Chapter 21: Unavoidable Adverse Impacts

A. INTRODUCTION

Unavoidable significant adverse impacts are defined as those that meet the following two criteria:

- There are no reasonably practicable mitigation measures to eliminate the impact; and
- There are no reasonable alternatives to the Proposed Actions that would meet the purpose and need for the actions, eliminate the impact, and not cause other or similar significant adverse impacts.

As described in Chapter 19, "Mitigation," a number of the potential impacts identified for the Proposed Project could be mitigated. However, as described below, in some cases, no practicable mitigation has been identified to fully mitigate significant adverse impacts and there are no reasonable alternatives to the Proposed Actions that would meet the purpose and need, eliminate potential impacts, or not cause other or similar significant adverse impacts. Where impacts cannot be fully mitigated, they would constitute an unavoidable significant adverse impact of the Proposed Actions.

B. OPEN SPACE

The Proposed Actions would result in a significant adverse impact on open space. The residential population generated by the Proposed Actions would result in a 4.77 percent decrease in the total open space ratio and a 5.28 percent decrease in the active open space ratio. As these decreases would exceed the 2025 *City Environmental Quality Review (CEQR) Technical Manual* quantitative thresholds indicating the potential for an impact related to total and active open space, and the study area would continue to be deficient in the amount of total and active open space available to residents, the Proposed Actions would result in a significant adverse indirect open space impact.

The *CEQR Technical Manual* identifies a range of potential mitigation measures for an open space impact, which may include, but are not limited to, creating new open space within the study area; funding improvements to existing open space, or improving existing open spaces to increase their utility or capacity to meet identified open space needs in the area. The Proposed Project would add approximately 0.48 acres (20,896 square feet) of publicly accessible passive open space throughout the Project Site, including areas adjacent to Golconda Playground, which is maintained by the New York City Department of Parks and Recreation (NYC Parks). Potential mitigation measures to address the significant adverse open space impact could include programming active open space features into the Proposed Project's network of publicly accessible open space and/or funding improvements to adjacent Golconda Playground and potentially other nearby open spaces. The New York City Educational Construction Fund (ECF), as lead agency; 240 Nassau Street Holdings, LLC; and NYC Parks will explore potential mitigation measures to address the significant adverse

open space impact between the Draft Environmental Impact Statement (DEIS) and Final Environmental Impact Statement (FEIS). If no feasible mitigation measures are identified, the significant adverse open space impact would be unmitigated and constitute an unavoidable adverse impact of the Proposed Actions.

C. TRANSPORTATION

As discussed in Chapter 11, "Transportation," significant adverse transportation-related impacts were identified for the Proposed Project, and potential measures to mitigate these impacts to the extent practicable are presented in Chapter 19, "Mitigation." Among the significant adverse impacts, unmitigated impacts were identified for traffic, transit (subway station vertical circulation elements), and pedestrians (sidewalks, corners, and crosswalks) under the With Action condition.

TRAFFIC

As detailed in Chapter 19, "Mitigation," potential improvement measures were explored to mitigate the identified significant adverse traffic impacts to the extent practicable. While implementing these measures was found to be effective to fully mitigate certain impacts, some impacts could not be mitigated with feasible improvement measures. Accordingly, unmitigated impacts would constitute unavoidable significant adverse impacts of the Proposed Actions. Unavoidable significant adverse traffic impacts were identified for six of the nine impacted intersections during the weekday AM peak hour, one of the four impacted intersections during the weekday midday peak hour, nine of the 11 impacted intersections during the weekday PM peak hour, and two of the six impacted intersections during the Saturday peak hour.

TRANSIT

While no significant adverse impacts are anticipated for line-haul conditions on the F subway line, the Proposed Actions may potentially result in significant adverse impacts on vertical circulation elements at the York Street subway station. The identified subway station impacts at one platform stair and one street-level stair in the weekday PM peak hour were determined to be unmitigated. Possible measures to mitigate potential transit impacts will be evaluated between DEIS and FEIS in coordination with New York City Transit (NYCT). If no feasible mitigation measures are identified between DEIS and FEIS, these projected stairway impacts in the weekday PM peak hour would be unmitigated.

PEDESTRIANS

Similar to traffic, potential improvement measures were explored to mitigate the identified significant adverse pedestrian impacts to the extent practicable. While implementing these measures was found to be effective to fully mitigate certain impacts, some impacts could not be mitigated. Accordingly, unmitigated impacts would constitute an unavoidable significant adverse impact of the Proposed Actions. Unavoidable significant adverse pedestrian impacts were identified for:

- All seven impacted sidewalks and one of the five impacted crosswalks during the weekday AM peak hour;
- All four impacted sidewalks during the weekday midday peak hour;

- All eight impacted sidewalks, zero of the two impacted corners, and two of the six impacted crosswalks during the weekday PM peak hour; and
- All four impacted sidewalks during the Saturday peak hour.

D. CONSTRUCTION

TRANSPORTATION

As detailed in Chapter 17, "Construction," no significant adverse impacts to traffic, pedestrians, transit, or parking were identified for the construction peak hours during the first construction sequence, while significant adverse impacts to traffic and pedestrians were identified for the construction peak hours during the second construction sequence. These unavoidable significant adverse traffic and pedestrian impacts would be within the envelope of those identified in Chapter 19, "Mitigation," during the operational peak hours.

NOISE

Chapter 17, "Construction," identifies the potential for construction under the Proposed Actions to result in significant adverse construction noise impacts at three receptors near or on the Project Site as shown in Figure 17-2, i.e., the fifth floor of the south façade of the New York City Housing Authority (NYCHA) Farragut Houses Building 1 along Nassau Street, the easternmost portion of the south façade and southernmost portion of the east façade of the future Building 1 on the Project Site, and the south façade, the southernmost portion of the western façade, and the southernmost portion of the eastern façade of the future Building 2 on the Project Site.

Construction noise levels of this magnitude and duration would constitute a significant adverse impact. Source or path controls beyond those already identified for the construction of the Proposed Actions would not be effective in fully mitigating the predicted construction noise impacts at these receptors.

As described in Chapter 19, "Mitigation," the co-Applicants would offer compensation for provision of storm windows for façades that do not already have insulated glass windows and/or window air conditioning unit on the fifth floor of impacted façades of the Farragut Houses Building 1 that do not already have alternative means of ventilation. Additionally, the proposed future buildings predicted to experience significant adverse construction noise impacts would provide 25 to 31 dBA window-wall attenuation. Even with these measures, buildings with these constructions would be expected to experience interior $L_{10(1)}$ values greater than the 45 dBA guideline recommended for residential and community spaces according to CEQR noise exposure guidelines. As such, no reasonable alternative could be developed to avoid temporary construction noise impacts at these receptors without substantially compromising the Proposed Actions' stated goals. Because these impacts cannot be fully mitigated, the impacts would constitute an unavoidable significant adverse impact of the Proposed Actions. Further study to refine the specific construction noise mitigation measures will be undertaken between the DEIS and FEIS. ✷