

November 10, 2008

**NEW YORK STATE URBAN DEVELOPMENT CORPORATION  
d/b/a EMPIRE STATE DEVELOPMENT CORPORATION**

**NOTICE OF PUBLIC SCOPING AND INTENT TO PREPARE A DRAFT  
ENVIRONMENTAL IMPACT STATEMENT**

**Victoria Theater Redevelopment Project**

Notice is hereby given pursuant to the New York State Environmental Quality Review Act (SEQRA), codified in Article 8 of the Environmental Conservation Law, and its implementing regulations (6 NYCRR Part 617), that the New York State Urban Development Corporation d/b/a Empire State Development Corporation (ESDC), on behalf of Harlem Community Development Corporation (HCDC), intends to prepare a Draft Environmental Impact Statement (DEIS) for the proposed Victoria Theater Redevelopment Project (the “Proposed Action”) in New York County, New York.

The Proposed Action involves the redevelopment of the Loews Victoria Theater located at 237 West 125<sup>th</sup> Street in Harlem. The Proposed Action would consist of an approximately 360,000 gross square foot (gsf) mixed-use development. The Victoria Theater Redevelopment Project would include approximately 40,500 gsf of cultural arts space in its base, including, but not limited to, two small black-box theaters, one containing approximately 199 seats and the other containing approximately 99 seats, the National Jazz Museum in Harlem, and office space for the Apollo Theater Foundation; approximately 4,600 gsf jazz club/restaurant and approximately 17,500 gsf of retail space; a new 33-story tower (approximately 330 feet in height) which would contain an approximately 151,700 gsf hotel, including approximately 200 guest rooms, conference and event space, a ballroom, a health club and restaurant, and approximately 91,400 gsf of residential condominiums (approximately 100 units). The Proposed Action would also include one level of below grade parking and a loading dock.

The feasibility of development of local (off-site) affordable housing will also be evaluated as part of the Proposed Action; it is anticipated that the project would result in the creation of approximately 20 to 30 units of affordable housing at a location in Harlem yet to be determined.

The project site is located on the midblock of 125<sup>th</sup> Street between Frederick Douglas Boulevard (8<sup>th</sup> Avenue) and Adam Clayton Powell Jr. Boulevard (7<sup>th</sup> Avenue). The 20,000 square foot site is a through lot with 50 feet of frontage along West 125<sup>th</sup> Street and 150 feet of frontage along West 126<sup>th</sup> Street.

If the Proposed Action is approved, it is anticipated that ESDC, in consultation with the City, would override the New York City Zoning Resolution with respect to certain bulk (including height, setback, and floor area) regulations. In addition, it is anticipated that ESDC would adopt and approve a General Project Plan (GPP) to allow the Proposed Action to be developed.

ESDC has determined the Proposed Action to be a Type I action under the implementing regulations for SEQRA as follows: Part 617.4(b) (6) (v) states “the following actions are Type I if they are to be directly undertaken, funded or approved by an agency:

in a city, town or village having a population of more than 150,000 persons, a facility with more than 240,000 square feet of gross floor area; and

Part 617.4(b) (9): any Unlisted action (unless the action is designed for the preservation of the facility or site) occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is listed on the National Register of Historic Places, or that has been proposed by the New York State Board on Historic Preservation for a recommendation to the State Historic Preservation Officer (SHPO) for nomination for inclusion in the National Register, or that is listed on the State Register of Historic Places (The National Register of Historic Places is established by 36 Code of Federal Regulation (CFR) Parts 60 and 63, 1994 (see section 617.17 of this Part)).

The SHPO has determined the Victoria Theater eligible for listing on the National Register of Historical Places and it is located adjacent to the National Register listed Apollo Theater.

A **public scoping meeting** has been scheduled to obtain comments on the draft scope of analysis for the DEIS, which is attached to this notice. **The meeting will be held on December 15, 2008 from 5:00 P.M. to 8:00 P.M. at the Adam Clayton Powell Jr. State Office Building, 163 West 125<sup>th</sup> Street, 8th floor.** Copies of the draft scope of analysis may be obtained from ESDC’s Web site, <http://www.empire.state.ny.us/default.asp>, or may be requested through the contact information provided below. Comments on the draft scope of analysis may be presented by members of the public or any interested party at the public scoping meeting or submitted in writing to: Soo Kang, Senior Planner, Empire State Development Corporation, 633 Third Avenue, New York, NY 10017. Written comments will be accepted until 5:00 P.M. on December 29, 2008. Any requests for paper copies of the draft scope should be made to the contact named above.

For project related information or questions, please contact: Mari Arce, Vice President, Communications, ESDC at (212) 803-3687.

This notice and the draft scope have been sent to the following potentially involved or interested parties:

NYS Department of Environmental Conservation, Region II  
NYS Office of Parks, Recreation and Historic Preservation  
NYS Housing Finance Agency  
NYS Division of Housing and Community Renewal  
Mayor of the City of New York  
NYC Department of City Planning

NYC Economic Development Corporation  
NYC Landmarks Preservation Commission  
NYC Department of Housing Preservation and Development  
NYC Housing Development Corporation  
NYC Office of Environmental Coordination  
Manhattan Borough President's Office  
Manhattan Community Board # 10