

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 5, “Mitigation,” and as with the Project analyzed in the 2006 FEIS, Phase II of the Project under the Extended Build-Out Scenario would result in significant adverse impacts with respect to community facilities, construction-period open space, transportation (operational and during construction) and construction noise. To the extent practicable, mitigation has been proposed for these identified significant adverse impacts. However, in a number of instances no practicable mitigation was identified to fully mitigate significant adverse impacts, and there are no reasonable alternatives to the Project that would meet its purpose and need, eliminate its impacts, and not cause other or similar significant adverse impacts. The following is a summary of those “Unavoidable Adverse Impacts.”

B. COMMUNITY FACILITIES

As discussed in Chapter 5, “Mitigation,” to mitigate the projected shortfall in school seats for elementary and intermediate schools in Community School District (CSD) 13/Sub-District 1, either one or a combination of the following measures would need to be undertaken:

- Building a new school on the project site;
- Shifting the boundaries of school catchment areas within the CSDs to move students to schools with available capacity;
- Creating new satellite facilities in less crowded schools; and
- Building new school facilities off-site.

To partially mitigate the significant adverse impact on public schools, the project sponsors have committed to provide adequate space for the construction and operation of a 100,000-gsf elementary and intermediate school on the Phase II project site. The project sponsors’ obligation to provide space for an elementary and intermediate public school on the Phase II project site was included in 2006 and 2009 MGPP and the Amended Memorandum of Environmental Commitments (MEC).

If built at the election of the New York City Department of Education (DOE), the new P.S./I.S on the Phase II project site would partially mitigate the projected shortfall in school seats for elementary and intermediate schools located within CSD 13/Sub-District 1. While the school

program and capacity would be developed at a later date, based on DOE's 2015-2019 Proposed Capital Plan, it is anticipated that this school would accommodate 757 students for elementary and/or intermediate students. Thus, the proposed school would be expected to accommodate a number of students equivalent to over one third of Phase II-generated demand for elementary and intermediate school seats, based on current projections and assumptions, leaving this significant adverse impact only partially mitigated.

Absent implementation by DOE of additional measures to ensure that this potential schools impact would be fully mitigated, or reasonable alternatives that would meet the purpose and need of the Project, eliminate this impact, and not cause other or similar significant adverse impacts, there would be unavoidable significant adverse schools impacts as a result of Phase II of the Project under the Extended Build-Out Scenario.

C. OPERATIONAL TRANSPORTATION

It should be noted that subsequent to the DSEIS, the recommended traffic mitigation measures were further reviewed by NYCDOT, and additional measures were explored, resulting in the elimination or modification of some of the measures included in the Project's traffic mitigation plan. As a result, the traffic mitigation analysis in this FSEIS indicates that fewer of the intersections identified as impacted in the DSEIS would be fully mitigated. As described in Chapter 5, "Mitigation," significant adverse operational traffic impacts would remain unmitigated at 18 of the 37 intersections impacted in the weekday AM peak hour, three of the 20 intersections impacted in the midday peak hour, 17 of the 38 intersections impacted in the PM peak hour, five of the 27 intersections impacted in the weekday pregame peak hour and 19 of the 47 intersections impacted in the Saturday pregame peak hour.

Phase II demand under the Extended Build-Out Scenario would significantly adversely impact four crosswalks in one or more peak hours under current *CEQR Technical Manual* impact criteria for a CBD area, and one additional sidewalk (along Dean Street) if non-CBD criteria were used. (Sidewalks and crosswalks along the Atlantic Avenue corridor that would be impacted only under the non-CBD criteria are not considered significantly adversely impacted as Atlantic Avenue is a major retail and commercial corridor where the CBD criteria should be considered applicable.)

With the recommended mitigation measures, all significant adverse impacts under the CBD criteria would be fully mitigated, while the significant adverse sidewalk impacts along Dean Street (in the PM and Saturday pregame peak hours) would remain unmitigated.

Absent practicable mitigation measures to ensure that these potential transportation impacts would be fully mitigated, or reasonable alternatives that would meet the purpose and need of the Project, eliminate these impacts, and not cause other or similar significant adverse impacts, there would be unavoidable significant adverse operational transportation impacts as a result of Phase II of the Project under the Extended Build-Out Scenario.

D. CONSTRUCTION TRANSPORTATION

It should be noted that subsequent to the DSEIS, the recommended traffic mitigation measures were further reviewed by NYCDOT, and additional measures were explored, resulting in the elimination or modification of some of the measures included in the Project's traffic mitigation plan. As a result, the traffic mitigation analysis in this FSEIS indicates that fewer of the intersections identified as impacted in the DSEIS would be fully mitigated. As described in

Chapter 5, “Mitigation,” overall, significant adverse construction traffic impacts were identified at 36 intersections during the 1st quarter of 2032 (when Buildings 5, 9, and 10, and the platform segments for Buildings 6 and 7 are assumed to be under concurrent construction at the project site, and Buildings 8, 11, 12, 13, 14, and 15 are assumed to be operational) and at 14 intersections during the 4th quarter of 2027 (when Buildings 11, 12, 13, and 15 are assumed to be under concurrent construction at the project site, and Building 14 is assumed to be operational) under the illustrative construction schedule for Construction Phasing Plan 3. The recommended operational traffic mitigation measures would be able to mitigate most construction impacts during these peak periods. In some cases, variations of the operational mitigation measures or additional measures have been recommended to fully mitigate the impacts during construction. However, there would be seventeen intersections—five during the 6-7 AM and fifteen during the 3-4 PM construction traffic analysis peak hours—where impacts could not be mitigated or could only be partially mitigated.

Absent practicable mitigation measures to ensure that these potential construction traffic impacts be fully mitigated, or reasonable alternatives that would meet the purpose and need of the Project, eliminate these impacts, and not cause other or similar significant adverse impacts, there would be unavoidable significant adverse construction traffic impacts as a result of Phase II of the Project under the Extended Build-Out Scenario.

E. CONSTRUCTION NOISE

As outlined in Chapter 5, “Mitigation,” the proposed mitigation measures would partially mitigate the predicted significant adverse construction noise impacts during the construction of Phase II of the Project under the Extended Build-Out Scenario at most receptors where significant adverse impacts were identified. However, there is one recently constructed residential building with outdoor balconies predicted to experience significant adverse noise impacts as a result of construction of Phase II of the Project under Construction Phasing Plan 1. At this location, there are no feasible or practicable mitigation to mitigate the construction noise impacts on the balconies.

Absent practicable mitigation measures to ensure that these potential construction noise impacts be fully mitigated, or reasonable alternatives that would meet the purpose and need of the Project, eliminate these impacts, and not cause other or similar significant adverse impacts, there would be unavoidable significant adverse construction noise impacts as a result of Phase II of the Project under the Extended Build-Out Scenario. *