Chapter 19: Unavoidable Adverse Impacts

A. INTRODUCTION

This chapter summarizes unavoidable significant adverse impacts that may result from the proposed Lenox Hill Hospital (LHH) Redevelopment project (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 4, "Shadows," the Proposed Project with either Envelope 1 or Envelope 2 would cast new shadows on the Eighth Church of Christ, Scientist garden located across the street from Projected Development Site 1 and abutting Projected Development Site 1a, in the spring, summer, and fall, causing significant adverse impacts to the vegetation of the garden. An alternative to reduce the shadow impact has been considered in Chapter 17, "Alternatives"; the analysis concluded that virtually any development on Projected Development Sites 1 or 1a that would be taller than the existing buildings would cause significant adverse shadow impacts on the March 21/September 21 analysis day. Therefore, the significant adverse shadow impacts to the church garden would be unavoidable. As described in Chapter 18, "Mitigation," ~~potential mitigation measures are being explored and will be refined between the Draft Environmental Impact Statement (EIS) and Final EIS. If no mitigation measures are agreed upon, this would remain a significant adverse impact.~~while the Applicant will enter into a Restrictive Declaration that will require mitigation measures, the significant adverse shadow impact would not be fully mitigated, and the Proposed Project would result in an unavoidable significant adverse shadow impact on the vegetation of the Eighth Church of Christ, Scientist garden during the spring, summer, and fall analysis periods.

Also as described in Chapters 16, "Construction," and Chapter 18, "Mitigation," construction of the Proposed Project with either Envelope 1 or Envelope 2 would result in temporary significant adverse noise impacts. To the extent practicable, mitigation measures have been proposed for the identified significant adverse impacts. However, no practicable mitigation has been identified to fully mitigate the temporary construction noise impacts, and there is no reasonable alternative to the Proposed Project that would meet its purpose and need, eliminate potential impacts, and not cause other or similar significant adverse impacts.

B. SHADOWS

As described in Chapter 4, "Shadows," the Proposed Project with either Envelope 1 or Envelope 2 would cast new shadows on the publicly accessible garden of the Eighth Church of Christ, Scientist located across East 77th Street from Projected Development Site 1 and abutting Projected Development Site 1a. Although these shadows would be somewhat less with Envelope 2 than with Envelope 1 in the spring, summer, and fall, they would cause significant adverse impacts to the vegetation of the garden.

As stated in Chapter 18, "Mitigation," the Applicant will enter into a Restrictive Declaration that will require mitigation measures that could include all new site paving, all new site lighting, all new site furniture, and a vertical green wall on the west facing façade of the new building on Projected Development Site 1a. However, because -the significant adverse shadow impact would be only partially mitigated, these shadows would remain a significant adverse impact and the Proposed Project would result in an unavoidable significant adverse shadow impact on the vegetation of the Eighth Church of Christ, Scientist garden during the spring, summer, and fall analysis periods. ~~potential mitigation measures will be explored between the DEIS and FEIS. If practicable mitigation measures cannot be identified, these shadows would remain a significant adverse impact.~~

C. CONSTRUCTION NOISE

As discussed in Chapter 16, "Construction," the detailed noise analysis for Envelope 1 predicted that noise levels due to construction could exceed the construction noise impact criteria at 16 receptors surrounding the proposed construction work area. Noise levels due to construction with Envelope 2 could exceed the impact criteria at 14 receptors, most but not all of which are the same receptors as with Envelope 1. At these receptors, construction would produce noise level increases that would be noticeable and potentially intrusive during the most noise-intensive nearby construction activities; however, the predicted maximum levels would not persist throughout construction, and the noise levels would fluctuate over the course of the construction period. Even so, these locations would experience construction noise levels whose magnitude and duration could constitute temporary significant adverse impacts.

As discussed in in Chapter 16, "Construction," and Chapter 18, "Mitigation," the Proposed Project with either envelope is committed to implementation of additional control measures beyond those required by the New York City (NYC) Noise Control Code. While some of the impacted buildings feature modern façade construction, including insulated glass windows and an alternative means of ventilation that would allow for the maintenance of a closed-window condition, it is not possible to definitively determine the presence of these features at all receptors that would have the potential to experience temporary significant adverse construction noise impacts. As described in Chapter 16, "Construction," under Envelope 1, the northern façade of 122 East 76th Street, the northern façade of 114-118 East 76th Street, the northern façade of 1068 Lexington Avenue, the southern and western façades of 117 East 77th Street, the southern façades of 110-122 East 76th Street, and the northern, eastern, and southern façades of LHH buildings are predicted to experience a temporary significant adverse construction noise impact. Also as described in Chapter 16, "Construction," under Envelope 2, the northern façade of 122 East 76th Street, the northern façade of 110-118 East 76th Street, the northern façade of 1068 Lexington Avenue, the southern and western façades of 117 East 77th Street, the southern façades of 110-122 East 76th Street, and the northern, eastern, and southern façades of LHH buildings are predicted to experience a temporary significant adverse construction noise impact. At building façades that are predicted to experience temporary significant adverse construction noise impacts, the Applicant would offer to provide and install storm windows for the above façades that do not already have insulated glass windows and/or one window air conditioner per living room, bedroom, patient room, or any other noise sensitive spaces that does not already have an alternative means of ventilation. These mitigation measures would be implemented prior to the start of construction. Building façades with insulated glass windows or storm windows and alternative ventilation would provide sound attenuation such that even during warm weather conditions, interior noise levels would be approximately 30 dBA less than exterior noise levels. However, the most noise-

intensive construction activity nearest the receptors experiencing significant adverse impacts would result in interior noise levels greater than the level considered acceptable according to *CEQR Technical Manual* noise exposure guidelines, and none of the identified significant adverse construction noise impacts would be fully mitigated. Consequently, the temporary construction noise impacts predicted to occur at the above-mentioned receptors would be only partially mitigated. Because these impacts cannot be fully mitigated, the impacts would constitute an unavoidable adverse impact. ✷