

# 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 Open Space Study Area would be severely lacking in active open space. The No-Action active 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 one percent in an area ~~currently below the City’s median community district OSR of 1.5 acres per 1,000 residents~~ that is severely lacking in active open space.

As described in Chapter 13, “Mitigation,” potential mitigation measures for the identified significant adverse open space impacts ~~are currently being~~were explored by the ~~private applicants~~Applicant in coordination with the NYC Department of City Planning as lead agency, and NYC Department of Parks and Recreation (NYC Parks). The partial open space 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. With adoption of the Proposed Actions, the Applicant would partially mitigate the active open space impact by providing a new 0.13-acre on-site publicly-accessible private open space.~~ Because of the sloping topography, Projected Development Site 1 (the Applicant’s site) is not conducive for larger active recreational uses such as soccer fields. 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~~four intersections during at least one of the analyzed peak hours (a total of 20 impacted intersection approaches/lane groups combined for all 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

Notes:

1. Table was revised for the FEIS to remove the potentially significant adverse traffic impacts at the intersection of Hamilton Avenue and St. Marks Place.

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 is 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, with the exception of those during the weekday midday, PM and Saturday midday peak hours at the intersections of (i) Richmond Terrace and Wall Street/Empire Mall Driveway and (ii) Victory Boulevard and Bay Street. These intersections would experience high volumes and delays in the No-Action Condition independent of the Proposed Actions. Feasible mitigation measures were not identified at these intersections for the weekday midday, PM and Saturday midday peak hours, and therefore these intersections would have unavoidable significant adverse impacts. However, as part of the *Bay Street Rezoning and Related Actions FEIS*, the City committed to a Traffic Monitoring Plan, which includes the intersection of Bay Street and Victory Boulevard.

## 14.4 Construction

### Transportation – Traffic

As discussed in Chapter 11, “Construction,” the Proposed Actions would result in significant adverse construction impacts related to traffic. Up to five intersections/seven intersection approaches/lane groups in the study area could experience potentially significant adverse traffic impacts in at least one peak hour (a total of 8 impacted intersection approaches/lane groups combined for the weekday AM and PM construction peak hours) as a result of construction activities as outlined in Table 14-2.

**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
<u>Richmond Terrace &amp; Nicholas Street</u>	<u>Weekday PM</u>	<u>1</u>
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 is 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, with the exception of those during the weekday PM construction peak hour

at the intersections of (i) Richmond Terrace and Jersey Street and (ii) Richmond Terrace and Wall Street/Empire Mall Driveway. These intersections would experience high volumes and delays in the No-Action Condition independent of construction of the Proposed Project. Feasible mitigation measures were not identified at these intersections for the weekday PM construction peak hour, and therefore these intersections would have unavoidable significant adverse impacts.

## **Noise**

As discussed in Chapter 11, “Construction,” and Chapter 13, “Mitigation,” construction at Projected Development Site 1 has the potential to result in a temporary significant adverse construction impacts because of the duration and magnitude of the projected noise levels during construction.

The Applicant is committed to implementing the pathway and source controls discussed in Chapter 11, “Construction” that go above and beyond what is required by Code, which include using auger drills in lieu of impact pile drivers, using ventilation fans that would not exceed a noise sound power level of 91-dBA (equivalent to the sound pressure level of 59 dBA at a distance of 50 feet), using generators that would not exceed a capacity of 25 kilovolt amps (KVA), and constructing a 15-foot-tall construction barrier that would extend along the full perimeter of the site except along Projected Development Site 1’s frontage to Richmond Terrace, where an 8-foot-tall construction barrier would be placed.

Further, at the façades that are predicted to experience a significant adverse construction noise impact – the northern and eastern façades of 41 Hamilton Avenue, 47 Hamilton Avenue, 53 Hamilton Avenue, and 59 Hamilton Avenue, and the eastern façade of 199 St. Marks Place – the Applicant would offer to make available at no cost for purchase and installation one window air conditioner per unit at residences that do not already have alternate means of ventilation. However, even with these measures, elevated construction noise levels are predicted to occur at these locations and result in an unavoidable significant adverse impact. The buildings at Castleton Park Apartments – South Tower, 36 Hamilton Avenue, 60 Hamilton Avenue, and 140 Richmond Terrace are improved with double paned windows and alternate means of ventilation, and an unavoidable significant adverse construction noise impact would also occur at these four locations. If additional path control mitigation measures cannot be implemented, there would be unmitigated temporary significant adverse construction impact from construction-generated noise.

The Castleton Apartments South Playground is predicted to experience a significant adverse construction noise impact. This private outdoor playground is within 30 feet of Projected Development Site 1, and construction on this site would be expected to cause a temporary exceedance of the applicable CEQR noise thresholds at the playground. Although the *CEQR Technical Manual’s* 55 dBA  $L_{10(1)}$  guideline is a worthwhile goal for outdoor areas requiring serenity and quiet, this relatively low noise level is typically not achieved in parks and open space areas in New York City. Accordingly, the Proposed Actions would result in an unavoidable temporary unmitigated significant adverse construction noise impact to this private playground.