



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

POSITIVE DECLARATION

NOTICE OF INTENT TO PREPARE DRAFT ENVIRONMENTAL IMPACT STATEMENT

<u>PROJECT:</u> Seaside Park and Community Arts Center Community District 13 Borough of Brooklyn CEQR Number: 13DME014K ULURP: Pending	<u>LEAD AGENCY:</u> Office of the Deputy Mayor for Economic Development 100 Gold Street, 2nd Floor New York, NY 10038
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DATE ISSUED: May 16, 2013

TYPE OF ACTION: Type I

NAME, LOCATION, AND DESCRIPTION OF PROPOSAL:

Seaside Park and Community Arts Center
Community District 13, Brooklyn
Block 7071; Lots 27, 28, 30, 32, 34, 76, 79, 81, 130, 142, 226, and 231

The project site is located in Brooklyn Community District 13 along a western portion of the Riegelmann Boardwalk at Coney Island Beach. The project site is a rectangular-shaped parcel generally bounded by the boardwalk to the south, West 23rd Street to the west, West 21st Street to the east, and Surf Avenue to the north. The site is an assemblage of twelve tax lots on Block 7071 (Lots 27, 28, 30, 32, 34, 76, 79, 81, 130, 142, 226, and 231) and covers an aggregate lot area of approximately 136,404 sf (3.1 acres). It consists of both privately- and City-owned property. The project site is primarily undeveloped. The only built structure is the approximately 60,000 sf former Childs Restaurant building at 3052-3078 West 21st Street (25,400 sf; Lot 130), a designated New York City Landmark. The historic building is in deteriorated condition and vacant. The remainder of the project site is occupied by two vehicular storage lots with access from West 22nd Street (Lots 27, 28, 30, 32, 34, and 76), paved lots (Lots 79 and 81), vacant land (Lots 231 and 226), a decommissioned community garden (Lot 142), and approximately 28,516 sf of paved streets (Highland View Avenue and a portion of West 22nd Street, approved for demapping in 2009 in the Coney Island Rezoning).

The proposed project involves the development of approximately 2.55-acres of publicly accessible open space, which would include an approximately 5,000-seat amphitheater, as well as the

restoration and adaptive reuse of the former Childs Restaurant building in the Coney Island neighborhood of Brooklyn Community District 13. The proposed Seaside Park and Community Arts Center is intended to continue the City of New York's efforts to reinvigorate Coney Island by introducing a new recreational and entertainment destination on the Riegelmann Boardwalk. It is anticipated that the proposed amphitheater and other project components would be completed by summer 2015, with the first full year of operation in 2016. The proposed amphitheater would be an interim use authorized for a period of ten years pursuant to a City Planning Commission Special Permit. Upon completion, the amphitheater would be owned by the City of New York and operated by a not-for-profit entity under a long term lease with the city. The amphitheater would serve as the venue for a variety of concerts, community events, and public gatherings, such as the Seaside Summer Concert Series. The proposed indoor entertainment, banquet, and restaurant facility at the Childs Restaurant building would be open year-round.

DISCRETIONARY ACTIONS SUBJECT TO CEQR AND SEQRA:

The proposed Seaside Park and Community Arts Center project requires a number of public approvals in order to be implemented. Some of these are discretionary actions requiring review under the CEQR process; others are ministerial and do not require environmental review. It is anticipated that the following discretionary actions would be required to facilitate the proposed project:

- Zoning Map amendments (Map No. 28d) to modify the boundaries of the Special Coney Island District (CI) and the Coney West subdistrict to extend further west to West 23rd Street and include Lots 27, 28, 30, 32, 34, 76, 79, 81, 226, and 231 of Block 7071, as well as the former beds of Highland View Avenue and a portion of West 22nd Street.
- Zoning Text amendment to Section 131-10 of the Zoning Resolution (ZR) of the City of New York (Special Use Regulations) to allow, by City Planning Commission Special Permit, an amphitheater with a capacity of approximately 5,000 seats as an interim use for ten years on a site that is within the Coney West subdistrict and to establish a new Parcel G to include Lots 27, 28, 30, 32, 34, 76, 79, 81, 226, and 231 of Block 7071.
- Zoning Special Permit pursuant to the proposed text amendment to allow an amphitheater with a capacity of approximately 5,000 seats as an interim use for ten years on Lots 27, 28, 30, 32, 34, 76, 79, 81, 130, 142, 226, and 231 of Block 7071.
- Acquisition of privately-owned real property consisting of Lots 27, 28, 30, 32, 34, 76, 79, 81, 130, 226, and 231 on Block 7071 by the City of New York.
- Disposition (via lease) of the project site (Block 7071, Lots 27, 28, 30, 32, 34, 76, 79, 81, 130, 142, 226, and 231) by the City of New York's Land Development Corporation for the development and operation of the project, with approval of the Mayor and the Brooklyn Borough Board pursuant to New York City Charter Section 384(b)(4).
- City capital funding.
- Any other approvals as may be required to facilitate the proposed project contemplated under the Special Permit.

Other required approvals include a Certificate of Appropriateness from the Landmarks Preservation Commission, as well as approvals from the City's Public Design Commission, for

the proposed restoration of the former Childs Restaurant building. The proposed project would also require permits from the New York City Department of Buildings. In addition, the proposed project requires an administrative modification for a previously approved City Map application to separate the filing of the demapping of West 22nd Street and Highland View Avenue from the mapping of Highland View Park.

STATEMENT OF SIGNIFICANT EFFECT:

In accordance with Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York (CEQR), the Office of the Deputy Mayor for Economic Development, lead agency for the referenced project, has determined that the proposed project may have a significant impact on the quality of the human environment. Accordingly, an Environmental Impact Statement is required to evaluate and disclose the extent to which impacts may occur. Aspects that may require evaluation of potential environmental impacts include:

- 1) The potential for substantial impacts related to land use and zoning;
- 2) The potential for substantial open space impacts;
- 3) The potential for substantial impacts related to shadows;
- 4) The potential for substantial impacts related to historic and cultural resources;
- 5) The potential for substantial urban design/visual resource impacts;
- 6) The potential for substantial impacts related to hazardous materials;
- 7) The potential for substantial impacts related to transportation;
- 8) The potential for substantial impacts related to air quality;
- 9) The potential for substantial impacts related to noise;
- 10) The potential for substantial impacts related to greenhouse gas emissions;
- 11) The potential for substantial public health impacts;
- 12) The potential for substantial impacts related to neighborhood character; and
- 13) The potential for substantial construction impacts.

Statement in Support of Determination:

The above determination is based on a review of an Environmental Assessment Statement (EAS) dated May 16, 2013, and related materials prepared for the project, which finds that:

- 1) The proposed project would require several actions, including a zoning map amendment, a zoning text amendment, special permit, as well as acquisition and disposition of property. The proposed actions would directly affect the land use on the project site, which is located within the City's coastal zone. Therefore, the potential for the proposed project to affect land use, zoning, and public policy will be examined.
- 2) The proposed project could result in changes to the planned approximately 1.41-acre neighborhood park ("Highland View Park") that was envisioned to occupy the western portion of the project site. Therefore, an open space assessment will be conducted.
- 3) The proposed project may result in a new structure (proposed amphitheater's roof) that could be greater than 50 feet in height. Therefore, a shadows assessment will be performed to determine how project-generated shadows would affect sunlight sensitive resources.

- 4) The project site includes the historic former Childs Restaurant building, which is an LPC-designated historic landmark. The proposed project would involve the restoration and adaptive reuse of the Childs Restaurant building with restaurant, banquet, and entertainment uses with indoor seating as well as rooftop outdoor seating. The Childs Restaurant building would also be renovated to include the stage for the proposed amphitheater along its western façade as part of the project. An analysis of the project's potential effects on historic and cultural resources will be performed.
- 5) The Coney Island Beach and the Atlantic Ocean are located directly to the south of the project site. In addition, the proposed project would involve the restoration and adaptive reuse of the historic Childs Restaurant building at 3052-3078 West 21st Street. The proposed Seaside Park and Community Arts Center would result in physical changes to the project site that could be observed by a pedestrian from street level; therefore, a preliminary assessment of urban design and visual resources will be undertaken.
- 6) Because the proposed project would result in soil disturbance activities, and because the project site has a documented history of hazardous materials conditions, an analysis of hazardous materials will be provided.
- 7) The proposed project would generate additional vehicular travel and increased demand for parking, as well as pedestrian traffic and subway and bus riders. These new trips have the potential to affect the area's transportation systems, and consequently could have significant traffic, pedestrian, parking, and transit impacts. Therefore, a detailed analysis of the potential transportation impacts of the proposed project is warranted and will be provided.
- 8) The proposed project would result in new stationary and mobile sources of pollutant emissions. The stationary source air quality impact analysis will address the effects of emissions from the proposed fossil fuel-fired HVAC system of the Childs Restaurant building (the proposed amphitheater would not have an HVAC system and is therefore not expected to have an impact on ambient air quality). Mobile sources would include increased traffic. Therefore, an analysis of the potential air quality impacts of the proposed project is warranted and will be provided.
- 9) The proposed project is a city capital project, and therefore, a greenhouse gas assessment will be prepared.
- 10) The proposed project would involve the construction of an approximately 5,000-seat amphitheater, and therefore, a detailed stationary source (i.e., concert) noise analysis is warranted and will be provided. Additionally, the proposed project may generate sufficient traffic to warrant a detailed mobile source noise analysis.
- 11) According to the guidelines of the *CEQR Technical Manual*, a public health assessment may be warranted if an unmitigated significant adverse impact is identified in other CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise. If unmitigated significant adverse impacts are identified in any one of these technical areas and a public health assessment is warranted, an analysis will be provided for that specific technical area.
- 12) Neighborhood character is determined by a number of factors, including: land use, zoning, and public policy; open space; historic and cultural resources; urban design and visual resources; transportation; and noise. As the proposed project represents a substantial change

that could affect the character of the surrounding area, an assessment of neighborhood character will be provided.

- 13) Construction of the proposed project would be implemented in a single phase and would be temporary lasting for less than two years. As the proposed project would entail the restoration and adaptive reuse of a designated historic resource, an analysis of potential construction impacts is warranted and will be provided.

Accordingly, the Office of the Deputy Mayor for Economic Development directs that a Draft Environmental Impact Statement be prepared in accordance with Title 6 of the New York Code, Rules and Regulations (NYCRR) § 617.9 and Sections 6-08 and 6-09 of Executive Order No. 91 of 1977, as amended.

PUBLIC SCOPING:

Public Scoping is a process whereby the public is invited to comment on the proposed scope of analysis planned for the Draft EIS. A Draft Scope of Work has been prepared outlining analysis methodologies proposed for use in the Draft EIS.

A public scoping meeting to accept comments on the Draft Scope of Work will be held on Monday, June 17, 2013 at Abraham Lincoln High School, 2800 Ocean Parkway, Brooklyn, NY 11235. The scoping meeting will commence at 6:00 P.M. Written comments on the Draft Scope of Work will be accepted until 5:00 P.M. on Friday, June 28, 2013.

Copies of the Environmental Assessment Statement (EAS), Positive Declaration, and Draft Scope of Work for the project may be obtained by any member of the public from:

Mayor's Office of Environmental Coordination
100 Gold Street, 2nd Floor
New York, New York 10038
Telephone: (212) 788-9956

These documents are available on the websites of the Mayor's Office of Environmental Coordination at www.nyc.gov/oec and the New York City Economic Development Corporation at www.nycedc.com.

Requests for additional information may be directed to:

New York City Economic Development Corporation
Hardy Adasko, Senior Vice President
110 William Street, 3rd Floor
New York, NY 10038
(212) 312-3703

Written comments will be accepted until 5:00 P.M. on Friday, June 28th, 2013, and may be submitted at the public scoping meeting or to Robert Kulikowski at the Mayor's Office of Environmental Coordination (see address above).

This Positive Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law.

A handwritten signature in blue ink, appearing to read "Robert R. Kulikowski". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Robert R. Kulikowski, Ph.D.
Assistant to the Mayor

May 16, 2013
Date