Chapter 23: Unavoidable Adverse Impacts

A. INTRODUCTION

Following the 2014 *City Environmental Quality Review (CEQR) Technical Manual*, this chapter summarizes unavoidable significant adverse impacts resulting from the proposed actions. 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 impossible.

As described in Chapter 1, "Project Description," the applicants, the New York City Department of City Planning (DCP) and SJC 33 Owner 2015 LLC, are proposing a series of discretionary actions (the proposed actions) that would facilitate the redevelopment of St. John's Terminal Building at 550 Washington Street (Block 596, Lot 1) (the development site) with a mix of residential and commercial uses, and public open space (the proposed project) in Manhattan Community District 2.

As described in Chapter 22, "Mitigation," unavoidable significant adverse impacts resulting from the proposed project have been identified in the areas of open space and transportation (only for traffic), as well as the potential for construction-period ~~air quality and~~ noise impacts.

B. OPEN SPACE

With the proposed project, the study area's total open space ratio would decrease by 5.66 percent, and the active open space ratio would decrease by 6.96 percent. According to the *CEQR Technical Manual*, an action may result in a significant adverse open space impact if it would reduce the open space ratio by more than 5 percent in areas that are currently below the City's median community district open space ratio of 1.5 acres per 1,000 residents. Therefore, these reductions in the total and active open space ratios would result in a significant adverse open space impact based on quantitative analysis of indirect effects as set forth in the *CEQR Technical Manual*.

Potential partial mitigation measures for these significant adverse impacts ~~are currently being~~were explored by the private applicant in consultation with the lead agency, DCP, and the New York City Department of Parks and Recreation (NYC Parks)~~.~~ ~~and will be refined b~~

The *CEQR Technical Manual* lists potential mitigation measures for open space impacts. These measures may include, but are not limited to, creating new open space within the study area; funding for improvements, renovation, or maintenance at existing local parks; or improving existing open spaces to increase their utility or capacity to meet identified open space needs in the area, such as through the provision of additional active open space facilities.

Between the Draft Environmental Impact Statement (DEIS) and Final Environmental Impact Statement (FEIS), a Revised Proposed Project Alternative and a Revised Proposed Project with Reduced Parking Alternative have been developed. In either of these alternatives, the private applicant has committed to providing 10,000 sf of on-site active open space that would partially

mitigate the open space impact. This new open space is described in Chapter 21, "Alternatives to the Proposed Actions." Other potential mitigation measures have been identified that would partially mitigate the open space impact, including creation of a new open space at 388 Hudson Street; improvements to the Tony Dapolito Recreation Center; and funding for the Pier 40 playing fields. However, the private applicant has not made any commitment regarding these measures.

~~If feasible mitigation is found, the impacts will be considered partially mitigated.~~ As the significant adverse impact on open space would not be fully mitigated, the proposed actions would result in an unavoidable adverse impact on open space.

C. TRANSPORTATION

As described in Chapter 14, "Transportation," traffic conditions were evaluated at 18 intersections for the weekday AM, midday, PM, and Saturday peak hours. In the 2024 With Action (the proposed project) condition, there would be the potential for significant adverse traffic impacts at seven intersections during the weekday AM peak hour, two intersections during the weekday midday peak hour, four~~six~~ intersections during the weekday PM peak hour, and four intersections during the Saturday peak hour. In the 2024 With Action (the proposed project with big box retail) condition there would be the potential for significant adverse traffic impacts at five intersections during the weekday AM peak hour, seven~~six~~ intersections during the weekday midday peak hour, nine intersections during the weekday PM peak hour, and five intersections during the Saturday peak hour.

Table 23-1 and Table 23-2 provide a summary of the impacted locations by lane group and analysis time period. Potential measures to mitigate the projected traffic impacts are described in Chapter 22, "Mitigation."

Table 23-1
Summary of Significant Adverse Traffic Impacts
Proposed Project

Intersection		Weekday AM Peak Hour	Weekday Midday Peak Hour	Weekday PM Peak Hour	Saturday Peak Hour
EB/WB Street	**NB/SB Street**				
Clarkson Street	Washington Street	SB-LT		SB-LT	
West Houston Street	Washington Street	SB-TR		SB-TR	SB-TR
~~West Houston Street~~	~~Varick Street~~	-	-	~~SB-TR (West Lanes)~~	-
Clarkson Street	West Street	SB-L	SB-L	SB-L	SB-L
West Houston Street	West Street	EB-L	WB-R	WB-R	WB-R
Canal Street (North)	West Street	WB-L			
~~Canal Street~~	~~Hudson Street~~	-	-	~~NB-LT (West Lanes)~~	-
Clarkson Street	Hudson Street	EB-LT			EB-LT
Clarkson Street	Varick Street	EB-TR			
Total Impacted Intersections/Lane Groups		**7/7**	**2/2**	**~~4/4~~6/~~6~~**	**4/4**

Notes: L = Left Turn, T = Through, R = Right Turn, DefL = Defacto Left Turn, EB = Eastbound, WB = Westbound, NB = Northbound, SB = Southbound.

Table 23-2
Summary of Significant Adverse Traffic Impacts
Proposed Project with Big Box Retail

Intersection		Weekday AM	Weekday Midday	Weekday PM	Saturday
EB/WB Street	**NB/SB Street**	**Peak Hour**	**Peak Hour**	**Peak Hour**	**Peak Hour**
Clarkson Street	Washington Street	SB-LT		SB-LT	
West Houston Street	Washington Street	SB-TR	SB-TR	WB-LT SB-TR	SB-TR
West Houston Street	Varick Street		SB-R	SB-TR ~~(West Lanes)~~	
Clarkson Street	West Street		SB-L	SB-L	SB-L
West Houston Street	West Street	EB-L	WB-R	WB-R	WB-R
Canal Street (North)	West Street		WB-LR WB-R		WB-LR WB-R
Canal Street	Hudson Street		NB-LT (West Lanes)	NB-LT (West Lanes)	
Clarkson Street	Hudson Street	EB-LT	EB-LT	EB-LT	EB-LT
Clarkson Street	Varick Street	EB-TR			
Spring Street	West Street			WB-R	
Spring Street	Washington Street			SB-LTR	
Total Impacted Intersections/Lane Groups		**5/5**	**~~7~~/8~~6/7~~**	**9/10**	**5/6**

Notes: L = Left Turn, T = Through, R = Right Turn, DefL = Defacto Left Turn, EB = Eastbound, WB = Westbound, NB = Northbound, SB = Southbound.

The majority of the locations where significant adverse traffic impacts are predicted to occur could be fully mitigated with the implementation of standard traffic mitigation measures (e.g., signal timing changes, approach daylighting, ~~and~~ lane restriping, and installing a new traffic signal). Specifically, a new traffic signal is only recommended under the proposed project with big box retail scenario. F~~However, f~~or the proposed project, all of the significant adverse impacts identified ~~at the intersection of West Houston Street at Varick Street and at the intersection of Canal Street at Hudson Street~~ could ~~not~~ be fully mitigated ~~during the weekday PM peak hour~~. Therefore, the proposed project would not result in unavoidable adverse impacts. However, f~~F~~or the proposed project with big box retail, the significant adverse impacts at the intersections of West Houston Street at Varick Street, West Houston Street at West Street, Canal Street at Hudson Street, and Spring Street at West Street~~, and Spring Street at Washington Street~~ could not be fully mitigated during one or more analysis peak hours. These projected impacts would remain unmitigated under the proposed project with big box retail, and would therefore be considered unavoidable adverse impacts. No significant adverse impacts were identified for transit, pedestrians, vehicular and pedestrian safety, and parking for both the proposed project and the proposed project with big box retail. ~~Between the DEIS and FEIS, additional measures will be explored, where feasible, to further mitigate the impacts identified above. If additional feasible measures can be identified, certain projected impacts may become mitigated. If no additional feasible measures can be identified, the projected impacts would remain unmitigated, and would therefore be considered unavoidable adverse impacts.~~

As noted in Chapter 1, "Project Description," the South Site could contain either hotel or office use. The EIS analyses are generally based on hotel use as a more conservative assumption and the transportation analyses presented in this chapter assumed a 229,700-gsf hotel use. However, because of different travel patterns between the hotel and office uses, developing the South Site with office instead of a hotel could have the potential to result in additional significant adverse transportation impacts. ~~B, which will be explored b~~etween the DEIS and FEIS, additional quantitative traffic analysis was prepared to determine the potential for any additional significant adverse traffic impacts. Based on the traffic analysis conducted at the seven selected intersections for both the proposed project and proposed project with big box retail with South Site office use, potential significant adverse traffic impacts were identified at the same

intersections as with the hotel use scenarios. Potential measures to mitigate the projected traffic impacts with the South Site office use are discussed in Chapter 22, "Mitigation." As discussed in that chapter, the same or comparable mitigation measures as the hotel use scenarios were recommended to mitigate the potential significant adverse traffic impacts under the proposed project and the proposed project with big box retail scenarios. Therefore, the proposed project with South Site office use would similarly not result in unavoidable adverse impacts. However, for the proposed project with big box retail with South Site office use, the projected unmitigated impacts under the hotel use scenario would also be unmitigated under the office use scenario. Therefore, the proposed project with big box retail with South Site office use would similarly result in unavoidable adverse impacts. ~~Mitigation measures will be explored in coordination with the New York City Department of Transportation (NYCDOT) to mitigate any additional significant adverse transportation impacts. The proposed mitigation measures are subject to review and approval by the NYCDOT, and if certain proposed mitigation measures are deemed infeasible by NYCDOT, alternate measures will be explored. If no other alternate mitigation is identified, the impacted locations would be unmitigated, and would therefore be considered unavoidable adverse impacts.~~

D. CONSTRUCTION

~~As described in Chapter 20, "Construction," the proposed project has the potential to result in construction period air quality and noise impacts.~~

~~Between the DEIS and the FEIS, a detailed analysis will be performed of air quality concentrations at completed and occupied project buildings and proposed open space resulting from construction of the proposed project. The analysis will also include an examination of the practicability and feasibility of implementing additional control measures as necessary to reduce or eliminate any potential exceedances of the National Ambient Air Quality Standards (NAAQS), or applicable *de minimis* criteria. If significant adverse construction period air quality impacts are identified but no practicable and feasible mitigation measures are available, then these impacts would be considered unavoidable adverse impacts.~~

As described in Chapter 20, "Construction," between the DEIS and FEIS, a detailed modeling analysis of construction air quality indicated that there would be no potential exceedances of NAAQS or applicable *de minimis* criteria.

Between the DEIS and the FEIS, a detailed modeling analysis of construction noise indicated that construction of the proposed project has the potential to result in construction noise levels that exceed *CEQR Technical Manual* noise impact criteria at the 354-361 West Street development site. If the proposed project proceeds by a phased construction schedule resulting in one or more project buildings being occupied while construction occurs at another project building, there could be elevated noise levels at occupied project building(s) that are predicted to result in exceedances of *CEQR Technical Manual* noise exposure guidelines and would constitute significant adverse noise impacts at some façades.

Since 354-361 West Street and the proposed project buildings are or will be mapped with Noise (E) designations requiring between 26 and 41 dBA of window/wall attenuation, which would be achieved by means of installing acoustically rated insulated glass windows, and an alternate means of ventilation (i.e., air conditioning that does not degrade the acoustical performance of the façade) to allow for the maintenance of a closed-window condition, there are no feasible and practicable mitigation measures that would be able to reduce or eliminate the potential

significant adverse noise impacts. Source or path controls beyond those already identified for the construction of the proposed project would not be effective in reducing the level of construction noise at the receptors that have the potential to experience significant adverse construction noise impacts. Additional noise receptor controls at these locations would require change to the building design that would have disproportionately high cost considering that the potential noise impacts would be temporary, the interior noise levels during construction are expected to be no more than approximately 10 dBA over the acceptable threshold levels, and that the potential impacts would be limited to construction hours, which would not include regular night-time or weekend periods.

The detailed modeling analysis indicated that noise levels at the proposed elevated open space during phased construction are predicted to be in the low to high 80s dBA, which would exceed the *CEQR Technical Manual* recommended noise level threshold for open space. To avoid the potential for significant adverse construction noise impacts at the proposed elevated open space, the proposed elevated open space would be closed during the demolition, excavation, and foundation construction stages at either of the adjacent building sites, i.e., the North or Center Sites.

~~Between the DEIS and the FEIS, a detailed analysis will be performed of noise at completed and occupied project buildings and proposed open space resulting from construction of the proposed project. The analysis will include quantitative predictions of the magnitude, time of occurrence, and duration of potential exceedances CEQR recommended noise exposure guidelines at the project buildings. The analysis will also include an examination of the practicability and feasibility of implementing additional control measures as necessary to reduce or eliminate any potential exceedances of CEQR noise exposure guidelines. If significant adverse construction-period noise impacts are identified but no practicable and feasible mitigation measures are available, then these impacts would be considered unavoidable adverse impacts.~~

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