

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 22, “Mitigation,” a number of the potential impacts identified for the proposed actions could be mitigated. However, in some cases project impacts may not be fully mitigated. As described below, unmitigated adverse impacts could remain in the areas of community facilities (day care), historic resources, traffic, and noise.

B. COMMUNITY FACILITIES

As described in Chapter 4, “Community Facilities,” the introduction of day care eligible children associated with the reasonable worst-case development scenario (RWCDs) would cause a 43.7 percent increase in demand over the existing capacity of day care facilities in the study area. Therefore, the proposed actions would result in a significant adverse impact on publicly funded day care facilities warranting consideration of mitigation. As described in Chapter 22, “Mitigation,” this potential increase in demand could be offset by a number of factors, including use of private day care facilities and day care centers outside of the study area; absorption of students by some Family Day Care Networks; and development of new capacity as part of the New York City Administration for Children’s Services’ public-private partnership initiatives. However, if none of these measures are taken, then the proposed actions would result in an unmitigated adverse day care impact.

C. HISTORIC RESOURCES

As described in Chapter 7, “Historic Resources,” the building containing Nathan’s Famous (S/NR-eligible) is located on a potential development site and therefore is assumed to be redeveloped under the proposed actions. However, it is noted that Nathan’s Famous is located on a potential development site, which is considered less likely to be redeveloped than projected development sites identified on adjacent parcels (see Chapter 1, “Project Description”). In the absence of New York City Landmark (NYCL) designation for this resource, and as the site is privately owned, there are no procedures in place that would ensure pre-construction design review or preventative measures to minimize effects of construction and potential demolition or enlargement. Therefore, the potential development identified on the site containing Nathan’s Famous would result in direct significant adverse impacts that would not be mitigated. However,

it should be noted that Nathan's Famous is located on a potential development site, which is considered less likely to be redeveloped than a projected development site.

The proposed actions would have the potential to result in significant adverse visual and contextual impacts to the Shore Theater (NYCL-eligible, S/NR-eligible) by diminishing its visual prominence from the west on Surf Avenue. As described in Chapter 8, "Urban Design and Visual Resources," base heights along the north side of Surf Avenue would be 85 feet in deference to the Shore Theater, which is approximately 85 feet tall, and the placement of towers on Projected Development 3 to the west of the Shore Theater would be regulated to the site's southwest and northeast corners, away from the theater.

D. TRAFFIC

As discussed in Chapter 16, "Traffic and Parking," the proposed actions would result in significant adverse traffic impacts at locations within the traffic study areas that were analyzed in the EIS pursuant to the methodologies contained within the *CEQR Technical Manual*. Most of the locations that would be significantly impacted could be mitigated using traffic improvements such as new traffic signals, modifying existing signal timing/phasing plans, parking regulation changes, intersection or street channelization improvements, and lane markings and signage.

Under the proposed actions, a maximum of 11 intersections would experience unmitigatable impacts in the 2019 analysis year (but not in all peak hours); of these, six intersections could be partially mitigated. The five intersections that would remain unmitigated are the intersections of Mermaid Avenue with West 17th Street (unmitigated in the weekday PM peak hour; partially mitigated in the weekday AM peak hour and the Saturday midday and PM peak hours); Neptune Avenue with West 17th Street/Cropsey Avenue (unmitigated in all five traffic analysis hours); and Ocean Parkway with Neptune Avenue (unmitigated in all five traffic analysis hours), Shore Parkway South (unmitigated in the weekday PM peak hour), and Shore Parkway North (unmitigated in the weekday PM peak hour and the Saturday PM peak hour; partially mitigated in the Saturday midday peak hour). The six intersections where significant traffic impacts could be partially mitigated include Surf Avenue with West 17th Street (Saturday midday peak hour) and West 8th Street (Saturday PM peak hour); Neptune Avenue with Stillwell Avenue (Saturday midday peak hour) and with West 8th Street/Shell Road (four of the five peak traffic analysis hours); and Cropsey Avenue with Bay 50th Street (Saturday midday peak hour) and with Bay 52nd Street (weekday PM peak hour and Saturday midday and PM peak hours). At these intersections, traffic improvements would be able to mitigate one or more—but not all—approaches that would be significantly impacted. Specific peak hours affected are described in detail in Chapter 22, "Mitigation."

E. NOISE

The proposed actions would result in a significant adverse noise impact at sensitive noise receptors at two locations—at receptor site 6 outside of the rezoning area on West 17th Street between Neptune Avenue and Mermaid Avenue, and at receptor site 11 within the proposed Coney East subdistrict on Stillwell Avenue between Surf Avenue and the Boardwalk. As described in Chapter 22, "Mitigation," the significant adverse impacts at receptor site 6 could be fully mitigated with double-glazed or storm windows with good sealing properties, and air-conditioning units. However, absent the implementation of such measures, the proposed actions would result in unavoidable adverse impacts at receptor site 6.

At receptor site 11, which is located within the Coney East subdistrict, the proposed actions would result in increases in noise levels between the No Build and Build conditions of more than 10 dBA for all analysis peak periods, except for the weekday AM peak period. This increase in noise levels would exceed the CEQR impact criteria and would constitute a significant adverse noise impact. The exceedances of the CEQR impact criteria at this receptor site would be due principally to noise generated by the activities in the proposed amusement park. There are no feasible mitigation measures that could be implemented to eliminate the significant noise impacts for pedestrians at this location and, therefore, the significant adverse noise impacts are identified in this FEIS as an unavoidable adverse impact. *