

**A. INTRODUCTION**

As defined by the *CEQR Technical Manual*, neighborhood character is considered to be a combination of the many elements that creates each neighborhood's distinct personality. These elements include land use, urban design/visual resources, historic resources, socioeconomic conditions, traffic, and noise, as well as the other physical or social characteristics that help to describe the community.

According to the *CEQR Technical Manual*, an assessment of neighborhood character is generally needed when the action would exceed preliminary thresholds in any one of the following areas of technical analysis: land use, urban design/visual resources, historic resources, socioeconomic conditions, transportation (traffic, transit, pedestrians), or noise. An assessment is also appropriate when the action would have moderate effects on several of the aforementioned areas. Potential effects on neighborhood character may include:

- *Land Use.* Development resulting from a proposed action could alter neighborhood character if it introduced new land uses, conflicts with land use policy or other public plans for the area, changes land use character, or generates significant land use impacts.
- *Socioeconomic Conditions.* Changes in socioeconomic conditions have the potential to affect neighborhood character when they result in substantial direct or indirect displacement or addition of population, employment, or businesses; or substantial differences in population or employment density.
- *Historic Resources.* When an action would result in substantial direct changes to a historic resource or substantial changes to public views of a resource, or when a historic resource analysis identified a significant impact in this category, there is a potential to affect neighborhood character.
- *Urban Design and Visual Resources.* In developed areas, urban design changes have the potential to affect neighborhood character by introducing substantially different building bulk, for building forms, scale, or arrangement. Urban design changes may also affect block forms, street patterns, or street hierarchies, as well as streetscape elements such as streetwalls, landscaping, curb cuts, and loading docks. Visual resource changes could affect neighborhood character if they directly alter key visual features such as unique and important public view corridors and vistas, or block public visual access to such features.
- *Transportation.* Changes in traffic and pedestrian conditions can affect neighborhood character in a number of ways. For traffic to have an effect on neighborhood character, it must be a contributing element to the character of the neighborhood (either by its absence or its presence), and it must change substantially as a result of the action. According to the *CEQR Technical Manual*, such substantial traffic changes can include: changes in level of service (LOS) to C or below; change in traffic patterns; change in roadway classifications; change in vehicle mixes, substantial increase in traffic volumes on residential streets; or

significant traffic impacts, as identified in the technical traffic analysis. Regarding pedestrian, when a proposed action would result in substantially different pedestrian activity and circulation, it has the potential to affect neighborhood character.

- *Noise.* According to the *CEQR Technical Manual*, for an action to affect neighborhood character with respect to noise, it would need to result in a significant adverse noise impact and a change in acceptability categories.

This chapter examines the existing neighborhood character of the blocks surrounding the Project Site (a study area of up to ¼ mile, coterminous with the land use study area, see Figure 2-1 in Chapter 2, “Land Use, Zoning, and Public Policy”) and the Proposed Actions’ effects on that character. The impact analysis focuses on changes in neighborhood character resulting from changes in the physical and social environments discussed above, since these areas are most relevant to neighborhood character.

## **PRINCIPAL CONCLUSIONS**

No significant adverse impacts on neighborhood character would result in the future with the Proposed Actions. The Proposed Actions would not directly displace any land uses or result in differing land uses so as to adversely affect surrounding land use. The proposed buildings would be primarily residential, consistent with neighborhood redevelopment trends, and would be consistent in scale to nearby developments. The design of the Proposed Project includes the placement of the tallest portion of the Proposed Project along a wide avenue (Eleventh Avenue) and the use of streetwall heights and setbacks to preserve the mid-rise “feel” along the streetscapes adjacent to the Project Site. The renovation and conversion of P.S. 51 to residential use would not result in a significant adverse impact to this historic resource. The Proposed Actions would not change the socioeconomic characteristics of the study area and would not result in a significant increase in neighborhood traffic or noise. The Proposed Project would result in beneficial effects to neighborhood character by making land use on the Project Site consistent with residential and mixed residential/commercial uses located in areas to the north and east of the Project Site in the Clinton neighborhood. As discussed above in “Urban Design/Visual Resources,” the Proposed Actions would result in beneficial effects to urban design conditions by replacing an underutilized site with new development that respects the prevailing urban design conditions of the surrounding neighborhood.

## **B. EXISTING CONDITIONS**

### **PROJECT SITE**

With the exception of the Hess gas station along Tenth Avenue, the Project Site comprises the entire block bounded by West 44th Street to the south, Tenth Avenue to the east, West 45th Street to the north, and Eleventh Avenue to the west. The Project Site is located in the Clinton neighborhood on the far west side of Midtown Manhattan. The Project Site is located on the northern edge of an area greatly influenced by transportation-related uses (and where the availability of vacant land has created a large inventory of parking lots), most notably the entrance and exit to the Lincoln Tunnel and bus ramps from the Lincoln Tunnel to the Port Authority Bus Terminal.

The western half of the Project Site does not contain any built structures and is currently used as a 300-space public parking lot—with access from both Eleventh Avenue and West 45th Street—and a private parking lot used to park private vehicles from the New York City Police

Department's (NYPD) Traffic Enforcement Division. Built structures on the Project Site include: the five-story Elias Howe School (P.S. 51) at 520 West 45th Street; the two-story Shamrock Stables at 522 West 45th Street, a facility used to accommodate approximately 30 horses used for recreational horse-drawn carriage rides in and around Central Park; and a vacant one-story warehouse at 527 West 44th Street. The easternmost portion of the Project Site is the below-grade rail cut used by AMTRAK (Empire Line).

The CBJ Snyder-designed P.S. 51 is faced in red brick with a limestone base and detailing, and has been determined eligible for listing on the State or National Register of Historic Places (S/NR-eligible) (see Chapter 7, "Historic Resources"). The school's asphalt playground, fronting West 44th Street and surrounded by a chain-link fence, includes painted hard courts and playground equipment. The 274-seat elementary school is currently over capacity with a current enrollment of 328 students.

Among the streets bounding the Project Site, traffic volumes are heaviest along Tenth and Eleventh Avenues and noticeably lighter along West 44th and West 45th Streets. Measured noise levels are relatively high and reflect the level of vehicular activity on these adjacent streets. In terms of the CEQR criteria, the existing noise levels at all points surrounding the Project Site would be in the "marginally unacceptable" category (see Chapter 18, "Noise").

## **STUDY AREA**

As discussed in Chapter 2, "Land Use, Zoning, and Public Policy," the study area is extremely varied in terms of land use, including residential, commercial, institutional, transportation and utilities, industrial, and parking uses. In addition, the study area is in transition as evidenced by the large number of sites currently under construction along Tenth and Eleventh Avenues.

The portion of the study area north of West 43rd Street and east of Tenth Avenue is largely residential, with ground floor retail concentrated along Ninth and Tenth Avenues. The older residential buildings on the local east-west streets are typically three- to seven-story attached buildings, most of which are faced in brownstone or brick and have high front stoops; older apartment buildings in this part of the study area are also attached buildings faced in brick with stone at the base. These buildings typically have small footprints, are built to the sidewalk, and do not have setbacks. Churches and open spaces are also interspersed throughout this predominately lower-scale residential area.

To the south of the Project Site, the study area is characterized by larger transportation-related and utility uses occupying large lots. The entrance and exit to the Lincoln Tunnel, and bus ramps from the Lincoln Tunnel to the Port Authority Bus Terminal currently occupy large portions of at-grade and above-grade areas of the blocks bounded by West 39th Street to the south, Ninth Avenue to the east, West 41st Street to the north, and Eleventh Avenue to the west. Additional transportation-related uses include: the Metropolitan Transportation Authority's (MTA) Quill Bus Depot, which occupies an entire block between West 40th and West 41st Streets and Eleventh and Twelfth Avenues and provides maintenance facilities for approximately 300 buses; large Federal Express (FedEx) and Consolidated Edison (Con Ed) facilities located on a block bounded by West 41st and West 42nd Streets between Tenth and Eleventh Avenues; and a large parking lot just south of the Quill Bus Depot, a portion of which is used by NYPD.

The AMTRAK Empire Line right-of-way, serving New York State destinations to the north, cuts a generally north-south below-the-street-grade swath through the middle of every block north of West 36th Street between Tenth and Eleventh Avenues. The Empire Line is below-grade and

## **West 44th Street and Eleventh Avenue Rezoning**

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covered—with the exception of the blocks between West 43rd and West 46th Streets, including the Project Site. The Port Authority Bus Terminal, the largest and busiest bus terminal in the United States and this region’s primary ground transportation facility, is located just outside of the study area along the west side of Eighth Avenue between West 40th and West 42nd Streets.

The western portion of the study area is generally dominated by commercial, light industrial, parking, and utility uses. These buildings include one- to 11-story buildings with larger footprints; many of these buildings are older warehouses and one-story garages. These loft buildings are often brick-faced and built to the sidewalk. Examples of more recent light industrial and utility uses in this portion of the study area include a Con Ed facility that occupies the entire block bounded by West 49th and West 50th Streets and Eleventh and Twelfth Avenues.

Eleventh Avenue between West 39th Street and West 59th Street is home to the largest concentration of auto dealerships in Manhattan; Mercedes-Benz, BMW, Lexus, Toyota, Acura, and Hyundai all have dealerships within the study area along Eleventh Avenue. Storage facilities in converted former manufacturing lofts line Route 9A (also known as Twelfth Avenue or the West Side Highway). The Intrepid Sea, Air & Space Museum, docked at Pier 86 between West 44th and West 45th Streets, the Manhattan Cruise Terminal (originally called the Passenger Ship Terminal) at Piers 88, 90, and 92, and portions of Hudson River Park are prominent waterfront uses in the study area. The West Midtown Ferry Terminal at Pier 79, which provides ferry service to New Jersey and lower Manhattan, is located just outside of the study area at West 39th Street.

The study area north of the Project Site is a mix of the mid-rise residential uses found mostly to the east and mix of commercial, light industrial, and transportation-related uses found to the west.

With the exception of large-scale residential developments along West 42nd Street, including the 34-story New Gotham development on West 43rd Street between Tenth and Eleventh Avenues, the 45-story Victory at West 42nd Street and Tenth Avenue, the 41-story River Place along West Side Highway between West 41st and West 42nd Streets, the twin 42-story towers of the Manhattan Plaza complex along West 42nd Street between Ninth and Tenth Avenues, and the Atelier at 635 West 42nd Street, low- to mid-rise residential buildings characterize the housing stock of the study area. However, higher-density residential development is becoming a more frequent occurrence, with a number of taller residential buildings currently under construction or recently completed. Much of this new development is located along West 42nd Street and will take the form of residential towers with street-level retail uses; similar to the Proposed Project. Examples include the twin 60-story towers known as Silver Towers at River Place (see Chapter 2, “Land Use, Zoning, and Public Policy,” for a full list of planned developments in the study area). Other recent redevelopment trends in the study area include the conversion of former loft buildings into new office and hotel uses.

Streets in the study area are part of Manhattan’s Midtown grid, consisting of primarily north and southbound avenues and east and westbound cross-town streets. In terms of vehicular traffic, the major streets in this study area include West 42nd Street and Ninth, Tenth, and Eleventh Avenues; all of these streets are truck routes. Ninth (southbound) and Tenth (northbound) Avenues are six-lane arterials with four moving lanes and curbside metered parking; Eleventh Avenue is a seven-lane arterial which operates as a one-way southbound roadway south of West 44th Street and carries two-way traffic with two moving lanes in each direction north of West 44th Street. West 42nd street, a major two-way street, operates with (generally) two moving lanes in each direction; curbside lanes are used for bus stops, truck loading, or angle parking. The east-west streets north of West 42nd Street are local one-way streets—odd-numbered streets

are westbound, even-numbered streets are eastbound—with one moving lane and curbside parking lanes. The traffic network south of West 42nd Street provides a number of access points to and from the Lincoln Tunnel and the Port Authority Bus Terminal. Route 9A is a wide two-way arterial roadway ranging from six to seven lanes of moving traffic (including through and turn lanes) within the study area.

Pedestrian traffic is heaviest along Ninth Avenue, Tenth Avenue, West 42nd Street, and on the west side of Route 9A adjacent to the Intrepid Sea, Air & Space Museum at Pier 86 (there is a pedestrian bridge crossing Route 9A between West 45th and West 46th Streets), especially during peak tourist season. Pedestrian traffic is modest along the local residential streets north of West 42nd Street east of Tenth Avenue. Pedestrian activity in the remainder of the study area is comparatively lighter—especially near the Lincoln Tunnel entrance and exit.

According to 2008 employment estimates, there were approximately 17,600 employees working in the study area (see Chapter 3, “Socioeconomic Conditions”).<sup>1</sup> Approximately 23 percent of these employees (4,065 people) worked in the Professional, Scientific, and Technical Services sector, which includes employment in professions such as law, accounting, architecture, engineering, design, and marketing/advertising. The next largest employment sectors were Accommodation and Food Services (with approximately 2,780 employees, or about 16 percent of study area employment) and Retail Trade (approximately 2,120 employees or 12 percent); most of the employment in these sectors are located in the study area east of Tenth Avenue. (By comparison, employment on the Project Site includes an estimated 10 workers at the public parking lot, 10 workers at Shamrock Stables, and 30 teachers at P.S. 51.)

As discussed Chapter 18, “Noise,” traffic noise is the dominant noise source around the Project Site. Measured noise levels are relatively high (“marginally unacceptable”) and reflect the level of vehicular activity on the adjacent streets.

### **C. THE FUTURE WITHOUT THE PROPOSED ACTIONS**

Several large residential and commercial development projects are proposed in the study area by 2013, reflecting the strong demand for such development in the area surrounding the Project Site (see Chapter 2, “Land Use, Zoning, and Public Policy,” for a full list of planned developments in the study area). These projects are, in effect, a continuation of recent development trends and patterns in the area.

Large-scale residential development is planned along Tenth and Eleventh Avenues and in the areas to the south in the Special Hudson Yards District. The Special Hudson Yards District, which extends as far north as West 41st Street—three blocks south of the Project Site, was adopted in January 2005 to allow for the expansion of the Midtown Central Business District and permits both large-scale residential and commercial development. In portions of the study area still zoned for manufacturing use, loft buildings are being converted into allowable uses such as office and hotels, most notably the 222-room Vu Hotel at Eleventh Avenue and West 48th Street and a 90-room hotel at 548 West 48th Street between Tenth and Eleventh Avenues.

The character of the study area would continue to orient toward residential and commercial and away from a neighborhood dominated by light industrial, transportation-related, and parking uses. They would be consistent with the predominantly residential and commercial character of

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<sup>1</sup> ESRI Business Analyst, Inc., 2008.

the neighborhoods surrounding the Project Site. Although traffic volumes and noise levels would continue to increase in the future without the Proposed Actions, these increases are not expected to be substantial. The Lincoln Tunnel and the Port Authority Bus Terminal and their associated vehicular and bus traffic will continue to be key contributors to the character of the southern portion of the study area.

#### **D. PROBABLE IMPACTS OF THE PROPOSED ACTIONS**

The analysis below presents the potential changes in the neighborhood character of the study area by 2013. As stated above, this analysis focuses on the potential changes to neighborhood character resulting from changes in Land Use, Socioeconomic Conditions, Historic Resources, Urban Design/Visual Resources, Transportation (traffic and pedestrians), and Noise. Detailed technical analyses for each of these areas are presented in their respective chapters. As discussed in greater detail in those chapters, environmental and social changes in the areas with respect to neighborhood character are as follows.

##### **LAND USE**

Land use is the strongest factor in determining the character of the area because land use creates changes that can alter the “look and feel” of the area, as well as the levels of activity in an area (e.g., traffic and pedestrian flows). Land use changes are also the foundation for neighborhood character elements such as urban design and visual character, socioeconomic conditions, and vehicular and pedestrian traffic.

As discussed in Chapter 2, “Land Use, Zoning, and Public Policy,” the Proposed Actions would not result in significant adverse impacts to land use. The Proposed Actions would not directly displace any land uses so as to adversely affect surrounding land uses, nor would they generate land uses that would be incompatible with land uses, zoning, or public policy in the surrounding neighborhood. Although the Proposed Actions would result in displacement of a public parking lot and a horse stable, these uses do not contribute substantially to the land use character of the surrounding and therefore their displacement is not considered significant.

The Proposed Actions include a zoning map amendment (and other land use actions) to permit the Proposed Project; as such, these actions would not create land uses or structures that would be incompatible with the underlying zoning, nor would they cause a substantial number of existing structures to become non-conforming. The proposed residential and commercial uses are consistent with redevelopment trends in the study area and would be compatible with adjacent land uses, especially to the east and south.

In addition, the Proposed Actions would further the City’s goals—as outlined in PlaNYC—of providing housing for anticipated future growth in population, increasing housing affordability by the inclusion of a sizable affordable housing component of the development program, and greening the City’s streetscape by planting trees and other landscaping elements along streets that currently lack such amenities.

In summary, the Proposed Actions would result in beneficial effects to land use through the redevelopment of an underutilized site into one with affordable and market-rate housing, an expanded and modernized public school to serve the growing needs of the neighborhood, and an active retail streetscape along Eleventh Avenue.

## **SOCIOECONOMIC CONDITIONS**

As discussed in Chapter 3, “Socioeconomic Conditions,” the Proposed Actions would not result in significant adverse socioeconomic impacts for any of the five issue areas—direct residential displacement, direct business and institutional displacement, indirect residential displacement, indirect business and institutional displacement, and adverse effects on specific industries. While the two potentially displaced businesses on the Project Site both contribute to the City’s economy and therefore have economic value, they do not have substantial economic value to the City or region as defined by CEQR. Study area businesses and consumers are not dependent upon the potentially displaced businesses for their business or consumer needs, and the potentially displaced businesses do not substantially contribute to neighborhood character in a socioeconomic sense. The overall development trend in the surrounding neighborhood is toward residential and commercial uses, and the Proposed Actions would result in development that reflects, rather than alters, existing economic trends in the study area.

## **HISTORIC RESOURCES**

As discussed in Chapter 7, “Historic Resources,” it is not anticipated that the Proposed Actions would result in any significant adverse physical or contextual impacts on architectural resources in the surrounding neighborhood. Although the proposed development would somewhat alter the context of architectural resources in the study area located on and closest to the Project Site.

P.S. 51 (S/NR-eligible) would be renovated, repaired, and converted into residential use. 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. The project sponsor would, therefore, consult with OPRHP regarding the proposed changes to P.S. 51 as design plans proceed. Although the Proposed Actions would add four new structures to the Project Site immediately east, south, and west of the existing school, P.S. 51 does not have a contextual relationship with the existing structures on the Project Site; as such, the Proposed Actions would not adversely affect the school’s immediate context.

In addition to P.S. 51 located on the Project Site, the Project Site is within 90 feet of one other historic resource, the former Houbigant Building, which is approximately 60 feet north of the Project Site at 539 West 45th Street. To avoid the potential for adverse physical impacts to these resources during construction—such as ground-borne vibrations, falling debris, and damage from heavy machinery—a Construction Protection Plan (CPP) would be developed in consultation with OPRHP and the New York City Landmarks Preservation Commission (LPC) prior to construction. The CPP would follow the requirements established in the New York City Department of Buildings (DOB) *Technical Policy and Procedure Notice (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 conforming to LPC’s *Guidelines for Construction Adjacent to a Historic Landmark* and *Protection Programs for Landmark Buildings*.

As discussed in further detail in Chapter 7, “Historic Resources,” the process by which the consultation with OPRHP and implementation of the CPP described above will occur would be set forth in a Letter of Resolution (LOR) among HPD, 44th Street Development LLC, SCA, and OPHRP. The LOR would also include stipulations for the completion of the Project Site’s archaeological testing.

## **URBAN DESIGN AND VISUAL RESOURCES**

The Proposed Actions would replace the existing uses on the Project Site—the surface parking lots, horse stable, and vacant warehouse (the existing P.S. 51 building would be converted to residential use)—with a higher-density residential development containing street-level retail along Eleventh Avenue and an expanded and modernized public school facing West 44th Street. Much of the development on the Project Site would be 7 to 14 stories in height, with building façades along Eleventh Avenue rising up to 31 stories (or approximately 335 feet). With the exception of a small opening along West 44th Street to the west of the new five-story school building to permit direct access to the interior school yard, the proposed development would create continuous streetwalls along the Project Site’s Eleventh Avenue and West 44th and West 45th Street frontages.

Although the Proposed Actions would result in the construction of buildings much taller than existing buildings on the Project Site and areas to the north, the height and massing of the proposed development is comparable to existing (the 44-story Riverbank West Apartments at 560 West 43rd Street between Tenth and Eleventh Avenues, the twin 42-story towers of the Manhattan Plaza complex along West 42nd Street between Ninth and Tenth Avenues, and the 46-story Atelier at 635 West 42nd Street), and proposed (the twin 60-story towers known as Silver Towers at River Place) higher-density residential developments immediately south. The proposed development would have building setbacks above the seventh or ninth floors to visually minimize the perceived height of the buildings from adjacent streetscapes. In addition, taller buildings of the proposed development would be located along Eleventh Avenue in recognition of the low- to mid-rise residential areas to the east. As such, the Proposed Actions would not result in any significant adverse urban design impacts.

As discussed in Chapter 8, “Urban Design and Visual Resources,” there are no visual resources on the Project Site. The Proposed Actions would not alter block shapes and building arrangements within the surrounding neighborhood and the new development would occur on existing blocks and lots. Therefore, no significant impacts to neighborhood visual resources, including views to the Intrepid Sea, Air & Space Museum at Pier 86, are anticipated.

## **TRANSPORTATION**

As discussed in Chapter 15, “Traffic and Parking,” the Proposed Actions would result in significant adverse traffic impacts at four of the eight study area intersections, most notably along West 42nd Street and Tenth and Eleventh Avenues. However, heavy traffic volumes are a key contributor to the character of this neighborhood due to its close proximity to the Lincoln Tunnel and the Port Authority Bus Terminal. As such, the anticipated increase in traffic congestion in the study area, taking into account current traffic conditions and mitigation measures proposed in Chapter 21, “Mitigation,” would not result in a significant adverse traffic impact as it relates to neighborhood character.

The Proposed Actions would result in a greater activity on the Project Site and thus greater pedestrian activity along the streets adjacent to the Project Site and along pedestrian routes to and from nearby subway stations and bus stops. As discussed in Chapter 16, “Transit and Pedestrians,” the Proposed Actions would not result in any significant adverse pedestrian impacts, and therefore, this increase in pedestrian traffic would not affect neighborhood character.

**NOISE**

The Proposed Actions would increase noise on and emanating from the Project Site, both from activity on the Project Site and from project-generated traffic along roadways adjacent to the Project Site. However, as discussed in Chapter 18, “Noise,” the Proposed Actions would not generate sufficient traffic to have the potential to cause a significant noise impact. In addition, the proposed school playground would not have a direct line-of-sight to any non-project buildings, and consequently would not be expected to result in a significant noise impact. Therefore, the Proposed Actions would not result in a significant adverse noise impact as it relates to neighborhood character. \*