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Historic and Cultural Resources

This section assesses the possible effects of the proposed action on historic and cultural resources, including both archaeological and architectural resources.

Introduction

This chapter assesses the proposed action's effect on historic and cultural resources. Historic and cultural resources include both archaeological resources 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 New York City Landmarks Preservation Commission (LPC) or determined eligible for NYCL designation (NYCL-eligible); properties listed on the State and National Register of Historic Places (S/NR) or 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 (NHLs); and potential historic resources (i.e., properties not identified by one of the programs listed above, but that appear to meet their eligibility requirements).

An assessment of archaeological/architectural 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. The introduction of a CPC special permit for new hotels in M1 districts could result in shifting hotel development from M1 districts to other locations where they will continue to be permitted as-of-right, but would not otherwise change any rules regulating development in these locations. Since it is not possible to evaluate the impacts of any specific development as the specific location of future development projects is unknown, the historic resources assessment is based on prototypical sites as defined and described in Chapter 1, "Project Description."

Principal Conclusions

Archaeological Resources

Analyses were conducted on the prototypical sites to assess archaeological resources as they pertain to the shift from non-hotel use (i.e., a residential or different commercial use) in the No-Action condition to commercial hotel use in the With-Action condition.

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

Architectural Resources

Analyses were conducted on the prototypical sites to assess architectural resources pertaining to the shift from non-hotel use (i.e., residential or different commercial use) in the No-Action condition to a commercial hotel use in the With-Action condition.

The proposed action is not expected to induce development. In total, it is anticipated to result in fewer hotel developments in M1 zones and would shift hotels to areas where hotel development could still occur as-of-right, in commercial and mixed-use districts within the same geographic submarket. 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, as discussed below, eligible historical resources that are not protected by local, state or national designations may be affected by the proposed action. Since the exact location or configuration of development is uncertain, it is not possible to predict with any certainty what the possible effects of the proposed action would be on architectural resources. Such effects are thus possible, since the proposed action would not govern the exact placement of hotels within existing as-of-right commercial districts containing historic resources or resources that may become eligible or landmarked

in the future. Therefore, an assessment of the prototypical sites was conducted to describe some of the possible effects on development near historic resources.

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.

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 action would create a zoning text amendment to establish a City Planning Commission special permit (CPS special permit) for new development in M1 districts, which is anticipated to slightly change the geographic distribution of hotels in the City. While the proposed action is not expected to have direct effects on architectural resources, it could indirectly affect new shadows on the physical features of historic structures as well as changes in visual context. An assessment on architectural resources is therefore warranted.

Detailed Assessments

Archaeological Resources

The proposed action would create a special permit which is anticipated to result in fewer hotel developments in M1 Districts. This change in geographic distribution of hotels has the potential to result in changes in ground disturbance, and further analysis was determined to be appropriate.

As shown in **Table 7-1**, the No-Action Condition is anticipated to result in a larger building footprint than the With-Action Condition. Consequently, this proposal is

not anticipated to result in additional ground disturbance in terms of length or width. The proposed action is also not anticipated to influence how buildings site on the lot. However, given that the proposed action could result in taller buildings and larger footprints, it is reasonable to expect that building construction under the With-Action Condition would result in additional ground disturbance relative to the No-Action Condition. Overall however, the possible effects would be limited.

Table 7-1 Prototypes by Footprints and Heights

Prototype	No-Action Condition		With-Action Condition	
	Development Footprint	Building Height	Development Footprint	Building Height
Manhattan – Below 59 th Street	4,811 sf	465.57'	30,000 sf	355'
Long Island City	60,975 sf	105'	60,975 sf	75'
Jamaica	301,160 sf	145', 135', 230'	225,870 sf	125', 125', 155'
South Slope	10,536 sf	50'	7,024 sf	30'
Downtown Brooklyn	55,598 sf	205'	46,400 sf	195'
Brownsville	9,450 sf	14.24', 35.87'	25,500 sf	85'
Williamsburg	75,000 sf	75'	50,000 sf	55'

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 at this time. 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 Conditions

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.

Because this is a prototypical analysis, an inventory of all designated and potential resources in the study areas is not warranted. Due to the prevalence of historic resources throughout the City, resources may be located near or adjacent to the prototypical sites, however none of the prototypical sites contain a historic resource or are located within an historic district.

Architectural 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 2027, 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.

Architectural Future With-Action Condition

The proposed action would create a special permit for hotel developments in M1 Districts, an action which has the potential to change the geographic distribution of hotels in New York City. 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.

In the With-Action condition, 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 is not anticipated to 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.

Since the exact location or configuration of development is uncertain, it is not possible to predict with any certainty what the possible effects of the proposed action would be on architectural resources. However, it is a possibility since the proposed action would not govern the exact placement of hotels within existing as-of-right commercial districts, which contain historic resources or resources which may become eligible or landmarked in the future. Although the potential exists for a new hotel to be located adjacent to a historic resource or to cause shadows on sunlight-sensitive features, since the proposed action would not change any rules regulating as-of-right development such effects or differences would not be evaluated as or considered to be significant adverse impacts under CEQR.

Conclusion

The introduction of CPC special permit for new hotels in M1 districts could have the effect of shifting hotel development from M1 districts to other locations where they will continue to be permitted as-of-right, but would not otherwise change any rules regulating development in these locations.

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, as discussed, there could be possible effects on eligible historical resources that are not protected by local, state or national designations due to the proposed action as new as-of-right hotels may be located in close proximity to an architectural resource, in such a way that could affect the resource.