



Legislation Text

File #: Res 2105-2013, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 2105

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 140063 ZSK (L.U. No. 994), for the grant of a special permit pursuant to Section 131-60 of the Zoning Resolution to allow an open-air auditorium with a maximum of 5,099 seats for a term no greater than ten (10) years, on property located at 3052-3078 West 21st Street (Block 7071, Lots 27, 28, 30, 32, 34, 76, 79, 81, 130, 226, 231, and p/o Lot 142; the bed of former Highland View Avenue; and a portion of the bed of former West 22nd Street), in R5 and R7D/C2-4 Districts, within the Special Coney Island District (Coney West Subdistrict, Parcels B and G) , Borough of Brooklyn.

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on December 5, 2013 its decision dated December 4, 2013 (the "Decision"), on the application submitted by Coney Island Holdings LLC and the New York City Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit, as modified, pursuant to Section 131-60 of the Zoning Resolution to allow an open-air auditorium with a maximum of 5,099 seats for a term no greater than ten (10) years, on property located at 3052-3078 West 21st Street (Block 7071, Lots 27, 28, 30, 32, 34, 76, 79, 81, 130, 226, 231, and p/o Lot 142; the bed of former Highland View Avenue; and a portion of the bed of former West 22nd Street), in R5 and R7D/C2-4 Districts, within the Special Coney Island District (Coney West Subdistrict, Parcels B and G), (ULURP No. C 140063 ZSK), Community District 13, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to applications N 140064 ZRK (L.U. No. 995), a proposed amendment to the Zoning Resolution, modifying Sections 131-00 to create 113-60 (Special Permit for Auditorium Use) and 131-00 Appendix A (Coney Island Special District Plan) to create Parcel G, enlarge the Special Coney Island District, and enlarge the Coney West Sub-district; C 140065 ZMK (L.U. No. 996), a proposed amendment to the Zoning Map, Section No. 28d, establishing a Special Coney Island District (CI) generally bounded by West 22nd Street, Riegelmann Boardwalk, West 23rd Street and a line 245 feet northerly of the boardwalk; C 140066 PPK (L.U. No. 997), a proposed Disposition of City Owned property to the Economic Development Corporation of the following lots on Block 7071: 27, 28, 30, 32, 34 76 79 81 130, 142, 226, and 231; C 140067 POK (L.U. No. 998), 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; and M 090107(B) MMK (L.U. No. 999), a proposed administrative modification to City Map Amendments approved by the City Planning Commission on December 3, 2010;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 131-60 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on December 17, 2013;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (“FEIS”) for which a Notice of Completion was issued on October 25, 2013 (CEQR No. 13DME014K) and the CEQR Technical Memorandum dated December 18, 2013 (the “CEQR Technical Memorandum”).

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action adopted herein, as modified, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS and the CEQR Technical Memorandum will be minimized or avoided to the maximum extent practicable by incorporating as conditions to this approval, as modified, in accordance with environmental commitment letters, dated December 3, 2013, from the Deputy Mayor for Economic Development and November 26, 2013, from Coney Island Holdings, LLC, those, those project components related to the environment and mitigation measures that were identified as practicable; and
- (4) The Decision together with the FEIS and the CEQR Technical Memorandum constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 140063 ZSM, incorporated by reference herein, the Council approves the Decision with the following modifications, and subject to the following conditions:

Matter in ~~strikeout~~ is old, and deleted by the City Council.

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

Van Valkenburgh Associates, Inc., filed with this application and incorporated in this resolution.

<u>Dwg. No.</u>	<u>Title</u>	<u>Date</u>
Z-300	Overall Open Space Plan: In-Season Event	11/27/13
Z-301	Zoning Computations	11/27/13
Z-302	Operations Site Plan: In-Season Event	11/27/13
Z-303	Site Sections and Elevations: In-Season Event	11/27/13
Z-304	Event Screen Details	09/03/13
Z-305	Event Seating Details	11/27/13
Z-306	Section Stage House	09/03/13
Z-311	Site Plan: In Season Non-Event	11/27/13
Z-312	Site Sections and Elevations: In Season Non-Event	11/27/13
Z-320	Overall Open Space Plan: Off-Season	11/27/13
Z-321	Site Plan: Off-Season	11/27/13
Z-322	Site Sections and Elevations: Off-Season	11/27/13
Z-330	Site Materials Plan: Year-Round	11/27/13
Z-331	Site Grading Plan: Year-Round	11/27/13
Z-332	Site Planting Plan: Year-Round	11/27/13
Z-333	Fixed Site Furnishings Plan Year-Round	11/27/13
Z-340	Plaza/Park Paths Lighting: In-Season	11/27/13
Z-341	Plaza/Park Paths Lighting: Off-Season	11/27/13
Z-342	Plaza/Park Paths Lighting - Luminaire	09/03/13
Z-350	Stair Sections	11/27/13
Z-360	Pavement Details	11/27/13
Z-361	Planting Details	09/03/13
Z-362	Bench Details	09/03/13
Z-363	Plant Rail Details	09/03/13
Z-364	Fencing Details	09/03/13
Z-365	Handrail Details	09/03/13
Z-366	Site Furnishings: Year-Round	11/20/13
Z-367	Play Equipment Details	11/27/13
Z-368	Comfort Station Details	11/27/13
Z-370	Signage Plan	11/27/13
Z-371	Signage Childs Building	11/27/13
Z-372	Signage Childs Building 2	09/03/13
Z-401	Zoning Section Diagrams 1	11/27/13
Z-402	Zoning Section Diagrams 2	11/27/13
Z-600	Grade Level	11/27/13
Z-601	Main Floor Plan - In Season/Event	11/27/13
Z-602	Main Floor Plan - In Season/Non Event	11/27/13
Z-603	Main Floor Plan - Off Season	11/27/13
Z-604	Mezzanine Floor Plan	11/27/13
Z-605	Roof Plan	11/27/13

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

3. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
4. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms, or conditions of this resolution and the restrictive declarations whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation, or amendment of the special permit hereby granted or of the restrictive declarations.
5. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents failure to act in accordance with the provisions of this special permit.

Adopted.

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

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on December 19, 2013, on file in this office.

City Clerk, Clerk of The Council