



City Environmental Quality Review

ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) FULL FORM

Please fill out and submit to the appropriate agency ([see instructions](#))

Part I: GENERAL INFORMATION

PROJECT NAME Theater Subdistrict Fund Text Amendment

1. Reference Numbers

CEQR REFERENCE NUMBER (to be assigned by lead agency)
16DCP136M

BSA REFERENCE NUMBER (if applicable)

ULURP REFERENCE NUMBER (if applicable)
N 160254 ZRM , N 160254(A)ZRM

OTHER REFERENCE NUMBER(S) (if applicable)
(e.g., legislative intro, CAPA)

2a. Lead Agency Information

NAME OF LEAD AGENCY
NYC Department of City Planning

NAME OF LEAD AGENCY CONTACT PERSON
Robert Dobruskin, AICP

ADDRESS 120 Broadway, 31st Floor

CITY New York

STATE NY

ZIP 10271

TELEPHONE 212- 720-3423

EMAIL
rdobrus@planning.nyc.gov

2b. Applicant Information

NAME OF APPLICANT
NYC Department of City Planning

NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON
Edith Hsu- Chen

ADDRESS 120 Broadway, 31st Floor

CITY New York

STATE NY

ZIP 10271

TELEPHONE 212-720-3437

EMAIL
ehsuch@planning.nyc.gov

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

The Department of City Planning is proposing a zoning text amendment to the New York City Zoning Resolution (ZR) Section 81-744 (a) (Transfer of development rights from listed theaters) to modify the contribution rate from transferable development rights from theaters listed in ZR Section 81-742 (Listed theaters). The text amendment will establish a new methodology for calculating the contribution rate into the Theater Subdistrict Fund. The existing contribution amount is based on a dollar value (\$17.60) multiplied by the total amount of square feet transferred from the granting site to the receiving site. Under the proposed methodology, contribution rates would be determined by taking a percentage of the total amount paid by a receiving site for the transferrable development rights to the granting site. The proposed text amendment would also modify the ZR to permit transfer of development rights through a Chairperson certification. **This Revised EAS reflects responses to recommendations made during the public review process. These proposed changes are reflected in the Technical Memorandum found in Attachment 2**

Project Location

BOROUGH Manhattan

COMMUNITY DISTRICT(S) 4 and
5

STREET ADDRESS 6th to 8th Ave; W. 40th to W. 57th Street

TAX BLOCK(S) AND LOT(S) Manhattan Theater Subdistrict

ZIP CODE 10018, 10019, 10036 10107, 10105, 10020

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Manhattan, Special Midtown District, Theater Subdistrict

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY Special
Midtown District, Theater Subdistrict C5-2.5, C5-3, C6-4, C6-5, C6-5.5. C6-6, C6-
6.5, C6-7, C6-7T, M1-6

ZONING SECTIONAL MAP NUMBER 8C,
8D

5. Required Actions or Approvals (check all that apply)

City Planning Commission: YES NO UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

CITY MAP AMENDMENT

ZONING CERTIFICATION

CONCESSION

ZONING MAP AMENDMENT

ZONING AUTHORIZATION

UDAAP

ZONING TEXT AMENDMENT

ACQUISITION—REAL PROPERTY

REVOCABLE CONSENT

SITE SELECTION—PUBLIC FACILITY

DISPOSITION—REAL PROPERTY

FRANCHISE

HOUSING PLAN & PROJECT

OTHER, explain:

SPECIAL PERMIT (if appropriate, specify type: modification; renewal; other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

Board of Standards and Appeals: YES NO

VARIANCE (use)
 VARIANCE (bulk)
 SPECIAL PERMIT (if appropriate, specify type: modification; renewal; other); EXPIRATION DATE:
 SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

Department of Environmental Protection: YES NO If "yes," specify:

Other City Approvals Subject to CEQR (check all that apply)

LEGISLATION FUNDING OF CONSTRUCTION, specify:
 RULEMAKING POLICY OR PLAN, specify:
 CONSTRUCTION OF PUBLIC FACILITIES FUNDING OF PROGRAMS, specify:
 384(b)(4) APPROVAL PERMITS, specify:
 OTHER, explain:

Other City Approvals Not Subject to CEQR (check all that apply)

PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC) LANDMARKS PRESERVATION COMMISSION APPROVAL
 OTHER, explain:

State or Federal Actions/Approvals/Funding: YES NO If "yes," specify:

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

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 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.*

SITE LOCATION MAP ZONING MAP SANBORN OR OTHER LAND USE MAP
 TAX MAP FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)
 PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

Physical Setting (both developed and undeveloped areas) See Attachment A

Total directly affected area (sq. ft.): N/A Waterbody area (sq. ft.) and type: N/A
 Roads, buildings, and other paved surfaces (sq. ft.): N/A Other, describe (sq. ft.):

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

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): N/A
 NUMBER OF BUILDINGS: N/A GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): N/A
 HEIGHT OF EACH BUILDING (ft.): N/A NUMBER OF STORIES OF EACH BUILDING: N/A

Does the proposed project involve changes in zoning on one or more sites? YES NO
 If "yes," specify: The total square feet owned or controlled by the applicant:
 The total square feet not owned or controlled by the applicant:

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):
 AREA OF TEMPORARY DISTURBANCE: sq. ft. (width x length) VOLUME OF DISTURBANCE: cubic ft. (width x length x depth)
 AREA OF PERMANENT DISTURBANCE: sq. ft. (width x length)

8. Analysis Year [CEQR Technical Manual Chapter 2](#)

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2026
 ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS:
 WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? YES N/A NO IF MULTIPLE PHASES, HOW MANY?
 BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: N/A

9. Predominant Land Use in the Vicinity of the Project (check all that apply)

RESIDENTIAL MANUFACTURING COMMERCIAL PARK/FOREST/OPEN SPACE OTHER, specify:
 Industrial

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	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
If "yes," specify the following:							
Describe type of residential structures							
No. of dwelling units							
No. of low- to moderate-income units							
Gross floor area (sq. ft.)							
Commercial	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
If "yes," specify the following:							
Describe type (retail, office, other)							
Gross floor area (sq. ft.)							
Manufacturing/Industrial	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
If "yes," specify the following:							
Type of use							
Gross floor area (sq. ft.)							
Open storage area (sq. ft.)							
If any unenclosed activities, specify:							
Community Facility	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
If "yes," specify the following:							
Type							
Gross floor area (sq. ft.)							
Vacant Land	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
If "yes," describe:							
Publicly Accessible Open Space	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):							
Other Land Uses	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
If "yes," describe:							
PARKING							
Garages	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
If "yes," specify the following:							
No. of public spaces							
No. of accessory spaces							
Operating hours							
Attended or non-attended							
Lots	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
If "yes," specify the following:							
No. of public spaces							
No. of accessory spaces							
Operating hours							
Other (includes street parking)	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
If "yes," describe:							
POPULATION							
Residents	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
If "yes," specify number:							
Briefly explain how the number of residents was calculated:							

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Businesses	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
No. and type				
No. and type of workers by business				
No. and type of non-residents who are not workers				
Briefly explain how the number of businesses was calculated:				
Other (students, visitors, concert-goers, etc.)	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	
If any, specify type and number:				
Briefly explain how the number was calculated:				
ZONING				
Zoning classification				
Maximum amount of floor area that can be developed				
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project				
Attach any additional information that may be needed to describe the project.				
If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

Part II: TECHNICAL ANALYSIS

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, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a “yes” answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to 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		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Is there the potential to affect an applicable public policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If “yes,” to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City’s Waterfront Revitalization Program boundaries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” complete the Consistency Assessment Form .		
2. SOCIOECONOMIC CONDITIONS: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
o Generate a net increase of more than 200 residential units or 200,000 square feet of commercial space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If “yes,” answer both questions 2(b)(ii) and 2(b)(iv) below.		
o Directly displace 500 or more residents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If “yes,” answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
o Directly displace more than 100 employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If “yes,” answer questions under 2(b)(iii) and 2(b)(iv) below.		
o Affect conditions in a specific industry? See Attachment A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ If “yes,” answer question 2(b)(v) below.		
(b) If “yes” to any of the above, attach supporting information to answer the relevant questions below. If “no” was checked for each category above, the remaining questions in this technical area do not need to be answered.		
i. Direct Residential Displacement		
o If more than 500 residents would be displaced, would these residents represent more than 5% of the primary study area population?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Indirect Residential Displacement		
o Would expected average incomes of the new population exceed the average incomes of study area populations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes:”		
▪ Would the population of the primary study area increase by more than 10 percent?	<input type="checkbox"/>	<input type="checkbox"/>
▪ Would the population of the primary study area increase by more than 5 percent in an area where there is the potential to accelerate trends toward increasing rents?	<input type="checkbox"/>	<input type="checkbox"/>
o If “yes” to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?	<input type="checkbox"/>	<input type="checkbox"/>
iii. Direct Business Displacement		
o Do any of the displaced businesses provide goods or services that otherwise would not be found within the trade area, either under existing conditions or in the future with the proposed project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve,	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
enhance, or otherwise protect it?		
iv. Indirect Business Displacement		
o Would the project potentially introduce trends that make it difficult for businesses to remain in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Would the project capture retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v. Effects on Industry		
o Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area? See Attachment A	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. COMMUNITY FACILITIES: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, health care facilities, day care centers, police stations, or fire stations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Indirect Effects		
i. Child Care Centers		
o Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in a collective utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input type="checkbox"/>
ii. Libraries		
o Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the additional population impair the delivery of library services in the study area?	<input type="checkbox"/>	<input type="checkbox"/>
iii. Public Schools		
o Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," 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 100 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input type="checkbox"/>
iv. Health Care Facilities		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of health care facilities in the area?	<input type="checkbox"/>	<input type="checkbox"/>
v. Fire and Police Protection		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of fire or police protection in the area?	<input type="checkbox"/>	<input type="checkbox"/>
4. OPEN SPACE: CEQR Technical Manual Chapter 7		
(a) Would the project change or eliminate existing open space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Is the project located within an under-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes," would the project generate more than 50 additional residents or 125 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(d) Is the project located within a well-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If "yes," would the project generate more than 350 additional residents or 750 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(f) If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following:		
o If in an under-served area, would the project result in a decrease in the open space ratio by more than 1 percent?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If in an area that is not under-served, would the project result in a decrease in the open space ratio by more than 5	<input type="checkbox"/>	<input checked="" type="checkbox"/>


	YES	NO
percent?		
<ul style="list-style-type: none"> o If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered? Please specify: 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above questions, attach supporting information explaining whether the project's shadow would reach any sunlight-sensitive resource at any time of the year.		
6. HISTORIC AND CULTURAL RESOURCES: CEQR Technical Manual Chapter 9		
(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; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm) See Attachment A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, please provide the information requested in Chapter 10 .		
8. NATURAL RESOURCES: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," list the resources and attach supporting information on whether the project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," complete the Jamaica Bay Watershed Form and submit according to its instructions .		
9. HAZARDOUS MATERIALS: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would 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 of unknown origin?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (e.g., gas stations, oil storage facilities, heating oil storage)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Has a Phase I Environmental Site Assessment been performed for the site? N/A	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	<input type="checkbox"/>	<input type="checkbox"/>
(i) Based on the Phase I Assessment, is a Phase II Investigation needed? N/A	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
(c) If the proposed project located in a separately sewerred area , would it result in the same or greater development than that listed in Table 13-1 in Chapter 13 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If the project 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, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the proposed project be located in an area that is partially sewerred or currently unsewerred?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or contribute contaminated stormwater to a separate storm sewer system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) If "yes" to any of the above, conduct the appropriate preliminary analyses and attach supporting documentation.		
11. SOLID WASTE AND SANITATION SERVICES: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14 , the project's projected operational solid waste generation is estimated to be (pounds per week):		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project comply with the City's Solid Waste Management Plan?	<input type="checkbox"/>	<input type="checkbox"/>
12. ENERGY: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15 , the project's projected energy use is estimated to be (annual BTUs):		
(b) Would the proposed project affect the transmission or generation of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. TRANSPORTATION: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," conduct the appropriate screening analyses, attach back up data as needed for each stage, and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? <i>**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 of Chapter 16 for more information.</i>	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
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/rail trips per station or line?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
14. AIR QUALITY: CEQR Technical Manual Chapter 17		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in Chapter 17 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 in Chapter 17 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17 ? (Attach graph as needed)	<input type="checkbox"/>	<input type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site? See Attachment A	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
15. GREENHOUSE GAS EMISSIONS: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project fundamentally change the City's solid waste management system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project result in the development of 350,000 square feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in Chapter 18 ?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See Local Law 22 of 2008 ; § 24-	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
803 of the Administrative Code of the City of New York). Please attach supporting documentation.		
16. NOISE: <u>CEQR Technical Manual Chapter 19</u>		
(a) Would the proposed project generate or reroute vehicular traffic?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project introduce new or additional receptors (see Section 124 in <u>Chapter 19</u>) 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 site to that rail line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
17. PUBLIC HEALTH: <u>CEQR Technical Manual Chapter 20</u>		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in <u>Chapter 20</u> , "Public Health." Attach a preliminary analysis, if necessary.		
18. NEIGHBORHOOD CHARACTER: <u>CEQR Technical Manual Chapter 21</u>		
(a) Based upon the analyses conducted, do any of the following technical areas require 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in <u>Chapter 21</u> , "Neighborhood Character." Attach a preliminary analysis, if necessary.		
19. CONSTRUCTION: <u>CEQR Technical Manual Chapter 22</u> See Attachment A		
(a) Would the project's construction activities involve:		
o Construction activities lasting longer than two years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o The operation of several pieces of diesel equipment in a single location at peak construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closure of a community facility or disruption in its services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Activities within 400 feet of a historic or cultural resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Disturbance of a site containing or adjacent to a site containing natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in <u>Chapter 22</u> , "Construction." It should be noted that the nature and extent of 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.		
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 the pertinent books and records and/or after inquiry of persons who have personal knowledge of 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 applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.		
APPLICANT/REPRESENTATIVE NAME Edith Hsu- Chen	SIGNATURE 	DATE 9/2/16
PLEASE NOTE THAT APPLICANTS 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.		

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 or 1977, as amended), which contain the State and City criteria for determining significance.

<p>1. 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.</p>	<p>Potentially Significant Adverse Impact</p>	
<p>IMPACT CATEGORY</p>	<p>YES</p>	<p>NO</p>
<p>Land Use, Zoning, and Public Policy</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>Socioeconomic Conditions</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>Community Facilities and Services</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>Open Space</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>Shadows</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>Historic and Cultural Resources</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>Urban Design/Visual Resources</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>Natural Resources</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>Hazardous Materials</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>Water and Sewer Infrastructure</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>Solid Waste and Sanitation Services</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>Energy</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>Transportation</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>Air Quality</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>Greenhouse Gas Emissions</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>Noise</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>Public Health</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>Neighborhood Character</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>Construction</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>2. Are there any aspects of the project relevant to the determination of 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, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>3. Check determination to be issued by the lead agency:</p>		
<p><input type="checkbox"/> Positive Declaration: 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 <i>Positive Declaration</i> and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).</p> <p><input type="checkbox"/> Conditional Negative Declaration: A <i>Conditional Negative Declaration</i> (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 of 6 NYCRR Part 617.</p> <p><input checked="" type="checkbox"/> Negative Declaration: If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a <i>Negative Declaration</i>. The <i>Negative Declaration</i> may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.</p>		
<p>4. LEAD AGENCY'S CERTIFICATION</p>		
<p>TITLE EARD Director</p>	<p>LEAD AGENCY NYC Department Of City Planning</p>	
<p>NAME Robert Doburskin, AICP</p>	<p>DATE 9/2/16</p>	
<p>SIGNATURE </p>		

I. PROJECT DESCRIPTION

A. INTRODUCTION

The New York City Department of City Planning is proposing a zoning text amendment to the New York City Zoning Resolution (ZR) Section 81-744 (a) (Transfer of development rights from listed theaters) to modify the contribution rate into the Theater Subdistrict Fund (“The Fund”) which is created from the transfer of development rights from theaters listed in ZR Section 81-742 (Listed theaters). The text amendment will establish a new methodology for calculating this contribution rate. The transfer of development rights pursuant to Section 81-744 was originally established in a 1998 text amendment (CEQR No. 98DCP031M) in order to protect and preserve theaters. The Fund was created to develop new audiences, promote the production of new theater work, and to highlight the importance of Broadway and its contribution to American Theater. The proposed text amendment would also modify the ZR to permit transfer of development rights through a Chairperson certification rather than a Commission certification.

B. PROPOSED ACTIONS AND PURPOSE AND NEED

The Department of City Planning is proposing a zoning text amendment to the New York City Zoning Resolution Section 81-744 (a) (Transfer of development rights from listed theaters) to modify the contribution rate from the transfer of development rights from theaters listed in ZR Section 81-742 (Listed theaters). The text amendment will establish a new methodology for calculating the contribution rate into the Theater Subdistrict Fund. The proposed text amendment would also modify the ZR to permit transfer of development rights through a Chairperson certification.

1. New Methodology for Contribution Rate for Theater Subdistrict Fund

The regulations of the Theater Subdistrict contain a mechanism to allow for the transfer of unused development rights from identified “listed” or “granting” theaters in the Zoning Resolution (81-742) to a “receiving” site within the Theater Subdistrict (See Figure 1: Theater Subdistrict Land Use Map, Figure 2: Theater Subdistrict). The transfer of development rights must be accompanied by a contribution into the Theater Subdistrict Fund (81-744). The existing contribution amount is based on a dollar value multiplied by the total amount of square feet transferred from the granting site to the receiving site. The dollar value has been adjusted twice since the original \$10.00 value in 1998 was established: it was increased in 2006 by 49 percent to \$14.91; and increased in 2011 by 18 percent to \$17.60. According to the ZR, the dollar value is to be adjusted every three to five years to reflect any change in the assessed value of properties within the Theater Subdistrict. Following the adoption of this text amendment in 1998, official records of actions taken by the CPC noted that the \$10.00 per square foot amount is based on 20 percent of the average sales price of land per square foot in the Theater Subdistrict. The established methodology for adjusting the dollar value is to use New York City Department of Finance’s data and calculate the total assessed value of property in the Theater Subdistrict and divide by the total building floor area in the Theater Subdistrict and then adjust the contribution rate accordingly.

When the Department last reviewed contribution rates within the prescribed three to five year window (at the end of 2016 it will be five years), and reviewed the completed transfers of development rights that used the 81-744 zoning mechanism, the Department found that the contribution amount to the Fund

Theater Subdistrict Land Use Map

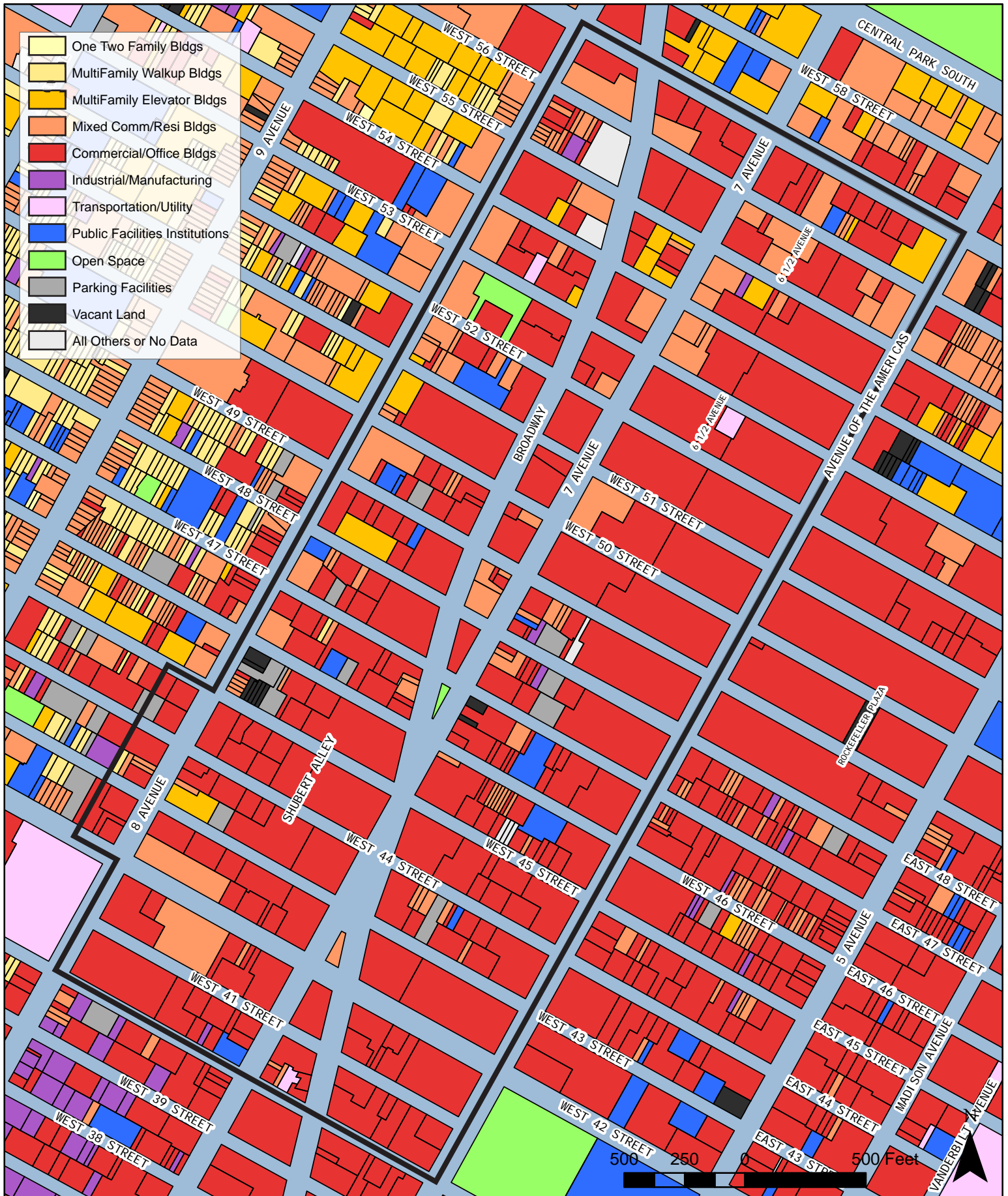


Figure 1

Theater Subdistrict

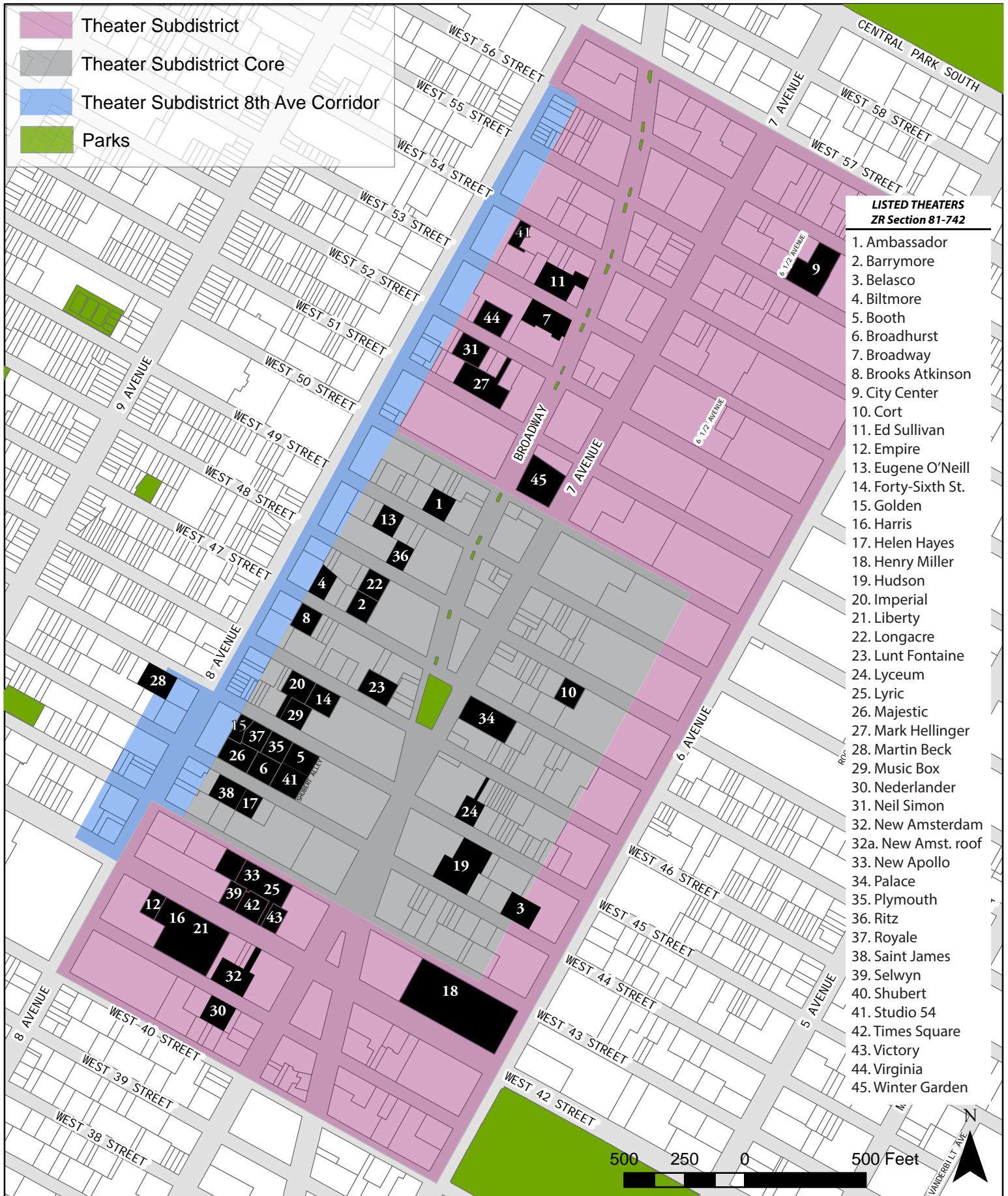


Figure 2

Theater Subdistrict Fund Text Amendment
Attachment A

expressed as a percentage of the amount paid for the transferred development rights ranged from approximately 4 percent to 9 percent. This is a notable difference from the original intent of the 1998 zoning text amendment of 20 percent.

The Department is proposing to establish a new methodology for calculating the contribution amount to the Fund based on a percentage of the total amount paid by a receiving site for the transferred development rights to the granting site. Since there are many variables that can influence the price paid for the transfer of development rights that may not be directly related to the fair market value of the transfer of development rights, the Department is also proposing to establish a base price or floor amount for transferable development rights. This base price per square foot would consist of a market study valuation of land within the Theater Subdistrict and will be completed by a certified valuation and appraisal company.

The proposed text amendment would promote a more rational methodology for determining the contribution rate to the Fund as it would reflect actual value of the transferable development rights. The Department of Finance's assessed property values are not based on actual fair market value or sales price. The proposal would also support the original intent of the 1998 text amendment which based the \$10.00 per square foot contribution rate as being approximately 20 percent of the sales price per square foot of land value in the Subdistrict. The new methodology to determine contribution rates would result in rates that more closely align with the 20 percent amount envisioned when the text amendment was originally designed.

2. Proposal for Chairperson Certification

In addition to changing the methodology for determining the price of transfer of development rights, the proposed text amendment would also modify the ZR to permit transfer of development rights through a Chairperson certification. Currently, the existing transfer of development rights pursuant to ZR Section 81-744(a) allows the transfer of development rights from a granting site to a receiving site by City Planning Commission Certification within the Theater Subdistrict provided that:

- i. The maximum amount of floor area transferred from a granting site is the basic maximum floor area permitted less the floor area of existing buildings and any previously-transferred development rights;
- ii. Each transfer irrevocably reduces the allowable floor area of the granting site by the amount transferred;
- iii. The maximum floor area that can be transferred to a receiving site is no more than 20% of the base FAR of the receiving site;
- iv. Assurances for the continuance of legitimate theater use per ZR 81-743 are made; and
- v. Legal documents are executed ensuring that the appropriate funds are deposited into the Theater Subdistrict Fund.

The Department is proposing to streamline the process and permit the transfer of development rights through Chairperson Certification rather than Commission certification. This change would expedite the process and would be consistent with similar transfers of development rights outlined in the Zoning Resolution which are Chairperson certifications. Transfer of development rights would also continue to be available by authorization pursuant to Section (81-744) (b), however. The authorization is for receiving sites that are located along the Eight Avenue Corridor of the Theater Subdistrict

C. BACKGROUND

Broadway Theater and the theatrical arts in New York City are a major tourist destination in the region and a significant economic generator. In 2015, the 40 Broadway theaters had 12.9 million in attendance and a total gross ticket sales of \$1.3 billion. Historically, the area has been important to the development of the theater, culture, and the performance arts in the United States. The City has taken numerous steps in order to support and strengthen the long-term viability of the theaters. The original Special Theater District was created in 1967 as the first special district established pursuant to the New York City Zoning Resolution. It was created to preserve and protect the unique character of the area as a cultural, theatrical and entertainment mecca and to protect theaters from the westward expansion of Midtown office development. The zoning regulations also included a floor area bonus for new theaters to be created within new developments.

On May 13, 1982, the Board of Estimate approved the Special Midtown District (MiD) which established a framework for development within the central business district. The framework identified areas for growth and preservation, an as-of-right mechanism for development, and pedestrian circulation space requirements. At the same time, the Special Theater District became a Subdistrict within the MiD and new zoning provisions were introduced to further enhance the Theater Subdistrict through the transfer of development rights to nearby lots and to restrict the demolition of the 45 listed theaters.

The 1998 text amendment (June 3, 1998; 98DCP031M; N980271ZRM) established a new mechanism for listed theaters in the Zoning Resolution to transfer their available development rights throughout the Subdistrict in exchange for retaining, preserving and maintaining a legitimate theater use, and for a contribution to a newly created Theater Subdistrict Fund. This provided more opportunities for theaters to transfer development rights while strengthening requirements for the continuation of legitimate theater use. In total, there have been twenty-three special permit transfers pursuant to ZR Section 81-744 from nine theaters including Martin Beck (4 transfers), St. James (2 transfers), Broadhurst (4 transfers), Booth (5 transfers), Shubert (2 transfers), Majestic (2 transfers), Schoenfeld, Neil Simon, and Helen Hayes (2 transfers). There are approximately 18 theaters that still have available floor area to transfer.

The Theater Subdistrict Fund is overseen by The Theater Subdistrict Council, LDC, a non-for-profit corporation established pursuant to the 1998 zoning regulation. As noted above, the Fund allocates grants with the goal of promoting the production of new theater work, developing new audiences such as from groups currently underrepresented in Broadway audiences, and showcasing Broadway's singular role in the history of American theater.

D. EXISTING CONDITIONS

The current regulations of the Theater Subdistrict contain a mechanism to allow for the transfer of unused development rights from identified "listed" theaters in the Zoning Resolution (81-742) to a "receiving site" within the Theater Subdistrict. The transfer of development rights must be accompanied by a contribution into the Theater Subdistrict Fund (81-744). The existing contribution amount is based on a dollar value multiplied by the total amount of square feet transferred from the granting site to the receiving site. The dollar value is currently \$17.60.

Current zoning regulations pursuant to ZR Section 81-744(a) allows the transfer of development rights from a granting site to a receiving site by City Planning Commission certification within the Theater Subdistrict provided that:

1. *The maximum amount of floor area transferred from a granting site is the basic maximum floor area permitted less the floor area of existing buildings and any previously-transferred development rights;*
2. *Each transfer irrevocably reduces the allowable floor area of the granting site by the amount transferred;*
3. *The maximum floor area that can be transferred to a receiving site is no more than 20% of the base FAR of the receiving site;*
4. *Assurances for the continuance of legitimate theater use per ZR 81-743 are made; and*
5. *Legal documents are executed ensuring that the appropriate funds are deposited into the Theater Subdistrict Fund.*

E. NO- ACTION SCENARIO

Under the No- Action Scenario, transfer of development rights would continue to be calculated using the current methodology of using data from the Department of Finance to determine the change in the assessed property values in the Theater Subdistrict and then adjusting the set dollar value by the same amount. The adjusted dollar value would then be multiplied by the total amount of square feet being transferred from the granting site to the receiving site. The dollar amount, currently set at \$17.60 per square foot, is required to be adjusted per the zoning regulations every three to five years, and it is anticipated that any adjustment in the dollar value by using this methodology would be similar to previous increases. Under the No-Action Scenario, transfer of development rights would continue to require City Planning Commission certification.

Within the Project Area, in the No-Action Scenario, there are approximately 18 theaters or granting sites that still have available floor area to transfer and approximately 36 potential receiving sites (See Figure 2: Theater Subdistrict). In the No- Action Scenario, there would not be an increase or decrease in development compared to the existing conditions.

F. WITH ACTION SCENARIO

In the With Action Scenario, the methodology would change and would be calculated by taking a percentage of the total amount paid by a receiving site for the transferred developments rights to the granting site. Research by the Department of City Planning determined that for each action completed under ZR Section 81-744(a) since the regulations were established, a contribution to the Theater Subdistrict Fund was approximately four to nine percent of the amount paid from the receiving site to the granting site for the transferred development rights. Under the With Action Scenario, the contribution per transfer of development right into the Fund would increase to approximately 20 percent.

The increased contribution amount into the Fund by the granting site is not anticipated to affect development. The proposal does not increase the amount or availability of transferrable development rights within the Subdistrict: there is no change to the number of listed theaters. The proposal also does not change the market value of transferrable development rights or affect how much a receiving site pays for those development rights. The proposal would only affect the contribution amount that granting sites

Theater Subdistrict Fund Text Amendment
Attachment A

must contribute to the Fund. Changing the certification process to a Chairperson certification rather than a Commission certification is not anticipated to impact development positively or negatively.

The With Action Scenario would contain the same 18 granting sites and 36 potential receiving sites (See Figure 2: Theater Subdistrict) and development trends are not anticipated to change when compared to the No-Action Scenario. Therefore, the With Action Scenario is not anticipated to affect development in the Project Area.

II. LAND USE, ZONING AND PUBLIC POLICY

A. INTRODUCTION

Under CEQR, a land use analysis characterizes the uses and development trends in the area that may be affected by a proposed project and determines whether a proposed project is either compatible with those conditions or whether it may affect them. Similarly, the analysis considers the project's compliance with, and effect on, the area's zoning and other applicable public policies. For projects that do not involve a change in land use or zoning, an analysis may not be required. However, a brief description of the existing land uses and zoning designations in the immediate area, the policies, if any, affecting the area, and any changes anticipated to occur by the time the project is constructed, may be appropriate.

B. EXISTING CONDITIONS

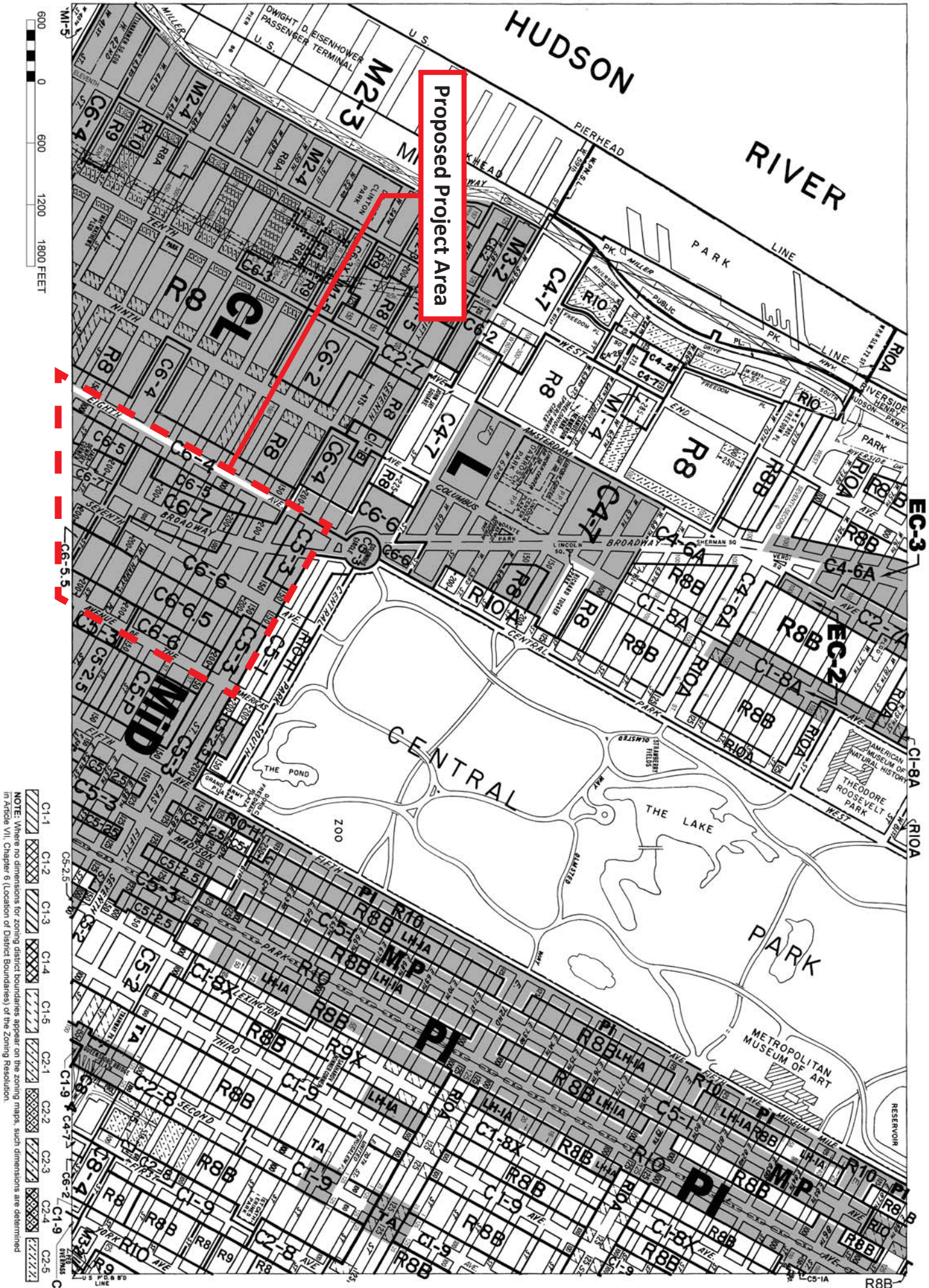
1. Land Use and Zoning

Today, the Special Midtown District (MiD) encapsulates all of the Theater Subdistrict (See Figure 1: Theater Subdistrict Land Use Map). The Theater Subdistrict is primarily located in Community District 5 with a small three block area within Community District 4 along the southwestern edge of the Eighth Avenue Corridor which is also in the Special Clinton District. The Theater Subdistrict is bounded by West 57th Street to the north and West 40th Street to the south; Sixth Avenue to Eighth Avenue east to west; and a line 150 feet west of Eighth Avenue from West 42nd Street to West 45th Street. Within the Theater Subdistrict is the Theater Subdistrict Core and the Eighth Avenue Corridor. The Core is bounded by West 50th Street to West 43rd Street north to south; a line 200 feet west of Sixth Avenue and a line 100 feet east of Eighth Avenue. The Eighth Avenue Corridor is bounded in the north by West 56th Street and West 43rd Street to the south; a line 100 feet east of Eighth Avenue and Eighth Avenue to the west; and a section bounded in the north from West 45th Street to West 42nd Street to the south, Eighth Avenue and a line 150 feet west of Eighth Avenue.

The Theater Subdistrict area is a dense, central commercial district with a wide array of uses including residential buildings, mixed-use buildings, theater and entertainment, restaurants, hotels and industrial uses. Times Square is in the core of the Theater Subdistrict. The area provides a variety of entertainment venues, including the large Broadway theaters as well as smaller venues, music and comedy shows, shopping, and restaurants. It is known for its large illuminated signs, the TKTS Booth on West 47th Street, the New Year's Eve ball drop, and is one of New York City's popular tourist attractions. The area contains 33 landmarked theaters. The zoning in the Theater Subdistrict includes C5-3, C5-2.5, C6-4, C6-5, C6-6, C6-6.5, C6-7, C6-7T, and M1-6 (See Figure 3: Zoning Map 8c, Figure 4: Zoning Map 8d and Figure 5: Theater Subdistrict Zoning Map). It predominantly consists of C6 districts which permits high bulk commercial development with either a base FAR of 10.0 or 15.0 which may be increased by a public plaza bonus and/or an Inclusionary Housing bonus. The C6-7T zoning district is mapped in the Theater Subdistrict Core and permits a base FAR of 14.0 for commercial and mixed uses, and 12.0 for residential use.

Central Park is directly to the north of the Theater Subdistrict. The Garment Center Special District is directly to the south across West 40th Street and it was created to maintain opportunities for apparel production, and wholesale and showroom uses in existing buildings in designated Preservation Areas. The Clinton Special District is directly to the west of the Theater Subdistrict across 8th Avenue and is intended to help preserve and strengthen the residential character of the Clinton community bordering Midtown.

Figure 3



ZONING MAP
THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:
The number(s) and/or letter(s) that follows on R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

- R – RESIDENTIAL DISTRICT
- C – COMMERCIAL DISTRICT
- M – MANUFACTURING DISTRICT

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

AREAS(S) REZONED

Effective Date(s) of Rezoning:
06-26-2014 C 140181 ZMM

Special Requirements:
For a list of lots subject to CEQR environmental requirements, see APPENDIX C.
For a list of lots subject to "D" restrictive declarations, see APPENDIX D.
For Inclusionary Housing designated areas on this map, see APPENDIX F.

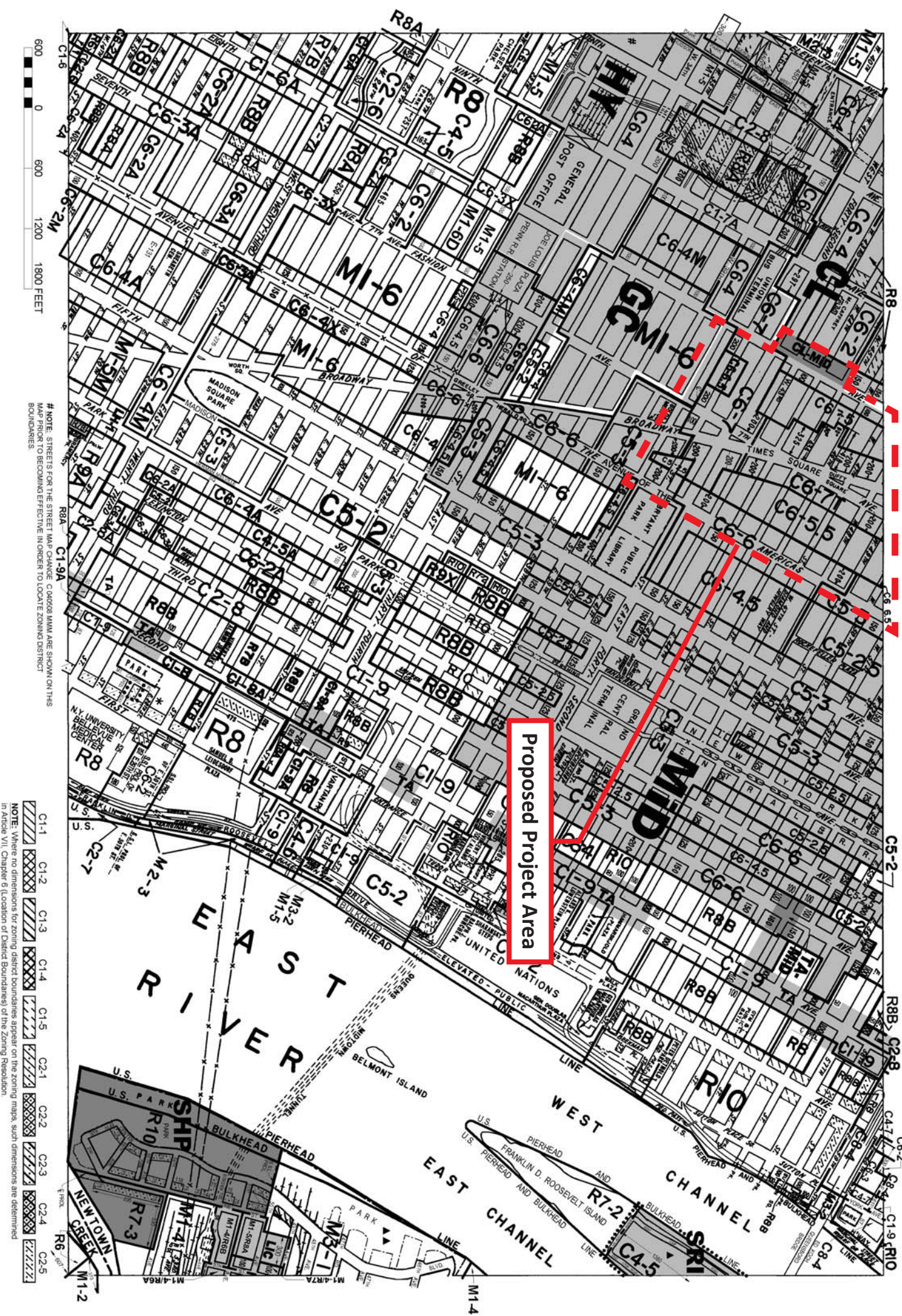
MAP KEY

5d	6b
8a	8c
8b	8d
8d	9b

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NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: www.nyc.gov/planning or contact the Zoning Information Desk at (212) 720-3291.

Figure 4



Proposed Project Area

ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:
 The number(s) and/or letter(s) that follows on R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

- R – RESIDENTIAL DISTRICT
- C – COMMERCIAL DISTRICT
- M – MANUFACTURING DISTRICT

SPECIAL PURPOSE DISTRICT
 The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

●●●●● AREAS) REZONED

Effective Date(s) of Rezoning:
 *10-30-2013 C 130235 ZMM
 05-08-2013 C 130076 ZMM

Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.
 For a list of lots subject to "D" restrictive declarations, see APPENDIX D.
 For Inclusionary Housing designated areas on this map, see APPENDIX F.

CITY MAP CHANGE(S):

▲▲ 04-11-2014 C 110253 MMC
 ▲▲ 10-12-2013 C 130007 MAM

MAP KEY

8a	8c	9a
8b	8d	9b
12a	12c	13a

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8d
 ZONING MAP

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: www.nyc.gov/planning or contact the Zoning Information Desk at (212) 720-3391.

Theater Subdistrict Fund Text Amendment
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The Port Authority Bus Terminal is to the southwest of the Theater Subdistrict across from 42nd Street and 8th Avenue. There are several subway lines that have stations in the area including the 1, 2, 3 and the N, Q, R along 7th Avenue; the S and the 7 lines along 42nd Street; the A, C and E lines along 8th Avenue; and the B, D, F, M lines along 6th Avenue. There are twelve buses that service the neighborhood running north-south including the M5, M7, M20, M104; running east-west is the M31, M42, M50, M57; QM1, QM5, QM6; the BxM2.

Background development sites in this Subdistrict include an air rights transfer from the Neil Simon Theatre to a site that was previously a New School building and transfer of development rights from the Helen Hayes Theater to two different locations.

2. Public Policy

The Theater Subdistrict does not have any current Urban Renewal Plans, 197a Plans, or Business Improvement Districts. It is also not located within the boundaries of the Coastal Zone boundary and consequentially, does not necessitate a Waterfront Revitalization Program consistency assessment.

Per CEQR Technical Manual Guidelines, as the proposed action would not result in a large, publicly-sponsored project, an analysis for consistency with PlanNYC is not warranted.

C. LAND USE FUTURE NO- ACTION CONDITION

Under the No- Action Scenario, transfer of development rights would continue to be calculated using the current methodology- a set dollar value would be multiplied by the total amount of square feet being transferred from the granting site to the receiving site. Although this dollar amount is currently set at \$17.60, per requirements that these rates increase every three to five years, this amount would be anticipated to increase by a currently undetermined amount. Under the No-Action Scenario, transfer of development rights would continue to require City Planning Commission certification.

Within the Theater Subdistrict, under the No-Action Scenario, there are 36 potential receiving sites and 45 granting sites (See Figure 2: Theater Subdistrict). In the No- Action Scenario, there would not be an increase or decrease in development compared to the existing conditions.

D. LAND USE FUTURE WITH ACTION CONDITION

In the With Action Scenario, the methodology would change and would be calculated by taking a percentage of the total amount paid by a receiving site for the transferred developments rights to the granting site. According to analysis completed by the Department of City Planning, for each transfer completed pursuant to Section 81-744 of the Zoning Resolution, four to nine percent of the total amount paid by the receiving site to the granting site for the transferred development rights was contributed into the Theater Subdistrict Fund. Under the With Action Scenario, the contribution per transfer of development right into the Fund would increase to 20 percent.

The increased percentage of the sale price of the transfer of development rights being contributed into the Fund is not anticipated to affect development, however. The proposal does not change the availability of transferable development rights or the number of theaters with available transferable development rights. It also does not change the market value for transferable development rights or affect how much a receiving site pays for them; the proposal would only affect the amount granting sites must contribute

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to the Fund. The proposal to change the action to a Chairperson certification from a City Planning Commission certification is not anticipated to affect development positively or negatively.

The With Action Scenario would contain the same 36 potential receiving sites and 18 granting sites (See Figure 2: Theater Subdistrict) and development trends are not anticipated to change when compared to the No-Action Scenario. Therefore, the With- Action Scenario is not anticipated to affect development in the Project Area.

E. CONCLUSION

The new method for calculating the contribution rate to the Theater Subdistrict Fund and permitting the transfer of development rights through a Chairperson certification is essentially a procedural change. These two changes are not anticipated to affect development either positively or negatively. The With Action Scenario compared to No-Action Scenario will be equivalent in terms of development scenarios and therefore is not anticipated to affect Land Use in the Project Area and no further analysis is needed.

III. SOCIO-ECONOMIC CONDITIONS

A. INTRODUCTION

The socioeconomic character of an area includes its population, housing, and economic activity. Socioeconomic changes may occur when a project directly or indirectly changes any of these elements. Even when socioeconomic changes would not result in impacts under CEQR, they are disclosed if they would affect land use patterns, low-income populations, the availability of goods and services, or economic investment in a way that changes the socioeconomic character of the area. In some cases, these changes may be substantial but not adverse. In other cases, these changes may be good for some groups but bad for others. The objective of the CEQR analysis is to disclose whether any changes created by the project would have a significant impact compared to what would happen in the future without the project.

The assessment of socioeconomic conditions usually separates the socioeconomic conditions of area residents from those of area businesses, although projects may affect both in similar ways. Projects may directly displace residents or businesses or may indirectly displace them by altering one or more of the underlying forces that shape socioeconomic conditions in an area. Usually, economic changes alone need not be assessed; however, in some cases their inclusion in a CEQR review may be appropriate, particularly if a major industry would be affected or if an objective of a project is to create economic change.

B. ANALYSIS

1. Screening Criteria

Per *CEQR Technical Manual Guidelines*, a socioeconomic analysis should be conducted if a project may be reasonably expected to create socioeconomic changes within the area affected by the project that would not be expected to occur without the project. The following circumstances would typically require a socioeconomic assessment:

- i. The project would directly displace a residential population in excess of 500 residents. When this threshold is reached, assessments of the direct residential displacement, indirect residential displacement, and indirect business displacement are appropriate.
- ii. The project would directly displace more than 100 employees. For projects exceeding this threshold, assessments of direct business displacement and indirect business displacement are appropriate.
- iii. The project would directly displace a business that is unusually important because its products or services are uniquely dependent on its location; that, based on its type or location, is the subject of other regulations or publicly adopted plans aimed at its preservation; or that serves a population uniquely dependent on its services in its present location.
- iv. The project would result in substantial new development that is markedly different from existing uses, development, and activities within the neighborhood. This should be considered when the project exceeds residential development of 200 units or commercial development in excess of 200,000 square feet. For projects exceeding these thresholds, assessments of indirect residential displacement and indirect business displacement are appropriate.

- v. The project would add to, or create, a retail concentration that may draw a substantial amount of sales from existing businesses within the study area to the extent that certain categories of businesses close and vacancies in the area increase, thus resulting in a potential for disinvestment on local retail streets. For these type of projects, an assessment of the indirect business displacement due to market saturation is appropriate.
- vi. The project would add to, or create, a retail concentration that may draw a substantial amount of sales from existing businesses within the study area to the extent that certain categories of businesses close and vacancies in the area increase, thus resulting in a potential for disinvestment on local retail streets. Projects resulting in less than 200,000 square feet of retail on a single development site would not typically result in socioeconomic impacts. For projects exceeding these thresholds, an assessment of the indirect business displacement due to market saturation is appropriate.
- vii. If the project is expected to affect conditions within a specific industry, an assessment is appropriate. For example, a citywide regulatory change that would adversely affect the economic and operational conditions of certain types of businesses or processes may affect socioeconomic conditions in a neighborhood: (1) if a substantial number of residents or workers depend on the goods or services provided by the affected businesses; or (2) if it would result in the loss or substantial diminishment of a particularly important product or service within the city.

The proposed action is not anticipated to result in a change in residential units or commercial square footage. However, the proposed action *is* anticipated to affect conditions within a specific industry- the theater industry. Consequentially, a preliminary analysis was conducted per screening threshold vii.

2. *Analysis*

The proposal does not change the availability of transferable development rights or the number of theaters with transferable development rights. It does not change the market value or affect how much a receiving site pays them; the proposal would only affect the amount granting sites must contribute to the Fund. The theater industry would furthermore not be adversely affected by the higher amount that granting sites must contribute to the Fund. This money from the Fund is allocated toward grants with the goal of promoting the production of new theater work, developing new audiences such as from groups currently underrepresented in Broadway audiences, and showcasing Broadway's singular role in the history of American theater. These goals ultimately support and strengthen the interests of the Theater industry. Therefore, higher contributions into the Fund are not anticipated to adversely impact the Theater industry.

As discussed above, the change in methodology is not anticipated to negatively affect the theater industry. Likewise, allowing for Chairperson certification rather than Commission certification is not anticipated to adversely affect the theater industry; rather, it is anticipated to streamline the process and result in a net positive affect.

IV. OTHER ANALYSIS AREAS

As discussed earlier, the proposed actions include modifying the contribution rate at to the Theater Subdistrict Fund which is generated from the sale of transferable development rights from theaters listed in ZR Section 81-742 (Listed theaters). The proposal also includes modifying the ZR to permit transfer of development rights through a Chairperson certification rather than a City Planning Commission certification. As discussed, these actions are not anticipated to affect development nor are they anticipated to result in a change in projected development sights when comparing No-Action to With Action. The proposal does not change the availability of transferable development rights or the number of theaters with transfer of development rights. It does not change the market value of transfer of development rights or affect how much a receiving site pays for transferred development rights; the proposal would only affect the amount granting sites must contribute to the Fund. Likewise, allowing for Chairperson certification rather than a City Planning Commission certification is not anticipated to impact development positively or negatively. The proposed actions amount to a procedural change in the regulations related to the surrounding the transfer of development rights.

Based on this information, no adverse impacts are anticipated to occur in the CEQR technical areas typically analyzed including: 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; transportation; air quality; greenhouse gas emissions and climate change; noise; public health; neighborhood character; or construction.

No adverse impacts are anticipated regarding historic or cultural resources. The proposed actions are being proposed to improve the procedures related to the Theater Subdistrict. This Subdistrict was created to protect theaters from the westward expansion of Midtown office development and to support and strengthen the long-term viability of the theaters. By improving the procedures of this district, the proposed actions will indirectly better protect the 33 New York City Landmarked Preservation Commission (LPC) or interior landmarked theaters or in this district (A 1).

Theater Subdistrict Fund Text Amendment
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Table 1: Blocks in Theater Subdistrict

993	1005	1019
994	1006	1020
995	1007	1021
996	1008	1022
997	1009	1023
998	1012	1024
999	1013	1025
1000	1014	1026
1001	1015	1027
1002	1016	1028
1003	1017	1033 (Partial)
1004	1018	1034 (Partial)
		1035 (Partial)

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / 77DCP352M
Project: THEATER SUBDISTRICT FUND TEXT AMENDMENT PROJECT
Date Received: 3/16/2016

The LPC is in receipt of a draft EAS text dated 3/16/16. The text is acceptable for historic and cultural resources.

Gina Santucci

3/24/2016

SIGNATURE
Gina Santucci, Environmental Review Coordinator

DATE

File Name: 31312_FSO_GS_03242016.doc

ATTACHMENT 2
TECHNICAL MEMORANDUM
THEATER SUBDISTRICT FUND TEXT AMENDMENT

A. INTRODUCTION

The New York City Department of City Planning is proposing a zoning text amendment to the New York City Zoning Resolution (ZR) Section 81-744 (a) (Transfer of development rights from listed theaters) to modify the contribution rate into the Theater Subdistrict Fund (“The Fund”) which is created from the transfer of development rights from theaters listed in ZR Section 81-742 (Listed theaters). The text amendment will establish a new methodology for calculating this contribution rate. The transfer of development rights pursuant to Section 81-744 was originally established in a 1998 text amendment (CEQR No. 98DCP031M) in order to protect and preserve theaters. The Fund was created to develop new audiences, promote the production of new theater work, and to highlight the importance of Broadway and its contribution to American Theater. The proposed text amendment would also modify the ZR to permit transfer of development rights through a Chairperson certification rather than a Commission certification.

An Environmental Assessment Statement (EAS) for the proposed zoning text amendment was completed on March 25, 2016 and a Negative Declaration was issued on March 28, 2016. This Technical Memorandum reflects the submission of ULURP No. N160254(A)ZRM which incorporates changes to the original zoning text amendment proposed based on recommendations made during the public review process. These changes are detailed and analyzed in Section B below.

B. DESCRIPTION AND ANALYSIS OF THE POTENTIAL CHANGES

The potential changes consist of changes to clarify the goals of the Theater Subdistrict Council, the administration of the Fund, and to make minor corrections to the language of the zoning text. Each of these are discussed below.

1) CLARIFYING THE GOALS OF THE THEATER SUBDISTRICT COUNCIL

The language has been changed to reflect that theatrical organizations of any size should be considered for facilitating the production of plays and musicals, and that broader activities such as the Fund’s Round 5 Grant Program to develop and train non-performing theater professionals, will support and strengthen the industry in the Theater Subdistrict.

This change is not substantive in nature and would not have the potential to result in environmental impacts.

2) CHANGES TO THE ADMINISTRATION OF THE FUND

This change alters the amount the Theater Subdistrict Council must reserve for periodic inspection and maintenance report requirements and to requesting a market study appraisal to the Subdistrict outside of the 3-to-5 year time period.

This change is procedural in nature and would not have the potential to result in environmental impacts.

3) MINOR EDITS TO THE ZONING TEXT LANGUAGE

Various edits to the language of the zoning text are proposed. These text edits are not substantive in nature and would not have the potential to result in environmental impacts.

C. CONCLUSION

The changes to the original zoning text amendment proposal based on the recommendations made during the public review process not result in any new or different environmental impacts than those disclosed in the EAS dated March 25, 2016.