



CITY PLANNING COMMISSION

October 5, 2011, Calendar No. 2

C 100469 MMK

IN THE MATTER OF an application submitted by the Department of City Planning and Coney Island Holdings, L.L.C., pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving the modification of grades in West 21st Street between Surf Avenue and the Public Beach, and in Ocean Way between West 22nd Street and Parachute Way, in Community District 13, Borough of Brooklyn, in accordance with Map No. X-2726, dated April 25, 2011 and signed by the Borough President.

The application (C 100469 MMK) for an amendment to the City Map was filed by the Department of City Planning and Coney Island Holdings, L.L.C. (also known as Taconic Investment Partners) on June 23, 2010 to facilitate future development as per the City's Comprehensive Coney Island Plan.

BACKGROUND

The Department of City Planning and Coney Island Holdings, L.L.C. (also known as Taconic Investment Partners) are seeking an amendment to the City Map affecting portions of mapped West 21st Street and Ocean Way in Coney Island, to facilitate the implementation of the City's Comprehensive Coney Island Plan.

The Comprehensive Coney Island Plan ("Comprehensive Plan") consists of seven concurrent applications [N 090273 (A) ZRK, C 090272 ZMK, C 090274 PQQ, C 090275 PQQ, C 090276 HAK, C 090277 PPK and C 090107 MMK] approved by the City Planning Commission and City Council in 2009. One of the applications was an amendment to the City Map [C 090107 MMK and a minor modification thereto approved in 2010, M 090107(A) MMK], involving, among other items, the establishment of new streets. The application also raised the grades of various existing streets to enable ground-floor commercial spaces to be closer to or at the Base Flood Elevation for this part of Coney Island as established by the Federal Emergency Management Agency ("FEMA"). At the time of the 2009 approval, however, the grades of the existing West 21st Street were not modified because plans for the future uses of the properties on

either side of the street had not yet been finalized. These properties include the City Landmark Childs Restaurant on the Boardwalk (“Childs”) and a vacant parcel of land, both of which are owned by Taconic Investment Partners (“Taconic”). During the 2009 public review process it became clear that the grades on West 21st Street were not ideal to facilitate the rehabilitation of Childs or development of the vacant land pursuant to the Comprehensive Plan. Towards the end of the approval process in 2009, the City agreed to act as co-applicant with Taconic to advance an application to modify the grades in West 21st Street.

This application proposes to raise the street grades on the subject portion of West 21st Street, and on adjacent portions of Ocean Way, so that the ground floors of any new or existing buildings adjacent to the subject streets would be close to or above the Base Flood Elevation established by FEMA and to connect West 21st Street with the Boardwalk. The proposed higher grades would facilitate compliance with the National Flood Insurance Program’s requirement that habitable floors in flood hazard areas, such as Coney Island, must be at least one foot above the Base Flood Elevation.

The proposed grade changes for West 21st Street would also enable pedestrian access from street-level to the first floor of the existing Childs building. Currently, pedestrian access to the first floor of the building is only available from the elevated Boardwalk along Coney Island’s Public Beach.

The largest proposed change in grade would be approximately nine feet higher than the existing street level and would occur along the southerly end of West 21st Street, adjacent to the Childs building and the boardwalk. The grade at the end of the street would become the highest point on West 21st Street and would match the existing grade on the boardwalk at an elevation of just over 12 feet on the City Map. This would be approximately two feet higher than FEMA’s Base Flood Elevation for this portion of Coney Island. The remaining grade changes on Ocean Avenue and on the northerly portion of West 21st Street would facilitate drainage of the elevated southerly portion of West 21st Street.

Because the Childs building is a City Landmark, the Landmarks Preservation Commission (“LPC”) conducted a review of the proposed grade changes, and issued a Certificate of No Effect. Any future modifications to the Childs building would be subject to further review and approval by the LPC.

West 21st Street is City-owned, mapped at a width of 60 feet, and is built and open to two-way traffic with 15-foot-wide sidewalks on each side. Parking is not permitted on either side of the street. The street is currently relatively flat and is about nine feet lower than the boardwalk at the street’s southerly dead-end. Similar to other streets in Coney Island that dead-end at the boardwalk, West 21st Street’s sidewalks currently connect to wooden ramps, providing pedestrian access to the boardwalk and the Public Beach. The proposed grade changes in West 21st Street would remove the need for these ramps since the street would be raised to meet the boardwalk’s elevation. The proposed new slope of West 21st Street would not exceed 3%. The steepest new slope proposed is just less than 7% and would occur along Ocean Way between West 22nd Street and West 21st Street adjacent to the Childs building’s north wall.

In order to allow for pedestrian access while preventing vehicular access to the boardwalk, a barrier system, would be installed where West 21st Street meets the boardwalk. The barrier design, as well as the sidewalk design at the street-end, will be subject to approval by the Department of Transportation in conjunction with the Department of Parks and Recreation (“DPR”) which has jurisdiction over the boardwalk and the Public Beach.

Ocean Way was established on the City Map as a new street as part of the 2009 approval. It was established at a width of 75 feet. The street, however, has not yet been built. The mapped street currently passes through two parking lots, a vacant parcel owned by Taconic that was formerly leased to a seasonal circus, and a privately-owned three-story commercial building which currently houses several offices of the New York City Human Resources Administration, including a Medicaid office and the Coney Island Job Center. Authorization for the City’s acquisition of the privately-owned properties, including those owned by Taconic, for the purpose of opening Ocean Way, was included in the 2009 approval.

The streets bounding the affected area include Parachute Way and West 20th Street to the east, both of which were also established on the City Map in 2009 and are also not yet built. Both are located within portions of the current parking lot for the City-owned Abe Stark Skating Arena. West 22nd Street to the west of the site is currently a built and open one-way street. However, its most southerly portion was eliminated in 2009 in order to establish a park at this location adjacent to the boardwalk. The remainder of the mapped portion of West 22nd Street will eventually become a two-way street and will connect with Ocean Way once the latter is built. Surf Avenue, which is Coney Island's main two-way, multi-lane thoroughfare, runs east-west to the north of the subject site.

The project site is located within the Special Coney Island District. The underlying zoning district is an R7D with a C2-4 overlay. To the west of the Childs building is a community garden, and to the north is a surface parking lot. Both of these lots are owned by DPR. Land uses further west of the site are mostly low-rise multi-unit residential buildings and vacant land. To the east is the Abe Stark Skating Arena and its parking lot, and also KeySpan Park, the stadium for the Brooklyn Cyclones minor-league baseball team. To the north of Surf Avenue are several tower-in-the-park style housing developments, low-rise row-houses, parking lots and vacant land.

In response to a polling letter issued on July 8, 2010, no agencies or utilities expressed any objections to the proposal.

ENVIRONMENTAL REVIEW

This application (C 100469 MMK) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 08DME007K. The lead agency is the Office of the Deputy Mayor for Economic Development and Rebuilding.

A Technical Memorandum (TM004), issued on December 1, 2010, concluded that this application would not result in any significant adverse environmental impacts that were not previously identified in the Final Environmental Impact Statement (FEIS) dated June 5, 2009, the Technical Memorandum 001 dated June 15, 2009 and the Technical Memorandum 002 dated July 22, 2009. To preclude the potential for significant adverse impacts on historic resources, Technical Memorandum 004 also stated that a Construction Protection Plan will be developed for the Childs Restaurant on the Boardwalk building, which is a designated City Landmark and is listed on the State and National Registers of Historic Places.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 100469 MMK) was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 *et seq.*). The designated WRP number is 08-097. This application was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

UNIFORM LAND USE REVIEW

This application (C 100469 MMK), was certified as complete by the Department of City Planning on May 23, 2011, and was duly referred to Brooklyn Community Board 13 and the Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Brooklyn Community Board 13 did not hold a public hearing on this application (C 100469 MMK), and did not issue a recommendation.

Borough President Recommendation

This application (C 100469 MMK) was considered by the Borough President of Brooklyn, who issued a recommendation approving the application on August 30, 2011.

City Planning Commission Public Hearing

On August 24, 2011 (Calendar No. 3) the Commission scheduled September 7, 2011 for a public hearing on this application (C 100469 MMK). The hearing was duly held on September 7, 2011 (Calendar No. 13).

There were two appearances in favor of the application, and none opposed. A representative of the co-applicant spoke in favor of the application, describing the application and the proposed grade changes. The co-applicant's planning consultant, also appeared and was in favor of the application.

There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that this amendment to the City Map is appropriate. The Commission believes that the proposed grade changes are an important element in completing the vision of the Coney Island Comprehensive Plan. In particular, the application will help ensure that future development in Coney Island will be better protected from the types of serious property damage that severe weather can cause on such low-lying coastal areas. Additionally, the Commission believes that the raising of the grades of West 21st Street and Ocean Way will facilitate the rehabilitation and re-use of the Landmark Childs Restaurant building, enabling more access-ways into the building and improving its appearance at the street-level.

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City Map to be appropriate, adopts the following resolution:

RESOLVED, that having considered the Technical Memorandum 004 dated December 1, 2010, together with the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on June 5, 2009, the Technical Memorandum 001 dated June 15, 2009 and the Technical Memorandum 002 dated July 22, 2009, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action, as described in the Technical Memorandum 004 dated December 1, 2010, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the Technical Memorandum 004 dated December 1, 2010, will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the Technical Memorandum 004 dated December 1, 2010, the FEIS dated June 5, 2009, the Technical Memorandum 001 dated June 15, 2009 and the Technical Memorandum 002 dated July 22, 2009, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 199 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application (C 100469 MMK) for an amendment to the City Map

involving the modification of grades in West 21st Street between Surf Avenue and the Public Beach, and in Ocean Way between West 22nd Street and Parachute Way, in Community District 13, Borough of Brooklyn, in accordance with Map No. X-2726, dated April 25, 2011 and signed by the Borough President, is approved;

All such approvals being subject to the following condition:

The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. X-2726 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter.

The above resolution (C 100469 MMK), duly adopted by the City Planning Commission on October 5, 2011 (Calendar No. 2), is filed with the Office of the Speaker, City Council and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
RICHARD W. EADDY, Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
NATHAN LEVENTHAL, ANNA HAYES LEVIN, ORLANDO MARIN,
SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION #: 100469 MMK

Coney West 21st Street Grade Change

In the matter of an application submitted by the Department of City Planning and Coney Island Holdings, L.L.C., pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving the modification of grades in West 21st Street between Surf Avenue and the Public Beach, and in Ocean Way between West 22nd Street and Parachute Way.

COMMUNITY DISTRICT NO.

13

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE

DISAPPROVE

APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

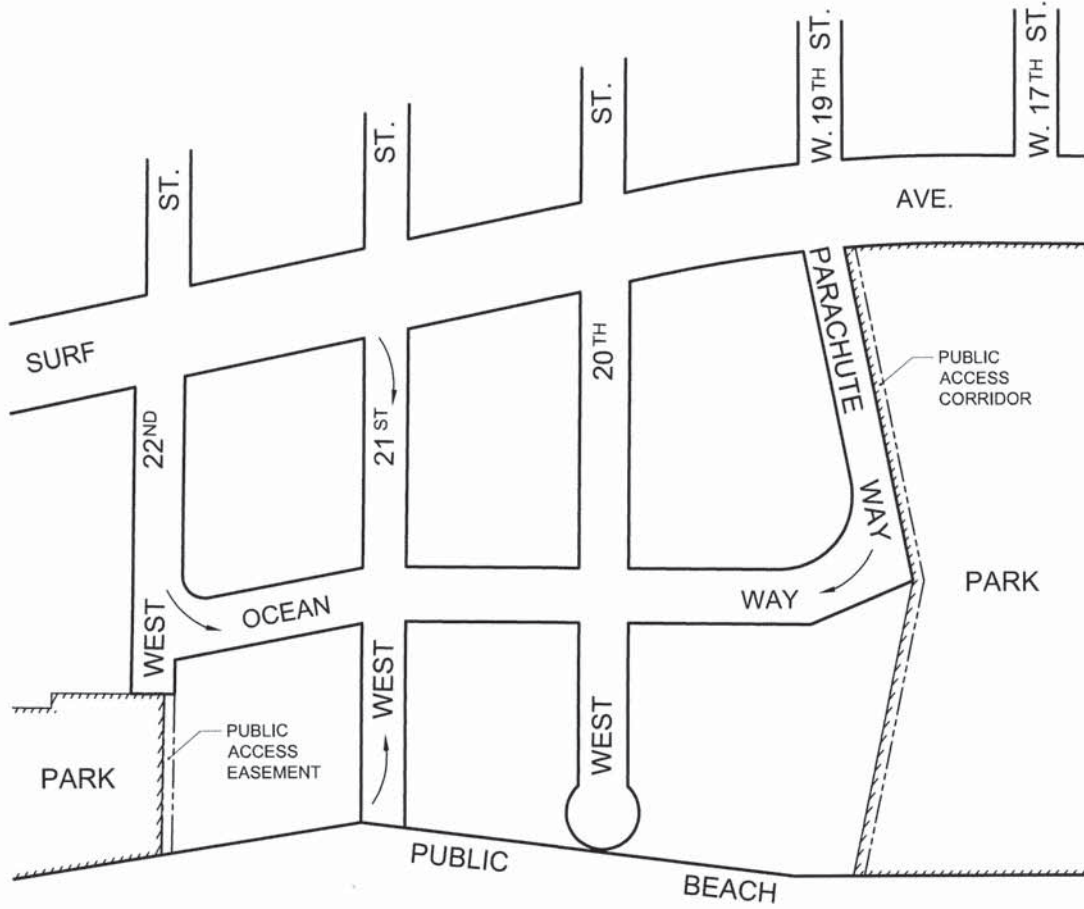
Be it resolved that the Borough President of Brooklyn, pursuant to section 197-c of the New York City Charter, recommends that the City Planning Commission and City Council approve the application for the modification of grade changes in West 21st Street between Surf Avenue and the Public Beach, and in Ocean Way between West 22nd Street and Parachute Way.



BOROUGH PRESIDENT

August 30, 2011

DATE



CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
MAP CHANGE
ON SECTIONAL MAP
MAP 28d
BOROUGH OF
BROOKLYN

New York, Certification Date
MAY 23, 2011

Irene Sadko, P.E.
I. Sadko, P.E.
Chief Engineer



- NOTES:
- Indicates line of street legally adopted.
 - //// Indicates Park line heretofore established and hereby retained.
 - ↔ Indicates limits of area generally affected by grade change.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.