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Unavoidable Significant Adverse Impacts

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Introduction

This chapter summarizes unavoidable significant adverse impacts resulting from the With-Action condition. According to the *2021 CEQR Technical Manual*, 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 20, Mitigation**, the Proposed Actions have the potential to result in significant adverse community facilities, transportation, and construction impacts. The Proposed Actions would also result in a temporary active open space impact during the construction period. To the extent practicable, mitigation has been proposed for these identified significant adverse impacts. However, in some instances no practicable mitigation has been identified to fully mitigate the significant adverse impacts, and there are no reasonable alternatives to the Proposed Actions that would meet the purpose and need, eliminate potential impacts, and not cause other or similar significant adverse impacts.

Community Facilities

Early Childhood Programs

As discussed in **Chapter 4, Community Facilities and Services**, the Proposed Actions would result in a significant adverse impact on publicly funded child care and Head Start Centers according to the thresholds set forth by the *CEQR Technical Manual*.

As discussed in **Chapter 20, Mitigation**, a suggested mitigation strategy for one of the No-Action developments – the Brooklyn Developmental Center – will be to introduce 290 childcare slots to the study area for a total capacity of 1,900 slots. This is a commitment that was made in the EIS for the Brooklyn Development Center. With this provision of childcare slots by the Brooklyn Development Center under the No-Action condition, the study area would only operate at a deficit of 375 slots and the study area utilization rate would be 107.2 percent. The change in utilization for the Proposed Actions would be 12.5 percent.

Accounting for mitigation by the above development for its childhood program impacts, the Proposed Project could mitigate the childcare impact by providing 128 childcare slots within the Proposed Project (to reduce the change in utilization to 5 percent) or pay for them to be provided offsite. The Applicant will coordinate with DOE in an effort to include space that could be used for publicly funded early childhood programming in the Proposed Project. To satisfy the need for seats, it is the Applicant's intention to provide a publicly funded facility of at least approximately 6,350 gsf on site (conservatively assuming 50 sf per child) to avoid the potential impact. The Proposed Project has allocated 12,320-gsf for a childcare facility within the Project Area. Consideration of providing additional childcare facility capacity and/or other measures is being explored in consultation with DOE and will be further explored between DEIS and FEIS.

There are 20 publicly funded early childhood programs within the 1.5-mile radius study area. These early childhood programs have a total capacity of 1,610 seats and have 167 available seats or a collective utilization of 89.63 percent. In the With-Action condition, the Proposed Actions would introduce 1,338 non-senior affordable units below 80 percent AMI resulting in an increment of 238 additional childcare-eligible children. To avoid the identified significant adverse impact to early childhood programs, the number of non-senior affordable dwelling units that could be developed would have to be reduced from 1,338 to 530, a reduction of 808 affordable units.[1] However, this is not a feasible alternative as a substantial reduction in the number of affordable housing units developed in the Development Site would be less supportive of the goals and objectives of the Proposed Actions. Alternatively, taking into account the proposed mitigation from other developments in the study area, the provision of 128 early childhood slots under this alternative would avoid the unmitigated significant adverse impact to early childhood programs.

As indicated above, the Proposed Project would provide 12,320-gsf for a childcare facility within the Project Area.[2] A facility of approximately 6,350 sf feet would fully mitigate the

[1] Note that this takes into account the Brooklyn Developmental Center Mitigation in the No-Action Condition. If the Brooklyn Developmental Center impact goes unmitigated, then the Proposed Project would have to reduce further to 450 units.

[2] Subject to DOE coordination and funding availability.

significant adverse impact if the designated spaces are tenanted by early childhood providers in consultation with NYCDOE. Therefore, the 12,320-gsf space proposed by the Applicant would exceed the minimum mitigation required.

Possible mitigation measures for this significant adverse impact may include provision of suitable space on-site for a childcare center, provision of a suitable location off-site and within a reasonable distance (at a rate affordable to DOE providers), or funding or making program or physical improvements to support adding capacity to existing facilities if determined feasible through consultation with DOE's Division of Early Childhood Education, or providing new early childhood programs within or near the project sites. As stated above, the Applicant proposes to include an approximately 12,320-gsf space on-site for a childcare center.

As a City agency, DOE does not directly provide new childcare facilities, instead it contracts with providers in areas of need. DOE is also working to create public/private partnerships to facilitate the development of new early childhood programs where there is an area of need. As part of that initiative, DOE may be able to contribute capital funding, if it is available, towards such projects to facilitate the provision of new programs.

At this time, it is not feasible to determine precise mitigation measures that would be appropriate for the study area. The childcare analysis is conservatively based on the existing inventory of publicly funded early childhood programs in the area and does not reflect likely shifts in demand or the creation of new childcare capacity. If no other alternative mitigation measures are identified to reduce the exceedance in capacity for existing programs in the Project Area, then this would be an unmitigated impact.

Libraries

As discussed in **Chapter 4, Community Facilities and Services** and **Chapter 20, Mitigation**, the Proposed Project would result in a significant adverse impact to public libraries.

Possible mitigation measures to address the identified significant adverse impact to public libraries will be developed in consultation with the BPL. Such measures should be targeted to alleviate the impact created and may include providing project residents with computer lab/reading areas with free internet access within lounge spaces in each building and providing space within the PAC and additional space outdoors within the central Quad for use by BPL for programming.

There is no precise program delineating the mitigation measures; rather, the mitigation measures rely upon the direction of BPL. Therefore, absent certainty as to whether any measures would be practicable, there remains the potential that the predicted indirect impacts to public libraries may be unavoidable.

Open Space

As discussed in **Chapter 5, Open Space**, and **Chapter 20, Mitigation**, the Proposed Project would result in a temporary indirect adverse impact to active open space during construction as new residents would be introduced into the area prior to completion of the planned on-site open space resources.

Possible mitigation for the identified open space impact is being explored by the Applicant, DCP, and NYC Parks and will be refined between the DEIS and FEIS. If measures to partially or fully mitigate this impact cannot be identified, the impact would remain unmitigated and would constitute an unavoidable temporary adverse impact of the Proposed Actions.

Transportation

Traffic

As discussed in **Chapter 13, Transportation**, and **Chapter 20, Mitigation**, the Proposed Project would result in significant adverse impacts which could not be fully mitigated with standard traffic capacity improvement measures at six of the 13 intersections during the weekday AM peak hour, two intersections during the weekday midday peak hour, five intersections during the weekday PM peak hour and four intersections during the Saturday peak hour. During the Sunday peak hour, four of the seven intersections analyzed would remain unmitigated. As discussed in **Chapter 21, Alternatives,** a sensitivity analysis conducted at key intersections determined that a modest increase in traffic and pedestrians (about eight percent of the Proposed Project, that is, no more than 165 residential units) above No-Action condition levels would be expected to result in traffic impacts that could not be mitigated.

The proposed mitigation measures are subject to review and approval by the New York City Department of Transportation (NYC DOT). If certain proposed mitigation measures are deemed infeasible by NYC DOT, practical alternative measures, if any, may be analyzed and presented in the Final Environmental Impact Statement (Final EIS). If no other alternative mitigation measures can be identified, those additionally impacted locations would be unmitigated.

Transit

As discussed in **Chapter 20, Mitigation,** the Proposed Project would result in unmitigated significant adverse impacts at the Glenwood Road fare control element at the Rockaway Parkway L subway station during the AM peak hour. As discussed in **Chapter 13, Transportation**, as part of recent station renovations, there is no fence or other barrier behind the Glenwood Road fare control and the vast majority of subway riders were observed to evade the fare control. Per the direction provided by NYCT, the fare control was analyzed assuming all subway riders would use the fare control (no fare evasion) and thus this fare control would operate at over-capacity conditions during the AM peak hour under the existing and future No-Action and With-Action conditions. Measures to mitigate this impact could potentially include the construction of additional turnstiles. The practicability of implementing this measure, as well as measures to prevent prevalent fare evasion at this fare control area, will be evaluated in consultation with New York City Transit (NYCT) between the Draft EIS and Final EIS. Should measures to mitigate these impacts be determined to be impracticable, these significant impacts would be considered unmitigated in the Final EIS.

Pedestrians

As discussed in **Chapter 13, Transportation**, and **Chapter 20, Mitigation,** a total of 36 pedestrian elements were analyzed for the weekday AM, midday, PM, and Saturday peak hours, and 14 pedestrian elements along the Development Site frontages were analyzed for the Sunday peak hour. The Proposed Project would result in significant impacts at one pedestrian element during the weekday AM and midday peak hours, two pedestrian elements during the weekday PM peak hour, and four pedestrian elements during the Saturday peak hour. Pedestrian impacts that could not be mitigated were identified at 12 pedestrian elements during the Sunday peak hour which conservatively analyzed the confluence of the Proposed Project's peak hour of pedestrian activities with the peak hour of church services (when church trips are leaving the 8 AM service and arriving for the 10:30 AM service). Potential improvements that could mitigate the significant impacts were reviewed and it was determined that the pedestrian impacts could not be mitigated with typical improvement measures.

Construction

Traffic

As discussed in **Chapter 19, Construction**, construction activities would result in significant adverse impacts which could not be fully mitigated at six of the 12 intersections analyzed during the weekday PM construction peak hour; impacts identified at two of the seven intersections analyzed during the weekday AM construction peak hour could be fully mitigated. Significant traffic impacts at other intersections could be mitigated with measures similar to those proposed for the Proposed Project.

Noise

As presented in **Chapter 20, Mitigation**, the Proposed Actions would result in significant adverse construction noise impacts which could not be fully mitigated at six buildings in the Project Area, including three existing buildings and three buildings that would be introduced by the Proposed Actions during the phased development.

Construction activities would adhere to the NYCDEP Noise Code in order to mitigate construction noise. Noise source and path control measures that would be implemented to the extent feasible, practical, and safe. With the adherence to existing construction noise regulations and the implementation of a Construction Noise Mitigation Plan, as required by the New York City Noise Code, including an 8-foot construction noise barrier, construction noise would be reduced but would still exceed the thresholds for significant construction noise impact prior to mitigation. In order to eliminate all significant adverse noise impacts, use of the loudest construction equipment, such as drill rigs during the foundation phases of construction and concrete mixer trucks during the foundation and superstructure phases of construction, would have to be reduced or eliminated and other construction activities would need to be substantially limited so as to not occur adjacent to existing noise sensitive receptors or to occur for substantially shorter durations. These limitations would severely limit the Proposed Actions' goals and objective for the project. Therefore, since it is not

feasible to fully avoid or mitigate potential impacts, the significant adverse construction noise impact would be unavoidable.