3.23 UNAVOIDABLE ADVERSE IMPACTS

INTRODUCTION

According to the *CEQR Technical Manual*, unavoidable adverse impacts are disclosed when a proposed action is expected to result in significant adverse impacts for which there are no reasonable or practical mitigation measures. As described in Chapter 3.22, "Mitigation," most of the potential significant adverse impacts of the proposed action could be avoided or mitigated by implementing a number of measures. However, there are also several unavoidable adverse impacts for which there is no practical or feasible mitigation. These unavoidable adverse impacts, associated with community facilities, historic resources, and traffic, are described below.

COMMUNITY FACILITIES

As described in Chapter 3.3, "Community Facilities and Services," the introduction of day care-eligible children associated with the Reasonable Worst Case Development Scenario (RWCDS) would cause an 11.3 percent increase in demand over the existing capacity of day care facilities in the study area. Therefore, the proposed action would result in a significant adverse impact on publicly funded day care facilities in the study area, warranting consideration of mitigation measures. As described in Chapter 3.22, "Mitigation," this potential increase in demand could be offset by a number of factors, including private day care facilities and day care centers outside of the study area; absorption of students by some of the Family Day Care Networks; and, development of new capacity as part of the New York City Administration for Children's Services' public-private partnership initiatives. However, if none of these measures are taken, then the proposed action would result in an unmitigated adverse day care impact.

HISTORIC RESOURCES

As noted in Chapter 3.6, "Historic Resources," the proposed action could result in a significant adverse impact due to the conversion of one potentially eligible resource, the North Side Board of Trade (#1), which occupies Potential Conversion Site 63. This significant adverse impact would be unmitigated as this resource is not a designated New York City landmark and has not been calendared for designation.

Inadvertent construction-related damage could potentially occur to one designated historic resource, Public School 31 (#2), and one potentially eligible resource, the North Side Board of Trade (#1). For the non-designated resource, the North Side Board of Trade, construction under the proposed action could potentially result in construction-related impacts to this resource, as the additional construction protections of *TPPN 10/88* would not apply. Any significant adverse impact would be unmitigated, other than through limited protection under DOB regulations applicable to all buildings located adjacent to construction sites, as this resource is not a designated New York City

landmark and has not been calendared for designation.

The City has procedures for avoidance of damage to structures from adjacent construction with added protection for designated historic resources, which would be afforded to Public School 31. Building Code section 27-166 (C26-112.4) serves to protect buildings by requiring that all lots, buildings, and service facilities adjacent to foundation and earthwork areas be protected and supported in accordance with the requirements of Building Construction Subchapter 7 and Building Code Subchapters 11 and 19. In addition, the New York City Department of Buildings' *Technical Policy and Procedure Notice (TPPN) # 10/88*, supplements these procedures by requiring a monitoring program to reduce the likelihood of construction damage to adjacent LPC-designated or NR-listed resources (within 90 feet) and to detect at an early stage the beginnings of damage so that construction procedures can be changed. In the case of the North Side Board of Trade, any significant adverse impact would be unmitigated as this resource is not a designated historic resource. Without the protective measures described above, significant adverse construction-related impacts to this eligible resource would not be mitigated.

TRAFFIC

As noted in Chapter 3.15, "Traffic and Parking," the findings of the traffic analysis indicate that the additional traffic demand generated by the proposed action would generate significant adverse traffic impacts on nine lane groups at seven intersections during the typical weekday AM peak hour, nine lane groups at eight intersections during the typical weekday midday peak hour, 20 lane groups at 12 intersections during the typical weekday PM peak hour, and 14 lane groups at nine intersections during the typical Saturday midday peak hour. Also as discussed in Chapter 3.15, a separate focused study area analysis was performed in order to assess traffic conditions at those study locations where operations may be affected by traffic volumes associated with New York Yankee home games. The six study intersections along East 149th Street and the study intersection of East 153rd Street with the Grand Concourse were analyzed for the weekday PM peak hour (5:00-6:00 PM) and a Saturday midday hour (12:15-1:15 PM).

The proposed mitigation measures, as described in Chapter 3.22, "Mitigation," would mitigate all of the operational impacts associated under both typical and game day conditions with the proposed action, with the exception of impacts at the following three intersections where unmitigated impacts would remain under the With Action condition:

- East 149th Street/Exterior Street and River Avenue (typical weekday AM, typical weekday MD, typical weekday PM, and typical Saturday midday peak hours as well as game day PM peak hour and Saturday midday hour);
- East 138th Street/Exterior Street (typical weekday AM and typical Saturday midday peak hours); and,

- East 135th Street/Madison Avenue (typical weekday PM and typical Saturday midday peak hours).

Table 3.23-1 provides a listing of the intersections where unmitigated impacts remain under the proposed action under typical day and game day conditions. Table 3.23-2A provides the levels of service (LOS) volume to capacity (v/c) ratios at those intersections where unmitigated impacts remain under the proposed action for typical day conditions. Table 3.23-2B provides these parameters at the one signalized intersection analyzed for the focused game day analysis study area where unmitigated impacts remain under the proposed action.

Table 3.23-1: Summary of Traffic Intersections that Remain Unmitigated with Traffic Mitigation Measures Under the Proposed Action

Intersection	Intersections with Unmitigated Impacts					
	Weekday AM	Weekday Midday	Weekday PM	Saturday Midday	Game Day Weekday PM	Game Day Saturday Midday
East 149th Street at Exterior Street and River Avenue	unmitigated	unmitigated	unmitigated	unmitigated	unmitigated	unmitigated
East 138th Street at Exterior Street	unmitigated	none required	none required	unmitigated	NA	NA
East 135th Street at Madison Avenue	none required	none required	unmitigated	unmitigated	NA	NA

Note: NA- Not analyzed

As shown in the table above, there would be significant adverse traffic impacts that would result with the proposed action for typical analysis periods and Yankee game days. The three intersections detailed above would experience significant adverse impacts that could not be reasonably mitigated under the proposed action. At these locations, use of the range of mitigation measures that are available to the city, including signal timing changes, and changes in on-street parking regulations to allow additional travel lanes could not fully mitigate the anticipated impacts of the proposed action. Thus, these are unmitigated significant adverse impacts of the proposed action with respect to traffic.

Table 3.23-2A: Summary of Impacts at Intersections that Remain Unmitigated with Traffic Mitigation Measures - Comparison of No Action and With Action Typical Day

		AM Peak Hour								MD Peak Hour							
			NO BUILD			BUILD					NO BUILD			BUILD			
Signalized Intersection	Approach[1]	Lane Group[2]	V/C Ratio	Delay (sec.)	LOS	V/C Ratio	Delay (sec.)	LOS		Lane Group[2]	V/C Ratio	Delay (sec.)	LOS	V/C Ratio	Delay (sec.)	LOS	
East 149th Street (E-W) @	EB	L	0.69	42.6	D	0.69	42.6	D		L	0.58	36.0	D	0.58	36.1	D	
River Avenue (N-S) &		TR	0.81	43.5	D	0.80	42.9	D		TR	0.60	35.8	D	0.66	37.5	D	
Exterior Street (N-S)	WB	L	1.10	173.9	F	1.10	174.7	F		L	0.37	45.8	D	1.02	127.7	F	*
		TR	0.85	56.8	E	0.85	56.8	E		TR	0.72	49.2	D	0.72	49.2	D	
	NB (Ext)																
		DefL	0.71	70.8	E	0.94	111.1	F	*	DefL	0.69	59.0	E	0.93	92.7	F	*
		TR	0.33	39.7	D	0.44	42.1	D		TR	0.57	46.1	D	0.71	52.8	D	*
	NB (MD)	LTR								LTR	0.73	44.1	D	0.73	44.2	D	
		DefL	0.70	48.1	D	0.68	46.7	D									
		TR	0.59	42.2	D	0.59	42.2	D									
	SB (Ext)	DefL	0.32	35.4	D	0.32	35.4	D		DefL	0.50	44.7	D	0.50	44.7	D	
		T	0.07	30.3	C	0.01	29.6	C		T	0.08	30.4	C	0.08	30.4	C	
		R	0.10	30.8	C	0.10	30.7	C		R	0.18	31.9	C	0.18	31.9	C	
	SB (River)	LTR	0.88	61.0	E	0.89	62.5	E		LTR	0.51	42.5	D	0.55	43.6	D	
	Intersection			52.0	D		55.5	E				42.7	D		50.8	D	
East 138th Street (E-W) @	EB	TR	1.00	69.2	E	1.00	68.4	E									
Exterior Street SB (N-S)	WB	L	0.74	56.9	E	0.94	84.5	F	*								
		T	0.83	52.9	D	0.83	53.1	D									
	SB	LTR	1.04	69.4	E	0.98	55.6	E									
		R	0.62	16.5	B	0.64	17.0	B									
	Intersection			58.9	E		55.6	E									
East 135th Street (E-W) @	EB																
Madison Avenue (N-S)																	
	WB (SR)																
	WB (Ramp)																
	NB																
	SB																
	Intersection																

		PM Peak Hour								SAT Peak Hour							
			NO BUILD			BUILD					NO BUILD			BUILD			
Signalized Intersection	Approach[1]	Lane Group[2]	V/C Ratio	Delay (sec.)	LOS	V/C Ratio	Delay (sec.)	LOS		Lane Group[2]	V/C Ratio	Delay (sec.)	LOS	V/C Ratio	Delay (sec.)	LOS	
East 149th Street (E-W) @	EB	L	1.41	240.4	F	1.42	243.3	F		L	0.91	63.6	E	0.91	63.6	E	
River Avenue (N-S) &		TR	0.75	36.0	D	0.79	38.0	D		TR	0.60	33.8	C	0.69	36.1	D	
Exterior Street (N-S)	WB	L	0.34	41.9	D	1.54	332.1	F	*	L	0.23	39.2	D	1.40	264.5	F	*
		TR	0.83	47.4	D	0.83	47.2	D		TR	0.84	53.2	D	0.83	52.3	D	
	NB (Ext)									LTR	0.21	40.3	D				
		DefL	0.93	110.3	F	1.25	211.0	F	*	DefL				0.48	49.7	D	*
		TR	0.44	46.1	D	0.58	50.8	D	*	TR				0.40	44.6	D	
	NB (MD)	LTR	0.98	68.2	E	0.99	71.2	E		LTR	0.72	42.2	D	0.73	42.4	D	
	SB (Ext)	DefL	1.33	263.4	F	1.33	263.4	F		DefL	1.00	116.2	F	1.00	116.2	F	
		T	0.07	31.0	C	0.14	32.0	C		T	0.13	30.4	C	0.18	31.2	C	
		R	0.35	36.0	D	0.35	36.0	D		R	0.36	34.5	C	0.36	34.5	C	
	SB (River)	LTR	0.85	63.2	E	0.89	68.5	E	*	LTR	0.86	62.5	E				
										L				0.83	73.5	E	*
										TR				0.77	59.9	E	
	Intersection			74.4	E		88.5	F				46.1	D		62.7	E	
East 138th Street (E-W) @	EB									TR	0.78	33.4	C	0.80	34.3	C	
Exterior Street SB (N-S)	WB									L	0.75	45.8	D	0.95	74.6	E	*
										T	0.46	31.7	C	0.47	31.9	C	
	SB									LTR	1.01	67.4	E	1.12	103.9	F	*
										R	0.46	16.5	B	0.51	17.5	B	
	Intersection											42.0	D		55.6	E	
East 135th Street (E-W) @	EB	L	1.10	117.3	F	1.13	125.2	F	*	L	1.04	96.9	F	1.07	106.7	F	*
Madison Avenue (N-S)		LT	0.90	64.8	E	0.92	67.0	E		LT	0.91	65.9	E	0.93	69.9	E	*
	WB (SR)	TR	0.39	33.8	C	0.40	34.0	C		TR	0.13	28.9	C	0.13	28.9	C	
	WB (Ramp)	TR	0.94	57.0	E	0.94	57.7	E		TR	0.90	51.6	D	0.91	52.6	D	
	NB	L	0.45	30.7	C	0.45	30.7	C		L	0.48	31.3	C	0.48	31.3	C	
		TR	1.10	95.3	F	1.12	102.7	F	*	TR	0.95	52.4	D	0.98	58.4	E	*
	SB	R	0.32	27.6	C	0.33	27.7	C		R	0.38	28.4	C	0.40	28.7	C	
	Intersection			74.9	E		79.2	E				54.9	D		59.0	E	

Notes:

1. EB - Eastbound, WB - Westbound, NB - Northbound, SB - Southbound
2. L - Left, T- Through, R - Right, DefL - De Facto Left Turn

Congested intersections are designated by shading.

*Significant Impact

Table 3.23-2B: Summary of Impacts at Intersections that Remain Unmitigated with Traffic Mitigation Measures - Comparison of No Action and With Action Game Day

		PM Peak Hour								SAT Peak Hour							
			NO BUILD			BUILD					NO BUILD			BUILD			
Signalized Intersection	**Approach[1]**	**Lane Group[2]**	**V/C Ratio**	**Delay (sec.)**	**LOS**	**V/C Ratio**	**Delay (sec.)**	**LOS**		**Lane Group[2]**	**V/C Ratio**	**Delay (sec.)**	**LOS**	**V/C Ratio**	**Delay (sec.)**	**LOS**	
East 149th Street (E-W) @	EB	L	0.85	54.3	D	0.85	54.3	D		L	2.06	534.7	F	2.06	534.7	F	
River Avenue (N-S) &		TR	0.90	45.0	D	0.95	51.0	D	*	TR	0.59	33.5	C	0.69	36.1	D	
Exterior Street (N-S)	WB	L	0.89	125.8	F	3.94	1401.0	F	*	L	0.39	44.2	D	1.71	395.8	F	*
		TR	0.74	43.3	D	0.74	43.3	D		TR	0.72	46.4	D	0.72	46.4	D	
	NB (Ext)	DefL	1.36	238.2	F	1.46	277.1	F	*	DefL	0.31	45.3	D	1.05	135.9	F	*
		TR	0.88	72.6	E	1.03	104.0	F	*	TR	0.24	41.3	D	0.44	45.7	D	
	NB (MD)	LTR	1.17	131.7	F	1.20	142.8	F	*	LTR	1.14	117.7	F	1.15	123.6	F	*
	SB (Ext)	DefL	2.62	815.7	F	2.62	815.7	F		DefL	1.46	282.8	F	1.46	282.8	F	
		T	0.44	37.5	D	0.51	39.2	D		T	0.18	31.1	C	0.26	32.4	C	
		R	0.30	34.9	C	0.30	34.9	C		R	0.50	37.6	D	0.50	37.6	D	
	SB (River)	LTR	0.77	57.6	E	0.83	62.8	E	*	LTR	0.65	49.7	D	0.69	51.3	D	
	Intersection			103.2	F		157.0	F				125.3	F		141.8	F	

Notes:

1. EB - Eastbound, WB - Westbound, NB - Northbound, SB - Southbound
2. L - Left, T- Through, R - Right, DefL - De Facto Left Turn

Congested intersections are designated by shading.

*Significant Impact