



## **CITY PLANNING COMMISSION**

December 4, 2013 / Calendar No. 11

**C 140065 ZMK**

**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.

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This application for a zoning map amendment was filed by the Coney Island Holdings, LLC and the New York City Economic Development Corporation on August 13, 2013. The requested zoning map amendment, along with its related actions, would facilitate the development of a 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 zoning map amendment (C 140065 ZMK) 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.

C 140063 ZSK Special Permit pursuant to Section 131-60 to allow an open-air auditorium with a maximum of 5,099 seats for a term no greater than ten (10) years,.

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 140066 PPK      A proposed 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 and the beds of the current Highland View Avenue, and portion of West 22<sup>nd</sup> Street south of the approved Ocean Way.
- C 140067 PPK      A proposed 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.

## **BACKGROUND**

A full background discussion and description of this application appears in the report for a special permit application (C 140063 ZSK).

## **ENVIRONMENTAL REVIEW**

This application (C 140065 ZMK), 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.

A summary of the environmental review and the Final Environmental Impact Statement appears in the related report for a special permit application (C 140063 ZSK).

## **WATERFRONT REVITALIZATION PROGRAM**

This application (C 140065 ZSK), and its related actions (C 140063 ZSK, N 140064 ZRK, C 140066 PPK, 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 140065 ZMK), in conjunction with the application for the related actions, (C 140063 ZSK, N 140064 ZRK, C 140066 PPK, C 140067 PQK, 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 140065 ZMK) 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 140065 ZMK), 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 140065 ZMK). The hearing was duly held on October 23, 2013 (Calendar No. 16), in conjunction with the public hearing on the related actions.

There were a number of appearances, as described in the related report for a special permit application (C 140063 ZSK), and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this application for a zoning map amendment (C 140065 ZMK) is appropriate. A full consideration and analysis of the issues and the reasons for approving this application appears in the report on the related zoning special permit application (C 140063 ZSK as modified).

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on November 21, 2013, 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, 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, constitutes 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 Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is hereby amended by changing 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 23rd Street distant 245 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of West 23rd Street and northerly boundary line of Riegelmann Boardwalk, a line 110 feet easterly of West 23rd Street, a line 150 feet northerly of former Highland View Avenue and its easterly prolongation, the easterly street line of former West 22nd Street., the northerly boundary line of Riegelmann Boardwalk, and West 23rd Street, Borough of Brooklyn, Community District 13, as shown on a diagram (for illustrative purposes only), dated September 9, 2013, is approved.

The above resolution (C 140065 ZMK), duly adopted by the City Planning Commission on December 4, 2013 (Calendar No. 11), 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,**  
**JOESEPH I. DOUEK, MARIA M. DEL TORO, RICHARD W. EADDY,**  
**ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners**