A. 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 19, "Mitigation," some of the potential significant adverse impacts of the proposed actions could be avoided or mitigated by implementing a number of measures. However, there are some potential unavoidable adverse impact for which there is no mitigation. These unavoidable adverse impacts are described below.

B. COMMUNITY FACILITIES

Elementary Schools

As discussed in Chapter 4, "Community Facilities," the proposed action would result in a significant adverse impact on the elementary school capacity in the study area, within a half-mile radius from the project site. With the building scenario analyzed in the FEIS, the project results in a shortfall of elementary school seats between the No-Build and the Build conditions. The *CEQR Technical Manual* states that a significant adverse impact on school seat capacity would occur when a proposed action results in a 5 percent (or greater) shortfall of available seats in the study area. In order for the applicant to avoid a significant adverse impact, the project would have to be reduced to 675 units, which would generate 81 elementary students. An increase of 81 elementary students in the study area would exacerbate the existing shortfall by 4.9 percent and would be below the CEQR threshold that would be considered a significant adverse impact. With the FEIS' assumption of 900 units, the project would generate 108 elementary students. The difference between the CEQR threshold for significance and the proposed action results in a shortfall of 27 students.

In between the Draft and Final EIS, the applicant explored the feasibility of several potential mitigation measures with the New York City School Construction Authority (SCA). The applicant has stated that mitigation in the form of providing school space within the project site or within a half-mile radius from the project site is not feasible. Mitigation for the shortfall could be achieved by providing the SCA with funding to use in future capital planning efforts that would result in the creation of increased capacity in the area. Such funding may partially mitigate the significant adverse impacts on elementary school capacity in the study area. At the time of issuance of this FEIS, the applicant, lead agency and SCA were discussing the terms of a potential funding mechanism. In the event a funding mechanism is developed and implemented, the significant adverse impact would be partially mitigated, and in the event a funding mechanism is not established, the significant adverse impact would remain unmitigated.

C. SHADOWS

As discussed in Chapter 6, "Shadows," the proposed action would result in significant adverse shadows impacts on Centro Maria, a residence operated by a church. This building, which is not open to the public, was originally Saint Ambrose Roman Catholic Church and is eligible for listing on the State and National Registers of Historic Properties. It is located directly north of the central portion of the project site at 539 West 54th Street. Incremental shadows would be cast by the proposed project on the stained glass rose window located at the second floor level above the building's entryway (refer to Figure 6-3 in Chapter 6, "Shadows").

As discussed in Chapter 19, "Mitigation," potential mitigation measures, such as prohibiting development of a building on the central portion of the project site or the use of artificial lighting to simulate the sunlit conditions to eliminate this impact were identified in the DEIS and explored in consultation with LPC and SHPO (see Appendix C) but were determined to not be feasible or practicable. Therefore, the proposed project's significant adverse shadow impact on this resource would not be mitigated and would be an unavoidable significant adverse impact.