

A. INTRODUCTION

This chapter considers the potential of the proposed actions to affect historic and cultural resources, both archaeological and architectural. It has been prepared in accordance with City Environmental Quality Review (CEQR) guidelines, the State Environmental Quality Review Act, and Section 14.09 of the New York State Historic Preservation Act of 1980. These laws and regulations require that City and state agencies, respectively, consider the impacts of their actions on historic and cultural resources. In addition, because construction financing may come from New York State and/or the United States Department of Housing and Urban Development (HUD), this chapter has also been prepared in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law) and Section 106 of the National Historic Preservation Act of 1966. In accordance with CEQR and Section 106 guidelines, this analysis identifies all historic and cultural resources that have been designated or determined to meet the eligibility requirements for local, state, or national designation, including the Criteria for listing on the National Register of Historic Places contained in the Code of Federal Regulations, Title 36, Part 63, and it also identifies properties that may meet such eligibility requirements. In assessing potential project effects on historic and cultural resources, this analysis follows the guidance of the *CEQR Technical Manual* (January 2012 edition). It also applies the criteria of adverse effect contained in the Code of Federal Regulations, Title 36, Part 800 to historic and cultural resources that may be affected by the proposed actions, so that this analysis may used as the basis for further review of the proposed actions pursuant to Section 106.

The *CEQR Technical Manual* recommends that a historic resources assessment be performed if a proposed action would result in any of the following actions: in-ground disturbance; new construction, demolition, or significant physical alteration of any building, structure, or object; the change in scale, visual prominence, or visual context of any building, structure, or object or landscape feature; or the screening or elimination of publicly accessible views, even if no known historic resources are located nearby. Since the proposed actions are expected to generate some of these results, a full analysis under CEQR was undertaken.

PRINCIPAL CONCLUSIONS*ARCHAEOLOGICAL RESOURCES*

In an Environmental Review letter dated August 16, 2011, the New York City Landmarks Preservation Commission (LPC) determined that there is the potential for the recovery of archaeological resources associated with the 19th-century occupation of the following locations within the project site: Block 346, Lot 40 (corresponding to Sites 3, 4, and 5); Block 347, Lot 71 (corresponding to Site 6); and Block 352, Lot 28 (corresponding to part of Site 2). A Phase 1A Archaeological Documentary Study of Sites 2 through 6 was requested by LPC to clarify this

initial finding. LPC determined that Site 1, Sites 8 through 10, and the portions of the streets to be mapped and demapped as part of the proposed actions have no archaeological significance, and no in-ground disturbance is proposed for Site 7. Therefore, no further archaeological analysis is warranted for Site 1, Sites 7 through 10, and for the portions of the streets to be mapped and demapped as part of the proposed actions.

In December 2011, a Phase 1A Archaeological Documentary Study of Sites 2, 3, 4, 5, and 6 was prepared. The study concluded that 50 historic lots within Sites 2 through 6 were sensitive for historic-period archaeological resources. The conclusions of the Phase 1A study are summarized below. The Phase 1A recommended a Phase 1B archaeological investigation to determine the presence or absence of archaeological resources in the areas identified as archaeologically sensitive. These potential archaeological resources could include shaft features (i.e., privies, cisterns, or wells) associated with the residential occupation of these historic lots in the early- to mid-19th century. The Phase 1A was submitted to LPC and the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for review and comment. In letters dated January 23, 2012 and January 31, 2012, LPC and OPRHP, respectively, concurred with the findings of the Phase 1A. With implementation of Phase 1B testing and continued consultation with LPC and OPRHP regarding the need for, and implementation of, any Phase 2 and 3 investigations, there would be no significant adverse impacts on archaeological resources from the proposed actions.

At this time, there are no specific development proposals for Sites 1 through 6 and 8 through 10, and future developers will be selected pursuant to a Request for Proposals (RFP) process. Further archaeological investigation will be required to be undertaken by the developer(s) after selection. For sites that may be under the jurisdiction of the City of New York Department of Housing Preservation & Development (HPD), remedial measures, including Phase 1B testing, any necessary Phase 2 and 3 investigations, and continued consultation with LPC and/or OPRHP, will be required to be undertaken by the developer(s) through provisions in the Land Disposition Agreement (LDA) between HPD and the developer(s). For City properties that may be managed by the New York City Economic Development Corporation (NYCEDC), remedial measures, including Phase 1B testing, any necessary Phase 2 and 3 investigations, and continued consultation with LPC, will be required to be undertaken by the developer(s) through the provisions of a contract for sale or lease, or other legally binding agreement between NYCEDC and the developer(s).

ARCHITECTURAL RESOURCES

As described below, the proposed actions would result in significant adverse direct impacts on two architectural resources from development on Sites 2, 5, 8, 9, and 10. Those impacts could be partially mitigated as described in Chapter 21, "Mitigation Measures." Further, development of the proposed project could have adverse physical impacts on five architectural resources that are located within 90 feet of proposed construction activities, close enough to potentially experience adverse construction-related impacts from ground-borne construction-period vibrations, falling debris, subsidence, collapse, or damage from construction machinery. In addition, development on Site 1 could result in significant adverse visual and contextual impacts on two architectural resources.

B. METHODOLOGY

ARCHAEOLOGICAL RESOURCES

Archaeological resources are physical remnants, usually buried, of past human activities on a site. They can include archaeological resources associated with Native American populations that used

or occupied a site and can include stone tools or refuse from tool-making activities, remnants of habitation sites, etc. These resources are also referred to as “precontact,” since they were deposited before Native Americans’ contact with European settlers. Archaeological resources can also include remains from activities that occurred during the historic period, which began with the European colonization of the New York area in the 17th century; such resources can include remains associated with European contact with Native Americans, battle sites, landfill deposits, structural foundations, and domestic shaft features such as cisterns, wells, and privies.

On sites where later development occurred, archaeological resources may have been disturbed or destroyed by grading, excavation, and infrastructure installation and street improvements. However, some resources do survive in urban environments despite extensive development. Deposits can be protected when covered with pavement (i.e., a parking lot) or with a building with a shallow foundation and no basement. In both scenarios, archaeological deposits can be sealed beneath the ground surface, protected from further disturbance.

The study area for archaeological resources is the area that would be disturbed for project construction, i.e., Sites 1 through 6 and Sites 8 through 10 and the portions of the streets to be mapped and demapped. In the summer of 2011, LPC was contacted for its preliminary evaluation of the project site’s archaeological sensitivity. LPC reviewed the City blocks, tax lots, and streets that compose the project site for the purpose of identifying lots and streets with the potential to contain archaeological resources. As written in an Environmental Review letter dated August 16, 2011, LPC determined that there is the potential for the recovery of archaeological resources associated with the 19th-century occupation of the following locations within the project site: Block 346, Lot 40 (corresponding to Sites 3, 4, and 5); Block 347, Lot 71 (corresponding to Site 6); and Block 352, Lot 28 (corresponding to part of Site 2). Accordingly, LPC recommended that an archaeological documentary study be performed for those locations to clarify their initial findings and provide the threshold for the next level of review, if warranted (see **Appendix C** for LPC correspondence). LPC determined that Site 1, Sites 8 through 10, and the portions of the streets to be mapped and demapped as part of the proposed actions have no archaeological significance, and no in-ground disturbance is proposed for Site 7. Therefore, no further archaeological analysis is warranted for Site 1, Sites 7 through 10, and for the portions of the streets to be mapped and demapped as part of the proposed actions. A Phase 1A Archaeological Documentary Study of Sites 2, 3, 4, 5, and 6 was prepared in December 2011 and its conclusions are summarized below.

ARCHITECTURAL RESOURCES

OVERVIEW

Architectural resources are defined as buildings, structures, objects, sites or districts listed on the State and National Registers of Historic Places (S/NR) or determined eligible for such listing based on the criteria defined below, National Historic Landmarks (NHLs), New York City Landmarks (NYCLs) and Historic Districts, and properties that have been found by the LPC to appear eligible for designation, considered for designation (“heard”) by LPC at a public hearing, or calendared for consideration at such a hearing (these are “pending” NYCLs).

The study area for architectural resources is determined based on the proposed action’s area of potential effect on architectural resources, which accounts for both direct physical impacts and indirect impacts. Direct impacts include demolition of a resource and alterations to a resource that cause it to become a different visual entity. A resource could also be damaged by

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construction activities such as blasting, pile driving, falling objects, subsidence, collapse, or damage from construction machinery unless proper protection measures are put in place. 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*, may cause such damage.

Indirect impacts are contextual or visual impacts that could result from project construction or operation. As described in the *CEQR Technical Manual*, indirect impacts can result from a change in scale, visual prominence, or visual context of any building, structure, or object or landscape feature; screening or elimination of publicly accessible views; or introduction of significant new shadows or significant lengthening of the duration of existing shadows on a historic landscape or on a historic structure if the features that make the resource significant depend on sunlight. Significant adverse direct or indirect impacts can occur if a project would cause a change in the quality of a property that qualifies it for S/NR listing or for designation as a NYCL.

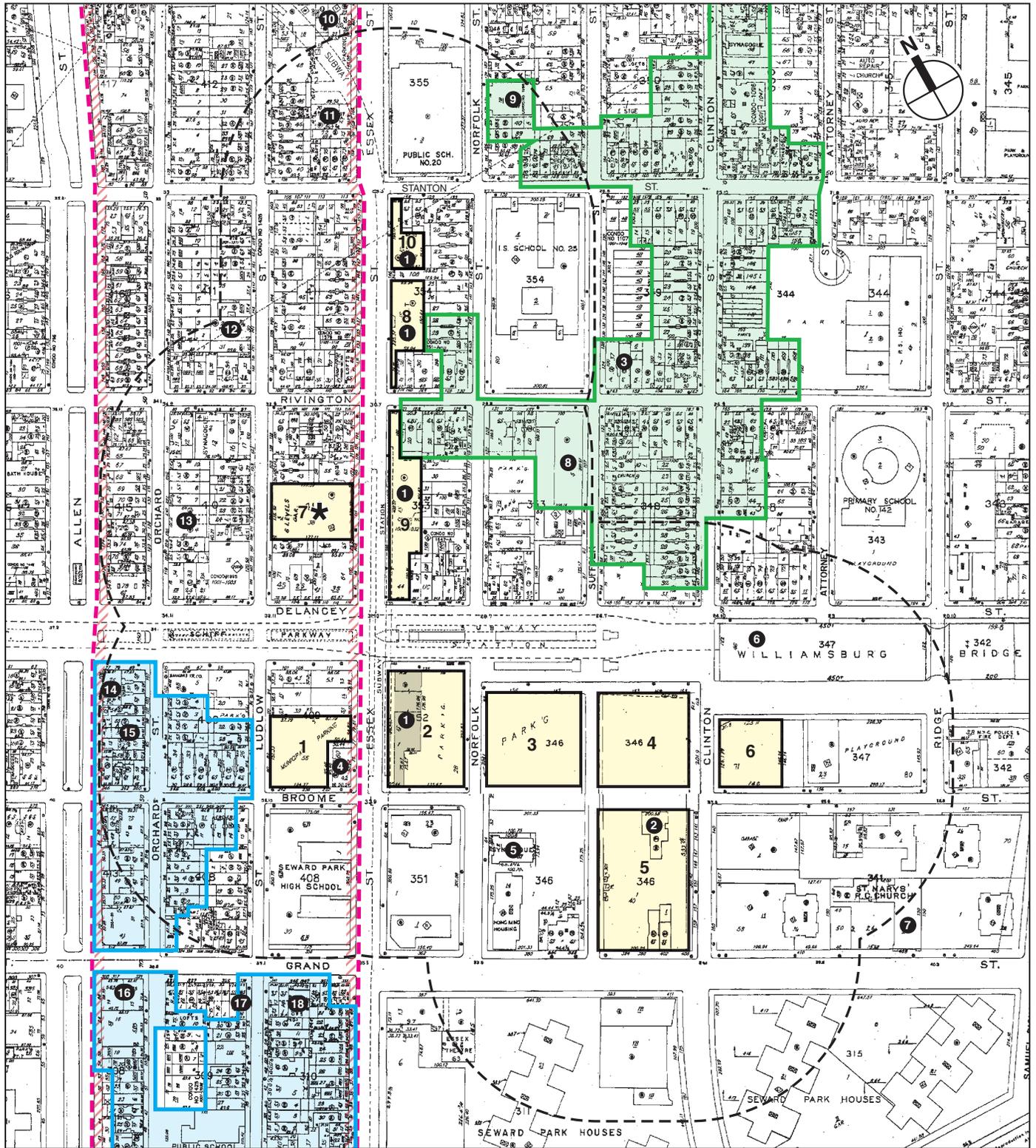
To account for potential direct and indirect impacts, the architectural resources study area for the Seward Park Mixed-Use Development Project is defined as the project site and the area within approximately 400 feet of the project site (see **Figure 7-1**).

CRITERIA AND REGULATIONS

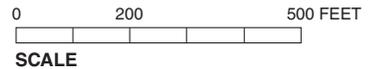
Once the study area was determined, an inventory of officially recognized (“designated and eligible”) architectural resources was compiled. Criteria for listing on the National Register are in the Code of Federal Regulations, Title 36, Part 63, and the LPC has adopted these criteria for use in identifying architectural resources for CEQR review. Following these criteria, districts, sites, buildings, structures, and objects are eligible for the National Register if they possess integrity of location, design, setting, materials, workmanship, feeling, and association, and: (1) are associated with events that have made a significant contribution to the broad patterns of history (Criterion A); (2) are associated with significant people (Criterion B); (3) embody distinctive characteristics of a type, period, or method of construction, represent the work of a master, possess high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction (Criterion C); or (4) may yield information important in prehistory or history. Properties that are younger than 50 years of age are ordinarily not eligible, unless they have achieved exceptional significance. Official determinations of eligibility are made by OPRHP.

In addition, LPC designates historically significant properties in the City as NYCLs and/or Historic Districts, following the criteria provided in the Local Laws of the City of New York, New York City Charter, Administrative Code, Title 25, Chapter 3. Buildings, properties, or objects are eligible for landmark status when a part is at least 30 years old. Landmarks have a special character or special historical or aesthetic interest or value as part of the development, heritage, or cultural characteristics of the city, state, or nation. There are four types of landmarks: individual landmark, interior landmark, scenic landmark, and historic district.

In addition to identifying architectural resources officially recognized in the study area, an inventory was compiled of potential architectural resources. For this project, potential architectural resources were those that appeared to meet one or more of the National Register criteria (described above), and they were identified based on the 2008 East Village/Lower East Side Rezoning Environmental Impact Statement, field surveys in the summer and fall of 2011, and by using historical sources, such as documents at the New York Public Library and Avery Architectural Library at Columbia University, the Municipal Archives, and the DOB archives. The inventory of 12 potential resources was submitted to LPC and OPRHP for their evaluation



- 1** Proposed Development Sites
- *** Site 7 Would Not Be Redeveloped Under the Proposed Actions
- - - 400-Foot Perimeter
- Lower East Side Historic District (S/NR)
- Potential Orchard Street Historic District (NYCL-eligible)
- Potential Clinton, Rivington, Stanton Street Historic District (NYCL-eligible, S/NR-eligible)
- 1** Individual Architectural Resource



and determination of eligibility. As written in an Environmental Review letter dated January 23, 2012, LPC reviewed the inventory of potential resources and determined that one of the potential resources appears to meet the eligibility criteria for S/NR listing. As written in a letter dated January 12, 2012, OPRHP determined that two of the potential resources (which include the one resource identified as S/NR-eligible by LPC) appear to meet the eligibility criteria for listing on the Registers. OPRHP also determined that one of the potential resources is a contributing building within a NYCL-eligible and S/NR-eligible historic district. The remaining nine resources do not appear eligible for NYCL designation or S/NR listing.¹ See **Appendix C** for LPC and OPRHP correspondence.

Once the architectural resources in the study area were identified, the proposed actions were assessed for both direct physical impacts and indirect visual and contextual impacts on architectural resources.

C. EXISTING CONDITIONS

ARCHAEOLOGICAL RESOURCES

The conclusions of the Phase 1A Archaeological Documentary Study of Sites 2, 3, 4, 5, and 6 are summarized below. The Phase 1A study was submitted to LPC and OPRHP for review and comment. In letters dated January 23, 2012 and January 31, 2012, LPC and OPRHP, respectively, concurred with the findings of the Phase 1A (see **Appendix C** for LPC correspondence).

PRECONTACT ARCHAEOLOGICAL SENSITIVITY

The precontact sensitivity of project sites in the New York City is generally evaluated by a site's proximity to high ground (but not exceeding 15 percent slopes), fresh water courses, well-drained soils, and previously identified precontact archaeological sites. The varied resources provided by both the East River and the wetlands that bordered it would have been essential to Native American life, and it is highly likely that such resources were frequently exploited by Native Americans who occupied the land in and around Sites 2 through 6. The presence of a Native American trail leading to the East River situated to the south of the project site confirms prolonged Native American activity in the area. The project site would not likely have been the location of a habitation site, although a documented habitation site was located on the high ground formerly located to the east of Sites 2 through 6. However, it is possible that the location surrounding the project site was used for the gathering and processing of resources, which is supported by the presence of a Native American trail through the area in the vicinity of modern East Broadway.

Despite the likelihood that Native Americans used the project site as a temporary hunting or fishing location, Native American archaeological sites tend to be shallowly buried, often within 4 to 5 feet of the precontact ground surface. During the historic period, the landscape of the project area was greatly transformed as a result of farming, grading, the demolition of hills, the cutting of streets, and

¹ The nine potential resources found by LPC and OPRHP to not appear eligible for NYCL designation or S/NR listing are: the tenement at 400 Grand Street (on Site 5); the tenement at 402 Grand Street (on Site 5); sections of Belgian block street paving within the project site along Suffolk and Broome Streets; the below-grade former Williamsburg Bridge Railway Terminal; the tenements at 384-388 Grand Street; the tenement at 157 Broome Street; the tenement at 125-127 Stanton Street; the former Loew's Delancey theater at 140-146 Delancey Street; and the tenements at 170-174 Delancey Street.

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the construction of buildings. Subsequent basement excavations and utility installations would have generated additional disturbance to the ground surface, the elevation of which has changed little since the mid-19th century according to historic maps. Therefore, it appears that the original ground surface in this area would have been sufficiently altered so as to have disturbed any precontact archaeological resources that could have been located there at one time. Therefore, the project site is determined to have no sensitivity for precontact archaeological resources.

HISTORIC PERIOD ARCHAEOLOGICAL SENSITIVITY

The project site was included within several large tracts of farmland until the late 18th century. The properties were initially owned by a variety of Dutch and English settlers and became incorporated into the property of the DeLancey family in the early to mid-18th century. The DeLanceys were British loyalists and their large estate was confiscated during the Revolutionary War and divided and sold in the late 18th century.

During the late-18th and early-19th centuries, the Lower East Side experienced a surge of development and during this time, the modern streets were cut through the area and the newly formed city blocks were divided into lots and developed for residential use. Most of the approximately 100 historic lots within Sites 2 through 6 were developed with houses or shops before 1820 and nearly all were developed and occupied by 1830. During the early- to mid-19th century, the majority of the 100 lots were developed with small brick structures and many had both front and rear dwellings on the property separated by a shared central courtyard. The majority of these structures were residential dwellings, although at least one church and structures used for industrial or commercial purposes were located on many of the lots. By the 1860s, water and sewer lines would have been accessible in the project site streetbeds, but it is likely that many of the structures in the project site were not connected to those networks and were dependent on cisterns, privies, and wells for the purposes of water gathering and sanitation, possibly until the end of the 19th century.

As the 19th century ended, the Lower East Side featured a demographic shift, as immigrants flooded the area and moved into the older tenements that lined the neighborhood's streets. Waves of immigrants came first from Ireland, then from Germany, and finally from Eastern Europe. During this surge of immigration in the second half of the 19th century, many of the lots currently located within Sites 2 through 6 were redeveloped with larger tenements that covered more lot area and housed more people.

In the first decades of the 20th century, large infrastructure improvements following the 1898 consolidation of the boroughs of New York City affected the neighborhood surrounding the project site. The construction of the Williamsburg Bridge between 1896 and 1903 resulted in the widening of several streets, including Delancey Street, and the demolition of many tenements. In 1967, as part of the redevelopment of the Seward Park Extension Urban Renewal Area, demolition began to clear land for new housing and commercial buildings. Sites 2 through 6 have been occupied by paved parking lots since that time.

Nearly all of the almost 100 historic lots included within Sites 2 through 6 were disturbed to some extent as a result of excavation associated with the construction of buildings with basements. All lots that were fully developed or where all but a portion of the lot measuring less than 10 feet in width was developed with structures with basements are considered to have been fully disturbed and, therefore, are not considered to be sensitive for archaeological resources. Historic lots that include areas greater than 10 feet in width that were not fully disturbed by basement excavation are determined to have moderate to high sensitivity for archaeological resources associated with the 19th-century residential occupation of those lots. These archaeological resources are expected to include domestic shaft

features such as privies, cisterns, and wells in the historic lots' rear yards. There is also a low probability that burial vaults associated with a church formerly located on Site 3 may be present within the property formerly located at 72 Norfolk Street.

The historic lots that have been identified as archaeologically sensitive include the historic lots that formerly stood at the following addresses:

- Site 2: 214 Broome Street; and 73, 75, 77, 79, 81, 83, and 85 Norfolk Street;
- Site 3: 200, 204, and 206 Broome Street; 72, 76, and 78 Norfolk Street; and 73 and 75 Suffolk Street;
- Site 4: 188 and 190 Broome Street; 72, 74, and 76 Suffolk Street; and 127, 129, 131, 133, and 135 Clinton Street;
- Site 5: 398 and 400 Grand Street; 42, 44, 50, 52, 54, 58, 60, and 62 Suffolk Street; and 139, 141, 143, 147, 149, 155, 189, and 191 Clinton Street; and
- Site 6: 170, 172, and 174 Broome Street; and 124 Clinton Street.

These areas of archaeological sensitivity are depicted on **Figure 7-2**.

ARCHITECTURAL RESOURCES

There are 21 known architectural resources on the project site and in the study area. These resources are shown on **Figure 7-1**, listed in **Table 7-1**, and described below.

PROJECT SITE

There are two known architectural resource located on the project site. The Essex Street Market (#1, S/NR-eligible) consists of four one-story buildings on Site 2 (78-90 Essex Street), Site 8 (130-144 Essex Street), Site 9 (96-124 Essex Street), and Site 10 (150 Essex Street). In addition, a S/NR-eligible former fire station is located on Site 5. The two architectural resources located on the project site are described below.

Site 1

Site 1 is occupied by a paved parking lot and does not contain any known or potential architectural resources. It is, however, located within the boundaries of the S/NR-listed Lower East Side Historic District. That historic district is described below.

Site 2

Site 2 contains the former Essex Street Market building (#1, S/NR-eligible) at 78-90 Essex Street. The City of New York, under the administration of Fiorello LaGuardia, built the four Art Moderne buildings of the Essex Street Market in 1939 as part of a citywide program to address sanitation issues and relieve street congestion from pushcart vendors by providing indoor retail space. The Essex Street Market was the fourth of the City's enclosed retail markets, and when it opened it provided 475 spaces for vendors who had previously operated pushcarts in the open-air markets along Orchard, Hester, Grand, Rivington, Stanton, and East Houston Streets. Simply designed, the brick market buildings feature steel sash strip windows and concrete panels with incised lettering that reads "Essex Street Retail Market." In the early 1960s, the City sought to close the remaining six or seven enclosed retail markets, including the Essex Street Market. However, the City leased the Essex Street Market to the remaining 120 vendors in 1966. In the 1980s, the City considered

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**Table 7-1
Architectural Resources**

Map Ref. No.	Name/Building Type	Address	NYCL	NYCL-eligible	S/NR	S/NR-eligible	NHL
Project Site							
1	Essex Street Market	78-90, 96-124, 130-144, and 150 Essex Street				X	
2	Former Engine Co. 17	185 Broome Street				X	
Study Area							
	Lower East Side Historic District	Roughly bounded by Houston, Essex, Allen, and Division Streets			X		
	Potential Orchard Street Historic District	Roughly bounded by Allen, Delancey, Ludlow, Essex, and Canal Streets		X			
	Potential Clinton, Rivington, Stanton Street Historic District	Roughly bounded by Essex, Houston, Attorney, and Delancey Streets		X		X	
3	Streit's Matzo Factory	148-154 Rivington Street				X ¹	
4	Eastern Dispensary	75 Essex Street		X ²		X	
5	Norfolk Street Baptist Church	60-64 Norfolk Street	X		X		
6	Williamsburg Bridge					X	
7	St. Mary's R.C. Church and Rectory	438-400 Grand Street				X	
8	Public School 160	107 Suffolk Street		X		X	
9	Anshe Chesed Synagogue	172-176 Norfolk Street	X				
10	Provident Loan Society of New York	223 East Houston Street		X	X ²		
11	Substation 409	163 Essex Street			X ³		
12	Commercial Building	141 Ludlow Street			X ²	X	
13	New York Telephone Company Exchange	130 Orchard Street			X ²	X	
14	Bank of the United States	77 Delancey Street			X ²	X	
15	Lower East Side Tenement Museum	97 Orchard Street			X ³		X
16	E. Ridley & Sons Dept. Store	315 Grand Street	Heard		X ²	X	
17	Row House	339 Grand Street	Heard		X ²		
18	Commercial Building	345 Grand Street		X	X ²		
Notes:							
NYCL: New York City Landmark							
Heard: Application has been heard at the NYC Landmarks Preservation Commission.							
NYCL-eligible: Determined to appear eligible for designation as a NYCL.							
S/NR: Listed on the State and National Registers of Historic Places.							
S/NR-eligible: Officially determined eligible for listing on the State and National Registers of Historic Places.							
NHL: National Historic Landmark							
1. Streit's Matzo Factory is not individually S/NR-eligible but is a contributing building within the Potential Clinton, Rivington, Stanton Street Historic District.							
2. This building is a contributing building within the S/NR Lower East Side Historic District.							
3. This building is both S/NR listed and a contributing building within the S/NR Lower East Side Historic District.							

redevelopment proposals for the Essex Street Market buildings and, with 59 tenants remaining, leased the market to a private developer in 1988. The New York City Economic Development Corporation took over the management of the market in 1995 and consolidated the remaining vendors from two buildings into the one building at 96-124 Essex Street (located on Site 9). This is the only building that currently houses public market operations.

The Essex Street Market building at 78-90 Essex Street is the second largest of the four market buildings. It is mostly vacant but contains a diner and liquor store along the Delancey Street frontage (see view 1 of **Figure 7-3**). The incised lettering above the two entrances on Essex Street has been filled in but can be faintly discerned.

Site 3

Site 3 is occupied by a paved parking lot and does not contain any known or potential architectural resources.

Site 4

Site 4 is occupied by a paved parking lot and does not contain any known or potential architectural resources.

Site 5

Site 5 contains a surface parking lot and three buildings.

LPC and OPRHP determined that the building at 185 Broome Street (#2) appears to meet the criteria for S/NR listing. This building is the former fire station of Engine Company 17 and Hook & Ladder Company 18. It was built in 1937 by the Works Progress Administration and designed by James T. Treacy. Engine Company 17 was originally located at 91 Ludlow Street (built 1878, see below), and Hook & Ladder Company 18 was originally located nearby on Attorney Street as early as 1897. In 1973, the two companies moved into a new station at Pitt and Delancey Streets that also contained the Seventh Police Precinct. That building still contains the police precinct and Hook & Ladder Company 18. Engine Company 17 was closed in 1991. The former fire station at 185 Broome Street is a two-story brick, stone, and concrete building designed in the Art Moderne style (see view 2 of **Figure 7-4**). The Broome Street façade is articulated with multi-faceted brick piers with concrete capitals that provide a sense of verticality to the small, low-rise building. There are two large vehicular entrances. Mostly recently, the building housed a company that provided equipment and props for the motion picture industry. In a letter dated January 12, 2012, OPRHP determined that the former fire station meets National Register Criterion C as a representative example of Art Deco civic architecture.

LPC and OPRHP reviewed information on the two tenements at 400 and 402 Grand Street and determined that they do not appear to meet the criteria for NYCL designation or S/NR listing.

Site 6

Site 6 is occupied by a paved parking lot and does not contain any known or potential architectural resources.

Site 7

Site 7 is located within the boundaries of the S/NR-listed Lower East Side Historic District (described below). It is occupied by a five-level concrete parking garage that is a non-contributing building to the historic district.

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Site 8

Site 8 contains the former Essex Street Market building (#1, S/NR-eligible) at 130-144 Essex Street (see view 3 of **Figure 7-4**). This building is currently used for garbage storage by the Essex Street Market located on Site 9. Original incised lettering remains above one of the entrances on Essex Street.

Site 9

Site 9 contains the Essex Street Market building (#1, S/NR-eligible) at 96-124 Essex Street. It is still in operation as a public market and currently contains 23 vendors. In addition to the market uses, there is a restaurant on the Rivington Street frontage and small retail operations on the Delancey Street frontage. Like the other three market buildings, it is simply designed with strip windows and recessed entrance bays faced in concrete (see view 4 of **Figure 7-5**). The incised lettering above the main entrance remains. In addition, original applied lettering naming the market is located on the Delancey and Essex Street façades.

Site 10

Site 10 contains the former Essex Street Market building (#1, S/NR-eligible) at 150 Essex Street (see view 5 of **Figure 7-5**). This market building currently contains a health clinic.

Streets to Be Mapped

There are areas of exposed Belgian block street paving along the sections of Suffolk and Broome Streets that would be mapped under the proposed actions. However, LPC and OPRHP determined that they do not appear to meet the criteria for NYCL designation or S/NR listing.

STUDY AREA

In the project study area, beyond the boundaries of the project site, there are three known historic districts and 16 individual architectural resources. These known architectural resources are shown in **Figure 7-1**, listed in **Table 7-1**, and described below.

Lower East Side Historic District

The Lower East Side Historic District (S/NR) comprises 38 blocks in the Lower East Side neighborhood, extending south and east beyond the boundaries of the project study area. The main portion of the roughly L-shaped district is bounded by East Houston Street on the north, Essex Street on the east, Allen Street on the west, and Division Street on the south. The district also includes several blocks along Henry and Madison Streets and East Broadway and the Vladeck Houses on Madison Street between Gouverneur and Jackson Streets. Residential structures with ground-floor commercial spaces constitute the majority of the historic district. Most of these buildings are 19th-century, five- and six-story, brick and stone-clad tenements with cornices. Other resources in the district include Federal and Greek Revival-style row houses, industrial loft structures, cast-iron and brick commercial buildings, Seward Park, and several synagogues and other institutional buildings. The Lower East Side Historic District is historically significant for its association with immigration in America between 1820 and 1940. In the early 19th century, the area developed as a middle-class neighborhood on land that was originally part of the estates of the Rutgers, Delancey, and Stuyvesant families. In the 1840s, the Lower East Side became an enclave of German immigrants, and then one of Eastern European Jewish immigrants in the 1870s. The neighborhood's population began declining in the 1920s, but the area retained a commercial and residential character. Within the boundaries of the

historic district are multiple modern rooftop additions to tenement buildings and several recent tall apartment, hotel, and dormitory buildings that include the Hotel on Rivington, which is located on Rivington Street between Essex and Ludlow Streets, the Ludlow apartment building on East Houston Street at Ludlow Street, the Blue Condominium on Norfolk Street just north of Delancey Street, and a dormitory for the School of Visual Arts on the north side of Delancey Street at Ludlow Street.

The portion of the historic district that falls within the project study area is typical of the larger district and primarily consists of tenements and institutional and commercial buildings (see **Figures 7-6 through 7-10**). The following individual architectural resources, which are described in detail below, are located within the portion of the historic district that falls within the project study area: (#4) the Eastern Dispensary; (#10) the Provident Loan Society of New York; (#11) Substation 409; (#12) 141 Ludlow Street; (#13) the New York Telephone Company Exchange; (#14) the Bank of the United States; (#15) the Lower East Side Tenement Museum; (#16) the E. Ridley and Sons Department Store; (#17) 339 Grand Street; and (#18) 345 Grand Street.

As mentioned above, Site 1 is located within the boundaries of the Lower East Side Historic District. Buildings in the immediate vicinity of Site 1 include the Eastern Dispensary (#4, NYCL-eligible, S/NR-eligible), Seward Park High School, the former home of Engine Company 17, and tenements. Described in more detail below, the Eastern Dispensary is a four-story former medical clinic located adjacent to Site 1 at the northwest corner of Essex and Broome Streets. Seward Park High School occupies the full block to the south of Site 1. Built in 1927 and designed by William H. Gompert in a Renaissance Revival style, the high school is a large, six-story (95-foot-tall) building with an “E plan.” Under that site plan and layout, the main building core is located along Ludlow Street and there are three short wings set perpendicular to that section with two courtyards on Essex Street between the wings. Located across Ludlow Street from Site 1, the former Engine Company 17 (built 1878) is a heavily altered three-story building with a bracketed cornice. Two five-story Neo-Grec brick tenements from the 1880s are located at 85 and 87 Ludlow Street, and a six-story Beaux Arts brick tenement from 1898 is located at 246 Broome Street (at the northwest corner of the intersection with Ludlow Street). New buildings and recently enlarged historic buildings are also located in the immediate vicinity of Site 1.

Potential Orchard Street Historic District

Roughly bounded by Allen, Delancey, Ludlow, Essex, and Canal Streets, the potential Orchard Street Historic District (NYCL-eligible) is located wholly within the boundaries of the S/NR Lower East Side Historic District. The northern portion of the district falls within the project study area and includes buildings on the west side of Ludlow Street across from Site 1. Building types within the potential district include 19th-century tenements, 19th- and 20th-century commercial buildings, and a school (see view 9 of **Figure 7-7**, view 10 of **Figure 7-8**, and **Figure 7-9**). The following individual resources are located within the portion of the district that falls within the project study area: (#14) the Bank of the United States; (#15) the Lower East Side Tenement Museum; (#16) the E. Ridley and Sons Department Store; (#17) 339 Grand Street; and (#18) 345 Grand Street.

Potential Clinton, Rivington, Stanton Street Historic District

The potential Clinton, Rivington, Stanton Street Historic District (NYCL-eligible, S/NR-eligible) is roughly bounded by Essex, East Houston, Attorney, and Delancey Streets, and

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portions of it abut Sites 8 and 9. In a letter dated January 12, 2012, OPRHP determined that the district appears to meet the criteria for S/NR listing and is significant under National Register Criterion A for its association with the history of immigration in America and Criterion C for its architecture, which reflects the changing character of urban architecture for the poor.

The district includes 19th-century tenements, synagogues, a factory, a school, and commercial buildings. See **Figures 7-11** and **7-12** and view 20 of **Figure 7-13** for images of buildings within the historic district. The following individual resources are located within the portion of the district that falls within the project study area: (#8) Public School 160 and (#9) Anshe Chesed Synagogue. Streit's Matzo Factory (#3) at 148-154 Rivington Street was identified as a potential historic resource for this analysis, and ORPHP subsequently identified it as a key contributing building to the potential Clinton, Rivington, Stanton Street Historic District. Founded by Aron Streit, the matzo factory has been located in a group of four converted and combined tenements since 1925, when the area was a bustling and densely populated Jewish neighborhood. The four- and five-story buildings have terra cotta ornamentation, brownstone banding, and decorative brickwork. Four brick tenements of five and six stories at 121-129 Rivington Street are adjacent to Site 9. They exhibit stone trim and bracketed cornices, and the tenement at 121 Rivington Street, which abuts Site 9, is further embellished with windows with keystones and splayed lintels and windows framed with columns and pediments. Five-story brick tenements at 128-130 Rivington Street and 135-137 Norfolk Street are adjacent to Site 8. These tenements are ornamented with decorative brickwork, stone trim, decorative panels, and bracketed cornices.

Eastern Dispensary, 75 Essex Street (#4)

The Eastern Dispensary (NYCL-eligible, S/NR-eligible) is a four-story (67-foot-tall), former medical clinic designed by Rose & Stone in a Romanesque Revival/Neo-Renaissance style. Built in 1889, it is clad in brick with stone and terra-cotta trim and has a rusticated base, decorative brick window surrounds on the second and third floors, arched windows on the fourth floor, and a projecting cornice at the roofline (see view 21 of **Figure 7-13**). Adjacent to Site 1, this building is a contributing building within the S/NR Lower East Side Historic District (i.e., it contributes to the historic significance of the district, as noted in the National Register of Historic Places Registration Form for the Lower East Side Historic District).¹ OPRHP also determined that this building individually appears to meet the criteria for S/NR listing.

Norfolk Street Baptist Church, 60-64 Norfolk Street (#5)

The former Norfolk Street Baptist Church (NYCL, S/NR) dates to 1850. In 1885, Congregation Beth Hamedrash Hagodol, the country's oldest congregation of Orthodox Russian Jews, converted the church into a synagogue. The Gothic Revival-style synagogue is raised above the street, and the Norfolk Street façade is arranged with two square towers flanking the recessed nave entrance (see view 22 of **Figure 7-14**). Some original ornament has been removed, but remaining details include pointed-arch doors and windows and a frieze of quatrefoil designs. A

¹ As defined in the National Register Bulletin *How to Complete the National Register Registration Form* (1997) published by the U.S. Department of the Interior, a contributing building, site, structure, or object adds to the historic associations, historic architectural qualities, or archeological values for which a property is significant because: it was present during the period of significance, relates to the documented significance of the property, and possesses historic integrity or is capable of yielding important information about the period; or it independently meets the National Register criteria.

decorative metal fence encloses the building along Norfolk Street while a concrete block wall surrounds the north and east façades. The building is heavily deteriorated.

Williamsburg Bridge (#6)

The Williamsburg Bridge (S/NR-eligible) was constructed in 1903 from plans by Leffert L. Buck with ornamental detailing added by Gustav Lindenthal. This steel suspension bridge spans the East River and connects Delancey Street on the Lower East Side of Manhattan to Marcy Avenue in Williamsburg, Brooklyn. It is 7,308 feet long with a main span of 1,600 feet and was the longest and heaviest suspension bridge when it was built. The span is suspended from four steel cables with four arched support towers located close to the Manhattan and Brooklyn shorelines. Steel latticework extends almost the entire distance of the bridge. The J/M/Z subway runs over the bridge. The approach span along Delancey Street is located within the project study area. The entrance plaza is located in the vicinity of Clinton Street and it is marked by two stone colonnades on the north and south sides of the approach entry and by a semicircular colonnade in the center of Delancey Streets. These colonnades are topped by stone balustrades. For two blocks to Pitt Street, the approach span inclines on a rusticated stone and concrete ramp and then is supported on concrete piers.

St. Mary's Roman Catholic Church and Rectory, 438-400 Grand Street (#7)

Completed in 1833 for a parish founded in 1826, the Church of St. Mary (S/NR-eligible) is one of the City's oldest Catholic churches. The church originally had a Greek Revival façade with a single, central tower placed above a temple-front façade. In 1864, Patrick C. Keely, the prolific architect of ecclesiastical structures, gave the building the current Romanesque façade. That brick and brownstone façade is arranged with a peaked-roof nave flanked by two corner towers with tall conical roofs (see view 23 of **Figure 7-14**). The entrances and windows have wood arches and tracery. Plastic covering is applied to the windows, but the original features remain behind, and are visible through, the coverings. The fieldstone side walls are original to the 1833 church. The rectory is located to the west of the church, and it is a 3½-story brick building with stone trim, inset multi-colored tiles, and a bracketed cornice. In a letter dated January 12, 2012, ORPHP determined that the church appears to meet the criteria for S/NR listing under National Register Criterion C as an outstanding example of Romanesque Revival ecclesiastical design. The rectory was determined to be a contributing feature.

Public School 160, 107 Suffolk Street (#8)

C.B.J. Snyder designed the former Public School 160 (NYCL-eligible, S/NR-eligible) at 107 Suffolk Street. Built in 1897, it is a five-story brick building with an "L-plan" footprint and layout, designed in the Dutch Revival style with some Collegiate Gothic elements and faced in brick with terra cotta ornament and trim. On the ground floor, there are numerous pointed-arched entrance vestibules and windows, and the upper floors contain large square windows with eared lintels and terra cotta architraves. Gables of various sizes create a staggered roofline. Additional ornamental touches include pilasters, panels with carved foliate designs, scrolls, and recessed spandrel panels. The main entrance vestibule on Suffolk Street has three large pointed-arch doorways, a mosaic floor with "PS 160" set in a wreath, and stone walls decorated with colonnettes, pointed arch windows, and recessed panels. The former school is now the Clemente Soto Velez Educational & Cultural Center. Public School 160 is currently being restored and is covered in scaffolding and construction netting. It is located within the potential Clinton, Rivington, Stanton Street Historic District.

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Anshe Chesed Synagogue, 172-176 Norfolk Street (#9)

Located at 172-176 Norfolk Street and constructed in 1849, the Anshe Chesed Synagogue (NYCL) is the earliest synagogue built on the Lower East Side and the oldest extant building in New York City that was built specifically for use as a synagogue. Alexander Saeltzer designed the two-story, masonry synagogue in the Gothic Revival style (see view 24 of **Figure 7-15**). The recessed central bay has a pointed-arch, recessed entrance flanked by pointed-arch doors, and a large pointed-arch window flanked by smaller windows with quatrefoil tracery. Pointed-arch windows with decorative tracery are found on the side bays. Modern metal sculptural columns are located in front of the building, which currently houses the Angel Orensanz Foundation Center for the Arts. This building is located within the potential Clinton, Rivington, Stanton Street Historic District.

Provident Loan Society of New York, 223 East Houston Street (#10)

Renwick, Aspinwall & Tucker designed this one-story, Classical Revival-style brick bank building (NYCL-eligible), which was constructed in 1912. The two façades (on East Houston and Essex Streets) are designed with three large windows with heavy, stone enframements and alternating triangular and segmental pediments (see view 25 of **Figure 7-15**). Below a modillioned metal cornice, a stone entablature is inscribed with “The Provident Loan Society of New York” on each façade. This building is a contributing building within the S/NR Lower East Side Historic District.

Substation 409, 163 Essex Street (#11)

IND Substation 409 (S/NR) at 163 Essex Street is part of the S/NR Multiple Property Submission of the Historic Resources of the New York City Subway System. It is also a contributing building within the Lower East Side Historic District (S/NR). Substation 409 (the Stanton Street Substation) was built in 1936 as part of the IND system, and it currently provides power for the F, J, M, and Z lines of the IND and BMT subway systems. It originally supplied power with mercury arc rectifiers, which have been replaced. The building is a double-height masonry building designed in the Art Deco style like the other above-ground IND substations from the same period (see view 26 of **Figure 7-16**).

141 Ludlow Street (#12)

This three-story commercial building (S/NR-eligible) with a five-story corner tower dates to around 1930 and has Neo-Gothic terracotta ornament (see view 27 of **Figure 7-16**). It originally housed a garage and a funeral parlor. The building is a contributing building within the S/NR Lower East Side Historic District.

New York Telephone Company Exchange, 130 Orchard Street (#13)

Cyrus Eidlitz designed this five- and six-story, brick Neo-Renaissance building (S/NR-eligible). It has cast-iron and limestone trim and was constructed in 1902. It has multiple cornices and large arched windows on the second and third floors (see view 28 of **Figure 7-17**). It is a contributing building within the S/NR Lower East Side Historic District.

Bank of the United States, 77 Delancey Street (#14)

Samuel Sass designed this seven-story Classical Revival-style marble and terra-cotta commercial building (S/NR-eligible). Constructed in 1913, the building has a tripartite arrangement of base, shaft, and capital (see view 29 of **Figure 7-17**). Above the two-story base,

the temple-front façade has four large Corinthian columns supporting an entablature. The attic story (the capital) is designed as an Ionic colonnade. This building is a contributing building within the S/NR Lower East Side Historic District.

Lower East Side Tenement Museum, 97 Orchard Street (#15)

The Lower East Side Tenement Museum (S/NR, NHL) at 97 Orchard Street is located within the Lower East Side Historic District. In 1862, Lucas Glockner, Adam Stumm, and Jacob Walter bought the land currently occupied by 95, 97, and 99 Orchard Street from the Second Reformed Protestant Church. Lucas Glockner built 99 Orchard Street in 1863. The Lower East Side Tenement Museum is similar in design to 99 Orchard Street and is a five-story, Italianate-style, brick tenement (see view 30 of **Figure 7-18**). The lower two floors originally served as commercial space. On these two floors, large metal and glass storefront windows project from the brick façade on either side of the entrance. These shopfronts date from 1905. The upper floor windows are arched with stone lintels. This building is a contributing building within the S/NR Lower East Side Historic District, and there is a contributing archaeological site in the rear yard.

E. Ridley & Sons Department Store, 315 Grand Street (#16)

The former E. Ridley & Sons Department Store (NYCL-heard, S/NR-eligible) at 315-321 Grand Street is a five-story, Neo-Grec cast-iron building. It was built in two phases with the original section dating from 1876 and designed by architect John B. Snook. The building was extended in 1886 and designed by architect Paul F. Schoen. The building has several rear additions and the building's west end was removed when Allen Street was widened. That building section was then rebuilt in brick with limestone trim in the Art Deco style (see view 31 of **Figure 7-18**). This building is a contributing building within the S/NR Lower East Side Historic District.

339 Grand Street (#17)

The Federal-era row house (NYCL-heard) at 339 Grand Street dates to around 1832. The three-story brick building has a pitched roof, windows with brownstone lintels and sills, and the remnant of a dormer (see view 32 of **Figure 7-19**). A shorter addition is located at the rear. The ground-floor storefront is not original but is several decades old in its own right. This building is a contributing building within the S/NR Lower East Side Historic District. LPC heard the building for NYCL designation in June 2011 but no action has been taken.

345 Grand Street (#18)

The five-story, Neo-Grec/Queen Anne-style cast-iron commercial building (NYCL-eligible) at 345 Grand Street dates to 1887. Frederick Jenth designed the façade with columns, pilasters, arched windows on the top floor, and a pedimented cornice with sunbursts and brackets (see view 33 of **Figure 7-19**). It is a contributing building within the S/NR Lower East Side Historic District.

D. THE FUTURE WITHOUT THE PROPOSED ACTIONS

Absent the proposed actions, no development would occur on Sites 1 through 6 and Sites 8 through 10; those sites are expected to remain as they are in existing conditions. However, the municipal parking garage on Site 7 will be refurbished by the New York City Department of Design and Construction and the New York City Department of Transportation (NYCDOT) as part of the City's Design Excellence Program. The improvements will include resurfacing the parking floors, installing improved lighting on floors and in stairwells, and replacing the

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concrete façade with a weave of steel cables that will improve the aesthetics of the site. It is not expected that these construction activities would directly affect any adjacent contributing buildings within the Lower East Side Historic District. In addition, there are several projects planned or under construction in the study area, as described more fully in Chapter 2, “Land Use, Zoning, and Public Policy.” Projects that could affect architectural resources in the future without the proposed actions are described below.

ARCHAEOLOGICAL RESOURCES

In the future without the proposed actions, there would be no ground disturbance on the archaeologically sensitive portions of the project site. Therefore, any archaeological resources located on those lots would not be disturbed or destroyed in the future without the proposed actions.

ARCHITECTURAL RESOURCES

OVERVIEW

In the future without the proposed actions, the status of architectural resources could change. S/NR-eligible resources could be listed on the Registers, NYCL-eligible properties could be calendared for a designation hearing, and properties pending designation as Landmarks could be designated. It is also possible, given the project’s completion year of 2022, that additional sites could be identified as architectural resources and/or potential architectural resources in this time frame.

In the future without the proposed actions, changes to architectural resources or to their settings could occur. For instance, indirect impacts from future projects could include: a change in scale, visual prominence, or visual context of any building, structure, or object or landscape feature; screening or elimination of publicly accessible views; or introduction of significant new shadows or significant lengthening of the duration of existing shadows on a historic landscape or on a historic structure if the features that make the resource significant depend on sunlight. It is also possible that some architectural resources in the study area could deteriorate or experience direct impacts through alteration or demolition, while others could be restored.

Architectural resources that are listed on the S/NR or that have been found eligible for listing are given a measure of protection under Section 106 of the National Historic Preservation Act from the effects of projects sponsored, assisted, or approved by federal agencies. Although preservation is not mandated, 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 State Historic Preservation Act. 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 Landmarks are protected under the New York City Landmarks Law, which requires LPC review and approval before any alteration or demolition can occur, regardless of whether the project is publicly or privately funded. Publicly owned resources are also subject to review by the LPC before the start of a project; however, the 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. A second protective measure, the DOB's *TPPN #10/88*, applies to New York City Landmarks, properties within New York City Historic Districts, and National Register-listed properties. *TPPN #10/88* supplements the standard building protections afforded by the Building Code by requiring a monitoring program to reduce the likelihood of construction damage to adjacent New York City Landmarks and National Register-listed properties (within 90 feet) and to detect at an early stage the beginnings of damage so that construction procedures can be changed.

POTENTIAL EFFECTS FROM KNOWN DEVELOPMENT PROJECTS

There are 11 projects under construction or planned or projected for development within the Lower East Side Historic District (S/NR). (A tenth project within the district is an interior renovation of a modern dormitory building at 101 Ludlow Street, which will have no effect on the historic district.) Three of these projects are substantially taller than the low-rise buildings that compose the historic district and each will alter the historic district's setting. In addition, six of the projects will replace or alter existing buildings that are contributing structures to the historic district. Further, construction of these 11 projects could cause accidental construction damage to contributing historic district buildings located within 90 feet of construction. Adjacent contributing buildings would be offered some protection through DOB controls governing the protection of adjacent properties from construction activities. The 11 projects located within the Lower East Side Historic District are:

- An 18-story hotel at 180 Ludlow Street. This project will replace a non-contributing historic district building.
- A 24-story hotel at 180 Orchard Street. This project will replace a non-contributing historic district building.
- A proposed six-story mixed-use building at 145 Ludlow Street. This project will replace a contributing one-story commercial building.
- A 16-story hotel at 139 Orchard Street. This project will replace a contributing five-story tenement.
- A 10-story mixed-use building at 119 Orchard Street. This project will replace a contributing row house.
- The renovation and enlargement by one story of the existing two-story commercial building at 95 Delancey Street. This building is a contributing structure to the Lower East Side Historic District.
- The renovation and enlargement by two stories of the existing four-story building at 100 Delancey Street. This building is a non-contributing building to the Lower East Side Historic District.
- The enlargement by two stories of the existing three-story building at 329 Grand Street. This building is a contributing structure to the Lower East Side Historic District. This project is also adjacent to the potential Orchard Street Historic District (NYCL-eligible).
- A 120-foot-tall projected residential building at 91 Ludlow Street. This project will replace a contributing fire station. This project is also adjacent to the potential Orchard Street Historic District (NYCL-eligible).

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- A 120-foot-tall projected residential building at 88 Delancey Street. This project will replace a non-contributing historic district building.

There is one known development project located within the potential Clinton, Rivington, Stanton Street Historic District (NYCL-eligible, S/NR-eligible). The ABC No Rio cultural center plans to reconstruct their building at 156 Rivington Street, replacing a historic district building. In addition, construction of this project could cause accidental construction damage to historic district buildings located within 90 feet of construction. OPRHP has reviewed this project pursuant to Section 106 regulations, because the project will receive HUD funding through the Lower Manhattan Development Corporation (LMDC). LMDC will require the preparation and implementation of a Construction Protection Plan for adjacent structures to protect against inadvertent construction-related damage.

Four additional known and projected development projects are located adjacent to the potential Clinton, Rivington, Stanton Street Historic District (NYCL-eligible, S/NR-eligible)—a six-story residential building at 115 Norfolk Street; an eight-story hotel at 150 Delancey Street; a 120-foot-tall projected residential building at 152 Delancey Street; and a 120-foot-tall projected residential building at 156 Delancey Street. At these heights, these four projects will largely be in keeping with the heights of buildings located in the adjacent district and will not substantially change the visual setting of the potential historic district. Construction of these projects could cause accidental construction damage to historic district buildings located within 90 feet of construction. In addition, the project at 115 Norfolk Street is adjacent to the rear of the Essex Street Market building (#1, S/NR-eligible) on Site 9. Adjacent historic district buildings and the Essex Street Market would be offered some protection through DOB controls governing the protection of adjacent properties from construction activities. An additional projected residential building at 124 Delancey Street is located within 90 feet of the Essex Street Market building (#1, S/NR-eligible) on Site 9, and the Essex Street Market building would be offered some protection through DOB controls governing the protection of adjacent properties from construction activities.

E. PROBABLE IMPACTS OF THE PROPOSED ACTIONS

OVERVIEW

As described in Chapter 1, “Project Description,” the proposed actions would result in an approximately 1.7 million gross-square-foot (gsf) mixed-use development on Sites 1 through 6 and Sites 8 through 10. Further, demapped sections of Suffolk Street between Grand and Delancey Streets and of Broome Street between Norfolk and Clinton Streets would be mapped as City streets, and sections of Delancey Street between Norfolk and Clinton Streets and of Clinton Street between Delancey and Grand Streets would be demapped. The reasonable worst-case development scenario (RWCDS) for the proposed actions envisions the development of 900 dwelling units, approximately 632,300 gsf of commercial space, approximately 114,000 gsf of community facility or cultural uses, up to 500 parking spaces, and an approximately 10,000-square-foot publicly accessible open space. Further, the commercial program for the reasonable worst-case development scenario includes relocating the existing Essex Street Market on Site 9 to a new, expanded public market facility on Site 2.

The design of the proposed development on Sites 1 through 6, including the height, bulk, and placement of buildings, would be governed by the Large-Scale General Development (LSGD) special permit that will be sought under the proposed actions. The LSGD would establish a maximum

building envelope for each site, which is the three-dimensional space on the zoning lot within which a structure can be built, as permitted by applicable height, setback, and yard controls. Each of the zoning envelopes on Sites 1 through 6 is larger in terms of height, massing, tower locations, and floor area than what could ultimately be built on each development site to allow for flexibility of design. Buildings on Sites 1 through 6 would be massed with multiple setbacks, and the envelopes would establish base heights of between 60 and 85 feet, with varying heights above. The upper portions of all buildings would be set back at least 10 feet from Delancey, Essex, Clinton, and Grand Streets, and 15 feet from Ludlow, Broome, Norfolk, and Suffolk Streets. Midrise sections would have maximum heights of 120 feet, and the maximum building envelopes would allow buildings on Sites 2 and 4 of up to 285 feet and 260 feet tall to the roof parapets (and up to 315 feet and 290 feet to the tops of the mechanical bulkheads), respectively, and buildings on Sites 1, 3, 5, and 6 of up to 160 feet tall to the roof parapets (and up to 190 feet tall to the tops of the mechanical bulkheads). **Figures 7-20a and 7-20b** show the massing controls and potential massings (in plan) for structures developed within the maximum building envelopes. Sites 8, 9, and 10, which would not be within the LSGD, would be built in accordance with existing zoning and could be built up to 80 feet tall on Essex Street and up to 120 feet tall on Delancey Street. Sites 8, 9, and 10 were rezoned in 2008 as part of the East Village/Lower East Side Rezoning that aimed to preserve established neighborhood scale and character by establishing contextual zoning districts with height limits and to provide modest opportunities for residential growth and incentives for affordable housing along the area's widest streets well served by bus or subway lines. **Figure 7-21** shows an illustration of the maximum building envelopes on Sites 1 through 6 and 8 through 10, and **Figure 7-22** shows illustrative RWCDs massings rendered within the maximum building envelopes on Sites 1 through 6.

Development pursuant to the proposed actions could have potential adverse impacts on architectural resources from direct physical impacts—demolition and alteration of architectural resources, or accidental damage to architectural resources from adjacent construction—and indirect impacts on architectural resources by: changing the scale, visual prominence, or visual context of any building, structure, or object or landscape feature; screening or eliminating publicly accessible views of a resource; or introducing significant new shadows or significantly lengthening the duration of existing shadows on a historic landscape or on a historic structure if the features that make the resource significant depend on sunlight. These potential impacts are examined below.

ARCHAEOLOGICAL RESOURCES

Portions of Sites 2 through 6 have been identified as being moderately to highly sensitive for historic-period archaeological resources. A sensitivity map has been prepared to indicate those areas for which further investigation is recommended (see **Figure 7-2**). Archaeological resources on the project site could include domestic shaft features and household trash deposits associated with the early- to mid-19th century occupation of the historic lots. In addition, the Phase 1A identified a small possibility that burial vaults could have been associated with a church that formerly stood at the northwest corner of Norfolk and Broome Streets (within Site 3). If any artifacts are present, they could provide new information about the mid- to late-19th century residents of the Lower East Side. This information could be compared and contrasted with data associated with similar populations elsewhere in the city.

In accordance with CEQR guidelines, the project sponsors are undertaking continuing consultation with LPC regarding the archaeological sensitivity of portions of Sites 2 through 6. Further, because construction financing may come from HUD and/or New York State, the project sponsors are also undertaking continuing consultation with OPRHP pursuant to Section 106 and Section 14.09.

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The proposed project would involve subsurface disturbance to some or all of the historic lots that have been identified as archaeologically sensitive. Therefore, the Phase 1A recommended that further investigation in the form of Phase 1B archaeological testing be undertaken in the archaeologically sensitive areas. The Phase 1B testing would determine the presence or absence of archaeological resources such as domestic shaft features (i.e., privies, cisterns, or wells) or other archaeological resources dating to the early- to mid-19th century. The Phase 1B survey would be undertaken as part of the proposed project and completed prior to the start of construction in consultation with LPC and/or OPRHP. A Phase 1B testing protocol would be prepared and submitted to LPC and/or OPRHP for review and comment before the Phase 1B survey would begin. If no archaeological resources were encountered during the Phase 1B survey, a final report summarizing the results of the Phase 1B testing would be prepared and submitted to LPC and/or OPRHP for review and comment. Should any intact archaeological resources be identified during the course of the Phase 1B survey, further testing (i.e., a Phase 2 survey) could be necessary to assess the horizontal and vertical extent of any recovered archaeological resources, as well as their potential significance (S/NR-eligibility). Any identified archaeological resources would be properly documented and evaluated in consultation with LPC and/or OPRHP. A Phase 2 survey would therefore determine if further investigation in the form of Phase 3 data recovery is warranted. With implementation of Phase 1B testing and continued consultation with LPC and/or OPRHP regarding the need for, and implementation of, any Phase 2 or 3 investigations, there would be no significant adverse impacts on archaeological resources.

At this time, there are no specific development proposals for Sites 1 through 6 and 8 through 10, and future developers will be selected pursuant to an RFP process. Further archaeological investigation will be required to be undertaken by the developer(s) after selection. For sites that may be under the jurisdiction of HPD, remedial measures including Phase 1B testing, any necessary Phase 2 and 3 investigations, and continued consultation with LPC and/or OPRHP will be required to be undertaken by the developer(s) through provisions in the LDA between HPD and the developer(s). For City properties that may be managed by NYCEDC, remedial measures including Phase 1B testing, any necessary Phase 2 and 3 investigations, and continued consultation with LPC will be required to be undertaken by the developer(s) through the provisions of a contract of sale or lease, or other legally binding agreement between NYCEDC and the developer(s).

ARCHITECTURAL RESOURCES

As shown in **Table 7-2** and described below, the proposed actions would: result in significant adverse direct impacts on two architectural resources from development on Sites 2, 5, 8, 9, and 10; could result in adverse physical impacts on five architectural resources that are located within 90 feet of proposed construction activities; and could result in significant adverse visual and contextual impacts on two known architectural resources from development on Site 1.

In accordance with CEQR guidelines, the project sponsors are undertaking continuing consultation with LPC regarding the development of mitigation for these significant adverse direct and visual and contextual impacts and the evaluation of alternatives that may avoid or fully mitigate these significant adverse impacts. Alternatives are described in Chapter 20, "Alternatives." Further, because construction financing may come from HUD and/or New York State, the project sponsors are also undertaking continuing consultation with OPRHP pursuant to Section 106 and Section 14.09 (see **Appendix C** for OPRHP correspondence regarding continuing consultation).

POTENTIAL DIRECT IMPACTS FROM REDEVELOPMENT

Development of the proposed project would result in significant adverse impacts on two architectural resources: the Essex Street Market (#1, S/NR-eligible) and the former fire station (#2, S/NR-eligible) at 185 Broome Street.

Under the proposed actions, the four buildings of the Essex Street Market (#1, S/NR-eligible) would be redeveloped. The market building at 78-90 Essex Street on Site 2 would be replaced by an approximately 355,000-gsf, 285-foot-tall building that would contain a new market facility, the market building at 96-124 Essex Street on Site 9 would be replaced by an approximately 94,000-gsf, 80- to 120-foot-tall building, the market building at 130-144 Essex Street on Site 8 would be replaced by an approximately 46,000-gsf, 80-foot-tall building, and the market building at 150 Essex Street on Site 10 would be replaced by an approximately 26,000-gsf, 80-foot-tall building. Therefore, the proposed development would have a direct significant adverse impact on each Essex Street Market building and on the four-building market complex as a whole. Measures that could partially mitigate these significant adverse impacts are described in Chapter 21, “Mitigation Measures.”

**Table 7-2
Summary of Impacts on Architectural Resources**

Resource	Adverse Impact
Essex Street Market (#1, S/NR-eligible)	Significant Adverse Impacts from Development on Sites 2, 8, 9, and 10
Former Fire Station (#2, S/NR-eligible)	Significant Adverse Impact from Development on Site 5
Lower East Side Historic District (S/NR)	Potential Adverse Construction-Related Impacts from Construction on Site 1 to the 11 buildings at: 75 and 83 Essex Street; 85, 87, 90, and 94 Ludlow Street; 246-248 Broome Street; 95 and 101 Delancey Street; and Seward Park High School. Potential Significant Visual and Contextual Impact from Development of Site 1
Eastern Dispensary (#4, NYCL-eligible, S/NR-eligible)	Potential Adverse Construction-Related Impacts from Construction on Site 1 Potential Significant Visual and Contextual Impact from Development of Site 1
Potential Clinton, Rivington, Stanton Street Historic District (NYCL-eligible, S/NR-eligible)	Potential Adverse Construction-Related Impacts from Construction on Site 8 to the buildings at: 121-123, 125, 128, and 130 Rivington Street; and 133, 135, and 137 Norfolk Street. Potential Adverse Construction-Related Impacts from Construction on Site 9 to the buildings at: 121-123, 125, 127, and 129 Rivington Street; and 121 Norfolk Street.
Norfolk Street Baptist Church (#5, NYCL, S/NR)	Potential Adverse Construction-Related Impacts from Construction on Site 3
Williamsburg Bridge (#6, S/NR-eligible)	Potential Adverse Construction-Related Impacts from Construction on Site 6

The development of an approximately 311,000-gsf, 160-foot-tall building and a 10,000-sf publicly accessible open space on Site 5 would replace the former fire station (#2, S/NR-eligible) at 185 Broome Street. Therefore, the proposed development would have a direct significant adverse impact on this architectural resource. Measures that could partially mitigate this significant adverse impact are described in Chapter 21, “Mitigation Measures.”

POTENTIAL DIRECT IMPACTS FROM ADJACENT CONSTRUCTION

Development of the proposed project could have adverse physical impacts on five architectural resources that are located within 90 feet of proposed construction activities, close enough to potentially experience adverse construction-related impacts from ground-borne construction-period vibrations, falling debris, subsidence, collapse, or damage from construction machinery. The five architectural resources that could experience adverse construction-related impacts are:

- The Lower East Side Historic District (S/NR). The three contributing historic district buildings at 75 Essex Street (the Eastern Dispensary, #4, NYCL-eligible, S/NR-eligible), 83 Essex Street, and 90 Ludlow Street are located adjacent to Site 1, and the following eight contributing historic district buildings are located within 90 feet of Site 1: Seward Park High School; 85, 87, and 94 Ludlow Street; 246-248 Broome Street; and 95 and 101 Delancey Street. The buildings at 246-248 Broome Street and 85 and 87 Ludlow Street are also located within the potential Orchard Street Historic District (NYCL-eligible). In total, eleven historic district buildings are located within 90 feet of project construction.
- The Eastern Dispensary (#4, NYCL-eligible, S/NR-eligible) is located adjacent to Site 1, as described above.
- The potential Clinton, Rivington, Stanton Street Historic District (NYCL-eligible, S/NR-eligible). The two buildings at 121-123 and 125 Rivington Street are adjacent to Site 9 and within 90 feet of Site 8; the three buildings at 127 and 129 Rivington Street and 121 Norfolk Street are located within 90 feet of Site 9; the three buildings at 133, 135, and 137 Norfolk Street are adjacent to Site 8; and the two buildings at 128 and 130 Rivington Street are located within 90 feet of Site 8. In total, ten historic district buildings are located within 90 feet of project construction.
- The former Norfolk Street Baptist Church (#5, NYCL, S/NR) is located within 90 feet of Site 3.
- The Williamsburg Bridge (#6, S/NR-eligible) is located within 90 feet of Site 6.

There are two mechanisms to protect buildings in New York City from potential damage caused by adjacent construction. All buildings are provided some protection from accidental damage through DOB controls that govern the protection of adjacent properties from construction activities under Building Code Section BC 3309: Protection of Adjoining Property. For all construction work, Building Code Section BC 3309 serves to protect all adjacent properties from excavation, filling, and foundation operations and from construction above the roof of the adjacent properties by requiring certain inspection and protection measures.

The second protective measure applies to New York City Landmarks, properties within New York City Historic Districts, and National Register-listed properties. For these structures, *TPPN #10/88* applies. *TPPN #10/88* supplements the standard building protections afforded by Building Code Section BC 3309 by requiring a monitoring program to reduce the likelihood of construction damage to adjacent New York City Landmarks and National Register-listed properties (within 90 feet) and to detect at an early stage the beginnings of damage so that construction procedures can be changed. With these required measures, significant adverse construction-related impacts would not occur to the former Norfolk Street Baptist Church (#7, NYCL, S/NR) or to the contributing buildings within the Lower East Side Historic District (S/NR) that are located within 90 feet of project construction, including the Eastern Dispensary (#4). Further, for sites that may be developed under the jurisdiction of HPD, Construction Protection Plans to protect historic resources within 90 feet of construction will likely be required

to be developed and implemented in coordination with OPRHP by the developer(s) through provisions in the LDA between HPD and the developer(s).

For the non-designated or listed resources—the Williamsburg Bridge (#6, S/NR-eligible) and the buildings within the potential Clinton, Rivington, Stanton Street Historic District (NYCL-eligible, S/NR-eligible)—construction under the proposed actions could potentially result in construction-related impacts to the resources. The resources would be afforded limited protection under DOB regulations applicable to all buildings located adjacent to construction sites (Section BC 3309); however, since the resources are not New York City Landmarks or listed National Register properties, they are not afforded special protections under *TPPN #10/88*. Additional protective measures afforded under *TPPN #10/88* would only become applicable if the Williamsburg Bridge and the potential historic district are designated or listed in the future prior to the initiation of adjacent construction or if the adjacent sites are developed under the jurisdiction of HPD. Further, for sites that may be developed under the jurisdiction of HPD, Construction Protection Plans to protect historic resources within 90 feet of construction will be likely required to be developed and implemented in coordination with OPRHP by the developer(s) through provisions in the LDA between HPD and the developer(s). If the bridge and potential historic district are not designated or listed and the adjacent sites are developed under the management of NYCEDC, they would not be subject to *TPPN #10/88* and may, therefore, be adversely impacted by adjacent development resulting from the proposed actions.

POTENTIAL VISUAL AND CONTEXTUAL IMPACTS

As written in the *CEQR Technical Manual*, visual and contextual impacts on historic resources can include: a change in scale, visual prominence, or visual context of any building, structure, or object or landscape feature; screening or elimination of publicly accessible views of a historic resource; or introduction of significant new shadows or significant lengthening of the duration of existing shadows on a historic landscape or on a historic structure if the features that make the resource significant depend on sunlight. For the most part, the proposed actions would not result in any of those types of visual and contextual impacts on the majority of architectural resources.

The proposed development of an approximately 140,000-gsf building on Site 1 would likely result in a significant adverse visual and contextual impact on the Lower East Side Historic District (S/NR), even though it would be constructed on a non-contributing parking lot. There is no specific design for a new development on this site, but the proposed building could have a portion that could be as tall as 190 feet to the top of the mechanical bulkhead as permitted by the maximum building envelope that would be established by the LSGD, and the RWCDS assumes that a 120-foot-tall (approximately 10-story) building would be constructed on Site 1. Therefore, this building would be substantially taller than the majority of contributing historic district buildings within the project study area, most of which are six stories (68 feet) or less. Further, the proposed building could adversely impact the visual prominence and setting of the 67-foot-tall Eastern Dispensary (#4, NYCL-eligible, S/NR-eligible), as it would be located immediately behind that historic resource and the RWCDS building would be 53 feet taller than it. Potential mitigation measures for these potential significant adverse impacts are discussed in Chapter 21, “Mitigation Measures.”

The development of new buildings of various heights on Sites 2 through 6 would not have adverse visual and contextual impacts on architectural resources. The historic resources located north of the wide and heavily trafficked Delancey Street have little contextual relationship with Sites 2 through 6; therefore, the new developments on those sites would not result in any visual

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and contextual impacts on the historic resources located north of Delancey Street. Sites 2 through 6 are not adjacent to the Lower East Side Historic District (S/NR), and that historic district and the individual historic resources located south of Delancey Street in the area surrounding Sites 2 through 6 currently exist in a context of tall buildings of approximately 190, 200, and 230 feet tall that were constructed in the second half of the 20th century. Urban renewal in the 1950s and 1960s cleared the tenement neighborhood east of Essex Street and south of Delancey Street where Sites 2 through 6 are located. Therefore, adding new buildings on Sites 2 through 6 of up to 160, 260, and 285 feet tall would not change the scale, visual prominence, or visual context of the Lower East Side Historic District (S/NR), the Eastern Dispensary (#4, NYCL-eligible, S/NR-eligible), the former Norfolk Street Baptist Church (#5, NYCL, S/NR), the Williamsburg Bridge (#6, S/NR-eligible), and the Church of St. Mary's (#7, S/NR-eligible), nor screen or eliminate publicly accessible views of those historic resources. The new buildings would be in keeping with the surrounding context of tall, modern apartment buildings along Grand and Broome Streets. In addition, the Manhattan side of the Williamsburg Bridge is currently lined by tall residential buildings east of Clinton Street, and two existing residential buildings of 23 and 26 stories are located between the project site and the Church of St. Mary's. While new buildings on Sites 2 through 6 may block some partial southward views from Delancey Street of the Church of St. Mary's, those blocked views would not result in significant adverse impacts. The southward view of the church is only a limited, partial view of the church's rear façade, and unobstructed views of the church would continue to be available on Grand Street.

The development of mid-rise mixed-use buildings on Sites 8, 9, and 10 would likewise not have significant adverse visual and contextual impacts on historic resources as they would not change the scale, visual prominence, or visual context of any historic resource or screen or eliminate publicly accessible views of any historic resource. These sites are not adjacent to the Lower East Side Historic District (S/NR), as they are located across the 80-foot wide Essex Street. Sites 8 and 9 are adjacent to the westernmost portion of the potential Clinton, Rivington, Stanton Street Historic District (NYCL-eligible, S/NR-eligible); Site 8 is adjacent to the rear of the five-story tenements at 135-137 Norfolk Street and 128 Rivington Street, and the northernmost portion of Site 9 is adjacent to the five-story tenements at 121-123 Rivington Street. Sites 8 and 9 are located one block or more from the main portion of the potential historic district, which is located along Clinton Street. The proposed building on Site 8 at a maximum of 80 feet tall (and 70 feet tall under the RWCDS) and the proposed building on Site 9 at a maximum of 80 feet tall along Essex Street and 120 feet tall on Delancey Street (and 100 feet tall under the RWCDS) would be built in accordance with existing zoning regulations and would be consistent with building heights in the potential Clinton, Rivington, and Stanton Street Historic District where there are numerous examples of six-story tenements. Further, the adjacent tenements within the potential Clinton, Rivington, and Stanton Street Historic District (NYCL-eligible, S/NR-eligible) already exist in a larger context that includes modern residential buildings and two modern schools, I.S. 25 on Stanton Street between Norfolk and Suffolk Streets and P.S. 20 on Essex Street between Stanton and East Houston Streets. Therefore, the proposed developments on Sites 8, 9, and 10 would not adversely impact the visual context of surrounding historic resources. *