Chapter 24: Unavoidable Significant Adverse Impacts

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 for the actions, eliminate the impacts, 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 project could be mitigated. However, as described below, in some cases, project impacts would not be fully mitigated.

B. OPEN SPACE

As discussed in Chapter 5, "Open Space," given the size of the decrease (6.1 percent) in the active open space ratio and the already high utilization of many of the active open space resources that would be available to the users in the Future With the Proposed Project, both within and outside the study area, the Proposed Project has the potential to result in a significant adverse active open space impact.

The *CEQR Technical Manual* lists potential on- and off-site mitigation measures. These measures include creating new public open spaces on-site or elsewhere in the study area of the type needed to serve the proposed population and offset their impact on existing open spaces in the study area, and improving existing open spaces in the study area to increase their utility, safety, and capacity to meet identified needs in the study area. Mitigation measures for this potential significant adverse impact were explored by the lead agency in consultation with the New York City Department of Parks and Recreation (DPR) between the Draft and Final Supplemental Environmental Impact Statement (SEIS).

Potential on-site mitigation measures considered for the active open space ratio deficit included: ball fields, handball courts, basketball courts, playgrounds, volleyball courts, and skate parks. Additionally, existing open spaces in the study area were examined with respect to their condition and utility. No practicable opportunities for off-site mitigation have been identified as of the date of this FSEIS.

To fully mitigate this significant adverse impact, a substantial amount of the on-site open space would need to be programmed for active uses. Given site constraints and the overall design objectives, providing this amount of open space on the Project site would not be compatible with the goals and objectives of the proposed site plan.

Therefore, in order to address the active open space impact with on-site active uses, measures to partially mitigate the impact were explored. The inclusion of a children's play area as part of the Proposed Project's publicly accessible open space was identified as the most appropriate mitigation for the identified significant adverse active open space impact. This use was deemed compatible with the adjacent passive open space and the overall objectives of the site plan. As described in Chapter 28, "Modifications to the Proposed Project," the project sponsor expects to file a revised application with various design changes. Among the modifications is the addition of a play area between Buildings 3 and 4 in the southern portion of the site. This measure is further analyzed and quantified in that chapter.

Absent the implementation of the mitigation measure through the proposed design change described above, the Proposed Project would have an unmitigated significant adverse impact on active open space. With the implementation of the mitigation measure through the proposed design change described above, the Proposed Project's impacts on active open space would be partially mitigated.

C. TRAFFIC

As discussed in Chapter 16 "Traffic and Parking," the Proposed Project would result in significant adverse impacts at 24 study area intersections during one or more analyzed peak hours. Specifically, 17, 13, 12, and 13 intersections would be impacted in the weekday AM, weekday midday, weekday PM, and Saturday midday peak hours, respectively. Most of the impacts could be mitigated through the implementation of traffic mitigation measures, including minor adjustments to signal timing in order to increase green time for impacted movements, daylighting intersections (i.e., changing parking regulations to prohibit parking near some intersections during certain peak time periods), and installing a new traffic signal.

At three intersections along Route 9A (Twelfth Avenue at West 56th Street, Twelfth Avenue at West 54th Street and Twelfth Avenue at West 52nd Street), which already have significant east/west movements and are congested under No Build conditions, no feasible mitigation measured have been identified which would mitigate north/south project-generated traffic impacts. However, as described in Chapter 22, "Mitigation," NYSDOT is currently reviewing additional proposed mitigation measures for Twelfth Avenue at West 56th Street that consists of removing prohibitive striping along the eastside of the northbound approach. The removal of this striping would allow for a fifth northbound lane, eliminating the significant impact at this location. However, if NYSDOT decides to not implement this mitigation measure, then the significant impacts would remain, resulting in unavoidable significant adverse impacts on traffic at the three above-mentioned intersections as a result of the Proposed Project.

D. CONSTRUCTION

NOISE

As described in Chapter 20, "Construction," construction activities would result in a significant adverse noise impact at receptor locations A1, A2, B2, C, D, E, F, H1, N1, N2, O, Q, R, U, and V with the podium approach and at receptor locations A2, C, D, E, N1, N2, U, and V with the individual basement approach. The exceedance of the 3-5 dBA City Environmental Quality Review (CEQR) impact criteria would be due principally to noise generated by the large amount of construction equipment operating on site. However, with the exception of receptor B2, all receptor locations have double-glazed windows and have some form of alternative ventilation

(i.e., central air conditioning or PTAC units), which would provide a significant amount of sound attenuation, and would result in interior noise levels during much of the time when project-related construction activities are occurring that are below 45 dBA L_{10} (the CEQR acceptable interior noise level criteria).

Receptor site B2 (i.e., the corner building at Amsterdam Houses), has double-glazed windows and some tenants have installed air conditioning units on some windows. To maintain an interior $L_{10(1)}$ noise level of 45 dBA (the CEQR acceptable interior noise level criteria), a minimum of 25-30 dBA window/wall attenuation would be required. At locations on this building where significant noise impacts are predicted to occur, if the podium approach is utilized, the project sponsors would provide window air conditioning units to mitigate these impacts.

With regard to the residential terrace locations (i.e., receptors A1, A2, D, F, H1, N1, and N2 for the podium approach and receptors A2, D, N1, and N2 for the individual basement approach), the highest $L_{10(1)}$ noise levels would range from approximately 73 to 79 dBA during some peak periods of construction activity. While even without construction, noise levels at these terraces would exceed the CEQR acceptable range (55 dBA $L_{10(1)}$) for an outdoor area requiring serenity and quiet, during the weekday daytime time periods when construction activities are predicted to significantly increase noise levels, construction activities would exacerbate these exceedances and result in significant adverse noise impacts at the terraces at these identified buildings. There are no feasible mitigation measures that could be implemented to eliminate the significant noise impacts at these locations. ✷