



Legislation Details (With Text)

File #: Res 0630-2018 **Version:** * **Name:** LU 254 - Zoning, 2nd Amendment To Coney Island Amusement Park Special Process Agreement, Brooklyn (20195153 RSY)

Type: Resolution **Status:** Adopted

In control: Committee on Land Use

On agenda: 11/14/2018

Enactment date: **Enactment #:**

Title: Resolution approving an application submitted by the New York City Economic Development Corporation and New York City Department of Parks and Recreation, Application No. 20195153 RSY (L.U. No. 254), authorizing a second amendment to a previously executed agreement between the Mayor and Council establishing a Special Process for City Council Review and Approval of the "Coney Island Amusement Park Project Plan", Community Board 13, Council District 47.

Sponsors:

Indexes:

Attachments: 1. Resolution, 2. October 17, 2018 - Stated Meeting Agenda with Links to Files, 3. Land Use Calendar - Week of October 22, 2018 - October 26, 2018, 4. Transmittal Letter, 5. Memorandum - Second Amendment to Coney Island Amusement Park Special Process, 6. Second Amendment to Coney Island Amusement Park Special Process Agreement, 7. Coney Island Amusement Park Special Process Agreement, 8. Hearing Testimony - Zoning 10-22-18, 9. November 14, 2018 - Stated Meeting Agenda with Links to Files, 10. Hearing Transcript - Stated Meeting 11-14-18, 11. Minutes of the Stated Meeting - November 14, 2018, 12. Committee Report

Date	Ver.	Action By	Action	Result
11/5/2018	*	Committee on Land Use	Approved by Committee	
11/14/2018	*	City Council	Approved, by Council	Pass

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 630**

Resolution approving an application submitted by the New York City Economic Development Corporation and New York City Department of Parks and Recreation, Application No. 20195153 RSY (L.U. No. 254), authorizing a second amendment to a previously executed agreement between the Mayor and Council establishing a Special Process for City Council Review and Approval of the "Coney Island Amusement Park Project Plan", Community Board 13, Council District 47.

By Council Members Salamanca and Moya

WHEREAS, on July 29, 2009, the Council adopted Resolution No. 2132 approving ULURP Application No. C 090272 ZMK (L.U. No. 1136); Resolution No. 2133 approving Application No. N 090273(A) ZRK (L.U. No. 1137); Resolution No. 2134 approving ULURP Application No. C 090274 PQK (L.U. No. 1138); Resolution No. 2135, approving ULURP Application No. C 090275 PQK (L.U. No. 1139); Resolution No. 2136, approving ULURP Application No. C 090276 HAK (L.U. No. 1140); Resolution No. 2137 approving ULURP Application No. C 090277 PPK (L.U. No. 1141); and Resolution No. 2138 approving ULURP Application No. C 090107 MMK (L.U. No. 1142) which were filed with the Mayor on July 31, 2009;

WHEREAS, collectively, the actions approved by such resolutions facilitate the “Comprehensive Plan for Coney Island” (the “Plan”);

WHEREAS, the Plan includes the acquisition of certain parkland and subsequent lease of such parkland to the New York City Economic Development Corporation for the operation of an amusement park, including without limitation amusement park features such as indoor and outdoor rides, arcades, attractions and ancillary uses, including small-scale retail use;

WHEREAS, it is in the interest of the city for the Council to participate in and play a major role in the selection of the proposed operator/developer for such amusement park;

WHEREAS, the Mayor and the Council agreed that such participation shall be accomplished through the Council’s approval of a “Coney Island Amusement Park Project Plan (CIAPPP)” in the manner set forth in a Coney Island Amusement Park Special Process Agreement (the “Special Process Agreement”) and Agreement for Coney Island Parallel Process (the “Parallel Process Agreement”, collectively the “Agreements”), ;

WHEREAS, on August 20, 2009, the Council adopted Resolution No. 2163 approving Application No. 20105035 RSY (L.U. No. 1187), authorizing the Speaker to execute, on behalf of the Council, the Agreements;

WHEREAS, on April 25, 2013, the Council adopted Resolution No. 1744 approving Application No. 20135519 RSY (L.U. No. 819), authorizing a proposed amendment to the Special Process Agreement, which was filed with the Mayor on April 26, 2013;

WHEREAS, the New York City Economic Development Corporation and New York City Department of Parks and Recreation filed with the Council on October 3, 2018 its application dated October 2, 2018, requesting a proposed Second Amendment to the Special Process Agreement to authorize the disposition of real property located in the Coney Island Amusement Park identified as portions of West 12th Street (Block 8695 Lot 500), Stillwell Avenue (Block 7074 Lot 450) and West 15th Street (Block 7074 Lot 370), all lying south of Wonder Wheel Way, as well as a portion of land identified as Block 7074, Lot 2, formerly p/o Lots 20, 23 and 105, Borough of Brooklyn, Council District 47, Community District 13 (Application No. 20195153 RSY) (the “Application”);

WHEREAS, on upon due notice, the Council held a public hearing on October 22, 2018 on the Application; and

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Plan and the Second Amendment to the Special Process Agreement.

RESOLVED:

The Council of The City of New York hereby authorizes the Speaker to execute the Second Amendment to the Special Process Agreement, a copy of which is attached hereto.

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 November 14, 2018, on file in this office.

.....
City Clerk, Clerk of The Council

SECOND AMENDMENT TO

AGREEMENT

FOR

SPECIAL PROCESS

FOR

NEW YORK CITY COUNCIL REVIEW AND APPROVAL

OF

CONEY ISLAND AMUSEMENT PARK PROJECT PLAN

(“SECOND AMENDMENT”)

SECOND AMENDMENT TO SPECIAL PROCESS AGREEMENT, dated as of the ___ day of _____, 2018, modifying Special Process Agreement approved by the City Council on August 20, 2009, as modified by (first) Amendment to Agreement for Special Process Agreement dated as of the 25th day of April, 2013 (as amended, the “Special Process Agreement”), between the Mayor of the City of New York (the

“Mayor”) and the Council of the City of New York (the “Council”);

WHEREAS, ULURP Application No. C090107MMK designated certain real property within Brooklyn Community Board 13 as parkland to be identified as such on the City map (such parkland the “Coney Island Amusement Park”);

WHEREAS, on December 6, 2016, the City acquired the parcels of land then identified as Block 7074, p/o Lots 4, 23 and 105 through the exercise of eminent domain, which land is situated within the Coney Island Amusement Park (the “Bullard Parcel”);

WHEREAS, the City owns certain demapped streetbeds in the Coney Island Amusement Park, identified as those portions of West 12th Street (Block 8695 Lot 500), Stillwell Avenue (Block 7074 Lot 450) and West 15th Street (Block 7074 Lot 370), all lying south of Wonder Wheel Way (the “Demapped Streets”), as well as a portion of land identified as Block 7074, Lot 2, formerly p/o Lots 20, 23 and 105 (the Bullard Parcel excluding former Lot 4 and including p/o Lot 20), the Demapped Streets and Block 7074, Lot 2 referred to above are collectively referred to as the “Additional Amusement Park Parcels”, and are depicted as Sites B, C, D and E in Exhibit A attached hereto;

WHEREAS, ULURP Application No. C090107MMK was approved, as modified by the July 29, 2009 City Council Resolution No. 2138 and the December 13, 2010 City Planning Commission Resolution, and Chapter 281 of the 2011 Session Laws was enacted by the New York State Legislature (the “Act” or “Legislation”), which Resolutions and Legislation authorized disposition of, *inter alia*, the Additional Amusement Park Parcels; and

WHEREAS, it is the intent and purpose of the Special Process Agreement to promote the development and programming of the lands within the Coney Island Amusement Park for amusement purposes, pursuant to the “CIAPPP” described in the Special Process Agreement;

WHEREAS, in furtherance of the Special Process Agreement, the Council desires to approve a lease by the City to New York City Economic Development Corporation (“NYCEDC”), which lease shall be deemed to

be a lease pursuant to paragraphs (b) and (e) of Section 2 of the Act;

WHEREAS, in consultation with the City Council, NYCEDC, in coordination with the City's Department of Parks and Recreation, released a Request for Proposals dated February 6, 2017 (the "RFP") for the lease and operation of the Additional Amusement Park Parcels, and in consultation with the City Council selected Central Amusement International LLC ("CAI"), a New York Limited Liability Company, to lease and operate the Additional Amusement Park Parcels; and

WHEREAS, the parties desire to hereby amend the Special Process Agreement to authorize the City to lease the Additional Amusement Park Parcels for amusement park purposes;

NOW, THEREFORE, the parties hereto agree as follows:

1. In addition to the authorizations set forth in Sections 1, 2 and 3 of the Special Process Agreement for the lease of parcels of land in the Coney Island Amusement Park, in furtherance of the purposes and intents of the Legislation, the City is hereby authorized to enter into a lease with NYCEDC for the Additional Amusement Park Parcels, for uses and purposes consistent with the RFP, and NYCEDC shall assign such lease or enter into a sublease with CAI or an affiliate thereof for such purposes. Such lease shall expire not later than December 31, 2027.
2. The Special Process Agreement shall remain in full force and effect, and is hereby reaffirmed in its entirety, as modified by this Second Amendment.
3. This Second Amendment shall become effective upon the execution hereof by (i) the Mayor; and (ii) the Speaker of the Council upon the adoption by the Council of a resolution approving this Second Amendment.

IN WITNESS WHEREOF, the Mayor and the Speaker have hereunto executed this Second Amendment the

date and year first above written.

Mayor of the City of New York

Speaker of the New York City Council

EXHIBIT A

ADDITIONAL AMUSEMENT PARK PARCELS

