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 Section 3.15, "Mitigation," 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. HISTORIC AND CULTURAL RESOURCES

As discussed in Section 3.5, "Historic and Cultural Resources-Brooklyn," the Brooklyn Central Courthouse (also known as the Kings County Criminal Court) at 120 Schermerhorn Street is located within 90 feet of the project site. To avoid the potential for direct, physical impacts to the courthouse building during construction of the proposed project, a Construction Protection Plan (CPP) would be developed in coordination with the New York City Landmarks Preservation Commission (LPC) and implemented in consultation with a licensed professional engineer. The Brooklyn Central Courthouse would also potentially be directly and indirectly affected through the potential construction of new pedestrian bridges or tunnels from 275 Atlantic Street to the courthouse. To avoid potentially significant adverse impacts to the historic appearance of the State Street façade of the courthouse should pedestrian bridges be included in the design of the proposed project, consultation would be undertaken with LPC regarding the design of any potential new bridges. Mitigation cannot be fully defined due to the fact that there are no designs or details with respect to the proposed pedestrian bridges., so Therefore, to minimize or mitigate the potential significant adverse impact that the new pedestrian bridges would have to the historic appearance of the State Street façade of the courthouse resulting from construction of pedestrian bridges, consultation would be undertaken with LPC regarding their design. Following consultation with LPC, if the significant adverse impact of the new pedestrian bridges cannot be mitigated, the bridges would constitute an unmitigated adverse impact to the Brooklyn Central Courthouse. As a result, the Applicant would consider other options, such as the potential construction of a tunnel from 275 Atlantic Street to 120 Schermerhorn Street, to avoid the significant adverse impact.

C. TRANSPORTATION

As discussed in Section 3.9, "Transportation-Brooklyn," the proposed project would have the potential to result in the potential for significant adverse impacts to vehicular traffic at 10 analyzed intersections during some or all of the analyzed peak periods. Mitigation measures that could address these potential transportation impacts are discussed below. In addition, as discussed in

Section 3.9, there is no anticipated transit, pedestrian, or parking-related impacts likely as a result of the proposed project; therefore, those transportation modes will not be discussed below.

TRAFFIC

As described in Section 3.9, "Transportation-Brooklyn," the proposed project would have the potential to result in significant adverse traffic impacts at 10 study area intersections during one or more analyzed peak hours; specifically, 7 lane groups at 6 analyzed intersections during the analyzed weekday AM peak hour, 18 lane groups at 10 analyzed intersections during the analyzed midday peak hour, and 10 lane groups at 7 analyzed intersections during the analyzed Saturday peak hour. Implementation of signal timing changes are being proposed and would provide mitigation for some of the potential traffic impacts. These proposed traffic engineering improvements are subject to review and approval by the New York City Department of Transportation (DOT). If these measures are deemed infeasible, other potential measures will be considered in consultation with DOT. In the absence of the application of mitigation measures, the impacts would remain unmitigated.

Table 3.16-1 shows, assuming all the proposed mitigation measures were to be implemented, that potential significant adverse impacts would be fully mitigated at four lane groups at four analyzed intersections during the analyzed weekday AM peak hour, four lane groups at three analyzed intersections in the analyzed midday peak hour, and four lane groups and two intersections during the analyzed Saturday peak hour. **Table 3.16-2** provides a more detailed summary of the analyzed intersections and lane groups that have the potential for unmitigated significant adverse traffic impacts. As shown in **Table 3.16-2**, impacts would remain at three lane groups at two analyzed intersections during the analyzed weekday AM peak hour, at 14 lane groups at eight analyzed intersections during the analyzed weekday midday peak hour, and 6 lane groups at five analyzed intersections during the analyzed Saturday peak hour.

Table 3.16-1
Summary of Lane Groups/Intersections with Potentially Significant Adverse Traffic Impacts

Net Increment	Lane Groups/ Intersections Analyzed	Lane Groups/ Intersections With No Significant Impacts	Lane Groups/ Intersections With Significant Impacts	Mitigated Lane Groups/ Intersections	Unmitigated Lane Groups/ Intersections
Weekday AM	52/12	45/6	7/6	4/4	3/2
Weekday Midday	50/12	32/2	18/10	4/2	14/8
Saturday	50/12	40/5	10/7	4/2	6/5

Table 3.16-2
Lane Groups With Potentially Unmitigated Significant Adverse Traffic Impacts

Intersection	Peak Hour		
	Weekday AM	Weekday Midday	Saturday
Columbia Street and Atlantic Avenue	---	WB-L	WB-L
Clinton Street and Atlantic Avenue	---	EB-LT, WB-TR	EB-LT, NB-LTR
Court Street and Atlantic Avenue	---	WB-T	---
Boerum Place and Atlantic Avenue	EB-TR	EB-L, EB-TR, WB-LT, SB-R	---
Smith Street and Atlantic Avenue	EB-LT, WB-TR	EB-LT, NB-L	EB-LT
State Street and Smith Street	---	NB-TR	
Schermerhorn Street and Boerum Place	---	WB-LTR	WB-LTR
Schermerhorn Street and Smith Street	---	NB-L, NB-TR	NB-TR

Notes:
NB—northbound, SB—southbound, EB—eastbound, WB—westbound L—left-turn, T—through, R—right-turn

D. CONSTRUCTION

CONSTRUCTION TRAFFIC

As described in Section 3.14, "Construction-Brooklyn," traffic conditions during the period when construction-related traffic is anticipated to be highest were evaluated. The analysis determined that construction traffic associated with peak construction period activity would have the potential to result in significant adverse traffic impacts at 14 study area intersections during one or more analyzed construction period peak hours. Specifically, 18 lane groups at 12 analyzed intersections during the construction AM peak hour and 15 lane groups at 11 analyzed intersections during the construction midday peak hour. Although these impacts would be temporary, measures to address these temporary impacts were considered. Implementation of signal-timing changes are being proposed and would provide mitigation for some of the temporary traffic impacts. These proposed traffic engineering improvements are subject to review and approval by DOT. In the absence of the application of mitigation measures, the temporary impacts would remain unmitigated.

Table 3.16-3 shows that with the implementation of all of the proposed mitigation measures, potential significant adverse impacts due to construction-related vehicle trips would be fully mitigated at eight lane groups at six analyzed intersections during the construction AM peak hour. During the construction midday peak hour, five lane groups at five analyzed intersections would be fully mitigated. **Table 3.16-4** provides a more detailed summary of the analyzed intersections and lane groups that have the potential for unmitigated significant adverse traffic impacts during construction. As shown in **Table 3.16-4**, potential impacts would remain at 10 lane groups and eight analyzed intersections during both the analyzed construction AM and midday peak hours.

Table 3.16-3
Summary of Lane Groups/Intersections with Potentially Significant Adverse Traffic Impacts

Net Increment	Lane Groups/ Intersections Analyzed	Lane Groups/ Intersections With No Significant Impacts	Lane Groups/ Intersections With Significant Impacts	Mitigated Lane Groups/ Intersections	Unmitigated Lane Groups/ Intersections
AM Peak Hour	73/15	55/3	18/12	8/4	10/8
Midday Peak Hour	76/15	61/4	15/11	5/3	10/8

Table 3.16-4
Lane Groups With Potentially Unmitigated Significant Adverse Traffic Impacts

Intersection	AM Peak Hour	Midday Peak Hour
Columbia Street and Atlantic Avenue	NB-R	WB-L
Hicks Street and Atlantic Avenue	EB-LT	---
Clinton Street and Atlantic Avenue	EB-LT	WB-TR
Court and Atlantic Avenue	---	WB-T
Smith Street and Atlantic Avenue	EB-LT, WB-TR, NB-TR	---
Bond Street and Atlantic Avenue	WB-TR	
Nevins Street and Atlantic Avenue	---	SB-LTR
Smith Street and Livingston Street	SB-TR	EB-LTR
Boerum Place and Livingston Street	---	EB-L, EB-TR
Adams Street and Livingston Street	WB-L	NB-TR
Jay Street and Livingston Street	SB-TR	NB-R, SB-L

Notes:
NB—northbound, SB—southbound, EB—eastbound, WB—westbound L—left-turn, T—through, R—right-turn

A Construction Transportation Monitoring Plan (CTMP) will be developed by the Department of Design and Construction (DDC) prior to commencement of construction-related activities. The CTMP will include transportation data collection as well as traffic and pedestrian analyses. The data collection will include traffic and pedestrian counts, worker shift schedules, worker origin-destination and modal split survey data, parking surveys, and truck frequency data. A traffic management plan for the project would be developed as part of the CTMP in order to address the effect of construction-related activity on transportation systems and verify the need for implementing construction-related mitigation measures identified in this EIS or additional measures if warranted. The CTMP would be submitted to DOT and OCMC for review and approval and would be an on-going process for addressing the effects of construction.

The analyzed traffic locations as well as others that may experience temporary disruptions would be included in the CTMP that would be initiated at the start of construction. Because detailed plans for the proposed detention facility and detailed construction logistics, including any necessary street or sidewalk closures, are not known at this time, the level of specificity necessary to quantify the extent to which traffic operations would be disrupted as a result of street network access accommodations requested to facilitate the construction effort cannot be made at this time. As the design-build process is initiated, an updated assessment of traffic conditions around the project site would be made as part of the CTMP. DDC, through the CTMP, and, in coordination with DOT and OCMC, will identify feasible measures that could mitigate any potential disruptions.

CONSTRUCTION PEDESTRIANS

According to a preliminary assessment of construction generated pedestrian activity, seventeen pedestrian elements were identified as potential impact locations. Because detailed plans for the proposed detention facility and detailed construction logistics, including any necessary street or sidewalk closures, are not known at this time, the level of specificity necessary to quantify the extent to which pedestrian operations would be disrupted as a result of construction activity cannot be made at this time. However, an assessment of pedestrian conditions would be included in the CTMP described above. In the event it is found that measures fully mitigating such temporary impacts are infeasible, then unmitigable significant adverse impacts could occur at the identified pedestrian elements.

CONSTRUCTION NOISE

Section 3.14, "Construction-Brooklyn," concludes that construction of the proposed project would have the potential to result in a significant adverse construction noise impact at the southern and western façades of 239 State Street and the southern and eastern façades of the Kings County Criminal Court. Source or path controls beyond those already identified in Section 3.14 were considered for feasibility and effectiveness in reducing the level of construction noise at the receptors that have the potential to experience significant adverse construction noise impacts. These measures may include enclosing the concrete pump and concrete mixer trucks at any time that the mixer barrels would be spinning in a shed or tunnel including two or three walls and a roof, with the opening or openings facing away from receptors. Additionally, selecting quieter equipment models for cranes, generators, compressors, and lifts may result in a reduction in noise levels from construction during superstructure and subsequent phases. This is subject to the availability of quieter equipment in the quantities necessary to complete the proposed project in the projected timeframe. These measures, if implemented, would partially mitigate the predicted construction noise impacts, because there would still be times when construction of the proposed project would result in exceedances of acceptable noise levels at these receptors. Therefore, the significant adverse construction-period noise impacts would be considered partially mitigated, resulting in unavoidable significant adverse construction-period noise impacts. ✷