PARK AVENUE BROOKLYN REZONING
Chapter 18: Unavoidable Adverse Impacts

A. INTRODUCTION

This chapter summarizes unavoidable significant adverse impacts resulting from the Proposed Actions. According to the *City Environmental Quality Review (CEQR) Technical Manual*, unavoidable adverse impacts are those that would occur if a proposed project or action is implemented regardless of the mitigation employed, or if mitigation is infeasible.

As described in **Chapter 16, "Mitigation,"** the Proposed Actions would result in significant adverse impacts with respect to open space, transportation (traffic and pedestrians), and construction (noise). To the extent practicable, mitigation has been proposed for these identified significant adverse impacts. In the event that no practicable mitigation is identified to fully mitigate significant adverse impacts, reasonable alternatives to the Proposed Actions that would meet their purpose and need, eliminate their impacts, and not cause other or similar significant adverse impacts are explored. In other cases, mitigation has been proposed, but absent a commitment to implement the mitigation, the impacts may not be eliminated. Where impacts cannot be fully mitigated, they would constitute an unavoidable significant adverse impact of the Proposed Actions.

B. OPEN SPACE

As discussed in **Chapter 4, "Open Space,"** the Proposed Actions would result in a significant adverse indirect impact on total, active, and passive open space in the residential study area. The *CEQR Technical Manual* identifies a range of potential mitigation measures for open space impacts, which 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; or improving existing 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. As discussed in **Chapter 16. "Mitigation,"** the lead agency, New York City Department of City Planning (DCP), in collaboration with New York City Department of Parks and Recreation (NYC Parks), determined that the provision of ~~5,050 square feet (sf) of~~ publicly accessible open space by the Applicant~~, including 3,790 sf for active use and 1,260 sf for passive use,~~ would address the open space ratio shortfall~~ and fully mitigate the open space impact~~. It was determined that approximately 6,098 square feet (sf) of additional publicly accessible open space (including a minimum of 1,568 sf of passive open space and a minimum of 4,530 sf of active open space) would fully mitigate the open space impact. NYC Parks also identified potential partial mitigation measures at Taaffe Playground, including a full park reconstruction, a partial renovation project, and a reconstruction of the handball courts. Mitigation measures ~~will continue to be~~were explored by the Applicant in collaboration with DCP and NYC Parks between the Draft Environmental Impact Statement (DEIS) and Final EIS (FEIS). Reconstruction of the handball courts at Taaffe Playground has been identified as a practicable and feasible measure to partially mitigate the indirect impact on open space. The partial mitigation would be required through one or more Restrictive Declarations (RDs) between one or more fee owners of the Applicant-controlled Projected Development Sites and the City of New York. The mitigation measure would only partially mitigate the open space impact and therefore, indirect impacts to open space would remain as an unavoidable adverse

impact.~~If no mitigation measures are implemented, and no other mitigation measures are identified, the open space impact would remain unmitigated and result in an unavoidable significant adverse impact.~~

C. TRANSPORTATION

As discussed in **Chapter 8, "Transportation,"** the Proposed Actions would result in significant adverse impacts to: vehicular traffic at nine intersections in one or more peak hours and six sidewalk pedestrian elements in one or more peak hours.

Traffic

As described in **Chapter 8, "Transportation,"** the Proposed Actions would result in significant adverse traffic impacts at nine study area intersections during one or more analyzed peak hours; specifically, four lane groups at four intersections during the weekday AM peak hour, no lane group at any intersections in the midday peak hour, 10 lane groups at nine intersections in the PM peak hour, and no lane groups at any intersections in the Saturday peak hour.

As demonstrated below, many of these impacts could be mitigated through the implementation of traffic engineering improvements, including:

- Modification of existing traffic signal phasing and/or timing,
- Installation of new traffic signals,
- Elimination of on-street parking to add a travel lane, and
- Modifications to lane striping.

As discussed in **Chapter 16**, **"Mitigation,"** implementation of traffic engineering improvements would fully mitigate the significant adverse impacts to four lane groups in the weekday AM peak hour and nine lane groups in the weekday PM peak hour. Intersections where these impacts would be fully mitigated would total four and eight during these same periods, respectively. As shown in **Table 16-2** in **Chapter 16, "Mitigation,"** no practicable mitigation was identified for the impact to one lane group at one intersection in the weekday PM peak hour. Consequently, this impact would constitute an unavoidable significant adverse traffic impact as a result of the Proposed Actions.

Implementation of the recommended traffic engineering improvements are subject to review and approval by the New York City Department of Transportation (DOT). If DOT determines that an identified traffic engineering improvement is deemed infeasible, and no alternative and equivalent measure is identified, then that impact would remain unmitigated and would constitute an unavoidable adverse impact.

Pedestrians

Incremental demand from the Proposed Actions would significantly adversely impact six sidewalks~~,~~ in one or more analyzed peak hours. Recommended mitigation measures consisting of the relocation or ~~/~~removal of impediments to sidewalk flow and sidewalk widening would mitigate the impacts to ~~one~~ five sidewalks during the weekday AM and PM peak hours. One sidewalk would remain unmitigated during the weekday AM peak hour. Implementation of the proposed mitigation measures would be subject to review and approval by DOT, as well as NYC Parks for the relocation or removal of any street trees and NYC Fire Department (FDNY) for the

implementation of the proposed sidewalk widening. ~~In addition, DOT has identified potential mitigation measures for these five sidewalk impacts, which include widening the sidewalks by five feet and eliminating the parking lane for the entire block adjacent to these sidewalks. These mitigation measures will continue to be explored by the Applicant in collaboration with DCP and DOT.~~ If DOT determines that implementation of any one recommended pedestrian mitigation measures is infeasible~~If no mitigation measures are implemented~~, and no alternative and equivalent measures are identified, these impacts would remain unmitigated and result in unavoidable significant adverse impacts. **Table 16-3** shows a summary of fully mitigated and unmitigated significant adverse impacts.

D. CONSTRUCTION

Noise

As discussed in **Chapter 14, "Construction,"** the detailed construction noise analysis predicted that noise levels due to construction could exceed the construction noise impact criteria at 14 receptors surrounding the proposed construction work areas as shown in **Table 14-~~10~~11** and **Figure 14-3**. At these receptors, construction would produce noise level increases that would be noticeable and potentially intrusive during the most noise-intensive nearby construction activities; however, the predicted maximum levels would not persist throughout construction, and the noise levels would fluctuate over the course of the construction period. Even so, these locations would experience construction noise levels whose magnitude and duration could constitute temporary significant adverse impacts.

As discussed in **Chapters 14, "Construction" and 16, "Mitigation,"** the total RWCDS associated with the Proposed Actions is committed to implementation of noise control measures required by the NYC Noise Control Code as well as commit to staging concrete operations at Projected Development Site 6 within the construction barrier until 86 and 88 Walworth Street are vacated. While some of the impacted buildings feature modern façade construction, including insulated glass windows and an alternative means of ventilation that would allow for the maintenance of a closed-window condition, it is not possible to definitively determine the presence of these features at all receptors that would have the potential to experience temporary significant adverse construction noise impacts. At building façades that are predicted to experience noise impacts, ~~potential mitigation measures may include~~ the Applicant would offer ~~of~~ storm windows for façades that do not already have insulated glass windows and/or window air conditioning units on impacted façades of residences that do not already have alternative means of ventilation. Even with these measures, interior $L_{10(1)}$ noise levels at these buildings would at times during the construction period exceed the 45 dBA guideline recommended for residential use according to CEQR noise exposure guidelines by up to approximately ~~23~~18 dBA. Because interior noise levels could still exceed the acceptable threshold even with the provision of receptor noise mitigation, the significant adverse construction noise impacts identified in **Chapter 14, "Construction,"** would be only partially mitigated. In addition, some building owners may not accept the offer of storm windows and/or alternative means of ventilation; at these locations, the significant adverse construction-period noise impacts would be unmitigated. Because these impacts cannot be fully mitigated, the impacts would constitute an unavoidable adverse impact. ~~Further study to refine the specific construction noise mitigation measures will be undertaken between the DEIS and FEIS.~~