

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 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 19, “Mitigation,” a number of the potential impacts identified for the proposed project could be mitigated. However, in some cases project impacts would not be fully mitigated. As described below, unmitigated adverse impacts would remain in the areas of cultural resources, urban design and visual resources, shadows, traffic, noise, and construction. These significant adverse impacts cannot be mitigated while still allowing the project to meet its stated purpose and needs and the city’s long-term goals for the project area.

B. CULTURAL RESOURCES

As detailed in Chapter 7, “Cultural Resources,” demolition of the former LIRR Stables and the former Ward Bread Bakery complex would constitute a significant adverse impact on historic resources. Since the former LIRR Stables and former Ward Bread Bakery complex have been determined to be State/National Register-eligible, a feasibility study was undertaken to determine (1) if the buildings could be converted to residential use, (2) if alterations to convert the buildings would impact their historic character, and (3) whether retaining the buildings would meet or constrain the goals of the master plan. The study found that in addition to compromising the historic character of the buildings themselves, retaining these structures as part of the master plan would leave these structures in a dramatically altered context.

Retaining these buildings would constrain the goals of the master plan. The footprints of the former LIRR Stables and former Ward Bread Bakery complex would infringe on the proposed north-south visual and pedestrian corridors, and retaining these buildings would require the elimination of a considerable amount of open space, a major project amenity. Retaining these two historic buildings would also affect the project’s constructability and proposed program and would either result in a reduction of residential units that could be provided, or the proposed redesign of Buildings 6, 12 and possibly other buildings. This could require that some structures be made taller to make up for the loss in the proposed residential gross square footage at the sites of the historic structures.

Based on these constraints, it has been determined that it would not be feasible to retain the former LIRR Stables or the former Ward Bread Bakery complex as part of the proposed project. Demolition of the former LIRR Stables and former Ward Bread Bakery complex would

constitute a significant adverse impact on historic resources. Measures to partially mitigate the demolition of these historic resources would be developed in consultation with OPRHP and stipulated in a LOR among ESDC, MTA, OPRHP, and the project sponsors (see Chapter 19, Mitigation.”).

C. URBAN DESIGN AND VISUAL RESOURCES

As described in Chapter 8, “Urban Design and Visual Resources,” the proposed project would obstruct views of the Williamsburgh Savings Bank Building from several vantage points: along the Flatbush Avenue view corridor from south of the project site; from Pacific Street between 4th and Flatbush Avenues and points along 5th Avenue; and from Bergen Street between 6th and Carlton Avenues, the Dean Playground, and Vanderbilt Avenue east of the project site. The loss of these views would constitute a significant adverse impact. The present views of the Bank Building over the project site on the east-west neighborhood streets and from Vanderbilt Avenue would be blocked even by low-density development on the project site. Thus, any development to address the blighted condition of the project site would likely block views of the Williamsburgh Bank Building from most of these locations. For this reason, the loss of views along the Flatbush Avenue view corridor is discussed below.

The components of the proposed project that would block views of the Williamsburgh Savings Bank Building along the Flatbush Avenue view corridor south of the project site are Buildings 1 and 2. In order to preserve these views, Buildings 1 and 2 would either have to be eliminated from the project or shifted to the east of their proposed location. In either case, the altered project would no longer meet the project goals or fulfill the city’s goals for the Atlantic Terminal area of Brooklyn.

As outlined in Chapter 1, “Project Description,” one of the primary goals of the proposed project is to provide new residential, retail, office, and hotel space that will capitalize on the project’s proximity to one of the largest transportation hubs in the City and to recent commercial development in Downtown Brooklyn. As also described in Chapter 1, one of the key urban design goals outlined in the project’s Design Guidelines and informed by the City’s long-term goals and plans for the area (e.g., ATURA and Downtown Brooklyn Development Plan) is to concentrate density near the Atlantic/Flatbush subway hub. Buildings 1 and 2 would be located on the arena block, closest to the subway hub and the intersection of Atlantic and Flatbush Avenues. Without these buildings, the proposed project would not fully capitalize on the project site’s potential as a prime location for dense transit-oriented development.

Moreover, to avoid significant adverse impacts on views of the Williamsburgh Savings Bank Building, any new development at the project site would need to avoid the construction of tall buildings on Flatbush Avenue. From a planning perspective, it is considered advantageous for significant high-density buildings to be located on major commercial thoroughfares, such as Flatbush Avenue and Atlantic Avenue, rather than smaller streets. Many avenues in New York City are lined with tall buildings, each of which blocks the view of the adjacent building along the avenue corridor. With respect to the project site in particular, principles of urban design and planning warrant a project design that locates significant density along Flatbush Avenue at Atlantic Avenue, the site of Brooklyn’s largest transit hub.

Shifting the location of Buildings 1 and 2 eastward on the arena block would fail to meet the goals of the project in several ways. First, it would adversely affect the design and operation of the arena, itself a central component of the proposed project. Second, similar to the scenario

described above, it would fail to make best use of the transportation hub at Flatbush and Atlantic Avenue. Third, it would place commercial office and hotel uses farther from commercial development in Downtown Brooklyn and closer to the residential uses east and south of the project site. From an urban design standpoint, this would negatively affect the project and its relationship to the surrounding areas.

While eliminating Buildings 1 and 2 from the project or shifting them to the east of their proposed locations would preserve views of the Williamsburgh Savings Bank Building from certain view corridors and vantage points, these measures would prohibit the project from meeting its purpose and need, significantly detract from its ability to meet the goals outlined in the City's long-term plans for the area, and result in a less desirable project from an urban planning perspective.

D. SHADOWS

The proposed project would result in significant adverse impacts from new shadows cast on the southern portion of the open space of the Atlantic Terminal Houses and on the stained-glass windows of the eastern façade of the Church of the Redeemer. The project's impacts on the open space of the Atlantic Terminal Houses would be partially mitigated with measures that focus on improving the attractiveness and usability of the open space, while impacts on the church could be partially mitigated by replacing the semi-opaque screen currently protecting the existing stained-glass windows, improving lighting, or implementing some other mutually agreed measures.

In order to fully mitigate the proposed project's significant adverse impacts on the open space of the Atlantic Terminal Houses, new structures on the eastern portion of Block 1120 and on the western portion of Block 1121 would be reduced to a maximum height of 110 feet. To fully mitigate the impact on the Church of the Redeemer, the building on Site 5 would be reduced to a maximum height of 200 feet. Reducing the height of these structures would be inconsistent with the goal to establish a high-density, mixed-use project in an area that is well served by necessary infrastructure, particularly transportation.

E. TRAFFIC

The proposed project's potential impacts on traffic conditions in 2010 and 2016 were examined at 93 study area intersections (87 signalized and six unsignalized) during five weekday peak hours (8–9 AM, noon–1 PM, 5–6 PM, 7–8 PM pre-game, and 10–11 PM post-game) and two Saturday peak hours (1–2 PM pre-game and 4–5 PM post-game).

Vehicular traffic generated by the proposed project would cause significant adverse impacts at 60 intersections (all signalized) in one or more peak hours in 2010 and at 68 intersections in 2016. The highest number of impacts would occur in the Saturday 4–5 PM post-game peak hour, with 45 intersections adversely affected in 2010 and 48 in 2016. With implementation of the proposed project's traffic mitigation plan, which includes physical improvements, demand management strategies, recommendations for improved transit service, and traffic operational improvements, unmitigated impacts would remain in one or more peak hours at a total of 27 intersections in 2010 and 39 intersections in 2016.

The highest numbers of unmitigated impacts would occur during the Saturday 4-5 PM post-game peak hour, with a total of 16 intersections with unmitigated impacts in 2010 and 29 intersections in 2016. Although the Saturday post-game peak hour would have the highest

number of intersections with unmitigated impacts, this condition would occur fewer than four times per year when a Saturday afternoon Nets basketball game would be scheduled. (Other arena events that would occur on a Saturday afternoon would typically attract substantially fewer spectators than a Nets game.) The numbers of unmitigated impacts would be lower in all other periods in 2010 and 2016.

F. NOISE

As described in Chapter 15, “Noise,” the proposed project would result in significant adverse noise impacts at a number of locations along roadways near the project site, including residential locations adjacent to the project site. In both 2010 and 2016, noise levels due to project-generated traffic would result in significant adverse noise impacts during one or more time periods on Flatbush Avenue in the area near Dean Street, on Dean Street from approximately Flatbush to Vanderbilt Avenues (including the Dean Playground), 6th and Carlton Avenues from approximately Dean Street to Atlantic Avenue.

At most locations where project impacts would be predicted to occur, most residences already have either double-glazed windows or storm windows, and many have some form of alternative ventilation (air conditioning). At locations where significant adverse noise impacts are predicted to occur, and where the residences do not contain both double-glazed or storm-windows and alternative ventilation (i.e., air conditioning), the project sponsor would make these mitigation measures available, at no cost for purchase and installation to owners of residences. These measures would mitigate project impacts for residential uses. However, at locations where owners elect not to take advantage of these mitigation measures, the proposed project would have unmitigated significant adverse impacts.

There are no practical and feasible mitigation measures that could be implemented to reduce noise levels to below the 55 dBA $L_{10(1)}$ guideline within the open space areas. Due to safety and aesthetic concerns, there are no feasible measures to mitigate these impacts to open space. Although noise levels in these new areas would be above the 55 dBA $L_{10(1)}$ guideline noise level, they would be comparable to noise levels in a number of open space areas that are also located adjacent to heavily trafficked roadways, including Hudson River Park, Riverside Park, Bryant Park, Fort Greene Park, and other urban open space areas.

G. CONSTRUCTION

As described in Chapter 17, “Construction Impacts,” the project sponsors have committed to utilizing a variety of construction equipment and procedures that would reduce or avoid impacts due to project construction activities. However, even with the incorporation of these impact minimization measures, there would be localized significant adverse impacts from the project’s construction activities on traffic and noise. As described in Chapter 19, “Mitigation,” mitigation measures would further reduce, but not eliminate, the significant adverse noise and traffic impacts.

As described in Chapter 17, significant adverse traffic impacts would occur at 12 intersections in proximity to the project site and at seven outlying intersections. Mitigation measures proposed to mitigate project operational impacts were evaluated to determine the appropriate strategies for addressing traffic impacts during construction. The analysis found that while all significant adverse traffic impacts identified at the outlying intersections would be mitigated by the early

implementation of proposed mitigation measures, certain significant adverse traffic impacts identified at 10 intersections adjacent to the project site would remain unmitigated.

Three open space resources would experience significant adverse noise impacts during some portion of the construction period: Brooklyn Bear's Community Garden, the Dean Playground, and South Oxford Park. Because of safety and aesthetic concerns, there is no feasible and practicable mitigation. There is also the potential for significant adverse noise impacts at the Pacific Branch of the Brooklyn Public Library. The need for and feasibility of mitigation at this location will be further analyzed between the draft and final EIS. If these studies indicate that the library would have a significant noise impact and no feasible mitigation is developed, this location would have an unmitigated significant adverse impact. Significant noise impacts were also predicted to occur at a number of residential locations during some portion of the construction periods. At locations where significant adverse noise impacts are predicted to occur, and where the residences do not contain both double-glazed or storm-windows and alternative ventilation (i.e., air conditioning), the project sponsor would make these mitigation measures available, at no cost for purchase and installation to owners of residences. However, residents within the identified zone who do not have double-glazed or storm-windows and alternative ventilation and choose not to accept the mitigation measures made available, would be predicted to experience significant adverse impacts from construction noise.

Because of the size of the project site, its location at a major transportation crossroad, and the complexities of building over the rail yard, it is not possible to develop the site without some temporary significant adverse noise and traffic impacts. *