

7 Historic and Cultural Resources

Introduction

This chapter evaluates the potential effects of the Proposed Actions on the city's historic and cultural resources, in accordance with the 2014 *CEQR Technical Manual*. Historic and cultural resources include both archaeological and architectural resources. Archaeological resources are physical remains, usually subsurface, of the prehistoric, Native American, and historic periods—such as burials, foundations, artifacts, wells, and privies. Architectural resources generally include historically important buildings, structures, objects, sites, and districts. Historic and cultural resources include designated New York City Landmarks (NYCLs) and historic districts; properties calendared for consideration as NYCLs by the LPC or determined eligible for NYCL designation (NYCL-eligible); properties listed on the State and National Register of Historic Places (S/NR), formally determined eligible for S/NR listing (S/NR-eligible), or properties contained within a S/NR-listed or eligible district; properties recommended by the New York State Board for listing on the S/NR; National Historic Landmarks; and potential historic resources (i.e., properties not identified by one of the programs listed above but that appear to meet their eligibility requirements).

The Proposed Actions include zoning text and map amendments that would establish regulations that create a hierarchy of natural resource preservation rules based on the proximity of a private property to the most ecologically sensitive areas. The Proposed Actions would create a consistent framework and clear development standards, resulting in better and more predictable outcomes in terms of both development and natural resources preservation.

Given their broad applicability, it is difficult to predict the sites where the Proposed Actions would facilitate development. Additionally, the proposed zoning text and map amendments are not expected to induce development or cause a significant change in the overall amount, type, or location of development. However, as the land use actions necessary to facilitate development on a site (i.e., certifications, authorizations and special permits) may be changed or eliminated by the proposed

regulations, the Proposed Actions could increase the proportion of development sites proceeding as-of-right.

The impacts of any specific development cannot be evaluated because the specific location of future development projects is unknown. Therefore, a historic and cultural resources screening assessment was performed following 2014 *CEQR Technical Manual* guidelines to determine the potential for adverse impacts with respect to historic and cultural resources. The assessment is based on a comparison of the development of the four prototypical analysis sites under the No Action scenario with the With Action scenario, as described in **Chapter 1, Project Description**. Following the screening assessment, a generic impact analysis of potential impacts is provided.

Principal Conclusions

Archaeological Resources

The Proposed Actions could potentially result in significant, adverse impacts on archaeological resources. Archaeological resources were assessed as they pertain to the development of the Proposed Actions to compare the development of the four prototypical analysis sites under the With Action scenario with prototypical analysis site development under the No Action scenario. The Proposed Actions would eliminate discretionary review procedures on certain small sites, which would allow development to occur as-of-right, compared to the No Action scenario. As such, additional ground disturbance may occur where archaeological remains exist. However, a net increase in ground disturbance is expected to be limited to a few provisions of the Proposed Actions.

The extent of effects on archaeological resources are unknown because the action is currently generic, and it is not possible to conclude exactly where and to what extent additional ground disturbance may occur. As such, the possibility of effects on archaeological resources cannot be eliminated.

Architectural Resources

The Proposed Actions would not result in significant, adverse impacts on architectural resources. Architectural resources pertaining to the Proposed Actions were assessed to compare the development of the prototypical analysis sites under the With Action scenario with prototypical analysis site development under the No Action scenario.

The Proposed Action would not result in any physical (direct) impacts on architectural resources. The Proposed Actions are not expected to induce development where it would not have occurred absent the Proposed Actions. Privately owned properties that are NYCLs or in New York City Historic Districts would continue to be protected under the New York City

Landmarks Law that requires LPC review and approval before any alteration or demolition can occur. Any designated NYCL or S/NR-listed historic buildings within 90 linear feet of a projected or potential new construction site would be subject to the protections of DOB's TPPN #10/88, ensuring that any development resulting from the Proposed Actions would not result in any significant, adverse construction-related impacts on designated historic resources by requiring that all buildings, lots, and service facilities adjacent to foundation and earthwork areas be protected and supported. The Proposed Actions may increase the shadow cast on some historic architectural resources, but the increase is likely to be limited in duration and coverage and would not be significant.

Screening Analysis

Archaeological Resources

Archaeological resources usually need to be assessed for actions that would result in any ground disturbance. Ground disturbance is any disturbance to an area not previously excavated and includes new excavation deeper and/or wider than previous excavations on the same site. According to the New York State Office of Parks, Recreation, and Historic Preservation, 13 historical landmarks and eight archaeological sites are in the project boundary.

As noted above, the Proposed Actions are not expected to induce development on sites where development would not have otherwise been possible. In addition, the development of small residential parcels is generally considered a "Type II" action under the New York State Environmental Quality Review Act (SEQRA), meaning that these actions would not have a significant, adverse impact on the environment related to the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character (6 NYCRR 617.7(c)). However, for one prototypical analysis site, the Proposed Actions would allow greater ground disturbance than would be allowed under the No Action scenario. Eliminating discretionary actions, such as the modification of topography or tree elimination authorizations, would allow certain sites to proceed as-of-right under the With Action scenario. In addition, the Proposed Actions would not preclude development and associated ground disturbance. As such, increased ground disturbance is likely to occur.

Therefore, the Proposed Actions could affect archaeological resources and, in accordance with the 2014 *CEQR Technical Manual*, further assessment is provided.

Architectural Resources

Architectural resources usually need to be assessed for actions that would result in new construction, demolition, or significant physical

alteration to any building, structure, or object; a change in scale, visual prominence, or visual context of any building, structure, or object or landscape feature; construction, including excavating vibration, subsidence, dewatering, and the possibility of falling objects; additions to or significant removal, grading, or replanting of significant historic landscape features; screening or elimination of publicly accessible views; and introduction of significant new shadows or significant lengthening of the duration of existing shadows on an historic landscape.

As mentioned in **Chapter 1, *Project Description***, the Proposed Actions would create a consistent framework and clear development standards, resulting in better and more predictable outcomes in terms of both development and natural resources preservation. While the Proposed Actions are not expected to have direct effects on architectural resources, local, state, and federal protection measures would mitigate impacts on historic or cultural architectural resources in the project area. However, the Proposed Actions could cause indirect impacts, including new shadows on the physical features of historic structures. Therefore, an assessment on architectural resources is warranted.

Archaeological Resources Impact Assessment

Increased Ground Disturbance

Review of the With Action scenario indicates that an increase in ground disturbance would be allowed at one prototypical analysis site.

- **Prototypical Analysis Site 3**: Potential ground disturbance would increase from no as-of-right allowed to 50 percent of the lot area.

Decreased Ground Disturbance

Review of the With Action scenario indicates that the potential for ground disturbance would decrease at two prototypical analysis sites.

- **Prototypical Analysis Site 2**: Potential ground disturbance would decrease from 68 percent of the lot area to 65 percent.
- **Prototypical Analysis Site 4**: Potential ground disturbance would decrease from 48 percent of the lot area to 44 percent.

Similar Ground Disturbance

Review of the With Action scenario indicates that permitted ground disturbance would not change at one of the prototypical analysis sites.

- **Prototypical Analysis Site 1**: Potential ground disturbance would be similar (50 percent for both With Action and No Action).

Analysis

The Proposed Actions could disturb ground on sites where archaeological remains exist; however, this disturbance is expected to be limited to one prototypical analysis site where increased ground disturbance would be permitted as-of-right. The ground disturbance could encounter previously unknown archaeological resources. As such, the possibility of significant impacts on archaeological resources cannot be eliminated.

The Proposed Actions would introduce lot coverage restrictions based on ecological subarea. For some prototypical analysis sites, as noted above under *Archaeological Resources Impact Assessment*, the regulations would allow more lot coverage and ground disturbance than what is currently permitted, whereas for other prototypical analysis sites, the Proposed Actions would restrict lot coverage and decrease ground disturbance. The removal of certain discretionary actions would allow for as-of-right development that otherwise would require CPC or Chair actions.

Based on the description of prototypical analysis sites presented in Appendix 2, the proposed regulatory changes that may result in incremental ground disturbance under the With Action scenario are summarized in **Table 7-1**.

Table 7-1 Proposed Regulatory Changes with Potential to Increase Ground Disturbance

Prototypical Analysis Site / Proposed Ecological Area	Ground Disturbance Increment (Percent)	Primary Reason(s)
3 / Base Protection Area	from 0 to 50	Removal of required authorization pursuant to ZR 105-421, Modification of topographic features on Tier I sites within the SNAD

* This table has been modified for the FEIS.

In addition to the potential for an increase in ground disturbance from an increase in as-of-right development, other proposed regulations could lead to incremental ground disturbance. For instance, the Proposed Actions would introduce lot coverage restrictions based on ecological subarea, which could allow greater lot coverage than currently permitted. Tree planting and biodiversity area requirements based on ecological subarea are also proposed, which could allow for greater ground disturbance than currently permitted. The proposed rules would allow minor disturbances to the critical root zone of the tree beyond the structural root zone, in contrast to the existing rules. The proposed change would facilitate as-of-right construction of site amenities outside the applicable (i.e., 15 feet or 8 feet) construction buffer by allowing amenities to be located in areas where they minimally disturb tree critical

root zones, which could lead to incremental ground disturbance. In addition to the potential for an increase in ground disturbance from an increase in as-of-right development, other proposed regulations could lead to incremental ground disturbance. For instance, the Proposed Actions would introduce lot coverage restrictions based on ecological subarea, which could allow greater lot coverage than currently permitted. Tree planting and biodiversity area requirements based on ecological subarea are also proposed, which could allow for greater ground disturbance than currently permitted. The proposed rules would allow minor disturbances to the critical root zone of the tree beyond the structural root zone, in contrast to the existing rules. The proposed change would facilitate as-of-right construction of site amenities outside the applicable (i.e., 15 feet or 8 feet) construction buffer by allowing amenities to be located in areas where they minimally disturb tree critical root zones, which could lead to incremental ground disturbance.

For prototypical analysis site 3, a vacant site is assumed in the No Action scenario because the proposed development would require CPC authorization and could not be built as-of-right. Thus, the incremental ground disturbance expected at this site under the With Action scenario is attributed to the proposed removal of the required authorization noted in **Table 7-1**.

Architectural Resources Impact Assessment

The Proposed Actions are not expected to induce development. Privately owned properties that are NYCLs or in New York City Historic Districts would continue to be protected under the New York City Landmarks Law that requires LPC review and approval before any alteration or demolition can occur. However, the Proposed Actions may affect eligible historical resources that are not protected by local, state, or national designations. Because the exact location or configuration of development is uncertain, possible effects of the Proposed Actions on architectural resources cannot be predicted with any certainty. Such effects are possible because the Proposed Actions would not govern the exact placement of development within existing as-of-right properties containing historic resources or resources that may become eligible or landmarked in the future.

However, properties that are NYCLs are protected under the NYCL Law. All properties within LPC-designated historic districts also require LPC permit and approval prior to new construction, addition, enlargement, or demolition. This approval process would ensure that development under the Proposed Actions would not have an adverse impact on these resources. In a final sign-off letter dated January 18, 2019 (Appendix 7), LPC concurred that, in general, the Proposed Actions could result in ground work that could affect significant archaeological resources, noting that the LPC must review each specific project before it would be able to opine on specific impacts.

The New York City Building Code also provides some measure 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. Additional protective measures apply to designated NYCLs and S/NR-listed historic buildings located within 90 linear feet of a proposed construction site. For these structures, DOB TPPN #10/88 applies. TPPN #10/88 supplements the standard building protections afforded by the Building Code by requiring, among other things, a monitoring program to reduce the likelihood of construction damage to adjacent NYCL-designated or S/NR-listed resources (within 90 feet) and to detect at an early stage the beginnings of damage so that construction procedures can be changed.

The Proposed Actions could result in incremental shadows being cast on sunlight-sensitive features of historic resources. The duration and coverage of incremental shadows would be limited; however, the potential for shadow impacts cannot be eliminated.

Conclusion

Analyses were conducted to assess potential impacts on historic and cultural resources that could result from the zoning text and map amendments to form a single SNRD. The analyses conclude that the proposed zoning text and map amendment would not induce development or change any protection measures already established to reduce impacts on historic and cultural resources. However, increased ground disturbance in some locations could result in significant impacts on archaeological resources. For architectural resources, privately owned properties that are NYCLs or in New York City Historic Districts would continue to be protected under the New York City Landmarks Law that requires LPC review and approval before any alteration or demolition can occur, and impacts would not be significant.

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