

A. INTRODUCTION

Unavoidable adverse impacts occur when a proposed action would result in significant adverse impacts for which there are no reasonably practicable mitigation measures, and for which there are no reasonable alternatives.

As described in previous chapters of this EIS, most of the potential significant adverse impacts of the proposed action could be avoided or mitigated by implementing a broad range of measures. Significant adverse impacts relating to shadow and historic resources, however, would be unmitigable. In addition, there is one significant adverse impact associated with the Base FAR Scenario for which there is no reasonably practicable mitigation measure or reasonable alternative that would eliminate the impact and meet the purpose and need for the proposed action. This unavoidable adverse impact is on open space.

B. OPEN SPACE

As discussed in Chapter 5, “Open Space,” the proposed action, which includes the conversion of the High Line to an approximately ~~6.7~~ 5.9-acre passive open space, would not result in significant adverse open space impacts; however, the Base FAR Scenario, which would generate fewer DUs than the proposed action and would not include the High Line as an open space resource, would result in a significant adverse open space impact. In particular, the ratio of total open space per 1,000 residents would decline by 7 percent compared to the future No-Action condition. The decline would be more than double that of the proposed action and would not be offset by the new ~~6.7~~ 5.9-acre High Line open space.

Furthermore, additional requirements to create open space resources on the projected development sites are not considered feasible as such measures could tend to decrease the amount of housing developed within the proposed action area, which would be inconsistent with the purpose and need for the proposed action.

Based on *CEQR Technical Manual* guidelines, another way this open space impact could be mitigated is by improving existing open spaces in the study area to increase their utility, safety, and capacity to meet identified needs in the study area.

In this case, such mitigation measures should focus on active open space, given the expected open space ratios which would fall below the City’s planning goal and the expected demand for such facilities from the Base FAR Scenario population. However, all of the open space resources with

active open space are in good or excellent condition, with 14.40 acres of the existing 20.85 acres of active space in excellent condition. Open space to be added in the future without the proposed action is also expected to be in excellent condition, including the 7.96 acres of active space. As a majority of future No-Action open space is expected to be in excellent condition and no existing open space is in fair condition, mitigating the Base FAR Scenario open space impact by improving existing open space resources does not appear to be a feasible measure.

C. SHADOWS

Historic Resources Impacts

As discussed in Chapter 6, “Shadows,” the proposed action would result in significant adverse shadows impacts on the Church of the Guardian Angel and the General Theological Seminary (located within the Chelsea Historic District). Incremental shadows cast by the projected development would be cast on stained glass features of both resources.

The Church of the Guardian Angel would be cast in shadows from Projected Development Sites 15, 18, 19 and 21, and the General Theological Seminary would be cast in shadows from Projected Development Site 15.

Eliminating these sites from the rezoning area would mitigate the significant adverse shadow impacts. However, this is not considered feasible as such measures would decrease the amount of housing developed, which would be inconsistent with the purpose and need for the proposed action.

Another potential mitigation measure for these impacts would be to simulate the sunlit condition with artificial lighting. The provision of indirectly mounted lighting could simulate lost sunlight conditions at stained glass windows at the Church of the Guardian Angel and the General Theological Seminary. This would require lighting mounted at the stained glass window facades either on these buildings or on the facing building developed on Projected Development Site 15. To mount a lighting source on the sides of these buildings would be an unsightly addition to the potentially eligible historic resource and is not considered feasible.

Alternatively, lighting for Church of the Guardian Angel could be directed at the south facade from the north facade of the future building on Projected Development Site 15 while lighting for the General Theological Seminary could be directed at the west facade from the east facade of the development site. The lighting could be directed at the stained glass windows, but diffuse in nature and color-corrected so that it would be more similar to sunlight. However, such lighting would by necessity have to be very intense to create a lighted condition on stained glass windows from across the street and would create a very disturbing visual condition across from the facade of these historic resources that would have a negative effect on the streetscape and street character. The constant presence of a light band or series of lights would create a significant adverse visual distraction. In seeking to mitigate significant adverse shadows impacts on Church of the Guardian and the General

Theological Seminary, other adverse visual conditions would be created. This mitigation is not considered feasible.

Therefore, these significant adverse impacts would be unmitigated.

D. HISTORIC RESOURCES

Demolition/Expansion Impacts

As discussed in Chapter 7, the proposed action would result in significant adverse impacts to eight historic resources, including the demolition of two eligible resources, the ER Merrill Spring Company Building (Historic Resource #9) and the Manufacturing Building (Historic Resource #8) from development on Potential Development Sites 38 and 30, respectively, and the conversion of one resource, the Otis Elevator Building (Historic Resource #5), to residential use (Projected Development Site 7). These significant adverse impacts would be unmitigated because development activity on these eligible resources would occur as-of-right.

Construction Impacts

As also discussed in Chapter 7, inadvertent construction-related damage could potentially occur to five eligible resources including: the Wolf Building and Annex (Historic Resource #13); the Cornell Ironworks (aka Standard Oil Building) (Historic Resource #14); the Reynolds Metal Building (Historic Resource #15); the B&O Terminal (Historic Resource #26); and the Nabisco Complex (Chelsea Market) (Historic Resource #32). These significant adverse impacts would be unmitigated because development activity on these eligible resources would occur as-of-right. With respect to construction-related impacts, the five resources would be afforded limited protection under DOB regulations applicable to all buildings located adjacent to construction sites; however, since the resources are not S/NR-listed or NYLPC-designated, they are not afforded special protections under DOB's *TPPN 10/88*. The resources would be provided a measure of protection from construction as Building Code section 27-166 (C26-112.4), which requires that all lots, buildings, and service facilities adjacent to foundation and earthwork areas be protected and supported in accordance with the requirements of Building Construction Subchapter 7 and Building Code Subchapters 11 and 19. Additional protective measures afforded under DOB 10/88, which apply to designated historic resources, would not be applicable in this case, unless the eligible resources are designated in the future prior to the initiation of construction. If they are not designated, however, they would not be subject to the above construction protection procedures, and may therefore be adversely impacted by adjacent development resulting from the proposed action.

Shadows Impacts

The proposed action would result in significant adverse shadows impacts on two historic resources, the Church of the Guardian Angel and the General Theological Seminary. Refer to the discussion of potential mitigation measures for these impacts in the Section D, "Shadows," above.

Possible Mitigation Measures

Eliminating the projected and potential development sites creating these historic resources impacts would mitigate the impacts. However, this is not considered feasible as such measures would decrease the amount of housing developed, which would be inconsistent with the purpose and need for the proposed action.