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Chapter 7: Historic and Cultural Resources

A. INTRODUCTION

Historic and cultural resources include both architectural and archaeological resources. The 2021 *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 on the State/National Registers of Historic Places (S/NR) or contained within a district listed on 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.

The Project Area is located directly north of one "undetermined" potential historic resource (meaning the New York State Historic Preservation Office [SHPO] has not yet evaluated the unique site number [USN] eligibility): the S/NR-undetermined Atlantic Avenue Station. As such, it is necessary to assess the potential impacts of the Proposed Actions on historic architectural resources. According to 2021 *CEQR Technical Manual* guidance, impacts on historic architectural resources are considered on those sites affected by a proposed action and in the area surrounding a project site. The historic resources study area for the Proposed Actions is therefore defined as the Project Area plus an approximate 400-foot radius around the Project Area (refer to **Figure 7-1**), which is typically adequate for the assessment of historic architectural resources in terms of physical, visual, and historical relationships.

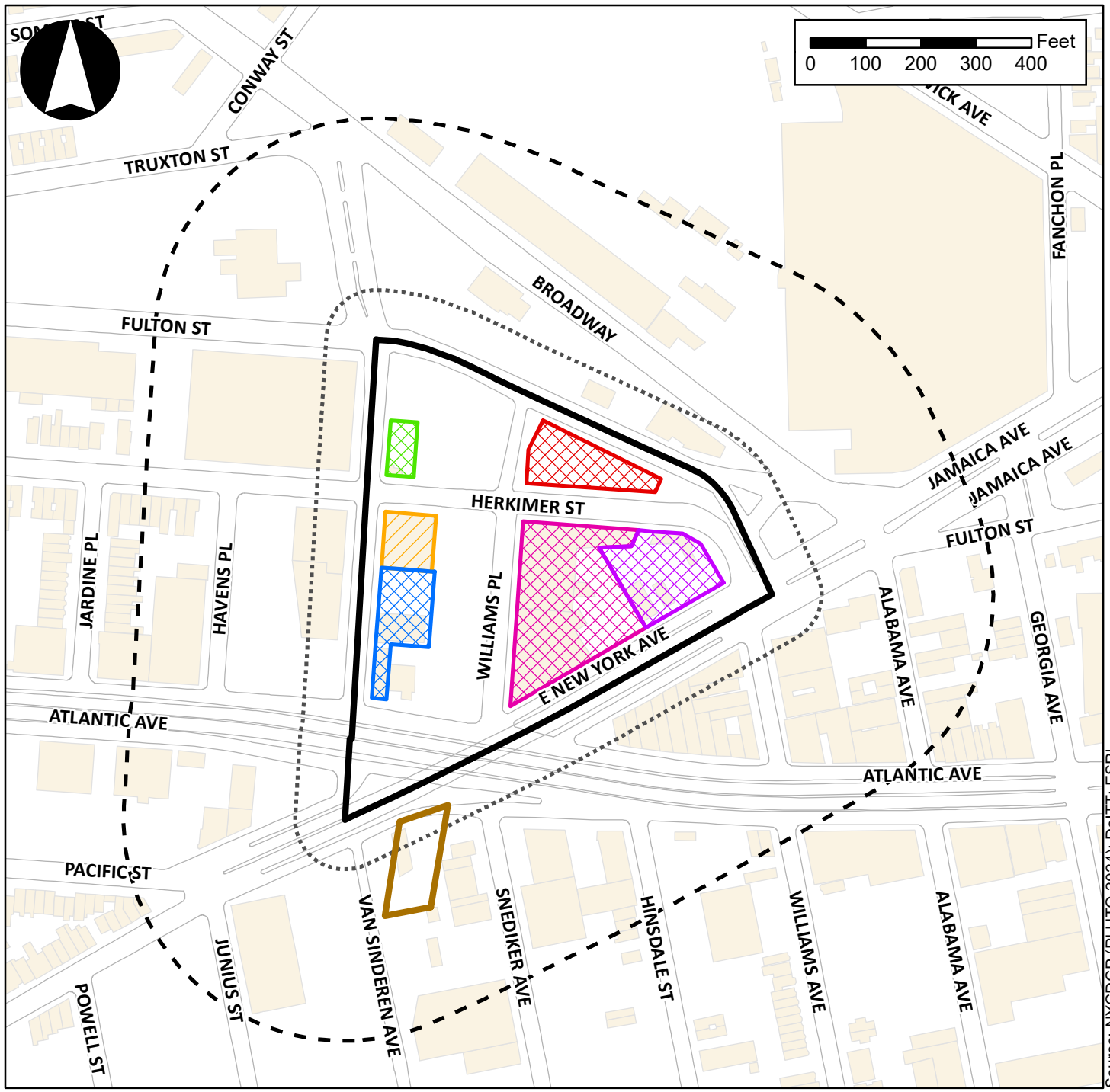
Archaeological resources are considered only in those areas where new excavation or ground disturbance is likely and would result in new in-ground disturbance as compared to No-Action conditions; these are limited to sites that may be developed as a result of a proposed action. As determined by LPC in a letter dated May 2, 2023 (provided in **Appendix B**), none of the lots comprising the Project Area have archaeological significance. Therefore, the Proposed Actions would not have the potential to result in any significant adverse archaeological impacts and an archaeological analysis is not warranted. As such, this chapter focuses exclusively on historic architectural resources.

B. PRINCIPAL CONCLUSIONS

Direct (Physical) Impacts

The Proposed Actions are site-specific, and the Project Area does not contain any identified historic architectural resources. Therefore, the Proposed Actions would not have the potential to result in any direct impacts to historic architectural resources. LPC concurred with these findings in a letter dated July 23, 2024 (provided in **Appendix B**).

Historic and Cultural Resources Map



Source: NYCDCP (PLUTO 2024); DoITT; ESRI

Legend

- Project Area
- 90-Foot Radius
- 400-Foot Radius
- Projected Development Site 1A
- Projected Development Site 1B
- Projected Development Site 1C
- Projected Development Site 1D
- Projected Development Site 1E
- Projected Development Site 2
- Atlantic Avenue Station (S/NR-Undetermined)

Indirect (Contextual) Impacts

The Proposed Actions would not result in significant adverse indirect impacts on historic architectural resources. The Proposed Actions would facilitate the development of new buildings that would range in height from 15- to 29-stories on the projected development sites within the Project Area. Although these buildings would be visible when looking north from the Atlantic Avenue Station platform, and in the background when looking east and west towards the elevated station from public vantage points along Atlantic and East New York Avenues, this change in setting would not significantly or adversely alter the potential historic context of the Atlantic Avenue Station. The study area is a developed urban environment with existing and planned mid-rise buildings forming the backdrop of the elevated station. The Proposed Development would not substantially change the visual setting of the Atlantic Avenue Station so as to affect those characteristics that make it potentially eligible for listing on the S/NR.

Additionally, in the future with the Proposed Actions, no incompatible visual, audible, or atmospheric elements would be introduced to the setting of the Atlantic Avenue Station. The Proposed Development would not alter the relationship of the Atlantic Avenue Station to the streetscape, as all streets adjacent to the station would remain open and the historic resource's relationship to these streets would remain unchanged in the future with the Proposed Actions. The Proposed Development would not eliminate nor screen significant public views of the Atlantic Avenue Station, which would remain visible in view corridors on the adjacent public streets and sidewalks of Atlantic and East New York Avenues. No primary elevations, significant architectural ornamentation, or notable features of the Atlantic Avenue Station would be obstructed by the Proposed Development.

The Proposed Actions would not result in development that would diminish the qualities that make the Atlantic Avenue Station historically and architecturally significant. As such, the Proposed Actions would not result in any significant adverse indirect or contextual impacts on historic architectural resources. LPC concurred with these findings in a letter dated July 23, 2024 (provided in **Appendix B**).

Construction-Related Impacts

The New York City Building Code provides some measure of protection for all properties against accidental damage from adjacent construction by requiring that all buildings, lots, and service facilities adjacent to foundation and earthwork areas be protected and supported. Additional protective measures apply to designated NYCLs and S/NR-listed historic buildings located within 90 linear feet of a proposed construction site. For these structures, DOB's TPPN #10/88 applies. The Project Area is located within 90 feet of the Atlantic Avenue Station, while the southernmost projected development site (Projected Development Site 1E), at its closest point, is located approximately 214 feet to the north of the Atlantic Avenue Station. Therefore, construction of the Proposed Development would not be subject to the New York City Department of Buildings (DOB)'s *Technical Policy and Procedure Notice* (TPPN) #10/88 and no construction-related impacts on historic and cultural resources would occur as a result of the Proposed Actions. LPC concurred with these findings in a letter dated July 23, 2024 (provided in **Appendix B**).

Shadows Impacts

The Proposed Actions would not have the potential to result in any significant adverse shadows impacts on historic and cultural resources. As detailed in **Chapter 6, "Shadows,"** none of the historic and cultural resources located within the longest shadow study area contain sunlight-sensitive features such as stained glass windows and do not depend on direct sunlight for visual character. Therefore, incremental shadows cast by the Proposed Development would not have the potential to result in any significant adverse

shadows impacts on historic and cultural resources. LPC concurred with these findings in a letter dated July 30, 2024 (provided in **Appendix B**).

C. EXISTING CONDITIONS

Criteria & Regulations

Once the study area was determined, an inventory of officially recognized architectural resources was compiled. Criteria for listing on the National Register are in the Code of Federal Regulations, Title 36, Part 63. As recommended in the 2021 *CEQR Technical Manual*, Chapter 9, Section 160, LPC has adopted these criteria for use in identifying National Register listed and eligible architectural resources for CEQR review. Following these criteria, districts, sites, buildings, structures, and objects 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. Properties younger than 50 years of age are ordinarily not eligible, unless they have achieved exceptional significance. Official determinations of eligibility are made by SHPO.

Project Area

In a letter dated May 2, 2023 (provided in **Appendix B**), LPC determined that there are no designated or eligible historic architectural resources on any of the lots that comprise the Project Area.

400-Foot Study Area

As shown in **Figure 7-1**, there is one historic resource located within 400-feet of the Project Area that is an "undetermined" potential historic resource (i.e., meaning that SHPO has not yet evaluated the USN eligibilities): the S/NR-undetermined Atlantic Avenue Station.[1] A brief description of this resource is presented below, and photos are provided in **Figure 7-2**.

Atlantic Avenue Station – Canarsie Line (S/NR-Undetermined)

The Atlantic Avenue Station is an elevated rapid transit station located above the intersection of Atlantic, Snediker, and East New York Avenues in Central Brooklyn. Opened in 1918, the station serves the Brooklyn-Manhattan Transit Corporation (BMT) Canarsie (L) Line. The station currently utilizes two of its five platforms (the original station had six platforms) for Manhattan-bound and Canarsie-bound trains separated by a concrete island. As shown in **Figure 7-2**, the Atlantic Avenue Station is a well-preserved example of the Dual Contract-style architecture found in most New York City subway stations and is notable for its use of Rationalism. The station is accessed via street-level stairs leading up to a central

[1] In a letter dated May 2, 2023 (provided in **Appendix B**), LPC identified three resources as being S/NR-undetermined within the 400-foot study area: the Broadway/East New York Subway Substation at 1997 Broadway; the Material Distribution Building at 2493 Broadway; and the Atlantic Avenue Station. Subsequently on May 16, 2023, SHPO determined that the Broadway/East New York Subway Substation and the Material Distribution Building were not eligible for listing on the S/NR (per SHPO's Cultural Resource Information System [CRIS] online database).



1. View across active tracks from the Atlantic Avenue Station platform.



2. Active platform island and tracks of the Atlantic Avenue Station.



3. Looking west along Atlantic Avenue at the elevated station.



4. Street-level stairs of the Atlantic Avenue Station, which lead to the mezzanine and platform of the S/NR-Undetermined historic resource.

mezzanine with a fare control area that was renovated in 2016. The upper platforms of the Atlantic Avenue Station feature iron columns holding up a canopy over the platforms, as well as original lamps, some of which still retain the heavy iron shades typical of historic Brooklyn BMT lines.

D. FUTURE WITHOUT THE PROPOSED ACTIONS (NO-ACTION CONDITION)

Under the No-Action condition, the status of historic resources could change. S/NR-eligible architectural resources could be listed on these Registers, and properties found eligible for consideration for designation as NYCLs could be calendared and/or designated. Changes to the historic resources identified above or to their settings could also occur irrespective of the Proposed Actions. Future projects could affect the settings of architectural resources. It is possible that some architectural resources in the area surrounding the Project Area could deteriorate, while others could be restored. In addition, future projects could accidentally damage architectural resources through adjacent construction.

The New York City Building Code provides some measure of protection for all properties against accidental damage from adjacent construction by requiring that all buildings, lots, and service facilities adjacent to foundation and earthwork areas be protected and supported. Additional protective measures apply to designated NYCLs and S/NR-listed historic buildings located within 90 linear feet of a proposed construction site. For these structures, DOB'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 historic resources (within 90 feet) and to detect at an early stage the beginnings of damage so that construction procedures can be changed.

Additionally, historic resources that are listed on the S/NR or that have been found eligible for listing are given a measure of protection from the effects of federally-sponsored or 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.

Anticipated Developments in the No-Action Condition

Project Area

As detailed further in **Chapter 1, "Project Description,"** in the future without the Proposed Actions, no changes would occur in the Project Area, which would remain as under existing conditions.

400-Foot Study Area

There are two new developments slated for completion within the 400-foot study area in the future without the Proposed Actions. A six-story commercial building at 2440 Fulton Street has been recently completed, while a 10-story mixed residential and commercial building is under construction at 2435 Pacific Street.

Additionally, for conservative analysis purposes, it is assumed that the S/NR-undetermined Atlantic

Avenue Station described above would be determined eligible for listing on the S/NR by SHPO in the future without the Proposed Actions.

E. FUTURE WITH THE PROPOSED ACTIONS (WITH-ACTION CONDITION)

According to the 2021 *CEQR Technical Manual*, generally, if a project would affect those characteristics that make a historic resource eligible for NYCL designation or S/NR listing, this could be a significant adverse impact. This section assesses the Proposed Actions' potential to result in significant adverse impacts on identified historic architectural resources in the study area, including impacts resulting from construction of the Proposed Development, project-generated incremental shadows, or other indirect effects on existing historic resources in the study area.

The Proposed Actions were assessed in accordance with guidance established in the 2021 *CEQR Technical Manual* (Chapter 9, Part 420) to determine (a) whether there would be a physical change to any designated or listed property as a result of the Proposed Actions; (b) whether there would be a physical change to the setting of any designated or listed resource, such as context or visual prominence, as a result of the Proposed Actions; and (c) if so, whether the change is likely to diminish the qualities of the resource that make it important. Whereas this chapter focuses specifically on the Proposed Actions' effects on the visual context of historic resources, an assessment of the Proposed Actions' effects on urban design and visual resources in general is provided separately in **Chapter 8, "Urban Design and Visual Resources."**

As detailed in **Chapter 1, "Project Description,"** the Proposed Actions would facilitate the development of the Proposed Development in the Project Area. The Proposed Development would comprise five new buildings and potentially, a small retail kiosk containing a combined total of approximately 1,589,202 gross square feet (gsf), including approximately 435,766 gsf of commercial office space, 113,760 gsf of commercial retail space, 834,763 gsf of residential space (1,112 dwelling units [DUs]), 22,985 gsf of community facility (house of worship) space, and 98,483 gsf of light industrial space for Use Groups III-X, as well as approximately 174 accessory parking spaces (approximately 83,445 gsf) and 20,080 square feet (sf) of publicly accessible area ("PAA") space.

In the future with the Proposed Actions, Projected Development Site 1A in the Project Area would be developed with a 4,904-sf PAA space with allowance for a small retail kiosk. Projected Development Site 1B in the Project Area would be developed with one 24-story (295'-0" including bulkhead) mixed-use building. Projected Development Site 1C in the Project Area would be developed with a 4,190-sf PAA space and one 27-story (330'-0" including bulkhead) mixed-use building. Projected Development Site 1D in the Project Area would be developed with a 3,689-sf PAA space and one 29-story (380'-0" including bulkhead) mixed-use building. Projected Development Site 1E in the Project Area would be developed with a 7,297-sf PAA space and one 17-story (320'-0" including bulkhead) mixed-use building. Projected Development Site 2 in the Project Area would be developed with one 15-story (205'-0" including bulkhead) mixed-use building.

The remaining lots within the Project Area (i.e., Block 1576, Lot 34, which is owned and controlled by the Applicant; Block 1555, Lot 1 and Block 1576, Lot 13, which are owned and controlled by the MTA; and Block 1576, Lot 32, which is owned and controlled by Amba Mata Inc.) are not anticipated to be redeveloped with new buildings or structures as a result of the Proposed Actions, and there are no known development plans on any of these sites that would result in new development.

Additionally, as discussed above, for conservative analysis purposes, it is expected that the S/NR-undetermined Atlantic Avenue Station described above would be determined eligible for listing on the S/NR by SHPO. It is expected that this change in designation would occur in both the future without and with the Proposed Actions.

Direct (Physical) Impacts

Historic resources can be directly affected 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 effects 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.

The Proposed Actions are site-specific, and as discussed above, the Project Area does not contain any identified historic resources. Therefore, the Proposed Actions would not result in any direct impacts to historic architectural resources. LPC concurred with these findings in a letter dated July 23, 2024 (provided in **Appendix B**).

Indirect (Contextual) Impacts

Contextual impacts may occur to architectural resources under certain conditions. According to the 2021 *CEQR Technical Manual*, 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 a project 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 Actions would not result in significant adverse indirect impacts on historic architectural resources. As detailed above, the Proposed Actions would facilitate the development of new buildings that would range in height from 15- to 29-stories in the Project Area. Although these buildings would be visible when looking north from the Atlantic Avenue Station platform, and in the background when looking east and west towards the elevated station from public points along Atlantic and East New York Avenues, this change in setting would not significantly impact the potential historic context of the Atlantic Avenue Station. The study area is a developed urban environment with existing and planned mid-rise buildings forming the backdrop of the elevated station. The Proposed Development would not substantially change the visual setting of the Atlantic Avenue Station so as to affect those characteristics that make it potentially eligible for listing on the S/NR.

Additionally, in the future with the Proposed Actions, no incompatible visual, audible, or atmospheric elements would be introduced to the setting of the Atlantic Avenue Station. The Proposed Development would not alter the relationship of the Atlantic Avenue Station to the streetscape, as all streets adjacent to the station would remain open and the historic resource's relationship to these streets would remain unchanged in the future with the Proposed Actions. The Proposed Development would not eliminate or screen significant public views of the Atlantic Avenue Station, which would remain visible in view corridors on adjacent public streets and sidewalks of Atlantic and East New York Avenues. No primary elevations, significant architectural ornamentation, or notable features of the Atlantic Avenue Station would be obstructed by the Proposed Development.

The Proposed Actions would not result in development that would diminish the qualities that make the Atlantic Avenue Station historically and architecturally significant. As such, the Proposed Actions would not result in any significant adverse indirect or contextual impacts on historic architectural resources. LPC concurred with these findings in a letter dated July 23, 2024 (provided in **Appendix B**).

Construction-Related Impacts

Any new construction taking place within historic districts or adjacent to individual landmarks has the potential to cause damage to those historic resources from ground-borne construction vibrations. As noted above, the New York City Building Code provides some measure of protection for all properties against accidental damage from adjacent construction by requiring that all buildings, lots, and service facilities adjacent to foundation and earthwork areas be protected and supported. Additional protective measures apply to LPC-designated and S/NR-listed historic resources 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 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 shown in **Figure 7-1**, the Project Area is located within 90 feet of the Atlantic Avenue Station. However, as also shown in **Figure 7-1**, none of the projected developments sites are located within 90 feet of the Atlantic Avenue Station; at its closest point, the southernmost projected development site (Projected Development Site 1E) is located approximately 214 feet to the north of the Atlantic Avenue Station. Therefore, construction of the Proposed Development would not be subject to the New York City Department of Buildings (DOB)'s *Technical Policy and Procedure Notice* (TPPN) #10/88 and no construction-related impacts on historic and cultural resources would occur as a result of the Proposed Actions. LPC concurred with these findings in a letter dated July 23, 2024 (provided in **Appendix B**).

Shadows Impacts

As detailed in **Chapter 6, "Shadows,"** none of the historic and cultural resources located within the longest shadow study area contain sunlight-sensitive features such as stained glass windows and do not depend on direct sunlight for visual character. Therefore, the Proposed Actions would not result in any significant adverse shadows impacts on historic and cultural resources. The Proposed Actions would not have the potential to result in any significant adverse shadows impacts on historic and cultural resources. Therefore, incremental shadows cast by the Proposed Development would not have the potential to result in any significant adverse shadows impacts on historic and cultural resources and further assessment is not warranted. LPC concurred with these findings in a letter dated July 30, 2024 (provided in **Appendix B**).