Chapter 26: Unavoidable Significant Adverse Impacts

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

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

As described in Chapter 24, "Mitigation," a number of the potential impacts identified for the Proposed Actions could be mitigated. However, as described below, in some cases, significant adverse impacts would not be fully mitigated.

A. CHILD CARE

As discussed in Chapter 5, "Community Facilities," the Proposed Actions would introduce 105 and 147 children under the age of 6 who would be eligible for publicly funded child care in 2017 and 2019, respectively. Publicly funded child care and Head Start facilities in the area will already be operating above capacity in the Future without the Proposed Actions in both analysis years. The new children from the Proposed Actions would exacerbate the predicted shortage in child care and Head Start slots. If no new public child care and Head Start facilities or private providers accepting vouchers are created to increase the study area's capacity, significant adverse impacts could occur in 2017 and 2019 as a result of the Proposed Actions.

The expected increase in demand could be offset by a number of factors. Private child care facilities and child care centers outside of the study area are not included in this analysis. Some of the increased child care demand would likely be offset by parents who choose to take their children to child care centers outside of the study area (e.g., closer to work). Some of the Family Day Care Networks serve children residing in the study area and could potentially absorb some of the demand. This new demand may also be considered in future Request for Proposal planning for contracted services. Finally, new capacity could potentially be developed as part of the New York City Administration for Children's Services' (ACS) public-private partnership initiatives. As partial mitigation for this impact, ACS will monitor the demand and need for additional capacity and implement change to the extent practicable.

B. OPEN SPACE

As discussed in Chapter 6, "Open Space," the Proposed Actions would result in a significant decrease in the active and total open space ratios (the amount of active or total open space per 1,000 persons) in the study area due to the introduction of workers and residents in the larger "residential" study area surrounding the Development Site. Potential mitigation measures for the Proposed Actions could include, among others: creating additional open space programming on the Development Site or within the study area; funding for improvements, renovation, or

maintenance at existing local parks; adding amenities to existing parks to increase park usage year-round or at night; and opening schoolyards to the public outside of school hours.

These options will be further explored and evaluated in consultation with the New York City Department of Parks and Recreation, between the DEIS and FEIS. If the proposed mitigation measures are determined to be infeasible, the significant adverse impact would remain unmitigated.

The Proposed Actions would also result in a direct significant adverse impact on open spaces due to shadows. In 2019 shadows from the proposed buildings on the Development Site are expected to result in a significant adverse impact on the Eastern Rail Yard open space during the March, May, June, August and September analysis periods, when large incremental shadows would remove the remaining sunlight on the open space. As partial mitigation for the shadow impact on the Eastern Rail Yard open space, the design of this open space is still in development and the design would take into consideration the shadows from the Proposed Actions, thereby partially mitigating the potential significant adverse impact. Such measures could include the use of shade tolerant vegetation for landscaping and the placement of features that may require sunlight in areas of the open space where shadows are not cast or case for a short duration.

In addition, the Proposed Actions would result in a significant adverse shadow impact at the Tenth Avenue Site. As a result of the Proposed Actions, much of the open space that will be constructed immediately to the west of the project site would be in shadow from early afternoon to the end of the day during each analysis day. As partial mitigation, the design and layout for this future open space—to be developed by the New York City Department of Parks and Recreation in coordination with the New York City Department of Environmental Protection—would take into consideration the shadows from the Proposed Actions. Such measures could include the programming of active recreation features, the placement of features requiring sunlight to be located in areas of the open space where shadows are cast for a short duration, and the use of shade tolerant vegetation for landscaping.

C. SHADOWS

As discussed in Chapter 7, "Shadows," the incremental shadows created by the full build out of the Proposed Actions on the Development Site in 2019 would cause a significant adverse shadow impact on the Eastern Rail Yard open space. In addition, shadows from the Tenth Avenue Site would be cast on the future open space adjacent to its east for several hours in all seasons. Mitigation measures for partial mitigation are discussed above, in "Open Space."

D. TRAFFIC

As discussed in Chapter 17, "Traffic and Parking," the Proposed Actions would result in substantial commercial and residential development on the Development Site, generating an increase in the number of vehicle trips into and out of the Development Site study area. Most of the impacts could be mitigated through the implementation of traffic operations improvements, including modification of traffic signal phasing and/or timing; elimination of on-street parking within 150 feet of intersections to add a limited travel lane, known as "daylighting"; enforcement of existing parking restrictions to ensure that traffic lanes are available to moving traffic; channelization and lane designation changes to make more efficient use of available street widths; and installation of traffic signals at unsignalized intersections if warranted.

However, of the more than 360 intersection movements evaluated for the 2019 Future with the Proposed Actions condition, 14 intersection movements would have unmitigated significant

adverse impacts during the weekday AM peak hour, 4 intersection movements would have unmitigated significant adverse impacts during the weekday midday peak hours, 17 intersection movements would have unmitigated significant adverse impacts during the weekday PM peak hour and 6 intersection movements would have unmitigated significant adverse impacts during the Saturday midday peak hours. Consequently, an unavoidable significant adverse traffic impact would occur due to the Proposed Actions.

E. PEDESTRIAN CONDITIONS

As discussed in Chapter 18, "Transit and Pedestrians," a total of 373 pedestrian elements (188 sidewalks, 95 crosswalks, and 90 corners) were analyzed for the AM, midday, and PM hours and 289 pedestrian elements (146 sidewalks, 73 crosswalks, and 70 corners) were analyzed for the Saturday peak hour. Standard mitigation for projected significant adverse impacts on pedestrian conditions includes relocation or removal of obstacles on sidewalks, construction of wider sidewalks and corners and repainting crosswalks for additional width. For nine crosswalk locations, seven sidewalk locations, and 11 street corner locations, there are no mitigation measures available to fully mitigate these significant adverse impacts. In addition, unmitigated significant adverse impacts would occur at 8 crosswalk locations and 2 corner locations due to changes in signal timing as part of traffic mitigation measures. Therefore, an unavoidable significant adverse impact on pedestrian conditions would occur due to the Proposed Actions. ✶