



## **CITY PLANNING COMMISSION**

August 24, 2011/Calendar No. 14

M 861226(A) MMK

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**IN THE MATTER OF** a resolution adopted by the City Planning Commission on September 21, 1992 (Cal. No. 2) approving an application (C 861226 MMK) for an amendment to the City Map involving, inter alia, the elimination, discontinuance and closing of Tilden Avenue between Flatbush Avenue and Bedford Avenue, and the elimination of East 22<sup>nd</sup> Street between Tilden Avenue and Duryea Place in Community District 14, Borough of Brooklyn, in accordance with Map Nos. N-2399 and X-2400, dated December 23, 1987, revised on May 9, 2011 and signed by the Borough President.

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**WHEREAS**, at its meeting on September 21, 1992 (Cal. No. 2) the City Planning Commission (the “Commission”) approved an application (C 861226 MMK) for an amendment to the City Map involving, inter alia, the elimination, discontinuance and closing of Tilden Avenue between Flatbush Avenue and Bedford Avenue, and the elimination of East 22<sup>nd</sup> Street between Tilden Avenue and Duryea Place in Community District 14, Borough of Brooklyn, in accordance with Map Nos. N-2399 and X-2400, dated December 23, 1987 and signed by the Borough President; and

**WHEREAS**, the City Council elected not to review the application (C 861226 MMK) for an amendment to the City Map; and

**WHEREAS**, the purpose of the application (C 861226 MMK) for an amendment to the City Map was to facilitate the implementation of a previously approved Urban Renewal Plan (C 800547 HUK) by eliminating said streets in order to incorporate them into a large public parking lot for shoppers at nearby department stores; and

**WHEREAS**, subsequent to the approval of said application (C 861226 MMK), property owners along Tilden Avenue began to invest in their properties, rendering the closing of Tilden Avenue no longer appropriate and no longer necessary to achieve the goals of the Urban Renewal Plan; and

**WHEREAS**, the plans for adding the subject portions of Tilden Avenue and East 22<sup>nd</sup> Street to the aforementioned parking lot were abandoned; and

**WHEREAS**, the subject portion of East 22<sup>nd</sup> Street, which, prior to the approval of said application (C 861226 MMK) was not a through-street, was never dedicated for street purposes, and was not discontinued and closed by said application (C 861226 MMK), was subsequently opened as a through-street in light of the foregoing; and

**WHEREAS**, the Department of Housing Preservation and Development and the New York City Economic Development Corporation (“EDC”), co-applicants for said application (C 861226 MMK), elected not to effectuate the Commission’s approval of thereof by way of not filing the aforementioned maps with the designated City agencies; and

**WHEREAS**, EDC in conjunction with local developers plans to renovate the Loew's Kings Theatre building, an historic and long-vacant movie theatre adjacent to the west side of the subject portion of East 22<sup>nd</sup> Street, for use as a live-performance venue; and

**WHEREAS**, in order to implement the proposed re-use of said Theatre, a building addition is required that would extend into the middle portion of said East 22<sup>nd</sup> Street; and

**WHEREAS**, the General Counsel of the Department of City Planning ("DCP") advised DCP staff that the previously approved but uneffectuated Map Nos. N-2399 and X-2400, dated December 23, 1987 could be modified such that only the aforementioned middle portion of East 22<sup>nd</sup> Street would be eliminated from the City Map; and

**WHEREAS**, EDC filed an application, M 861226(A) MMK on October 21, 2010, to modify the approved City Map amendment by eliminating, discontinuing and closing the middle portion of East 22<sup>nd</sup> Street, and by excluding from elimination the two remaining end-portions of East 22<sup>nd</sup> Street and by further excluding from elimination, discontinuance and closing the aforementioned portion of Tilden Avenue; and

**WHEREAS**, the Borough President of Brooklyn has reviewed and submitted to the Department of City Planning revised Map Nos. N-2399 and X-2400 ("Revised Maps"), revised May 9, 2011, reflecting the aforementioned modifications; and

**WHEREAS**, the City Planning Commission may adopt a resolution approving the Revised Maps without review pursuant to the Uniform Land Use Review Procedure, since it relates to a minor modification to a previous approval; and

**WHEREAS**, the General Counsel of DCP advised staff that, due to East 22<sup>nd</sup> Street having been opened as a through-street subsequent to the approval of the original application, the proposed modification shall be referred for comments to Community Board 14 of the Borough of Brooklyn; and

**WHEREAS**, Community Board 14 submitted to DCP a letter dated July 25, 2011, recommending approval of the modification; and

**WHEREAS**, the Borough President of Brooklyn also submitted to DCP a letter dated July 26, 2011, recommending approval of the modification; and

**WHEREAS**, the Revised Maps will have no significant impacts on the environment beyond those considered in a Final Environmental Impact Statement (CEQR No. 11DME003K) issued on April 27, 2011 by the Office of the Deputy Mayor for Economic Development.

**NOW THEREFORE**, the Commission adopts the following resolution:

**RESOLVED**, by the City Planning Commission, based on the considerations described in this report, the Revised Maps are hereby approved; and be it further

**RESOLVED** that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

**RESOLVED** that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts the legally required number of counterparts of Map No. N-2399, dated December 23, 1987, revised May 9, 2011, providing for the discontinuance and closing of a portion of East 22<sup>nd</sup> Street between Tilden Avenue and Duryea Place, more particularly described as follows:

Starting at a **Point of Beginning** located at the intersection of the westerly street line of East 22<sup>nd</sup> Street and the newly established southerly street terminus line of East 22<sup>nd</sup> Street, said point being distant 45.02 feet southerly along said westerly street line of East 22<sup>nd</sup> Street from its intersection with the existing southerly street line of Tilden Avenue, as those streets were hereinbefore laid out on the City Map;

- 1) Running thence southerly, along the former westerly street line of East 22<sup>nd</sup> Street, discontinued and closed, in the projection of the existing westerly street line of East 22<sup>nd</sup> Street, 222.86 feet to its intersection with the newly established northerly terminus line of East 22<sup>nd</sup> Street;
- 2) Running thence easterly, along said newly established northerly terminus line of East 22<sup>nd</sup> Street, said course forming a deflection angle to the left with the last mentioned course of 90 degrees 00 minutes 00 seconds, 60.00 feet to its intersection with the former easterly street line of East 22<sup>nd</sup> Street, discontinued and closed;
- 3) Running thence northerly, along said former easterly street line of East 22<sup>nd</sup> Street, discontinued and closed, said course forming a deflection angle to the left with the last mentioned course of 90 degrees 00 minutes 00 seconds, 222.86 feet to its intersection with the newly established southerly street terminus line of East 22<sup>nd</sup> Street;
- 4) Running thence westerly, along said newly established southerly street terminus line of East 22<sup>nd</sup> Street, said course forming a deflection angle to the left with the last mentioned course of 90 degrees 00 minutes 00 seconds, 60.00 feet to the **Point of Beginning**.

The area described above consists of 13,371.63 square feet, more or less, located in Section 16 of the Kings County Land Map.

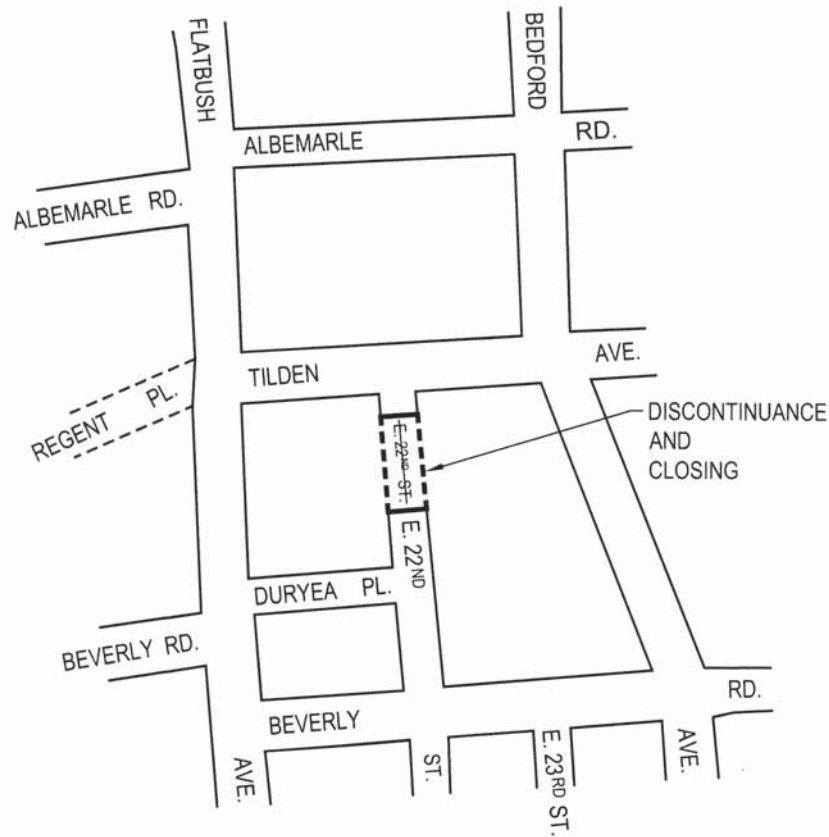
**RESOLVED** that, all such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map Nos. N-2399 and X-2400 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code;
- b. The subject streets to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

The above resolution (M 861226(A) MMK), duly adopted by the City Planning Commission on August 24, 2011 (Calendar No. 14), is filed with the Office of the Speaker, City Council and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, FAICP, Chair**  
**RICHARD W. EADDY, Vice Chairman**  
**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,**  
**ALFRED C. CERULLO, III, NATHAN LEVENTHAL, ANNA HAYES LEVIN,**  
**SHIRLEY A. McRAE, KAREN A. PHILLIPS, Commissioners**

**ORLANDO MARIN, Commissioner, Abstained**



CITY PLANNING COMMISSION  
CITY OF NEW YORK  
DIAGRAM SHOWING PROPOSED

**MAP CHANGE**

ON SECTIONAL MAP

**22c & 23a**

BOROUGH OF

**BROOKLYN**

New York, Referral Date  
JUNE 06, 2011

*Irene Sadko, P.E.*  
I. Sadko, P.E.  
Chief Engineer



NOTE:

- Indicates line of street legally adopted.
  - Indicates line of street proposed to be established.
  - - - Indicates line of street proposed to be eliminated.
  - - - Indicates line of street in use.
- For Discontinuance and Closing refer to Alt. Map No. N-2399.



**BROOKLYN COMMUNITY BOARD 14**  
**FLATBUSH–MIDWOOD COMMUNITY DISTRICT**  
810 East 16<sup>th</sup> Street  
Brooklyn, New York 11230

**MARTY MARKOWITZ**  
*Borough President*

**ALVIN M. BERK**  
*Chairman*

**SHAWN CAMPBELL**  
*District Manager*

July 25, 2011

Irene Sadko, P.E.  
City Planning Commission  
Calendar Information Office  
22 Reade Street, 2E  
New York, NY 10007

Re: Application No. M 861226(A) MMK East 22<sup>nd</sup> Street Demapping/ Loew's Kings Theater

Dear Ms. Sadko,

This is in reference to application M 861226(A) MMK, submitted by the New York City Economic Development Corporation, requesting a modification to a previously approved City Map Change (C 961226 MMK).

While the application is not subject to the Uniform Land Use Review Procedure (URLURP) and does not require a public hearing by the Community Board or the City Planning Commission, Community Board 14 does want to submit our recommendation that this application be approved. The matter was brought before Community Board 14 at the June 20, 2011 public meeting and was approved for recommendation by a vote of 33-0-0.

Thank you very much for your consideration and please do not hesitate to contact us should you have any questions.

Sincerely,

Shawn Campbell  
District Manager

cc: Alvin M. Berk, Chairman  
Carlo Sciscurra, Chief of Staff, Brooklyn Borough President  
Clare Newman, EDC



## OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

July 26, 2011

Ms. Amanda Burden, Chair  
City Planning Commission  
22 Reade Street  
New York, New York 10007

Dear Ms. Burden:

I am writing to you concerning application # 891226(A) MMK submitted by the New York City Economic Development Corporation, to modify an already approved but non-implemented City Map Change to facilitate an economic redevelopment and cultural enhancement project in the Flatbush area of Brooklyn, the Loew's Kings Theatre.

This proposed action will help assist in the redevelopment of one of New York City's "majestic theaters" and return the Loew's Kings Theatre as a cultural venue and community asset for Central Brooklyn as well as all of New York City. The demapping of East 22<sup>nd</sup> Street will enable the existing theatre to expand its stage house and loading areas. This expansion will ensure that the theatre will have sufficient room for a wide range of the live performances of today, including both local and touring shows, while creating construction and permanent jobs.

I believe that the requested action is warranted. This redevelopment project aims to bring modern, quality shows and much needed employment for the benefit of the community. I would like to thank Community Board 14 for its overall support of the project by recently submitting its own recommendation. Moving on, I am looking forward to the time when I will be able to fully enjoy the Loew's Kings - Brooklyn's own Apollo Theatre, our Beacon Theater, one of our prided and cherished treasures.

If you have any questions, please contact Mr. Kevin Parris, my land use coordinator, at 718-802-3856. Thank you in advance for your cooperation in this matter.

Sincerely,

Marty Markowitz  
MM/kp

cc: Clare Newman  
NYCEDC  
Mr. Alvin Berk

Community Board 14