

**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).

Since the publication of the DEIS, mitigation has been identified in consultation with the Administration for Children's Services. Since the publication of the DEIS, the New York City Department of City Planning (DCP), New York City Administration for Children's Services (ACS), and the applicant have identified partial mitigation to address the potential significant adverse child care impact. As described in greater detail below, with this mitigation, the significant adverse impacts of the proposed actions to publicly funded child care would be partially mitigated. The mitigation is considered partial mitigation because ACS advised in consultation on this project in February 2014 between the Draft and Final EIS that it would be administratively infeasible and potentially legally infeasible to distribute funds only to applicants living in the study area. Therefore, the funding, rather than fully mitigating the potential significant adverse impacts, will provide partial mitigation by increasing the overall availability of vouchers City-wide.

~~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.~~

Also, subsequent to the publication of the DEIS, the New York City Department of Transportation (NYCDOT) reviewed the specific mitigation measures proposed for each intersection (discussed in detail in Chapter 19, "Mitigation") to assess feasibility of their implementation. Based on NYCDOT's review and recommendation, the measures recommended

to mitigate the significant adverse traffic and pedestrian impacts at the intersection of Eleventh Avenue and West 57th Street were revised. Based on these revisions, it was determined that the significant adverse traffic impacts at the intersection of Eleventh Avenue and West 57th Street would remain unmitigated during the weekday PM and Saturday peak hours. Furthermore, the significant adverse pedestrian impact at the south crosswalk of Eleventh Avenue at West 57th Street would also remain unmitigated during the weekday AM, midday and PM, and Saturday peak hours.

## **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 7.9 ~~5.4~~ 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 for the applicant to avoid a significant adverse impact, the number of affordable units introduced by the proposed actions would need to be reduced to 152, which would generate 17 children eligible for public child care services. An increase of 17 eligible children would increase child care center utilization in the 1.5-mile study area by less than five percent, and would therefore not result in a significant adverse impact. With the ~~DEIS’s~~ assumption of 238 affordable units, the proposed actions would generate 27 eligible children. Thus, the difference between the proposed actions and the *CEQR Technical Manual* threshold for significance is a shortfall of ten child care slots.

Since the publication of the DEIS, DCP, ACS and the applicant have identified partial mitigation to address the potential significant adverse child care impact. Mitigation would include funding to be provided by the applicant for a specified number of publicly provided child care slots based on the number of low-income units in the building in excess of 152. A schedule of child care slots that will be funded, corresponding to the number of low-income units that may be constructed, is shown in **Table 20-1**. Prior to requesting a temporary or permanent certificate of occupancy from the Department of Buildings, the applicant will notify DCP and ACS and verify the actual number of low-income units being constructed and the number of child care slots that will be funded. A temporary or permanent certificate of occupancy will not be applied for or accepted until funding has been received. This requirement will be included in the Restrictive Declaration to be recorded. In the event that, based upon the review of subsequent availability of publically funded day care slots, utilization and demand, DCP and ACS determines that the child care funding obligations should not apply or could be reduced, the terms of the Restrictive Declaration may be modified to be consistent with such DCP and ACS determination.

With this mitigation, the significant adverse impacts of the proposed actions to publicly-funded child care would be partially mitigated. The mitigation is considered partial mitigation because ACS advised in consultation on this project in February 2014 between the Draft and Final EIS that it would be administratively infeasible and potentially legally infeasible to distribute funds only to applicants living in the study area. Therefore, the funding, rather than fully mitigating the

potential significant adverse impacts, will provide partial mitigation by increasing the overall availability of vouchers City-wide.

**Table 20-1  
Child Care Mitigation**

Number of Low-Income Units Provided	Number of Child Care Slots In Excess of Impact Threshold to be Funded
0 - 152	0
153 - 160	1
161 - 169	2
170 - 178	3
179 - 186	4
187 - 195	5
196 - 204	6
205 - 213	7
214 - 221	8
222 - 230	9
231 - 238	10

**Note:** This table is new to the FEIS.

~~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.) during the weekday AM and midday peak hours. However, the significant adverse traffic impacts at the intersection of Eleventh Avenue and West 57th Street would remain unmitigated during the weekday PM and Saturday peak hours. 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 not be fully mitigated with standard a crosswalk widening and a signal ~~light~~ timing changes during the ~~weekday PM~~ four analysis peak hours.

It should be noted that both the traffic and pedestrian analyses conservatively consider RWCDS 2 in their assessment of future traffic and pedestrian levels in the study area. The total number of vehicle and pedestrian trips generated by RWCDS 2 would be much higher than those generated by RWCDS 1. Taking into account the lower number of trips that would result from RWCDS 1 compared to RWCDS 2, it is possible that the significant adverse unmitigated traffic and pedestrian impacts at the intersection of Eleventh Avenue and West 57th Street could be mitigated, subject to NYCDOT approval.

~~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.”

TRAFFIC MONITORING PLAN

In order to verify the projected traffic conditions, any significant adverse traffic and pedestrian operational and safety impacts, and the need for traffic mitigation measures identified in the EIS, the applicant will develop and conduct a detailed Traffic Monitoring Plan (TMP) once the proposed project is built and operational. The applicant will submit for DCP and NYCDOT’s review and approval a detailed scope of work that will include critical locations where significant traffic and pedestrian impacts have been identified in the EIS as well as other locations which could potentially be impacted. Data collection to be conducted for the monitoring plan will include nine days of 24-hour Automatic Traffic Recorder (ATR) machine counts along with one typical day of manual turning movement counts, vehicle classification counts, pedestrian and bicycle counts, intersection geometry, field verified signal timing, and any other relevant information necessary for conducting the traffic and pedestrian analysis following the CEQR Technical Manual guidelines. The TMP will also include field observations of intersection operations and queue lengths. Intersection capacity and level of service analyses will be performed using the Highway Capacity Software (HCS) and/or Synchro to determine whether actual future Action conditions have, in fact, resulted in significant traffic and pedestrian impacts at the same or new locations, and to verify and/or identify the need for mitigation measures through the TMP. In addition, the TMP will assess vehicular, pedestrian and cyclist safety and recommend safety improvements measures where warranted.

The applicant will obtain approval from DCP and NYCDOT regarding traffic and pedestrian analysis locations prior to initiating data collection, and will be responsible for all costs associated with the traffic monitoring plan including data collection and analysis. For any capital improvement measures, resulting as part of the monitoring plan, the applicant will be responsible for all costs associated with its design and implementation, and submit all of the required drawings/design as per American Association of State Highway Transportation Officials (AASHTO) and NYCDOT specifications for NYCDOT’s review and approval. NYCDOT will participate in the review process relating to all future modifications to geometric alignment, striping and signage during the preliminary and final design phases. \*