

# Zoning for Coastal Flood Resiliency

## Chapter 7: Historic & Cultural Resources

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### A. INTRODUCTION

Historic and cultural resources include both architectural and archaeological resources. The 2020~~14~~ *City Environmental Quality Review (CEQR) Technical Manual* identifies historic and cultural resources as districts, buildings, structures, sites, and objects of historical, aesthetic, cultural, and archaeological importance. This includes designated New York City Landmarks (NYCL); 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; properties recommended by the New York State Board for listing on the S/NR; National Historic Landmarks (NHL); and properties not identified by one of the programs listed above, but that meet their eligibility requirements. An assessment of historic/archaeological resources is usually needed for projects that are located adjacent to 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.

As detailed in **Chapter 1, “Project Description,”** the New York City Department of City Planning (DCP) is proposing a zoning text amendment to update the Special Regulations Applying in Flood Hazard Areas (Article VI, Chapter 4) of the New York City Zoning Resolution (ZR), which includes the [“Flood Resilience Zoning Text”](#) (the “2013 Flood Text”) and [“Special Regulations for Neighborhood Recovery”](#) (the “2015 Recovery Text”). These temporary zoning rules were adopted on an emergency basis to remove zoning barriers that were hindering the reconstruction and retrofitting of buildings affected by Hurricane Sandy and to help ensure that new construction there would be more resilient. The 2013 Flood Text provisions are set to expire with the adoption of new and final Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs), which is anticipated to occur within the next few years. Applicability of the 2015 Recovery Text expired in July 2020. Therefore, DCP is proposing a citywide zoning text amendment, [“Zoning for Coastal Flood Resiliency”](#) (the “Proposed Action”), to improve upon and make permanent the relevant provisions of the existing temporary zoning rules of the 2013 Flood Text and 2015 Recovery Text. In addition, the Proposed Action includes special provisions to help facilitate the city’s long-term recovery from the COVID-19 pandemic and its associated economic effects by providing more time for existing non-conforming uses to reopen and builders to undertake certain construction projects. The Proposed Action also includes updates to other sections of the ZR, including the Special Regulations Applying in the Waterfront Area (Article VI, Chapter 2) and provisions within various Special Purpose Districts. The Proposed Action would mostly affect New York City’s current 1% annual and 0.2% annual chance floodplains. However, select provisions of the Proposed Action would be applicable citywide. To help the City prepare for or respond to other disasters, select provisions in the Proposed Action regarding power systems and other mechanical equipment, ramps and lifts, vulnerable populations, and disaster recovery rules, would be applicable citywide.

Due to the broad applicability of the Proposed Action, it is difficult to predict the sites where development would be facilitated. In addition, the Proposed Action is not in-and-of-itself expected to induce development where it would not otherwise have occurred absent the Proposed Action. Although the Proposed Action may allow developments and existing buildings to retrofit to resilient standards, the overall amount, type, and location of construction within the affected area is not anticipated to change. Owing to the generic nature of this action, there are no known or projected as-of-right development sites identified as part of the Proposed Action’s Reasonable Worst-Case Development Scenario (RWCDs). To

produce a reasonable analysis of the likely effects of the Proposed Action, 14 representative Prototypical Analysis Sites containing either new developments, infill, reconstructions, or retrofits of existing buildings in the city's 1% and 0.2% annual chance floodplains were identified to demonstrate the wide range of proposed regulations for sites that would be able to develop as-of-right in the future with the Proposed Action, as detailed further in **Chapter 1**.

## **B. PRINCIPAL CONCLUSIONS**

### **Archaeological Resources**

The Proposed Action could potentially result in significant adverse impacts on archaeological resources. As detailed in **Chapter 1**, the Proposed Action would alter the permitted bulks, footprints, and mechanical, electrical, and plumbing (MEP) equipment location requirements in the city's floodplains. As such, additional in-ground disturbance may occur where archaeological remains exist in the future with the Proposed Action.

The extent of effects on archaeological resources are unknown because the Proposed Action is generic, and it is therefore not possible to know exactly where and to what extent additional in-ground disturbance may occur in the future with the Proposed Action. As such, the possibility of effects on archaeological resources cannot be eliminated.

On sites owned or controlled by the City, or sites that require discretionary approvals, LPC would review any potential impacts to archaeological resources, and would require that these impacts be mitigated to the fullest extent possible pursuant to the *CEQR Technical Manual*. However, on privately owned sites that do not require discretionary actions, the anticipated in-ground disturbances would occur as-of-right without LPC oversight. It is anticipated that these effects would be limited; however, there is no mechanism for the City to enforce archaeological testing prior to construction. Therefore, these potential archaeological impacts would be unmitigated.

### **Architectural Resources**

#### ***Indirect (Contextual) & Shadows Impacts***

The Proposed Action would not result in indirect contextual or shadows impacts to historic architectural resources. The Proposed Action in-and-of-itself is not expected to induce development where it would not otherwise have occurred absent the Proposed Action. Although some retrofits to the buildings on the Prototypical Analysis Sites could minimally alter the setting and visual context of potential surrounding historic resources, none of these changes would be significant or adverse as compared to No-Action conditions. Additionally, as discussed below, although views of surrounding historic resources could be partially obstructed as a result of the Proposed Action, more proximate and significant views of these historic resources would remain. Therefore, it is unlikely that the Proposed Action would result in development that would diminish the qualities that make surrounding historic architectural resources historically and/or architecturally important.

Furthermore, as detailed in **Chapter 1, "Project Description,"** the Proposed Action would change permitted heights and bulks and MEP equipment regulations. Therefore, the Proposed Action does have the potential to generate shadows. As detailed in **Chapter 6, "Shadows,"** although the Proposed Action may increase shadows cast on some historic architectural resources, the increases are likely to be limited in duration and coverage, and would therefore not be significant or adverse.

### ***Direct (Physical) Impacts***

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 new construction, enlargement, alteration, or demolition can occur. Therefore, any as-of-right changes to LPC-designated or calendared resources in the future with the Proposed Action would require approval before changes to the historic structure were made. The Proposed Action would not change this well-established framework. This approval process would ensure that development under the Proposed Action would not have an adverse impact on these resources. However, NYCL-eligible historic resources do not have these same protections.

Similarly, historic resources that are listed on 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. However, privately-owned properties using private funds that are S/NR-listed can be altered or demolished without review.

As noted above, it is possible that Prototypical Analysis Sites may contain privately owned LPC-eligible, S/NR-listed, or S/NR-eligible historic architectural resources. Therefore, direct impacts to these historic resources through as-of-right alterations or demolitions in the future with the Proposed Action cannot be ruled out. As such, the Proposed Action has the potential to result in significant adverse direct impacts to privately owned NYCL-eligible, S/NR-eligible, or S/NR-listed buildings.

### ***Construction-Related Impacts***

As discussed above, the Proposed Action would not induce development as compared to the No-Action scenarios. However, retrofits/reconstructions of existing buildings are expected to occur on eight of the 14 Prototypical Analysis Sites in the future with the Proposed Action. Due to their generic nature, it is not known whether any of these sites would be located within close proximity to any NYCL-eligible and/or S/NR-eligible historic resources. For conservative analysis purposes, it was assumed that the Prototypical Analysis Sites would be located within 90 linear feet of NYCL-eligible and/or S/NR-eligible historic resources. Therefore, the Proposed Action has the potential to result in construction-related impacts to eligible resources.

As detailed below, these eligible resources would continue to be afforded limited protection under New York City Department of Buildings (DOB) regulations applicable to all buildings located adjacent to construction sites. However, as the resources are not S/NR-listed or NYCL-designated, or calendared for designation, they would not be afforded the added special protections under DOB's Technical Policy and Procedure Notice (TPPN) #10/88. Additional protective measures afforded under DOB's TPPN #10/88 would only become applicable if the eligible resources are calendared or designated in the future prior to the initiation of construction work. If the eligible resources are not calendared or designated, however, they would not be subject to TPPN #10/88, and may therefore be adversely impacted by adjacent retrofitting work resulting from the Proposed Action.

On sites located within 90 linear feet of eligible historic resources that are owned or controlled by the City, or that require discretionary approvals, LPC would review any potential construction-related impacts to architectural resources and would require that construction on sites incorporates construction protection plans pursuant to the *CEQR Technical Manual* in order to avoid significant adverse construction-related impacts. However, on privately owned sites that do not require discretionary actions within 90 linear feet of eligible historic resources, there is no mechanism for the City to enforce added

special protections under DOB's TPPN #10/88, and potential construction-related impacts would be unmitigated.

## **C. PRELIMINARY ASSESSMENT**

### **Archaeological Resources**

Architectural 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 architectural resources is appropriate.

As noted above, the Proposed Action is not expected to induce development on sites where development would not have otherwise been possible. However, for some Prototypical Analysis Sites, the Proposed Action would result in greater in-ground disturbance than the No-Action scenarios. Therefore, the Proposed Action has the potential to result in archaeological impacts and, in accordance with the 2020 *CEQR Technical Manual*, further assessment is warranted and is provided below.

### **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 features; construction, including excavating, vibration, subsidence, dewatering, and the possibility of falling objects; addition 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 a historic landscape.

As discussed in **Chapter 1, "Project Description,"** the Proposed Action is not expected to induce development on sites where development would not otherwise have been possible. The Proposed Action could indirectly affect historic architectural resources with new shadows on sunlight-sensitive features of historic structures or changes in visual context. A detailed assessment of historic architectural resources is therefore warranted for the Proposed Action, and is provided below.

## **D. DETAILED ASSESSMENT**

### **Archaeological Resources**

Archaeological resources are the physical remnants, usually buried, of past activities on a site. They can include precontact archaeological resources associated with the Native American populations who used or occupied a site, or archaeological resources associated with the historic period, which began with the settlement of Europeans in the New York area beginning in the 17<sup>th</sup> century. In developed areas and in urban regions, archaeological resources are often disturbed or destroyed by grading, excavation, and the installation and improvement of infrastructure. However, some archaeological resources do survive in an urban environment and are often sealed beneath the surface and protected from further disturbance. Archaeological resources usually need to be assessed for actions that would result in additional in-ground disturbance as compared to No-Action conditions.

As noted above, the Proposed Action is not in-and-of-itself expected to induce development where it would not have occurred absent the Proposed Action. However, the Proposed Action would alter the permitted bulks, footprints, and MEP equipment location requirements in the city's floodplains. The increased in-ground disturbance would be permitted as-of-right in the future with the Proposed Action, and could result in the disturbance of previously unknown archaeological resources.

The extent of potential impacts to archaeological resources in the future with the Proposed Action is expected to be limited. As development resulting from the Proposed Action on the Prototypical Analysis Sites would be as-of-right, additional in-ground disturbance may occur where archaeological remains exist. As specific development sites are unknown, it is possible that some of the Prototypical Analysis Sites could contain archaeological resources. 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 significant adverse impacts on the environment. However, the possibility cannot be ruled out.

As detailed in **Table 7-1** below, the Proposed Action would result in increased in-ground disturbance on eight of the 14 Prototypical Analysis Sites in the future with the Proposed Action (Sites 1, 2, 3, 6, 9, 11, 12, and 13), and decrease or maintain the same amount of lot coverage for the remaining six Prototypical Analysis Sites as compared to the No-Action scenarios. The increased in-ground disturbance would be permitted as-of-right in the future with the Proposed Action. However, it could result in the disturbance of previously unknown archaeological resources. Therefore, the possibility of significant impacts on archaeological resources cannot be eliminated.

**Table 7-1: No-Action vs. With-Action Lot Coverage on the Prototypical Analysis Sites**

Prototypical Analysis Site	No-Action Lot Coverage (1% Floodplain Scenario)	With-Action Lot Coverage (1% Floodplain Scenario)	No-Action Lot Coverage (0.2% Floodplain Scenario)	With-Action Lot Coverage (0.2% Floodplain Scenario)
1	23 %	24 %	23 %	24 %
2	29 %	29 %	21 %	29 %
3	46 %	52 %	46 %	52 %
4	55 %	55 %	55 %	55 %
5	65 %	65 %	65 %	65 %
6	54 %	61 %	54 %	61 %
7	46 %	46 %	46 %	46 %
8	62 %	62 %	62 %	62 %
9	42 %	50 %	42 %	50 %
10	100 %	100 %	100 %	100 %
11	36 %	42 %	35 %	44 %
12	44 %	46 %	44 %	46 %
13	25 %	26 %	25 %	26 %
14	N/A	N/A	N/A	N/A

**Note:** Site 14 illustrates the proposed modifications to waterfront regulations for open space. See **Appendix A** for more details.

On sites owned or controlled by the City, or sites that require discretionary approvals, LPC would review any potential impacts to archaeological resources, and would require that these impacts be mitigated to the fullest extent possible pursuant to the *CEQR Technical Manual*. However, on privately owned sites that do not require discretionary actions, the anticipated in-ground disturbances would occur as-of-right without LPC oversight. It is anticipated that these effects would be limited; however, there is no mechanism for the City to conduct or require a program to test for archaeological resources prior to construction. Therefore, any such impact would remain unmitigated in the future with the Proposed Action.

## Architectural Resources

As described above, historic architectural resources are defined as NYCLs; properties calendared for consideration as landmarks by the LPC; properties listed in the S/NR or contained within a district listed in or formally determined eligible for S/NR listing; properties recommended by the New York State Board for listing on the S/NR; NHLs; and properties not identified by one of the programs listed above, but that meet their eligibility requirements. 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 a 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 noted above, the Proposed Action is a 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, cannot be defined.

### *Existing Conditions*

Based on the National Register of Historic Places, over 700 historic sites in New York City are 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 that 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 S/NR, 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 New York City Landmarks 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. 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 NYCLs and S/NR-listed historic buildings located within 90 linear feet of a proposed construction site. For these structures, DOB's 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 impact on eligible sites for landmark designation, potential significant historic 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 on, near, or adjacent to the Prototypical Analysis Sites.

### ***Future Without the Proposed Action (No-Action Condition)***

As detailed in **Chapter 1, "Project Description,"** it is expected that the 2013 Flood Text and 2015 Recovery Text have both expired during the 10-year analysis period in the future without the Proposed Action, and new development has continued in the city's floodplain without the benefit of special zoning relief. It is assumed that each Prototypical Analysis Site would maximize their development under the permitted building envelope, and new developments would be required to meet the minimum standards of Appendix G for buildings in the 1% annual chance floodplain, but not in the 0.2% annual chance floodplain.

In the future without the Proposed Action, the status of historic resources could change. S/NR-eligible architectural resources could be listed on 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 2029, that additional sites could be identified as eligible historic resources. 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 above would continue to apply.

### ***Future With the Proposed Action (With-Action Condition)***

According to the 2020~~14~~ *CEQR Technical Manual*, generally, if a proposed action would impact those characteristics that make a resource eligible for NYCL designation or S/NR listing, this could be a significant adverse impact. As noted above, designated historic resources in the city are significant for their architectural quality and for their local and national historic value. This section assesses the Proposed Action's potential to result in significant adverse impacts on identified architectural resources. The Proposed Action was assessed in accordance with guidance established in the *CEQR Technical Manual* (Chapter 9, Section 420) to determine (a) whether there would be a physical change to any designated property as a result of the Proposed Action; (b) whether there would be a physical change to the setting of any designated resource, such as context or visual prominence as a result of the Proposed Action; and (c) if so, in either case, whether the change is likely to diminish the qualities of the resource that make it important. Whereas this attachment focuses specifically on the Proposed Action's effects on the visual context of historic resources, an assessment of the Proposed Action's effect on the urban design and visual character of the study area in general is provided separately in **Chapter 8, "Urban Design & Visual Resources."**

As detailed in **Chapter 1, "Project Description,"** the Proposed Action is a zoning text amendment to update the Special Regulations Applying in Flood Hazard Areas (Article VI, Chapter 4) of the New York City Zoning Resolution (ZR). The Proposed Action would improve upon and make permanent the relevant provisions of the existing temporary zoning rules of the 2013 Flood Text and 2015 Recovery Text. In addition, the Proposed Action includes special provisions to help facilitate the city's long-term recovery from the COVID-19 pandemic and its associated economic effects by providing more time for existing non-conforming uses to reopen and builders to undertake certain construction projects. The Proposed Action also includes updates to other sections of the ZR, including the Special Regulations Applying in the Waterfront Area (Article VI, Chapter 2) and provisions within various Special Purpose Districts. The Proposed Action would mostly affect New York City's current 1% annual and 0.2% annual chance floodplains, however, select provisions of the Proposed Action would be applicable citywide.

Due to the broad applicability of the Proposed Action, it is difficult to predict the sites where development would be facilitated. In addition, the Proposed Action is not in-and-of-itself expected to induce development where it would not otherwise have occurred absent the Proposed Action. Although the Proposed Action may allow developments and existing buildings to retrofit to resilient standards, the overall amount, type, and location of development within the affected area is not anticipated to change. Owing to the generic nature of this action, there are no known or projected as-of-right development sites identified as part of the Proposed Action's RWCDs. To produce a reasonable analysis of the likely effects of the Proposed Action, 14 representative Prototypical Analysis Sites were identified, as detailed in **Chapter 1.**

Additionally, it should be noted that any future discretionary actions resulting from the Proposed Action would be submitted to the LPC for review on a case-by-case basis. These actions would be reviewed by LPC under the terms of the *CEQR Technical Manual*. Refer to **Appendix E** and **Chapter 23, "Conceptual Analysis"** for further discussion.

### **Direct (Physical) Impacts**

Historic resources can be directly impacted by physical destruction, demolition, damage, alteration, or neglect of all or part of a historic resource. For example, alterations, such as the addition of a new wing to a historic building or replacement of the resource's entrance, could result in significant adverse impacts, depending on the design. 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.



In the With-Action conditions, 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 new construction, enlargement, alteration, or demolition can occur. Therefore, any as-of-right changes to LPC-designated or calendared resources in the future with the Proposed Action would require approval before changes to the historic structure were made. The Proposed Action would not change this well-established framework. This approval process would ensure that development under the Proposed Action would not have an adverse impact on these resources. However, NYCL-eligible historic resources do not have these same protections.

Similarly, historic resources that are listed on 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. However, privately owned properties using private funds that are S/NR-listed can be altered or demolished without review.

As noted above, it is possible that Prototypical Analysis Sites may contain privately owned LPC-eligible, S/NR-listed, or S/NR-eligible historic architectural resources. Therefore, direct impacts to these historic resources through as-of-right alterations or demolitions, eliminating character-defining details of these historic buildings, in the future with the Proposed Action cannot be ruled out. As such, the Proposed Action has the potential to result in significant adverse direct impacts to privately owned NYCL-eligible, S/NR-eligible, or S/NR-listed buildings.

### **Indirect (Contextual) Impacts**

According to the ~~2020~~<sup>2014</sup> *CEQR Technical Manual*, possible impacts to architectural resources may include isolation of the property from, or alteration of, its setting or visual relationship 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 a 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 would not result in significant adverse indirect impacts on existing historic resources. With-Action developments on the Prototypical Analysis Sites would not significantly differ from those in the No-Action scenarios, and would not result in significant adverse alterations to the context or setting of surrounding historic resources as compared to No-Action conditions. As discussed further in **Chapter 1, "Project Description,"** the Proposed Action would change permitted heights and bulks and MEP equipment regulations in the city's floodplains. Additionally, the Proposed Action would modify provisions applying in waterfront areas to ensure that waterfront regulations allow sites to incorporate coastal flood resilient design. As detailed in **Chapter 1,** the proposed waterfront modifications include provisions to facilitate the construction of elevated shore public walkways, bi-level esplanades, circulation paths, and waterfront public access areas, as well as facilitate graduated, stabilized, planted shorelines and permit flood protection measures on waterfront yards and visual corridors.

Although these changes could minimally alter the setting and visual context of potential surrounding historic resources, it is unlikely that the proposed changes to building heights, bulks, MEP equipment, or waterfront regulations would eliminate or substantially obstruct public views of existing historic resources as compared to No-Action conditions. Although some views of potential surrounding historic resources could be partially blocked from a distance as a result of the Proposed Action, more proximate

and significant views of historic architectural resources would remain on sidewalks and streets immediately adjacent to the historic structures. Furthermore, no incompatible visual, audible, or atmospheric elements would be introduced by the Proposed Action to any historic resource's setting in the future with the Proposed Action. Therefore, it is unlikely that the Proposed Action would not result in development that would diminish the qualities that make the surrounding historic architectural resources historically and/or architecturally important. As such, the Proposed Action would not result in significant adverse indirect or contextual impacts to historic architectural resources.

### **Construction-Related Impacts**

Any new construction taking place within historic districts or adjacent to individual landmarks has the potential to cause damage to contributing buildings to those historic resources from ground-borne construction vibrations. Construction period impacts on any designated historic resources would be minimized, and the historic structures would be protected, by ensuring that construction on a development site adheres to all applicable construction guidelines and follows the requirements laid out in DOB's TPPN #10/88. Any designated NYCL or S/NR-listed historic buildings within 90 linear feet of a construction site would be subject to the protections of TPPN #10/88, which supplements the standard building protections afforded by the New York City 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. Under the TPPN, a construction protection plan must be provided to the LPC for review and approval prior to any demolition and construction on a development site. The construction protection plan would take into account the guidance provided in the *CEQR Technical Manual*, Chapter 9, Section 523, "Construction Protection Plan."

As detailed above, the Proposed Action would not induce development as compared to the No-Action scenarios. However, retrofits/reconstructions of existing buildings are expected to occur on eight of the 14 Prototypical Analysis Sites in the future with the Proposed Action (Nos. 1, 3, 4, 6, 8, 10, 12, and 13). Due to their generic nature, it is not known whether any of the Prototypical Analysis Sites would be located within close proximity to any NYCL-eligible and/or S/NR-eligible historic resources. Therefore, for conservative analysis purposes, it was assumed that these Prototypical Analysis Sites would be located within 90 linear feet of NYCL-eligible and/or S/NR-eligible resources. As such, the Proposed Action has the potential to result in significant adverse construction-related impacts.

As noted above, these resources would continue to be afforded limited protection under DOB regulations applicable to all buildings located adjacent to construction sites. However, as the resources are not S/NR-listed or NYCL-designated or calendared, they would not be afforded the added special protections under DOB's TPPN #10/88. Additional protective measures afforded under DOB's TPPN #10/88 would only become applicable if the eligible resources are calendared or designated in the future prior to the initiation of construction work. If the eligible resources are not calendared or designated, however, they would not be subject to TPPN #10/88, and may therefore be adversely impacted by adjacent retrofitting work resulting from the Proposed Action.

On sites located within 90 linear feet of eligible historic resources that are owned or controlled by the City, or that require discretionary approvals, LPC would review any potential construction-related impacts to architectural resources and would require that construction on sites incorporates construction protection plans pursuant to the *CEQR Technical Manual* in order to avoid significant adverse construction-related impacts. However, on privately owned sites that do not require discretionary actions within 90 linear feet of eligible historic resources, there is no mechanism for the City to enforce added special protections under DOB's TPPN #10/88, and potential construction-related impacts would be unmitigated.

## Shadows Impacts

As detailed in **Chapter 1, “Project Description,”** the Proposed Action would change permitted heights and bulks and MEP equipment regulations. Therefore, the Proposed Action does have the potential to generate shadows. As detailed in **Chapter 6, “Shadows,”** although the Proposed Action may increase shadows cast on some historic architectural resources, the increases are likely to be limited in duration and coverage, and would not be significant. Due to their generic nature, it is not known whether any of the Prototypical Analysis Sites would be located adjacent to or across the street from sunlight-sensitive historic resources. Therefore, for conservative analysis purposes, it was assumed that Prototypical Analysis Site 3 in the 1% annual chance floodplain scenario would be located across the street from a generic house of worship. For conservative analysis purposes, this resource is assumed to have historic significance and contain sunlight-sensitive features, which may include stained-glass windows and/or architectural design elements. In the future with the Proposed Action, Prototypical Analysis Site 3 would be retrofitted, which would entail an incremental building height increase of 15 feet over No-Action conditions. As detailed in **Chapter 6,** action-generated shadows would not significantly affect the utilization or enjoyment of nearby sunlight-sensitive resources, including the analyzed historic house of worship. As such, no significant adverse shadows impacts on historic resources would occur as a result of the Proposed Action.

## E. CONCLUSIONS

The Proposed Action could potentially result in significant adverse impacts on archaeological resources. As the Proposed Action would alter the permitted bulks, footprints, and MEP equipment location requirements in the city’s floodplains, additional in-ground disturbance may occur where archaeological remains exist in the future with the Proposed Action. The extent of effects on archaeological resources are unknown because the Proposed Action is generic, and it is therefore not possible to know exactly where and to what extent additional in-ground disturbance may occur in the future with the Proposed Action. As such, the possibility of effects on archaeological resources cannot be eliminated.

Additionally, it is possible that Prototypical Analysis Sites may contain privately owned LPC-eligible, S/NR-listed, or S/NR-eligible historic architectural resources. Therefore, direct impacts to these historic resources through as-of-right alterations or demolitions in the future with the Proposed Action cannot be ruled out. As such, the Proposed Action has the potential to result in significant adverse direct impacts to privately owned NYCL-eligible, S/NR-eligible, or S/NR-listed buildings.

Furthermore, retrofits/reconstruction of existing buildings are expected to occur on eight of the 14 Prototypical Analysis Sites in the future with the Proposed Action. Due to their generic nature, it is not known whether any of these sites would be located within close proximity to any NYCL-eligible and/or S/NR-eligible historic resources. For conservative analysis purposes, it was assumed that the Prototypical Analysis Sites would be located within 90 linear feet of NYCL-eligible and/or S/NR-eligible historic resources. Therefore, the Proposed Action has the potential to result in construction-related impacts to eligible resources.

The Proposed Action would not result in indirect contextual or shadows impacts to historic architectural resources. The Proposed Action in-and-of-itself is not expected to induce development where it would not otherwise have occurred absent the Proposed Action. Although some retrofits to the buildings on the Prototypical Analysis Sites could minimally alter the setting and visual context of potential surrounding historic resources, none of these changes would be significant or adverse as compared to No-Action conditions. Additionally, as discussed below, although views of surrounding historic resources could be partially obstructed as a result of the Proposed Action, more proximate and significant views of these historic resources would remain. Therefore, it is unlikely that the Proposed Action would result in

development that would diminish the qualities that make surrounding historic architectural resources historically and/or architecturally important. Furthermore, the Proposed Action does have the potential to generate shadows. As detailed in **Chapter 6, “Shadows,”** although the Proposed Action may increase shadows cast on some historic architectural resources, the increases are likely to be limited in duration and coverage, and would therefore not be significant or adverse.