

A. IDENTIFICATION OF THE PROPOSED PROJECT

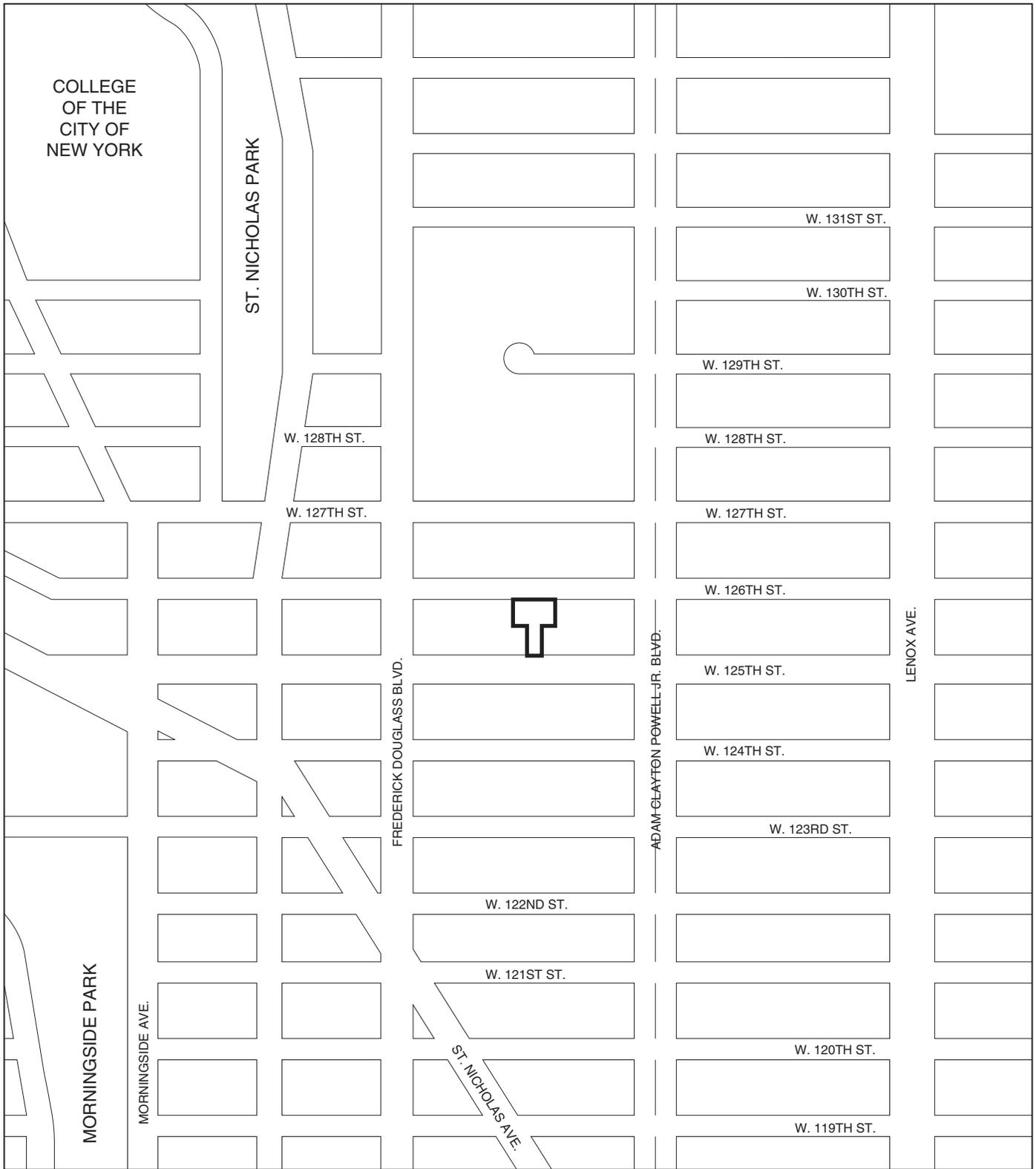
The proposed Victoria Theater Redevelopment Project (the “proposed project”) involves the redevelopment of the former Loews Victoria Theater with an approximately 360,000 gross square foot mixed-use cultural, residential, hotel and retail development. The project site is located at 237 West 125th Street in Harlem, on the north side of West 125th Street, midblock between Frederick Douglass Boulevard and Adam Clayton Powell, Jr. Boulevard (see **Figure 1-1**). The approximately 20,000 square foot project site (Manhattan Block 1931, Lot 17) is a through lot with approximately 50 feet of frontage along West 125th Street and 150 feet of frontage along West 126th Street (see **Figure 1-2**).

The project site is owned by the Harlem Community Development Corporation (HCDC), a subsidiary of the New York State Urban Development (UDC), a public benefit corporation of New York State doing business as Empire State Development (ESD). In 2007, Danforth Development Partners was conditionally designated by HCDC to develop and revitalize the Victoria Theater site. Danforth Development Partners intends to form with investor/development partners a single purpose entity that will be an affiliate of Danforth and whose sole purpose will be to undertake the development of the proposed project.

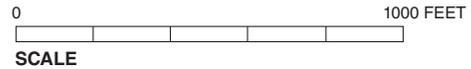
The proposed project would include a 26-story building (approximately 290 feet excluding rooftop mechanicals) with approximately 230 units of market rate and affordable housing, a hotel with approximately 210 rooms, approximately 27,000 square feet of commercial space for retail uses, and approximately 25,000 square feet of space for cultural uses. The proposed project is expected to be constructed and operational by 2014.

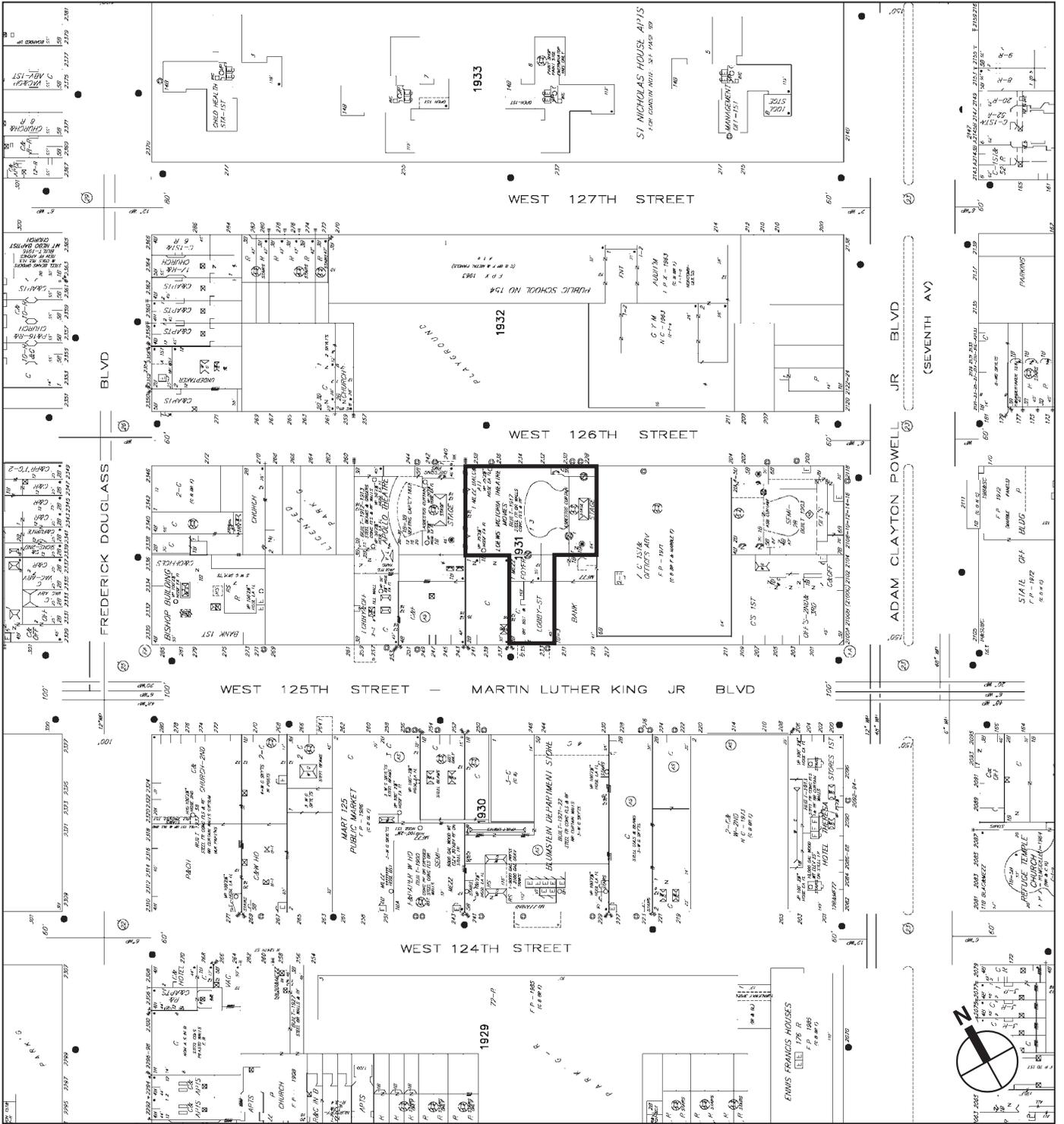
The existing building on the project site has undergone numerous alterations over the years, is in a deteriorated condition, and has been largely vacant for the past 15 years. The primary goal of the proposed project is to redevelop the project site in a manner that is beneficial to the local community and contributes to the ongoing revitalization of the area as an arts, entertainment, cultural, and commercial destination. The proposed project seeks to address the growing need for both market-rate and affordable housing and to meet the demand for hotel accommodations in Upper Manhattan. The proposed project also seeks to preserve and adaptively reuse, to the extent practicable, important historic elements of the Victoria Theatre in the building’s design. Therefore, to achieve the proposed project’s goals and objectives, the north portion of the existing theater would be demolished to allow for new construction, while the south portion would be restored and adaptively reused.

The proposed project is subject to environmental review under State Environmental Quality Review Act (SEQRA). ESD is the SEQRA lead agency for this proposal. The proposed project requires adoption and affirmation of a General Project Plan (GPP) by ESD and HCDC and other discretionary actions subject to SEQRA. The actions necessary to implement the proposed project are described in greater detail below in Section E, “Proposed Actions.”



— Project Site Boundary





Project Site



B. PROJECT PURPOSE AND NEED

The purpose of the proposed project includes a number of key objectives, including reactivation and revitalization of the project site, providing important cultural programming space for local organizations, the creation of new market-rate and affordable housing, the creation of a new hotel to help address the demand for accommodations in Upper Manhattan, and recognition of the Victoria Theater's rich history through the restoration, preservation and adaptive reuse of portions of the theater. More specifically, the proposed development program seeks to:

- Create an economically viable development that will complement the ongoing revitalization of the neighborhood, create jobs, contribute to the vitality of the streetscape and retail environment, reinforce 125th Street as a major mixed-use corridor, and enhance tourism;
- Redevelop an underutilized, vacant, and deteriorated site into a vibrant mixed-use building;
- Create new residential apartments to address the needs of the community, including affordable and market-rate housing;
- Provide hotel space to serve growing market demand;
- Preserve and/or adaptively reuse, to the extent practicable, important historic elements of the Victoria Theatre in the building's design; and
- Create a venue for cultural programming, event space, and support space for the project's four cultural partners. It is currently contemplated that the cultural partners will include the Classical Theatre of Harlem, the Harlem Arts Alliance, the Apollo Theater Foundation, and Jazzmobile. Each of these groups is described below.

CLASSICAL THEATRE OF HARLEM

The mission of the Classical Theater of Harlem, founded in 1999, is to maintain a professional theatre company dedicated to presenting the "classics" in Harlem; to create employment and educational outreach opportunities in the theatre arts community; to create and nurture a new, young, and culturally diverse audience for the "classics"; and to heighten the awareness of theater and great art in Harlem.

THE HARLEM ARTS ALLIANCE

The Harlem Arts Alliance is a not-for-profit arts service organization committed to nurturing the artistic growth and the development of artists and arts organizations based primarily in Harlem and its surrounding communities. Comprised of over 750 individual artists and arts organizations, HAA plays an essential role in building the resources, network, and capacity of its diverse membership. Counted among its members are young emerging artists as well as established and internationally recognized artists.

THE APOLLO THEATER FOUNDATION

The Apollo Theater, which adjoins the project site to the west, is considered a center of African-American culture and achievement. The Apollo Theater Foundation, a not-for-profit organization established in 1991, is dedicated to the preservation and development of the legendary Apollo Theater through world-class live performances and education programs that honor the influence and advance the contributions of African-American artists, while at the same time promoting emerging artists.

JAZZMOBILE

Jazzmobile is a not-for-profit art and culture organization founded almost 50 years ago whose mission is to “present, preserve, promote, and propagate jazz—America’s classical music.” Jazzmobile has numerous programs in service of its mission, including: free outdoor summer mobile concerts to bring great jazz to the public throughout the five boroughs of New York City and beyond; free jazz workshops for children from throughout New York City and the Tri-State area; free lectures/demonstrations focusing on the history and evolution of jazz for public elementary, junior high, and high schools; music festivals; and the Jazzmobile Vocal Competition.

C. DEVELOPMENT HISTORY

The Victoria Theater, designed by Thomas W. Lamb, was originally constructed as a vaudeville house in 1917. It was one of four contiguous vaudeville houses on West 125th Street—Harlem’s main business, shopping and cultural corridor. Together, the Victoria, along with the Apollo Theater, the Harlem Opera House, and the Alhambra Theater became known as Harlem’s “Opera Row.” Originally built with more than 2,000 seats, it continued in use as a film theater until 1977, when the building was put up for sale. The Harlem Urban Development Corporation (HUCD), the predecessor to HCDC, purchased the theater in the 1980s and its lessee converted the building into five film theaters. The theater was again renovated in the 1990s for use as live theater. The building has undergone numerous alterations over the years, is in a deteriorated condition, and the theater itself has been vacant since 1997.

There was a prior design proposed for the project site—in 2007 Danforth Development Partners was conditionally designated by HCDC as the preferred developer for the site. An Environmental Assessment Form (EAF) was prepared for the project and ESD, acting as the lead agency for SEQRA review, issued a Positive Declaration and Draft Scope of Work for the preparation of an EIS, and held a public scoping meeting. The program proposed at that time was similar to the current proposal—it included cultural space, a hotel, residential uses, retail, and below-grade parking totaling approximately 360,000 gross square feet. However, the previously proposed building was somewhat taller, with a 33-story tower approximately 330 feet in height. The current program for the proposed project, developed in response to the needs of the community, now contains a significantly larger affordable housing component than was part of the previous design. Therefore, the proposed project contains a larger housing component in terms of both units and affordable units. Also, whereas the earlier concept held open the option to construct affordable housing units off-site, the current proposal would build all units, market rate and affordable, on-site.

D. DESCRIPTION OF PROPOSED PROJECT

EXISTING CONDITIONS ON THE PROJECT SITE

The T-shaped project site includes two buildings totaling approximately 90,000 gross square feet: the South Building fronts onto West 125th Street and contains the original entrance and lobby of the theater; the North Building faces West 126th Street and contains the former auditorium and other accessory public spaces. The only active use on the project site is a nail salon that occupies one of two small retail spaces on West 125th Street; the other storefront and the remainder of the building are vacant.

As described in greater detail in Chapter 2, “Land Use, Zoning and Public Policy,” the project site is located within the Special 125th Street District Zoning area adopted by the New York City Council on April 30, 2008. The south portion of the lot fronting West 125th Street (approximately 5,000 square feet) lies within a C4-7 district, while the West 126th Street portion (approximately 15,000 square feet) lies within a C4-4A, contextual commercial zoning district.

PROPOSED DEVELOPMENT PROGRAM

The proposed project consists of a mixed-use development that would include residential apartments (half of which would be on-site affordable housing), a hotel, cultural uses, retail, and accessory parking. The proposed building would have 26 stories and a total height of approximately 290 feet (excluding rooftop mechanical space). (See **Figure 1-3**)

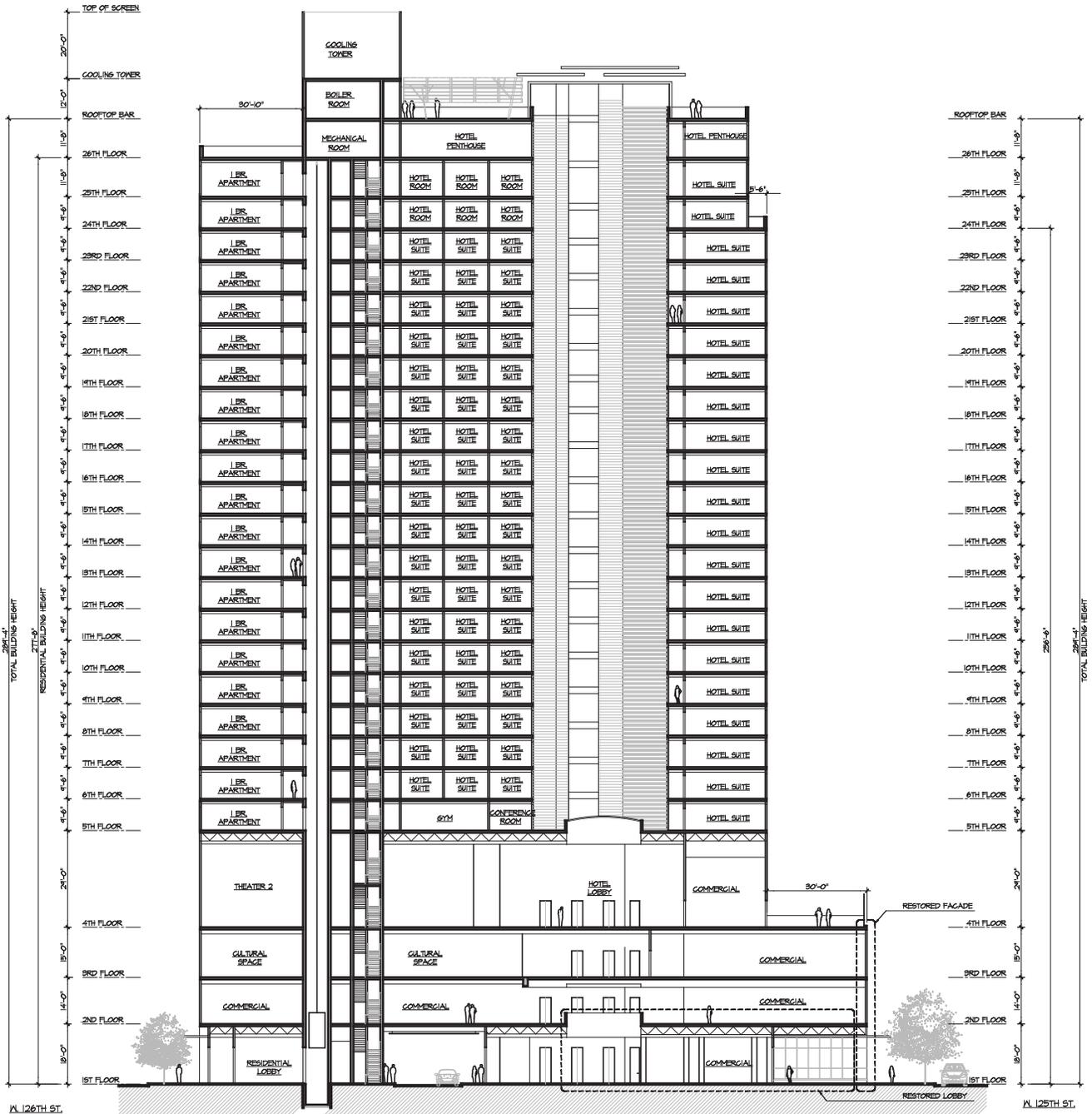
Along West 125th Street, the ground floor of the building is planned to include the main entrance for the hotel and cultural uses, which would incorporate restored historic elements from the former Victoria Theater and references to its place in Harlem’s cultural heritage. On either side of the entrance along West 125th Street, there would be retail space accessible from both the street and the ground floor lobby. The north side of the building, towards West 126th Street, will include a drive-through vehicular drop off area, the residential entrance, additional retail space, a loading dock, and an access point to the proposed below-grade parking garage (see **Figure 1-4**). Each of the proposed program components is described below and shown in **Table 1-1**.

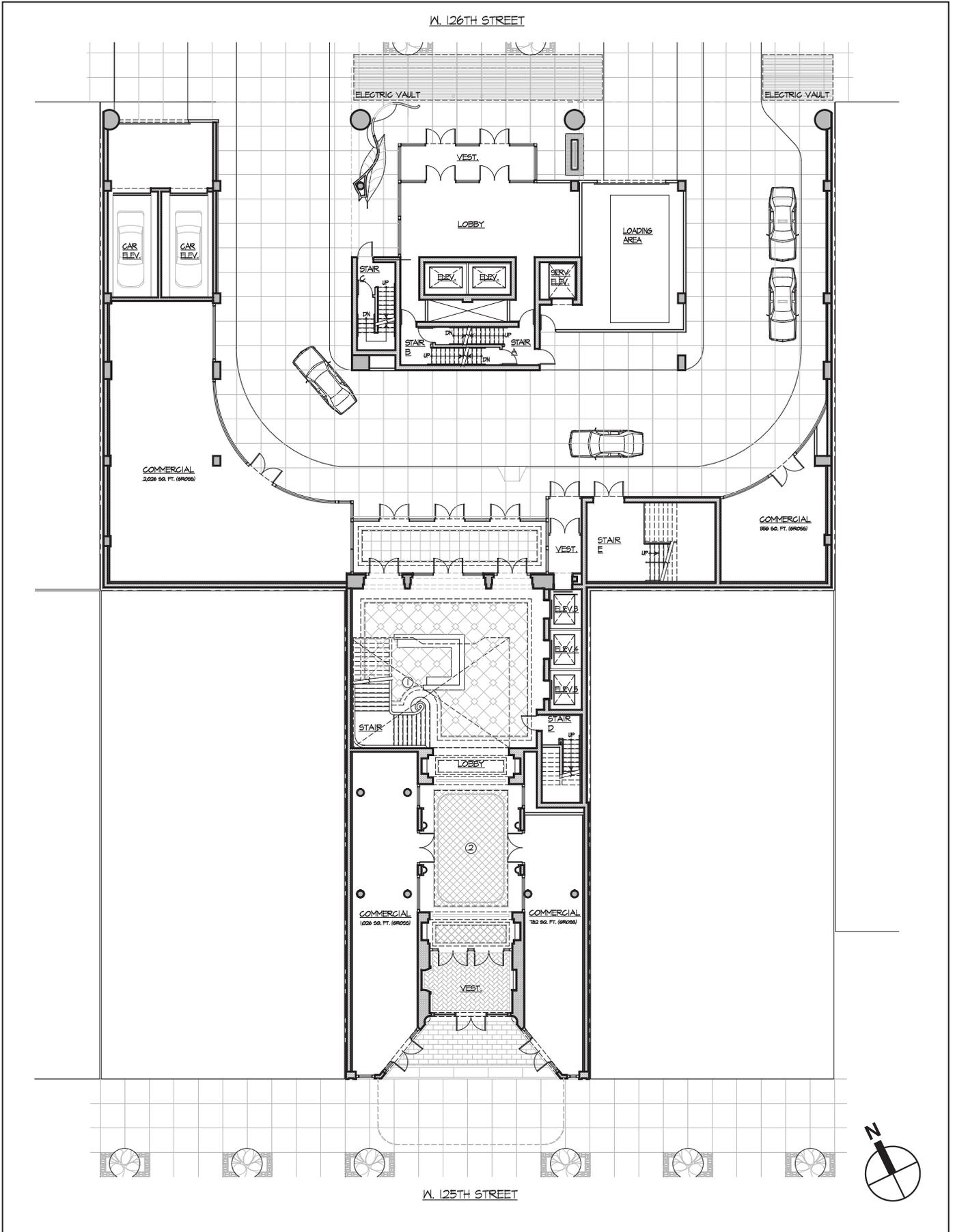
**Table 1-1
Program Components for Analysis***

Use	Size
Residential	up to 230 units
Hotel	up to 210 Rooms
Cultural Space	25,000 GSF
Retail	27,000 GSF
Below-Grade Accessory Parking	90 Spaces
<p>Notes: * Estimate of areas assumed for analysis purposes. Based on calculations prepared by the project architects, the proposed project would total approximately 360,000 GSF. GSF—Gross Square Feet Source: ASAP Architecture and Planning</p>	

SPACE FOR CULTURAL PARTNERS

The cultural programming is an integral part of the proposed project. The proposed project would have approximately 25,000 gross square feet of cultural arts space on its 3rd and 4th floors, including a 199-seat black box theater and a smaller 99-seat performing arts space. These flexible spaces would include movable seating and allow for a variety of presentations. Support spaces for the cultural programming would include dressing rooms, rehearsal space, scenery and costume shops, and gallery and exhibition space. Office space would also be provided for the project’s cultural partners.





RESIDENTIAL

The proposed residential uses would help meet the expected housing demand for Central Harlem and the city as a whole, and the density of the proposed project allows for a substantial number of affordable units to be included as part of the development program. The residential component of the proposed project, on the north side of the project site, would include approximately 230 apartments in approximately 165,000 gross square feet of space. Apartments would include a mix of studios and 1 and 2-bedroom units on the fifth through 26th floors in the north wing of the proposed building. Residential amenities are expected to include a community space, gym for residents, outdoor area, and laundry room.

HOTEL

This component of the proposed project would include approximately 210 rooms in a select-service hotel. Working in conjunction with the ground floor lobby, the fourth floor of the building would include a dedicated hotel lobby as well as other hotel-related uses such as a ballroom/event space and lounge/restaurant. Hotel rooms would be located on the fifth through 26th floors of the proposed building's south wing. The remainder of the hotel space is expected to include hotel support space, a conference area, business center, hotel gym, outdoor seating area, and rooftop bar.

Currently, Upper Manhattan is served by only one hotel, even though Harlem is the third most requested tourist destination in New York City. The proposed project's hotel would be designed to serve business travelers, tourists, and families, and would provide a convenient location for those attending events in the proposed cultural spaces, the adjacent Apollo Theater, and the surrounding neighborhood.

RETAIL

On either side of the entrance along West 125th Street, there would be retail space accessible from both the street and the ground floor lobby. There would also be ground-floor commercial space flanking the vehicular drop-off area. The second floor, as well as a portion of the third floor, would also be devoted to retail space. Taken together, the proposed project would include approximately 27,000 gross square feet of retail space.

PARKING

Below grade, in addition to mechanical and support space, the proposed project would include attended parking for approximately 90 cars, using vehicle stackers. Cars would enter the building at grade from West 126th Street and access the below-grade garage using elevators. Parking would be accessory to the uses on the project site and would be attended.

PROPOSED DESIGN AND RESTORATION

The project site contains the Victoria Theater, which has been determined eligible for listing on the State/National Register of Historic Places (S/NR). Therefore, to both fully ascertain conditions and understand design parameters, the applicant team retained historic preservation consultants to undertake an extensive evaluation of the North and South Buildings, documenting conditions both in terms of presence/absence and deterioration of original historic elements. These assessments have helped inform the planning and decision making process related to the proposed design. As discussed in greater detail in Appendix B, "Alternatives Analysis," the

Victoria Theater

building has been vacant since 1997 and is in a deteriorated condition, and meeting the project's community and economic development goals and objectives through retention of the entire structure is not feasible. The alternatives analysis concluded that it is feasible to retain and restore the South Building as a major preservation component of the proposed project, but not feasible to retain and reuse the North Building. Upon review of the proposed project and the alternatives analysis, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) determined that there are no prudent and feasible alternatives to having an adverse impact on the North Building (letter dated April 23, 2012—see Appendix A). As such, this approach has been selected as the proposed development program for the project site.

The proposed project would provide for the retention, restoration and reuse of significant elements and spaces of the Victoria Theater. Measures to mitigate the demolition of the North Building, identified in this EIS as a significant adverse impact, are being developed in consultation with OPRHP and will be documented in a Letter of Resolution. Mitigation measures are expected to include: the retention, restoration, and reuse of the South Building, specifically the restoration of the West 125th Street façade, and restoration or replication of the front entrance doors, vertical blade sign, horizontal marquee, lobby, and foyer and staircase (see **Figure 1-5**); the use of new lighting that is referential to the theater's original (1917) design; recreation of the theater's former ticket booth on West 125th Street to serve as a signage element; the possible salvage and reuse of the north canvas mural from the balcony level of the auditorium and possible salvage and reuse of the water fountain mosaics located in the North Building; potential salvage and reuse of other architectural elements in the North Building; and the installation of educational materials within the proposed project concerning the theater's history and its role as part of Harlem's "Opera Row."

Careful consideration has also been given to the design of the proposed new construction as it relates to the historic context of the south building as well as the surrounding area. The new building would set back a minimum of 30 feet from the façade of the South Building on West 125th Street, with an outdoor garden created on the roof of the South Building. The setback is designed to respect the historic South Building and create a visual and physical distinction between the historic 125th Street façade and the new building. The façade of the new building, set back from West 125th Street, would be clad in glass curtain wall, designed to be light and transparent and as such, not compete visually with the historic South Building's masonry façade (see **Figure 1-6**). In addition, an open atrium would be created along the west side of the new building, setting the bulk of the building away from the adjacent low rise buildings located to the west on West 125th Street, including the historic Apollo Theater.

Along West 126th Street (see **Figure 1-7**) a glazed curtain wall with pedestrian entrances would be located between the South Building and the vehicular drop off, allowing access into the restored foyer and ground floor lobby and the cultural event spaces and hotel in the new building. The presence of retail, pedestrian activation of the street, and visually transparent wall between the South Building and West 126th Street would enliven this portion of West 126th Street, which currently features the windowless brick façade of the North Building, the rear façade of the Apollo Theater immediately to the west, and the rear façade of a commercial building immediately to the east.

The design of the building, as it relates to entertainment and cultural programming, has been undertaken in coordination with the project's cultural partners to provide spaces that are appropriately sized and configured. Substantial outreach has been undertaken with



NOTE: FOR ILLUSTRATIVE PURPOSES ONLY



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representatives of Harlem's cultural groups to identify the uses and spaces that would meet their needs, and the proposed project has been designed to address their programming requirements.

E. PROPOSED ACTIONS

The proposed project is expected to require the following approvals:

- Disposition of the project site from HCDC to the developer. The disposition would initially be through a ground lease; when the project is complete and a temporary certificate of occupancy is issued the title would be transferred to the developer.
- ESD and HCDC adoption and affirmation of a General Project Plan, including the following overrides of certain aspects of the NYC Zoning Resolution (ZR):
 - Floor Area (ZR 97-42, ZR 97-421, ZR 97-422, ZR 23-145, ZR 34-112)
 - Floor Area Ratio (ZR 97-42; ZR 97-421, ZR 97-422, ZR 23-145, ZR 34-112)
 - Maximum Number of Units (ZR 23-22)
 - Maximum Building Height (ZR 35-24, ZR 94-442)
 - Maximum Base Height (ZR 35-24)
 - Minimum [C4-7] Base Height and Streetwall (ZR 94-442, ZR 97-443)
 - Initial Setback Above Base Height (35-24)
 - Clearance when lot line is adjacent to neighboring rear lot line (ZR 33-303)
 - Minimum Square feet per car in an attended parking facility (ZR25-62)
- Public Authorities Control Board (PACB) approval.
- New York City Industrial Development Agency (NYCIDA) bond funding for the hotel component.
- Possible approvals and/or funding for the proposed affordable housing component from the following:
 - New York City Department of Housing Preservation and Development
 - New York City Housing Development Corporation
 - New York State Housing and Community Renewal.

F. FRAMEWORK FOR ANALYSIS

If approved, the proposed project is expected to be completed and operational in 2014. The period of construction for the proposed project is expected to be less than two years. The following sections describe the approach to be taken in the environmental analyses of this EIS.

SCOPE OF ENVIRONMENTAL ANALYSIS

As set forth in the Positive Declaration, the lead agency has determined that the proposed project may result in one or more significant adverse environmental impacts and, thus, preparation of this EIS is required. This document uses the methodologies and guidelines set forth in the *New York City Environmental Quality Review (CEQR) Technical Manual*, as appropriate. These are considered to be the most appropriate technical analysis methods and guidelines for environmental impact assessment of projects in the city.

For each technical analysis in the EIS, the assessment includes a description of existing conditions, an assessment of conditions in the future without the proposed project for the year that the action

would be completed, and an assessment of conditions for the same year with the completion of the proposed project.

As noted in the Final Scope of Work prepared for the proposed project, based on the guidance, methodologies and thresholds of the *CEQR Technical Manual*, a number of environmental areas do not require detailed analysis in the EIS. For each of these areas a brief screening analysis is presented in this EIS.

ANALYSIS YEAR

An EIS analyzes the effects of a proposed project on its environmental setting. Since typically a proposed project, if approved, would take place in the future, the action's environmental setting is not the current environment but the environment as it would exist at project completion, in the future. Therefore, future conditions must be projected. This prediction is made for a particular year, generally known as the "analysis year" or the "build year," which is the year when the proposed project would be substantially operational. Since the proposed project is expected to be completed and operational in 2014, that year is considered in this EIS. Conditions in the future without the proposed project have been evaluated against conditions in the future with the proposed project for the 2014 analysis year.

DEFINITION OF STUDY AREAS

Study areas relevant for each analysis category are defined. These are the geographic areas most likely to be potentially affected by the proposed project for a given category. Appropriate study areas differ depending on the type of analysis, but generally follow the guidance of the *CEQR Technical Manual*. The specific methods and study areas are discussed in the individual technical analysis chapters.

DEFINING BASELINE CONDITIONS

EXISTING CONDITIONS

This EIS provides a description of "existing conditions" and assessments of future conditions without the proposed project ("future without the proposed project") and with the proposed project ("probable impacts of the proposed project"). The assessment of existing conditions establishes a baseline—not against which the proposed project is measured, but from which future conditions can be projected. The prediction of future conditions begins with an assessment of existing conditions because these can be measured and observed.

THE FUTURE WITHOUT THE PROPOSED PROJECT

The future without the proposed project provides a baseline condition that is evaluated and compared with the incremental changes due to the proposed project for the 2014 analysis year.

The future without the proposed project condition uses existing conditions as a baseline and adds to it changes that are known or expected to be in place in the future. For many technical areas, the future without the proposed project condition incorporates known development projects that are likely to be built by the analysis year. This includes development currently under construction or that can be reasonably anticipated due to the current level of planning and public approvals. For some technical areas, the future without the proposed project may include a background growth factor to account for a general increase in activity in addition to known projects, as appropriate.

The future without the proposed project in all technical chapters will assume that none of the discretionary approvals proposed as part of the proposed project are adopted. For the project site itself, this EIS assumes that the conditions currently present on the project site would remain.

G. ENVIRONMENTAL REVIEW PROCESS

All state, county, and local government agencies in New York must comply with SEQRA. This EIS has been prepared using the guidelines set forth in the *CEQR Technical Manual*, where applicable. These are considered to be the most appropriate methodologies and guidelines for environmental impact assessment in New York City. The environmental review process allows decision-makers to systematically consider environmental effects of the proposed project, to evaluate reasonable alternatives, and to identify measures to mitigate significant adverse environmental effects. The process also facilitates public involvement in the process by providing the opportunity for public comment on the draft EIS. The environmental review process is outlined below.

PROCESS OVERVIEW

ESTABLISHING A LEAD AGENCY

Under SEQRA, the “lead agency” is the public entity responsible for conducting the environmental review. Usually, the lead agency is also the entity primarily responsible for carrying out, funding, or approving the proposed project. ESD is serving as lead agency for the environmental review of the proposed project. Other agencies with discretionary authority over portions of the proposed project are considered “involved” agencies under SEQRA.

DETERMINATION OF SIGNIFICANCE

The lead agency’s first charge is to determine whether the proposed project might have a significant adverse impact on the environment. To make this determination, ESD prepared an EAF. Based on the information contained in the EAF, ESD determined that the proposed project could have the potential to result in significant adverse environmental impacts and issued a Positive Declaration on November 10, 2008.

SCOPING

“Scoping,” or creating the scope of work, focuses the environmental impact analyses on the key issues to be studied. In addition to the Positive Declaration, ESD issued a draft Scope of Work for the EIS in 2008. This was made available to the general public, public agencies, and other interested groups. A public scoping meeting was held on December 15, 2008, at the Adam Clayton Powell Jr. State Office Building. Written comments were accepted through December 29, 2008, and a final Scope of Work, reflecting comments made during scoping, was issued on June 18, 2012.

DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)

Upon its determination that the DEIS document has fully analyzed the environmental effects of the proposed project, ESD certifies the DEIS as being complete by issuing a Notice of Completion. Once certified as complete, the DEIS is circulated for public review.

PUBLIC REVIEW

Publication of the DEIS and issuance of the Notice of Completion signal the beginning of the public review period. During this time, which must extend for a minimum of 30 days, the public may review and comment on the DEIS, either in writing or at a public hearing convened for the purpose of receiving such comments. It is anticipated that the SEQRA public hearing will be coordinated with the public hearing required for the GPP. All substantive comments received on the DEIS, at the hearing or during the comment period, become part of the SEQRA record and will be summarized and responded to in the Final Environmental Impact Statement (FEIS).

FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS)

Once the public comment period for the DEIS closes, ESD will prepare the FEIS. This document will include a summary of, and response to, each substantive comment made about the DEIS. Once ESD determines that the FEIS is complete, it will issue a Notice of Completion and circulate the FEIS.

STATEMENT OF FINDINGS

The lead agency and each involved agency must adopt a formal set of written findings based on the FEIS. In accordance with 6 NYCRR Part 617.11(d), the SEQRA Findings Statement issued in connection with a project approval must (i) consider the relevant environmental impacts, facts, and conclusions disclosed in the FEIS; (ii) weigh and balance relevant environmental impacts with relevant social, economic, and other considerations; (iii) provide the rationale for the agency's decision; (iv) certify that the requirements of 6 NYCRR Part 617 have been met; and (v) certify that, consistent with social, economic, and other essential considerations, and considering the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures identified as practicable. Each involved agency must make its own SEQRA findings prior to undertaking, approving, or funding the project.

COORDINATION WITH OTHER REVIEW PROCESSES

The SEQRA environmental process is intended to provide decision-makers with an understanding of the environmental consequences of actions undertaken by an agency. Often, the environmental review process is integrated and coordinated with other decision-making processes utilized by government agencies. Another key public process required to implement the proposed project is the review and approval of the GPP, described below.

GENERAL PROJECT PLAN (GPP)

The proposed project will require the approval of a GPP by ESD. The approval process for the GPP is set forth in the New York State Urban Development Corporation Act, Chapter 174 of the Laws of 1968 (the "UDC Act"). The procedure under the UDC Act is generally as follows: ESD initially adopts a GPP and makes it available for public review and comment, including a public hearing. After the hearing, the ESD Board may affirm, reject, or modify the GPP. ESD must make its SEQRA findings before it can take its final action regarding the GPP. *