Chapter 26: Unavoidable Significant Adverse Impacts

Unavoidable significant adverse impacts are defined as those that meet the following two criteria:

- There are no reasonably practicable mitigation measures to fully 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 impacts, and not cause other or similar significant adverse impacts.

As described in Chapter 24, "Mitigation," a number of the potential impacts identified for the Proposed Actions could be mitigated. However, as described below, in some cases, significant adverse impacts would not be fully mitigated.

A. ELEMENTARY SCHOOLS

As discussed in Chapter 5, "Community Facilities," if the proposed PS/IS school were not completed by 2017, the Proposed Actions would result in a significant adverse impact to elementary schools in the study area in 2017. Mitigation for this impact would be to build and complete the school by 2017. The Restrictive Declaration will include provisions for the Developer to work with SCA upon completion of a threshold number of residential units in order to pursue action on the new school in the early phase of build-out of the project. In the event that the school is not completed by 2017, the Proposed Actions would result in a temporary unmitigated significant adverse impact to elementary schools in the study area.

B. OPEN SPACE

As discussed in Chapter 6, "Open Space," the Proposed Actions would result in a significant decrease in the active and total open space ratios (the amount of active or total open space per 1,000 persons) in the study area due to the introduction of workers and residents in the larger "residential" study area surrounding the Development Site. Potential mitigation measures for the Proposed Actions could include, among others: creating additional open space programming on the Development Site or within the study area; funding for improvements, renovation, or maintenance at existing local parks; adding amenities to existing parks to increase park usage year-round or at night; and opening schoolyards to the public outside of school hours.

These options were explored and evaluated in consultation with the New York City Department of Parks and Recreation (DPR) between the DEIS and FEIS. The Restrictive Declaration will include provisions to establish an Open Space Fund, with contributions made by the Developer at appropriate intervals as development occurs on the site. The proceeds of the Open Space Fund would be utilized by DPR, in consultation with Community Board 4 and the local City Council Member, to fund programs or improvements which would improve or increase capacity for active recreation within Community Board 4 and constitute partial mitigation for the significant adverse impact.

The Proposed Actions would also result in a direct significant adverse impact on open spaces due to shadows. In 2019 shadows from the proposed buildings on the Development Site are expected to result in a significant adverse impact on the Eastern Rail Yard open space during the March, May, June, August and September analysis periods, when large incremental shadows would remove the remaining sunlight on the open space. As partial mitigation for the shadow impact on the Eastern Rail Yard open space, the design of this open space is still in development and the design would take into consideration the shadows from the Proposed Actions, thereby partially mitigating the potential significant adverse impact. Such measures could include the use of shade tolerant vegetation for landscaping and the placement of features that may require sunlight in areas of the open space with greater direct sun. This requirement would be set forth in a restrictive declaration governing the Eastern Rail Yard.

In addition, the Proposed Actions would result in a significant adverse shadow impact at the Tenth Avenue Site. As a result of the Proposed Actions, much of the open space that will be constructed immediately to the west of the project site would be in shadow from early afternoon to the end of the day during each analysis day. As partial mitigation, the design and layout for this future open space—to be developed by the New York City Department of Parks and Recreation in coordination with the New York City Department of Environmental Protection—would take into consideration the shadows from the Proposed Actions. Such measures could include the programming of active recreation features, the placement of features requiring sunlight to be located in areas of the open space where shadows are cast for a short duration, and the use of shade tolerant vegetation for landscaping.

C. SHADOWS

As discussed in Chapter 7, "Shadows," the incremental shadows created by the full build out of the Proposed Actions on the Development Site in 2019 would cause a significant adverse shadow impact on the Eastern Rail Yard open space. In addition, shadows from the Tenth Avenue Site would be cast on the future open space adjacent to its east for several hours in all seasons. Mitigation measures for partial mitigation are discussed above, in "Open Space."

D. TRAFFIC

As discussed in Chapter 17, "Traffic and Parking," the Proposed Actions would result in substantial commercial and residential development on the Development Site, generating an increase in the number of vehicle trips into and out of the Development Site study area. Most of the impacts could be mitigated through the implementation of traffic operations improvements, including modification of traffic signal phasing and/or timing; elimination of on-street parking within 150 feet of intersections to add a limited travel lane, known as "daylighting"; enforcement of existing parking restrictions to ensure that traffic lanes are available to moving traffic; channelization and lane designation changes to make more efficient use of available street widths; and installation of traffic signals at unsignalized intersections if warranted.

However, of the more than 370 intersection movements evaluated for the 2019 Future with the Proposed Actions condition, 12 intersection movements would have unmitigated significant adverse impacts during the weekday AM peak hour, 3 intersection movements would have unmitigated significant adverse impacts during the weekday midday peak hours, 15 intersection movements would have unmitigated significant adverse impacts during the weekday PM peak hour and 5 intersection movements would have unmitigated significant adverse impacts during the Saturday midday peak hours. Consequently, an unavoidable significant adverse traffic impact would occur due to the Proposed Actions.

E. TRANSIT

As discussed in Chapter 18, "Transit and Pedestrians," for both 2017 and 2019,it is anticipated that the southernmost stairway serving the express (A train) platform at the 34th Street-Penn Eighth Avenue subway station (stairway M23/M24 at Control Area N67) will be relocated and widened as part of the proposed Moynihan Project. However, because the Moynihan Project has not yet been fully designed, it is possible that the relocation and widening of the stairway will not be included in that project's final design. If the Moynihan Project does not relocate and widen the stairway, the Proposed Actions would result in a significant adverse impact during the weekday PM peak hour in 2019 that could be mitigated by widening the stairway by a minimum of approximately seven inches. In 2017, if the Moynihan Project does not relocate and widen the stairway, the Proposed Actions would result in a significant adverse impact during the weekday PM peak hour that could be mitigated by widening the stairway by a minimum of approximately five inches. If the stairway is not widened, this impact would remain unmitigated.

F. PEDESTRIAN CONDITIONS

As discussed in Chapter 18, "Transit and Pedestrians," a total of 373 pedestrian elements (188 sidewalks, 95 crosswalks, and 90 corners) were analyzed for the AM, midday, and PM hours and 289 pedestrian elements (146 sidewalks, 73 crosswalks, and 70 corners) were analyzed for the Saturday peak hour. Standard mitigation for projected significant adverse impacts on pedestrian conditions includes relocation or removal of obstacles on sidewalks, construction of wider sidewalks and corners and repainting crosswalks for additional width. Certain pedestrian significant adverse impacts cannot be mitigated without resulting in significant adverse impacts on traffic conditions beyond those identified in the traffic analysis. As part of the Hudson Yards traffic monitoring program, the City will continue, as appropriate, to identify potential improvement measures including those noted above in order to address potential changes associated with other No Build projects that may occur over time. For 9 crosswalk impacts, seven sidewalk impacts, and 9 street corner impacts, there are no mitigation measures available to fully mitigate these significant adverse impacts. In addition, unmitigated significant adverse impacts would occur at 3 crosswalk locations and 2 corner locations due to changes in signal timing as part of traffic mitigation measures. Therefore, an unavoidable significant adverse impact on pedestrian conditions would occur due to the Proposed Actions.

G. CONSTRUCTION TRAFFIC

As discussed in Chapter 21, "Construction Impacts," construction of the Development Site would result in significant adverse construction-related traffic impacts in late 2016. In terms of intersection movements, 71 movements were assessed during the weekday peak AM period; and 70 were evaluated under weekday midday and weekday PM peak periods. As a result of construction activities in 2016, 15, 11, and 17 intersection movements would be significantly impacted during the weekday AM, midday, and PM peak hours, respectively. Of the more than 70 intersection movements evaluated for the 2016 peak construction year, six intersection movements would have unmitigated significant adverse impacts during the weekday AM peak hour, six intersection movements would have unmitigated significant adverse impacts during the weekday midday peak hour, and seven intersection movements would have unmitigated significant adverse impacts during the weekday PM peak hour. ✷