

**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 Chapter 21, “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. SHADOWS**

As discussed in Chapter 6, “Shadows,” and Chapter 21, “Mitigation,” the proposed project’s buildings would result in project-generated incremental shadow at the Howard Bennett Playground that would be substantial enough on the December 21 analysis day to significantly affect the use of the resource.

~~Potential m~~Mitigation measures for the shadows impact and the open space impact noted below were developed~~are being explored by the applicant in consultation with DCP and NYC Parks, and will be refined between the DEIS and FEIS. Potential m. Mitigation will consist of measures include facility enhancements at the Howard Bennett Playground and the Hansborough Recreation Center. With the implementation of these measures, the shadows to mitigate the significant adverse impact to the users of the playground. If feasible mitigation measures are identified, the impact would be considered partially mitigated. As the significant adverse shadows impact would not be fully mitigated, however, the proposed actions would result in unmitigated significant adverse shadows impacts to these~~this~~ resources.~~

**C. OPEN SPACE**

As discussed in Chapter 5, “Open Space,” and Chapter 21, “Mitigation,” because the reduction in the active open space ratio in the 2026 With Action condition is very close to 5 percent and the open space ratios in the study area would continue to be quantitatively low in the No Action and With Action conditions, the reduction in the open space ratio would be considered a significant adverse indirect impact in the 2026 analysis year. ~~Potential m~~Mitigation measures for the open space impact in the 2026 analysis year, as well as the shadows impact noted above, were developed~~this impact are being explored by the applicant in consultation with DCP and NYC Parks and will consist of facility enhancements at the Howard Bennett Playground and the Hansborough Recreation Center., and will be refined between the DEIS and FEIS. If feasible~~

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~~mitigation measures are not identified, the impact would be considered unavoidable. With the implementation of these measures, the open space impact would be considered partially mitigated. As the impact would not be fully mitigated, however, the proposed actions would result in an unavoidable significant adverse open space impact.~~

### D. HISTORIC AND CULTURAL RESOURCES

As discussed in Chapter 7, “Historic and Cultural Resources,” and Chapter 21, “Mitigation,” the proposed project would result in significant adverse impacts to architectural resources on the proposed development site. In addition, should standard DOB controls governing the protection of adjacent properties during construction activities not provide sufficient protection, it is possible that redevelopment of the projected future development site and the potential development site could have a direct significant adverse impact on the S/NR-eligible Lenox Terrace resource during construction.

~~Measures to mitigate this impact are being~~have been developed in consultation with LPC. LPC recommends that mitigation consist of HABS II recordation of the Lenox Terrace complex and an interpretive program for the purpose of communicating the resource’s historic and/or cultural significance to the general public. ~~Per the guidelines of the CEQR Technical Manual, possible mitigation measures for significant adverse effects on architectural resources can include redesign (i.e., relocating the action away from the resource, or redesign of the proposal to be more compatible with the resource), adaptive reuse, construction protection plan, data recovery/recordation, or relocation of the architectural resource. Data recovery can include recordation of a structure to the standards of the HABS. Mitigation measures that are being considered include educational material and displays focused on prominent Lenox Terrace residents who have contributed to the history of the Harlem community, to be installed on the property and/or potentially be made available through other channels and/or in other locations. As the significant adverse impact would not be fully mitigated, the proposed project would result in an unavoidable significant adverse shadows-impact to historic resources. The potential for a direct significant adverse impact on the S/NR-eligible Lenox Terrace resource during construction for the projected future development site and the potential development site could not be avoided, as these sites are not under the control of the applicant.~~

### E. PEDESTRIANS

As discussed in Chapter 21, “Mitigation,” the proposed project would result in a significant unmitigated impact to the south crosswalk at the intersection of West 135th Street and Lenox Avenue.

### F. CONSTRUCTION

#### PEDESTRIANS

Similar to the findings presented above, both Phase 1 and Phase 2 construction of the proposed project are expected to result in a significant unmitigated impact to the south crosswalk at the intersection of West 135th Street and Lenox Avenue.

## NOISE

As discussed in Chapter 19, “Construction,” and Chapter 21, “Mitigation,” the detailed analysis of construction-period noise determined that construction of the proposed project has the potential to result in construction-period noise levels that would constitute significant adverse construction-period impacts at existing residential buildings within the rezoning area (i.e., 470 Lenox Avenue, 40 West 135th Street, 10 West 135th Street, 2186 Fifth Avenue, 25 West 132nd Street, and 45 West 132nd Street), Metropolitan African Methodist Episcopal (AME) Church, Harlem Hospital Center, 2235 Fifth Avenue, 2120 and 2140 Madison Avenue, 485 Malcolm X Boulevard, receptors along the south side of West 132nd Street between Lenox Avenue and 45 West 132nd Street, and receptors along the south side of West 132nd Street between 25 West 132nd Street and Fifth Avenue.

As discussed in Chapter 21, “Mitigation,” additional control measures beyond those already identified in Chapter 19, “Construction,” were explored to determine if there are feasible and practicable measures that could mitigate the potential construction noise impacts listed above. For units in the residential buildings within the rezoning area (i.e., 470 Lenox Avenue, 40 West 135th Street, 10 West 135th Street, 2186 Fifth Avenue, 25 West 132nd Street, and 45 West 132nd Street), 2235 Fifth Avenue, 2120 and 2140 Madison Avenue, 485 Malcolm X Boulevard, receptors along the south side of West 132nd Street between Lenox Avenue and 45 West 132nd Street, and receptors along the south side of West 132nd Street between 25 West 132nd Street and Fifth Avenue that do not have alternate means of ventilation (i.e., air conditioning), the Applicant would offer to provide through-window air conditioning units to allow for a closed-window condition. With the provision of such measures, the façades of these buildings would be expected to provide approximately 25 dBA window/wall attenuation. Even with these measures, interior  $L_{10(1)}$  noise levels at these buildings would at times during the construction period exceed the 45 dBA guideline recommended for residential and community spaces according to CEQR noise exposure guidelines. Therefore, the significant adverse construction noise impacts identified in Chapter 19, “Construction,” would be only partially mitigated. Because these impacts cannot be fully mitigated, the impacts would constitute an unavoidable impact. Furthermore, at the outdoor residential balconies of the residential buildings within the rezoning area (i.e., 470 Lenox Avenue, 40 West 135th Street, 10 West 135th Street, 2186 Fifth Avenue, 25 West 132nd Street, and 45 West 132nd Street) and 485 Malcolm X Boulevard, there are no feasible or practicable mitigation measures to avoid the significant adverse construction noise impacts identified in Chapter 19, “Construction.” Therefore, at these receptors, the significant adverse construction noise would be unavoidable. However, as construction would not regularly occur during evening or weekend hours, the balconies would be free of construction noise during these times. \*