Chapter 19: Unavoidable Adverse Impacts

A. INTRODUCTION

This chapter summarizes unavoidable significant adverse impacts that may result from the Proposed Project. According to the 2020 *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, "Mitigation," and Chapter 18, "Alternatives," no financially feasible building massing alternative has been identified that would eliminate the Significant Adverse Shadow Impact on St. Catherine's Park. Although additional consultation will be undertaken to consider other mitigation measures between this DEIS and the Final EIS, if no mitigation is identified then the shadows on St. Catherine's Park will remain an unavoidable adverse impact.

Also as described in Chapter 17, "Mitigation," the Proposed Project would result in significant adverse impacts with respect to construction 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 Draft EIS and Final EIS, the impacts may not be eliminated.

B. SHADOWS

While the Applicant has stated that, at this time, there is no massing alternative to remove the significant adverse shadow impact on St. Catherine's Park and be financially feasible, potential mitigation measures are being explored by the Applicant in consultation with DCP, NYC Parks, and Friends of St. Catherine's Park and will be refined between the DEIS and FEIS. These measures may include replacing vegetation and additional maintenance of the Park features. However, if no mitigation is identified, the increase in shadows on St. Catherine's Park would be an unavoidable adverse impact.

C. CONSTRUCTION NOISE

As discussed in Chapter 16, "Construction," and Chapter 17, "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).

As discussed in Chapter 17, "Mitigation," the Proposed Project is committed to implementation of additional control measures beyond those required by Code, which were identified in Chapter 16, "Construction." At building façades that are predicted to experience impact and that do not already have insulated glass or storm windows and an alternate means of ventilation, the Applicant

would make available at no cost for purchase and installation storm windows for façades that do not already have insulated glass windows and/or one window air conditioner per bedroom or living room at residences that do not already have alternative means of ventilation. 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 by up to approximately 17 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. ✷