



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

**STATEMENT OF FINDINGS
THE KINGS THEATRE**

Date Issued: September 23, 2011

CEQR No.: 11DME003K

SEQRA Classification: Unlisted

Lead Agency: Office of the Deputy Mayor for Economic Development
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Location: Block 5132, Lots 17 and 18, and Block 5133, portions of lots 1, 14 and 50
Community District 14
Borough of Brooklyn

Date Final Environmental Impact Statement Filed:

April 27, 2011

Introduction

This Statement of Findings has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA), as set forth in Section 617.11 of its implementing regulations, and the New York City Environmental Quality Review (CEQR) process as set forth in Executive Order 91 of 1977, as amended. This Statement of Findings has been prepared to 1) certify that the procedural requirements have been met; 2) consider the relevant environmental impacts, facts, and conclusions disclosed in the final EIS; 3) weigh and balance the relevant environmental impacts of the proposed action with social, economic, and other considerations; and 4) provide a rationale for the decision of the Office of the Deputy Mayor for Economic Development.

Pursuant to CEQR, the Office of the Deputy Mayor for Economic Development is the lead agency responsible for conducting the environmental review that determines whether the proposed action would have significant impacts on public health and the environment. For the Kings Theatre, a Final Environmental Impact Statement (FEIS) was certified as being complete and a Notice of Completion was issued on April 27, 2011. After considering the FEIS, the Office of the Deputy Mayor for Economic Development has adopted this Statement of Findings.

Description and Location of the Proposed Action

The Office of the Deputy Mayor for Economic Development (ODMED), as Lead Agency, and in coordination with the New York City Economic Development Corporation (NYCEDC) and Kings Theatre Redevelopment Company, L.L.C., proposes to obtain land use approvals required to restore and expand a vacant theatre, known as The Kings Theatre, located at 1027 Flatbush Avenue in the Flatbush neighborhood of Brooklyn. The Kings Theatre was originally built in 1929 as a movie theatre; it has been closed since 1977. 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. Other public actions required for the proposed project include Mayoral and Borough Board approval pursuant to Section 384(b)(4) of the City Charter related to the business terms of the proposed disposition of the theatre and street, City capital and other funding (including a New York Economic Development Capital Assistance Program [NYEDCP] Grant, which is processed by the Dormitory Authority of the State of New York [DASNY] on behalf of the New York State Legislature); and nomination of the Kings Theatre to the State and National Registers (S/NR) of Historic Places.

PROJECT LOCATION

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, Lots 17 and 18 and a portion of Lot 12, 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.

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 approximately 3,600. The theatre has been closed since 1977 and has fallen into disrepair.

The existing theatre 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.

PROPOSED THEATRE

THEATRE RENOVATION AND EXPANSION

The existing theatre would be stabilized and restored, thereby improving the appearance and condition of this architectural resource. This renovation effort would include retaining the theatre's historic terra cotta façade as well as its significant public interior spaces, decoration, and finishes. Key historic elements in the plaster and painting, the millwork and ornamental murals and draperies would all be recaptured to revitalize the theatre as a center for the community.

The theatre would also be 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 performances and other presentations can be accommodated. At its current size, the facility lacks the essential attributes necessary for the presentation of modern live performances. The stage is too small and the back-of-house support areas and dressing rooms are lacking. Front-of-house facilities, such as lobbies and lounges for patrons, are also insufficient by today's standards. Thus, this venue would be refitted and restored to fully function as a world-class venue for a wide range of live entertainment, serving both local and touring shows. 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 renovated theatre would maintain a similar seating capacity as the existing theatre by providing 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 large-scale 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.

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. The proposed project would return this vacant cultural facility to productive use.

PROPOSED OPERATIONS

The theatre would be used for a wide-ranging mix of 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. The

design of the venue would enable it to respond to the demands of the presentation market and to the needs of a diverse community. 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.

Facts and Conclusions Relied upon to Support the Decision:

1. The Project would not result in significant adverse impacts on adjacent land uses or neighborhood character. The area surrounding the project site is characterized by retail uses along Flatbush and Tilden Avenue. Residential uses are located on East 22nd Street one block south of the proposed loading entrance of the Project. Full development of the project would add activity to the site and nearby areas. It would also provide a much needed cultural institution that would be an amenity for regional and local residents. Overall, the Kings Theatre would be consistent with the surrounding land uses, and no significant adverse land use impacts would result from the proposed project.
2. Overall, the Project would provide for the preservation and restoration of a significant historic structure, while providing a new cultural institution. As such, it is anticipated that the proposed project would have a positive impact on this historic structure, which would benefit the nearby architectural resources. With the preparation and implementation of a construction protection plan for the former Brooklyn Union Gas Company Building and the former Flatbush Savings Bank building, the proposed project would not result in adverse impacts on architectural resources.
3. Although the Proposed Action would result in increased traffic and emissions, the potential air quality and noise effects are not significant. The FEIS examined the potential for mobile source air quality impacts from the proposed actions. Mobile source impacts are those generated by motor vehicles traveling to and from the project site once the project is operational. In addition, an analysis was conducted to evaluate pollutant concentrations from nearby parking facilities that would provide parking for the proposed project. The predicted increments from the parking facilities were added, where appropriate, to the predicted concentrations from the mobile source analysis, to assess the potential for cumulative impacts. The maximum predicted pollutant concentrations and concentration increments from mobile sources with the proposed actions would be below the corresponding guidance thresholds and ambient air quality standards. Thus, the proposed action would not result in any significant adverse impacts from mobile source emissions. Further, no significant adverse air quality impacts would occur due to the combined effects of nearby parking facilities and on-street mobile sources.

The noise analysis in the FEIS focused on whether traffic generated by the proposed project would have the potential to result in significant noise impacts. Based on a screening analysis, it was determined that increases in noise levels would be below the CEQR threshold for a significant adverse impact. Therefore, the proposed project would not result in significant adverse noise impacts from mobile sources.

4. The project would not result in significant adverse impacts related to construction. Construction would be similar to construction at other sites in the City, and the hours of the construction would be regulated by the NYC Department of Buildings.

Potential Significant Adverse Impacts

Transportation

The proposed project is expected to generate approximately 922 vehicle trips in the Saturday midday and evening arrival peak hours (770 vehicle trips to the project site and 152 away from the project site), and 1,092 vehicle trips in the Saturday midday departure peak hour (180 vehicle trips to the project site and 912 away from the project site). As part of the proposed project, a portion of the block of East 22nd Street between Tilden Avenue and Duryea Place would be demapped and closed to traffic to accommodate an expansion of the theatre's stagehouse, back-of-house support areas, and loading areas into the street to support live theatre events.

Of the 14 study area intersections analyzed, the proposed project would result in significant traffic impacts at 12 intersections in the Saturday midday arrival peak hour, 13 in the Saturday midday departure peak hour, and 10 in the Saturday evening arrival peak hour. Impacts would be fully mitigated at most of these intersections. During the Saturday midday arrival peak hour, three intersections could only be partially mitigated. During the Saturday midday departure peak hour, two intersections could only be partially mitigated and two intersections would be unmitigatable. During the Saturday evening arrival peak hour, two intersections could only be partially mitigated and two intersections would be unmitigatable. Overall, four of the 14 intersections would either be only partially mitigated or unmitigatable during at least one time period.

A range of mitigation measures was proposed in the Draft EIS (DEIS) to address the significant adverse traffic impacts that would occur during event conditions. The New York City Department of Transportation (NYCDOT) reviewed the transportation and mitigation analyses presented in the DEIS and provided input, including certain modifications, on the mitigation measures to be implemented. The types of mitigation measures presented in the DEIS have not changed in the FEIS with the exception of the addition of signage at one location (Flatbush Avenue and Church Avenue) to provide advance warning of a particular roadway modification. These modifications to traffic mitigation do not affect the conclusions of the DEIS with respect to traffic impacts.

Proposed mitigation measures consist of signal timing changes, parking regulation changes to gain or widen a travel lane at key intersections, lane markings and signage. These measures represent standard traffic capacity improvements that are typically implemented by the New

York City Department of Transportation (NYCDOT). Even with these measures, in some cases, project impacts would not be fully mitigated.

The majority of the intersections that would be impacted could be mitigated with readily implementable traffic improvement measures; however, as described below, in some cases, project impacts would not be fully mitigated. Specifically, four of the 14 intersections analyzed would have significant adverse traffic impacts that could not be fully mitigated in at least one peak hour, including:

- Flatbush Avenue and Church Avenue (partially mitigated during all three peak hours).
- Bedford Avenue and Linden Boulevard/Caton Avenue (partially mitigated during the Saturday midday arrival peak hour; unmitigated during the Saturday midday departure and evening arrival peak hours).
- Bedford Avenue and Church Avenue (partially mitigated during all three peak hours).
- Flatbush Avenue and Bedford Avenue/Stephens Court (unmitigated during the Saturday midday departure peak hour).

At the partially mitigated locations, significant impacts could be mitigated for at least one (but not all) traffic movements that are significantly impacted. Because these impacts would be partially, not fully, mitigated, they are considered unavoidable adverse impacts. All unmitigatable and partially mitigated traffic impacts reflect a worst-case condition where a theatre event is sold-out and 84 percent of all patrons arrive in one hour, and 100 percent of all departures leave in one hour. Traffic conditions would be less severe for non-sellout events since fewer patrons would attend.

Neighborhood Character

With the exception of traffic, the proposed actions would not have a significant adverse impact in any of the technical areas that contribute to neighborhood character, including land use, socioeconomic conditions, open space, historic and cultural resources, urban design and visual resources, shadows, and noise. While the proposed project would result in significant adverse traffic impacts at a number of locations in the traffic study area, at the majority of these intersections, readily implementable traffic improvements measures would mitigate these impacts (e.g., signal timing changes, parking regulation changes to gain or widen a travel lane at key intersections, lane markings and signage). Overall, the proposed project would not result in a significant adverse impact on neighborhood character despite increases in traffic. The study area is characterized by Flatbush Avenue, a busy, heavily trafficked commercial corridor, and, as such, the additional traffic impacts would not adversely affect neighborhood character. Instead, the proposed project would improve neighborhood character by transforming the vacant theatre into an active use, enlivening this area of Flatbush Avenue.

Alternatives to the Proposed Action

The FEIS considered two alternative development scenarios for the site. The No Action Alternative assumes that the Kings Theatre will not be renovated. This alternative would not

result in the stabilization, restoration, expansion, and reuse of the Kings Theatre as a live entertainment venue and would not return this vacant structure to a vibrant, productive use, as would the proposed project. This alternative would not increase traffic in the neighborhood and would therefore not result in the project's significant adverse traffic impacts; however, the increases in traffic expected with the proposed project would not result in a significant adverse effect on neighborhood character.

The No Significant Adverse Impact assumes modifications to the proposed project that would allow for the elimination of all unmitigated impacts. An alternative program that would eliminate all unmitigated traffic impacts would require reducing the project's seating capacity from 3,600 seats to approximately 1,100 seats, a 70 percent reduction in seating capacity. Traffic analyses were performed at critical locations using the trip generation from the reduced program and determined that no significant adverse unmitigated traffic impacts would occur with the reduction to 1,100 seats. However, the purpose of the proposed actions is to facilitate the restoration, expansion, and modernization of the existing vacant Kings Theatre and provide a modern facility for the presentation of live performances. The renovated and modernized theatre, with active programming and a range of events, is intended to result in the improvement of this section of Flatbush Avenue and to serve as a community and City-wide amenity. A reduction in the number of seats from 3,600 to 1,100 would not be feasible since a theatre of this size would not accommodate the range of events planned for the theatre, nor would it be economically viable.

Conclusion

The benefits of the construction of the Kings Theatre outweigh the adverse environmental impacts, many of which can be fully mitigated by the measures when implemented, although 4 of the 14 impacted intersections analyzed in the transportation analysis cannot be fully mitigated in all time periods. The benefits, which include job creation and the economic development benefits of establishing a premier cultural performance venue in Brooklyn that would serve a city-wide audience and the preservation and restoration of a significant historic structure, provide, when weighed against the partially-mitigatable impacts, a justification for proceeding with the project.

CERTIFICATION OF FINDINGS TO APPROVE/FUND/UNDERTAKE

Having considered the relevant environmental impacts, facts, and conclusions disclosed in the FEIS, and having weighed and balanced relevant environmental impacts with social, economic, and other essential considerations of state and city policy as required in 6 NYCRR 617.11 and 43 RCNY 6-12(b) (Executive Order 91 of 1977, as amended), the Office of the Deputy Mayor for Economic Development certifies that the requirements of 6 NYCRR Part 617 and Executive Order 91 of 1977, as amended, have been met and that, consistent with social, economic, and other essential considerations from among the reasonable alternatives available:

1. The action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and

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2. Adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were identified as practicable.



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