



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **131-60 - SPECIAL PERMIT FOR AUDITORIUMS**

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## 131-60 - SPECIAL PERMIT FOR AUDITORIUMS

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LAST AMENDED

12/19/2013

The special permit set forth in this Section is established to allow outdoor entertainment #uses# on a limited-term basis in a unique beachfront location within the #Special Coney Island District#. The development of such #uses# on a temporary basis pursuant to this special permit provides for the opportunity for a valuable public amenity to exist within an area that, while approved for future #residential development# pursuant to the #Special Coney Island District# plan, is currently underutilized and does not exhibit the characteristics of a well-developed #residential# neighborhood. Any special permit granted under this Section shall be subject to a term of years, in order to ensure that such #uses# are consistent with, and do not impede, the goal of long-term revitalization of the surrounding area, pursuant to the #Special Coney Island District# plan.

In the Coney West Subdistrict, for Parcels B and G, the City Planning Commission may approve, by special permit, open-air auditoriums with greater than 2,000 seats, for a term no greater than 10 years from the date a certificate of occupancy, including a temporary certificate of occupancy, has been issued, provided that the proposed auditorium meets the conditions of paragraph (a) and the findings of paragraph (b) of this Section, in addition to the #sign# provisions of paragraph (c) and parking provisions of paragraph (d) of this Section.

For any application for such special permit, the applicant shall provide plans to the Commission including, but not limited to, a site plan, signage plan, parking and loading plan, lighting plan and an operations plan (the "Proposed Plans").

- (a) The Commission may permit open-air auditoriums with a maximum of 5,100 seats, provided the Proposed Plans demonstrate that:
- (1) at all times when Riegelmann Boardwalk is open to the public, all publicly accessible space, as shown on the Proposed Plans, will remain accessible to the public, except that access may be restricted as necessary during scheduled events, for the setup and takedown for such events, and in connection with maintenance activities. Any barriers erected for the purpose of restricting access or visibility during such events shall be completely removed at all other times;
  - (2) the height of all structures, temporary or fixed, does not exceed 70 feet in height, as measured from the level of Riegelmann Boardwalk;
  - (3) any roof or structural canopy above the open-air auditorium seating area will be removed prior to the month of November and shall remain removed during the entire off-season period between November through April, as well as in advance of severe weather events;
  - (4) the signage plan and parking and loading plan comply with the provisions of paragraphs (c) and (d) of this Section, respectively; and
  - (5) the City and applicant will enter into an agreement under which Parcel G will be returned to the City as of the expiration of the term of the special permit in a condition set forth in such agreement appropriate for #use# as a #public park#.
- (b) In granting such permit, the Commission shall find that:
- (1) such open-air auditorium will not unduly impair the essential character or the future #use# or #development# of the surrounding area, pursuant to the goals and objectives of the #Special Coney Island District# plan;
  - (2) the outdoor lighting for such open-air auditorium is located and arranged so as to minimize any negative effects on nearby #residences# and #community facilities#, and that the Proposed Plans include noise attenuation

features and measures which serve to reduce the effect of noise from the open-air auditorium on the surrounding area, including nearby #residences# and #community facilities#;

- (3) the construction of a stage as part of any #building# on Parcel B, for the purpose of accommodating an open-air auditorium #use#, will:
    - (i) enable the stage area to be closed to the outdoor portion of the open-air auditorium during the off-season when the open-air auditorium is not in use, so as to be operated for indoor entertainment #uses# with an eating and drinking establishment or other #use# permitted on Parcel B; and
    - (ii) allow for such #building# to be operated, subsequent to the expiration of the special permit, for #uses# permitted on Parcel B, such as eating or drinking establishments with entertainment;
  - (4) appropriate visual and pedestrian connections are maintained in the general area of the former street bed from the termination of West 22nd Street to Riegelmann Boardwalk;
  - (5) the portions of the site not dedicated to the stage area or event seating are so designed to serve as a full time park-like resource for the public, and the portions of the site designed for open-air auditorium #use# serve as a high-quality open space resource when not in auditorium use;
  - (6) any roof or structural canopy above the open-air auditorium seating area will be visually unobtrusive, and maximize openness and visibility between the site and Riegelmann Boardwalk;
  - (7) the operations plan, which shall include a protocol for queuing for concertgoers, demonstrates that there would be no interference with the public use and enjoyment of adjacent public facilities; and
  - (8) the site plan, signage plan and lighting plan incorporate good design, effectively integrate the site with surrounding streets and Riegelmann Boardwalk, and are consistent with the purposes of the #Special Coney Island District#.
- (c) The Commission may, through approval of the Proposed Plans, permit #signs# notwithstanding the applicable #sign# regulations, except that #flashing signs# shall not be permitted and only #advertising signs# that are oriented toward the interior of the open-air auditorium and not visible from Riegelmann Boardwalk or other public area shall be permitted.

In order to permit such #signs#, the Commission shall find that proposed signage is appropriate in connection with the permitted open-air auditorium #use#, is not unduly concentrated within one portion of the site, and will not negatively affect the surrounding area.

- (d) The Commission may, through approval of the Proposed Plans, reduce or waive required parking or loading requirements, provided the Commission finds that the open-air auditorium will be adequately served by a combination of surrounding public parking facilities and mass transit. In addition, the Commission shall find that the proposed loading facilities on the site are located so as not to adversely affect the movement of pedestrians or vehicles on the #streets# surrounding the auditorium.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. Such conditions and safeguards may include, but are not limited to, restrictions on signage or requirements for soundproofing of auditoriums, shielding of floodlights or screening of open #uses#.

Upon the first issuance of this permit for an open-air auditorium, the effective period of the permit shall be 10 years from the date a certificate of occupancy, including a temporary certificate of occupancy, has been issued. To establish the term of years for subsequent applications for this special permit, the Commission shall, in determining whether the finding of paragraph (b)(1) of this Section is met, take into account the existing character of the surrounding area, as well as #residential# and #community

facility development# proposed or under construction on surrounding #blocks#, and shall also consider whether continuation of such auditorium #use# within a proposed term of years would be compatible with or may hinder achievement of the goals and objectives of the #Special Coney Island District# plan. Subsequent applications for this special permit shall be filed no later than one year prior to expiration of the term of the permit then in effect.