

A. INTRODUCTION

This analysis considers the potential for the proposed project to affect historic and cultural resources, which include both architectural and archaeological resources, on the Bronx Site at 745 East 141st Street on Block 2574, Lot 1. The 2014 *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 or National Registers of Historic Places (S/NR) or contained within a S/NR-listed district 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; and properties not identified by one of the programs listed above, but which meet their eligibility requirements.

According to the 2014 *CEQR Technical Manual*, a historic and cultural resources assessment is required if there is the potential to affect either archaeological or architectural resources of historic importance. Actions that could affect archaeological resources that typically require an assessment are those that involve ground disturbance, or belowground construction and excavation. Actions that trigger an architectural resources assessment include new construction, demolition, or significant alteration to any historic building, structure, or object; a change in scale, visual prominence, or visual context of any historic building, structure, or object or landscape feature; construction, including but not limited to excavation, vibration, subsidence, dewatering, and the possibility of falling objects that could damage a historic resource; additions to or significant removal, grading, or replanting of significant historic landscape features; screening or elimination of publicly accessible views of a historic resource; and the introduction of significant new shadows or significant lengthening of the duration of existing shadows over a historic landscape or on a historic structure with sunlight-dependent features.

The analysis presented in this section characterizes existing conditions, evaluates changes to historic and cultural resources that are expected to occur independent of the proposed actions in the future without the proposed project (the No Action condition), and identifies and addresses any potential for impacts to historic and cultural resources associated with the proposed project in the future with the proposed project (the With Action condition).

PRINCIPAL CONCLUSIONS

ARCHAEOLOGICAL RESOURCES

Pursuant to the *CEQR Technical Manual*, information regarding the proposed project was submitted to LPC to initiate its initial evaluation of the Bronx Site's potential for archaeological sensitivity. In a comment letter dated August 8, 2018, LPC determined that the Bronx Site is not archaeologically significant (see **Appendix D**). Therefore, additional archaeological analysis of

the Bronx Site is not warranted and the construction of the proposed project on the Bronx Site would not have the potential to result in significant adverse impacts on archaeological resources.

ARCHITECTURAL RESOURCES

The project site is occupied by the New York City Police Department (NYPD) Bronx Tow Pound, which includes a paved parking lot and several temporary trailers. In a letter dated August 8, 2017, LPC determined that the project site has no architectural significance (see **Appendix D**). In addition, no known or potential architectural resources were identified within the study area. Therefore, the proposed actions would have no potential to result in adverse impacts on architectural resources.

B. METHODOLOGY

ARCHAEOLOGICAL RESOURCES

The study area for archaeological resources includes those areas that would be disturbed by subsurface excavation and, for the purposes of this analysis, includes the Bronx Site in its entirety (Block 2574, Lot 1). Archaeological resources include material culture and other physical remnants of past human activities on a site. Precontact archaeological resources are those that are associated with Native American populations that used or occupied a site and date to the time before the region was colonized by European settlers. Archaeological resources can also include remains from activities that occurred during the historic period, which began with the European colonization of New York City in the 17th century. On sites where development (including the construction and demolition of buildings, landfilling, and other landscape modifications) occurred at some point during the past, archaeological resources may have been disturbed or destroyed by grading, excavation, infrastructure installation, and tidal action/erosion. However, some resources do survive in urban environments despite extensive development. Archaeological sites can be protected when covered with pavement. In both scenarios, archaeological deposits can be sealed beneath the ground surface, protected from further disturbance and archaeological investigations can be designed to further investigate those deposits.

As stipulated by the *CEQR Technical Manual*, for all projects subject to CEQR, consultation must be initiated with LPC to obtain a preliminary determination of the project site's potential archaeological significance and to determine if an archaeological investigation is required. Archaeological investigations typically proceed in a multi-phase process consisting of Phase 1—determining the presence or absence of archaeological resources through documentary research and field testing; Phase 2—gathering sufficient information to assess S/NR eligibility; and Phase 3—mitigating unavoidable effects through data recovery or another form of mitigation. The need for advancing to an additional phase of work is dependent upon the results of the preceding phase. In urban contexts, the first phase of work is typically divided into two smaller phases, known as Phase 1A, which involves documentary research, and Phase 1B, which involves field testing to confirm the results of the Phase 1A Study.

Pursuant to the *CEQR Technical Manual*, information regarding the proposed project was submitted to LPC to initiate their initial evaluation of the Bronx Site's potential archaeological sensitivity. In a comment letter dated August 8, 2018, LPC determined that the Bronx Site is not archaeologically significant (see **Appendix D**). Therefore, additional archaeological analysis of the Bronx Site is not warranted and the construction of the proposed project on the Bronx Site would not have the potential to result in significant adverse impacts on archaeological resources. The remainder of the historic and cultural resources analysis for the Bronx Site therefore focuses only on architectural resources.

ARCHITECTURAL RESOURCES

ARCHITECTURAL RESOURCES STUDY AREA

Study areas for architectural resources are determined based on the area of potential effect for construction period impacts, as well as the larger area in which there may be visual or contextual impacts. The *CEQR Technical Manual* sets the guidelines for the study area as being typically within an approximately 400-foot radius of a project site (see **Figure 2.6-1**).

Impacts on architectural resources can include both direct physical impacts and indirect impacts. Direct impacts include damage from vibration (i.e., from construction blasting or pile driving) and additional damage from adjacent construction that could occur from falling objects, subsidence, collapse, or damage from construction machinery. Adjacent construction is defined as any construction activity that would occur within 90 feet of an architectural resource, as defined in the New York City Department of Building's (DOB) *Technical Policy and Procedure Notice (TPPN) #10/88*.¹

Indirect impacts on architectural resources 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 (e.g., a church with stained-glass windows).

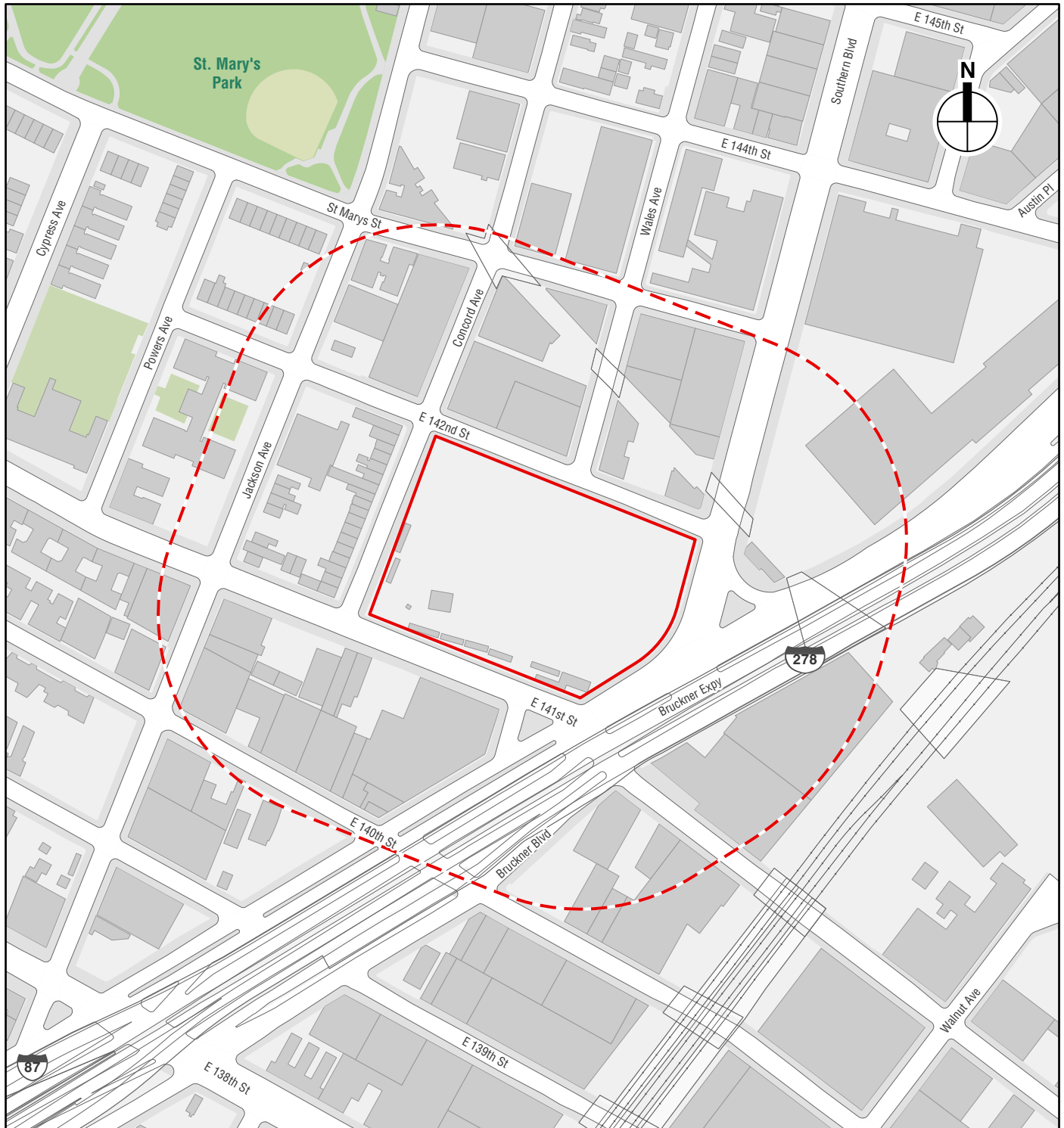
IDENTIFICATION OF ARCHITECTURAL RESOURCES


Once the study area was determined, an inventory of officially recognized architectural resources in the study area was compiled. Officially recognized historic resources ("known resources") include designated NYCL; properties calendared for consideration as landmarks by LPC; properties listed on the S/NR or contained within a S/NR-listed district 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; and properties not identified by one of the programs listed above, but which meet their eligibility requirements.

Criteria for inclusion on the National Register are listed in the Code of Federal Regulations, Title 36, Part 63. 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:

- A. Are associated with events that have made a significant contribution to the broad patterns of history; or
- B. Are associated with the lives of significant persons in our past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

¹ *TPPN #10/88* was issued by DOB on June 6, 1988, to supplement Building Code regulations with regard to historic structures. *TPPN #10/88* outlines procedures for the avoidance of damage to historic structures that are listed on the NR or NYCLs resulting from adjacent construction, defined as construction within a lateral distance of 90 feet from the historic resource.



-  Project Site
-  Study Area Boundary (400-foot boundary)

0 200 FEET

Architectural Resources Study Area
Bronx Site - 745 East 141st Street
Figure 2.6-1

D. That have yielded or may be likely to yield, information important in history or prehistory.

Properties that are less than 50 years of age are ordinarily not eligible, unless they have achieved exceptional significance. Determinations of eligibility are made by New York's State Historic Preservation Office (SHPO).

LPC designates historically significant properties or areas in New York City as NYCLs and/or New York City 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 they are at least 30 years old. Landmarks have a special character or special historical or aesthetic interest or value as part of the development, heritage, or cultural characteristics of the city, state, or nation. There are four types of landmarks: individual landmarks, interior landmarks, scenic landmarks, and historic districts.

Additionally, a survey was conducted to identify any previously undesignated properties that appear to meet S/NR or NYCL eligibility criteria ("potential architectural resources") in the study area.

Once the architectural resources on the project site and in the study area were identified, the proposed project was assessed for both direct physical impacts and indirect contextual impacts on architectural resources.

C. EXISTING CONDITIONS

PROJECT SITE

The project site located at 745 East 141st Street is bounded by East 142nd Street to the north, Southern and Bruckner Boulevard to the east, East 141st Street to the south, and Concord Avenue to the west (see **Figure 2.6-1**). The project site is currently occupied by the NYPD's Bronx Tow Pound, which includes a paved parking lot that includes several temporary trailers. There are no known or potential architectural resources located on the project site. In a letter dated August 8, 2017, LPC determined that the project site has no architectural significance (see **Appendix D**).

STUDY AREA

There are no known architectural resources located within the 400-foot study area. Additionally, no potential architectural resources (properties that appear to meet eligibility criteria for S/NR listing or NYCL designation) have been identified in the study area. The majority of buildings in the study area are altered older structures that do not meet S/NR or LPC eligibility criteria.

D. THE FUTURE WITHOUT THE PROPOSED PROJECT

Architectural resources that are listed on the S/NR or that have been found eligible for listing are given a measure of protection under Section 106 of the National Historic Preservation Act from the effects of projects sponsored, assisted, or approved by federal agencies. Although preservation is not mandated, federal agencies must attempt to avoid adverse effects on such resources through a notice, review, and consultation process. Properties listed on the Registers are similarly protected against effects resulting from projects sponsored, assisted, or approved by State agencies under the State Historic Preservation Act. However, private owners of properties eligible for, or even listed on, the Registers using private funds can alter or demolish their properties without such a review process. Privately owned properties that are NYCLs, in New York City Historic Districts, or pending designation as Landmarks are protected under the NYCL Law, which requires LPC review and approval before any alteration or demolition can occur, regardless of whether the

project is publicly or privately funded. Publicly owned resources are also subject to review by LPC before the start of a project; however, LPC's role in projects sponsored by other City or State agencies generally is advisory only.

The New York City Building Code, in Section BC 3309: Protection of Adjoining Property 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. While these regulations serve to protect all structures adjacent to construction areas, they do not afford special consideration for historic structures.

The second protective measure applies to NYCLs, properties within New York City Historic Districts, and NR-listed properties. For these structures, *TPPN #10/88* applies. *TPPN #10/88* supplements the standard building protections afforded by Building Code C26-112.4 by requiring a monitoring program to reduce the likelihood of construction damage to adjacent NYCLs and NR-listed properties (within 90 feet) and to detect at an early stage the beginnings of damage so that construction procedures can be changed.

PROJECT SITE

In the No Action condition, it is assumed that the Bronx Tow Pound will continue to operate at the site.

STUDY AREA

Two development projects are currently anticipated to be completed by ~~2027~~ 2026 within the 400-foot study area. The first development is the eight-story Union Crossing office building proposed at 825 East 141st Street (Block 2599, Lot 146). The building will be approximately 275,000 square feet. The second development is proposed at 346 Powers Avenue (Block 2572, Lot 6). The development is expected to comprise two buildings, which will include 334 dwelling units (DUs). The two buildings will be approximately 6 and 11 stories (approximately 57 and 104 feet tall, respectively) and include a homeless shelter and supportive housing. These development projects will not impact any architectural resources as no such resources are located in the study area.

E. THE FUTURE WITH THE PROPOSED PROJECT

PROJECT SITE

In the With Action condition, the eastern portion of the project site would be redeveloped with an approximately 245-foot-tall detention facility containing approximately ~~1,270,000~~ 1,170,000 gsf of above-grade floor area, including support space; community facility space; and court/court-related facilities. This site would also provide approximately 575 accessory parking spaces. The new development would have frontages along East 142nd Street, Bruckner Boulevard, and East 141st Street. The western portion of the site (to a depth of 100 feet from Concord Avenue) is assumed to be redeveloped with a 145-foot-tall mixed-use building with residential use, ground-floor retail, and community facility space; its address would be 320 Concord Avenue (Block 2574, Lot 1).

As there are no architectural resources on the project site, the proposed project would have no potential for adverse impacts on such resources.

STUDY AREA

As no known or potential architectural resources were identified in the study area, the proposed actions would have no potential for adverse impacts on architectural resources. *