



CITY PLANNING COMMISSION

June 17, 2009/ Calendar No. 11

N 090273 (A) ZRK

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, and proposed for modification pursuant to Section 2-06(c) (1) of the Uniform Land Use Review Procedure, for an amendment of the Zoning Resolution of the City of New York, relating to the creation of the Special Coney Island District (Article XIII, Chapter 1), Borough of Brooklyn, Community District 13.

The original application for an amendment of the Zoning Resolution was filed by the Department of City Planning on January 15, 2009. The requested action, in conjunction with the related actions, would facilitate the establishment of the Special Coney Island District.

On April 9, 2009, pursuant to Section 2-06(c) (1) of the ULURP rules, the Department filed a modified application (N 090273(A) ZRK), for public hearing and consideration by the City Planning Commission. The modified application, N 090273(A) ZRK, is the subject of this report.

RELATED ACTIONS

In addition to the amendment to the Zoning Resolution which is the subject of this report, implementation of the proposal requires action by the City Planning Commission on the following applications which are considered concurrently with this application:

1. **C 090272 ZMK:** Amendment to the Zoning Map, Section Nos. 28d, to rezone C7 and R6 districts to R7A, R7X and R7D districts with C2-4 overlays within the proposed Special Coney Island District and to rezone C7 district to R5 outside of the Special Coney Island District.
2. **C 090107 MMK:** Amendment of the City Map to eliminate and establish parkland, to eliminate, discontinue and close, establish and extend certain streets and to modify the grades of existing streets.
3. **C 090274 PQK:** Acquisition of property located within the Coney East subdistrict.
4. **C 090275 PQK:** Acquisition of property located at West 19th Street and Surf Avenue.
5. **C 090276 HAK:** UDAAP designation, project approval and disposition of City-owned property located between West 19th Street and West 20th Street and between Surf Avenue and Mermaid Avenue.
6. **C 090277 PPK:** Disposition of City-owned property within the Coney East subdistrict.

BACKGROUND

The Coney Island Plan is a comprehensive plan that will establish a framework for the revitalization of the Coney Island amusement area and the surrounding blocks.

The plan builds upon the few remaining amusements to create a 27-acre amusement and entertainment district that will reestablish Coney Island as a year-round, open and accessible amusement destination. Outside of the amusement area, the plan provides new housing opportunities, including affordable housing, and neighborhood services. Key to the proposal is mapping and demapping parkland and establishing a new special purpose district, the Special Coney Island District (CI).

The plan builds upon the commitment made by Mayor Bloomberg in 2005 with the announcement of the Coney Island Strategic Plan, and is the product of over 300 public meetings with numerous stakeholders, ranging from elected officials, residents, property and business owners.

AREA DESCRIPTION

The rezoning area includes approximately 19 blocks generally bounded by Mermaid Avenue to the north, West 8th Street to the east, the Riegelmann Boardwalk on the south and West 24th Street to the west. Some of properties in the rezoning area front on the Boardwalk and the beach, two of Coney Island's strongest assets.

The rezoning area is accessible to the entire New York City metropolitan area via the N, Q, D, and F subway lines terminating at the recently renovated Stillwell Avenue subway station. The area is accessible by car via the Belt Parkway, which connects Brooklyn to Staten Island through the Verrazano Bridge, and the Brooklyn-Queens Expressway, which connects the area with Manhattan and Queens. The area is also in close proximity to JFK International Airport.

Aside from Coney Island's few remaining historic icons and some residential and commercial buildings on Mermaid Avenue, which functions as the local retail corridor for the adjacent residential neighborhood, much of the land throughout the proposed rezoning area is either vacant or underutilized. Most block frontages on both the north and south sides of Surf Avenue,

the district's major east-west thoroughfare, are either vacant or used as parking lots. The block located north of Surf Avenue between Stillwell Avenue and W. 15th Street is an exception. Gargiulo's Restaurant, one of Coney Island's long-standing neighborhood institutions which recently celebrated its 100th year, is located in the middle of this block. The easternmost block north of Surf Avenue within the rezoning area contains active Green Thumb gardens. A senior citizen center occupies the westernmost end of the rezoning area.

Some of the historic amusement structures remain and are Coney Island icons. A number of these structures are New York City Landmarks (NYCLs), including the Cyclone roller coaster, the Wonder Wheel, the Parachute Jump, and Childs' restaurant along the Boardwalk. The Cyclone and the Wonder Wheel are still active rides. The Shore Theatre, located at the corner of Surf and Stillwell Avenues, is one of the icons of Coney Island and has been vacant for decades.

There are a number of City-owned sites in the rezoning area. KeySpan Park occupies the central portion of the rezoning area and was built by the City of New York in 2001 as the home of the Brooklyn Cyclones, a New York Mets minor league baseball team. KeySpan Park attracts thousands of visitors a year during the summer baseball season, which runs from the end of June through early September. To the west lie two surface parking lots, totaling approximately 405,000 square feet in area and currently mapped as parkland, that serve the Brooklyn Cyclones during baseball season and are dormant the rest of the year. The Abe Stark Skating Rink, which serves ice hockey leagues, is located on the boardwalk frontage adjacent to one of these parking lots. An underused Green Thumb garden fronting the Boardwalk shares the southern end of the other block. South of the Stadium and abutting the Boardwalk is the proposed 2.2-acre Steeplechase Plaza located at the base of the Parachute Jump and currently used during the summer as ball fields. The Department of Parks and Recreation (DPR) jointly with the Economic Development Corporation (EDC) have developed a proposal that would feature a skate park, and a pavilion that would house the restored historic B&B carousel. The anticipated year of completion is 2011.

SURROUNDING AREA AND USES

The built context in Coney Island consists of a mix of low-scale, one- and two-family homes, low-rise apartment buildings developed before the 1950s, and 15- to 20-story residential complexes built largely as a result of urban renewal plans of the 1960's and 1970's. The immediate residential context to the north of Mermaid Avenue consists of small one-and two-family homes developed through the New York City Partnership New Home Program interspersed with four- to five-story pre-war apartment buildings. Local retail and churches are primarily located along Mermaid Avenue. To the east of Stillwell Avenue, development consists mainly of large-scale residential complexes, including Trump Village, built in the early 1960's as part of the New York State Mitchell-Lama housing program. To the west of West 20th Street, the area consists of high-rise multi-family apartment buildings managed by the New York City Housing Authority (NYCHA). The area also contains several high-rise senior housing developments and nursing homes. The gated residential community of Seagate is located at the western tip of the peninsula. Between West 29th and West 30th Streets on Surf Avenue, HPD is proposing the development of the first YMCA in south Brooklyn in combination with 188 affordable housing units. This project responds to a community request for a community center and affordable housing that was voiced during the preparation of the Strategic Plan for Coney Island in 2005. The related ULURP actions required to facilitate this project were approved by the City Planning Commission on April 1, 2009 and subsequently approved by the City Council on May 20, 2009.

EXISTING ZONING

The existing zoning in Coney Island reflects historical land uses and, in most of the rezoning area, is outdated and restricts the growth and expansion of the amusement area and the surrounding blocks. Most of the rezoning area is zoned C7, which permits development of large scale, open amusement parks with very limited complementary uses. Two entire blocks and portions of three blocks located between Surf Avenue and Mermaid Avenue are zoned R6 and permit residential uses.

C7

All or portions of 17 blocks within the 19 block rezoning area are zoned C7, which permits development of large-scale open amusement parks with very limited complementary uses. For

example, sit-down restaurants without entertainment, that have traditionally been located in amusement districts, including Coney Island, are not permitted. Residential and community facility uses are also not permitted in the C7. The C7 district has a maximum FAR of 2.0 with no maximum height, and requires one parking space for every 2,000 square feet of development.

R6

An R6 district is currently mapped over 5 full or partial blocks of the total 19 blocks within the rezoning area. Residential and community facility uses (Use Groups 1-4) are permitted in R6 zoning districts, with no height limits and a maximum floor area ratio (FAR) of up to 2.43 for residential uses and 4.8 for buildings containing community facility uses. Off-street parking is required for 70% of the dwelling units. Developers can utilize the optional Quality Housing program which permits up to 2.2 FAR with a maximum building height of 55 feet on narrow streets (75 feet or less), and up to 3.0 FAR with a maximum height limit of 70 feet on wide streets (greater than 75 feet). Under Quality Housing regulations, off-street parking is required for 50% of the dwelling units.

A C1-2 commercial overlay is mapped on Mermaid Avenue at a depth of 150 feet with the exception of block 7061 where it is mapped at 250 feet. C1-2 districts permit local retail and service uses with a maximum commercial FAR of 2.0.

The plan seeks to transform Coney Island into a dynamic mixed-use district by preserving and growing amusement uses in perpetuity in their historic location along the Boardwalk through the mapping of parkland and creating a vibrant year-round amusement and entertainment district to complement the park. In its heyday, Coney Island contained three large amusement parks (Luna Park, Dreamland, and Steeplechase Park), totaling close to 60 acres of indoor and outdoor amusement and entertainment uses including numerous restaurants and hotels. Over the last century, Coney Island has increasingly lost its historic share of amusements and today the amusement area consists of one block of largely seasonal amusement attractions, Deno's Wonder Wheel Park, and a few active frontages along Surf Avenue. Along with the seasonality of the current amusement uses and the negative influence of long-term vacant properties along Surf

Avenue and the Boardwalk, the low-density and restricted uses of the current C7 limit development opportunities in the heart of the amusement district. Despite its decline, Coney Island's amusement area continues to attract thousands of visitors per year, demonstrating the power of its unique legacy and its potential to endure as a one-of-a-kind, urban beachfront amusement destination. Following the recent acceleration in the destruction of amusements uses, the plan comes at a turning point in Coney Island's history, offering opportunities for the preservation of amusements and development of a unique, year-round amusement and entertainment destination, with the potential to establish Coney Island as an economic engine for all of South Brooklyn. In recognition of the unique legacy and character of Coney Island as a world-renowned urban amusement area, the proposed zoning would ensure that in the core amusement area, only amusement and entertainment-related uses are allowed.

Outside of the amusement district, where land has been mostly vacant for years, the proposal seeks to create opportunities for the development of thousands of new housing units, including affordable housing, that would reconnect these blocks to the surrounding residential neighborhood as well as job and career opportunities for the long-time residents of the peninsula. The proposed actions are expected to facilitate the development of a significant amount of retail to service the existing community as well as the future residents.

The plan, through the related mapping action, creates new streets, to enhance pedestrian connections and views to the existing icons and the ocean, knitting together the residential community, the amusement and entertainment district and the beach. It also proposes to reinforce Surf Avenue and the Boardwalk as active commercial corridors for residents and visitors alike. Zoning controls would set bulk regulations and height limits to ensure that new buildings fit into their surroundings and acknowledge the historic Coney Island icons and its unique beachfront location.

The Coney Island plan recognizes that investments throughout the Coney Island community are critical to the sustainability and success of the amusement and entertainment district. Similarly, the redevelopment of the amusement and entertainment district would support the growth of the entire peninsula by generating job and career opportunities and expanding year-round activities.

These actions work together to address both the preservation and future growth of the famous amusement area and critical, long-standing community needs.

REQUESTED ACTIONS

To implement the Coney Island plan, several actions require approval by the City Planning Commission (CPC):

ZONING MAP AMENDMENT (C 090272 ZMK) and ZONING TEXT AMENDMENT (N 090273 (A) ZRK)

The Department of City Planning is the applicant for the zoning map amendment and zoning text amendment.

The plan includes a zoning text amendment that would create a new special district: the Special Coney Island District. The Special District boundaries coincide with the rezoning area boundaries except for portions of two blocks located between West 22nd and West 24th Streets, and are generally bounded by West 8th Street to the east and West 22nd Street to the west, and Mermaid Avenue to the north and the Riegelmann Boardwalk to the south.

The Special District is composed of four subdistricts: Coney East, intended as the amusement and entertainment core; Coney North, proposed for residential, hotel, and retail uses; Coney West, would have residential and retail uses including entertainment and amusement uses along a revitalized Boardwalk; and Mermaid Avenue, would be developed with residential and neighborhood retail uses under contextual zoning regulations transitioning to the existing neighborhood.

The regulations of the proposed Special District would supplement or supersede the uses, density, bulk and parking regulations of the proposed underlying R7X/ C2-4, R7D/ C2-4 and R7A/C2-4 districts that would be mapped within the proposed rezoning area. The Special District would also amend the zoning regulations governing the existing C7 district.

On April 9, 2009, the Department filed a modified application for the zoning text amendment

(N 090273 (A) ZRK). The modified application provides for a similar amount of total floor area, but reflects changes in use and bulk in response to comments received during the public review process.

Below is a description of the Special Coney Island District by subdistrict.

Coney East subdistrict

The Coney East subdistrict, bounded by the subway tracks to the north, West 8th Street and the New York Aquarium to the east, West 19th Street and the proposed Steeplechase Plaza to the west and the Boardwalk to the south, would remain zoned C7. However, the Special District would have special provisions that would be different than the underlying C7 regulations.

Use regulations

Uses allowed in the C7 zoning district would be broadened to facilitate the development of a year-round entertainment and amusement district. The proposed list of uses would include new uses from Use Groups 5, 6, 7, 9 and 18. Special District regulations would establish four groups of uses: open and enclosed amusements with limited accessory retail (Use Group A), enhancing uses defined as eating and drinking establishments without any limitation and other complementary uses such as bath houses and tattoo parlors (Use Group B), and complementary retail uses limited in size and frontage (Use Group C) and hotels.

Use Group A would include all existing open and enclosed amusements in the C7 with new additions such as electronic or computer-supported games, recreational sports facilities without membership requirements and water parks. The modified application, as filed on April 9, 2009 divides UGA into two subgroups: UGA (1) encompassing the traditional amusement uses such as roller coasters, dark rides, circuses, arcades and midway attractions, and UGA (2) containing entertainment and amusement-related uses that could be found anywhere in the City. Theaters, gymnasiums, billiard parlors, skateboard parks and performance venues are proposed to be listed under UGA (2). This modification strengthens the ground-floor requirements for traditional amusement uses to ensure that Coney Island maintains its one-of-a-kind amusement character

In response to concerns expressed by the Brooklyn Borough President, the modified application includes a reduction in the maximum capacity of ‘Arenas or Auditoriums’ from 2,500 seats to 2,000 seats and the elimination of ‘Cigar and Tobacco Stores’ from the list of permitted uses.

Accessory uses, including the display and sale of goods or services, would be allowed but limited to not more than 25 percent of the floor area of the amusement establishment. In addition, such accessory uses must be located at the rear of the establishment.

Use Group B, which includes uses that enhance and complement amusement uses, would include eating and drinking establishments of any size, including those with entertainment and dancing.

Use Group B would also include other complementary uses to amusements uses such as bathhouses, breweries, tattoo parlors or wedding chapels.

Use Group C encompasses retail and service uses complementary to amusement uses and beach activities. It includes uses such as arts and crafts production and sales, bicycle sales shops, gift shops, beach furniture and sporting equipment stores. To ensure that these uses do not overshadow the amusement uses they would be limited to 2,500 square feet and 30 feet of street frontage.

Uses currently permitted in C7 districts such as marina-related uses, docks and cigar and tobacco stores would not be permitted.

To ensure the development of amusements and promote active ground-floors and a seamless transition between the open amusement park and the blocks fronting the park within the district, additional provisions are proposed:

- Hotels would be limited to blocks located between Surf Avenue and the Bowery, and ground-floor presence would be limited to lobby and active accessory uses;
- Hotels located on lots larger than 20,000 square feet would have to provide amusements listed in UGA(1) either on-site or off-site anywhere in the Coney East subdistrict. In addition, such amusements must have a floor area of at least of 20% of the hotel floor area.
- Accessory retail establishments located within hotels would be limited to 2,500 square feet;

- Amusements (UGA(1)) would have to occupy at least 50% of the street frontages along the Bowery and the proposed Wonder Wheel Way;
- Establishments fronting on Surf Avenue could not have a frontage greater than 60 feet.
- Ground-floor street frontages would be allowed to be totally open to enhance the district's vibrancy.

Floor area regulations

The permitted Floor Area Ratio (FAR) would be between 2.6 and 4.5 depending on a site's location within the subdistrict. Closer to the open amusements and along the subway tracks north of Surf Avenue, the maximum FAR would be 2.6. Along Surf Avenue, the maximum FAR would range from 4.5 to 4.0 stepping down towards the Cyclone. These regulations are intended to provide a transition downward from the 120 foot wide Surf Avenue to the beach and boardwalk and from KeySpan Park to the Cyclone.

Bulk and Signage regulations

The original application imposed a maximum street wall height of 85 feet for buildings fronting on the south side of Surf Avenue. The modified application reduces the maximum street wall height from 85 feet to 45 feet to ensure direct visibility to the amusement park upon arrival in Coney Island. However, if a tower is provided, then limited portions of the base may rise to a height of 65 feet, but these portions must be located directly beneath the tower. To allow flexibility in the provision of amusement uses, the base height may be increased to 85 feet if uses in UGA are provided. A base taller than 85 feet can be permitted by Chair certification if it contains uses in UGA (1).

To ensure a seamless transition between the amusement park and the buildings fronting Wonder Wheel Way and maintain the Bowery's low-scale, arcade character, a maximum base height of 40 feet would be established for portions of buildings fronting on streets other than Surf Avenue. The maximum building height would be 60 feet after a 20 foot setback.

Towers would only be permitted along Surf Avenue with urban design controls that would limit their location to corners, floor plates to 8,500 square feet and a maximum length of 165 feet, with

the longer dimension required to be perpendicular to the beach. Maximum heights would range from 150 to 270 feet, reflecting the height of existing landmarks—the Parachute Jump and Wonder Wheel. Towers taller than 170 feet would have special articulation regulations. To enhance the presence of the Cyclone at West 10th Street, towers would be prohibited between West 10th Street and Jones Walk, and maximum building height would be limited to 85 feet within 100 feet of Jones Walk.

To ensure continued visibility of the amusement district from the subway cars arriving in the Stillwell Avenue station, buildings located on the north side of Surf Avenue along the subway tracks would have special bulk regulations. Signage regulations would encourage flexibility and creativity in keeping with Coney Island's exuberant character.

Parking regulations

Parking requirements would be determined by use. Amusements would be required to provide one space per 2,000 square feet of floor area. Uses that generate many vehicles, such as movie theaters and water parks would have higher parking requirements of 2 spaces per 1,000 square feet of floor area. Parking for large catering facilities and eating and drinking establishments would be based on rated capacity. Hotels would have to provide one space for every six rooms.

The ability to provide on-site accessory parking is limited by the small size of most of the area's blocks, the high water table and the proposed requirement to have active street frontages.

Therefore, the proposed text would allow accessory spaces to be provided off-site in an area bounded by Ocean Parkway, West 27th Street, the, Coney Island Creek and the Boardwalk.

Furthermore, public parking garages with more than 150 spaces would be allowed as-of-right on the portion of the NY Aquarium site that is within the rezoning area. If provided on site, parking would be required to be wrapped by active uses on all street frontages, except for the West 16th Street frontage behind KeySpan Park. Parking entrances and curb cuts would be prohibited on Surf Avenue, Bowery and Wonder Wheel Way.

Coney North Subdistrict

The Coney North subdistrict, which is bounded by Mermaid Avenue to the north, Surf Avenue to the south, Stillwell Avenue to the east and West 20th Street to the west, would be rezoned from C7, R6 and R6/C1-2 to R7X with a C2-4 overlay.

Use regulations

Hotels would be permitted on two eastern block-fronts immediately opposite Coney East to compliment the entertainment and amusement district.

To facilitate the redevelopment of Surf Avenue as a vibrant commercial boulevard, development fronting on Surf Avenue would be required to have commercial ground-floor uses at least 50 feet in depth. Frontages of establishments, including lobbies, would be limited to 60 feet and uses located on the ground floor would have to be glazed at least 70 percent with the exception of amusement uses. These regulations would also apply to Surf Avenue in the Coney West subdistrict.

To facilitate the development of entertainment uses along Surf Avenue, twenty percent of the frontages would be required to contain amusement and entertainment uses listed Use Group A. Certain commercial uses such as banks and drug stores would be restricted to the second story of development. These regulations would also apply to Surf Avenue in the Coney West subdistrict.

Floor Area regulations

Developments in this district would have a maximum FAR of 5.0 with the provision of affordable housing through the Inclusionary Housing Program. Developments that do not elect to participate in the Inclusionary Housing Program would be limited to an FAR of 3.75.

Under the Inclusionary Housing program, developments providing affordable housing are eligible for a floor area bonus, within contextual height and bulk regulations tailored to this area. Affordable units can be provided either on the same site as the development earning the bonus or off-site either through new construction or preservation of existing affordable units. Off-site affordable units must be located within the same Community District or within a half-

mile of the compensated development. Available city, state, and federal housing finance programs may be used to finance affordable units. The Inclusionary Housing program would also be applied in the Coney West and Mermaid Avenue subdistricts.

FAR for hotels in permitted locations in Coney North would be limited to 3.75 and community facility uses would have a maximum FAR of 2.0. This regulation would also apply in the Coney West subdistrict.

Bulk regulations

On Surf Avenue, minimum and maximum base heights would be 65 feet and 85 feet, respectively, the latter of which is the height of the Shore Theater. Variation in the base heights would be mandated through limiting the portion of street wall that can be at the minimum and maximum base heights. On side streets, minimum and maximum base heights would be 40 feet and 65 feet. On the wide Stillwell and Mermaid avenues, the maximum building height would be 80 feet to reflect the adjacent R7A district regulations. The modified application allows for transition heights up to 95 feet for portions of buildings fronting on Surf Avenue and up to 85 feet on side streets after varying setbacks.

To provide a transition between the higher densities in the Coney North subdistrict and the lower context on Mermaid Avenue, lots or portions of lots located in the Coney North subdistrict within 40 feet of the Mermaid Avenue subdistrict, would have a maximum building height of 23 feet.

Several tower forms would be permitted with floorplate coverage limited to 8,500 square feet. Towers exceeding 170 feet in height would be governed by tower top articulation regulations. The modified application changes the tower form and includes refinements to the tower top articulations.

Parking regulations

Required parking for residential buildings would be for 60 percent of the units. Required accessory parking spaces and public parking provided in addition to required accessory parking

would be exempted from the definition of floor area and would be required to be wrapped by active uses along all street frontages. Parking entrances and curb cuts would be prohibited on Surf Avenue.

Coney West Subdistrict

The Coney West subdistrict, which is bounded by Surf Avenue to the north, the Riegelmann Boardwalk to the south, West 19th Street and Steeplechase Plaza to the east and West 22nd Street to the west, would be rezoned from C7 to R7D with a C2-4 overlay

Use regulations

The same use regulations applying to Surf Avenue in the Coney North subdistrict would also apply in the Coney West subdistrict.

To facilitate the development of the Boardwalk as a low-scale entertainment and beach-related commercial corridor and to extend the boardwalk amusement and entertainment experience westward, development fronting upon and within 70 feet of the Boardwalk would be limited uses in UGA. Frontages of establishments on the Boardwalk would be limited to 60 feet and would be allowed to be totally open, except for lobbies, which would be limited to a frontage of 30 feet, hotels could not be located on the ground floor along the Boardwalk.

Floor area regulations

Developments on the four westernmost blocks in this district would have a maximum FAR of 5.8 under the Inclusionary Housing Program. Developments that do not elect to participate in the Inclusionary Housing Program would be limited to an FAR of 4.35. Development in the area currently occupied by the KeySpan Park parking lot would have a maximum FAR of 5.5 under the Inclusionary Housing Program. Developments that do not elect to participate in the Inclusionary Housing Program would be limited to an FAR of 4.12.

The subdistrict would allow floor area to be transferred between the north and south blocks separated by the proposed Ocean Way. Community Facility uses would have a maximum FAR of 2.0.

Bulk regulations

On Surf Avenue, minimum and maximum base heights would be 45 feet and 85 feet and variation in the base would be mandated through limiting the portion of street wall that can be at the minimum and maximum base heights. On side streets and Ocean Way, minimum and maximum base heights would be 40 feet and 65 feet. On the Boardwalk, minimum and maximum heights would be 20 feet and 40 feet. Transition heights would be allowed up to 95 feet after varying setbacks.

Tower regulations applicable in Coney North would be applicable in Coney West. On the blocks fronting on the Boardwalk, the maximum tower height along Ocean Way would be 170 feet.

Parking regulations

Required parking for residential developments would be for 60 percent of the units. Required accessory parking spaces and public parking provided in addition to required accessory parking would be exempted from the definition of floor area and would be required to be wrapped by active uses on all street frontages. Parking entrances and curb cuts would be prohibited on Surf Avenue and Ocean Way.

Mermaid Avenue Subdistrict

The Mermaid Avenue subdistrict, which is comprised of portions of four blocks between West 15th Street and West 20th Street within 100 feet of Mermaid Avenue, would be rezoned from R6/C1-2 to R7A with a C2-4 overlay. The proposed C2-4 commercial overlay district permits a broader range of commercial retail and service uses than the existing C1-2 district.

Floor area regulations

Developments would have a maximum FAR of 4.6 with the use of the Inclusionary Housing Program. Developments that do not elect to participate in the Inclusionary Housing Program would be limited to an FAR of 3.45.

Parking regulations

Required parking for residential developments would be for 50 percent of the units.

Sidewalk cafes

Section 14-44 of the Zoning Resolution would be amended to allow unenclosed sidewalk cafes in the Special Coney Island District.

Zoning Map changes outside the Special Coney Island District

Portions of two blocks located between West 22nd and West 24th Streets currently zoned C7 would be rezoned to R5 as an extension of the existing adjacent R5 zoning district. This area contains vacant land, surface parking, and a nursing care facility. R5 zoning district allows residential development with a maximum 1.25 FAR and a maximum building height of 40 feet and community facility development with a maximum FAR of 2.0. .

AMENDMENT TO CITY MAP (C 090107 MMK)

The Department of City Planning, the Department of Parks and Recreation and the Economic Development Corporation propose to amend the City Map to demap existing parkland, map new parkland, map new streets, demap existing streets, delineate several easement/corridors to provide emergency vehicle access to the Boardwalk and public beach, and raise the grades of some existing streets change close to the level or at the level of the floodplain elevation to facilitate the development of active ground-floor uses under current Federal Emergency Management Agency (FEMA) standards. The subject application includes authorization for the acquisition and disposition of property as necessary to effectuate the City Map amendments.

The following actions are proposed:

- Mapping as parkland 9.39 acres of land fronting on the Boardwalk between KeySpan Park and the Cyclone for the purpose of protecting open amusement uses in the historic amusement area, and for the development of an affordable, vibrant, open amusement park. Portions of West 10th Street, West 12th Street, Stillwell Avenue, and West 15th

Street would be demapped as streets and mapped as parkland as part of the open amusement park.

- Mapping as parkland 1.41 acres of land on the Boardwalk between West 22nd and West 23rd streets for the purpose of creating a new neighborhood park, tentatively named “Highland View Park.” Highland View Avenue and portions of West 22nd Street would be demapped as streets and mapped parkland as part of Highland View Park
- Demapping 9.3 acres of parkland on Block 7073 and Block 7071. The two parcels, located in the Coney West subdistrict, are currently used as parking lots for KeySpan Park and the Abe Stark Rink. The parcels would be demapped, and zoned as part of the Coney West subdistrict in the Special Coney Island District, improved through the building of new streets, and disposed of to a private entity for development pursuant to the proposed zoning. This proposed development would necessitate the relocation and replacement of the Abe Stark Rink (to a location to be determined prior to redevelopment).

The alienation of parkland pursuant to the demapping actions requires approval from the New York State legislature. The demapping of parkland would be accompanied by the replacement of an equivalent parkland area. The mapping of the 9.39-acre amusement park and the 1.41-acre Highland View Park, as described above, would replace the currently mapped parkland, and would further result in the establishment of an additional 1.5 acres of mapped parkland. As part of the State alienation legislation, the City would also seek authorization to enter into a long-term lease for the development and operation of the amusement park.

In addition, the following actions are proposed:

- Demapping of the portion of Bowery between West 15th Street and West 16th Street to facilitate the creation of a larger development block able to accommodate large-scale amusement uses.

- Mapping of new streets to facilitate the redevelopment of vacant and underutilized land through the creation of new block configurations, enhance access to the Boardwalk and develop new connections between the residential community and the amusement area. The new proposed streets are: Wonder Wheel Way from West 10th Street to Steeplechase Plaza; West 16th Street from Surf Avenue to Wonder Wheel Way; West 20th Street from Surf Avenue to the Boardwalk; Parachute Way from Surf Avenue to the proposed Ocean Way; Ocean Way from the proposed Parachute Way to West 22nd Street.
- Raising the grades of existing streets within the project area to meet the elevation of the proposed new streets and to enable ground floor commercial space to be closer to or at the 100-year floodplain elevation as defined by Federal Emergency Management Agency (FEMA) regulations.

ACQUISITION OF PROPERTY - C 090274 POK AND DISPOSITION OF CITY-OWNED PROPERTY - C 090277 PPK

The Department of Citywide Administrative Services (DCAS) and the Department of Small Business Services propose the acquisition of thirty-nine privately owned properties in the Coney East subdistrict to facilitate the development of amusement and entertainment uses pursuant to the proposed zoning in the proposed amusement and entertainment district. Following acquisition, DCAS intends to dispose to EDC which would dispose of these lots to developers to be determined pursuant to the proposed zoning in the proposed amusement and entertainment district. The acquisition and disposition actions will facilitate the redevelopment of Coney Island by creating a 27-acre entertainment and amusement district with hotels, performance venues, themed retail, outdoor and enclosed amusements, among other related uses.

The disposition action also includes an underused Green Thumb garden fronting on the Boardwalk in the Coney West subdistrict. The disposition of the site to a developer to be determined would facilitate the development of residential uses with ground-floor retail uses.

ACQUISITION OF PROPERTY - C 090275 PQK – AND DESIGNATION OF AN URBAN DEVELOPMENT ACTION AREA PROJECT, PROJECT APPROVAL AND DISPOSITION OF CITY-OWNED PROPERTY – C 090276 HAK

The Department of Housing Preservation and Development proposes the acquisition of Block 7060, Lots 19, 20, 31 in order to facilitate the development of a housing and retail project. The acquired lots would be conveyed to a developer together with the remainder of Block 7060 which is currently City-owned, to form an assemblage for residential development with ground-floor retail.

The Department of Housing Preservation and Development HPD also seeks the designation of property located at Block 7060, Lots 1, 3-5, 7-9, 14, 16-22, 24, 27, 31, 32, 35, 44-51, 147 and Block 7061, Lots 16, 21, 39-43, 45 as an Urban Development Action Area, project approval and the disposition of City-owned land to a developer to be determined. This action would facilitate the development of predominantly vacant land into residential uses with ground-floor retail.

ENVIRONMENTAL REVIEW

This application (N 090273 (A) ZRK), in conjunction with the related applications (C 090272 ZMK, N 090273 ZRK, C 090107 MMK, C 090274 PQK, C 090275 PQK, C 090276 HAK and C 090277 PPK) 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.

It was determined that the proposed actions may have a significant effect on the environment and that an environmental impact statement would be required. A Positive Declaration was issued on January 11, 2008, and distributed, published and filed. A Draft Scope of Work for the Environmental Impact Statement (EIS) was issued and distributed on January 2008 and the

formal public process for the plan was initiated at a first public scoping meeting held on February 13, 2008. Subsequent to the initial public scoping meeting and in response to public comments, the City proposed modifications to the Coney Island Comprehensive Rezoning Plan and, as a result, a revised Environmental Assessment Statement, revised Positive Declaration and revised draft Scope of Work for an EIS was issued in May 2008 and a second public hearing was held on Tuesday, June 24, 2008. Comments made during the public comment periods for both scoping meetings are reflected in the Final Scope of Work that was issued on January 9, 2009.

The lead agency prepared a Draft EIS and a Notice of Completion for the Draft EIS was issued on January 16, 2009. Pursuant to the SEQRA regulations and CEQR procedures, a public hearing was held on the DEIS on May 6, 2009 in conjunction with the public hearing on this application (N 090273 (A) ZRK) and related items (C 090272 ZMK, N 090273 ZRK, C 090107 MMK, C 090274 PQK, C 090275 PQK, C 090276 HAK and C 090277 PPK). A Final EIS was completed and a Notice of Completion for the Final EIS was issued on June 5, 2009. On June 15, 2009, a Technical Memorandum was issued which describes and analyzes the modifications to the proposed actions made by the City Planning Commission, adopted herein. The Technical Memorandum found that the modifications would not result in any new significant adverse impacts not already identified in the FEIS.

The FEIS identified areas where the adoption of standard measures would eliminate the potential for adverse impacts as well as areas with significant adverse impacts and proposed mitigation measures, as follows:

Community Facilities and Services

The introduction of day care eligible children associated with the affordable housing units included in the RWCDS would bring the day care facilities in the study area above their capacity. In addition, the increase in demand resulting from the proposed actions (322 children under age 6) would constitute an increase of 43.7 percent over the existing capacity of day care facilities in the study area. This potential increase in demand could be offset by a number of factors, including use of private day care facilities and day care centers outside of the study area; absorption of students by some Family Day Care Networks; and development of new capacity as part of the New York City Administration for Children's Services' public-private partnership initiatives. However, if none of these measures are taken, then the proposed actions would result in an unmitigated adverse day care impact.

Historic Resources

Nathan's Famous restaurant at 1308 Surf Avenue is located on a potential development site in the Coney East subdistrict and is assumed to be either replaced under the proposed actions with a new building containing hotel, amusement, retail, and enhancing uses or enlarged with additional bulk and uses. However, it is noted that redevelopment of this potential site is less likely to occur than with the projected sites identified on adjacent parcels. In the absence of NYCL designation for this resource, and as the site is privately owned, there are no procedures in place that would ensure pre-construction design review or preventative measures to minimize effects of construction and potential demolition or enlargement. Therefore, the potential development identified on the site containing Nathan's Famous would result in direct significant adverse impacts that would not be mitigated.

The proposed actions would have the potential to result in significant adverse visual and contextual impacts to the Shore Theater (NYCL-eligible, S/NR-eligible) by diminishing its visual prominence from the west on Surf Avenue. Base heights along the north side of Surf Avenue would be 80 feet in deference to the Shore Theater, which is approximately 80 feet tall, and the placement of towers to the west of the Shore Theater would be regulated to the site's southwest and northeast corners, away from the theater. However, the Shore Theater would no longer be the tallest building in the rezoning area and its visual prominence along Surf Avenue from the west could be diminished. If this were to occur, there would be no feasible mitigation for the potential impact. The Technical Memorandum identified that the proposed modification to the transition height rule for the Coney North subdistrict could result in a tower on Projected Development Site 3, adjacent to the Shore Theater, which would be substantially shorter than the 270-foot-tall tower analyzed in the FEIS. The Shore Theater has been determined eligible for NYCL designation and listing on the State and National Registers of Historic Places. If the development on Projected Development Site 3 were to maximize the base and transition heights, then the tower would be 120 feet tall. This would eliminate the potential significant adverse visual and contextual impact on the Shore Theater that was identified in the FEIS from development of Projected Development Site 3.

Development in the rezoning area pursuant to the proposed actions could have adverse physical impacts on seven architectural resources that are located within 90 feet of proposed construction activities, close enough to potentially experience adverse construction-related impacts from ground-borne construction period vibrations, falling debris, subsidence, collapse, or damage from construction machinery. Although the seven resources could potentially experience adverse direct impacts, they would be provided some protection from accidental construction damage through DOB controls that govern the protection of any adjacent properties from construction activities.

Hazardous Materials

The Hazardous Materials Assessment identified potential historical and present sources of contamination in portions of the rezoning area. These Recognized Environmental Conditions ("RECs") included the past or present existence of gasoline stations, dry cleaners, and/or petroleum storage tanks in portions of the rezoning area, as well as off-site releases from underground petroleum storage tanks with a potential of affecting the rezoning area. To reduce

the potential of adverse impacts associated with potential new construction resulting from the proposed actions, further environmental investigation will be required at sites where potential hazardous materials conditions were identified. Mechanisms to ensure that these actions occur differ for privately-owned sites and for City-owned sites, and include the establishment of E-designations, Land Disposition Agreements, and Memoranda of Understanding.

To avoid the potential for hazardous materials impacts, the proposed zoning map amendment includes (E) designations for hazardous materials on the following properties:

- Block 7060 – Lots 6, 10-12, 41-43
- Block 7061 – Lots 1-9, 11, 14, 20, 27
- Block 7062 – Lots 1, 4-11, 14, 25, 28, 34 (entire block)
- Block 7063 – Lots 1-4, 6, 8, 9, 11, 12, 32-35, 38-41 (entire block)
- Block 7064 – Lots 1, 2, 4, 5, 7, 14, 16, 27, 28, 31, 32, 35, 37, 38, 43, 45 (entire block)
- Block 7071 – Lots 123 and 130
- Block 7072 – Lot 1 (entire block)
- Block 7266 – Lot 250
- Block 7268 – Lots 213 and 218

The (E) designation would require that the fee owner of such a site conduct a testing and sampling protocol, and remediation where appropriate, to the satisfaction of the Department of Environmental protection (DEP) before the issuance of a building permit by the Department of Buildings (DOB) (pursuant to Section 11-15 of the Zoning Resolution – Environmental Requirement). The (E) designation also includes a mandatory construction-related health and safety plan which must also be approved by DEP.

Land Disposition Agreements would be placed on the following properties that are currently owned or would be acquired by the City for disposition by HPD to a private developer:

- Block 7060 – Lots 1, 3-5, 7-9, 14, 16-22, 24, 27, 31, 32, 35, 44-51, 147
- Block 7061 – Lots 16, 21, 39-43, 45

Memorandums of Understanding would be entered into by NYCEDC for the following properties:

- Block 7071 – Lots 100 and 142
- Block 7073 – Lot 101 (western portion of block)
- Block 7074 – Lot 256
- Block 8694 – Lots 5 and 11
- Block 8696 – Lot 212

Memorandums of Understanding would be entered into by DPR for the following properties:

- Block 7069 – Lot 14
- Block 8697 – Lot 8
- Block 8698 – Lot 50

With these in place, there would be no potential for any significant impacts.

Traffic

Under the proposed actions, a maximum of 11 intersections would experience unmitigatable impacts in the 2019 Build year (but not in all peak hours); of these, six intersections could be partially mitigated. The five intersections that would remain unmitigated are the intersections of Mermaid Avenue with West 17th Street (unmitigated in the weekday PM peak hour; partially mitigated in the weekday AM peak hour and the Saturday midday and PM peak hours); Neptune Avenue with West 17th Street/Cropsey Avenue (unmitigated in all five traffic analysis hours); and Ocean Parkway with Neptune Avenue (unmitigated in all five traffic analysis hours), Shore Parkway South (unmitigated in the weekday PM peak hour), and Shore Parkway North (unmitigated in the weekday PM peak hour and the Saturday PM peak hour; partially mitigated in the Saturday midday peak hour). The six intersections where significant traffic impacts could be partially mitigated include Surf Avenue with West 17th Street (Saturday midday peak hour) and West 8th Street (Saturday PM peak hour); Neptune Avenue with Stillwell Avenue (Saturday midday peak hour) and with West 8th Street/Shell Road (four of the five peak traffic analysis hours); and Cropsey Avenue with Bay 50th Street (Saturday midday peak hour) and with Bay 52nd Street (weekday PM peak hour and Saturday midday and PM peak hours). At these intersections, traffic improvements would be able to mitigate one or more—but not all—approaches that would be significantly impacted.

Significant adverse traffic impacts that would result from the proposed actions could not be fully mitigated at several locations. The traffic mitigation measures needed for each intersection are detailed in the FEIS. Each of the traffic capacity improvements described in the FEIS fall within the jurisdiction of NYCDOT for implementation. The implementation of these measures would result in the loss of approximately 101 to 148 parking or “standing” spaces during various times of the day and days of the week, including approximately 27 to 55 metered parking spaces. No designated truck loading/unloading zones or bus layover space would be affected by the proposed parking modifications for mitigation.

Transit and Pedestrians

The proposed actions would result in significant adverse impacts to the B36, B68, B74, B82, and X38 bus routes during weekday analysis peak periods and to the B36 bus route during Saturday analysis peak periods. Significant adverse impacts were also identified for the east and west crosswalks at the Stillwell Avenue and Surf Avenue intersection during the weekday and Saturday analysis peak periods. Potential measures to mitigate these impacts are described in the FEIS. While the MTA and NYCT routinely monitors changes in bus ridership and would make the necessary service adjustments where warranted, these service adjustments are subject to the agencies’ fiscal and operational constraints and, if implemented, are expected to take place over time.

Significant adverse impacts were identified for the east and west crosswalks at the Stillwell Avenue and Surf Avenue intersection during the weekday and Saturday analysis peak periods. The proposed traffic mitigation measures at this intersection would provide additional crossing time for the east and west crosswalks but reduce the crossing time currently available at the north crosswalk. In addition, the bulbout proposed at the southeast corner of the intersection along Surf Avenue would effectively reduce the crossing distance of the east crosswalk by approximately 8 feet. As a result, the pedestrian impacts identified for the east and west crosswalks would be mitigated with the implementation of the proposed traffic mitigation measures. But the shortened

crossing time at the north crosswalk would result in a new significant adverse crosswalk impact at this location. Restriping the width of the north crosswalk from its existing width of 16 to 18.5 feet would mitigate this projected significant adverse crosswalk impact.

Air Quality

At certain sites, to preclude the potential for impacts from HVAC systems at certain potential and projected development sites, an air quality E-designation would be mapped as part of the proposed zoning or a Memorandum of Understanding would be established for city-owned parcels with a subsequent Restrictive Declaration for land disposed of by the City:

- Block 7072, Lot 1 (Projected Development Site 1)
Any new residential and/or commercial development on Block 7072, Lot 1 (southwest tower on Site 1) must ensure that No. 2 fuel oil or natural gas is used for the heating, ventilation, and air conditioning systems.
- Block 7063, Lot 12 (Projected Development Site 4)
Any new residential and/or commercial development on Block 7063, Lot 12 (southeast tower on Site 4) must ensure that No. 2 fuel oil or natural gas is used for the heating, ventilation, and air conditioning systems.
- Block 7061, Lots 6 and 8 (Potential Development Site F)
Any new residential and/or commercial development on Block 7061, Lots 6 and 8 (Site F) must ensure that No. 2 fuel oil or natural gas is used for the heating, ventilation, and air conditioning systems.
- Block 7064, Lot 45 (Potential Development Site C)
Any new residential and/or commercial development on Block 7064, Lot 45 (Site C) must ensure that No. 2 fuel oil or natural gas is used for the heating, ventilation, and air conditioning systems.

The Technical Memorandum identifies one additional air quality E-designation as a result of the proposed modifications. To preclude the potential for significant adverse air quality impacts, an E-designation that would restrict the use of No. 4 oil would be incorporated into the proposed zoning for Site 3.

The text of the E-designation would be as follows:

Block 7063, Lots 27, 28, 31, 32, 35, 37, and 38 (Projected Development Site 3)

Any new residential and/or commercial development on Block 7063, Lots 27, 30, 31, 32, 35 (Surf Avenue tower on Site 3) must ensure that No. 2 fuel oil or natural gas is used for the heating, ventilation, and air conditioning systems.

With these restrictions in place, there would be no potential for any significant air quality impacts from HVAC system emissions.

Noise

The proposed actions would result in significant adverse noise impacts at sensitive noise receptors at two locations—at receptor site 6 outside of the rezoning area on West 17th Street between Neptune Avenue and Mermaid Avenue, and at receptor site 11 within the Coney East subdistrict on Stillwell Avenue between Surf Avenue and the Boardwalk.

At receptor site 6, the proposed actions would result in increases in noise levels between the No Build and Build conditions of more than 3 dBA for the weekday midday peak period at 38 residential buildings, three church convent buildings, and one commercial building on West 17th Street between Mermaid and Neptune Avenues, which would exceed the CEQR threshold for a significant adverse impact. The exceedance of the 3 dBA CEQR impact criteria would be due principally to noise generated by the large incremental traffic volumes on West 17th Street. Potential significant adverse impacts at buildings at additional receptor sites A1 to A5 and A8 could be mitigated with double-glazed or storm windows with good sealing properties, and air-conditioning units. At the locations where significant adverse impacts are predicted to occur, the City would make these measures available, at no cost, to owners of properties where these measures do not currently exist. With these measures, the project noise impacts would be fully mitigated.

At receptor site 11, which is located within the Coney East subdistrict, the proposed actions would result in increases in noise levels between the No Build and Build conditions of more than 10 dBA for all analysis peak periods, except for the weekday AM peak period. These increases in noise levels would exceed the CEQR impact criteria and would constitute a significant adverse noise impact. The exceedances of the CEQR impact criteria at this receptor site would be due principally to noise generated by the activities in the proposed amusement park. However, no existing noise-sensitive uses were identified in the vicinity of this receptor site, and the increases in noise levels at this location would only impact pedestrians at ground level within the proposed 27-acre entertainment and amusement district. There are no feasible mitigation measures that could be implemented to eliminate the significant noise impacts for pedestrians at this location, and therefore, a significant noise impact is identified in this FEIS as an unavoidable adverse impact. While amusement noise would significantly increase ambient noise levels at this location within the proposed entertainment and amusement district, it is not expected to result in noise impacts to residential areas and other sensitive uses outside of the Coney East subdistrict.

To ensure that building attenuation requirements are met, E-designations would be placed on the following privately owned development sites—Projected Development Sites 1, 3, 4, 5, 8, 9, 16, 17, 18, 19, and 20; and Potential Development Sites B, C, D, E, F, J, and K. In addition, there would also be Land Disposition Agreements for some HPD properties and MOUs for City sites to be disposed.

PUBLIC REVIEW

On January 20, 2009, the original application (N 090273 ZRK) was duly referred to Brooklyn Community Board 13 and the Brooklyn Borough President in accordance with the procedure for non-ULURP items. Concurrently, on January 20, 2009, the related applications (C 090272 ZMK, C 090107 MMK, C 090274 PQK, C 090275 POK, C 090276 HAK and C 090277 PPK), were certified as complete by the Department of City Planning in accordance with in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b). On April 9, 2009, the modified

application (N 090273 (A) ZRK) was duly referred to Community Board 13, the Borough President and the Borough Board for information and review.

Community Board Public Hearing

Community Board 13 held a public hearing on the original application (N 090273 ZRK) and related applications (C 090272 ZMK, C 090107 MMK, C 090274 PPK, C 090275 PPK, C 090276 HAK and C 090277 PPK) on March 3, 2009, and on March 16, 2009, by a vote of 32 to 1 with 3 recusals, adopted a resolution recommending approval of the applications with the following conditions:

1. Remove from consideration the construction of WONDER WHEEL WAY. With its removal, more open acreage will be available for needed additional rides and amusement area attractions. The Bowery will continue to be the main walkway linking the iconic amusement features and the new ones accepted.
2. Maintain the KEY SPAN PARKING LOT with a multi-level parking lot for additional autos. No building and/or construction on this site where parking is needed until such time as more-than-sufficient off-street parking areas are identified. There shall be NO Alienation of Park Land on this entire KeySpan Parking Lot area!
3. Redevelopment of the ABE STARK ICE SKATING RINK on its current site. The Rink makeover should begin as soon as possible. If the RINK must be moved, it must be restructured conveniently within the Coney Island peninsula. Should a new site be selected, the current RINK must continue to operate until the opening day of any new Rink.
4. Follow-up traffic studies e.g. ingress and egress to and from the peninsula shall be done, at least, once every two years, and for 20 years thereafter. Ongoing evaluations should be maintained as to the traffic patterns in and out of the peninsula with careful analysis of the methodology of large-scale evacuations in the cases of storm surges, flood, blackouts, and other natural and/or man-made peninsula catastrophes. An immediate analysis and plan should be put into effect.
5. Create a SPECIAL AMUSEMENT ZONE. The City should not zone the area as parkland unless it owns all of the property involved. The Community should be part of the RFP process. Two members of the Community must be part of the RFP process.
6. Remove any potential EMINENT DOMAIN and/or CONDEMNATION consideration in order to allow extant small businesses and rides e.g. Eldorado and its neighbors to

continue operating without threats or anxiety over the future. No Eminent Domain and/or condemnation may be considered.

7. Initiate work on the antiquated INFRASTRUCTURE on the peninsula in order to safeguard any new construction. The problems of drainage, sewers, water lines, electricity, power, and other infrastructural needs must be eradicated to ensure quality-of-life for current residents of Coney Island.
8. Avoid any construction of new buildings that eclipse the height of the Parachute Jump.
9. Ascertain that all new housing construction in the North and West sectors be affordable, including WORK FORCE HOUSING. No new housing should be contemplated on the south side of Surf Avenue that will be higher than whatever height is allowed on the north side. The view of the ocean must be unobstructed. The pattern of 80% to 20% (market rate to affordable) must remain the norm from which negotiations may proceed.
10. Reconstruction of the BOARDWALK must be initiated, perhaps through help from the current Stimulus Package funds allocated to the City., Funds must be guaranteed to see that this begins in the light of the fact that the Boardwalk is the pivotal link between the entire shore area, its amusements, and its residents to the West and East of the amusement zone.
11. Initiate work on the long-planned upgrading of the NEW YORK AQUARIUM, which then remains as a key anchor to the amusement district and to the peninsula. Money for the Aquarium's needs for its new Shark Tank and other exhibits should be made available now.
12. Create more efficient TRANSPORTATION to and from the 'island' with the use of express trains on existing transit lines – not only the F – but include each of the lines that reach the shore area. Extended service must be planned for weekends, in particular, with at least increased services from 10am to 7pm. In addition, there should be the initiation of FERRY SERVICE to and from Lower Manhattan and Coney Island.
13. Replace plans for amusement area stores that would entail only 2,500 square feet of uses. No Big Box stores may be allowed, but there should be an alteration to the plans for stores that are no more than 10,000 square feet of footage in order to draw potential new shop owners.
14. Funds must be made available for needs at CONEY ISLAND HOSPITAL, which will be faced with the problems of a widely increased population of residents, tourists, work force, and visitors. Particularly needed is a new EMERGENCY ROOM to handle larger turnovers of people-n-need. Funds should also be made available for upgrading of existing Hospital facilities that need modernization to serve this new era of Coney Island.

15. Searches should be ongoing to determine potential sites for OFF-STREET PARKING. Restaurants and other new businesses should not be responsible for handling their own off-street parking measures; it should be the role of the City.
16. GARGIULO'S Restaurant, which has been a fixture of the community, wants to develop their property in such a manner to create affordable and low income housing as well as a new catering facility with parking. While the current plan does not allow Gargiulo's to do so, we are asking City Planning to continue to work with the owners so that they might be able to accomplish their goals. Railroad Avenue, no longer an existing street, must be removed from all mapping plans.
17. There must be ongoing JOB TRAINING PROGRAMS and UNION APPRENTICESHIP activities to prepare local residents for jobs in the renaissance of the peninsula. Local residents shall be given preference for employment (pre-and-post construction) as well as first preference for the purchase of the involved housing units. Involved employees should receive prevailing wage with accompanying benefits.
18. A maximum number of three hotels may be considered with one of them a water park hotel. They will be built on the north side of Surf Avenue.
19. A new school shall be built at the available site at Surf Avenue and West 29th Street. The School Construction Authority should consult with the Community Board concerning what type to school should be built, i.e., grade, middle, high school.
20. Purchase should be made of the Shore Theater Building (once the Loew's Coney Island Building) for use as a Community Arts Center.

Borough President Recommendation

The original application (n 090273 ZRK) and related applications (C 090272 ZMK, C 090107 MMK, C 090274 POK, C 090275 POK, C 090276 HAK and C 090277 PPK) were considered by the Brooklyn Borough President who issued a recommendation approving the application with conditions on April 27, 2009.

The Brooklyn Borough President provided comments with the recommendations. The excerpts below highlight the chief comments which are fully described in the attached recommendation.

Coney Island, once known as "America's Playground," possesses a unique character, ambience and personality which has symbolized this Brooklyn community to the entire world. The Mayor, working in conjunction with the DCP, under the direction of its Chair Amanda Burden, the Economic Development Corporation, the Coney Island

Development Corporation, and Council Member Domenic Recchia, should all be applauded for recognizing that Coney Island is a worldwide treasure that should be preserved as an amusement district.

Most theme parks, like Six Flags Great Adventure, charge a general admission or have a “pay-one-price” admission policy. One of the reasons that Coney Island holds a prominent significance in the minds of people throughout the world is that visitors are able to pay per ride. It has always been the place where working class families can escape to play and to dream. With this plan, the borough president believes that the city has gone a long way to set the framework for Coney Island to transform it into an entertainment mecca and major tourist destination. Through this plan, Coney Island can again become relevant in the lives of Brooklynites, Americans, and the world.

The borough president supports the goals of the Coney Island Plan. However, as may be expected with a comprehensive proposal of this significance and magnitude, there a number of concerns that the borough president believes deserves more discussion.

The Brooklyn Borough President recommended approval with the following conditions:

Zoning map change 090272 ZMK - The borough president recommends approval.

Zoning text change 090273 ZRK – The borough president recommends approval of this application by the Department of City Planning and the City Council with the following conditions:

1. That ground floor amusement space be a minimum of 15 percent of the frontage on Surf and Stillwell Avenues and West 10th Street with a goal of creating 150,000 square feet of ground floor amusement space in the Special Coney Island District.
2. Architecture/ Signage / Lighting/ Historic Structures – Establish a Coney Island Design Committee in order to insure that the development of the Coney Island amusement area (i.e., SCID) remains unique, creative and iconic; and, in order to create a link between the new zoning and the overall design aesthetic with regard to elements such as architecture, signage, lighting and the preservation of appropriate buildings and amusements, to codify and guarantee the upholding of certain aesthetic values for thrilling, over-the-top design both now and in the future.
3. Gargiulo’s - That the city continue to work with the owner to identify additional modifications to the zoning.

Dispositions 090274 POK and 090277 PPK - The borough president recommends approval of this application by the Department of City Planning and the City Council with the same conditions as Zoning Text Change 090273 for the Special Coney Island District (Coney East).

Land disposition 090275 POK and UDAAP 090276 HAK - The borough president recommends approval of these applications by the City Planning Commission and the City Council with the following conditions:

1. Affordable housing – That there be an increase of the amount of affordable housing in the Coney West or Coney North districts from 20 percent to 35 percent of total units through the disposition of city-owned properties.
2. Supermarket - That the developer of one of the city-owned properties in either Coney West or Coney North districts provide a supermarket and that such requirement be included in all RFPs.

City map change 090107 MMK - The borough president recommends approval of this application by the City Planning Commission and the City Council with the following conditions:

1. Abe Stark Rink – That the rink continue in operation until such time that a replacement rink has been constructed at an alternative location.
2. Deno’s - That the city continue to work with the owner to identify the means of keeping this renowned amusement park intact consistent with the vision of the property owner.

Be it further resolved that the borough president call on:

A. The mayor to advance the design and construction of the P.S. 188 Gymnasium project

B. The City to provide residential discounts for local attractions and amusements

C. The City to require the following in all RFP’s that is issues:

1. That there be targeted outreach and assistance so that residents of Coney Island (11224) benefit by obtaining not less than 50 percent of new jobs created as a result of the Coney Island Plan.
2. That all contractors, subcontractors, and employers pay prevailing or area-wide wages, for every trade and position.
3. That all contractors, subcontractors, and employers must have a track record of successfully performing the services at issue, paying livable wages and benefits, and complying with all applicable city, state, and federal laws, including health and safety laws, environmental laws, wage and hour laws, and antidiscrimination laws, for at least the past five years.
4. That all building service workers must be paid the prevailing wage and supplement rates.
5. That livable wages be paid for non-union eligible jobs.
6. That to the greatest extent possible, contracts and suppliers should be minority and women-owned business enterprises and local-owned business enterprises.
7. That opportunities for neighborhood entrepreneurs be promoted by encouraging developers to provide space for small businesses.

D. The City to conduct a study to determine the feasibility of reopening the Parachute Jump, a great amusement, as Coney Island’s signature ride; updated to today’s technology, once again for the families of this and future generations

City Planning Commission Public Hearing

On April 22, 2009, (Calendar Nos. 5 and 6 respectively), the City Planning Commission scheduled May 6, 2009, for a public hearing on the original application (N 090273 ZRK) and the modified application (N 090273 (A) ZRK). The hearing was duly held on May 6, 2009, (Calendar Nos. 21 and 22), in conjunction with the public hearings on the related applications (C 090272 ZMK, C 090107 MMK, C 090274 PQQ, C 090275 PQQ, C 090276 HAK and C 090277 PPK).

There were 32 speakers in favor of the application and related actions and 13 speakers in opposition.

Those speaking in favor included the president of the Coney Island Development Corporation (CIDC), representatives from the Economic Development Corporation (EDC), the Brooklyn Borough President, the District Manager of Community Board 13 and representatives of the Regional Planning Association, the American Institute of Architects – Brooklyn Chapter, the Municipal Art Society, the Brooklyn Chamber of Commerce, Coney Island USA, Save Coney Island, and several landowners, unions workers, community leaders and neighborhood residents.

Those speaking in favor discussed the importance of the Coney Island plan as a comprehensive effort to revitalize the peninsula. The speakers stated that the proposed actions would provide significant opportunities for the growth of the amusement area and the surrounding blocks by mapping parkland and rezoning to stimulate investments in entertainment, housing and retail developments.

They stated that the plan would ensure that amusements remain in Coney Island in perpetuity, prolonging the unique legacy of the area. Speakers also stated that the development of the amusement area would act as a catalyst for the development of the amusement and entertainment district as well as new commercial and residential development in the surrounding blocks.

The speakers also noted that the Coney Island plan would help to secure jobs for the residents of the peninsula and recreate Coney Island as an economic engine for south Brooklyn. The speakers stated that the development of the residential and commercial portions of the plan, including about 1,000 units of affordable housing and 500,000 square feet of retail, would bring essential housing and retail opportunities in the neighborhood.

The president of the Economic Development Corporation, explained that development in Coney West is contingent upon the alienation of mapped parkland, and that without the mapping of new parkland in Coney East, the amusement area will not be able to grow. The president of the CIDC, explained the organization's involvement in employment and job training in the area and in the marketing of the amusement area.

The representative of the Regional Planning Association stated that Coney Island was one of New York's last iconic places to be reinvented and that the plan is an ambitious and implementable vision of both outdoor and indoor amusement, supporting commercial activity and new housing.

The representatives of the Municipal Art Society, Coney Island USA and Save Coney Island expressed strong support for the City's goals of mapping parkland and the City's efforts to acquire land within the amusement area to ensure its long-term preservation and enhancement.

These speakers also expressed concerns about the size of the amusement area, the preservation of historic structures in the rezoning area and the location of hotels south of Surf Avenue.

The Brooklyn Borough President reiterated his recommendations as part of his testimony. Representatives of Taconic Investment Partners, one of the major landowners in the area, while speaking in support of the overall goals of the plan expressed concerns about the efficiency of the proposed building form, floodplain issues as they relate to the activation of ground-floors and asked for the allowance to transfer floor area between blocks in Coney West to better accommodate the presence of the landmarked Child's restaurant in the development. Most speakers in favor noted the need to act expeditiously in order to save the few active amusement uses remaining in Coney Island and capitalize on the City's efforts to revitalize the area.

Those speaking in opposition included a representative of the State Senator from the 27th District, the owners of Gargiulo's Restaurant, ACORN, neighborhood residents and representatives of properties to be acquired by the City including Thor Equities and the owner of the Wonder Wheel Park.

The owners of Gargiulo's noted their support for zoning changes to allow for redevelopment in the Coney Island area but expressed concerns about the specific amount of density permitted,

proposed tower floor plates and building form efficiency as it relates to their plan of relocating Garguilo's restaurant on Surf Avenue.

The representative of the owner of the Wonder Wheel Park also noted his support for the administration's revitalization effort but opposed the mapping of parkland and Wonder Wheel Way on his property as well as the concept of a single operator for the proposed amusement park.

Representatives of Thor Equities also opposed the mapping of parkland and Wonder Wheel Way, arguing that the proposed configuration was bisecting their holdings. They expressed concerns about the capacity of the City to deliver an amusement park through the mapping of parkland and stated that the proposed zoning is too limiting and that it would result in further neglect in Coney East. They also expressed concerns about the off-site parking provisions and urged the City to provide the required accessory parking for the future developments.

The representative of the State Senator from the 27th District opposed the plan and stated that the City does not own the land it intends to map as parkland and did not have a developer and the money necessary to deliver its vision.

Many speakers, including those appearing both in support and in opposition, commented on the general subject of affordable housing. Opposition speakers echoed supporting speakers in their emphasis on the necessity of inclusionary zoning as a key component of the proposal, while focusing their concerns on the levels of affordability as provided through the Inclusionary Housing Program and the need for an expanded affordable housing supply.

A number of speakers also expressed concerns that the plan did not guarantee that local residents be given preference for jobs and that these jobs offer prevailing wages and benefits.

There were no other speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application in conjunction with the applications for the related actions, 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 22, 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 WRP number is 08-097. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the amendment to the zoning resolution (N 090273 (A) ZRK), as further modified herein, together with the amendment to the zoning map (C 090272 ZMK), amendment of the City Map (C 090107 MMK), acquisition of property (C 090274 PQK, C 090275 PQK), designation of an Urban Development Action Area and Project, project approval and disposition of City-owned property (C 090276 HAK) and disposition of City-owned property (C 090277 PPK), are appropriate. The modified application (N 090273 (A) ZRK) responds to comments made during the Community Board and Borough President review period with respect to the original application (N 090273 ZRK). The Commission believes that the provisions of the modified application strengthen and improve the plan.

The Commission supports this comprehensive, long-range plan to facilitate the development of approximately 19 blocks of mostly vacant and underutilized land into a vibrant 27-acre amusement and entertainment district. Outside of the amusement area, the plan could result in approximately 4,500 units of new housing, including about 900 units of affordable housing, approximately 500,000 square feet of much-needed neighborhood retail and services as well as jobs and career opportunities for the long-time residents of the peninsula. The proposed actions are essential to leverage Coney Island's unique 'brand' and would help secure the area's economy, provide housing and employment opportunities for its residents and reestablish Coney Island as a year-round, open and accessible amusement destination for the city, the region and the world.

The Commission believes that the Special Coney Island District utilizes the most up-to-date zoning practices to provide for both orderly growth and the preservation of historic amusement uses in a way that builds upon the strengths of Coney Island and provides for its long-term needs.

The Commission notes that private investment in the area has been limited by outmoded zoning that does not provide the flexibility or density to allow for development. The proposed rezoning would facilitate the development of new amusement, entertainment and mixed-residential buildings while ensuring that views to the historic icons are preserved from the side streets. The plan reestablishes Surf Avenue and the Boardwalk as active commercial and entertainment corridors for residents and visitors alike. The Special District would also facilitate the creation of affordable housing via the establishment of an Inclusionary Housing Zoning bonus in the newly rezoned residential blocks.

In Coney East, the mapping of parkland provides the greatest protection possible for open amusements. The last several decades have shown that zoning is not an adequate tool to protect amusements against disinvestment and demolition. The Commission notes that government ownership of property occupied by amusements, Rye Playland in Westchester being one example, has been employed elsewhere as a strategy to secure the future of traditional amusements and that this approach has already been followed with the Cyclone roller coaster in Coney Island. The parkland designation for Coney East will allow the City to preserve the amusements in perpetuity in their historic location, and foster development of a vibrant, open, accessible and affordable amusement park at a key location that will preserve the unique relationship between the amusements, the Boardwalk and the beach. Furthermore, the Commission believes that the park will function as a catalyst for redevelopment in other parts of the rezoning area and will become the anchor of the entire district.

Without the proposed demapping of parkland, the full development of Coney West cannot move forward. The new streets that are proposed to be mapped are located within the current parkland and, absent the park demapping, development potential in Coney West would be reduced to a block and a half of development located between two asphalt parking lots. Moreover, the plan would not realize its key goals of providing much-needed housing and retail opportunities for the neighborhood and transforming Surf Avenue as a vibrant commercial boulevard.

The Commission believes each element of the proposed amendment to the City Map is necessary for the plan to meet its goals. The Commission notes that, in order to facilitate the

implementation of the mapping actions in phases, the form of the mapping application has been changed so that there would be separate maps for the various elements. This administrative change would not alter the nature and substance of the mapping actions.

During the public review, concerns were raised, especially by the Brooklyn President, about the presence of amusements in the amusement and entertainment district. The Commission is therefore modifying the text to require that fifteen percent of the ground-floor frontages of properties along the south side of Surf Avenue, Stillwell Avenue and West 10th Street be dedicated to amusements as defined in UGA(1). This will be in addition to the original requirements on Bowery and Wonder Wheel Way.

During the public review, concerns were expressed about the appropriateness of new hotel development on Surf Avenue in the Coney East subdistrict. The Commission notes there was both support and opposition to allowing hotels at that location and further notes that in many entertainment districts, including Coney Island during its heyday, hotels have helped to insure the vitality of the district by ensuring activity after business hours and by allowing visitors to stay longer in the area. The Commission therefore believes that hotels in the Coney East subdistrict would further the overall goals and objectives of the rezoning plan, while also recognizing that the use represents only a portion of the anticipated development and that it would be limited to the Surf Avenue frontages. The Commission is hereby modifying the definition of “hotel” in the Special District regulations to ensure consistency with the general definition in Section 12-10 of the Zoning Resolution, as interpreted and administered by the Department of Buildings, while maintaining the requirement that hotels be used exclusively for transient occupancy.

The Commission recognizes that Parcel 1 in the Coney East Subdistrict is the location of the future open amusement park, to be acquired by the City and mapped as parkland, and that the Zoning Resolution does not govern uses in mapped parks. Accordingly, the Commission is hereby modifying the text to remove the proposed regulations governing allowed uses under Parcel 1, and no changes to the current underlying C7 zoning district will be made for this area.

The Commission also heard concerns about facilitating the transition between the proposed development and the landmarked Child's building, the proposed Highland View Park and the existing lower context character. In that regard, the Commission is modifying the Special District to allow for a transfer of floor area between the landmarked Child's building and the proposed development across West 21st Street in the Coney West subdistrict. The Commission believes this transfer will facilitate the placement of bulk within the proposed massing and away from the Child's building, the park and the existing context to the west.

The Commission also heard concerns from property owners that the street wall and frontage requirements on Surf Avenue throughout the rezoning area were too limiting and did not give developers enough design flexibility to address the difference between the street grade and the base floodplain elevation. The Commission notes that the related application for an amendment to the City Map (C 090107 MMK) proposes to raise the grade of the existing and new streets in the rezoning area to the level of the base floodplain elevation or above to facilitate the development of active ground-floor uses under current Federal Emergency Management Agency (FEMA) standards wherever possible. The Commission recognizes that the amendment to the City Map reflects, wherever possible, the FEMA standards, and facilitates better access and visibility to the Boardwalk and the beach. However, the Commission also notes that the presence of existing structures and the need to meet the grades of existing streets outside of the rezoning area prevent raising grades on all streets, and that in many locations in the rezoning area, a substantial difference in grade between the existing and proposed grades and the base floodplain elevation remains. Therefore, to facilitate the development of active ground-floors, the Commission is making the following modifications to the Special District:

- in order to incentivize the ramps, stairs and ADA accessible lifts providing access to the lowest story above the base floodplain elevation from the public sidewalk to be located within the building, up to 300 square feet of area utilized for this purpose would be exempted from the definition of floor area;
- to minimize the visual impact of ramps, stairs and ADA accessible lifts provided outside of the building, street wall recess would only be permitted for access to building entrances up to 20 feet in width and 10 feet in depth.

- to ensure adequate light into the entry space of such recessed area, a minimum of 15 feet in height would be required, as measured from the base floodplain elevation.
- outside ramps breaking the street wall requirement shall be permitted only by authorization of the City Planning Commission.
- the 60-foot maximum frontage per establishment regulation has been changed to a minimum of four establishments per block, allowing retail programming to be designed in relation with floodplain mitigation measures while ensuring retail diversity and vibrant street life.

The Commission heard concerns that the proposed regulation limiting the portion of buildings on the side streets located between the Coney North and Mermaid Avenue subdistricts to 23 feet in height was an impediment to the efficient development of these blocks. In that regard, the Commission is modifying the text to eliminate this restriction, referred to as ‘the buffer zone’. Development within this area would be able to rise to the maximum base height of 65 feet and the transition height of 85 feet established for the side streets in the Coney North subdistrict.

The Commission also heard concerns from landowners in the subdistricts to be rezoned to allow residential with ground-floor retail uses that the proposed maximum tower floor plates were too restrictive, and that the tower forms did not allow for an efficient building form. The Commission believes that the proposed maximum tower floor plate of 8,500 square feet adequate for viable development while ensuring that views to the beach and the historic icons from the street be preserved and enhanced.

With regard to affordable housing, the Commission recognizes that the Inclusionary Housing program has been designed to provide strong incentives for affordable housing through the combination of increased floor area and the ability to use various housing subsidy programs. The 33 percent floor area bonus allowed under the program, when combined with subsidy programs, generates affordable housing which would be 20 percent of the total floor area. The income limits of the Inclusionary Housing program match standards issued by the U.S. Department of Housing and Urban Development, because the various funding streams used by HPD to subsidize affordable housing are geared to these HUD standards. The Inclusionary

Housing program requires units to be affordable at or below 80 percent of the HUD Area Median Income; however, the use of certain subsidy programs enables units to be made affordable to lower incomes. To date, 73 percent of the affordable units created through the recently expanded Inclusionary Housing program have been affordable to households at or below 60 percent of the HUD AMI. It is projected that close to 900 units could be produced in the proposed Special District through the proposed Inclusionary Housing Program (IHP). The Commission notes that for affordable units generated by the IHP, there is a community preference for 50 percent of the units. Since 2000 (FY 2000 - FY 2009 as of April), HPD has had a total of 2,341 housing starts in Brooklyn Community District 13. Further, the Commission notes that for the period between fiscal year '04 and fiscal year '08, 95 percent of HPD's investment in Coney Island was dedicated to low-income housing (below 80 percent of AMI), while 4 percent went to moderate-income housing (81 percent -100 percent of AMI), and 1 percent went to middle-income housing. Among the projects in the pipeline for development in the immediate area, the Commission notes Coney Island Commons will have 100 percent of its units income targeted. The Commission encourages HPD to continue to explore creative alternatives in meeting the growing demand for income-targeted, affordable housing, and to leverage, when possible, the availability of City-owned sites to do so.

With regard to parking, the Commission notes that the Special District allows for accessory parking to be accommodated off-site within an expanded radius defined in the Special District as an area bounded by Ocean Parkway to the east, West 27th Street to the west, the Coney Island creek to the north and the Boardwalk to the south. The Final Environmental Impact Statement (FEIS) identifies several City-owned sites that could accommodate off-site accessory parking spaces. In addition, it is expected that developments in Coney North would provide additional parking that would satisfy some of the Coney East parking needs. To facilitate the construction of these spaces, required accessory spaces and public parking spaces would not be counted toward the definition of FAR. The Commission believes that the proposed parking strategy is appropriate and would satisfy the parking demand generated by development in Coney East.

The Commission acknowledges concerns raised about the mapping of Wonder Wheel Way. The Commission believes Wonder Wheel Way is a critical component of the revitalized amusement

and entertainment district. By providing a direct connection between the Parachute Jump, the Wonder Wheel and the Cyclone roller coaster, it knits together key features of the amusement district and ensures an appropriate transition between the amusement park and the amusement/entertainment developments to the north.

The Commission also heard testimony that remaining historic structures should be landmarked. The Commission recognizes the importance of these buildings, such as the Shore Theater and Nathan's Famous, in their contribution to the surrounding landscape and notes that the proposed rezoning offers opportunities for the rehabilitation and reuse of the Shore Theater as a hotel, an entertainment venue or an apartment building. Furthermore, the Commission notes that the plan for Coney Island integrates these structures into the surrounding built fabric and uses them as the basis for building height regulations.

With regard to the idea of Design Committee as proposed by the Borough President, the Commission believes that the mix of uses, and flexible bulk regulations for the Coney East subdistrict will facilitate and encourage creative architecture and design. Architectural or design review of development within the subdistrict could be included as part of any disposition city-owned property related to the proposal.

The Commission appreciates the outreach and coordination that has been conducted so far by the project's applicants in developing the project, and it urges these agencies to continue their collaborative efforts as the project is implemented. The Commission notes, in particular, that the Economic Development Corporation and the Departments of Environmental Protection and Design and Construction are collaborating on a plan for the phased implementation of water and sewer infrastructure improvements in the area, and that the Administration has committed to the funding of the initial phases of design and construction through the budget process.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on June 5, 2009 with respect to this application, together with the Technical Memorandum, dated June 15, 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, together with the modifications thereto adopted herein, and as described in the Technical Memorandum, dated June 15, 2009, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FEIS 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 FEIS, and the Technical Memorandum, dated June 15, 2009, constitute 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 Section 200 of the New York City Charter, that based on the environmental determination set forth above and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

PROPOSED SPECIAL CONEY ISLAND DISTRICT

“A text “ with CPC Modifications

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicate where unchanged text appears in the Zoning Resolution

11-12

Establishment of Districts

* * *

Establishment of the Special Clinton District

* * *

Establishment of the Special Coney Island District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 1, the #Special Coney Island District# is hereby established.

Establishment of the Special Coney Island Mixed Use District

* * *

12-10

Definitions

* * *

Special Coney Island District

The #Special Coney Island District# is a Special Purpose District designated by the letters “CI” in which special regulations set forth in Article XIII, Chapter 1, apply. The #Special Coney Island District# appears on the #zoning maps# superimposed on other districts and, where indicated, its regulations supplement, modify and supersede those of the districts on which it is superimposed, provided that its regulations shall not apply in Parcel 1 of the Coney East Subdistrict, which shall be governed by the provisions of the underlying C7 District.

14-44

Special Zoning Districts Where Certain Sidewalk Cafes are Permitted

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

* * *

	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Brooklyn		
Bay Ridge District	Yes	Yes
<u>Coney Island District</u>	<u>No</u>	<u>Yes</u>
Coney Island Mixed Use District	Yes	Yes
Downtown Brooklyn District	Yes	Yes
Mixed Use District-8 (Greenpoint-Williamsburg)	Yes	Yes
Ocean Parkway District*	Yes	Yes
Sheepshead Bay District	No	Yes

 * #Sidewalk cafes# are not allowed on Ocean Parkway

* * *

**Chapter 5
 Residential Conversion of Existing Non-Residential Buildings**

* * *

**15-011
 Applicability within Special Districts**

* * *

The provisions of this Chapter shall apply in the #Special St. George District# as modified by Article XII, Chapter 8 (Special St. George District).

The provisions of this Chapter shall apply in the #Special Coney Island District# as modified by Article XIII, Chapter 1 (Special Coney Island District).

* * *

ALL TEXT IN ARTICLE XIII, CHAPTER 1 IS NEW

**131-00
 GENERAL PURPOSES**

The #Special Coney Island District# established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes, to:

- (a) preserve, protect and enhance the character of the existing amusement district as the location of the city's foremost concentration of amusements and an area of diverse uses of a primarily entertainment and entertainment-related nature;
- (b) facilitate and guide the development of a year-round amusement, entertainment and hotel district;

- (c) facilitate and guide the development of a residential and retail district;
- (d) provide a transition to the neighboring areas to the north and west;
- (e) provide flexibility for architectural design that encourages building forms that enhance and enliven the streetscape;
- (f) control the impact of development on the access of light and air to streets, the Boardwalk and parks in the district and surrounding neighborhood;
- (g) promote development in accordance with the area's District Plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

**131-01
General Provisions**

The provisions of this Chapter shall apply to all #developments#, #enlargements#, #extensions#, alterations and changes of #use# within the #Special Coney Island District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

**131-02
District Plan and Maps**

The District Plan for the #Special Coney Island District# identifies specific areas comprising the Special District in which special zoning regulations are established in order to carry out the general purposes of the #Special Coney Island District#. The District Plan includes the following maps in the Appendix of this Chapter.

- Map 1 Special Coney Island District and Subdistricts
- Map 2 Mandatory Ground Floor Use Requirements
- Map 3 Coney East Subdistrict Floor Area Ratios
- Map 4 Street Wall Location
- Map 5 Minimum and Maximum Base Heights
- Map 6 Coney West Subdistrict Transition Heights

**131-03
Subdistricts**

In order to carry out the purposes and provisions of this Chapter, four subdistricts are established as follows:

- Coney East Subdistrict
- Coney West Subdistrict
- Coney North Subdistrict
- Mermaid Avenue Subdistrict.

In each of these subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Coney Island District#. The subdistricts are specified on Map 1 in the Appendix of this Chapter.

**131-04
Applicability**

131-041**Applicability of Article I, Chapter 1**

Within the #Special Coney Island District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a demolition permit, where compliance at time of demolition is required by the (E) designation, or a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for potential hazardous material contamination, noise or air quality impacts, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York stating:

- (a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
- (b) in the case of an (E) designation for noise or air quality impacts, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

131-042**Applicability of Article 1, Chapter 5**

The provisions of Article 1, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings), shall apply in the #Special Coney Island District#, as modified in this Section. The conversion to #dwelling units#, or portions thereof, erected prior to January 1, 1977, shall be permitted subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 Minor Modifications), paragraph (b). Uses in #buildings# erected prior to January 1, 1977, containing both #residential# and non-#residential uses# shall not be subject to the provisions of Section 32-42 (Location within Buildings).

131-043**Applicability of Article 6, Chapter 2**

The provisions of Article 6, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall not apply in the #Special Coney Island District#.

131-044**Applicability of Article 7, Chapter 4**

The provisions of Section 74-513 (In C7 Districts) shall not apply in the #Special Coney Island District#. In lieu thereof, #public parking lots# shall not be permitted, and #public parking garages# of any size shall be permitted as-of-right, provided such garages comply with the provisions of Section 131-52 (Use and Location of Parking Facilities).

131-045**Physical Culture Establishments**

The provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply in the Coney East, Coney North or Coney West Subdistricts. In lieu thereof, physical culture establishments shall be allowed as-of-right.

131-046

Modification of use and bulk regulations for zoning lots fronting upon the Riegelmann Boardwalk, Keyspan Park and Highland View Park

Where the #lot line# of a #zoning lot# coincides or is within 20 feet of the boundary of the Riegelmann Boardwalk, Keyspan Park or Highland View Park, such #lot line# shall be considered to be a #street line# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

131-10

SPECIAL USE REGULATIONS

The special #use# regulations set forth in this Section, inclusive, shall modify the underlying Commercial Districts, as applicable.

For the purposes of this Chapter, “ground floor level” shall mean the finished floor level within five feet of an adjacent public sidewalk or any other publicly accessible open area.

131-11

Use Group 5

For the purposes of this Chapter, the definition of #transient hotel# shall be modified to allow only such hotels used exclusively for transient occupancy. Such #transient hotels# used exclusively for transient occupancy shall be permitted only in specified locations as set forth in this Chapter.

13-12

Use Groups A, B and C

Special Use Groups are established as set forth in this Section, to promote and strengthen the commercial and entertainment character of the Special District.

131-121

Use Group A: Amusements

Use Group A consists of a group of #uses# selected from Use Groups 12, 13 and 15 as modified in this Section, and may be open or enclosed:

- (1) Amusement arcades
 - Amusement parks, with no limitation on floor area per establishment
 - Animal exhibits, circuses, carnivals or fairs of a temporary nature
 - Camps, overnight or day, commercial beaches or swimming pools
 - Dark rides, electronic or computer-supported games including interactive entertainment facilities, laser tag and motion simulators
 - Ferris wheels, flume rides, roller coasters, whips, parachute jumps, dodgem scooters, merry-go-rounds or similar midway attractions

Fortune tellers, freak shows, haunted houses, wax museums, or similar midway attractions

Miniature golf courses and model car hobby centers, including racing

Open booths with games of skill or chance, including shooting galleries

Water parks

- (2) Arenas or auditoriums, with capacity limited to 2,000 seats

Billiard parlors or pool halls, bowling alleys or table tennis halls, with no limitation on number of bowling lanes per establishment

Gymnasiums or recreational sports facilities including but not limited to indoor golf driving ranges, batting cages, basketball, volleyball, squash and other courts, without membership requirements

Skateboard parks, roller or ice skating rinks

Theaters, including movie theaters, provided such #use# does not occupy the ground floor level of a #building#, except for lobbies limited to a maximum #street# frontage of 30 feet except that on #corner lots# one #street# frontage may extend up to 100 feet

#Accessory uses# to the amusements listed above, including the display and sale of goods or services, provided:

- (a) such #accessory uses# are limited to not more than 25 percent of the #floor area# of the amusement establishment or, for open #uses#, not more than 25 percent of the #lot area#;
- (b) such #accessory uses# shall be entered only through the principal amusement establishment;
- (c) such #accessory uses# shall share common cash registers with the principal amusement #use#;
- (d) such #accessory uses# shall have the same hours of operation as the principal amusement #use#; and
- (e) the principal amusement #use# shall occupy the entire #street# frontage of the ground floor level of the establishment and shall extend to a depth of at least 30 feet from the #street wall# of the #building# or, for open #uses#, at least 30 feet from the #street line#.

131-122

Use Group B: Amusement and entertainment- enhancing uses

Use Group B consists of a group of #uses# selected from Use Groups 6, 9, 12, 13 and 18, as modified in this Section:

Art gallery, commercial

Banquet halls

Breweries

Eating or drinking establishments of any size, including those with entertainment or dancing

Historical exhibits

Spas and bathhouses

Studios, art, music, dancing or theatrical

Tattoo parlors

Radio or television studios

Wedding chapels

131-123

Use Group C: Retail and service uses

Use Group C consists of a group of retail and service #uses# selected from Use Groups 6, 7, 12 and 14, as modified in this Section:

Arts and crafts production and sales, including but not limited to ceramics, art needlework, hand weaving or tapestries, book binding, fabric painting, glass blowing, jewelry or art metal craft and wood carving

Bicycle sales, rental or repair shops

Bookstores

Candy or ice cream stores

Clothing or clothing accessory

Clothing, custom manufacturing or altering for retail including costume production and hair product manufacturing

Delicatessen stores

Fishing tackle or equipment, rental or sales

Gift shops

Jewelry manufacturing from precious metals

Musical instruments store

Toy stores

Music stores

Newsstands

Patio or beach furniture or equipment

Photographic equipment stores and studios

Sporting goods or equipment, sale or rental, including instruction in skiing, sailing or skin diving

**131-13
Special Use Regulations in Subdistricts**

**131-131
Coney East Subdistrict**

The #use# regulations of the underlying C7 District are modified as set forth in this Section. #Transient hotels# and Use Groups A, B and C, as set forth in Sections 131-11 through 131-123, inclusive, and #public parking garages# shall be the only #uses# allowed in the Coney East Subdistrict, and shall comply with the following regulations:

(a) Use Group C

Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage, except that on #corner lots# one #street# frontage may extend up to 100 feet.

(b) Bowery and Wonder Wheel Way

At least 50 percent of Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by Use Group A1 #uses# at the ground floor level, and not more than 50 percent of the Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by Use Group C #uses# at the ground floor level.

(c) Surf Avenue

At least 15 percent of the #street# frontage of each #block# front bounding the south side of Surf Avenue between West 16th Street and West 10th Street shall be occupied by Use Group A1 #uses# at the ground floor level.

There shall be separate ground floor establishments fronting upon each #block# front bounding Surf Avenue, as follows:

- (1) On the #block# front bounding the southerly #street line# of Surf Avenue between Stillwell Avenue and West 12th Street there shall be at least six establishments;
- (2) On the #block# front bounding the southerly #street line# of Surf Avenue between West 12th Street and West 10th Street there shall be at least six establishments;
- (3) On all other #block# fronts there shall be at least four establishments;
- (4) The provisions of this paragraph (c) shall not apply along the southerly #street line# of Surf Avenue east of West 10th Street.

There may be fewer establishments fronting upon such #block# fronts than required pursuant to this paragraph (c) where the Chairperson of the Department of City Planning certifies to the Department of Buildings that such modification is necessary to accommodate an amusement #use# listed in Use Group A1.

(d) Stillwell Avenue and West 10th Street

At least 15 percent of the Stillwell Avenue and West 10th Street #street# frontage of any #zoning lot# shall be occupied by Use Group A1 #uses# at the ground floor level.

(e) #Transient hotels#

- (1) #Transient hotels# shall be permitted only on #blocks# with Surf Avenue frontage, except that no #transient hotels# shall be permitted on that portion of the #block# bounded by West 15th Street and West 16th Street south of the prolongation of the centerline of Bowery;
 - (2) #Transient hotel use# shall not be permitted within 50 feet of Bowery on the ground floor level of a #building#, except that where a #zoning lot# has frontage only on Bowery, a #transient hotel# lobby may occupy up to 30 feet of such frontage.
 - (3) For #transient hotels# located on #zoning lots# with at least 20,000 square feet of #lot area#, an amount of #floor area# or #lot area# of Use Group A1 #uses# equal to at least 20 percent of the total #floor area# permitted on such #zoning lot# shall be provided either onsite or anywhere within the Coney East Subdistrict.
 - (4) The #street wall# of the ground floor level of a #transient hotel# shall be occupied by active #accessory uses# including, but not limited to, lobbies, retail establishments, eating and drinking establishments and amusements.
 - (5) #accessory# retail establishments within a #transient hotel# shall be limited to 2,500 square feet of #floor area#.
- (f) Depth of ground floor uses
- All ground floor #uses# shall have a depth of at least 15 feet measured from the #street wall# of the #building#, as shown on Map 2 (Mandatory Ground Floor Use Requirements).
- (g) Parcel 2
- On Parcel 2 as shown on Map 2, only #uses# listed in Use Group A, and #public parking garages# of any size, shall be permitted, provided such garages comply with the provisions of Section 131-62 (Use and Location of Parking Facilities).

**131-132
Coney North and Coney West Subdistricts**

In the Coney North and Coney West Subdistricts, #uses# allowed by the underlying district regulations shall apply except as modified in this Section for #uses# fronting upon designated #streets#, as shown on Map 2 (Mandatory Ground Floor Use Requirements). For the purposes of this Section, the “building line” shown on Parcel F shall be considered a #street line# of Ocean Way or Parachute Way, as applicable.

- (a) Mandatory ground floor level use along designated #streets#
- Any #use# listed in Use Groups A, B and C, as set forth in Sections 131-12, inclusive, not otherwise allowed by the underlying district regulations, shall be permitted within 70 feet of the Riegelmann Boardwalk and within 100 feet of all other designated streets, as shown on Map 2.
- (1) Riegelmann Boardwalk
- Only #uses# listed in Use Groups A, B and C and #transient hotels# located above the ground floor level are permitted within 70 feet of the Riegelmann Boardwalk, except that a #transient hotel# lobby may occupy up to 30 feet of frontage along the Riegelmann Boardwalk. Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage for each establishment. All other establishments shall be limited to 60 feet of #street# frontage, except that for any establishment on a corner, one #street# frontage may extend up to 100 feet. All ground floor #uses# shall have a depth of at least 15 feet measured from the #street wall# of the #building#.

(2) Designated #streets# other than Riegelmann Boardwalk

At least 20 percent of the designated #street# frontage of a #building# shall be allocated exclusively to #uses# listed in Use Groups A, B or C. The remaining designated #street# frontage of such #buildings# shall be allocated to #commercial uses# permitted by the underlying district regulations or, where permitted, #transient hotels#. In addition, a #residential# lobby may occupy up to 40 feet of frontage along a designated #street#.

There shall be at least four separate ground floor #commercial# establishments fronting upon each #block# front bounding Surf Avenue.

All ground floor #commercial uses# shall have a depth of at least 50 feet measured from the #street wall# of the #building#. Such minimum 50 foot depth requirement may be reduced where necessary in order to accommodate a #residential# lobby and vertical circulation core.

(b) Prohibited ground floor level #uses# along designated #streets# other than Riegelmann Boardwalk

No #use# listed in this paragraph, (b), shall be permitted within 50 feet of a designated #street# on the ground floor level of a #building#. Lobbies or entryways to non-ground floor level #uses# are permitted, provided the length of #street# frontage occupied by such lobbies or entryways does not exceed, in total, 60 feet.

From Use Group 2:
All #uses#.

From Use Groups 3A and 3B:
All #uses#, except for libraries, museums or non-commercial art galleries.

From Use Groups 4A and 4B:
All #uses#, except for houses of worship or playgrounds.

From Use Group 5A:
All #uses#, except that #transient hotels# shall be permitted within 200 feet of Surf Avenue between Stillwell Avenue and West 16th Street.

From Use Groups 6B, and 6E
Offices, veterinary medicine offices or non-commercial clubs.

From Use Group 6C
Banks (except for automated teller machines, provided the length of #street# frontage allocated for automated teller machines shall be no more than 25 feet or 40 percent of the frontage of the #zoning lot#, whichever is less, except such frontage need not be less than 20 feet), except that this prohibition shall not apply along Stillwell Avenue.

Electrolysis studios, frozen food lockers and loan offices.

From Use Group 6D:
All #uses#.

From Use Group 7:
All #uses#, except for bicycle rental or repair shops.

From Use Groups 8A and 8B:
Automobile driving schools, ice vending machines, lumber stores or pawn shops.

From Use Groups 8C, 8D and 8E:
All #uses#.

From Use Groups 9A, 9B and 9C:
All #uses#, except for gymnasiums, public auction rooms, photographic
developing or printing establishments for the consumer, or art, music, dancing or theatrical
studios.

From Use Groups 10A, 10B and 10C:
Depositories for storage, and wholesale offices or showrooms.

Use Group 11:
All #uses#.

Use Groups 12A and 12B:
Trade expositions.

Use Groups 12C and 12D:
All #uses#.

Use Group 14A and 14B:
All #uses#, except for bicycle sales, rental or repair shops.

131-14

Location of Uses within Buildings

The provisions of Section 32-42 (Location within Buildings) are modified to permit:

- (a) #residential uses# on the same #story# as a non-#residential use# or directly below a non-#residential use#, provided no access exists between such #uses# at any level containing #residences#, and separate elevators and entrances from the #street# are provided; and
- (b) in the Coney North and Coney West Subdistricts, any #commercial use# permitted by this Chapter shall be permitted on the second #story# of a #mixed building#. Furthermore, a #public parking garage# may occupy any #story# of a #mixed building# provided such garage complies with the provisions of Section 131-52 (Use and Location of Parking Facilities).

131-15

Transparency

Each ground floor level #street wall# of a #commercial# or #community facility use# other than a #use# listed in Use Group A, as set forth in Section 131-121, shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher. Not less than 50 percent of the area of each such ground floor level #street wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

However, in the Coney East Subdistrict and along the Riegelmann Boardwalk and boundary of Keyspan Park in the Coney West Subdistrict, in lieu of the transparency requirements of this Section, at least 70 percent of the area of the ground floor level #street wall# of a #commercial use#, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher, may be designed to be at least 70 percent open during seasonal business hours.

**131-16
Security Gates**

All security gates installed after (effective date of amendment), that are swung, drawn or lowered to secure commercial or community facility premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#. However, this provision shall not apply to entrances or exits to parking garages, or to any #use# fronting upon the Riegelmann Boardwalk, provided that security gates at such locations that permit less than 75 percent visibility when closed shall be treated with artwork.

**131-17
Authorization for Use Modifications**

Along designated #streets# other than the Riegelmann Boardwalk, as shown on Map 2, the City Planning Commission may authorize Use Group A, B or C establishments with a ground floor depth of less than 50 feet upon a finding that the design and operation of such establishments result in an effective and compelling amusement, entertainment or retail space that furthers the goals of the Special District.

**131-20
SIGN REGULATIONS**

- (a) In the Coney East Subdistrict, the underlying C7 #sign# regulations shall apply, except that:
 - (1) no #advertising signs# shall be permitted above a height of 40 feet, and
 - (2) the provisions of Sections 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), inclusive, and 32-67 (Special Provisions Applying along District Boundaries) shall not apply.
- (b) In the Coney North and Coney West Subdistricts, the underlying C2-4 #sign# regulations shall apply, except that the height restrictions of Section 32-655 shall be modified to allow permitted #signs# at the level of any #story# occupied by a #commercial use#.

**131-30
FLOOR AREA REGULATIONS**

The #floor area ratio# regulations of the underlying districts shall be modified as set forth in this Section, inclusive.

**131-31
Coney East Subdistrict**

The maximum #floor area ratio# of the underlying C7 District shall not apply. In lieu thereof, the maximum #floor area ratio# is specified for each #block# or portion thereof, as shown on Map 3 (Coney East Subdistrict Floor Area Ratios). On Parcel 2, as shown on Map 3, the maximum #floor area ratio# for a #public parking garage# shall be 4.0.

**131-32
Coney West, Coney North and Mermaid Avenue Subdistricts**

**131-321
Special floor area regulations for residential uses**

R7A R7D R7X

(a) Applicability of Inclusionary Housing Program

R7A, R7D and R7X Districts within the #Special Coney Island District# shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (Inclusionary Housing Program), inclusive, applicable as modified within the Special District.

(b) Maximum #floor area ratio#

The base #floor area ratio# for any #zoning lot# containing #residences# shall be as set forth in the following table. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in the table through the provision of #lower income housing#, pursuant to the provisions for #Inclusionary Housing designated area#, as set forth in Section 23-90 (INCLUSIONARY HOUSING), inclusive. Parcels A through F within R7D Districts are shown on Map 1 (Special Coney Island District and Subdistricts).

TABLE FLOOR AREA RATIO FOR BUILDINGS CONTAINING RESIDENCES

Subdistrict Zoning District	Base #floor area ratio#	Maximum #floor area ratio#
Coney West Parcels: A, B, C, D R7D	4.35	5.8
Coney West Parcels: E, FR7D	4.12	5.5
Coney North R7X	3.75	5.0
Mermaid Avenue R7A	3.45	4.6

(c) Coney West floor area distribution rules

In the Coney West Subdistrict, #floor area# attributable to #zoning lots# within the following sets of parcels, as shown on Map 1 in the Appendix to this Chapter, may be distributed anywhere within such sets of parcels:

- Parcels A and B
- Parcels C and D
- Parcels E and F.

In addition, #floor area# attributable to lot 130, #block# 7071 within Parcel B may be distributed anywhere within Parcels C or D.

(d) Height and setback

For all #zoning lots#, or portions thereof, located in the Coney West or Coney North Subdistricts, the height and setback regulations of paragraph (b) of Section 23-942 shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

131-322

Special floor area regulations for community facility uses

In the Coney West and Coney North Subdistricts, the maximum permitted #floor area ratio# for #community facility uses# shall be 2.0.

131-323

Special floor area ratio regulations for hotel uses

In the Coney North Subdistrict, for #transient hotels# located within 200 feet of Surf Avenue between Stillwell Avenue and West 16th Street, the maximum permitted #floor area ratio# shall be 3.75.

131-324

Special floor area ratio regulations for entrances to stories above the base flood elevation

Up to 300 square feet of an entranceway adjoining the #street wall# of a #building# that contains ramps, stairs or handicap accessible elevators providing access from a public sidewalk to the lowest #story# above the #base flood elevation# shall be exempt from the definition of #floor area#.

131-325

Lot coverage

For #residential uses#, no maximum #lot coverage# shall apply to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less. Furthermore, the level of any #building# containing #accessory# parking spaces or non-#residential uses# shall be exempt from #lot coverage# regulations.

131-326

Rear Yards

Required #rear yards# or #rear yard equivalents# may be provided at any level not higher than the floor level of the lowest #story# containing #dwelling units# facing onto such #yard#.

131-40

HEIGHT AND SETBACK REGULATIONS

The underlying height and setback regulations shall not apply. In lieu thereof, the height and setback regulations of this Section shall apply. The height of all #buildings or other structures# shall be measured from the #base plane#.

131-41

Rooftop Regulations

(a) Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Coney Island District#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts) only in the Mermaid Avenue Subdistrict.

(b) Screening requirements for mechanical equipment

For all #developments# and #enlargements#, all mechanical equipment located on any roof of a #building or other structure# shall be fully enclosed, except that openings in such enclosure shall be permitted only to the extent necessary for ventilation and exhaust.

**131-42
Coney East Subdistrict**

The regulations of this Section, inclusive, shall apply to all #buildings or other structures# in the Coney East Subdistrict. For the purposes of applying the height and setback regulations of this Section, Jones Walk shall not be considered a #street#. Map 4 (Street Wall Location) and Map 5 (Minimum and Maximum Base Heights) in the Appendix to this Chapter, illustrate the #street wall# location provisions and minimum and maximum base height provisions of this Section 131-42, inclusive.

**131-421
Coney East Subdistrict, south side of Surf Avenue**

The following regulations shall apply along the south side of Surf Avenue and along those portions of #streets# intersecting Surf Avenue located north of a line drawn 50 feet north of and parallel to the northern #street# line of Bowery and its westerly prolongation.

(a) #Street wall# location

The #street wall# of a #development# or #enlargement# shall be located within five feet of the #street line# and extend along the entire frontage of the #zoning lot#, except that:

- (1) a sidewalk widening shall be required at the intersection of Surf Avenue and West 10th Street, extending from a point on the Surf Avenue #street line# 125 feet west of West 10th Street to a point on the West 10th Street #street line# 20 feet south of Surf Avenue. Such area shall be improved as a sidewalk to Department of Transportation standards, be at the same level as the adjoining sidewalks, and be accessible to the public at all times. Such sidewalk widening line shall be considered a #street line# for the purposes of applying the #use# and height and setback regulations of this Chapter;
- (2) ground floor level recesses up to three feet deep shall be permitted for access to building entrances. However, for building entrances providing direct access to the lowest #story# located above the #base flood elevation#, such recesses shall be permitted to have a depth of up to ten feet provided the width of such recesses does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;
- (3) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#;
- (4) to allow for portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from the #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower, and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) Building base

- (1) Surf Avenue , west of West 12th Street

West of West 12th Street, the #street wall# of a #development# or #enlargement# shall rise without setback to a minimum base height of 35 feet or the height of the #building#, whichever is less, and a maximum base height of 45feet. If a tower is provided, in accordance with requirements of paragraph (d) of this Section, the maximum base height shall be 65 feet. At a height no lower than the minimum base height and no higher than the maximum base height, a setback shall be required, pursuant to the provisions set forth in paragraph (c) of this Section.

For #developments# or #enlargements# located West of West 12 Street that, provide a tower in accordance with the requirements of paragraph (d) of this Section, not more than 40 percent of the #aggregate width of street walls# facing Surf Avenue shall exceed a height of 45 feet without setback, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least 60 feet but not more than 65 feet. Furthermore, any portion of a #street wall# which exceeds a height of 60 feet shall be located within 150 feet of the intersection of two #street lines# and shall coincide with the location of a tower. Towers shall comply with location requirements of paragraphs (d) of this Section.

(2) Surf Avenue, east of West 12th Street

East of West 12th Street, the #street wall# of a #development# or #enlargement# shall rise without setback to a minimum base height of 35 feet or the height of the #building#, whichever is less, and a maximum base height of 45 feet. At a height no lower than the minimum base height and no higher than the maximum base height, a setback is required that shall comply with the provisions set forth in paragraph (d) of this Section.

For the base of any #building# located on the south side of Surf Avenue, above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(3) of this Section.

(c) Transition height

All portions of a #building# that exceed the applicable maximum base height specified in paragraph (b) of this Section, shall be set back from the #street line# at least 20 feet except that where towers are provided, the minimum setback depth from the #street line# shall be 10 feet.

(1) East of West 12th Street

The maximum transition height shall be 65 feet, and all portions of #buildings# that exceed such height shall comply with the tower provisions of paragraph (d) of this Section, except that within 100 feet of Jones Walk on the easterly side, the maximum building height after the required setbacks shall be 85 feet.

(2) West of West 12th Street

All portions of a #building# that exceed the maximum base height as set forth in paragraph (b) (1) of this Section shall comply with the tower provisions of paragraph (d) of this Section.

(3) Special Regulations for Use Group A

The transition height regulations of paragraphs (c) (1) and (c) (2) of this Section shall not apply to #buildings# that rise to a maximum height of 85 feet to accommodate a Use Group A #use#; or to #buildings# where the Chairperson of the City Planning Department certifies to the Department of Buildings that additional height is necessary to accommodate an amusement #use# listed in Use Group A1.

(d) Towers

All #stories# of a #development# or #enlargement# located partially or wholly above a height of 65 feet shall be considered a "tower" and shall comply with the provisions of this paragraph.

(1) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

(2) Maximum length and height

The outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet.

The maximum height of a #building# located between West 12th Street and Jones Walk shall be 150 feet between West 12th Street and Jones Walk. The maximum height of a #building# located between West 12th Street and West 16th Street on #zoning lots# with less than 50,000 square feet of #lot area# shall be 220 feet; on #zoning lots# with 50,000 square feet or more of #lot area#, the maximum height of a #building# shall be 270 feet. All towers that exceed a height of 150 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

(3) Tower location

All towers shall be located within 25 feet of Surf Avenue and entirely within 100 feet of an intersecting #street#.

131-422

Coney East Subdistrict, north side of Surf Avenue

Any #building or other structure# fronting upon the north side of Surf Avenue shall not exceed a height of 85 feet. Furthermore, in order to protect the view from the elevated subway to the Coney East Subdistrict, no portion of such #building or other structure#, including permitted obstructions or #signs#, shall be located between a height of five feet below the upper level of the elevated subway tracks and a level 25 feet above such level, except for a vertical circulation core, supporting structural elements and related appurtenances. In no event shall more than 30 percent of the Surf Avenue frontage of the #zoning lot# be obstructed with such elements.

131-423

Along all other streets

The following regulations shall apply along Wonder Wheel Way, Bowery, and all other #streets# and portions thereof located south of a line drawn 50 feet north of and parallel to the northern #street# line of Bowery and its westerly prolongation.

(a) #Street wall# location

The #street wall# of the #development# or #enlargement#, or portion thereof, shall be located within five feet of the #street line#. However, for building entrances providing direct access to the lowest #story# located above the #base flood elevation#, a recess shall be permitted to have a depth of up to ten feet as measured from the #street line# provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;

(b) Maximum building height

The #street wall# of a #development# or #enlargement#, or portion thereof, shall rise to a minimum height of 20 feet and a maximum height of 40 feet before setback. The maximum height of a #building or other structure# shall be 60 feet, provided any portion of a #building# that exceeds a height of 40 feet shall be set back from the #street wall# of the #building# at least 20 feet.

West of West 12th Street, along the northern #street line# of Bowery, the maximum #building# height shall be 40 feet. If a tower is provided along the Surf Avenue portion of the #block#, 40 percent of the #aggregate width of street walls# may rise above the maximum #street wall# height of 40 feet, and such portion of the #aggregate width of street walls# shall be located within 150 feet of the intersection of two

#street lines# and shall coincide with that portion of the #street wall# along Surf Avenue that rises to a height of between 60 to 65 feet, pursuant to the provisions of paragraph (b)(1) of Section 131-421. However, where the portion of the #block# that fronts on Surf Avenue is #developed# or #enlarged# pursuant to the special regulations for Use Group A, in paragraph (c)(3) of Section 131-421 (Coney East Subdistrict, south side of Surf Avenue), the #street wall may rise after a setback of 20 feet to a maximum height of 60 feet for the entire length of the Bowery #street line#, or may extend beyond the 40 percent of the #aggregate width of #street wall# for the length of the #street wall# of such Use Group A #development# or #enlargement# which fronts along Surf Avenue, whichever is less.

Furthermore, a #building# that exceeds a height of 60 feet shall be permitted where the Chairperson of the City Planning Department certifies to the Department of Buildings that such additional height is necessary to accommodate an amusement #use# listed in Use Group A1.

131-43 Coney West Subdistrict

The regulations of this Section shall apply to all #buildings or other structures# in the Coney West Subdistrict. Map 4 (Street Wall Location), Map 5 (Minimum and Maximum Base Heights) and Map 6 (Coney West Subdistrict Transition Heights), in the Appendix to this Chapter, illustrate the #street wall# location provisions, minimum and maximum base height provisions and transition height provisions of this Section, inclusive. For the purposes of this Section, the “building line” shown on Parcel F shall be considered a #street line# of Ocean Way or Parachute Way, as indicated on such maps.

131-431 Coney West District, Surf Avenue

The regulations of this Section shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the building base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.

(a) #Street wall# location

The #street wall# of a building base of a #development# or #enlargement# shall be located on the Surf Avenue #street line# and extend along the entire Surf Avenue frontage of the #zoning lot#, except that:

- (1) ground floor level recesses up to three feet deep shall be permitted for access to building entrances; However, for building entrances providing direct access to the lowest #story# located above the #base flood elevation#, such recesses shall be permitted to have a depth of up to ten feet provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;
- (2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (3) to allow for portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from a #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) Building base

The #street wall# of a #development# or #enlargement# fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required. For #developments# or #enlargements# that exceed a height of eight #stories# or 85 feet, not more than 40 percent of the #aggregate width of street walls# facing Surf Avenue shall exceed a height of six #stories# or 65 feet, whichever is less, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least eight #stories# or 80 feet, whichever is less. However, on the blockfront bounded by West 21st Street and West 22nd Street, the minimum height of a #street wall# shall be 40 feet and the maximum height of a #street wall# shall be six #stories# or 65 feet, whichever is less, before a setback is required.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(2) of this Section.

All portions of a #building# that exceed the maximum heights set forth in this paragraph, (b), shall be set back from the #street line# at least ten feet.

(c) Transition height

Above the maximum base height, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that up to 60 percent of the #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet. All portions of #buildings# that exceed a transition height of 95 feet shall comply with the tower provisions of Section 131-434 (Coney West Towers).

131-432

Along all other Streets, other than the Riegelmann Boardwalk

The following regulations shall apply along all other #streets# in the Coney West Subdistrict, except within 70 feet of the Riegelmann Boardwalk.

(a) #Street wall# location

The #street wall# of a building base of a #development# or #enlargement#, or portion thereof, beyond 50 feet of Surf Avenue shall be located within eight feet of the #street line#, except that, to allow portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from the #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower. In addition, for #street walls# facing Ocean Way, building entrances providing direct access to the lowest #story# located above the #base flood elevation# may be recessed up to a depth of ten feet as measured from the #street line# provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;

For #buildings# where the ground floor level is occupied by #residential uses#, any area between the #street wall# and the #street line# shall be planted except for sidewalks, steps and handicap accessible elevators that provide access to building entrances.

(b) Building base

The #street wall# of a building base of a #development# or #enlargement#, or portion thereof, located beyond 100 feet of Surf Avenue, shall rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less, and a maximum height of six #stories# or 65 feet, whichever is less. Up

to 30 percent of the #aggregate width of street walls# may be recessed for #outer courts# or balconies, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, and provided the maximum depth of such recesses is 15 feet, as measured from the #street line#. All portions of a #building# that exceed a height of 65 feet shall be set back from the #street wall# of the #building# at least ten feet, except such setback distance may include the depth of any permitted recesses.

(c) Transition heights

Beyond 100 feet of Surf Avenue, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that:

- (1) above the maximum base height, up to 60 percent of the #aggregate width of street walls# facing Ocean Way, and along all other #streets#, other than the Riegelmann Boardwalk, shall be set back a minimum distance of 10 feet from the #street line#. The remaining portion of such #aggregate width of street walls# facing Ocean Way, and along all other #streets# other than the Riegelmann Boardwalk, shall be set back a minimum distance of 15 feet from the #street line#, except that for #blocks# north of the Ocean Way #street line#, along a minimum of one #street line# bounding the #block# (except for Surf Avenue), the remaining portion of such #aggregate width of street walls# shall remain open to the sky for a minimum depth of 100 feet from the #street line#;
- (2) for #blocks# bounding the southern #street line# of Ocean Way, any portion of a #building or other structure# that exceeds a height of six #stories# or 65 feet, whichever is less, shall be located within 80 or 100 feet of a #street line#, as indicated on Map 6 in the Appendix to this Chapter;
- (3) for portions of #buildings# higher than six #stories# or 65 feet that are within 100 feet of the Riegelmann Boardwalk, each #story# within such portion shall provide a setback with a depth of at least ten feet, measured from the south facing wall of the #story# directly below.

A #building# may exceed such transition heights only in accordance with the tower provisions of Section 131-434.

**131-433
Riegelmann Boardwalk and Building Line of Parcel F**

The #street wall# of the #development# or #enlargement# shall be located on the Riegelman Boardwalk #street line# and extend along the entire Riegelmann Boardwalk frontage of the #zoning lot# to a minimum height of 20 feet, as shown on Map 2 (Mandatory Ground Floor Use Requirements). Any #building or other structure# within 70 feet of the Riegelmann Boardwalk shall not exceed a height of 40 feet above the level of the Riegelmann Boardwalk.

In addition, on Parcel F, the #street wall# of the #development# or #enlargement# shall be located on the Parachute Way building line and the portion of the Ocean Way building line that is within 100 feet of the Parachute Way building line, as shown on Map 2. Such #street walls# shall extend along such entire frontages of Parcel F to a minimum height of 20 feet.

**131-434
Coney West District towers**

All #stories# of a #development# or #enlargement# located partially or wholly above an applicable transition height shall be considered a “tower” and shall comply with the provisions of this Section.

- (a) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

(b) Maximum length and height

On #blocks# bounding Surf Avenue, the maximum height of a #building# shall be 220 feet, and on #blocks# bounding the southerly #street line# of Ocean Way, the maximum #building# height shall be 170 feet. Furthermore, the outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet.

For #developments# that provide #lower income housing# pursuant to Section 131-321 (Special residential floor area regulations), the maximum height of a #building# shall be increased to 270 feet, provided that the tower complies with either paragraph (b) (1) or (b)(2) of this Section.

- (1) The outermost wall of all tower #stories# shall be inscribed within a rectangle where no side of such rectangle exceeds a length of 100 feet; or
- (2) The outermost wall of all tower #stories# below a height of 120 feet shall be inscribed within a rectangle where no side of such rectangle exceeds a length of 130 feet; above a height of 120 feet, no side of such rectangle shall exceed a length of 100 feet.

Above a height of 120 feet, the maximum floor plate shall be 80 percent of the #story# immediately below such height, or 6,800 square feet, whichever is greater. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least five feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of each respective tower face.

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

(c) Tower location

All towers shall be located entirely within 100 feet of Parachute Way, West 20th Street, West 21st Street or West 22nd Street and within 25 feet of the intersection of two #street lines#. When a #zoning lot# bounding Surf Avenue contains a tower, such tower shall be located within 25 feet of Surf Avenue. No more than one tower shall be permitted on any #zoning lot#, except that for #developments# that provide #lower income housing# pursuant to Section 131-321, no more than two towers shall be permitted on any #zoning lot#, and the second tower shall be located within 25 feet of Ocean Way. However, on Parcel E, any #development# may include two towers and, for #developments# that provide #low income housing# pursuant to Section 131-321, a third tower shall be permitted to be located anywhere on such parcel along Parachute Way.

**131-44
Coney North Subdistrict**

The regulations of this Section shall apply to all #buildings or other structures# in the Coney North Subdistrict. Map 4 (Street Wall Location) and Map 5 (Minimum and Maximum Base Heights), in the Appendix to this Chapter, illustrate the #street wall# location provisions, minimum and maximum base height provisions and maximum building height provisions of this Section, inclusive.

**131-441
Coney North Subdistrict, Surf Avenue**

The regulations of this Section shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the

building base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.

(a) #Street wall# location

The #street wall# of a building base of a #development# or #enlargement# shall be located on the Surf Avenue #street line# and extend along the entire Surf Avenue frontage of the #zoning lot#, except that:

- (1) ground floor level recesses up to three feet deep shall be permitted for access to building entrances. However, for building entrances providing direct access to the lowest #story# located above the #base flood elevation#, such recesses shall be permitted to have a depth of up to ten feet provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;
- (2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (3) to allow for portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from a #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) Building base

The #street wall# of a building base of a #development# or #enlargement# fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required.

For #developments# or #enlargements# that exceed a height of eight #stories# or 85 feet, not more than 40 percent of the #aggregate width of street walls# facing Surf Avenue shall exceed a height of 65 feet without setback, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least 80 feet, but not more than 85 feet. However, on the blockfront bounded by Stillwell Avenue and West 15th Street, for #buildings# that exceed a height of 85 feet, all #street walls# of such #building# facing Surf Avenue shall rise without setback to a height of 85 feet.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided, as set forth in paragraph (a)(2) of this Section.

All portions of a #building# that exceed a height of 85 feet shall be set back from the #street line# at least ten feet, and comply with the tower provisions of Section 131-444 (Coney North Towers).

(c) Transition height

Above the maximum base height, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that up to 60 percent of the #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet. All portions of #buildings# that exceed a transition height of 95 feet shall comply with the tower provisions of Section 131-444 (Coney North Towers).

131-442

Along all other Streets, other than Stillwell Avenue

The following regulations shall apply along all other #streets# in the Coney North Subdistrict, other than Stillwell Avenue.

(a) #Street wall# location

The #street wall# of a building base of a #development# or #enlargement#, or portion thereof, beyond 50 feet of Surf Avenue, shall be located within eight feet of the #street line#, except that, to allow portions of towers to rise without setback from grade, a portion of a building base below a tower may be recessed ten feet from the #street line#, provided the width of such recess area is not greater than 40 percent of the width of the #street wall# of the tower.

For #buildings# where the ground floor level is occupied by #residential uses#, any area between the #street wall# and the #street line# shall be planted except for sidewalks, steps and handicap accessible elevators that provide access to building entrances.

(b) Building base

The #street wall# of a building base of a #development# or #enlargement#, or portion thereof, located beyond 100 feet of Surf Avenue, shall rise without setback to a minimum height of 40 feet, or the height of the #building#, whichever is less, and a maximum height of six #stories# or 65 feet, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed for #outer courts# or balconies, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, and provided the maximum depth of such recesses is 15 feet, as measured from the #street line#.

All portions of a #building# that exceed a height of 65 feet shall be set back from the #street wall# of the #building# at least ten feet, except such setback distance may include the depth of any permitted recesses.

(c) Transition height

In all portions of #blocks# located beyond 100 feet of Surf Avenue, a #street wall# may rise above the maximum base height to a maximum transition height of eight #stories# or 85 feet, whichever is less, provided that up to 60 percent of the #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet. All portions of #buildings# that exceed a transition height of 85 feet shall comply with the tower provisions of Section 131-444 (Coney North Subdistrict towers).

131-443

Stillwell and Mermaid Avenues

Within 100 feet of Stillwell and Mermaid Avenues, except within 100 feet of Surf Avenue, all portions of a #building or other structure# shall comply with the height and setback regulations of a C2 District mapped within an R7A District, except that the #street wall# of a #building# shall be located on the #street line# and rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less, except as follows:

- (a) ground floor level recesses up to three feet deep shall be permitted for access to building entrances. However, for building entrances providing direct access to the lowest #story# located above the #base flood elevation#, such recesses shall be permitted to have a depth of up to ten feet provided the width of such

recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;

- (b) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (c) above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (b) of this Section.

131-444

Coney North Subdistrict towers

All #stories# of a #development# or #enlargement# located partially or wholly above a height of 85 feet within 175 feet of Surf Avenue and above a height of 65 feet beyond 175 feet of Surf Avenue shall be considered a ‘tower’ and shall comply with the provisions of this Section 131-444.

- (a) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

- (b) Maximum length and height

On #blocks# bounding Surf Avenue, the maximum height of a #building# shall be 220 feet and beyond 175 feet of Surf Avenue the maximum height of a #building# shall be 170 feet. Furthermore, the outermost walls of all tower #stories# shall be inscribed within a rectangle and no side of such rectangle shall exceed a length of 165 feet.

For #developments# that provide #lower income housing# pursuant to Section 131-321 (Special residential floor area regulations), the maximum height of a #building# shall be increased to 270 feet, provided that the tower portion of such #building# complies with either paragraph (b)(1) or (b)(2) of this Section.

- (1) The outermost wall of all tower #stories# shall be inscribed within a rectangle, where no side of such rectangle shall exceed a length of 100 feet; or
- (2) The outermost wall of all tower #stories#, below a height of 120 feet, shall be inscribed within a rectangle, where no side of such rectangle shall exceed a length of 130 feet; above a height of 120 feet, no side of such rectangle shall exceed a length of 100 feet.

Above a height of 120 feet, the maximum floor plate shall be 80 percent of the #story# immediately below such height, or 6,800 square feet, whichever is greater. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least five feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of each respective tower face

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

- (c) Tower location

Towers shall be located within 25 feet of Surf Avenue and entirely within 100 feet of an intersecting #street#. No more than one tower shall be permitted on any #zoning lot#, except that for #developments# that provide #lower income housing#, pursuant to Section 131-321, a second tower shall be permitted anywhere on the #zoning lot# that is entirely beyond 175 feet of Surf Avenue and ten feet from any other #street#. All towers shall be located at least ten feet from a #side lot line#.

131-45

Mermaid Avenue Subdistrict

All portions of a #building or other structure# shall comply with the height and setback regulations of a C2 District mapped within a R7A District, except that on Mermaid Avenue, and on intersecting #streets# within 50 feet of Mermaid Avenue, the #street wall# of a #building# shall be located on the #street line# and rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, except that:

- (a) ground floor level recesses up to three feet deep shall be permitted for access to building entrances. However, for building entrances providing direct access to the lowest #story# located above the #base flood elevation#, such recesses shall be permitted to have a depth of up to ten feet provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;
- (b) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (c) above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (b) of this Section.

131-46

Tower Top Articulation

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with at least one of following provisions:

- (a) Setbacks on each tower face

The highest three #stories#, or as many #stories# as are located entirely above a height of 170 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, (a), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

- (b) Three setbacks

Setbacks shall be provided at the level of three different #stories#, or as many #stories# as are located entirely above a height of 170 feet, whichever is less. Such setbacks shall be located on either the north-

facing or south-facing side of the #building#, but not both. Such setbacks shall have a minimum depth of 15 feet measured, as applicable, from the north or south-facing wall of the #story# immediately below. For towers with at least six #stories# located entirely above a height of 170 feet, the lowest level at which such setbacks may be provided is 170 feet, and the highest #story#, therefore, shall be located entirely within the northern or southern half of the tower, as applicable.

(c) Reverse setbacks

A minimum of 15 percent of the area of the plane surface of #street walls# enclosing #floor area# of the tower and a maximum of 50 percent of the area of the plane surface of the #street walls# enclosing #floor area# of the tower shall project at least eighteen inches but not more than five feet from the remaining plane surface of the #street walls# enclosing any #floor area# of the tower. No projections, including balconies, shall be permitted from the lowest two #stories# of the tower.

131-47

Design Requirements for Ground Level Setbacks

Wherever a building base below a tower is set back from the #street line#, and the building walls bounding such setback area are occupied by non-#residential uses#, such setback area shall comply with the provisions of this Section. Where two such setback areas adjoin one another at the intersection of two #streets#, the combined area of such spaces shall determine the applicability of such provisions.

(a) Minimum and maximum areas

No such setback area shall be less than 240 square feet nor greater than 1,000 square feet.

(b) Pavement

The setback area shall be paved with materials distinctive from the adjoining public sidewalk.

(c) Wall treatments

All ground floor level building walls bounding such setback area not otherwise subject to the transparency requirements of Section 131-15 shall comply with the provisions of either paragraphs (c)(1) or (c)(2) of this Section.

(1) If such building wall is a #street wall# wider than 10 feet, such #street wall# shall comply with the provisions of Section 131-15.

(2) All other building walls shall comply with one of the following provisions:

(i) Such building walls shall be glazed with transparent materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 50 percent of the area of each such ground floor level building wall, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher; or

(ii) Such building walls shall be articulated with artwork or landscaping to a height of at least ten feet.

(d) Building entrances

A public entrance to a #building# shall front upon such setback area. No ramps shall be permitted within the setback area.

(e) Landscaping

A minimum of 20 percent of such setback area shall be planted with, at a minimum, evergreen ground cover or shrubs in planting beds, with a minimum of six inches in height and a maximum height of four feet. Such planting beds may not occupy more than 50 percent of the width of the setback area, as measured along the #street line#.

(f) For setback areas of 500 square feet or more, there shall be the following additional amenities:

- (1) an additional public entrance to the #building# that fronts upon such setback area; and
- (2) a minimum of one linear feet of seating for every 20 square feet of setback area shall be provided. At least 40 percent of such seating shall be fixed, of which at least half shall have backs with a minimum height of 14 inches. All fixed seating shall have a minimum depth of 18 inches and a maximum depth of 24 inches, and a minimum seat height of 16 inches and a maximum seat height of 20 inches. At least 50 percent of required seating shall be moveable chairs.

**131-48
Street Trees**

The provisions of Section 33-03 (Street Tree Planting in Commercial Districts) shall not apply in the Coney East Subdistrict.

**131-49
Authorization for Exterior Ramps**

The City Planning Commission may authorize modifications of the #street wall# location provisions of this Chapter to allow exterior ramps for access from the public sidewalk to the lowest #story# above the #base flood elevation# provided the Commission finds that the design of such ramps:

- (a) maximizes visibility of interior ground floor space within the #building# from the public sidewalk;
- (b) incorporates amenities such as seating and planting as the Commission may find appropriate; and
- (c) relates harmoniously with the design and materials of the adjacent #building# and the surrounding streetscape.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**131-50
OFF-STREET PARKING AND LOADING REGULATIONS**

The special provisions of this Section shall apply to all off-#street# parking spaces and loading facilities within the #Special Coney Island District#.

**131-51
Amount of Required and Permitted Parking**

(a) Residential and Community Facility Parking

The underlying regulations shall apply, except that the provisions of Section 36-331 are modified to require off-#street# parking spaces for at least 60 percent of all new #dwelling units#.

(b) Commercial parking

The underlying regulations shall apply, except as modified below:

- (1) For Use Group A #uses#: one off-#street# parking space shall be provided for every 2,000 square feet of #floor area# or #lot area# for open #uses#, except that for a water park, two off-#street# parking spaces per 1,000 square feet of #floor area# shall be provided
- (2) For #transient hotels#: one off-#street# parking space shall be provided for every six guest rooms or suites.

(c) Public parking facilities

In accordance with the provisions of Section 131-043 (Applicability of Article 7, Chapter 4), #public parking lots# shall not be permitted, and #public parking garages# of any size shall be permitted as-of-right, provided such garages comply with the provisions of Section 131-52 (Use and Location of Parking Facilities).

131-52

Use and Location of Parking Facilities

The following provisions shall apply to all parking facilities:

- (a) All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is accessory within 30 days after written request therefore is made to the landlord. Furthermore, if #accessory# parking spaces and spaces within a #public parking garage# are provided on the same #zoning lot#, all such spaces may be provided within the same parking facility.
- (b) The off-site parking space provisions of Sections 36-42 and 36-43 shall not apply. In lieu thereof, all permitted or required off-#street# parking spaces may be provided on a #zoning lot# other than the same #zoning lot# to which such spaces are #accessory#, provided that:
 - (1) In the Coney East Subdistrict, such spaces are located anywhere within an area bounded on the east by Ocean Parkway, on the south by the Riegelmann Boardwalk, on the west by West 27th Street and on the north by Coney Island Creek and the Belt Parkway, in accordance with all applicable underlying parking regulations.
 - (2) In the Coney West Subdistrict, such parking spaces #accessory# to the following sets of parcels, as shown on Map 1 in the Appendix to this Chapter, shall be located anywhere on such sets of parcels:

Parcels A and B
Parcels C and D
Parcels E and F.
 - (3) In the Coney North and Mermaid Avenue Subdistricts, such spaces shall be located anywhere on the same #block#.
- (c) All off-#street# parking facilities shall be located within facilities that, except for entrances and exits, are:
 - (1) entirely below the level of any #street# or publicly accessible open area upon which such facility, or portion thereof, fronts; or

- (i) located, at every level above-grade, behind #commercial#, #community facility# or #residential floor area# with a minimum depth of 15 feet as measured from the #street wall# of the #building# so that no portion of such parking facility is visible from adjoining #streets# or publicly accessible open areas. All such parking facilities shall be exempt from the definition of #floor area#.

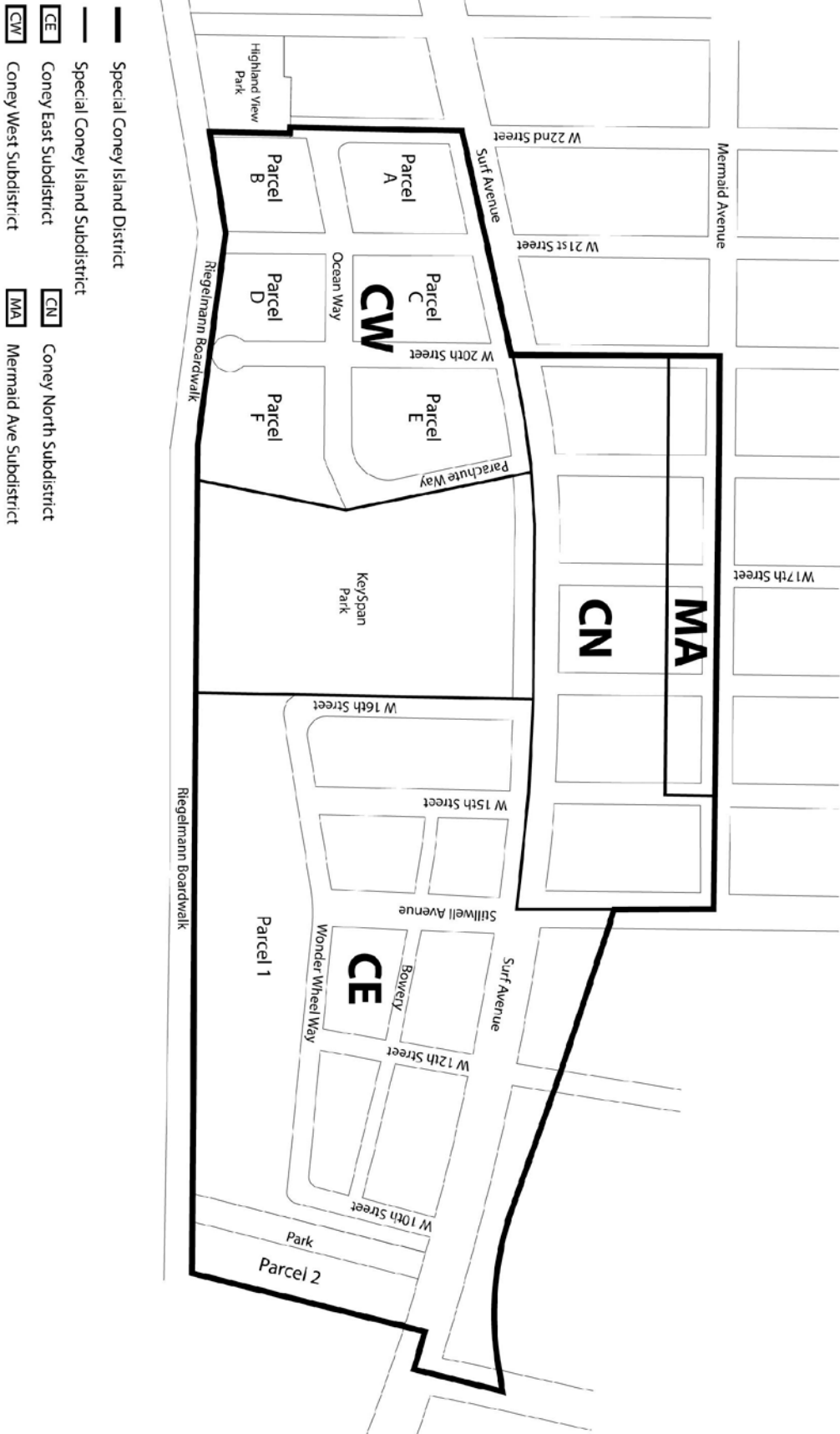
However, in the Coney East Subdistrict, the provisions of this paragraph (c)(2) need not apply on the north side of Surf Avenue above the level of the ground floor, on Parcel 2 beyond 70 feet of the Riegelmann Boardwalk, or on the east side of that portion of West 16th Street beyond 50 feet of Surf Avenue and Wonder Wheel Way, provided that:

- (ii) any non-horizontal parking deck structures shall not be visible from the exterior of the #building# in elevation view;
 - (iii) opaque materials are located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and
 - (iv) a total of at least 50 percent of such exterior building wall with adjacent parking spaces consists of opaque materials which may include #signs#, graphic or sculptural art, or living plant material.
- (d) Any roof of a facility containing off-street parking spaces not otherwise covered by a #building#, which is larger than 400 square feet, shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the building in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

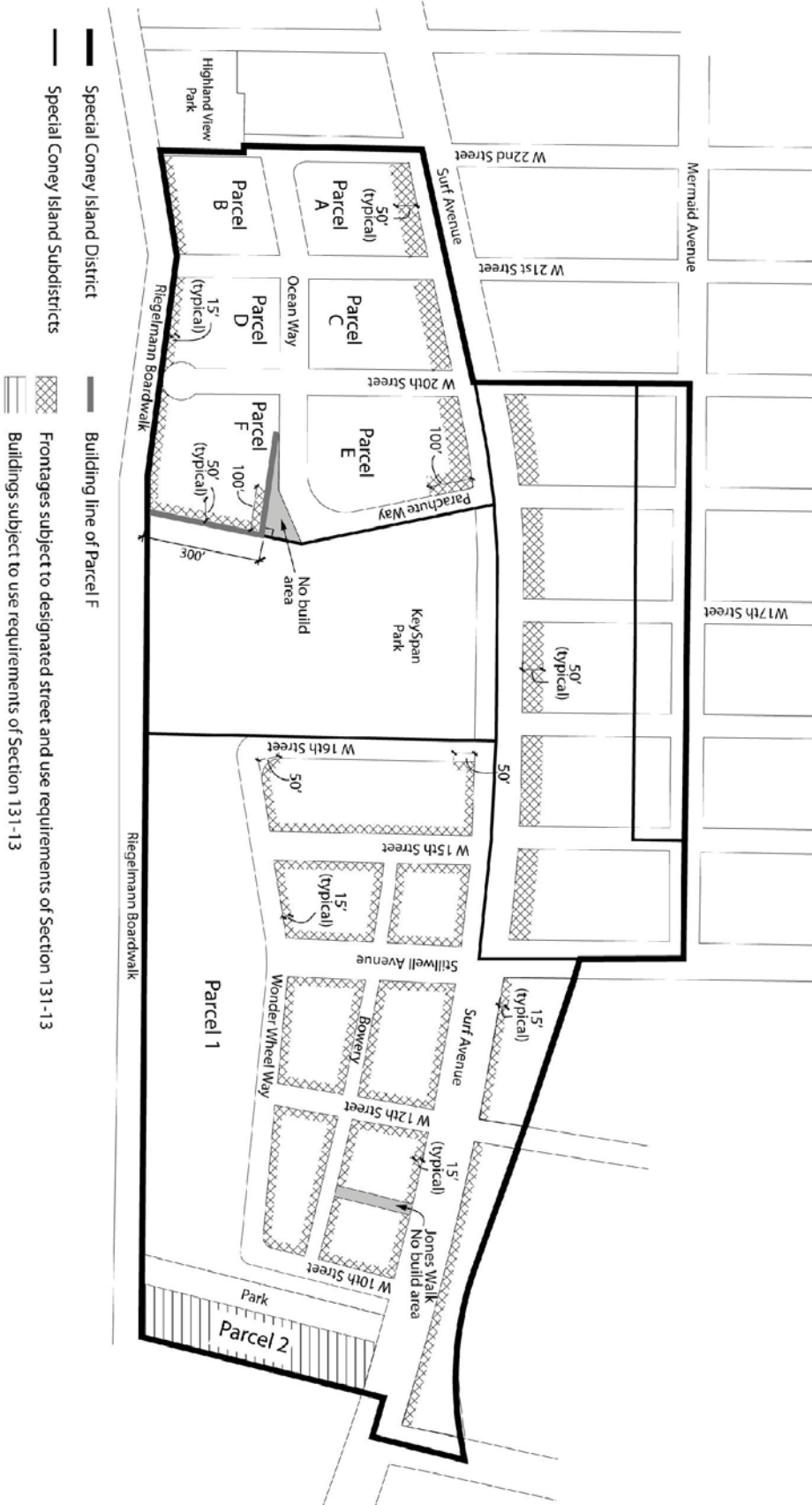
131-53 Curb Cuts

No curb cuts shall be permitted on Surf Avenue, Wonder Way or New Bowery except on a #zoning lot# with no frontage on any other #street#. The curb cut provisions of paragraph (c) of Section 36-58 shall apply to all #developments# and #enlargements#.

Map 1: Special Coney Island District and Subdistricts



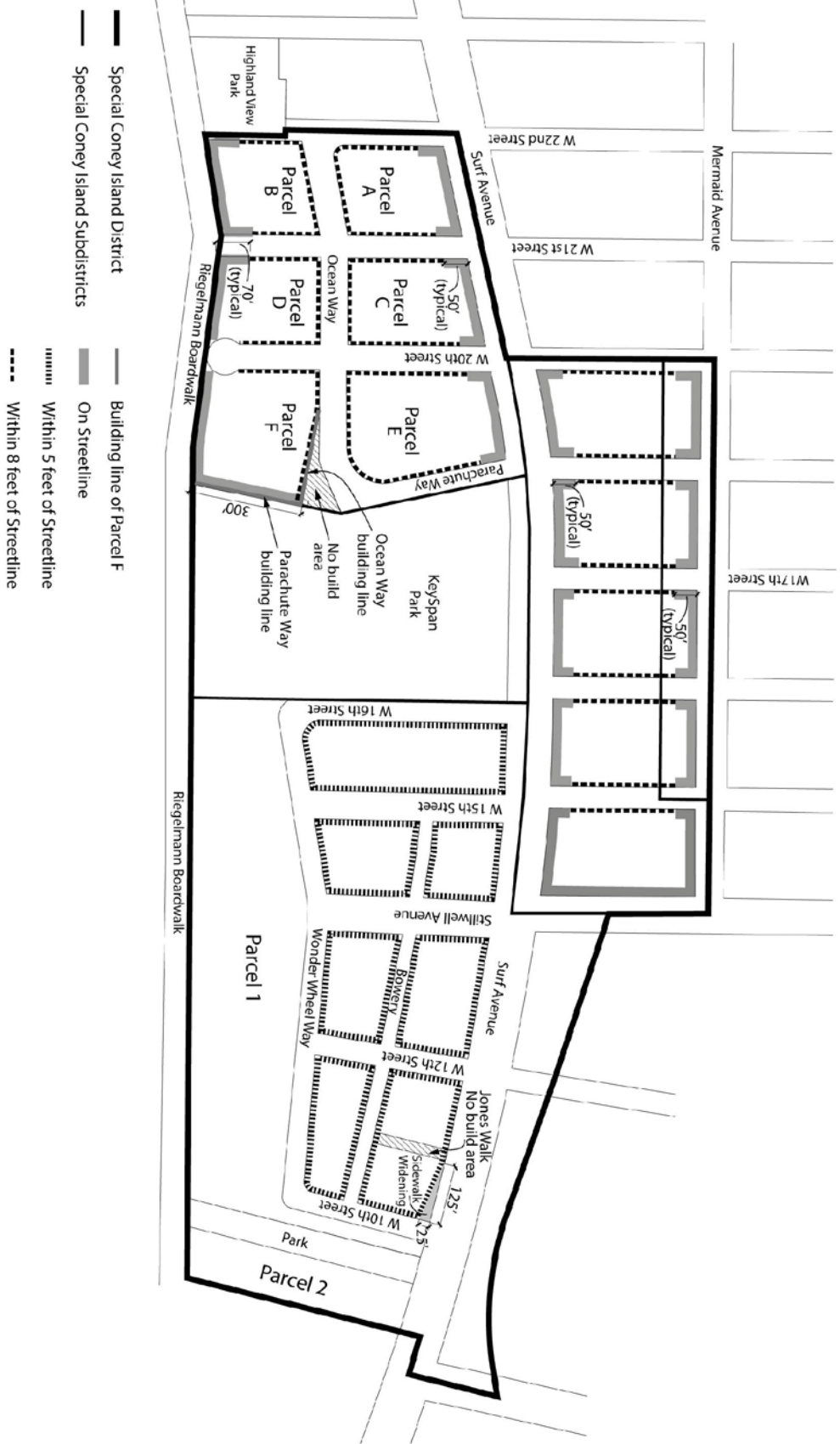
Map 2: Mandatory Ground Floor Use Requirements



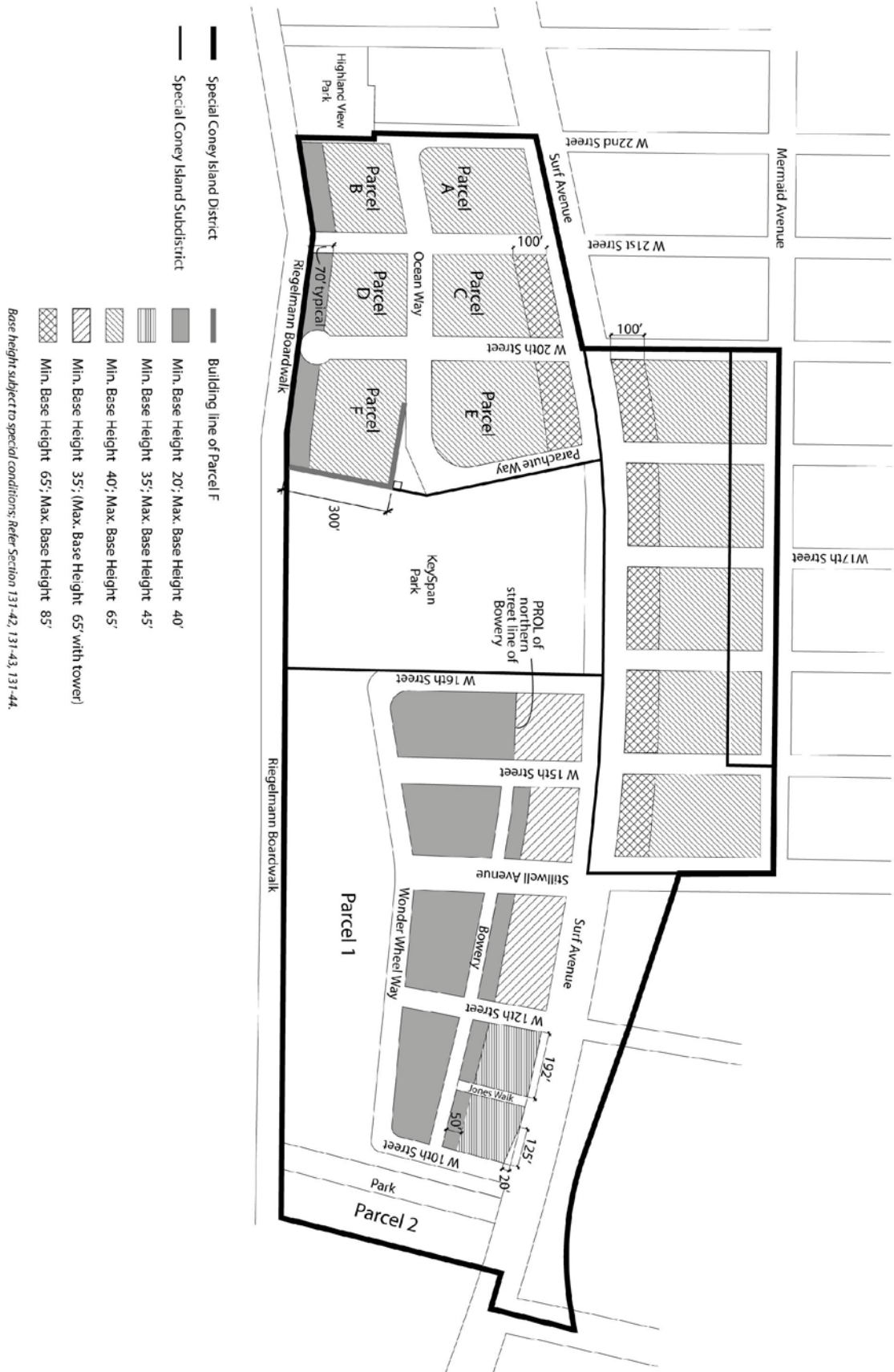
Map 3: Coney East Subdistrict Floor Area Ratios



Map 4: Street Wall Location



Map 5: Minimum and Maximum Base Heights



The above resolution, duly adopted by the City Planning Commission on June 17, 200 (Calendar No. 11), is filed with the Office of the Speaker, City Council and the Brooklyn Borough President, pursuant to Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA,
IRWIN G. CANTOR, P.E. ANGELA R.CAVALUZZI, AIA,
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RICHARD W. EADDY, NATHAN LEVENTHAL, SHIRLEY A. McRAE,
KAREN A. PHILLIPS, Commissioners

RAYANN BESSER, Commissioner, ABSTAINING