



**Harlem
Community
Development
Corporation**

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FOR CONSIDERATION

February 14, 2013

TO: The Directors

FROM: Curtis L. Archer

SUBJECT: NEW YORK (NEW YORK COUNTY) – Victoria Theater Redevelopment Land Use Improvement and Civic Project

REQUEST FOR: Victoria Theater Redevelopment Land Use Improvement and Civic Project; Authorization to Accept the Final Environmental Impact Statement; Authorization to Recommend that Empire State Development Accept and Approve the Final Environmental Impact Statement and Authorize it to be Published, Filed and Circulated; Authorization to take Related Actions

BACKGROUND

On July 13, 2012, the Directors authorized the Corporation to request that the Board of Directors of the New York State Urban Development Corporation d/b/a/ Empire State Development (“ESD”) accept the Draft Environmental Impact Statement (“DEIS”) for the Victoria Theater Redevelopment Land Use Improvement and Civic Project (the “Project”) as Satisfactory with Respect to its Scope, Content and Adequacy for public review under the State Environmental Quality Review Act (“SEQRA”) and for Publication, Circulation and Filing. On July 18, 2012 the ESD Directors (i) authorized acceptance of the Draft Environmental Impact Statement (“DEIS”) for the Victoria Theater Redevelopment Land Use Improvement and Civic Project (the “Project”) as satisfactory with respect to its scope, content and adequacy for purposes of commencing public review under SEQRA and the implementing regulations of the New York State Department of Environmental Conservation; and (ii) authorized the Corporation to hold a duly noticed public hearing on the DEIS under SEQRA. Pursuant to these authorizations, the DEIS was appropriately filed and publicly distributed on July 19, 2012, the public hearing was held on December 10, 2012 in the Adam Clayton Powell, Jr. State Office Building jointly with the public hearing on the Project required pursuant to Section 16 of the Urban Development Corporation Act (the “UDC Act”), also as authorized by the Harlem CDC and ESD Directors, and the period within which written comments on the DEIS were accepted remained open until January 10, 2013. Harlem CDC and ESD staff and environmental and legal consultants have worked diligently to respond to all substantive comments received during this public process.

The EIS has now been finalized in conformity with SEQRA and its implementing regulations. The Final Environmental Impact Statement ("FEIS") describes the Project and its goals, assesses probable environmental impacts of the Project (including land-use, social, historic, economic, traffic, construction and other conditions), identifies feasible measures to mitigate significant adverse environmental impacts from the Project, considers the relative environmental merits of alternatives, and responds to oral and written comments submitted on the DEIS by the public and government agencies and officials. A copy of the FEIS and an Executive Summary of same are enclosed herewith. The FEIS has also been posted to the Harlem CDC and ESD websites.

SEQRA requires ESD, in its capacity as lead agency for the Project's environmental review, to file and distribute the FEIS in the same manner as the DEIS and to afford members of the public an opportunity of not less than 10 days duration to consider the document before issuing a written findings statement and making a determination as to whether to approve the Project. Before the FEIS is issued, however, Harlem CDC and ESD must make a determination that it is complete. It is important to emphasize that, in accepting the FEIS, the Directors are not being asked at this time to affirm the General Project Plan for the proposed Project. The Directors are only being asked to determine that the FEIS is complete, adequately assesses the environmental impacts of the Project and otherwise meets the requirements of SEQRA.

FUTURE ACTIVITIES

Following acceptance of the FEIS providing the requisite time for the public, as well as involved and interested agencies to consider the document, ESD will then have the ability and authority to make the findings required under SEQRA and the UDC Act and to act on the proposed Project.

REQUESTED ACTIONS

The Directors are requested to (i) accept the Final Environmental Impact Statement as complete with respect to scope, content and adequacy; and (ii) authorize the Corporation to recommend that the Board of ESD accept and approve the Final Environmental Impact Statement as complete with respect to scope, content and adequacy and to authorize its publication, filing and circulation in accordance with applicable law.

RECOMMENDATION

Based on the foregoing, I recommend approval of the requested actions.

ATTACHMENTS

Resolutions
Executive Summary - Final Environmental Impact Statement
Final Environmental Impact Statement



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RESOLVED, that, in connection with the Victoria Theater Land Use Improvement Project (the "Project") and on the basis of the materials submitted prior to and during this meeting, the Corporation hereby determines that the Final Environmental Impact Statement ("FEIS") is complete with respect to scope, content and adequacy, adequately assesses the environmental impacts of the Project, and otherwise meets the requirements of the New York State Environmental Quality Review Act ("SEQRA") and is in proper form for publication, filing and circulation to the public; and be it further

RESOLVED, that the President or his designee, and each of them hereby is authorized to recommend that the Board of Directors of Empire State Development ("ESD") Accept and Approve the Final Environmental Impact Statement and Authorize it to be published, filed and circulated in accordance with applicable law; and be it further

RESOLVED, that the President or his designee(s) be, and each of them hereby is, authorized in the name and on behalf of the Corporation to execute and deliver all documents and to take all such further actions as may be considered necessary or appropriate to effectuate the foregoing resolutions; and be it further

RESOLVED, that any and all acts performed by any officers of the Corporation prior to the date of these resolutions in furtherance of these resolutions, are hereby ratified, adopted, confirmed and approved in all respects.
