



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240



March 25, 2019

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Property: **U.S. Light-House Depot Complex, 1 Bay Street, Staten Island, NY**
Project Number: **34553**

Dear [REDACTED]:

I have concluded my review of your appeal of the December 11, 2017, decision of Technical Preservation Services (TPS), National Park Service, denying the Part 2 – Description of Rehabilitation application for the property cited above. The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 C.F.R. part 67) governing certifications for federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I thank you, [REDACTED] for meeting with me on August 23, 2018, and for providing a detailed account of the project.

After careful review of the complete record for this project, including the materials presented as part of the appeal, and the additional written descriptions, architectural drawings, and photographs, received on December 21, 2018, I have determined that the rehabilitation of the U.S. Light-House Depot Complex is not consistent with the historic character of the individual properties and the historic district in which they are located, and that the project does not meet the Secretary of the Interior's Standards for Rehabilitation (the Standards). Accordingly, I hereby affirm the denial of certification of the Part 2 – Description of Rehabilitation application, issued by TPS on December 11, 2017.

The U.S. Light-House Depot Complex played an important role in the development of lighthouse technology, and served as the central depot for the manufacture and storage of supplies for lighthouses along the North Atlantic coastline. The complex was listed in the National Register of Historic Places as an historic district in 1983. It includes four historically functionally-related

buildings of what was once a much larger complex: the Laboratory (Building 5, c.1884), the North Warehouse (Building 6, c.1840-1864), the Old Administration Building, designed by Alfred B. Mullett (Building 7, 1868-1871, 1901, 1918), and the Old Lamp Shop (Building 8, 1868), all of which contribute to the significance of the property. The historic district's boundary includes the brownstone retaining wall behind Buildings 5 and 6, which is a historic feature that contributes to the significance of the site. Although the underground vaults behind the retaining wall were part of the historic complex, the vaults themselves are outside the historic district boundary.

The U.S. Light-House Depot Complex historic district is the remaining historic core of the original depot, which extends up to Bay Street. The entire depot property is being redeveloped by Triangle Equities. The historic district is on the east (water) side of the overall property and comprises about one fourth of the overall site. The historic district is flat, but the property rises approximately forty feet behind the district up to Bay Street on the west. The upper part of the site is bisected by a tunnel for the Staten Island Railroad serving the nearby Staten Island Ferry Terminal. The project area outside the historic district will be intensively developed with new construction. On the west (uphill) side of the historic district, there will be a residential tower over retail, with underground parking. To the south and southwest of the historic district there will be a residential and hotel tower, and a parking deck and vehicular plaza.

In its denial letter, TPS identified three primary factors, 1) a lack of adequate information to review the proposal, 2) the impact of the new construction on the historic district, and 3) the proposed treatments to the individual buildings within the historic district.

With regard to the lack of adequate documentation of the overall project, the materials presented as part of the appeal and the information submitted in December, are adequate to assess the three primary factors TPS identified as denial issues regarding the impact of the overall project on the historic character of the historic district and the individual buildings within it. However, I note that the overall Part 2 application still does not contain adequate information to review the entire project.

With regard to the overall impact of the new construction on the historic district, the retail and residential building is along Bay Street on the west side of the full site. It is set back from the historic district because of the underground vaults and the tunnel easement for the Staten Island Railroad. Thus, although it rises two hundred feet above its first floor, and its first floor is nearly even with the roof of Building 7, I have determined that it does not significantly compromise the historic integrity and environment of the historic district and find it minimally compliant with Standard 9. Standard 9 states, "*New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*"

With regard to the proposed residential and hotel tower at the south end of the site, in this admittedly constrained end of the full site, one corner of the new building is approximately ten feet from the southwest corner of Building 8, and rises two hundred feet above its first floor.

Thus, the mass and proximity of the new building will have a dramatic and significant impact on Building 8 and the rest of the historic district. In this instance, I have determined that the new building will compromise the historic integrity and environment of the historic district and thus does not comply with Standard 9. However, I acknowledge that the southern historic district boundary is literally the face of the south facade of Building 8, and it is not unreasonable to have a taller building adjacent to Building 8, but the drawings do not show any attempt to pull back that corner of the new construction to give some deference to Building 8.

Although the two new buildings are outside the historic district, they are nevertheless within the original depot property and are subject to review. The regulations state, "*The NPS decision on listing a property in the National Register of Historic Places, including boundary determinations, does not limit the scope of review of the rehabilitation project for tax certification purposes. Such review will include the entire historic property as it existed prior to rehabilitation and any related new construction.*" [36 C.F.R. 67.2, definition of certified historic structure].

With regard to the parking deck and plaza which ties the two new buildings together, the three levels of the parking deck physically extend into the historic district to about fifteen feet from the rear facade of Building 7, and rise thirty-three feet above the first floor of the historic buildings. And, nearly half of the width between the parking deck and Building 7 is filled with a cantilevered stairway leading from the plaza level down to the historic district. Consequently, the space behind Building 7 is reduced to little more than a narrow urban lightwell, in contrast to the vegetated hillside that existed prior to this project. Behind Building 8, the plaza level cantilevers out seventeen feet further into the district from the parking deck, similar to the cantilevered stairway. I have determined that the mass of the parking deck, the fact that it protrudes into the historic district, and the cantilevered plaza level and stairway, severely compromise the historic integrity and environment of the historic district and find that they do not comply with Standard 9. I have further determined that the encroachment of the parking deck into and above the historic district is sufficient by itself to cause the overall project to fail to meet the Standards.

It may have been possible to comply with Standard 9 by pushing the parking deck deeper into the hill away from the historic district, and softening its imposing presence by stepping it back, starting with the height of the adjacent retaining wall for the vaults. However, photographs included with the December submittal show that construction of the parking deck and cantilevered plaza already nearing completion, precluding that option. It is unfortunate that construction started without an approved Part 2 application. The regulations state, "*Owners are strongly encouraged to submit part 2 of the application prior to undertaking any rehabilitation work. Owners who undertake rehabilitation projects without prior approval from the Secretary do so strictly at their own risk.*" [36 C.F.R. 67.6(a)(1)].

With regard to the rehabilitation treatments to the four historic buildings within the district, the written description and drawings submitted in December show that the new construction linking them, and the associated hardscape features, have been eliminated from the proposed work. Consequently, the exterior of the four buildings will substantially retain their historic appearance,

consistent with Standard 2. Standard 2 states, *“The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.”* Although these changes are a significant improvement over the original proposal, there is still no detail about the condition of historic features, description of their repair, or justification for their replacement, if warranted. Similarly, although the interior spaces will remain substantially intact, there is little additional information on the condition of interior features and proposed treatments. I have determined that the description of the rehabilitation treatments for the historic buildings still lacks adequate information for review.

Although I have affirmed the TPS denial of certification, I acknowledge that the drawings of the proposed hotel/residential tower just show massing and could address the denial issue of its proximity to the southwest corner of Building 8 as the building’s design evolves and matures. However, the denial issues regarding the parking deck and plaza are substantial. And, since it is already constructed, any remedial work would be extensive and costly. Finally, I have determined that the rehabilitation of the four historic buildings in the district could be brought into conformance with the Standards with adequate new information. Although I have identified changes in the project that could potentially bring the rehabilitation into compliance with the Standards, such work would be new work, not previously reviewed by TPS, and thus beyond the scope of this appeal. That work must be submitted in the form of an amendment to the Part 2 application, submitted to TPS through the normal process.

As the Department of the Interior regulations state, my decision is the final administrative decision with respect to the December 11, 2017, denial that TPS issued regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,



John A. Burns, FAIA, FAPT
Chief Appeals Officer
Cultural Resources

cc: SHPO-NY
IRS

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