

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

- There are no reasonably practicable mitigation measures to eliminate the impacts; and
- There are no reasonable alternatives to the Proposed Actions that would meet the purpose and need of the action, eliminate the impact, and not cause other or similar significant adverse impacts.

As described in Chapter 18 “Mitigation,” most of the potential impacts that could occur as result of the proposed actions could be mitigated. However, as described below, the significant adverse noise impact on the new open space/park areas created as part of the Proposed Action would not be mitigated.

### **A. NOISE**

Based on U.S. Department of Housing and Urban Development (HUD) standards, the noise levels at the new open space areas created as part of the Proposed Action would result in potentially significant adverse noise impacts on their users at some locations. Noise levels within the new open space areas created as part of the Proposed Action would be above the 55 dBA  $L_{10}$  noise level for outdoor areas requiring serenity and quiet contained in the CEQR Technical Manual noise exposure guidelines as well as the HUD goal of a maximum  $L_{dn}$  noise level of 45 dBA for interior noise levels of residences (HUD does not have noise standards pertaining specifically to outdoor public open space). Because of safety and aesthetic considerations, there are no practical and feasible mitigation measures that could be implemented to reduce noise levels to below the 55 dBA  $L_{10(1)}$  guideline within the open space areas. While a wall made of either transparent Lucite or an opaque material could be constructed as a sound barrier, such a wall would block physical access to the waterfront, thereby defeating one of the Proposed Action’s primary goals. An opaque wall would block visual access to the waterfront as well and would therefore have a detrimental effect on safety and urban design. A transparent barrier made of Lucite would be difficult to keep clean and would likely have graffiti scratched into it over time. This would greatly diminish the visual appeal of the open spaces that would be created or enhanced under the Proposed Action.

Although noise levels in some of these new areas would be above the 55 dBA  $L_{10(1)}$  guideline noise level for CEQR and the 45 dBA HUD guideline, they would be comparable to noise levels in a number of open space areas that are also located adjacent to heavily trafficked roadways, including the Hudson River Park, the East River Drive Park, Central Park, Riverside Park, and other urban open space areas. Furthermore, current users of the existing esplanade are already exposed to noise levels over 55dBA  $L_{10(1)}$ . The 55 dBA  $L_{10(1)}$  guideline is a worthwhile goal for outdoor areas requiring serenity and quiet. However, due to the level of activity present at most New York City open space areas and parks (except for areas far away from traffic and other typical urban activities) this relatively low noise level is often not achieved.

**B. CONSTRUCTION**

As described in Chapter 16, “Construction,” construction of the Battery Maritime Building (BMB) Plaza could potentially require the closure of the Battery Park Underpass, which could result in temporary significant adverse impacts with respect to traffic circulation and air quality during the construction period. As described in Chapter 18, “Mitigation,” any potential adverse impacts of construction for the Proposed Action would be minimized to greatest extent possible via coordination with the Lower Manhattan Construction Command Center (LMCCC). However, it is possible that there would be temporary significant impacts during the construction period that would not be fully mitigated. \*