Chapter 19: Unavoidable Adverse Impacts

A. INTRODUCTION

This chapter summarizes unavoidable significant adverse impacts that may result from the Proposed Project. According to the 2021 *City Environmental Quality Review (CEQR) Technical Manual*, unavoidable significant adverse impacts are those that would occur if a proposed project or action is implemented regardless of the mitigation employed, or if mitigation is impracticable.

As described in Chapter 17, "Alternatives," and Chapter 18, "Mitigation," no feasible building massing alternative that would meet the Applicant's sole purpose for pursuing the Proposed Project, i.e., to increase its surgical capacity by 2030 though adding 28 operating rooms (with four dedicated to interventional radiology procedures), up to 206 single-bedded patient rooms and related support spaces for the treatment of the anticipated increase in cancer patients requiring complex surgeries in the future has been identified that would avoid the significant adverse shadow impact on St. John of Nepomucene Church. ~~The~~MSKCC has met with the St. John of Nepomucene Church leadership and by letter dated July 2, 2024, offered to explore the provision of artificial lighting simulating direct sunlight on the stained-glass windows of the church ~~will be explored in consultation with the New York City Landmarks Preservation Commission (LPC) and the church between publication of the Draft Environmental Impact Statement (DEIS) and Final EIS (FEIS).~~at no cost to the church, once the project is approved and construction has advanced to the point where the effectiveness of artificial lighting on the church windows can be more accurately assessed. The Restrictive Declaration would include a commitment by the Applicant to continue consultation with the Church to explore the feasibility of this mitigation. If feasible, such a mitigation measure would be partially ~~or fully~~ mitigated. Because this impact cannot be fully mitigated, it ~~However, if no feasible mitigation is identified then the shadows on St. John of Nepomucene Church would be~~constitutes an unavoidable adverse shadow impact on St. John of Nepomucene Church.

Also as described in Chapter 18, "Mitigation," the Proposed Project would result in significant adverse impacts with respect to construction traffic and noise. To the extent practicable, mitigation has been proposed for the identified significant adverse impacts. However, in some instances no practicable mitigation has been identified to fully mitigate significant adverse impacts, and there are no reasonable alternatives to the Proposed Project that would meet the purpose and need, eliminate potential impacts, and not cause other or similar significant adverse impacts. ~~In other cases, mitigation has been proposed, but absent a commitment to implement the mitigation, or if the mitigation is determined to be impracticable upon further review between the DEIS and FEIS, the impacts may not be eliminated.~~

B. SHADOWS

While the Applicant has stated that there is no massing alternative consistent with its stated purpose for the Proposed Project that will avoid or mitigate the significant adverse shadow impact on St. John of Nepomucene Church. MSKCC has met with the St. John of Nepomucene Church leadership and by letter dated July 2, 2024, offered to explore the provision of artificial lighting

simulating direct sunlight on the stained-glass windows of the church at no cost to the church, once the project is approved and construction has advanced to the point where the effectiveness of artificial lighting on the church windows can be more accurately assessed. The Restrictive Declaration would include a commitment by the Applicant to continue consultation with the Church to explore the feasibility of this mitigation ~~The provision of artificial lighting simulating direct sunlight on the stained-glass windows of the church will be explored by the Applicant in consultation with LPC and the Church and will be refined between the DEIS and FEIS~~. However, ~~if no mitigation is identified~~ because the impact cannot be fully mitigated, the increase in shadows on St. John of Nepomucene Church would be an unavoidable adverse impact.

C. CONSTRUCTION

TRAFFIC

As discussed in Chapter 16, "Construction," and Chapter 18, "Mitigation," the Proposed Project could potentially result in partially mitigated~~unmitigatable~~ significant adverse traffic impacts at ~~the~~ York Avenue and East 63rd Street and unmitigatable significant adverse traffic impacts at the FDR Drive Service Road and East 62nd Street ~~intersections~~ during the PM construction peak hour, which would constitute an unavoidable adverse impact. The feasibility of all proposed mitigation measures would be subject to approval prior to implementation, and should they be deemed infeasible and no alternative mitigation measures can be identified, then the identified significant adverse traffic impacts would constitute unavoidable significant adverse impacts. ~~Subject to continuing review by the New York City Department of City Planning (DCP) and New York City Department of Transportation (DOT), some of the analyses and mitigation conclusions presented in this DEIS could change and may be revised, as needed, for the FEIS.~~

NOISE

As discussed in Chapter 16, "Construction," and Chapter 18, "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 multiple sensitive locations (see Figure 16-~~2~~28).

As discussed in Chapter 18, "Mitigation," the Proposed Project is committed to implementation of additional control measures beyond those required by Code, which were identified in Chapter 16, "Construction." As a mitigation measure ~~A~~at building façades that are predicted to experience noise impacts, ~~potential mitigation measures may~~the Applicant would ~~include the~~ offer ~~of~~ storm windows for façades that do not already have insulated glass windows and/or window air conditioning units on impacted façades of residences that do not already have alternative means of ventilation~~. Further study to refine the specific construction noise mitigation measures will be undertaken between the Draft and Final EIS~~. Any mitigation measures identified would be implemented prior to the start of construction. 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 use according to CEQR noise exposure guidelines by up to approximately 12 dBA. Because interior noise levels could still exceed the acceptable threshold even with the provision of receptor noise mitigation, the significant adverse construction noise impacts identified in Chapter 16, "Construction," would be only partially mitigated. In addition, some building owners may not accept the offer of storm windows and/or alternative means of ventilation; at these locations, the significant adverse construction-period noise impacts would be unmitigated. Because these impacts cannot be fully mitigated, the impacts would constitute an unavoidable adverse impact. ✷