

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 and eliminate the impact.

As described in Chapter 17, “Mitigation,” the potential significant adverse impacts identified for the proposed Memorial Sloan-Kettering Cancer Center (MSK)/The City University of New York (CUNY)-Hunter project on traffic during operation and construction could be mitigated with the exception of those at the York Avenue and East 79th Street intersection. In addition, as described below, the significant adverse impact of the proposed project on open space would not be fully mitigated.

B. OPEN SPACE

As described in Chapter 3, “Open Space,” the proposed project is located in an area that, according to the 2012 *CEQR Technical Manual*, is underserved in terms of open space. Underserved areas are defined as areas having a high population density and being located far from parkland such that the amount of open space per 1,000 residents is less than 2.5 acres. With the proposed project, the passive open space ratio in the study area would decrease by ~~32~~ 34 percent, resulting in a significant adverse impact on passive open space. However, the open space ratio would remain above the City’s passive open space guidelines with the proposed project.

The proposed project would partially reduce the additional demand for open space presented by its worker and student population in the study area by providing interior and outdoor passive spaces that would be attractive and much closer to the employee and student populations generated by the proposed project. These facilities, while not open to the public, would likely serve the needs of MSK and CUNY’s workers, students, and faculty members seeking places to take short breaks, and would decrease the number of non-residents who would seek out public open space resources in the area.

In addition, pursuant to the proposed Zoning Text Amendment that would allow an additional 20 percent of the allowable floor area (2.0 FAR in this case) in connection with an improvement to a public park (see further discussion in Chapter 1, “Project Description,” and Chapter 2, “Land Use, Zoning and Public Policy”), MSK would make a substantial contribution to the New York City Department of Parks and Recreation (DPR) for Phase 2B of DPR’s improvement plan for Andrew Haswell Green Park, a 1.98-acre ~~open space~~ public park along the East River Esplanade that is outside the study area. Previously controlled by the Department of Transportation and

used as a heliport, DPR took control of the parcel in 2007 and began the process of developing it into a public park. While the ramp down to the site is open to the public, of the 1.98-acre area, 1.1 acres at the grade of the esplanade has not been opened to public access due to lack of sufficient capital funding to complete necessary infrastructure repairs and replacements-in-kind. The funding would be used by DPR for such repairs, replacements-in-kind, and improvements at DPR's discretion. Based on currently available information, including the Phase 2B plan for Andrew Haswell Green Park issued in 2010, work would include repairs to the piers beneath the platform supporting a portion of the Park; upgrades and repairs to structures; landscaping, paving, railings, and public access features. As previously planned, this work would allow DPR to open the portion of Andrew Haswell Green Park at esplanade grade to public access. Because the improvements to Andrew Haswell Green Park as part of the proposed project would result in a floor area bonus, they are not open space mitigation.

Improvements to parks and public open spaces in the study area were considered, but were not found to be feasible. There are no large unused City-owned properties in the study area. The Upper East Side and Community Board 8 are considered highly desirable places to live, and unutilized or underutilized sites (other than the project site) are not owned by the City.

Since publication of the DEIS, it was announced that two parcels located north and south of the Con Edison oil receiving facility on the waterfront will be improved by Con Edison and opened for public access. These parcels are not under the jurisdiction of DPR.

At 1.1 acres, the area of Andrew Haswell Green Park to be improved and made accessible to the public represents a considerable benefit. John Jay Park to the north of the project site is well-maintained, well-programmed and fully open to the public. Improvements to Andrew Haswell Green Park, therefore, would be more beneficial. ~~The East River Esplanade across the FDR Drive from the project site is a narrow tract adjacent to a Con Edison oil receiving facility that leaves no space for a pedestrian bridge to touch down or even for the placement of smaller improvements.~~ Improvement to this park would allow 1.1 acres of the open space to be opened to the public, and would amount to a substantial contribution to the East River Esplanade in this section of the waterfront and to all the people who use the esplanade for outdoor recreation such as walking and jogging.

C. TRANSPORTATION

TRAFFIC

As discussed in Chapter 9, "Transportation," traffic conditions were evaluated at 19 intersections for the weekday AM, midday, and PM peak hours. Under the future with the proposed project, there would be the potential for significant adverse impacts at 11 different intersections, 8 intersections each during the weekday AM, midday, and PM peak hours. With the proposed mitigation measures in place, all the significant adverse traffic impacts could be fully mitigated during all three analysis peak hours, with the exception of those at the York Avenue and East 79th Street intersection. Therefore, the proposed project would result in unavoidable significant adverse traffic impacts.

D. CONSTRUCTION

TRANSPORTATION

As discussed in Chapter 15, “Construction,” the peak construction traffic increments would be lower than the full operational traffic increments associated with the proposed project in 2019. Therefore, the potential traffic impacts during peak construction would be within the envelope of significant adverse traffic impacts identified for the Build condition in Chapter 9, “Transportation.” Nonetheless, because existing and No Build traffic conditions at some of the study area intersections through which construction-related traffic would also travel were determined to operate at unacceptable levels during commuter peak hours, it is possible that significant adverse traffic impacts could occur at some or many of these locations during construction. In order to alleviate construction traffic impacts, measures recommended to mitigate impacts associated with the operational traffic of the proposed project could be implemented during construction before full build-out of the proposed project. As detailed in Chapter 17, “Mitigation,” measures to mitigate the operational traffic impacts in 2019 were recommended for implementation at 10 out of the 11 different impacted intersections during weekday peak hours. These measures would encompass primarily signal timing adjustments and other operational measures, all of which could be implemented earlier at the discretion of NYCDOT to address actual conditions experienced at that time. However, traffic impacts during construction at the York Avenue and East 79th Street intersection would likewise be unmitigated. Therefore, construction under the proposed project ~~would result in unavoidable significant adverse traffic impacts. Between the Draft and Final EIS, in coordination with NYCDOT, additional analysis of construction traffic will be prepared.~~ *