

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 PPK (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.

Dwg. No.

Title _____

Date _____

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

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Res. No. 2105 (L.U. No. 994)