

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 20, “Mitigation,” the Proposed Actions would result in significant adverse impacts with respect to historic and cultural resources, transportation, air quality, and noise. To the extent practicable, mitigation has been proposed for these identified significant adverse impacts. However, 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 Proposed Actions’ purpose and need, eliminate potential impacts, and not cause other or similar significant adverse impacts.

B. HISTORIC AND CULTURAL RESOURCES

As discussed in Chapter 6, “Historic and Cultural Resources,” and Chapter 20, “Mitigation.” in the Baseline and Overbuild Scenarios the Proposed Project would demolish the three-story factory building on Block 706, Lot 20, which is located within the boundaries of the S/NR-eligible Bush Terminal Historic District and is considered a contributing resource to the district. Therefore, the Proposed Actions would result in significant adverse impact to the Bush Terminal Historic District. The Applicant will consult with the New York City Landmarks Preservation Commission (LPC) to develop and implement appropriate mitigation measures to partially mitigate this impact. Mitigation measures are expected to include Historic American Buildings Survey (HABS) documentation of the factory building. In order to fully mitigate this impact, the building would need to be retained, and thus Building 21 could not be developed as proposed, substantially compromising the goals of the Proposed Project.

To avoid inadvertent demolition and/or construction-related damage from ground-borne construction period vibrations, falling debris, collapse, etc., a Construction Protection Plan (CPP) would be developed in coordination with LPC for the Baseline and Overbuild RWCDS scenarios and implemented in consultation with a licensed professional engineer. The Applicant is expected to enter into a Restrictive Declaration, which will establish environmental mitigation conditions as necessary for the Proposed Project, including the need for the CPP.

LPC has determined that the scale of the proposed Gateway Building and Building 11 appear out of context with the neighboring Finger Buildings within the Bush Terminal Historic District. In order to conform to the Secretary’s Standards and Guidelines for new construction in a historic district, LPC recommended that the maximum building height of the new buildings match or be within 1–2 stories higher than the Finger Buildings. LPC also recommended that the proposed

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Gateway Building and Building 11 be compatible with the significant design features of the Finger Buildings—flat roofs with pedimented rooflines that produce a regular rhythm along the street—by reducing uneven bulk and massing at the roof levels and introducing some reference to the existing rhythm, size, and shape of the pedimented roofs. The Applicant will consult with LPC to develop and implement appropriate mitigation measures to mitigate this potential impact. If measures to mitigate the potential impact are not identified, the construction of the Gateway Building and Building 11 at the scale allowable under the proposed zoning would be an unavoidable adverse impact of the Proposed Actions.

C. TRANSPORTATION

TRAFFIC

As discussed in Chapter 11, “Transportation,” and Chapter 20, “Mitigation,” the Proposed Project would result in significant adverse traffic impacts at a total of 14 intersections (seven intersections during the weekday AM peak hour, six intersections during the weekday midday and Saturday peak hours, and eleven intersections during the weekday PM peak hours) within the study area that could not be fully mitigated with standard traffic capacity improvement measures. Because of existing congestion, substantial increases in projected background vehicle trips, and background roadway improvement projects in the area, even a modest increase in project-generated traffic at these intersections would result in unmitigated impacts. A sensitivity analysis determined that, for the weekday PM peak hour, the addition of vehicle trips generated by just 14 percent of the Proposed Project would result in a significant adverse impact that could not be mitigated. This level of traffic increase would result from almost any significant new development within the Project Area. Therefore, as no feasible mitigation was identified, the significant adverse traffic impacts at these 14 intersections would be unavoidable.

The Proposed Project also would result in significant adverse traffic impacts to the northbound Gowanus Expressway during the weekday AM peak hour (in the segment between 40th Street and 49th Street) and in the weekday midday peak hour (in the segment between 38th Street and 49th Street). It should be noted that these segments operate at congested Level of Service (LOS) E or LOS F under existing conditions during the weekday AM and midday peak hours. The Proposed Project would add to these segments of the Gowanus Expressway about two cars per minute during the weekday AM peak hour and three cars per minute during the weekday midday peak hour (i.e., one car or less per lane per minute). The southbound Gowanus Expressway would not be significantly impacted during any of the peak hours. Potential measures to provide more capacity along the northbound Gowanus Expressway, such as widening of the highway to provide an additional travel lane, would be cost prohibitive. Therefore, this impact is considered unavoidable.

TRANSIT

As discussed in Chapter 11, “Transportation,” and Chapter 20, “Mitigation,” the Proposed Project would result in significant adverse impacts at three subway station elements at the 36th Street subway station during the weekday AM and PM peak hours: the P3 and P4 stairways, which connect the mezzanine to the station platforms, and the S3 stairway, which connects the street surface to the mezzanine. A fourth subway station element, the M1A/M1B mezzanine stairway, which connects the S1 and S3 stairways to the fare control area, would be impacted only during the weekday PM peak hour. Measures to fully mitigate these impacts would likely require long-term capital improvements, such as the widening of stairways, the feasibility and practicability of which would require detailed engineering feasibility studies. Between the Draft EIS and the Final EIS, mitigation measures such as these will be studied further in conjunction with New York City

Transit. Should measures to fully mitigate impacts be determined to be impracticable, significant adverse impacts would then be considered unmitigated in the Final EIS.

PEDESTRIANS

As discussed in Chapter 11, “Transportation,” and Chapter 20, “Mitigation,” 3, 9, 13, and 10 pedestrian elements could not be fully mitigated in the weekday AM, midday, PM and Saturday peak hours, respectively. It should be noted that the levels of service at the vast majority of pedestrian elements would operate at LOS E or better; locations that would operate at LOS E or F reflect the change from a quiet area to a busy and vibrant commercial area. Pedestrian flow in these parts would be slower due to added activity in the area, but in general there would be adequate area for pedestrians to travel. As no feasible mitigation was identified, the significant adverse pedestrian impacts at these locations would be unavoidable.

D. CONSTRUCTION

NOISE

As discussed in Chapter 18, “Construction,” and Chapter 20, “Mitigation,” the detailed analysis of construction-period noise determined that construction of the proposed Gateway Building has the potential to result in construction-period noise levels that would constitute significant adverse impacts at the residential building at 968 3rd Avenue. To mitigate the significant adverse noise impacts at this location, window air conditioning units would be made available by the Applicant to apartments that do not already have an alternate means of ventilation. The provision of window air conditioning units by the Applicant would partially mitigate the significant adverse noise impacts predicted to occur at this building. Significant adverse noise impacts are also predicted to occur at Industry City Buildings 9 and 10 as a result of construction of the proposed Building 11. To mitigate the significant adverse noise impacts at these locations, a minimum of 28 dBA window/wall attenuation would be provided for newly introduced academic spaces in these buildings, along with an alternate means of ventilation. Therefore, the provision of this level of window/wall attenuation by the Applicant would partially mitigate the significant adverse noise impacts predicted to occur at these buildings. Even with these measures, interior $L_{10(1)}$ noise levels at these buildings would at times during the construction period exceed CEQR noise exposure guidelines. Therefore, the significant adverse construction noise impacts identified in Chapter 18, “Construction,” would be only partially mitigated. Because these impacts cannot be fully mitigated, the impacts would constitute an unavoidable impact. *