

# Chapter 8 : HISTORIC AND CULTURAL RESOURCES

---

## A. INTRODUCTION

This chapter assesses the Proposed Action's effect on historic and cultural resources. Historic and cultural resources include both architectural and archaeological resources. The *CEQR Technical Manual* identifies historic and cultural resources as districts, structures, sites, and objects of historic, aesthetic, cultural, and archaeological importance. This includes designated New York City Landmarks (NYCLs) and Historic Districts (NYCHDs); properties calendared for consideration as landmarks by the New York City Landmarks Preservation Commission (LPC); properties listed in the State/National Registers of Historic Places (S/NR) or contained within a district listed in or formally determined eligible for S/NR listing; and, properties designated by the New York State Historic Preservation Office (SHPO) within the Office of Parks, Recreation and Historic Preservation (OPRHP) as eligible for listing on the S/NR; National Historic Landmarks (NHL), and properties not identified by one of the programs or agencies listed above, but that meet their eligibility requirements.

An assessment of historic/archaeological resources is usually needed for projects that are located adjacent to listed or eligible historic or landmark structures or within historic districts, or projects that require in-ground disturbance, unless such disturbance occurs in an area that has already been excavated.

## B. PRINCIPAL CONCLUSIONS

### Archaeological Resources

The Proposed Action would potentially result in significant adverse impacts to archaeological resources. The archaeological resources assessment concluded that the Proposed Action could result in additional and/or deeper in-ground disturbance that could occur on sites where archaeological remains exist; however this is expected to be limited to a few provision of the Proposed Action.

In particular, the provision to remove unnecessary corner lot coverage restrictions would allow future developments on undeveloped corner lots and create larger building footprints with increased potential for additional in-ground disturbance in the future. The provision to allow future buildings to be located closer to the street line would also create potential for additional or deeper in-ground disturbance. In the future with the Proposed Action, developments on shallow lots would be permitted to reduce the depth of the required rear yard. Since shallow lots and shallow through lots are found consistently across all neighborhoods in all five boroughs, it impossible to disregard the possibility of additional in-ground disturbance.

The proposal to reduce minimum distance between buildings could enable infill development on sites with lot and floor area allowances, and potentially cause additional in-ground disturbance. The elimination or reduction of existing and future parking requirements for affordable housing is also likely to facilitate additional development resulting in potential new in-ground disturbance. In the future with the Proposed Action, Long Term Care Facilities would be given additional FAR, and potentially result in greater heights, larger building footprints, and greater potential for in-ground disturbance.

While the potential impacts of the provisions described above are expected to be limited, it is not possible to conclude where and to what extent additional in-ground disturbance might occur. As such, the possibility of significant impacts on archaeological resources cannot be eliminated.

### Architectural Resources

The Proposed Action would not result in any physical (direct) impacts on architectural resources. The Proposed Action is not in-and-of-itself expected to induce development where it would not have occurred absent the Proposed Action (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing). There would be no increment change in the potential for properties that are NYCLs or

in New York City Historic Districts, or non-designated eligible sites, to be directly impacted between the Future No-Action and With-Action conditions. Privately owned properties that are NYCLs or in New York City Historic Districts would also be protected under the New York City Landmarks Law that requires LPC review and approval before any alteration or demolition can occur. Since the Proposed Action is not in-and-of-itself expected to induce new construction activities where these would not have occurred absent the Proposed Action (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing), the Proposed Action would not result in any significant adverse construction-related impacts to non-designated eligible sites. In addition, any designated NYCL or S/NR-listed historic buildings located within 90 linear feet of a projected or potential new construction site would be subject to the protections of the New York City Department of Building's (DOB's) Technical Policy and Procedure Notice (TPPN) #10/88, ensuring that any development resulting from the Proposed Action would not result in any significant adverse construction-related impacts to designated historic resources.

The Proposed Action would not result in any significant adverse visual or contextual (indirect) impacts to architectural resources; however it would result in incremental shadows being cast on sunlight-sensitive features of historic resources. The duration and coverage of incremental shadows would be limited, and therefore, would not constitute a significant adverse impact on historic resources.

## **C. SCREENING ANALYSIS**

### Archaeological Resources

Archeological resources usually need to be assessed for actions that would result in any in-ground disturbance. In-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. For any action that would result in new ground disturbance, assessment of both prehistoric and historic archaeological resources is appropriate.

The Proposed Action would not change any of the existing zoning designations; however, it would affect zoning regulations on a citywide basis and would result in changes to the height, bulk, and parking regulations for multi-family residential, inclusionary housing, affordable senior housing and long term care facilities. The Proposed Action itself is not expected to induce development on sites where development would not have otherwise been possible (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing, and is discussed in this document), however, more development is expected to occur as a result citywide which has the potential to result in additional in-ground disturbance. Consequently, additional assessment of the Proposed Action to result in impacts to archaeological and architectural resources is required.

### 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 or on an historic structure of the features that make the structure significant depend on sunlight.

As mentioned above, the Proposed Action would affect zoning regulations on a citywide basis and would result in changes to the height, bulk, and parking regulations for multi-family residential, inclusionary housing, affordable senior housing and long term care facilities. While the Proposed Action is not expected to have direct impacts on architectural resources, it could potentially cause indirect impacts, including new shadows on the physical features of historic structures. An assessment on architectural resources is therefore warranted.

## D. ARCHEOLOGICAL RESOURCES

As mentioned above, the Proposed Action would affect zoning regulations on a citywide basis and would result in changes to the height, bulk, and parking regulations for multi-family residential, inclusionary housing, affordable senior housing and long term care facilities. The following components of the Proposed Action is expected to result in increased or new in-ground disturbance:

- Remove unnecessary corner lot coverage restrictions
- Match street wall line-up provision requirements to intent
- Provide improved yard and coverage regulations for shallow lots
- Update outdated distance between buildings regulations
- Reduce parking requirements where appropriate for affordable housing
- Eliminate parking requirements for qualifying affordable housing within the Transit Zone
- Create new lower-density bulk envelope for Long Term Care Facilities

If such in-ground disturbance occurs on sites where archaeological remains exist, significant adverse impacts could occur. Consequently, additional assessment of the potential for these provisions of the Proposed Action to result in impacts to archaeological resources has been conducted.

### Remove unnecessary corner lot coverage restrictions

The removal of the maximum corner coverage requirement would allow future developments on undeveloped corner lots to wrap the corner with the building massing and create a more-traditional corner building. One of the effects of this provision would be that the floor area would be more likely to occupy a larger building footprint than would be expected in the future without the Proposed Action, increasing the potential for additional in-ground disturbance in the future with the Proposed Action.

This provision would effect R6-R10 zoning districts citywide. Undeveloped corner lots that might be developed are widely scattered across the city. The location of development would remain unchanged under the future with Proposed Action scenario; however, the potential for floor area to be allocated over a larger building footprint cannot be eliminated.

### Match street wall line-up provision requirements to intent

This provision would allow future developments to set back 10 feet from the street wall regardless of the setback of the adjacent buildings instead of 15 feet from the street line as it currently is applied. Since the future buildings can be located closer to the street line, there is potential for additional or deeper in-ground disturbance.

This provision would affect Quality Housing buildings in R6-R10 zoning districts citywide. Even though, the amount and location of development would remain unchanged under the future with Proposed Action scenario, the potential for increased in-ground disturbance cannot be eliminated.

### Provide improved yard and coverage regulations for shallow lots

In the future without the Proposed Action, buildings on shallow lots between 70' and 95' depth would be required to provide the full rear yard depending on the underlying zoning district. On shallow through lots with a depth between 140' and 190', the same problem presents itself when two buildings are developed on opposite street frontages. There are relatively few development sites meeting these conditions, however, in the future without the Proposed Action, those that do would be expected to develop a sub-standard building in order to fit their permitted FAR; others would be expected to obtain variances to facilitate more efficient buildings on these lots as a result of their constraints.

In the future with the Proposed Action, the developments on shallow lots would be permitted to reduce the depth of the required rear yard and would be able to set the build off the property line and provide a variety of building articulation options which would result in additional in-ground disturbance over the future without the Proposed Action.

This provision would effect R6-R10 zoning districts citywide. Shallow lots and shallow through lots are found consistently across all neighborhoods in all five boroughs, making it impossible to conclude where and to what extent such additional in-ground disturbance might occur.

#### Update outdated distance between buildings regulations

In the future without the Proposed Action, developments on zoning lots with multiple buildings would be required to comply with the existing distance between building requirements. On zoning lots where two buildings have an average height of 50 or more feet, the minimum distance between legally required windows in the two buildings is 60 feet. This exceeds the requirements of the state Multiple Dwelling Law and makes infill development more difficult to undertake, or makes buildings taller as their footprint is limited to small areas of the zoning lot.

In the future with the Proposed Action, the minimum distance between buildings between 25 and 125 feet tall would be reduced from 60 feet, to 40 feet, to bring zoning regulations in line with the Multiple Dwelling Law. This provision would extend to buildings 125 feet tall or higher when their aggregate lot coverage does not exceed 40 percent. This may enable infill development on sites with lot and floor area allowances, and may enable modest horizontal enlargements of existing buildings on lots with multiple buildings.

The number and location of zoning lots with available floor area and sufficient area to construct a new building is limited in medium- and high-density districts (R6-R10) in the city. However, since it is not possible to conclude where and to what extent such additional development might occur, the possibility of additional in-ground disturbance cannot be eliminated.

#### Reduce parking requirements where appropriate for Affordable Housing

In the future without the Proposed Action, current parking requirements for affordable housing remain the same and any new affordable housing units would continue to provide the required parking.

In the future with the Proposed Action, elimination or reduction of existing and future parking requirements for affordable housing is likely to enable the development of sites that were previously too difficult or costly to build, or enable the development of a larger building with more units. In the future with the Proposed Action, this provision would also allow for the redevelopment of existing senior housing parking lots which is likely to result in additional and/or deeper in-ground disturbance. The number and location of existing senior housing parking lots with parking lots large enough to facilitate additional development is limited within the proposed Transit Zone. Also, as described in Chapter 2, "*Analytical Framework*," the LiveOn study identified 39 sites across the Transit Zone where such redevelopment may be possible, but it is not possible to determine which sites would be expected to proceed with redevelopment. Since it is not possible to conclude where and to what extent additional development might occur, the possibility of additional in-ground disturbance cannot be eliminated.

#### Create new lower-density bulk envelope and for Long Term Care Facilities

In the future with the Proposed Action, Long Term Care Facilities would be given additional FAR which would result in additional development. While Long Term Care Facilities would be getting more FAR, the height requirements would be more restricted compared to the No Action scenario. Since the height would be more restricted, developments are likely to cover a larger footprint which would increase the potential for in-ground disturbance. This provision would effect R3-2, R4 and R5 zoning district without letter or number suffix (R3A, R3X, R3-1, R4A, R4B, R4-1, R5A, and R5D).

## **E. ARCHITECTURAL RESOURCES**

### **Architectural Resources**

As described above, architectural resources are defined as properties or districts listed on the Registers or determined eligible for such listing, NHLs, NYCLs and NYCHDs, and properties that have been found by the LPC to appear eligible for designation, considered for designation by LPC at a public hearing, or calendared for consideration at such a hearing.

The assessment of the Proposed Action's potential effect on architectural resources accounts for both direct physical impacts and indirect impacts. *Direct impacts* include demolition of a resource and alterations to a resource that cause it to become a different visual entity. A resource could also be damaged by construction activities such as blasting, pile driving, falling objects, subsidence, collapse, or damage from construction machinery unless proper protection measures are put in place. Construction activity that would occur within 90 feet of an architectural resource, as defined in the New York City Department of Buildings (DOB) Technical Policy and Procedure Notice (TPPN) #10/88, may cause such damage.

*Indirect impacts* are contextual or visual impacts that could result from project construction or operation. As described in the *CEQR Technical Manual*, indirect impacts could result from blocking significant public views of a resource; isolating a resource from its setting or relationship to the streetscape; altering the setting of a resource; introducing incompatible visual, audible, or atmospheric elements to a resource's setting; or introducing shadows over a historic landscape or an architectural resource with sun-sensitive features that contribute to that resource's significance (i.e., a church with stained-glass windows). Significant adverse direct or indirect impacts can occur if a project would cause a change in the quality of a property that qualifies it for S/NR listing or for designation as a NYCL.

According to the *CEQR Technical Manual*, to account for potential physical, visual and contextual impacts, an architectural resources study area should be defined, and any potentially eligible architectural resources that may be affected by the Proposed Action should be identified through a combination of field surveys and documentary research for the study area. The study area is typically defined as the project area and the area within approximately 400 feet of the project area. However, as mentioned above, the Proposed Action is a citywide "Generic Action" and there are no known development sites. Therefore, a specific architectural resources study area, for the purposes of identifying, investigating, site surveying and documenting of architectural resources, has not been defined.

### **Existing Condition**

Based on the National Register of Historic Places (NR), there are over 700 historic sites in New York City that are listed as places worthy of preservation. The U.S. Secretary of the Interior has established criteria of eligibility for listing on the National Register of Historic Places which New York State has adopted for use in identifying significant historic resources for environmental review. To be considered eligible for the National Register, a property must represent a significant part of the history, architecture, archaeology, engineering, or culture of an area, and it must have the characteristics that make it a good representative of properties associated with that aspect of the past.

More specifically, districts, sites, buildings, structures, and objects more than 50 years of age are eligible for the National Register if they possess integrity of location, design, setting, materials, workmanship, feeling, and association, and: 1) are associated with events that have made a significant contribution to the broad patterns of history (Criterion A); 2) are associated with significant people (Criterion B); 3) embody distinctive characteristics of a type, period, or method of construction, represent the work of a master, possess high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction (Criterion C); or 4) may yield [archaeological] information important in prehistory or history. Official determinations of eligibility are made by the New York State Office of Parks, Recreation and Historic Preservation and criteria for listing on the National Register are in the Code of Federal Regulations, Title 36, Part 63.

It should be noted that even if a property is excluded from eligibility for the National or State Register(s), it may be eligible for designation under the New York City Landmarks Law, which has different criteria for eligibility from those of the National Register. According to LPC, there are more than 33,000 landmark properties in New York City, most of which are located in 114 historic districts and 20 historic district extensions in all five boroughs. The total number of protected sites also includes 1,347 individual landmarks, 117 interior landmarks and 10 scenic landmarks. LPC designates historically significant properties in the City as NYCLs and/or Historic Districts, following the criteria provided in the Local Laws of the City of New York, New York City Charter, Administrative Code, Title 25, Chapter 3. Buildings, properties, or objects are eligible for landmark status when a part is at least 30 years old. Eligible properties typically contribute to the heritage, or cultural characteristics of the city, state, or nation, and are generally classified as one of four types of landmarks: individual landmark, interior landmark, scenic landmark, and historic district.

Properties that are NYCLs are protected under the NYCL Law, which requires LPC review and approval before any alteration or demolition of those resources can occur. 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 a Proposed Action would not have an adverse impact on these resources. Additionally, historic resources that are listed in the S/NR are given a measure of protection from the effects of federally sponsored, or federally assisted projects under Section 106 of the National Historic Preservation Act, and are similarly protected against impacts resulting from state-sponsored or state-assisted projects under the New York State Historic Preservation Act. Although preservation is not mandated, federal agencies must attempt to avoid adverse impacts on such resources through a notice, review, and consultation process. Private property owners using private funds can, however, alter or demolish their S/NR-listed or S/NR-eligible properties without such a review process.

The New York City Building Code also provides some measures of protection for all properties against accidental damage from adjacent construction by requiring that all buildings, lots, and service facilities adjacent to foundation and earthwork areas be protected and supported. Additional protective measures apply to designated NYC Landmarks and S/NR-listed historic buildings located within 90 linear feet of a proposed construction site. For these structures, the New York City Department of Buildings' (DOB Technical Policy and Procedure Notice (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.

While designated historically significant properties in the City are protected under local, state, and national laws, eligible historical resources that are not designated landmarks are not subject to the same laws and review process. According to the *CEQR Technical Manual*, potential historic resources can be considered significant if they meet the criteria for listing on the S/NR, established by the U.S. Secretary of the Interior, or criteria for local designation set forth in the New York City Landmarks Law. Although a typical environmental review considers a project's impacts on eligible sites for landmark designation, potential significant historical resources that are not currently designated as landmarks are not protected by local, state and national laws that provide measures to preserve properties.

#### ***Future No-Action Condition***

In the future without the Proposed Action, the status of historic resources could change. S/NR-eligible architectural resources could be listed in the Registers, and properties found eligible or calendared for consideration for designation as NYCLs could be designated. It is also possible, given the Proposed Action's analysis year of 2025, that additional sites could be identified as eligible historic resources in this time frame. It is also possible that some architectural resources could deteriorate, while others could be restored. In the future without the Proposed Action, the local, state and federal procedures and protections described in the existing conditions above would continue to apply.

#### ***Future With-Action Condition***

The Proposed Action would affect zoning regulations citywide and result in changes to the height, bulk, and parking regulations. Although, it is expected to be limited, the Proposed Action has the potential to result in more development citywide when compared to the Future No-Action Condition.

Historic resources can be directly affected by physical destruction, demolition, damage, or alterations. Direct impacts also include changes to an architectural resource that cause it to become a different visual entity, such as a new location, design, materials, or architectural features. A resource could also be damaged by construction activities such as blasting, pile driving, falling objects, subsidence, collapse, or damage from construction machinery unless proper protection measures are put in place. Any new construction taking place on any site adjacent to or within 90 feet of individual landmarks or historic districts has the potential to cause damage to those historic resources from ground-borne construction vibrations.

As mentioned above, 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, which requires LPC review and approval before any alteration or demolition can occur. Also, the New York City Building Code would continue to provide measures of protection for all properties against accidental damage from adjacent construction by requiring that all buildings, lots, and service facilities adjacent to foundation and earthwork areas be protected and supported. Additional protective measures apply to LPC-designated Landmarks and S/NR-listed historic buildings located within 90 linear feet of a proposed construction site. For these structures, the DOB's Technical Policy and Procedure Notice (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 LPC-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. As such, the Proposed Action would not result in any significant adverse physical impacts to architectural resources.

Similarly, historic resources that are listed in the S/NR are given a measure of protection from the effects of federally sponsored, or federally assisted projects under Section 106 of the National Historic Preservation Act, and are similarly protected against impacts resulting from state-sponsored or state-assisted projects under the New York State Historic Preservation Act. Although preservation is not mandated, federal agencies must attempt to avoid adverse impacts on such resources through a notice, review, and consultation process.

While eligible historical resources that are not protected by local, state or national designations may be affected by the Proposed Action, the potential for direct impacts on these resources is not a result of the Proposed Action and would also exist in the future No-Action scenario. Since the Proposed Action is not in-and-of-itself expected to induce development where it would not have occurred absent the Proposed Action (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing), there would be no increment in the potential for eligible sites to be directly impacted between the Future No-Action and With-Action conditions. The Proposed Action would therefore not result in an incremental impact on non-designated eligible historic properties and sites.

According to the *CEQR Technical Manual*, contextual impacts may occur to architectural resources under certain conditions. Possible impacts to architectural resources may include isolation of the property from, or alteration of, its setting or visual relationships with the streetscape. This includes changes to the resource's visual prominence so that it no longer conforms to the streetscape in terms of height, footprint, or setback; is no longer part of an open setting; or can no longer be seen as part of a significant view corridor. Significant indirect impacts can occur if the Proposed Action would cause a change in the quality of a property that qualifies it for listing on the S/NR or for designation as a NYCL.

The Proposed Action is not expected to have significant adverse contextual or visual impacts on existing historic resources. As mentioned above, the Proposed Action would affect zoning regulations citywide and result in changes to the height, bulk and parking requirements. Although, developments resulting from the proposed changes could alter the setting or visual context of existing historic resources, these alterations is not expected to result in significant adverse impacts. The Proposed Action would not alter the relationship of architectural resources to the streetscape, or change or obstruct public views of architectural resources. All significant elements of existing architectural resources would remain visible in view corridors on public streets. Further, no incompatible visual, audible, or atmospheric elements would be introduced by the Proposed Action to any historic resources. As such, the Proposed Action is not expected to result in any significant adverse indirect impacts on historic architectural resources.

While, the Proposed Action would potentially result in incremental shadows being cast on historic resources, as discussed in Chapter 7, Shadows, the duration and coverage of incremental shadows would be limited; however, the potential for shadow impacts cannot be eliminated.