

CITY PLANNING COMMISSION

July 20, 1992/Calendar No. 3

C 910480 ZSK

IN THE MATTER OF an application submitted by Alexander Muss & Sons, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following sections of the Zoning Resolution:

- a) Section 74-53, to allow an attended accessory group parking facility with a maximum capacity of 1,701 spaces;
 - b) Section 78-312(c), to allow the modification of rear yard regulations as set forth in Section 23-533;
 - c) Section 78-312(d), to allow modification of height and setback regulations as set forth in Section 23-632(a) on the periphery of the development; and
 - d) Section 78-312(f), to allow the modification of minimum distance between buildings requirements as set forth in Section 23-71,
- in a large scale residential development generally bounded by Brighton Beach Avenue, Seacoast Terrace, a park and Coney Island Avenue (Block 8720, part of Lot 14), Borough of Brooklyn, Community District 13.

The application for the grant of special permits was filed by Alexander Muss & Sons on April 30, 1991, for approval of a large scale residential development known as Brighton-by-the-Sea, located in the Brighton Beach section of the Borough of Brooklyn, Community District 13. The proposal, as originally certified, consists of 1600 units of housing, medical office space, an accessory tenant recreation facility, covered accessory parking for 1701 cars, and publicly accessible and private open spaces. This proposal was modified on July 20, 1992, and the current project consists of a maximum of 1359 units of market-rate housing and a minimum of 140 lower-income units on site. The details of the project and the modifications are discussed in the Project Description Section.

The special permits being sought are: pursuant to section 74-53 to allow an attended accessory parking facility with a maximum capacity of 1701 cars; Sections 78-312 (c), (d) and (f) to allow modification of rear yard regulations, height and setback regulations and the minimum distance between buildings requirement. With the modifications made by the applicant on July 20, 1992, the modification of rear yard regulation, Section 78-312 (C) will no longer be required.

RELATED ACTIONS

In addition to the grant of special permits which is the subject of this report, implementation of the applicant's proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

C 910478 ZMK The amendment of the zoning map Section Nos. 28d and 29b:

- a) changing from a C3 District to an R7-1 District property bounded by Brighton Beach Avenue, Seacoast Terrace, a line 500 feet north of Brightwater Avenue, Brighton 14th Street, Brighton 15th Street, the northerly and westerly boundary line of a park, the northerly boundary line of Coney Island Beach, Coney Island Avenue, a line 100 feet south of Brighton Beach Avenue and a line 230 feet east of Coney Island Avenue.
- b) changing from an R6 District to a R7-1 District property bounded by Brighton Beach Avenue, a line 230 feet east of Coney Island Avenue, a line 100 feet south of Brighton Beach Avenue and a line 200 feet east of Coney Island Avenue; and
- c) elimination from the existing R6 District a C1-2 District bounded by Brighton Beach Avenue, a line 230 feet east of

Coney Island Avenue, a line 100 feet south of Brighton Beach Avenue and a line 200 feet east of Coney Island Avenue.

C 910479 MMK, for an amendment to the city map involving the elimination of Brightwater Avenue from Coney Island Avenue to Seacoast Terrace, Brighton 11th Street from Brightwater Avenue to Brighton Beach Avenue and Brighton 12th Street from Brighton 11th Street to Brighton Beach Avenue.

BACKGROUND

The proposed project is located on the site of the Brighton Bath and Racquet Club in the Brighton Beach section of Brooklyn. The proposed project, bounded by Brighton Beach Avenue to the north, Coney Island Avenue to the west, a public park and beach to the south and Seacoast Tower to the east, is a revised version of two previous proposals submitted by the applicant. The current proposal differs from the earlier two in that there is no commercial development component, and the health and recreation facility as well as the parking garage are both accessory to the residential development rather than public facilities. In addition, the length of the buildings has been reduced thereby creating larger view corridors through the site.

The first proposal (BBS-1), presented in 1986, was for a large scale residential development with commercial uses, containing 2,810,993 square feet of floor area and 2,096 residential units in six high-rise buildings, an accessory and public parking garage and a public health club. Of the six towers, two were between 44 and 22 stories high, two middle ones were between 34 and 19 stories high

and the two lowest buildings were between 24 and 17 stories high. There was provision for 95,832 sq. ft. of public open space in the proposal. A rezoning of the site to C4-2F (R8 equivalent) was requested; this proposal did not include adjacent property within the existing C3 district. The proposal included the demapping of the existing mapped but undeveloped streets within the boundary of the Brighton Baths site. This proposal (ULURP #'s 870127 MMK, 870128 ZMK, 870129 ZSK and 870130 ZSK), was certified on October 17, 1988, with a Draft EIS, but was withdrawn before Commission action. A final EIS had been prepared for this proposal.

The second proposal (BBS-2), presented in 1989, initially consisted of a total floor area of 2,100,000 square feet, with 1,730 dwelling units in five high-rise buildings and two townhouse buildings, commercial retail and medical office space, a public recreational facility, covered accessory and public parking for 1,856 cars and a publicly accessible landscaped central courtyard and walkways totalling about 140,000 square feet. The five towers consisted of -one tower of 29 stories and 2 high-rise buildings each of 25 and 23 stories. The requested actions included rezoning to R7-1/C2-2 and R7-1, the demapping of three paper streets and special permits for a large scale residential development and a public parking garage (ULURP #'s 900022 MMK, 900023 ZMK, 900024 ZSK and 900025 ZSK). This proposal was certified, with a draft EIS on October 30, 1989. A final EIS was completed for this proposal. However, before decision by the Commission, the project was

modified and the number of residential units reduced from 1,730 to 1,530 (1,822,405 square feet of total floor area). The reduction was achieved by removing the 29-story tower building, leaving four high-rise buildings instead of five. This modified project was voted upon by the City Planning Commission in January 1990. The Commission voted 3 in favor and 2 opposed. Because the actions did not receive the 4 favorable votes required by the CPC Rules of Procedure to approve them, the applications for the zoning map change and the special permits for the LSRD terminated at the conclusion of the CPC time period. The application for demapping of the mapped streets within the project site proceeded to the Board of Estimate, but was ultimately withdrawn by the applicant.

In general, until this stage, buildings in the successive proposals had been reduced in bulk and height and the public open space had been increased and opened up from the first to the second proposal. The current proposal, as originally certified, has slightly greater total floor area and more units than the amended BBS 2. However, subsequent to the CPC public hearing, the applicant has modified the proposal. This modification is more fully described in the Modified Project Description section of this report.

The Project Site and Area Description:

The proposed project site is approximately 14.97 acres and comprises most of the block bounded by Brighton Beach Avenue on the

north, Seacoast Terrace (Brighton 13th Street), a privately owned street on the east, Brighton Beach Park on the south, and Coney Island Avenue on the west. The Lincoln Savings Bank on the southeast corner of Coney Island and Brighton Beach Avenues is not included. The project site is occupied by an existing public health club, the Brighton Beach Bath and Racquet Club, which is owned and operated by the applicant. The site is currently zoned C3 (with a small portion zoned R6/C1-2), and contains three mapped but un-built streets (prolongations of Brighton 11th Street, Brighton 12th Street, and Brightwater Avenue) which are to be demapped in a related action (C910479 MMK). The demapping of the paper streets would add 3.97 acres to the site and create a single zoning lot of 14.97 acres.

The C3 district proposed to be rezoned to R7-1 extends over the southern portion of the adjacent block to the east bounded by Seacoast Terrace, Brightwater Avenue and Brighton 14th Street, which is occupied by Seacoast Towers, a pre-1961 residential development with two buildings of 16 and 19 stories. Seacoast Terrace (Brighton 13th Street south of Brighton Beach Avenue) and Brightwater Avenue from Seacoast Terrace to Brighton 14th Street are mapped and improved streets but remain privately owned and are not opened to the public. Both these streets are used for accessory parking for Seacoast Towers.

The surrounding area of Brighton Beach is developed with

moderate density residential uses, zoned R7-1 to the south of Brighton Beach Avenue and R6 to the north. The R7-1 district is developed at an average density of about 170 units per acre, predominantly with six-story apartment buildings having a floor area ratio (FAR) of between 4.00 and 5.00, considerably higher than the maximum permitted R7 FAR of 3.44. The R6 district north of Brighton Beach Avenue is developed with a mix of one-and-two story houses and six-story apartment buildings, generally with an FAR less than the maximum permitted 2.43. Brighton Beach Avenue, the primary retail district of Brighton Beach, is zoned R6 with a C1-2 overlay on both sides from Ocean Parkway to Brighton 11th Street and with a C1-3 overlay on the north side from Brighton 11th Street to Brighton 15th Street.

There has been limited high-rise development in Brighton Beach east of Ocean Parkway. Beside Seacoast Towers (16 and 19 stories), there are five other buildings, 12 to 18 stories high, south of Brighton Beach Avenue and one 13 story building to the north. Further east of the site is Manhattan Beach, a neighborhood of one- and two-family detached dwellings zoned R3-1.

Brighton Beach, to the south of the site, with its 50 foot-wide boardwalk and approximately 250 foot-wide beach, is a major regional park heavily used in the summer. It is accessible by mass transit, the IND Brighton ("D and "Q") Line, several bus lines along Brighton Beach Avenue and Neptune Avenue, and from the Belt

Parkway via Ocean Parkway and Coney Island Avenue.

Project Description:

As certified, the proposed project was to consist of nine buildings containing 1,600 dwelling units with a residential floor area of 1,854,850 square feet and a total floor area of 1,874,110 square feet. There would be 19,260 square feet of community facility uses (medical offices), an accessory recreation area of 34,200 square feet (most of which will be below grade), and public open space totalling about 147,335 square feet. The proposed FAR of 2.87 would be less than the FAR of 3.40 which the project (height factor of 17) would be allowed under the proposed R7-1 zoning.

The nine proposed buildings would consist of five high rises, two four-story attached townhouses one single-story administrative building and a below grade accessory recreation facility building. The five residential high rise buildings would be arranged symmetrically in a "U" shape around a central open space. The tower, which will be the tallest building at 29 stories (320 feet), would stand at the northern end of the central open space. The four other high-rise buildings would be arranged symmetrically in pairs, on either side of the central open space, moving southward away from the tower. The building heights would step down towards the boardwalk, in pairs of 28, 25 and 22 stories (301 feet to 237 feet), and 24, 21 and 18 stories (263 feet to 199 feet). The five

large buildings would contain 1,791,430 square feet or about 97% of the residential floor area.

The accessory tenant recreation facility building would be located at the southern end of the site, facing the boardwalk. Most of this building would be below grade, with an outdoor as well as an indoor pool and other recreation facilities. There will be two elevator structures on either side of this building above the ground, that will provide access to the recreation area. There will be an entrance from the recreational facility to the beach from underneath the boardwalk, along an existing private easement to the Brighton Baths.

The two townhouse buildings, four stories high (60 feet ht.), would be located along the west side of the site, forming a street wall along Coney Island Avenue. They would contain medical office space, fronting on the street, and residential units above, facing into the site. The parking garage would have three entrances, one on Coney Island Avenue and two (entrances and exits) from the loop drive off of Brighton Beach Avenue. There will also be a separate exit from the garage on to Coney Island Avenue. The garage is to be operated as a 24-hour attended parking facility.

There would be one service exit, on Coney Island Avenue, providing egress to service trucks from the site. The entrance to this one-way service area would be provided from the central loop

drive.

The total building coverage (the "footprint") of the project would be approximately 17%. The remaining approximately 83% of the site would include the private street system (approximately 12%), public open space (approximately 23%), tenant recreation areas and private open space (approximately 33%), and landscaped non-public buffer areas (approximately 13%).

Of the approximately 23% total public open space (approximately 147,335 sq.ft.), about 97,571 sq. ft. or approximately 15% of the total site would consist of lawns, walkways, and seating areas, while the remaining approximately 49,764 sq. ft. would consist of landscaped visual areas. The accessible public open spaces would include the following: a central landscaped open area of 1.21 acres, which would be open to the public via the entrances from Brighton Beach Avenue and two lateral landscaped walkways- from Coney Island Avenue to the west and from Seacoast Terrace to the east. There would be two park-like open spaces accessible to the public along Brighton Beach Avenue of 0.21 acres and .37 acres, with landscaping and seating areas. These open spaces would be fenced with a low (4 ft.) fence, with gates. The public open spaces are proposed to be open to the public from dawn to dusk or 8 P.M, which ever is later, seven days a week. A new access to the boardwalk and the beach will be created along the eastern boundary of the site from Brighton Beach Avenue.

The accessory tenant recreation areas and private open spaces totalling approximately 228,720 sq. ft. (approximately 35% of the site) would include landscaped decks, lawns, private terraces, a tot-lot and a play ground for children, five tennis courts, a pool and landscaped visual areas.

The applicant has proposed to provide off-site improvements in connection with the project. These would include landscaping the park strip south of the site, reconstruction of the pedestrian ramps to the boardwalk from Coney Island Avenue, construction of a new access ramp to the boardwalk from Seacoast Terrace, a landscaped sitting area between the end of Coney Island Avenue and the boardwalk, and the planting of trees and repairing of sidewalks along both sides of Coney Island Avenue and along the south side of Brighton Beach Avenue, and creating a planted median strip down Coney Island Avenue. The reconfiguration of Coney Island Avenue, together with the garage entrance and exit and the service exit, would result in a reduction of on-street parking spaces on the east side of Coney Island Avenue.

Modified Project Description:

As modified after the CPC public hearing, the tallest building in the proposed project (Building "C") would be eliminated, leaving four high-rise buildings instead of five. Further, the heights of these buildings have been reduced somewhat, leading to building

heights (at building roof level) of 272 feet at the highest steps of Buildings B and D, and a 180 feet at the lowest step of buildings A and E. The total number of market-rate units will be 1319, with an option to increase to 1359, without increasing the floor area, and a minimum of 140 units of lower-income units would be provided on-site, for a total of 1499 units. This modification would not affect the tenant health club building, the administrative building or the tenant recreation areas.

However, the publicly accessible open areas increase substantially with the removal of the tower building (C) and the consolidation of the central open space, which will now measure 2.32 acres and extend from Brighton Beach Avenue, a public street, to the end of the private loop drive. The easement along Seacoast Terrace has been relocated from the eastern side of the street to the eastern side of the applicant's property. The remaining publicly accessible open spaces will remain the same as before. The total public open space will now equal 4.2 acres approximately. The looped streets and the easement along Seacoast Terrace, which is now on the applicant's property, are also part of the Public Access Easement yielding a total easement of 5.6 acres.

The special permits which are the subject of this report involve variation of height and setback, and minimum distance between buildings requirements of the Zoning Resolution and for the construction of an accessory parking facility for 1701 cars in this

modified LSRD. A rear yard variation which was required for the original proposal will now not be required as the tower building ("C") has been eliminated. The other waivers for distance between buildings and height and setback are also reduced as a result.

The two high-rise residential buildings which are closest to the street line, Building "A" at the southwest corner of the site and Building "E" at the southeast corner, will penetrate the sky exposure plane. The variation requested for Building "A" is for 38.17 feet (16.03%) and for Building "E" it is for 90.96 feet (32.79%), pursuant to Section 78-312 (d).

Modifications are requested pursuant to Section 78-312(f) of minimum distances between buildings on a single zoning lot in 3 of the 9 instances where such minimum distances would apply. The largest waiver is 91.36 feet, or 57 percent of the required distance, between Building "B" and the townhouse Building "F". One waiver of 51.53 feet, or 40 percent, would be required between Building "B" and low-rise townhouse building "G". Waivers of 23.33 feet or 38 percent would be required between the two low-rise townhouse buildings "F" and "G".

The applicant is also requesting a special permit for an accessory group parking facility in a LSRD pursuant to Section 74-53 of the Zoning Resolution. The permitted maximum size of an accessory Group Parking facility is 200 cars on a single zoning lot

in an R7-1 district. The proposed parking garage is for 1701 cars. Therefore, the Commission is requested to permit an accessory group parking facility of 1701 cars pursuant to Section 74-53.

The project is proposed to be built in four phases over a three and a half year period with projected completion in 1995. The first phase would begin with the high-rise building on the southwest corner of the site (Building A) and subsequent phases would generally proceed clockwise around the site. The Baths would be closed down at the beginning of the construction. Each phase would include on-site landscaping as well as construction of that portion of the garage below the area being developed. The public improvements would commence with phase I and be completed with the last phase of construction. The entire front portion of the central public open space along Brighton Beach Avenue would be completed by the end of the second phase, while the remainder of the central open space would be completed in the third phase.

The project will contain a minimum of 140 units of lower-income housing, with a minimum gross floor area of 98,000 sq. ft.. A minimum of 100 units of this housing will be completed by the second phase, another 20 by the third phase and another 20 by the fourth phase, thereby yielding a total of 140 units, minimum.

The project would be developed in accordance with a special permit and a restrictive declaration containing development

restrictions showing the approved site and landscaping plans, parking garage plan, associated public improvements, building envelopes, uses of buildings and the individual and cumulative components of the development phases. The development restrictions would set forth the total approved floor area, the approved floor area for each building and the total number of dwelling units for the project

ENVIRONMENTAL REVIEW

This application (C 910480 ZSK), in conjunction with the applications for the related actions (C 910478 ZMK and C 910479 MMK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et. seq., and the New York City Environmental Quality Review (CEQR) procedures set forth in Executive Order No. 91 of 1977. The designated CEQR number is M 89-299(A) K.

The project site and surrounding area were the subject of two full Draft Environmental Impact Statements and two Final Environmental Impact Statements in the previous actions requested for the site (BBS I and BBS II). Because these current applications differ in some aspects from the proposals that were the subject of the earlier EIS's, it was determined that a Supplemental Environmental Impact Statement (SEIS) would be required.

A Positive Declaration was issued on August 30, 1991 and distributed, published and filed, and the applicant was asked to prepare a Draft Supplemental Environmental Impact Statement (DSEIS). A scoping meeting was held on May 5, 1991 and all the involved city agencies, as well as the Community Board attended the meeting. Certain interested citizens groups including the Committee to Preserve the Brighton and Manhattan Beach observed the meeting.

The applicant prepared a DSEIS and the Department of Environmental Protection and the Department of City Planning submitted to the Commission for its consideration the results of their study of the potential environmental impact of the proposed action. A Notice of Completion of the DSEIS was issued on February 21, 1992. Pursuant to the SEQRA regulations and the CEQR procedures, a joint public hearing was held on the DSEIS on June 10, 1992 in conjunction with the ULURP public hearings on this application (C 910480 ZSK), and the applications for the related actions (C 910478 ZMK and C 910479 MMK). The Final Supplemental Environmental Impact Statement (FSEIS) was completed, and a Notice of Completion of the FSEIS was issued on July 10, 1992. The Notice of Completion for the FSEIS identified the following significant impacts and proposed the following mitigation measures:

Significant Impacts and Mitigation

Neighborhood Character/Visual Resources

The Modified Project would include buildings that are significantly taller than others in the study area resulting in a significant neighborhood character

impact. The proposed high-rise buildings would range in height from 18 to 29 stories (304.5 to 370.5 feet above curb height on Brighton Beach Avenue). The two tallest buildings presently existing in the primary study area are 16 and 19 stories.

The Modified Project would obstruct the sky, light and air when viewed from street level along neighborhood streets in the vicinity of the Modified Project. The Modified Project's high rise buildings would have a significant impact on light and air to surrounding streets and buildings. Besides obstructing significant portions of the sky from street level, the Modified Project's high rise buildings would also irreparably reduce light and air available to nearby buildings and views to the beach from many buildings in the Brighton Beach neighborhood.

Mitigation Measures

The neighborhood character impacts would be partially mitigated by configuring the profiles of the buildings by means of setbacks. The buildings would be stepped down towards the boardwalk. Articulation of the building faces and stepping of the building rooflines would help to reduce the modified projects impacts on the neighborhood character of the surrounding area. Because this measure would act as only partial mitigation, the neighborhood character impacts caused by the modified project would remain unmitigated due to the overall physical characteristics of the proposed buildings, including height, bulk and scale.

The visual resources impacts caused by the Modified Project would remain unmitigated under the proposed building design, bulk and scale.

Historic Resources

The demolition of the cafeteria/multi-purpose building (former carousel pavilion) on the site would have a potential significant impact on this structure, which appears eligible for the National Register of Historic Places.

Mitigation Measures

The demolition of the cafeteria/multi-purpose building (former Carousel Pavilion) on the Site resulting from the construction of the Modified Project would have a

potential significant impact on this structure, which may be eligible for the National Register of Historic Places. To mitigate this potentially significant impact, the Developer of the Modified Project would donate the building to any interested and eligible party(ies) for the purpose of relocation and adaptive reuse. The terms and conditions of this proposal will be specified in the Restrictive Declaration. In coordination with the Landmarks Preservation Commission, the Developer has articulated his intent to find a suitable site for the relocation of the building. Furthermore, the Developer would accommodate on site relocation efforts undertaken by said eligible party. The Developer would have the building secured, disassembled, transported and reassembled at an appropriate location; if a suitable location cannot be secured in time for construction of the relevant Phase of the Modified Project, the building would be stored for a reasonable period of time. In order to ensure that the integrity of the structure is maintained, the Developer would provide the Landmarks Preservation Commission with the plans for disassembling and reassembly of the structure for the Commission's review and approval. If this structure was not relocated and therefore demolished, this loss would be a potentially significant unmitigated impact.

Open Space

The amount of active open space available to area residents is severely limited. According to the DCP guidelines for assessing the adequacy of active open space facilities, 2.0 acres per 1,000 residents is adequate. The analysis of the study area has found the existing and future no-build conditions to be equal to 0.41 and 0.40 acres per 1,000 residents respectively. Thus, the amount of active open space for study area residents under these conditions is below the DCP standard. The introduction of the Modified Project's population into the open space study area would exacerbate these conditions. This is an open space impact which is adverse but not significant (except for ballfields and playing fields) because of the on-site recreational facilities provided by the Developer. There would be a significant active open space impact related to the continued deficiency in available playing fields and ballfields within the open space study area.

Mitigation Measures

The Modified Project would exacerbate the existing deficiency in active open space resources in the study

area. There would be a significant active open space impact related to the continued deficiency in available playing fields and ballfields within the open space study area. This impact could be mitigated by supplying ballfields/playing fields on-site or in the study area. The active open space impacts identified above would remain unmitigated under the proposed site plan's open space programming.

Traffic

The Modified Project would have a significant impact on the intersections of Ocean Parkway at Shore Parkway, and Coney Island Avenue at Guider Avenue in the 1995 build condition. The Department of Transportation and City Planning's standard for determining significant traffic impacts employs two criteria: V/C ratio and delay time. If, in the build condition, any lane group exceeds a V/C ratio of 0.85, and that lane group's V/C ratio exceeds the no-build V/C ratio by an increment of 0.01 or more, the threshold for significant impact is achieved and mitigation is required. Similarly, if, in the build condition, any lane group has an average delay of 30 to 40 seconds per vehicle, a change of two seconds or more from the no-build condition is required to achieve threshold. If the build delay time exceeds 40 seconds per vehicle, a change of only one second from the no-build condition is required to achieve the threshold.

There would be two cases in which the service delay time would exceed the Department of Transportation's criteria for determining significant traffic impacts. All of the impacted approaches are located at the intersection of Guider Avenue and Coney Island Avenue, and Ocean Parkway at Shore Parkway. The southbound left turn approach at the intersection of Guider Avenue and Coney Island Avenue would be significantly impacted in both the AM and PM peak periods. The southbound left turn approach to Shore Parkway at Ocean Parkway would be significantly impacted in the AM and PM peak periods.

During the AM peak hour, for the southbound left turn approach at Ocean Parkway and Shore Parkway, the V/C ratio would change from 0.87 (delay time = 34.7 seconds) in the 1995 no-build condition to 0.88 (delay time = 35.6 seconds) in the 1995 build condition. For the southbound left turn approach at Guider Avenue and Coney Island Avenue, the service delay would increase from 26.4 seconds (V/C ratio of 0.89) in the 1995 no-build condition, to 46.5 seconds (V/C ratio of 0.99) in the 1995 AM peak hour build condition.

In 1995, during the PM peak hour, for the southbound left turn approach at Shore Parkway and Ocean Parkway, the V/C ratio would change from 1.20 in the 1995 no-build condition to 1.23 in the 1995 build condition. (Delay times are not meaningful for V/C ratios above 1.20.) For the southbound left turn approach at Guider Avenue and Coney Island Avenue, the service delay time would increase from 22.3 seconds in the 1995 no-build condition to 33.6 seconds in the 1995 build condition. Similarly, the corresponding V/C ratio would change from 0.84 to 0.92, respectively.

Mitigation Measures

The purpose of providing traffic mitigation measures is to reduce V/C ratios and/or delay times to equal or below the corresponding no-build levels. In addition, a proposed mitigation measure for a particular approach should not cause a significant impact (e.g., a V/C ratio over 0.85) on another approach.

Two approaches would be impacted in the 1995 build condition with the Modified Project. There would be two cases in which the service delay time would exceed the Department of Transportation's criteria for determining significant traffic impacts. All of the impacted approaches are located at the intersection of Guider Avenue and Coney Island Avenue, and Ocean Parkway at Shore Parkway. The southbound left turn approach at the intersection of Guider Avenue and Coney Island Avenue would be significantly impacted in both the AM and PM peak periods. The southbound left turn approach to Shore Parkway at Ocean Parkway would be significantly impacted in the AM and PM periods.

The traffic impacts caused by the Modified Project on the above approaches in 1995 can be mitigated by implementing the following measures:

- . Retime the existing signal at the intersection of Shore Parkway and Ocean Parkway to provide an additional two seconds of green time for the north/south approach. These two seconds of green time would be reallocated from the east/west approach.
- . Change the existing signal phasing at the intersection of Coney Island Avenue at Guider Avenue to provide an additional four seconds of green time for the southbound approach. In order

to provide the four additional seconds for the southbound approach, the signal phases for the northbound and southbound approaches would be divided into two phases. One phase would have the additional four seconds of green time for the southbound approach only. The other phase would have 73 seconds of green time for both the southbound and northbound approaches combined.

Mass Transit

During the AM peak hour the northbound route for the B68 bus line would have a negative available capacity (i.e., less capacity than demand), thereby resulting in a significant impact and requiring mitigation measures in the build condition.

Mitigation

To mitigate the significant impact on the B68 bus line in the northbound direction during the AM peak hour, one additional bus during the 8:00 - 9:00 AM peak hour would be required along this route.

Parking

The Modified Project would provide parking for all Modified Project residents, medical office tenants and health club employees. The off-street and on-street parking facilities described above would not be required by the users of the Modified Project. The municipal lot located approximately 4 blocks to the west of the Site and the private parking facilities would not be significantly affected by the Modified Project. Within the study area no new parking facilities are anticipated. Although some on-street parking would be reduced, no off-street parking resource is expected to be reduced or eliminated. The Modified Project would result in a loss of approximately 48 public parking spaces scattered on Brighton Beach Avenue and Coney Island Avenue. The removal of angled parking along Coney Island Avenue would eliminate 95 on-street parking spaces. These spaces would be replaced by 50 parallel parking spaces along both sides of the street (a net loss of 45 spaces). Brighton Beach Avenue would lose approximately 3 parking spaces. Along Seacoast Terrace approximately 44 private parking spaces would be lost. The Modified Project is providing an additional 77 accessory parking spaces for residents of Seacoast Towers (who currently utilize

parking spaces on Seacoast Terrace or public streets in the vicinity of the Site) to help mitigate this loss of parking spaces. However, these additional parking spaces would not be available to beach users, local shoppers, and visitors to the area who would come from outside the area and who would be adversely impacted by the reduction in on-street parking. There are off-street parking facilities in the vicinity that could accommodate these additional parkers for a higher fee than one would expect to pay for on-street parking. Since these spaces are not being replaced, the loss of 48 public parking spaces would be a significant and unmitigated impact during the summer months.

Subsequent to this, a letter of minor modification was issued on July 20, 1992 in conjunction with the changes made in the ULURP submission. This letter reflected these changes and further listed the reduced impacts and their mitigation as follows:

The elimination of the central median on Coney Island Avenue would lessen the number of off-street parking spaces eliminated by the Modified Project, and thus would eliminate the significant parking impact (during the summer months) identified in the Final SEIS.

The Modified Project would include buildings that are significantly taller with greater massing and bulk than others in the study area; Sky, light and air would be obstructed along neighborhood streets in the vicinity of the site. Although the magnitude of these impacts would be less for the revised plan than for those associated with the Modified Project outlined in the FSEIS, they would still be significant. The elimination of the 29 story central tower would open up views into the site, and will eliminate the longest shadows associated with the Modified Project. The reduced heights of the buildings would also reduce the magnitude of these significant impacts.

Impact on the study area's active recreational facilities. The revised plan would add passive and active open space facilities to the central open space and thus, would have a lesser impact.

The elimination of the 29 story central tower, and the reduction in the number of units, would result in a development of reduced height, bulk and density.

In addition, secondary displacement pressure associated with the Modified Project would be lessened. The inclusion of 140 lower income housing units would lessen any effects on low income resident is of the study area from secondary displacement, although this was not considered a significant impact.

UNIFORM LAND USE REVIEW

This application (C 910480 ZSK), in conjunction with the applications for the related actions (C 910478 ZMK and C 910479 MMK), was certified as complete by the Department of City Planning on February 24, 1992, and was duly referred to Community Board 13 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 13 held a public hearing on this application (C 910480 ZSK), in conjunction with the applications for the related actions (C 910478 ZMK and C 910479 MMK), on March 23, 1992, and on April 8, 1992, by a vote of 33 to 3 with 0 abstentions, adopted a resolution recommending approval of the application.

The board's recommendation included the following additional resolutions:

- 1) Community Board 13 supports the Neighborhood Open Space Plan and rejects the Regional open space alternative.
- 2) Community Board 13 recommends maintaining the angl

parking on Coney Island Avenue, Brighton Beach Avenue to boardwalk, as is.

Borough President Recommendation

This application (C 910480 ZSK), in conjunction with the applications for the related actions (C 910478 ZMK and C 910479 MMK), was considered by the Office of the President of the Borough of Brooklyn, who held a public hearing on this item on May 6, 1992, and on May 20, 1992 issued a recommendation approving the action.

City Planning Commission Public Hearing

On May 20, 1992 (Calendar No. 10), the City Planning Commission scheduled June 10, 1992, for a public hearing on this application (C 910480 ZSK). The hearing was duly held on June 10, 1992 (Calendar No. 14), in conjunction with the public hearings on the applications for the related actions (910478 ZMK and 910479 MMK) and the DSEIS (89-299 (A)). There were 93 appearances in favor of the application, and 129 appearances in opposition. Numerous written testimony was also received in opposition.

Those speaking against the project included representatives from the Municipal Arts Society and the Parks Council, members of the Committee to Preserve Brighton Beach and Manhattan Beach Inc. and their attorney, a representative from the Sierra Club, a representative of the National Resource Defence Council, a representative of the American Planning Association, and

representatives of several neighborhood and Civic groups.

The speakers in opposition to the project emphasized the following objections: the bulk and scale of the buildings would be out of place in Brighton Beach and inappropriate to the shorefront location; the tall and bulky buildings would deprive the surrounding buildings and streets of light, sun and views; the project would overload the sewage treatment plant, pollute the water and the beaches, and impair the ecological balance; Brighton Beach is already too densely developed and the Baths are its last remaining open space resource; the on-street parking spaces that would remain unreplaced would exacerbate an already bad parking situation; the land value created by the rezoning and street demappings would constitute a give-away to the developer without a commensurate benefit to the neighborhood.

Those speaking in favor of the project included the following: The applicant and his legal representatives, Borough President of Brooklyn, the chairman of Community Board 13, City Council member for the 33rd Council District, a representative of State Senator of the 18th Senatorial District, a member of the New York State Democratic Committee, district leaders, some community leaders and representatives of neighborhood groups.

The arguments in favor of the project were that the project would help to attract new residents to Brighton Beach and keep the

middle class from moving out; the project would provide new housing without requiring any relocation; there was no alternative use for the site if the Baths closed down as they are projected to do; the project would create needed construction and permanent employment, bring new business to local stores and add to the tax base; population and economic growth would help to reduce crime and support the provision of increased public services.

Waterfront Revitalization Program Consistency Review

This application was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), adopted by the Board of Estimate on September 30, 1982 (Calendar No. 17), pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 041-91.

The consistency review examined issues of public access to the waterfront, potential impact on water quality, potential impacts of flooding or erosion, potential loss of waterfront views or view corridors, and utilization of waterfront property for non-water dependent uses.

The consistency review found that the public access to the beach would be improved by the project. A new pedestrian and handicapped access ramp to the boardwalk would be constructed at

the terminus of Seacoast Terrace and a public access easement from Brighton Beach Avenue to the ramp would be created along the eastern boundary of the project site. The existing Coney Island Avenue entrance to the boardwalk would be improved with benches and two new ramps.

Stormwater and sanitary sewage flows from the site would be connected to the existing infrastructure adjacent to the site and would flow into the Coney Island Water Pollution Control Plant (WPCP). Based on past flow measurement techniques used at the Coney Island (WPCP), the Department of Environmental Protection (DEP) has reported recorded influent data for the years 1988 through 1990 at a three year average flow of 101.4 mgd, and an average dry weather flow of 106 mgd. Therefore, the Plant is not in compliance with the permitted flow levels set forth in the SPDES permits. However, the Department of Environmental Protection (DEP) has applied to the New York State Department of Environmental Conservation (DEC) for a revision of its SPDES permit to increase the plants rated capacity to 110 mgd.

Since the Draft SEIS was issued, two new flow meters have become operational at the Coney Island WPCP. DEP is installing a total of six (6) new flow meters. The new meters indicate that the flow at the Coney Island Plant may not be as high as that estimated in the re-rating report submitted to the DEC. The march, april and my average dry weather flow readings at these meters have been 99

mgd, 94 mgd, and 91 mgd respectively. This would indicate an annual average dry weather flow of approximately 100 mgd. Since all the new meters are not fully installed and calibrated and since there are only three months of data, the worst case numbers detailed in the DEP's report are used as they were in the Draft SEIS. The further recording of flow data may indicate that the plant is actually in compliance with the existing SPDES permit. However, since the re-rating of the sewage treatment plant is a discretionary action that DEC may or may not approve it, DEP has also developed a flow reduction program for the entire Coney Island WPCP basin. The individual elements of this program are: implementation of a tide gate repair program, the implementation of a hydrant locking program for 2500 hydrants, implementation of a meter installation program for the multi-story buildings within the drainage basin, and the implementation of a voluntary retrofit rebate program in the Coney Island drainage basin. The tide gate program is currently underway and will be completed by 1995. DEP will commence the multi-family metering program immediately, in order for its effect to be realized by 1995. The hydrant locking and retro-fitting programs would await the results of the re-rating application and the new flow meter installation and calibration. But, through whatever measures, the City is committed to a flow reduction program that will bring the Coney Island Treatment Plant flows within acceptable limits on or before 1995.

The WRP review found that the additional flow from the

Modified Project (0.5 mgd) represents less than a significant impact, since with or without the proposed project, the flows to the Coney Island WPCP are predicted to be within the current SPDES permit limits on or before 1995.

The consistency review found that the project site is sufficiently set back from the beach and boardwalk so as to have no effect on the beach nourishment project to be undertaken by the U.S. Army Corps of Engineers along Coney Island beach. The entire site is outside of the 100 year floodplain and is not subject to flood hazards.

The project would not alter existing public view opportunities of the beach from street level, because the beach can not be seen from the public streets, which are at a lower elevation than the boardwalk. However the views of the beach and the ocean from the upper floors of some buildings in the area would be altered.

The site is physically separated from the waterfront by the public beach and boardwalk and therefore has limited utility for water-dependent uses. The proposed project is not a water-dependent use and the proposed zoning change from C3 will preclude using the site for many water-dependent uses.

CONSIDERATION

The Commission believes that the grant of the special permits (C 910480 ZSK) in conjunction with the related applications for a Zoning Map change (C9100478 ZMK) and change in the City Map (C9100479 MMK) is appropriate.

The proposed large scale residential development would be consistent with the Commission's policy of encouraging new residential development where appropriate throughout the city. As modified, it would add up to a maximum of 1,359 new market-rate units and a minimum of 140 lower-income units to the housing stock. The project would enlarge and extend the range of housing market choices available in Brighton Beach, without involving any relocation, thereby contributing to neighborhood stability. Moreover, the site presents an opportunity for new residential development which is exceptional in all southern Brooklyn.

The Commission believes that the zoning change requested by the applicant is appropriate in conjunction with the request for demapping of the streets and the special permits. The area to the east and west of this site is zoned R7-1, while the area to the north is zoned R6. This area is well served by public transportation. The IND "D" and "Q" trains have a stop within a block of this site, while the Bus routes B68, and B1 run along Brighton Beach Avenue and routes x29 and B4 run along Neptune

Avenue, two blocks to the north of the site. Brighton Beach Avenue is a retail strip providing a vast range of neighborhood retail services.

The streets proposed to be demapped are unimproved and have never been acquired by the City. In addition, the mapped elevation of some portions of the streets is significantly higher than the current physical elevation, as explained in the report for the related action (C 910479 MMK). The demapping of the three paper streets will consolidate this site and allow for a more efficient site plan to be developed.

During its review, the Commission raised a number of concerns. The three major concerns that the Commission felt were inseparable and essential to address were the usefulness and public accessibility to the central open space, the creation of apartments affordable to lower income people, and the heights of the buildings. Together, these three issues are critical in producing a well planned development. As explained in the following sections, in evaluating the applicant's response to these issues, the Commission weighed each of the individual elements as well as their relationship to each other to derive an overall package of changes to the project, which on balance met the Commission's concerns.

Other issues of concern to the Commission included the following:

The capacity of the Coney Island Water Pollution Control Plant (WPCP) and the resultant quality of water off Coney Island beach.

The net loss of 45 parking spaces along Coney Island Avenue as a result of the elimination of angle parking on the eastern side. The Community Board as well as well as other neighborhood groups expressed this concern.

Lack of a clear title to the proposed easement along the east side of Seacoast Terrace created concerns about the long-term public benefit of the additional access to the beach being created by the project.

Gates that would limit public accessibility to the open space.

The three major interrelated concerns were addressed as follows:

The central location and limited access to the proposed open space raised concerns about its usefulness for public enjoyment and activity. The Commission requested that the developer consider alternative locations, and a more varied mix of uses in the open space that would draw people into it and through the open space. They also stated that gates and berms that appeared to limit the public's visual or physical access to the site must be removed.

The Commission noted the concerns of the Community Board on the distinction between the regional open space alternative presented in the FSEIS and the neighborhood open space as proposed in the ULURP submission, and understood the Community's preference for the neighborhood open space. However, the Commission is concerned that the public open spaces might be somewhat isolated from the surrounding community. The project architects, responding to the Commission's concerns, have developed a landscaping plan which, the Commission feels, successfully responds to its concerns. By the removal of the 29 story tower, Building C, a large and unobstructed, publicly accessible open space has been achieved. This consolidated publicly accessible central open space measuring 2.3 acres (approximately 160 ft. X 630 ft.), would now extend from Brighton Beach Avenue to the end of the loop driveway, and is without fences or gates. It will contain a plaza with seating fronting on Brighton Beach Avenue, paving and terraced lawns, leading up to a landscaped court with lawns, seating and game tables, a large oval lawn, a tot lot and a flower garden with seating and game tables. In addition, the lateral landscaped walkways would lead in from the surrounding streets to the central open space and connect with the various buildings. The applicant agreed to remove gates that were proposed at the lateral access points on Coney Island Avenue and Seacoast Terrace leading to the central open space. All publicly accessible open spaces would be open to the public from dawn to dusk, or 8 P.M., whichever occurs

later, and would provide a significant amount of passive and a small amount of active recreational open space. There would be signage posted at at least 9 points indicating the public access easements and the hours of operation, as detailed in the ULURP drawings and made part of the restrictive declaration. The private open space would consist of common open space for the use of all the residents, including walks, sitting areas, an accessory health facility, open athletic facilities, one children's playground, a tot-lot, and individual garden terraces in front of the first floor apartments in the towers and in the town house buildings.

The second concern expressed by the Commission was the need for the inclusion of a component of lower income housing units in the proposed development. It is a long-standing principle of sound urban planning that communities need to include a variety of housing units available to occupants with different income levels. Such economic integration insures that residents may have access to housing at a variety of points in a life cycle and insures that persons with lower incomes may continue to live in areas with ample services and opportunities. When a rezoning and authorization of large scale development has the effect of creating a new community, as in this application, it is necessary and appropriate to include a component of lower-income housing. Therefore, the Commission has required that not less than 140 units be provided as lower-income units on site. It is the responsibility of the developer to make available the units at federal Section 8 levels of affordability in

the same manner as the existing inclusionary housing program in the Zoning Resolution. The Commission also recognizes that there are several state and federal housing subsidy programs that can accomplish the same type of housing units and the developer is given the option of seeking any such federal or state program to assist in fulfilling this obligation.

While the heights of the buildings were lower than in the first proposal submitted in 1985, they were still far higher than the tallest building in the area. In partial response to the Commission's concern, the applicant proposed to reduce the heights of the five tall buildings by varying heights ranging from 29 feet at the tallest point to 19 feet at the lowest one. This reduction was achieved by reducing the floor to floor heights from an average of approximately 10.5 feet to an average of approximately 9.0 feet. The number of units and their size remain unchanged by this reduction. This change brought the heights down to 272 feet at the highest point (highest roof of Buildings B and D) and 180 feet at the lowest point (lowest roof of Buildings A and E) as shown on the approved ULURP drawings. In addition, the 29 story building (Building C) at the northern end of the loop was eliminated.

In addition to these major, interrelated concerns, the Commission has required further alterations to the proposal. The public access easement to the beach along Seacoast Terrace on the eastern side of the street, has been moved to the eastern side of

the applicants property. The angle parking on Coney Island Avenue would be maintained, and the proposed central mall eliminated, so that the loss of parking would be minimized.

Concerning the capacity of the Coney Island Water Pollution Control Plant, the Commission notes that the FSEIS has stated that the additional flow of 0.5 mgd generated by the project represents less than a significant impact. However, the FSEIS reports that the recorded influent data indicate that the plant is currently operating above its permitted capacity. The Department of Environmental Protection has applied to the State DEC for a revision of its SPDES permit to increase the plant's rated capacity to a 110 mgd. The City has also committed itself to undertake a multi-faceted flow reduction program as explained in the WRP review section of this report. If the revision to the SPDES permit did not go through, implementation of DEP's flow reduction programs would still reduce the flows at the Coney Island WPCP to within its current SPDES limit on or before 1995 with or without this project. Currently, the Coney Island WPCP is being upgraded to provide full secondary treatment in accordance with the federal water quality regulations, as noted in the FSEIS. Final treatment levels (primary treatment for all flows up to 200 mgd and secondary treatment for all flows up to 150 mgd) are scheduled to be achieved before the end of 1993.

The Commission is requiring, under the restrictive

declaration and as a condition of this special permit, that the applicant must provide certain improvements to public spaces off the site. The tree plantings along Coney Island Avenue, the landscaped sitting area at the end of Coney Island Avenue would contribute greatly to the appearance and the attractiveness of this major approach to the beach. The new landscaping of the full length of the park strip, from Coney Island Avenue to its eastern most boundary, and the new pedestrian ramp to the boardwalk at the terminus of the new public access easement on the eastern side of the applicant's property, would improve the appearance and accessibility of the waterfront area.

The waivers requested to achieve the desired arrangement of buildings, floor areas, residential units, entrances, and open spaces of the proposed site plan, are reasonable. The height and setback waivers have been reduced, and the rear yard waiver will no longer be necessary, as a result of the revision to the proposal.

The site plan as proposed allows for a mix of high and some low density buildings, a mix of income groups, a large amount of publicly accessible open space and parking. The development occupies less than 15% of the site allowing for a tremendous amount of usable and visual open space. A public access easement totalling about 5.6 acres (approximately 37% of the site) would be provided. The consolidated central open space, with an area of approximately 2.32 acres, has been designed to welcome the public towards the

full length of the space, and enjoy the active as well as the passive open space resources that it offers. This will serve as a major open space resource for the residents of the development as well as the neighborhood residents. The publicly accessible open space will be clearly indicated through signs at various points at the street entrances as well as through the interior of the open space. These signs will indicate the hours of operation as well as the access to the public beach from the site through Coney Island Avenue and Seacoast Terrace.

Although the four high-rise buildings are significantly taller than the surroundings, the neighborhood context in which they will sit is a mixed one, with a range of building types. The steps in these tall buildings would result in an articulated skyline, stepping down towards the boardwalk. The townhouses along Coney Island Avenue will form a street-front which reflects the six-story buildings on the western side of the street. Although the zoning change requested by the applicant is to an R7-1 district, the modified project has an FAR of 2.5, which is marginally higher than the maximum FAR of 2.43 allowed in an R6 district.

The necessary parking garage for 1701 cars will be double-level, 24-hour attended facility, with a reservoir space for 50 cars. The garage will have one primary entrance and one primary exit on Coney Island Avenue. It will also have three secondary entrances and exits along the inner loop drive, off of Brighton

Beach Avenue. Both Coney Island Avenue and Brighton Beach Avenue are major streets adequate (with mitigation) to handle the traffic generated by the project, including auto trips not related to the project, as demonstrated in the FSEIS. The garage will serve the needs of the project residents and their guests.

Therefore, the Commission considers that the large scale residential development, as modified, meets the findings for grant of the Special permits pursuant to Sections 74-53, and Sections 78-312 (d) and (f) of the Zoning Resolution.

RESOLUTION

RESOLVED, that having considered the Final Supplemental Environmental Impact Statement (FSEIS), for which a Notice of Completion was issued on July 10, 1992, with respect to this application (CEQR No. M 89-299(A)), the City Planning Commission finds that the requirements of Part 617, State Environmental Quality Review (SEQR), have been met and that, consistent with social, economic and other essential considerations:

1. From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts revealed in the Final Supplemental Environmental Impact Statement (FSEIS) will be

minimized or avoided to the maximum extent possible by incorporating those mitigative measures identified as practicable.

The report of the City Planning Commission, together with the FSEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.9(c)(3) of the SEQR regulations; and be it further

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

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application of Alexander Muss & Sons for the grant of a special permit pursuant to the following sections of the Zoning Resolution:

a) Section 74-53, to allow an attended accessory group parking facility with a maximum capacity of 1,701 spaces;

b) Section 78-312(d), to allow modification of height and setback

regulations as set forth in Section 23-632(a) on the periphery of the development; and

c) Section 78-312(f), to allow the modification of minimum distance between buildings requirements as set forth in Section 23-71,

in a Large Scale Residential Development generally bounded by Brighton Beach Avenue, Seacoast Terrace, a park and Coney Island Avenue, (Block 8720, part of lot 14), Borough of Brooklyn, Community District 13, is approved pursuant to Section Nos. 74-53 and 78-312 (d) and (f) of the Zoning Resolution, subject to the following terms and conditions:

1. The property that is the subject of this application (C 910480 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Costas Kondylis, Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
1	Survey of Property Zoning Sectional Map	7/17/92
2a	Site Plan	7/17/92
2b	Zoning Computations with Phasing	7/17/92

3a	Cellar Plan Lower Level Parking	7/17/92
3b	Ground Floor Upper Level Parking	7/17/92
4	Proposed Building Envelope Longitudinal Section	7/17/92
5	Proposed Building Envelope Transverse Section	7/17/92
6	Tax Map Property Ownership	7/17/92
7a	Area Map- 400' Radius	7/17/92
7b	Area Map- Surrounding Street System	7/17/92
8	Proposed City Map (A)	7/17/92
9	Proposed City Map (B)	7/17/92
10	Minimum Distance Between Buildings	7/17/92
11	Required Yards	7/17/92
13a	Phasing Diagrams Site Plan	7/17/92
13b	Phasing Diagrams Site Plan	7/17/92
13c	Phasing Diagrams Site Plan	7/17/92
14a	Phasing Diagrams Parking Plans	7/17/92
14b	Phasing Diagrams Parking Plans	7/17/92
L-1	Open Space Key/Site Plan	7/17/92
L-2	Landscape Plan	7/17/92
L-2a	Planting Concept	7/17/92
L-3	Section Thru Entry Plaza	7/17/92
L-4	Section Thru Central Open Space	7/17/92
L-5	Street Terminus, Coney Island Avenue	7/17/92
L-6	Public Park	7/17/92

L-7	Coney Island Avenue	7/17/92
L-8	Seacoast Terrace	7/17/92
L-9	Tenant Recreation Area- Tot Lot	7/17/92
L-10	Tenant Recreation Area- Playground	7/17/92
L-11	Sections	7/17/92
L-12	Section, Loop Drive	7/17/92
L-13	Sections, Private Tenant Recreation Area	7/17/92
L-14	Open Space Signage Plan	7/17/92
L-15	Public Access Easement	7/17/92

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. In the event the property that is the subject of this application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and the restrictive declaration described below and any subsequent modifications to either document shall be provided to the Attorney General

of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

5. The development shall include those mitigative measures listed in the Final Environmental Impact Statement (CEQR No. 89-299(A)) dated July 10, 1992, and identified as practicable, as follows:

- . Retime the existing signal at the intersection of Shore Parkway and Ocean Parkway to provide an additional two seconds of green time for the north/south approach. These two seconds of green time would be reallocated from the east/west approach.

- . Change the existing signal phasing at the intersection of Coney Island Avenue at Guider Avenue to provide an additional four seconds of green time for the southbound approach. In order to provide the four additional seconds for the southbound approach, the signal phases for the northbound and southbound approaches would be divided into two phases. One phase would have the additional four seconds of green time for the

southbound approach only. The other phase would have 73 seconds of green time for both the southbound and northbound approaches combined.

To mitigate the significant impact on the B68 bus line in the northbound direction during the AM peak hour, one additional bus during the 8:00 - 9:00 AM peak hour would be required along this route.

The applicant would donate the cafeteria /multi-purpose building (former Carousel Pavilion), which may be eligible for the National Register of Historic Places, to any interested and eligible party(ies) for the purpose of relocation and adaptive reuse. In coordination with the Landmarks preservation Commission, the applicant would strive to find a suitable site for relocation of the building. Furthermore the applicant would accommodate on the site the relocation efforts undertaken by said eligible party. The applicant would have the building secured, disassembled, transported and reassembled at an appropriate location; if a suitable location cannot be secured in time for construction of the relevant Phase of the modified project, the building would be stored for a reasonable period of time. In order to ensure the integrity of the structure is maintained, the Developer

would provide the Landmarks Preservation Commission with the Plans for disassembling and reassembly of the structure for the Commission's review and approval.

6. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
7. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated July 20, 1992 executed by Alexander Muss and Sons and the Tower Owners, the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of Kings.
8. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the attached restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of

said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted or of the attached restrictive declaration.

9. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 910480 ZSK), duly adopted by the City Planning Commission on July 20, 1992 (Calendar No. 3), is filed with the Office of the Speaker, City Council, and the Office of the President of the Borough of Brooklyn, together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

RICHARD L. SCHAFFER, Chairman
VICTOR G. ALICEA, Vice-Chairman
EUGENIE L. BIRCH, A.I.C.P., AMANDA M. BURDEN, A.I.C.P., ANTHONY
GIACOBBE, MAXINE GRIFFITH, JAMES C. JAO, R.A., JOEL A. MIELE, SR.,
P.E., EDWARD T. ROGOWSKY, JACOB B. WARD, Commissioners

Brenda Levin, Ronald Shiffman, A.I.C.P., Commissioners, voted "No"

Dissenting Statement attached

Dissenting Comments of
Commissioner Ronald Shiffman, A.I.C.P.

July 20, 1992

Re: Calendar Nos. C910480ZSK
C910478ZMK
C910479MMK

In the Matter of an Application submitted by Alexander Muss & Sons, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of Special permits pursuant to the following sections of the Zoning Resolution:

- a) Section 74-53
- b) Section 78-312(c)
- c) Section 78-312(d)
- d) Section 78-312(f)

in large scale residential development generally bounded by Brighton Beach Avenue, Seacoast Terrace, a park and Coney Island Avenue, Borough of Brooklyn, Community District 13.

Consideration

I reluctantly feel compelled to vote against this proposed development. I do believe, because of its location, context and access to mass transit, that the site in question can and should accommodate density levels in excess of that for which it is presently zoned. I believe that Brighton could benefit from the provision of new privately developed housing. I strongly favor the principle of including affordable housing in all large scale development projects - a principle which has been established with the passage of this project. However, I also believe that a properly planned large scale development project must

- * mitigate any adverse environmental impacts attributable to it and be sensitive to the sites environmental constraints,

- * fit contextually into the neighborhood,

- * reflect and accommodate the diverse social and economic populations of the community and the city and not provide only 140 units of affordable housing units segregated toward one end of the development that may only serve elderly families and ignore the housing needs of other low income families.

- * provide equal access for both the general public and residents of the affordable housing to Brighton-By-the-Sea's public and private recreational areas and programs and the waterfront, which is comprised of the waterfront park, the beach and the Atlantic Ocean,

- * provide, in perpetuity, open space amenities that are accessible and inviting to the public and provide a continuous unbroken public path between the city's street grid, the public open space, the public park, the beach and the ocean waterfront.

- * meet and or exceed the standards of the City's Waterfront Revitalization Program rather than merely certify compliance and jeopardize the Commission's credibility by certifying compliance. The proposed development, as modified by the developer within the last 72 hours, still fails to meet any of these tests. Brighton-by-

the-Sea is a large-scale development project located on one of the last large open sites along the Atlantic Ocean, and as a result, must meet a set of findings that exceed that of an ordinary zoning or demapping action.

Brighton-By-The-Sea is also one of the first waterfront projects that this Commission will be considering. What we do here will set a pattern for how waterfront development will take place. How we vote will send a message on how this Commission intends to do business. Are we committed to a rational, deliberative planning process or are we going to allow any developer or attorney, no matter how politically connected, to lure us into a game of poker or chicken disregarding the intent of the City's charter. No member of this commission can dispute the fact that planning should be a deliberative and dialectical process. Yet the developer and his development team, knowing the community's objections and knowing the almost unanimous concerns of the Commission, did not respond until after the last public meeting prior to the meeting when we are mandated by the Charter to vote. This cynical tactic, more appropriate to the game of poker than to an accountable and rational planning process, robbed the Commission and the people of New York of the opportunity to debate the virtues of the revised plan publicly and denied us the insight of our colleagues on the commission and the opportunity to benefit from the comments of the public both pro and con. Rather than using the time allocated by the ULURP process to deliberate and engage in a constructive planning process, the development team wore down the resolve of this commission to the point where we today are approving a plan, incrementally better than when it was first submitted to the commission. The people of Brighton Beach, Brooklyn and the City deserve far better, particularly from this Commission.

I'd like to address and comment on the following points in more detail.

I. Large Scale Residential Findings

The proposed plan fails to meet at least five of the six findings required to grant a permit under the Large Scale Residential Development provisions, since:

1. The project will adversely affect light and air for the neighboring zoning lots. Indeed the applicant's own FSEIS, in the section on unmitigated impacts, states [p 1.20] that "The Modified Project would include buildings that are significantly taller with greater massing and bulk than others in the study area, resulting in a significant impact on neighborhood character...the neighborhood character impacts caused by the Modified Project would remain unmitigated due to the overall physical characteristics of the proposed buildings, including height, bulk, and scale as well as impacts to visual resources which affect the neighborhood's character." The shadow studies included in the FSEIS support the point that light and exposure to the open sky will be severely impacted, on and adjacent to the property.

2. As indicated in item 1, the bulk and massing of the

proposed project's buildings will be significantly and unduly greater than what presently exists in the adjoining community.

3. The project doesn't provide the range of community services including active and or passive recreation areas, day care centers and other community facilities necessary to properly serve the development that is proposed.

4. The design and articulation of the private public open space that does exist does not benefit the community or the city as a whole. The lack of direct access to the public park, board walk and beach and its location in the center of the development is so designed as to privatize the space and to create a socio-political dynamic that overtime will inevitably lead to the privatization of whatever minimal space is made available to the community.

5. The project's urban design and site planning can't be construed to constitute "better planning", particularly in light of the unmitigated impacts that even the applicant cites-- such as Open Space, Bulk, Height, Visual Resources -- and most importantly, its adverse and unmitigated impact on neighborhood character and the lack of any foresight in the provision of community facilities such as day care.

Therefore, I believe that the proposed project, even as modified at this late date, fails to meet the finding required in order to grant a large scale residential development permit.

II. The Waterfront Revitalization Program and Plan

In 1972 the Coastal Zone Management Plan was passed by Congress to improve management of areas immediately surrounding the land/water interface. On October 30, 1982 the Board of Estimate adopted a Waterfront Revitalization Plan. Under the Charter, the City Planning Commission has been designated to serve as the City Coastal Commission, with the power to certify that a project is in compliance with the City's Waterfront Revitalization Program and policies. After carefully reading those policies which are contained in section 4 of the FSEIS, there is absolutely no basis that I can find to believe that the proposed project is in compliance with that Plan. To outline in detail where the proposal deviates from the plan would take more space and time than I am able to devote to writing this dissent. Briefly, I believe that the proposed development violates the spirit and the letter of Policies A, 2, 5, 19, 20 Policy F, G, 21,22, H, 25 since:

- * the proposed project doesn't improve access to the waterfront,

- * the so called improved access to the beach near Seacoast Terrace shifts the public access off the Brighton-By-The-Sea site to an "existing access point" while residents of the project will have a private entrance to the beach through the heart of the site. Furthermore, the only real beneficiaries of the Seacoast Terrace access are residents of Seacoast Terrace which was developed by the developer of Brighton-By-The-Sea. The new access point is therefore of questionable value to anyone but a resident of one of Mr. Muss's development. Moreover, the FSEIS states access will be from dawn to dusk, the resolution before states dawn to 10 pm, but the beach is open from dawn to 1 am. Therefore, even the limited access points

to the beach that are proposed will be restricted for a portion of time that the beach is open.

* there is no connection or continuity between the on-site open space, the park strip, the boardwalk and the beach.

* the proposed development is a commitment to an irreversible non-water related use. The argument, made in the FSEIS that " the Site is separated from the waterfront by a public beach and [the 50 ft] park strip, thus this tends to preclude the use of the Site for a water-dependent use" is just ludicrous. [If I didn't know better I'd think that the FSEIS was written by Vice President Quayle not a land use attorney.]

* given the questions concerning the sewage treatment plant and the need to revise the SPDES permit and or to implement a series of mitigation measures there is a serious question as to the present adequacy of public facilities and services in the area. [see sewage treatment concern below].

*The FSEIS claims that there will be no shadows cast on any open space facilities adjoining the B-B-S project. This is simply not true and, is contradicted by the applicant's own shadow studies indicating that many of the area's streets that are used as open space by teenagers will be cast in shadow, as will the School yard at P.S. 225 and the park known as Babi Yar Triangle.

*Finally, it is unclear to me what the impact of implementing the tide gate repair program will have on the beach and the surrounding waterways. In the report prepared by the joint venture of Pirnie-Baker for the Dept. of Environmental Protection, entitled Final Increased Capacity Report, the authors state that " Because Coney Island WPCP service area is primarily a combined sewer system, during wet weather conditions all precipitation collected in the service area will be directed to the plant to the extent possible. Flows not received by the plant will be discharged into Paerdegat Basin via flow regulators. ...All effluent flows from the plant will be chlorinated. In addition, it is important to understand that wet weather flows directed through the plant will be discharged into the center of Rockaway inlet, instead of to the head of Paerdegat Basin. Therefore, increasing permitted capacity of this plant will increase the amount of wet weather flow required to be accepted and treated; thus reducing untreated wet weather overflows and loads to a confined water body (Paerdegat Basin); and minimally increasing treated effluent loads to a well mixed open water body (Rockaway inlet). Maximizing flow to the plant will benefit overall water quality, especially for Paerdegat Basin."

This statement taken together with the Commissioner of Health's concern that "overflow heavy rains causes significant amounts of untreated sewage to be discharged into the harbor water, 'with the greatest impact on several beaches', including 'beaches closest to the inner harbor of Coney Island,' and 'recommends that people refrain from swimming for a least two days following periods of heavy rain' 'at area beaches'", raises serious questions in my mind about DEP's proposal. It could be that I don't fully understand what they are proposing - but I don't think I'm the only one. There has been too little time and too little discussion or explanation of how the tide gate repair program will work, particularly, given the combined sewers that exist in the area. I for one would need

further explanation of the intended and unintended implications of what is proposed before I would have the level of comfort to believe that the environment will not be harmed.

Given the factors cited above, I do not believe that the proposed development complies with the City of New York's Waterfront Revitalization Program.

Similarly, the entire FSEIS lacks the proper level of detail and data necessary to make informed environmental and planning judgements. There simply is not enough reliable information. The very data base used is questionable because of the decision to use 1995 as the build year. Because the build year for Brighton-Bt-The-Sea is grossly understated, the FSEIS is critically flawed and does not allow the Commission to take the necessary hard look at the environmental impacts of the project. Neither the Commission nor the public should have to guess at how the build year distorts the analysis in the FSEIS, including traffic and air quality analyses, the economic projections for the project, the community resource impacts, the open space impacts, and the secondary displacement analysis. Given the fact that the plans will not be completed until 1993, the difficulty of securing financing, and the developer's own statements that he intends to build one building at a time, the project certainly cannot be built and occupied by 1995.

In addition to the questionable data estimates used the FSEIS lacks any detailed wind studies, has a number of inconsistencies in some of the drawings, for example, where the parking garage exhaust vents are located and how they relate to the design of the publicly accessible open space and areas such as the boardwalk. The socio-economic analysis is skewed to focus on the needs of the developers target market to the exclusion of other socio-economic and ethnic/racial groups that reside in the community.

III. Affordable Housing as An Integral Part of Brighton-By-The-Sea

I believe that in order to enhance the stability of our communities, and to maintain the diversity that contributes to the health and vitality of our communities and our city, all large scale residential development projects, and residential developments in excess of 100 units, should be required to include a mandated percentage of low and moderate income housing. [Low and moderate income being defined as 80% of the median income or less.] Indeed, in the case of Brighton-By-The-Sea, where the developer is in essence requesting a five-fold increase in floor area and the addition of four acres of developable land; and where the developer will be the beneficiary of a dramatic increase in land value, and where over 1,110 units of affordable housing may be lost because of secondary displacement, the case for inclusion of at least 20% of the units for low- and- moderate income housing is overwhelming.

Furthermore, where the public action taken by the Commission confers such a dramatic and overwhelming increase in value, I

believe it should be the responsibility of the developer to provide the financing for the project without diverting desperately needed and scarce financing and subsidies from other worthy sponsors. Tax exempt and other kinds of enhanced financing such as that which is available through the 80:20 Tax Exempt Bond program should be pursued. The state and city should explore ways of providing credit enhancement so that 80:20 financing can be used without difficulty.

While I believe that the proposed 140 units of low-income housing is a significant step forward I believe it is too little in terms of all the benefits that will accrue to the sponsors of the project and the dearth of benefits that accrue to the public. Indeed, the infrastructure investment required by the city, the diminution in the quality of life in the adjoining community, and the poor quality of the urban design and planning that has accompanied this proposal all reinforce my decision to vote against this project, despite the fact that the principle of inclusionary housing has been established.

I am also concerned by the possibility that the developer will attempt to undermine the hard won principle of inclusionary planning by building housing for senior citizens only, or by spatially segregating them on the site. Given that some of the amenities are accessory uses and that the developer might seek to sell land to a not-for-profit to develop the affordable housing, I am also concerned, despite the restrictive declaration and the hard work of the Chair, that low income residents might comprise a separate and unequal segment of this large scale development. The last set of restrictive declarations have allayed my concern, however, I urge the Chair, HPD and the Commission on Human Rights to monitor the situation carefully.

All of these things taken together have inevitably brought me to the conclusion that the Brighton-By-The-Sea Proposal is not worthy of my support. Despite all the hard won improvements that the Chair was able to report to us this afternoon, the plan remains badly conceived and the result of the kind of planning that I had hoped this city had abandoned.

I vote no.



BROOKLYN COMMUNITY BOARD #13
2900 West 8th Street, Brooklyn, New York 11224
(718) 266-3001

HOWARD GOLDEN
Borough President
MITCH WESSON
Chairman
HERB EISENBERG
District Manager
MAXINE WEISSMAN
Assistant District Manager

April 15, 1992

Hon. Richard L. Schaffer
Chairman
City Planning Commission
22 Reade Street
New York, New York, 10007

Re: Applications:
C910478ZMK, C910479MMK
and C910480ZSK
"Brighton By The Sea"

Dear Chairman Schaffer,

As per Article 4 of the Uniform Land Use Review Procedure, Brooklyn Community Board #13 has reviewed and approved the above referenced applications. In the course of that review the Board was informed by City Planning's Brooklyn office of the Commission's request for a recommendation in reference to Public Open Space included as a part of the proposal.

The location and the type Public Open Space was discussed at the Housing, Zoning and Land Use Committee and Community Board meetings. At the culmination of the committee meeting the following resolution was introduced;

"Resolved: That Community Board #13 supports the Neighborhood Open Space Plan and rejects the Regional open space alternative".

This motion was overwhelmingly approved in committee by a vote of 11 in favor; NONE against; with 4 abstaining.

At the Community Board meeting held on April 8, 1992 this motion was brought to the floor and again was overwhelmingly approved by a vote of 32 in favor; 1 against; with NONE abstaining.

During the debate on this motion the type of open space and its location were discussed. The vast majority of members expressed the need for a "passive" open space by the community. It was noted that much of the active open space in the community is underutilized. [As confirmed by SDEIS, the school yards of P.S. 225, P.S. 253, Brighton Park, Grady Field (including handball, paddleball, basketball courts softball and a baseball

**Community/Borough Board
Recommendation**

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

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.

2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C 910479 MMK

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Alexander Muss and Sons pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving the elimination of Brightwater Avenue from Coney Island Avenue to Seacoast Terrace; Brighton 11th Street from Brightwater Avenue to Brighton Beach Avenue; Brighton 12th Street from Brighton 11th Street to Brighton Beach Avenue; the adjustment of legal grades related thereto; the delineation of a public access easement, and any acquisition or disposition of real property related thereto, to facilitate construction of a residential development, Community District 13, Borough of Brooklyn, in accordance with Map No. 2583 dated February 13, 1992 and signed by the Borough President.

COMMUNITY BOARD NO. 13
BOROUGH Brooklyn

BOROUGH BOARD _____

DATE OF PUBLIC HEARING March 23, 1992
WAS QUORUM PRESENT? YES NO

LOCATION Shorefront YM-YWHA

(A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE April 8, 1992

LOCATION Shorefront YM-YWHA
3300 Coney Island Ave., Bklyn, N.Y. 11235

RECOMMENDATION

APPROVE APPROVE WITH MODIFICATIONS/CONDITIONS
 DISAPPROVE DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

SEE ATTACHED LETTER

CITY PLANNING COMMISSION
92 APR 20 PM 3:26
DEPT OF CITY PLANNING

VOTING

IN FAVOR 30 AGAINST 3 ABSTAINING 0
TOTAL MEMBERS APPOINTED TO BOARD _____

COMMUNITY/BOROUGH BOARD OFFICER

DATE

Chairman

TITLE

field); are used only moderately. The fields of Asser Levy Park and Lincoln High School (including handball, baseball and football fields,) also are underutilized by the public. In fact there are active open spaces (ie. J.H.S 303, and P.S. 100) that are lightly utilized.] The members also noted the limited amount of passive open space in the immediate area (excluding the Boardwalk). Board/committee members strongly expressed the need for a Neighborhood Open Space amenity, (as proposed in the U.L.U.R.P. application,) available to the community and separated from the "hustle and bustle" of the boardwalk. Members stated that the Regional Open Space Alternative (or any direct connection from the boardwalk to the open space,) will change the character of the open space from a neighborhood facility to one used by the whole city. In addition, moving the passive space away from Brighton Beach Avenue, which is the "hub" of the community, will make it more difficult for community residents to avail themselves of this amenity. As a result, they opposed it being moved closer to the boardwalk, or any connection there-to, which would "convert" it from a Neighborhood Open Space to a regional facility.

The Housing, Zoning and Land Use Committee and the Community Board also considered the proposed elimination of angle parking on the east side of Coney Island Avenue (adjacent to the site). The elimination of said angle parking would result in a loss of 45 parking spaces. As a result at the Committee meeting the following resolution was introduced:

Resolved: That Community Board #13 recommends maintaining the angle parking on Coney Island Avenue, Brighton Beach Avenue to the boardwalk, as is.

This resolution was overwhelmingly approved in committee by a vote of 14 in favor; 1 against; with None abstaining; and by the Community Board by a vote of 33 in favor; NONE against; with NONE abstaining.

Please find the completed Community Board recommendation forms attached. We trust that you will consider and concur with the above resolutions as well as the Community Board's approval of the U.L.U.R.P. applications and thus address the needs of the Brighton Beach Community.

Sincerely,



MITCH WESSON
Chairman of the Board

CC:

Hon. David N. Dinkins; Mayor
Hon. Commissioners; City Planning Commission
Hon. Howard Golden; President, Borough of Brooklyn
Hon. Samuel Horwitz; Councilman
Hon. Peter Vallone; Speaker of the City Council
Hon. Donald Halperin; Senator, N.Y.S.
Hon. Howard Lasher; Assemblyman, N.Y.S.

**Borough President
Recommendation**

CITY PLANNING COMMISSION
22 Rouse Street, New York, NY 10007
FAX # (212) 720-3350

INSTRUCTIONS

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

APPLICATION # 910478 ZMK, 910479 MIX and 910490 ZBK

DOCKET DESCRIPTION

APPROVED BY THE BOARD OF ESTIMATES AND ASSESSMENT

To authorize the installation of proposed new street lighting and associated equipment to the right-of-way on the east side of 10th St. from 10th St. to 11th St. in the Borough of Manhattan.

APPROVALS (NYS/USDA)

1. Borough Board of Estimate and Assessment (BSEA) - 10/15/91
2. Planning Board of Estimate and Assessment (PBEA) - 10/15/91
3. The Department of City Planning (DCP) - 10/15/91

APPROVALS (Department of Streets and Sanitation)

1. Department of Streets and Sanitation (DSS) - 10/15/91
2. Department of Transportation (DOT) - 10/15/91
3. Department of Parks and Recreation (DPR) - 10/15/91
4. Department of Public Works (DPW) - 10/15/91

APPROVALS (Department of City Planning)

1. To allow an amended parking sign with a maximum of 1,000 spaces
2. To allow the modification of rear yard regulations
3. To allow the modification of height and setback regulations on the east side of the street and along 10th St.
4. To allow the modification of the maximum lot area to 10,000 sq. ft.

COMMUNITY BOARD NO. 13

BOROUGH BROOKLYN

RECOMMENDATION

- APPROVE
 APPROVE WITH MODIFICATIONS/CONDITIONS (List below).
 DISAPPROVE

EXPLANATION OF RECOMMENDATION - MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

SEE ATTACHED RECOMMENDATION REPORT

David Golden
BOROUGH PRESIDENT

05/20/92
DATE

DEPT. OF CITY PLANNING

CITY PLANNING COMMISSION
92 MAY 22 PM 3:14

A ZONING MAP CHANGE FROM C3 AND R6 (C1-2) TO R7-1,
STREET DEMAPPINGS, AND ZONING
SPECIAL PERMITS PURSUANT TO THE LARGE
SCALE RESIDENTIAL DEVELOPMENT REGULATIONS
FOR BRIGHTON-BY-THE-SEA
(910478 ZMK, 910479 MMK, 910480 ZSK)

RECOMMENDATION REPORT BY THE
PRESIDENT OF THE BOROUGH OF BROOKLYN

Background

The applicant, Alexander Muss and Sons, is requesting approvals for a zoning change for C3 and R6 (C1-2) to R7-1, demapping the mapped but undedicated portions of Brighton 11th Street, Brighton 12th Street and Brightwater Avenue within the boundaries of the site, and special permits pursuant to the Large Scale Residential Development regulations of the New York City Zoning Resolution to permit the development of 1,600 dwelling units, medical offices, an accessory health club, parking for 1,701 cars and public and private open spaces.

The proposed residential units are within five high-rise towers (two with stepped heights of 28, 25 and 22 stories and one building at 29 stories) and two 4-story townhouses structures along Coney Island Avenue.

A zoning change from the existing zoning of C3 and R6 (C1-2) is sought to R7-1. The rezoning action includes the Brighton Baths site and the area east of the baths which includes Seacoast Towers. The proposal is for 1,600 residential units broken down as follows:

- 306 Apts. in Bldg. A; Coney Island Avenue and the Boardwalk.
- 354 Apts. in Bldg. B; Coney Island Avenue near Lincoln Savirgs
- 224 Apts. in Bldg. C; Brighton Beach Avenue
- 354 Apts. in Bldg. D; Seacoast Terrace
- 306 Apts. in Bldg. E; Seacoast Terrace and the Boardwalk
- 56 Apts. in the Townhouses

These buildings sit on a deck below which parking for 1,701 project-related cars is provided. Access to the parking levels is from ramps along Coney Island Avenue and from the private street within the project.

At the center of the site, a circular private street is proposed to replace the mapped but undedicated portions of Brighton 11th Street, Brighton 12th Street and Brightwater Avenue. This circular private street provides access and egress for both vehicles and pedestrians onto Brighton Beach Avenue and frames a planted public open space with benches in the center of the project. The health club located between the private street and the Boardwalk, and certain outdoor recreation spaces are for the use of the project residents.

CITY PLANNING COMMISSION
92 MAY 22 PM 3:14
DEPT. OF CITY PLANNING

In addition to providing public open space in the center of the project the developer proposes to:

1. Dedicate a Public Access Easement through the project and out to Coney Island Avenue and Seacoast Terrace.
2. Construct a ramp from the Seacoast Terrace Public Access Easement to the boardwalk.
3. Construct a sitting area with trees, plantings, etc. at the boardwalk at the foot of Coney Island Avenue.
4. Plant trees and provide special sidewalk paving and planted median strips along Coney Island Avenue.
5. Install appropriate signage to inform the public that the public open space and the public access easements are available to all from 8:00 A.M. to sunset.
6. Provide public open space in front of the project along Brighton Beach Avenue.
7. Clean, plant and fence the existing 50 foot wide mapped park visual open space between the Boardwalk and the project and the existing buildings to the east, from Brighton 14th Street to Coney Island Avenue.

This is the third attempt to gain the public approvals necessary to develop the Brighton Baths site for market rate housing.

The first set of land use actions required to redevelop the Baths site, filed by the applicant in 1986, were withdrawn, the second set of actions were defeated at the City Planning Commission in January of 1990 by a vote of 3, in favor and 2 against because four affirmative votes were then required for approval.

Borough President's Public Hearing

On May 6, 1992, the Borough President held a public hearing on this application. There were 57 speakers. Thirty-six speakers testified in favor of the project. Twenty-one speakers testified against the project.

Speakers in favor included the applicant, his attorney, the Chairperson of the Brighton Neighborhood Association, the Councilman from the community, the Chairman and District Manager of the Community Board, the President of the Brighton Beach Board of Trade, the former Director of the Board of Trade, the President of the Community School Board, other community officials, religious leaders, unemployed construction workers, residents and others.

Speakers against included officials and members of the Committee to Preserve Brighton Beach and Manhattan Beach, an official of American Property Taxpayers Association, residents and others.

Speakers in favor noted the long history and significant changes that have been made to the proposed development since its original filing at the City Planning Department in 1980's. They cited the importance of offering new housing choices in what is an old community but a community receiving significant new immigration. Speakers pointed out the recent closing of a delicatessen and a haberdashery as well as other storefront vacancies along Brighton Beach Avenue and looked toward the new residents as a source of customers for the Avenue. Another speaker pointed out that all the local elected officials are in favor of the project. The Chairman of the Community School Board and the Chairman of the Community Board cited data to indicate that sufficient capacity of infrastructure exists in both the schools and the sewage treatment facilities to handle the increased residential population. Unemployed construction workers cited the job generation aspects of the proposed development. Various speakers cited the need for communities to advance, not remain stagnant and to provide for new residents.

Speakers in opposition stated that the buildings were too tall, the proposal too dense and that the development would negatively impact the existing community in several ways. One speaker stated that the subways in Brighton Beach do not work well now. Several cited existing parking problems and the fact that the proposed development will eliminate over forty on-street parking spaces from Coney Island Avenue and Brighton Beach Avenue. Brighton Beach Avenue is regarded as already crowded, for both vehicles and pedestrians. Other speakers in opposition stated that under existing circumstances ocean bathing is not recommended for two days after a heavy rain. At least one speaker expressed a strong preference for private houses.

The Borough President asked the applicant's attorney to explain the concept and enforcement of "the public access easement" to be provided through the site to Coney Island Avenue and to Seacoast Terrace and then along Seacoast Terrace to the Boardwalk. The applicant's representative explained that this is a concept utilized by the City Planning Department and created through a restrictive declaration that will be entered into by the applicant to insure public enjoyment and accessibility of the public project elements. The applicant's representative stated that the City of New York and members of the public have standing to enforce the restrictive declaration and therefore, the public access easement.

The Borough President asked about the responsibility for construction and maintenance of the project's public open space, the planted Parks Department strip adjacent to the Boardwalk, the Coney Island Avenue public improvement and the bridge to the Boardwalk at the foot of Seacoast Terrace. The applicant's representative responded that the developer will enter into construction and maintenance agreements with the New York City Parks Department to build and initially maintain the facilities. Future maintenance, he stated, would be the responsibility of the future unit owners.

The Borough President asked about Building C, the Brighton Beach Avenue building, including why it was, at 29 stories, the tallest building on the site. The applicant's representative responded that the site plan has the other four tower buildings stepping down to the water. The tallest building is furthest from the site to avoid blocking views from the other buildings.

The Borough President asked if consideration was given by the developer to replacing some or all of the passive publicly accessible open space that the site plan provides, with active publicly accessible open space. The applicant's attorney stated that active recreation was considered not appropriate to the site design. He cited conversations with the community as revealing that the beach provides sufficient active public recreation and noted the recommendation of Community Board No. 13 in this regard.

The Borough President asked about the progress of efforts to relocate the former Carousel building. He asked if any potential exists to relocate it within the proposed development. The applicant's representative responded that there have been discussions between his clients and groups interested in carousel preservation as well as with the Landmarks Preservation Commission concerning the Carousel building. He stated that there was no potential to relocate the building on site but that due to the desire to make it available for off-site relocation the developer would dismantle the structure under the supervision of the Landmarks Commission.

The Borough President asked how many of the proposed 1,701 parking spaces are required parking spaces under the New York City Zoning Ordinance. The applicant's representative stated that the Zoning Resolution requires the provision of 884 parking spaces for this proposed development. The total parking spaces provides for 77 accessory parking spaces for residents of Seacoast Towers. The remainder, 640 parking spaces are provided for marketing purposes and to keep the new community residents cars off the neighboring streets. He noted that the proposed R7-1 residential zoning designation does not permit public commercial parking facilities.

The Borough President noted at the opening of the public hearing the availability of translation services for the disabled and the sign language interpreter signaled his availability to the audience.

After calling all the speakers, the Borough President closed the public hearing.

Consideration

A review of documents filed with this application and the previous two applications for the proposed Brighton by the Sea development reveals that there are significant differences between this proposed development and its two earlier versions.

Brighton by the Sea I proposed the construction of 2,098 dwelling units. Brighton II proposed to build 1,730 dwelling units. This application, if approved, would allow for 1,600 dwelling units to be constructed.

The first Brighton application would have covered 42 percent of the zoning lot with buildings; Brighton II 26 percent of the lot. This application has a lot coverage equal to 17 percent. The site is considerably more open in this proposal, permitting the publicly accessible open space in the center of the site to be enlarged by almost 25 percent over the 1986, Brighton By the Sea I, proposal.

The publicly accessible open space was accessible by pedestrians only from Brighton Beach Avenue in the original Brighton I application. In the proposal now going through the City's Uniform Land Use Review Procedure, pedestrian access through the site and to the Boardwalk and beach is available from Brighton Beach Avenue, Coney Island Avenue and Seacoast Terrace.

The number of residential towers has been reduced from 6 to 5 and the number of stories from: 2 towers at 44 stories, 2 towers at 34 stories and 2 towers at 24 stories in the original Brighton by the Sea proposal, to: 1 tower at 29 stories, 2 towers at 28 to 22 stories and 2 towers at 24 to 18 stories.

The heights of the residential towers have also been reduced from the original proposal of 408 to 227 feet, to the now proposed heights of 313 feet to 193 feet.

On-site parking has also been reduced from 2,112 parking spaces in Brighton I to 1,701 parking spaces. Public parking spaces were provided in Brighton by the Sea I and Brighton II and permitted as a result of the commercial zoning designation and zoning overlay sought in those previous applications. The residential zoning designation sought by Brighton III does not permit public parking and none is provided in this proposal.

The Draft Environmental Impact Statement prepared for this proposed development identifies potentially significant impacts and discloses facts about Brighton by the Sea some of which coincide with, and some of which are at variance with, the testimony elicited at the Borough President's public hearing.

Many speakers at the public hearing addressed the positive economic impacts for retailing and the commercial activity along Brighton Beach Avenue and within the community. According to the Draft EIS the positive economic impacts stemming from Brighton by the Sea may actually be expected to benefit the City as a whole, as well as the nearby community. The following chart was prepared based on the information disclosed in the Draft EIS.

DRAFT EIS
BRIGHTON BY THE SEA
ECONOMIC DATA

Existing Brighton Baths

Real Estate Taxes
\$238,582

Jobs
18 full time
30 seasonal

Income Taxes
\$18,526 annually
State and City

Brighton By the Sea

Real Estate Taxes
Year 1 \$ 357,257
Year 15 \$10,538,165

Jobs
450 construction
241 permanent new full time

Income Taxes
\$2.2 million for NY State
& NYC from construction
workers

\$1.5 million annually in
Federal taxes from the 241 new
permanent positions

\$740,000 annually in State &
City Taxes

Clearly the 450 construction jobs to be generated by the project support the contentions of the unemployed construction and trade workers who spoke in favor of the development at the public hearing.

The Draft EIS also discloses that there are no significant unmitigated impacts to the sewer or water pollution control system, the area schools or to secondary residential displacement pressures, as a result of the project.

Identified significant impacts in the Draft EIS are mitigated or can be mitigated in the following ways: neighborhood character is partially mitigated by stepping the buildings down toward the Boardwalk and creating a series of setbacks; the demolition of the potentially significant Carousel Building is mitigated by the developer's offer to disassemble and relocate the structure under the supervision of the Landmarks Preservation Commission; vehicular traffic impacts at the two intersections of Gulder Avenue at Coney Island Avenue and Shore Parkway at Ocean Parkway will be mitigated by retiming of traffic signals; and, morning peak hour bus crowding on the northbound B68 bus can be mitigated by the addition of one bus between 8 and 9 a.m.

The loss of approximately 48 on-street public parking spaces, additional pressures on active recreation in the area (i.e. ball fields and playing fields) and the visual impacts of constructing permanent

residential units on a site where presently only private recreation structures exist, are unmitigated impacts resulting from the project.

Community Board No. 13 explicitly addressed the active recreation and parking impacts in their written approval of the proposal after a public hearing, by a vote of 30 in favor, 3 against and 0 abstaining. The Community Board expressed the need for passive open space to serve the community rather than active open space and sought the retention of the angle parking (and the public parking it provides) along the east side of Coney Island Avenue.

Finally, this proposed development is located within the larger community of Brooklyn. Few speakers at the public hearing addressed the relationship of these 1,600 new apartments to the Borough of Brooklyn and little is available on this subject as part of the City required paperwork and design drawings that make up the application materials in New York City land use matters.

Over six years ago, when then Mayor Edward I. Koch called a press conference to announce the original 2,096 apartment proposal for the site, the Borough President of Brooklyn noted that, "It shows that people want to invest in Brooklyn."

All these years later the national and regional economies are "sluggish" to economists and plain "scary" to wage earners and heads of households. New construction with new and retained jobs continues in Kings County only because of the groundwork laid in better economic times that created Pierrepont Plaza, MetroTech, Livingston Plaza and will create Renaissance Plaza and Atlantic Center.

These developments build on the strength of Brooklyn's Downtown. They come after years of the City of New York losing business and jobs to suburban and more distant locations because viable facilities within our City limits but outside Manhattan did not exist and they all required a private industry and government partnership to make sites or land available. With the exception of Atlantic Center, which has a housing component, they all involve the creation of business and commercial space, rather than new multiple dwelling residences.

One of Brooklyn's greatest physical strengths outside of Downtown is its waterfront. Brighton by the Sea seeks to utilize approximately four blocks out of Brooklyn's thousands of blocks of waterfront for market rate multiple dwelling housing. This new housing will expand the inventory of housing choices available along the Brooklyn waterfront. It will do so without relocating a single existing Brooklyn resident and it will do so without government or taxpayer subsidy.

Brooklyn, since World War II, has seen very little new construction of market rate apartment buildings. Brooklyn, the home of almost 100 different nationalities and ethnic groups, is by definition, big enough, diverse enough and varied enough from block to block, street to street, building to building and apartment to apartment, to welcome, absorb and continue with 1,600 new or relocated families in market rate housing at the beach. To think otherwise, to suggest that we in Kings County are

not the most racially, ethnically, economically and otherwise integrated county in the City of New York and likely the United States, is not to know us at all.

Private investment in postwar Brooklyn has not been so ample, so dependable, so immune to the slanted playing field policies of the Federal government that the City of New York should tell these investors after more than six years and after substantial modification of the proposal, that Brooklyn just isn't big enough to accommodate this modified development at our beautiful Coney Island and Brighton Beach beachfront.

Recommendation

Whereas, Community Board No. 13 overwhelmingly voted to support the Brighton by the Sea new housing and open space proposal and;

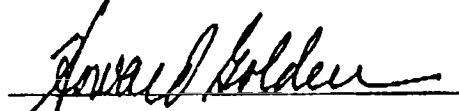
Whereas, it is the land use policy of the Borough President of Brooklyn to support and encourage new residential dwellings in Brooklyn at all economic levels including public, publicly assisted and market rate housing and;

Whereas, substantial modifications have been made to the Brighton by the Sea development over many years including but not limited to, a reduction in the number of units, a reduction of stories and building heights, increased and more publicly accessible open space and;

Whereas, the investment, taxes, and jobs as disclosed in the Draft Environmental Impact Statement are important for Brighton Beach and for Brooklyn and;

Whereas, a failure to foster and encourage this significantly modified development after all these years will adversely affect the ability of Brooklyn to attract private investment, especially for new market rate apartment residences, into the next century, now therefore be it

Resolved, that the President of the Borough of Brooklyn pursuant to Sections 197-c and 200 of the New York City Charter that, based on the consideration described in this report, recommends approval of the applications. (910478ZMK, 910479MMK 910480ZSK).



Howard Golden, President
Borough of Brooklyn