

# Seaside Park and Community Arts Center

## Chapter 2: Land Use, Zoning, and Public Policy

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### A. INTRODUCTION

Under *City Environmental Quality Review (CEQR) Technical Manual* guidelines, a land use analysis evaluates the uses and development trends in the area that may be affected by a proposed project, and determines whether that proposed project is compatible with those conditions or may affect them. Similarly, the analysis considers the proposed project's compliance with, and effect on, the area's zoning and other applicable public policies.

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, as well as the restoration and adaptive reuse of the (Former) Childs Restaurant Building, a designated New York City landmark, in the Coney Island neighborhood of Brooklyn. The proposed project is intended to continue the City of New York's efforts to reinvigorate Coney Island by introducing a new recreational, entertainment, and restaurant destination on the Riegelmann Boardwalk. This chapter examines the proposed project's consistency with, and effect on, land use patterns and development trends, zoning regulations, and other applicable public policies.

### B. PRINCIPAL CONCLUSIONS

No significant adverse impacts on land use, zoning, or public policy would occur as a result of the proposed project. As discussed below, 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 primary study 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.

### C. METHODOLOGY

The purpose of this chapter is to examine the effects of the proposed project on land use, zoning, or public policy and determine whether or not it would result in any significant adverse impacts. The land use, zoning, and public policy analysis has been conducted in accordance with the methodology

presented in the *CEQR Technical Manual*. Under CEQR guidelines, a preliminary assessment, which includes a basic description of existing and future land uses and zoning, should be provided for all projects that would affect land use or would change the zoning on a site, regardless of the project's anticipated effects. CEQR also requires a detailed assessment of land use conditions if a detailed assessment has been deemed appropriate for other technical areas, in generic reviews, or in reviews of area-wide zoning map amendments. The proposed project exceeds preliminary assessment thresholds. A detailed land use and zoning assessment is warranted because the proposed project requires detailed assessments of transportation, air quality, noise, and hazardous materials. A detailed public policy analysis was also prepared to determine the potential of the proposed project to alter or conflict with applicable public policies.

In accordance with the *CEQR Technical Manual*, the detailed analysis describes existing and anticipated future conditions at a level necessary to understand the relationship of the proposed project to such conditions, assesses the nature of any changes to these conditions that would be created by the proposed project, and identifies those changes, if any, that could be significant or adverse. The detailed assessment discusses existing and future conditions with and without the proposed project in the 2016 analysis year for a primary study area and a secondary study area.

Existing land uses were identified through review of a combination of sources including field surveys, secondary sources such as the 2009 *Coney Island Rezoning FEIS*, newspaper articles, the City's Primary Land Use Tax Lot Output (PLUTO™) data files for 2012, online Geographic Information Systems (GIS) databases including the New York City Open Accessible Space Information System (<http://www.oasisnyc.net>) and NYCityMap (<http://gis.nyc.gov/doitt/nycitymap/>), and other publications and approved environmental review documents that have been completed for projects in the area. New York City Zoning Maps and the *Zoning Resolution of the City of New York* were consulted to describe existing zoning districts in the study areas, and provided the basis for the zoning evaluation of the future No-Action and With-Action conditions. Applicable public policies were identified, and a detailed public policy analysis was prepared to determine the potential of the proposed project to alter or conflict with applicable public policies.

## Analysis Year

While the proposed project would be constructed in the summer of 2015, the first full year of operation of the proposed amphitheater and other project components would be 2016. As such, the analysis year for environmental analysis purposes is 2016. The future No-Action and With-Action conditions account for land use and development projects, zoning proposals, and public policy initiatives expected to be implemented by 2016 (the No-Action projects).

## Study Areas

According to the *CEQR Technical Manual*, the appropriate study area for land use, zoning, and public policy is related to the type and size of the proposed project, as well as the location and context of the area that could be affected by the project. Study area radii vary according to these factors, with suggested study areas ranging from 400-feet for a small project to 0.5 miles for a very large project. In accordance with CEQR guidelines, land use, zoning, and public policy are addressed and analyzed for two geographical areas: (1) the primary study area, and (2) a secondary study area. For the purpose of this assessment, the primary study area (defined as the area directly affected by the proposed actions) is generally bounded by West 23<sup>rd</sup> Street to the west, the Riegelmann boardwalk to the south, West 21<sup>st</sup>

Street to the east, and properties fronting Surf Avenue to the north, encompassing the southern third of Block 7071. The secondary study area extends approximately 400-feet from the boundary of the primary study area and encompasses areas that have the potential to experience indirect impacts as a result of the proposed project. The secondary study area covers an area generally bounded by West 24<sup>th</sup> Street to the west, Surf Avenue to the north, West 20<sup>th</sup> Street to the east, and the Coney Island Beach to the south. Additionally, for the purposes of other analyses that have a larger study area than the defined secondary study area, future No-Action developments beyond a 400-foot radius of the primary study area are also discussed below. Both the primary and secondary study areas have been established in accordance with *CEQR Technical Manual* guidelines and can be seen in Figure 2-1.

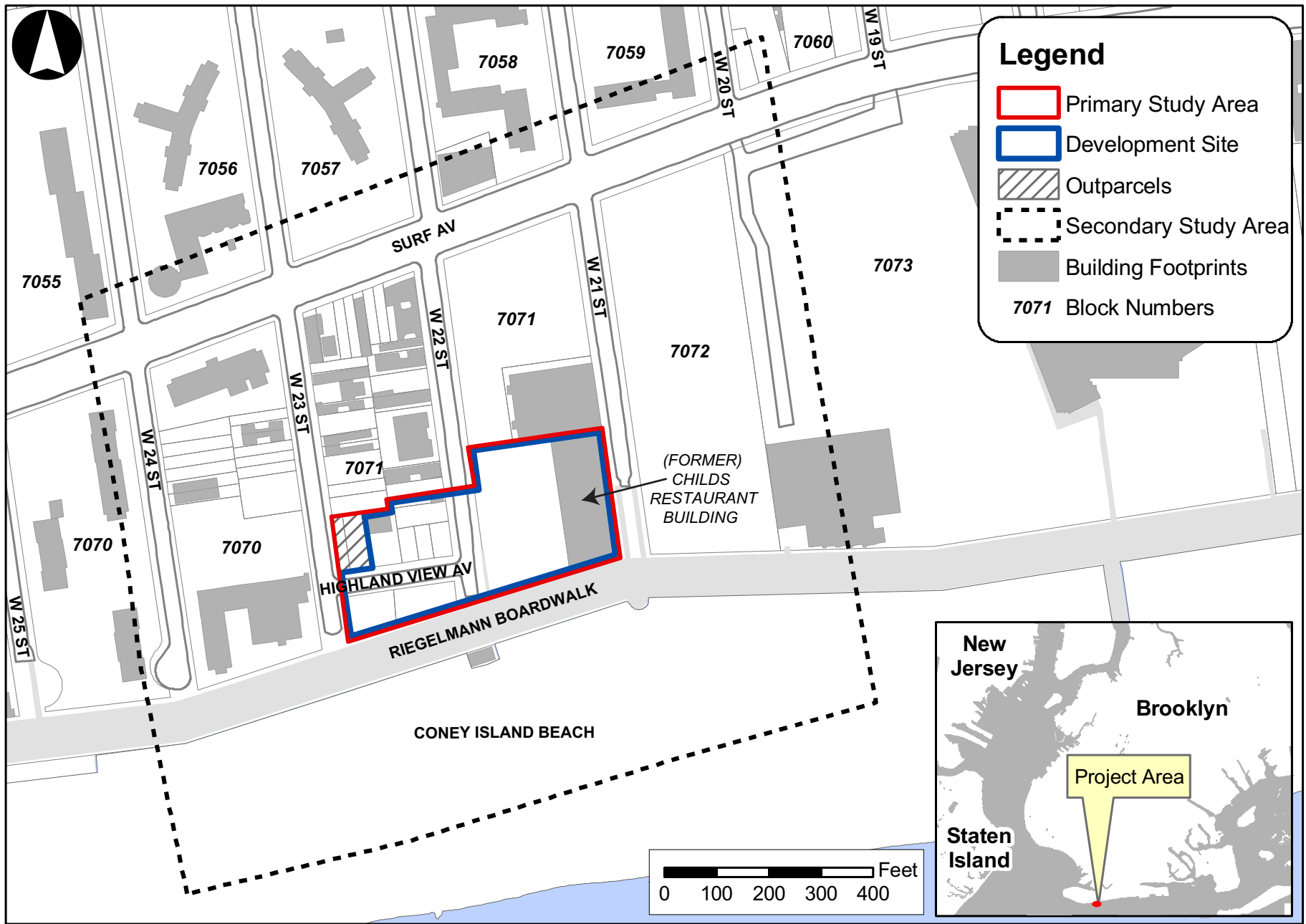
## **D. DEVELOPMENT BACKGROUND**

In 1609, Henry Hudson landed his ship, the Half Moon, on Coney Island. Originally part of the town of Gravesend, founded in 1643 by religious dissenters from New England, Coney Island was eventually absorbed into Brooklyn. The name Coney Island is believed to be derived from the Dutch word “konijn,” or rabbits, which were abundant on the Island during the 17<sup>th</sup> and 18<sup>th</sup> centuries, before the area was developed. Until the early 19<sup>th</sup> century, Coney Island was predominately used for animal grazing. In the 1820s, steamboat service was established at the western tip of Coney Island, and in 1824 a shell road was built, connecting the island to Long Island. The Island’s first hotel, the Coney Island House, was built that same year to cater to affluent New Yorkers who had begun vacationing in the rustic seaside resort.

In the mid-19<sup>th</sup> century, Coney Island’s beaches and proximity to Manhattan made it a popular summer destination. However, there were few year-round residents. After the Civil War, five railroads were established connecting Coney Island to Brooklyn and accelerated development. In the 1870s and 1880s, new innovations such as roller coasters and carousels were constructed on the Island, attracting visitors. The Ferris Wheel from the World’s Columbia Exposition of 1893 in Chicago was moved to Coney Island and in 1897 Steeplechase Park was created to attract families to the Island. The new park grouped mechanical rides, including the Steeplechase Race, behind a fence, charged an admission fee, and banned the consumption of alcohol inside. Proving very successful, Luna Park and Dreamland followed in 1903 and 1904, respectively. Dreamland burned down in 1911 and was never rebuilt.

By the turn of the century, the eastern sections of Coney Island, such as Manhattan Beach and Brighton Beach, had become fashionable resorts while the western areas retained gambling dens, brothels, and race tracks. During this time, new neighborhoods, such as Sea Gate, were developed to accommodate a growing year-round population. In 1920, the New York City subway was extended to Coney Island, providing working- and middle-class residents from all over the City easy access to the Island. The daily summertime population increased exponentially to approximately a million people per day, much more demand than the existing amusement parks could handle. In 1923, a boardwalk was constructed in order to alleviate some of this congestion, which resulted in development beyond the central amusement area. In July of 1932, a fire broke out on West 24<sup>th</sup> Street and quickly swept east, where it was partially contained by the masonry structure of the (Former) Childs Restaurant Building at West 21<sup>st</sup> Street. The fire resulted in \$5 million in damage to homes, bathhouses, and amusements. In the 1930s, Robert Moses oversaw the construction of parkways that connected Jones Beach to the City, providing those with cars an easily accessible beach option to Coney Island.

During World War II, investment in Coney Island waned and the number of visitors declined. There were severe housing shortages following the war, and poorly constructed summer cottages became occupied by year-round residents, resulting in a densely populated community living in substandard housing. The



Seaside Park and Community Arts Center

Figure 2-1  
Project Location Map

Housing Act of 1949 initiated urban renewal on a large-scale and many areas of Coney Island were cleared and redeveloped with federally-subsidized public housing through the 1970s. Luna Park burned down in 1944 and in the 1950s the Luna Park Houses were constructed on the site. In 1954, the Cyclone roller coaster opened in Astroland Amusement Park and in 1957 the New York Aquarium opened on the former Dreamland site. In 1964, Steeplechase Park, which had been in operation for almost 70 years, was closed and cleared for a proposed housing development that was never constructed.

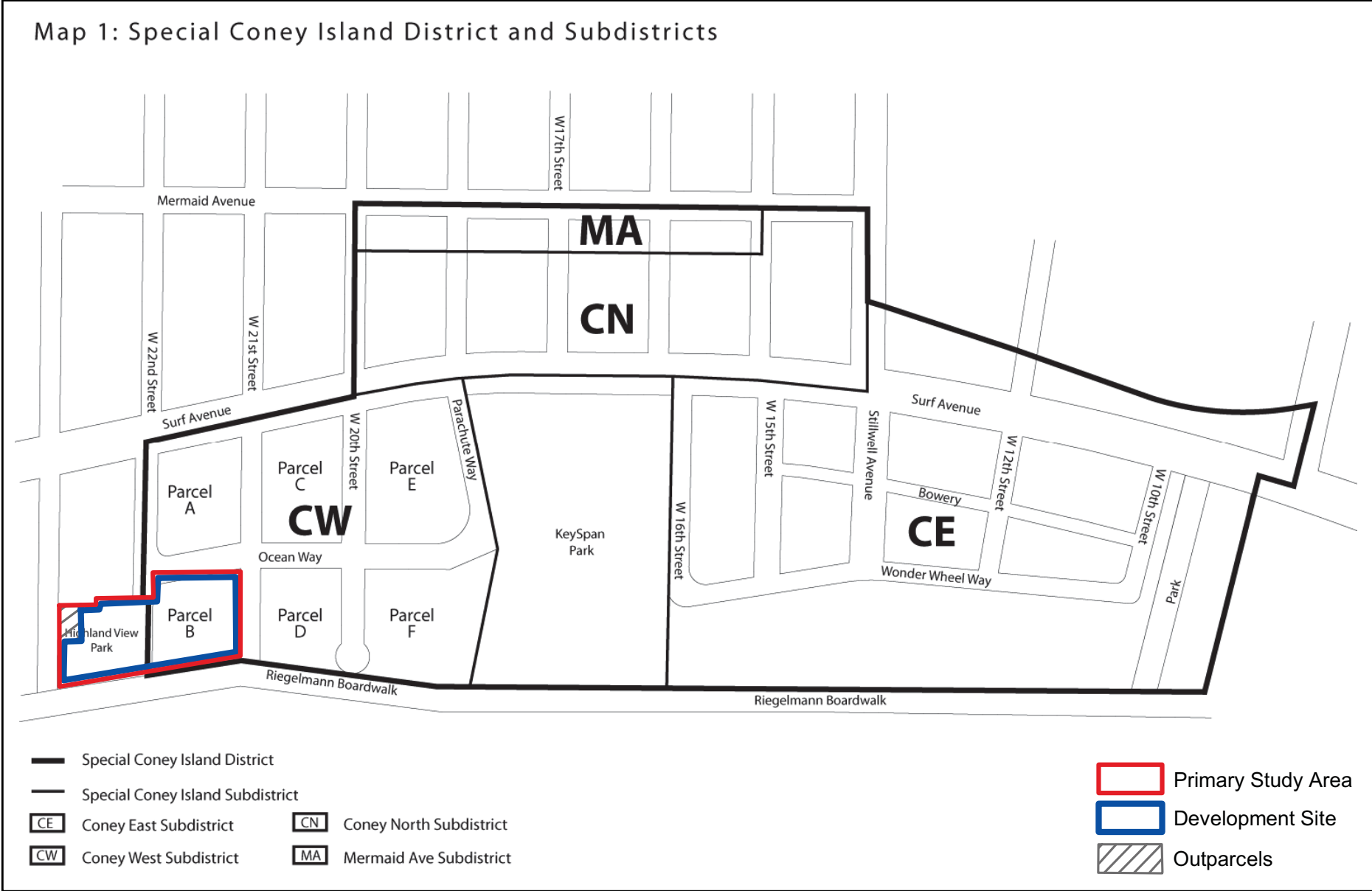
During the 1980s and 1990s, multiple projects were presented and approved for the dilapidating amusement area, but only a few were ever constructed. One project that was completed on Coney Island was Deno's Wonder Wheel Amusement Park, which was formed through the purchase of existing rides and parks on the site in the 1980s. Another project was MCU Park, an 8,000-seat stadium that opened in 2001 on the Steeplechase Park site, which serves as the home of the Brooklyn Cyclones (a New York Mets minor league baseball team) and also hosts concerts and other events. In 2008, Astroland Amusement Park was closed permanently and the rides were disassembled. In 2010, a modernized version of Luna Park opened on the former Astroland site with 19 new amusement rides alongside the historic Cyclone Roller Coaster.

The 2009 Coney Island Rezoning established a framework for the revitalization of the Coney Island amusement area and the surrounding blocks. In part, the rezoning created a 27-acre amusement and entertainment district to re-establish Coney Island as a year-round, open and accessible dynamic mixed-use destination. It was intended to preserve and expand amusement uses in perpetuity in their historic location along the Riegelmann Boardwalk through the mapping of parkland and creating opportunities for new amusement attractions, all of which combined to establish a vibrant year-round amusement and entertainment district.

Outside of the amusement area, the Coney Island Rezoning provided an extraordinary opportunity for the development of multi-family housing involving thousands of new market rate and affordable housing units. The zoning and mapping actions approved in 2009 serve to reconnect the blocks within the rezoned area to the existing surrounding residential neighborhood. The rezoning also allowed for the development of a significant amount of retail space to service the existing community and the future residents, as well as a new neighborhood park.

The Coney Island Rezoning also established 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 with subdistricts including "Coney East," "Coney North," "Coney West," and "Mermaid Avenue." Pursuant to the 2009 rezoning, the eastern portion of the Seaside project area, comprised of Lots 130 and 142, was rezoned R7D with a C2-4 overlay, included in the Coney West Subdistrict of the Special Coney Island District and designated Parcel B in Appendix A of the Coney Island District Plan (refer to Figure 2-2).

While approved for residential development pursuant to the Special Coney Island District Plan, the primary study area and surrounding secondary study area are currently underutilized and do not exhibit the characteristics of a well-developed residential neighborhood. Although new developments have been constructed to the east of the secondary study area, the only recent development that has occurred within a 400-foot radius of the primary study area was the construction of a seven-story residential building at 3040 West 22<sup>nd</sup> Street, just north of the primary study area, in 2005.



## **E. DETAILED ASSESSMENT**

### **Existing Conditions**

#### ***Land Use***

##### *PRIMARY STUDY AREA*

The primary study area encompasses approximately 136,404 square feet (approximately 3.14 acres), generally bounded by West 23<sup>rd</sup> Street to the west, the Riegelmann Boardwalk to the south, West 21<sup>st</sup> Street to the east, and properties fronting Surf Avenue to the north, encompassing the southern third of Block 7071 on Coney Island in Brooklyn Community District 13 (refer to Figure 2-1). The primary study area includes 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 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 2009 in the Coney Island Rezoning).

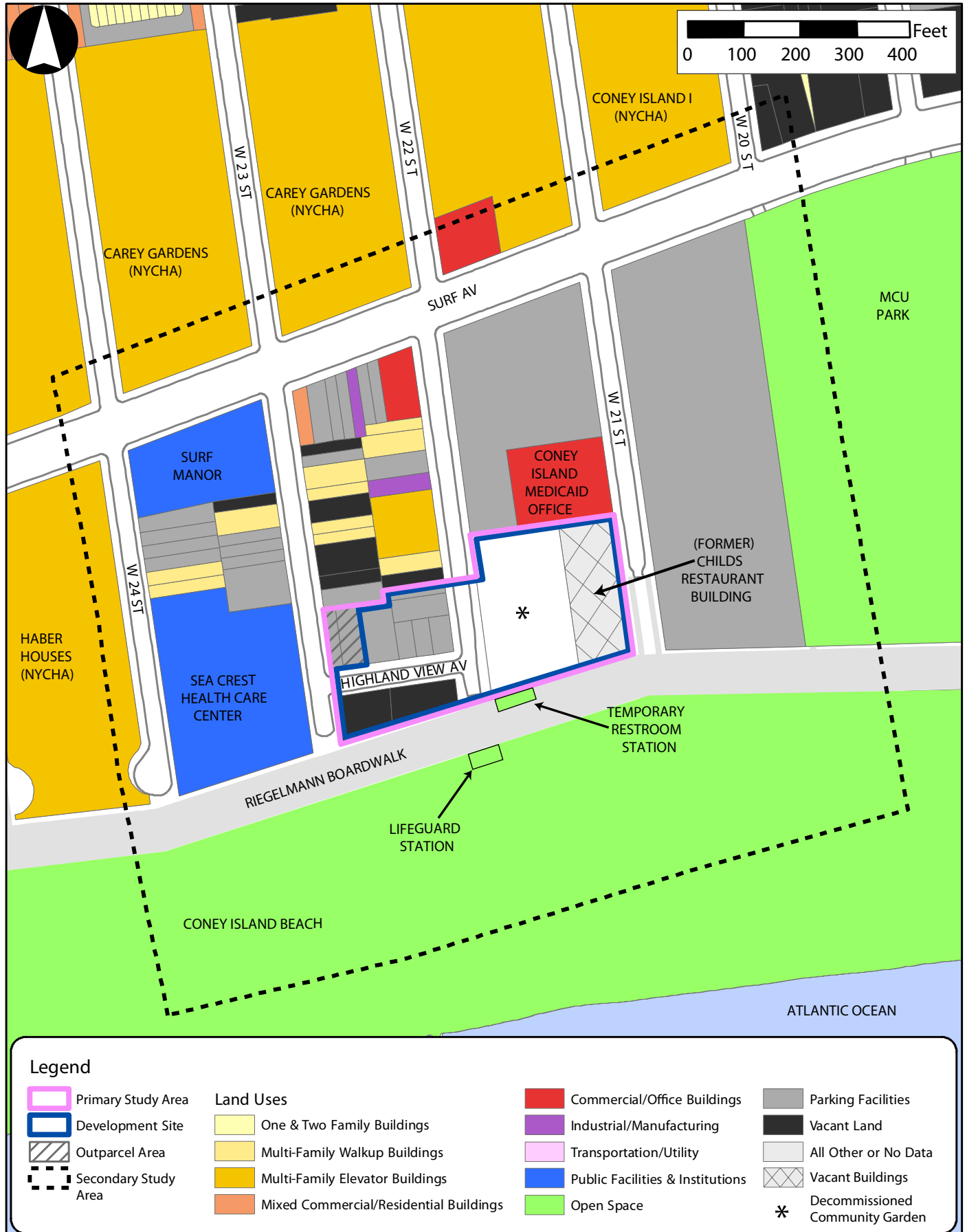
Table 2-1 shows percentages of the total lot area within the primary study area devoted to each type of land use and shows that approximately 54.2 percent of the primary study area is vacant land and approximately 23.5 percent accommodates vacant buildings. The remaining 22.3 percent is used as vehicle storage and parking. The two outparcels (Lots 79 and 81) comprise approximately four percent of the vehicle storage and parking space in the primary study area, or approximately 6,000 total square feet. There are no existing structures on these two lots, which are paved and surrounded by metal fencing and weeds. Both lots are under private ownership by persons/entities independent of the Applicant.

The approximately 18,004 square feet of vehicle storage and parking in the development site (Lots 27, 28, 30, 32, 34, and 76) accommodate school buses. The lots are all paved and surrounded by metal fencing and weeds, and there is a one-story, approximately 1,672 square-foot (sf) building in the northern section of Lot 76 and a one-story, approximately 364 sf shed in the eastern portion of Lot 27. To the south, across Highland View Avenue, are two vacant lots covered in sand (Lots 226 and 231) that comprise approximately 14,157 sf. Across West 22<sup>nd</sup> Street to the east is a 44,327 sf vacant lot (Lot 142) which accommodates a decommissioned community garden.<sup>1</sup> Immediately adjacent is the vacant, 60,000 sf (Former) Childs Restaurant Building on a 25,400 sf site (Lot 130). The building is three stories tall and built-out to the lot line, fronting both West 21<sup>st</sup> Street and the Riegelmann Boardwalk, and is a designated New York City Landmark (NYCL). Existing public streets in the primary study area (Highland View Avenue and a portion of West 22<sup>nd</sup> Street) comprise 28,516 sf.

There are no residential, commercial, industrial/manufacturing, or mixed-use, public facilities/institutions, or open space resources in the primary study area (refer to Figure 2-3).

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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.





**TABLE 2-1**  
**Primary Study Area Lot Area by Land Use**

<b>Land Use</b>	<b>Total Lot Square Footage</b>	<b>Percentage of Total</b>
One and Two Family Residential	0	0.0%
Multi-Family Residential	0	0.0%
Mixed-Use	0	0.0%
Commercial/Office	0	0.0%
Industrial/Manufacturing	0	0.0%
Transportation/Utility	0	0.0%
Public Facilities and Institutions	0	0.0%
Open Space	0	0.0%
Vehicle Storage/Parking	24,004	22.3%
Vacant/ <u>Unimproved</u> Land <sup>1</sup>	58,484	54.2%
Vacant Buildings	25,400	23.5%
<b>Primary Study Area Total Lot Area:</b>	<b>107,888</b>	<b>100.0%</b>
<i>Existing Streets</i>	<i>28,516 square feet</i>	
<b>Primary Study Area Total Land Area:</b>	<b>136,404 square feet</b>	

Source: 2012 NYCDP PLUTO & OASIS data, PHA site visits (June 2013).

<sup>1</sup> Includes the decommissioned community garden on Lot 142 and vacant Lots 226 and 231.

## SECONDARY STUDY AREA

The secondary study area includes the area within an approximate 400-foot radius of the primary study area and supports a variety of land uses, densities, and building types. Development is most concentrated along Surf Avenue, which is one of the surrounding area's main pedestrian and automotive thoroughfares (refer to Figure 2-3).

The remainder of Block 7071 between West 22<sup>nd</sup> and West 23<sup>rd</sup> Streets immediately to the north of the primary study area 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 the Monthly Parking vehicle storage lot adjacent to the one-story industrial/manufacturing Niermatius Roofing Specialists (construction contractors) 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 is currently vacant. Block 7071 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 industrial/manufacturing building accommodating Brooklyn Stairs (a carpentry company). The portion of Block 7071 between West 22<sup>nd</sup> Street and West 21<sup>st</sup> Street is comprised of a 70,505 sf parking lot on Lot 100 and a three-story, 69,500 sf building on Lot 123, which accommodates the New York City Human Resources Administration's Coney Island Medicaid Office building and fronts West 21<sup>st</sup> Street.

The Sea Crest Health Care Center and Surf Manor, two large institutional facilities, are located on Block 7070, directly west of the ~~project development~~ site. The Sea Crest Health Care Center (Lot 148) is a nursing home specializing in therapy and rehabilitation with approximately 305 residents. It is a five-story, approximately 106,000 sf building fronting West 23<sup>rd</sup> Street, Riegelmann Boardwalk, and West 24<sup>th</sup> Street. Surf Manor (Lot 120) is an assisted living facility for adults with approximately 200 residents. It is a four-story, approximately 40,344 sf building fronting West 23<sup>rd</sup> Street, Surf Avenue, and West 24<sup>th</sup>

Street. There are also several three-story residential buildings located midblock between the institutions. All other lots on this section of Block 7070 are currently vacant or accommodate vehicle storage and parking. To the west, across West 24<sup>th</sup> Street, are three, 14-story buildings with 380 apartments, which comprise the New York City Housing Authority (NYCHA) Haber Houses (Block 7070, Lot 1), a seniors-only residence.

Across Surf Avenue, to the northwest of the primary study area on Blocks 7056 and 7057, bounded by West 22<sup>nd</sup> Street and West 24<sup>th</sup> Street, are the NYCHA Carey Gardens, consisting of three, 15- to 17-story buildings with 683 apartments. To the east is Block 7058, which accommodates 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. The commercial building accommodates the Express Deli Supermarket to the west, vacant commercial space in the middle unit, and the Greater Eternal Light Church to the east. However, field observations indicated that the Church space is currently vacant. To the east across West 21<sup>st</sup> Street on Block 7059 is the 18-story NYCHA Coney Island 1 (Site 1B) building.

To the east of the primary study area, across West 21<sup>st</sup> Street, is a 167,672 sf vacant lot which extends from Surf Avenue to the Riegelmann Boardwalk. This vacant lot is the temporary location of the Seaside Summer Concert Series and also accommodates school bus parking and vehicle storage in the off-season. Further to the east, just outside the secondary study area, is MCU Park, a minor league baseball stadium for the Brooklyn Cyclones.

The Riegelmann Boardwalk and the Coney Island Beach are to the south of the primary study area. Immediately adjacent to the decommissioned community garden on the boardwalk is a one-story, temporary restroom station. On the beach at the end of West 22<sup>nd</sup> Street is a one-story, approximately 1,216 sf lifeguard station.

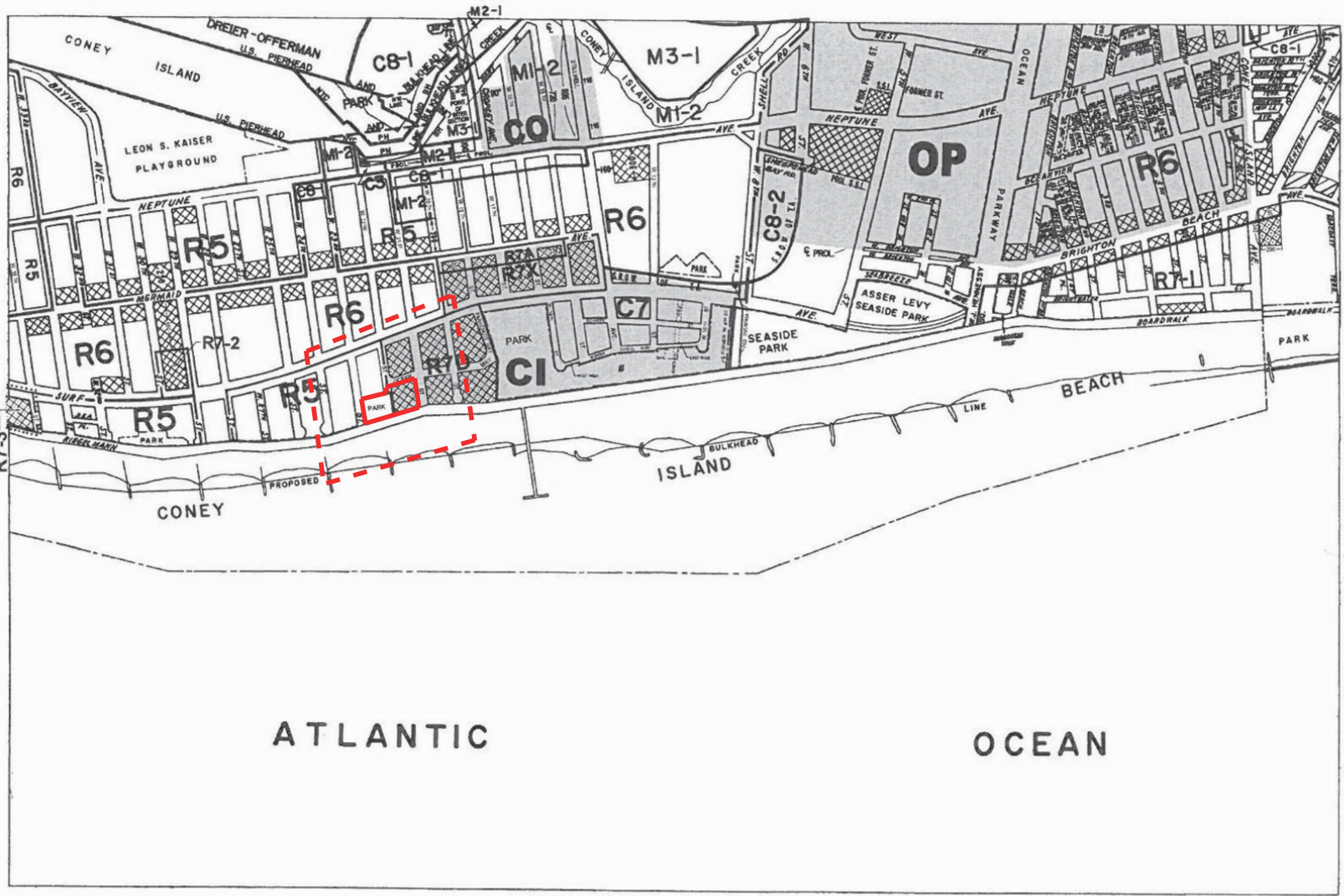
## **Zoning**

Portions of the primary ~~study~~ and secondary study areas were rezoned in 2009 as part of the Coney Island Rezoning. One aspect of the Plan included the establishment of the Special Coney Island District, which encompasses the sections of the primary and secondary study areas east of West 22<sup>nd</sup> Street (refer to Figure 2-4). As detailed below, the Special Coney Island District was established to incentivize and guide development of the amusement and entertainment district as well as residential developments outside the amusement area through use, density, and bulk regulations that differ from typical zoning requirements of the underlying zoning districts.

### **EXISTING ZONING IN THE PRIMARY AND SECONDARY STUDY AREAS**

The portions of the primary study area and secondary study area to the west of West 22<sup>nd</sup> Street are currently zoned R5, and in 2009, the portions to the east of West 22<sup>nd</sup> Street were rezoned to R7D with a C2-4 commercial overlay in the Special Coney Island District (refer to Figure 2-4).

R5 districts are residential districts that allow a variety of housing, providing a transition between lower- and higher-density neighborhoods. To ensure compatibility with neighborhood scale, the maximum street wall height of a new building in an R5 district is 30 feet and the maximum building height is 40 feet. Above a height of 30 feet, a setback of 15 feet is required from the street wall of the building. Additionally, any portion of the building that exceeds a height of 33 feet must be set back from a rear or side yard line. Detached houses and apartment buildings must have two side yards, and semi-detached



### ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

**Major Zoning Classifications:**  
 The number(s) and/or letter(s) that follows an R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

- R – RESIDENTIAL DISTRICT
- C – COMMERCIAL DISTRICT
- M – MANUFACTURING DISTRICT
- SPECIAL PURPOSE DISTRICT  
 The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.
- AREA(S) REZONED

**Effective Date(s) of Rezoning:**  
 09-08-2011 C 110058 ZMK

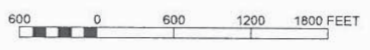
**Special Requirements:**  
 For a list of lots subject to CEQR environmental requirements, see APPENDIX C.  
 For a list of lots subject to "D" restrictive declarations, see APPENDIX D.  
 For Inclusionary Housing designated areas on this map, see APPENDIX F.

MAP KEY

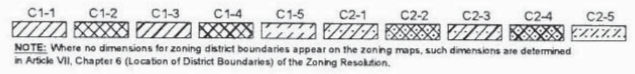
28a	28c	29a
28b	28d	29b

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ZONING MAP 28d



# NOTE: STREETS FOR THE STREET MAP CHANGE C 09107 MMK AND N 09107(A) MMK ARE SHOWN ON THIS MAP PRIOR TO BECOMING EFFECTIVE IN ORDER TO LOCATE ZONING DISTRICT BOUNDARIES.



Primary Study Area     Secondary Study Area

Seaside Park and Community Arts Center

Figure 2-4  
Existing Zoning

houses need at least one side yard. R5 districts have a residential Floor Area Ratio (FAR)<sup>2</sup> of 1.25 and a height limit of 40 feet, typically resulting in three- and four-story attached houses and small apartment buildings.

R7D districts are medium-density apartment house districts that promote new contextual development along transit corridors. Quality Housing bulk regulations are mandatory in R7D districts, producing ten-story buildings set at or near the lot line. 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 Special Coney Island R7D District has a residential FAR of 4.35, which is 0.15 higher than typical R7D districts.

C2-4 districts are typically mapped along streets that serve local retail needs in residential districts. Typical retail uses in C2-4 districts include neighborhood grocery stores, restaurants, beauty parlors, funeral homes, and repair services. In mixed-use buildings, commercial uses are limited to one or two floors and must always be located below the residential uses. When a commercial overlay is mapped in an R7D district, as is the case in the primary study area, the ground floor of a building must be reserved for retail uses to maintain the vitality of the street. The C2-4 overlay mapped in the primary study area permits a maximum commercial FAR of 2.0 in the area. Additionally, in C2-4 districts, the street wall of a building on a wide street must extend along the entire width of the zoning lot at the street line. There are no wide streets mapped in the primary study area; however, Surf Avenue, along the northern boundary of the secondary study area, is considered a wide street.

The 2009 Coney Island Rezoning also designated the western portion of the primary study area, bounded by West 23<sup>rd</sup> Street to the west, properties fronting Surf Avenue to the north, West 22<sup>nd</sup> Street to the east, and the Riegelmann Boardwalk to the south, as an approximately 1.41-acre neighborhood park (“Highland View Park”) with active and passive recreational amenities. Although this 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.

#### Coney West Subdistrict

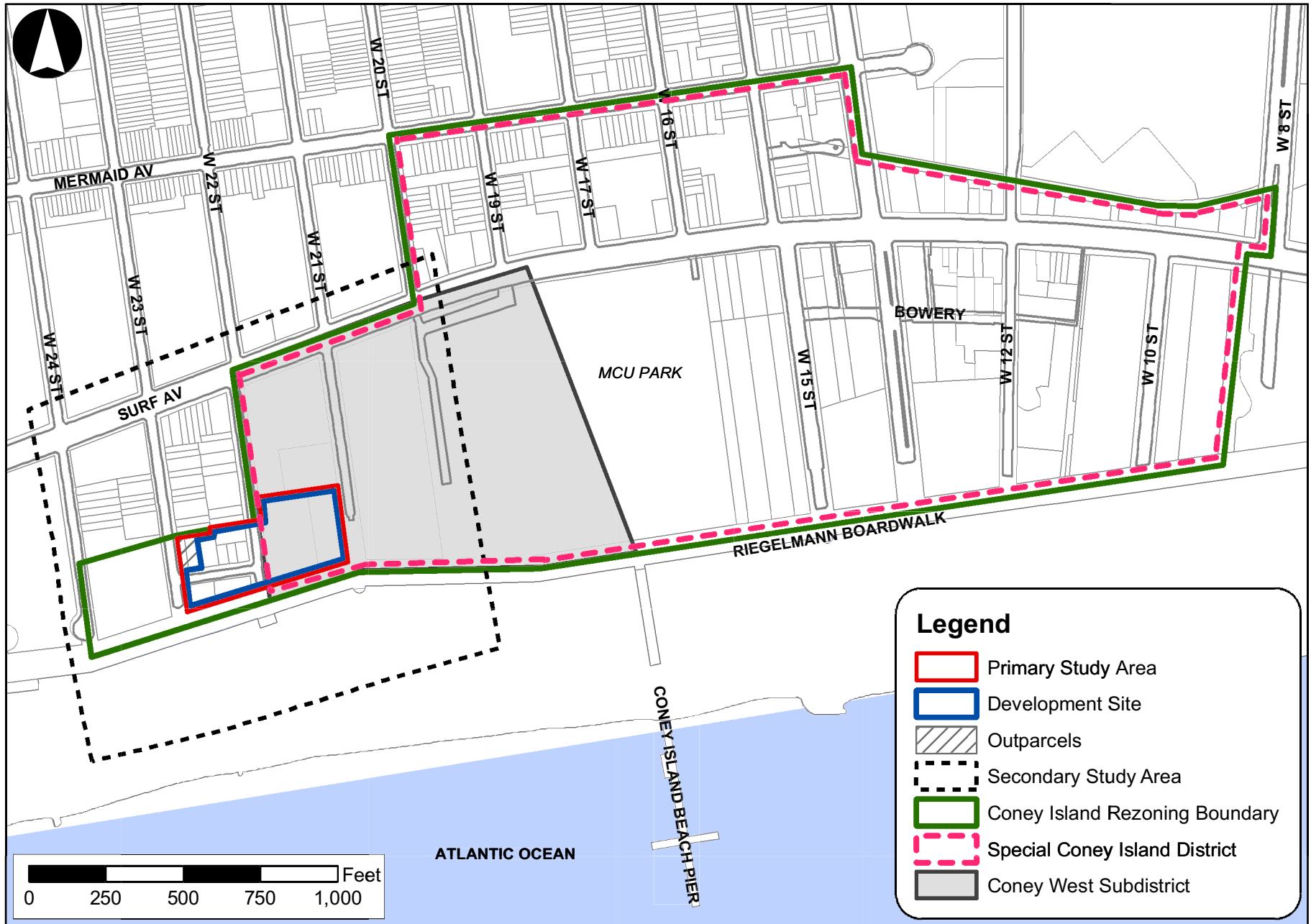
In 2009, as part of the Coney Island Rezoning, the portions of the primary and secondary study areas east of West 22<sup>nd</sup> Street were included in the Coney West Subdistrict (refer to Figure 2-5). The Subdistrict was rezoned to stimulate appropriate mixed-use residential and commercial buildings with local retail uses and neighborhood services, as well as beach related retail, eating, and drinking establishments and amusements along the Riegelmann Boardwalk.

On the block bounded by West 22<sup>nd</sup> Street to the west, Surf Avenue to the north, West 21<sup>st</sup> Street to the east, and the Riegelmann Boardwalk to the south, including the eastern portion of the primary study area and part of the secondary study area, residential developments have a maximum FAR of 4.35, expanded to 5.8 with the provision of affordable housing through the Inclusionary Housing Program, detailed below, and commercial and community facility uses would have a maximum FAR of 2.0.

On Surf Avenue, along the northern boundary of the secondary study area, commercial ground floor uses are mandatory, and 20 percent of the frontages must be dedicated to entertainment-related uses.

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<sup>2</sup> The Floor Area Ratio (FAR) is the principal bulk regulation controlling the size of buildings in New York City. As defined by NYCDP, FAR is the ratio of total building floor area to the area of its zoning lot. Each zoning district has an FAR which, when multiplied by the lot area of the zoning lot, produces the maximum amount of floor area allowable on that zoning lot. For example, on a 10,000 sf lots in a district with a maximum FAR of 2.0, the floor area on the lot cannot exceed 20,000 sf.



Seaside Park and Community Arts Center

Figure 2-5  
Coney Island Rezoning Plan

Additionally, unenclosed sidewalk cafes are permitted. Lots within the first 100 feet of the block fronting the south side of Surf Avenue between West 20<sup>th</sup> and West 21<sup>st</sup> Street have a minimum base height of 65 feet and a maximum base height of 85 feet. All other lots not fronting the Riegelmann Boardwalk in the Coney West Subdistrict have minimum base heights of 40 feet and maximum base heights of 65 feet.

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.

***INCLUSIONARY HOUSING DESIGNATED AREA: BROOKLYN***

The portions of the primary and secondary and study areas east of West 22<sup>nd</sup> Street are also included in an Inclusionary Housing Designated Area. The City's Inclusionary Housing Program promotes economic integration in areas of the City undergoing substantial new residential development by offering an optional floor area bonus in exchange for the creation or preservation of affordable housing. The Program requires a percentage of the dwelling units within a building to be set aside, or new or rehabilitated affordable units to be provided off-site within the same community district or within a half-mile radius of the bonused development. All affordable residential units created through the Program must remain permanently affordable, and may be rental units or available in an ownership plan. In the Special Coney Island R7D District, the maximum residential FAR is 4.35; when utilizing the Inclusionary Housing Program in this district, the maximum residential FAR increases to 5.8, which is 0.2 FAR higher than permitted in typical R7D districts.

***NEW YORK CITY FOOD RETAIL EXPANSION TO SUPPORT HEALTH PROGRAM***

The New York City Food Retail Expansion to Support Health (FRESH) Program provides discretionary tax incentives to promote the establishment and retention of neighborhood grocery stores in communities that lack full-line grocery stores. The primary and secondary study areas are located within a FRESH designated area.

The FRESH program is open to grocery store operators renovating existing retail space or developers seeking to construct or renovate retail space that will be leased by a full-line grocery store operator in FRESH-eligible areas that meet the following criteria:

- a. Provide a minimum of 6,000 sf of retail space for a general line of food and non-food grocery products intended for home preparation, consumption and utilization;
- b. Provide at least 50 percent of a general line of food products intended for home preparation, consumption and utilization;
- c. Provide at least 30 percent of retail space for perishable goods that include dairy, fresh produce, fresh meats, poultry, fish and frozen foods; and
- d. Provide at least 500 sf of retail space for fresh produce.

Financial incentives are available to eligible grocery store operators and developers to facilitate and encourage FRESH Food Stores in the designated area. These incentives include real estate tax reductions, sales tax exemptions, and mortgage recording tax deferrals.

## ***Public Policy***

Public policies applicable to the primary and secondary study areas are discussed below. The proposed project's consistency with each of these policies is discussed in the "Future With the Proposed ~~Action~~ Project" section of this chapter.

### ***CONEY ISLAND STRATEGIC PLAN***

In September 2003, the Mayor, City Council, and Brooklyn Borough President created the Coney Island Development Corporation (CIDC) to implement a comprehensive planning process for Coney Island and create a coordinated economic development strategy for the area. In September 2005, the CIDC released the Coney Island Strategic Plan which laid out a vision to transform Coney Island into a year-round entertainment destination with enhanced amusement and seaside attractions, as well as a vibrant neighborhood providing opportunities for all residents, workers, and visitors. The Plan details individualized strategies for seven different areas in the area in order to build upon the unique character and identity of each (refer to Figure 2-6).

The primary and secondary study areas are located within the Seaside Gateway area, which is bounded by West 24<sup>th</sup> Street to the west, Surf Avenue to the north, MCU Park to the east, and the Riegelmann Boardwalk to the south. The Plan highlights six goals for the Seaside Gateway area:

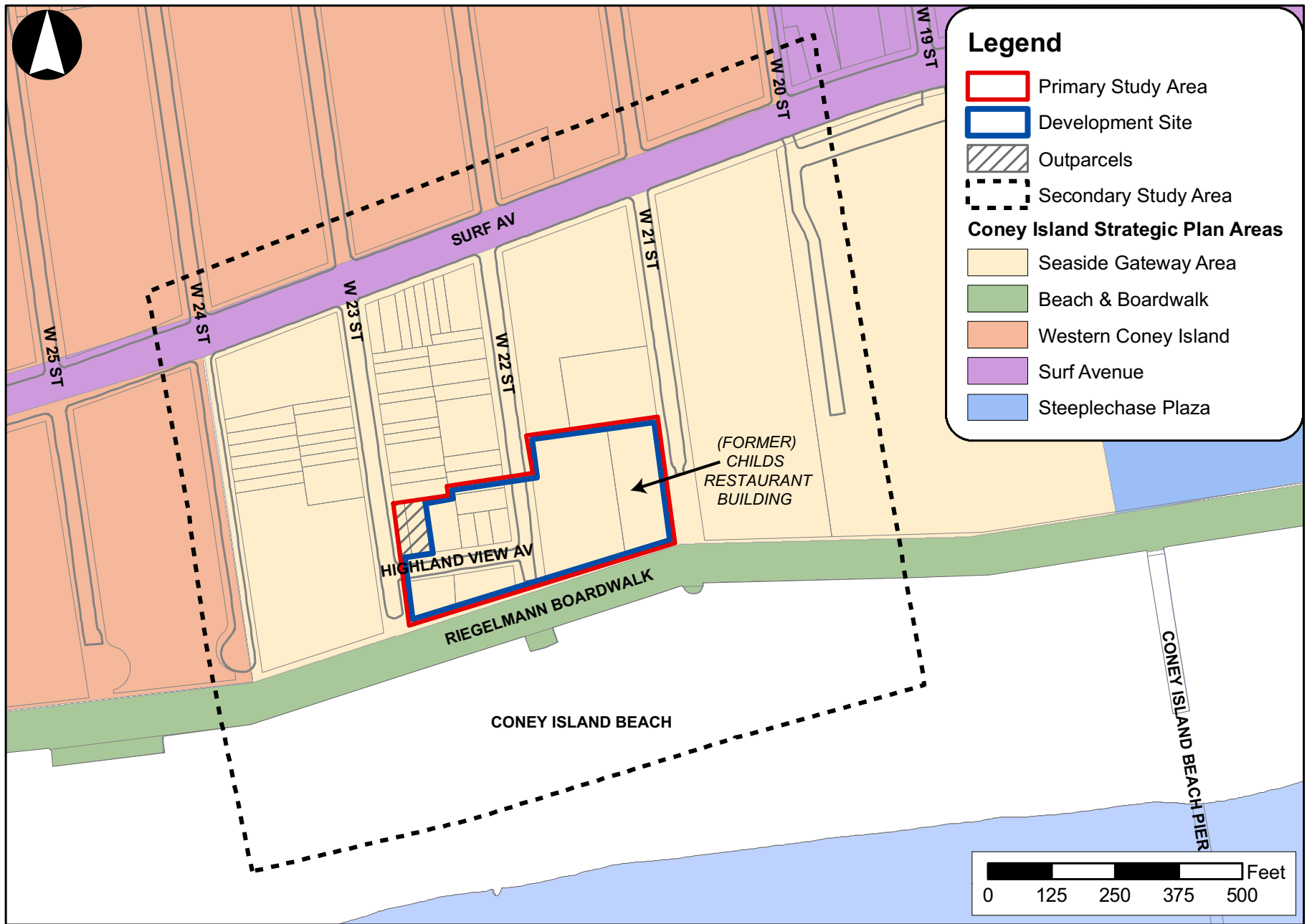
- Transforming the area into a western anchor for destinations, and a transitional area between destinations and residences;
- Stimulate year-round activity toward Surf Avenue and seasonal activity toward the Coney Island Boardwalk;
- Build a hotel/beach club/spa;
- Generate recreational uses for community residents;
- Develop new mixed-income residences to activate the year-round residential community; and
- Activate the vacant (Former) Childs Restaurant Building.

The Coney Island Strategic Plan lists several actions necessary in order to accomplish these six goals. These actions are to create new streets for better connections; encourage private construction of public parking; and develop vacant land.

### ***CONEY ISLAND REZONING PLAN***

In 2009, the Coney Island Rezoning Plan was adopted to reestablish Coney Island as a year-round, open, and accessible amusement destination. The Plan built upon the 2005 Coney Island Strategic Plan detailed above, attempting to establish a revitalization framework for the 27-acre Coney Island amusement and entertainment district and surrounding neighborhood. As shown in Figure 2-5, the Plan focused on 19 blocks roughly bounded by West 24<sup>th</sup> Street to the west, Mermaid Avenue to the north, the New York Aquarium to the east, and the Riegelmann Boardwalk to the south. The Coney Island Comprehensive Zoning Plan aimed to:

- Facilitate the development of a vibrant, year-round indoor and outdoor amusement and entertainment district, preserving and expanding amusement uses in their historic boardwalk locations in perpetuity;
- Foster the redevelopment of vacant and underutilized land, providing opportunities for new and affordable housing as well as a broad range of neighborhood retail and services currently lacking in the Coney Island community;





- Create a vibrant pedestrian environment, with Surf Avenue serving as the reinvigorated retail and entertainment spine of the district;
- Recognize and support Coney Island’s unique character, culture, and needs in the creation of the Special Coney Island District; and
- Facilitate the economic revitalization of the area through the development of year-round uses and job opportunities for residents.

The Plan established the Special Coney Island District to incentivize and guide development of the amusement and entertainment district as well as residential developments outside the amusement area through use, density, bulk, and parking regulations. Additionally, the District establishes height limits and massing controls for new construction, creating visual corridors to preserve historic viewsheds. The District is comprised of subdistricts with special zoning regulations to supplement underlying zoning.

The portions of the primary and secondary study areas east of West 22<sup>nd</sup> Street are located in the Coney West Subdistrict, which is roughly bounded by West 22<sup>nd</sup> Street to the west, Surf Avenue to the north, Parachute Way to the east, and the Riegelmann Boardwalk to the south (refer to Figure 2-5). As detailed above, vacant and underutilized lots in the Coney West Subdistrict were rezoned to stimulate appropriate mixed-use residential and commercial buildings with local retail uses and neighborhood services, as well as beach related retail, eating, and drinking establishments and amusements along the Riegelmann Boardwalk.

#### ***NEW YORK CITY FOOD RETAIL EXPANSION TO SUPPORT HEALTH PROGRAM***

As detailed in the Zoning section above, the primary and secondary study areas are located in a FRESH designated area. The FRESH program provides discretionary tax incentives to promote the establishment and retention of neighborhood grocery stores in communities that lack full-line grocery stores.

#### ***HISTORIC RESOURCES***

Historic resources within the primary and secondary study areas are identified in Chapter 5, “Historic and Cultural Resources.” The City’s landmark designation prohibits demolition of designated historic resources without consent by the Landmarks Preservation Commission (LPC). State/National Register (S/NR) historic resources are given a measure of protection from the effects of federally sponsored or federally assisted projects under Section 106 of the National Historic Preservation Act. Properties listed on the S/NR are similarly protected against impacts resulting from state-sponsored or state-assisted projects under the New York State Historic Preservation Act. Private owners of properties that are eligible for or listed on the S/NR using private funds can, however, alter or demolish their properties without such a review process. As discussed in Chapter 5, there is one LPC-designated historic resource in the primary study area, namely the (Former) Childs Restaurant Building; there are no designated or eligible S/NR historic resources in the primary or secondary study areas.

#### ***PLANYC 2030: A GREENER, GREATER NEW YORK***

Released in 2007, PlaNYC was undertaken by Mayor Bloomberg and the Mayor’s Office of Long Term Planning and Sustainability to prepare the City for one million more residents, strengthen its economy, combat climate change, and enhance the quality of life for all New Yorkers. An update to PlaNYC in April 2011 built upon the objectives set forth in 2007 and provided new goals and strategies. PlaNYC represents a comprehensive and integrated approach to planning for New York City’s future. It includes policies to address three key challenges that the City faces over the next twenty years: population growth; aging infrastructure; and global climate change. In the 2011 update, elements of the plan were

organized into 10 categories—housing and neighborhoods, parks and public space, brownfields, waterways, water supply, transportation, energy, air quality, solid waste, and climate change—with corresponding goals and initiatives for each category.

### *VISION 2020: NEW YORK CITY COMPREHENSIVE WATERFRONT PLAN*

DCP's Comprehensive Waterfront Plan, adopted in 1992, identified goals and objectives for the City's waterfront, focusing on four principal waterfront functional areas: natural, public, working, and redeveloping. The 1992 Comprehensive Waterfront Plan recommended a number of regulatory changes that have been largely implemented through two means: the WRP and Waterfront Zoning Amendments. In 1994, DCP issued the Plan for the Brooklyn Waterfront with the objective of protecting and enhancing the natural waterfront, reestablishing the public's connection to the waterfront, facilitating water-dependent uses and accommodating the working waterfront; and promoting new waterfront uses on vacant or underutilized lots. Revised in 2011, Vision 2020 builds on these policies and sets the stage for expanded use of the waterfront.

A 10-year plan for the future of the City's 520 miles of shoreline, Vision 2020 provides a sustainable framework for more water transport, increased public access to the waterfront, and economic opportunities in order to help make the water part of New Yorkers' everyday lives. Vision 2020 encourages use of the City's waterfront for parks, housing, and economic development, and its waterways for transportation, recreation, and natural habitats with new city-wide policies and site-specific recommendations.

Vision 2020's strategies for improving the waterfront are organized into eight overarching city-wide strategies, which are presented as eight goals: (1) expand public access; (2) enliven the waterfront; (3) support the working waterfront; (4) improve water quality; (5) restore the natural waterfront; (6) enhance the blue network (i.e., the waterways surrounding New York City); (7) improve government oversight; and (8) increase climate resilience. In addition to these city-wide goals, each segment of the City's incredibly diverse shoreline requires a local strategy as well. For the purposes of the Vision 2020 plan, the City is divided into 22 segments, or reaches. The Seaside study area is included in area 3 of Reach 16: Coney Island & Sheepshead Bay. The neighborhood strategies for this section of Coney Island include:

- Supporting development of an entertainment district, commercial uses, and new housing;
- Designing and constructing the first phase of separate sanitary and storm sewer upgrades;
- Completing the development of an amusement park;
- Supporting ongoing preservation of historic properties;
- Exploring opportunities for enhanced in-water recreation;
- Promoting Wildlife Conservation Society (WCS) New York Aquarium and other programs to educate the public about existing waterfront activities and resources;
- Supporting ongoing restoration of the boardwalk;
- Completing the new 2.2-acre Steeplechase Plaza; and
- Completing the Coney Island Ferry Study to determine the feasibility of ferry service.

Vision 2020 is accompanied by the New York City Waterfront Action Agenda (Action Agenda), the three-year implementation component of Vision 2020, which provides an outline of key projects to be initiated within three years to catalyze waterfront investment, improve water quality, and expand public access. The Action Agenda includes 130 specific, high-priority projects that demonstrate the City's commitment to investing in the transformation of the waterfront. The Action Agenda organizes each

project under one of the eight goals of Vision 2020, identifies the City agency leading its implementation, and lists the date by which the project will be undertaken. The Action Agenda includes a number of initiatives for Coney Island, all of which are listed under the neighborhood strategies for area 3 of Reach 16 above.

#### ***LOCAL WATERFRONT REVITALIZATION PROGRAM***

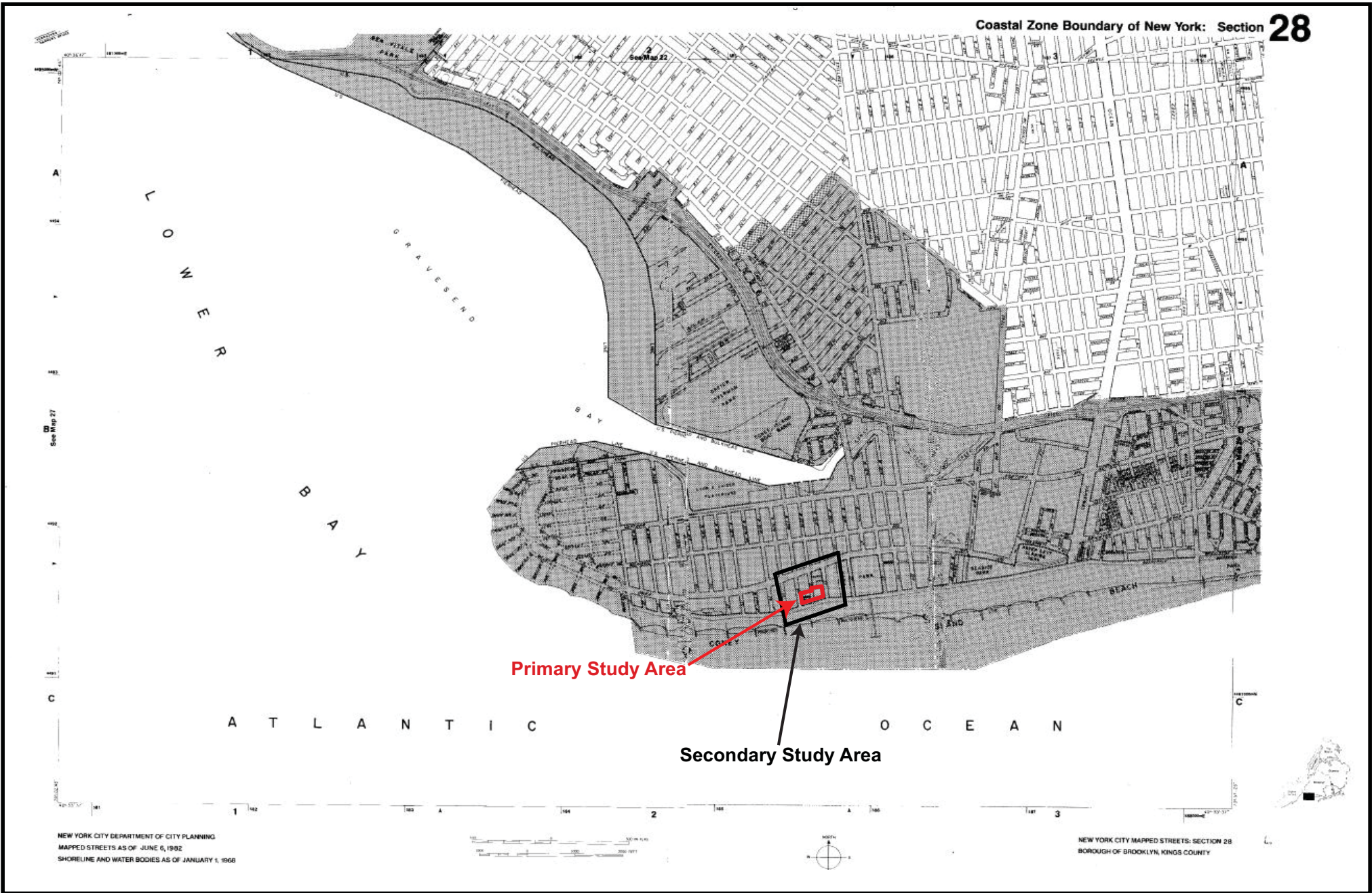
Projects proposed for areas that are located within the designated boundaries of New York City's Coastal Zone must be assessed for their consistency with the City's WRP. The federal Coastal Zone Management Act (CZMA) of 1972 was enacted to support and protect the distinctive character of the waterfront and to set forth standard policies for reviewing proposed development projects along coastlines. The program responded to City, State, and federal concerns about the deterioration and inappropriate use of the waterfront. In accordance with the CZMA, New York State adopted its own Coastal Management Program (CMP), which provides for local implementation when a municipality adopts a local waterfront revitalization program, as is the case in New York City.

The WRP is the City's principal coastal zone management tool which was originally adopted in 1982 and approved by the New York State Department of State (NYS DOS) for inclusion in the New York State CMP. The WRP encourages coordination among all levels of government to promote sound waterfront planning and requires consideration of the program's goals in making land use decisions. NYSDOS administers the program at the State level, and DCP administers it in the City. The WRP was revised and approved by the City Council in October 1999. In August 2002, NYSDOS and federal authorities (i.e., the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service) adopted the City's 10 WRP policies for most of the properties located within its boundaries. The 10 WRP policies deal with residential and commercial redevelopment; water-dependent and industrial uses; commercial and recreational boating; coastal ecological systems; water quality; flooding and erosion; solid waste and hazardous substances; public access; scenic resources; and historic and cultural resources. As illustrated in Figure 2-7, the primary and secondary study areas fall within New York City's coastal zone boundary as delineated in the Coastal Zone Boundary maps published by DCP.

DCP is proposing a series of revisions to the WRP in order to proactively advance the long-term goals laid out in *Vision 2020: The New York City Comprehensive Waterfront Plan*, released in 2011. The proposed changes will promote a range of ecological objectives and strategies, facilitate interagency review of permitting to preserve and enhance maritime infrastructure, and support a thriving, sustainable working waterfront. The City Planning Commission voted on September 11, 2013 to approve the revisions to the WRP. On October 30, 2013, the New York City Council approved the revisions to the WRP as a 197-a plan. Following these local approvals, the New York State Department of State and the United States Department of Commerce must also approve the revisions before they take effect.

#### ***A STRONGER, MORE RESILIENT NEW YORK***

On June 11, 2013 Mayor Bloomberg released "A Stronger, More Resilient New York," a comprehensive plan that contains actionable recommendations both for rebuilding the communities impacted by Sandy and increasing the resilience of infrastructure and buildings citywide. The plan includes over 250 initiatives to further protect the coastline, strengthen buildings and all vital City systems such as the energy grid, transportation systems, parks, telecommunications networks, healthcare systems, and water and food supplies. Additionally, for the areas of New York City that were hit especially hard by Sandy, the plan proposes local rebuilding initiatives.



Seaside Park and Community Arts Center

Figure 2-7  
Coastal Zone Boundary Map

One chapter of the plan focuses exclusively on Southern Brooklyn, including the primary and secondary study areas in Coney Island, providing a series of initiatives that are designed to mitigate the impacts of climate change on Southern Brooklyn. The plan proposes measures to address Southern Brooklyn’s most significant risk – its vulnerability to storm surge, particularly as sea levels rise – by strengthening oceanfront and backdoor exposures, facilitating retrofits and resiliency in new construction and existing buildings, protecting vital infrastructure, and building on the area’s natural assets and local economic strengths to encourage neighborhood reinvestment. In the primary study area, the plan aims to support area recovery through the rebuilding and expansion of the Coney Island entertainment district. In the secondary study area, the plan aims to rebuild and repair housing units destroyed and substantially damaged by Sandy and to continue work with the United States Army Corps of Engineers (USACE) to strengthen the Coney Island Beach nourishment.

## **The Future without the Proposed Project (No-Action Condition)**

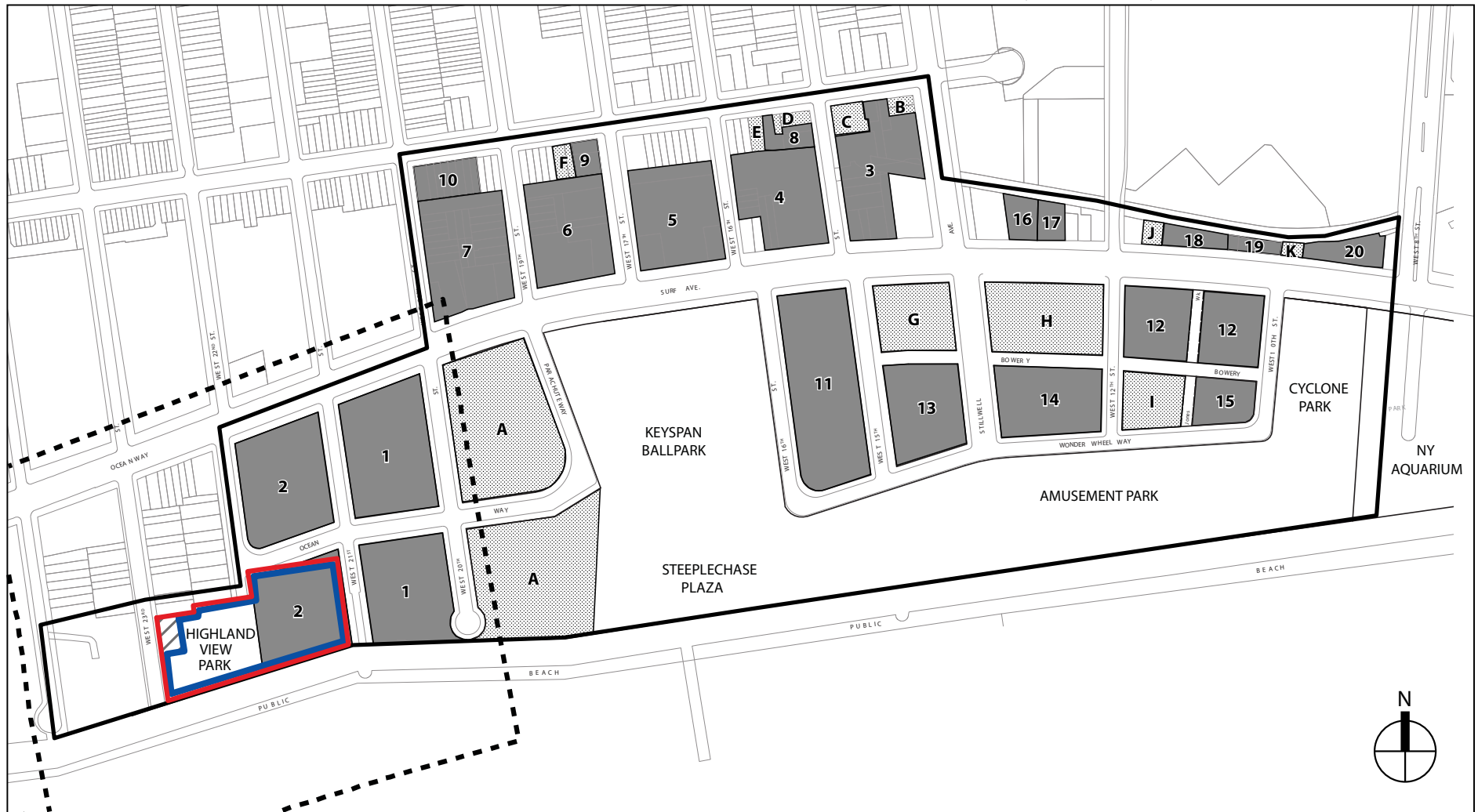
### ***Land Use***

#### ***PRIMARY STUDY AREA***

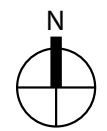
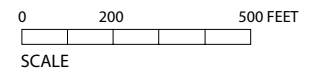
In the absence of the proposed project (No-Action Scenario), it is anticipated that the primary study area would be developed with residential, commercial, and open space uses as analyzed in the 2009 *Coney Island Rezoning FEIS*. The 2009 FEIS identified the eastern portion of the primary study area (Lots 130 and 142) as falling within the boundaries of projected development Site 2 of the Coney West Subdistrict (refer to Figure 2-8). 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. However, based on the programming for the entire projected development site and the illustrative development site plans provided in the 2009 FEIS, the eastern portion of the primary study area was intended for new residential and commercial development (Lot 142) as well as the restoration and adaptive reuse of the LPC-designated (Former) Childs Restaurant Building (Lot 130). The western portion of the primary study area was intended for an approximately 1.41-acre public park (“Highland View Park”).

Assuming the upper limits of development allowable under R7-D/C2-4 zoning and the Special Coney Island District regulations, Lot 142 would accommodate approximately 33,978 sf of commercial and 223,118 sf (223 dwelling units, or DUs) of residential in the future without the proposed project. As illustrated in the 2009 FEIS, 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, including transient hotels above the ground floor, 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 three 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 dwelling units) 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 1.2741-acre public park.<sup>3</sup> Thus, in the future without the proposed project, the primary study area would be developed with approximately 223,118

<sup>3</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.



- Rezoning Area
- Primary Study Area
- Development Site
- Outparcels
- Secondary Study Area
- Projected Sites
- Potential Sites



sf (223 DUs) of residential, 93,978 sf of commercial, and 1.27-acres of publicly accessible open space called Highland View Park. In the 2016 future without the proposed project, it is assumed that the two outparcels (Lots 79 and 81) would remain vacant, although they are anticipated to be incorporated into Highland View Park at some future time as contemplated in the 2009 Coney Island Rezoning FEIS.

While the 2009 Coney Island Rezoning FEIS had a build year of 2019, it assumed that development would take place over the course of 10 years. As the primary study area can be developed as-of-right with these residential and commercial uses and is equipped with the physical infrastructure needed to move forward with new development, it is reasonable to assume that the No-Action scenario outlined above could occur on the development site by before the proposed project's analysis year of 2016. Thus, the future without the proposed project would differ from existing conditions.

### ***SECONDARY STUDY AREA***

There are no known No-Action project sites in the secondary study area anticipated to be completed by the proposed project's analysis year of 2016.

In the 2009 Coney Island Rezoning FEIS, the easternmost block in the secondary study area was designated projected development site 1, and the area to the north of the (Former) Childs Restaurant Building comprised the northern portion of projected development site 2 (refer to Figure 2-8). As detailed above, the block comprising projected development site 1 currently accommodates the Seaside Summer Concert Series and bus/vehicle parking and storage, whereas the northern portion of projected development site 2 accommodates parking and a three-story office building. According to the 2009 Coney Island Rezoning FEIS, it is anticipated that the site 1 would be redeveloped with 107,096 sf of commercial space, 780,269 sf of residential space (780 dwelling units), and 575 parking spaces by 2019, and the northern portion of site 2 would be redeveloped with approximately 517 dwelling units and 59,765 sf of commercial space. ~~However, as the site is much larger than the portion of projected development site 2 in the primary study area and no tangible plans have been proposed for this site, no development is anticipated to occur by the proposed project's analysis year of 2016. 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 to support such level of development, including the construction of Ocean Way (approved for mapping as part of the 2009 project), which would provide needed access and street frontages for these sites, would not occur in the near future.~~

### ***OTHER DEVELOPMENTS OUTSIDE THE SECONDARY STUDY AREA***

For the purposes of other analyses that have a larger study area, such as transportation, other developments anticipated to occur beyond a 400-foot radius of the primary study area have also been identified. Two such No-Action developments have been identified outside the secondary study area, namely, Ocean Dreams (bounded by Surf Avenue, West 35<sup>th</sup> and West 37<sup>th</sup> Streets, and Coney Island Beach), and Coney Island Commons (parcel on block bounded by Mermaid Avenue, West 29<sup>th</sup> and West 30<sup>th</sup> Streets, and Surf Avenue). Ocean Dreams is a planned mixed-use development, which is expected to include 415 units of market-rate housing, up to 24,750 sf of commercial (retail) floor area, and 418 parking spaces by 2014. Coney Island Commons is also a planned mixed-use development, expected to include a total of 195 housing units, a new community center that includes a gymnasium, pool, physical fitness facility, and youth programming to be operated by the YMCA of Greater New York, and a 76-space, parking garage, with a landscaped roof terrace dedicated to recreational use for the tenants by fall of 2013.

## **Zoning**

In the future without the proposed project, the primary and secondary study areas would retain their existing zoning.

## **Public Policy**

There are no changes in public policy applicable to the primary or secondary study areas planned in the future without the proposed project.

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

As described in Chapter 1, “Project Description,” the proposed project entails the development of approximately 2.41-acres of publicly accessible open space, including an amphitheater and the restoration and reuse of the landmarked (Former) Childs Restaurant Building adjacent to the Riegelmann Boardwalk on Coney Island in Brooklyn. The proposed project requires several zoning changes, including zoning map amendments to extend the boundaries of the Special Coney Island District and Coney West Subdistrict to West 23<sup>rd</sup> Street, and a zoning text amendment to allow, by Special Permit, an amphitheater on the development site. This section describes in detail the land use and zoning conditions that would result from the proposed project by the analysis year of 2016, and evaluates the potential for the proposed project to result in significant adverse impacts related to land use and zoning, and its consistency with applicable public policies.

## **Land Use**

### **PRIMARY STUDY AREA**

The proposed project would result in changes to land uses in the primary study area from the No-Action condition. As described in Chapter 1, “Project Description,” the proposed actions would allow the development of the Seaside Park and Community Arts Center, a temporary use of the development site for a term of 10 years from completion of construction. The proposed project would include the construction of a seasonal concert venue with approximately 5,100 seats and publicly accessible playground spaces and rest areas. The proposed project would create a modern seasonal performance venue to that 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, including the Seaside Summer Concert Series, festivals, cultural events, public gatherings, and outdoor recreational activities. Additionally, the proposed project would include the restoration and 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 rooftop outdoor seating that can accommodate approximately 74 diners. As detailed in Table 2-2 below, the proposed project would result in a decrease of 223 DUs and 33,978 sf of retail space in comparison to the No-Action condition, as well as an increase of 1.14 acres of publicly accessible open space, including a 5,100-seat amphitheater. In the future with the proposed project, the two outparcels in the primary study area (Lots 79 and 81) would remain vacant.



**TABLE 2-2  
Comparison of No-Action and With-Action Scenarios for the 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

**SECONDARY STUDY AREA**

The proposed project is a site-specific development which would not have any direct land use impacts on lots in the approximate 400-foot study area surrounding the primary study area.

**Zoning**

**PRIMARY STUDY AREA**

As described in Chapter 1, “Project Description,” the proposed project would require several zoning changes in the primary study area. These changes include:

- Zoning Map amendments (Zoning Map No. 28d) to modify the boundaries of the Special Coney Island District 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 2-9a 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 2-9b); (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).

**SECONDARY STUDY AREA**

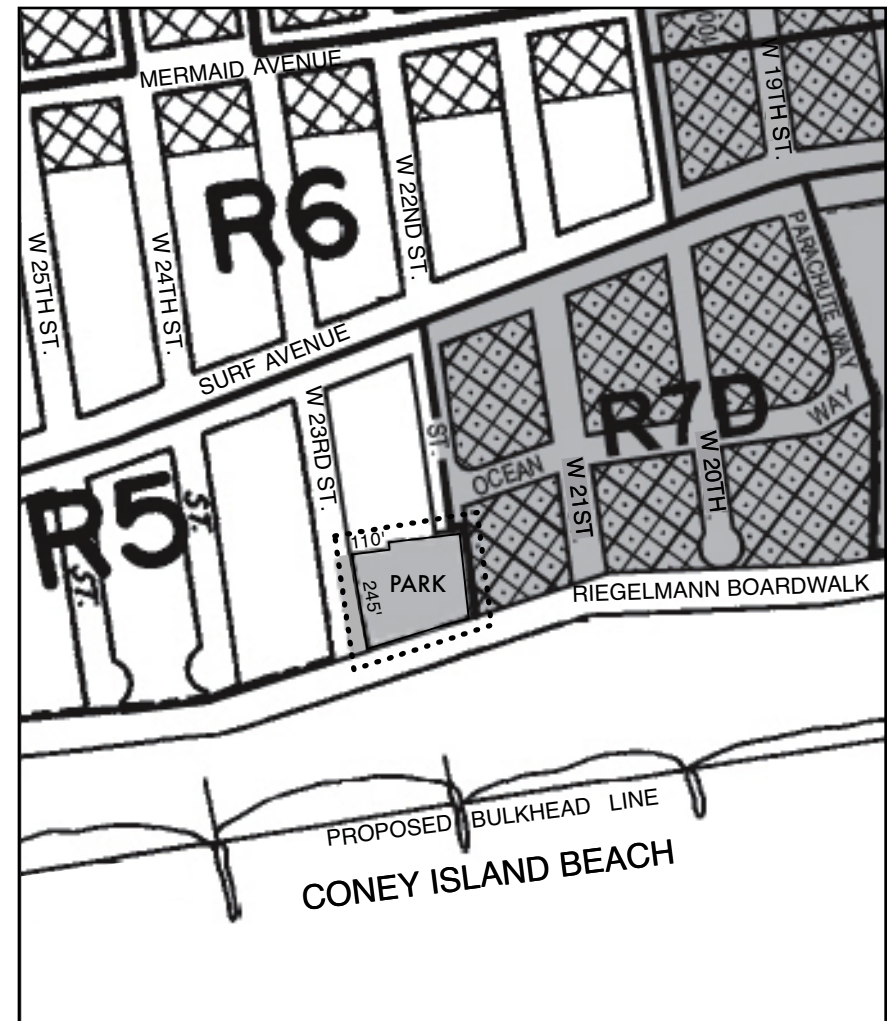
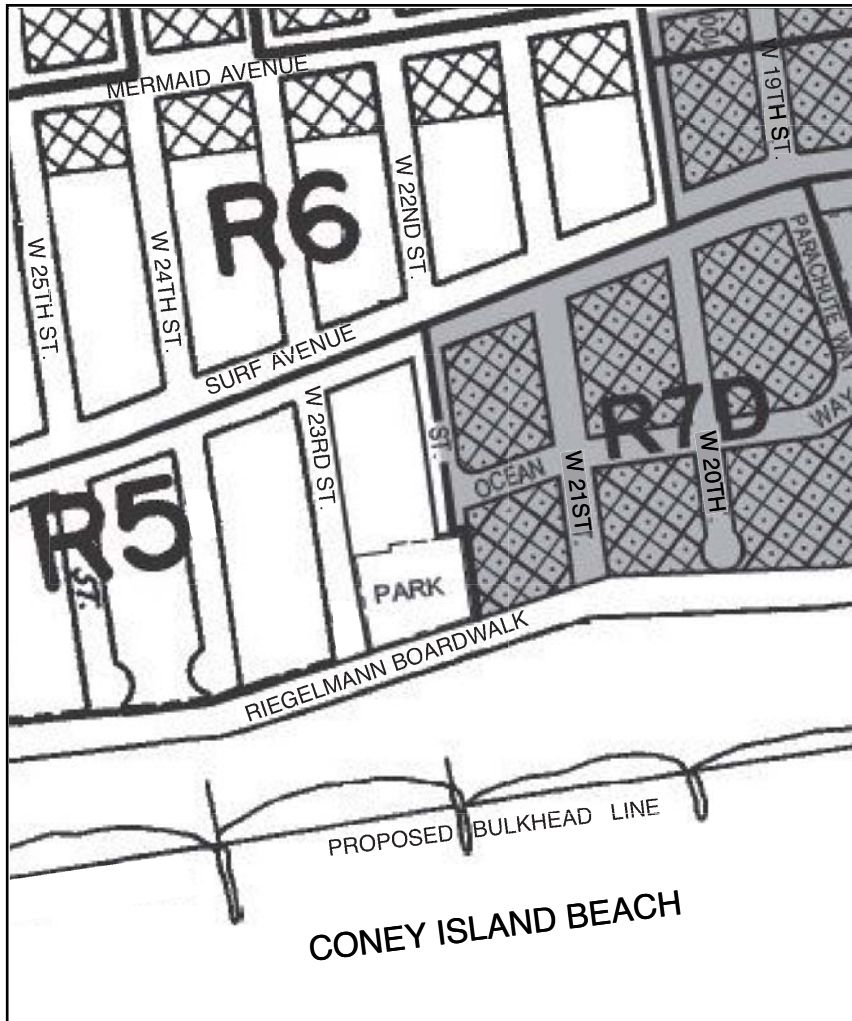
The proposed project would not alter zoning designations within the approximate 400-foot study area surrounding the primary study area.

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

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 8 (Location of District Boundaries) of the Zoning Resolution.

**SPECIAL PURPOSE DISTRICT**  
 The letter (s) within the shaded area designates the special purpose district as described in the text of Zoning Resolution.

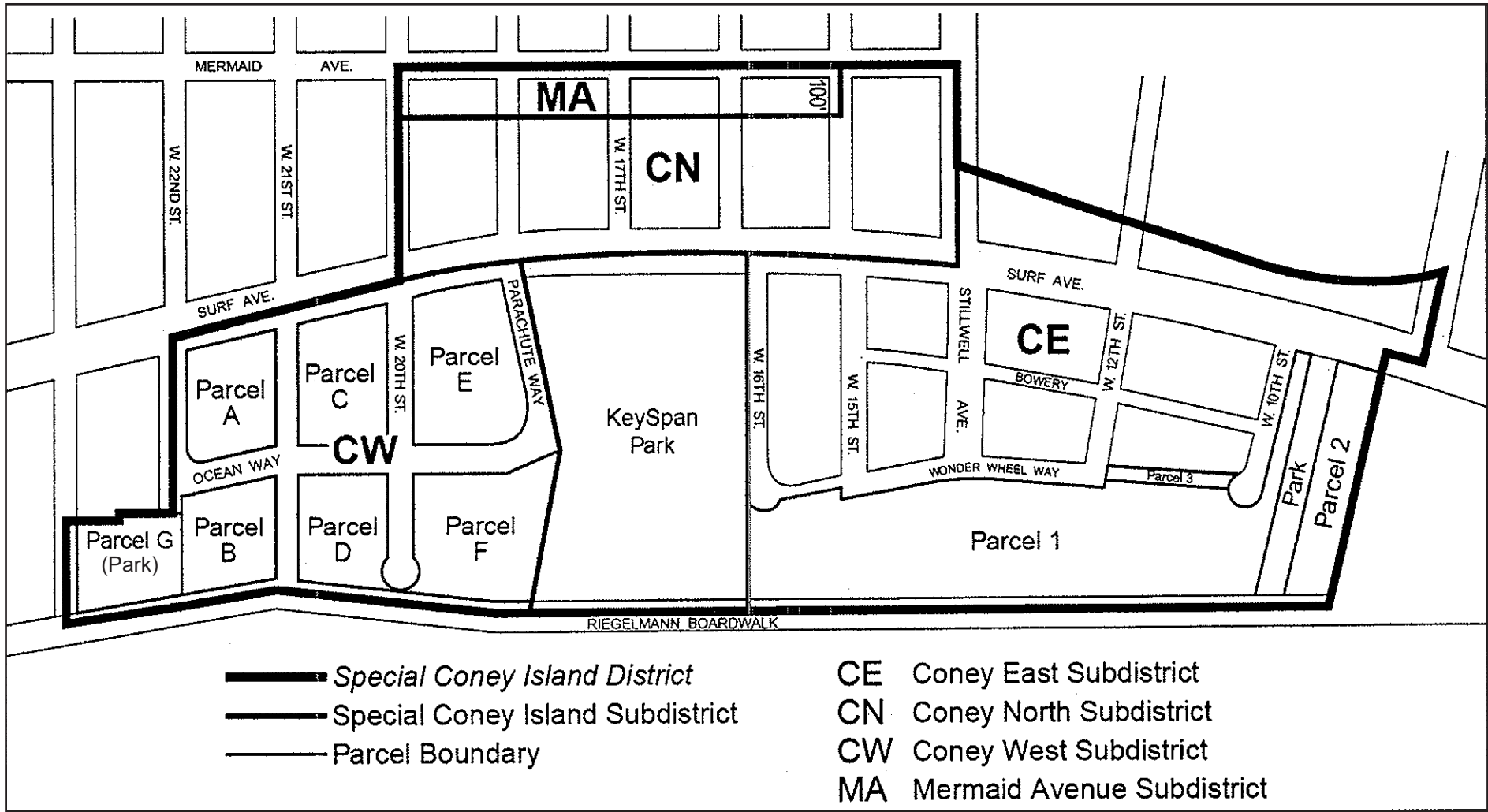
# Zoning Change Map



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



## **Public Policy**

As described above, the proposed project would not introduce any new public policies. A detailed assessment of any potential impacts of the proposed project on existing public policies in the primary and secondary study areas is included below.

## **Assessment**

### **LAND USE AND ZONING**

#### Primary Study Area

The proposed project would not result in significant adverse land use or zoning impacts in the primary study area. 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 a neighborhood park with indoor and outdoor dining facilities at the (Former) Childs Restaurant Building. The proposed project would invigorate and enliven the development site and surrounding area, providing opportunities for extending pedestrian activity along the western portion of the Riegelmann Boardwalk. It would provide recreational, entertainment, and restaurant uses which would be consistent with the area's existing and historic land use patterns. The proposed project would provide open space and entertainment resources for the surrounding residential community and larger region, and realize the vision of a restored Childs Restaurant. Therefore, the proposed project would not result in significant adverse impacts on land use in the primary study area, but is expected to have a beneficial effect on the neighborhood, providing additional recreation, entertainment, and restaurant space for the community.

#### Secondary Study Area

The proposed project would not result in significant adverse land use impacts in the approximate 400-foot secondary study area surrounding the primary study area. As described above, no development is expected in the secondary study area in the No-Action condition by 2016, and the proposed project would not disrupt the existing patterns of development in the surrounding area. Land uses within the secondary study area would not be displaced as a result of the proposed project.

### **PUBLIC POLICY**

Based on the evaluation provided below, the proposed project would be consistent with applicable policies.

#### Coney Island Strategic Plan

The proposed project would advance the Coney Island Strategic Plan through the development of vacant land, generating recreational and entertainment uses for community residents and visitors, the activation of the vacant (Former) Childs Restaurant Building, and the stimulation of seasonal activity adjacent to the Coney Island Boardwalk. Additionally, the park would help transform the area into a transitional zone between destinations to the east and residences to the west. The proposed project would not alter or conflict with the goals or actions listed as part of the Plan.

### Coney Island Rezoning Plan

As detailed above, vacant and underutilized lots in the Coney West Subdistrict, which include the development site, were rezoned to stimulate appropriate mixed-use residential and commercial buildings with local retail uses and neighborhood services, as well as beach related retail, eating, and drinking establishments and amusements along the Riegelmann Boardwalk. The proposed project would be a temporary use of the development site for a term of ten years from completion of construction, and is intended to 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 Plan proceeds in the surrounding areas to the east and north of the development site.

The proposed project would facilitate the Coney Island Rezoning Plan through the development of vacant and underutilized land, creating a recreational and entertainment destination for community residents and visitors, as well as the activation of the vacant (Former) Childs Restaurant Building for year-round restaurant use. Additionally, the restoration of the historic (Former) Childs Restaurant Building would preserve and support Coney Island's unique historic character and generate a year-round restaurant and entertainment facility. The proposed project would extend pedestrian activity westward along Riegelmann Boardwalk and create a vibrant pedestrian environment. As such, the proposed project would promote the Plan's objectives.

### New York City Food Retail Expansion To Support Health Program

As the proposed project would not introduce or displace any existing grocery stores, or introduce a residential population into the FRESH designated area, it would not alter or conflict with the program.

### Historic Resources

The proposed project includes the restoration and reuse of the (Former) Childs Restaurant Building, a designated NYCL. This rehabilitation would enhance the vacant and deteriorating building. Based on the evaluation provided in Chapter 5, "Historic and Cultural Resources," and Certificate of Appropriateness 14-6038 approved by LPC on July 10, 2013, the proposed project would not result in any significant adverse impacts to historic resources.

### PlaNYC 2030: A Greener, Greater New York

Per the *CEQR Technical Manual*, PlaNYC initiatives need to be considered for large publicly sponsored projects to ensure that the projects align with the broader sustainability priorities and goals the City has set. These initiatives involve air quality, energy, water quality, land use, open space, natural resources, solid waste, and transportation. As the proposed project is publicly sponsored, it warrants an assessment of sustainability. Additionally, many of the PlaNYC initiatives, including an assessment of open space, transportation, air quality, greenhouse gas (GHG) emissions, and construction, are provided in other chapters of this EIS.

### *Open Space*

As outlined in PlaNYC, the City has a goal of ensuring that all New Yorkers live within a ten-minute walk of a park. PlaNYC's approach to achieving this goal includes making existing resources available to more New Yorkers, expanding hours at existing resources, and re-imagining the public realm to create or enhance public spaces in the cityscape. According to the *CEQR Technical Manual*, a project is generally consistent with PlaNYC's open space initiatives if it includes one or more of the following elements: completion of underdeveloped destination parks; providing multi-purpose fields; installation of new lighting at fields; creation or enhancement of public plazas; or planting of trees and other vegetation.

The proposed project would involve the development of 2.41-acres of publicly accessible open space with vegetation and an amphitheater intended to be a destination for Coney Island. The publicly accessible open space on the development site would include active playground spaces, rest areas with bench and lawn seating, and a public picnic area, all of which would benefit the surrounding neighborhood. As such, the proposed project would be consistent with PlaNYC's open space initiatives.

#### *Water Quality*

According to the *CEQR Technical Manual*, a project would generally be consistent with PlaNYC's water quality initiatives if it includes one or more of the following elements: expanding and improving wastewater treatment plants; building high level storm sewers; expanding the amount of green, permeable surfaces across the city; expanding the Bluebelt system; piloting promising "green infrastructure," "low impact development," techniques or "best management practices;" being consistent with the Sustainable Stormwater Management Plan; building systems for on-site management of stormwater runoff; incorporating planting and stormwater management within parking lots; building green roofs; protecting wetlands; using water efficient fixtures; or adopting a water conservation project. As ~~the~~ the proposed project would involve the development of 2.41-acres of green publicly accessible open space, approximately 32 percent of which would be comprised of permeable surface area. In addition, as described in Chapter 8, "Water and Sewer Infrastructure," the proposed project would also incorporate stormwater BMPs which would reduce the flow rate of stormwater from the development site, thereby decreasing stormwater runoff in the primary study area. ~~it~~ Therefore, the proposed project would be consistent with PlaNYC's water quality initiatives.

#### Vision 2020: New York City Comprehensive Waterfront Plan

The proposed project would advance the neighborhood strategies of Vision 2020 through the development of an amphitheater for entertainment and cultural events, and the preservation of the historic (Former) Childs Restaurant Building, ultimately enlivening the waterfront on Coney Island. The proposed project would not alter or conflict with any of the goals or strategies listed as part of Vision 2020 or the Action Agenda.

#### Local Waterfront Revitalization Program<sup>4</sup>

As illustrated in Figure 2-7, the primary and secondary study areas fall within New York City's coastal zone boundary as delineated in the Coastal Zone Boundary maps published by DCP. In accordance with the guidelines of the *CEQR Technical Manual*, a Consistency Assessment Form (CAF) was prepared for the Proposed Action project as part of the Environmental Assessment Statement dated May 16, 2013 (see Appendix A). As indicated in the form, the proposed project was deemed to require further assessment of six WRP policies. Each of the policies that were identified in the CAF as requiring further assessment are presented below, followed by a discussion of the proposed project's consistency with the policy. As noted below, the proposed project does not conflict with any of the WRP policies.

#### **Policy 1: Support and facilitate commercial and residential redevelopment in areas well-suited to such development.**

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<sup>4</sup> As noted above, a series of revisions to the WRP are being proposed, which were approved by the City Planning Commission on September 11, 2013. On October 30, 2013, the New York City Council approved the revision of the WRP as a 197-a Plan. Following these local approvals, the New York State Department of State and the United States Department of Commerce must also approve the revisions before they take effect. As such, the proposed project is evaluated based on the current WRP policies.

**1.1 Encourage commercial and residential redevelopment in appropriate coastal zone areas.**

**Compliance Statement:**

The primary study area is not located in a designated Special Natural Waterfront Area or a Significant Maritime and Industrial Area. As such, the primary study area is appropriate and well-suited for redevelopment. Most of the primary and secondary study areas are a developed urban environment with no unique or significant natural features, except for the Coney Island Beach in the southern portion of the secondary study area which is considered a significant natural feature but would not be adversely impacted by the proposed project. While the proposed project would not include commercial or residential redevelopment, it would include the creation of publicly accessible open space and an amphitheater on vacant land and underused parking lots, as well as the reactivation of the vacant, landmarked (Former) Childs Restaurant Building into restaurant, banquet, and ~~concert hall~~ entertainment space. These uses would help reestablish the public's connection to the waterfront and would comply with applicable zoning regulations, detailed above. As such, the proposed project is consistent with this policy.

**Policy 6: Minimize loss of life, structures, and natural resources caused by flooding and erosion.**

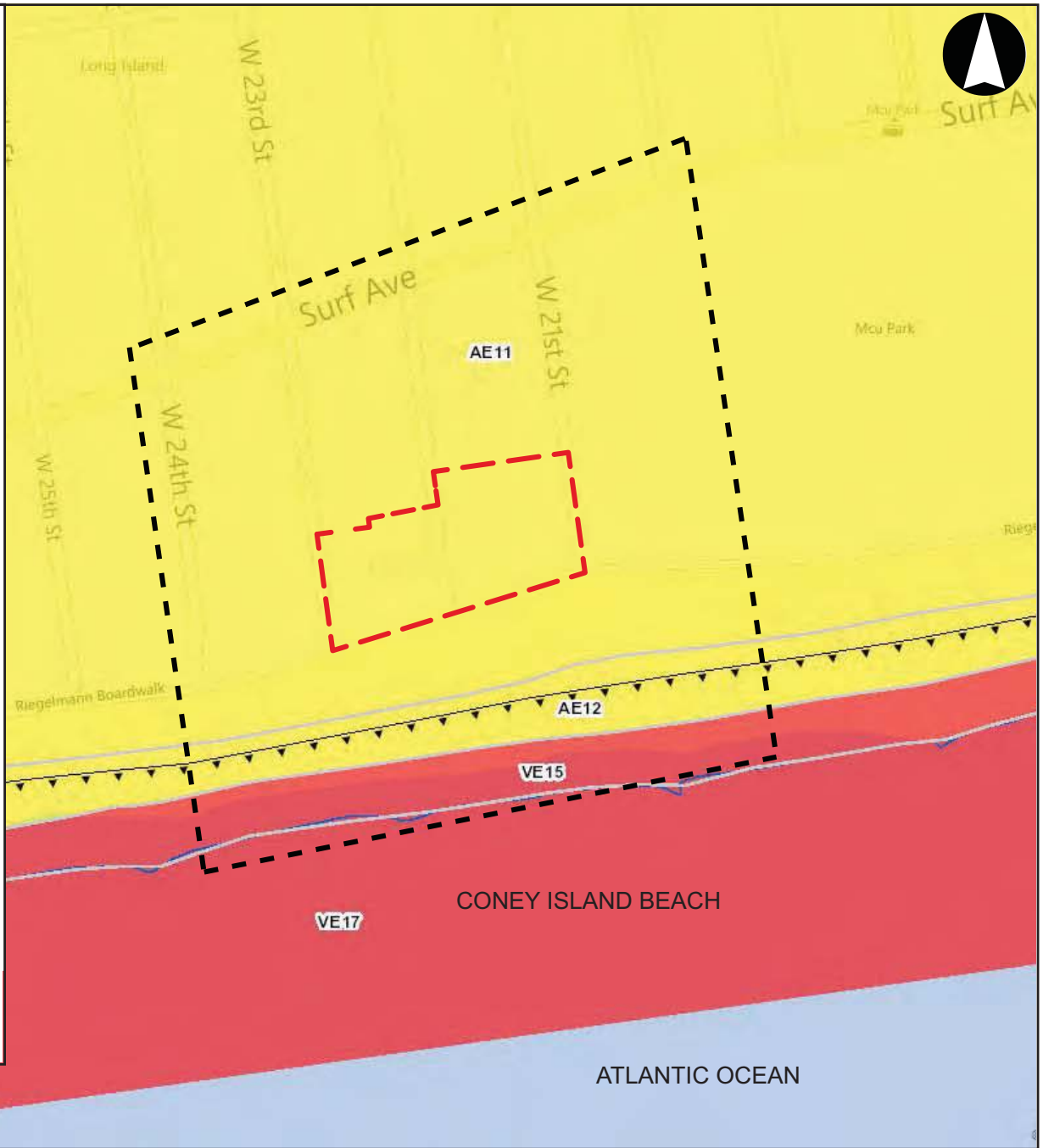
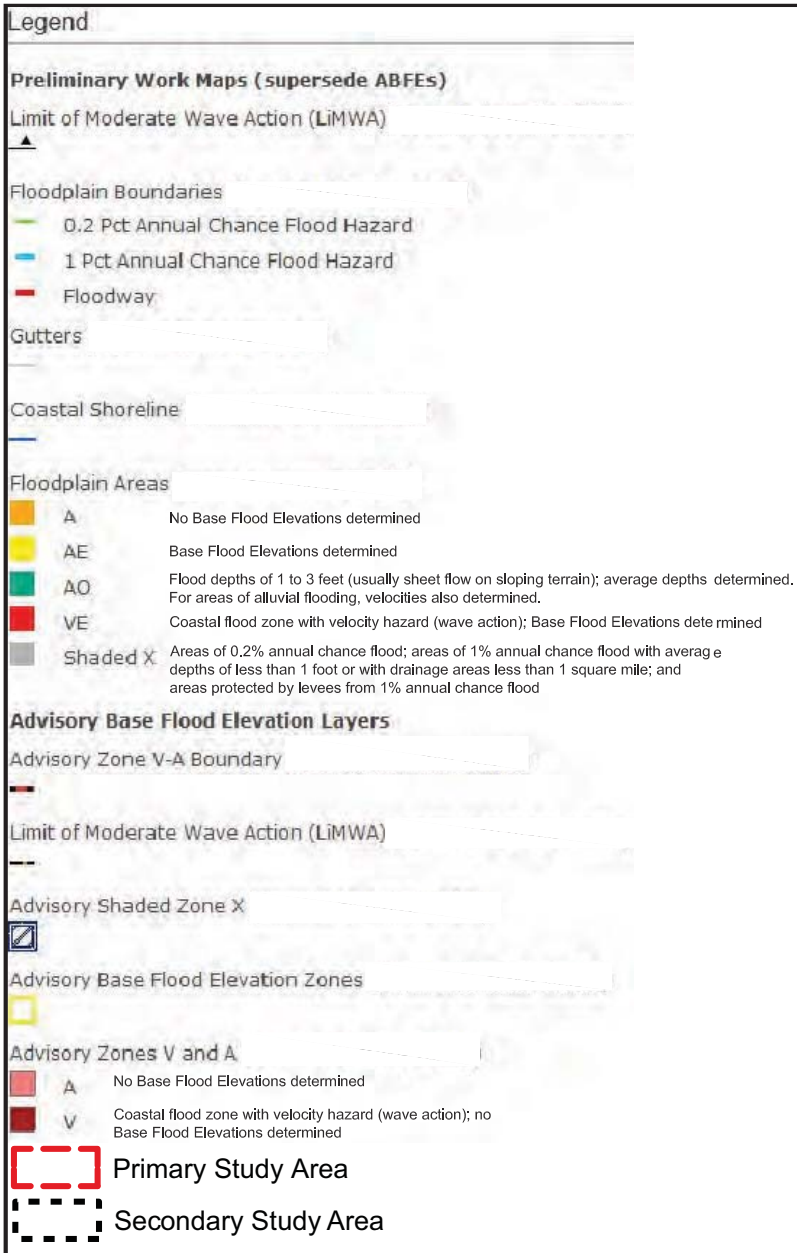
**6.1 Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the condition and use of the property to be protected and the surrounding area.**

**Compliance Statement:**

In the aftermath of Superstorm Sandy, the Federal Emergency Management Agency (FEMA) created Advisory Base Flood Elevations (ABFEs) to show a more current picture of flood risk for certain New York and New Jersey communities affected by the storm. In most cases, ABFEs reflect a higher flood elevation than the regulatory Flood Insurance Rate Maps (FIRMs), which were developed more than 25 years ago. Since the ABFEs for New York were released on January 28, 2013, the City has made immediate accommodations to zoning regulations and upgrades to the New York City Building Code so that new construction can be built to these higher standards. As outlined by the New York City Department of Buildings (DOB), any building classified as substantially damaged or as a substantial improvement must be elevated to fully comply with the flood zone regulations for new buildings in Appendix G of the 2008 New York City Building Code.

In June 2013, FEMA issued Preliminary Work Maps for New York City. FEMA created these maps to show coastal flood hazard data and they are an interim product created in the process of developing new preliminary Flood Insurance Rate Maps. The Preliminary Work Maps, which are considered the best available flood hazard data, replace the ABFE maps issued earlier in 2013 and in turn will be replaced by the preliminary Flood Insurance Rate Maps for New York City expected to be issued on a rolling basis during summer starting in late 2013. In some cases, the flood elevations shown in the Preliminary Work Maps are higher than the base flood elevation shown on the current Flood Insurance Rate Maps. Refer to Figure 2-10 which shows the Preliminary Work Map for the primary and secondary study areas.

As shown in Figure 2-10, the primary study area and most of the secondary study area fall within the FEMA Preliminary Work Map Floodplain Area AE, and the Coney Island Beach in the southern section of the secondary study area falls into Floodplain Area VE. As defined by FEMA, an AE zone is comprised of the area subject to storm surge flooding from the one percent annual chance coastal flood. AE zones are not subject to high velocity wave action but are still considered high risk flooding areas. Floodplain Area VE is also considered a high risk flooding area, subject to storm surge flooding from the one percent





annual chance coastal flood, and is additionally subject to high velocity wave actions (three-foot breaking waves). As shown in Figure 2-10, the advisory base (one percent annual chance/100-year) flood elevation for the primary study area and most of the secondary study area is 11 feet NAVD88 (or 9.553 Brooklyn Borough Highway Datum). The advisory base (one percent annual change/100-year) flood elevation for the adjacent Coney Island Beach ranges from 12 to 17 feet NAVD88 (or 10.553 to 15.553 Brooklyn Borough Highway Datum).

The proposed project would incorporate all necessary state and city flooding and erosion regulations, including New York City Administrative Code Section 10, in design and construction. For example, all mechanical equipment for the (Former) Childs Restaurant Building, including the emergency generator and cooling towers, would be stored-located at the roof level, while the major utility rooms, including the electrical switchgear and fire pumps, is-are planned at the first floor level, and would be located above the established Base Flood Elevation raised to two feet above the established floodplain elevation. 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 water. Other areas, including the secondary restaurant lobby and ancillary utility rooms, would be proofed with permanent waterproof membranes, coatings and sealants.

Additionally, the design of the amphitheater and publicly accessible open space components also incorporate a variety of flood resilient features. The amphitheater and publicly accessible open space would be 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 and play equipment area within the garden walk, would be raised above the flood plain elevation. 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 would be incorporated into the proposed project. the proposed project would introduce approximately 2.41 acres of publicly accessible open space, thereby decreasing stormwater runoff in the primary study area and reducing potential damage from flooding. As such, there would be no significant adverse impacts associated with the primary study area's location in the 100-year flood plain, and the proposed project is consistent with this policy.

**Policy 7: Minimize environmental degradation from solid waste and hazardous substances.**

**7.2 Prevent and remediate discharge of petroleum products.**

**Compliance Statement:**

The proposed project would not result in the disposal of any hazardous substances, as it includes the development of open space resources with concert space, and a restaurant, concert hall, and banquet space within an existing building. The proposed project would not result in any illegal dumping or contamination of water resources or coastal habitat areas, filling of wetlands or littoral areas, atmospheric loading, or degradation of scenic resources in the coastal zone. Further, the primary study area is not located in a designated Special Natural Waterfront Area. Any discharge of solid wastes occurring as a result of the proposed project would comply with the applicable state and city laws in order to protect public health, control pollution, and prevent degradation of coastal ecosystems.

As detailed in the Phase I Environmental Site Assessments prepared for the primary study area by Fleming-Lee Shue in June of 2013 and in Chapter 7, "Hazardous Materials," there were petroleum spills

on the primary study area as a result of storage tanks being knocked over by Superstorm Sandy in October of 2012 (refer to Chapter 7, “Hazardous Materials”). However, these spills were not considered a Recognized Environmental Condition (REC). ~~Regardless, the proposed project would remediate any previously unidentified RECs and minimize adverse impacts from previous oil spills as necessary by following approved methods for cleaning and removing petroleum discharges as outlined in the *New York State Water Quality Accident Contingency Plan and Handbook*.~~ All existing petroleum-related facilities on the primary study area would be removed and replaced with open space and a seasonal ~~concert hall~~amphitheater in the future with the proposed project. As detailed in Chapter 7, 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 conflict with this WRP policy.

**Policy 8: Provide public access to and along New York City’s coastal waters.**

**Compliance Statement:**

The primary study area is located on a waterfront site, immediately adjacent to the existing Riegelmann Boardwalk along Coney Island Beach. The (Former) Childs Restaurant Building is an existing structure, so conversion and renovation of the building would not hinder existing public access to New York City’s coastal waters. The proposed project includes the development of public open space which would include several pathways connecting West 22<sup>nd</sup> Street to the Riegelmann Boardwalk, increasing public access to the Coney Island Beach. Further, the proposed project would be compliant with the requirements of the Zoning Resolution, which satisfies this Policy 8 of the WRP. As such, the proposed project would not conflict with this WRP policy.

**Policy 9: Protect scenic resources that contribute to the visual quality of the New York City coastal area.**

**9.1 Protect and improve visual quality associated with New York City’s urban context and the historic and working waterfront.**

**Compliance Statement:**

The proposed project would reactivate and rehabilitate the (Former) Childs Restaurant Building, which is a dilapidating NYCL. The (Former) Childs Restaurant Building is an important historic resource in the primary and secondary study areas, and its restoration would protect and improve the visual quality of New York City’s coastal area. Additionally, the primary study area currently includes vacant land and parking lots surrounded by fencing that degrade the area’s scenic quality and blocks views to the water. The proposed project would convert these lots into publicly accessible open space with a seasonal ~~concert hall~~amphitheater immediately adjacent to the existing Riegelmann Boardwalk along Coney Island Beach, establishing new vegetation to enhance scenic quality and improving the visual quality of the coastal area. The proposed project would maximize views to and from the coast, and incorporate the existing (Former) Childs Restaurant Building into the development in a harmonious fashion. The proposed project would not introduce uses or design elements that would be discordant with existing scenic elements or detract from the visual quality of New York City’s coastal waterfront (refer to Chapter 6, “Urban Design and Visual Resources”). As such, the proposed project would not conflict with this WRP policy.

**Policy 10:** Protect, preserve and enhance resources significant to the historical, archaeological, and cultural legacy of the New York City coastal area.

**Compliance Statement:**

The proposed project includes the reactivation and rehabilitation of the (Former) Childs Restaurant Building, a NYCL. The reuse and restoration of the landmarked building would enhance the historic resource which is significant to the coastal culture of New York City. Chapter 5, “Historic and Cultural Resources” describes the proposed reactivation and rehabilitation of the (Former) Childs Restaurant Building as approved by LPC (refer to Appendix C). Additionally, there are no other LPC or S/NR designated or eligible historic resources in the primary or secondary study areas. As such, the proposed project would be consistent with this policy.

A Stronger, More Resilient New York

The proposed project would advance the local building initiatives of “A Stronger, More Resilient New York” through the creation of a recreational, entertainment, and restaurant destination for community residents and visitors in Coney Island. Additionally, the restoration of the (Former) Childs Restaurant Building would strengthen the resiliency of the historic structure through measures such as the installation of the mechanical equipment on the roof level and electrical switchgear at the first floor level, raised ~~two feet~~ above the established floodplain Base Flood eElevation. As such, the proposed project would be consistent with the plan’s initiatives of rebuilding the communities impacted by Sandy and increasing the resilience of infrastructure and buildings.