

Comments on the Revised 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. The area is of vital, unique importance to New York City, representing both one of the most famous brands in the world and a one-of-a-kind opportunity.

We therefore believe that the City's efforts to develop a plan to revitalize Coney Island are vital for the economic, cultural and recreational future of New York City, and we are pleased that the city is focusing its attention on this long-neglected area.

The Society believes that what has made Coney Island of such unique value – both historically, today and in the future – is its open-air amusements. New Yorkers and visitors have other options for entertainment and housing around the city, but only Coney Island can and does offer them amusements in a unique and historic waterfront setting. New Yorkers deserve nothing less than a world-class amusement area from this effort to revitalize Coney Island.

We therefore believe that success of this plan depends on ensuring that we create a 21st century amusement area of sufficient critical mass and size to accommodate and draw visitors from all over the city, the region and even internationally.

The MAS is therefore concerned about the substantial reduction in the size of the area set aside for open-air amusements from 16 to 9 acres in the revised plan released in April. We are not aware of any other amusement areas of a comparable scale that come close to achieving the number of visitors that is the market for a revitalized Coney Island or even Coney Island today. **We are concerned that the proposed area set aside for open-air amusements is of insufficient size and that as a result this revitalization effort will not be successful.**

Our comments are therefore aimed at ensuring that this environmental review studies options and alternatives that would ensure that the City accomplishes the goal of creating an amusement and entertainment area of sufficient size, character and design to truly satisfy the needs of New Yorkers and the city's visitors in the 21st century.

Proposed Size of Amusement Area

In analysing whether the proposed area for open-air amusements is of sufficient size and capacity, the EIS should conduct a full analysis of the market for a revitalized amusement area at Coney Island and what proportion of this market the amusement area is likely to capture. Specifically, the EIS should study:

- ❑ The population that lives within a 100 mile radius of Coney Island (the industry standard distance for “day-trip” range)
- ❑ The likely “capture rate” or proportion of this market likely to visit a revitalized Coney Island based on comparable parks including:
 - Morey’s Piers, Wildwood, New Jersey
 - Tivoli Gardens, Copenhagen, Denmark
 - Pleasure Beach, Blackpool, UK
 - Six Flags, Great Adventure, Jackson, New Jersey
 - Hershey Park, Hershey, Penn.
 - Santa Cruz, California
- ❑ The potential attendance given the size of the potential market and the likely capture rate
- ❑ The “design day” capacity of the proposed 9-acre open-air amusement area and overall annual attendance capacity
- ❑ Options for expanding the size of the open-air amusement area to accommodate the maximum attendance, including:
 - Expanding the area set aside or zoned for open air amusements to the full area of Coney East or the full area south of Surf Avenue (including Coney West);
 - Constructing piers into the water containing open-air amusements
- ❑ As a guide to potential attendance, the EIS should study attendance at the beach at Coney Island

Finally, the EIS must draw a clear distinction throughout between open-air amusements and the far broader “entertainment” category. The latter category – which includes retail and other functions – is entirely different in impact, appeal and character from open-air amusements. The EIS should make the respective sizes of the open air amusement area and the overall entertainment area clear throughout, but also analyse the economic impact, market size, attendance and impact on neighborhood character separately.

Proposed Character of Amusement Area

The Society believes that ensuring that Coney Island retains and develops the appropriate character is critical to its future success and that of the overall revitalization plan. In particular, we observe that the historical character of Coney Island’s Amusement Area had the following characteristics:

- ❑ Multiple owners and operators. Traditionally and even today, the Coney Island Amusement Area has been comprised of multiple smaller amusement areas and

businesses from Luna Park, Steeplechase Park and Dreamland historically to Astroland and Deno's Wonder Wheel Park today. This has given Coney Island its uniquely heterogeneous, diverse flavor and cultural significance but also has ensured that the amusement area was not dependent on any individual operator for its success, thereby ensuring its long-term survival through multiple economic cycles.

- ❑ Range of sizes of different businesses. Coney Island traditionally and today has catered for a range of size businesses from the very largest amusement operators to smaller businesses. This has not only contributed to the diversity described above, but also created an environment that allowed entrepreneurialism and innovation to flourish, as the development of hot dogs, baby incubators and other inventions demonstrates.

In order to ensure these characteristics will remain in the 21st century Coney Island, the EIS should study whether the proposed management structure of the amusement park as well as the zoning text that determines what can be built in amusement or entertainment areas outside of the mapped parkland area will accommodate both multiple operators, owners and different sized businesses, including both independent and corporate ownership.

Proposed Design of Amusement Area

In addition, the EIS should study whether the proposed design of the amusement will:

- ❑ Retain retail and amusement booths adjacent to the Boardwalk to retain the lively streetscape experience there;
- ❑ Contain enough space for new modern rides, especially roller coasters.

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 market that the redeveloped Coney Island Amusement and Entertainment District intends to serve and the extent to which the City expects the project to be a truly regional destination. The EIS should also set out clearly whether the City expects the revitalized Coney Island to attract a proportion of the 44 million visitors that visit the city annually.

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

Definitions

The EIS must also draw a clear distinction throughout between open-air amusements and the far broader "entertainment" category. The latter category – which includes retail and other functions – is entirely different in impact, appeal and character from open-air amusements. The EIS should make the respective sizes of the open air amusement area and the overall entertainment area clear throughout, but also analyse the economic impact, market size, attendance and impact on neighborhood character separately.

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 and new housing and retail - 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.

“Entertainment Retail”

The City’s plan proposes the creation of “entertainment retail” in Coney Island East. The EIS should explore the likely market for entertainment-oriented retail, and in particular whether this type of land-use will draw tourists and visitors from around the City or from a more limited market.

Retail Mix

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 125th 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;
- ❑ Increased use of waterways for ferry transportation;
- ❑ 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%/

Coney Island Strategic Plan (2003)

The EIS should conduct a full review of whether the proposed actions are fully consistent with the goals set out in the 2003 Coney Island Strategic Plan.

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.

Considering the historical importance of Coney Island as a place of innovation and entrepreneurialism, the EIS should also consider the impact of the proposed actions on the accessibility of the area for small businesses in the future, especially those related to the amusement and entertainment industries.

Economic Feasibility Study

We urge the City 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 6: Shadows

CEQR Technical Manual requires a study of whether that proposed action will result in a shadow being cast on a natural feature, open spaces and historic resources. The entire amusement area ought to be considered sun-sensitive for the following reasons as much of it is likely eligible for the National Register, the area is publically-accessible open space enjoyed by millions. Shadows on the entire amusement area ought to be considered a significant negative impact.

Impact of shadows on ability of surrounding residences and businesses to utilize solar heating potential should be studied.

Task 7. Historic Resources

Resources to Study

CEQR Technical Manual requires that 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 seven buildings identified by Coney Island USA. However, those buildings should have been identified in the scope.

Buildings/structures that appear to be eligible for the National Register include:

- Nathan's Famous
- Henderson's Music Hall
- Former Shore Theater
- Former Grashorn Building
- Former Childs Restaurant, Surf Avenue
- The Bank of Coney Island building on 12th between Surf and the Bowery
- The Shore Hotel, at Surf and Henderson's Walk

In Astroland

- The Astroland Tower, between Surf and the Boardwalk/West 10th and Jones Walk
- Dante's Inferno Dark Ride

In Dino's

- The Spookarama Dark Ride, along Jones Walk

Streets or "walks" potentially Eligible for the National Register

Of significant historic significance are the "walks" that served as amusement thoroughfares and where small, independent amusement owners thrived.

- Bowery
- Jones
- Tilyou
- Schweickert's
- Henderson's, Kensington

Archaeological Resources

All remains of former amusements ought to be considered significant archaeological resources.

Size of Study Area

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 ½ mile in order to assess any impacts.

Contextual 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.

State and City Agency Involvement

The results of the survey should be given to both the New York Landmarks Preservation Commission and the New York State Historic Preservation Office (SHPO) so that they may determine the eligibility of the resources. SHPO determinations should be included in the DEIS along with those of the New York City Landmarks Preservation Commission.

Impacts on Resources

CEQR Technical Manual requires the study of the visual impact of the proposed project on the historic resources. Therefore, there must be a study on the impact of tall residential buildings on two National Register listed/NYC landmarks: The Cyclone and the Parachute Jump. As there is a potential for a significant negative impact on these resources, there must be a study of mitigation avoiding such visual impacts.

Section 106

If the project requires federal permits from any Federal agencies, or if there is federal funding used in the action, the project would likely be subject to Section 106 of the National Historic Preservation Act, which requires Federal agencies to take into account the effects of their undertakings on historic properties. According to the Section 106 regulations,

[t]he section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties.

In order to ensure compliance with Section 106 regulations, Section 106 review ought to be conducted simultaneously with the CEQR review and the findings and mitigation that results from Section 106 review ought to be included in the DEIS.

At this time, the Municipal Art Society formally requests consulting party status in Section 106 Review.

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 Bowery Experience

The EIS should study specifically the impact of the proposed actions on the Bowery, which was a major amusement thoroughfare and “spine” of Coney Island. In particular, the EIS should explore whether the proposed action will retain the character of the Bowery as a core of small, diverse amusement businesses.

Similar analysis should be conducted for:

- Jones Walk
- Henderson Walk
- Tilyou Walk
- Schweickert Walk

The Boardwalk Experience

The EIS should fully study the Coney Island Boardwalk pedestrian experience. In particular, the alternative of preserving low-rise retail on the northern end of the Boardwalk in the “Coney East” area should be studied in order to continue to have active uses along it that activate the Boardwalk and provide opportunities for shopping, eating and drink and amusements.

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

The EIS should therefore study zoning alternatives for the structures listed below 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

View Corridors

Deno's Wonder Wheel, the Parachute Jump, and the Cyclone are all internationally renowned landmarks that are visible from throughout South Brooklyn. The EIS should analyze the impact of view corridors on these landmarks, including:

- ❑ From Surf Avenue;
- ❑ From Stillwell Avenue;
- ❑ From the Belt Parkway
- ❑ From other significant vantage points throughout South Brooklyn.

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.

The EIS should also analyze whether the creation of entertainment retail in Coney East will impact or alter the traditionally amusement-oriented character of Coney Island.

Proposed Character of Amusement Area

The Society believes that ensuring that Coney Island retains and develops the appropriate character is critical to its future success and that of the overall revitalization plan. In particular, we observe that the historical character of Coney Island's Amusement Area had the following characteristics:

- ❑ Multiple owners and operators. Traditionally and even today, the Coney Island Amusement Area has been comprised of multiple smaller amusement areas and businesses from Luna Park, Steeplechase Park and Dreamland historically to Astroland, Deno's Wonder Wheel Park today. This has given Coney Island its

uniquely heterogeneous, diverse flavor and cultural significance but also has ensured that the amusement area was not dependent on any individual operator for its success, thereby ensuring its long-term survival through multiple economic cycles.

- Range of sizes of different businesses. Coney Island traditionally and today has catered for a range of size businesses from the very largest amusement operators to smaller businesses. This has not only contributed to the diversity described above, but also created an environment that allowed entrepreneurialism and innovation to flourish, as the development of hot dogs, baby incubators and other inventions demonstrates.

In order to ensure these characteristics will remain in the 21st century Coney Island, the EIS should study whether the proposed management structure of the amusement park as well as the zoning text that determines what can be built in amusement or entertainment areas outside of the mapped parkland area.

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

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. The EIS should also study the creation of special pavement treatments to clearly indicate pedestrian routes.

Traffic Calming as mitigation

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 as mitigation

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

As discussed in the opening of these comments, the MAS believes 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 open-air amusements in Coney Island is small by historical standards, and small in comparison with other successful open-air amusement areas – such as Wildwood, Santa Cruz, Rye Playland and other parks – that might serve as a model for the revitalized Coney Island.

To ensure that we allow for the possibility of creating a larger area for open-air amusements as well as a larger broader “entertainment area” overall, the MAS recommends that the EIS study the following options as alternatives:

- Expanding the size of the amusement park by:
 - Setting aside the entire area of Coney East for open-air amusements;
 - Setting aside the entire area south of Surf Avenue (including Coney West) for open-air amusements;
 - Setting aside the area designated in the original plan (November 2007) for open-air amusements
 - This analysis can include both mapping the land as parkland or zoning the area for open-air amusements (C7)
- Mandating entertainment rather than local or service retail in both Coney West and Coney North that will contribute to the larger entertainment area. 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.
- Expanding the overall study area to include more land for open-air amusements, more land for the overall entertainment area, while keeping the same or similar

amounts of housing and retail as proposed in the current plan.

Character

The EIS should also study:

- ❑ An amusement area consisting of multiple operators and owners;
- ❑ Subdividing city-owned or controlled land to multiple smaller operators or businesses;
- ❑ Strategies that would encourage the development of local retail and independent businesses, such as restricting the size of retail establishments, a strategy recently utilized in the 125th Street rezoning.

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
- ❑ Zoning that does not permit high-rise residential development south of Surf Avenue;
- ❑ Zoning that carries a 200ft height limit throughout the study area

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.¹ 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.”²

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. 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.

¹ 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).

² IPCC Fourth Assessment, “Summary for Policymakers” at 8.