

**A. INTRODUCTION**

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 1-1**). 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 funding, and nomination of the Kings Theatre to the State and National Registers (S/NR) of Historic Places.

The targeted Environmental Impact Statement (EIS) has been prepared in conformance with the State Environmental Quality Review Act (Article 8 of the New York State Environmental Conservation Law) and its implementing regulations found at 6 NYCRR Part 617, New York City Executive Order No. 91 of 1977, as amended, and the Rules of Procedure for the New York City Environmental Quality Review (CEQR), found at Title 62, Chapter 5 of the Rules of the City of New York. The EIS follows the guidance of the 2010 *CEQR Technical Manual*, dated May 2010. The Office of the Deputy Mayor for Economic Development (ODMED) is the CEQR lead agency for this proposal.

**B. PROJECT LOCATION**

As shown in **Figure 1-2**, 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, 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.

**C. EXISTING THEATRE**

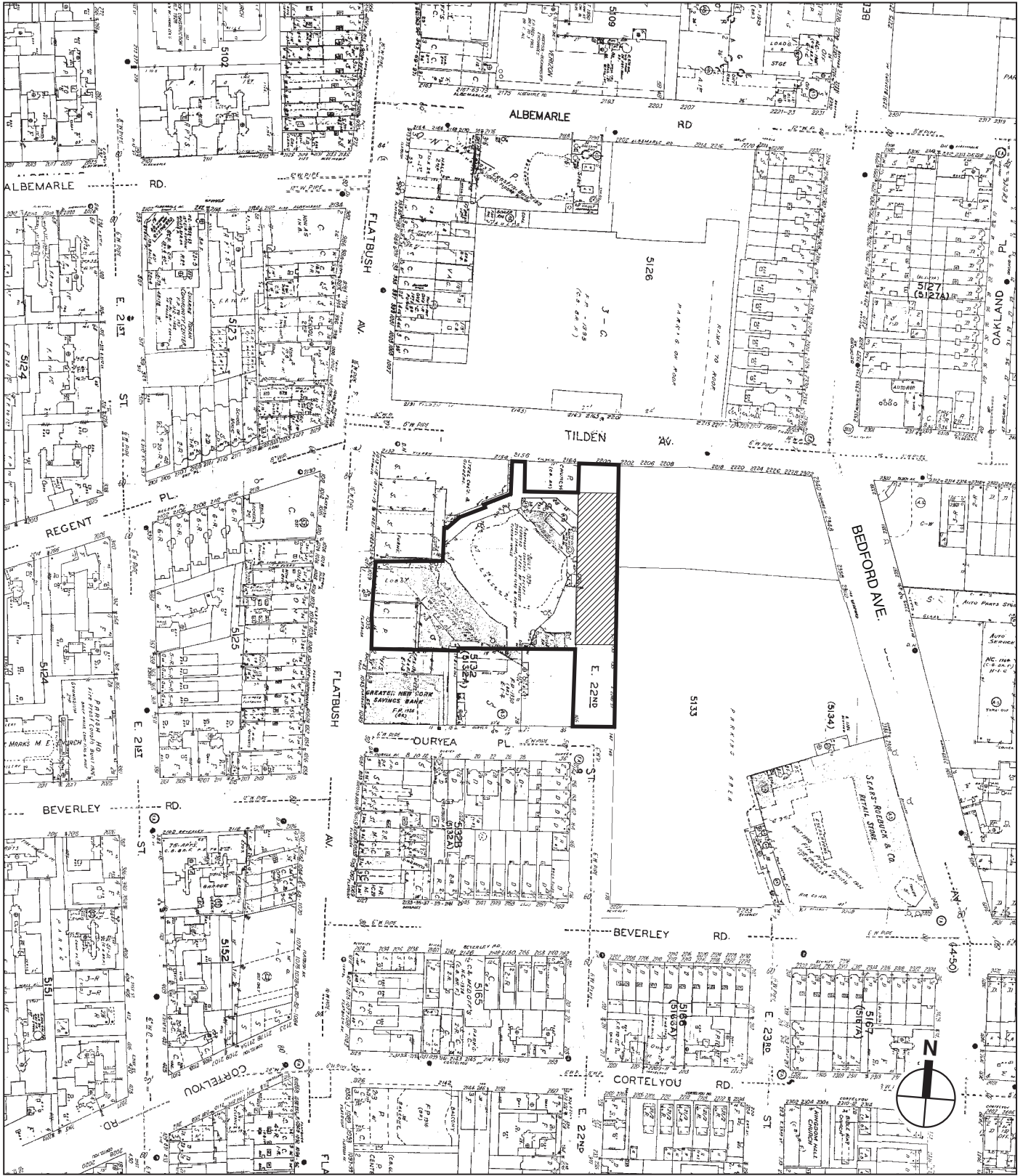
The existing theatre was designed by C.W. and George Rapp Architects and originally built in 1929 as a motion picture venue with a seating capacity of approximately 3,600. The theatre has been closed since 1977 and has fallen into disrepair.

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.

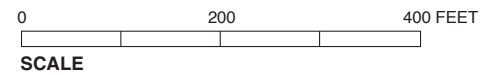


 Project Site

0 2000 FEET  
SCALE



- Project Site
- Area to be Demapped



**Project Site**  
**Figure 1-2**

## **D. 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 (see **Figures 1-3 through 1-6**). At its current size, the facility lacks the essential attribute 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 ever changing demands of the presentation market and to needs of a widely diverse community. There would be up to approximately 200 performances in the theatre each year.

**LEGEND**

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

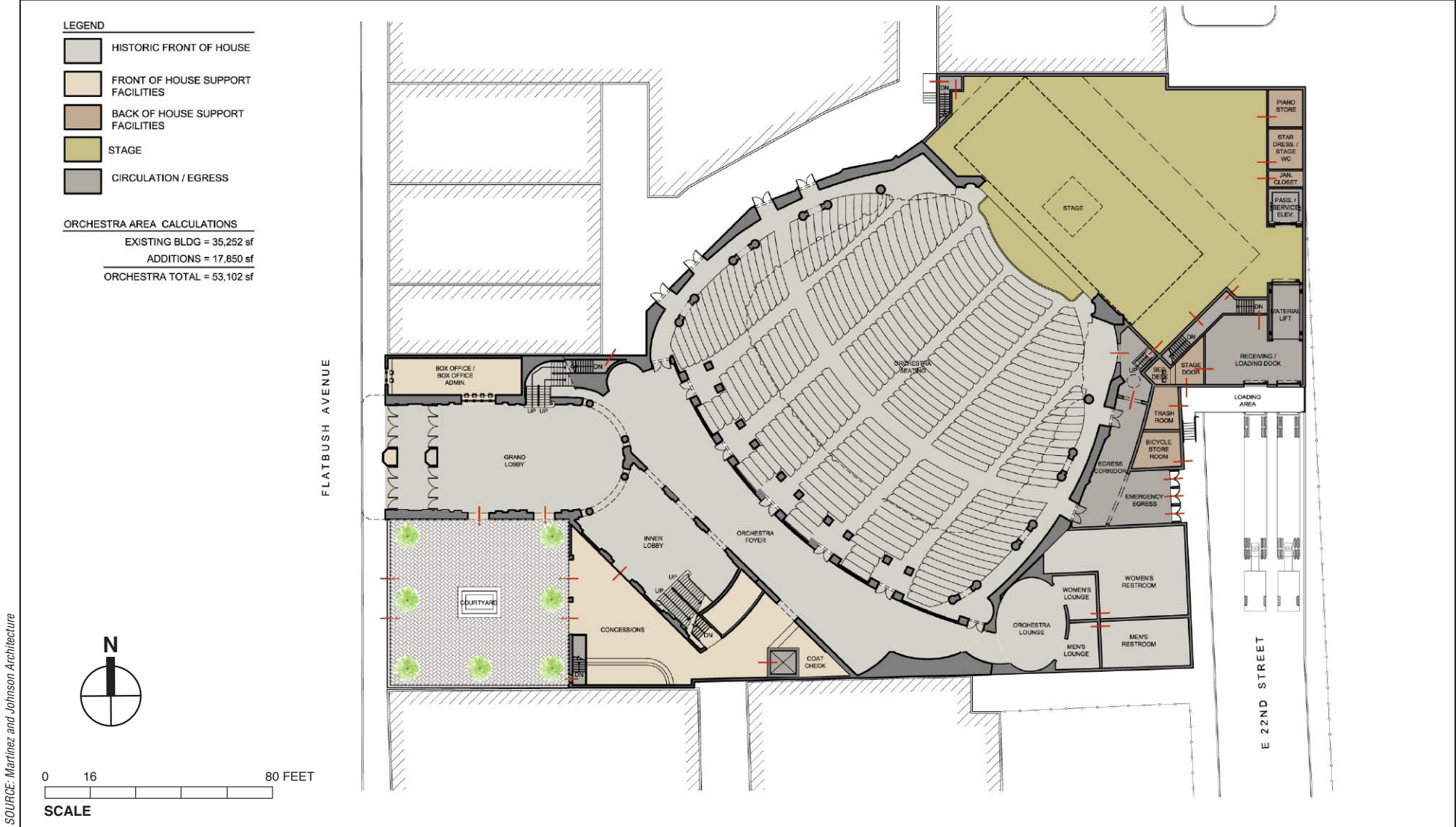
**BASEMENT AREA CALCULATIONS**

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



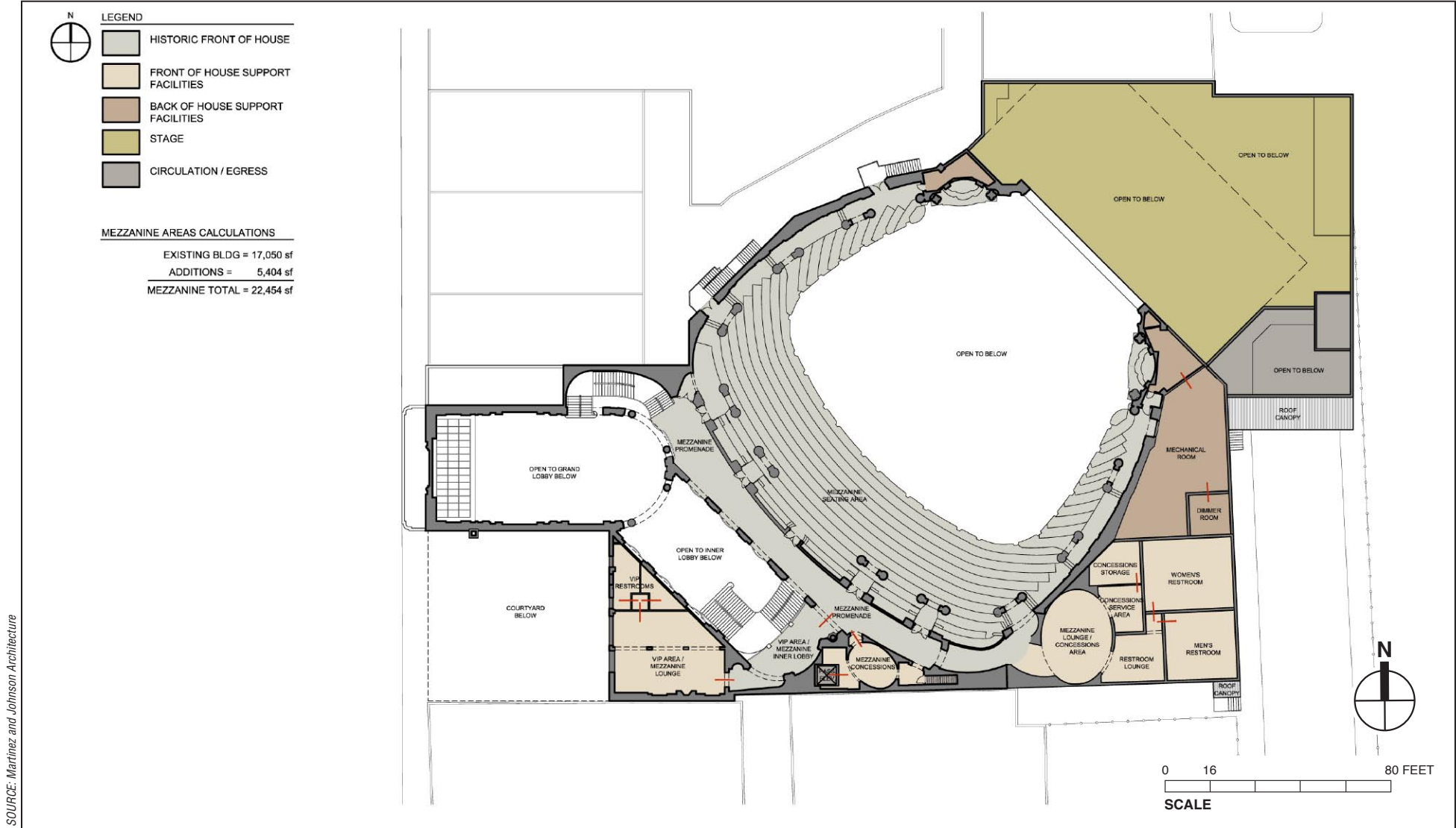
FOR ILLUSTRATIVE PURPOSES ONLY

SOURCE: Martinez and Johnson Architecture



FOR ILLUSTRATIVE PURPOSES ONLY

Proposed Ground Floor and Orchestra Plan  
Figure 1-4

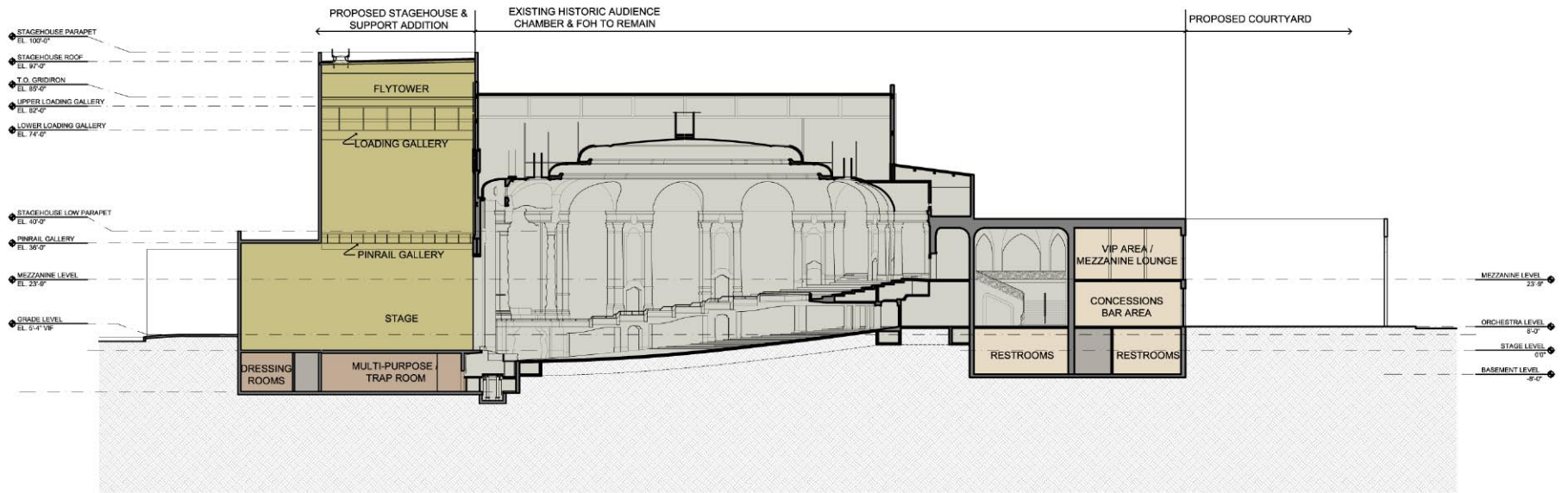


SOURCE: Martinez and Johnson Architecture

FOR ILLUSTRATIVE PURPOSES ONLY

LEGEND

- HISTORIC FRONT OF HOUSE
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FOR ILLUSTRATIVE PURPOSES ONLY



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.

## **E. 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.<sup>1</sup> 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 CEQR, 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 have been 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:

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<sup>1</sup> 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.

- 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 and used to 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 CEQR process and requires approval of the City Planning Commission (CPC) and a referral to the Community Board and Borough President.
- 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 and Other 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, and any other approval related to any additional funding that may become available for the project, is a discretionary action subject to CEQR. In addition, the project is seeking a New York Economic Development Capital Assistance Program (NYEDCP) Grant, which is processed by the New York State Dormitory Authority State of New York (DASNY) on behalf of the New York State Legislature. This is a discretionary action subject to SEQRA, and DASNY will be an involved agency for the proposed project.
- 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.

## **F. 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 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.

- City Capital Funding. The grant of approximately \$50 million as is required in capital funds would help fund the restoration of the theatre.
- 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.
- 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.

## G. CITY ENVIRONMENTAL QUALITY REVIEW

All state, county, and local government agencies in New York, except the State Legislature and the courts, must comply with the State Environmental Quality Review Act (SEQRA). The City of New York established CEQR regulations in accordance with SEQRA. This Draft EIS (DEIS) has been prepared in accordance with the guidelines set forth in the 2010 *CEQR Technical Manual*, where applicable. The environmental review process allows decision-makers to systematically consider the environmental effects of a proposed action, to evaluate reasonable alternatives, and to identify measures to mitigate significant adverse environmental effects. The process also facilitates public involvement by providing the opportunity for public comment on the DEIS. The environmental review process is outlined below.

- **Establishing a Lead Agency.** Under CEQR, the "lead agency" is the public entity responsible for conducting the environmental review. Usually, the lead agency is also the entity primarily responsible for carrying out, funding, or approving a proposed action. For the proposed project, the lead agency is the Office of the Deputy Mayor for Economic Development (ODMED). As discussed above, DASNY will be an involved agency; the CPC is also an involved agency.
- **Determination of Significance.** The lead agency's first charge is to determine whether a proposed action might have a significant adverse impact on the environment. To make this determination, an Environmental Assessment Statement (EAS) was prepared. Based on the information contained in the EAS, the lead agency determined that the proposed project could have the potential to result in significant adverse environmental impacts in the areas of historic and cultural resources; transportation; air quality (mobile sources); noise (mobile sources); and neighborhood character. Therefore, the lead agency issued a Positive Declaration on October 14, 2010, initiating the preparation of an EIS.

Based on the screening questions provided as part of the EAS (Part II: Technical Analyses), ODMED determined that the proposed project would not have the potential for significant adverse environmental impacts in the following areas: land use, zoning, and public policy; socioeconomic conditions; community facilities and services; open space; shadows; urban design and visual resources; natural resources; hazardous materials; water and sewer infrastructure; solid waste and sanitation services; energy; air quality (stationary sources); greenhouse gas emissions; noise (interior noise levels and stationary sources); public health; and construction impacts. Therefore, the conclusions of the EAS are incorporated herein by reference, and these areas need not be further discussed in this targeted EIS.

- **Scoping.** “Scoping,” or creating the scope of work, focuses the environmental impact analyses on the key issues to be studied. In addition to the Positive Declaration, the lead agency issued a Draft Scope of Work for the EIS on October 14, 2010. A public scoping meeting was held for the proposed project on November 16, 2010 at 6:00 PM at the Flatbush Brooklyn Public Library (22 Linden Boulevard), and a Final Scope of Work, reflecting comments made during scoping, was issued on December 16, 2010. No comments were made at the public meeting, and no written comments were received; therefore, the Final Scope of Work reflects additional analyses determined to be appropriate for inclusion in the EIS.
- **Draft Environmental Impact Statement (DEIS).** The DEIS, prepared in accordance with the Final Scope of Work, is a comprehensive document that systematically considers the potential environmental effects of a proposed action, evaluates reasonable alternatives, and identifies feasible mitigation measures that, to the maximum extent practicable, address the significant adverse environmental impacts of the proposed action. The lead agency reviews all aspects of the DEIS to determine its adequacy and adherence to the work effort outlined in the Final Scope of Work. Once the lead agency is satisfied that the DEIS is complete for the purposes of public review and comment, it issues a Notice of Completion and circulates the DEIS for review among government agencies and the general public. Circulation of the DEIS marks the beginning of a public review period, during which time a public hearing will be held to solicit comments on the DEIS.
- **Public Review.** Publication of the DEIS and issuance of the Notice of Completion signal the beginning of the public review period. During this time, which must extend for a minimum of 30 days, the public may review and comment on the DEIS, either in writing or at a public hearing convened for the purpose of receiving such comments. The lead agency must publish a notice of the hearing at least 14 days before it takes place and must accept written comments for at least 10 days following the close of the hearing. All substantive comments received on the DEIS, at the hearing, or during the comment period become part of the CEQR record and will be summarized and responded to in the Final EIS (FEIS).
- **Final Environmental Impact Statement (FEIS).** Once the public comment period for the DEIS closes, an FEIS is prepared. This document includes a summary of, and response to, each substantive comment made about the DEIS. Once the lead agency determines that the FEIS is completed, it issues a Notice of Completion and circulates the FEIS.
- **Statement of Findings.** To demonstrate that the responsible public decision-makers have taken a hard look at the environmental consequences of a proposed action, any agency taking a discretionary action regarding an action must adopt a formal set of written findings, reflecting its conclusions about the significant adverse environmental impacts, potential alternatives, and potential mitigation measures. The findings may not be adopted until 10 days after the Notice of Completion has been issued for the FEIS. Once findings are adopted, the lead and involved agencies may take their actions.

## **H. FRAMEWORK FOR ANALYSIS**

### **SCOPE OF ENVIRONMENTAL ANALYSIS**

As set forth in the Positive Declaration, the lead agency has determined that the proposed project may result in one or more significant adverse environmental impacts and thus requires preparation of this targeted EIS. This document uses methodologies and follows the guidelines set forth in the 2010 *CEQR Technical Manual*, where applicable. These are considered to be the

most appropriate technical analysis methods and guidelines for environmental impact assessment of discretionary actions in the City.

A number of analysis areas were determined during preparation of the EAS to not have the potential to result in significant adverse impacts. These analysis areas include land use, zoning, and public policy; socioeconomic conditions; community facilities and services; open space; shadows; urban design and visual resources; natural resources; hazardous materials; water and sewer infrastructure; solid waste and sanitation services; energy; air quality from stationary sources; greenhouse gas emissions; noise from stationary sources; public health; and construction. Therefore, as per the Final Scope of Work, this EIS provides analyses of the proposed project's potential to affect only the following analysis areas: historic and cultural resources; transportation; air quality (mobile sources); noise (mobile sources); and neighborhood character.

With respect to potential construction effects from the proposed project, the EAS and Final Scope of Work stated that additional information would be provided in this targeted EIS to support the conclusion that construction-period worker and truck trips would not be substantial enough to adversely affect transportation conditions in the area. That information is provided in Chapter 7, "Construction."

#### **ANALYSIS YEAR**

An EIS analyzes the effects of a proposed action on its environmental setting. Since typically a proposed action, if approved, would take place in the future, the action's environmental setting is not the current environment but the environment as it would exist at project completion, in the future. Therefore, future conditions must be projected. This prediction is made for a particular year, generally known as the "analysis year" or the "Build year," which is the year when the action would be substantially operational. 2014 is the year that the proposed project is expected to be completed, and therefore 2014 is the analysis year for the EIS.

#### **DEFINITION OF STUDY AREAS**

For each technical area in which impacts may occur, a study area is defined for analysis. This is the geographic area likely to be affected by the proposed project for a given technical area, or the area in which impacts of that type could occur. Appropriate study areas differ depending on the type of impact being analyzed. It is anticipated that the direct principal effects of the proposed project would occur within the project study areas.

#### **DEFINING BASELINE CONDITIONS**

##### *EXISTING CONDITIONS*

For each technical area assessed in the EIS, the current conditions must first be described. The assessment of existing conditions establishes a baseline against which future conditions can be projected. The prediction of future conditions begins with an assessment of existing conditions. Studies of existing conditions are generally selected for their reasonable worst-case conditions. For example, the times when the greatest number of new vehicular, pedestrian and transit trips to and from a project site would occur are measured for the traffic analysis. The project impacts are then assessed for those same traffic peak periods.

##### *DEFINITION OF FUTURE WITHOUT THE PROPOSED PROJECT*

The "future without the proposed project," or "No Build condition," describes a baseline condition which is evaluated and compared to the incremental changes due to the proposed project. The No Build condition is assessed for the same 2014 analysis year as the proposed project.

The No Build condition uses existing conditions as a baseline and adds to it changes known or expected to be in place by 2014. This includes development currently under construction or which can be reasonably anticipated due to the current level of planning and public approvals. There are no known development projects within the 400-foot study area surrounding the project site. The No Build analyses for some technical areas, such as traffic, also use a background growth factor to account for a general increase expected in the future.

The No Build condition at the project site is anticipated to be a continuation of existing conditions.

*DEFINITION OF FUTURE WITH THE PROPOSED PROJECT*

The “future with the proposed project,” or “Build condition,” is the condition which is evaluated and compared to the No Build condition to identify incremental changes due to the proposed project. The Build condition is assessed for the 2014 analysis year.

**IDENTIFYING SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS**

Identification of significant adverse environmental impacts is based on the comparison of future conditions without and with the proposed project. In certain technical areas (e.g., traffic, air quality, and noise), this comparison can be quantified and the severity of impact assessed in accordance with the 2010 *CEQR Technical Manual*. In other technical areas (e.g., neighborhood character), the analysis is qualitative.

**MITIGATION**

CEQR requires that any significant adverse impacts identified in the EIS be minimized or avoided to the fullest extent practicable. In the DEIS, options for mitigation can be presented for public review and discussion, without the lead agency having selected those that will be implemented. Where no practicable mitigation is available, the EIS must disclose the potential for unmitigated significant adverse impacts.

Potential mitigation measures for all significant adverse impacts identified in this DEIS are described in Chapter 8, “Mitigation.”

**ALTERNATIVES**

CEQR and SEQRA require that a description and evaluation of the range of reasonable alternatives to the action be included in an EIS at a level of detail sufficient to allow a comparative assessment of the alternatives to a proposed action. Alternatives and the rationale behind their selection are important in the disclosure of environmental effects of a proposed action. Alternatives provide options to the proposed action and a framework for comparison of potential impacts and project objectives. If the environmental assessment and consideration of alternatives identify a feasible alternative that eliminates or minimizes adverse impacts while substantially meeting the project goals and objectives, the lead agency considers whether to adopt that alternative as the proposed action.

CEQR/SEQRA requires consideration of a “no action alternative,” which evaluates environmental conditions that are likely to occur in the No Action condition. The No Action Alternative is analyzed throughout the EIS as the future without the proposed project. In addition to the No Action Alternative, the EIS considers an alternative that avoids significant impacts—the No Significant Averse Impact Alternative. These alternatives are assessed in Chapter 9, “Alternatives.” \*