

**A. INTRODUCTION**

This chapter considers the potential of the 50th Street facility to affect historic resources, including historic structures and buried archaeological resources. The chapter begins with a description of the regulatory context for evaluation of historic resources. It then evaluates the project's potential effects on archaeological and historic resources, and concludes with a discussion of Section 4(f) of the Department of Transportation Act as it applies to this project.

The Final Environmental Impact Statement (FEIS) prepared for the East Side Access Project analyzed that project's impacts on historic and archaeological resources in accordance with the Section 106 of the National Historic Preservation Act of 1966 (NHPA). A Programmatic Agreement was executed for the East Side Access Project in March 2001 by the Federal Transit Administration (FTA), Metropolitan Transportation Authority (MTA), and the New York State Historic Preservation Office (SHPO), regarding future work related to historic and archaeological resources.

The March 2001 Programmatic Agreement sets forth procedures to be followed by the East Side Access Project for all areas that MTA in consultation with SHPO identified as potentially archaeologically sensitive and in which construction activities will occur. It also sets forth procedures to be followed for all historic properties/structures identified that might be affected by that project (i.e., properties and structures located within Areas of Potential Effect [APEs] for the project). A copy of the March 2001 Programmatic Agreement is included as Appendix A-1 of Appendix A at the end of the main volume of this revised supplemental EA.

This revised supplemental Environmental Assessment (EA) evaluates a new project element that was not included in the FEIS. The analysis of archaeological and historic resources for the 50th Street facility was conducted in accordance with Section 106 of the National Historic Preservation Act, in consultation with SHPO. To address various project revisions, including the potential addition of a new 50th Street facility, that have occurred since execution of the March 2001 Programmatic Agreement, an Amended Programmatic Agreement is currently being prepared for execution by FTA, SHPO, and MTA. The Amended Programmatic Agreement addresses the historic resources and potential archaeological resources identified in the March 2001 Programmatic Agreement as well as new historic and potential archaeological resources in areas that were not covered in the APEs evaluated in the FEIS. A draft of this Amended Programmatic Agreement is included as Appendix A-2 in Appendix A at the end of the main volume of this revised supplemental EA.

The New York City Landmarks Preservation Commission (LPC) has been invited to participate in the Section 106 process as a consulting party. In an environmental review letter dated November 19, 2004, LPC concurred with the assessment of the 50th Street facility's effects (in Alternatives B and C) on architectural resources described. In comments dated November 29, 2004, SHPO concurred with the 50th Street environmental documentation and determined that the general design of the 50th Street facility appeared appropriate. As part of the East Side

Access Project's regular design review procedures with SHPO, the preliminary concept for Preferred Alternative D was presented to SHPO and LPC in November 2005. Both SHPO and LPC staff stated at that meeting their general preference to Preferred Alternative D compared to Alternatives B and C. A formal response from SHPO and LPC is anticipated following publication of the revised supplemental EA.

Copies of consultation correspondence with SHPO and LPC regarding the 50th Street facility are provided in Appendix C to this revised supplemental EA (see Appendix C-1, "Project Correspondence from SHPO and LPC").

## **REGULATORY CONTEXT**

### *NATIONAL HISTORIC PRESERVATION ACT (SECTION 106)*

Section 106 of the NHPA, as implemented by federal regulations appearing at 36 CFR Part 800, mandates that federal agencies consider the effect of their actions on any properties listed on or determined eligible for listing on the National Register of Historic Places (NR) and afford the federal Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. Properties on the National Register may include historic structures, sites, and districts as well as buried archaeological sites. Federal agency preservation officers, in consultation with the SHPO, must determine whether a proposed action would have any effects on the characteristics of a site that qualify it for the State and National Registers (S/NR). Revised Section 106 regulations were published on May 19, 1999. The basic steps of the Section 106 process, as revised, are as follows:

- All properties that may be affected by the project and that are included in or eligible for the National Register must be identified, in consultation with the SHPO. If properties are found that may be eligible for the National Register, but for which no determination has yet been made, the agency consults with the SHPO to determine eligibility or ineligibility.
- If there are such properties, the potential effect of the proposed project on each property must be evaluated, in conjunction with the SHPO, to determine if the project would have adverse effects on them. In order to determine potential effects on the historic properties, the Advisory Council's Criteria of Adverse Effect must be applied, in consultation with the SHPO, to determine whether adverse effects would occur. In general, a proposed project is deemed to have an adverse effect if it would cause a change in the quality of the property that qualifies it for inclusion in the National Register. The Advisory Council is notified of any findings of adverse effects.
- If the analysis indicates that the proposed project will have an adverse effect, SHPO is consulted to seek agreement on ways to avoid or reduce the effects. This mitigation is typically implemented through either a Memorandum of Agreement (MOA) or Programmatic Agreement. The Advisory Council may choose to participate in the consultation when there are substantial effects to historic properties, when a case presents important questions of policy or interpretation, when there is a potential for procedural problems, or when there are issues of concern to Indian tribes or Native Hawaiian organizations. The Advisory Council must be invited to participate when the federal agency sponsoring the project wants the Council's involvement, when the project would have an adverse effect on a National Historic Landmark, or when a Programmatic Agreement will be prepared.

Programmatic Agreements are used when effects on historic properties are similar and repetitive or are multi-state or regional in scope; or when effects on historic properties cannot be fully determined prior to approval of an undertaken, among other reasons.

- Execution of the MOA or Programmatic Agreement and implementation of the terms therein satisfies the requirement of Section 106 that the Council be given a reasonable opportunity to comment on the undertaking as well as demonstrating that the federal agency has taken into account the effects of the action.

The review under Section 106 can be conducted in coordination with analyses conducted for the National Environmental Policy Act (NEPA). In addition, because the views of the public are essential to informed federal decision making in the Section 106 process, the public should be informed about the project and its effects on historic properties, and given the opportunity to comment. This public comment element can be combined with the public participation component required by NEPA. The public participation efforts being conducted for the East Side Access Project are described in Chapter 19, “Process and Public Participation.”

#### *SECTION 4(f) OF THE FEDERAL DEPARTMENT OF TRANSPORTATION ACT*

In addition, historic properties are also protected from adverse effects, by Section 4(f) of the Department of Transportation Act of 1966.<sup>1</sup> Section 4(f) prohibits actions by the Secretary of Transportation that require “use” of a historic property that is listed in or eligible for inclusion in the National Register, unless a determination is made that there is no feasible and prudent alternative to the use of such land, and all possible planning has been undertaken to minimize harm to the 4(f) property. For historic properties, “use” constitutes a significant adverse effect. This includes direct physical effects, such as demolition or removal of part of a historic property. It also includes adverse contextual effects (these are referred to as “constructive use,” which occurs when changes caused by the project that are near the historic structure cause a substantial impairment in the historic resource’s important qualities). Constructive use could occur from such changes as noise, visual intrusion, or other such elements that would alter the setting of the historic resource to a degree amounting to a “use.”

#### *STATE HISTORIC PRESERVATION ACT*

The New York State Historic Preservation Act of 1980 (SHPA) closely resembles NHPA, and requires that state agencies consider the effect of their actions on properties listed on or determined eligible for listing on the State Register of Historic Places.

### **METHODOLOGY**

Historic resources include both archaeological and architectural resources. The APE for archaeological resources is the area to be disturbed for project construction—the project site itself. This consists of the five affected lots (four on East 50th Street and one on East 49th Street) that would be disturbed by Alternative C or Preferred Alternative D and a portion of the East 50th Street roadbed. Study areas for architectural resources are determined based on the APE for direct physical effects—demolition, alteration, or damage from construction on nearby sites—and indirect contextual effects, such as the isolation of a property from its surrounding

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<sup>1</sup> Section 4(f) has been recodified as Section 303 of Title 49 of the United States Code, although the preservation provision is still known as Section 4(f).

environment, or the introduction of visual, audible, or atmospheric elements that are out of character with a property or that alter its setting. Due to the densely developed nature of the blocks surrounding the project site, which include tall buildings, the study area for this project has been defined as the area from which the project would be visible; including the blocks between Lexington and Fifth Avenues between East 51st and 49th Streets (see Figure 6-1). Within the study area, architectural resources analyzed include National Historic Landmarks (NHLs), properties listed on the State and National Registers of Historic Places (S/NR) or determined eligible for such listing, New York City Landmarks (NYCLs) and Historic Districts, and properties determined eligible for landmark status. In addition, other properties in the study area were evaluated for their potential S/NR or NYCL eligibility.

## **B. EXISTING CONDITIONS**

### **ARCHAEOLOGICAL RESOURCES**

To evaluate the possibility that archaeological resources may exist on the project site, a Stage 1A Archaeological Assessment was prepared.<sup>1</sup> It focuses first on potential prehistoric (Native American) archaeological resources and then on those from the historic period (beginning in the 17th century). The Stage 1A Archaeological Assessment was submitted to the SHPO for review and concurrence in spring 2004. The following discussion summarizes that report's findings.

#### *POTENTIAL PRECONTACT RESOURCES*

Precontact (or prehistoric) archaeological sites are often characterized by their proximity to a water source, fresh game, and exploitable natural resources such as plants, raw materials for stone tools, and clay veins. These sites are typically placed into the three categories of primary site (campsites or villages), secondary site (tool manufacturing, food processing), and isolated finds (a single or very few artifacts either lost or discarded). Primary sites are often situated in areas that are elevated and easily defended against both weather and enemies. Secondary sites are often found in the location of exploitable natural resources such as shellfish and lithic (stone) raw materials. Precontact sites are typically only shallowly buried; i.e., within 3 feet of the predevelopment surface.

Based on the portrayal of the project site as an elevated knoll with a stream in the vicinity of what is now East 48th Street on 19th century maps, the likelihood that precontact resources were once deposited in the project site is high. However, further cartographic and documentary research (described in greater detail below under "Potential Historic-Period Resources") indicates that the site has undergone disturbance including leveling and basement construction commencing in the 19th century; and, therefore, it is unlikely that any shallowly buried precontact resources, if ever present, remain intact.

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<sup>1</sup> Historical Perspectives, Inc., *Stage 1A Archaeological Assessment, East 50th Street Vent Plant, for the MTA/LIRR East Side Access Project*. June 2003. The archaeological assessment included the four properties at 44-50 East 50th Street and the 50th Street roadbed. Limited subsurface work would be required to build the vehicular entrance at 45 East 49th Street. In addition, this site was previously occupied by a 5-story building with basement that covered 90 percent of the lot. Since the 50th Street facility would not have the potential to affect any potential archaeological resources, if any are present below the area of the former basement, an archaeological evaluation was not undertaken for this portion of the project site.

Consequently, the site lacks precontact sensitivity, and no further consideration of precontact-period resources on the project site is warranted.

*POTENTIAL HISTORIC-PERIOD RESOURCES*

The area in the vicinity of the project site was primarily farmland until the beginning of the 19th century. In 1815, Third Avenue was built, and, five years later it was paved with macadam, improving travel conditions to the area and spurring the construction of estates along the East River. The project site was part of an undeveloped 11-acre parcel that was owned by the City of New York and which was leased to the New York Institute for the Instruction of the Deaf and Dumb in 1820. The site remained vacant until 1827, when the cornerstone for the new asylum was laid. The building, which was completed in 1829, was located just outside the project site to the west. During the 1830s and 40s new wings to the asylum were erected, with the eastern wing falling within the project site. Maps also show two smaller structures of unknown function located in the rear of Lot 43 (50 East 50th Street). By 1853, the asylum had purchased its property from the City, and subsequently sold the land to Columbia College four years later. Columbia College built a new library with a basement in 1882, portions of which were located in the rear of Lots 44, 45, and 46. Maps also show that a tunnel may have connected the library to the former east wing of the asylum. In 1897, Columbia College moved to its present location at Broadway near 116th Street, with the asylum buildings on the project site demolished in 1899. Cartographic sources do not show any structures ever having been located within the East 50th Street roadbed.

By 1910, the majority of the project block was developed with residential buildings, with the exception of the eastern end, which was located above the tracks of Grand Central Terminal. Large hotels dominated the eastern end of the block by the 1930s, built using the air rights above Grand Central Terminal's extensive track network. With the exception of the project site lots, the project block became redeveloped by the 1970s with the present Colgate-Palmolive Building to the east and 437 Madison Avenue to the west.

The four buildings on the project site were built with basements and open rear yards. Portions of these open yards were subsequently disturbed by new construction; the building on Lot 44 (48 East 50th Street) was razed to make way for a new building with a basement that fully covers the lot, and the rear of Lot 45 (46 East 50th Street) and a portion of the rear yard on Lot 46 (44 East 50th Street) were developed with one-story structures without basements.

Soil borings taken on East 50th Street near the project site indicate that bedrock is as shallow as 8 feet. However, while the East 50th Street roadbed has been disturbed through utility construction, it is unclear to the degree that disturbance has occurred on the rear portions of Lots 43, 45, and 46. These areas either remain open or are occupied by additions without basements. Some of these areas may have further been impacted by the foundations of the Deaf and Dumb Institute structures, although it is unknown if these structures had basements. It is unlikely that any subsurface archaeological features remain from the latter half of the 19th century when Columbia College occupied the block, as the campus undoubtedly had access to water and sewer lines, precluding the need for shaft features such as cisterns, wells, or privies. However, the Deaf and Dumb Institute was developed when the area was still rural, and would have had to rely on subsurface water and bathroom features in lieu of running water. Therefore, while it is anticipated that only a small portion of any potential shaft features would remain due to the shallow bedrock and grading that has occurred on the site, portions of Lots 43, 45, and 46 (50, 46, and 44 East 50th Street) retain sensitivity for such truncated subsurface features, which may

yield valuable information to the historical record (see Figure 6-2). As described above, East 50th Street does not possess historic-period sensitivity since no structures were depicted on historic maps and the street has been extensively disturbed through utility installation.

## **ARCHITECTURAL RESOURCES**

### *PROJECT SITE*

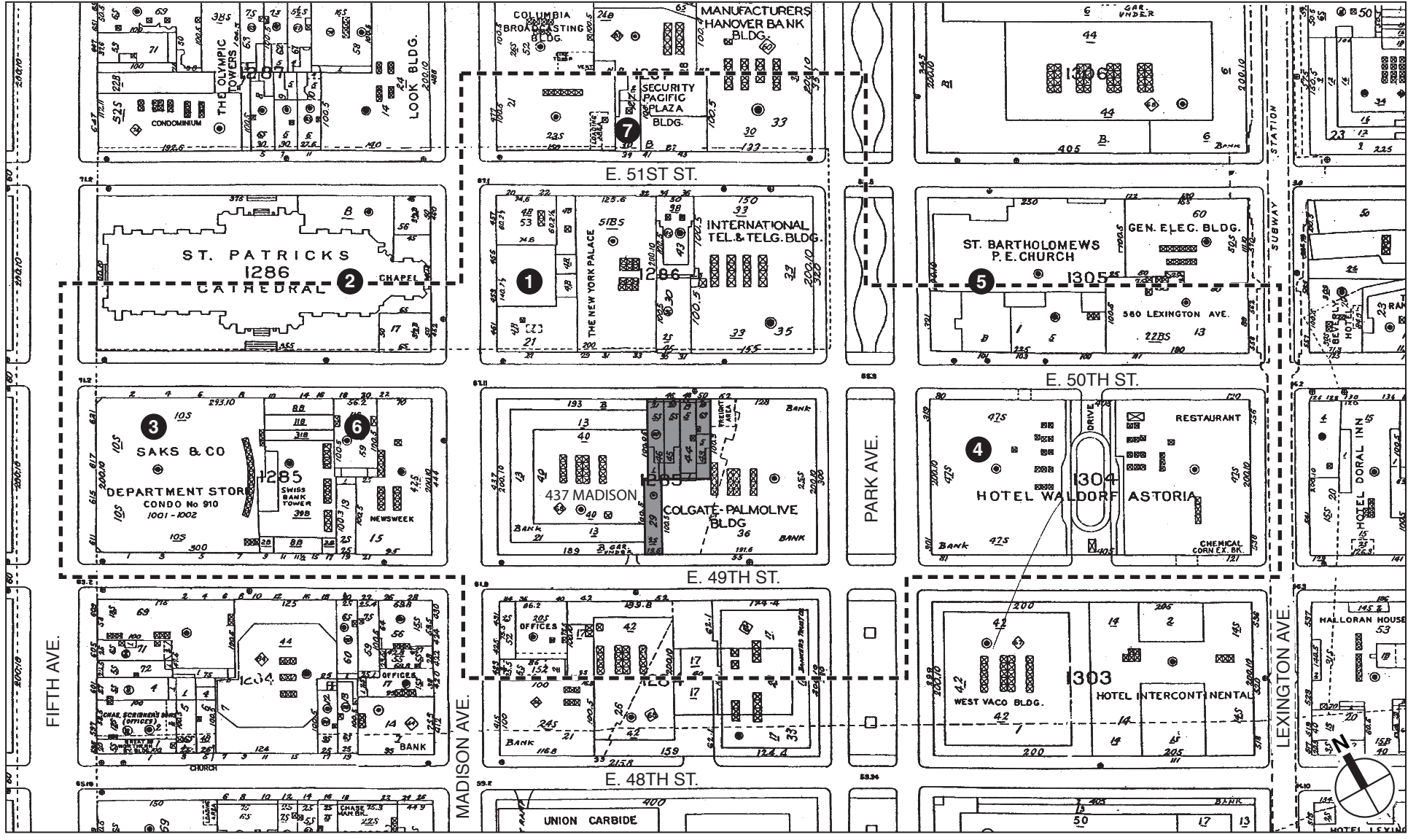
There are no architectural resources on the project site. The East 50th Street roadbed and sidewalks do not contain any notable historic or architectural features. The four five- and six-story turn of the century buildings at 44-50 East 50th Street have been greatly altered. While the easternmost and westernmost buildings on the project retain some original architectural detailing, including brick facades and classical ornament, the buildings' integrity has been compromised by modern rooftop additions and ground-floor and second-story storefronts. The other two buildings on the site appear to have been fully re clad and/or rebuilt. In comments dated May 12, 2004, SHPO determined that these properties do not meet criteria for inclusion on the S/NR.

The two-story building at 45 East 49th Street was originally designed by Oscar Nitzchke as a showroom for a Swedish office equipment manufacturer (Addo-X) in 1958. The façade consists of an asymmetrical geometrical design created by large glass panels and steel. The building was subsequently occupied by Aeroflot Soviet Airlines, and was renovated in 2000 for use by ING Bank as ING's Direct Café, a combined banking and coffee bar operation. Though the building has a unique design, the building's facade has been significantly altered through the removal of an original sign screen and the insertion of the ING trademark orange dot. Therefore, in comments dated May 20, 2004, SHPO determined that this building does not meet criteria for listing on the S/NR. Nonetheless, the building is an important visual resource, as discussed in Chapter 5, "Visual and Aesthetic Considerations."

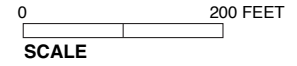
### *STUDY AREA*

There are seven historic resources in the study area. The closest to the project site, the **Villard Houses** (S/NR, NYCL), occupy the east Madison Avenue blockfront between East 50th and 51st Streets (see No. 1 of Figure 6-1 and Figure 6-3). They are approximately 80 feet from the project site. Designed by McKim, Mead & White in 1882-85 for railroad entrepreneur Henry Villard, the U-shaped building is designed as six joined brownstone houses built around a court facing Madison Avenue. The Villard Houses are modeled after the Palazzo della Cancelleria in Rome, including its massing, arcades, and window enframements. In 1975-76 the houses were incorporated into the adjacent Palace Hotel, with the north wing reserved for use as office and exhibition space. Since the courtyard faces west to Madison Avenue, the project site is not visible from this location.

Occupying the west blockfront across Madison Avenue are the **Cardinal's Residence, Lady Chapel, and Rectory** of St. Patrick's Cathedral (NHL, S/NR, NYCL). Designed in the Gothic Revival style by James Renwick, the cathedral, whose primary facade faces Fifth Avenue, was built in 1853-88 (see No. 2 of Figure 6-1 and Figure 6-4). The cathedral was inaugurated in 1879 though its spires were not completed until 1888. It is raised on a plinth, with its Fifth Avenue and its East 50th Street entrances accessed by sets of stone stairs. The 50th Street entrance, set in a pointed arch with a stained glass window, is located in the middle of the cathedral's south facade. Also on East 50th Street is a landscaped pedestrian walkway that borders the cathedral;



- Project Site
- Study Area Boundary
- 1 Historic Resource

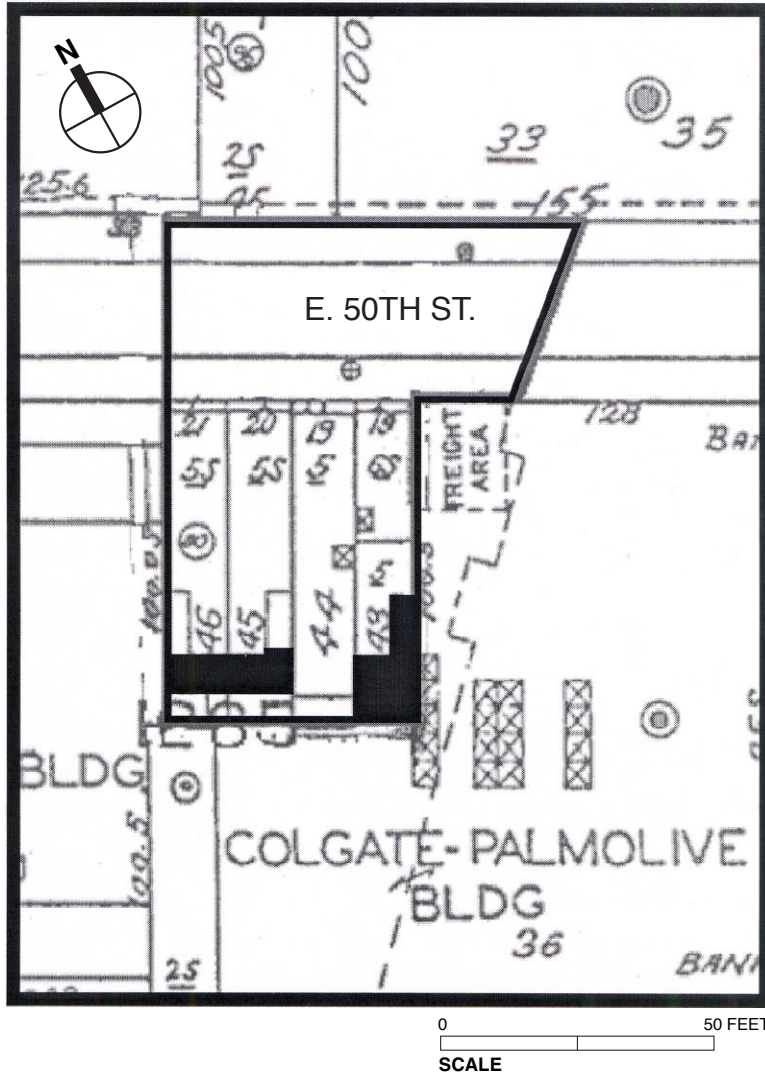


**EAST SIDE ACCESS**  
**50th Street Facility EA**

Figure 6-1  
**Historic Resources**

7.23.04

SOURCE: Historical Perspectives, Inc., Stage 1A Archaeological Assessment, East 50th Street Vent Plant for the MTA/ LIRR East Side Access Project. June 2003



Areas of potential historic archaeological sensitivity are located at the back of Lots 43, 45 and 46, shown in black.





Villard Houses, 451-457 Madison Avenue 1



St. Patrick's Cathedral Complex on Madison Avenue; Cardinal's Residence, Lady Chapel and Rectory 2a



*St. Patrick's Cathedral Complex, Fifth Avenue Facade* 2b



*Saks Fifth Avenue, 611 Fifth Avenue* 3



the pathway east of the entrance is closed to pedestrians by movable metal police barricades. The Cardinal's Residence, located at the corner with 50th Street, and the Rectory, located at 51st Street, were also designed by Renwick. The buildings are similarly designed as 3½-story stone clad structures with individual and paired pointed arch windows, pointed arch entryways, and with buttressing and mansard roofs with dormers (see Figure 6-3). In between these buildings is the Lady Chapel, which was built in 1901-06, replacing Renwick's original east façade of the cathedral. Designed in the French Gothic style by Charles T. Matthews, it contains pointed arch stained glass windows and is capped by a copper roof with a delicate spire. The portion of the project site on East 50th Street (the four buildings at 44-50 East 50th Street) is visible from the steps of the Cardinal's Residence; views to the site from farther north on Madison Avenue are blocked by the Villard Houses. This portion of the project site is also visible from the cathedral's East 50th Street entrance, including its steps, as well as from portions of the pedestrian walkway.

Occupying the western end of the block south of St. Patrick's Cathedral, **Saks Fifth Avenue** (NYCL) was designed by department store architects Starrett & Van Vleck in 1922-24. The 10-story brick building is designed with Renaissance inspired detailing, including ground-floor rustication with attic windows above, colossal Corinthian pilasters spanning the second through third floors, and stone shields and balustrades at the upper stories (see No. 3 of Figure 6-1 and Figure 6-4). The ground floor is articulated with stone framed entrances set between display windows capped by decorative iron cresting; the entrances on East 50th Street are covered by iron canopies. Saks reflects Fifth Avenue's history as one of New York's preeminent shopping streets. Portions of the project site on East 50th Street, consisting of the blank partition wall of the westernmost building on the site, the water tower on top of 46 East 50th Street, and the modern sixth story addition at 50 East 50th Street, are visible from the sidewalk in front of Saks Fifth Avenue and the store's East 50th Street entrances.

East of the project block, the **Waldorf-Astoria Hotel** (S/NR-eligible, NYCL) occupies the full block between Park and Lexington Avenues and East 50th and 49th Streets. Perhaps New York's most famous hotel, the Waldorf-Astoria was designed by the firm of Schultze and Weaver and built between 1929 and 1931. The building is an excellent example of the Art Deco style, with beacon-topped vertically massed towers rising to 47 stories, grey brick and limestone exterior, and nickel silver ornament (see No. 4 of Figure 6-1 and Figure 6-5). The hotel's main entrance is on Park Avenue. A private driveway from East 50th Street is in the middle of the building; loading bays are also on this façade. The project site is not visible from the main entrance of the hotel. It is also not visible from the East 50th Street sidewalk in front of the hotel as the project site buildings are blocked from view by the intervening Colgate-Palmolive Building east of the project site.

On the block to the north, **St. Bartholomew's Church and Community House** (S/NR, NYCL) occupy Park Avenue's east blockfront between East 50th and 51st Streets. The church, which occupies the corner at 51st Street, was designed by Bertram Goodhue between 1914 and 1919. The church is designed in the Byzantine style, with salmon-colored brick facades, large round-arched and rose stained glass windows, and stone carvings representative of the life of St. Bartholomew (see No. 5 of Figure 6-1 and Figure 6-5). Its Park Avenue entrance, consisting of a triple-arched entrance portal designed by Stanford White of McKim, Mead & White, was moved to this site from the congregation's previous church on Madison Avenue. The adjacent Community House, set back behind a spacious terraced garden with an outdoor café (Café St. Bart's) at 50th Street, was designed by Goodhue's successor firm after his death, Mayers, Murray & Phillip, between 1926 and 1928. The Community House echoes the design of the church, clad in similar brick and with round arched windows and stone ornament. The portion of

the project site on East 50th Street is visible at an angle from the garden and café, though the easternmost building on the project site is partially blocked from view by the intervening Colgate-Palmolive Building.

Two previously undesignated properties in the study area that appeared to meet criteria for listing on the National Register of Historic Places were determined by SHPO to be eligible for S/NR listing on August 24, 2004. These are a 12-story office building on East 50th Street and a five-story townhouse on East 51st Street. The **12-story building at 18-20 East 50th Street** (S/NR-eligible), adjacent to Saks Fifth Avenue, was designed by Rouse & Goldstone & Steiman in 1915. It is designed primarily in the Gothic Revival Style, with its limestone clad façade articulated by pointed arch openings at ground level, buttress-like piers extending between the paired window openings above the second story, and stone pinnacles (see No. 6 of Figure 6-1 and Figure 6-6). It is crowned by a triangular pediment with large round arched openings that frame the windows at the 11th and 12th floors. The building was erected by the Grand Rapids Furniture Company as offices and showrooms. The Grand Rapids Furniture Company had many showrooms throughout the city and the eastern United States. By 1955, the building was owned by a management company and leased out as office space. The New York Health & Racquet Club has occupied the building since 1977. Portions of the project site, including the blank party wall of the westernmost building on the project site, as well as a water tower and six-story addition to the project site buildings to the east, are visible from in front of this resource across the plaza at 437 Madison Avenue (the plaza is adjacent to the project site to the west).

The **five-story townhouse at 39 East 51 Street** (S/NR-eligible) was designed by Clinton & Russel and built in 1904. It was one of a number of single-family homes built on the block at the turn of the century. Designed in the style of the Italian Renaissance, 39 East 51st Street is clad in buff colored brick laid in diamond shape patters above the first floor, with a rusticated stone ground floor façade (see No. 7 of Figure 6-1 and Figure 6-6). Scrolled keystones embellish the lintels of the round arched openings at street level; arched pediments are above the second-story windows. In addition, a balustrade extends above the ground floor and a Doric entablature embellishes the entryway. The building has a bracketed cornice above which it is capped by a mansard roof with dormer windows. The building was sold in 1926 to the St. Nicholas Club. It apparently again became a private home in the early 1960s. It presently contains offices. The project site is not visible from this resource since buildings on the intervening block obstruct views.

### **C. ALTERNATIVE A (NO ACTION ALTERNATIVE)**

Alternative A, the no action alternative (the project evaluated in the East Side Access FEIS), placed the 50th Street ventilation facility beneath the streetbed of 49th and 50th Streets, and the other elements to be included in the building were located elsewhere in the vicinity of Grand Central Terminal. Alternative A's potential effects on archaeological and architectural resources were described in the FEIS for that project, and are summarized below. As outlined in the March 2001 Programmatic Agreement for the Metropolitan Transportation Authority (MTA)/LIRR East Side Access Project, executed by the Federal Transit Administration (FTA), MTA, and the SHPO in March 2001, a construction protection plan has been developed to protect historic and archaeological resources located within the APE for potential physical effects resulting from East Side Access Project construction. This plan, the *East Side Access Construction Protection Plan* (March 2004), was originally approved by SHPO in comments dated April 5, 2004, and is now being amended to reflect changes to the project that have occurred since that time. A copy



*The Waldorf-Astoria Hotel, 301 Park Avenue* 4



*St. Bartholomew's Church and Community House, Park Avenue between East 50th and 51st Streets* 5





Former Grand Rapids Furniture Showroom and offices at 18-20 East 50th Street 6



Townhouse at 39 East 51st Street 7

of the 2004 Construction Protection Plan is included in Appendix C to this revised supplemental EA, as Appendix C-2, “MTA/LIRR East Side Access Construction Protection Plan, April 2004.”

### **ARCHAEOLOGICAL RESOURCES**

In Alternative A, there would be no subsurface disturbance on the project site, and any potential historic-period resources on the project site would remain undisturbed. The archaeological analysis conducted for the East Side Access FEIS concluded that the underground ventilation facility at 49th and 50th Streets would not affect any buried archaeological resources.

### **ARCHITECTURAL RESOURCES**

In the future, the status of architectural resources may change. The S/NR-eligible properties—the Waldorf-Astoria Hotel, 12-story building at 18-20 East 50th Street, and five-story townhouse at 39 East 51 Street—may become listed on the S/NR. Saks Fifth Avenue may be found eligible or also become listed on the S/NR.

Historic resources that are listed on the S/NR or that have been found eligible for listing are given a measure of protection from the effects of federally sponsored or assisted projects under Section 106 of the National Historic Preservation Act. 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 state-sponsored or state-assisted projects under the State Historic Preservation Act. However, using private funds, owners of properties eligible for, or even listed on the Registers, can alter or demolish their properties without such a review process. Privately owned properties that are NYCLs, in New York City Historic Districts (NYCHDs), or pending designation as NYCLs and NYCHDs are protected under the New York City Landmarks Law, which requires LPC review and approval before any alteration or demolition can occur. Publicly owned resources are also subject to review by LPC prior to the start of a project; however LPC’s role in projects sponsored by other city or state agencies generally is advisory only.

No projects are proposed in the future that would directly affect architectural resources by the project’s completion year of 2012. In addition, it is not anticipated that there will be any new zoning or public policy changes in the architectural resources study area by the project’s Build year. Therefore, there will be no effects to architectural resources within the study area in the absence of the proposed project.

## **D. PROBABLE IMPACTS OF THE BUILD ALTERNATIVES**

### **ALTERNATIVE B (50TH STREET FACILITY WITHOUT THROUGH DRIVE)**

#### *ARCHAEOLOGICAL RESOURCES*

As described above under “Existing Conditions,” it has been determined that the project site is not sensitive for precontact archaeological resources. Therefore, Alternative B would have no adverse effects on such resources. Three portions of the project site, consisting of all or parts of the rear of Lots 43, 45, and 46 (50, 46, and 44 East 50th Street), may retain 19th century truncated subsurface shaft features associated with the former Deaf and Dumb Institute, such as cisterns, wells, and privies.

The Programmatic Agreement executed by the FTA, MTA, and the SHPO in March 2001, set forth procedures to be followed by the East Side Access Project for all areas that MTA in consultation with SHPO identified as potentially archaeologically sensitive and in which construction activities will occur. A copy of the Programmatic Agreement is included in Appendix A (as Appendix A-1) at the end of the main volume of this revised supplemental EA. The Amended Programmatic Agreement also sets forth those procedures. A draft of the Amended Programmatic Agreement is provided in Appendix A (as Appendix A-2). Following those procedures, at sites where potential archaeological sensitivity has been identified through Stage 1A evaluation and subsequent soil borings (where appropriate), MTA, in consultation with SHPO, will perform subsurface testing to identify the presence or absence of archaeological resources. The field evaluation and testing program will be developed by MTA in consultation with SHPO and at a level sufficient to determine if sites meet the criteria for listing in the National Register. For any sites determined to be eligible for inclusion in the National Register where MTA determines, in consultation with FTA and SHPO, that avoidance is not practicable, MTA, in consultation with SHPO, shall develop and implement a data recovery plan. In addition, as noted earlier, an Amended Programmatic Agreement is being prepared that will incorporate new APEs for project elements that have been added since completion of the FEIS; a draft of that document is also included in Appendix A to this revised supplemental EA.

Following the procedures established in the Amended Programmatic Agreement, MTA, in consultation with the SHPO, has developed an archaeological testing protocol for the area of the 50th Street site that may contain archaeological resources. That protocol is incorporated in the East Side Access Project's Construction Protection Plan, which was approved by the SHPO in a letter dated April 5, 2004. LPC has also reviewed the Construction Protection Plan, and ongoing consultation with SHPO and LPC, as outlined in the Amended Programmatic Agreement, will continue to determine the presence or absence of archaeological resources and to avoid adverse impacts on archaeological resources.

### *ARCHITECTURAL RESOURCES*

#### *Project Site*

Alternative B would result in the demolition of the buildings at 44-50 East 50th Street and construction of the 50th Street facility on the site with connections to Grand Central Terminal under East 50th Street. As there are no architectural resources located on the project site, there would be no adverse effects to architectural resources.

#### *Study Area*

The historic resources identified as within the Area of Potential Effect for the 50th Street facility would be subject to the provisions of the East Side Access Project Amended Programmatic Agreement (see Appendix A). No physical changes are proposed to known architectural resources. The Amended Programmatic Agreement sets forth measures to be followed for all construction activities near historic resources. These measures will be followed for work that occurs near the Villard Houses. Particular protection measures to avoid adverse construction-related effects, are described in the *MTA/LIRR East Side Access Construction Protection Plan* approved by SHPO and also approved by LPC on November 19, 2004, and will be implemented prior to and during project construction (see Appendix C). (More information about the project's effects during construction is provided in Chapter 15, "Construction Impacts.")



The 50th Street facility in Alternative B would not result in any contextual effects to architectural resources in the study area. As noted in Chapter 5, “Visual and Aesthetic Resources,” the 50th Street facility would not result in significant adverse impacts to urban design or visual resources. The 50th Street facility’s modern glass and metal design would be consistent with nearby modern office buildings, particularly the building at 300 Park Avenue immediately east of the project site and to other office buildings in the study area, which are stone, metal, and glass. The building would be similar in massing to other buildings in the immediate area, and would retain the pattern of shorter building on midblocks adjacent to taller buildings on the avenues, which is typical in the study area. The 50th Street facility would appear as part of the typical Midtown Manhattan streetscape, similar to views of the site today.

Consequently, the new 50th Street facility in Alternative B would not alter or obstruct views to architectural resources. The closest resource to the site, the Villard Houses, is oriented toward Madison Avenue, and there are no views to the site from its courtyard. This resource also already exists in the mixed context of old and new buildings that makes up Midtown Manhattan, and, therefore, the addition of the facility on East 50th Street would not be expected to significantly alter that context. Visitors outside St. Patrick’s Cathedral and at St. Bartholomew’s Church garden and café (in warm weather months) would have views to the facility, but these views would be at a distance and in context with the existing urban setting of the study area. The new facility in Alternative B is not expected to be visible from the Waldorf-Astoria Hotel, Saks Fifth Avenue, and the townhouse at 39 East 51st Street. It would only be visible from the sidewalk in front of the former Grand Rapids Furniture Factory at 18-20 East 50th Street. Furthermore, there is no meaningful historic relationship between the architectural resources and the heavily altered buildings presently on the site. Since the 50th Street facility would be designed at a height and in materials—glass and metal—comparable to other buildings in the study area (see Chapter 5, “Visual and Aesthetic Considerations”), it would not result in any adverse contextual effects to known architectural resources in the study area.

Based on the analysis presented above, the 50th Street facility in Alternative B would not result in any significant adverse impacts to historic resources.

### **ALTERNATIVE C (50TH STREET FACILITY WITH THROUGH DRIVE)**

#### *ARCHAEOLOGICAL RESOURCES*

Prior to project construction, archaeological field testing would be undertaken in the areas of Lots 43, 45, and 46 (50, 46, and 44 East 50th Street) identified as sensitive for historic-period archaeological resources. Proposed construction of a through driveway at 45 East 49th Street in Alternative C would require limited, if any, subsurface disturbance at that location. In addition, prior to the construction of the existing ING Café, this site was occupied by a building with a basement that almost fully occupied the lot. Therefore, Alternative C does not have the potential to affect potential archaeological resources, if present below the area of the former basement, on this portion of the project site.

#### *ARCHITECTURAL RESOURCES*

##### *Project Site*

In addition to demolishing 44-50 East 50th Street, Alternative C would also require the demolition of the ING Café building at 45 East 49th Street, to permit construction of a through drive entrance from 49th Street. The addition of the through driveway in this location, to be

enclosed within a new two-story structure, would alter the placement and configuration of the mechanical functions within the portion of the facility on East 50th Street. This in turn would somewhat change the façade of the 50th Street facility. This would include the removal of one of the vehicular entrances at the ground floor, the removal of glazing from the west corner of the ground floor and instead cladding with stone panels, and changes at the upper stories in terms of the placement and configuration of the venting louvers. The height, general massing, and types of materials would remain the same.

As described above, the project site does not contain any architectural resources. Therefore, Alternative C would have no adverse effect on architectural resources.

#### *Study Area*

Since the 50th Street facility in Alternative C would be of a similar height, massing, and materials as in Alternative B, Alternative C's effects on architectural resources in the study area would be comparable to those described above. Since the portion of the project site at 45 East 49th Street is not within 200 feet of, or visible from, architectural resources in the study area, the 50th Street facility would not result in any adverse physical or contextual effects on architectural resources in the study area. Therefore, Alternative C would not result in adverse effects to architectural resources.

Based on the analysis presented above, Alternative C would not result in any significant adverse impacts to historic resources. In an environmental review letter dated November 19, 2004, LPC concurred with the assessment of potential project impacts on architectural resources described above. In comments dated November 29, 2004, SHPO concurred with the above documentation and determined that the general design of the 50th Street facility appears appropriate. As stipulated in the Amended Programmatic Agreement, MTA will continue to consult with SHPO regarding the design and specifications of the 50th Street facility to avoid any adverse contextual effects on architectural resources.

### **PREFERRED ALTERNATIVE D (50TH STREET FACILITY WITH THROUGH DRIVE AND PUBLIC OPEN SPACE)**

#### *ARCHAEOLOGICAL RESOURCES*

Similar to Alternative C, Preferred Alternative D would include a through driveway at 45 East 49th Street that would require little subsurface construction. Portions of the 50th Street facility would be below grade, resulting in subsurface disturbance. As has been described above, before construction, archaeological field testing would be undertaken in the areas of Lots 43, 45, and 46 (50, 46, and 44 East 50th Street) identified as sensitive for historic-period archaeological resources.

#### *ARCHITECTURAL RESOURCES*

##### *Project Site*

The proposed design of Preferred Alternative D differs from Alternatives B and C in that it has a smaller 50th Street facility and an open space on East 50th Street. Above grade, the facility would be L-shaped and range in height from approximately 40 to 65 feet. Fronting on East 50th Street, the facility would consist of an approximately 40-foot-wide and 65-foot-tall structure located at the west end of the site. To the east would be an approximately 40-by-60-foot public

open space, in front of a portion of the 50th Street facility located at the rear of the property. The façade would contain a vehicle entrance above which would be rows of metal venting louvers. It is expected that the facility would be clad in metal panels. The open space would be anticipated to incorporate a water feature that would abut the facility at the rear of the site, with decorative paving, greenery, and seating.

As described above, the project site does not contain any architectural resources. Therefore, Preferred Alternative D would have no adverse effect on architectural resources on the project site.

#### *Study Area*

Similar to Alternatives B and C, Preferred Alternative D would develop a 50th Street facility that has similar urban design components—including a vehicular entrance and metal cladding—as other structures in the study area and on East 50th Street. It would therefore fit into the overall context of older brick and masonry historic structures and more recently erected metal and glass clad office buildings. However, the 50th Street facility in Preferred Alternative D would be significantly smaller than in the other build alternatives, with a maximum height of approximately 65 feet, and would, therefore, be expected to have less visibility in the area. It is expected that the development of a structure of an equivalent size as the buildings presently on the site, and creation of an associated public open space, would not adversely affect any of the architectural resources in the study area.

As indicated above, the preliminary concept for Preferred Alternative D was presented to SHPO and LPC in November 2005. Both SHPO and LPC staff stated at that meeting their general preference to Preferred Alternative D compared to Alternatives B and C. A formal response from SHPO and LPC is anticipated following publication of the revised supplemental EA.

### **CONCLUSIONS**

Under all three build alternatives, the East Side Access Project would follow the procedures set forth in the project's Amended Programmatic Agreement and Construction Protection Plan to avoid adverse effects to archaeological or architectural resources. Following those procedures, the Project will implement an archaeological testing protocol for the area of the 50th Street site that may contain archaeological resources, to identify the presence or absence of any resources. If potentially significant resources are identified, a data recovery plan will be developed and implemented. For architectural resources, the project's design will be reviewed with SHPO in accordance with the terms of the Amended Programmatic Agreement, to ensure that no adverse effects occur to the context or setting of nearby architectural resources. Construction activities for any of the build alternatives will be subject to the project's Construction Protection Plan, which sets forth measures to protect nearby architectural resources from damage during construction of East Side Access. With these measures in place, no significant adverse impacts would occur to archaeological or architectural resources from Alternative B, Alternative C, or Preferred Alternative D.

### **E. SECTION 4(f) EVALUATION**

As noted at the beginning of this chapter, Section 4(f) of the Department of Transportation Act of 1966 prohibits actions by the Secretary of Transportation that require "use" of a historic property that is listed in or eligible for inclusion in the National Register, unless a determination is made that there is no feasible and prudent alternative to the use of such land, and all possible

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planning has been undertaken to minimize harm to the 4(f) property. For historic properties, “use” constitutes a significant adverse effect. This includes direct physical effects, such as demolition or removal of part of a historic property. It also includes adverse contextual effects (these are referred to as “constructive use,” which occurs when changes caused by the project that are near the historic structure cause a substantial impairment in the historic resource’s important qualities).

No significant adverse impacts—including direct effects and adverse contextual effects—would occur to historic resources under any project alternative. Therefore, no project alternative would result in a “use” of a property protected under Section 4(f), and no 4(f) determination is required.\*