



### **Comments on Draft Scope of Analysis for Coney Island Rezoning Project EIS**

The Municipal Art Society offers the following comments to the Office of the Deputy Mayor for Economic Development, the lead agency for the review of the Coney Island Rezoning Project.

#### **GENERAL COMMENTS**

Coney Island was once one of the greatest amusement districts in the world and remains hugely popular, even iconic, despite years of decline. Restoring Coney Island to its place as a truly great entertainment district is of huge importance to all New Yorkers.

The Municipal Art Society therefore congratulates the city for focusing on this challenge and producing a plan for Coney Island that is already far superior to any recent development proposal for the area.

In our initial review of the plan, we have identified three critical concerns that we believe should be addressed both in the Environmental Review and in the general planning for the project.

#### **Concern One: The need for a regionally attractive Coney Island.**

The Draft Scope describes the goal of the project as “to transform the area into an affordable, year-round urban amusement and entertainment destination.” The MAS strongly supports this, but believes that we should go further and set a goal of ensuring that the redeveloped Coney Island is once again a magnet for visitors not only locally but regionally - attracting visitors and tourists not just from Brooklyn, but from the five boroughs of New York and the wider region, especially Long Island.

Historically, Coney Island was able to achieve this by meeting two critical criteria: it had an amusement and entertainment district of sufficient “critical mass” to attract visitors from throughout the region and the transportation infrastructure – railways, subways and ferries – in place to ensure that visitors could easily access Coney Island. For the district

to once again become a regional destination, these two criteria must be present in the new Coney Island.

### ***The Amusement District***

The MAS is currently evaluating the current plan with respect to the required critical mass and mix of activities to attract visitors regionally. In the course of the environmental review, we believe that the city should keep as many options open as possible by studying several different ways of envisioning the entertainment and amusement district, and focusing on the following factors in particular:

#### *Size*

The land area set aside for the Coney Island Amusement District is small by historical standards. While it may not be realistic to conceive of an entertainment district that matches the historic scale of Coney Island, there are several ways of potentially expanding the scale of the entertainment district. These include:

- Expanding the size of the amusement park. For example, the existing mapped parkland or parts of Coney North could also serve as an extension of the amusement district.
- Mandating entertainment-oriented retail, rather than local or service retail, in both Coney West and Coney North that will contribute to a regionally attractive district. These could include: cinemas; bowling alleys; hotels; museums; restaurants and so forth.
- Considering how other sites in the immediate area could be used for entertainment purposes, including Coney Island Creek, to create a potential “necklace” of connected entertainment uses spread throughout the peninsula. Trolleys or buses could connect pedestrians to the various sites, comparable to the Heart of Brooklyn’s trolley between the Brooklyn Public Library, Brooklyn Museum, Prospect Park Zoo, and Brooklyn Botanic Garden.

#### *Balance of Indoor and Outdoor amusements*

The City should study what the right balance of indoor and outdoor amusements is to create a successful amusement district.

The City should study other amusement areas to determine whether the factors that make them successful are present in this project. These amusement areas could include:

- Disneyland, CA
- Tivoli Park, Denmark
- Myrtle Beach, SC
- Rye Playland, NY
- Wildwood, NJ

### *Year-Round Activities*

The City should study how to ensure the right mix of uses to ensure that Coney Island becomes destination through all the seasons of the year.

### ***Transportation***

Coney Island can be a successful regional destination only if the mass-transit options are in place to make it easily accessible. For this reason, it is critical that the city study a full array of complementary options for high-speed, direct travel to Coney Island, including express subways and both traditional and high-speed ferries that could land both on the ocean side of Coney Island and in Coney Island Creek. Special consideration should be given to how ferries would interconnect with land-based transportation.

### **Concern Two: The need for a broader plan.**

The current study area represents only a small portion of Coney Island. We therefore urge the City to take the opportunity to develop a broader plan for Coney Island, and consider developing a planning framework that not only includes the current study area but also considers the future of Coney Island Creek, the Coney Island Rail Yards and the entire stretch of Surf and Mermaid Avenues and how potential land-uses for those areas might relate to and complement planning for the project area.

### **Concern Three: The need for an interim plan.**

It will take several years before redevelopment of Coney is complete – and perhaps even begins, after what is likely to be an unpredictable land-use approval process, RFP period, and design phase. In this interim period, we believe it is essential that the City develop an interim plan to keep Coney Island a vital, active place. The city should explore ways of keeping the current amusement uses for the foreseeable future, programming events and activities throughout the upcoming years, and creating exciting interim uses for the vacant sites along the boardwalk – such as a market, performance space, art installations, and more. The city should also commit to a maintenance and repair plan for the boardwalk proper, ensuring its safe and enjoyable usage both now and into the future.

## **COMMENTS ORGANIZED BY TASK**

The following additional comments are broken down according to the respective tasks of the scoping document.

### **Task 1: Project Description**

### *Goals*

The EIS should clearly set out both the need for and the goals for the redevelopment of Coney Island, including but not limited to the anticipated catchment area for the redeveloped Coney Island Amusement and Entertainment District and the extent to which the lead agency expects the project to be a truly regional destination.

The EIS should also attempt to establish clearly the city's priorities with regards to the project.

### *Parkland Alienation*

Based upon the November 30, 2007 Advisory Opinion from the New York State Department of Environmental Conservation ("DEC"), SEQRA applies to the alienation of municipal parkland. Specifically, the DEC stated that "a municipal resolution requesting legislation to alienate parkland" is considered an "action," and therefore any reviews under SEQRA "should be complete prior to the adoption of the resolution requesting legislation authorizing the alienation of parkland."

Therefore, we request that EDC conduct an environmental review of the proposed parkland alienation, and that this review be concluded before any municipal resolution to request alienation legislation from the State Legislature is introduced.

## **Task 2: Land Use, Zoning, And Public Policy**

### *Study Area*

The proposed actions – the creation of a revitalized amusement and entertainment area - can reasonably be expected to affect land-use in an area that exceeds the proposed half-mile radius of the project boundaries. The analysis should explore the possible impact of the project on the land use of both sides of Coney Island Creek, the Coney Island Rail Yards and the full peninsula of Coney Island, including Seagate, Brighton Beach and Manhattan Beach.

While there are no 197-a plans for the study area, all public policy documents created by the affected community board, including but not limited to Community District Needs Statements, annual budget priorities, and adopted resolutions pertaining to Coney Island, should be analyzed. Similarly, the recommendations made by "Coney Island: A Vision Plan," published in 2003 by the Astella Development Corporation, should be explored for their potential to add insight to the general understanding of the area.

### *Soft Sites*

The EIS should compile a full inventory of all the “soft sites” that are likely to be redeveloped in future years within the expanded study area suggested above and the likely impact of this redevelopment on the project and study areas.

### *Impact on Industrial Areas / Indirect Business Displacement*

Historically, industrial areas have been vulnerable to the effects of secondary displacement. In this case, the revitalization of the amusement district is likely to cause enough economic activity to alter existing patterns. The EIS should include a full inventory of the number of businesses operating in the broader study area proposed above, including the number of jobs in each business, particularly those in close proximity to Coney Island Creek and on Neptune Avenue. The EIS should also study conditions and trends in employment and businesses, physical and economic conditions, existing conditions and trends in real estate values and rents, the presence of categories of vulnerable businesses, and other factors specified in the CEQR Technical Manual in order to identify vulnerable categories of businesses that are at risk of displacement. The EIS should study appropriate steps to protect against the displacement of businesses from this area as a result of the project, including the establishment of an Industrial Business Zone (IBZ) and other industrial retention strategies.

### *Compatibility with Residential Uses*

The EIS should explore the compatibility of residential uses so close to a major amusement district. The EIS should review both contemporary and historical precedents for how this has functioned both in New York City and other major amusement areas around the country.

### *Retail*

Ensuring the right retail mix will be essential to the success of this project. The EIS should study zoning text that limits uses that will not contribute to the success of the entertainment district. The City should study the relevance of zoning text in the Madison Avenue Special Preservation District, Fifth Avenue Special District, and the recent 125<sup>th</sup> Street rezoning for restricting retail uses that will not serve the goals of the project and encouraging uses that will. For example, the City should consider zoning text that requires retail occupancy by local merchants; arts and performance spaces; restricts “formula retail” and banks; and other strategies that will serve the goals of the project.

### *PlaNYC 2030*

The EIS should conduct a full review of the proposed actions to ensure that they are fully compatible and consistent with the goals set out in the Mayor’s PlaNYC 2030. These include the relationship of the project to the following goals:

- ❑ The goal of creating a million more housing units by the year 2030;
- ❑ Ensuring that all New Yorkers live within a 10-minute walk of a park;
- ❑ The opening up of 90% of our waterways – in this case the Atlantic Ocean and Coney Island Creek – for recreation by reducing water pollution, the instance of CSOs, and the preservation of natural areas;
- ❑ The improvement of travel times by the addition of transit capacity;

- ❑ The reaching of a full “state of good repair” on New York City’s roads, subways and rails;
- ❑ The upgrading of our energy infrastructure to provide cleaner, more reliable power;
- ❑ Achieving the cleanest air of any big city in America;
- ❑ The reduction of global warming emissions by more than 30%.

### **Task 3: Socioeconomic Conditions**

#### *Study of Economic and Housing Characteristics*

In order to provide a more thorough examination of the study area, the EIS’s analysis of economic and housing characteristics should be inclusive of data and information gathered from local development corporations and community based organizations that have long-term, first hand, local knowledge of Coney Island. In addition to this, analysis of the existing housing market conditions should include an examination of the potential for mandatory inclusionary housing in the study area. Study of existing housing conditions should also provide analysis of the number of rent protected units that are at risk for reaching the destabilization threshold.

#### *Secondary Displacement*

The EIS should conduct a full analysis of the potential for secondary residential displacement throughout the suggested expanded study area. This should include an analysis of the impact of the project on housing affordability through the area. The EIS should also study appropriate measures to mitigate for this impact.

#### *Small Businesses*

There have been a number of local strategies designed to support and retain small business in the study area, therefore a study of the area’s business characteristics, should include analysis of the number, character and economic impact of small and locally owned businesses. Additionally, the study must provide analysis of the indirect economic impacts of this action in order to provide the most comprehensive economic picture possible. Finally, the study of job creation should go beyond analysis of the number of net new jobs, but should also provide some analysis of the likelihood of local hiring for these jobs including the potential for transitional assistance for potentially displaced employees.

#### *Economic Feasibility Study*

We urge the cCity to study several different permutations for how the district could be configured, determining what ratio of uses is economically most feasible, giving high credence to how these economic development outcomes will benefit the surrounding communities through employment creation, delineating the types of jobs and possibilities

for career advancement. Additionally, the scope of work should include an assessment of how this development might support locally-owned business expansion and opportunities for local entrepreneurs / start-up businesses, especially in the city-owned outdoor amusement park. [Please also refer to Task 2 under Land Use]

### **Task 7. Historic Resources**

All known and potential historic resources must be identified in the study area and project area, not only those that could be directly impacted. All resources in the study area should be equally analyzed. In recent large-scale rezonings, the area impacted by accelerated land values has been more generalized than the limited study area. Subsequently, attempts at the preservation of noteworthy historic buildings in the general area but not within the study area are weakened because the resources have not been adequately considered.

The Municipal Art Society concurs with the plan to study buildings identified by Coney Island USA, but they should be identified in the scope. These buildings include:

- Nathan's Famous
- Henderson's Music Hall
- Former Shore Theater
- Former Grashorn Building
- Former Childs Restaurant, Surf Avenue

According to the CEQR Technical Manual, for actions that are highly visible and can be perceived from more than 400 feet, the study area must be extended. Given the potential for adverse visual impacts to historic resources and for shadows outside of the 400-foot perimeter, the study area should be extended to 800 feet in order to assess any impacts.

Study of contextual impacts should include a study of the change in character of the neighborhood from amusements and related uses to residential, as required by the CEQR Technical Manual.

The results of the survey should be given to both the New York Landmarks Preservation Commission and the State Historic Preservation Office so that they may determine the eligibility of the resources. Both of their determinations should be included in the DEIS.

### **Task 8. Urban Design and Visual Resources**

#### *Streetscape Experience*

Historically, the Coney Island experience consisted not just of the Boardwalk and the amusement districts but also Surf and Mermaid Avenues. To create a truly vital

amusement area, the EIS should review strategies to create a lively and engaging streetscape along both Surf and Mermaid avenues. This EIS should study the following elements:

- ❑ Requiring illuminated signage, comparable to Times Square, to create an exciting pedestrian experience
- ❑ Designing unique street furniture and paving, including lampposts, benches, news racks and that reflect the character of Coney Island and contribute to a unique streetscape experience. The EIS should explore whether the elements that make international precedents for this kind of experience - including the Copacabana boardwalk in Rio de Janeiro – are present in the Coney Island plan.
- ❑ The restoration of a “trolley” on Surf Avenue and other major thoroughfares.

### *The Boardwalk Experience*

The EIS should fully study the Coney Island Boardwalk pedestrian experience. In particular, the alternative of creating low-rise retail on the northern end of the Boardwalk in the “Coney East” area should be studied in order to create active uses along it.

### *Architecture*

The historical character and success of Coney Island relied strongly on the creation of a uniquely architectural “brand” that established the district as an international icon. To be successfully revitalized and become an iconic area once more, Coney Island will need high-quality, original and evocative architecture that reflects its unique identity.

It seems questionable that this standard of architecture would be accomplished under the standard provisions of New York City zoning. The City should therefore study the creation of a design review process for new buildings in the project area to ensure that they meet the threshold required.

### *Preservation*

There are several buildings in the study area that are of cultural or architectural significance but may not rise to the standard of being NYC landmarks. However, retaining these buildings will create a more diverse, fine-grained urban fabric and a connection with the past. The EIS should therefore study zoning alternatives for those structures that do not create incentives for them to be replaced with new structures. These buildings include, but are not limited to, the following:

- ❑ Nathan’s Famous
- ❑ Henderson’s Music Hall
- ❑ Former Shore Theater
- ❑ Former Grashorn Building
- ❑ Former Childs Restaurant, Surf Avenue

### **Task 9: Neighborhood Character**

The Draft Scope states that it will “[draw] on the analysis of impacts in various other EIS chapters, assess and summarize the proposed actions’ impacts on neighborhood character.” The studies conducted in the other impact categories were not analyzed in light of neighborhood character—they were analyzed in light of that impact category. Therefore, it is insufficient to rely upon the “key findings” in the analyses of other impact categories. The EIS should analyze the project’s impact upon neighborhood character in light of that impact category, and should not simply be a summary of other impact category analysis.

### **Task 15: Energy**

The Draft Scope concludes that the added energy demand is not expected to create an adverse impact on the supply of energy with the new rezoning. The analysis will focus upon “estimate[s] of the additional energy consumption associated with the RWCDS induced by the proposed actions, including an estimate of the demand load on electricity, gas, and other energy sources; and an assessment of available supply.” However, we cannot continue to rubber-stamp the energy analysis of the EIS, simply because, in the past, the added demand has not caused environmental or economic harm. The effect of the demand from the new structures and the added car and truck traffic most certainly raise energy concerns, and must be fully detailed and studied in the EIS, examining the long term and cumulative impacts.

By dramatically increasing the site’s uses to more energy-demanding uses, there is potential for significant transmission congestion because the area may not currently be used for such energy-intensive activities. The area’s energy infrastructure and transmission capabilities may not be currently equipped for the change in energy usage, and a detailed assessment is needed in order to measure the demand increase and the potential for transmission congestion. In this same vein, the potential significant effects to need for additional generation of energy in the surrounding area must be studied as well.

By communicating with Con Edison early in the process, the lead agency should document and disclose the power mix (the fuels used to supply electricity and their resultant air pollutant emissions, including the emissions of carbon dioxide) for the project site. The lead agency should also analyze the transmission capacity and the likelihood of transmission congestion resulting from this project.

As mitigation for the added energy use brought by the proposed project, the EIS should analyze methods to reduce energy demand, either through green building technologies, green roofs, greywater systems, or other infrastructure improvements. A greener alternative, which will be set out in more detail below, should be examined in order to curb the significant environmental and economic harm that added energy demand may

cause our city. As part of this green alternative, the EIS should also explore the possibility of using alternative energy sources, such as solar, biomass, or hydro.

## **Task 16: Traffic and Parking and Task 17: Transit and Pedestrian**

### *Regional Accessibility*

As stated in the general comments above, the MAS believes that ensuring the transportation infrastructure is in place to make Coney Island a destination that is regionally accessible is critical to the success of this project. As discussed above, the city should study and the EIS should analyze a full array of complementary options for high-speed, direct travel to Coney Island, including express subways and both traditional and high-speed ferries that could land both on the Ocean side of Coney Island and Coney Island Creek. Special consideration should be given to how ferries would interconnect with land-based transportation, such as trolleys and buses.

### *Trolley / Light Rail*

The EIS should study the restoration of trolleys to Coney Island, including along the following routes:

- ❑ Surf Avenue
- ❑ Coney Island Creek (and potential ferry landings there) to the Amusement District
- ❑ Stillwell Avenue

### *Pedestrian Experience*

The EIS should study how to manage the anticipated increase in pedestrian traffic, and options to facilitate this including the creation of wide pedestrian pavements on routes to the Amusement area from major hubs, including subway stations, ferry landings and potential trolley stops.

### *Traffic Calming*

The EIS should study traffic calming policies throughout both the project and study areas to enhance the pedestrian experience and improve road safety.

### *Bike Routes*

The EIS should study how biking can be facilitated throughout the project and study area through the creation of bike routes, lanes and racks to store bicycles. **Specifically, EDC should study the creation of a Class 2 (or better) bike lane to connect the Shore Parkway Greenway to the amusement area.**

## **Task 19: Noise**

The EIS should study noise impact to determine the compatibility of high density residential with proposed amusement and entertainment uses.

### **Alternatives**

#### The Amusement District

In the course of the environmental review, we believe that the city should keep as many options available as possible by studying several different ways of envisioning the entertainment and amusement district, including the following factors:

##### *Size*

The land area set aside for the Coney Island Amusement District is small by historical standards. While it may not be either realistic or viable to conceive of an entertainment district that matches the historic scale of Coney Island, there are several ways of potentially expanding the critical mass of the entertainment district. These include:

- Expanding the size of the amusement park. For example, the existing mapped parkland or parts of Coney North could also serve as an extension of the amusement district.
- Mandating entertainment rather than local or service retail in both Coney West and Coney North that will contribute to a regionally attractive district. These could include: cinemas; bowling alleys; hotels; museums; restaurants and so forth.
- Considering how other sites in the immediate area could be used for entertainment purposes, including Coney Island Creek, to create a potential “necklace” of connected entertainment uses spread throughout the peninsula. Trolleys or buses could connect pedestrians to the various sites, comparable to how the Heart of Brooklyn operates a trolley between the Brooklyn Public Library, Brooklyn Museum, Prospect Park Zoo, and Brooklyn Botanic Garden.

##### *Balance of indoor and outdoor amusements*

The City should study what the right balance of indoor and outdoor amusements is to create a successful amusement district.

##### *Year Round Activities*

The City should study how to ensure the right mix of uses to ensure that Coney Island becomes a true year-round destination.

#### Urban Form

The urban form currently envisaged by the Draft Scope consists mainly of towers on a base. Notwithstanding the advantages offered by this approach, the City should review a number of different urban typologies for the project area, including the following:

- Zoning that permits freestanding towers while maintaining a continuous street wall (i.e. not permitting “towers in the park”)
- Zoning that calls for mid-rise development, instead of towers-on-a-base
- Contextual zoning that includes height limits, such as R6A or R7A districts instead of the proposed R7X districts

### Parking

The EIS should study alternatives that greatly reduce the required amount of parking in tandem with the options described above that enhance mass transit and transit within the local area.

Maintaining the Current Zoning in the Amusement area in lieu of Parkland Alienation  
In case the parkland alienation proves not to be a viable option, the lead agency should examine maintaining the current zoning district for Coney Island amusements, the C-7 district. Here, the lead agency should examine the alternative of whether the C-7 district, or a similar zoning scheme with strict requirements for the amusements, can promote the desired future amusement uses for that specific area, without having to resort to the alienation of parkland.

### **Other Considerations**

#### Climate Change

Global climate change is a real environmental concern that is currently being raised and discussed at the international, national, statewide, and local level. While climate change is of global concern, we can act environmentally responsible on a local level in order to not exacerbate a growing problem.

Through PlaNYC 2030, the City has positioned itself to be a leader in the fight to curb the effects of global climate change by articulating the lofty goal of a 30 percent reduction in the City’s “carbon footprint” by 2030. In a recent speech, Mayor Michael Bloomberg stated that “we soon realized that you can’t formulate a land use plan without thinking about transportation and you can’t think about transportation without thinking about air quality. You can’t think about air quality without thinking about energy and you certainly can’t think about energy – or any of this – without thinking about global warming.” Clearly, the Mayor believes that any good land use plan should consider the impacts a project may have upon climate change. This is especially true in New York City, where, according to the New York Greenhouse Gas Emissions Inventory, citywide carbon dioxide equivalent emissions were approximately 58 million metric tons in 2005, with an astounding 79 percent coming from buildings. Therefore, when we plan, we

must simultaneously assess a project's impact upon climate change and how best to reduce such impact.

With regard to this scope and an environmental review, an EIS under SEQRA/CEQR is required to examine a proposed project's effect upon energy, natural resources, air quality and air pollution. The main contributor to global climate change, carbon dioxide, was recently declared by the United States Supreme Court in the landmark case, *Massachusetts v. EPA*, to be an air pollutant. Under the current structure and mandate of SEQRA/CEQR, the lead agency not only has the ability to examine a project's impact upon climate change, but is under obligation to do so.

While the tools and methods for measuring 1) a building's output of greenhouse gases and 2) that output's impact on global climate change are still under development, the lead agency can nonetheless quantify the direct and indirect carbon dioxide emissions resulting from a project by using existing energy modeling software.

Regardless of how the carbon dioxide emissions are measured, however, by disclosing the greenhouse gas emissions of a project, the lead agency can identify the opportunities to economically and practicably reduce such emissions through simple mitigation measures. Other mitigation measures can include reducing the traffic impacts, working with MTA early in the process to develop a better and more comprehensive transit system to serve this area, and working with Con Edison to provide the cleanest energy possible.

#### Considering Climate Change Impacts on Coney Island Development

In recent reports by NASA-Goddard Center at Columbia University, it is estimated that the sea level in New York City may rise 0.24–1.08 meters above late 1980 levels, and, the interval of the 100-year storm flood could shorten to as little as 4 to 60 years.<sup>1</sup> Many aspects of the infrastructure and environment in New York City could be significantly impacted if these predictions are realized. Further, the recently released IPCC 2007 Assessment predicts a rise in mean temperature, even if GHG emissions remain at the current level, and a “*very likely* increase in frequency of hot extremes, heat waves, and heavy precipitation.”<sup>2</sup>

Based upon the recent predictions of the effects of climate change, it is necessary that the lead agency discuss whether climate change will exacerbate the environmental impacts of an action (or create additional environmental effects). The concerns of climate change are especially worrisome in a beach community such as Coney Island. Further, an EIS must include an examination of the long-term effects of a proposed action—this certainly includes the long term impacts of climate change on the action. To comply with the mitigation and avoidance requirements of CEQR/SEQRA, and to best prepare for, and adapt to, climate change, the EIS should examine adaptation and mitigation measures which may reduce the impact climate change will have on an action in the future.

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<sup>1</sup> Klaus Jacob, et. al., “Vulnerability of the New York City metropolitan area to coastal hazards, including sea-level rise: Inferences for urban coastal risk management and adaptation policies,” Managing Coastal Vulnerability 145 (2007).

<sup>2</sup> IPCC Fourth Assessment, “Summary for Policymakers” at 8.