

3.23 UNAVOIDABLE SIGNIFICANT ADVERSE IMPACTS

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

- There are no reasonably practicable mitigation measures to eliminate the impacts; and
- There are no reasonable alternatives to the proposed project that would meet the purpose and need of the action, eliminate the impact, and not cause other or similar significant adverse impacts.

As described in Chapter 3.22, “Mitigation,” a number of the potential impacts identified for the proposed action could be mitigated. However, as described below, in some cases, project impacts would not be fully mitigated.

SOCIOECONOMIC CONDITIONS

As described in Chapter 3.2, “Socioeconomic Conditions,” with regard to secondary or indirect residential displacement, the Population and Housing Study Area contains populations that could be vulnerable to displacement pressures. Potential secondary displacement as a result of the substantial increase in the non-residential development proposed, and the upgrading of three blocks in the East Harlem Triangle with new mixed-use development, would be offset to some degree by the proposed affordable housing that would include up to 650 units of low- and moderate-income housing. However, some negative effects may result as a result of rising land values and rents in areas surrounding the project site if low income households in unprotected buildings in the area are forced to move due to rising rents.

Mitigation measures described in the *CEQR Technical Manual* to address such adverse effects include such actions as described in Chapter 3.22. Even with the implementation of such mitigation measures to address the potential for secondary displacement, some degree of potential indirect residential displacement resulting from the East 125th Street Development might remain unmitigated. While indirect displacement could still occur with the mitigation measures described in Chapter 3.22, the amount of displacement would likely be less.

OPEN SPACE

As discussed in Chapter 3.5, “Shadows,” the Proposed Action would result in a direct adverse shadow impact on the PS 30 Playground. Most of the shadow impact on the PS 30 Playground would result from reasonable worst case development scenario development on the off-site parcel (Lot 44 of Block 1791) that is to be rezoned only, with no actual development proposed at this time. For the purposes of this EIS/FEIS, it has been assumed that this site could theoretically be built as a quality housing building to the maximum streetwall and height allowed in the zoning district, which would create the significant impact discussed in Chapter 3.5. Because the Zoning Resolution largely determines the form of buildings built under these regulations, there are no meaningful mitigation measures that could be taken when the building is constructed according to the maximum development allowed for a quality housing building. A building

constructed under the Zoning Resolution's height factor regulations would likely have a smaller shadow impact on this resource. As a result, the impact disclosed in Chapter 3.5 can be viewed as the likely maximum incremental shadow impact. These shadow impacts would represent an unavoidable adverse impact resulting from the zoning amendments that are part of the proposed action, which implement the urban design objectives for the project site described in guidelines developed by the Task Force convened to prepare guidelines for the development of the site.

SHADOWS

As stated above, the only identified significant shadow impact of the proposed action is the impact on the PS 30 Playground. The only significant shadow impact from the proposed project on existing shadow sensitive resources would be on the eastern portion of the PS 30 Playground in the winter, which would reduce the usability of this open space in the morning hours during the coldest months. In addition, the proposed open spaces created by the action would also see shadow effects from the action. While much of this shadow would be an unavoidable consequence of the design guidelines, the impact on the onsite open space would be addressed through the programming of those open spaces, and their orientation, which provides the most sun during times of day when these open space plazas would be expected to be most highly utilized. Because the creation of this open space is part of the proposed action, these on-site shadows are not considered to be a significant adverse impact.

ARCHEOLOGICAL RESOURCES

As described in Chapter 3.6, "Historic Resources," with the exception of portions of two lots within the project site that may contain the potential for the recovery of remains from 19th Century occupation (Block 1790, Lot 13, and Block 1791, Lot 1), all portions of the project site and rezoning area have been significantly disturbed by past construction activities and are not expected to contain significant archeological resources. Whether or not two areas on those two lots within the project site that may not have been previously disturbed could potentially contain intact nineteenth-century archaeological resources, or whether additional testing is required, will be determined by LPC. Therefore, the potential for impacts on archeological resources will be determined prior to construction activities.

TRANSIT & PEDESTRIANS

Mitigation measures to address subway station stairway impacts typically involve physically widening an affected stair to increase its capacity, or implementing measures that would decrease demand, typically by providing new and/or more convenient access points. The significant adverse impacts to stair S4, located at the northeast corner of East 125th Street and Lexington Avenue, would require an 11.8-inch and 27.3-inch widening to return the stairway to an acceptable level of service (a v/c ratio of less than 1.00) in the AM and PM peak hours, respectively. The feasibility of widening stair S4 and other potential mitigation measures will be evaluated in consultation with NYC Transit. If widening stair S4 and other potential mitigation measures should prove infeasible, the proposed project's significant adverse impacts to this stair in the AM and PM peak hours would remain unmitigated.