City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT FULL FORM
Please fill out, print and submit to the appropriate agency (see instructions)

PART I: GENERAL INFORMATION

PROJECT NAME The Kings Theatre

1. *Reference Numbers*

CEQR REFERENCE NUMBER (To Be Assigned by Lead Agency)	BSA REFERENCE NUMBER (If Applicable)
11DME003K	
ULURP REFERENCE NUMBER (If Applicable)	OTHER REFERENCE NUMBER(S) (If Applicable) (e.g., Legislative Intro, CAPA, etc.)

2a. *Lead Agency Information*

NAME OF LEAD AGENCY: **Office of the Deputy Mayor for Economic Development**

NAME OF LEAD AGENCY CONTACT PERSON: **Robert Kulikowski, Director**

ADDRESS: **253 Broadway, 14th Floor**

CITY: **New York** STATE: **NY** ZIP: **10007**

TELEPHONE: **(212) 788-2937** FAX: **(212) 788-2941**

EMAIL ADDRESS: **rkulikowski@cityhall.nyc.gov**

2b. *Applicant Information*

NAME OF APPLICANT: **Kings Theatre Redevelopment Company, L.L.C.**

NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON: **Paul D. Selver, Kramer Levin Naftalis & Frankel LLP**

ADDRESS: **1177 Avenue of the Americas**

CITY: **New York** STATE: **NY** ZIP: **10036**

TELEPHONE: **(212) 715-9199** FAX: **(212) 715-8231**

EMAIL ADDRESS: **pselver@kramerlevin.com**

3. *Action Classification and Type*

SEQRA Classification

☑ UNLISTED ☐ TYPE I; SPECIFY CATEGORY *(see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended):*

Action Type *(refer to Chapter 2, "Establishing the Analysis Framework" for guidance)*

☑ LOCALIZED ACTION, SITE SPECIFIC ☐ LOCALIZED ACTION, SMALL AREA ☐ GENERIC ACTION

4. *Project Description:*

See page 1a.

4a. *Project Location: Single Site* *(for a project at a single site, complete all the information below)*

ADDRESS	NEIGHBORHOOD NAME	
1027 Flatbush Avenue		
TAX BLOCK AND LOT: **Block 5132, Lots 17 and 18 and a portion of Lot 12; Block 5133, Lot 55 and a portion of Lots 1 and 50**	BOROUGH: **Brooklyn**	COMMUNITY DISTRICT: **14**

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

The site is located on the east side of Flatbush Avenue between Tilden Avenue and Duryea Place.

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY: **C4-2** ZONING SECTIONAL MAP NO: **22C**

4b. *Project Location: Multiple Sites* *(Provide a description of the size of the project area in both City Blocks and Lots. If the project would apply to the entire city or to areas that are so extensive that a site-specific description is not appropriate or practicable, describe the area of the project, including bounding streets, etc.)*

Not applicable

5. *REQUIRED ACTIONS OR APPROVALS* *(check all that apply)*

City Planning Commission: YES ☑ NO ☐

- ☐ CITY MAP AMENDMENT
- ☐ ZONING MAP AMENDMENT
- ☐ ZONING TEXT AMENDMENT
- ☐ UNIFORM LAND USE REVIEW PROCEDURE (ULURP)
- ☐ CONCESSION
- ☐ UDAAP
- ☐ REVOCABLE CONSENT
- ☐ ZONING CERTIFICATION
- ☐ ZONING AUTHORIZATION
- ☐ HOUSING PLAN & PROJECT
- ☐ SITE SELECTION—PUBLIC FACILITY
- ☐ FRANCHISE
- ☐ DISPOSITION—REAL PROPERTY

ZONING SPECIAL PERMIT, SPECIFY TYPE

Board of Standards and Appeals: YES ☐ NO ☑

- ☐ SPECIAL PERMIT

EXPIRATION DATE MONTH DAY YEAR

- ☐ VARIANCE (USE)
- ☐ VARIANCE (BULK)

SPECIFY AFFECTED SECTION(S) OF THE ZONING RESOLUTION

- ☑ MODIFICATION OF: **Previously approved City map amendment**
- ☐ RENEWAL OF
- ☐ OTHER

PART I: GENERAL INFORMATION

4. PROJECT DESCRIPTION

The applicant proposes to restore and expand a vacant theatre, known as The Kings Theatre, located at 1027 Flatbush Avenue in the Flatbush neighborhood of Brooklyn (see **Figure 1**). The Kings Theatre was originally built in 1929 as a movie theatre; it has been closed since 1977 (see **Figures 2 and 2a through 2d**). As part of the project, a portion of East 22nd Street between Tilden Avenue and Duryea Place would be demapped to accommodate an expansion of the theatre's stagehouse and loading areas.

A. PROJECT LOCATION

As shown in Figure 2, the project site consists of Block 5132, Lots 17 and 18, where the Kings Theatre is located, and East 22nd Street between Tilden Avenue and Duryea Place (Block 5132, a portion of Lots 12, 17 and 18, and Block 5133, Lot 55 and a portion of Lots 1 and 50). East 22nd Street is currently a one-way southbound street with one moving lane and parking on both sides of the street. It is a discontinuous street, extending four blocks in the study area, between Tilden Avenue and Clarendon Road.

The site is located in a commercial zoning district (C4-2) surrounded by residential districts (see **Figures 3 and 4**).

B. EXISTING THEATRE

The existing theatre was designed by C.W. and George Rapp Architects and originally built in 1929 as a motion picture venue with a seating capacity of 3,600. The theatre has been closed since 1977 and has fallen into disrepair.

The existing theatre square footage is approximately 66,230 square feet, including the cellar level. The theatre's principal public entrance and exit is on Flatbush Avenue.

The theatre rises to a height of approximately 87 feet.

C. PROPOSED THEATRE

THEATRE RENOVATION AND EXPANSION

The existing theatre would be restored, expanded, and modernized, with the majority of the expansion to occur in the theatre's stagehouse and back-of-house facilities so that live theatrical presentations can be accommodated. The renovation and expansion would result in an increase in the total square footage from 66,230 square feet to approximately 101,970 square feet; however, the seating capacity would remain similar to the existing theatre with up to approximately 3,600 seats.

The theatre's front-of-house facilities (e.g., lobbies and patron lounges) and auditorium would be retained, restored, and modernized. The principal public entrance and exit to the theatre would remain on Flatbush Avenue, and a landscaped courtyard area, accessed from the theatre's grand lobby, would be provided. New public restroom facilities and new concession areas would be provided. In the auditorium, the orchestra level would be re-graded and the seating layout would be modified to improve sightlines for live entertainment.

The rear of the theatre—the stagehouse—would be demolished (to the proscenium), and a new 97-foot-high steel structure would be constructed, providing a stage with the capacity to accommodate live performances, back-of-house support areas (e.g., dressing rooms, audio and lighting rooms), and new loading facilities. The loading facilities would consist of two truck bays sized to accommodate road trucks for touring performances. The new stagehouse and loading area would be located in the roadway of the demapped segment of East 22nd Street.

Figures 6, 7, 8, and 9 show the proposed renovated and expanded theatre.

Restoration of the theatre would involve both the interior and exterior and would be undertaken to meet the Secretary of the Interior's Guidelines for Rehabilitation of Historic Structures.

PROPOSED OPERATIONS

The theatre would be used for live entertainment, including music, dance, cabaret and comedy performances (both local and touring shows). The theatre would also be used for local theatrical and dance groups, conferences, and ceremonies of local importance. There would be up to approximately 200 performances in the theatre each year.

Parking for theatre patrons would primarily be accommodated in two nearby parking facilities: a 425-space parking lot across East 22nd Street, behind the theatre, and a 253-space parking deck across Tilden Avenue.

D. PROPOSED ACTIONS AND APPROVALS

HISTORY OF ACTIONS AFFECTING THE PROJECT SITE

In the early 1980s, an Urban Renewal Plan for the Kings/Flatbush Urban Renewal Area, which included the project site, was approved.[1] The Urban Renewal Plan allowed for the acquisition and disposition of the theatre site and of East 22nd Street; permitted commercial use of the theatre site, consistent with applicable zoning; and contemplated the restoration of the theatre.

In the late 1980s, the New York City Economic Development Corporation (EDC), the New York City Department of Housing Preservation and Development (HPD), and the New York City Department of General Services proposed to develop a 654-space public parking lot across East 22nd Street from the theatre. This parking lot was to serve Sears, Roebuck and Co., and other retail establishments in the area and would have encompassed property in Block 5133 and two eliminated streets: specifically, East 22nd Street from Tilden Avenue to Duryea Place and Tilden Avenue from Flatbush Avenue to Bedford Avenue were to be eliminated, discontinued, and closed. This proposed amendment of the City Map (C 861226 MMK) and other related actions, including the grant of a special permit to allow the public parking use and the approval of the site selection and acquisition of private property for use as a parking facility, were approved by the City Planning Commission on September 21, 1992, Cal. No. 2.

The application was subject to review under the City Environmental Quality Review (CEQR) process, and received a Conditional Negative Declaration (CND) from the New York City Departments of Environmental Protection (DEP) and City Planning (DCP) in January 1990 and again in April 1992 based on an amended project description. The conditions related to minor parking restrictions and signal timing changes to be made in connection with implementation of the proposed street closures.

Prior to the acquisition of private property through the Urban Renewal Plan, land use changes occurred over time and individual private property owners began to make investments in their properties along Tilden Avenue. In light of those investments, the City determined that the acquisition of those properties was not necessary to achieve the goals of the Urban Renewal Plan; and further the demapping of Tilden Avenue would be problematic without the acquisition of those properties as the private properties used Tilden Avenue for access to the street network. Therefore, the demapping application was never filed and the planned public parking lot was developed in two separate pieces, one north of Tilden Avenue and another directly across the street to the south. As East 22nd Street was included in the same alteration map as Tilden Avenue in the approved 1992 demapping application, the elimination of East 22nd Street was also not finalized. Rather than incorporate East 22nd Street into the parking lot on Block 5133, the area that was still mapped as street was improved as a street.

PROPOSED ACTIONS AND APPROVALS FOR THE CURRENT PROJECT

The proposed project would require the following actions and approvals:

- Modification of an Amendment to the City Map. The proposed project would require the filing of a modification to a previously approved amendment to the City Map so that a portion of East 22nd Street between Tilden Avenue and Duryea Place can be demapped. As discussed above, the demapped East 22nd Street would accommodate an expansion of the theatre's stagehouse and loading areas. The filing of a modification to the amendment to the City Map is a discretionary action subject to the New York City Environmental Quality Review (CEQR) process.

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[1] Urban Renewal Plan: C800547 HUK, approved by the City Planning Commission on November 24, 1980/Cal. No. 3, and approved by the Board of Estimate on January 16, 1981/Cal No. 8.

- Nomination of the Kings Theatre to the State and National Registers (S/NR) of Historic Places. As part of the project, the Kings Theatre would be nominated for listing on the State and National Registers of Historic Places, and the project would seek federal historic tax credits, and potentially New Markets Tax Credits, for the theatre's restoration. The theatre's restoration would be undertaken in consultation with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) and in compliance with the Secretary of the Interior's Standards for Rehabilitation. S/NR nomination and receipt of the federal tax credits are not actions subject to the CEQR process.
- Section 384(b)(4). Approval by the Mayor and the Borough Board pursuant to Section 384(b)(4) of the City Charter of the business terms of the proposed disposition of the theatre and street from the City to EDC and the negotiated disposition of the theatre and street from EDC to the Kings Theatre Redevelopment Company, L.L.C., the developer of the project. This approval is a discretionary action subject to CEQR.
- City Capital Funding. The project requires approval by the City's Office of Management and Budget for the grant of approximately $50 million as is required in capital funds for the restoration of the theatre. This approval, and the approval of any additional funding that may become available for the project, is a discretionary action subject to CEQR.

E. PURPOSE AND NEED

Together, the proposed actions would facilitate the restoration, expansion, and modernization of the existing vacant Kings Theatre and would provide a modern facility for the presentation of live performances. A renovated and modernized theatre, with active programming and a range of events, would result in the improvement of this section of Flatbush Avenue. The restored theatre would also serve as a community and City-wide amenity. The purpose and need for each individual action is described in this section.

- Modification of an Amendment to the City Map. The demapping of East 22nd Street would enable the theatre's stagehouse, back-of-house support areas, and loading areas to be expanded and located within the bed of East 22nd Street. As described above, the existing stage, which was originally used for movies, is not sized to accommodate modern live performances. In addition, the back-of-house facilities, including the loading areas, are inadequate for live entertainment. The construction of a new stagehouse, along with the loading area, would enable the theatre to support a wide range of live entertainment, including both local and touring shows.
- Historic Resource Designation. Listing the theatre on the State and National Registers of Historic Places would enable the proposed project to be eligible for tax credits that would finance the restoration of the theatre. As discussed above, the restoration would be undertaken to meet the Secretary of the Interior's Guidelines for Rehabilitation of Historic Structures. Restoration and reuse of the Kings Theatre would return this structure to a vibrant, productive use.
- Disposition and Business Terms. Disposition of the theatre and the street to EDC requires approval pursuant to Section 384(b)(4) of the City Charter to permit the negotiated disposition by EDC to the Kings Theatre Redevelopment Company, L.L.C.
- City Capital Funding. The grant of approximately $50 million as is required in capital funds would help fund the restoration of the theatre.

F. FRAMEWORK FOR ANALYSIS

Absent the proposed actions, it is assumed that the theatre will remain vacant.

Department of Environmental Protection: YES ☐ NO ☑

Other City Approvals: YES ☑ NO ☐

- ☐ LEGISLATION
- ☐ RULEMAKING
- ☑ FUNDING OF CONSTRUCTION; SPECIFY **New York City capital funds, Mayoral approval of disposition pursuant to 384(b)(4) of the City charter.**
- ☐ CONSTRUCTION OF PUBLIC FACILITIES
- ☐ POLICY OR PLAN; SPECIFY
- ☐ FUNDING OR PROGRAMS; SPECIFY
- ☐ LANDMARKS PRESERVATION COMMISSION APPROVAL (not subject to CEQR)
- ☐ PERMITS; SPECIFY
- ☐ 384(B)(4) APPROVAL
- ☐ OTHER; EXPLAIN
- ☐ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMD) (*not subject to CEQR*)

6. ***State or Federal Actions/Approvals/Funding:*** YES ☐ NO ☑ IF "YES," IDENTIFY

The proposed project would include the nomination of the Kings Theatre to the State and National Registers of Historic Places and federal historic tax credits and new markets tax credits for the theatre's restoration. These actions are not subject to CEQR.

7. ***Site Description:*** Except where otherwise indicated, provide the following information with regard to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory controls.

See Figures 1 through 5

GRAPHICS *The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas, and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11x17 inches in size and must be folded to 8.5x11 inches for submission.*

- ☑ Site location map
- ☑ Zoning map
- ☑ Photographs of the project site taken within 6 months of EAS submission and keyed to the site location map
- ☑ Sanborn or other land use map
- ☑ Tax map
- ☑ For large areas or multiple sites, a GIS shape file that defines the project sites

PHYSICAL SETTING *(both developed and undeveloped areas)*

Total directly affected area (sq. ft.):	Type of waterbody and surface area (sq. ft.):	Roads, building and other paved surfaces (sq. ft.):
±68,832 (theatre site) and ± 22,733 sf of East 22nd Street, of which ± 13,372 sf would be demapped	**0**	**±68,832 (theatre site) and ± 22,733 sf of East 22nd Street, of which ± 13,372 sf would be demapped**

Other, describe (sq. ft.): **0**

8. ***Physical Dimensions and Scale of Project*** *(if the project affects multiple sites, provide the total development below facilitated by the action)*

Size of project to be developed: **± 25,100** (gross sq. ft.)

Does the proposed project involve changes in zoning on one or more sites? YES ☐ NO ☑

If 'Yes,' identify the total square feet owned or controlled by the applicant: **± 68,832** Total square feet of non-applicant owned development:

Does the proposed project involve in-ground excavation or subsurface disturbance, including but not limited to foundation work, pilings, utility lines, or grading? YES ☑ NO ☐

If 'Yes,' indicate the estimated area and volume dimensions of subsurface disturbance (if known): **Soil excavation of approximately 5 to 20 feet below surface grade in portions of the project site, including a portion of East 22nd Street**

Area: sq. ft. (width x length) Volume: cubic feet (width x length x depth)

Does the proposed project increase the population of residents and/or on-site workers? YES ☑ NO ☐ Number of additional residents? **0** Number of additional workers? **100 full time equivalent employees**

Provide a brief explanation of how these numbers were determined:

Does the project create new open space? YES ☐ NO ☑ If Yes: (sq. ft)

Using Table 14-1, estimate the project's projected operation solid waste generation, if applicable: **25,900 (based on 1 pound per day per employee and per patron)** (pounds per week)

Using energy modeling or Table 15-1, estimate the project's projected energy use: **25,563,879,000 (based on institutional use in Table 15-1)** (annual BTUs)

9. ***Analysis Year*** *CEQR Technical Manual, Chapter 2*

ANTICIPATED BUILD YEAR (DATE THE PROJECT WOULD BE COMPLETED AND OPERATIONAL):	ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS:
2014	**24–30 months**

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? YES ☑ NO ☐ IF MULTIPLE PHASES, HOW MANY PHASES: **N/A**

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: **N/A**

10. ***What is the Predominant Land Use in Vicinity of Project?*** *(Check all that apply)*

☑ RESIDENTIAL ☐ MANUFACTURING ☑ COMMERCIAL ☐ PARK/FOREST/OPEN SPACE ☑ OTHER, Describe: **Parking, institutional**

9.21.10

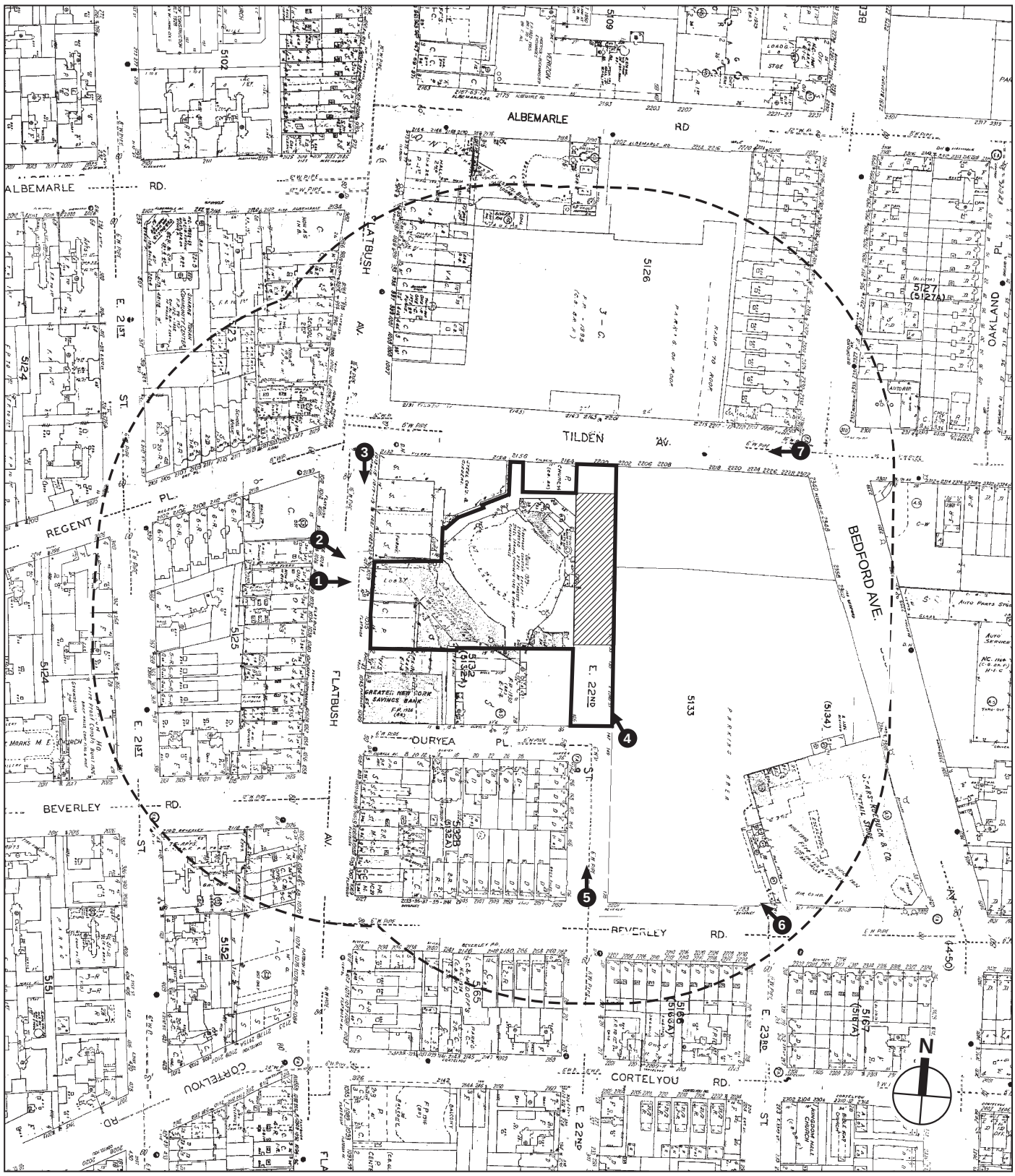
Project Site

0 2000 FEET

SCALE

Project Location
Figure 1

9.21.10



0 200 400 FEET

SCALE

Project Site

Area to be Demapped

400-Foot Perimeter

Photograph View Direction and Reference Number

Project Site and Key to Photographs

Figure 2

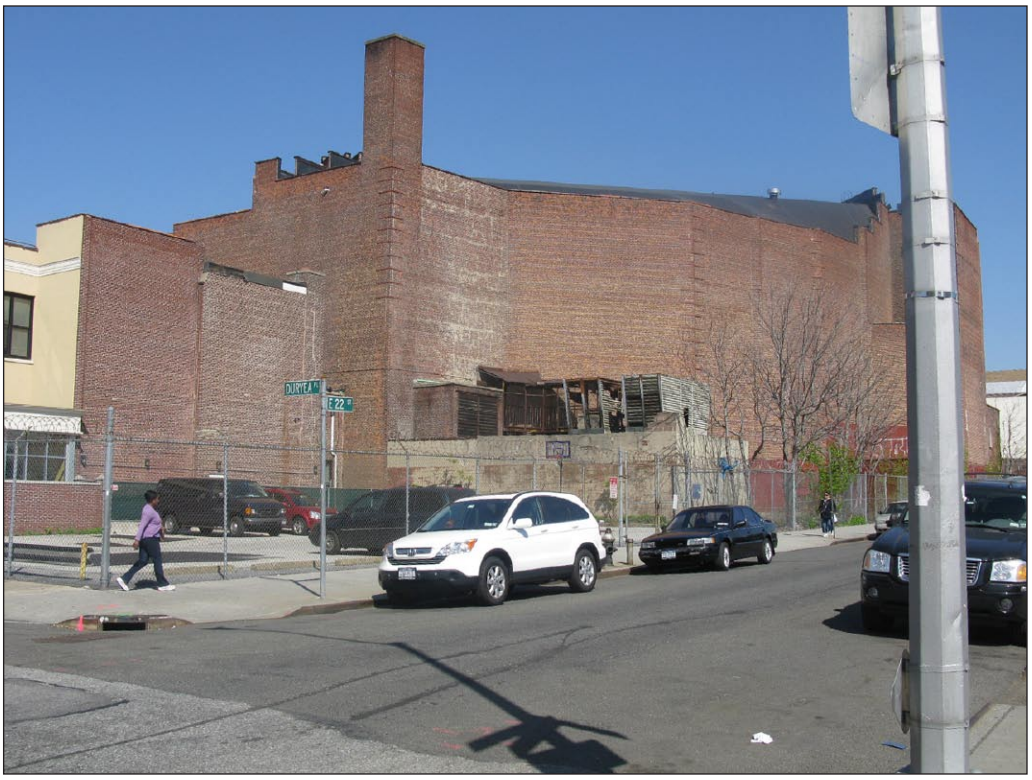
1

2

Views of the Project Site

Figure 2a

3



4

Views of the Project Site
Figure 2b

5

6

Views of the Project Site

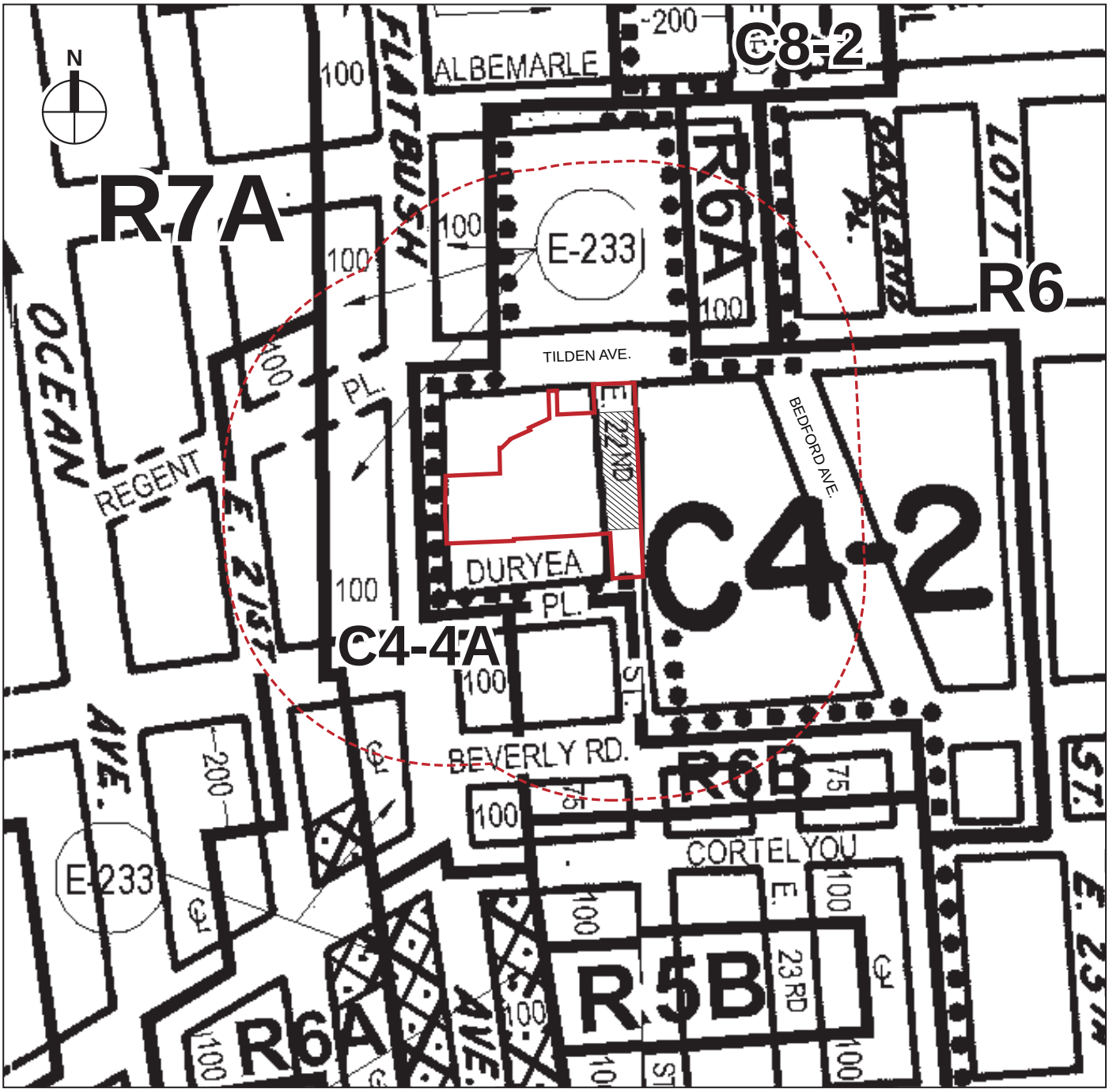
Figure 2c

7

Views of the Project Site

Figure 2d

9.21.10



Project Site

Area to be Demapped

Study Area Boundary (400-Foot Perimeter)

Zoning District Boundary

C2-4 Overlay

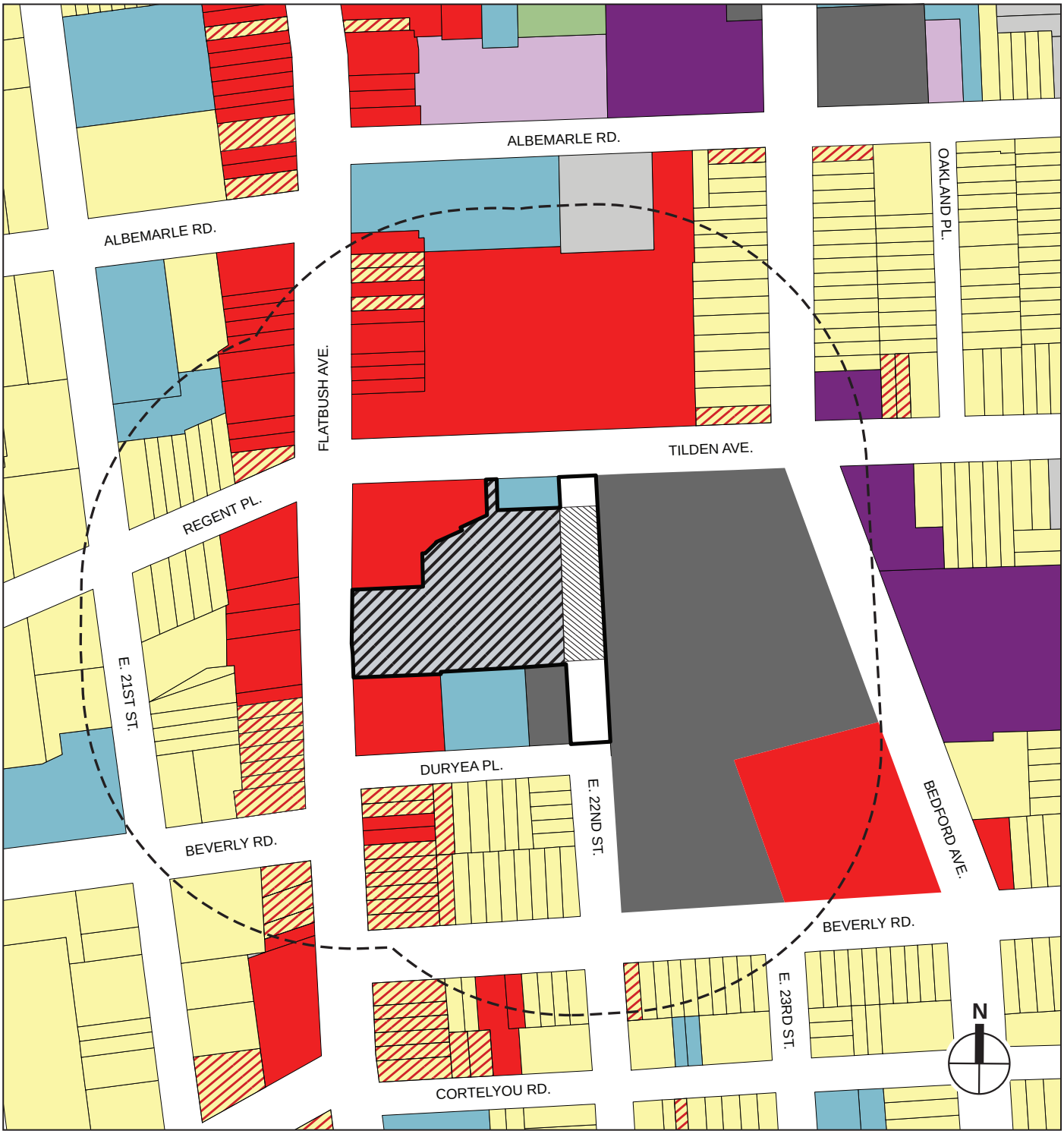
0 400 FEET

SCALE

KINGS THEATRE

Zoning
Figure 3

9.21.10



- *Project Site*
- *Area to be Demapped*
- *Study Area Boundary (400-Foot Perimeter)*
- *Residential*
- *Residential with Commercial Below*
- *Commercial and Office Buildings*
- *Industrial and Manufacturing*
- *Transportation and Utility*
- *Public Facilities and Institutions*
- *Open Space and Outdoor Recreation*
- *Parking Facilities*
- *Vacant Land*
- *Vacant Building*

KINGS THEATRE

Land Use
Figure 4

Project Site

5132 *Block Number*

18 *Lot Number*

KINGS THEATRE

Tax Map
Figure 5

9.22 .10

LEGEND

- HISTORIC FRONT OF HOUSE
- FRONT OF HOUSE SUPPORT FACILITIES
- BACK OF HOUSE SUPPORT FACILITIES
- STAGE
- CIRCULATION / EGRESS

BASEMENT AREA CALCULATIONS

EXISTING BLDG = 15,392 sf
ADDITIONS = 12,487 sf
BASEMENT TOTAL = 26,414 sf

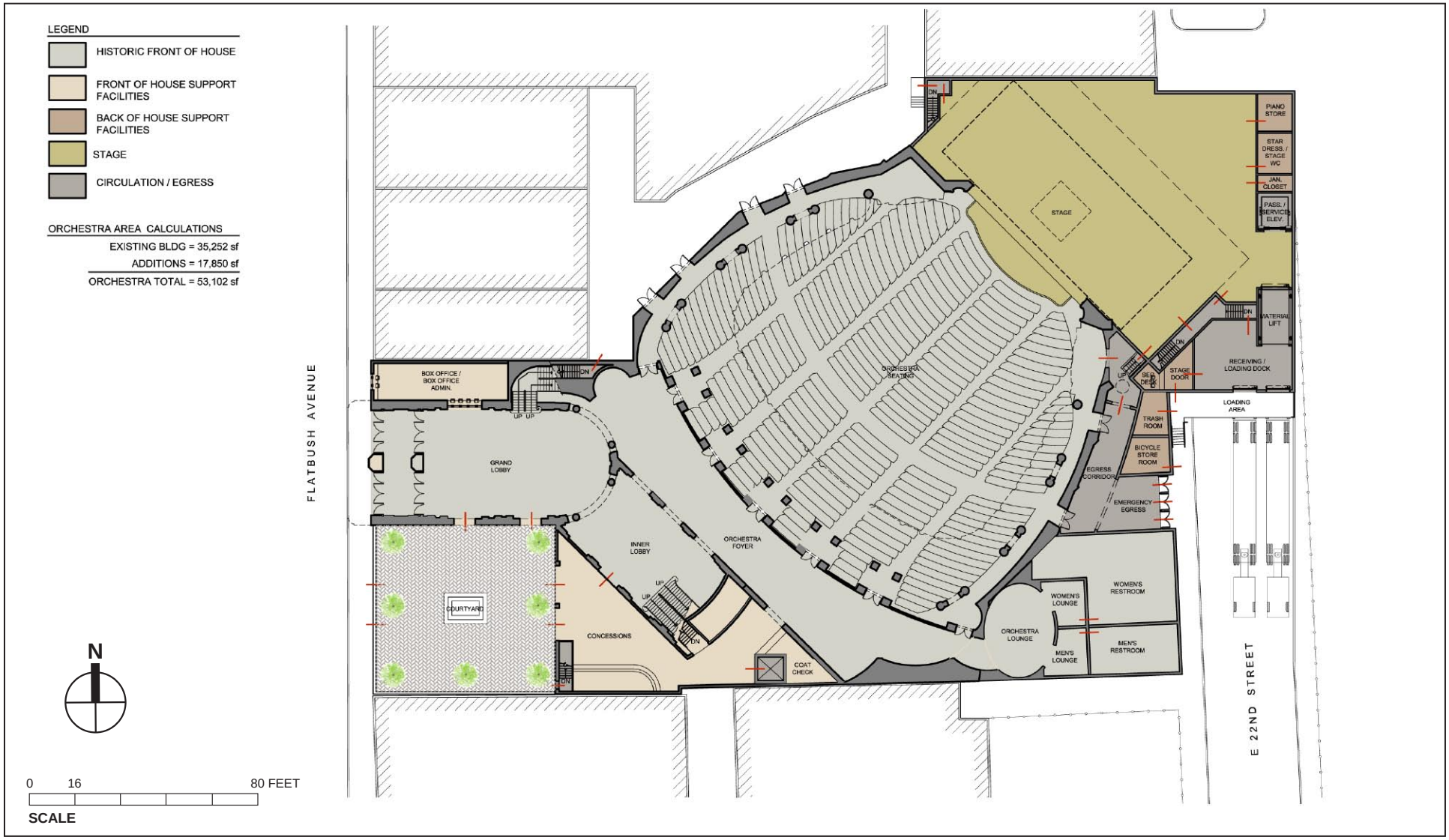
SOURCE: Martinez and Johnson Architecture

FOR ILLUSTRATIVE PURPOSES ONLY

Pr oposed Basement Plan

Figure 6

9.22.10



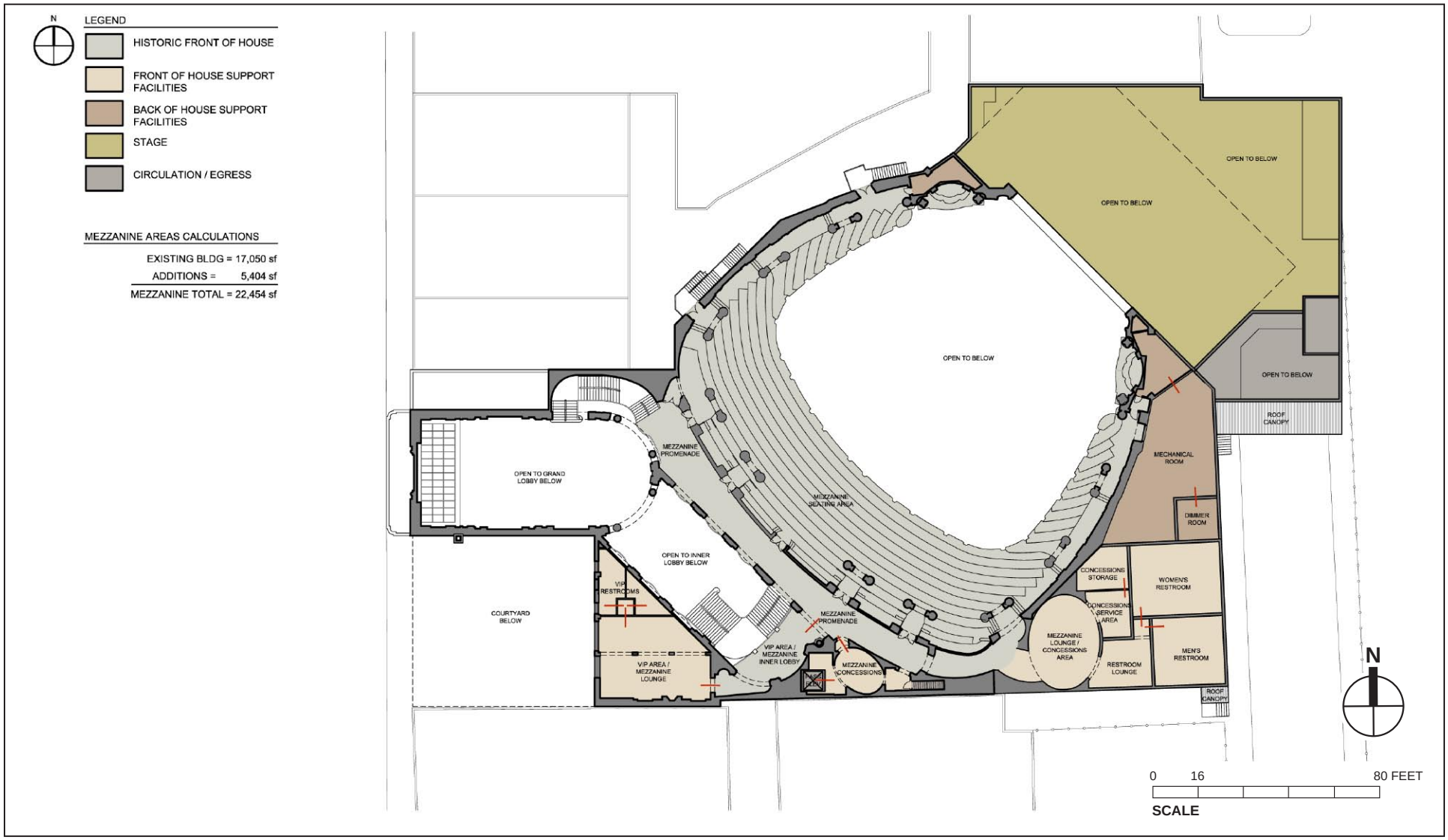
SOURCE: Martinez and Johnson Architecture

FOR ILLUSTRATIVE PURPOSES ONLY

Proposed Ground Floor and Orchestra Plan

Figure 7

9.22.10



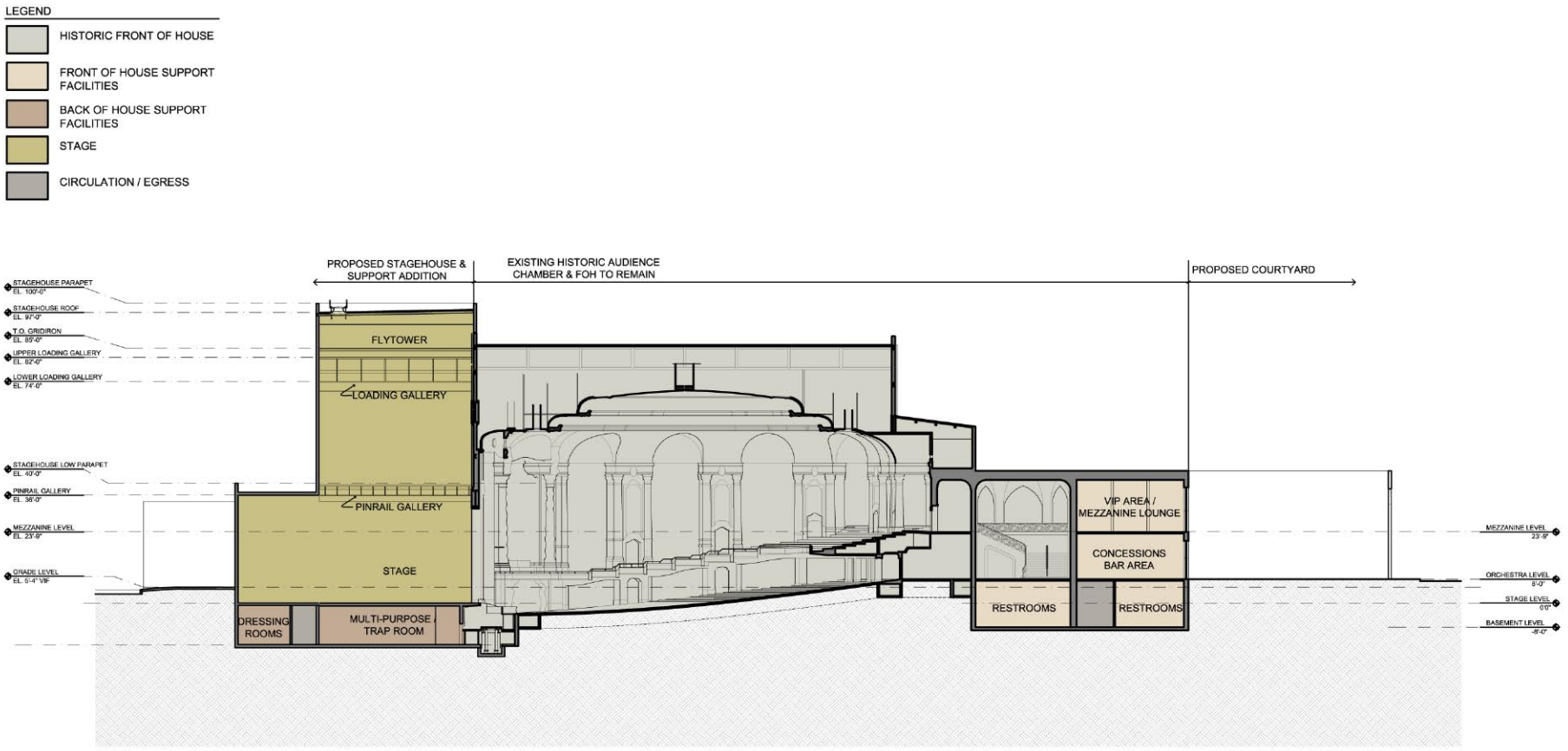
SOURCE: Martinez and Johnson Architecture

FOR ILLUSTRATIVE PURPOSES ONLY

KINGS THEATRE

Proposed Mezzanine Plan

Figure 8



SOURCE: Martinez and Johnson Architecture

FOR ILLUSTRATIVE PURPOSES ONLY

Proposed Section

Figure 9

DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Land Use				
Residential	Yes ☐ No ☑	Yes ☐ No ☑	Yes ☐ No ☑	
If yes, specify the following				
No. of dwelling units				
No. of low- to moderate-income units				
No. of stories				
Gross Floor Area (sq. ft.)				
Describe Type of Residential Structures				
Commercial	Yes ☐ No ☑	Yes ☐ No ☑	Yes ☐ No ☑	
If yes, specify the following:				
Describe type (retail, office, other)				
No. of bldgs				
GFA of each bldg (sq. ft.)				
Manufacturing/Industrial	Yes ☐ No ☑	Yes ☐ No ☑	Yes ☐ No ☑	
If yes, specify the following:				
Type of use				
No. of bldgs				
GFA of each bldg (sq. ft.)				
No. of stories of each bldg.				
Height of each bldg				
Open storage area (sq. ft.)				
If any unenclosed activities, specify				
Community Facility	Yes ☐ No ☑	Yes ☐ No ☑	Yes ☐ No ☑	
If yes, specify the following				
Type				
No. of bldgs				
GFA of each bldg (sq. ft.)				
No. of stories of each bldg				
Height of each bldg				
Vacant Land	Yes ☑ No ☐	Yes ☑ No ☐	Yes ☐ No ☑	
If yes, describe	**A small portion of the project site fronting Flatbush Avenue consists of a vacant lot**		**The vacant lot would be transformed into a landscaped courtyard area**	
Publicly Accessible Open Space	Yes ☐ No ☑	Yes ☐ No ☑	Yes ☐ No ☑	
If yes, specify type (mapped City, State, or Federal Parkland, wetland—mapped or otherwise known, other)				
Other Land Use	Yes ☑ No ☐	Yes ☑ No ☐	Yes ☑ No ☐	
If yes, describe	**Vacant theatre building and street (the project site includes East 22nd Street between Tilden Avenue and Duryea Place). Theatre is three stories and ±66,230 sf. The theatre has been vacant since 1977**	**The site would continue to be occupied by the vacant theatre**	**101,970-sf renovated theatre with up to approximately 3,600 seats**	**3,600-seat theatre**
Parking				
Garages	Yes ☐ No ☑	Yes ☐ No ☑	Yes ☐ No ☑	
If yes, specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Attended or non-attended				

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Parking *(continued)*				
Lots	Yes ☐ No ☑	Yes ☐ No ☑	Yes ☐ No ☑	
If yes, specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Other (includes street parking)	Yes ☑ No ☐	Yes ☑ No ☐	Yes ☐ No ☐	
If yes, describe	**East 22nd Street currently provides parking on both sides of the street**	**Same as existing**	**Theatre patrons are expected to park in existing parking facilities in the surrounding area (see Attachment D, "Transportation")**	
Storage Tanks				
Storage Tanks	Yes ☑ No ☐	Yes ☑ No ☐	Yes ☐ No ☑	
If yes, specify the following:				
Gas/Service stations:	Yes ☐ No ☑	Yes ☐ No ☑	Yes ☐ No ☑	
Oil storage facility:	Yes ☐ No ☑	Yes ☐ No ☑	Yes ☐ No ☑	
Other; identify:	Yes ☑ No ☐	Yes ☑ No ☐	Yes ☐ No ☑	
If yes to any of the above, describe:				
Number of tanks	**1; see Attachment C, "Hazardous Materials"**	**1; see Attachment C, "Hazardous Materials"**		
Size of tanks				
Location of tanks				
Depth of tanks				
Most recent FDNY inspection date				
Population				
Residents	Yes ☐ No ☑	Yes ☐ No ☑	Yes ☐ No ☑	
If any, specify number				
Briefly explain how the number of residents was calculated				
Businesses	Yes ☐ No ☑	Yes ☐ No ☑	Yes ☑ No ☐	
If any, specify the following:				
No. and type			**1, theatre**	
No. and type of workers by business			**100 full-time equivalent workers**	
No. and type of non-residents who are not workers			**3,600 seats for theatregoers**	
Briefly explain how the number of businesses was calculated				
Zoning*				
Zoning classification	**C4-2**	**C4-2**	**C4-2**	
Maximum amount of floor area that can be developed (in terms of bulk)	**68,832 x 3.4 FAR = 234,028 sf of commercial use**	**no change**	**no change**	
Predominant land use and zoning classification within a 0.25-radius of proposed project	**Low-density residential and public facilities/institutions: R5B, R6, R6A, RCB, R7A, C4-2, C4-4A, and C8-2.**	**no change**	**no change**	

Attach any additional information as may be needed to describe the project.

If your project involves changes in regulatory controls that affect one or more sites not associated with a specific development, it is generally appropriate to include the total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.

**This section should be completed for all projects, except for such projects that would apply to the entire city or to areas that are so extensive that site-specific zoning information is not appropriate or practicable.*

PART II: TECHNICAL ANALYSES

INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project's impacts based on the thresholds and criteria presented in the *CEQR Technical Manual*. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the 'NO' box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the 'YES' box.
- For each 'Yes' response, answer the subsequent questions for that technical area and consult the relevant chapter of the *CEQR Technical Manual* for guidance on providing additional analyses (and attach supporting information, if needed) to determine whether the potential for significant impacts exists. Please note that a 'Yes' answer does not mean that EIS must be prepared—it often only means that more information is required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to either provide additional information to support the Full EAS Form. For example, if a question is answered 'No,' an agency may request a short explanation for this response.

		YES	NO
1.	***LAND USE, ZONING AND PUBLIC POLICY:*** *CEQR Technical Manual, Chapter 4* **See Attachment A, "Land Use, Zoning, and Public Policy"**		
(a)	Would the proposed project result in a change in land use or zoning that is different from surrounding land uses and/or zoning? Is there the potential to affect an applicable public policy? If 'Yes,' complete a preliminary assessment and attach. ***The project would change a currently vacant site into an active site containing theatre use; in addition, the project would demap a portion of East 22nd Street. Therefore, information on the area's land uses is provided in Attachment A, "Land Use, Zoning, and Public Policy."***		✓
(b)	Is the project a large, publicly sponsored project? If 'Yes,' complete a PlaNYC assessment and attach.		✓
(c)	Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries? If 'Yes,' complete the Consistency Assessment Form.		✓
2.	***SOCIOECONOMIC CONDITIONS:*** *CEQR Technical Manual, Chapter 5*		
(a)	Would the proposed project:		
	• Generate a net increase of 200 or more residential units?		✓
	• Generate a net increase of 200,000 or more square feet of commercial space?		✓
	• Directly displace more than 500 residents?		✓
	• Directly displace more than 100 employees?		✓
	• Affect conditions in a specific industry?		✓
(b)	If 'Yes' to any of the above, attach supporting information to answer the following questions, as appropriate. If 'No' was checked for each category above, the remaining questions in this technical area do not need to be answered.		
(1)	***Direct Residential Displacement***		
	If more than 500 residents would be displaced, would these displaced represent more than 5% of the primary study area population?		
	If 'Yes,' is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population?		
(2)	***Indirect Residential Displacement***		
	Would the expected average incomes of the new population exceed the average incomes of the study area populations?		
	If 'Yes,' would the population increase represent more than 5% of the primary study area population or otherwise potentially affect real estate market conditions?		
	If 'Yes,' would the study area have a significant number of unprotected rental units?		
	Would more than 10 percent of all the housing units be renter-occupied and unprotected?		
	Or, would more than 5 percent of all the housing units be renter-occupied and unprotected where no readily observable trend toward increasing rents and new market rate development exists within the study area?		

		YES	NO
(3)	***Direct Business Displacement***		
	Do any of the displaced businesses provide goods or service that otherwise could not be found within the trade area, either under existing conditions or in the future with the proposed project?		
	Do any of the displaced businesses provide goods or services that otherwise could not be found within the trade area, either under existing conditions or in the future with the proposed project?		
	Or is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve, enhance, or otherwise protect it?		
(4)	***Indirect Business Displacement***		
	Would the project potentially introduce trends that make it difficult for businesses to remain in the area?		
	Would the project capture the retail sales in a particular category of goods to the extent that the market for such goods would become saturated as a result, potential resulting in vacancies and disinvestment on neighborhood commercial streets?		
(5)	***Effects on Industry***		
	Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?		
	Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?		
3.	***COMMUNITY FACILITIES:*** *CEQR Technical Manual, Chapter 6*		
(a)	Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations?		✓
(b)	Would the project exceed any of the thresholds outlines in Table 6-1 in Chapter 6?		✓
(c)	If 'No' was checked above, the remaining questions in this technical area do not need to be answered. If 'Yes' was checked, attach supporting information to answer the following, if applicable.		
(1)	***Child Care Centers***		
	Would the project result in a collected utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent?		
	If 'Yes,' would the project increase the collective utilization rate by 5 percent from the No-Action scenario?		
(2)	***Libraries***		
	Would the project increase the study area population by 5 percent from the No-Action levels?		
	If 'Yes,' would the additional population impair the delivery of library services in the study area?		
(3)	***Public Schools***		
	Would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 105 percent?		
	If 'Yes,' would the project increase this collective utilization rate by 5 percent from the No-Action scenario?		
(4)	***Health Care Facilities***		
	Would the project affect the operation of health care facilities in the area?		
(5)	***Fire and Police Protection***		
	Would the project affect the operation of fire or police protection in the area?		
4.	***OPEN SPACE:*** *CEQR Technical Manual, Chapter 7* **See page 6a**		
(a)	Would the project change or eliminate existing open space?		✓
(b)	Is the project located within an underserved area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	✓	
(c)	If 'Yes,' would the proposed project generate more than 50 additional residents or 125 additional employees?		✓
(d)	Is the project located within a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?		✓
(e)	If 'Yes,' would the project generate more than 350 additional residents or 750 additional employees?		
(f)	If the project is not located within an underserved or well-served area, would it generate more than 200 additional residents or 500 additional employees?		
(g)	If 'Yes' to any of the above questions, attach supporting information to answer the following: • Does the project result in a decrease in the open space ratio of more than 5%?		✓
	• If the project site is within an underserved area, is the decrease in open space between 1% and 5%?		✓
	• If 'Yes,' are there qualitative considerations, such as the quality of open space, that need to be considered?		

4. OPEN SPACE

According to the *CEQR Technical Manual*, an open space assessment is typically conducted if the population generated by a proposed action would be sufficient to noticeably diminish the ability of an area's open space to serve the existing or future population. The proposed actions would not be expected to create a significant change in the demand for nearby parks since the proposed users introduced by the project would be theatregoers, visiting the area for the purpose of seeing shows at the theatre. The project would not result in a new residential population, nor would it result in a sizeable employee population. Therefore, no further analysis is warranted, and the proposed actions would not result in any significant adverse impacts to open space.

		YES	NO
5.	***SHADOWS:*** *CEQR Technical Manual, Chapter 8.*		
(a)	Would the proposed project result in a net height increase of any structure of 50 feet or more?		✓
(b)	Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?		✓
(c)	If 'Yes' to either of the above questions, attach supporting information explaining whether the project's shadow reach any sunlight-sensitive resource at any time of the year.		
6.	***HISTORIC AND CULTURAL RESOURCES:*** *CEQR Technical Manual, Chapter 9* **See Attachment B, "Historic and Cultural Resources"**		
(a)	Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for, or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; is listed or eligible for listing on the New York State or National Register of Historic Places; or is within a designated or eligible New York City, New York State, or National Register Historic District? If "Yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.	✓	
7.	***URBAN DESIGN AND VISUAL RESOURCES:*** *CEQR Technical Manual, Chapter 10*		
(a)	Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?		✓
(b)	Would the proposed project result in obstruction of publicly accessible views to visual resources that is not currently allowed by existing zoning?		✓
(c)	If "Yes" to either of the questions above, please provide the information requested in Chapter 10.		
8.	***NATURAL RESOURCES:*** *CEQR Technical Manual, Chapter 11*		
(a)	Is any part of the directly affected area within the Jamaica Bay Watershed? If "Yes," complete the Jamaica Bay Watershed Form.		✓
(b)	Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11? If "Yes," list the resources: Attach supporting information on whether the proposed project would affect any of these resources.		✓
9.	***HAZARDOUS MATERIALS:*** *CEQR Technical Manual, Chapter 12* **See Attachment C, "Hazardous Materials"**		
(a)	Would the proposed project allow commercial or residential use in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?		✓
(b)	Does the proposed project site have existing institutional controls (e.g., (E) designations or a Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?		✓
(c)	Does the project require soil disturbance in a manufacturing zone or any development on or near a manufacturing zone or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?		✓
(d)	Does the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material or unknown origin?	✓	
(e)	Does the project result in development where underground and/or aboveground storage tanks (e.g., gas stations) are or were on or near the site?	✓	
(f)	Does the project result in renovation of interior existing space on a site with potential compromised air quality, vapor intrusion from on-site or off-site sources, asbestos, PCBs or lead-based paint?	✓	
(g)	Does the project result in development on or near a government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, municipal incinerators, coal gasification or gas storage sites, or railroad tracks and rights-of-way?		✓
(h)	Has a Phase I Environmental Site Assessment been performed for the site? If 'Yes,' were RECs identified? Briefly identify: **See Attachment C**	✓	
(i)	Based on a Phase I Assessment, is a Phase II Assessment needed?	✓	
10.	***WATER AND SEWER INFRASTRUCTURE:*** *CEQR Technical Manual, Chapter 13*		
(a)	Would the project result in water demand of more than one million gallons per day?		✓
(b)	Is the proposed project located in a combined sewer area and result in at least 1,000 residential units or 250,000 sq. ft. or more of commercial space in Manhattan or at least 400 residential units or 150,000 sq. ft. or more of commercial space in the Bronx, Brooklyn, Staten Island or Queens?		✓
(c)	Is the proposed project located in a separately sewered area and result in the same or greater development than that listed in Table 13-1 in Chapter 13?		✓
(d)	Does the proposed project involve development on a site five acres or larger where the amount of impervious surface would increase?		✓
(e)	Would the proposed project involve development on a site one acre or larger where the amount of impervious surface would increase and is located within the Jamaica Bay Watershed or in certain specific drainage areas including: Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek?		✓
(f)	Would the proposed project be located in an area that is partially sewered or currently unsewered?		✓
(g)	Is the project proposing an industrial facility or activity that would contribute industrial discharges to a WWTP and/or generate contaminated stormwater in a separate storm sewer system?		✓
(h)	Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?		✓
(i)	If "Yes" to any of the above, conduct the appropriate preliminary analyses and attached supporting documentation.		

		YES	NO
11.	***SOLID WASTE AND SANITATION:*** *CEQR Technical Manual, Chapter 14*		
(a)	Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?		✓
(b)	Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?		✓
12.	***ENERGY:*** *CEQR Technical Manual, Chapter 15*		
(a)	Would the proposed project affect the transmission or generation of energy?		✓
13.	***TRANSPORTATION:*** *CEQR Technical Manual, Chapter 16* **See Attachment D, "Transportation" and the attached Draft Scope of Work for the Targeted EIS**		
(a)	Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16?	✓	
(b)	If "Yes," conduct the screening analyses, attach appropriate back up data as needed for each stage, and answer the following questions:		
	(1) Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour? **Yes** If "Yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? **Yes** **It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 in Chapter 16 for more information.	✓	
	(2) Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour? **Yes, during weekend peak events** If "Yes," would the proposed project result per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway trips per station or line? **Yes**	✓	
	(3) Would the proposed project result in more than 200 pedestrian trips per project peak hour? **Yes** If "Yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop? **Yes**	✓	
14.	***AIR QUALITY:*** *CEQR Technical Manual, Chapter 17*		
(a)	*Mobile Sources:* Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	✓	
(b)	*Stationary Sources:* Would the proposed project result in the conditions outlined in Section 220 in Chapter 17? If 'Yes,' would the proposed project exceed the thresholds in the Figure 17-3, Stationary Source Screen Graph? (attach graph as needed)		✓
(c)	Does the proposed project involve multiple buildings on the project site?		✓
(d)	Does the proposed project require Federal approvals, support, licensing, or permits subject to conformity requirements?		✓
(e)	Does the proposed project site have existing institutional controls (e.g., (E) designations or a Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?		✓
(f)	If "Yes," conduct the appropriate analyses and attach any supporting documentation. **See page 8a**		
15.	***GREENHOUSE GAS EMISSIONS:*** *CEQR Technical Manual, Chapter 18*		
(a)	Is the proposed project a city capital project, a power plant, or would fundamentally change the City's solid waste management system?		✓
(b)	If "Yes," would the proposed project require a GHG emissions assessment based on the guidance in Chapter 18?		
(c)	If "Yes," attach supporting documentation to answer the following; Would the project be consistent with the City's GHG reduction goal?		
16.	***NOISE:*** *CEQR Technical Manual, Chapter 19*		
(a)	Would the proposed project generate or reroute the vehicular traffic?	✓	
(b)	Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of sight to that rail line?	✓	
(c)	Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	✓	
(d)	Does the proposed project site have existing institutional controls (e.g., E-designations or a Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?		✓
(e)	If "Yes," conduct the appropriate analyses and attach any supporting documentation. **See page 8a**		
17.	***PUBLIC HEALTH:*** *CEQR Technical Manual, Chapter 20*		
(a)	Would the proposed project warrant a public health assessment based upon the guidance in Chapter 20?		✓
18.	***NEIGHBORHOOD CHARACTER:*** *CEQR Technical Manual, Chapter 21*		
(a)	Based upon the analyses conducted for the following technical areas, check 'Yes' if any of the following technical areas required a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise.	✓	
(b)	If "Yes," explain here why or why not an assessment of neighborhood character is warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary. **See page 8b**		

14. AIR QUALITY

STATIONARY SOURCES

This analysis examines the potential for stationary air quality impacts from the proposed project. Stationary source impacts include emissions from fuel burned for heating, ventilation, and air conditioning (HVAC) of buildings.

The potential for air quality impacts from the project's HVAC system was assessed using the screening analysis described in the *CEQR Technical Manual*. The screening procedure utilizes information on the type of fuel to be burned, the maximum development size, the type of development, the stack height, and the distance to the nearest building of similar or greater height, to evaluate whether a significant adverse impact is likely.

Although the use of electricity and natural gas for HVAC systems is anticipated, the analysis was performed conservatively assuming the use of No. 4 oil, in accordance with the *CEQR Technical Manual* guidance. Based on the height of the proposed building, the nearest building of a similar or greater height was determined to be beyond 400 feet; therefore, this distance was chosen for the analysis in accordance with the guidance provided in the *CEQR Technical Manual*. The use of No. 4 oil would not result in any significant stationary source air quality impact because the total floor area of the proposed building (101,970 gross square feet) is below the maximum permitted development size derived from Figure 17-4 of Air Quality Appendix 7 of the *CEQR Technical Manual.* Therefore, the proposed project HVAC system would not result in any significant adverse air quality impacts from stationary sources, and no further analysis is warranted.

MOBILE SOURCES

The number of project-generated vehicle trips would exceed the *CEQR Technical Manual* screening thresholds for detailed analyses of mobile source emissions of carbon monoxide (CO) and particulate matter (PM) on ambient pollutant levels in the study area. (The threshold for conducting an analysis of carbon monoxide (CO) emissions corresponds to 170 vehicles at a particular intersection in the peak hour.) See the Draft Scope for the Targeted EIS for the methodologies that will be used for the air quality mobile source analysis. The effects of emissions from stationary sources associated with the proposed project will also be addressed in the Targeted EIS.

16. NOISE

INTERIOR NOISE LEVEL ASSESSMENT

The *CEQR Technical Manual* defines attenuation requirements for buildings based on exterior noise levels (see **Table 16-1**). Recommended noise attenuation values for buildings are designed to maintain interior noise levels of 45 dBA or lower for noise-sensitive uses (e.g., theatre) and are determined based on exterior $L_{10(1)}$ noise levels.

Table 16-1
Required Attenuation Values to Achieve Acceptable Interior Noise Levels

	Marginally Acceptable				Clearly Unacceptable
Noise Level With Proposed Action	$70 < L_{10} \leq 73$	$73 < L_{10} \leq 76$	$76 < L_{10} \leq 78$	$78 < L_{10} \leq 80$	$L_{10} < 80$
Attenuation*	(I) 28 dB(A)	(II) 31 dB(A)	(III) 33 dB(A)	(IV) 35 dB(A)	$36 + (L_{10} - 80)^B$ dB(A)

Notes: [A] The above composite window-wall attenuation values are for noise-sensitive uses (e.g., theatre). Commercial office spaces and meeting rooms would be 5 dB(A) less in each category. All the above categories require a closed window situation and hence an alternate means of ventilation.
[B] Required attenuation values increase by 1 dB(A) increments for L_{10} values greater than 80 dBA.
Source: New York City Department of Environmental Protection

Typically, ambient noise levels adjacent to a project site are measured in order to address CEQR noise abatement requirements for a project. However, for the proposed project, which would result in a modern theatre space for live performances, it is expected that the project's acoustical design criteria (Noise Criteria [NC] 30 or less) will be more stringent than the CEQR interior noise level criterion of 45 dBA $L_{10(1)}$. Therefore, a CEQR building attenuation study is not warranted.

STATIONARY NOISE SOURCES

The building mechanical system (i.e., heating, ventilation, and air conditioning systems) would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code and the New York City Department of Buildings and Mechanical Code) and to avoid producing levels that would result in any significant increase in ambient noise levels. Therefore, the proposed project would not result in significant adverse stationary noise impacts, and no further analysis is warranted.

MOBILE NOISE SOURCES

Based on the results of the detailed transportation analysis, a noise analysis will performed to determine if the proposed project would generate sufficient traffic to result in a significant noise impact (i.e., result in a doubling of passenger car equivalents [Noise PCEs]). See the Draft Scope for the Targeted EIS for the methodologies that will be used for the noise analysis.

18. NEIGHBORHOOD CHARACTER

As defined in the *CEQR Technical Manual*, neighborhood character is considered to be an amalgam of the various elements that give a neighborhood its distinct personality. These elements include land use, socioeconomic conditions, open space, urban design and visual resources, historic and cultural resources, transportation, and noise.

Given the level of trips generated by the project and the potential for impacts related to transportation and noise, the potential for an impact in these analysis areas, and thus potentially to neighborhood character, cannot be ruled out at this time. Therefore, the potential for the project to result in significant adverse impacts to neighborhood character will be addressed in an EIS. See the Draft Scope for the Targeted EIS for the methodologies that will be used for the neighborhood character analysis.

19. ***CONSTRUCTION IMPACTS:*** *CEQR Technical Manual, Chapter 22* Would the project's construction activities involve (check all that apply):	YES	NO
• Construction activities lasting longer than two years;	✓	
• Construction activities within a Central Business District or along an arterial or major thoroughfare;	✓	
• Require closing, narrowing, or otherwise impeding traffic, transit or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc);		✓
• Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out;		✓
• The operation of several pieces of diesel equipment in a single location at peak construction;		✓
• Closure of community facilities or disruption in its service;		✓
• Activities within 400 feet of a historic or cultural resource; or	✓	
• Disturbance of a site containing natural resources.		✓

If any boxes are checked, explain why or why not a preliminary construction assessment is warranted based on the guidance of in Chapter 22, "Construction." It should be noted that the nature and extent or any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.

See page 9a.

20. *APPLICANT'S CERTIFICATION*

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of pertinent books and records and/or after inquiry of persons who have personal knowledge or such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the

Kings Theatre Redevelopment Company, L.L.C. of
APPLICANT/SPONSOR NAME OF THE ENTITY OR OWNER

the entity which seeks the permits, approvals, funding or other governmental action described in this EAS.

Check if prepared by: ☑ APPLICANT/REPRESENTATIVE or ☐ LEAD AGENCY REPRESENTATIVE (FOR CITY-SPONSORED PROJECTS)

Paul D. Selver, Kramer Levin Naftalis & Frankel LLP
APPLICANT/SPONSOR NAME: LEAD AGENCY REPRESENTATIVE NAME:

SIGNATURE: DATE:

PLEASE NOTE THAT APPLICANT MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

19. CONSTRUCTION IMPACTS

Construction of the proposed project would occur over approximately 24 to 30 months, with much of the work consisting of renovations that would occur within the existing theatre building. Some limited demolition would be needed along with new construction; this work would occur in the theatre's stagehouse and back-of-house facilities near East 22nd Street. Construction activities on Flatbush Avenue would be limited as construction staging and deliveries would occur on the East 22nd Street part of the project site. Closure of travel lanes and sidewalks on Flatbush Avenue is not anticipated; however, if curbside lane or sidewalk closures were necessary, they would be undertaken in accordance with detailed New York City Department of Transportation Office of Construction Mitigation and Coordination-approved Maintenance and Protection of Traffic (MPT) Plans. Most of the construction-period worker and truck trips are expected to occur during non-peak hours; in addition, they are not expected to be substantial enough to adversely affect area traffic conditions. Additional information will be provided in the EIS to support these conclusions. Overall, construction activities on Flatbush Avenue would be limited to the renovation of the theatre's façade. Like all construction projects, work at the project site would result in temporary disruptions to the surrounding community and occasional noise and dust; however, the majority of construction activities would occur within the theatre structure. Overall, these activities are typical of construction projects in urban areas, the effects would be temporary, and they are not considered significant.

The proposed project would be required to comply with applicable control measures for construction noise. Construction noise is regulated by the New York City Noise Control Code and by noise emission standards for construction equipment issued by the U.S. Environmental Protection Agency. These local and federal requirements mandate that certain classifications of construction equipment and motor vehicles meet specified noise standards; that, except under exceptional circumstances, construction activities be limited to weekdays between the hours of 7 AM and 6 PM; and that construction material be handled and transported in such a manner as to not create unnecessary noise.

In terms of historic resources, as described in Attachment B, "Historic and Cultural Resources," if the New York City Landmarks Preservation Commission (LCP) determines that any of the potential architectural resources identified within 90 feet of the project site are New York City Landmarks and/or State/National Register-eligible, a Construction Protection Plan (CPP) would be developed in consultation with LPC to protect such resources from inadvertent construction-related impacts. As for the Kings Theatre, the proposed actions would provide for the preservation and restoration of a significant historic structure, while providing a new cultural institution, in the heart of Brooklyn. As such, the project would have a positive impact on this historic structure, which would benefit nearby potential architectural resources.

Overall, no significant adverse impacts are expected to occur as a result of construction, and no further analysis is warranted.

PART III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS:

In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY §6-06 (Executive Order 91 of 1977, as amended) which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant effect on the environment. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude

IMPACT CATEGORY	Potential Significant Adverse Impact: YES	NO
Land Use, Zoning, and Public Policy		✓
Socioeconomic Conditions		✓
Community Facilities and Services		✓
Open Space		✓
Shadows		✓
Historic and Cultural Resources	✓	
Urban Design/Visual Resources		✓
Natural Resources		✓
Hazardous Materials		✓
Water and Sewer Infrastructure		✓
Solid Waste and Sanitation Services		✓
Energy		✓
Transportation	✓	
Air Quality	✓	
Greenhouse Gas Emissions		✓
Noise	✓	
Public Health		✓
Neighborhood Character	✓	
Construction Impacts		✓

2. Are there any aspects of the project relevant to the determination whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? If there are such impacts, explain them and state where, as a result of them, the project may have a significant impact on the environment. ✓

3. **LEAD AGENCY'S CERTIFICATION**

Assistant to the Mayor
TITLE

Office of the Deputy Mayor for Economic Development
LEAD AGENCY

Robert Kulikowski, Ph.D.
NAME

SIGNATURE

☑ **Check this box if the lead agency has identified one or more potentially significant adverse impacts that MAY occur.**

☐ **Issue *Conditional Negative Declaration***

A ***Conditional Negative Declaration*** (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements in 6 NYCRR Part 617.

☑ **Issue *Positive Declaration* and proceed to a draft scope of work for the Environmental Impact Statement.**

If the lead agency has determined that the project may have a significant impact on the environment, and if a conditional negative declaration is not appropriate, then the lead agency issues a Positive Declaration.

NEGATIVE DECLARATION (To Be Completed By Lead Agency)

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6NYCRR, Part 617, State Environmental Quality Review, the **[ ]** assumed the role of lead agency for the environmental review of the proposed project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the **[ ]** has determined that the proposed project would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS that finds, because the proposed project:

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA).

TITLE	LEAD AGENCY
NAME	SIGNATURE

A. INTRODUCTION

The proposed actions would result in the restoration and expansion of the Kings Theatre, located at 1027 Flatbush Avenue in the Flatbush neighborhood of Brooklyn. The proposed project would require the filing of a modified amendment to the City Map so that a portion of East 22nd Street between Tilden Avenue and Duryea Place can be demapped.

This section considers existing land uses in a 400-foot area surrounding the project site; this information is included to provide context on the project site and its surrounding area. Because no change to zoning is proposed, information on zoning is not provided. In addition, as there are no public policies (other than zoning) applicable to the project site, a discussion of public policy is not provided.

Land use issues associated with the proposed actions include potential changes in local land uses and neighborhood land use patterns. As described below, this analysis concludes that the proposed actions would be in keeping with and supportive of existing land uses in the study area. Overall, the proposed actions would not result in any significant adverse impacts to land use, zoning or public policy.

B. EXISTING CONDITIONS

PROJECT SITE

The project site (Block 5132, Lots 17, 18, and a portion of Lot 12, and Block 5133, Lot 55 and a portion of Lots 1 and 50) is bounded by Tilden Avenue to the north, Duryea Place to the south, Flatbush Avenue to the west, and East 22nd Street to the east (see Figure 2 of the EAS). The project site includes the Kings Theatre, as well as East 22nd Street between Duryea Place and Tilden Avenue, a portion of which would be demapped as part of the proposed actions.

STUDY AREA

As shown in Figure 4 of the EAS, the study area is predominantly commercial in nature, though it does contain some residential and institutional uses, as well as vacant land.

Large commercial uses dominate the study area immediately surrounding the project site. The Sears Roebuck shopping center and associated parking lot are immediately east of the project site and comprise the full block bounded by Beverley Road to the south, Tilden Avenue to the north, Bedford Avenue to the east, and East 22nd Street to the west. Just north of the project site, on Tilden Avenue, a large commercial complex houses a Super Stop & Shop food store, Bally's gym, Old Navy, and Staples.

Neighborhood retail uses are also present in the study area. Flatbush Avenue is the area's main commercial corridor and contains neighborhood commercial uses, such as beauty salons, eating establishments, and clothing stores.

Residential areas are concentrated in the western and southern portions of the study area, with some residential uses also found in the northeastern portion of the study area. Along Beverly Road within the study area, residential uses are characterized by attached and detached two- to three-story townhouses. West of Flatbush Avenue, residential uses are generally three- to four-story apartment buildings, with one larger, seven-story apartment building on the southeast corner of Beverly Road and East 21st Street. Along Bedford Avenue within the northeastern portion of the study area, residential uses are generally three-story apartment buildings. South of this residential area, on the east side of Bedford Avenue, there are several auto-related industrial uses.

There are also a number of community facilities in the study area. There is a church on Tilden Avenue adjacent to the project site, just north and west of the portion of East 22nd Street that is proposed to be demapped. The Federation Employment and Guidance Service (FEGS) Yatzkhan Center, a mental health and substance abuse facility for adolescents, is located at 19 Duryea Place, also adjacent to the project site. The Kingdom Hall of Jehovah's Witnesses is located on the southeast corner of Flatbush Avenue and Albemarle Road; the Salem Missionary Baptist Church is at 305 East 21st Street between Albemarle Road and Regent Place; and St. Marks Methodist Church, as well as the Ghana Wesley United Methodist Church are located on the north side of Beverly Road between Ocean Avenue and East 21st Street.

C. THE FUTURE WITHOUT THE PROPOSED ACTIONS

PROJECT SITE

Absent the proposed actions, the project site would remain in its current condition.

STUDY AREA

There are no known developments currently scheduled for completion within the 400-foot study area by 2014.

D. PROBABLE IMPACTS OF THE PROPOSED ACTIONS

PROJECT SITE

The proposed actions would result in the restoration and expansion of the existing theatre on the project site. While the theatre square footage would be increased from approximately 66,230 sf to approximately 101,970 sf, the seating capacity would remain similar to the existing theatre with up to approximately 3,600 seats. The expansion of the rear of the theatre would be built into the roadway of the segment of East 22nd Street proposed for demapping as part of the proposed actions.

The proposed actions would restore an active theatre use on the project site, transforming it from a vacant building to a functioning theatre with live events. Therefore, no significant adverse impacts to land use on the project site would occur.

STUDY AREA

The proposed actions would be consistent with and complement the existing surrounding land uses in the area, providing a major cultural institution in the heart of Brooklyn. The renovated theatre would complement the commercial nature of the study area, and would enliven the project block.

Overall, the proposed actions would not adversely affect the land use character of the study area and would not result in significant adverse land use impacts.

✷

A. INTRODUCTION

This attachment considers the potential for the proposed project to affect historic resources. The project site is occupied by the vacant former Loews Kings Theatre at 1027 Flatbush Avenue and the East 22nd Street roadbed between Duryea Place and Tilden Avenue, in the Flatbush neighborhood of Brooklyn. The proposed project would involve the restoration of the Kings Theatre and modernization of its front-of-house, stagehouse, loading, and support facilities to provide a modern facility for the presentation of live performances. The proposed project would be undertaken to meet the Secretary of the Interior's Guidelines for Rehabilitation of Historic Structures.

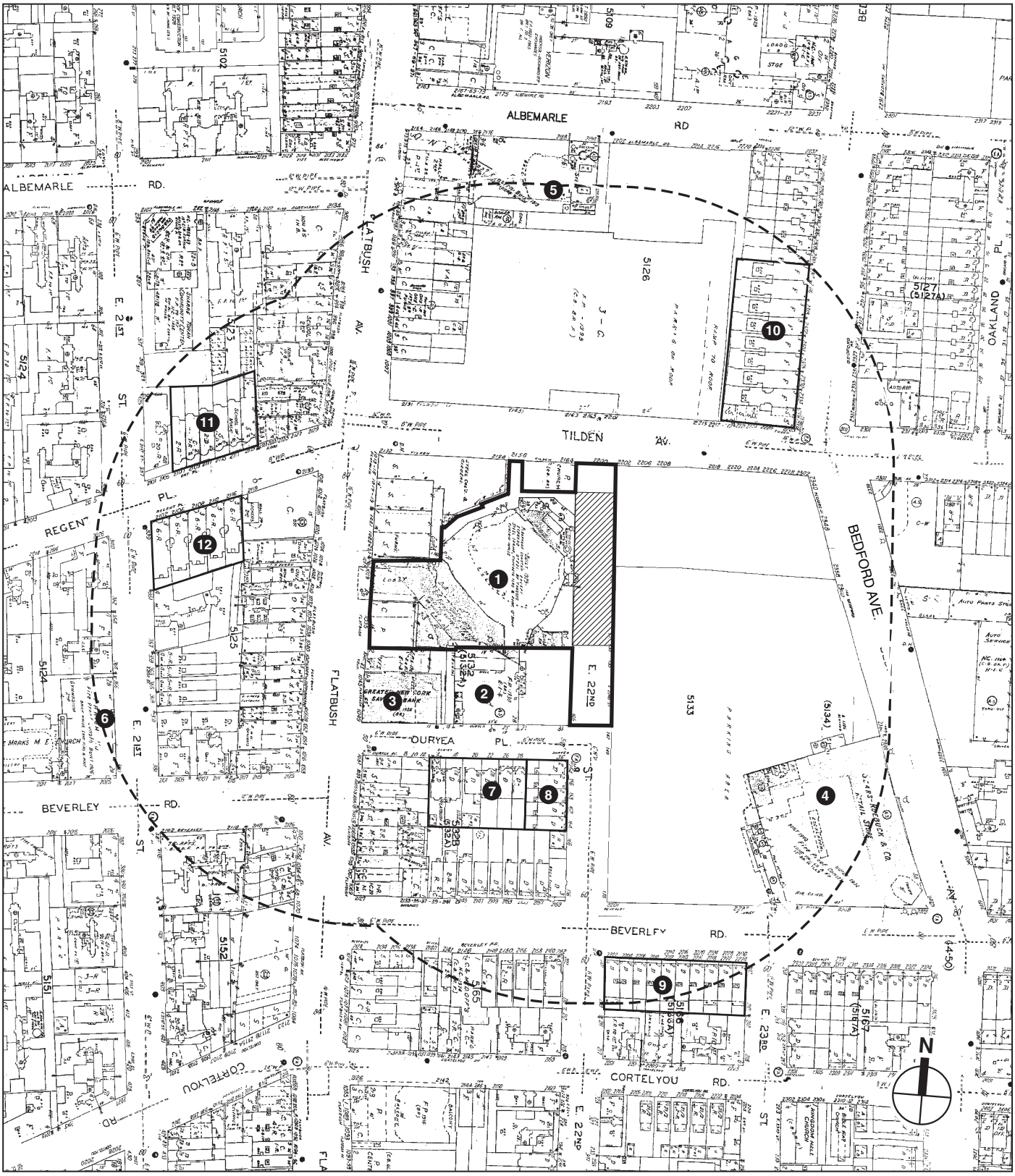
Historic resources include both archaeological and architectural resources. The study area for archaeological resources would be the area disturbed for project construction, the project site itself. In a letter dated March 29, 2010, the New York City Landmarks Preservation Commission (LPC) determined that the project site has no archaeological significance (see **Appendix A**). Therefore, this historic resources assessment analyzes standing structures only.

In general, potential impacts to architectural resources can include both direct physical impacts and indirect, contextual impacts. Direct impacts include demolition of a resource and alterations to a resource that cause it to become a different visual entity. A resource could also be damaged from vibration (i.e., from construction blasting or pile driving), and additional damage from adjacent construction could occur from falling objects, subsidence, collapse, or damage from construction machinery. Adjacent construction is defined as any construction activity that would occur within 90 feet of an architectural resource, as defined in the New York City Department of Buildings (DOB) *Technical Policy and Procedure Notice* (TPPN) #10/88.[1] Contextual impacts can include the isolation of a property from its surrounding environment, or the introduction of visual, audible, or atmospheric elements that are out of character with a property or that alter its setting. The study area for architectural resources is, therefore, larger than the archaeological resources study area to account for any potential impacts that may occur where proposed construction activities could physically alter architectural resources or be close enough to them to potentially cause physical damage or visual or contextual impacts.

Following the guidelines of the *City Environmental Quality Review (CEQR) Technical Manual*, the architectural resources study area for this project is defined as being within an approximately 400-foot radius of the project site (see **Figure B-1**). Within the study area, architectural resources that were analyzed include National Historic Landmarks (NHL), State and National

[1] TPPN #10/88 was issued by DOB on June 6, 1988, to supplement Building Code regulations with regard to historic structures. TPPN #10/88 outlines procedures for the avoidance of damage to historic structures resulting from adjacent construction, defined as construction within a lateral distance of 90 feet from the historic resource.

9.21.10



Project Site/ Loews Kings Theatre

Area to be Demapped

Study Area Boundary (400-Foot Perimeter)

1 *Architectural/ Potential Architectural Resources*

KINGS THEATRE

Architectural Resources

Figure B-1

Register (S/NR)-listed properties or properties determined eligible for such listing (S/NR-eligible), New York City Landmarks (NYCLs) and Historic Districts, and properties determined eligible for landmark status ("known architectural resources"). Additionally, a survey was conducted to identify any previously undesignated properties that appear to meet S/NR or NYCL eligibility criteria ("potential architectural resources").

The project is seeking federal historic tax credits, thereby ensuring that the proposed repair and alterations to the Kings Theatre would be undertaken in consultation with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) and in compliance with the Secretary of the Interior's Standards for Rehabilitation, as described below. Overall, the proposed renovation and reuse of the Kings Theatre would improve the appearance and condition of this architectural resource. The proposed project would stabilize, restore, and reuse the Kings Theatre and return this vacant cultural facility to productive use, enlivening both the project site and adjacent areas, including other nearby architectural resources. The demapping of East 22nd Street would somewhat alter the context of the Kings Theatre as the proposed back-of-house addition would extend into a surrounding roadbed, however, this change would occur at the rear of the theatre, and would not affect the principal Flatbush Avenue façade and its context with other structures along this avenue. The proposed project is contingent on the listing of the property on the S/NR and receipt of federal tax credits, as stated in the Interim Agreement between NYCEDC and the project sponsor; therefore, compliance with the Secretary of the Interior's Standards as interpreted by OPRHP and the National Park Service, which is necessary to receive the tax credits, would ensure that the proposed project would not adversely affect the Kings Theatre. This will be discussed in the EIS.

As described below, if LPC determines that any of the potential architectural resources identified within 90 feet of the project site are NYCL and/or S/NR-eligible, a Construction Protection Plan (CPP) would be developed in consultation with LPC to protect such resources from inadvertent construction-related impacts. This will be discussed in the EIS.

B. EXISTING CONDITIONS

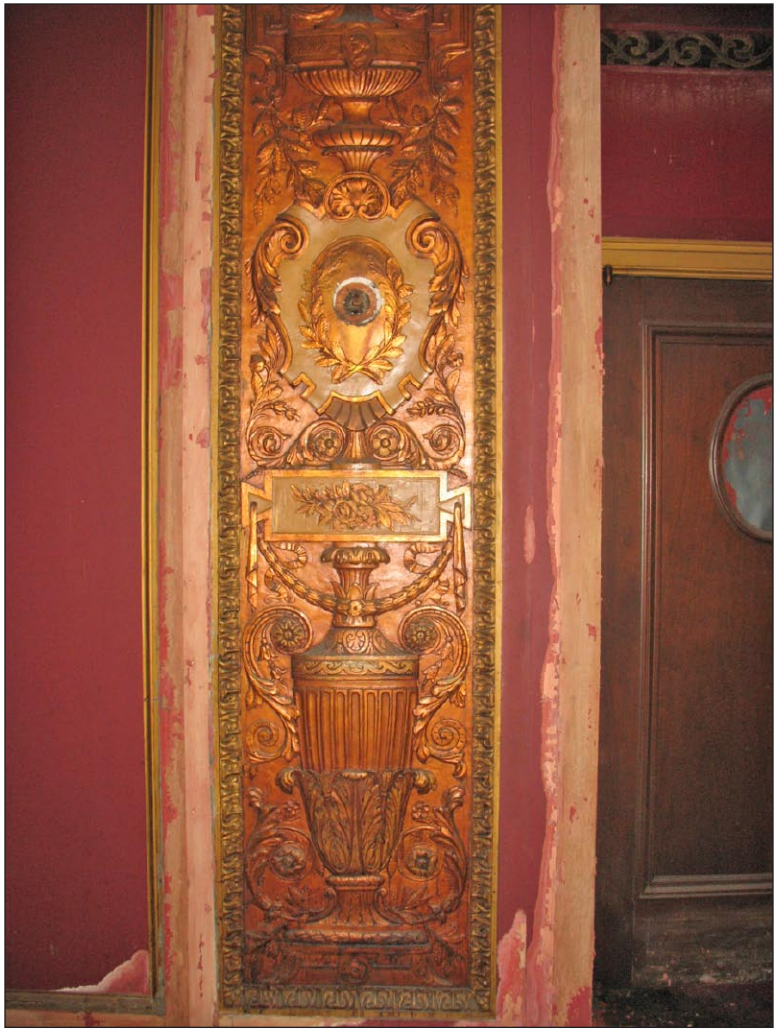
PROJECT SITE

The project site is occupied by the Kings Theatre, which was informally determined S/NR eligible by OPRHP based on a site visit conducted by staff in 2008. It is expected that a formal determination of eligibility from OPRHP will be forthcoming as part of the federal tax credit application process. There are no other structures, and thus no other potential architectural resources, on the project site.

The former **Loews Kings Theatre** was built in 1929 as a movie theatre for the Allied Owner's Corporation, one of five Loews theatres constructed in the metropolitan area.[1] Designed in the French Renaissance Revival style by C.W. and George Rapp, Architects, the theatre is a three-story (approximately 82-foot-tall) structure that is positioned on the site at a 45 degree angle to the street grid, with its principal façade and entrance on Flatbush Avenue. The theatre's Flatbush Avenue façade is clad in elaborate glazed terra cotta (see Photo 1A of **Figure B-2**). The interior, containing large lobby, lounge, seating, and other accessory areas, is lavishly decorated with

[1] Feasibility Study for the Former Loews Kings Theatre prepared by Lee-Saltzman Architects, January 9, 2008.

Kings Theatre façade, Flatbush Avenue **1a**



Kings Theatre, decorative hallway panel **1b**

Architectural Resources
Project Site
Figure B-2

classical ornament. The ceilings in the entry, lobby and auditorium areas are vaulted with French Baroque paintings. Balconies, columns, wall surfaces, and hallway ceilings are clad in marble, gold leaf, and walnut paneling (see Photo 1B of **Figure B-2** and Photos 1C and 1D of **Figure B-3**). The interior surfaces, including paint and plaster are in disrepair (see Photo 1E of **Figure B-4**). Most of its significant interior features and ornament have been retained. In addition to the wall and ceiling surfaces described above, these include the wrought iron stair and balcony railings, and glass light pendants in the lobby areas. In some areas, such as the bathroom lounge areas, fixtures, including lighting, counters, and mirrors, have been lost through theft and vandalism.

STUDY AREA

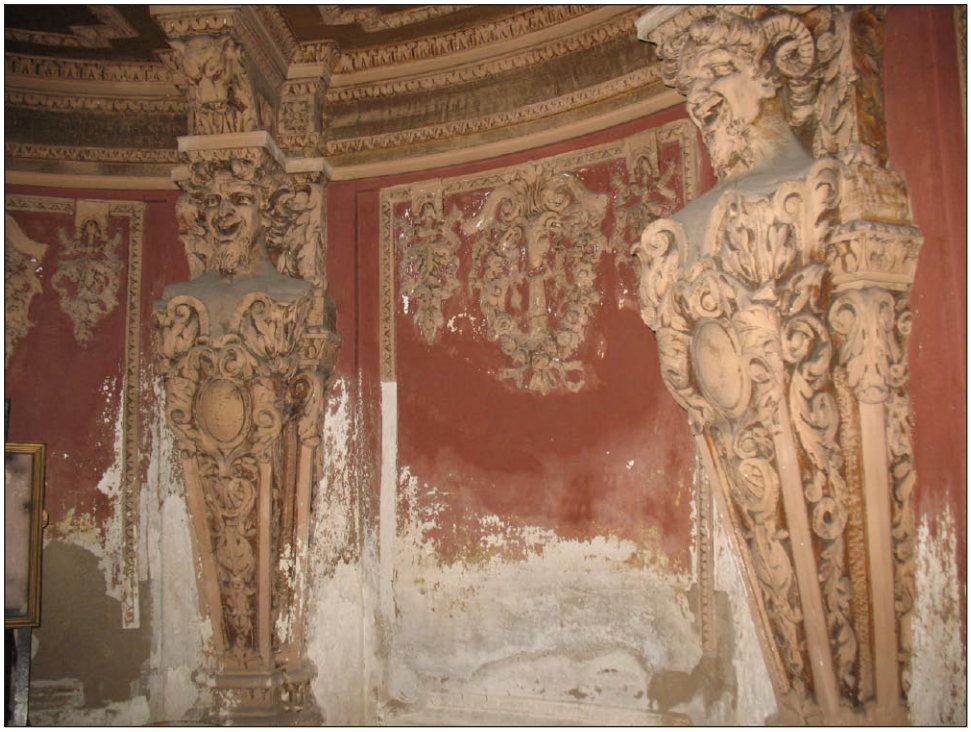
POTENTIAL ARCHITECTURAL RESOURCES

There are no previously identified architectural resources in the study area. However, five individual properties in the study area appear to meet the criteria for listing on the S/NR and/or NYCL designation. There are also several groupings of rowhouses and multi-family dwellings throughout the study area dating to the early 20th century that are architecturally distinguished and may also meet S/NR criteria.

South of, and adjacent to, the Loews Kings Theatre is the former **Brooklyn Union Gas Company Building** at 19 Duryea Place (See Photo 2 of **Figure B-4**). This two-story, classically designed, brick and stone-clad building was built by the Flatbush Gas Company, a subsidiary of the Brooklyn Union Gas Company, in 1930. It served as their Flatbush branch sales office. The building is clad in red brick with large window bays at the ground floor. These windows contain the original decorative metal transoms. These windows are separated by paired fluted stone pilasters, which support a Doric stone cornice that extends across the façade between the first and second stories. The entrance, centrally located on the façade, is surmounted by a broken stone pediment, framing a decorative shield. The windows at the second storey are grouped in two's and threes, and appear to contain modern aluminum sash windows. A bracketed cornice extends below the parapet. The building recently housed the Loehmann's Department Store, and is currently occupied by the Federation Employment and Guidance Service (FEGS) Yatzkan Center.

Also adjacent to the Loews Kings Theatre is the former **Flatbush Savings Bank** at the northeast corner of Flatbush Avenue and Duryea Place (see Photo 3 of **Figure B-5**). The Flatbush Avenue Savings Bank built the one- to-three story bank building in 1927. The Renaissance Revival style building features a polished granite base with limestone facades. The Flatbush Avenue façade is detailed with ashlar rustication, with 45-foot-tall Corinthian columns at the corners. The main entrance is centrally located on the façade within a double height limestone arch. The entrance is set within a pedimented granite surround. Above this is a large arched window. Flanking the window are carved stone medallions that symbolize the successive stages of training, industry, thrift and success. The Duryea Place façade features three large round arched openings. At ground level, these openings each contain three rectilinear windows; two smaller windows flank a larger window. At the second story there are large arched windows. At either end of the façade are two medallions, similar to those on the Flatbush Avenue façade. The building is surmounted by a modillioned stone cornice. In 1946, the bank building was expanded through a two-story, 50-foot-wide addition to the north of the building. This addition is also clad in granite and rusticated limestone, and has a secondary entrance with Automated Teller Machines (ATMs).

Kings Theatre, Auditorium column **1c**



Kings Theatre, Auditorium alcove **1d**

Architectural Resources
Project Site
Figure B-3

Kings Theatre, Auditorium **1e**

Former Brooklyn Union Gas Company, 19 Duryea Place **2**

Potential Architectural/Architectural Resources –
Project Site and Study Area
Figure B-4

Former Flatbush Savings Bank, 1045-1049 Flatbush Avenue **3**

Sears Department Store, 2301-2329 Beverly Road **4**

Potential Architectural Resources – Study Area
Figure B-5

The bank building and addition are presently occupied by an Astoria Federal Savings and Loan bank branch.

Table B-1
Potential Architectural Resources on the Project Site and in the Study Area

Map Ref No.*	Property Name	Address	Date Built
1**	Kings Theatre	1027 Flatbush Avenue	1929
2	Former Brooklyn Union Gas Company	19 Duryea Place	1930
3	Former Flatbush Savings Bank	1045-1049 Flatbush Avenue	1927
4	Sears Department Store	2301-2329 Beverly Road	1932
5	Former Albemarle Theatre	977 Flatbush Avenue	1920
6	Adams Memorial Hall	2017 Beverly Road	1926
7	Six residential buildings	14-28 Duryea Place	By 1905
8	Five rowhouses	154-164 East 22nd Street	By 1929
9	Ten rowhouses	2707-2724 Beverly Road	By 1905
10	Nine residential buildings	2312-2338 Bedford Avenue	By 1929
11	Six rowhouses	2107-2119 Regent Place	By 1929
12	Five residential buildings	2102-2166 Regent Place	By 1929

Notes:
***** Corresponds to Figure B-1.
****** The Kings Theatre was unofficially determined S/NR eligible by OPRHP on a site visit in 2008.

At the northwest corner of Bedford Avenue and Beverly Road is the **Sears Department Store** (see Photo 4 of **Figure B-5**). This Sears retail branch was built in 1932 as one of the first three stores built by the Sears, Roebuck & Co. in the New York metropolitan area and the first Sears retail store built in New York City. Two other stores were built at the same time, one in Hackensack, NJ, still extant, and the other also in New Jersey in Union City, which has been demolished. All three stores were designed by Nimmons, Carr & Wright in a similar Art Moderne-Art Deco style. The Sears Store is clad in limestone and has a prominent chamfered corner tower at the intersection of Bedford Avenue and Beverly Road; at the top of the tower on all four facades stylized lettering reads “Sears Roebuck and Co.” The base, or ground floor of the building, is windowless. At the upper stories, vertical piers separate narrow bays filled with decorative panels. The store was designed with entrances on both Bedford Avenue and Beverly Road; the Bedford Avenue entrance has been sealed. Above these entrances is etched “Sears Roebuck and Company.” The upper stories above the entrances are distinguished by fluted limestone piers separating bays that contain decorative panels and carved stone spandrels. In 1936, Sears built a community auditorium at the top floor of the building. Opened by Mrs. Fiorello H. LaGuardia, the mayor’s wife, the auditorium had 650 seats and the auditorium was designed to be used for free by any community, philanthropic, or church organizations in Flatbush and other parts of Brooklyn. In 1940, the building was expanded to the north and west. This addition is of the same height as the original store and of a plain design. The Sears Department Store tower is prominently visible on Bedford Avenue and in views west on Beverly Road.

At the southeast corner of Flatbush Avenue and Albemarle Road is the former **Albemarle Theatre** (see Photo 5 of **Figure B-6**). Designed by Harrison G. Wiseman, the movie theatre opened in 1920. The building’s principal façade faces Flatbush Avenue. It is designed with a central pedimented bay that is clad in terra cotta. This bay has a large arched window with a decorative metal railing at the third story, with flanking rectangular windows. The windows are separated by double height pilasters. The pediment is ornamented with a shield and swag motif.

The flanking building bays are clad in red brick and contain rectangular windows with terra cotta surrounds. The second and third storey windows are divided by decorative terra cotta panels. At each corner of the building is a double height terra cotta pilaster, and the building is capped by a Doric terra cotta cornice. Along Albemarle Road near Flatbush Avenue, the second and third stories are of a similar architectural character and with similar ornament as the Flatbush Avenue façade. Moving east on Albermarle Road, a portion of the original building has had its second and third storey windows sealed. The remainder of this façade is a plain brick façade. The building was damaged by fire in 1984. It was subsequently purchased by the Jehovah's Witnesses and presently serves as their Kingdom Hall. The building has been altered at ground level, with the majority of ground floor openings sealed with the exception of the entrances on Flatbush Avenue and Albemarle Road. The original marquee has been removed, as has the large vertically oriented neon "Albemarle" sign which extended along the building on Flatbush Avenue. In addition, with the exception of the arched section of the central third storey window on Flatbush Avenue, the original multi-pane double hung windows have been replaced with modern aluminum replacements.

At the west end of the study area, at the northwest corner of Beverly Road and East 21st Street is St. Marks' Methodist Church's **Adams Memorial Hall** (see Photo 6 of **Figure B-6**). This building, designed in the Gothic Revival style, was built in 1926 as a church house and community center. It is adjacent to St. Mark's Methodist Church, an early 20th century stone-clad structure at the corner of Ocean Avenue and Beverly Road. Adams Memorial Hall also houses a gymnasium on the second floor. The building is clad in brown and buff colored brick, with double height pointed arch window openings. Between the second and third storey windows are decorative stone panels. The building has a stone water table, and the parapet is crenellated with stone coping. The entrance to the gymnasium is on East 21st Street, and is set within a pointed arched stone surround. There are two entrances to the parish house/community center on Beverly Road, which are also pointed arched openings.

Throughout the study area are groupings of stone and brick clad rowhouses and multi-family dwellings that are distinguished architecturally but are not contiguous to form a potential historic district. These buildings may also meet criteria for S/NR designation, and are briefly described below:

- The six buildings at 14-28 Duryea Place are two and three story brick dwellings that are grouped in pairs and set back from the street (see Photo 7 of **Figure B-7**). Fourteen and 16 and 26 and 28 Duryea Place are two stories. 20 and 22 Duryea Place are three stories. Fourteen–Twenty-two Duryea Place had been built by 1905, and 26-28 were built by 1929. The buildings are of similar designs, with full height projecting window bays, bracketed cornices, and panels and friezes decorated with swags. Twenty-six and 28 Duryea Place have been altered through the addition of one-story porches. Fourteen Duryea Place has a one-story addition that extends to the sidewalk with a roll down vehicular gate. This addition has compromised the integrity of this building.
- The 10 rowhouses at 154-164 East 22nd Street are two-story brick houses of a similar character as those above described on Duryea Place (see Photo 8 of **Figure B-7**). These buildings, built by 1929, also have full height projecting bays, with bracketed cornices with swag ornamented friezes.
- The 10 rowhouses that compose the south blockfront on Beverly Road between East 22nd and East 23rd Street are two-stories with bracketed cornices, flat and triangular pedimented entry surrounds supported on brackets, and with alternating window groupings on the

Former Albemarle Theater, 977 Flatbush Avenue **5**

Adams Memorial Hall, 2017 Beverly Road **6**

Potential Architectural Resources – Study Area

Figure B-6

Six rowhouses at 14-28 Duryea Place **7**

Five rowhouses at 154-164 East 22nd Street **8**

Potential Architectural Resources – Study Area

Figure B-7

ground floor (see Photo 9 of **Figure B-8**). These buildings form a cohesive and intact grouping of early 20th-century rowhouses along this blockfront.

- The nine residential buildings at 2312-2338 Bedford Avenue between Tilden Avenue and Albemarle Road are three story brick rowhouses with the exception of the building at the northwest corner of Bedford Avenue and Tilden Avenue (3288 Bedford Avenue/2225-2229 Tilden Avenue) which is four-stories (see Photo 10 of **Figure B-8**). These buildings, built by 1929, are 50 feet wide and are all of a similar design, with centrally located entrances with stone surrounds. Windows on the first and second floors are flat arched and windows at the third storey are arched. The buildings are capped by modillioned cornices each supported by two large brackets.
- The six two-story rowhouses at 2107-2119 Regent Place are set back from the street, clad in limestone with bowed bays (see Photo 11 of **Figure B-9**). The buildings were built by 1929. They have decorative entry surrounds, and a few retain their original stained glass transom windows on the first floor.
- The five three-story buildings at 2102-2116 Regent Place, also built by 1929, have double bowed fronts, are clad in brick and have rusticated stone cladding at the first floor (see Photo 12 of **Figure B-9**). The windows at the second and third stories have decorative stone surrounds with prominent keystones above the windows.

C. THE FUTURE WITHOUT THE PROPOSED ACTIONS

Absent the proposed actions, the Kings Theatre would be expected to remain in its current condition as a vacant building and the portions of East 22nd Street would not be demapped. The Theatre could deteriorate and its condition could worsen as it would continue to be underutilized.

OTHER FUTURE PROJECTS

There are no known development projects in the architectural resources study area that are expected to be completed by 2014.

The status of architectural resources could change in the future without the proposed project. Properties identified above could be determined eligible or listed on the S/NR, or properties could be calendared for a designation hearing. Changes to the potential architectural resources identified above or to their settings could occur irrespective of the proposed project. Future projects could also affect the settings of architectural resources. It is possible that some architectural resources in the study area could deteriorate, while others could be restored. In addition, future projects could accidentally damage architectural resources through adjacent construction.

Historic resources that are listed on the S/NR or that have been found eligible for listing are given a measure of protection under Section 106 of the National Historic Preservation Act from the effects of projects sponsored, assisted, or approved by federal agencies. Although preservation is not mandated, federal agencies must attempt to avoid adverse effects on such resources through a notice, review, and consultation process. Properties listed on the Registers are similarly protected against effects resulting from projects sponsored, assisted, or approved by State agencies under State Historic Preservation Act (SHPA). However, private owners of properties eligible for, or even listed on, the Registers using private funds can alter or demolish their properties without such a review process. Privately owned properties that are NYCLs, in

Ten Rowhouses on south side of Beverly Road between East 22nd and 23rd Streets **9**

Nine Residential buildings at 2312-2338 Bedford Avenue **10**

Potential Architectural Resources – Study Area

Figure B-8

Six rowhouses at 2107-2119 Regent Place **11**

Five rowhouses at 2102-2116 Regent Place **12**

Potential Architectural Resources – Study Area

Figure B-9

New York City Historic Districts, or pending designation as NYCLs are protected under the New York City Landmarks Law, which requires LPC review and approval before any alteration or demolition permits can be issued, regardless of whether the project is publicly or privately funded. Publicly owned resources are also subject to review by LPC before the start of a project. However, LPC's role in projects sponsored by other City or State agencies generally is advisory only.

The New York City Building Code provides some measures of protection for all properties against accidental damage from adjacent construction, however, these regulations do not afford special consideration for historic structures.

D. PROBABLE IMPACTS OF THE PROPOSED ACTIONS

PROJECT SITE

The proposed actions would result in the stabilization, restoration, and reuse of the Kings Theatre as a live entertainment venue, thereby returning this vacant structure to a vibrant, productive use. The reuse of the building would involve exterior and interior alterations. This includes the cleaning and restoration of the exterior of the theatre. In addition, the vacant parcel south of the theatre, with an approximately 65-foot frontage on Flatbush Avenue, would be converted into a landscaped courtyard, with access provided to it from the theatre's lobby.

Interior alterations would include the cleaning and restoration of the ceiling, wall and floor surfaces in the theatre's front-of-house facilities. In addition, the auditorium floor would be regraded for better site lines and new seating installed. New restroom and concession facilities would be provided.

The rear of the theatre, which contains its back stage and supporting back-of-house facilities, would be demolished commencing behind the theatre's proscenium arch. A new, 97-foot-tall steel framed structure would be constructed to provide a stage with a capacity to accommodate live performances and with sufficient back-of-stage support areas, such as dressing rooms and loading facilities. This new structure—approximately the same height as the existing theatre—and loading areas, would extend into the demapped roadbed of East 22nd Street. The back-of-house addition would be clad in masonry, to be designed to distinguish it from the original historic structure, in consultation with OPRHP. As described above, the existing rear of the theatre consists of a largely unfenestrated blank brick façade.

All alterations would be performed as per the Secretary of the Interior's Standards for Rehabilitation in consultation with OPRHP. The proposed project is contingent on the listing of the property on the S/NR and receipt of federal tax credits, as stated in the Interim Agreement between NYCEDC and the project sponsor. Therefore, absent the federal tax credits, the project would not go forward. Compliance with the Secretary of the Interior's Standards as interpreted by OPRHP and the National Park Service, in order to receive the tax credits, would ensure that the proposed project would not adversely affect the Kings Theatre.

These and any further analyses, as appropriate, will be presented in the EIS.

STUDY AREA

As described above, two potential architectural resources are adjacent to the Kings Theatre, the former Brooklyn Union Gas Company Building and the former Flatbush Savings Bank. The

former Flatbush Savings Bank is also located adjacent to the vacant area to be converted into the theatre courtyard. The former Brooklyn Union Gas Company Building is also located within 90 feet of the East 22nd Street demapping, in the location where the new back-of-house structure would be constructed. Four of the rowhouses on Duryea Place and East 22nd Street are located within 90 feet of the East 22nd Street demapping. These are 28 Duryea Place, and 154-158 East 22nd Street. Therefore, if LPC determines that one or more of these structures meet criteria for S/NR listing and/or NYCL designation, the proposed project would develop and implement a Construction Protection Plan (CPP) in consultation with LPC prior to construction. The CPP would describe measures to be taken to avoid adverse physical impacts on such structures, such as ground-borne construction-period vibrations, falling debris, and damage from heavy machinery. As described above, the CPP would follow the requirements established in the DOB's *TPPN #10/88*, concerning procedures for the avoidance of damage to adjacent historic structures from nearby construction. It would also follow the guidelines set forth in section 523 of the *CEQR Technical Manual*, including conforming with LPC's *New York City Landmarks Preservation Commission Guidelines for Construction Adjacent to a Historic Landmark* and *Protection Programs for Landmark Buildings*.

The proposed restoration and reuse of the Kings Theatre would not be expected to adversely affect the context of nearby architectural resources, as it would result in the renovation and reuse of a large underutilized historic structure.

The proposed exterior alterations to the theatre, including the removal of the existing backstage and back-of-house facilities, and construction of new facilities, would be reviewed by OPRHP. This would ensure the design of a structure that is compatible and appropriate to the historic theatre. This new structure would extend into East 22nd Street. This would somewhat affect the context of the six rowhouses at 154-164 East 22nd Street, which are located at the southwest corner of East 22nd Street and Duryea Place. These buildings would continue to front onto the portion of East 22nd Street that would continue to be mapped and operate as an active roadway. To the north, the roadbed of East 22nd Street would be filled with the new back-of-house structure. This would effectively terminate East 22nd Street one block south of its present dead-end at Tilden Avenue and block views to and from these structures and Tilden Avenue. However, the street demapping and construction of a new structure in the roadbed would not eliminate any historic relationships between historic structures, nor any important visual relationships. The north side of Tilden Avenue is occupied by a modern shopping center, and there is no meaningful relationship between this late 20th century commercial structure and the early 20th century rowhouses on East 22nd Street. Views from Tilden Avenue to these structures are at a distance, and prominent views of these structures would continue on East 22nd Street south of Duryea Place, and from Beverly Road. Therefore, there would be no significant adverse contextual impacts to this potential architectural resource.

The demapping and construction of the new back-of house addition would not adversely impact the context of other nearby historic structures. The former Brooklyn Union Gas Company Building faces south onto Duryea Place, and a vacant parcel intervenes between this building and the East 22nd Street roadbed. East of East 22nd Street is a large paved parking lot, and there is no meaningful visual relationship between the former Brooklyn Union Gas Company Building and this parking lot. The other potential architectural resources are located at too great a distance, or with buildings intervening between them and the East 22nd Street portion of the project site, to be adversely affected by the construction of the new back-of-house structure.

At 97 feet tall, the new structure would be taller than most of the two-to-four story potential architectural resources, but not substantially different from the height of the existing Kings Theatre structure. The new structure would be of a lesser height than the Sears Department Store corner tower, which extends significantly above the 50-foot-tall building. The prominent views of the tower on Bedford Avenue and Beverly Road would be unaffected by the proposed project.

The proposed actions would provide for the preservation and restoration of a significant historic structure, while providing a new cultural institution, in the heart of Brooklyn. As such, it is anticipated that the proposed project would have a positive impact on this historic structure, which would benefit the nearby potential architectural resources. With the preparation and implementation of a Construction Protection Plan for any S/NR and/or NYCL-eligible properties, the proposed project would not be expected to result in adverse impacts on architectural resources. This will also be discussed in the EIS.

✷

A. INTRODUCTION

This attachment presents the findings of the hazardous materials assessment and identifies potential areas of concern that could pose a hazard to workers, the community, and/or the environment during or after development of the proposed project. The proposed project would entail renovation of the existing theatre and its expansion into the current east adjacent roadway (East 22nd Street). The proposed project would require soil excavation of approximately 5 to 20 feet below surface grade in areas associated with these alterations, and it is possible that pilings for building support, if included as part of the theatre expansion design, could extend deeper.

The potential for hazardous material conditions at the site was evaluated based on an April 2010 Phase I Environmental Site Assessment (ESA) report prepared by AKRF, Inc. The Phase I ESA included a visual inspection of the project site; a review of available records, historical maps and interviews with facility personnel to determine previous on-site and adjacent land uses; a review of available existing information regarding the project site and an evaluation of regulatory databases for the project site and neighboring properties.

B. EXISTING CONDITIONS

TOPOGRAPHY AND SUBSURFACE CONDITIONS

The surface topography is generally level. Based on reports compiled by the U.S. Geological Survey (Brooklyn, NY Quadrangle), the project site lies at an elevation of approximately 35 feet above mean sea level. U.S. Geological Survey (USGS) bedrock contour maps indicate that bedrock is expected at approximately 200 feet below grade. Based on USGS mapping, groundwater is anticipated to be approximately 25 feet below grade and is expected to flow in a generally southerly direction. However, actual groundwater depth and flow direction at the site can be affected by many factors, including current and past pumping of groundwater, past filling activities, underground utilities, other subsurface openings or obstructions and other factors beyond the scope of this study. Groundwater in Brooklyn is not used a source of potable water.

PHASE I ENVIRONMENTAL SITE ASSESSMENT (ESA)

The project site consists of an approximately 68,000 square-foot, five-story vacant theatre with a cellar, known as the Loews Kings Theatre, and is also identified as Tax Block 5132, Lots 17 and 18. The project site also includes East 22nd Street between Tilden Avenue and Duryea Place (identified as Block 5132, Lots 17, 18, and a portion of Lot 12, and Block 5133, Lot 55 and a portion of Lots 1 and 50). The theatre was constructed circa 1929 and operated until circa 1978; since then, it has been vacant. The Phase I ESA revealed the following:

- A fuel oil tank permit was issued by the New York City Fire Department for the project site (1027 Flatbush Avenue) for a 10,000-gallon No. 4 fuel oil tank; however, the location of the

tank (above or underground) was not specified. During the site reconnaissance, a small single-story brick structure with apparent mechanical equipment was located adjacent to the rear (southeastern portion) of the building. Miscellaneous piping was noted to extend through the eastern exterior wall of this structure. A concrete-paved area was noted east-adjacent to the structure. Historical site plans dated circa 1927-1928 depicted a boiler room, coal room and fuel oil tank in this vicinity. As such, there is a potential that a petroleum storage tank could remain on-site.

- The remnants of historic heating and cooling/dehumidifying systems were noted within mechanical rooms in the cellar of the structure that likely used significant quantities of lubricant oils and other chemicals. Some oil staining was noted on this equipment. Potential releases from the past use of this equipment may have affected subsurface conditions.
- Several unlabeled small containers of apparent cleaning fluids, oils and lubricants were noted throughout the structure. The condition of the containers ranged from fair to damaged, with some minor staining noted in the cellar. No evidence of a significant material release was observed in connection with the containers.
- The regulatory databases cited nearby petroleum spills affecting soil and groundwater including the northeast-adjacent property at 2200 Tilden Avenue (a.k.a. Caldor Construction Site) and the former Macy's site located on the north-adjacent block (approximately 400 feet north of the project site) at 1011 Flatbush Avenue, both listed under multiple spill numbers with documented soil and groundwater contamination that could have migrated beneath the project site. The database cited other nearby petroleum bulk storage facilities, including a 3,000-gallon No.2 fuel oil underground storage tank (UST) located on the west-adjacent property at 1045 Flatbush Avenue and a 1,500-gallon No.2 fuel oil aboveground storage tank (AST) located approximately 250 feet west of the project site at 1020 Flatbush Avenue. Releases from these facilities may have affected subsurface conditions beneath the project site.
- Historic Sanborn maps and regulatory databases indicate that the surrounding area has a history of automotive operations, including maintenance, repair and fueling activities. In particular, the 1929 Sanborn map noted a construction office/storage structure with two gasoline tanks located northwest adjacent to the project site; three automotive garages with multiple gasoline tanks on the north-adjacent block; and five garages and one filling station with multiple gasoline tanks noted on the east-adjacent block. Additionally, the 1951 through 1990 maps noted a garage (with gasoline tanks noted in 1951) directly northeast of the theatre (within the current East 22nd Street Roadway that is included in the project site) and the Brooklyn Union Gas Company was noted south-adjacent to the project site on the 1951 map. Such activities may have affected local soil and groundwater quality, which may have affected subsurface conditions beneath the project site.
- The 1905 Sanborn map noted a rubbish dump on the eastern portion of the project site which may have resulted in uncontrolled historic fill and/or discarded materials of unknown origin beneath the site.
- Based on the building's age (circa 1929), fluorescent lighting fixtures and electrical equipment in the building may include mercury and/or PCB-containing components.
- Results of a 2002 lead based paint study conducted within the structure found the presence of lead containing-paint in several locations throughout the project site. Based on the age of the structure, other areas of lead-based paint may also be present. Painted surfaces observed on the exterior and interior of the theatre were in fair to poor condition.

- Suspect asbestos-containing materials (ACM) were observed during the site visit, including linoleum, resilient and ceramic floor and wall tile and associated mastic, carpet, pipe insulation, duct insulation and cloth, electrical panel partitions, electrical insulation, cement pipes, ceiling tile, gypsum board, plaster, joint compound and roofing materials in fair to poor condition. The results of a 2004 asbestos survey conducted at the project site identified various types of ACM throughout the structure.
- A 2002 Guano Survey conducted at the project site found that the first floor auditorium stage area, including portions of the floor, seating, orchestra pit, and curtains, contained pigeon guano.

C. THE FUTURE WITHOUT THE PROPOSED ACTIONS

In the future without the proposed actions, the project site will remain in its current condition.

D. PROBABLE IMPACTS OF THE PROPOSED PROJECT

The greatest potential for exposure to any site contamination would occur during demolition of a portion of the theatre, renovation of the existing structure, and subsurface disturbance associated with construction of the proposed project. The potential for adverse impacts associated with these activities would be avoided by adhering to the following protocols:

- Results of the Phase I ESA found that historical on and off-site use within the surrounding area may have affected the site subsurface. Prior to any construction activities involving soil disturbance (i.e., soil excavation), a subsurface (Phase II) investigation would be conducted in these areas to determine the extent of any potential on-site contamination and identify appropriate management practices during construction.
- Prior to the proposed construction activities, a site-specific Remedial Action Plan (RAP) and construction health and safety plan (CHASP) would be prepared for implementation during soil disturbance activities. The RAP/CHASP would specify procedures for the removal and management of any identified or unexpectedly encountered potential tanks and any associated soil/groundwater contamination (including procedures for stockpiling and off-site transportation and disposal) with registrations, etc., as required, and appropriate health and safety procedures, including the need for dust and organic vapor monitoring.
- All excavated soil requiring off-site disposal would be managed in accordance with all applicable regulatory requirements. All soil and any other materials intended for off-site disposal would be tested in accordance with the requirements of the intended receiving facility. Transportation of material leaving the site for off-site disposal would be in accordance with federal, state and local requirements covering licensing of haulers and trucks, placarding, truck routes, manifesting, etc. If contaminated soil or underground storage tanks are discovered during soil excavation activities, they would be removed and disposed of in accordance with applicable federal, state and local regulatory requirements, including those relating to tank registration and spill reporting, if necessary.
- If dewatering is required for construction, testing would be performed to ensure compliance with New York City Department of Environmental Protection (NYCDEP) sewer discharge permit/approval requirements and, if necessary, pre-treatment would be conducted prior to discharge to the sewer.

- Any unlabeled oil and chemical storage containers and/or drums would be properly characterized, labeled and disposed of in accordance with applicable regulations.
- Unless there is labeling or test data which indicate that electrical equipment of fluorescent light fixtures are not mercury- and/or PCB-containing, if disposal is required, it would be performed in accordance with applicable federal, state and local regulations and guidelines.
- Prior to demolition, a comprehensive asbestos survey would be conducted including sampling of all suspect materials. Based on the findings of the survey, all identified ACMs would be removed and disposed of in accordance with all federal, state, and local requirements.
- Any renovation activities with the potential to disturb lead-based paint would be performed in accordance with the applicable Occupational Safety and Health Administration regulation (OSHA 29 CFR 1926.62 - *Lead Exposure in Construction*).
- Renovation or demolition projects that could disturb guano contaminated areas would be completed in accordance with applicable regulations and guidelines.

With the implementation of the measures outlined above, no significant adverse impacts related to hazardous materials would be expected to occur as a result of the proposed project. Following construction, there would be no potential for the proposed project to have significant adverse impacts. ✷

A. INTRODUCTION

This attachment presents a summary assessment of transportation conditions associated with the proposed redevelopment of the vacant Loews Kings Theatre site into a live performance venue for concerts and shows. The project site is bounded by Flatbush Avenue on the west, Tilden Avenue on the north, East 22nd Street on the east, and Duryea Place on the south. The proposed project would create a theatre on this block with up to 3,600 seats and would also entail the demapping of a portion of the block of East 22nd Street between Tilden Avenue and Duryea Place so that the theatre could extend eastward into that street to provide an expanded stage and expanded backstage areas needed for live theatre events. This attachment provides traffic, parking, transit and pedestrian related information on the implications of these aspects of the project, and provides scoping guidance for additional analyses.

The first section of this attachment provides information on the volume of trips that can be expected to be generated by the proposed live theatre.

The second section provides an overview of traffic volumes in the area by day of the week and time of day. It also provides an assessment of the closure of East 22nd Street to through traffic, and its use only as a service facility for the proposed live theatre.

The third and fourth sections provide an assessment of parking availability, transit services, and general pedestrian activity levels. Some of this information (traffic and parking) is provided quantitatively, while other information (transit and pedestrians activity) is described more generally. It also describes expected project generated increases to determine whether there would be potential for significant parking, transit, and pedestrian impacts.

The final section provides summary conclusions from this assessment.

B. TRIP GENERATION

In order to estimate the amount of traffic that would be generated by the proposed live theatre, a trip generation analysis was performed. These numbers are used to determine whether the traffic expected to be generated by the proposed use exceed the New York *City Environmental Quality Review (CEQR) Technical Manual* threshold of 50 vehicle trips which would require further traffic assessment. This analysis also calculates person trips by travel mode which will be used to determine whether further transit and pedestrian analyses are needed as well.

Trip generation estimates for the proposed live theatre use were developed using the results of a survey of a generally comparable site that was conducted for this study. The survey was performed because appropriate live theatre rates were not available.

LIVE THEATRE SURVEY

In order to develop travel demand characteristics for the proposed live theatre, a door count and interview survey was conducted at a generally comparable site in New York City. The survey was performed at the United Palace Theatre in the Washington Heights section of Manhattan on the evening of a live concert event. Survey data were collected on Friday March 19, and Saturday March 20, 2010 during the arrival period before performances by the Allman Brothers Band.

The United Palace Theatre was a reasonably comparable site to the Loews Kings Theatre because these theatres are similar in size and are located in neighborhoods that have reasonably similar density, demographic and transportation characteristics. Both theatres are served by subway and bus lines that are within walking distance; however, the Loews Kings project site is approximately a half-mile from the closest subway (approximately a 10 minute walk), while the United Palace Theatre is only one block away from a subway line and is in the vicinity of the George Washington Bridge Bus Station for bus service to and from Northern New Jersey.

Door counts were performed on a Friday evening (March 19, 2010) during the arrival period before a concert in order to determine the peak hour and temporal distribution. Counts were conducted from 6:45 to 8:45 PM covering the period from shortly before doors opened until shortly after the show began. There was no opening act at this event. The door counts indicated that 2,948 patrons attended the event, and that 2,489 attendees (84.4 percent) arrived during the hour of 7:30 to 8:30 PM. To calculate peak hour trips for the proposed Kings Theatre development, attendance was extrapolated to a sellout condition of 3,600. This translates to 3,039 trips during the 7:30 to 8:30 weekend peak hour.

Additionally, a short travel pattern interview survey was performed on Friday and Saturday evenings during the event arrival period. The event and schedule were the same for both evenings. The survey contained travel pattern questions that were used to obtain a modal split, average auto and taxi occupancies, the use of on-street vs. off-street parking spaces, and trip origin information. In total, approximately 200 surveys were collected.

The survey results indicated the following travel characteristics for concert event attendees:

- A modal split of approximately 38 percent by auto, 26 percent by taxi, 33 percent by subway, 1.5 percent by George Washington Bridge Bus Station bus, 1 percent by MTA/NYCT bus, and 0.5 percent by walk.
- Vehicle occupancy rates of 2.46 persons per auto, and 2.92 persons per taxi
- 64.4 percent of auto trips parked off-street (garage, lot, or valet parking service available by the theatre); 35.6 percent parked on-street.
- Approximately 43 percent of attendee trip origins were from within Manhattan; 20 percent were from New Jersey; 9 percent were from other boroughs; 7 percent were from Westchester County; 7 percent were from Long Island; 5 percent were from Connecticut; and 8 percent were from other areas around the region.

This data set was used as a basis for developing trip generation estimates for the proposed live theatre; however, some factors were modified in order to reflect project and site specific characteristics. The event surveyed at the United Palace Theatre was a concert performed by the Allman Brothers band -- a well known rock group -- and therefore drew attendance from areas throughout the New York/New Jersey region which consisted of a more affluent and suburban crowd than would typically be expected at the proposed Kings Theatre. Programming at the

Kings Theatre would cater heavily to local interests and is expected to attract a majority of trips from within the borough, many of which would originate within the neighborhood or surrounding neighborhoods. However, the total vehicle percentage obtained from the survey of the United Palace Theatre was applied to Kings Theatre events to conservatively reflect a vehicle-heavy event such as an Allman Brothers concert. One factor that was modified was the "split" between autos and taxis. Since the surveyed site is in Manhattan and the proposed Kings Theatre site is in Brooklyn, and taxi usage is higher in Manhattan than the outer boroughs, the auto share was increased and the taxi share was decreased.

Transit and walk shares were also modified to reflect a lower subway share and higher walk and bus shares than what was obtained from the United Palace Theatre survey. As mentioned, the Kings Theatre is farther from subways and would attract more local patrons (hence, increased walk trips) as compared to the United Palace Theatre.

Taking these distinctions into account, a modified modal split of 50 percent by auto, 14 percent by taxi, 18 percent by subway, 9 percent by bus, and 9 percent by walk was used. Although the modal split was modified from the survey results, the vehicle-to-transit/walk ratio (approximately 2:1) was held constant.

The auto occupancy rate of 2.46 persons per auto was obtained from the live theatre survey results and used for the trip generation. A taxi occupancy rate of 2.80 persons per taxi was used; this rate was also based on the survey but was slightly modified to reflect a more conservative rate, as per NYCDOT request. No delivery trips were made during at the survey site during the peak hour, and none are expected at the project site.

These rates were developed from Friday and Saturday evening event arrival peak hours, and it is assumed that they would be similar for a Saturday midday event arrival as well. As requested by NYCDOT, a Saturday midday departure peak hour was added as an analysis period. For a Saturday midday event departure peak hour, all assumptions are similar to Saturday midday and evening event arrival peak hours except for the temporal distribution (100 percent, since all patrons are assumed to depart within the peak hour), and the directional distribution (100 percent "out"). Travel demand factors used to calculate trips generated by each land use are summarized in **Table D-1**.

TRIP GENERATION SUMMARY

As shown in **Table D-2**, the proposed live theatre would generate a total of 922 vehicles during the arrival peak hour of a sold-out event during a Saturday midday or evening period. This number is comprised of 618 inbound auto trips, 152 inbound taxi trips, and 152 outbound taxi trips (each taxi would make an inbound trip and an outbound trip). During the Saturday midday departure peak hour, 1,092 vehicle trips including 732 outbound auto trips, 180 inbound taxi trips, and 180 outbound taxi trips, as shown in **Table D-3**.

Based on these results, the increase in vehicle traffic generated by the proposed live theatre as compared to the existing vacant site exceeds CEQR trip generation thresholds, so there is potential for significant adverse traffic impacts as a result of the proposed action. Therefore, a traffic impact study for key intersections is warranted. Potential locations for analysis have been identified through detailed traffic assignments.

Table D-1
Travel Demand Characteristics: Live Performance Theatre

Land Use	Live Performance Theatre
Size	3,600 Seats
Person Trip Generation Rate	
	N/A (Assume 3,600 attendees per event)
Temporal Distribution	
Saturday Midday Arrival Peak Hour	84.4% [1, 2]
Saturday Midday Departure Peak Hour	100.0% [3]
Saturday Evening Arrival Peak Hour	84.4% [1]
Modal Split	
Auto	50.0% [1]
Taxi	14.0% [1]
Subway	18.0% [1]
Bus	9.0% [1]
Walk	9.0% [1]
Vehicle Occupancy	
Auto	2.46 [4]
Taxi	2.80 [4]
Directional Split (Ins)	
Saturday Midday Arrival Peak Hour	100.0% [1,2]
Saturday Midday Departure Peak Hour	0.0% [5]
Saturday Evening Arrival Peak Hour	100.0% [1]
Truck Trip Generation Rate	
Saturday	N/A [6]
Truck Temporal Distribution	
Saturday Midday Peak Hour	0.0% [6]
Saturday Midday Departure Peak Hour	0.0% [6]
Weekend Evening Peak Hour	0.0% [6]
Truck Directional Split (Ins)	
Saturday Midday Peak Hour	N/A
Saturday Midday Departure Peak Hour	N/A
Weekend Evening Peak Hour	N/A

Trip Generation References

1. Based on Survey of United Palace Theatre (March, 2010) with modal split modifications to reflect program and location specific condition.
2. Midday event assumed to be similar to evening.
3. Project assumption
4. Based on United Palace Theatre survey results. Taxi occupancy rate modified as per NYCDOT request.
5. Departure assumed to be reverse of arrival.
6. No trucks trips would be generated during event arrival peak hour.

Table D-2
Saturday Midday/Evening Arrival Peak Hour
Vehicle Trip Generation Totals

Vehicle Class	In	Out	Total
Auto	618	0	618
Taxi	152	152	304
Truck	0	0	0
Total	**770**	**152**	**922**

Table D-3
Saturday Midday Departure Peak Hour
Vehicle Trip Generation Totals

Vehicle Class	In	Out	Total
Auto	0	732	732
Taxi	180	180	360
Truck	0	0	0
Total	**180**	**912**	**1,092**

If the traffic generation from the proposed live theatre were compared to the traffic generation from the site's prior use as a movie theatre, based on our analysis, the live theatre traffic generation would probably be only 15 to 20 percent higher than that of a movie theatre during a weekend evening peak hour.

C. SITE TRAFFIC

The project site is located on the east side of Flatbush Avenue between Tilden Avenue and Duryea Place in the Flatbush section of Brooklyn. In order to obtain a general sense of traffic volume patterns by day of the week and time of day, automatic traffic recorder (ATR) machine counts were conducted at three locations surrounding the project site, including:

- Flatbush Avenue between Tilden Avenue and Duryea Place
- Tilden Avenue between East 22nd Street and Bedford Avenue
- East 22nd Street between Tilden Avenue and Duryea Place

Based on the ATR data collected, peak periods for weekday traffic are during the morning and evening commuting periods; however, traffic is relatively steady between 3 and 8 PM. Weekday AM, midday, and PM peak hours were determined to be 7:30-8:30 AM, 1:30-2:30 PM, and 5-6 PM. On Saturday, the peak traffic period is between 11 AM and 8 PM. During this period, traffic is relatively flat but peaks in the afternoon around 4 PM. Peak Saturday traffic volumes are actually slightly higher than weekday. The Saturday midday and evening peak hours were determined to be 1-2 PM and 6-7 PM. Traffic data for Friday evening has a peak period similar to Saturday evening, although volumes are up to 5 percent lower.

Flatbush Avenue is a major commercial arterial that runs north-south through Brooklyn between the Manhattan Bridge in Downtown Brooklyn and Mill Basin at the southerly end of the borough. In the vicinity of the project site, Flatbush Avenue operates with two travel lanes and metered curb parking in each direction. Traffic volumes are approximately 950 vehicles per hour (vph) in the northbound direction and 600 vph in the southbound direction during the weekday AM peak hour. During the weekday midday and PM peak hours, traffic volumes are approximately 600 to 750 vph per direction. On Saturday, volumes on northbound Flatbush Avenue are approximately 800 vph, and southbound volumes are approximately 700 vph.

Tilden Avenue is a local east-west street that is two-way with one travel lane and curb parking in both directions between Flatbush and Bedford Avenues. East of Bedford Avenue, Tilden Avenue operates as one-way westbound. Near the project site, traffic volumes on Tilden Avenue are 40 to 80 vph in the eastbound direction during all weekday peak hours. In the westbound direction, weekday traffic volumes are 250 to 300 vph during the AM and midday peak hours, and approximately 400 vph during the PM peak hour.

East 22nd Street is a southbound local street that has one travel lane and parking on both sides of the street, is parallel to Flatbush Avenue and borders the project site to the east. It begins at Tilden Avenue and ends at Clarendon Road four blocks south. The proposed project would involve demapping a portion of one block of this street in order to expand the theatre's stage. A discussion of existing traffic activity, and an assessment of the potential ramifications of the proposed street closure are described in detail below.

DEMAPPING OF EAST 22ND STREET

As mentioned, the proposed project would demap East 22nd Street for a portion of the block between Tilden Avenue and Duryea Place so that the theatre stage and backstage facilities could be extended. This entire block would be closed off to traffic as a result of the partial demapping. Traffic counts and observations were performed on this block during peak weekday and weekend traffic periods in order to determine the amount of traffic that would be displaced by the proposed street closure.

Based on ATR and turning movement counts conducted at the intersection of East 22nd Street and Tilden Avenue during weekday (7:30-9:30 AM, 12-2 PM, 4-6 PM) and Saturday (12-2 PM, 4-7 PM) peak periods, traffic volumes on this block are approximately 25 to 60 vehicles per hour. Vehicles access this block of East 22nd Street from Tilden Avenue. This traffic is split between eastbound right-turns and westbound left-turns from Tilden Avenue, so this volume is originating from multiple directions. Based on observations during the counts, most of the traffic on the block during peak traffic periods is parking related (primarily associated with commercial activity on Tilden Street). Since this segment of East 22nd Street is only four blocks long, it isn't an optimal street for through traffic which may explain why traffic volumes are so low on this street. Based on the low vehicular volumes and traffic patterns observed during peak traffic periods, the proposed closure of East 22nd Street by itself might not have potential for significant adverse traffic impacts. However, the volume of traffic expected to be generated by the live theatre creates the need for a detailed traffic impact study and the diversion of traffic from a demapped East 22nd Street would be incorporated within that study.

The proposed street closure would also result in the loss of approximately 30 on-street parking spaces, which will be addressed in the Parking section.

D. PARKING

A detailed parking inventory of the area surrounding the project site was conducted in March 2010. Information related to on- and off-street parking usage was obtained as part of this inventory. Overall parking capacity and availability of on- and off-street parking was collected within a one-quarter mile radius (approximately a five minute walk) of the project site. Parking data were collected during Saturday midday (12-2 PM), PM (4-6 PM), and evening (7:00–8:30 PM) peak parking periods.

There are two parking lots within the study area, and both facilities are within a block of the project site. Both facilities are private lots that are designated for patrons of adjacent retailers. It is assumed that an agreement would be made with the owners of these facilities to allow parking associated with the proposed live theatre to use the lots.

In total, the off-street parking capacity within the study area is 678 spaces. As shown in **Table D-4**, the peak off-street parking period is Saturday midday, when approximately 53 percent[1] of the parking spaces are occupied. During the Saturday evening period, approximately 21 percent[1] of the off-street parking supply is occupied. This means that approximately 322 off-street spaces are available for live theatre parking during the Saturday midday peak period, and 533 spaces are available during the Saturday evening period.

Table D-4
Existing Parking Utilization: Off-Street Parking Facilities

Lot Description (Street Address)	Total Capacity	Saturday Occupancy (Percent Occupied)		
		Midday (Arrival)	PM	Evening (Arrival)
Sears Parking Lot (2360 Bedford Avenue)	425	207 (49%)	163 (38%)	89 (21%)
Stop & Shop Rooftop Lot (1007 Flatbush Avenue, parking entrance is on Tilden Avenue)	253	149 (59%)	100 (40%)	56 (22%)
Total	**678**	**356 (53%)**	**263 (39%)**	**145 (21%)**

Notes:
Official parking capacities were not available for these facilities so capacities were manually obtained in the field.
Percentages are rounded to whole numbers.

On-street parking regulations were also collected for streets within a quarter-mile (a five-minute walk) from the project site; this area was generally bounded by 18th Street to the west, Veronica Place to the east, Church Avenue to the north, and Dorchester Road to the south. Legal capacity and occupancies were collected for each of the peak parking periods. Overall, there are 2,140 to 2,215 legal on-street parking spaces within this quarter-mile parking study area. During the weekday peak hours, 83 to 89 percent of legal on-street spaces are occupied, while approximately 90 percent are occupied during all Saturday peak periods. There are approximately 190 available on-street parking spaces during the Saturday midday peak period, and 200 spaces during the Saturday evening peak period.

In total, the overall parking availability during the Saturday midday peak period is approximately 512 spaces (322 off-street and 190 on-street), and 733 spaces (533 off-street and 200 on-street) during the Saturday evening parking period.

The proposed live theatre is projected to have a parking demand of 618 vehicles during a sold-out event. Additionally, during peak hours, approximately 30 occupied parking spaces would be displaced by the proposed closure of East 22nd Street and would need to be accommodated by other available parking in the area. This brings the total project related demand to 648 spaces for a sold-out event. This parking demand would be fully accommodated during the Saturday evening peak period (and during the weekday evening parking period as well which has an availability of 698 spaces), but would not be fully accommodated for an event during the

[1] Percentage is rounded to a whole number.

Saturday midday peak parking period where there would be a parking shortfall of approximately 136 spaces.

Even though the parking demand would not be fully accommodated by available parking spaces within a quarter-mile radius of the project site, it is assumed that these shortfalls would be fully accommodated by available parking within a half-mile radius of the site. (a five-to-ten minute walk, which is also acceptable according to the *CEQR Technical Manual*) In addition, not all events are sold out and many would have a lower vehicle share; parking needs for events that are not sold out, or more locally oriented, may well be accommodated within a quarter-mile radius.

E. TRANSIT & PEDESTRIANS

TRANSIT SERVICE

The project area is served by MTA/NYCT bus and subway service. There are a total of nine bus routes that serve the project area. The B41 operates along Flatbush Avenue between Downtown Brooklyn and Mill Basin, and stops one block away from the project site. The B23 and B35 are local east-west routes that operate on Cortelyou Road and Church Avenue, respectively. The B49 (along Bedford Avenue) and B103 (along Flatbush Avenue and Cortelyou Road) are local north-south routes. Additionally, the BM1, BM2, BM3, and BM4 routes provide express commuter service between Brooklyn and Midtown Manhattan and stop on Cortelyou Road within the project study area.

There are a total of four subway lines that operate within the project study area. The Q train stops at the Beverly Road Station which is the closest station to the project site, approximately seven blocks to the west. The Q train operates between Coney Island, Brooklyn and Astoria, Queens, and operates through Manhattan along Broadway. The B and Q trains stop at the Church Avenue Station approximately four blocks north and four blocks west of the project site. The B train operates between Coney Island, Brooklyn and Bedford Park, Bronx via Manhattan along Sixth Avenue. The B train does not run during the late-night period or on weekends.

The 2 and 5 trains stop at the Beverley Road Station, approximately seven blocks east of the project site. Both lines operate between Brooklyn College and the Bronx, via Manhattan. The 2 train operates express in Manhattan along Seventh Avenue, and the 5 train runs express along Lexington Avenue.

PEDESTRIAN ACTIVITY

The project area is primarily residential with commercial uses located along Flatbush and Church Avenues. Also, Tilden Avenue has commercial activity between Flatbush and Bedford Avenues, just north of the project site. There are several schools located near the project site including a large public high school on Flatbush Avenue between Church and Snyder Avenues.

Field observations during traffic peak periods indicated low pedestrian activity during the weekday AM peak period (7:30-9:30 AM) which gradually increased to moderate levels during the midday peak period (12-2 PM), and became moderate-to-high during the PM peak period (4-6 PM) due primarily to retail and student related foot traffic. Pedestrian activity decreased significantly after the PM peak period. Pedestrian levels were moderate to high during the Saturday midday (12-2 PM), PM (4-6 PM), and generally decreased to low levels during the evening. Most pedestrian activity occurs along Flatbush Avenue, Tilden Street (between

Flatbush and Bedford Avenues), and Church Avenue. Beverly Road also has some pedestrian activity.

PROJECT GENERATED TRANSIT AND PEDESTRIAN TRIPS

Trip generation estimates were developed for the proposed project. In addition to vehicular trip generation, a person trip generation was developed for the proposed live theatre. As shown in **Table D-5**, 3,037 total person trips would be generated to the site during Saturday midday and evening arrival peak hours during a sold-out event. All trips generated during the peak hour would be "in" trips since it is the event arrival period. **Table D-6** shows that 3,600 person trips would be generated during the Saturday midday departure peak hour for a sold-out event. These trips would all be "out" trips since they represent patrons leaving an event.

Table D-5
Saturday Midday/Evening Arrival Peak Hour
Person Trip Generation Totals

Travel Mode	In	Out	Total
Auto	1,519	0	1,519
Taxi	425	0	425
Bus	273	0	273
Subway	547	0	547
Walk	273	0	273
Total	**3,037**	**0**	**3,037**

Table D-6
Saturday Midday Departure Peak Hour
Person Trip Generation Totals

Travel Mode	In	Out	Total
Auto	0	1,800	1,800
Taxi	0	504	504
Bus	0	324	324
Subway	0	648	648
Walk	0	324	324
Total	**0**	**3,600**	**3,600**

Approximately 547 person trips by subway and 273 person trips by bus would be generated during the Saturday midday and evening arrival peak hours, and 648 person trips by subway and 324 person trips by bus would be generated during the Saturday midday departure peak hour during sold-out events. According to CEQR thresholds, if the proposed project would generate at least 200 peak hour transit trips, quantitative bus or transit impact analyses may be warranted. Even though this threshold would be exceeded for subway and bus modes as a result of the proposed project, these trips would be distributed among several transit routes and stations. Additionally, these trips would be generated during an event peak hour either during a weekend evening or Saturday midday period, which are off-peak periods for transit use. Therefore, it is assumed that no additional quantitative transit impact analyses are necessary.

Pedestrian activity would increase as a result of the proposed project as well. Approximately 1,100 pedestrians (walk, bus, and subway trips) would be generated to the project site during the Saturday midday and evening arrival peak hours, and 1,300 pedestrian trips would be generated during the Saturday midday departure peak hour. Additionally, some pedestrian trips would result from patrons walking to the site from taxi drop-off points and parking locations, depending on where they park. Many of these trips would likely use one of the two intersections adjacent to the site. Background pedestrian levels would be lighter during a weekend evening event but would likely be heavier during a Saturday midday event. It is possible that one or more pedestrian facilities (i.e. sidewalks, crosswalks, or corners) at intersections adjacent to the project site would require a pedestrian impact analysis. A trip assignment would likely be required to determine the extent to which quantitative pedestrian impact analysis is necessary.

F. SUMMARY CONCLUSIONS

A preliminary transportation assessment of the proposed Kings Theatre project concluded that the proposed live performance venue would generate 922 vehicle trips during the Saturday midday and evening arrival peak hours and 1,092 vehicles during the Saturday midday departure peak hour for sold-out events. This amount of vehicular traffic increase would require a quantitative traffic impact study. Analysis periods would include Saturday midday arrival, midday departure, and evening arrival peak periods.

No significant changes to traffic patterns are expected as a result of the proposed partial demapping and closure of East 22nd Street since traffic levels on East 22nd Street are minimal; however, diversions of East 22nd Street traffic will need to be accounted for as part of the intersection traffic analyses described above.

The parking demand generated by the proposed project during sellout events would be fully accommodated by available on- and off-street parking within a quarter-mile of the project site during the Saturday evening arrival peak period but would not be fully accommodated during the Saturday midday arrival period. However, any parking shortfall would likely be fully accommodated by available parking within a half-mile radius of the project site. An inventory of parking availability within an expanded half-mile radius might be required to confirm this.

A total of 547 person trips by subway and 273 person trips bus would be generated during the Saturday midday and evening arrival peak hours, and 648 person trips by subway and 324 person trips by bus would be generated during the Saturday midday departure peak hour as a result of the proposed development; however, the need for quantitative transit impact analyses is not anticipated since these trips would be distributed among several bus routes and subway stations, and would occur in non-peak commutation hours.

Approximately 1,100 pedestrian trips (walk-only, bus, and subway trips) would be generated to the project site during the Saturday midday and evening arrival peak hours, and 1,300 pedestrian trips would be generated during the Saturday midday departure peak hour, plus additional auto and taxi-related walk trips. This increase would likely require some level of quantitative pedestrian impact analysis. The extent and location(s) of pedestrian analyses would be determined by a trip assignment; however, it is anticipated that at least one intersection adjacent to the project site would require pedestrian analysis.

See the Draft Scope for the Targeted EIS for the methodologies and specific scope tasks that will be used for the detailed transportation analyses. ✷

APPENDIX A

THE CITY OF NEW YORK LANDMARKS PRESERVATION COMMISSION
1 Centre Street, 9N, New York, NY 10007 (212) 669-7700 www.nyc.gov/landmarks

ENVIRONMENTAL REVIEW

OFFICE OF ENVIRONMENTAL COORD./LA-CEQR-K 3/23/2010

Project number **Date received**

Project: KINGS THEATRE

Archaeological review only.

Properties with no archaeological significance:

E 22nd St. Streetbed adjacent to,
2166 TILDEN AVENUE, BBL 3051320017
1027 FLATBUSH AVENUE, BBL 3051320018

Gina Santucci

3/29/2010

SIGNATURE DATE

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