14 UNAVOIDABLE ADVERSE IMPACTS

14.1 Introduction

According to the 2020 *CEQR Technical Manual*, significant adverse impacts are considered unavoidable if (i) a significant adverse impact occurs when a project is implemented, regardless of the mitigation employed; or (ii) mitigation is impossible. This chapter summarizes unavoidable significant adverse impacts resulting from the Proposed Actions.

As described in Chapter 13, "Mitigation," the Proposed Actions would result in significant adverse impacts in the areas of open space and transportation. Mitigation has been proposed to the extent practicable for these identified significant adverse impacts. However, in some instances no practicable mitigation was identified to fully mitigate significant adverse impacts, and there are no reasonable alternatives to the Proposed Actions that would meet the purpose and need, or eliminate their impacts without causing other or similar significant adverse impacts. In other cases, mitigation has been proposed, but absent a commitment to implement the mitigation, the impacts may not be eliminated. For the Proposed Actions, the significant adverse transportation impacts can be fully mitigated with the mitigation measures outlined in Chapter 13, "Mitigation".

14.2 Open Space

As discussed in Chapter 3, "Open Space," in the No-Action and With-Action conditions, there would be a deficiency of active open space. The No-Action open space ratio (OSR) of 0.37 would be well below the City's planning goal of 2.0 acres of active open space per 1,000 residents. In the With-Action Condition, the active OSR would be further reduced from 0.37 to 0.33 acres per 1,000 residents. Therefore, the Proposed Actions would result in a significant adverse indirect impact in the area of active open space because the Proposed Actions would decrease the active open space ratio by more than five percent in an area currently below the City's median community district OSR of 1.5 acres per 1,000 residents.

As described in Chapter 13, "Mitigation," potential mitigation measures for the identified significant adverse open space impacts are currently being explored by the private applicants

in coordination with the NYC Department of City Planning as lead agency, and NYC Department of Parks and Recreation (NYC Parks). The mitigation measures will reflect the nature and scope of the open space impacts, taking into account the quantitative and qualitative assessments in Chapter 3, "Open Space." The *CEQR Technical Manual* lists potential mitigation measures for open space impacts. These measures may include, but are not limited to, creating new open space within the Study Area; funding for improvements, renovation, or maintenance at existing local parks and/or playgrounds; or improving open spaces to increase their utility or capacity to meet identified open space needs in the area, such as through the provision of additional active open space facilities.

Opportunities to create new publicly-accessible open space resources in sufficient amounts within the Study Area to fully mitigate the identified significant adverse open space impact are limited. Because of the sloping topography, Projected Development Site 1 (the Applicant's site) is not conducive for active recreational uses. As a consequence, the Proposed Actions' significant adverse open space impact would not be considered fully mitigated, and the Proposed Actions would result in an unavoidable significant adverse open space impact.

14.3 Transportation

As discussed in Chapter 5, "Transportation," the Proposed Actions would result in significant adverse transportation impacts at five intersections during at least one of the analyzed peak hours. Specifically, in the absence of mitigation, significant adverse impacts would occur during peak hours at the locations outlined in Table 14-1.

Table 14-1: Significant Adverse Traffic Impacts

Intersection	Peak Hour	Number of Significant Adverse Impacts (Lane Groups)
Richmond Terrace & Jersey Street	Weekday AM	2
	Weekday Midday	1
	Weekday PM	1
	Saturday Midday	1
Richmond Terrace & Westervelt Avenue	Weekday AM	1
	Saturday Midday	1
Wall Street & Richmond Terrace	Weekday AM	1
	Weekday Midday	2
	Weekday PM	2
	Saturday Midday	2
Victory Boulevard & Bay Street	Weekday Midday	3
	Weekday PM	1
	Saturday Midday	2
Hamilton Avenue & St. Marks Place	Weekday AM	2
	Weekday Midday	2

The proposed transportation mitigation measures outlined in Chapter 13, "Mitigation" are typical improvement measures, such as modification of traffic signal phasing and/or timing. These improvements are routinely identified by the City and are feasible to be implemented. According to *CEQR Technical Manual* criteria, an impact is fully mitigated when the resulting degradation in the average control delay per vehicle in the mitigated condition no longer significant and adverse – per *CEQR Technical Manual* criteria – compared to the No-Action Condition.

With implementation of the proposed traffic mitigations, all significant adverse impacts would be fully mitigated; however, implementation of the mitigations are subject to review and approval by NYCDOT. In the absence of the application of mitigation measures, the impacts would remain unmitigated and would constitute significant adverse unavoidable traffic impacts.

14.4 Construction

As discussed in Chapter 11, "Construction," the Proposed Actions would result in significant adverse construction impacts related to traffic. Up to seven intersection approaches/lane groups in the study area could experience potentially significant adverse traffic impacts in at least one peak hour as a result of construction activities as outlined

Table 14-2: Significant Adverse Construction Traffic Impacts

Intersection	Construction Peak Hour	Number of Significant Adverse Impacts (Lane Groups)
Richmond Terrace & Jersey Street	Weekday AM	1
	Weekday PM	1
Richmond Terrace & Westervelt Avenue	Weekday AM	1
Wall Street & Richmond Terrace	Weekday AM	1
	Weekday PM	2
Victory Boulevard & Bay Street	Weekday PM	1

The proposed construction mitigation measures outlined in Chapter 13, "Mitigation" are typical improvement measures, such as modification of traffic signal phasing and/or timing. These improvements are routinely identified by the City and are feasible to be implemented. According to *CEQR Technical Manual* criteria, an impact is fully mitigated when the resulting degradation in the average control delay per vehicle in the mitigated condition no longer significant and adverse – per *CEQR Technical Manual* criteria – compared to the No-Action Condition.

With implementation of the proposed construction mitigations, all significant adverse impacts would be fully mitigated; however, implementation of the mitigations are subject to review and approval by NYCDOT. In the absence of the application of mitigation measures, the impacts would remain unmitigated and would constitute significant adverse unavoidable traffic impacts.