

Attachment 3: Victoria Theater Redevelopment Project

STATE ENVIRONMENTAL QUALITY REVIEW

FINDINGS STATEMENT

Pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act [SEQRA]) and 6 NYCRR Part 617, the New York State Urban Development Corporation (UDC) d/b/a Empire State Development (ESD), as lead agency under SEQRA, makes the following findings.

Name of Action: Victoria Theater Redevelopment Project

Project Location: The project site is located at 233-237 West 125th Street in Harlem, on the north side of West 125th Street, midblock between Frederick Douglass Boulevard and Adam Clayton Powell, Jr. Boulevard. 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. The project site is improved by a three-story, approximately 40,000 square foot theater (the former Lowes Victoria Theater).

Summary of

Action: The proposed project involves the redevelopment of the former Loews Victoria Theater with an approximately 385,000 gross square foot mixed-use cultural, residential, hotel and retail development. The proposed project includes a 27-story building (approximately 300 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, approximately 25,000 square feet of space for cultural uses and below grade parking for approximately 90 vehicles. Along West 125th Street, the ground floor of the building will incorporate restored historic elements from the former Victoria Theater and references to its place in Harlem's cultural heritage.

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SEQRA

Classification: Type I

DESCRIPTION OF LEAD AGENCY ACTIONS

To facilitate development of the proposed project, the New York State Urban Development Corporation (UDC), doing business as Empire State Development (ESD), the lead agency for the proposed project, would undertake several actions. In summary, ESD actions would include the following in accordance with all applicable requirements of law:

- Disposition of the project site from Harlem Community Development Corporation (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, with the exception of the cultural component of project, to which HCDC will retain title.
- Adoption and affirmation of a General Project Plan, including overrides of certain aspects of the New York City Zoning Resolution (ZR), including:
 - 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)
- An ESD Metropolitan Economic Revitalization Fund Loan of up to \$5,000,000.

Additionally, among the reviews, permits and/or approvals required to facilitate the proposed project are the following:

- 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.

ESD conducted a coordinated review pursuant to SEQRA. ESD issued a Positive Declaration and a draft Scope of Work for the EIS on November 10, 2008. This draft scope was widely distributed to concerned citizens, 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.

A draft environmental impact statement (DEIS) was accepted by ESD on July 18, 2012, and a Notice of Completion issued. The DEIS was properly filed with all involved and interested agencies and made available for public review. A public hearing for the receipt of public comments on the DEIS and the project's General Project Plan was held on December 10, 2012. The public comment period was held open until January 10, 2013.

A total of 21 speakers presented oral comments at the public hearing and a total of 12 written comments were received by ESD by the close of the public comment period (some of which were submitted by those who made oral comments at the hearing). A final environment impact statement (FEIS) was accepted by ESD on April 26, 2013, and a Notice of Completion was issued. The FEIS includes a chapter addressing all comments received at the public hearing and submitted in writing (see Chapter 26). The FEIS was properly filed with all involved and interested agencies and made available for public review.

FACTS AND CONCLUSIONS IN THE FEIS RELIED UPON TO SUPPORT THE DECISION

PROJECT DESCRIPTION

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 27 stories and a total height of approximately 300 feet (excluding rooftop mechanical space). Along West 125th Street, the ground floor of the building would 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, would include the residential entrance, additional retail, gallery space, a loading dock, and an access point to the proposed below-grade parking garage. Each of the proposed program components is described below.

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, 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 storage space. Office and gallery 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, with a mix of studios and 1 and 2-bedroom units. 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 fifth floor of the building would include a dedicated hotel lobby as well as other hotel-related uses such as an approximately 5,000 square foot ballroom/event space and a lounge/restaurant. Hotel rooms would be in the proposed building’s south wing, with the remainder of the hotel space expected to include hotel support space, a conference area, business center, hotel gym, outdoor seating area, and rooftop bar.

RETAIL

On 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 along West 126th Street and accessible through the shared ground floor lobby. On both the north and south portions of the project site, the second floor would be devoted to retail space. Most of the proposed retail is intended to support other uses in the building, by serving hotel guests and visitors to the cultural programs, as well as those living and working in the building. 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 accessory 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.

PURPOSE, NEED AND BENEFITS

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, creation of new market-rate and affordable housing, 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 Theater in the building’s design; and
- Create a venue for cultural programming, event space, and support space for the project’s four cultural partners and other local arts and culture entities. 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.

PROBABLE IMPACTS OF THE PROPOSED ACTION

The FEIS identified environmental effects of the proposed actions, as described below.

LAND USE, ZONING, AND PUBLIC POLICY

The proposed project would not have any significant adverse impacts on land use, zoning, or public policy. The proposed project would add new, active uses to a site that has been underutilized and largely vacant for several years. These uses would be compatible with goals of the 2007 rezoning of the 125th Street corridor and the mix of uses in the surrounding neighborhood. While the proposed project would not conform to existing zoning, the proposed zoning overrides are necessary to achieve key goals of the project, including the provision of 50 percent affordable housing, the creation of new market-rate housing, and the retention of important elements of the historic Victoria Theater. The proposed project would rehabilitate a building that would again become an important part of Harlem’s center of arts and culture and would add to the ongoing redevelopment of the area. The proposed project would be consistent with and in support of policies and initiatives intended to spur investment in the area, create housing, and create new opportunities for employment. It would also be consistent with the City’s goals and strategies for sustainability as set forth in *PlaNYC 2030*.

OPEN SPACE

The proposed project would not remove or alter any existing publicly accessible open spaces, nor would it result in any significant adverse shadow, noise, or air quality impacts on any open spaces. Therefore, it would not have any significant adverse direct open space impacts.

The proposed project would also not result in a significant adverse indirect impact on open space by increasing the population using local open space resources. For the residential

population, the total open space to resident ratio within the ½ mile study area, as well as both active and passive open space ratios, would decrease by less than one percent. The open space ratios for both the future without and with the proposed project would continue to fall short of the City's recommended open space ratio guidelines, but the effects of the project would not be considered a substantial change. It is recognized that the City guidelines are not feasible for many areas of the city, and they are not considered impact thresholds.

In addition, some open space needs of the study area population would be met by open spaces located within ½-mile of the project site but not included in the FEIS quantitative analysis, including Morningside Park, St. Nicholas Park, and Marcus Garvey Memorial Park. While these three parks are located within the ½-mile of the project site, they were not considered in the quantitative analysis because at least 50 percent of their census tract areas do not fall within the study area. Nonetheless, these major parks provide both passive and active open space recreational amenities for residents in the study area. Although open space ratios would continue to fall below city guidelines and would decrease slightly with the proposed project, the proposed project would not result in a significant adverse indirect impact on open spaces in the study area.

The proposed development would also provide new open space for use by the proposed project's residents and users. As currently planned, the proposed project would include separate open spaces and gym facilities for residents and hotel visitors. Thus, the proposed project is expected to include active and passive private open space and recreation amenities for use by building occupants, helping to meet project-generated demand for open space.

HISTORIC RESOURCES

The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) has reviewed the archaeological sensitivity of the project site. In a letter dated February 13, 2012, OPRHP indicated that they have no concerns regarding potential impacts on archaeological resources. Therefore, the proposed project would have no adverse impact on such resources.

OPRHP has determined that the Victoria Theater is eligible for listing on the State and National Registers of Historic Places. The Victoria Theater comprises two buildings. The South Building fronts onto West 125th Street and contains the original entrance and lobby of the theater. The North Building is located on West 126th Street and contains the former auditorium and other accessory public spaces. The proposed project would retain, restore, and reuse the South Building of the Victoria Theater as part of the proposed project and demolish the North Building to construct a new building with cultural, commercial, residential and hotel uses. Demolition of the North Building would constitute an adverse impact on historic resources as defined under Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law, requiring that mitigation measures be developed. An Alternatives Analysis was provided to OPRHP on February 17, 2012, along with reports that were prepared documenting the conditions of the North and South Buildings. Based upon the review of these materials, OPRHP concurred in a letter dated April 23, 2012 that there are no prudent or feasible alternatives to having an adverse impact on the Victoria Theater. The proposed project would also have a significant adverse impact on this historic resources as defined under SEQRA.

Mitigation measures are set forth in a Letter of Resolution (LOR) that has been executed among the developer, HCDC, ESD, and OPRHP, pursuant to Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law. Mitigation measures that have been identified through the Section 14.09 process 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; 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; 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; 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.”

To avoid potential inadvertent construction-related impacts on the South Building and Apollo Theater during project demolition and construction activities, a Construction Protection Plan (CPP) would be prepared by the project sponsors. The CPP would describe the measures to be implemented during project demolition, excavation, and construction activities to protect the South Building and neighboring Apollo Theater and would be developed in consultation with OPRHP and implemented by a professional engineer.

The proposed project would not have any contextual effects to study area architectural resources that would result in significant adverse impacts on those resources. The project would not adversely affect the context or setting of architectural resources or alter the qualities for which they have been determined significant. The project would also not obstruct views to architectural resources or introduce significant new shadows on architectural resources that have sunlight-dependent features.

URBAN DESIGN

The proposed project would not result in any changes to natural features, open spaces, or streets in the study area. It would maintain the streetwalls of West 125th and 126th Streets, and the footprint and lot coverage of the project site building would not change. The proposed development would be considerably larger—in terms of both bulk and height—than what currently exists on the site and what is permitted by zoning, but would be consistent with City goals to encourage new mixed-use development, to expand cultural uses, and to develop housing (including affordable housing) along the 125th Street corridor.

The new building on the North Building site would set back a minimum of 30 feet from the façade of the South Building on West 125th Street. The proposed setback is designed to respect and reflect the height of the historic South Building. The façade of the new building would be clad in glass curtain wall, designed to be light and transparent and as such, not compete visually with the South Building’s historic masonry façade. An open atrium would be created along the west side of the building, setting the bulk of the structure away from the adjacent low-rise buildings located to the west on West 125th and 126th Streets, including the historic Apollo Theater.

The views along significant corridors are expected to remain substantially the same, although views toward the project site would now include a new, tall building. From within the study

area—as well as from more distant viewpoints—the proposed new building would join the Hotel Theresa, St. Nicholas Towers, and Adam Clayton Powell Jr. State Office Building as prominent features of the study area’s skyline, above the surrounding lower-scale development. The proposed project would not obstruct any views to important visual resources, or eliminate any existing view corridors.

The proposed project would improve the pedestrian experience of the study area, be in keeping with the developing mixed-use character of the study area, and would support the needs of the community, including a hotel for the underserved Upper Manhattan market, affordable housing, and multi-purpose performing arts space. Overall, this analysis concludes that the proposed project would not have any significant adverse impacts related to urban design and visual resources.

SHADOWS

The proposed building would cast new shadows on certain landscaped areas, walkways and benches located around and between the buildings of the St. Nicholas Houses superblock for about two hours at the end of the March 21/September 21 analysis day and for most of the December 21 analysis day. These new shadows would not result in significant adverse impacts. In addition, incremental shadows from the proposed project would fall on a portion of the Adam Clayton Powell Jr. Malls at the end of the spring, summer and fall analysis days but would not result in significant adverse impacts on these resources. Similarly, there would be some incremental shadow falling on the southern façade of the Memorial Baptist Church at the end of the March 21/September 21 analysis day, but the limited extent and short duration of incremental shadow would not result in a significant adverse shadow impact.

Although it is not considered a publicly accessible open space according to the methodology of the *CEQR Technical Manual*, the schoolyard of Public School (P.S.) 154 (Harriet Tubman School), which is located on West 126th Street across from the site of the proposed project, was also considered in the FEIS shadows analysis. The proposed building would cast shadows on the P.S. 154 schoolyard for approximately four hours in the winter and early summer and up to six hours and ten minutes in the spring and fall. However, shadows would move across the schoolyard and at no time would it be fully covered by new incremental shadow. In addition, the schoolyard is not available for use by the general public and the times that the schoolyard is in active use are limited. Therefore, the proposed project would not result in a substantial reduction in the usability of this open space as a result of increased shadow and there would not be a significant adverse impact.

Therefore, overall, the proposed project would not result in significant adverse shadow impacts.

SOCIOECONOMIC CONDITIONS

The proposed project would not result in direct displacement of a residential population; would not result in direct displacement of more than 100 employees or an unusually important or unique business; would not introduce substantial new development that would result in indirect displacement; and would not affect conditions within a specific. Therefore, the proposed project would not have a significant adverse impact on socioeconomic conditions.

HAZARDOUS MATERIALS

A Phase I Environmental Site Assessment (ESA) conducted for the project site identified potential sources of contamination, including: historical and/or existing petroleum storage tanks on the project site; historical and/or current uses in the surrounding area (including a contractor's yard and a commercial-manufacturing building west-adjacent to the project site, and a dry cleaner and an undertaker on the north-adjacent block); and hazardous waste generators (including dry cleaners) and petroleum storage facilities.

To further evaluate the potential for human or environmental exposure to known or unexpectedly encountered contamination during and following the proposed project, a Subsurface (Phase II) Investigation including the collection of soil and groundwater samples for laboratory analysis would be performed prior to soil disturbance. Based on the results of the Phase II investigation, the developer may be required to prepare a project-specific Remedial Action Plan (RAP) and would be required to prepare a Construction Health and Safety Plan (CHASP) to be implemented during construction of the proposed project. The plans would set out appropriate procedures to be followed to safely address any identified contamination, historical fill materials, etc. and would provide measures to protect both the workers and the community. All excavated soil would be handled and disposed of in accordance with applicable regulatory requirements and measures to control dust during excavation would be implemented to protect both the workers and the community. Should contaminated soil and/or petroleum tanks be encountered, applicable regulatory requirements (e.g., those relating to spill reporting and tank registration) would be followed to address removal of the tanks and any associated soil or groundwater contamination.

Lead-based paint, asbestos-containing materials (ACM), and polychlorinated biphenyl (PCB) containing electrical equipment and fluorescent lighting fixtures, may be present at the project site. Regulatory requirements pertaining to these hazardous materials would be followed. With the measures described above, the proposed project would not result in any significant adverse impacts related to hazardous materials.

WATER AND SEWER INFRASTRUCTURE

The proposed project would not have an exceptionally large demand for water and does not meet any of the *CEQR Technical Manual* criteria for analysis. Therefore an analysis of water supply was not warranted. The proposed project would not have a significant adverse impact on water supply. Similarly, the proposed project does not meet the thresholds for an analysis of wastewater and stormwater conveyance and treatment, and the proposed project would not result in significant adverse impacts related to water or sewer infrastructure.

SOLID WASTE

The proposed project would be expected to produce approximately 23,145 pounds or 11.57 tons of waste per week. In accordance with the guidance of the *CEQR Technical Manual*, a detailed assessment of solid waste and sanitation services was not warranted and no significant adverse impacts on solid waste or sanitation services are expected with the proposed project.

ENERGY

It is expected that the proposed project, when operational, would consume approximately 67,228 million British Thermal Units (BTUs) per year. This would not be considered a significant demand for energy and the project site would be served by available energy suppliers. The proposed project would comply with the New York State Energy Conservation Code and would not affect the transmission or generation of energy. Therefore, the proposed project would not result in significant adverse impacts to the consumption or supply of energy.

TRANSPORTATION

The proposed project would not result in any significant adverse pedestrian, transit, or parking impacts. However, project-generated vehicle trips are expected to result in significant adverse traffic impacts at the following five approaches/lane groups:

- The westbound approach at the signalized intersection of West 126th Street and Eighth Avenue during the Saturday peak hour.
- The westbound approach at the signalized intersection of West 126th Street and Seventh Avenue during the Saturday peak hour.
- The westbound approach at the signalized intersection of West 125th Street and Eighth Avenue during the AM, PM, and Saturday peak hours.
- The eastbound approach at the signalized intersection of West 125th Street and Seventh Avenue during the midday, PM and Saturday peak hours.
- The westbound approach at the signalized intersection of West 125th Street and Seventh Avenue during the Saturday peak hour.

These impacts can be mitigated with minor adjustments to existing signal timings, as discussed below under “mitigation.”

AIR QUALITY

The proposed project would not significantly alter traffic conditions such that air quality would be affected, based on comparison to the *CEQR Technical Manual* screening threshold; therefore, the proposed project would not cause significant adverse impacts from mobile source emissions.

Based on the stationary source analyses conducted for the FEIS, there would be no potential significant adverse stationary source air quality impacts from emissions of nitrogen dioxide, sulfur dioxide, and particulate matter from the proposed fossil fuel-fired HVAC systems of the proposed project.

Therefore, the proposed project would not have significant adverse air quality impacts.

GREENHOUSE GAS EMISSIONS

The energy use and vehicle use associated with the proposed project would result in approximately 5,860 metric tons of carbon dioxide equivalent (CO₂e) emissions per year. Of that amount, 3,055 metric tons of CO₂e per year would result from building operational energy use, and the rest from mobile sources.

The proximity of the project site to public transportation and the energy-efficient design of the building are all factors that would contribute to the energy efficiency of the proposed development. The proposed project would result in new mixed-use development and reuse of an existing building in a developed area with excellent access to public transit. As such, the proposed project is consistent with sustainable land-use planning and smart-growth strategies that aim to reduce the carbon footprint of new development. Furthermore, the proposed project would be designed to meet the standards for the United States Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) Silver certification. As such, specific measures would be incorporated into the design and construction of the proposed project that would decrease potential GHG emissions. Based on these project components and efficiency measures, the proposed project would be consistent with New York City's GHG reduction goal.

NOISE

A detailed mobile source noise analysis was not warranted because the proposed project would not generate sufficient traffic to have the potential to cause a significant adverse noise impact. The building attenuation analysis concludes that in order to meet CEQR interior noise level requirements, up to 35 dBA of building attenuation would be required for the proposed project. Because the proposed project would be designed to satisfy these specifications, there would be no significant adverse noise impact with respect to building attenuation. The proposed project would not result in any significant adverse noise impacts.

NEIGHBORHOOD CHARACTER

The proposed project would have potential significant adverse impacts in two of the technical areas contributing to neighborhood character: historic and cultural resources (which would be partially mitigated), and transportation (which would be fully mitigated). Through the creation of a new building that complements existing area land uses, and the revitalization and restoration of the South Building on the project site, the proposed project would be consistent with the key components of the area's character and would, overall, result in beneficial effects on neighborhood character. The proposed project would provide important space for local cultural organizations, create much-needed affordable and market-rate housing, generate new sources of employment and economic activity, and create a new hotel for an underserved market. The proposed project would preserve and celebrate the heritage of the Victoria Theater and its role in the history of 125th Street, and contribute to the ongoing revitalization of 125th Street as a premier art, culture and entertainment district. Overall, the proposed project would not have the potential to adversely affect the defining features of the neighborhood's character, either through a significant adverse impact in a specific technical area or through a combination of moderate effects. Therefore, the proposed project would not result in a significant adverse impact on neighborhood character.

CONSTRUCTION IMPACTS

The proposed project would not result in significant adverse impacts during construction. The overall construction duration of the proposed project would be short-term (less than two years) and would include construction of a single building. According to the *CEQR Technical Manual*, where the duration of construction is expected to be short-term, any impacts resulting from construction generally do not require detailed assessment. The proposed project would not result in significant adverse impacts on transportation, noise, air quality, hazardous materials, or other relevant technical areas. Therefore, no significant adverse impacts are expected to occur as a result of construction.

As discussed above, a CPP would be prepared to avoid potential inadvertent construction-related impacts on the South Building and Apollo Theater during project demolition and construction activities.

MITIGATION AND UNAVOIDABLE ADVERSE IMPACTS

The FEIS identifies mitigation measures, where practicable and feasible, for the significant adverse impacts described in the FEIS.

HISTORIC RESOURCES

The proposed project involves discretionary actions by the State of New York, and thus is subject to review under Section 14.09 of the New York State Parks, Recreation, and Historic Preservation Law. Under this law, it is the responsibility of state agencies to avoid or mitigate adverse impacts of their actions to properties listed or determined eligible for listing on the State and National Registers of Historic Places (S/NR). Every State agency with regulatory authority over the project is required to fully explore all feasible and prudent alternatives and give due consideration to feasible and prudent plans which avoid or mitigate adverse impacts on such property.

While a significant adverse impact cannot be entirely avoided considering the goals and objectives of the proposed project, certain mitigation measures would be implemented to address project impacts, as described below.

Summary of Proposed Mitigation Measures

Mitigation measures are set forth in a Letter of Resolution (LOR) that has been executed among the developer, HCDC, ESD, and OPRHP, pursuant to Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law. As described in the LOR, mitigation measures include the following:

- The South Building would be retained with its 125th Street façade and certain first floor spaces restored to their 1917 appearance. Specifically, elements to be restored or replicated include the front entrance doors, vertical blade sign, horizontal marquee, lobby, and foyer and staircase. In addition, the theater's former ticket booth on West 125th Street would be recreated to serve as a signage element. New lighting would also be designed to be referential to the theater's original (1917) design.

- The project architect and historic preservation consultants, in consultation with HCDC and ESD, would identify selected historic ornamental features in the North Building that are able to be salvaged and would consult with OPRHP as to how they would be reused in the proposed project. At a minimum, the north canvas mural from the balcony level of the auditorium and the water fountain mosaics located in the stair foyers of the North Building would be considered for salvage and reuse, contingent upon the feasibility of salvage and removal. Other architectural elements in the North Building would be identified that can be salvaged and reused or that can be referenced and used to inform and influence the design of new spaces in the North Building.
- Within the proposed project, educational materials would be installed concerning the historic Victoria Theater and in its larger context as part of Harlem’s Opera Row. Development of these materials, which may include text, photographs, interactive exhibits and salvaged architectural elements, would be undertaken in consultation with OPRHP.
- A Construction Protection Plan (CPP) would be developed that would address how the South Building and the Apollo Theater would be protected during project demolition and construction. The CPP would meet the requirements specified in the New York City Department of Buildings (NYCDOB) Technical Policy and Procedure Notice #10/88 and will be implemented by a licensed professional engineer. The CPP would be submitted to OPRHP for review and approval prior to implementation.

With the implementation of these measures, the proposed project would minimize significant adverse impacts on historic resources to the extent feasible.

TRAFFIC

For vehicular traffic, five approaches/lane groups are predicted to experience significant adverse traffic impacts from the proposed project. The table below summarizes the proposed mitigation measures, which would involve only changes to signal timing and would not require any physical improvements to the roadway network such as restriping or the removal of parking. With these mitigation measures in place, there would be no significant traffic impacts as a result of the proposed project.

Recommended Traffic Mitigation Measures

Intersection	AM Peak Hour		Midday Peak Hour		PM Peak Hour		Saturday Peak Hour	
	Existing Timing	Proposed Timing						
West 126th Street and Eighth Avenue	No Changes		No Changes		No Changes		NB/SB:5 8/3/2 WB: 22/3/2	NB/SB:5 4/3/2 WB: 26/3/2
West 126th Street and Seventh Avenue	No Changes		No Changes		No Changes		NB/SB:4 9/3/2 WB: 31/3/2	NB/SB:4 8/3/2 WB: 32/3/2
West 125th Street and Eighth Avenue	NB/SB:4 0/3/2 Ped (LPI): 7 EB/WB:3 3/3/2	NB/SB:3 9/3/2 Ped (LPI): 7 EB/WB:3 4/3/2	No Changes		NB/SB:4 0/3/2 Ped (LPI): 7 EB/WB: 33/3/2	NB/SB:3 8/3/2 Ped (LPI): 7 EB/WB: 35/3/2	NB/SB:3 1/3/2 Ped (LPI): 7 EB/WB: 42/3/2	NB/SB:2 9/3/2 Ped (LPI): 7 EB/WB:4 4/3/2
West 125th Street and Seventh Avenue	No Changes		NB/SB:3 6/3/2 Ped (LPI): 7 EB/WB: 37/3/2	NB/SB:3 3/3/2 Ped (LPI): 7 EB/WB: 40/3/2	NB/SB:3 6/3/2 Ped (LPI): 7 EB/WB: 37/3/2	NB/SB:3 4/3/2 Ped (LPI): 7 EB/WB: 39/3/2	NB/SB:3 6/3/2 Ped (LPI): 7 EB/WB:3 7/3/2	NB/SB:3 4/3/2 Ped (LPI): 7 EB/WB: 39/3/2
Notes: Signal timings = green/amber/red listed in seconds NB = northbound, SB = southbound, EB = eastbound, WB = westbound LPI = leading pedestrian interval								

ALTERNATIVES

The FEIS identifies and evaluates two alternatives to the proposed action: a No Action Alternative, which assumes none of the proposed discretionary actions would occur, and the project site would continue to remain primarily unoccupied; and a No Unmitigated Significant Adverse Impact Alternative, which considers two scenarios that would avoid the proposed project’s significant adverse impact on historic resources. The conclusion of the alternatives analysis is that, while either of the alternatives may reduce or eliminate the significant adverse impacts on historic and cultural resources, neither of the alternatives considered could achieve the goals and objectives of the project sponsor.

Under the No Action alternative, none of the project goals and objectives would be realized: no jobs would be created and the project site would not contribute towards economic revitalization; no new housing—either affordable or market-rate—would be created to address the needs of the community; a new venue for cultural programming and support space for the project’s cultural partners would not be built; and the area would continue to be underserved in

terms of hotel space. The vacant and deteriorated project site would not be redeveloped into a vibrant mixed-use building, and the historic Victoria Theater would not be restored and adaptively reused. The project site would continue to be an underutilized state-owned asset that contributes little to the vitality of the streetscape and retail environment or to 125th Street's character as a major mixed-use corridor and tourist destination.

The FEIS also considered two alternative scenarios that would preserve the North Building of the Victoria Theater from demolition. Under the first scenario, the feasibility of reusing the North Building, including the original auditorium, for the proposed cultural programming was studied. However, the size, configuration, and condition of the auditorium precludes its adaptive reuse for this purpose. The existing auditorium was designed with a seating capacity of over 2,000 and with a traditional configuration with raked seating facing the stage. Representatives of Harlem's cultural community have indicated that they require smaller and flexible spaces that allow for a variety of cultural programming and that are affordable. The proposed Project's cultural spaces are envisioned to be financially accessible to smaller groups and companies due to lower union wage rates and operating costs than large performance venues; designed with flexible layouts that maximize the potential programming and use of the performance spaces; and to complement, not compete, with the Apollo Theater. As it is, the Apollo Theater, with a seating capacity of 1,500, is only booked 40 percent of the year. Due to its size of over 499 seats, stagehands and other theater personnel command upper union wage rates and render the Apollo unaffordable to smaller cultural groups and companies. The auditorium of the North Building is also in a substantially deteriorated condition, with wall and ceiling surfaces damaged through prior alterations and water damage, and in some locations collapsed entirely. Sufficient floor area is required to meet the project's overall goals and objectives with respect to providing affordable housing, a hotel, and employment opportunities. As built, the Victoria Theater buildings do not contain sufficient floor area to accommodate the proposed program. The North Building is primarily occupied by a large auditorium with a raked floor and balcony, and as such, does not possess floor plates conducive to adaptive reuse for purposes other than a large entertainment venue. Dividing the auditorium into smaller spaces would require the removal of historic material, compromise the historic intent and integrity of the space, and overall adversely affect the historic character of the space. Therefore, retention of the Victoria Theater in its entirety is not a feasible alternative.

Based on considerations of building footprint and the value of retaining the South Building as an important historic streetscape component on West 125th Street, the potential for construction on the site of the North Building as an "overbuild" was also considered as a second scenario of the No Unmitigated Impact Alternative. To avoid significant adverse impacts on the historic resource, the entirety of the North Building, in addition to the South Building, would need to be retained. The lack of any viable use for the auditorium poses an insurmountable impediment to the retention and reuse of the North Building. Even if overbuilding the North Building were to be contemplated without a projected plan for reuse of the auditorium, such an overbuild scenario would require demolition of portions of the North Building and would incur substantial costs. With an overbuild scenario, the new building housing the hotel and residential uses would need to bridge over the approximately 15,000-square-foot footprint and 78-foot height of the North Building. This would present exceptional structural and engineering challenges. Structural columns to support a new building would need to pierce through the building and connect to a major transfer truss structure. The trusses would bridge over the existing building and provide support for the new building.

Selective demolition of the existing structure of the North Building would be required to insert the columns as well as to create elevator, stair, and mechanical shafts vertically through the full volume of the North Building. The insertion of the structural columns and circulation and mechanical shafts through the North Building would compromise the historic integrity of North Building, potentially resulting in adverse impacts on this historic resource through alteration of the spatial layout of the spaces within the building and the removal of historic fabric. Construction of the superstructure necessary to retain the existing building and to build above it would come with a significant premium, dramatically increasing the cost of construction. To bridge over the existing theater and span the 100 foot width of the North Building while supporting approximately 23 stories of housing and hotel above, approximately 38 ten-foot-high steel trusses would be required. The trusses would at a minimum increase the cost of construction by 10 percent, and additional costs would be incurred to construct the structural columns to support the trusses. Costs to restore the North Building itself would also be considerable.

Retention of the North Building would also constrain the project's ability to provide basic functions associated with a mixed-use development. Since the auditorium occupies almost all of the available floor area at ground level (as well as the upper portions of the building), its retention, unaltered, would constrain the ability to provide one or more uses required as part of a mixed-use development, including an entrance to parking, a service entrance, a loading dock, and a separate residential entrance. These uses cannot be accommodated on West 125th Street due to the limited and relatively narrow frontage available on that street. These elements are essential for a mixed-use development that contains hotel and residential uses. Therefore, retaining the North Building in its current configuration would not achieve the goals and objectives of the proposed project.

CERTIFICATION OF FINDINGS

Having considered the Draft and Final Environmental Impact Statements, including the comments received on the DEIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, ESD finds and certifies that:

1. The requirements of Article 8 of the New York State Conservation Law and the implementing regulations of the New York State Department of Environmental Conservation, 6 NYCRR Part 617, have been met;
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the proposed action will minimize or avoid, to the maximum extent practicable, the significant adverse environmental effects including the effects disclosed in the FEIS and set forth in this Findings Statement;
3. Consistent with the social, economic and other essential considerations described above, the significant adverse environmental impacts associated with the development of the Project which were identified in the FEIS and in this Findings Statement will be avoided or minimized to the maximum extent practicable by incorporating as conditions the mitigation measures described in the FEIS and in this Findings Statement; and
5. The Project is in compliance with Section 14.09 of the State Historic Preservation Act.

Agency: **NYS Urban Development Corporation d/b/a
Empire State Development**

Signature of Responsible Officer: _____

Name/Title of Responsible Officer: Rachel Shatz, V.P. Planning & Environmental Review

Date: _____