

**A. INTRODUCTION**

Following the 2014 City Environmental Quality Review (CEQR) Technical Manual, this chapter summarizes unavoidable significant adverse impacts that may result from the proposed actions. Unavoidable significant adverse impacts are defined as those that would occur if a proposed project or action is implemented regardless of the mitigation employed, or if mitigation is impossible, 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 21, “Mitigation,” the proposed projects have the potential to result in significant adverse impacts to public elementary schools, publicly funded child care facilities, open space, shadows, traffic, transit, and pedestrians, as well as construction-period traffic and noise. To the extent practicable, mitigation has been proposed for these identified significant adverse impacts. The significant adverse impacts in the With Action condition that conservatively assumes the 200 permanently affordable units may not be developed exclusively for seniors could be fully mitigated for public elementary schools in CSD 1 and the publicly funded child care facilities. In some instances, 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 for the actions, eliminate the impact, and not cause other or similar significant adverse impacts. a number of the potential impacts identified for the proposed project could be mitigated. However, as described below, in some cases, impacts from the proposed project would not be fully mitigated.

**B. COMMUNITY FACILITIES AND SERVICES****PUBLIC ELEMENTARY SCHOOLS**

As discussed in Chapter 4, “Community Facilities,” and Chapter 21, “Mitigation,” in the With Action condition that conservatively assumes the 200 permanently affordable units<sup>1</sup> may not be

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<sup>1</sup> A portion of the affordable units would be made permanently affordable pursuant to requirements of the “R10 Program,” set forth in Zoning Resolution Sections 23-154(a) and 23-90. The remainder of the affordable units would be made permanently affordable pursuant to Regulatory Agreements with the New York City Department of Housing Preservation and Development (HPD) as established in consultation with the applicants. For purposes herein, permanent or permanently affordable housing shall refer to units made permanently affordable both through the R10 Program and the Regulatory Agreements.

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developed exclusively for seniors, the proposed projects would result in a significant adverse impact on public elementary schools in CSD 1.

~~Possible~~ Mitigation measures for this significant adverse impact ~~will be developed in consultation~~ were explored by the applicants in consultation with the New York City Department of City Planning (DCP), the Department of Education (DOE), and the New York City School Construction Authority (SCA), ~~and will be refined~~ between the DEIS and the FEIS. As mitigation, if necessary, the Restrictive Declarations for the proposed projects will require the applicants will to fund the expansion of school seat capacity in CSD 1, if required. The mitigation measures ~~will~~ reflect the nature and scope of the elementary school impact, taking into account the assessment in Chapter 4, “Community Facilities.” DOE and SCA would continue to monitor trends in demand for school seats in the area. With the funding provided by the applicants, DOE and SCA responses to identified demand could take place in stages and include administrative actions and/or enlargement of existing schools. The *CEQR Technical Manual* lists potential mitigation measures for public school impacts, which may be implemented with these funds. These measures may include, but are not limited to, relocating administrative functions to another site, thereby freeing up space for classrooms; making space within the buildings ~~associated with the proposed project or elsewhere~~ in the school study area available to DOE; and/or restructuring or reprogramming existing school space within a district. ~~Other measures may be identified in consultation with DOE and SCA that do not create additional capacity but may nevertheless serve to alleviate capacity constraints.~~ Absent the implementation of such measures, if needed, the proposed projects could result in unavoidable adverse impacts on public elementary schools.

### **PUBLICLY FUNDED CHILD CARE FACILITIES**

As detailed in Chapter 4, “Community Facilities,” and Chapter 21, “Mitigation,” in the With Action condition that conservatively assumes the 200 ~~affordable~~ permanently affordable units may not be developed exclusively for seniors, the proposed projects would result in a significant adverse impact on child care facilities.

~~Possible~~ Mitigation measures for this significant adverse impact ~~will have been~~ developed in consultation with the New York City Administration for Children’s Services (ACS) and will may, if required, include the provision of funding to support adding capacity to existing or new facilities, or the provision of a new child care facility within or near the project sites, ~~suitable space on site for a child care center, provision of a suitable location off site and within a reasonable distance (at a rate affordable to ACS providers), or funding or making program or physical improvements to support adding capacity to existing or new facilities if determined feasible through consultation with ACS, or providing a new child care facility within or near the project sites.~~ As a city agency, ACS does not directly provide new child care facilities, instead it contracts with providers in areas of need. ACS is also working to create public/private partnerships to facilitate the development of new child care facilities where there is an area of need. As part of that initiative, ACS may be able to contribute capital funding, if it is available, towards such projects to facilitate the provision of new facilities.

The Restrictive Declarations for the proposed projects will require the applicants to work with ACS to consider the need for to, if necessary, additional capacity within the 1½-mile study area ~~and the implementation of one or more the~~ measures as listed above to provide additional capacity, ~~if required,~~ to mitigate the significant adverse impact to publicly funded child care facilities ~~within the 1½ mile study area or within Community Board 3.~~ Based on the analysis

presented in Chapter 4, “Community Facilities,” which accounts for the current inventory of publicly funded child care facilities and conservative future background projections, to avoid a significant adverse impact, the number of permanently affordable units introduced by the proposed projects would need to be reduced to ~~534~~508 permanently affordable residential units, which would generate approximately ~~61~~58 children eligible for public child care services. An increase of ~~61~~58 eligible children would increase child care facility utilization in the study area by less than five percent. With the assumption of 694 permanently affordable residential units, none of which would be dedicated as senior units, the proposed projects would generate 80 eligible children and would need to provide ~~19~~20 child care slots to reduce the increase in the utilization rate to less than 5 percent. ~~Although the applicants will be obligated to provide funding available for these additional child care slots, if needed; absent SCA’s utilization of the funding the implementation of such mitigation measures, however, in the event that ACS does not utilize this funding if needed, to increase child care capacity,~~ the proposed projects could result in unavoidable adverse impacts on publicly funded child care facilities.

### C. OPEN SPACE

As discussed in Chapter 5, “Open Space,” and Chapter 21, “Mitigation,” the reductions in the total, active, and passive open space ratios in the With Action condition would result in a significant adverse open space impact based on the quantitative analysis of indirect effects, as set forth in the *CEQR Technical Manual*. With the proposed projects, on Site 5, the existing approximately 22,440-sf private Rutgers Slip Open Space would be enlarged to approximately 33,550 sf (approximately 0.77 acres), dedicated as publicly accessible open space, and reconstructed with amenities for both active and passive use, such as play equipment, basketball courts, walking paths, and seating. While the approximately 33,550 sf of dedicated publicly accessible open space that would be developed with the proposed projects would reduce the significant adverse open space impacts, it is not sufficient to avoid significant adverse open space impacts.

~~Potential~~ Mitigation measures for the open space impacts ~~are being~~were explored by the applicants in consultation with DCP and the New York City Department of Parks and Recreation (NYC Parks), ~~and will be refined~~ between the DEIS and FEIS. As partial mitigation for the open space impact, the existing approximately 15,868 sf (approximately 0.36 acres) of private open space on Site 4 (4A/4B) would be dedicated as publicly accessible open space. As shown on site plan Figures 1-5 through 1-7, new pavers, plantings, and seating would be installed at the Site 4 (4A/4B) open space.

~~Funding for~~ Renovation of existing open spaces in the vicinity of the project sites has been identified as a ~~potentially~~practicable mitigation measure. Accordingly, the Restrictive Declarations for the proposed projects will require the applicants to undertake reconstruction of Coleman Playground, Captain Jacob Joseph Playground, and Little Flower Playground have been proposed as potential resources to be reconstructed, as described in Chapter 21, “Mitigation.” However, because of the ongoing planning and future development of the Lower Manhattan Coastal Resiliency (LMCR) and East Side Coastal Resiliency (ESCR) projects, which include components in close proximity to the Two Bridges LSRD project sites, alternative improvements of the same scope may be required by DCP with NYC Parks if the aforementioned reconstruction projects are not deemed feasible at the time that their implementation is required.

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Given that these improvements would improve the quality but not quantity of open space available in the study areas, if the significant adverse impacts on open space would not be fully mitigated, and therefore the proposed projects would result in unavoidable significant adverse impacts on open space.

### D. SHADOWS

As discussed in Chapter 6, “Shadows,” and Chapter 21, “Mitigation,” the proposed projects’ buildings would result in project-generated incremental shadow at the Cherry Clinton Playground and the Lillian D. Wald Playground that would be substantial enough in extent and/or duration to significantly affect the use or vegetation of the resource, as described below:

- Cherry Clinton Playground on the December 21 analysis day (use, but not vegetation), March 21/September 21 analysis day (use and vegetation) and on the May 6/August 6 analysis day (use only); and
- Lillian D. Wald Playground on the March 21/September 21 analysis day (use only).

~~Potential~~ Measures to mitigate the significant adverse shadows impacts on these two open space resources ~~are being~~were explored by the applicants in consultation with DCP and NYC Parks, and ~~will be~~were refined between the DEIS and FEIS. The Restrictive Declarations for the proposed projects will require that the applicants fund The proposed Potential mitigation measures include dedicated funding for the enhanced maintenance to mitigate the significant adverse impact to the users and the trees of the Cherry Clinton Playground, and the users of the Lillian D. Wald Playground. Upon construction of the proposed projects, the Department of Parks and Recreation will utilize the enhanced maintenance funds to monitor the effects of shadows and to undertake appropriate measures. Such measures may include, for example, the relocation sunlight-sensitive elements within the open space, relocating or replacing vegetation, and undertaking additional maintenance to reduce the likelihood of species loss. With the implementation of these ~~if feasible~~ mitigation measures, ~~are identified~~, the impacts would be considered partially mitigated. As the significant adverse shadows impacts would not be fully mitigated, the proposed projects would result in unavoidable significant adverse shadows impacts to these resources.

### E. TRANSPORTATION

As discussed in Chapter 14, “Transportation,” and Chapter 21, “Mitigation,” the significant adverse traffic impacts at the intersections of South Street and Montgomery Street during the weekday AM and PM peak hours, and Chatham Square and Worth Street/Oliver Street during the weekday AM, midday, and PM peak hours could not be mitigated; these intersections are projected to experience unmitigated significant adverse traffic impacts.

~~The proposed projects would result in significant adverse impacts to the East Broadway Rutgers Street subway station’s S1 stairway on the northwest corner of Rutgers Street and Madison Street, and the P3 platform stairway. Several potential options were explored to mitigate the identified impacts. Based on consultation with New York City Transit (NYCT), the significant adverse impact on the S1 stairway could be mitigated by opening a new subway entrance across Rutgers Street from the existing S1 stairway on the northeast corner of the intersection, and the significant adverse impact on the P3 stairway could be mitigated by a two-foot widening of the existing 5.0 foot wide stair. Any stairway modification at this station would require associated improvements to comply with the Americans with Disabilities Act (ADA); therefore, two new~~

ADA compliant elevators would need to be added to the station. NYCT has performed conceptual engineering studies and, at this point in time, the mitigation measures appear to be feasible. If during later engineering phases, these mitigation measures are deemed infeasible and no alternative mitigation measures can be identified, then the proposed projects would result in unavoidable adverse impacts to the S1 and P3 stairways.

## F. CONSTRUCTION

### TRAFFIC

During peak construction, project-generated vehicle trips would be less than what would be realized with the full build-out of the proposed projects in 2021. Subsequent to publication of the DEIS, detailed construction traffic and pedestrian analyses were prepared to identify specific temporary impacts that may occur during construction. As summarized in Chapter 19, "Construction," most of the construction traffic impact could be mitigated with early implementation of standard traffic engineering measures. Therefore, the potential traffic impacts during peak construction would be within the envelope of significant adverse traffic impacts identified for the future with the proposed projects (With Action condition) and most of these impacts could be fully mitigated. However, at the South Street and Montgomery Street and the Chatham Square and Worth Street/Oliver Street intersections, there would similarly be the potential for unmitigated significant adverse traffic impacts during construction.

### NOISE

As discussed in Chapter 19, "Construction," and Chapter 21, "Mitigation," the detailed analysis of construction-period noise determined that construction of the proposed projects has the potential to result in construction-period noise levels that would constitute significant adverse construction-period impacts at certain receptor locations.

Based on field observations, the buildings where construction-period noise impacts have been identified appear to have insulated glass windows and an alternative means of ventilation (through-the-wall air conditioning units, PTAC units, and window air conditioning units). The provision of replacement windows is not anticipated to provide substantial improvement in the amount of façade attenuation or reduction in interior noise levels at all impacted receptor locations at buildings with existing through-the-wall air conditioning units, PTAC units, or window air conditioning units. These air conditioning units, which are necessary to maintain the closed-window condition, would remain as a pathway for construction noise to enter the affected building. Therefore, there are no feasible and practicable mitigation measures that could further reduce or fully eliminate the potential significant adverse construction-period noise impacts at these locations. The provision of replacement windows at the residences west of Site 4 (4A/4B) (including One Manhattan Square) is not anticipated to be practicable as these buildings are currently under construction and would be expected to be provided with high-quality double glazed windows.

Between the DEIS and FEIS, further measures to reduce or eliminate the potential for these significant construction-period noise impacts will be considered and evaluated. It was found that there are no further practicable reasonable means to ensure measures beyond those to be employed that would mitigate, partially or fully, the significant adverse construction-period noise impacts. If feasible mitigation measures are identified, Therefore, the significant adverse construction-period noise impacts would be considered partially mitigated. In the absence of

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~~feasible mitigation, the proposed projects would~~ resulting in unavoidable significant adverse construction-period noise impacts. \*