Chapter 20: Unavoidable Adverse Impacts

A. INTRODUCTION

According to the 2012 *City Environmental Quality Review (CEQR) Technical Manual*, unavoidable significant adverse impacts are defined as those that meet the following two criteria:

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

As described in Chapter 19, "Mitigation," the proposed project would result in significant adverse impacts with respect to community facilities (publicly funded child care centers) and transportation (traffic, pedestrians and buses).

To the extent practicable, mitigation has been proposed for these identified significant adverse impacts, but absent implement of the mitigation it is possible that the impacts would not be eliminated and would therefore be considered "Unavoidable Adverse Impacts."

It is possible that new impacts, new unmitigated impacts related to community facilities (day care) and transportation and new mitigation may be identified between Draft and Final EIS. If conditions change or it is determined that proposed mitigation measures are not feasible, additional mitigation measures may be explored. If it is determined that other measures are not available to mitigate identified significant adverse impacts, either in part or in whole, those impacts would be identified in the FEIS as unmitigated and a discussion will be included in the FEIS.

B. COMMUNITY FACILITIES

CHILD CARE CENTERS

As discussed in Chapter 4, "Community Facilities," the proposed actions are expected to result in significant adverse impacts to child care centers. The proposed actions would be expected to introduce 27 children under the age of six who would be eligible for publicly funded child care programs to the 1.5 mile study area. With the addition of these children, child care facilities in the study area would operate at a 162 percent utilization rate, which represents an increase in the utilization rate of 5.1 percentage points over conditions in the future without the proposed actions. This increase exceeds the 5 percent threshold in the *CEQR Technical Manual* for a significant adverse impact. In order to avoid a significant adverse impact, the number of affordable units introduced by the proposed actions would need to be reduced to 226, which would generate 26 eligible children. Thus, the difference between the proposed actions and the *CEQR Technical Manual* threshold for significance is a shortfall of one child care slot. At this point, it is not possible to know exactly which type of mitigation would be most appropriate or

when its implementation would be necessary. Possible mitigation measures to avoid a significant adverse impact could include adding capacity to existing facilities if determined feasible through consultation with the New York City Administration for Children's Services (ACS).

Mitigation measures will be further explored between the DEIS and FEIS and will be included in the Restrictive Declaration to be recorded. ACS will review the specific measures proposed for the significant adverse childcare impacts to confirm adequacy and feasibility of their implementation and recommend changes as necessary. If it is determined that a specific measure is not feasible, the Applicant in consultation with ACS will explore other mitigation measures to mitigate impacts. However, if it is determined that other measures are not available to mitigate the identified impacts, either in part or in whole, the impact would be identified in the FEIS as unmitigated. If any impacts are determined to be unmitigated between Draft and Final EIS, they will be identified as such.

C. TRANSPORTATION

As discussed in Chapter 11, "Transportation," traffic conditions were evaluated at 15 intersections for the weekday AM, midday and PM peak hours, and the Saturday peak hour. The proposed actions would result in significant adverse traffic impacts at 7 intersections during the weekday AM peak hour, 10 intersections during the weekday midday peak hour, 13 intersections during the weekday PM peak hour, and 8 intersections during the Saturday peak hour. All of the locations where significant adverse traffic impacts are predicted to occur could be fully mitigated with the implementation of standard mitigation measures (including signal timing changes, approach daylighting, changing parking regulations, channelizing, etc.). Absent the implementation of mitigation measures, the proposed actions would result in unmitigated significant adverse traffic impacts at some or all of the identified locations.

The proposed actions would also result in potential significant adverse bus line haul impacts on the eastbound M57 during the AM peak period and the westbound M31 and westbound M57 during the PM peak hour. NYCT and MTA Bus routinely monitor changes in bus ridership and, subject to the agencies' fiscal and operational constraints, makes necessary service adjustments where warranted. These impacts could be mitigated if increased service adjustments are made. If adjustments are not made, these impacts would be considered unavoidable.

In addition, the proposed actions would result in a significant adverse pedestrian impact at one crosswalk location: the south crosswalk of 57th Street and Eleventh Avenue during all analysis time periods. The impacts at this crosswalk could be fully mitigated with a crosswalk widening and a signal light timing change during the weekday PM peak hour. Between Draft and Final EIS, DOT will review this specific measure proposed for the south crosswalk to confirm the adequacy and feasibility of its implementation, and could recommend changes as necessary. If it is determined by DOT that this specific measure of crosswalk widening is not feasible, DCP in consultation with DOT will explore other mitigation measures to mitigate this impact. However, if it is determined that other measures are not available to mitigate the identified significant adverse pedestrian impact, either in part or in whole, the impact would be identified in the FEIS as unmitigated.

Between the Draft and Final EIS, the transportation and transportation-related analyses may be updated to reflect background changes associated with other projects or other changes. These changes could result in new, different, or worsened significant adverse impacts, all of which will

be further detailed in the FEIS. If the updated analyses identify new, different, or worsened impacts that cannot be fully mitigated, they will be identified as unmitigated in the FEIS.

Between Draft and Final EIS, NYCDOT will review the specific measures proposed for each intersection to confirm adequacy and feasibility of their implementation and recommend changes as necessary. If it is determined that a specific measure is not feasible at a particular location, the applicant in consultation with DOT will explore other mitigation measures to mitigate impacts. However, if it is determined that other measures are not available to mitigate the identified impacts, either in part or in whole, the impact would be identified in the FEIS as unmitigatable. If any impacts are determined to be unmitigatable between Draft and Final EIS, they will be identified as such and a discussion will be included in the FEIS discussion of "Unavoidable Adverse Impacts." ✷