property in Coney West and views this investment in public open space and entertainment venues as beneficial to the development potential of the larger Coney West area. He asserted that there is plenty of parking in the area, and that there is no need for the proposed development to provide additional parking spaces. He also confirmed that operating funds for maintenance of the facility will come from concert and restaurant revenue. The lease agreements will include commitments to hire locally, but not specifically those who live in public housing. He also announced that the applicant is in talks with a major operator about including a hospitality training program in conjunction with restaurant operations.

The Council Member from the 47<sup>th</sup> district spoke in support of the proposal. He described the successes of the job fairs held annually that have placed over 450 residents in jobs since the adoption of the Coney Island Plan, and explained how this proposal fits into the vision of the Coney Island Plan. He also addressed community concerns about traffic, explaining that DOT has been working to respond to traffic problems with positive results

The Brooklyn Borough President spoke in support of the proposal, asserting that Coney Island is on the rise and that this development will add energy and excitement to the area and act as a catalyst for realizing the goals of the Coney Island Plan.

A representative of the Department of Parks and Recreation described the agreement with the applicant governing the conditions under which the public open space would be turned over to the City at expiration of the special permit term. He also spoke to concerns about the community garden use on lot 142, confirming that the community garden had been properly closed pursuant to DPR procedure in 2004. He also acknowledged that DPR allowed the gardeners to return to the site on an informal basis. In addition, he confirmed that lot 142 is not currently and was not in the past mapped as parkland.

Also speaking in support were representatives of local institutions and non-profit organizations such as the Alliance for Coney Island, New York Aquarium, the YMCA – planning to open the new Coney Island Y in December this year, Brooklyn Library –announcing that the Coney branch is now re-opened after post-Sandy renovations, and Astella Development Corporation. Representatives of the Brooklyn Chamber of Commerce and Brooklyn Tourism also spoke in favor of the proposal. Speakers described the benefits to the community of new public open



space for recreation, the cultural value of a major performance venue, and the symbolic importance of the proposed renovation of the landmark Childs Restaurant Building. The economic development potential of the proposed development and the importance of continued investment in the area was also emphasized by many speakers.

Area business owners and residents also spoke in favor of the proposal, including a representative of the Brooklyn Cyclones. They praised the rehabilitation of the Childs Restaurant Building and the potential of the proposal to turn an unsafe area that is inactive and unattractive into a neighborhood amenity.

Seven people, including several area residents and representatives of local community organizations such as the People's Coalition of Coney Island, and Community Voices Heard spoke in opposition to the proposal. These speakers stated that the planning process for the design and programming of the proposal did not include enough outreach to residents. Concerns were raised about noise impacts upon residents and the nursing home adjacent to the site, parking problems and traffic congestion, particularly on evenings when a concert would coincide with a baseball game or other event at MCU park. Some also spoke about the importance of access to the facility for people with disabilities, as well as programming for the facility that would be truly inclusive of the community. The need for living wage jobs in the community was also emphasized by several speakers.

Several speakers expressed concerns about the relocation of the community gardeners on lot 142 to the site at 2829 Surf Avenue, describing the benefits to the community of working together at making the garden grow, including a significant amount of cleanup and repair work after damage caused by Sandy. The replacement garden at Surf Avenue was criticized by some speakers as inadequate and poorly maintained, with poor sun exposure.

A representative of New York City Community Garden Coalition spoke in opposition to the proposal, expressing concern about the relocation of community gardeners, and asserting that the closing of the community garden in 2004 did not follow the correct procedure. Materials were also submitted for CPC review showing that lot 142 is depicted as parkland on a map of open space in the CEQR Technical Manual.

## **CONSIDERATION**

The CPC believes that the grant of the special permit as described in this application as modified

(C 140063 ZSK), in conjunction with the related applications (C 140064 ZRK as modified, C 140065 ZMK, N 140066 PQK, C 140067 PPK, M 090107(B) MMK), is appropriate.

The requested special permit, along with its related actions, would facilitate the development of limited term amphitheater, public open space, and restoration of a historic restaurant. The proposed project would activate an underutilized area, facilitate realization of the goals of the Coney Island Plan, and provide new recreation and cultural opportunities to the public as well as serving to restore a historic landmark.

The Seaside Park and Community Arts Center has three main components: a seasonal 5,099 seat amphitheater, new public open space that includes active and passive recreational amenities, and a restored Childs Restaurant Building which will operate as a restaurant, catering and entertainment venue. The seasonal amphitheater would host Coney Island's free Seaside Summer Concert Series along with paid concert events, and provide the community with a year-round public space for other seasonal concerts, festivals, cultural events, public gatherings, and outdoor recreational activities.

The Commission recognizes the comprehensive nature and importance of the 2009 Coney Island Plan to the Coney Island Community. The Coney Island Plan created a 27-acre amusement and entertainment district designed to re-establish Coney Island as an open and accessible mixed-use destination by preserving and growing amusement uses in perpetuity in their historic location along the Riegelmann Boardwalk. In addition, new residential neighborhoods were planned to address the local need for housing, greater access to retail goods and services, and jobs. The Special Coney Island District (SCID) was established with three subdistricts: Coney East, the core amusement and entertainment area, and the Coney North and Coney West Subdistricts which provide opportunities for the development of approximately 5,000 units of housing, including approximately 900 units of affordable housing units and a significant amount of local retail space to service the existing community and the new residences, as well as provide jobs.

While the Coney East amusement area has seen development of new and innovative amusements and amenities for visitors from the City, region, and around the world, with record numbers of visitors for several years, development of the housing, open space, commercial and retail services in Coney West and Coney North has not yet begun. The Commission believes that the affordable housing and improved retail services – and the jobs these uses would generate -

envisioned in the Coney Island Plan are extremely important for the revitalization of the area.

The Commission understands that City investments in sewer and stormwater system upgrades have begun, but that significant infrastructure projects are a long term undertaking, unlikely to be completed within a ten-year period. Since the capacity of current infrastructure is limited, the ability to fully realize the affordable housing, and commercial and retail space envisioned in the Coney Island Plan is currently limited. As such, an interim Amphitheater and Community center use on this site is an appropriate stop-gap measure that would create a node of activity and jump-start the open space and revitalization of the Childs Restaurant Building in Coney West.

The Commission recognizes that the proposal would result in development of new public open space and renovation and adaptive re-use of the Childs Restaurant Building as a restaurant, and catering and entertainment venue, setting the stage for realization of two important components of Coney West envisioned in the Coney Island Plan.

The Commission notes that the amphitheater will bring commercial activity and vitality to an area that is not yet ready for full realization of the potential for housing and commercial development embodied in the Coney Island Plan, due to the long-term timeframe for design and construction of the sewer and stormwater infrastructure investments needed in the area.

The Commission believes that the proposed enlivening of this part of Coney West with active uses and cultural entertainment will be a benefit to the community as well as provide much-needed jobs. The Commission is pleased that the free Seaside Summer Concert Series will continue to operate in Coney Island through the term of this Special Permit. This time period would allow the operators to seek a permanent home in an appropriate location that could house these concerts in the long run.

Under these circumstances, the Commission believes that a ten year special permit for the Seaside Park and Community Arts Center is appropriate and will not conflict with realization of the Coney Island Plan.

With regard to testimony received at the public hearing about the community garden, the Commission notes that the former Greenthumb Garden was properly discontinued pursuant to Department of Parks and Recreation procedure. The Commission further notes that Lot 142, Block 7071 is not now, and was not in the past mapped as parkland. The Commission is pleased

that the applicant is making investments in the Greenthumb Garden located at 2829 Surf Avenue to accommodate those currently gardening on lot 142.

Testimony was received at the public hearing regarding the importance of accessibility for persons with disabilities, and the need for recreation facilities for young people in the community. The Commission notes that the applicant has filed revisions to the Certified plans for the public open space that improve accessibility for persons with disabilities by widening certain paths and adjusting the slope of the paths and plaza to provide for easier negotiation for those with limited mobility. In addition, the revised plans include playground equipment suited for more active play by a wider range of age groups, additional social seating throughout the public open space, and a reconfiguration of the seating terraces to be more conducive to a wider range of uses.

### **Zoning Special Permit: C 140063 ZSK**

The Commission believes that the proposed zoning special permit, as modified, is appropriate. The special permit would allow, for a period of ten years from the issuance of a temporary or permanent certificate of occupancy, the operation of a seasonal amphitheater with a capacity of 5,099 seats on parcels B and G of the Coney West Subdistrict of the Special Coney Island District in Brooklyn Community District 13.

The Commission believes that the proposal has been well-designed to serve as a high-quality open space and cultural venue for the local neighborhood as well as visitors from New York City and the region. The seasonal roof, which would be installed during the concert season from May through October and removed for the balance of the year, is proposed to rise to a height of not more than 70 feet above the Reigelmann Boardwalk. The lower edge of the tensile canopy would allow good visibility along the West 22<sup>nd</sup> Street corridor and preserve views of the Reigelmann Boardwalk from the seasonal amphitheater. The tensile fabric stretched over the arched metal trusses is designed to maximize light in the plaza area while providing shade during the warm summer months and shelter from rain.

The proposed lighting plan would mount lighting to the roof trusses when that structure is installed during the concert season, and provide lighting with lighting poles ringing the plaza space when the seasonal roof and trusses are removed off-season. Lighting is also proposed for the public open space to illuminate the paths and plantings. The Commission believes this

approach would be effective in limiting the potential impact of concert lighting on the surrounding community while providing ample light to illuminate the paths and plaza.

The Commission notes that the seasonal amphitheater has been designed to minimize the potential for noise to impact the surrounding area. This includes the use of sound attenuation features installed prior to each concert and operational practices described in the FEIS which will be implemented pursuant to the terms of the lease agreement with the applicant. These operational practices include volume limitations calibrated to account for the sound attenuation features of the sound baffles that will be affixed to the facility roof and the curtains that will enclose the western and northern edges of the amphitheater during concerts.

The design of the public open space and amphitheater areas maintains visual and pedestrian connections along the West 22<sup>nd</sup> Street corridor leading to the Reigelmann Boardwalk. The Commission believes that the public open space offers good access for people with disabilities and notes that circulation from all major entry points to the public open space would remain open to the public, even when the amphitheater area is closed off for ticketed events.

The Commission notes that the entire public open space will remain accessible to the public, except during scheduled events that require a purchased ticket; a portion of the public open space will be open to the public at all times, including during ticketed events. The temporary event screen will be removed and stored within the Childs Building or off-site when no ticketed event is being held.

The Commission is pleased that the proposed restoration of the Childs Restaurant Building would fulfill the vision of the Coney Island Plan by allowing this historic structure to operate as a permanent year-round restaurant and catering entertainment venue. The innovative design of the stage allows the orientation to be shifted seasonally, with the stage facing the amphitheater during concert season from May through October, and then re-oriented to face the indoor restaurant area from November through April.

The proposed signage includes an illuminated sign on the roof of the Childs Building, seasonal signs identifying the venue mounted on the tensile roof, advertising signage mounted on the interior facing surface of the temporary event screen which is not visible to the public, and the use of LED screens during events. The Commission believes that the proposed signage is appropriate in scale and design for the site and use, is distributed appropriately across the site the

site, and will not negatively affect the surrounding area.

No off-street accessory parking spaces are proposed to be provided for this project. The Commission notes that there are four surface parking lots in the surrounding area, and that the Stillwell Avenue subway station connects Coney Island to the City and region via the Q, F, N, and R subway trains. While 63 accessory off-street parking spaces are required by zoning, the Commission believes that the applicant proposal not to provide off-street parking is appropriate.

The Commission also believes the proposal to waive off-street loading regulations is appropriate. One unenclosed off-street loading area is proposed to be provided as required by zoning, which would be located within 50 feet of the intersection of two streets and within 60 feet of a residence district boundary. The Commission notes that the majority of truck traffic to and from the site would be associated with set-up and take-down of scheduled events during off-peak hours, and would be supervised by the operations team to ensure potential conflicts with pedestrian and vehicles are minimized.

The Commission notes that a plan for managing the flow of people into and around the amphitheater facility on concert days will also be implemented. This will include establishing managed queuing areas for entry into the amphitheater, as well as potential local street closures to manage pick-up and drop-off areas, and providing shuttle service to the Aquarium parking lot on days when concerts coincide with events at MCU park.

The Commission believes that the design and operation of the seasonal amphitheater would not impair the essential character of or potential for residential development in the surrounding area in the future, and that the operation of the proposed seasonal amphitheater for a period of ten years offers benefits to the area while preserving the future potential of Coney West to be fully developed with housing, commercial and retail use in keeping with the Coney Island Plan. The Commission notes that a new Special Permit term could be requested in the future, would be subject to full public review under ULURP, and such proposal would be evaluated by the CPC for consistency with the goals of the Coney Island Plan for Coney West.

In addition, the Commission notes that the Department of Parks and Recreation has negotiated an agreement with the applicant detailing the conditions for transfer of the parcel G to City control upon expiration of the special permit.

**Amendment to the Zoning Resolution: N 140064 ZRK**

The proposed zoning text amendment would create a new special permit in ZR Section 131-60 for operation of an auditorium or arena with a capacity up to 5,100 persons for maximum period of ten years from the date of issuance of a temporary or permanent certificate of occupancy. In addition, the proposal establishes parcel G in the Special Coney Island District.

The Commission believes that the proposed zoning text amendment as modified is appropriate and advances the goals of the Coney Island Plan. The conditions and findings of the proposed special permit provide a framework for shaping a high-quality public amenity in the Coney West Subdistrict of the Special Coney Island District that facilitates realization of two important goals of the Coney Island Plan: establishment of new public open space on the site of Highland View Park, and restoration and adaptive reuse of the historic Childs Restaurant Building. In addition, the special permit allows for the seasonal amphitheater use to activate an underutilized portion of Coney West for an interim period while the City infrastructure work is underway.

The Commission hereby modifies the text herein to clarify that the reductions or waivers permitted pursuant to Paragraph (d) of Section 131-60 include reductions and waivers of both parking and loading requirements. The text as certified sets forth the finding that must be made in connection with the waiver or modification of loading requirements, but does not clearly state that such waivers or modifications may be granted. The modification made herein corrects this oversight.

**Amendment to the Zoning Map: C 140065 ZMK**

The Commission believes that the proposed zoning map amendment is appropriate. The proposal would enlarge the Special Coney Island District to encompass the entire area of Highland View Park, and define the area eligible for the special permit created by the related zoning text amendment proposal

**Acquisition of property by the City: C 140067 PQK**

The Commission believes that the proposed acquisition of property by the City is appropriate. The proposal would allow the City to acquire lots 27, 28, 30, 32, 34, 76, 79, 81, 130, 226, and 231 block 7071. All property proposed for acquisition is currently owned by the applicant. City acquisition of these lots will consolidate ownership of the entire development site and allow for the proposed disposition.

**Disposition of City Owned property: C 140066 PPK**

The Commission believes that the proposed disposition of City-owned property is appropriate. The proposal would allow for disposition of lots 27, 28, 30, 32, 34 76 79 81 130, 142, 226, and 231 on block 7071, in addition to the area of Highland View Avenue and the portion of West 22<sup>nd</sup> Street previously approved for demapping. Upon approval, the property would be transferred to the Economic Development Corporation which would lease the subject properties to a joint venture between the applicant and a local 501c3 organization who would then be responsible for all operation and maintenance of the facility for the duration of the lease agreement.

**Modification to City Map Amendments: M 090107(B) MMK**

The CPC believes that the modification to the City Map Amendments, which would separate the approved demappings of Highland View Avenue and a portion of West 22<sup>nd</sup> Street from the larger City Map changes previously approved under the Coney Island Plan, is appropriate in order to allow for the integration of these demapped areas into the project site.

**FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 131-60 of the Zoning Resolution:

(a) The Commission may permit open-air auditoriums with a maximum of 5,100 seats, provided the Proposed Plans demonstrate that:

- (1) at all times when the Riegelmann Boardwalk is open to the public, all publically accessible space, as shown on the proposed plans, will remain accessible to the public, except that access may be restricted as necessary during scheduled events, for the setup and takedown for such events, and in connection with maintenance activities; any barriers erected for the purpose of restricting access or visibility during such events shall be completely removed at all other times;
- (2) the height of all structures, temporary or fixed, does not exceed 70 feet in height, as measured from the level of the Riegelmann Boardwalk;
- (3) any roof or structural canopy above the open-air auditorium seating area will be removed prior to the month of November and shall remain removed during the entire off-season period between November through April, as well as in advance of severe weather events;



- (4) the signage plan and parking and loading plan comply with the provisions of paragraphs (c) and (d) of this Section, respectively; and
  - (5) the City and applicant will enter into an agreement under which Parcel G will be returned to the City as of the expiration of the term of the special permit in a condition set forth in such agreement appropriate for #use# as a #public park#.
- (b) In granting such permit, the Commission shall find that:
- (1) such open-air auditorium will not unduly impair the essential character or the future #use# or #development# of the surrounding area, pursuant to the goals and objectives of the #Special Coney Island District# plan;
  - (2) the outdoor lighting for such open-air auditorium is located and arranged so as to minimize any negative effects on nearby #residences# and #community facilities#, and that Proposed Plans include noise attenuation features and measures which serve to reduce the effect of noise from the open-air auditorium on the surrounding area, including nearby #residences# and #community facilities#;
  - (3) the construction of a stage as part of any #building# on Parcel B, for the purpose of accommodating an open-air auditorium #use#, will:
    - (i) enable the stage area to be closed to the outdoor portion of the open-air auditorium during the off-season when the open-air auditorium is not in use, so as to be operated for indoor entertainment #uses# with an eating and drinking establishment or other #use# permitted on Parcel B; and
    - (ii) allow for such #building# to be operated subsequent to the expiration of the special permit for #uses# permitted on Parcel B, such as eating or drinking establishments with entertainment;
  - (4) appropriate visual and pedestrian connections are maintained in the general area of the former street bed from the termination of West 22st Street to the Riegelmann Boardwalk;
  - (5) the portions of the site not dedicated to stage area or event seating are so designed to serve as a full time park-like resource for the public, and the portions of the site designed for open-air auditorium #use# serve as a high-quality open space resource when not in auditorium use;
  - (6) any roof or structural canopy above the open-air auditorium seating area will be visually unobtrusive, and maximize openness and visibility between the site and

the Riegelmann Boardwalk,

(7) the operations plan, which shall include a protocol for queuing for concert-goers, demonstrates that there would be no interference with the public use and enjoyment of adjacent public facilities; and

(8) the site plan, signage plan and lighting plan incorporate good design, effectively integrate the site with surrounding streets and the Riegelmann Boardwalk, and are consistent with the purposes of the #Special Coney Island District#.

(c) The Commission may, through approval of the Proposed Plans, permit #signs# notwithstanding the applicable #sign# regulations, except that #flashing signs# shall not be permitted and only #advertising signs# that are oriented toward the interior of the open-air amphitheater and not visible from the Riegelmann Boardwalk or other public area shall be permitted. In order to permit such #signs#, the Commission shall find that proposed signage is appropriate in connection with the permitted open-air auditorium #use#, is not unduly concentrated within one portion of the site, and will not negatively affect the surrounding area.

(d) The Commission may, through approval of the Proposed Plans, reduce or waive required parking or loading requirements, provided the Commission finds that the open-air auditorium will be adequately served by a combination of surrounding public parking facilities and mass transit. In addition, the Commission shall find that the proposed loading facilities on the site are located so as not to adversely affect the movement of pedestrians or vehicles on the #streets# surrounding the auditorium.

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on August 10, 2012, with respect to this application (CEQR No. 13DME014K), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act & regulations, have been met and that:

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action adopted herein is one that avoids or minimizes 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 environmental commitment letters, dated December 3, 2013, from the Deputy mayor for Economic Development and November 26, 2013, from Coney Island Holdings, LLC, 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**, 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

**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, and the consideration and findings described in this report, the application submitted by Coney Island Holdings, LLC and the New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, as modified, pursuant to Sections 131-60 of the Zoning Resolution to allow an open-air auditorium with a maximum of 5,099 seats for a term no greater than ten (10) years, on property located at 3052-3078 West 21<sup>st</sup> Street (Block 7071, Lots 27, 28, 30, 32, 34, 76, 79, 81, 130, 226, 231, and p/o Lot 142; the bed of former Highland View Avenue; and a portion of the bed of former West 22<sup>nd</sup> Street), in R5 and R7D/C2-4 Districts, within the Special Coney Island District (Coney West Subdistrict, Parcels B and G), Borough of Brooklyn, Community District 13, is approved subject to the following conditions:

1. The development that is the subject of this application (C 140063 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans

prepared by Gerner Kronich + Valcarcel, PC and Michael Van Valkenburgh Associates, Inc., filed with this application and incorporated in this resolution

<u>Dwg. No.</u>	<u>Title</u>	<u>Date</u>
Z-300	Overall Open Space Plan: In-Season Event	11/27/13
Z-301	Zoning Computations	11/27/13
Z-302	Operations Site Plan: In-Season Event	11/27/13
Z-303	Site Sections and Elevations: In-Season Event	11/27/13
Z-304	Event Screen Details	09/03/13
Z-305	Event Seating Details	11/27/13
Z-306	Section Stage House	09/03/13
Z-311	Site Plan: In Season Non-Event	11/27/13
Z-312	Site Sections and Elevations: In Season Non-Event	11/27/13
Z-320	Overall Open Space Plan: Off-Season	11/27/13
Z-321	Site Plan: Off-Season	11/27/13
Z-322	Site Sections and Elevations: Off-Season	11/27/13
Z-330	Site Materials Plan: Year-Round	11/27/13
Z-331	Site Grading Plan: Year-Round	11/27/13
Z-332	Site Planting Plan: Year-Round	11/27/13
Z-333	Fixed Site Furnishings Plan Year-Round	11/27/13
Z-340	Plaza/Park Paths Lighting: In-Season	11/27/13
Z-341	Plaza/Park Paths Lighting: Off-Season	11/27/13
Z-342	Plaza/Park Paths Lighting – Luminaire	09/03/13
Z-350	Stair Sections	11/27/13
Z-360	Pavement Details	11/27/13
Z-361	Planting Details	09/03/13
Z-362	Bench Details	09/03/13
Z-363	Plant Rail Details	09/03/13
Z-364	Fencing Details	09/03/13
Z-365	Handrail Details	09/03/13
Z-366	Site Furnishings: Year-Round	11/20/13

Z-367	Play Equipment Details	11/27/13
Z-368	Comfort Station Details	11/27/13
Z-370	Signage Plan	11/27/13
Z-371	Signage Childs Building	11/27/13
Z-372	Signage Childs Building 2	09/03/13
Z-401	Zoning Section Diagrams 1	11/27/13
Z-402	Zoning Section Diagrams 2	11/27/13
Z-600	Grade Level	11/27/13
Z-601	Main Floor Plan – In Season/Event	11/27/13
Z-602	Main Floor Plan – In Season/Non Event	11/27/13
Z-603	Main Floor Plan – Off Season	11/27/13
Z-604	Mezzanine Floor Plan	11/27/13
Z-605	Roof Plan	11/27/13

2. The development which is the subject of this application shall conform to all applicable laws and regulations relating to their construction, operation and maintenance.
3. 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.
4. 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 and the restrictive declarations 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 or of the restrictive declarations.

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

The above resolution (C 140063 ZSK as modified), duly adopted by the City Planning Commission on December 4, 2013 (Calendar No. 9), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, FAICP, Chair**  
**KENNETH J. KNUCKLES , Vice Chairman**  
**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,**  
**ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE DE LA UZ,**  
**JOSEPH I. DOUEK, MARIA M. DEL TORO, RICHARD W. EADDY,**  
**ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners**

**C 140063 ZSK**  
**Exhibit A**  
**13DME014K**  
**FEIS**  
**Executive Summary**

# Seaside Park and Community Arts Center

## Executive Summary

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### A. INTRODUCTION

The Applicant, Coney Island Holdings LLC, is proposing a number of land use actions to facilitate the development of the Seaside Park and Community Arts Center (the “proposed project”) in the Coney Island neighborhood of Brooklyn Community District 13. The proposed project involves the development of approximately 2.41-acres of publicly accessible open space, which would include an approximately 5,100-seat seasonal amphitheater for concerts and other events. The proposed project also includes the landmarked (Former) Childs Restaurant Building, which would be restored for reuse as a restaurant and banquet facility and renovated for adaptive reuse to provide the stage area for the open-air concert venue and use as an indoor entertainment venue during the off-season months.

The proposed project is intended to continue the City of New York’s ongoing efforts to reinvigorate Coney Island by introducing a new recreational and entertainment destination on the Riegelmann Boardwalk. The proposed amphitheater would be an interim use authorized for a period of ten years pursuant to a new City Planning Commission Special Permit. Upon completion, the amphitheater would be owned by the City of New York, under the jurisdiction of the New York City Economic Development Corporation (EDC), and would be operated jointly with a not-for-profit entity under a ten year lease with the city. The amphitheater would serve as the venue for a variety of concerts, community events, and public gatherings, such as the current Seaside Summer Concert Series. It is anticipated that the proposed amphitheater and other project components would be completed by summer 2015, and the first full year of operation would be 2016. As such, the analysis year for environmental analysis purposes is 2016.

As discussed below, a reasonable worst-case development scenario (RWCDs) was established for both Future No-Action and Future With-Action conditions. The incremental difference between Future No-Action and Future With-Action conditions will serve as the basis of the impact category analyses. The proposed project will be analyzed in the Environmental Impact Statement (EIS) as the RWCDs for 2016, the first full year of operation for the total project. This EIS has been prepared in conformance with applicable laws and regulations, including Executive Order No. 91, New York City Environmental Quality Review (CEQR) regulations, and follows the guidance of the *CEQR Technical Manual*.

The EIS includes review and analysis of all impact categories identified in the *CEQR Technical Manual*. The EIS contains a description and analysis of the proposed project and its environmental setting; the environmental impacts of the proposed project, including its short and long-term effects, and typical associated environmental effects; identification of any significant adverse environmental effects that can be avoided through incorporation of corrective measures into the proposed project; a discussion of alternatives to the proposed project; the identification of any irreversible and irretrievable commitments of resources that would be involved in the proposed project should it be implemented; and a description of any necessary mitigation measures proposed to minimize significant adverse environmental impacts.



## **B. BACKGROUND AND EXISTING CONDITIONS**

The proposed project would be located in Brooklyn Community District 13 along the western portion of the Riegelmann Boardwalk at Coney Island Beach on Block 7071, Lots 27, 28, 30, 32, 34, 76, 79, 81, 130, 142, 226, and 231 (the “project area”). The (Former) Childs Restaurant Building is located on Lot 130. As shown in Figure ES-1, the project area encompasses the site proposed for the Seaside Park and Community Arts Center (the “development site”), as well as two adjacent tax lots (lots 79 and 81 on Block 7071, the “outparcels”) that would be affected by the proposed zoning map amendment but are not part of the development site. The development site and outparcels are described below.

With regard to the existing zoning districts within which the project area is located, the portion of the site east of West 22<sup>nd</sup> Street (Tax Block 7071, Lots 130 and 142) is zoned R7D with a C2-4 commercial overlay and is within the Coney West Subdistrict of the Special Coney Island District. The Special Coney Island R7D District has a residential FAR of 4.35, which is 0.15 higher than typical R7D districts, expanded to 5.8 with the provision of affordable housing through the Inclusionary Housing Program. The C2-4 commercial overlay permits commercial uses with a maximum FAR of 2.0. Along the Riegelmann Boardwalk in the Coney West Subdistrict, uses are limited to amusement and entertainment. Lots within the first 70 feet of the blocks fronting the Riegelmann Boardwalk have base height minimums of 20 feet and maximums of 40 feet, in order to create a streetscape compatible with the landmarked (Former) Childs Restaurant Building on the corner of West 21<sup>st</sup> Street and the Riegelmann Boardwalk, which is 40 feet tall. In order to maintain the continuity of the street wall, a new building can be no closer to the street line than any other building within 150 feet on the same block, but need not be farther than 15 feet.

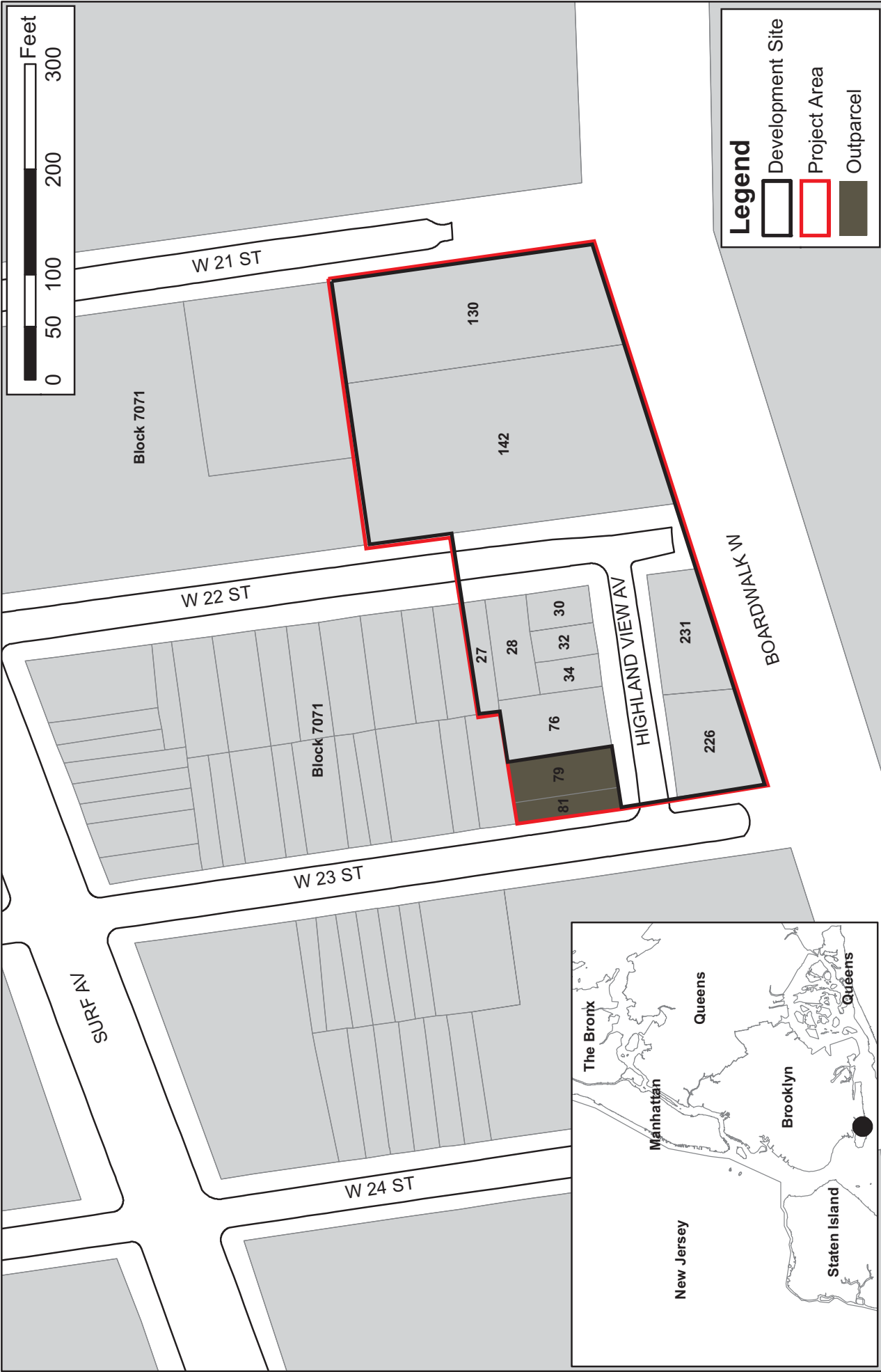
The portion of the project area west of West 22<sup>nd</sup> Street (Tax Block 7071, Lots 27, 28, 30, 32, 34, 76, 79, 81, 226 and 231) is located within an R5 zoning district. These ten tax lots were designated as an approximately 1.41 acre neighborhood park, Highland View Park, as part of the Coney Island Rezoning. Although this portion of the project area is shown on New York City Zoning Map 28d as “Highland View Park,” these properties presently remain in private ownership and have not been formally established as a public park. The formal establishment of “Highland View Park” is expected to occur at some time in the future.

### **Development Site**

As shown in Figure ES-1, the development site is generally bounded by the boardwalk to the south, West 23<sup>rd</sup> Street to the west, West 21<sup>st</sup> Street to the east, and properties fronting Surf Avenue to the north. The development site is an assemblage of ten tax lots on Block 7071 (Lots 27, 28, 30, 32, 34, 76, 130, 142, 226, and 231), as well as the beds of Highland View Avenue and a portion of West 22<sup>nd</sup> Street (approved for demapping in the 2009 Coney Island Rezoning), and covers an aggregate lot area of approximately 130,404 square feet (sf) (3.0 acres). As shown in Figure ES-2, the area is currently underdeveloped, and the only built structure occupying the development site is the (Former) Childs Restaurant Building (25,400 sf; Lot 130), a designated New York City landmark that is currently vacant and in deteriorated condition. The remainder of the development site is comprised of vehicle storage (18,004 sf; Lots 27, 28, 30, 32, 34, and 76), vacant unimproved land (14,157 sf; Lots 226 and 231), a decommissioned community garden (44,327 sf; Lot 142)<sup>1</sup>, and approximately 28,516 sf of paved streets,

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<sup>1</sup> Although the community garden is decommissioned, field observations indicate that it is currently being used for gardening purposes.



NOTE: Although lots 79 and 81 are part of the project area affected by the proposed zoning map amendment, those two lots are not part of the development site for the proposed Seaside Park and Community Arts Center.

**Seaside Park and Community Arts Center**

**Project Area and Proposed Development Site**

**Figure ES-1**



— Development Site



Outparcels

**Seaside Park and Community Arts Center**

**Figure ES-2**  
**Project Location - Aerial**



(Highland View Avenue and a portion of West 22<sup>nd</sup> Street, approved for demapping in 2009 in the Coney Island Rezoning). Lot 142 and the streets (72,843 sf) are City-owned, and the remainder of the site is owned by the Applicant (57,561 sf).

## Remainder of Project Area – Outparcels

The proposed zoning map amendment would also encompass Lots 79 and 81 on Block 7071, which are located immediately to the northwest of the development site (refer to Figure ES-1). Both outparcels are currently comprised of paved lots, with a combined lot area of approximately 6,000 sf, and are under private ownership by persons/entities independent of the Applicant. Lots 79 and 81 are not part of the proposed Seaside Park and Community Arts Center project, and those two outparcels are excluded from the defined development site described above.

## Surrounding Area

The area surrounding the project area is characterized by a variety of uses, densities, and building types. Development is most concentrated along the area's main pedestrian and automotive thoroughfares, including Surf and Mermaid Avenues, and buildings ~~tend to range~~ from 1 to ~~6-7~~ stories in height. Predominant land uses include vacant land and vehicle storage, public facilities, and institutional, residential, and commercial facilities. The remainder of Block 7071 immediately to the north of the project area between West 22<sup>nd</sup> and West 23<sup>rd</sup> Streets is comprised of a variety of land uses. A two-story, mixed-use building on the southeast corner of Surf Avenue and West 23<sup>rd</sup> Street has rental apartments on the second floor and vacant commercial space on the ground floor. Immediately to the east on Surf Avenue is a parking and vehicle storage lot adjacent to the one-story Niermatius Roofing Specialists building and an accompanying storage/parking lot. There is a one-story Stop Supermarket on the southwest corner of Surf Avenue and West 22<sup>nd</sup> Street, adjacent to another one-story commercial building facing Surf Avenue ~~which that~~ is currently vacant. The portion of the block fronting West 23<sup>rd</sup> Street is comprised of vacant lots, parking and vehicle storage facilities, and two- to four-story residential buildings. Fronting West 22<sup>nd</sup> Street are vacant lots, vehicle storage and parking lots, three- to ~~six~~seven-story residential buildings, and a one-story building accommodating Brooklyn Stairs (a carpentry company). The portion of the block between West 22<sup>nd</sup> and West 21<sup>st</sup> streets is comprised of a parking lot and a three-story building ~~which that~~ accommodates the New York City Human Resources Administration's Coney Island Medicaid Office building and fronts West 21<sup>st</sup> Street.

Along the east side of West 21<sup>st</sup> Street, immediately to the east of the project area, is a vacant lot that has served in recent years as a temporary location for the Seaside Summer Concert Series (see Figure ES-2). The Sea Crest Health Care Center and Surf Manor, two large institutional facilities, are located directly west of the project area, across West 23<sup>rd</sup> Street. The Sea Crest Health Care Center is a five-story nursing home specializing in therapy and rehabilitation, with approximately 305 residents, and Surf Manor is a four-story assisted living facility for adults with approximately 200 residents. There are also several three-story residential buildings located midblock between the institutions. All other lots on this section of that block are currently vacant or accommodate vehicle storage and parking. Further to the west, across West 24<sup>th</sup> Street, is the Haber Houses NYCHA development, a seniors-only residence, which includes three 14-story buildings and 380 apartments total.

Across Surf Avenue, to the northwest of the project area between West 22<sup>nd</sup> and West 24<sup>th</sup> streets, is the Carey Gardens NYCHA development, consisting of three, 15- to 17-story buildings with 683

apartments total. To the east of Carey Gardens are a single-story commercial building at the northeast corner of West 22<sup>nd</sup> Street and Surf Avenue and a surrounding 12-story residential building. Further east is the 18-story NYCHA Coney Island 1 (Site 1B) building. The Riegelmann Boardwalk and the Coney Island Beach are to the south of the project area.

Two blocks to the east of the project area is MCU Park, the home of the Brooklyn Cyclones, a New York Mets minor league baseball team. The newly opened Steeplechase Plaza, which features the landmarked Parachute Jump and iconic B & B Carousel, is also located to the east of the project area. These attractions and other landmarks, including the Cyclone Roller Coaster and the Wonder Wheel, are directly accessible from the development site via the Riegelmann Boardwalk and Coney Island Beach to the south. The Shore Theatre is located several blocks to the northeast at Surf and Stillwell Avenues, and further east is Luna Park, a new amusement park that opened in 2010, featuring a variety of rides and attractions. Due to the seasonal nature of the amusement uses, pedestrian activity within the vicinity of the project area peaks during the summer months and declines considerably during the winter. The areas immediately to the west and north of the project area are generally characterized by low- to mid-rise multi-family apartment buildings, parking lots, and vacant land.

The project area and the surrounding areas are accessible to the entire New York City metropolitan area via the N, Q, D, and F subway lines terminating at the recently renovated Stillwell Avenue subway station. The area is also served by five major bus lines: the B82, B74, B68, B64, and the B36. In addition, MTA-NYC Transit provides two express buses to and from Midtown Manhattan. The area is also accessible by car via the Belt Parkway, which connects Brooklyn to Staten Island over the Verrazano Bridge, and the Brooklyn-Queens Expressway, which connects the area to Manhattan and Queens.

## **Coney Island Rezoning**

On July 29, 2009 the New York City Council adopted the Coney Island Rezoning, with modifications, which was the subject of the *Coney Island Rezoning FEIS* (CEQR No. 08DME007K, June 5, 2009) and two subsequent Technical Memoranda dated June 15, 2009 and July 22, 2009, respectively. The 2009 rezoning resulted in the establishment of the Special Coney Island District (CI) along the southern shoreline of Brooklyn Community District 13, which overlays approximately 17 blocks located between the New York Aquarium, the Riegelmann Boardwalk, Mermaid Avenue, and West 22<sup>nd</sup> Street. The Special Coney Island District is comprised of four subdistricts, including “Coney East,” “Coney North,” “Coney West,” and “Mermaid Avenue.” The Coney Island plan was intended to facilitate the creation of a 27-acre amusement and entertainment district that would include a 9.39-acre mapped open amusement park as its centerpiece. The rezoning and Special Coney Island District were anticipated to result in an incremental increase in development of approximately 584,664 sf of amusement uses and amusement-enhancing uses like eating and drinking establishments; 606 hotel rooms; 2,408 residential units, of which 607 would be affordable units; 43,236 sf of small-scale accessory retail uses in the amusement and entertainment district (the Coney East subdistrict); 277,715 sf of general retail uses outside of the amusement and entertainment district; and 3,843 parking spaces, including 566 spaces for public parking, a portion of which would serve the Coney East subdistrict.

As part of the Coney Island Rezoning, the eastern portion of the Seaside development site (Lots 130 and 142) was rezoned from C7 to R7D with a C2-4 commercial overlay within the Special Coney Island District, and was identified as Parcel B of the Coney West subdistrict in Appendix A of the Coney Island District Plan. The eastern portion of the Seaside development site was also identified as part of projected development Site 2 in the *Coney Island Rezoning FEIS*. The 2009 FEIS anticipated that

development on the eastern portion of the development site would total approximately 93,978 sf of commercial space, including local retail uses along the north side of the boardwalk and the reactivation of the 60,000 sf (Former) Childs Restaurant Building, and approximately 223,118 sf (223 DUs) of residential space.

The Coney Island Rezoning also designated the western portion of the project area (Lots 27, 28, 30, 32, 34, 76, 89, 91, 226 and 231 on Tax Block 7071) as an approximately 1.41-acre neighborhood park, Highland View Park, that would include both active and passive recreational amenities. To facilitate the development of Highland View Park, Highland View Avenue, between West 22<sup>nd</sup> Street and West 23<sup>rd</sup> Street, and the southern portion of West 22<sup>nd</sup> Street were approved to be demapped. Although this portion of the project area is shown on New York City Zoning Map 28d as “Highland View Park,” these properties presently remain in private ownership and have not been formally established as a public park. The formal establishment of “Highland View Park” is expected to occur at some time in the future.

### C. PROJECT PURPOSE AND NEED

The proposed Seaside Park and Community Arts Center is intended as an entertainment venue and recreation facility in furtherance of the goals of the Coney Island Rezoning, and to continue the City’s efforts to reinvigorate Coney Island. The proposed project would introduce a new recreational and entertainment destination along the Riegelmann Boardwalk on underutilized land that, while approved for future residential development pursuant to the Special Coney Island District plan, is currently underutilized and does not exhibit the characteristics of a well-developed residential neighborhood. The proposed actions would result in the development site’s use year round as an expansive neighborhood park/open space with indoor and outdoor dining facilities at the (Former) Childs Restaurant Building.

The proposed project includes a publicly accessible and landscaped 2.41-acre park/open space extending between West 21<sup>st</sup> and West 23<sup>rd</sup> Streets along the Riegelmann Boardwalk, which includes active playground spaces and extensive rest areas with bench and lawn seating and a public picnic area that would benefit the surrounding neighborhood. From May to October, a portion of the park/open space would feature a seasonal outdoor concert venue. A seasonal tensile fabric roof would cover a portion majority of the approximately 5,100 removable seats. During concert events, the tensile fabric roof and a deployable canopy extension would provide covering for all of the seating. This modern performance venue would host Coney Island’s historic free Seaside Summer Concert Series along with paid concert events, as well as provide the community with a year-round public space for other seasonal concerts, festivals, cultural events, public gatherings, and outdoor recreational activities. The paid events would support the costs of maintenance and operation of the amphitheater as well as the open space that is part of the development site west of the plaza portion of the park, which would be continuously open to the public even during the times when events are taking place in the amphitheater. Additionally, the proposed project includes the restoration and adaptive reuse of the (Former) Childs Restaurant Building, which would accommodate approximately 440 restaurant patrons and additional seating capacity for seasonal rooftop diners/dining, as well as catered events and indoor entertainment. The (Former) Childs Restaurant Building would operate year round and also function in the off-season months as an indoor entertainment venue. Thus, the proposed project would provide further opportunity for entertainment in this area of Coney Island, and would extend pedestrian activity westward along the boardwalk.

## D. DESCRIPTION OF THE PROPOSED PROJECT

The Seaside Park and Community Arts Center would be a temporary use of the development site for a term of ten years from completion of construction. The proposed project is intended to invigorate and enliven the western end of the Special Coney Island District by introducing recreational, entertainment, and restaurant uses that would be appropriate and compatible with the surrounding area. As designed, the proposed ~~neighborhood park project~~ would provide a publicly accessible open space with passive and active recreational areas, and opportunities for extending pedestrian activity along the western portion of the Riegelmann Boardwalk in Coney Island. The proposed project would activate the blocks between West 21<sup>st</sup> Street and West 23<sup>rd</sup> Street during a period when the residential and commercial development contemplated by the Coney Island Rezoning proceeds in the surrounding areas to the east and north of the development site.

The proposed project includes the construction of a seasonal concert venue with approximately 5,100 seats and expansive publicly accessible playground spaces, picnic area, and rest areas. The proposed project would provide the community with a year-round public space for seasonal concerts, festivals, cultural events, public gatherings, and outdoor recreational activities, while also creating a modern performance venue for both paid and free events, including the free Seaside Summer Concert series. Additionally, the proposed project includes the restoration and adaptive reuse of the (Former) Childs Restaurant Building, measuring approximately 60,000 sf, which would accommodate approximately 440 diners as an entertainment, banquet, and restaurant facility, with additional ~~outdoor-rooftop~~ outdoor seating (approximately 74 seats).

It is anticipated that the proposed amphitheater and other project components would be completed by summer 2015, with the first full year of operation being 2016. Upon completion, the amphitheater would be owned by the City of New York, under the jurisdiction of the New York City Economic Development Corporation (EDC) and operated by a joint venture that involves a not-for-profit entity under a ten year lease with the city. The amphitheater is expected to serve as a concert venue for the next ten years and provide the community with additional recreational and entertainment opportunities during the off-season.

As part of the proposed project, a free shuttle would be provided to the New York ~~more remote parking (e.g., Aquarium parking lot is located approximately 0.6 miles east of the project site)~~ as needed, for those times when the concert and an adjacent baseball game are occurring on the same evening. The shuttle is expected to operate on Surf Avenue between the Aquarium parking lot and the development site with a frequency of 10 minutes.

### Proposed Site Plan

The proposed ~~neighborhood park, with its~~ publicly accessible open space and amphitheater, would extend outward from the western façade of the restored (Former) Childs Restaurant Building and would be roughly bound by the Riegelmann Boardwalk to the south, West 23<sup>rd</sup> Street to the west, and properties fronting Surf Avenue to the north (refer to preliminary site plan in Figure ES-3). The proposed public open space and amphitheater would occupy approximately 105,004 sf (2.41 acres) along the Riegelmann Boardwalk. The amphitheater seating would be comprised of a paved plaza and seating stairs located west of the (Former) Childs Restaurant Building. A portion of the seats would be covered by a tensile fabric roof, which would be removed during the off-season when concerts and other events are not taking place. During concert events, the tensile fabric roof and a deployable canopy extension





Source: GKV Architects, PC & MVVA, Inc. Landscape Architects

Seaside Park and Community Arts Center

Figure ES-3  
Preliminary Site Plan - On-Season Non-Event



would provide covering for all of the seating (see Figure ES-4). A walkway through the development site from the northern edge at West 22<sup>nd</sup> Street would provide physical and visual access to the Riegelmann Boardwalk and the beach, as well as to the proposed open space and amphitheater.

The development site itself would be accessible from a number of paths that would connect the Boardwalk to the upland areas. It is expected that loading docks for equipment and performance trailers would be located at the northwestern side of the (Former) Childs Restaurant Building, and would be accessible via a curb cut from the southern portion of West 22<sup>nd</sup> Street (refer to Figure ES-3).

From May through October, the restored (Former) Childs Restaurant Building and proposed amphitheater would be physically connected – the stage and “back of the house” areas would be located within the (Former) Childs Restaurant Building. Restaurant and banquet uses would occupy the remaining space in the (Former) Childs Restaurant Building (approximately ~~21,000~~24,000 sf). During the balance of the year, the opening in the western façade of the (Former) Childs Restaurant Building would be closed and the stage would function in the interior of the building, providing an indoor entertainment venue as well as restaurant and banquet facilities.

Each project component is described below.

### ***Proposed Amphitheater Component***

The amphitheater would be comprised of a stage house and paved seating areas for approximately 5,100 attendees. As previously noted, the amphitheater would serve as a venue for concert events, cultural performances, and other public events. For environmental analysis purposes, the EIS will conservatively assume that the amphitheater would be fully occupied and would also attract up to an additional 900 standing attendees (6,000 total) and the concert season would extend from May to October (currently the Seaside Summer Concert Series extends from Independence Day to Labor Day). It is anticipated that the proposed amphitheater would host a combination of free and paid events both during the week and on weekends for a total of between 40 to 50 events during the approximately 150 day season.

Between May and October, the amphitheater space would be fully accessible to the public, except during ticketed events. A temporary event screening perimeter with gated entries would be set up around the seating area during ~~ticketed~~ paid events. This would allow for appropriate security or crowd-control measures during ~~ticketed or other larger events, and facilitate management of access to the facility during such events~~ by limiting physical and visual access only to concert patrons with paid tickets.

The proposed amphitheater would operate during the summer concert season. It would feature a tensile fabric roof cover and support trusses that would be removed during the off-season, but remain in position throughout the summer concert season. The tensile fabric roof ~~canopy~~ would be harnessed by truss structural supports that would also be removed during the off-season, and would ~~provide transparency and~~ create appropriate shade. During concerts, the proposed amphitheater would also ~~feature a number of~~ have additional sound reduction features, including a deployable sound curtain on the northwest side, backing sound baffles on the inside of the tensile fabric roof, and a deployable canopy extension and sound curtains on the western side. These sound reduction features would be temporary and would only be deployed immediately before concerts and subsequently removed (see Figure ES-34). As illustrated in ~~the images in~~ Figure ES-43, the tensile fabric roof structure would cover the plaza area approximately 3,500 of the seats, during on-season non-event days, providing a shaded area for the comfort of beachgoers and visitors to Coney Island’s amusement areas. During on-season



Source: GKV Architects, PC & MVVA, Inc. Landscape Architects

**Seaside Park and Community Arts Center**  
**Preliminary Site Plan: On-Season Event**  
**Figure ES-4**

event nights, the tensile fabric roof canopy and deployable ~~sound~~ canopy extension on the western side would collectively cover ~~the balance~~ all of the seating (see Figure ES-34). The tensile fabric roof cover and support trusses would be removed in the off-season.

The proposed publicly accessible open space and amphitheater would enable the 34 year old Seaside Summer Concert Series to continue to host top-name performers in a broad range of musical genres, thereby also serving area residents who would otherwise have to travel to other concert venues in other parts of the City. During the summer months, it is envisioned that the proposed amphitheater would host evening concert events on both weekdays and weekends. In addition, the proposed amphitheater would also provide a space for smaller events such as cultural performances, school graduations, and fairs. The new public open space and amphitheater would also feature removable seating in order to provide the community with year-round recreational opportunities, as the amphitheater would be publicly accessible during the off-season, as well as during non-event days during the season.

The proposed amphitheater would incorporate a number of sound reduction features and would be designed to operate in compliance with the Administrative Code of the City of New York, and the New York City Noise Control Code standards applicable to the proposed project. In order to be conservative, the analyses in the EIS ~~will~~ evaluate the full range of representative days (i.e., both weekdays and weekends).

### ***STAGE HOUSE***

The proposed amphitheater would have a permanent “stage house,” an enclosed structure at the rear of the proposed venue, with a stage opening similar to that found in a typical theater projecting outward from the (Former) Childs Restaurant Building’s western façade. ~~that, u~~Unlike the building’s eastern and ~~northern~~ southern façades, the western façade once served as a party wall and is constructed of plain brick, which is without historic architectural value. The stage is designed to allow for the space to be enclosed in the “off-season” and function as part of the interior of the (Former) Childs Restaurant Building.

In addition to being able to close the stage house to the amphitheater to the west, the stage would be designed to accommodate a wide range of musical performances and other cultural events and would have the technological ability to support diverse performance requirements. The stage would feature rigging accommodations that would provide support structures for hanging lights, speakers, and scenic elements on chain hoists. The backstage area would offer ancillary amenities, including dressing rooms, multi-purpose rooms, restrooms, as well as administrative and security offices for the entertainment venue. The stage house and backstage areas would have the capacity during the off-season (between November and April) to accommodate smaller events in order to provide year-round indoor entertainment within the restored (Former) Childs Restaurant Building.

### ***SEATING AREAS***

The proposed amphitheater’s seating capacity of approximately 5,100 seats would be comprised of movable seats within a paved plaza as well as fixed seats on seating stairs. ~~include 2,000 seats in the plaza nearest to the stage at floor level. The location of the seating was designed~~ balance of approximately 3,100 seats would be provided at a slight paved slope of three percent (“raked seating”) to enhance sight lines to the stage. The plaza seating area (accommodating most of the seats) would be covered by a tensile fabric roof that would be deployed for the entire concert season and removed “off-season” when the plaza is not being used for seating for concerts or other staged events. The balance of the seating would be covered by a temporary tensile fabric canopy extension that would be installed on

the day of a concert event and removed by the following morning. It is expected that all seats would be removable, and during concerts all seating would be sheltered by the tensile fabric roof and temporarily deployed canopy extension. For environmental analysis purposes, the EIS ~~will conservatively assume~~ that the amphitheater would attract up to an additional 900 standing attendees (6,000 total) to the area.

## Proposed Renovation of the (Former) Childs Restaurant Building

The proposed project includes the renovation and restoration of the interior and exterior of the landmarked (Former) Childs Restaurant Building. The reclamation of the Dennison & Hirons-designed Spanish Colonial Revival stucco structure, considered relatively rare in New York City, would include the restoration of the building's arches, window openings, and end piers, as well as the elaborate polychrome terra-cotta nautical motifs along the eastern and southern building façades. Physical alterations of the exterior of the building would include removal of a portion of the western party wall to facilitate the connection of the (Former) Childs Restaurant Building with the proposed amphitheater's stage and back of house. The alterations would also include rooftop additions for the stage house roof and mechanical equipment, all of which would be covered by a new membrane roofing above the portion of the building occupied by the stage house, and minimally visible from the boardwalk and surrounding streets (refer to Figure ES-5). Additionally, the building's interior would be retrofitted to accommodate restaurant and banquet uses, which would operate year-round and also function in the off-season months as an indoor entertainment venue~~in conjunction with the proposed indoor performance/stage space~~. It is expected that the renovated (Former) Childs Restaurant Building would have a seating capacity of approximately 440, exclusive of proposed seasonal rooftop seating that can accommodate approximately 74 diners. The exterior work to the (Former) Childs Restaurant Building requires a Certificate of Appropriateness from the Landmarks Preservation Commission (LPC). The LPC approved Certificate of Appropriateness 14-6038 on July 10, 2013.

## Proposed Publicly Accessible Open Space at Development Site

The publicly accessible open space on the development site would include a ~~play garden~~ walk with playground equipment located at the northwest corner of the development site, ~~with playground amenities~~. Between the plaza and seating stairs at the eastern portion of the development site, and the ~~play garden~~ walk to the west, would be a ~~lushly~~ landscaped lawn bowl with perimeter plantings, ~~which that would serve~~ as a place for lawn seating and passive recreation. The ~~park~~ open space would also feature a planted entry garden with ~~lush~~ native plantings and bench seating at the southwestern portion of the development site. Each of the open space components is described below and shown in Figure ES-6.

Visitors entering the open space from the southern terminus of West 23<sup>rd</sup> Street would experience a seven-foot grade change raising them to the elevation of the adjacent Riegelmann Boardwalk. The proposed winding routes would facilitate an accessible slope and would create an opportunity for small scale seating areas within a shaded garden setting, which would convey the feel of a "neighborhood park" along the Riegelmann Boardwalk. This entry garden would include benches as well as picnic tables for the public's use.

At the top of the rise from West 23<sup>rd</sup> Street, an intimate seating node would signal the joining of a larger walkway that connects the Riegelmann Boardwalk to the end of West 22<sup>nd</sup> Street (the "garden walk"),





Source: GKV Architects, PC & MVVA Inc. Landscape Architects

**FOR ILLUSTRATIVE PURPOSES ONLY**



Source: GKV Architects, PC & MVVA Inc. Landscape Architects

**FOR ILLUSTRATIVE PURPOSES ONLY**



Source: GKV Architects, PC & MVVA, Inc. Landscape Architects

Seaside Park and Community Arts Center

Figure ES-6  
Illustrative Open Space Plan



flanked with benches and saltwater tolerant shade trees. From its western edge, a play space and second seating node would unfurl onto the top of a richly planted bank visually separating the open space from neighboring inaccessible lots. These spaces would be ~~perched high on the grade and would be surrounded by~~ saltwater tolerant low shrubs and high-limbed trees providing the public with the sense of intimacy while maintaining ample sightlines for security. In addition to benches, other public amenities in this area would include bicycle racks, picnic tables, and children's play equipment for the public's use.

To the east of the garden walk, ~~another wide path would bring~~ visitors would come to the base of an approximately 9,00010,000-square foot lawn sloping gently southward to a crest 10 feet above the Riegelmann Boardwalk. Ringed with high-limbed trees and capped with a small plaza, the lawn would offer a community-oriented recreational space that also provides spectacular elevated views to the Coney Island beach. From the perched plaza a stepped path would angle ~~southwest~~southeast back down to the Riegelmann Boardwalk and public restroom facilities.

From the high point of the development site, paved terraces would step down eastward to the edge of a wide pedestrian corridor, which would create a direct connection along the axis of West 22<sup>nd</sup> Street to the Riegelmann Boardwalk. The proposed rise from West 22<sup>nd</sup> Street through the ~~amphitheater development~~ site to the boardwalk would seamlessly connect the public both physically and visually to the beachfront.

Crossing the central thoroughway, a large paved space would slope down with three terraces to a stage built into the western façade of the historic (Former) Childs Restaurant Building. Along with the paved terraces, this space would accommodate a total of ~~hold removable seating for up to 5,100 patrons in~~ movable and fixed seating during organized events, and would support a wide range of community programming at other times. ~~Two smaller banks of seat terraces to the north and south, wrapped in~~ planted landforms, would negotiate a three percent sloped grade change to accommodate ~~oversurround~~ approximately 23,000 sf of flexible open area, creating ideal conditions for community-oriented events, including farmers' markets, school graduations and festivals. A tensile fabric roof that would be installed and removed seasonally would protect visitors and spectators from rain and extreme sun. During concert events, the tensile fabric roof and deployable canopy extension would provide covering for all of the seating. ~~Trusses supports, which would also be deployed seasonally and would also be removed seasonally for the off-season, and~~ would provide appropriate elevation for the roof to maintain unobstructed views across the development site from the Riegelmann Boardwalk and adjacent areas. The ~~trusses system~~ would also support the plaza lighting that would illuminate the plaza and adjacent ~~park~~ areas. The proposed project also includes ten concrete floodlight poles, which would provide lighting throughout the year.

A planted landform ~~that~~ would serve as a buffer between the amphitheater venue and the loading dock at the north of the (Former) Childs Restaurant Building. Comfort stations and restroom facilities would be located ~~at the north end of the development site and~~ adjacent to the Riegelmann Boardwalk, as well as within the (Former) Childs Restaurant Building's basement at the southeast corner of the development site. The comfort stations and additional restroom facilities have been designed to be fully accessible from within the development site. The comfort stations would also be accessible from the boardwalk, except during paid events. Turning south, a stair would lead up to the Riegelmann Boardwalk ~~to~~and the box office and public queuing area.



## Scheduling and Operations

The program for the proposed project falls into three distinct categories, including seasonal event operations, seasonal non-event operations, and off-season operations. These program components combine to make the Seaside Park and Community Arts Center a year-round destination for the current residents of Coney Island, the anticipated new residential population who would come to the neighborhood as a result of future development associated with the Coney Island Rezoning, and those who come to Coney Island's beach, boardwalk and amusement facilities.

During the summer concert season between May and October, which coincides with the season for operation of Coney Island's amusement rides and attractions that generally extends from Easter Sunday to Halloween, it is anticipated that the proposed amphitheater would host approximately 30 to 35 paid concert events and 10 to 15 free concert events on both weekdays and weekends. The amphitheater would be publicly accessible year round, with the exception of when a ticketed event is in progress.

During the summer concert season, the trusses and the tensile fabric roof and support trusses would be installed and remain in place for the entire concert season. At the time of seasonal event operations, when concerts and other events involving the amphitheater are scheduled, removable seats would be placed in the plaza. A number of sound reduction features would also be installed on concert days, including a deployable tensile canopy extension and acoustical curtains. In addition, backing sound baffles would be affixed to the inside of the tensile fabric roof, the deployable canopy extension, and sound curtain on the northwest side, backing sound baffles on the inside of the tensile fabric roof, and deployable canopy extension and sound curtains on the western side. For the free Seaside Summer Concert Series and other free events, the public would have open access to the entire development site and the concerts could also be viewed from the Riegelmann Boardwalk and the areas of the development site west of the plaza and stepped seating. At the time of paid concerts and other paid events, a temporary fence would be installed surrounding the perimeter of the amphitheater, which would limit physical and visual access only to concert patrons with paid tickets.

At the time of seasonal non-event operations, ~~When~~ events are not scheduled during the concert season, the removable seating would be stored and the plaza would be open for a wide variety of public uses, which include serving as a rest area under the shade provided by the seasonal tensile fabric roof, an area for children to ride bicycles, and a place for a variety of programmed activities such as art exhibitions, community-based informational gatherings, neighborhood "street" fairs, or farmers' markets.

During the time of off-season operations between ~~October~~ November and April, the ~~fabric~~ tensile fabric roof and its support trusses would be removed and the plaza would be operated in substantially the same manner as on non-event days during the concert season, with a wide array of passive and active uses appropriate to the current weather conditions. The entry garden, ~~play garden~~ walk, play area, and lawn bowl portions of the development site west of the stepped seating area would be fully accessible to the public year round, during seasonal and off-season operations, including during the times of seasonal event operations.

The (Former) Childs Restaurant Building, in part, would be operated as part of the amphitheater use during the concert season to provide stage house and back of the house facilities for the performers, their crews and the venue operator. During the time of off-season operations, movable doors would be closed to secure the portion of the (Former) Childs Restaurant Building's west façade that is open to provide the venue's stage house. This would create an interior stage making possible indoor

performances during the off-season months. In addition, the (Former) Childs Restaurant Building would be a year round restaurant with seating indoors for approximately 440 guests as well as outdoor dining that can accommodate approximately 74 diners, weather permitting, on the building's roof. The building also would provide banquet facilities.

## **E. REASONABLE WORST-CASE DEVELOPMENT SCENARIO (RWCDs)**

In order to assess the possible effects of the proposed project, a RWCDs was established for both Future No-Action and Future With-Action conditions. The incremental difference between the Future No-Action and Future With-Action conditions will serve as the basis of the impact category analyses. The proposed project ~~will be~~ is analyzed in the EIS as the RWCDs for 2016, the first full year of operation for the total project.

### **The Future Without the Proposed ~~Project~~ Project (No-Action Scenario Condition)**

In the absence of the proposed ~~action project~~ (No-Action), it is anticipated that the development site would be developed with residential, commercial, and open space uses as analyzed in the Coney Island Rezoning FEIS (2009). The 2009 FEIS identified the eastern portion of the development site (Lots 130 and 142) as falling within the boundaries of projected development Site 2 of the Coney West subdistrict. Since projected development Site 2 includes all lots between West 21<sup>st</sup> and West 22<sup>nd</sup> Streets between Surf Avenue and the Riegelmann Boardwalk, the 2009 FEIS does not provide a programmatic breakdown on a lot by lot basis.

Assuming the upper limits of development allowable under R7-D/C2-4 zoning and the Special Coney Island District regulations, Lot 142 could be developed as-of-right to accommodate approximately 33,978 sf of commercial and 223,118 sf (223 DUs) of residential in the future without the proposed ~~action project~~. Pursuant to zoning, commercial development would extend the full length of the boardwalk frontage (approximately 162 feet) and would be built to a depth of 70 feet, as only commercial uses are allowed within 70 feet of the boardwalk pursuant to the special district regulations. As the maximum allowable base height is 40 feet (estimated at 3 floors), approximately 33,978 sf of commercial uses could reasonably be built. Given the lot size of 44,327 sf and the maximum allowable FAR of 5.8 (pursuant to the Inclusionary Housing bonus), Lot 142 could reasonably accommodate approximately 223,118 sf (223 DUs) of residential uses (minus commercial floor area). Additionally, the (Former) Childs Restaurant Building on Lot 130 would be restored and adaptively reused at its current floor area of approximately 60,000 sf, and the western portion of the site would be converted to an approximately 1.27 acre public park.<sup>2</sup> Thus, in the future without the proposed ~~project action~~, the development site could be developed with approximately 223,118 sf (223 DUs) of residential, 93,978 sf of commercial, and 1.27 acres of publicly accessible open space. Since the two outparcels (Lots 79 and 81) are still in private ownership and have not been acquired by the City, they are not anticipated to be developed by the analysis year of 2016, although they ~~may~~ are anticipated to be incorporated into Highland View Park at some future time as contemplated in the 2009 FEIS.

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<sup>2</sup> The 1.27-acre western portion of the development site was intended to be part of the planned 1.41 acre Highland View Park that was approved to be mapped as part of the Coney Island Rezoning project. The two outparcels, Lots 79 and 81, comprise the remainder of the planned Highland View Park.

While the Coney Island Rezoning FEIS (2009) had a build year of 2019, it assumed that development would take place over the course of 10 years. Most of the development sites identified in the 2009 Coney Island Rezoning FEIS, including Site 1 and the northern portion of Site 2, are not anticipated to be developed by the analysis year of 2016, given that the necessary infrastructure for such development, including the construction of Ocean Way (approved for mapping as part of the 2009 project), would not occur in the near future. ~~Since~~In contrast, the current development site, which was identified as the southern portion of Site 2 in the Coney Island Rezoning FEIS, could be developed as-of-right with these residential and commercial uses, as it and is equipped with the physical infrastructure needed to move forward with new development. Therefore, it is reasonable to assume that the No-Action scenario outlined above could occur on the development site by the proposed ~~action~~project's analysis year of 2016. Thus, the future without the proposed project would differ from existing conditions.

### **The Future With the Proposed Action-Project (With-Action Conditions)**

In the future with the proposed project (With-Action), the development site would be developed with a 2.41-acre publicly accessible open space (opening hours the same as the Boardwalk) containing an approximately 5,100-seat amphitheater and a 60,000 sf indoor entertainment, banquet, and restaurant facility in the (Former) Childs Restaurant Building. This EIS conservatively assumes an additional 900 standing concert attendees (6,000 total) for all quantitative analyses, as discussed ~~below~~above. Upon completion, the amphitheater would be owned by the City of New York under the jurisdiction of EDC and would be operated jointly with a not-for-profit entity under a ten-year lease with the city. The amphitheater would serve as a concert venue for the next ten years, and provide the community with additional recreational and entertainment opportunities during the off-season. In the future with the proposed project, it is assumed that the two outparcels (Lots 79 and 81) would remain vacant.

### **Possible Effects of the Proposed Action-Project**

Compared to the No-Action scenario, the proposed project would result in the loss of residential and retail space, an increase in publicly accessible open space, and the addition of an amphitheater. As shown in Table ES-1, the incremental (net) change of land uses that would result from the proposed project is a decrease of 223,118 sf (approximately 223 dwelling units (DUs)) of residential, 33,978 square feet (sf) of local retail, the addition of 1.14 acres of publicly accessible open space, and the addition of an approximately 5,100-seat amphitheater. The proposed project would result in a decrease of 524 residents and ~~41-16~~ workers to the area. The EIS ~~will~~ conservatively assumes an additional 900 standing concert attendees (6,000 total) for all quantitative analyses.

TABLE ES-1

Comparison of No-Action and With-Action Scenarios for Development Site

Use	No-Action Scenario	With-Action Scenario	Increment
Residential	223,118 sf (223 DUs)	0 sf (0 DUs)	-223,118 sf (-223 DUs)
Local Retail	33,978 sf	0 sf	-33,978 sf
Restaurant	60,000 sf	60,000 sf	0 sf
Open Space	1.27 acres	2.41 acres (including amphitheater)	1.14 acres
Amphitheater	0 seats	5,100 seats	5,100 seats*
Population/Employment**	No-Action Scenario	With-Action Scenario	Increment
Residents	524 residents	0 residents	-524 residents
Workers	291 workers	<del>250</del> 275 workers	<del>-41</del> 16 workers

\* It is important to note that the EIS will conservatively assume an additional 900 standing (6,000 total) concert attendees for all quantitative analyses.

\*\*Calculations for residents are based on the Brooklyn Community District 13 average of 2.35 persons per household (Source: Demographic Profile, NYC DCP; 2010 Census). Widely used employee generation rates for retail are 3 workers per 1,000 sf and 1 worker per 25 DUs. With-Action scenario employee estimates are provided by the Applicant, with an estimated 75 workers at the (Former) Childs Restaurant Building and ~~175-200~~ at the amphitheater during events.

## F. APPROVALS REQUIRED

The proposed project would require several City approvals. Some of these are discretionary actions requiring review under the CEQR process; others are ministerial and do not require environmental review. It is anticipated that the following discretionary actions would be required to facilitate the proposed project:

- Zoning Map amendments (Zoning Map No. 28d) to modify the boundaries of the Special Coney Island District (CI) and the Coney West subdistrict to extend further west to West 23<sup>rd</sup> Street and to include Lots 27, 28, 30, 32, 34, 76, 79, 81, 226, and 231 of Block 7071, as well as the former beds of Highland View Avenue and a portion of West 22<sup>nd</sup> Street. Refer to Figure ES-7 for proposed zoning map changes.
- ~~Zoning text amendments to allow, by Special Permit (addition of Zoning Resolution Section 131-60), an amphitheater with a capacity of 5,100 seats as an interim use for 10 years on Parcels B and G within the Coney West subdistrict of the Special Coney Island District and to establish within the Special Coney Island District a new Parcel G comprised of Lots 27, 28, 30, 32, 34, 76, 142, 130, 226 and 231 on Tax Block 7071. (1) establish a new Parcel G within the Special Coney Island District comprised of Lots 27, 28, 30, 32, 34, 76, 226 and 231 on Tax Block 7071 (see Figure ES-8); (2) extend the Coney West subdistrict to include these parcels; and (3) to create a new special permit, Section 131-60, with a ten-year term to allow an open-air auditorium with a maximum capacity of 5, 100 seats as an interim use in the Coney West subdistrict on new Parcel G and existing Parcel B (Lots 130 and 142).~~
- Zoning Special Permit pursuant to the proposed zoning text amendment (proposed Zoning Resolution Section 131-60), to allow an amphitheater with a capacity of approximately 5,100 seats as a temporary use for a term of 10 years, comprised of Parcels B and G within the Coney West subdistrict of the Special Coney Island District on Parcel B and Parcel G (Lots 27, 28, 30, 32, 34, 76, 142, 130, 226 and 231 on Tax Block 7071).



**SPECIAL PURPOSE DISTRICT**  
 The City of Seaside has designated the special purpose district as described in the text of Zoning Resolution.

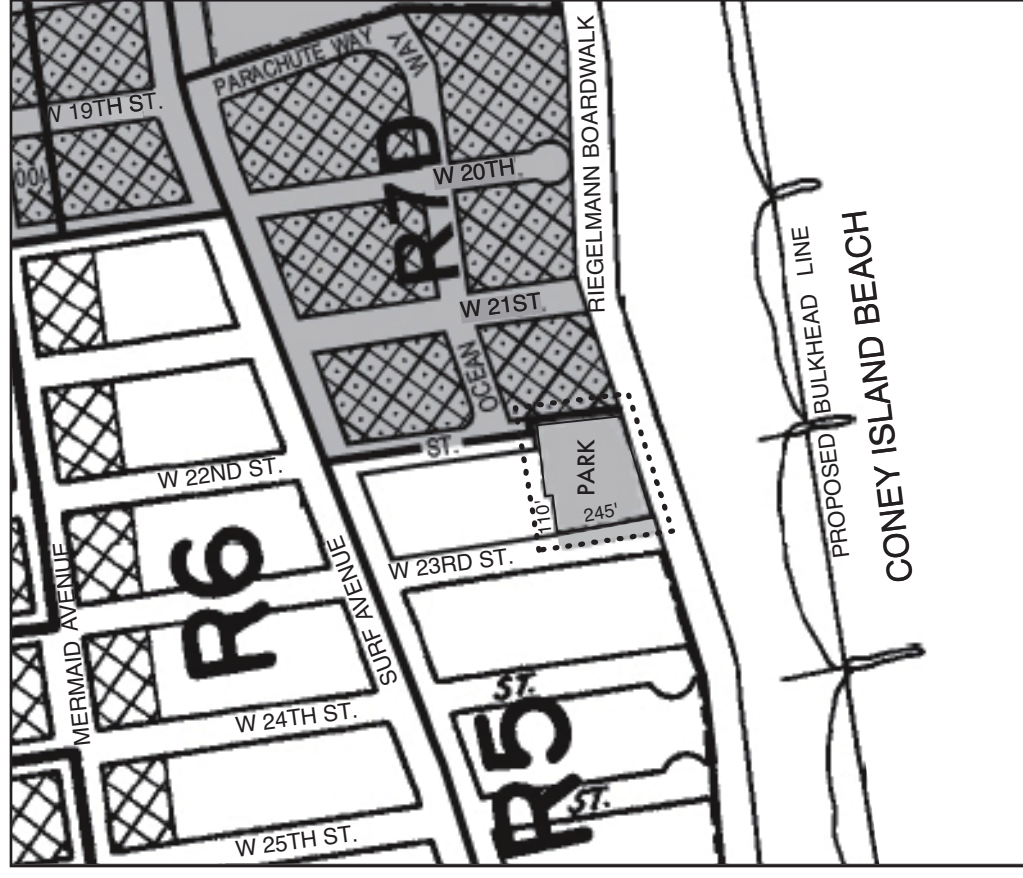
**NOTE:** Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

- C1-1
- C1-2
- C1-3
- C1-4
- C1-5
- C2-1
- C2-2
- C2-3
- C2-4
- C2-5

# Zoning Change Map

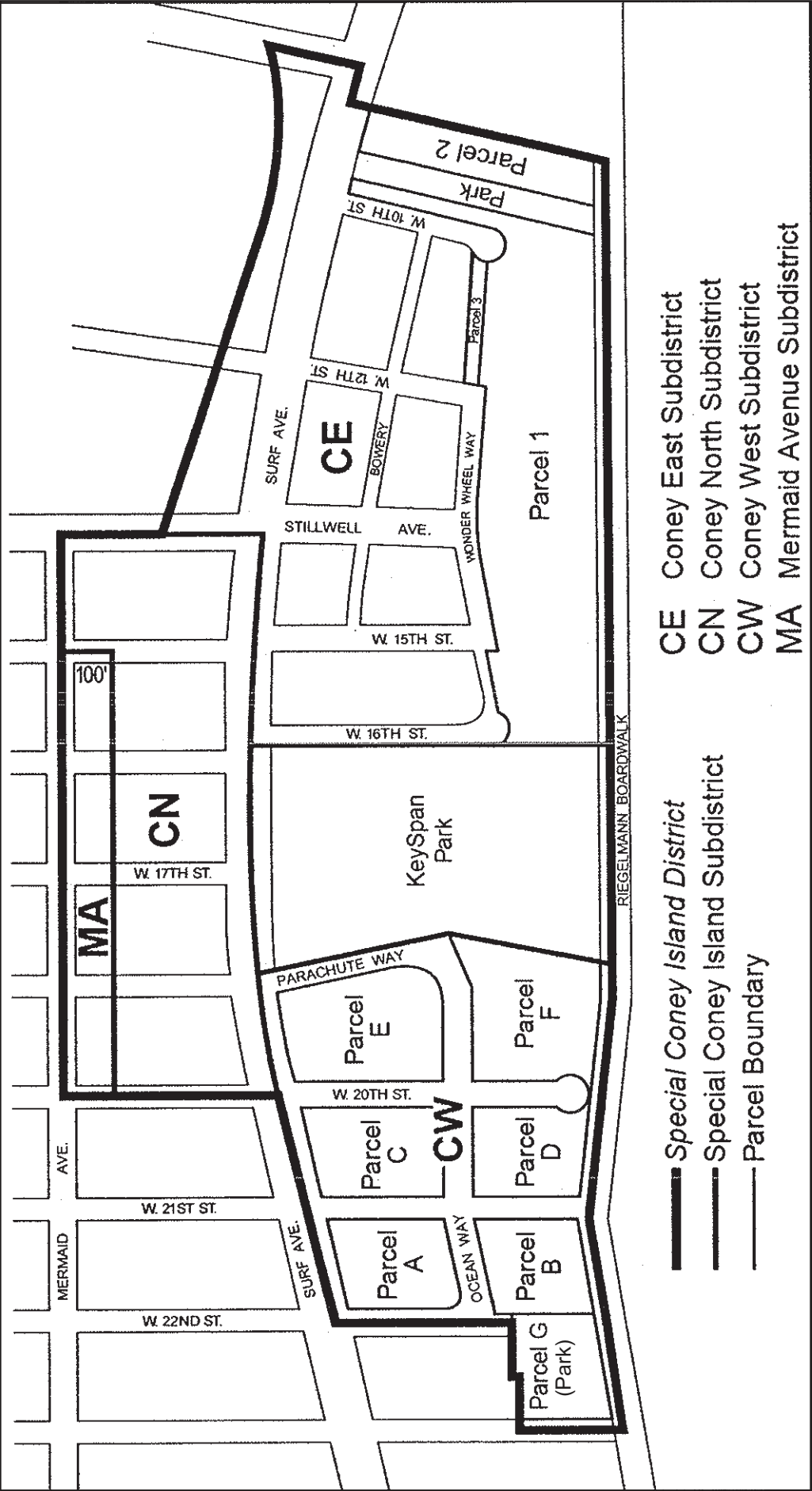


CURRENT ZONING MAP



PROPOSED ZONING MAP - Area being rezoned is outlined with dotted lines  
 Changing an R5 district to an R5 and Special Coney Island District (CI)

Source: GKV Architects, PC & MVVA Inc. Landscape Architects



Seaside Park and Community Arts Center  
 Revised Map 1 of Appendix A to Coney Island District Plan Illustrating Proposed New Parcel G  
 Figure ES-8

- Acquisition by the City of New York of privately-owned real property that is part of the development site consisting of Lots 27, 28, 30, 32, 34, 76, 130, 226, and 231 on Block 7071.
- Disposition by lease agreement to the New York City Land Development Corporation of the development site acquired parcels (Block 7071, Lots 27, 28, 30, 32, 34, 76, 130, ~~142~~, 226, and 231) ~~by the City of New York's Land Development Corporation, by lease agreement, for the development and operation of the proposed project with~~ together with Lot 142 that presently is owned by the City, which also requires approval of the Mayor and the Brooklyn Borough Board pursuant to New York City Charter Section 384(b)(4).
- City capital funding.
- Any other approvals as may be required to facilitate the proposed project contemplated under the Special Permit.

In addition, the proposed project requires an administrative modification for a previously approved City Map application to separate the filing of the demapping of West 22nd Street and Highland View Avenue from the mapping of Highland View Park. Other actions associated with the proposed project include a Certificate of Appropriateness from the New York City Landmarks Preservation Commission for the proposed alteration and restoration of the (Former) Childs Restaurant Building, as well as approvals from the New York City Public Design Commission. The project would also require building permits from the New York City Department of Buildings.

Some of the above actions require City Planning Commission (CPC) and City Council approvals through the Uniform Land Use Review Procedure (ULURP). The proposed zoning map and text amendments, zoning special permit, acquisition, and disposition, and City capital funding actions are also subject to the City Environmental Quality Review (CEQR) procedures. The ULURP and CEQR review processes are described below.

## **G. THE FUTURE WITH THE PROPOSED ~~ACTION~~PROJECT**

### **Land Use, Zoning and Public Policy**

No significant adverse impacts on land use, zoning, or public policy would occur as a result of the proposed project. The proposed project would not create new land uses or result in zoning that would be inappropriate or incompatible with surrounding land uses, or conflict with existing public policies. The detailed analysis of land use, zoning, and public policy prepared in conformance with the *CEQR Technical Manual* shows that the proposed project would enhance the project area through the development of open space, entertainment, and restaurant space. The publicly accessible open space, the new amphitheater, and restoration and reactivation of the vacant (Former) Childs Restaurant Building that would occur as a result of the proposed project would invigorate and enliven the development site and surrounding area, and extend pedestrian activity along the western portion of the Riegelmann Boardwalk. The proposed project would also be consistent with applicable public policies, including the Waterfront Revitalization program, and presents an opportunity to further City-wide planning goals, as expressed in PlaNYC, of promoting new development in areas that are well-served by public transportation and repurposing underutilized sites for public enjoyment with commercial and

recreational uses. As such, the proposed project would not result in significant adverse impacts related to land use, zoning, and public policy.

## **Open Space**

Although the proposed project would result in changes to the planned Highland View Park, it would not diminish or eliminate any acreage of this planned open space resource, or reduce its utilization or aesthetic value. In fact, the proposed project would provide the project area with an additional 1.14 acres of publicly accessible open space compared to No-Action conditions, and would provide comparable or better amenities and facilities than would have otherwise been provided. Therefore, the proposed project would not result in a significant adverse direct impact with regard to open space.

## **Shadows**

The proposed project would cast incremental shadows on the Riegelmann Boardwalk on ~~May 6 and June 21 and Coney Island Beach on June 21~~. On ~~both this~~ analysis days, incremental shadow coverage ~~at both open spaces~~ would be minimal in terms of size and duration (a maximum duration of ~~51-3~~ minutes on the Riegelmann Boardwalk, ~~and a maximum duration of 5 minutes on Coney Island Beach~~). As ~~both the Riegelmann Boardwalk and Coney Island Beach~~ does not contain vegetation, and the extent of shadows would be limited throughout the year, the incremental project-generated shadows would not adversely affect the utilization or enjoyment of ~~either open space~~ the Riegelmann Boardwalk. Therefore, the proposed project would not result in a significant adverse shadows impact on any nearby sunlight-sensitive resources.

In addition, the open space component of the proposed project would experience large areas of direct sunlight for most of the analysis days in all seasons. Shadows cast would generally be limited to the northern portion of the park during the early mornings, but would exit by early afternoon, leaving the open space almost completely in sun. It is important to note that during the off-season when concerts and other events are not taking place, the tensile fabric roof cover ~~cover~~ and support trusses of the amphitheater would be removed. Therefore, even in the winter months, the proposed project's park component is expected to receive ample sunlight for active and passive recreational use.

## **Historic and Cultural Resources**

The proposed project would not result in any significant adverse impacts to archaeological resources. The proposed project is intended to benefit the development site's historic architectural resources by restoring the (Former) Childs Restaurant Building's historic character through extensive façade renovations. All proposed exterior work on the (Former) Childs Restaurant Building would proceed pursuant to a Certificate of Appropriateness issued by LPC – Certificate of Appropriateness 14-6038 was issued by LPC on July 10, 2013. Because the proposed project involves the full restoration of the historic building's historic façade pursuant to LPC-approved plans, it would not adversely impact the exterior of the (Former) Childs Restaurant Building. As such, the proposed project would not result in any significant adverse direct physical impacts to designated historic resources. In fact, the proposed restoration and reuse of the (Former) Childs Restaurant Building that would occur in the future with the proposed project would improve the physical condition of the building and enhance the surrounding area.



Moreover, as the proposed publicly accessible open space and amphitheater would be located to the west of the (Former) Childs Restaurant Building, neither would eliminate or screen significant public views of the historic resource, or alter its visual relationship to the streetscape. There are no other designated historic resources in the study area. As such, the proposed project would not have any potential indirect contextual impacts on historic resources.

In addition, with the implementation of the appropriate construction protection measures mandated by the NYC Department of Buildings (DOB)'s Technical Policy and Procedure Notice (TPPN) #10/88, no construction-related impacts on historic resources would be anticipated as a result of the proposed project.

## **Urban Design and Visual Resources**

The proposed project would not result in significant adverse impacts to urban design or visual resources as defined by the guidelines for determining impact significance set forth in the *CEQR Technical Manual*. The creation of publicly-accessible open space and an amphitheater on the development site as well as the rehabilitation and reactivation of the (Former) Childs Restaurant Building would enhance pedestrian experiences in the project area and secondary study area. The New York City Landmark (NYCL)-designated (Former) Childs Restaurant Building is an important visual resource in the area as its eastern and southern facades are historically and architecturally significant. The proposed project would involve the restoration and adaptive reuse of the (Former) Childs Restaurant Building, which would improve the physical condition of the building and enhance the surrounding area's visual character. The proposed open space and amphitheater would not block any significant view corridors, views of visual resources, or limit access to any visual resources in the study area. Additionally, the creation of the open space and amphitheater would create new view corridors between the project area and the Coney Island Beach, further enhancing the pedestrian experience in and around the project area. As such, the proposed project would not result in any significant adverse impacts on urban design in the project area, and no significant adverse impacts on visual resources are anticipated as a result of the proposed project.

## **Hazardous Materials**

Phase I Environmental Site Assessments (ESAs) were prepared for all lots included within the project area. The ESAs indicated that no hazardous materials exist in the project area, and did not identify any Recognized Environmental Conditions (RECs) on-site, with the exception of an (E) designation for hazardous materials on the (Former) Childs Restaurant Building. This (E) designation may require special activities coordinated through the New York City Office of Environmental Remediation (OER) to be performed at the time of site redevelopment such as subsurface investigations, preparation of remedial action work plans, site specific health and safety plans, and others. For properties where existing buildings would be converted with no intrusive soil work, a copy of the development plans must be provided to OER, prior to receiving a Notice of No Objection, which would enable the New York City Department of Buildings to issue the conversion permit. The (E) designation would reduce or avoid the potential for an adverse impact to human health and the environment resulting from the proposed project.

While the Phase I ESAs did not identify any on-site RECs, based on the historical on-site and surrounding area land uses, (E) designations are recommended for Lots 27, 28, 30, 32, 34, 76, 79, 81, 142, 226, and 231 in order to avoid any potential for significant adverse hazardous materials impacts. (E) designations

would ensure that testing, and if warranted, mitigation, would be provided as necessary before any future development and/or soil disturbance.

As such, the proposed project would not increase human exposure to hazardous materials. Moreover, the proposed project would not introduce new activities or processes using hazardous materials. Therefore, it is expected that no significant adverse hazardous materials impacts would result from construction on the development site, and following construction, there would be no potential for significant adverse hazardous material impacts.

## **Water and Sewer Infrastructure**

Extensive infrastructure planning in conjunction with the redevelopment of Coney Island has already been undertaken by the City in the surrounding area. In 2010, an Amended Drainage Plan (ADP)<sup>3</sup> was prepared by the New York City Department of Environmental Protection (DEP) identifying drainage improvements for the Coney Island rezoning area and downstream of the rezoning area. The following year, the ADP was edited to reflect grade changes to West 21<sup>st</sup> Street (ULURP #C 100469 MMK), and in 2012, infrastructure improvements to improve stormwater drainage and upgrade the sanitary sewer system in accordance with the ADP were assessed in the Coney Island Infrastructure Improvements EAS (CEQR #11DEP045K). While the ADP accounted for redevelopment of the development site, an analysis of the proposed change of use on water and sewer infrastructure has been undertaken to assess the potential impacts of the proposed project on the sewer infrastructure system. Based on the methodology set forth in the *CEQR Technical Manual*, the proposed project would not result in a significant adverse impact on the City's water and sewer infrastructure.

### **Water Supply**

The proposed project would result in a total water demand of approximately 54,600 gallons per day (gpd). Given the size of New York City's water supply system and the City's commitment to maintaining adequate water supply and pressures, few actions have the potential to cause significant impacts on this system. Demand in the future with the proposed project would represent less than 0.01 percent of the city's water demand. The water demand associated with the proposed project would, therefore, not adversely impact the city's water supply or system water pressure.~~As a result of the proposed reduction in the total residential and commercial built square footage compared to the future without the proposed project, the anticipated With Action water demand would represent a net reduction of approximately 40 percent compared to the No Action conditions.~~ In addition, water infrastructure improvements in the surrounding area associated with the Amended Drainage Plan (ADP) would ensure that area water supply would operate with ample capacity and the existing system and grid of water mains serving the development site is expected to continue to provide adequate water supply and pressure in the future with the proposed project. Therefore, the proposed project would not adversely affect the City's water supply or system water pressure.

### **Sanitary Sewage**

~~Due to the proposed net reduction in built residential and commercial square footage on the development site, the proposed project would result in a net decrease in wastewater generation by approximately 41 percent compared to the No Action condition.~~ Anticipated With-Action wastewater

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<sup>3</sup> As described in Section D below, an ADP for the area was prepared by the City to address the anticipated infrastructure impacts of the 2009 Coney Island Rezoning project.

generation would total approximately 44,400 gpd compared to 75,240 gpd in the No-Action condition. Wastewater from the development site would be treated by the Coney Island WPCP, which has a SPDES permitted capacity of 110 mgd of wastewater. The sanitary sewage generated by the proposed project would represent less than 0.1 percent of the Coney Island WPCP's SPDES permitted capacity. As such, the Coney Island WPCP would continue to have ample reserve capacity with this anticipated new demand, and no significant adverse impacts to the city's wastewater treatment services would occur as a result of the proposed project. In addition, sanitary sewer infrastructure improvements associated with the ADP, including installation of upgraded sanitary sewers in the surrounding area by the City would ensure that the existing sanitary sewers serving the development site would operate with ample capacity, and the proposed project would not result in a significant adverse impact to sanitary sewage conveyance and treatment.

### ***Stormwater Drainage and Management***

While the proposed project would result in ~~minor~~ an increases in the amount of impervious surface area on the development site compared to existing conditions, the proposed project would also improve the development site's stormwater infrastructure by ~~constructing new stormwater sewers,~~ installing an underground stormwater management system to capture and treat stormwater generated on the development site, and incorporating Best Management Practices (BMPs), as described in Chapter 8, "Water and Sewer Infrastructure." With the incorporation of these on-site infrastructure improvements, as well as additional infrastructure improvements currently underway in the surrounding area in accordance with the ADP, the proposed project would not result in significant adverse impacts on the stormwater conveyance and treatment infrastructure.

## **Transportation**

### ***Traffic***

Weekday pre-event and post-event and Saturday pre-event and post-event peak hour traffic conditions were evaluated at a total of 28 intersections generally bounded by the Belt Parkway to the north, Ocean Parkway to the east, Surf Avenue to the south and West 22<sup>nd</sup> Street to the west. These 28 intersections, where project-generated trips are expected to be most concentrated, were analyzed for the reasonable worst case scenario of a concert at the proposed project site with a coinciding baseball game at the nearby MCU Park.

The traffic impact analysis indicates that there would be a potential for significant adverse impacts at three intersections during both the weekday pre-event and post-event peak hours, four intersections during the Saturday pre-event peak hour, and five intersections during the Saturday post-event peak hour, as outlined below. The "Mitigation" section below discusses measures to mitigate these significant adverse traffic impacts.

#### ***WEEKDAY PRE-EVENT PEAK HOUR***

- Shell Road and Shore Parkway westbound off-ramp – westbound left-turn movement
- Neptune Avenue and Cropsey Avenue/West 17<sup>th</sup> Street – eastbound left-turn movement and southbound through-movement
- Surf Avenue and West 17<sup>th</sup> Street – southbound right-turn movement

***WEEKDAY POST-EVENT PEAK HOUR***

- Neptune Avenue and West 20<sup>th</sup> Street – northbound approach
- Neptune Avenue and Cropsey Avenue/West 17<sup>th</sup> Street – eastbound left-turn movement
- Mermaid Avenue and West 20<sup>th</sup> Street – northbound approach

***SATURDAY PRE-EVENT PEAK HOUR***

- Shell Road and Shore Parkway westbound off-ramp – westbound left-turn movement
- Neptune Avenue and Cropsey Avenue/West 17<sup>th</sup> Street – southbound through movement
- Surf Avenue and West 17<sup>th</sup> Street – southbound right-turn movement
- Surf Avenue and Stillwell Avenue – southbound approach

***SATURDAY POST-EVENT PEAK HOUR***

- Shore Parkway Eastbound Off-Ramp and On-Ramp at Cropsey Avenue/Bay 52<sup>nd</sup> Street – northbound right-turn movement
- Shore Parkway Westbound Off-Ramp and On-Ramp at Cropsey Avenue/Bay 50<sup>th</sup> Street – northbound left-turn movement
- Neptune Avenue and West 20<sup>th</sup> Street – northbound approach
- Neptune Avenue and Cropsey Avenue/West 17<sup>th</sup> Street – eastbound left-turn movement and westbound through/right movement
- Mermaid Avenue and West 20<sup>th</sup> Street – northbound approach

***Transit***

The proposed project would not result in any significant adverse transit impacts with respect to subways and buses.

***SUBWAY***

Based on 2012 survey data, it is anticipated that all project generated subway trips would essentially utilize only one subway station – the Coney Island-Stillwell Avenue (D, F, N, Q) station located approximately 0.4-mile to the east of the project site. This station is expected to experience more than 200 project generated trips in all analysis peak hours (pre-event and post-event on a weekday and a Saturday) and would therefore have the potential to experience significant adverse impacts under *CEQR Technical Manual* criteria. The results of the analysis of future conditions indicate that all stairways, ramps and fare arrays at this subway station that are likely to be used by concentrations of project-generated demand would continue to operate at acceptable levels of service in all four peak hours in the With-Action condition. The proposed project would therefore not result in significant adverse impacts at the Coney Island-Stillwell Avenue subway station.

***BUS***

The project area in Coney Island is currently served by five NYC Transit bus routes, with several of these routes terminating in the vicinity of the Stillwell Avenue subway station. With a relatively low level of new bus demand that would be concentrated in off-peak periods and distributed over a total of five bus routes, significant adverse bus impacts are not expected due to the proposed project. Therefore, a further detailed bus analysis is not included in this EIS.

## **Pedestrians**

The proposed project would not result in any significant adverse impacts to sidewalks, corner reservoir areas or crosswalks. Pedestrian trips generated by the proposed action are expected to be concentrated on the Boardwalk, as well as along sidewalks, corners and crosswalks closest to the project site. A total of five sidewalks, four corners and four crosswalks were selected for analysis in the four peak hours. The results of the analysis of future conditions with the proposed action indicate that all analyzed sidewalks, corner reservoir areas and crosswalks would continue to operate at acceptable levels of service in the weekday pre-event and post-event and Saturday pre-event and post-event peak hours in the With-Action condition. It should be noted that the pedestrian analysis takes into account pedestrian queuing in proximity to the main access point and box office entrance on the Riegelmann Boardwalk.

## **Pedestrian and Vehicular Safety Evaluation**

One intersection in the study area (Neptune and Stillwell Avenue) experienced five or more pedestrian and/or bicyclist injury crashes in one or more years from 2009-2011 and is therefore at the threshold of a high accident location as per the *CEQR Technical Manual*. This intersection is not immediately adjacent to the development site where project generated pedestrian trips would be most concentrated. Additionally, the high number of pedestrian/bicyclist injury crashes in 2010 can be evaluated as somewhat abnormal considering that both in 2009 and in 2011 the number of pedestrian/bicyclist injury crashes was lower with three and two crashes, respectively. Therefore, given the low projected development traffic passing through this already signalized intersection, a significant impact on pedestrian/bicycle safety is not anticipated. However, pedestrian and bicyclist safety could potentially be improved by renewing the existing road markings for increased visibility.

## **Parking**

The parking analysis examines the available capacity of seven off-street parking lots in the proximity of the project site in addition to on-street parking availability within a ½-mile radius of the project site. Parking surveys were conducted on both game and non-game days. In the future with the proposed project, the MCU Park Satellite Lot and the Aquarium Parking Lot would be operated as attended parking facilities on days when amphitheater events coincide with baseball games (fewer than ten times per year). With the increase in parking the attended lots would provide, it is expected that project generated parking demand would be accommodated by the off- and on-street parking capacity in the study area. In addition, as part of the proposed project, there would be a free shuttle provided to ~~more remote parking (e.g., the New York Aquarium parking lot is located approximately 0.6 miles east of the project site) as needed,~~ for those times when the concert and an adjacent baseball game are occurring on the same evening. This measure would help patrons park within an approximate 0.6-mile radius of the project site by providing assured parking and transportation to the project site. Therefore, it is not expected that the proposed project would result in any significant parking impacts. ~~However, pedestrian and bicyclist safety could potentially be improved by renewing the existing road markings for increased visibility.~~

## **Air Quality**

A screening analysis following the *CEQR Technical Manual* guidelines was performed for stationary and mobile sources. The results indicated that there is no potential for stationary source impacts from the (Former) Childs Restaurant Building HVAC system.

Of the 28 intersections evaluated in the traffic analysis for the pre- and post-event weekday and Saturday peak hours, 14 resulted in traffic increments over the CEQR screening threshold criteria of 170 or more project-generated vehicles for CO evaluation. The five intersections with the highest peak hour volumes and traffic increments were selected for detailed microscale CO modeling analysis. The result of this analysis indicated that all intersections analyzed would not exceed the 8-hour standard. The maximum estimated concentration of 3.12 ppm with the proposed project is below the NAAQS of 9 ppm. Also, the NYCDEP CO *de minimis* criteria would not be exceeded, since the maximum increment from the proposed project (0.42 ppm) would not have the potential to cause CO impacts that are considered to be significant (2.97 ppm).

All intersections passed the screening criteria for PM<sub>2.5</sub> analysis (more than 23 project generated heavy duty trucks). As such, there is no potential for exceeding the PM<sub>2.5</sub> NAAQS, and NYCDEP *de minimis* criteria for significant impacts.

The result of this analysis is that the stationary and mobile source impacts of the proposed project would not significantly impact local air quality levels.

## **Greenhouse Gas Emissions**

Following the methodology provided in the *CEQR Technical Manual*, it is estimated that, the proposed project would annually result in approximately 628 metric tons of GHG emissions from operations, and 2,707 additional metric tons of GHG emissions from mobile sources. This would result in a net annual total of approximately 3,335 metric tons of GHG emissions, as compared to New York City's 2011 annual total of 53.4 million metric tons. As such, the contribution of the proposed project's GHG emissions to GHG emissions citywide is insignificant. The proposed project would seek certification under LEED®, with a commitment to attaining a Silver rating for the renovated (Former) Childs Restaurant Building. Further, the proximity of the proposed project to public transportation, reuse of an existing historic building, and measures to minimize non-renewable energy use are all factors that contribute to the proposed project's energy efficiency. In addition, the proposed project is being designed to meet all current building code requirements regarding potential flooding elevations.

## **Noise**

Noise levels were evaluated for the traffic network, as well as for the concert venue itself, for ten specific sensitive receptor locations in the vicinity of the development site in order to project future noise levels at buildings near the proposed amphitheater venue. No impacts due to increases in traffic were projected. CADNA and EASE models ~~was~~were used to model concert noise, and the concert noise levels were logarithmically added to the traffic noise levels for With-Action Conditions. As discussed above, a number of sound reduction features would be installed on concert days, including a deployable sound curtain on the northwest side, backing sound baffles on the inside of the tensile fabric roof, and deployable canopy extension and sound curtains on the western side. ~~With these features in place, the proposed project would not result in significant adverse noise impacts at any sensitive receptor location.~~ Based on these design features to limit propagation of noise levels beyond the site boundaries, and a commitment to limit the L<sub>max</sub> concert levels at the mixing board to 98 dBA before 10 PM and 92 dBA after 10 PM (equivalent levels at the front row of 100 dBA before 10 PM and 94 dBA after 10 PM), with a specific speaker array as described in Appendix D, no impacts due to concert noise are projected at any sensitive receptor location, and no further measures are required to avoid noise impacts.



As part of the commitment to limit the  $L_{max}$  concert music amplification levels, the amphitheater operator will set forth the restrictions on concert music amplification in the Artist Booking Sheet provided to the talent performing at the venue. The same restriction will be set forth in the contracts between the venue operator and the individuals and groups performing at the amphitheater. A dB meter will be installed at the mix position in the amphitheater and used for every event, which will enable the venue operator to confirm compliance with the limit on the amplification levels during concert events.

In addition, the analysis results also indicated that concert noise levels would not exceed the permissible noise increments in Section 24-244 of the NYC Noise Code. Further, based on the results of the CEQR analysis, the proposed project is not anticipated to exceed the commercial music standards in Section 24-231 of the Noise Code, although predicting noise levels within receiving properties is difficult. Should a violation occur, it would be handled as an enforcement action.

## **Public Health**

The proposed project would not result in significant adverse impacts to public health. No unmitigated significant adverse impacts have been identified in any technical areas applicable to public health (hazardous hazardous materials, water quality, air quality, and noise).

## **Neighborhood Character**

The proposed project would not cause significant adverse impacts regarding land use, zoning, and public policy; open space; shadows; historic and cultural resources; urban design and visual resources; or noise. As a result of the proposed project, changes to the project site's land use would occur, as well as increases to traffic, transit, and pedestrian activity. The proposed project would return the long-vacant (Former) Childs Restaurant Building to productive use. With the exception of transportation, the proposed project would not result in any significant adverse impacts on any of the technical areas that could impact neighborhood character. The scale of significant adverse impacts to transportation would not affect any defining feature of neighborhood character, nor would a combination of moderately adverse effects affect the neighborhood's defining features. The proposed project would therefore not have a significant adverse neighborhood character impact.

## **Construction**

The proposed project would facilitate the development of publicly accessible open space, including an approximately 5,100-seat seasonal amphitheater, and the restoration and reuse of the landmark (Former) Childs Restaurant Building. Construction activities associated with this development is expected to occur over a 15-month period. Given the small mostly vacant site, short construction period, and minimal construction activity of the project, the proposed project would not result in a significant amount of construction related impacts. Construction-related activities resulting from the proposed project are not expected to have any significant adverse impacts on hazardous materials, transportation, air quality, or noise conditions. In addition, with the implementation of the appropriate construction protection measures mandated by the DOB's TPN #10/88, no construction-related impacts on historic resources would be anticipated as a result of the proposed project. Moreover, the construction process in New York City is highly regulated to ensure that construction period impacts are

eliminated or minimized, and construction of the proposed project would be subject to compliance with the New York City Noise Code.

## **H. MITIGATION**

### **Transportation**

#### ***Traffic***

Traffic conditions were evaluated at 28 intersections during the weekday pre-event and post-event and Saturday pre-event and post-event peak hours. As discussed in Chapter 9, "Transportation," the potential for impacts was identified at a total of eight intersections, with different subsets of these eight intersections impacted depending on the analysis period. The traffic impact analysis indicates that the proposed project would have significant adverse impacts at three intersections during both the weekday pre-event and post-event peak hours, four intersections during the Saturday pre-event peak hour, and five intersections during the Saturday post-event peak hour.

Table ES-2 summarizes the recommended mitigation measures to address these impacts, which are subject to review and approval by NYCDOT. As shown in the table, the majority of the locations significantly impacted could be mitigated using standard traffic capacity improvements, such as standard signal timing changes, road markings and parking regulation modifications, which are considered readily implementable measures as per Table 16-18 in the *CEQR Technical Manual*, and conform to the guidance in NYCDOT's 2009 Street Design Manual. Recommended mitigation measures include 1 to 3 seconds of signal timing changes at four of the eight impacted intersections, as well as parking regulation modifications at three of the eight intersections. With implementation of these recommended mitigation measures, all of the significant adverse traffic impacts would be fully mitigated, with the exception of traffic movements at the intersections of (1) Shore Parkway Westbound Service Road at Shell Road and (2) Neptune Avenue at Cropsey Avenue/West 17<sup>th</sup> Street. With respect to these two intersections, traffic ~~These intersections would be monitored on days when amphitheater concerts coincide with baseball games at MCU Park in order during a concert event~~ to see if actual conditions would reflect the analyzed With-Action conditions that are based on very conservative assumptions. If necessary ~~during monitoring~~, traffic enforcement agents (TEAs) would be assigned to these two intersections on days when amphitheater concerts coincide with baseball games during game days to facilitate traffic flow and eliminate any adverse impacts. It should be noted that the TEAs stationed to manage traffic generated by baseball games at MCU Park are typically assigned to locations in the vicinity of MCU Park along Surf Avenue and would not overlap with the TEAs at the intersections of Shore Parkway Westbound Service Road at Shell Road and Neptune Avenue at Cropsey Avenue/West 17<sup>th</sup> Street.



**TABLE ES-2**  
**Recommended Traffic Mitigation Measures**

Intersection		No-Action Signal Timing (Seconds) (1)				Proposed Signal Timing (Seconds) (1)				Recommended Mitigation
		WK PRE	WK POST	SAT PRE	SAT POST	WK PRE	WK POST	SAT PRE	SAT POST	
Shore Parkway EB Ramps/ Bay 52nd St (E-W) @ Cropsey Ave (N-S)	EB NB/SB	45 45	45 45	45 45	45 45	45 45	45 45	45 45	44 46	Shift 1 second from EB to NB/SB 9pm-11pm, Saturday.
Bay 50th/ Shore Parkway WB Off Ramp (E-W) @ Cropsey Ave/ Ave Z (N-S)	WB NB Only NB/SB	31 18 41	31 18 41	31 18 41	31 18 41	31 18 41	31 18 41	31 18 41	31 19 40	Shift 1 second from NB/SB to NB Only 9pm- 11pm, Saturday.
Shore Parkway WB Off Ramp (E-W) @ Shell Road (N-S)	WB NB/SB	31.5 58.5	31.5 58.5	31.5 58.5	31.5 58.5	Unmitigatable Impact				
Neptune Avenue (E-W) @ West 20th Street (N-S)	EB/WB NB	58 32	58 32	58 32	58 32	58 32	58 32	58 32	58 32	Implement no standing at all times regulation for approximately 100' along the east curb and re- stripe to create 1 left/right and 1 right-turn lane NB.
Neptune Ave (E-W) @ West 17th St/ Cropsey Ave (N-S)	EB EB/WB SB	23 33 34	23 33 34	23 33 34	23 33 34	Unmitigatable Impact				
Mermaid Avenue (E-W) @ West 20th St (N-S)	EB/WB NB	34 26	34 26	34 26	34 26	34 26	31 29	34 26	34 26	Implement no standing at all times regulation for approximately 100' along the east curb of the NB approach and re-stripe to create 1 left/through and 1 right-turn lane; shift 3 seconds from EB/WB to NB 9pm-11pm, weekday.
Surf Ave (E-W) @ West 17th St (N-S)	EB/WB NB	57 33	57 33	57 33	57 33	57 33	57 33	57 33	57 33	Implement no standing at all times regulation for approximately 100' along the east curb of the SB approach and re-stripe to create 1 left-turn, 1 left/right and 1 right-turn lanes.
Surf Ave (E-W) @ Stillwell Ave (N-S)	EB/WB NB/SB	62 28	62 28	62 28	62 28	62 28	62 28	59 31	62 28	Shift 3 seconds from EB/WB to NB/SB 5pm-7pm, Saturday.

Notes :

(1) Signal timings shown indicate Green plus Yellow (including All Red) for each phase.

(2) EB - eastbound, WB - westbound, NB-northbound, SB - southbound

## I. ALTERNATIVES

### No-Action Alternative

The No-Action Alternative examines future conditions on the development site in the absence of the proposed project. Under the No-Action Alternative, it is assumed that the development site would be developed as-of-right with residential, commercial, and open space uses, as analyzed in the 2009 FEIS. There would be a total of approximately 223,000-118 sf of residential uses (223 DUs) and approximately 33,978 sf of local retail, in addition to an approximately 1.27-acre open space and a 60,000 sf restaurant in the landmark (Former) Childs Restaurant Building on the development site under the No-Action Alternative.

As with the proposed project, this alternative would not result in significant adverse impacts on land use, zoning and public policy; open space; shadows; historic and cultural resources; urban design; hazardous materials; water and sewer infrastructure; air quality; noise; greenhouse gas emissions;

public health; neighborhood character; and construction. This alternative would result in fewer traffic impacts than the proposed project. However, the No-Action Alternative would fall short of the objectives of the proposed project to reinvigorate Coney Island with a new recreational and entertainment destination along the Riegelmann Boardwalk on underutilized land and extend pedestrian activity westward along the boardwalk with the development of a year-round expansive neighborhood park.

## **J. UNAVOIDABLE SIGNIFICANT ADVERSE IMPACTS**

Most of the potential significant adverse impacts of the proposed project could be avoided or mitigated by implementing a broad range of measures. However, the traffic impacts would not be fully mitigated.

### **Traffic**

With the traffic mitigation plan shown in Table ES-2 above, all significant adverse traffic impacts could be fully mitigated except at two intersections during the weekday pre-event peak hour, and two intersections during the Saturday pre-event peak hour. Specifically, Shore Parkway Westbound Service Road at Shell Road would have unmitigated significant adverse impacts during the weekday pre-event peak hour. Neptune Avenue at Cropsey Avenue/West 17<sup>th</sup> Street would have unmitigated significant adverse impacts during both the weekday and Saturday pre-event peak hours.

These two intersections would be monitored to see if actual conditions would reflect the analyzed With-Action conditions that are based on very conservative assumptions, which include (1) the assignment of all on-street parkers to the project site before reaching their final curbside parking spaces and (2) the coincident analysis of a concert at the amphitheater and a game at MCU Park. If necessary—~~during monitoring~~, traffic enforcement agents (TEAs) would be assigned to these two intersections ~~during game days~~. on days when amphitheater concerts coincide with baseball games to facilitate traffic flow and eliminate any adverse impacts.

## **K. GROWTH-INDUCING ASPECTS OF THE PROPOSED ACTION**

While the new uses proposed for the Seaside Park and Community Arts Center would contribute to growth in the local Brooklyn, City, and State economies, they would not be expected to induce notable growth outside of the development site. It is unlikely that the proposed project would alter land use patterns in surrounding neighborhoods. The proposed project would not create a critical mass of uses or populations that would induce additional development. Moreover, the proposed project does not include the introduction of new infrastructure or an expansion of infrastructure capacity that would result in indirect development. Therefore, the proposed project is not expected to induce significant new growth in the surrounding area.

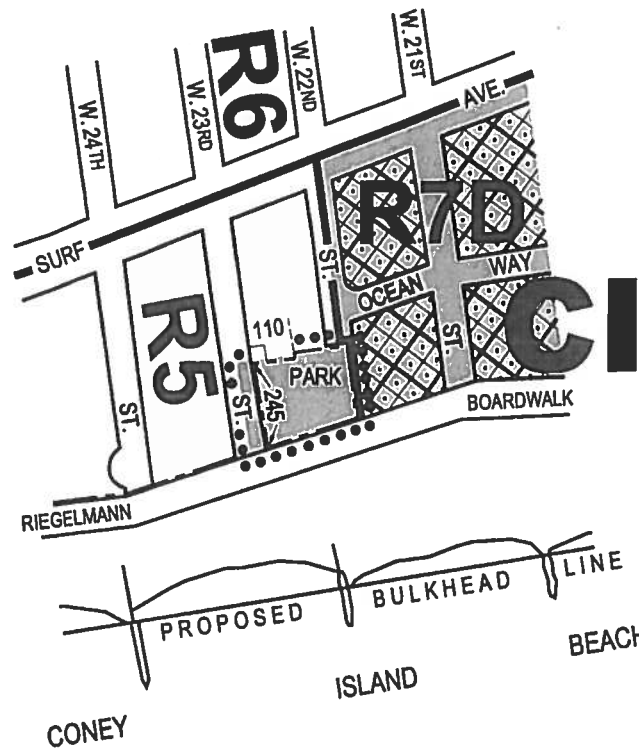
## **L. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES**

Resources, both natural and man-made, would be expended in the construction, renovation, reuse and operation of the proposed Seaside Park and Community Arts Center. These resources include the building materials used during construction of the open space and amphitheater and renovation of the

(Former) Childs Restaurant Building; energy in the form of gas and electricity consumed during construction and operation of the proposed project by various mechanical and processing systems; and the human effort (time and labor) required to develop, construct, renovate, and operate various components of the proposed project. These are considered irretrievably committed because their reuse for some other purpose would be highly unlikely.

The proposed project constitutes a commitment of the existing (Former) Childs Restaurant Building as a built resource, thereby rendering its use for other purposes infeasible. However, the conversion of the vacant building into productive use would be a substantial improvement to the neighborhood and the adjacent boardwalk.

The land use changes associated with the proposed project on the remainder of the development site may also be considered a resource loss. Development under the proposed project constitutes a long-term commitment of the development site as a land resource, thereby rendering land use for other purposes infeasible. However, as the proposed amphitheater is planned as a temporary use for a period of 10 years, it would not preclude other uses on the project site in the future. Further, funds committed to the design, construction/renovation, and operation of the development site are not available for other projects.



CITY PLANNING COMMISSION  
CITY OF NEW YORK  
DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**

ON SECTIONAL MAP

28d

BOROUGH OF  
**BROOKLYN**

New York, Certification Date  
SEPTEMBER 09, 2013

J. Miraglia, Director  
Director of Technical Review

SCALE IN FEET



**NOTE:**

- Indicates Zoning District Boundary.
- The area enclosed by the dotted line is proposed to be changed by establishing a Special Coney Island District.
- Indicates a C2-4 District.
- Indicates a Special Coney Island District.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.



## Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION

22 Reade Street, New York, NY 10007

FAX # (212) 720-3356

### 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 representatives as indicated on the Notice of Certification.

APPLICATION #: 140063 ZSK; 140064 ZRK; 140065 ZMK; 140066 PPK; 140067 PQK; 090107 MMK

In the matter of applications submitted by Coney Island Holdings LLC, the New York City Economic Development Corporation and the Department of Citywide Administrative Services for the construction of publicly accessible open space containing an approximate 5,000 seat amphitheater and the restoration and adaptive reuse of the former Childs Restaurant building as a restaurant, banquet facility and indoor entertainment venue.

COMMUNITY DISTRICT NO. 13

BOROUGH OF BROOKLYN

### RECOMMENDATION

**140063 ZSK; 140064 ZRK; 140065 ZMK; 140066 PPK; 140067 PQK; 090107 MMK**

☒ APPROVE

☐ APPROVE WITH

MODIFICATIONS/CONDITIONS

☐ DISAPPROVE

☐ DISAPPROVE WITH

MODIFICATIONS/CONDITIONS

  
BOROUGH PRESIDENT

October 7, 2013

DATE

Application #: **C 140066 PPK**

Project Name: **Seaside Park and Community Arts Center**

CEQR Number: 13DME014K

Borough(s): Brooklyn

Community District Number(s): 13

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

**SUBMISSION INSTRUCTIONS**

- Complete this form and return to the Department of City Planning by one of the following options:
  - EMAIL (recommended):** Send email to [CalendarOffice@planning.nyc.gov](mailto:CalendarOffice@planning.nyc.gov) and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
  - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
  - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for disposition, by lease agreement, to the New York City Land Development Corporation (NYCLDC) of city-owned property located on Block 7071, Lots 27, 28, 30, 32, 34, 76, 130, 142 and 226, restricted to the conditions pursuant to NYC Zoning Resolution (ZR) Section 131-60 (Special Permit for Auditoriums).

<b>Applicant(s):</b> Dept. of Citywide Administrative Services (DCAS) One Centre Street, 17th Floor South New York, NY 10007		<b>Applicant's Representative:</b> Hardy Adasko, Senior Vice President Economic Development Corporation 110 William Street New York, NY 10038 212.312.3703	
<b>Recommendation submitted by:</b> Brooklyn Community Board 13			
<b>Date of public hearing:</b> 9/16/13		<b>Location:</b> Coney Island Hospital	
<b>Was a quorum present?</b> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small>	
<b>Date of Vote:</b> 9/23/13		<b>Location:</b> Coney Island Hospital	
<b>RECOMMENDATION</b> <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Disapprove <input type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove With Modifications/Conditions			
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
<b>Voting</b> #In Favor: 7 #Against: 15 #Abstaining: 7 Total members appointed to the board: 49			
<b>Name of CB/BB officer completing this form</b> Charles Reichenthal		<b>Title</b> District Manager	<b>Date</b> 9/26/13

Application #: **C 140065 ZMK**

Project Name: **Seaside Park and Community Arts Center**

CEQR Number: **13DME014K**

Borough(s): **Brooklyn**

Community District Number(s): **13**

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

**SUBMISSION INSTRUCTIONS**

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  - EMAIL (recommended):** Send email to [CalendarOffice@planning.nyc.gov](mailto:CalendarOffice@planning.nyc.gov) and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
  - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
  - FAX:** (212) 720-3358 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

**Docket Description:**

**IN THE MATTER OF** an application submitted by submitted by Coney Island Holdings, LLC and the New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 28d, establishing a Special Coney Island District (CI) bounded by a line perpendicular to the easterly street line of West 23<sup>rd</sup> Street distant 245 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of West 23<sup>rd</sup> Street and northerly boundary line of Riegelmann Boardwalk, a line 110 feet easterly of West 23<sup>rd</sup> Street, a line 150 feet northerly of former Highland View Avenue\* and its easterly prolongation, the easterly street line of former West 22<sup>nd</sup> Street\*, the northerly boundary line of Riegelmann Boardwalk, and West 23<sup>rd</sup> Street, Borough of Brooklyn, Community District 13, as shown on a diagram (for illustrative purposes only), dated September 9, 2013.

\*Note: Highland View Avenue and a portion of West 22<sup>nd</sup> Street were approved for demapping under application C 090107 MMK for a change in the City Map.

<b>Applicant(s):</b> Coney Island Holdings, LLC c/o iStar Financial 1114 Avenue of the Americas New York, NY 10036		<b>Applicant's Representative:</b> Howard S. Weiss, Esq. Davidoff Hutter & Citron, LLP 605 Third Avenue - 34th Floor New York, NY 10158
<b>Recommendation submitted by:</b> Brooklyn Community Board 13		
<b>Date of public hearing:</b> 9/16/13		<b>Location:</b> Coney Island Hospital
<b>Was a quorum present?</b> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small>
<b>Date of Vote:</b> 9/23/13		<b>Location:</b> Coney Island Hospital
<b>RECOMMENDATION</b> <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Disapprove <input type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove With Modifications/Conditions		
Please attach any further explanation of the recommendation on additional sheets, as necessary.		
<b>Voting</b> # In Favor: 7 # Against: 15 # Abstaining: 7 Total members appointed to the board: 49		
<b>Name of CB/BB officer completing this form</b> Charles Reichenhalt		<b>Title</b> District Manager
		<b>Date</b> 9/26/13

Application #: **C 140063 ZSK**

Project Name: **Seaside Park and Community Arts Center**

CEQR Number: 13DME014K

Borough(s): Brooklyn

Community District Number(s): 13

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

**SUBMISSION INSTRUCTIONS**

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  - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
  - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

**Docket Description:**

IN THE MATTER OF an application submitted by Coney Island Holdings LLC and the New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 131-60\*\* of the Zoning Resolution to allow an open-air auditorium with a maximum of 5,099 seats for a term no greater than ten (10) years, on property located at 3052-3078 West 21<sup>st</sup> Street (Block 7071, Lots 27, 28, 30, 32, 34, 76, 79, 81, 130, 226, 231, and p/o Lot 142; the bed of former Highland View Avenue\*; and a portion of the bed of former West 22<sup>nd</sup> Street\*), in R5 and R7D/C2-4 Districts, within the Special Coney Island District (Coney West Subdistrict, Parcels B and G)\*\*\*, Borough of Brooklyn, Community District 13.

\* Note: Highland View Avenue and a portion of West 22<sup>nd</sup> Street were approved for demapping under application C 090107 MMK for a change in the City Map.

\*\* Note: A zoning text amendment to create a new Section 131-60 is proposed under a concurrent related application N 140064 ZRK.

\*\*\* Note: A portion of the site is proposed to be rezoned by establishing a Special Coney Island District (CI) under a concurrent related application C 140065 ZMK.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

<b>Applicant(s):</b> Coney Island Holdings, LLC c/o iStar Financial 1114 Avenue of the Americas New York, NY 10036		<b>Applicant's Representative:</b> Howard S. Weiss, Esq. Davidoff Hutcher & Citron, LLP 605 Third Avenue Avenue - 34th Floor New York, NY 10158
<b>Recommendation submitted by:</b> Brooklyn Community Board 13		
<b>Date of public hearing:</b> 9/16/13		<b>Location:</b> Coney Island Hospital
<b>Was a quorum present?</b> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.
<b>Date of Vote:</b> 9/23/13		<b>Location:</b> Coney Island Hospital
<b>RECOMMENDATION</b> <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Disapprove <input type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove With Modifications/Conditions		
Please attach any further explanation of the recommendation on additional sheets, as necessary.		
<b>Voting</b> # In Favor: 7 # Against: 6 # Abstaining: 7 Total members appointed to the board: 29		
<b>Name of CB/BB officer completing this form</b> Charles Reichenthal		<b>Title</b> District Manager
		<b>Date</b> 9/26/13



Application #: **C 140067 PQK**

CEQR Number: 13DME014K

Project Name: **Seaside Park and Community Arts Center**

Borough(s): Brooklyn

Community District Number(s): 13

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

**SUBMISSION INSTRUCTIONS**

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  - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
  - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

**Docket Description:**

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the City Charter, for the acquisition of property generally bounded by West 21st Street, West 22nd Street, and the Riegelmann Boardwalk (Block 7071, lots 27, 28, 30, 32, 34, 76, 130, 226, and 231).

<b>Applicant(s):</b> NYC Dept of Citywide Administrative Services 1 Centre Street New York, NY 10007		<b>Applicant's Representative:</b> Randal Fong 212-388-0618
<b>Recommendation submitted by:</b> Brooklyn Community Board 13		
<b>Date of public hearing:</b> 9/16/13		<b>Location:</b> Coney Island Hospital
<b>Was a quorum present?</b> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small>
<b>Date of Vote:</b> 9/23/13		<b>Location:</b> Coney Island Hospital
<b>RECOMMENDATION</b> <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Disapprove <input type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove With Modifications/Conditions		
Please attach any further explanation of the recommendation on additional sheets, as necessary.		
<b>Voting</b> # In Favor: 7 # Against: 15 # Abstaining: 7 Total members appointed to the board: 49		
<b>Name of CB/BB officer completing this form</b> Charles Reichenthal	<b>Title</b> District Manager	<b>Date</b> 9/16/13

## **RECOMMENDATION FOR THE PROPOSED SEASIDE PARK AND COMMUNITY ARTS CENTER**

**140063 ZSK; 140064 ZRK; 140065 ZMK; 140066 PPK; 140067 PQK; 090107 MMK**

These applications by Coney Island Holdings LLC, the NYC Economic Development Corporation (EDC), the NYC Department of Citywide Administrative Services and the NYC Department of Small Business Services seeks approval for the construction of an open-air auditorium with a capacity of 5,099 seats, comprised of Parcels G and B in the Coney West Subdistrict of the Special Coney Island District (Seaside Park and Community Arts Center) operated pursuant to a ten year special permit issued by the City Planning Commission as an interim use. The development would also include a public park with children's play areas and access points to the Riegelmann Boardwalk. The development site would be an assemblage of city-owned property in Coney Island, Brooklyn.

Related applications to facilitate the amphitheater include a modification to previously approved City Map Changes to extend the boundaries of the Special Coney Island District (SCID) further west to West 23<sup>rd</sup> Street; zoning text amendments to (i) establish a new Parcel G within the SCID (ii) extend the Coney West Subdistrict to include these and (iii) to create a new special permit with a 10-year term to allow an open-air auditorium with a maximum capacity of 5,100 seats as an interim use in the Coney West Subdistrict on new Parcel G and existing Parcel B; acquisition by the City of nine privately owned lots; and disposition by lease agreement to the New York City Land Development Corporation of the acquired parcels.

### **PUBLIC HEARING**

On September 17, 2013, the Borough President held a public hearing for the land use requests as part of the Seaside Park and Community Arts Center project, which included: the grant of a special permit; an amendment of the Zoning Map; and the land acquisition and disposition of city-owned property. These applications would facilitate the construction of publicly accessible open space with an approximate 5,000 seat amphitheater as well as the restoration and adaptive reuse of the former Child's Restaurant building, which will include a restaurant, banquet facility and indoor entertainment venue.

Staff of the Borough President during the hearing requested clarification for the use of the amphitheater when concerts aren't being held. A representative for the developer explained that operations for the amphitheater will be handled through a joint venture with Coney Island USA and a subsidiary of Istar who will establish a protocol by which local groups can propose various types of appropriate uses for the site. He further commented that the amphitheater is being designed not for the sole purpose of holding concerts, but to be used as a community resource, and the proposed uses by the community can be facilitated on or off season (weather permitting).

The Borough President's staff inquired about those local residents who continued to garden at the now defunct community garden located at West 22<sup>nd</sup> Street. The representative disclosed that there have been ongoing discussions between the developer, the Department of Parks and Recreation (DPR), NYC Parks GreenThumb and local residents to provide gardening space nearby. Surfside Garden, an underutilized licensed community garden located on West 29th Street near Surf Avenue, is within five blocks of the defunct community garden and can accommodate community members interested in gardening.

Five speakers provided testimony with the majority testifying against the project. Those in opposition discussed how they believe this project does not reflect what is best for all residents of Coney Island. Concerns mentioned included residents' quality-of-life impacted by concert noise and traffic as well as the already strained infrastructure; that resulting jobs from the project might only result in minimum wages; and the relocation of the Boardwalk Garden.

A representative for CB 13 presented the position from the Land Use and Economic Development joint committee meeting, which supported the applications with provisions by a vote of 10 to 1. These included: that a study be initiated to address the issues of parking and traffic in the area of the amphitheater; that assurances are made for the needs of emergency vehicular access to and from the area of the amphitheater; the creation of a recruiting program concerned with employment of community residents with prevailing wages; and the organization of a community group to monitor the neighborhood uses for the park, plaza and stage during periods when public presentations are not planned.

### **CONSIDERATION**

Community Board 13 (CB 13) voted to disapprove the applications at its September 23, 2013 general meeting. The Borough President believes that the vote does not represent the true sentiment of the Board. CB 13 has voted three times since last May to approve this proposal which included votes regarding the Landmarks Preservation Commission and Public Design Commission. As recent as the Board's meeting of the Zoning and Land Use committee, the proposal received almost unanimous support. However, many Board members who supported the Seaside Park and Community Arts Center were either a "no-show" at the September Board meeting or left the meeting prior to the actual vote. Much of the public frustration expressed during the open session of the Board meeting were concerns that do not pertain to the Seaside Park and Community Arts Center, but rather quality-of-life issues pertaining to broader Coney Island infrastructure including: traffic, flooding, and quality employment to highlight a few.

The Borough President believes that this project will further the goals of the Coney Island Rezoning with the restoration of Childs Restaurant and its year-round operation for seaside dining and catering. Additionally, the restoration of the Childs Restaurant building would preserve and support Coney Island's unique historic character. The project will also encourage residential and commercial development, while producing public benefits in the form of a neighborhood park and establish a new home for the Seaside Summer Concert Series which serves as a public good for local, boroughwide and citywide communities.

In 2009, the City adopted a series of Zoning Map and zoning text amendments to establish a framework for the revitalization of the Coney Island amusement area and the surrounding blocks.

The Borough President believes that the City has laid the groundwork for Coney Island's development into an entertainment mecca and major tourist destination by establishing the Special Coney Island District (SCID) and follow up action resulting in the development of Luna Park and the Scream Zone. By implementing aspects of this plan, Coney Island has again become increasingly relevant in the lives of Brooklynites, Americans and people the world over.

The development of the Coney Island community is extending from its entertainment mainstay in the form of community amenities that aim to improve the quality-of-life for its residents. The YMCA will be opening soon, bringing Coney Island its first such facility to a community that has expressed a need for

youth recreational programming. PS 188 is on its way to having a new gym which will further enhance the community's quality-of-life through additional opportunities for youth programming.

In addition, as part of the SCID rezoning, Highland View Park was designated along the boardwalk to the east of West 23<sup>rd</sup> Street, including the beds of Highland View Avenue and a portion of West 22<sup>nd</sup> Street, and multiple lots within approximately 250 feet north of the boardwalk. Two of the lots are zoned for mixed residential and commercial uses and eight are unimproved and designated as parkland, although they have not as yet been established as a public park.

The proposed Seaside Park and Community Arts Center would be located along a western portion of the Riegelmann Boardwalk at Coney Island Beach. The site is currently underdeveloped and mostly vacant with the exception of the former Childs Restaurant building (25,400 sf). The remaining eight lots of the development site are part of the yet-to-be established Highland View Park and are occupied by two vehicular storage lots (total lot area of 24,000 sf) with access from West 22<sup>nd</sup> Street, and vacant land (14,157 sf) which includes a parcel that was formerly a community garden registered with NYC Parks GreenThumb unit. Two additional lots to be established as part of this park fronting West 23<sup>rd</sup> Street are not owned by the City or the developer and are thus not part of this project. In August 2004, the gardener of record for the Boardwalk Gardens signed an agreement to relocate from the West 22<sup>nd</sup> Street lot. Since that time, NYC Parks GreenThumb has not licensed the garden, though no effort has been made to relocate them until recently. Technically, the remaining gardeners are squatters and have no legal rights to be on the site. The site also includes approximately 28,516 sf of City-owned paved roads along the boardwalk to the east of West 23<sup>rd</sup> Street.

The Seaside Park and Community Arts Center will be a temporary use development site for a term of ten years. The proposal advances the Administration's goal of reinvigorating Coney Island by creating year-round recreational and entertainment draws to Riegelmann Boardwalk. It is expected to invigorate and enliven the western end of the SCID, which is presently severely underutilized. The development would create new facilities for passive and active recreation, outdoor and indoor entertainment, table dining and catering, all of which would be appropriate and compatible with existing development in the surrounding area. The proposal would offer employment opportunities for Coney Island residents as well as host the Seaside Summer Concert Series, furthering the local tradition of free and affordable entertainment. The costs of operating and maintaining the amphitheater, park, playground and open space will be paid for from the amphitheater's operating revenues during its ten-year special permit term and not from City funds.

The amphitheater would be a covered, seasonal structure. During the summer season, the amphitheater's removable canopy will provide rain-shelter for approximately 5,000 seats. The inclusion of a canopy to provide rain-coverage for 5,000 seats is the result of the determination by industry experts as to what would be necessary for the economic viability of this project and its ability to finance associated community benefits. Approximately 3,500 of these seats will be located under a tensile fabric canopy supported by two trusses that will be deployed for the entire outdoor concert season—from May to October. The balance of the seating will be covered by a temporary tensile fabric canopy extension that only deploys during shows. Off-season and between events, the amphitheater will be available for public recreation and community use, as removable seats will make way for an expansive public plaza, to be constructed of exposed aggregate paving. During paid events, a temporary fence will be installed surrounding the perimeter of the auditorium. The 23,000 sf of flexible open area might accommodate farmer's markets, school graduations and festivals. The plaza will also provide an extensive shaded area for beachgoers and other visitors to Coney Island. Chair storage space has been

allotted within the Childs Restaurant building at the side stage area adjacent to the freight entrance. Chair storage will be provided in the Operations Catering Room at the lower level of the Childs building.

The proposed amphitheater will adaptively reuse the Childs Restaurant building—a designated City landmark known for its Dennison & Hirons-designed Spanish Colonial Revival stucco structure, which is rarely found in New York City. Childs will be restored as a restaurant, accommodating approximately 384 patrons and rooftop diners, as well as catered events and indoor entertainment. The building would include back-of-house functions for the amphitheater as well as extensive restroom facilities in the basement. The backstage area includes typical ancillary amenities including dressing rooms, multi-purpose rooms as well as administrative and security offices for the entertainment venue. The stage house and backstage areas will have the capacity during the off-season to accommodate smaller events that provide year-round indoor entertainment within the restored Childs Restaurant building.

The Childs Restaurant building is vacant and in a severely deteriorated condition. The reclamation of the building will include the restoration of arches, window openings and end piers, as well as the elaborate polychrome terra-cotta nautical motifs along the eastern and southern building facades. Alterations also include rooftop additions for the stage house roof and mechanical equipment, all of which will be minimally visible from the boardwalk and surrounding streets. The building's interior will be retrofitted to create a first-class restaurant and banquet facility.

In the summer season, a portion of the Childs building would become the stage for the amphitheater. During the off-season, the stage would become interior space blended with the main interior expanse of the restaurant.

The park created west of the amphitheater would provide approximately 2.4 acres of landscaped open space for passive and active recreation. This large new public green space would provide a neighborhood amenity independent of the amphitheater. To date, there is no other funding to construct Highland View Park and this site is actually larger than the yet-to-be established park. It will feature public passages to the Riegelmann Boardwalk at West 22<sup>nd</sup> and West 23<sup>rd</sup> Streets and play areas for children would be located near West 23<sup>rd</sup> Street. Extensive rest areas with bench and lawn seating will also be included. The park will include a "Garden Walk" connecting West 23<sup>rd</sup> Street, West 22<sup>nd</sup> Street and the Riegelmann Boardwalk, which will feature saltwater tolerant shade trees, saltwater tolerant low shrubs and 20 benches, totaling 160 linear feet of seating capacity. Between the "Plaza" and seating area, and the Garden Walk will be a lushly landscaped, 9,000 sf "Lawn Bowl" with perimeter planting, which will serve as a place for lawn seating and passive recreation. The lawn offers recreational space and elevated views to the beach. The southwest portion of the development site will also feature a planted garden with lush native planting and beach seating.

The southern terminus of the West 23<sup>rd</sup> Street entrance to the park would feature an accessible slope and create an opportunity for small scale seating areas within a shaded garden setting, meant to convey the feel of a "neighborhood park" along the boardwalk. The entry garden would feature saltwater tolerant plants, nine benches and three picnic tables.

Additional public amenities in the entry area will include bicycle racks to be located near the boardwalk and children's play equipment. To comply with the City Noise Control Code, acoustical curtains would be incorporated into the design, in addition to the tensile fabric and temporary canopy extensions, to comply with the City Noise Control Code. At all times, even during paid concert events, the park will be publicly accessible from West 22<sup>nd</sup> Street. It is anticipated that the proposed open-air auditorium and other project components will be completed by Spring 2015. If not for this project, there is no funding

allocation to develop Highland View Park; thus, the community gains a public open space asset much sooner than might otherwise be accomplished.

In response to concerns pertaining to the site's location in an area subject to storm surge flooding from coastal floods, the Borough President has been apprised that the site will comply with all State and City flooding and erosion requirements. Mechanical equipment, including an emergency generator and cooling towers, would be located at the roof level. The major utility rooms, including the electrical switchgear and fire pumps, will be located above the established Base Flood Elevation. Fuel lines to mechanical equipment will be provided with Float Operated Automatic Shut-off valves. Basement spaces, including restrooms, accessory offices and storage-spaces, would be constructed of flood damage resistant materials capable of withstanding direct and prolonged contact with flood levels. Areas including secondary restaurant lobby and ancillary utility rooms will be dry flood proofed with permanent waterproof membranes, coating and sealants.

The open air auditorium and publicly accessible open space components also incorporate a variety of flood resilient features. They will be constructed of materials that are resistant to damage by flooding. The comfort station fronting the Riegelmann Boardwalk and large portions of the accessible open space, including the Lawn Bowl and play equipment area within the Garden Walk, are raised above the flood plain elevation. Saltwater and wind resilient species of trees and ground cover plantings have been incorporated in the project.

In terms of flooding in the western section of Coney Island, the Borough President believes that the Seaside Park and Community Arts Center will keep the next City Administration on task to continue the sewer infrastructure project that is just commencing. However, the plans to date do not extend beyond the area to be developed pursuant to the SCID. He urges the community to engage its local elected officials during the next Administration to start planning for the necessary infrastructure upgrades west of West 23<sup>rd</sup> Street. Meanwhile, despite the design limitations of the existing storm water infrastructure, it is important that the existing system be working to its maximum design capacity. The community should report specific locations that flood so that the Department of Environmental Protection (DEP) is compelled to investigate, such as through placing cameras at these locations to determine if there are partial collapses or sediment build-up within the catch basins and pipes that need to be addressed to achieve optimum capacity. DEP should then promptly act to remove situations that contribute to diminished sewer capacity.

In response to concerns regarding the local residents still using the now defunct community garden located at West 22<sup>nd</sup> Street being required to vacate the premises by November 1, 2013, another site has been identified for use at 2829 Surf Avenue (known as Surfside Garden, five blocks west). The property is an existing under-utilized community garden already registered with NYC Parks GreenThumb. There have been direct discussions between leadership of the gardeners and NYC Parks GreenThumb representatives regarding accommodating gardeners at Surfside Gardens.

In response to concerns regarding the adequacy of parking, the underlying parking regulations for the amphitheater require the inclusion of 63 accessory off-street parking spaces. The special permit recognizes that the project would be adequately served by a combination of surrounding public parking facilities and existing mass transit network, and there is no need to provide the 63 otherwise required spaces. During concert periods, in order to manage parking demand, the Aquarium parking lot would be used and serviced by a shuttle service, bringing visitors to the auditorium.

During concert periods, West 21<sup>st</sup> Street, West 22<sup>nd</sup> Street and West 23<sup>rd</sup> Street would be partially closed and managed south of Surf Avenue, providing access to residents but not to concert attendees arriving at the site by personal automobile.

In response to concerns regarding traffic, the venue operator would be expected to provide its schedule of events with sufficient notice to the local 60<sup>th</sup> Police Precinct in order to provide for adequate planning for traffic agents and police officers. When local precincts obtain such information they would be expected to coordinate with the appropriate Brooklyn command to place a detail request. Another traffic management strategy deals with how parking for events is planned. The trend for urban-located fee-based events, often include provisions to purchase parking in advance. This would significantly reduce the number of vehicles that might otherwise circle the neighborhood streets, while leading to a clearer understanding of where to manage traffic. Such parking facilities are located in the amusement district. It is also anticipated that many concert attendees will frequent other amusement attractions and/or dining opportunities so that vehicles associated with amphitheater attendees would be coming or leaving over a wider range of time, thereby reducing peaks of traffic.

In response to concerns regarding community use of the facility, including its plaza, lawn bowl and regarding jobs, the applicant's representative submitted a letter (attached) to the Borough President dated October 2, 2013. The letter notes that one of the project sponsors, Coney Island USA, Inc. will help guide the operation of the Seaside Park and Community Arts Center. A Community Advisory Committee will be established in consultation with CB 13, local elected officials and the network of existing neighborhood organizations. The Borough President believes this initiative will help formulate what would be community appropriate events and assist local organizations securing use. He looks forward to the committee being established during the ULURP process.

As Luna Park did, the Borough President believes that the Seaside Park and Community Arts Center will benefit local residents, and that the October 2, 2013 letter represents good faith that this will be the case. It presents another opportunity for providing unemployed and under-employed residents of Coney Island opportunities to work. Too much of the neighborhood's labor force is not employed. The Borough President appreciates the intended consultation with local stakeholders including CB 13, local elected officials and the network of existing Coney Island neighborhood organizations to develop a protocol for the employment of Coney Island residents as well as the use of local contractors and suppliers as noted in the October 2 letter. The Borough President is pleased that City capital funds will result in all trades being paid prevailing wages and expects such firms to have a solid track record of employment history. The letter expressed intent to strive for maximizing local employment including the hiring, contracting and purchasing through the utilization of minority and women-owned business enterprises (MWBE). The Borough President looks forward to as much qualified Brooklyn-based MWBE participation and permanent job participation rates that makes Coney Island proud.

The Borough President believes that the Seaside Park and Community Arts Center will be both an economic catalyst for the community as well as bring more attention to addressing the pressing needs for west-end resident infrastructure. The facility will be a quality location for neighborhood recreation, and for the community to host a wide variety of events. He looks forward to its implementation.

#### **RECOMMENDATION**

Be it resolved that the Borough President of Brooklyn, pursuant to section 197-c of the New York City Charter, recommends that the City Planning Commission and City Council **approve** the land use actions proposed for the Seaside Park and Community Arts Center.