Chapter 21 : Unavoidable Adverse Impacts

I. INTRODUCTION

This chapter summarizes unavoidable significant adverse impacts resulting from the Proposed Actions. As defined in the *City Environmental Quality Review (CEQR) Technical Manual*, unavoidable significant adverse impacts are defined as those that meet the following two criteria: there are no practicable mitigation measures to eliminate the impact; and there are no practicable alternatives to the proposed actions that would meet the purpose and need for the actions, eliminate the impact, and not cause other or similar significant adverse impacts.

The potential for the Proposed Project to result in significant adverse impacts was evaluated in Chapters 2 through 18 of this Environmental Impact Statement (EIS), with proposed mitigation for identified significant adverse impacts presented in Chapter 20, "Mitigation." As described in Chapter 20, the Proposed Project would result in significant adverse impacts with respect to community facilities (public elementary and intermediate schools, and publicly-funded child care centers), active open space, transportation (traffic, transit, and pedestrian elements), air quality, noise, and construction (traffic, pedestrian, and noise). To the extent practicable, mitigation has been proposed for the identified significant adverse impacts. However, in some instances no practicable mitigation has been identified to fully mitigate significant adverse impacts, and there are no practicable alternatives to the Proposed Project that would meet its purpose and need, eliminate potential impacts, and not cause other or similar significant adverse impacts. In other cases, mitigation has been proposed (or are being explored in consultation with relevant agencies), but absent a commitment to implement the mitigation, the impacts may not be eliminated.

II. COMMUNITY FACILITIES AND SERVICES

Public Schools

As described in Chapter 4, "Community Facilities and Services," public elementary schools in CSD 27, Sub-district 1 would remain above capacity with a shortfall of 1,991 seats in the With-Action condition. Approximately 7.85% of this shortfall would be attributable to the Proposed Project due to an increase in the collective utilization rate of 127.36% in the No-Action condition to a collective utilization rate of 135.21% in the With-Action condition. In addition, public intermediate schools in CSD 27, Sub-district 1 would remain above capacity with a shortfall of 46 seats in the With-Action condition. Approximately 6.93% of this shortfall would be attributable to the Proposed Project due to an increase in the collective utilization rate of 94.65% in the No-Action condition to a collective utilization rate of 101.58% in the With-Action condition. As the result, this would represent a significant adverse impact on both public elementary and intermediate schools.

As discussed in Chapter 20, "Mitigation," to fully mitigate the significant adverse impact on public schools, 162 public elementary school seats and 57 public intermediate school seats would need to be provided in CSD 27, Sub-district 1. Alternatively, the Proposed Project would need to be reduced by 521 DUs, or 36% to reduce the number of public school children generated by the Proposed Project to below the significant impact threshold. The analysis of public elementary school conditions relies on conservative assumptions regarding both background growth in the student population and the development of new residential units in future conditions. Should this level of background growth in the sub-district and residential development in the study area not occur, the impact on elementary and/or intermediate schools in Sub-district 1 of CSD 27 could be substantially reduced. Measures to mitigate the significant adverse impacts on public schools are currently being explored and will be identified in coordination with the NYC Department of Education

(DOE) and NYC School Construction Authority (SCA) to determine the feasibility of potential mitigation measures as detailed below.

To eliminate or alleviate the identified significant adverse impacts, the following mitigation measures are currently being explored by the Applicant in consultation with the SCA and DOE: relocating administrative functions to another site, thereby freeing up space for classrooms and/or restructuring or reprogramming existing school space within a district or providing for new capacity (seats) by constructing a new school or an addition to an existing school. The Applicant, or its successor(s) to fee title in the project site, would be required to either provide funding to the DOE/SCA or perform work in accordance with SCA specifications and procurement processes to increase the school capacity by 162 public elementary and 57 public intermediate school seats at school(s) in the school study area where such capacity increase is warranted (as determined by DOE/SCA).

If no practicable and feasible mitigation measures are identified, the Proposed Project would result in unavoidable significant adverse impacts on public elementary and intermediate schools.

Publicly-Funded Child Care Centers

As described in Chapter 4, “Community Facilities and Services,” publicly-funded child care and Head Start centers in the study area would remain above capacity with a shortfall of 353 seats in the With-Action condition. Approximately 46.5% of this shortfall would be attributable to the Proposed Project due to an increase in the collective utilization rate of 121.35% in the No-Action condition to a collective utilization rate of 167.82% in the With-Action condition. This would represent a significant adverse impact to publicly-funded child care centers.

To fully mitigate the significant adverse impact on publicly-funded child-care centers, as discussed in Chapter 20, “Mitigation,” 217 publicly-funded child care slots would need to be provided in the child care study area. Potential mitigation measures for significant adverse impacts to child care centers are being explored and will be developed in consultation with NYC Administration for Children’s Services (ACS), DOE, and SCA. The projected increase in demand for child care slots in the With-Action Condition could be offset by private day care facilities and day care centers outside of the child care study area; some parents may choose day care providers that are closer to their workplace rather than their home. While the analysis is limited to ACS-contracted child care facilities in accordance with *CEQR Technical Manual* guidelines, DOE also contracts with childcare providers to provide additional publicly-funded early education opportunities that are available to all residents, regardless of family income. Since 2014, the City has made significant investments to provide free, full-day, high-quality early childhood education through Pre-K for All and 3-K for All, as part of a broader effort to create a continuum of high-quality early care and education programs for New York City children from birth to five years old. Furthermore, all programs previously managed by ACS will shift to management by DOE, enabling consistent high-quality standards under a single agency by the second half of 2019. ACS will monitor the demand and need for additional publicly funded day care services in the area and identify the appropriate measures to meet demand for additional slots.

While the above measures could offset or would serve to at least partially mitigate the identified impact, in the event that the significant adverse impact on publicly funded child care facilities is not completely eliminated, an unavoidable significant adverse impact would result.

III. OPEN SPACE

As described in Chapter 5, “Open Space,” the Proposed Project would result in a significant adverse impact on residential open space resources. In the With-Action condition. The Proposed Project would increase the demand on nearby open space resources by introducing 5,819 residents and 365 workers on the Project Site, which would result in an incremental increase of 4,251 residents and 277 workers in the relevant study

areas compared to the future No-Action condition. Consequently, the active open space ratio (OSR) in the residential study area would decrease from 0.84 in the No-Action condition to 0.73 in the With-Action condition, a decrease of 13.31%, and would result in an indirect significant adverse impact on active residential open space resources. While open space resources outside of the open space study areas were considered qualitatively, the 13.31% reduction in active OSR within the residential study area would represent a significant adverse impact on active open space resources.

The fully mitigate the significant adverse impact on active open space resources an additional 1.67 acres of active open space would need to be provided in the residential study area. According to the *CEQR Technical Manual*, the following on-site or off-site measures could potentially be applied to mitigate an open space impact: a) create, on-site, new public active open space; b) create new public active open space elsewhere in the study area; c) improve existing active open spaces in the study area to increase their utility, safety, and capacity; d) provide maintenance equipment to enable increased park usage within an existing open space resource; and/or, e) contribute capital improvements to an outdated/deteriorated open space to increase its usefulness.

Consultation with DCP and NYC Parks to identify practicable and feasible mitigation measures is ongoing. In the event that mitigation measures are not available, the Proposed Project would result in an unavoidable significant adverse impact on active open space resources.

IV. TRANSPORTATION

As described in Chapter 12, “Transportation,” the Proposed Project would result in significant adverse impacts to traffic, transit, and pedestrians as summarized below.

Traffic

The Proposed Project would result in significant adverse traffic impacts at 22 signalized intersections and five unsignalized intersections during one or more analyzed peak hours; specifically, 30 lane groups at 21 signalized intersections and three lane groups at three unsignalized intersections during the Weekday AM peak hour, 22 lane groups at 16 signalized intersections and five lane groups at five unsignalized intersections during the Weekday Midday (MD) peak hour, 31 lane groups at 18 signalized intersections and five lane groups at three unsignalized intersections during the Weekday PM peak hour, and 17 lane groups at 11 signalized intersections and two lane groups at two unsignalized intersections during the Saturday MD peak hour. Mitigation measures such as signal timing changes, modifications to curbside parking regulations, lane geometry changes, and signalization of unsignalized intersections would mitigate or partially mitigate several of the significant adverse traffic impacts.

As discussed in Chapter 20, “Mitigation,” feasible mitigation measures were not identified to mitigate the potential significant adverse impacts at ten signalized intersections and one unsignalized intersection during the Weekday AM peak hour, at nine signalized intersections and two unsignalized intersections during the Weekday MD peak hour, at 11 signalized intersections and one unsignalized intersection during the Weekday PM peak hour, and at five signalized intersections during the Saturday MD peak hour. In total, significant adverse impacts to one or more approach movements would remain unmitigated in one or more peak hours at 13 signalized intersections and two unsignalized intersections. The significant adverse impacts identified at these intersections would be considered unavoidable adverse impacts of the Proposed Project.

Implementation of the recommended traffic improvement measures is subject to review and approval by the NYC Department of Transportation (NYCDOT) prior to implementation. If, prior to implementation, NYCDOT determines that an identified mitigation measure is infeasible, an alternative and equivalent

mitigation measure may be identified. If no alternative mitigation measures are feasible, these impacts would be considered significant and unavoidable.

Transit

The Proposed Project would result in significant adverse bus line-haul impacts on the Q22 bus in the westbound direction in the Weekday AM and Weekday PM peak hours and the Q52-Select Bus Service (SBS) in the southbound direction in the Weekday PM peak hour. As stated in Chapter 20, "Mitigation," four additional Q22 buses in the Weekday AM peak hour, one additional Q22 bus in the Weekday PM peak hour, and one additional Q52-SBS bus in the Weekday PM peak hour would mitigate the bus line-haul impacts. Absent the implementation of this mitigation measure, the Proposed Project would result in an unavoidable significant adverse transit-related impacts.

Pedestrians

As described in Chapter 12, "Transportation," the Proposed Project would result in significant adverse pedestrian impacts at four sidewalks, two crosswalks, and one corner. Proposed mitigation measures were identified for a number of these pedestrian elements as discussed in Chapter 20, "Mitigation." Those measures would be subject to review and approval by NYCDOT and if are deemed infeasible and no alternative mitigation measures can be identified, then one or more of these significant adverse pedestrian impacts would become unavoidable significant adverse impacts.

Feasible measures were not identified to mitigate the potential significant adverse impacts at the north sidewalk on the east leg of the intersection of Beach 54th Street and Arverne Boulevard, the south sidewalk on the west leg of Beach 53rd Street and Beach Channel Drive, and the west sidewalk on the north leg of Beach 44th Street and Rockaway Freeway. These significant adverse impacts would remain unmitigated and, therefore, would constitute unavoidable significant adverse impacts.

V. NOISE

As described in Chapter 15, "Noise," significant adverse impacts related to traffic-generated noise are predicted to occur on sensitive receptors along Beach 53rd Street during weekday AM, midday and PM peak hours. As discussed in Chapter 20, "Mitigation," field observations will be conducted between the Draft and Final EIS to determine the presence of double-glazed windows and air conditioners (i.e., an alternate means of ventilation) at the noise-sensitive receptors that would potentially experience a significant adverse impact. Based on the results of the field observations, practicable and feasible mitigation measures (e.g., offering to replace windows and install air conditioners) will be explored in consultation with DCP between the Draft and Final EIS. If no feasible and practicable mitigation measures are identified, the significant adverse mobile noise impact would remain unmitigated.

If no feasible and practicable mitigation measures are identified, the Proposed Project would result in an unavoidable significant adverse mobile noise impact.

VI. CONSTRUCTION

Construction of the Proposed Project would result in the potential for significant adverse construction-related impacts related to traffic, pedestrian, and noise during peak construction periods.

Traffic

As described in Chapter 18, “Construction,” significant adverse construction-period traffic impacts were identified at 11 signalized intersections and two unsignalized intersections during the Weekday PM peak hour and at six signalized intersections and two unsignalized intersections during the Saturday PM peak hours of the peak construction period condition.

As detailed in Chapter 20, “Mitigation,” measures such as signal timing changes, lane geometry changes, and signalization of unsignalized intersections would mitigate several of the significant adverse traffic impacts; however, feasible measures were not identified to mitigate the potential significant adverse impacts at two signalized intersections during the Weekday PM peak hour. In total, significant adverse impacts to one approach movement at two signalized intersections would remain unmitigated in the Weekday PM peak hour during the peak construction period. These impacts would remain unmitigated during the peak construction period and therefore would constitute unavoidable significant adverse impacts.

Implementation of the recommended traffic improvement measures is subject to review and approval by the NYCDOT prior to implementation. If, prior to implementation, NYCDOT determines that an identified mitigation measure is infeasible, an alternative and equivalent mitigation measure may be identified. If no alternative mitigation measures are feasible, these impacts would be considered significant and unavoidable.

Pedestrians

As noted in Chapter 20, “Mitigation,” there is a proposed traffic mitigation measure that would result in one significant adverse corner impact, at the northwest corner as Beach 53rd Street and Rockaway Beach Boulevard during the Saturday PM peak hour. This corner would be fully mitigated by paving the corner area (approximately 70 square feet); however, implementation of this proposed mitigation measure is subject to review and approval by NYCDOT and if deemed infeasible and no alternative mitigation measure can be identified, this impact would be significant and unavoidable.

Noise

As described in Chapter 18, “Construction,” increases in noise levels due to construction activities would occur during the daytime and, occasionally, in the early evening. For some sensitive receptors and construction periods, the duration and magnitude of the noise levels may constitute a significant adverse construction-period noise impact. Source and paths controls to reduce or eliminate potential significant adverse construction-period noise impacts are listed in the “On-Site Stationary Sources” section of Chapter 18. Even with these measures, significant adverse noise impacts would occur on portions of the buildings that have a direct line-of-sight to project-related construction activities. As stated in Chapter 20, “Mitigation,” additional measures, as feasible, to avoid potential significant adverse noise impacts will be explored and identified between the Draft and Final EIS in consultation with DCP. If no feasible and practicable mitigation measures are identified, the Proposed Project would result in an unavoidable significant adverse construction-period noise impact.