

A. INTRODUCTION

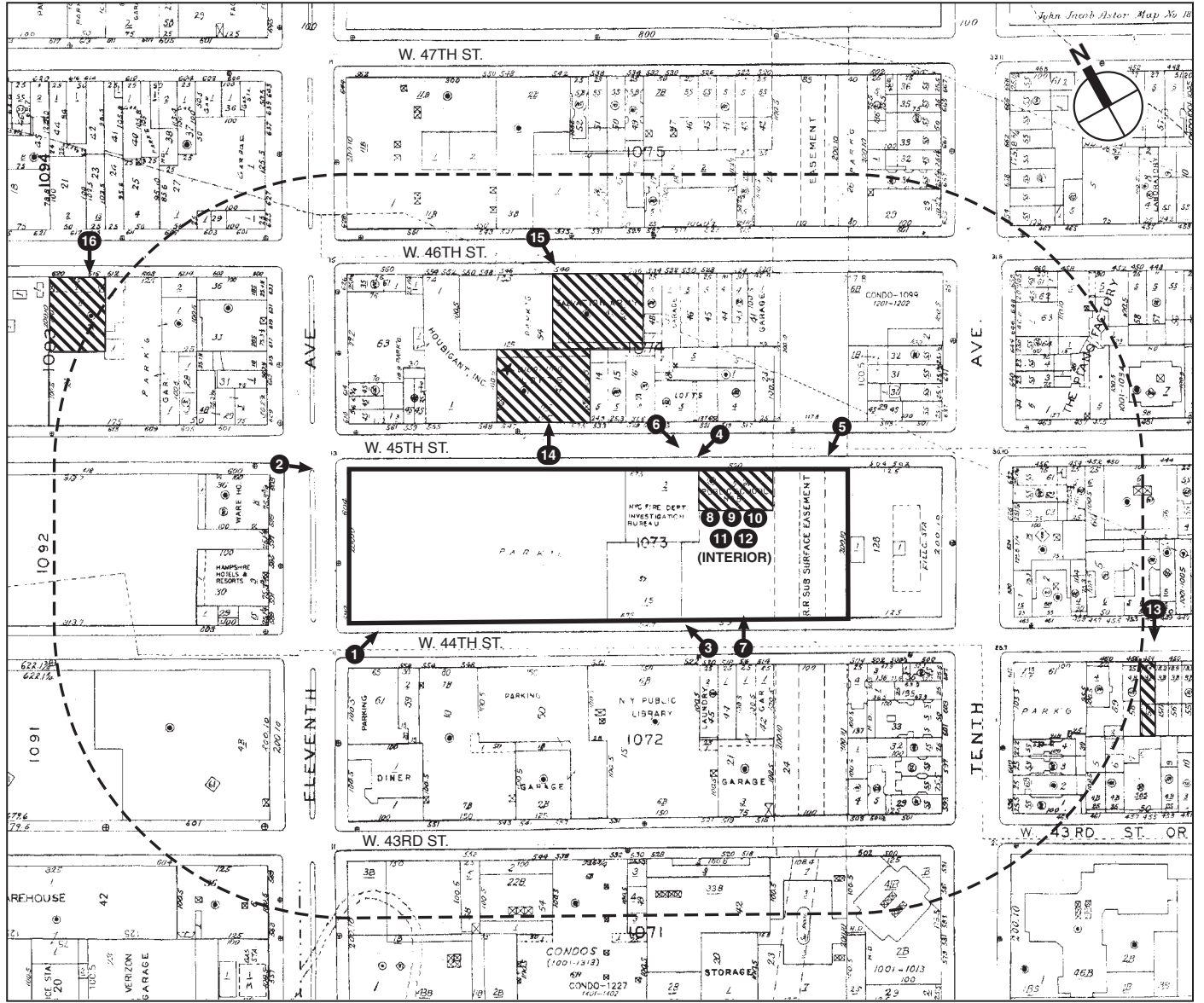
This chapter considers the potential of the Proposed Project to affect historic resources. The Project Site, located on the block east of Eleventh Avenue, between West 44th and 45th Streets in Manhattan, contains a parking lot, three buildings—including P.S. 51—and an Amtrak rail cut (see **Figure 7-1**). To construct the proposed development, the parking lot use would be removed, two buildings on the Project Site (a vacant warehouse and a stable) would be demolished, and the rail cut would be decked over. The Proposed Project would redevelop the Project Site with four new residential buildings and a new school building; the existing P.S. 51 building would be converted to residential use.¹ Absent the Proposed Actions, the Project Site is assumed to remain in its current condition.

This historic resources analysis has been prepared in accordance with New York City Environmental Quality Review (CEQR), the New York State Environmental Quality Review Act (SEQRA), and the New York State Historic Preservation Act of 1980 (SHPA). These laws and regulations require that City and State agencies, respectively, consider the effects of their actions on historic properties. This technical analysis follows the guidelines of the 2001 *CEQR Technical Manual*.

Historic resources include both archaeological and architectural resources. The study area for archaeological resources is the area that would be disturbed for project construction, the Project Site itself. Since the Proposed Project would involve in-ground disturbance, there is a potential for impacts to archaeological resources, if any such resources are present. An archaeological documentary study of the Project Site was completed by AKRF in November 2008. A portion of the Project Site—the portion located west of the P.S. 51 property—was previously analyzed for its potential archaeological sensitivity as part an earlier application known as “Studio City.” A cultural resources assessment of the Studio City Project Site was prepared by Historical Perspectives, Inc. (HPI) in May 2000. In comments dated June 27, 2000, the New York City Landmarks Preservation Commission (LPC) requested additional documentary research to determine the occupation history of the historic lots identified as archaeologically sensitive. Because the Studio City project was never constructed, the additional research was not conducted. Therefore, the 2008 documentary study includes both the additional topic-intensive documentary research requested by LPC for the potentially archaeologically sensitive lots identified in 2000 and the Phase 1A documentary research of the portion of the Project Site not included in the 2000 cultural resources assessment.

In general, potential impacts to architectural resources can include both direct, physical impacts and indirect, contextual impacts. Direct impacts include demolition of a resource and alterations to a resource that cause it to become a different visual entity. A resource can also be damaged

¹ The existing school would function as a school until the new, expanded school is operational.



- Project Site Boundary
- Study Area Boundary (400-Foot Perimeter)
- Photograph View Direction and Reference Number
- Known Architectural Resource

0 200 400 FEET
SCALE

from vibration (i.e., from construction blasting or pile driving) and additional damage from adjacent construction that could occur from falling objects, subsidence, collapse, or damage from construction machinery. Adjacent construction is defined as any construction activity that would occur within 90 feet of an architectural resource, as defined in the New York City Department of Buildings (DOB) *Technical Policy and Procedure Notice* (TPPN) #10/88.¹ Contextual impacts can include the isolation of a property from its surrounding environment, or the introduction of visual, audible, or atmospheric elements that are out of character with a property or that alter its setting. The study area for architectural resources is, therefore, larger than the archaeological resources study area to account for any potential impacts that may occur where proposed construction activities could physically alter architectural resources or be close enough to them to potentially cause physical damage or visual or contextual impacts.

Following the guidelines of the *City Environmental Quality Review (CEQR) Technical Manual*, the architectural resources study area for this project is defined as being within an approximately 400-foot radius of the Project Site (see **Figure 7-1**). Within the study area, architectural resources that were analyzed included known architectural resources (defined as National Historic Landmarks (NHLs); properties listed on the State or National Register of Historic Places (S/NR) or determined eligible for such listing (S/NR-eligible); and New York City Landmarks (NYCLs), Interior Landmarks, Scenic Landmarks, and Historic Districts, and properties calendared for landmark designation by LPC). Additionally, a survey was conducted to identify any previously undesignated properties that appear to meet S/NR or NYCL eligibility criteria (“Potential Architectural Resources”).

PRINCIPAL CONCLUSIONS

As described below, portions of the Project Site, which would be disturbed for construction of the Proposed Project, were determined sensitive for potential historic-period archaeological resources in a Phase 1A Documentary Study. These include the former rear yard areas of historic Lots 8-11, 54-57, 61A, 61, 61-½, 63, and 64 (concentrated in the western portion of the Project Site) and in the original P.S. 51 building’s side yard areas. The Phase 1A study recommended that Phase 1B archaeological testing be undertaken to determine to presence or absence of such resources. In a letter dated April 9, 2009, LPC concurred with the Phase 1A conclusions and recommendations. The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) also concurred with the Phase 1A recommendations for Phase 1B archaeological testing, as stated in a letter dated May 7, 2009 (see LPC and OPRHP findings letters in **Appendix A**). Prior to testing, a testing protocol for the original P.S. 51 building’s side yard areas was prepared on August 12, 2009 in consultation with LPC and OPRHP. Phase 1B archaeological testing was subsequently undertaken for these areas and was summarized in “Phase 1B Archaeological Testing Report PS 51/44th Street and Eleventh Ave, B 1073, L 1 (Part) Manhattan, New York,” dated September 2009. The report was submitted to LPC and OPRHP. LPC concurred with the report’s findings in a letter dated November 6, 2009 and has no further archaeological concerns. Based on OPRHP’s review of this report, in a letter dated November 17, 2009, OPRHP determined it has no further archaeological concerns for the original P.S. 51 building’s side yard areas. The Phase 1B testing undertaken in August 2009 and

¹ TPPN #10/88 was issued by DOB on June 6, 1988, to supplement Building Code regulations with regard to historic structures. TPPN #10/88 outlines procedures for the avoidance of damage to historic structures resulting from adjacent construction, defined as construction within a lateral distance of 90 feet from the historic resource.

subsequently approved by LPC and OPRHP applies to the portion of the Project Site which would be occupied by the new five-story school building.

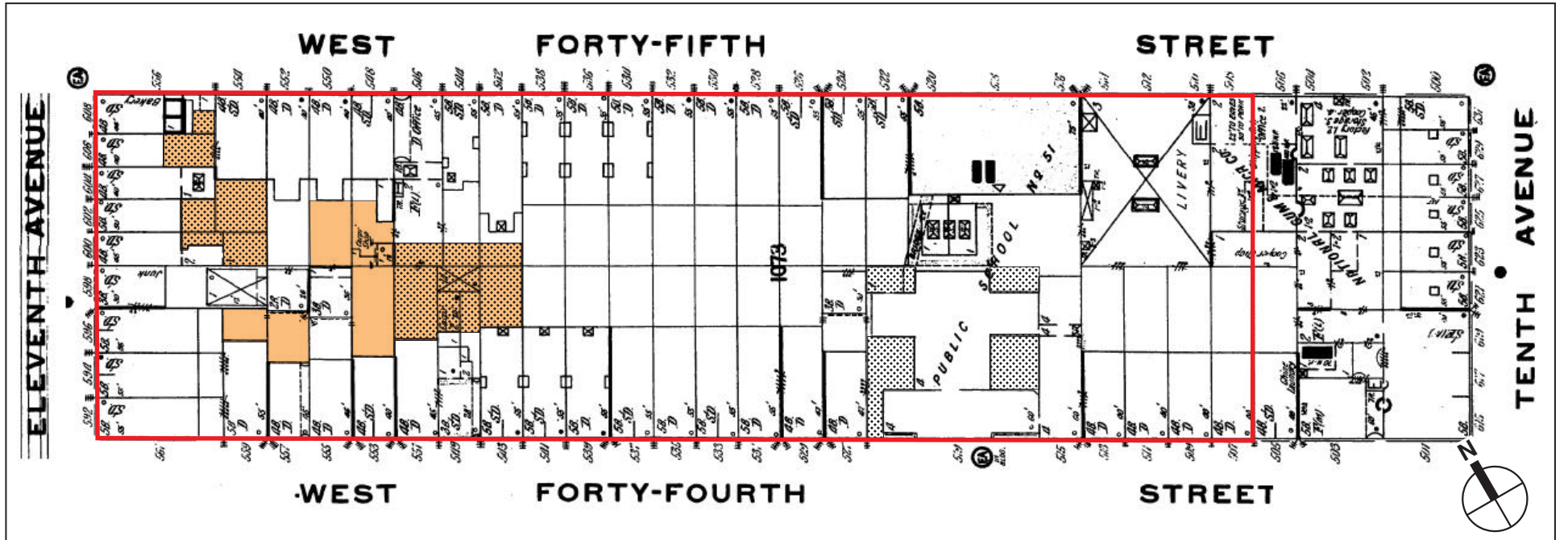
Similarly, prior to testing of the former rear yard areas of historic Lots 8-11, 54-57, 61A, 61, 61-½, 63, and 64, a testing protocol would also be prepared in consultation with LPC and OPRHP and Phase 1B archaeological testing would be undertaken in accordance with this protocol in the archaeologically sensitive areas. Based upon the results of the Phase 1B investigation, LPC or OPRHP may require measures to salvage potential archaeological resources. Therefore, with the above testing and compliance measures in accordance with any OPRHP and/or LPC directives, no significant adverse impacts to archaeological resources are expected to occur with the Proposed Actions.

To avoid potential inadvertent adverse impacts to P.S. 51 and the Houbigant Building from construction-related work, a Construction Protection Plan (CPP) would be developed in consultation with OPRHP and LPC prior to construction that would follow the requirements established in the DOB's *TPPN #10/88*, concerning procedures for the avoidance of damage to adjacent historic structures from nearby construction. The CPP would also follow the guidelines set forth in section 523 of the *CEQR Technical Manual*, including conformance with LPC's *New York City Landmarks Preservation Commission Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings*.

The conversion of P.S. 51 to residential use has not yet been designed, and could result in significant adverse impacts to this historic resource if the adaptive reuse would require the removal of significant historic or architectural features. Since the Proposed Project involves actions by a state agency, the proposed alterations to P.S. 51, which is eligible for listing on the S/NR, would require review by OPRHP. The project sponsor, or its successors or assigns would, therefore, consult with OPRHP regarding the proposed changes to P.S. 51 as design plans proceed.

The process by which this consultation would be undertaken will be established in a Letter of Resolution (LOR) that includes the measures that would be undertaken to consult with OPRHP to minimize or mitigate the potential for impacts by the Proposed Actions. These measures include the following stipulations:

- Prior to the start of construction, Phase 1B archaeological testing would be undertaken in the rear yards of historic Lots 8-11, 54-57, 61A, 61, 61-½, 63, and 64 to further assess the site's potential to yield archaeological resources. A sensitivity map has been prepared to indicate those areas for which further investigation is recommended (see **Figure 7-2**). In advance of testing, an archaeological testing protocol would be prepared in consultation with LPC and OPRHP.
- Because the Proposed Project involves state actions and the existing P.S. 51 is S/NR-eligible, 44th Street Development LLC, the project sponsor, or its successors or assigns would consult with OPRHP regarding proposed changes to P.S. 51 as design plans for the building's conversion to residential use proceed. The LOR will specify the points in the design process at which consultation with OPRHP would occur.
- 44th Street Development LLC and SCA would develop and implement CPP(s) for P.S. 51 and the former Houbigant Building in consultation with OPRHP and LPC prior to construction. The CPP(s) would follow the requirements established in the DOB's *TPPN #10/88*, concerning procedures for the avoidance of damage to adjacent historic structures from nearby construction. It would also follow the guidelines set forth in Section 523 of the



- Project Site Boundary
- Areas identified as potentially sensitive by HPI in 2000
- Areas where archaeological testing is recommended

0 100 FEET
SCALE

**Areas of Archaeological Sensitivity
Sanborn Insurance Map, 1911**

Figure 7-2

CEQR Technical Manual, including conformance with LPC's Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings.

Parties to the LOR include the New York City Department of Housing Preservation and Development (HPD), 44th Street Development LLC, the School Construction Authority (SCA), and OPRHP. The LOR would be executed prior to the conveyance of the residential portion of the Project Site to 44th Street Development LLC and prior to all construction activities (including the construction of the new school). The LOR is legally binding and a property covenant would be recorded to require the measures stipulated in the LOR once the residential portion of the land is conveyed to 44th Street Development LLC. A draft of the LOR is currently under review, and as discussed above, the LOR would be executed prior to the start of construction.

The LDA between HPD and 44th Street Development LLC would also include provisions related to historic resources as part of the Proposed Project, including future coordination with OPRHP and LPC. With the above-described measures incorporated into the Proposed Actions, including the LOR, significant adverse impacts to historic resources would not occur.

B. EXISTING CONDITIONS

PROJECT SITE

ARCHAEOLOGICAL RESOURCES

Pre-contact Period Resources

The pre-contact sensitivity of Project Sites in New York City is generally evaluated by their proximity to high ground (but not exceeding 30 percent slopes), fresh water courses, well-drained soils, and previously identified pre-contact archaeological sites. The Project Site is north of the former Great Kill, a confluence where several small streams converged and emptied into the Hudson River. The Great Kill and the marshland that bordered it would have provided a wide variety of resources for Native Americans to exploit. Although no previously identified Native American sites have been identified in the vicinity of the Project Site, its proximity to running water courses, sources of fresh water, and elevated hills, would have made it appropriate for short-term hunting and processing locations and camp grounds.

However, pre-contact archaeological sites are generally shallowly buried (within 5 feet of the original ground surface). Therefore, the preparation of the area for the construction of buildings and parking lots as well as the installation of utility lines could have generated disturbance of pre-contact archaeological resources within the Project Site. Excavation of the basements would certainly have disturbed such resources. Therefore, the school property portion of the Project Site is determined to have a low sensitivity for pre-contact archaeological resources.

Although the Amtrak rail cut area was one of the earliest sections on the Project Site to be developed, the circa 1930 construction of the deep (20 to 40 feet below grade) railroad right-of-way would have disturbed any archaeological resources that may have been present on these lots. This portion of the Project Site is determined to have no sensitivity for pre-contact resources, and no further research is recommended.

For the portion of the Project Site that was previously evaluated in the Studio City cultural resources assessment, the 2000 assessment recommended a series of soil boring tests for pre-

contact period resources. However, LPC subsequently determined that such testing was unnecessary.

Historic-Period Resources

School Property

The original P.S. 51 was constructed circa 1855 on the southern portion of the current school property, approximately one year after the installation of sewer lines in West 44th Street. The original school building remained on the school property until the mid-20th century, when it was demolished and this portion of the school property was converted into a playground and parking lot. Although the original school building was expanded several times, the school's side yards were never developed. The areas to the rear (north) of the original H-shaped school building's northern wings were also never developed. Building plans of similar schools built in New York City in the 1850s identify those areas as the locations of the school's water closets.

The northern half of the school property, where the current P.S. 51 building is located, was formerly occupied by the coal sheds of an adjacent iron foundry. There does not appear to have ever been any residential occupation of this area. The current P.S. 51 building was constructed with a basement, which would have generated disturbance in this part of the Project Site. Because the school property has no history of residential occupation prior to the construction of the current P.S. 51 and because this building was built approximately one year after municipal sewer and water lines were installed in West 44th Street, it is not likely that domestic shaft features such as privies, cisterns, and wells would be located within the northern half of the school property (the area of the Project Site where the current school building is located). However, it is possible that surficial deposits associated with the children who attended the school could be located in the open yard areas on east and west of the original school, which were never developed. Therefore, the side yards of the original P.S. 51 are determined to have moderate sensitivity for historic-period archaeological resources (see **Figure 7-2** and **Appendix A**).

Amtrak Rail Cut—Railroad Right-of-Way

As stated above, the construction of the railroad right-of-way would have disturbed any archaeological resources that may have been present on the lots within this area. Therefore, this portion of the Project Site is determined to have no sensitivity for historic-period archaeological resources, and no further research is recommended.

Lots Previously Determined to Be Potentially Sensitive for Archaeological Resources

Within the portion of the Project Site that was previously evaluated in the Studio City cultural resources assessment (2000), HPI identified 18 lots as potentially sensitive for historic-period archaeological resources (see **Figure 7-2** and **Appendix A**). The topic-intensive documentary study AKRF recently prepared for these lots determined that only those lots that were developed for residential use before the installation of municipal sewer and water networks are sensitive for historic-period archaeological resources such as privies, cisterns, and wells.

The lots identified as sensitive in the 2000 assessment included: 600 and 602 Eleventh Avenue (historic Lots 64 and 63), the former home of the family of Jacob Finck, a German immigrant who ran a feed and flour store from the property; 606 Eleventh Avenue (historic Lot 61½), whose original residents may have included a carpenter named Lewis Schaeffer; and 608 Eleventh Avenue (historic Lot 61), which was the home of a baker named Louis Reinhardt. These three lots may have experienced some disturbance in the 1930s as a result of the construction of a taxi terminal on the western end of the Project Site that had five to ten buried

West 44th Street and Eleventh Avenue Rezoning

gasoline tanks beneath it. In addition, historic Lots 61 and 61½ were shortened circa 1863 for the creation of historic Lot 61A (554 West 45th Street), and portions of the original rear yards of both lots were eliminated and redeveloped with a structure with a basement. However, the lots were truncated before sewer lines were available in Eleventh Avenue, and therefore privies could still be located within what remained of the rear yard after Lot 61A was created. For this reason, the rear yard of Lot 61A is also considered to be sensitive for archaeological resources.

The study also identified the properties at 541-551 West 44th Street (historic Lots 8 through 11) and 540-548 West 45th Street (historic Lots 54 through 57) as potentially sensitive for historic-period archaeological resources. One or more wood frame residences were located in this area—as well as multiple outbuildings, rear dwellings, commercial structures, and a slaughterhouse—before sewer and water lines were available in West 44th and 45th Streets. Historic Lots 54 through 57, along West 45th Street, were not developed until the late-19th century and would therefore have been connected to sewer and water lines. However, because the structures on the lots to the south partially entered historic Lots 54 through 57, archaeological resources associated with the southern lots may also have entered the lots to the north. Therefore, the entire rear yard portions of historic Lots 8 through 11 and the southernmost portion of the rear yards of historic Lots 54 through 57 are determined to be sensitive for historic-period archaeological resources.

Because new information about the installation of sewer lines in the vicinity of the Project Site was obtained for the topic intensive analysis, several of the historic lots initially identified as sensitive in the 2000 assessment were subsequently determined to have low sensitivity for historic-period archaeological resources. These properties include 553, 557, and 559 West 44th Street and 548 and 550 West 45th Street. These lots were all developed for residential use after the installation of municipal water and sewer networks. Therefore, it is not likely that any domestic shaft features would be located in the rear yards of these lots, and they are not considered sensitive for historic-period archaeological resources. No further archaeological research for these lots is recommended.

ARCHITECTURAL RESOURCES

The Project Site contains three buildings, a parking lot, and the Amtrak rail cut (see views 1-5 of **Figures 7-3 through 7-5**). The one-story, vacant warehouse at 527 West 44th Street on the south side of the Project Site is faced in tan brick, some of which has been painted gray. It has two garage entrances and two doorways, all of which have metal security screens. All of the building's windows on the West 44th Street façade are infilled with either cinder block or metal panels. The two-story stable building at 522 West 45th Street on the north side of the Project Site is faced in tan brick and has three wide entrances with double wooden, barn-like doors. The north facade of the stable has a doorway at each end, a central rectangular window, and two small windows between the large entrances. The parking lot is paved and surrounded by a chain-link fence, and has entrances on Eleventh Avenue and West 45th Street. A small attendant kiosk is located on the parking lot near each entrance. The eastern portion of the Project Site contains a north-south rail cut used by Amtrak and owned by Penn Central Railroad.

The Project Site structures described above are not considered to be potential architectural resources. The five-story P.S. 51, located on the Project Site's north side, is a known architectural resource and is described in detail below.

P.S. 51 (S/NR-eligible), built in 1905, is located at 520 West 45th Street. Designed by C.B.J. Snyder, the Superintendent of School Buildings from 1891 to 1923, the school was built at a



View northeast to Project Site from West 44th Street

1



View southeast to Project Site from Eleventh Avenue

2

Views of the Project Site

Figure 7-3



527 West 44th Street - Vacant Warehouse **3**



522 West 45th Street - Stables Building **4**

Views of the Project Site

Figure 7-4



View southwest at AMTRAK rail cut

5

time when many public schools were being constructed following the consolidation of greater New York City in 1898. The school is a five-story building faced in red brick with a limestone base and detailing (see views 6-12 of **Figures 7-6 and 7-7**). The Renaissance-style building has a tripartite design, with a base, shaft, and capital. The base contains three pedimented entrances with projecting brackets. A terra cotta stringcourse separates the building's base from the three-story brick-faced shaft. The shaft portion of the building has five window bays separated by brick piers that are set atop terra cotta plinths. The center three bays are each three windows wide. At the fourth floor the three central-arched window groupings have archivolt with keystones set within a terra cotta cornice. The cornice also has terra cotta brackets at the capitals of the brick piers. The building's east and west bays are narrow, each with a single window bay. The lintels above the fourth floor windows are squared, contrasting the arches of the center bay windows. The fifth floor's three central bays are loggias with terra cotta surrounds. A modest limestone stringcourse extends above the building's fifth floor.

STUDY AREA

KNOWN ARCHITECTURAL RESOURCES

There is one previously known architectural resource in the study area. At the east side of the study area there is a three-story Italianate row house at **454 West 44th Street** (S/NR-eligible). The building, faced in brownstone, was built prior to 1885. The house's primary entrance is from a recessed doorway at the top of a tall stoop; below is a rusticated, raised basement level. Round-headed double doors are recessed within the doorway's enframing with its projecting arched cornice and scrolled brackets. The windows have heavy projecting bracketed sills and curved lintels. A cornice embellished with scrolled brackets, molded panels, and dentils caps the building. The stoop has cast iron handrails, and there is an ornamental cast iron lamppost located in the small yard area, and a cast iron fence at the property line (see view 13 of **Figure 7-8**). Two other rowhouses (446 and 448 West 44th Street) on this blockfront have also been determined S/NR-eligible but are outside the project's study area.

In a comment letter dated May 7, 2009, OPRHP determined, as part of its review of the Proposed Project, that three study area buildings identified as potential architectural resources are eligible for listing on the State and National Registers of Historic Places. These resources are described below.

The 11-story **Houbigant Company building** (S/NR-eligible) at 539 West 45th Street was designed by Lockwood Greene & Company, a former mill construction and consulting company. The warehouse was built for the Houbigant Company in 1924 when this French perfume and cosmetics company expanded its operations to the United States. The tan brick-faced building has a granite and limestone base, copper spandrel panels below the tripartite window bays, and setbacks above the seventh and ninth floors. The word "Houbigant" is inscribed in the limestone panel above the second floor. The building's windows have been replaced (see view 14 of **Figure 7-9**). The Houbigant Company moved out of this building to New Jersey in 1971 at which time the building was converted into the first industrial condominium in the country, and was occupied by five printing companies. The building continues to be occupied by commercial uses.

The five-story **Acker, Merrall & Condit Company warehouse** (S/NR-eligible) at 536 West 46th Street was built circa 1907 for the former wholesale grocery business (see view 15 of **Figure 7-10**). A January 1, 1886 *New York Times* article notes that the company "for 30 years



Detail



Public School 51 - 520 West 45th Street 6



Public School 51 - South facade 7

Views of Public School 51 on the Project Site

Figure 7-6



Center Entrance 8



First Floor Multi-Purpose Room 9



East Stairwell 10



Typical Corridor 11



Transoms opening into corridor 12

Views of Public School 51 – Interior
Figure 7-7



Rowhouse at 454 West 44th Street 13

**Views of Known Historic Resources in
the Study Area**

Figure 7-8



Houbigant Company Building - 539 West 45th Street 14



Detail

Views of Known Historic Resources in the Study Area

Figure 7-9



Detail



Acker, Merrall and Condit Company Building - 536 West 46th Street 15

Views of Known Historic Resources in the Study Area

has been one of the foremost here” and handles “only the very finest grades of fancy groceries, both imported and domestic, as well as wines, liquors, and cigars.” The company is still in business as a wine purveyor. The five-story Romanesque Revival warehouse, presently occupied by the Salvation Army Thrift Store, is faced in patterned orange and brown brick with terra cotta stringcourses. The ground floor has three tall arched garage entrances. The ground floor’s flanking one-story wings have rectangular windows and flat roofs. The building’s most distinctive components are its three expansive triple-height arched window bays extending from the second through the fourth floors. The arches are defined by brick corbelling. The windows within the arches on the second and third floors are paired rectangular windows. At the fourth floor, the window openings within the arches include a circular window a top two half-circle windows. The fifth floor has paired rectangular windows separated by horizontal brick panels.

The six-story red brick **E & J Burke Company warehouse** (S/NR-eligible) at 616-620 West 46th Street was built in 1912-1913 for the E & J Burke company, an importer and seller of beer and whiskey (see view 16 of **Figure 7-11**). It was designed by architect Thomas J. Duff who was the architect of several churches in Manhattan, including the 1908-1909 Franciscan Fathers Monastery that is part of the St. Francis Roman Catholic Church Complex at 129-143 West 31st Street and St. Malachy’s R.C. Church at 239-245 West 49th Street. The building’s four-bay-wide façade has street level loading docks, two end bays that project slightly forward from the two center bays, and regular fenestration with historic two-over-two double-hung sash. The parapets of the end bays extend above the center bays. A stone panel inscribed with the words “E & J. Burke” spans the top of the center bays. Two copper finials extend above the roof.

Outside the study area to the west, but visible from some vantage points on West 45th Street, is the USS Intrepid Aircraft Carrier (NHL, S/NR) moored in the Hudson River at the foot of West 45th Street. The Intrepid, commissioned in 1943, was the third *Essex* class aircraft carrier built in the United States. It fought in several airstrikes and naval battles in the Pacific during World War II, and was deployed to Vietnam in 1966. The Intrepid was decommissioned in 1974 and opened in 1982 as a museum dedicated to military and space history.

C. THE FUTURE WITHOUT THE PROPOSED ACTIONS

PROJECT SITE

Without the Proposed Actions, it is assumed that there would be no construction activity requiring subsurface disturbance of the Project Site. However, because this site is currently underdeveloped, it is possible that it could be redeveloped at some point in the future. Any such redevelopment would be expected to result in subsurface disturbances to the Project Site, which could affect the site’s potential archaeological sensitivity.

Absent the Proposed Actions, it is assumed that the Project Site would remain unaltered and P.S. 51 would continue to function as a school. However, it is possible that in the future without the Proposed Actions P.S. 51 could be listed on the Register or determined NYCL-eligible. Changes to P.S. 51’s setting could occur irrespective of the Proposed Actions, as future projects could affect the setting of this architectural resource. It is also possible that the school building could deteriorate or be restored. In addition, future projects could accidentally damage this architectural resource through adjacent construction.



Detail



E & J Burke Company Warehouse - 616-620 West 46th Street 16

Views of Known Historic Resources in the Study Area

OTHER FUTURE PROJECTS

There is one substantial development project within the architectural resources study area that is expected to be completed by 2013. This project, located on the south side of West 43rd Street between Eleventh and Twelfth Avenues, would result in two new buildings—an approximately 37,950-square-foot retail building and a high rise residential building with approximately 1,000 residential units.

Just outside the study area, to the north, east, and south, several residential and commercial developments are currently under construction or planned and are expected to be completed by 2013. These developments would alter the context of architectural resources in the study area as they would be, in general, taller than the architectural resources in the study area. Some of the buildings would also be faced in glass which would contrast the existing primarily brick- and stone-faced buildings throughout much of the study area.

In the future without the Proposed Actions, the status of architectural resources in the study area could change. S/NR-eligible architectural resources could be listed on the Registers, NYCL-eligible properties could be calendared for a designation hearing, and properties pending designation as New York City Landmarks could be designated. Changes to the architectural resources identified above or to their settings could occur irrespective of the Proposed Project. It is possible that some architectural resources in the study area could deteriorate, while others could be restored. In addition, future projects could accidentally damage architectural resources through adjacent construction, or could affect the settings of such resources.

Architectural resources that are listed on the Registers or that have been found eligible for listing are given a measure of protection under Section 106 of the National Historic Preservation Act. Although preservation is not mandated, for projects sponsored, assisted, or approved by federal agencies, federal agencies must attempt to avoid adverse effects on such resources through a notice, review, and consultation process. Properties listed on the Registers are similarly protected against effects resulting from projects sponsored, assisted, or approved by state agencies under the New York State Historic Preservation Act (SHPA). However, private owners of properties eligible for, or even listed on, the Registers using private funds can alter or demolish their properties without such a review process. Privately owned properties that are NYCLs, in New York City Historic Districts, or pending designation as NYCLs are protected under the New York City Landmarks Law, which requires LPC review and approval before any alteration or demolition permits can be issued, regardless of whether the project is publicly or privately funded. Publicly owned resources are also subject to review by LPC before the start of a project. However, LPC's role in projects sponsored by other city or state agencies generally is advisory only.

The New York City Building Code provides some measures of protection for all properties against accidental damage from adjacent construction by requiring that all buildings, lots, and service facilities adjacent to foundation and earthwork areas be protected and supported. While these regulations serve to protect all structures adjacent to construction areas, they do not afford special consideration for historic structures.

D. PROBABLE IMPACTS OF THE PROPOSED ACTIONS

PROJECT SITE

ARCHAEOLOGICAL RESOURCES

The Project Site has been determined to have limited sensitivity for pre-contact period archaeological resources; therefore, no further assessment of pre-contact period resources is necessary. However, historic-period archaeological resources may exist within the Project Site. Such resources could include domestic shaft features and structural remnants relating to the 19th century occupation of the site as well as household trash deposits. Such artifacts could provide new information about the mid- to late-19th century residents of this section of Manhattan. The households that occupied the Project Site included the families of working-class Irish and German immigrants who lived, worked, and attended school within the boundaries of the Project Site. Information from any project-site artifacts could be compared and contrasted with data associated with similar populations elsewhere in the city.

Since the proposed development of the Project Site would involve subsurface disturbance of the Project Site, which could affect any historic-period archaeological resources that still exist in this area, further investigation in the form of Phase 1B archaeological testing is recommended in the rear yards of historic Lots 8-11, 54-57, 61A, 61, 61-½, 63, and 64 and in the original P.S. 51 building's side yard areas in order to further assess the site's potential to yield archaeological resources. A sensitivity map has been prepared to indicate those areas for which further investigation is recommended (see **Figure 7-2**). For the original P.S. 51 building's side yard areas, the testing protocol was prepared and submitted to OPRHP and LPC on August 12, 2009 and the Phase 1B testing was undertaken in September 2009. As described above, the Phase 1B report was submitted to OPRHP and LPC in September 2009. LPC has concurred with the findings and has no further archaeological concerns. OPRHP's findings are pending. A separate testing protocol for the rear yards of historic Lots 8-11, 54-57, 61A, 61, 61-½, 63, and 64, which would be occupied with Buildings A and B would also be prepared in consultation with OPRHP and LPC and testing of these areas would also be completed before the start of construction of the Proposed Project. With this testing and compliance with any OPRHP and/or LPC directive based on the results of such testing, no significant adverse impacts to archaeological resources are expected to occur with the Proposed Actions.

ARCHITECTURAL RESOURCES

In the future with the Proposed Project, the vacant warehouse and stable building would be demolished, the Amtrak rail cut would be decked over and the uses of the parking lot would be removed. As these Project Site components are not potential or known architectural resources, the changes would not be a significant adverse impact.

The proposed redevelopment of the Project Site would include five new buildings: four new residential buildings (Buildings A, B, CN, and CS) and a new school building (see Figures 1-4 and 1-5 of Chapter 1, "Project Description"). The new residential buildings would range in height from seven to 31 stories and would have seven- and nine-story bases. The new school building would be five stories in height. All of the new buildings would be built to the sidewalk. The four residential buildings would be faced in brick and would have both punched rectangular windows and glass curtain wall components. Each residential building would have an entrance on West 44th and/or West 45th Street. The residential building facing Eleventh Avenue would

have ground floor retail with glass shop fronts. It is expected that the new school building would be faced in brick. Its primary entrance would be from West 44th Street. A side yard would provide access to the school yard behind the school building.

In the future with the Proposed Actions, P.S. 51 would remain on the Project Site. The school building would be renovated and repaired, and converted into residential use. The renovation would involve repairing, repointing, and cleaning of the building's facades. The building's windows have previously been replaced with historically-appropriate windows. The project sponsor would explore keeping the existing windows, but if windows need to be replaced, the project sponsor would use contextually appropriate windows. Interior renovations would include reconfiguring some interior spaces for the conversion to residential dwelling units. The Proposed Project also would involve the installation of a new elevator and a new heating, ventilation, and air-conditioning (HVAC) system into the school building.

The conversion of P.S. 51 to residential use has not yet been designed, and could result in significant adverse impacts to this historic resource if the adaptive reuse would require the removal of significant historic or architectural features. Since the Proposed Project involves state actions, the proposed alterations to P.S. 51, which is eligible for listing on the S/NR, would require review by OPRHP. As stipulated in the LOR that will be executed, the project sponsor or its successors or assigns would, therefore, consult with OPRHP regarding the proposed changes to P.S. 51 as design plans proceed. Should OPRHP determine that the conversion may have an adverse impact on P.S. 51, the Project Sponsor or its successors or assigns shall consult with OPRHP to develop measures to avoid, minimize, or mitigate the adverse impacts.

The Proposed Project would change the context of P.S. 51, as it would add five new structures to the Project Site immediately east, south, and west of the school building. Two of the new residential buildings would be located immediately adjacent to P.S. 51's east and west facades. The new five-story school building would be south of P.S. 51, beyond the new school yard that would replace the existing school yard at this location. Since P.S. 51 does not have a contextual relationship with the existing structures on the Project Site, the Proposed Project would not adversely affect the school's immediate context. Further, with the Proposed Project, P.S. 51 would continue to be located within a context of other masonry-faced buildings.

To avoid the potential for adverse physical impacts to P.S. 51 during construction—such as ground-borne vibrations, falling debris, and damage from heavy machinery—the SCA and Project Sponsor, in coordination with a licensed professional engineer(s) would develop and implement CPPs in consultation with OPRHP and LPC prior to construction. The CPPs would follow the requirements established in the DOB's *TPPN #10/88*, concerning procedures for the avoidance of damage to adjacent historic structures from nearby construction. The CPPs would also follow the guidelines set forth in Section 523 of the CEQR Technical Manual, including conformance with LPC's Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings. Furthermore, the SCA and the Project Sponsor would be responsible for coordinating the preparation and implementation of their respective CPPs and the measures contained therein. Stipulations for the CPPs for the P.S. 51 building would be incorporated into the LOR.

The process by which consultation with OPRHP would be undertaken would be established in an LOR that includes the steps that would be undertaken to consult with OPRHP to minimize or mitigate any adverse impacts. Parties to the LOR include HPD, 44th Street Development LLC, SCA, and OPRHP. The LOR also includes stipulations for the completion of the archaeological testing, described above, and for the preparation and implementation of the CPP. The LOR

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would be executed prior to the conveyance of the residential portion of the Project Site to 44th Street Development LLC and prior to all construction activities (including the construction of the new school). The LOR is legally binding and a property covenant would be recorded to require measures stipulated in the LOR once the residential portion of the land is conveyed to 44th Street Development LLC.

STUDY AREA

It is not expected that the Proposed Project would result in any significant adverse physical or contextual impacts on architectural resources in the study area. The Proposed Project would somewhat alter the context of architectural resources in the study area located closest to the Project Site. However, all of the architectural resources in the study area, with the exception of the former Houbigant Building directly north of the Project Site, are located north and south of the Project Site beyond intervening buildings and do not have a physical or visual relationship with the Project Site. The former Houbigant Building would continue to be sited in a context of other short and tall, older and newer buildings, most of which are faced in masonry. The rowhouse at 454 West 44th Street would continue to be sited among other rowhouses and small apartment buildings. The other two architectural resources in the study area and the USS Intrepid face away from the Project Site, or are at a greater distance from the Project Site, and do not have a visual relationship to the Project Site. The context of these architectural resources would not be adversely affected by the Proposed Project. Additionally, the Proposed Project would not obstruct significant views of any architectural resource, or adversely alter the visual setting of any resource in the study area. The proposed renovations to P.S. 51 would improve its exterior appearance and, therefore, the context of these nearby architectural resources. Further, as described above and established in the LOR, the proposed alterations to P.S. 51 would require review and consultation with OPRHP as design plans proceed.

The Project Site is within 90 feet of one architectural resource—the former Houbigant Building, which is approximately 60 feet north of the Project Site, across West 45th Street. To avoid potential inadvertent construction-related impacts on this architectural resource, a CPP would also be prepared that would include measures to protect the former Houbigant Building. With these protective measures in place, the Proposed Project would not adversely physically affect the Houbigant Building. Other architectural resources in the study area would not be expected to be adversely effected by the Proposed Project as they are at a greater distance from the Project Site and do not have physical or visual relationships with the Project Site.

Overall, the Proposed Actions would not be expected to adversely affect architectural resources in the study area.

CONCLUSION

Since the Proposed Project involves state actions, the proposed alterations to P.S. 51, which is eligible for listing on the S/NR, would require review by OPRHP. The project sponsor would, therefore, consult with OPRHP regarding the proposed changes to P.S. 51 as design plans proceed. The process by which this consultation would be undertaken would be established in an LOR that includes the steps that would be undertaken to consult with OPRHP to minimize or mitigate any adverse impacts. The LOR also includes stipulations for the completion of the archaeological testing and for the preparation and implementation of the CPPs. As stated above, the LOR is among HPD, 44th Street Development LLC, SCA, and OPRHP.

The LOR includes the following measures to minimize or mitigate the potential for impacts by the Proposed Actions.

- Prior to the start of construction, Phase 1B archaeological testing would be undertaken in the rear yards of historic Lots 8-11, 54-57, 61A, 61, 61-½, 63, and 64 to further assess the site's potential to yield archaeological resources. A sensitivity map has been prepared to indicate those areas for which further investigation is recommended (see **Figure 7-2**). In advance of testing, an archaeological testing protocol would be prepared in consultation with LPC and OPRHP.
- Because the Proposed Project involves state actions and the existing P.S. 51 is S/NR-eligible, 44th Street Development LLC, the project sponsor, or its successors or assigns would consult with OPRHP regarding proposed changes to P.S. 51 as design plans for the building's conversion to residential use proceed. The LOR will specify the points in the design process at which consultation with OPRHP would occur.
- 44th Street Development LLC and SCA would develop and implement CPP(s) for P.S. 51 and the former Houbigant Building in consultation with OPRHP and LPC prior to construction. The CPP(s) would follow the requirements established in the DOB's *TPPN #10/88*, concerning procedures for the avoidance of damage to adjacent historic structures from nearby construction. It would also follow the guidelines set forth in Section 523 of the *CEQR Technical Manual*, including conformance with LPC's *Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings*.

The LOR would be executed prior to the conveyance of the residential portion of the Project Site to 44th Street Development LLC and prior to all construction activities (including the construction of the new school). The LOR is legally binding and a property covenant would be recorded to require measures stipulated in the LOR once the residential portion of the land is conveyed to 44th Street Development LLC. The LDA between HPD and 44th Street Development LLC would also include provisions related to historic resources, including future coordination with OPRHP and LPC. With the above-described measures incorporated into the Proposed Actions, including the LOR, significant adverse impacts to historic resources would not occur. *